

0323

BOX:

394

FOLDER:

3669

DESCRIPTION:

Cain, John

DATE:

05/07/90



3669

POOR QUALITY
ORIGINAL

0324

17

Counsel,
Filed 7 day of May 1890
Pleads,

Witnesses;
Mamie Kennedy
Officer Ryan

THE PEOPLE
vs.
John Carr
Grand Larceny Second degree.
[Sections 528, 531, Penal Code].
JOHN R. FELLOWS,
District Attorney.

12 1/2 Wadsworth

A True Bill.

Foreman.
May 1900
Ed. R. P. J. J.

POOR QUALITY
ORIGINAL

0325

Police Court

1st District

Affidavit—Larceny.

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

of No. 12 1/2 Washington Street, aged 22 years,
occupation Housekeeper being duly sworn
deposes and says, that on the 29th day of April 1887, 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:

A quantity of wearing
apparel of the value of Twenty seven dollars
and A quantity of Knives

of the value of three dollars, all
of the value of Thirty dollars
the property of in charge and care of
deponent, (the said property being
in her charge and care as the daughter of
a boarding house-keeper) and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by John Cairn (now here) for
the reason, to wit: Deponent saw
said defendant leave premises
No. 12 1/2 Washington street with two
bundles in his possession.

Deponent has been informed
by Peter Kappen of 12 1/2 Washington
street, and also by John Mc Garry
of 12 1/2 Washington Street that
they identify the contents of said
bundles to contain property be-
longing to them, from the fact,
to wit: that defendant was ar-
rested by Francis P. Ryan of the
2nd Precinct, with said property

Sworn to before me this 1st day of May 1887

Police Justice.

POOR QUALITY
ORIGINAL

0326

in his possession. Said Peter
Rappen and said John Mc Garry
identified in deponents presence
the said property as belonging
to them, and stolen from them.
Wherefore deponent charges
defendant, with taking, stealing
and carrying away the said
property from the custody
and possession.

Sworn to before me }
this 30th day of April 1890 }
John Norman }
Police Justice. }
Hannie Linnerty

POOR QUALITY
ORIGINAL

0327

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 60 years, occupation Peddler of No. 12 1/2 Washington Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Mamie Finerty and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 30th
day of April 1890

Peter Looffen

John H. Homan
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation Longshoreman of No. 12 1/2 Washington Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Mamie Finerty and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 30th
day of April 1890

John Megaw

John H. Homan
Police Justice.

POOR QUALITY
ORIGINAL

0328

Sec. 103-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *John Cain*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *England*

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

Answer. *No home*

Question. What is your business or profession?

Answer. *Painter*

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 guilty of taking the
things but not breaking the boxes
John Cain*

Taken before me this

day of

1897

Police Justice.

POOR QUALITY
ORIGINAL

0329

Notarary
Mariane Kinnedy
Officer Ryan

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

Bill # 17
Police Court District
664

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mariane Kinnedy
1217 Washington St

1 John Davis
2 _____
3 _____
4 _____

Offence Larceny

Dated April 30 1890

Officer Ryan
Precinct 2nd

Witnesses David Officer

No. Peter Kachner Street

1271 Washington St

No. John M. Garry Street

1212 Washington St

No. 368 to 380
MAY 1 1890
CLERK OF DISTRICT COURT
ST. LOUIS, MO.

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 April 30 1890 John H. Ryan 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.

POOR QUALITY
ORIGINAL

0330

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 Cain

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

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

The said

John Cain

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

*divers articles of wearing apparel,
of a number and description to the
Grand Jury aforesaid unknown,
of the value of twenty-seven
dollars and two knives of the
value of thirty cents each*

of the goods, chattels and personal property of one

Mamie Fennerty

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.*

033.1

BOX:

394

FOLDER:

3669

DESCRIPTION:

Cambiaggio, Pierre

DATE:

05/15/90



3669

POOR QUALITY ORIGINAL

0332

86.1

Counsel,
Filed 15 day of May 1890
Pleads,

THE PEOPLE
vs.
Pierre Cambiaggio
Grand Larceny second degree.
[Sections 528, 531, Penal Code]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Charles B. Richards
Foreman.
May 16/90
J. L. 214
I'm, who
May 23/90 J. L. 214

Witnesses;

B. W. Murray

Upon the letter
of French and
and evidence of good
character together
with the earnest
request of complainant
the punishment of
one month in the
Penitentiary is imposed
by

POOR QUALITY
ORIGINAL

0333

MEMORANDUM.

* HERTS * BROTHERS. *

Broadway and Twentieth St.

FURNITURE MAKERS,
INTERIOR DECORATORS,
ARCHITECTURAL
WOOD WORKERS.

New York.

FACTORY, 104 TO 110 EAST 32D ST.

New York

18

M

Received New York April 24th from Mess Herts Brothers
One Pair Sevres decorated Vases value \$100 ⁰⁰
on memorandum which I agree to show to Mrs. Couderc and
to return to them in perfect order on Saturday April 26th or
to pay the money on that day, they (Herts Brothers) not to relinquish
title to said vases until paid for by me

J. Caminagging

162 W. 24 St.

POOR QUALITY
ORIGINAL

0334

Monsieur le Juge.

N'ayant pas d'avocat pour me
défendre, et ne parlant pas l'anglais;
permettez-moi de vous donner ma
défense écrite et que l'interprète vous
traduira mot par mot. Je serai très
bref afin de ne pas abuser de
l'attention de mes juges.

La dernière fois que je me suis
présenté devant le tribunal l'interprète
m'a ~~posé~~ adressé une question en
Italien que je n'ai pas comprise et
à laquelle j'ai répondu oui sans
savoir ce que je disais, croyant
de dire tout le contraire. Sous
la foi du Serment je déclare
devant Dieu et devant mes
juges que je n'ai pas volé
des vases à M^{re} Jesty et que

POOR QUALITY
ORIGINAL

0335

je n'ai pas essayé, non plus de
les voler. Les vases, M^r Hertz, me
les a envoyés chez moi par son
facteur au quel j'ai signé le
récépissé de réception. Donc je
ne puis avoir ni volé ni essayé de
voler des vases qu'on m'a apportés
chez moi.

La seule faute que j'ai commise
est d'avoir remis en retard les
vases à M^r Hertz et de ne pas lui
avoir demandé un délai qu'il
m'aurait certainement accordé.

Donc je suis innocent sur
la question du vol.

Je demande l'indulgence du
tribunal, attendu que ma faute
n'a commis aucun préjudice à
personne. Je n'ai jamais été
condamné et j'appartiens à une
très honnête famille. Je plus

je suis marié et père d'un enfant
de 8 mois.

Je termine ayant pleine
confiance en mes juges, espérant
qu'ils me rendront libre à ma
famille.

Veuillez.

J. Comblin

POOR QUALITY
ORIGINAL

0336

Consulat Général
de France
à New York

New York le may 22nd 1890.
4 - Brooding green

To His Honor
Mr.
Judge Court of General Session

New York

Sir,

Mrs P. Cambiaggio exposes me that her husband, a french citizen, is actually held at the prison of the Tombs under the accusation of having stolen two vases to a Mr. Hertz.

Mr Cambiaggio exposes to me that Mr. Hertz has recovered the two vases that her husband had deposited, to a friend, as guarantee for the loan of \$55; that she has, herself, taken the engagement to pay that amount to said friend; that her husband has acted

POOR QUALITY
ORIGINAL

0337

under pressure of extreme misery,
that, up to this time, he has been an
honorable man and, if the law
is not pressed against him, he binds
himself to live as an honest-
man.

Mrs. C. seems a very interesting
person; she is the mother of a child
eight months old; she has no other
resources except what her husband
makes. M. Wertz, she tells me, had
promised he would not press his
case, the man having been recovered by him.

In view of these circumstances,
I take the liberty, Sir, to recom-
mend to your kindness - P.
Cambriaggio - particularly for the
sake of his child and his wife.

I have the honor to
present you my thanks in

POOR QUALITY
ORIGINAL

0338

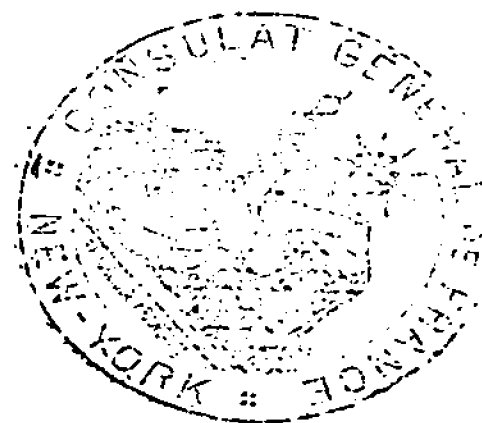
ad. same,

and I remain,

Sir,

of your Honor

The most obedient



I am, Sir, Very

Respectfully,
Consul General

POOR QUALITY
ORIGINAL

0339

Police Court—

2 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. Broadway & 20th Street, aged 46 years,
occupation Furniture being duly sworn

deposes and says, that on the 24 day of April 1890 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:

Our pair of Louis vases of
the value of One Hundred
dollars

the property of Herts Brothers of which firm
deponent is a member

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 Perre Caminaggio

(now here, from the fact that on said
date the deponent called at deponent's
place of business and requested
the loan of a pair of vases to
show to a customer, on memorandum
agreeing if the vases were not purchased
to return the same and if purchased
to pay over the money received
for the same to deponent's firm.
Deponent then submitted a pair of
vases of the above value to the
deponent and had the deponent
sign a receipt for the same
(hereto attached). Deponent now

Sworn to before me, this

18

day

Police Justice.

POOR QUALITY
ORIGINAL

0340

says that the defendant parted with
said property and has not paid
over the money received for the
same and has appropriated it
to his own benefit and will
and unlawfully deprived defendant
of his property.

Geny H. Herts

Sworn to before me this }
2nd day of May 1890

A. J. White

Deputy Justice

POOR QUALITY
ORIGINAL

0341

Sgc. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Perre Camliaggio being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *he* 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 *he* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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 have nothing to say at present

J. Camliaggio

Taken before me this

day of

1889

Police Justice.

POOR QUALITY
ORIGINAL

0342

Arthur
B.H. Hunt

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

#86.
694
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James A. White
for Henry & Co.
Cine Dramatic Co.

Offence *Henry & Co.*

Dated *May 2* 1890

What. Magistrate.

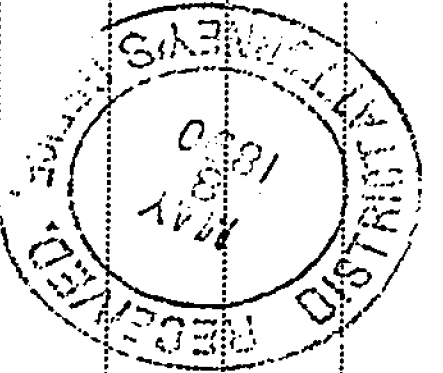
McCalling & Co. Officer.

Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

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

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 *May 2* 1890 *A. 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.

POOR QUALITY
ORIGINAL

0343

Consulat Général
de France
à New York

New York, May 23rd 1896

To the Honorable Judge Fitzgerald
at the Tombs City Prison
— N.Y.

Hon. Sir,

I take the liberty to recommend
to your kindness M. P. Combiggi who
is now at the Tombs prison.

That party having a wife and
child which are left without support
I would be obliged to you for anything
that you could do in his favor.

I have the honor to remain

Honorable Sir

Yours truly

for Consul General
Wm. H. Hall

**POOR QUALITY
ORIGINAL**

0344

Shubiggi

POOR QUALITY
ORIGINAL

0345

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ernie Randiaaggio

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

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

The said *Ernie Randiaaggio*,

late of the City of New York, in the County of New York aforesaid, on the *24th*
day of *April*, in the year of our Lord one thousand eight hundred and *ninety*,
at the City and County aforesaid, with force and arms,

Two vases of the value of fifty
dollars each,

of the goods, chattels and personal property of one *Benjamin D. Hart*,

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. Kellogg
District Attorney

0346

BOX:

394

FOLDER:

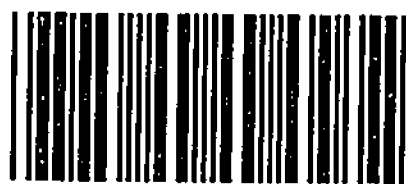
3669

DESCRIPTION:

Cannon, Robert

DATE:

05/21/90



3669

0347

BOX:

394

FOLDER:

3669

DESCRIPTION:

Dowd, James

DATE:

05/21/90



3669

0348

BOX:

394

FOLDER:

3669

DESCRIPTION:

McGuckin, Frank

DATE:

05/21/90



3669

POOR QUALITY
ORIGINAL

0349

Counsel, *21* day of *May* 1890
Filed
Pleads, *C. M. Kelly*

THE PEOPLE
vs.
Robert Cannon,
James Lower
and
Frank Mc Guire
[Section 498, Penal Code.]
Entry in the Third degree.
No 40

JOHN R. FELLOWS,

District Attorney.

Part III June 5/90
No 243 Tried and Acquitted
No 1. Evidence dismissed

A True Bill.

Charles B. Roberts.

Foreman.

June 5th
9.5.10

Witnesses;

Otto Luer

Officer Kropf

Jury acquitted
Dand & Mc Guire
same evidence as
Cannon - I heard
ask what he is doing
June 5th 90
No 3. Parle at 90

James Durus
81 Carroll St.

Dillon.

Send bond
notice to

John H. Kany
132 Macdonald

POOR QUALITY
ORIGINAL

0350

Police Court—¹⁰² District.

City and County } ss.:
of New York,

of No. 45 West Street, aged 22 years,

occupation Bar tender being duly sworn

deposes and says, that the premises No 45 West Street,

in the City and County aforesaid, the said being a dwelling house

the store floor of
~~and which was occupied by deponent as a~~ Louis Eibsen as a liquor saloon
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly breaking a
pane of glass in a window in the rear of
said premises and inserting the hand and
turning the bolt or catch used in fastening
said window and attempting to push open the window
on the 12th day of May 1890 in the night time, and the
attempted to be
following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the
United States of the value of
Fifteen dollars

the property of Louis Eibsen and in care and charge
of deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
was attempted to be
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Richard Cannon ^{James} John Dowd and
Frank McGuckert, all now here

for the reasons following, to wit: that on said night the
doors and windows leading into
said premises were securely locked
and fastened and said property was
therein. Deponent occupies a room in
the rear house of said premises as a
sleeping apartment and at about the
hour of four o'clock a.m. deponent
was awakened by a noise and looking

POOR QUALITY
ORIGINAL

0351

out of his window saw the defendant
Cannon ~~leaving~~ pulling and jerking at
the sash attempting to pull it down
Deponent made a noise and said Cannon
became frightened and ran away and
through the hallway and escaped. Deponent ^{found the premises broken in}
if informed by Philip Knopf, officer of the
Second Precinct, that he, Knopf found the
defendants Dowd and McGucken in the
hallway of said premises the door of
which was fastened and said Dowd and
McGucken were feigning drunk. That said
Knopf released them upon giving an
excuse for their presence and after they
left he was informed of said break and
then watched for the said Dowd and
McGucken and thereafter found the defendants
in company with each other on Pier 6
North River.

Therefore deponent charges the defendants
with being in company with each other and
acting in concert in committing said
burglary and attempting to steal said
property.

Sworn to before me 3 Otto Quick
this 12th May, 1890

Wm. Mahoney
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

POOR QUALITY
ORIGINAL

0352

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard Cannon 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.

Richard Cannon

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.

26 Rector St. 2 years

Question. What is your business or profession?

Answer.

Baker

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
R. Cannon

Taken before me this

day of *May* 189*7*

H. J. Justice

Police Justice.

POOR QUALITY
ORIGINAL

0353

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

John Dowd 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 Dowd*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *101 Washington St. 3 years*

Question. What is your business or profession?

Answer. *Longshore*

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 Dowd

Taken before me this *12*

day of *May* 189*9*

H. J. McInerney

Police Justice.

POOR QUALITY
ORIGINAL

0354

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank McGucken being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h* *g* 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 *h* *s* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer.

Frank McGucken

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

74 West St. 4 months

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty.

Frank McGucken

Taken before me this *12*

day of *May* 189*0*

W. J. Sullivan

Police Justice.

POOR QUALITY
ORIGINAL

0355

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

Police Court---
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Alfred Davis
Richard Davidson
John Davidson
Thomas Davidson
Offence *Burglary*

Dated *May 12* 1890

McMahon Magistrate.

Knapp Officer.

Knapp Precinct.

Knapp Witness.

Knapp No. _____
Street.

Knapp No. _____
Street.

Knapp No. _____
Street.

Knapp No. _____
Street.

RECEIVED
MAY 15 1890
DISTRICT CLERK
OFFICE

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 *May 12* 1890 *McMahon* 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.

POOR QUALITY
ORIGINAL

0356

CITY AND COUNTY }
OF NEW YORK, } ss.

Philip Knopf
aged 28 years, occupation officer of No. 2nd Avenue
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Otto Luck
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12
day of May 1896

Philip Knopf

W. J. McMahon

Police Justice.

POOR QUALITY
ORIGINAL

0357

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Richard Cannon, James
Dowd and Frank McGuckin

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

Richard Cannon, James Dowd
and Frank McGuckin

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

The said

Richard Cannon, James
Dowd and Frank McGuckin, all

late of the

First Ward of the City of New York, in the County of
New York, aforesaid, on the twelfth day of May in the year of
our Lord one thousand eight hundred and ninety, with force and arms, at the
Ward, City and County aforesaid, a certain building there situate, to wit: the saloon of one

Louis Eibsen

feloniously and burglariously did break into and enter, with intent to commit some crime therein,
to wit: with intent, the goods, chattels and personal property of the said

Louis Eibsen

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

John R. Fellows,
District Attorney

0358

BOX:

394

FOLDER:

3669

DESCRIPTION:

Capastino, Antonio

DATE:

05/23/90



3669

POOR QUALITY
ORIGINAL

0359

238

Handwritten signature

Witnesses:

Annie Thompson

Annie Larsen

Emily Glasier

Officer Crystal

Emily Glasier

~~James Taylor~~

a stress set her

and for appearance

to testify be fixed

at \$1000. RBG

Witness Glasier back
by Emily Glasier back

Pasquale Venturieri

63 Mulberry St.

Counsel, 23

Filed

Pleads,

day of 1890

Handwritten signature

THE PEOPLE

vs.

30th District

47th District

Antonio Capastino

AP

MURDER IN THE FIRST DEGREE

[Section 188, Penal Code.]

JOHN P. BROWN,

District Attorney.

June 9, 1900

June 16, 1900

June 18, 1900

A True Bill.

June 23, 1900

Handwritten signature

Part III June 30, 1900

Indes and convicted by
manslaughter in the 1st degree

S.P. 11 1/2 1900

[illegible][illegible]

Indicted for murder in the first degree.

Appearances: For the people, Assistant District Attorney John W. Goff.

The Jurors were called, examined and sworn.

I am an officer of police attached to the 6th Precinct. On the night of May 11th, at about five minutes past nine I was coming through Bayard St. I saw a crowd running down Baxter St. I ran down and when I got in front of No. 47 I was informed that Simmons had been stabbed. I saw Officer Bischoff coming out of the hallway of No. 45 with the defendant. I took the defendant before Mr. Simmons. I asked Simmons if he knew the defendant, and Simmons said yes, that the defendant was the man who had stabbed him. The defendant was then taken to the station house. I saw a scratch upon the prisoner's head. I did not notice any blood coming from it. The wound upon the prisoner's head did not seem to be anything more than a pin scratch.

**POOR QUALITY
ORIGINAL**

0361

CROSS EXAMINATION:

When I brought the defendant before Simmons, Simmons was lying upon a bed in his own room. I pointed out the defendant to him and asked him if he was the man that did the stabbing. Simmons turned around in the bed and pointing to the defendant said that he was the man who had stabbed him. I had been acquainted with Simmons some time before this, but had never known the defendant.

EMILY GLASIER; a witness for the People, sworn, testified:

I live at No. 47 Baxter St. At the time Mr. Simmons was killed I was living with him as a housekeeper. On the night of the 11th of May I was standing with Mr. Simmons in front of the restaurant, No. 47 Baxter St.; there were three Italians standing there quarrelling. Mr. Simmons told them to move on, and one of the Italians replied that they would not move, that Mr. Simmons did not own the sidewalk. I saw the defendant take a knife out of his pocket, and just then I went upstairs. Before I went upstairs I told Mr. Simmons to look out that I saw the defendant have a knife, and that Italians were very treacherous people. I went upstairs, and when I came down, two minutes later, the stabbing had been done. The prisoner was not standing next to Mr. Simmons at the time I returned downstairs. I am positive that the defendant is the man who took the knife out of his pocket before I went upstairs. I noticed the knife, it was about eight inches long. The prisoner took it from his trousers pocket. I was in the room when Officer Christal brought the defendant before Mr. Simmons. I then identified him as the man I saw take the knife out

**POOR QUALITY
ORIGINAL**

0362

of his pocket.

CROSS EXAMINATION:

Are you a married lady?

A No, sir.

Q How many other ladies had furnished rooms in that house?

A Two others, Annie Larkin, and Annie Thompson.

Q Are you not a prostitute?

A No, sir.

Q What were you doing for a living at the time you were living in this house?

A I was keeping house for Mr. Simmons.

Q Have you ever been arrested in your life?

A No, sir.

Q Don't you know, as a matter of fact, that this house was a house of prostitution?

A Yes, sir.

Q Then you were the housekeeper in the house of prostitution?

A Yes, sir.

Q Did you go inside and tell Mr. Simmons that these Italians were outside quarrelling?

A No, sir; Mr. Simmons was standing outside and he saw them quarrelling himself.

Q Didn't Simmons have a club in his hand when he came out?

A No, sir; he did not strike anybody before he was stabbed.

Q Did the prisoner speak in the English language?

A Yes, sir.

Q Did you make the same statement before the coroner that you make here?

A Yes, sir.

POOR QUALITY
ORIGINAL

0363

Q You stated before the coroner that Simmons went upstairs with you the first time you went up.

A If I did it was a mistake.

Q Isn't it a fact that you and these other two prostitutes were standing out in front of that house, soliciting men, and that you went in and complained to the boss that these two Italians were out there interfering with your business and the boss came out with a club to chase them away?

A No, sir; I did not see Mr. Simmons have any club at all. As soon as I saw the knife in the defendant's hand I went upstairs. I positively state that I did not go in and call Mr. Simmons to chase these men away from the front of the door.

Q Is it not a fact that when you went in Simmons came out with a club and began to beat these two Italians who were standing there?

A No, sir; I did not see Mr. Simmons have a club there at all.

Q Were you in the room at the time Simmons identified the prisoner as the man who stabbed him?

A No, sir; when Mr. Simmons came in the house he told me he was stabbed, and I went for a doctor; when I came back I went in the room where he was, but the officers put me out at once. I did not hear Mr. Simmons say that the defendant was the man who stabbed him. I could not say myself that the defendant stabbed Mr. Simmons, because I was not present. I can positively state that I saw a knife in the hands of the defendant... The statement that I made in the Tombs Police Court and before the coroner is the same statement that I make here. I swore to the statement that I made in

POOR QUALITY
ORIGINAL

0364

in the Tombs.

WILLIAM K. ROGERS, a witness for the People, sworn, testified:

I am a physician and surgeon. On the 11th of May I was attached to the Chambers St. Hospital. On that night I responded to an ambulance call at No. 47 Baxter St. I examined Mr. Simmons and found an incised wound on the left side of the abdomen; there was very little blood flowing from the wound. I took Mr. Simmons in the ambulance to the hospital. I was not present at the time the defendant was identified by Mr. Simmons.

CROSS EXAMINATION:

I do not recollect how the deceased was dressed at the time I saw him. I do not know what became of the clothing of the deceased. I had no conversation whatever with either the deceased or the defendant.

ANNIE THOMPSON, a witness for the People, sworn, testified:

On the 11th of May I lived at No. 47 Baxter St. I am at present in the House of Detention. I was acquainted with Mr. Simmons in his lifetime. On the night of the 11th of May I was standing in the doorway of No. 47 Baxter St. between 9 and 10 o'clock. There was two or three Italians standing in front of Mr. Simmons restaurant making a noise; Mr. Simmons told them to move on, and some one of them said they would not. I was talking to some little children and did not pay much attention to what happened. When the fight commenced this defendant took something out of his pocket and ran at Mr. Simmons. He struck him some-

POOR QUALITY
ORIGINAL

0365

where about the abdomen. After he had been struck Mr. Simmons went upstairs, and I remained in the hall. I saw the defendant go in the lager beer saloon at No. 45, and when the officer came I went in with him and pointed out the defendant as the man who had done the stabbing. I saw the hand of the defendant go right towards Mr. Simmons, but I could not see what was in his hand. The defendant immediately ran into the lager beer saloon. When the officer and I went in there the defendant was sitting with his hand over his face. I at once pointed him out to the officer as the man who had done the stabbing. I afterwards saw the prisoner in the station house and in the police court and positively identified him as the man who did the act as I have described.

CROSS EXAMINATION:

I am a prostitute and have been for four years. I was standing out in front of No. 47 Baxter St. that evening soliciting men. I did not see the witness Emily Glasier outside on the street in front of these premises that night. I will swear positively that I did not see her in front of those premises. I am positive that the defendant is the man whom I saw make a motion with his hand towards the person of Mr. Simmons.

Q Did you notice anything in Mr. Simmons hand?

A No, sir.

Q Didn't he have a club in his hand?

A I didn't see any club; I was not taking any notice of him.

Q Isn't it a fact that this was a house of prostitution, that Simmons was the bouncer, that you girls would drag the men

**POOR QUALITY
ORIGINAL**

0366

in, and if there was any trouble Simmons would get the club and put them out?

A I don't know whether he used the club or not.

Q Wasn't there a club in that place?

A Yes, sir; there was a club there; but I never saw Mr. Simmons use it; I could not describe what kind of a club it was.

Q Your story is that Simmons came out of his own free will, told these men to move on, and that thereupon without any further provocation this prisoner made a run at Simmons with something in his hand?

A I saw the defendant put his hand in his pocket but I do not know what he took out.

Q Will you swear that the defendant had anything in his hand?

A I cannot swear what he had.

Q You turned and went away?

A I turned and went into the hall. The statement that I made before the coroner and in the police court is the same statement that I make here.

Q You would have seen the Glasier woman if she had been standing out in the street?

A Yes, sir.

Q And you say you did not see her standing out in the street?

A Yes, sir; she may have been standing in the door of the restaurant; there are two doors, one leading to the restaurant, and one leading upstairs. Annie Larkin and I were standing in the doorway which leads upstairs.

Q The Glasier woman says that she was out there in front of this restaurant when the trouble began.

A I did not see her.

**POOR QUALITY
ORIGINAL**

0367

Q You would have seen her if she had been there?

A If she was out on the sidewalk.

Q You say you did not see Mr. Simmons strike anybody with a club?

A No, sir.

Q Did you see the prisoner knock Mr. Simmons's hat off?

A I did not.

Q Did Simmons say anything after the prisoner rushed up to him?

A I did not hear him say anything. I ran right into the restaurant and stayed in there.

ANNIE LARKIN, a witness for the People, sworn, testified:

On the 11th of May last I resided at No. 47 Baxter St. in this city. I knew the deceased, Charles Simmons, and I am also acquainted with the two witnesses Emily Glasier and Annie Thompson. On the night of the 11th of May I was standing in the doorway of No. 47 Baxter St. with Annie Thompson. There were three or four Italians standing outside quarrelling. Mr. Simmons told them to move on as they were making a noise. I heard the prisoner say, "I won't go", Mr. Simmons allowed them to stand there about five minutes longer, and then he told them a second time to move on and stop making a noise before the door, when he said that the prisoner ran over and made a grab for his hat which was on his head. He also made a kick at him, and then he pulled something out of his pocket with his hand, I could not tell what it was, and he jabbed it into Mr. Simmons as he was standing there; whatever he had in his hand I could not tell, because I could not see it. I saw the defendant go right up to Mr. Simmons and strike him in the

POOR QUALITY
ORIGINAL

0368

abdomen with whatever he had in his hand. Mr. Simmons was standing right close to his own door during all this disturbance. I am positive that I saw the hand of the defendant strike Mr. Simmons. I saw Mr. Simmons go into the restaurant and then go upstairs. I remained standing at the door. I saw the defendant after he had struck Mr. Simmons go into the lager beer saloon at No. 45. I positively identified the defendant at the police court and at the station house.

FERDINAND LEVY, a witness for the People, sworn, testified:

I am a coroner of the city and county of New York. I went to Chambers St. Hospital on the 11th of May, 1890, and I have reduced to writing the statement which the deceased, Charles Simmons, made to me. It is as follows:
"Q. Where do you live? A. 47 Baxter St. Q. Do you now believe you are about to die? A. I don't know. Q. Have you any hope of recovering from the effects of the injury which you have received? A. I don't know. Q. Are you willing to make a true statement of the manner in which you came by the injury from which you are now suffering? A. I am. A couple of Italians were standing in front of my restaurant this evening. I told them to get away, and one of them, a short fellow, ran his hand into his pocket, and my housekeeper said, "Look out he is going to cut you'. The short fellow then ran at me and stuck it into me, and I felt something stinging; I could not get away as he stood right next to me. I am married, and I am 47 years old. I don't know the name of the Italian who cut me, he is a short fellow."

**POOR QUALITY
ORIGINAL**

0369

The autopsy made by Dr. William M. Jenkins was then read in evidence as follows: Autopsy on body of Charles Simmons, colored, aged 47 years, married, rigor mortis well marked, body fairly well developed. On left side of abdominal wall I found an incised wound half an inch in length; I also found incisions in the abdominal wall below the navel. The cause of death was a stab wound.

ANNIE LARKIN, recalled:

CROSS EXAMINATION:

I was soliciting men in front of this house on the night of this occurrence. I am positive that I heard Mr. Simmons to tell the men to get away because they were quarrelling in front of the house. I did not see the Glasier woman in front of the restaurant that night. If she had been there I would have seen her. I did not see any club in Mr. Simmons's hand that night. I know there was a club in the house but I never saw Mr. Simmons use.

Q Is it not a fact that you were trying to catch some men and drag them in?

A That is right.

Q And you did not want these Italians standing in front of your door interfering with your business?

A They were quarrelling and making a noise outside of the door.

Q You testified that the defendant knocked Simmons's hat off and then kicked him?

A Yes, sir; I saw the defendant grab Simmons's hat and then kick him.

QX Why didn't the other two witnesses see that?

A I don't know, I am saying what I saw.

Q You say that Simmons remained standing in his door all the time that this took place?

POOR QUALITY
ORIGINAL

0370

A Yes, sir.

Q Is it not a fact that Simmons came out with a club and struck these Italians over the head for quarrelling in front of his door?

A No, sir; I did not see him use any club that night.

Q Did you ever see that club in Simmons's hand?

A No, sir.

Q Did you hear Simmons say anything after this man had struck him and had gone away?

A No, sir.

VICTORIA GREEN, a witness for the People, sworn, testified:

At present I live at No. 128 Hester St. in this city. On the 11th of May I was employed as cook at No. 47 Baxter St. On that night there were some Italians quarrelling out at the door. I saw Mr. Simmons go out of the restaurant to where they were wuarrelling. I do not know what teok place outside on the sidewalk. When Mr. Simmons came in I saw him put his hand to his tomach and walk upstairs. I did not see the stabbing.

CORSS EXAMINATION:

Q Was Emily Glasier standing right besides Simmons?

A Yes, sir.

Q Did she go out on the sidewalk at all?

A I could not say.

Q Did she tell Simmons to go out and drive these Italians away?

A I could not tell you that.

Q Are you married?

A Yes, sir; I am a married woman and was earning my living as

POOR QUALITY
ORIGINAL

0371

a cook in this place.

HENRY C. BISCHOFF, a witness for the People, sworn and testified:

I am an officer of police attached to the 6th Precinct. On the night of the 11th of May I was at the premises No. 47 Baxter St. I had a conversation with one of the women and in consequence went into the saloon at No. 45. When I got in there I saw the defendant lying down on a bench, he looked at me, put his hand on his head, looked at me and then shut his eyes. The woman who was with me pointed him out as the man who had done the stabbing. I asked her if she was sure and she said yes. I found a rusty clasp knife in the pocket of the defendant. I found blood on his hand and there was a little blood coming from a cut on his head. I asked the defendant what he had stabbed the man for and he said he didn't do it. In company of Officer Christal I took the defendant before Simmons. Christal asked Simmons, "Do you know the man that cut you?" He said, "No." Christal said, "Would you know him if you saw him?" And Simmons said, "Yes." Simmons then looked at the defendant and said that he was the man who had stabbed him. The defendant said nothing at this time.

CROSS EXAMINATION:

Simmons was lying on the bed with his face turned towards the window at the time we brought the defendant into his room. Officer Christal pointed out the defendant to Simmons and asked him if the defendant was the man who

POOR QUALITY
ORIGINAL

0372

stabbed him. There were several other people in the room at the time.

THOMAS CAVANAGH, a witness for the People, sworn, testified:

I am the doorman in the 6th Precinct. I was present in the station house on the night when the defendant was brought in. I examined his head and found a slight scratch right above his forehead. I did not consider it of any account.

THOMAS CHRISTAL, recalled:

I was present when Officer Bischoff found the knife upon the person of the defendant; the knife was all rusty, and in my opinion the stabbing was not done with the knife. There are two doorways at No. 47 Baxter St., one leads upstairs, and the other leads to the restaurant. A person standing in the doorway leading into the restaurant could not very well be seen by a person standing in the doorway leading upstairs.

THE PEOPLE REST.

Counsel for defendant asks the court to direct the jury to acquit.

Motion denied.

D E F E N C E .

GARRETT HOPPER, a witness for the defendant, sworn, testified:

I am a superintendent of buildings. I have known the defendant for three years. I know him to be a hard working man, and in my dealing with him have never found him quarrellsome, his character for peace and quietness is

good.

POOR QUALITY
ORIGINAL

0373

CARLO GARDEILLO, a witness for the defendant, sworn, testified:

I live at No. 51 Baxter St. this city, twelve steps from No. 47. On the night of the 11th of May I was looking out of my window. I saw a crowd of people in front of No. 47. I saw the defendant running against an express wagon, and I saw a man come out with a stick and make a blow at the defendant. I saw the defendant fall down, then I saw him get up and run away. After the defendant had gone away the fight continued. I did not see the defendant strike the man who struck him with the club.

CROSS EXAMINATION:

I saw a man named Abasine there fighting on that night. I was only about twelve steps away at the time I saw the colored man strike the defendant with the club. I am positive that I saw the defendant run away towards Chatam Square. I was in such a position that I could see everything that occurred in front of No. 47. I did not go down on the street, but saw everything by looking out of my window. There were three Italians in the crowd and they were fighting with the man who had the club in his hands. I saw the defendant run towards Chatam Square. I did not see any knife used by anybody that night. The defendant's hat was knocked off in the row and I saw him pick it up before he ran away. I am certain that Abasine remained in the crowd fighting after the defendant ran away. I have not spoken to anybody about the evidence I was to give in this case.

POOR QUALITY
ORIGINAL

0374

PAUL BACIGALUPO, a witness for the defendant, sworn, testified:

I live at No. 33 Baxter St. I knew the deceased, Charles Simmons, in his lifetime.

Q Did you know his character ~~for~~ and reputation for peace and quietness?

Question ruled out by the court.

FELIX GARDELLIO, a witness for the defendant, sworn, testified:

I live at No. 43 Baxter St. I was present in front of No. 47 Baxter St. on the night of the 11th of May. I saw the row going on, and I saw the colored man hit the defendant ~~later~~ the head with a club. I then saw the defendant pick up his hat from the sidewalk and run into a saloon. The colored man still remained on the sidewalk fighting with two other Italians. I saw Abasino remain there fighting with the colored man after the defendant left. I did not see anybody draw or use a knife there on that night.

CROSS EXAMINATION:

I have been in this country three years. I am employed on the docks. I happened to be passing No. 47 Baxter St. at the time this row took place. I noticed the colored man come out of his store and strike the defendant over the head with his club; the blow knocked the defendant's hat off, and he at once stooped down, picked it up and ran away. I did not hear the prisoner say anything at the time he was struck. When the defendant was running away I said to him, "It is time for you to go home," but he did not give me any answer. I have seen Abasino two or three times, and know him by sight. I did not see the de-

POOR QUALITY
ORIGINAL

0375

fendant near an express wagon on that night. Abasino was a very small man with a black moustache; I have never seen him since the night of this quarrel. I did not see any women around there on that night at all. I did not know that Simmons had been stabbed until about ten o'clock on that night. When I got home my mother told me that the police had arrested the defendant for wounding the colored man who keeps the restaurant.

DAVID C. SELTMAN; a witness for the defendant, sworn, testified:

I am the official stenographer of the Tombs Police Court. I took the statement made by Emily Glasier in reference to this case on the 12th of May. I took her testimony in shorthand, and afterwards transcribed it into long hand. The paper which is shown me is a correct transcript of my minutes.

HARRIS GOSSITT, a witness for the defendant, sworn, testified:

I am the landlord of the premises, No. 62 Baxter St. where this defendant resided. I have known the defendant for six or eight months. His character for peace and quietness is good.

ROSE GARDELLO; a witness for the defendant, sworn, testified:

I live at No. 45 Baxter St. I saw this occurrence on the night of the 11th of May. I was in my own house and heard some children shouting outside. I went to the window, looked out, and I saw a colored man quarrelling with the defendant. I saw the colored man leave him and go in and in a few moments come out with a stick and strike the

**POOR QUALITY
ORIGINAL**

0376

defendant on the head with it. After that I saw the defendant run away. I did not hear any angry words passed between the men. I did not see the defendant use a knife or strike Mr. Simmons at all. The first thing I saw was the defendant being struck by the colored man. There were two or three other Italians in the crowd.

CROSS EXAMINATION:

My father keeps a saloon in Baxter St. I was not acquainted with Mr. Simmons. I am fifteen years of age. I have known the defendant simply from his passing our door. I am positive that I saw the defendant struck on the head by the colored man. After I had seen this I did not wait to see any more, but went and told my father. I am no relation of the other witnesses of my name who have testified in this case. When I first looked out of the window there were about thirty people standing in front of No. 47. I saw the witness Felix Gardello standing near an express wagon. I saw about four men quarrelling, three of them were Italians and the other was a colored man. The defendant had his hat on and his coat off at the time I saw him. I could not tell with which arm the colored man struck the blow. I watched the whole affair closely while I was looking at it; The prisoner remained standing against the express wagon during the whole time I was looking at him. I am positive that he was struck with the club while he standing by the express wagon. I did not hear the defendant say anything after he was struck and before he ran away. I saw him pick up his hand from the ground and put it on his head before he ran away. I do not know a man by the name

**POOR QUALITY
ORIGINAL**

0377

off Abasino and did not see him there that night. I did not see any of the women witnesses who have testified here on the sidewalk that night. I saw the colored man strike the defendant twice with his fist and once with the club over the head. I also saw the colored man hold the defendant down on the ground while he struck him. I have not spoken to anybody about the evidence I was to give in this case.

ANTONIO DEMARCO, a witness for the defendant, sworn and testified:

I live at No. 472 Pearl St. On the night of the 11th of May I was passing through Baxter St. As I passed No. 47 I heard a colored man say, "Get out of here"; then he went inside and came out again with a large stick and struck the defendant over the head with it several times. I saw the defendant run away and then I saw an Italian with a black moustache fighting with the colored man. I do not know whether it was Abasino or not.

CROSS EXAMINATION:

At the time I passed this restaurant I was on my way home. I had been visiting a friend in Franklin St., and it was necessary for me to pass through Baxter St. in order for me to reach my home in Pearl St. I had known the defendant slightly before that evening. I am positive that I saw everything that I testified to.

**POOR QUALITY
ORIGINAL**

0378

LOUIS KANOVER, a witness for the defendant, sworn, testified:

I live at No. 509 Pearl St. On the night of the 11th of May I was in the alleyway, and in the yard of No. 45 Baxter St. I saw a man named Abasino run through that yard and put his hand to his back pocket, jump over the fence and get away. I did not see what it was that he had in his hand.

CROSS EXAMINATION:

I have not seen Abasino since. I do not go to school at present. My mother has told me that if I tell a lie I will be punished. I am positive that I saw Abasino running through the yard and putting his hand to his back pocket as I have stated. There was a light in the yard and I could plainly see his face. I told my mother when I got home just what I saw. I am ten years of age and have told nothing but the truth.

EMILY GLASIER, recalled:

When this stabbing occurred I was not downstairs. At the time I saw the defendant take the knife out of his pocket I was standing right at the restaurant door next to Mr. Simmons. I saw the two witnesses, Annie Thompson and Annie Larkin standing in the other door; they could have seen me if they looked. I decline to state whether I was the mistress of this colored man or not. I repeat that I am positive that I saw the defendant take a knife out of his pocket and have it in his hand.

**POOR QUALITY
ORIGINAL**

0379

LOUIS CANALI, a witness for the defendant, sworn, testified:

I am a druggist and keep a store on Park Row.
I have known the defendant for eight years. His character for peace and quietness is good.

IGNATIUS CANALI, a witness for the defendant, sworn, testified:

I am employed by my father in the drug business.
I have made several efforts to find the man Abasino, but have ascertained that he went to Italy disguised as a priest. I know the defendant. His character for peace and quietness is good.

CROSS EXAMINATION:

I have never been a witness before in a murder case. I have taken an interest in my fellow countrymen, and have tried to help them out of their difficulties. It is not a fact that Italians are very ready to use knives.

ANTONIO CAPASTINO, the defendant, sworn, testified:

I am thirty years of age, and have been eight years in this country. I have never been arrested for anything in my life. On the night of the 11th of May myself and Abasino were in the saloon No. 45 Baxter St. We left the saloon and walked along the street. We stood at an express wagon in front of No. 47 talking about our business. As we stood there talking, the colored man shouted out, "Move on". Abasino understood him and answered back, "If you want to fight come out on the sidewalk". The colored man went in the saloon and came out with a large stick in his hand. Abasino said to me, "If he comes out on the sidewalk

**POOR QUALITY
ORIGINAL**

0380

I will give it to him", at the same time putting his hand in his pocket and exposing the blade of a knife. When the colored man came out he struck me on the head with the stick and knocked my hat off. I picked up my hat and ran into the saloon, No. 45. The officer came in and arrested me. I did not speak any English with the officer on that night. I was taken before Simmons in his room. I do not know what took place there. I state positively that I did not stab Simmons or strike him at all on that night. I have suffered from the blow I received on my head ever since. I had no other knife with me on that night except the one which the officer found in my pocket.

CROSS EXAMINATION:

Abasino and I have been friends for some time. I do not understand any English, but Abasino would repeat to me in Italian each word that Simmons said to him in English. Abasino and I had several drinks of beer in this saloon, but neither of us were intoxicated. We were both standing at the express wagon at the time I was struck with the club. I did not see any of these women standing in the doorway of the restaurant at the time I was struck. When I returned into the saloon I laid down on the bench and put my handkerchief up to my head. I went with the officer immediately when he came in. I do not know whether Abasino stabbed the man or not. I was dazed from the blow I received with the club.

**POOR QUALITY
ORIGINAL**

0381

THOMAS J. CHRISTAL, recalled:

It is true, as the defendant has stated, that he was taken to the Chambers St. Hospital. We took him there to be identified in the presence of the coroner, but when we arrived there the coroner had gone and we brought him back to the station house. It is not true that I asked the defendant to employ a certain lawyer to employ him. I am not in that kind of business.

NICOLA GARDELLO, a witness for defendant, sworn, testified:

I am a brother-in-law of the defendant. The officer, Mr. Christal met me at the Tombs Police Court and asked me to employ a certain lawyer by the name of McGill. I afterwards employed Mr. Purdy.

DANIEL VALENTI, a witness for defendant, sworn, testified:

I am acquainted with Officer Christal. I advised the brother-in-law of the defendant to employ Lawyer McGill.

R E B U T T A L .

THOMAS J. CHRISTAL, recalled:

I have made a careful examination of the premises, No. 45, 47, 49 and 51 Baxter St. I went into the window of No. 51 described by the witness Carlo Gardello. By looking out of that window it was impossible for me to see anything that was taking place in front of No. 47 Baxter St. There is a curve in the street there, and you could just see part of an express wagon. I produce a map which shows exactly the position of the doorways of No. 47 Baxter St.

**POOR QUALITY
ORIGINAL**

0382

HENRY C. BISCHOFF, recalled:

On the night of this stabbing I saw the express wagon; it was standing partly in front of No. 45 and 47. I carefully searched all around the express wagon to try and find the knife. I went this morning in company with Officer Christal to No. 51 Baxter St. I placed myself in the same position described by Carlo Gardello and by reaching out I could just see a portion of the express wagon. I do not think it would be possible for me to see everything that occurred in front of No. 47 Baxter St. in the night time. There is nothing else that I desire to testify to in this case.

JOHN J. WIMMER, a witness for the people, in rebuttal, sworn, testified:

I am an officer of police attached to the 6th Precinct. I am well acquainted with the premises No. 47 Baxter St. this city. I have been on duty in that neighborhood for three years. On the night of the 11th of May I was present and went into the alleyway of No. 45. This morning I visited the house of Carlo Gardello at No. 51 Baxter St. I saw Mr. Gardello personally; I had him point out to me the window out of which he looked on the night of the 11th of May. I went to the window, and placed myself in the position described by him.

Q He testified here that he looked out of that window, through a wire sign, and saw everything that occurred in front of No. 47. Will you now tell the jury the result of your observations?

A I looked out of the window and all I could see was just

POOR QUALITY
ORIGINAL

0383

about the curb, of the gutter.

Q Could you see a man standing at the curbstone?

A About half part of a man.

Q From the position in which you were this morning could you see a man standing on the steps in front of No. 47?

A No, sir; you could not.

Q You could not see into the stoop line of No. 47?

A No, sir.

Q Did you know Simmons during his life?

A I have seen him once. On the night of this occurrence I saw some blood on the prisoner's hand between his thumb and first finger.

CHARLES JOHNSON, a witness for the people, sworn, testified:

I was acquainted with Simmons for about thirteen years. He was a slight built man with a black moustache, and was rather delicate. I was a friend of his for many years and he was a very nice kind of a man. He complained of rheumatism at different times.

The jury returned a verdict of guilty of manslaughter in the first degree.

POOR QUALITY
ORIGINAL

0384

Indictment filed May 23-1890

COURT OF GENERAL SESSIONS

Part III.

The People &c.
against

ANTONIO GARCIA

Abstract of testimony on
trial New York, June 23rd
1890.

POOR QUALITY
ORIGINAL

0385

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, May 12th 1890

To whom it may concern:
Chas. Sumner
aged 47 of 47 Baxter St (or
205 So 5th St.) is under treat-
ment at Chambers St. Hospital
for a penetrating stab wound
of the abdomen and is
unable to appear in Court

Charles J. Colquhoun
Solicitor General

POOR QUALITY
ORIGINAL

0386

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St., *th*

New York, *May 3* 1890

To whom it may concern:
Chas Simmons
(Colored) who was brought to
Chambers St. Hotel. at 9³⁰ PM
May 11th 1890, died here from
a penetrating stab wound of
the abdomen, died on May
12th 1890 at 12⁴⁵ PM.

Charles J. Cole, M.D.
Harcourt

POOR QUALITY
ORIGINAL

0387

First District
Police Court

Thomas J. Crystal a police
officer being duly sworn deposes
and says that he arrested Antonio
Papastiris charged with having
and stabbed one Charles Jiminos
and that said Jiminos was conveyed
at the New York Hospital suffering
from said injuries and that defendant
went to the New York Hospital and
was there informed by the surgeon
in charge of said hospital that
said Jiminos had died from the
effects of the injuries so received
to which is hereto annexed a certificate
of Porter & Cole House Surgeon
of said New York Hospital, setting
forth the cause and death of said
Jiminos

Sworn to before me

This 13th day of May 1890

W. W. Madison

Thomas J. Crystal

Police Officer

POOR QUALITY
ORIGINAL

0388

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT,

DISTRICT,

of No. 604 Broadway Street, aged 35 years,
occupation Deputy being duly sworn deposes and says

that on the 11th day of May 1890

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

Antonio Capastio charged with
killing cut and stabbed one Charles
Summons with a knife then held in
his hand and that said Summons is now
confined at the New York hospital suf-
fering from the injuries so received
and deponent further says that William
Hompson, Samie Larkin and Emily
Grazier are maternal and necessary
witnesses on the part of the people
and deponent has good and

Sworn to before me, this
day of
1890

Police Justice.

POOR QUALITY
ORIGINAL

0389

Sufficient reasons to believe that
said witnesses will not appear for
at the examination or trial of said
defendant and asks that they be committed
to the house of detention in default
of bail

Shewn to before me
this 12th day of May 1890

Thomas J Crystal

H. W. Mator

Police Officer

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition,

POOR QUALITY
ORIGINAL

0390

Annie Thompson being
duly sworn deposes and says
that she resides at 44 1/2 Baxter
Street, ^{and} that about the hour of
9 o'clock p.m. on the night of the
11th day of May 1890 she was stand-
ing in front of the restaurant
44 1/2 Baxter Street kept by one Anne
Turinois, and that said defendant
and several other persons were
standing in front of said premises
Turinois ordered them to go away said
when said defendant and said
other persons replied ^{that} said Turinois
did not want the sidewalk and
they would not go, when said
defendant took a knife out of
his pocket and cut and stabbed
said Turinois about the body ^{and}
then ran away. Dependent fully
identifies said defendant as the
person who cut & stabbed said Turinois.
Sworn to before me } Annie Thompson
this 12th day of May 1890 }
W. J. Madelon } Police Justice

POOR QUALITY
ORIGINAL

0391

Thomas Crystal a detective
of the 6th Precinct Police being
duly sworn deposes and says.

That about the hour
of 9 o'clock p.m. on the night of the
11th day of May 1890 Deponent
arrested Antonio Capastino
(now here) charged with having
cut and stabbed with a knife
then held in his hand, Charles
Summons who is now confined
at the Chambers Street Hospital
suffering from the injuries so
received and deponent asks that
said defendant be committed
to await the result of injuries
inflicted on said Summons and
that said Summons fully identifies said
defendant as the person who cut & stabbed him
Deponent to before me
this 12th day of May 1890

W. T. McMahon

Thomas Crystal

Police Justice

POOR QUALITY
ORIGINAL

0392

Annie Larkin being duly
sworn deposes and says I reside
at 47 Baxter Street, That about
the hour of 9 o'clock p.m., on the
night of the 11th day of May 1890
I was standing in front of the
premises 47 Baxter Street, where
dependant and a lot of other
Italians were standing, when said
Charles Simmons came out of the
restaurant ^{and} took dependant
and said other Italians to move
on ^{and} not make a noise when
said dependant replied he
would not go ^{and} said Simmons
said you must go, said dependant
made a kick at said Simmons
^{and} put his hand in his pocket and
pulled something out of his pocket
I don't know what it was and
then ran away, I then went away
and that is all I know of it
shortly afterwards I saw Simmons
lying in bed, out about the

POOR QUALITY
ORIGINAL

0393

body

Sworn to before me
this 12th day of May, 1890

Jimmie Lee Corbin
notary

W. T. Wronahon

Police Justice

POOR QUALITY
ORIGINAL

0394

Emily Hagler being duly sworn
deposes and says, that she
resides at 47 Baxter Street, and
that about the hour of 9 o'clock
p.m. on the night of the 11th day
of May 1890. I was standing in
the doorway of the premises
47 Baxter Street, where defendant
and a lot of Italians were also
standing, when Charles Sumner
came out of said premises and
told defendant and said other
Italians to move on, "to go away"
from his door, where somebody
answered said Sumner that
he said Sumner didn't own
the sidewalk and they would not
go; and I saw said defendant
take a knife out of his pocket
and I went up stairs and so did
said Sumner and I told said
Sumner not to go down stairs
again as they would cut him
and I remained up stairs and

POOR QUALITY
ORIGINAL

0395

Said Summors went down stairs
and I immediately went down
stairs and I saw dependant standing
next to Summors with a knife
in his hand and said Summors
then went up stairs and said to
me "I am cut," I am stabbed go
for a doctor

Sworn to before me 1890 } Emily Glasier
this 12th day of May

R. T. McMahon
Police Justice

POOR QUALITY
ORIGINAL

0396

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Antonio Capactius 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.

Antonio Capactius

Question. How old are you?

Answer.

30

Question. Where were you born?

Answer.

Italy

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

Answer.

62 Baxter

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

Antonio Capactius
more

Taken before me this

day of

1890

William H. ...

Police Justice.

POOR QUALITY
ORIGINAL

0397

Witness Emily Elayie
brought by George Harrison
63 Mulberry

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

Police Court---

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James C. Harrison
James C. Harrison
James C. Harrison

Offence

Assault on
Chapman
Amical

May 12 1890
W. H. Harrison

Capital Rooming Office
64 J
Precinct

Witnesses
James Thompson
Emily George
James Harrison

No. _____
Memorandum of Proceedings

James C. Harrison
James C. Harrison

James C. Harrison
James C. Harrison
James C. Harrison

May 14 1890 2 PM

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

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

~~Hundred Dollars,~~ and be committed to the Warden and Keeper of

the City Prison, of the City of New York, until ~~he give such bail~~ *legally discharged*

Dated *May 12 1890* *W. H. Harrison* 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.

POOR QUALITY
ORIGINAL

0398.

CORONER'S OFFICE.

TESTIMONY.

Autopsy

At Chambers St. Hospital, May 12th 1890

On body of Charles Simmons colored
age 47 years, married.

Rigor mortis well marked, body fairly
well developed.

On left side of abdominal wall in axillary
line, just above iliac crest there
is an incised wound $\frac{1}{2}$ an inch in
length. There is also an incision
in the abdominal wall below the
navel and in the median line
made for the examination of abdomi-
nal cavity known as Laparotomy.

Lungs, old pleuritic adhesions
of both sides. Pulmonary deposit of
tubercles being at apex.

Heart. Old pericarditis nearly obliterating
pericardial sac. Hypertrophy of left
ventricle of heart.

Liver & kidneys showed chronic changes.

Abdominal cavity. There was a wound of
the sigmoid flexure of colon corresponding
to wound above described, which had
been sutured. There had been haemorrhage
into abdominal cavity and
peritonitis. Cause of death. Stomach.

Taken before me above described.

this

day of

188

J. H. [Signature]

CORONER.

POOR QUALITY
ORIGINAL

0399

COURT OF GENERAL SESSIONS OF THE PEACE.

SUBPENA.

County of New York, ss.

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

To

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, to be holden in and for the said City and County of New York, at the City Hall of the said City, on Thursday day, the 26th day of June instant, at the hour of ELEVEN O'CLOCK, in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Antonina Capatunio

Dated at the City of New York, 26th day of June 18 90

PURDY & McLAUGHLIN,
Counsel for Defendant,

By order of the Court.

Stewart Building. 280 Broadway, N. Y.

JOHN SPARKS, Clerk of Court.

Part III.
The Court is held in the Court House, 32 Chambers St.

GLUED PAGE

POOR QUALITY
ORIGINAL

0400

Court of General Sessions of the Peace
of the City and County of New York
The People of the State of New York

against
Antonina Capotino

} Affidavit of Service of
Subpoena

City & County of New York ss

Niccolo Gardello being duly sworn
deposes and says I reside at No 62 Baxter St
in the City of New York I am a ~~subpoena~~
server over the age of twenty one years
On the twenty fourth day of June 1890 at in Bas-
ter St in said City I served a subpoena in
the above entitled action of which a copy is hereto
annexed upon Paul Carmello a witness in the
said action personally by delivering the said subpoena
to and leaving the same with the said Paul Carmello
in person at the place aforesaid and that I
know the said Paul Carmello so served as
aforesaid to be the person named in and described
in the said subpoena as such witness

Sworn to before me
this 26th Day of June 1890
Joel S. Mason
Notary Public for City
& Co of New York

his
Niccolo Gardello
mark

POOR QUALITY
ORIGINAL

04001

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of *Coroners Office*
No. *67 Park Row* Street, in the *4th* Ward of the City of
New York, in the County of New York, this *19th* day of *May*
in the year of our Lord one thousand eight hundred and *90* before
Frederick Levy Coroner,
of the City and County aforesaid, on view of the Body of *Charles Simmons*

Twelve good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Charles Simmons came to his death, do
upon their Oaths and Affirmations, say: That the said *Charles Simmons*
came to his death by
Stab wounds inflicted by Antonio Com-
provario at 47 Baxter Street, May 11 1890

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,
set our hands and seals, on the day and place aforesaid.

JURORS.

<i>Id. Muller</i> 2110 8 th Ave	<i>Boernig</i> 2384 8 th Ave
<i>J. H. Rose</i> 2410-8 th Ave	<i>D. Heuer</i> 2308 1/2 nd St
<i>H. Papke</i> 2390 8 th Ave	<i>Thomas J. Werr</i> 2307 8 th Ave
<i>Co. Chacker</i> 2321-8 th Ave	<i>D. Perry</i> 2316 8 th Ave
<i>W. H. Orell</i> 2339-8 th Ave	<i>Chas. A. Finkel</i> 2271-8 th Ave
<i>A. J. Syka Jr</i> 2286-8 th Ave	<i>James P. Vollenstrom</i> 2217 1/2 nd St

Frederick Levy
CORONER, E. S.

POOR QUALITY
ORIGINAL

0402

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN ANTE-MORTEM INQUISITION,

Taken at the Chambers Street Hospital
No. 160 Chambers Street, in the 3^d Ward of the City of
New York, in the County of New York, this 11 day of May
in the year of our Lord one thousand eight hundred and 90 before
Admund Levy Coroner,
of the City and County aforesaid, on view of the Body of Charles Simmons

at
Upon the Oaths and Affirmations of
good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

upon their Oaths and Affirmations, say: That the said Charles Simmons
came to his injuries, ^{by stab wounds} at the hands of
Antonio Compostariano and 7 Baxter Street
May 11th 1890

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,
set our hands and seals, on the day and place aforesaid.

JURORS.

CORONER, T. S.

POOR QUALITY
ORIGINAL

0403

City and County of New York, ss.

Statement of Charles Simmons now lying
dangerously wounded at Chambers sh-hosp in the Ward
of said City and County, on the 11th day of May 1890

Question—What is your name?

Answer—Charles Simmons

Question—Where do you live?

Answer—47 Baxter sh, place of business
Res—205 South 5th Ave

Question—Do you now believe that you are about to die?

Answer—I don't know

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer—I don't know

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer—I am—A couple of Italian
were standing in front of my
Restaurant this evening. I told
them to get away. One of them
the short fellow—ran his hand
out of his pocket and my horse
keeper said look out he is going
to cut you—the Italian—the
short fellow then ran to me
and stuck it in to me and I
felt something stinging. I could
not get away. As he stood
right along neck to me—I am married
I am 47 years old—I don't know the
name of the Italian who cut me—He is
a short fellow—
Sworn before me this } Charles Simmons
11th day of May 1890 } Mark
Ferdinand Levy—Coroner

POOR QUALITY
ORIGINAL

0404

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND
Years	Months	Days		

436 85916 5-

and 488- 189
AN ANTI-MORTEM INQUISITION

On the VIEW of the BODY of

Charles Sumner

whereby it is found that he was
injured by

Antonio Bonaparte

Taken on the 11th day

of May 1890

before

William D. Perry
CORONER.

Committed

Obained

488

Discharged

**POOR QUALITY
ORIGINAL**

0405

ABSTRACT OF TESTIMONY.

Inquest in the matter of the death of
CHARLES SIMMONS.

BEFORE HON. FERDINAND LEVY, CORONER, AND A JURY.

New York, Monday, May 19th, 1890.

OFFICER THOMAS J. CRYSTAL, 6th Precinct, having been sworn states: Last night a week ago, about nine o'clock, I came to the Station House and the Sergeant told me there was a man stabbed down in 47 Baxter street. I ran down there and when I got in front of 47 a citizen told me that an officer had gone in 45. I went in there, and just as I was going in I met the officer coming out with the prisoner. We brought him up before the deceased, and I knew the deceased and I asked him if he knew the man that stabbed him. He said no. I asked him if he would know him if he saw him. He said Yes. The deceased was lying on his side and I told him to look around and see if he knew this man. He turned around and he looked at him and he said "That is the man that stabbed me," the prisoner here.

-----exo-----

EMILY GLASSIER, formerly residing, at the time of the stabbing, at 47 Baxter Street, being duly sworn says: I am in the House of Detention as a witness in this case. I was standing in front of the restaurant, and Charlie Simmons too. There were three Italians standing in front of his restaurant and Simmons told them to go away. So they answered him no, that he wasn't the boss of the sidewalk, they wouldn't go. So I told Charlie Simmons to look out, I seen the knife, they were going to cut him. I seen the prisoner going to take the knife out of his pocket. But I went away, and after I came back Charlie Simmons was cut and he told me "I am stabbed; go for a doctor." I didn't see the man who stabbed him, because I went upstairs. I wasn't there at the time of the stabbing, but I seen the prisoner take a knife out of his pocket and I told Charlie Simmons to look out.

-----oxo-----

ANNIE TOMPSON, having been sworn states: Sunday evening, last night a week ago, I was standing at the door of 47 Baxter Street and there was a couple of Italians standing in front of Mr. Simmon's restaurant and they were making a noise and gathering a crowd, so Mr. Simmons told them to

**POOR QUALITY
ORIGINAL**

0406

break away and they said they wouldn't break away and this man, the prisoner, rushed for Mr. Simmons, took something out of his pocket and made for Mr. Simmons right here (illustrating), and I didn't know no more until I was in the Station House (the prisoner was directed to stand and arose.) I identify the man as the prisoner. He was lying on a bench in the lager beer saloon when the police got him. I had never seen him before that time of the stabbing.

-----oxo-----

ANNIE LARKIN, having been sworn states: I seen the man pull something out of his pocket and rush towards Mr. Simmons, but what stopped him I didn't see. He first snapped the hat off Mr. Simmon's head and made a kick at him with his foot and then he pulled something out of his pocket with his hands, I couldn't tell what, and while he had his hat off his head he had this in his hands. He plunged for Mr. Simmons with whatever he had in his hand and pulled the hat off his head and made a kick at him. Witness didn't notice any provocation at all. The deceased told the prisoner to go on from the door and he wouldn't go and deceased told him a second time to move on and the prisoner stayed there still and made a move for Mr. Simmons, who was standing right by his own door.

-----oxo-----

OFFICER HENRY C. BISCHOFF, 6th Precinct, having been sworn states: I arrested the prisoner a week ago last night about half past nine of quarter to ten o'clock. I was told that there had been a stabbing affray and that the prisoner had jumped over the fence and gone into the other building and I went into the other building and found him lying down on a bench. I looked at his hands and found his right blotched up with blood in the fingers up around here (indicating), and on the back of his hands marks of blood. I found a pocket knife on him and took it. It was a clasp knife. I searched him right there and then.

-----ooo-----

The Coroner Charged the Jury.

VERDICT.

We, the Jury, find that Charles Simmons came to his death by stab wounds inflicted by Antonio Compostanio.

ADJOURNED.

-----oxo-----

POOR QUALITY
ORIGINAL

0407

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } SS.

Antonio Compastano being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—

Antonio Compastano

Question—How old are you?

Answer—

30 years of age

Question—Where were you born?

Answer—

Italy

Question—Where do you live?

Answer—

62 Bowler St

Question—What is your occupation?

Answer—

Laborer

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I am not guilty

Antonio ^{his} *Compastano*
mark

Taken before me, this *19th* day of *May*
Richard Leary

1890

CORONER.

POOR QUALITY
ORIGINAL

0408

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
47 Years	Months	Days	U.S.	Chambers St Shop	May 12 th 190

Andover 501. 1890
HOMICIDE.

AN INQUISITION. 4/4 5/7
On the VIEW of the BODY

Vehicle Insurance

whereby it is found that he came to
to Death by the hands of

Robertson, Samuel

Ind - May - 22 - 90

Inquest taken on the 19th day

May - 1890

before

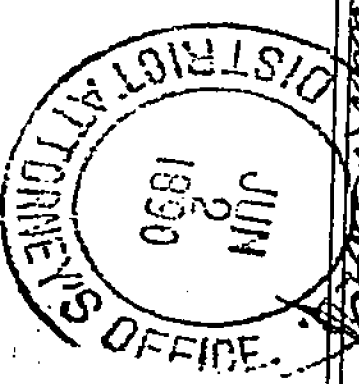
Frederick A. Kelley, CORONER.

Committed

Deceased

Discharged

Date of death



POOR QUALITY
ORIGINAL

0409

Old pleuritic adhesions
- Old pleurisy of both
lungs - Adhesion of right
apex of right lung
Heart - Old inflammation
of sac around the heart.
Enlargement of left side
of heart -
Liver & kidneys showed
chronic disease

POOR QUALITY
ORIGINAL

0410

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Antonio Capastino

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

Antonio Capastino

of the CRIME OF Murder in the First Degree, committed as follows:

The said *Antonio Capastino*,

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

Charles Simmons,

in the peace of the said People then and there being, wilfully, feloniously, and of
his malice aforethought, did make an assault, and *he* the said

Antonio Capastino, *him*,

the said *Charles Simmons*, with a certain *knife*
which *he* the said *Antonio Capastino* in
his right hand then and there had and held, in and upon the *breast*
of *him* the said *Charles Simmons*,
then and there wilfully, feloniously, and of *his* malice aforethought did strike,
stab, cut and wound, giving unto *him* the said *Charles Simmons*,
then and there with the *knife* aforesaid, in and upon the *breast*
of *him* the said *Charles Simmons*,
one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

POOR QUALITY
ORIGINAL

0411

mortal wound he the said Charles Simmons
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the
Twenty day of May in the same year
aforesaid, did languish, and languishing did live, and on which said Twenty
day of May in the year aforesaid, he the said
Charles Simmons, at the City and County aforesaid,
of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said Antonio
Capastius, Jr.,
the said Charles Simmons, in the manner and form, and by
the means aforesaid, wilfully, feloniously, and of his malice aforethought, did kill,
and murder, 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
Antonio Capastius
of the same CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said Antonio Capastius,

late of the City and County aforesaid, afterwards, to wit: on the said eleventh
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, in and
upon the said Charles Simmons,

in the peace of the said People then and there being, wilfully, feloniously, and with
a deliberate and premeditated design to effect the death of him the said
Charles Simmons, did make another assault, and
the said Antonio Capastius, Jr. the said
Charles Simmons, with a certain knife
which he the said Antonio Capastius in

POOR QUALITY
ORIGINAL

0412

— *John* right hand then and there had and held, in and upon the *abdomen*
of — *John* — the said *Charles Simmons*,
then and there wilfully, feloniously, and with a deliberate and premeditated design to effect
the death of *John* the said *Charles Simmons*, did strike, stab, cut and
wound, giving unto *John* the said *Charles Simmons*, then
and there, with the — *knife* — aforesaid, in and upon the *abdomen*
of — *John* — the said *Charles Simmons*, —
one mortal wound of the breadth of one inch and of the depth of six inches, of which said
mortal wound — *John* — the said *Charles Simmons*, at
the City and County aforesaid, from the said *seventh* day of *May*, —
in the year aforesaid, until the *thirtieth* day of *May*, — in the
same year aforesaid did languish, and languishing did live, and on which said
thirtieth day of *May*, in the year aforesaid, *John* —
the said *Charles Simmons*, at the City and County
aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said *Antonio*
Regattino, John, —
the said *Charles Simmons*, in the manner and form, and by
the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design
to effect the death of — *John* — the said *Charles Simmons*,
did kill and murder, 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.

0413

BOX:

394

FOLDER:

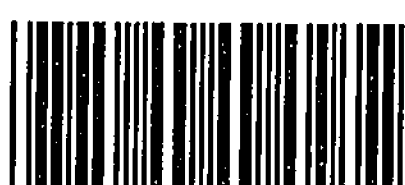
3669

DESCRIPTION:

Carey, John

DATE:

05/19/90



3669

POOR QUALITY
ORIGINAL

0414

#170.
DeBorne

Counsel,

Filed

Pleads,

day

1889

THE PEOPLE

vs.

Z

John Carey

JOHN R. FELLOWS,

District Attorney.

104.15

A TRUE BILL.

Charles B. Borchers

Part III June 10/99 Foreman.

Inexpensive Acquittes.

G. S. D.

Witnesses:

Sarah Johnson

Elin Butler

POOR QUALITY
ORIGINAL

0415

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

POLICE COURT

DISTRICT.

of No. 638 Greenwich Street, being duly sworn, deposes and

says that on the 6 day of May 1889

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

assault deponent and
(now here) did attempt to commit
the crime of rape, and did
attempt to ravish deponent in
the following manner. The
defendant came to the room
of deponent at No 638 Greenwich
Street about the hour of 4 O.
clock p.m.; that defendant
locked the door of said room
in spite of the objections of
deponent; that the defendant
then threw deponent on a bed
and placed his hand over
deponent's mouth and prevented
her making an outcry; that du-
ring the struggle over which
deponent was resisting him, the
defendant placed his hand
on deponent's private parts; that
deponent saw defendant
attempt to unbutton his trousers;
that during the struggle the
defendant twisted deponent's
right arm so as to break it. Deponent
asks that defendant be held to
answer said attempt to commit
the crime of rape upon the person
of deponent.

Sarah Johnson
"Mark"

Sworn to before me this 7 day

of May 1889

Police Justice.

POOR QUALITY
ORIGINAL

04 16

Sec. 198—200.

District Police Court.

CITY AND COUNTY)
OF NEW YORK,) ss.

John Carey 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. *John Carey*

Question. How old are you?

Answer. *25 years.*

Question. Where were you born?

Answer. *England*

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

Answer. *81 Wolcott St. S. Brooklyn 6 months*

Question. What is your business or profession?

Answer. *Boiler 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 Carey

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0417

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

Police Court... 2
District. 695

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Isaac Johnson
638 1/2
Barnum

John Carey

2
3
4

Offence Allegation
at 10

Dated May 7
1890

Magistrate. White

Officer. Johnson

Witnesses Mr. Butler

No. 638 1/2
Street. Barnum

No. _____
Street. _____
RECEIVED
MAY 10 1890
ATTORNEY'S OFFICE

No. 6500
Street. 95

to answer
White

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-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 May 7 1890 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 h to be discharged.

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0418

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 Carey

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *John Carey of the crime*
of attempting to commit
of the CRIME OF RAPE, committed as follows:

The said *John Carey*, —

late of the City of New York, in the County of New York aforesaid, on the
— *ninth* — 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, in and upon a certain female not his wife, to wit: one *Sarah*
Johnson, — then and there being, wilfully and,
feloniously did make an assault, and her the said *Sarah Johnson*,
then and there, by force and with violence to her the said *Sarah*
Johnson, against her will and without her consent, did wilfully
and feloniously ravish and carnally know, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John Carey* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *John Carey*, —

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 a certain
female not his wife, to wit: her the said *Sarah Johnson*, then
and there being, wilfully and feloniously did make another assault, with intent her the
said *Sarah Johnson*, against her will and without her consent, by
force and violence, to then and there wilfully and feloniously ravish and carnally know,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

POOR QUALITY
ORIGINAL

0419

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John Carey* *of the crime*
of attempting to commit —
of the CRIME OF RAPE, committed as follows:

The said *John Carey*. —

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 a certain
female not his wife, to wit: her the said *Sarah Johnson*, then
and there being, wilfully and feloniously did make another assault, and an act of sexual
intercourse with her the said *Sarah Johnson*, —
then and there wilfully and feloniously did *attempt to* commit and perpetrate, against the will of the
said *Sarah Johnson*, and without her consent; against
the form of the Statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John Carey* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *John Carey*. —

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 a certain
female not his wife, to wit: her the said *Sarah Johnson* —,
then and there being, wilfully and feloniously did make another assault, with intent, an
act of sexual intercourse with her the said *Sarah Johnson*, —
against her will and without her consent then and there wilfully and feloniously to commit
and perpetrate, 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.*

0420

BOX:

394

FOLDER:

3669

DESCRIPTION:

Carman, John

DATE:

05/23/90



3669

0421

Officer M. Connell

Counsel, *23*
Filed *May*
Pleads, *1890*
W. A. G. 16

vs.

John Corman
B

May 6/91
100-215060-001A
Decision for trial 07/20/91
of 1/2/91 to 1/2/91

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1880, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. B. Fisk
Foreman.

POOR QUALITY
ORIGINAL

0422

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 Carman

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

John Carman
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

John Carman
late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *May* in the year of our Lord one thousand eight hundred and *ninety*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Matthew McConnell
and to certain other persons whose names are to the Grand Jury aforesaid 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.

SECOND COUNT—

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

John Carman
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

John Carman
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit, to be open, and to remain open, 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.

0423

BOX:

394

FOLDER:

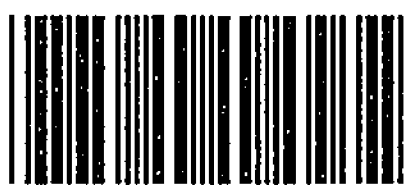
3669

DESCRIPTION:

Carton, George

DATE:

05/06/90



3669

POOR QUALITY
ORIGINAL

0424

Witness:

W. B. I. Smith

Counsel,

Filed

Pleads,

6 May 1890

THE PEOPLE

vs.

George Barton

F

VIOLETION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. D. Roberts

Foreman.

F. May 20/90

POOR QUALITY
ORIGINAL

0425

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.
of New York.

of No. The 304 Police Precinct Street,
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 8 day
of July 1888 in the City of New York, in the County of New York,
at premises No. 756 West 126th St. Street,
George Carton (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said George Carton
may be arrested and dealt with according to law.

Sworn to before me, this 8 day
of July 1888

Sam J. Moran Police Justice.

Bernard J. Smith

POOR QUALITY
ORIGINAL

0426

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY
OF NEW YORK,

George Carton 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. *George Carton*

Question. How old are you?

Answer. *19*

Question. Where were you born?

Answer. *NY State*

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

Answer. *256 W 125 St. and 1. m*

Question. What is your business or profession?

Answer. *Porter*

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 trial by jury
Geo. Carton*

Taken before me this

day of

188

Police Justice

POOR QUALITY
ORIGINAL

0427

BAILED,
No. 1, by Wm. McQuinn
Residence 159 57th
Street,
No. 2, by _____
Residence _____
Street,
No. 3, by _____
Residence _____
Street,
No. 4, by _____
Residence _____
Street,

Police Court--- 3-1046
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward J. Smith
Henry Burton

Offence Violence of
Excess Law

Dated July 8 1888

Magistrate.

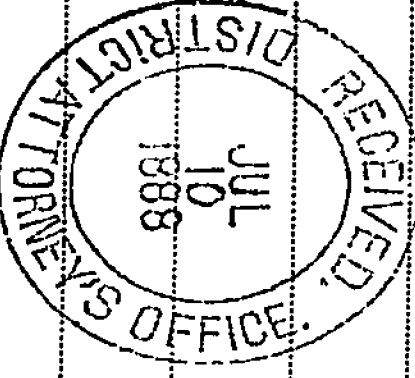
Frank 30 Officer.

Precinct.

Witnesses Edward J. Smith

No. _____ Street.

No. _____ Street.



No. 110 Street.
to answer City

Smith

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 one 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 8 1888 Wm. McQuinn Police Justice.

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

Dated July 8 1888 Wm. McQuinn Police Justice.

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

Dated _____ 188____ Police Justice.

**POOR QUALITY
ORIGINAL**

0428

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Barton

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

George Barton
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

George Barton

late of the City of New York, in the County of New York aforesaid, on the *eight* day of *July* in the year of our Lord one thousand eight hundred and *eighty-eight*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one *Bernard J. Smith*

and to certain other persons whose names are to the Grand Jury aforesaid 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.

SECOND COUNT—

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

George Barton
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

George Barton

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit, to be open, and to remain open, 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.

0429

BOX:

394

FOLDER:

3669

DESCRIPTION:

Clancy, Edward

DATE:

05/19/90



3669

POOR QUALITY
ORIGINAL

0430

Witnesses;

John Kennedy

Officer George Egan

John Conlan

Counsel,

Filed

1890

Pleas,

THE PEOPLE

vs.

Edward Clancy

N.D.

Grand Larceny 5th degree.
[Sections 528, 531, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Chas. B. Wood

Feb 2 - May 22 1890 Foreman.

Tried and Acquitted

POOR QUALITY
ORIGINAL

0431

Police Court—

1 District.

Affidavit—Larceny.

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

John Kennedy
of *the House of Detention* Street, aged *44* years,
occupation *Labourer* being duly sworn
deposes and says, that on the *28* day of *April* 18*9* 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 Satchel containing a suit of clothing
of the value of ten dollars
and underclothing of the value of four dollars
One Watch & Chain of the value of
forty five dollars
said property being in all of the value of
fifty nine dollars*
\$59.00

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 *Edward Clancy (now here)* and
another person not arrested and whose name
is unknown to deponent, from the fact that
deponent was interviewed and on the *Per*
No. 24 North River with the intent to take
a boat for Newburgh, when deponent
had said Satchel in his possession,
that said Clancy and said unknown
person were then in company of deponent,
and had been about 2 hours previous
to that time.

Deponent is informed by *John*
Conlon of No. 82 Horatio Street, that
he saw said two defendants having
had of deponent, and that said

Sworn to before me, this
188 day

Police Justice.

POOR QUALITY
ORIGINAL

0432

Clancy broke open opponents Satchel
and took a watch & chain therefrom
that said Coulson caused the arrest
of said Clancy and that said
unknown person escaped

Sworn to before me this } John J. Kennedy
30th April 1890 }
John J. Kennedy
Notary Public

POOR QUALITY
ORIGINAL

0433

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Truck driver of No.

82 Horatio Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John Kennedy
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 30
day of April 1890 } John Conlon

John Kennedy
Police Justice.

POOR QUALITY
ORIGINAL

0434

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Edward Clancy

Question. How old are you?

Answer. 57 years

Question. Where were you born?

Answer. Ireland

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

Answer. Haverstraw N.Y.; 20 years

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

Edward Clancy
Witness

Taken before me this

day of

April

1888

Police Justice.

POOR QUALITY ORIGINAL

0435

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

Police Court-- / District 664

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kennedy
1
Lancey
2
3
4
Offence Larceny

Dated April 30 1880

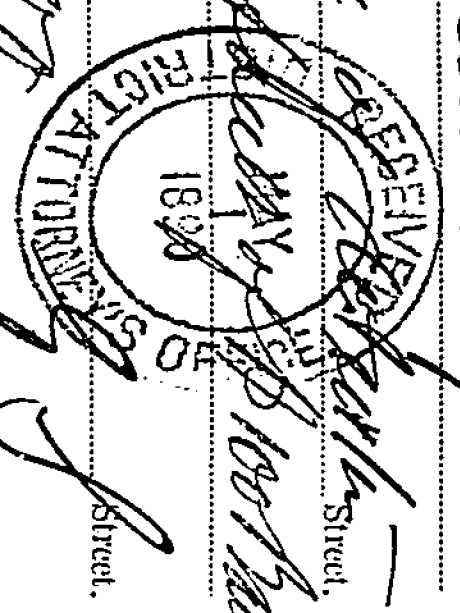
William J. Murray
Magistrate
Officer

Witnesses
John Coulson
No. 82 Horatio Street

John Kennedy
No. 82 Horatio Street

John Kennedy
No. 82 Horatio Street

§ 577 to answer
No. 82 Horatio Street



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.
Dated April 30 1880 John Kennedy 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.

POOR QUALITY
ORIGINAL

0436

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, / DISTRICT.

Michael Gorry

of the 28 Precinct Police Street, aged years,

occupation Police officer being duly sworn deposes and says

that on the 30 day of April 1880

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

*John Kennedy (nowhere) is
a material witness for the people of the
State of New York against one Edward
Clancy charged with Grand larceny
dependent fears that said Campbell
will not appear to testify, when required
wherefore deponent prays that he said
Kennedy be committed to the House of
detention*

Michael Gorry

Sworn to before me, this 30 day

of April

1880

John J. McManus
Police Justice.

POOR QUALITY
ORIGINAL

0437

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Edward Blancy

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

Edward Blancy

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

The said

Edward Blancy

late of the City of New York, in the County of New York aforesaid, on the *twenty-eighth*
day of *April* in the year of our Lord one thousand eight hundred and *ninety*.

, at the City and County aforesaid, with force and arms,
*one coat of the value of five dollars,
one vest of the value of two dollars, one
pair of trousers of the value of three dollars,
divers articles of underclothing, of a
number and description to the Grand Jury
aforesaid unknown, of the value of four
dollars, one watch of the value of thirty
dollars, one chain of the value of
fifteen dollars, and one satchel
of the value of two dollars*

of the goods, chattels and personal property of one

John Kennedy

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 L. Fellows,
District Attorney*

0438

BOX:

394

FOLDER:

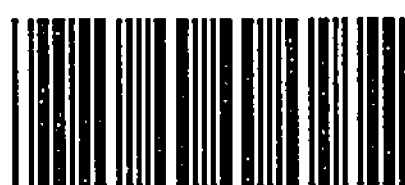
3669

DESCRIPTION:

Clifford, Robert

DATE:

05/08/90



3669

0439

BOX:

394

FOLDER:

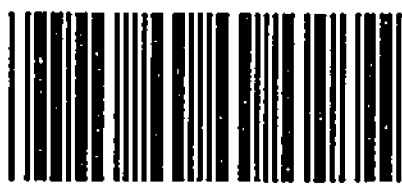
3669

DESCRIPTION:

Burns, John

DATE:

05/08/90



3669

0440

James Daly

Pleads,

day of May 1890

THE PEOPLE

vs.

A/

Robert Clifford

and

John Burns

JOHN R. FELLOWS,

District Attorney.

A True Bill.

rue Bill,
 N. York & no 11.
 Rhys B. Steward

Foreman,

For
May 8 90
Cash Bond
Pleasure City, Tenn

POOR QUALITY
ORIGINAL

0441

Police Court—4th District.

Affidavit—Larceny.

City and County } ss.
of New York,

Henry C Schneider
of No. 51 Columbia Street, aged 42 years,
occupation Milkman being duly sworn

deposes and says, that on the 23 day of April 1890 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 living Horse, of the value of
One hundred & fifty (150)
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 Robert Clifford and
John Burns, (now here) from the
following fact to wit: That
deponent is informed by Officer
Thomas Stephenson of the 25th Precinct
that he saw said defendants
in possession of said property
on 1st Avenue and 73rd Street
about a quarter past one in the
afternoon of the aforementioned
date.

Henry C Schneider

Sworn to before me, this 24 day of April, 1890

Police Justice.

POOR QUALITY
ORIGINAL

0442

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Stephenson
aged _____ years, occupation *Police* of No. *25 Precinct*
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Henry C. Schneider*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

24
day of *April* 188*9*

Thomas Stephenson

D. J. C. R. R.
Police Justice.

POOR QUALITY
ORIGINAL

0443

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Robert Clifford

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. New York City

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

Answer. 61 Columbia Street, 7 years

Question. What is your business or profession?

Answer. Driver

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

Robert Clifford

Taken before me this

day of

April

1888

Police Justice

POOR QUALITY
ORIGINAL

0444

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

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

Question. What is your name?

Answer. *John Burns*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *70 Cannon Street - 1 year*

Question. What is your business or profession?

Answer. *Peddler*

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

Answer. *I am not guilty*

John Burns
Mark

Taken before me this

day of

April 188*8*

24

Police Justice.

POOR QUALITY
ORIGINAL

0445

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

Police Court--- 4 District.

639.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry C. Schermer

133 Columbia St.

John B. Schermer

John B. Schermer

3 _____
4 _____

Offence _____

Dated April 24 1890

Magistrate.

Schermer Officer.

25 Precinct.

Witnesses

No. _____ Street _____

No. James Daly Street _____

Post Office Box 263

Westchester Co.

155000



Commenced

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

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

Dated April 24 1890 Jo Schermer 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.

POOR QUALITY
ORIGINAL

0446

2257

District Attorney's Office.

u) u b u a -

1709 - a 2

u) 102650

2. C - C C C C

< 0 - 0 0 0 0

100 (8. L C, 00 =

6 C - 0 0 0 0 0

on 5000 9 1000 0

u) 1200

00 0 0 0

(2 - 0 0 0 0 1 -

u) 0 0 0 0

0000

POOR QUALITY
ORIGINAL

0447

Clifford L.
D.C.

1-3

POOR QUALITY
ORIGINAL

0448

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against
Robert Clifford
and John Burns

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

Robert Clifford and John Burns

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

The said

Robert Clifford and John Burns, both

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

*one horse of the value of one
hundred and fifty dollars*

of the goods, chattels and personal property of one

Henry C. Schneider

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.

**POOR QUALITY
ORIGINAL**

0449

SECOND COUNT—

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

Robert Clifford and John Burns
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Robert Clifford and John Burns*, 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 horse of the value of one
hundred and fifty dollars*

of the goods, chattels and personal property of one

Henry C. Schneider

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

Henry C. Schneider

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

*Robert
Clifford and John Burns*

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.

0450

BOX:

394

FOLDER:

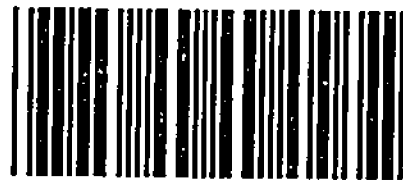
3669

DESCRIPTION:

Coates, Joseph

DATE:

05/29/90



3669

POOR QUALITY
ORIGINAL

0451

Witnesses:

Max Wagner

319.

Counsel,

Filed 29

day of May 1890

Pleads,

Not guilty

THE PEOPLE

vs.

Joseph Coates

(Section 218, Penal Code)
Accused in the second degree

1140

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Chas. B. Edwards

Part II June 4/90

Foreman.
Pleads isault & 3 deg.

Not 3 June 4/90

Pen 6 months.

I learn that
the pistol at
the time defendant
pointed it was
unloaded & therefore
was willing to accept
a plea of assault
& 3 degree which the
prisoner offered.
June 4th 1890
G. L. D.

POOR QUALITY
ORIGINAL

0452

Police Court— 4 District.

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

of No. 228 E 10th Max Heyne Street, aged 28 years,
occupation Commercial Traveler being duly sworn
deposes and says, that on 24 day of May 189 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by Joseph Coates

(namely) that said defendant called
deponent a Dutch son of a
bitch and thereafter took the
pistol (namely) shown from his
hip pocket and pointed the
same at deponent and said
"I will shoot you. That
deponent took said Pistol
from deponents hand and he
says that said act was done
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 May 188 } Max Heyne

Do & C. H. H. H. Police Justice.

POOR QUALITY
ORIGINAL

0453

Sec. 192-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Coates 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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 did not point in
at him I was
looking at ~~him~~
it
Joseph Coates

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0454

1817
29.496

No. 1, by 31-11-19. 19-11-19.
Residence 1-11-19. 19-11-19.
No. 2, by 1-11-19. 19-11-19.
Residence 1-11-19. 19-11-19.
No. 3, by 1-11-19. 19-11-19.
Residence 1-11-19. 19-11-19.
No. 4, by 1-11-19. 19-11-19.
Residence 1-11-19. 19-11-19.

Police Court District. 890

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Howe Stearns
Joseph Coates

Offence Assault

Dated May 25 1890

Magistrate

Officer

Precinct

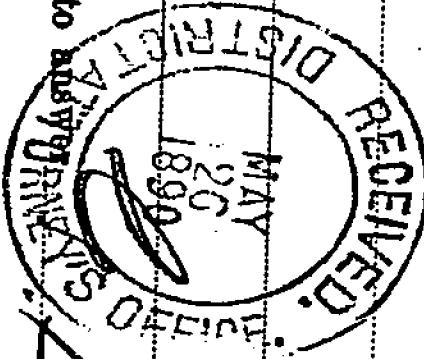
Witnesses Charles Keyne

No. 228 E 10th Street.

No. Street.

No. Street.

\$1000 to New York City



Commence

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

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

Dated May 25 1890 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

POOR QUALITY
ORIGINAL

0455

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Coates

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse

Joseph Coates

of the crime of

Assault in the second degree

committed as follows:

The said

Joseph Coates

late of the City of New York, in the County of New York aforesaid, on the

twenty-fourth day of *May* in the year of our Lord one thousand
eight hundred and ninety _____, at the City and County aforesaid,

*with force and arms, in and upon the
body of one, Max Heyne in the peace of
the said People, then and there being,
feloniously did wilfully and wrongfully*

POOR QUALITY
ORIGINAL

0456

make an assault, and to, at, and against
him, the said Max Heyne, a certain pistol
then and there charged and loaded with
gunpowder and one leaden bullet, which
the said Joseph Coates 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
^{aim, point and, presently with intent to}
and wrongfully shoot off and discharge the same,
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.

0457

BOX:

394

FOLDER:

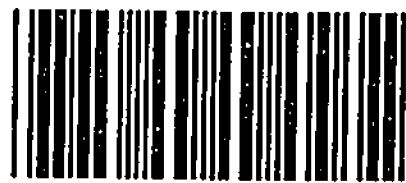
3669

DESCRIPTION:

Collins, Timothy

DATE:

05/21/90



3669

0458

POOR QUALITY
ORIGINAL

388

#207. *James*

Counsel,

Filed *21* day of *May* 189*0*

Pleads, *Not guilty*

James Collins
vs. *I*
THE PEOPLE
Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code.)

JOHN R. FELLOWS,

Dist. Attorney.
Put 2 May 21st
Plady account 3 1/4 degree
Pen one yr.
A True Bill.

Chas. D. Roberts

Foreman.

Witnesses;

James Collins

POOR QUALITY
ORIGINAL

0459

Police Court—3 District.

City and County } ss.:
of New York,

of No. 43 Hamilton Street, aged 48 years,

occupation Laborer being duly sworn

deposes and says, that on the 8 day of May 1886 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Samuel Collins (now here)

who cut and stabbed upon me
in the face with a pen knife he
held in his hand

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

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

Sworn to before me, this 9 day
of May 1886.

Charles McIntosh Police Justice.

Jeremiah O'Brien
Witness

POOR QUALITY
ORIGINAL

0460

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Timothy Collins 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. *Timothy Collins*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *37 Henry Street 5 months*

Question. What is your business or profession?

Answer. *Work along shore*

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 done it in self defence*

Timothy Collins

Taken before me this

day of May 1890
Charles W. Jamison

Police Justice.

POOR QUALITY
ORIGINAL

0461

5-11-90
1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900

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

Police Court... 13 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Morris
43 West 14th St
New York City

2
3
4

Offence

Assault
Felony

Dated

May 9 1890

Residence

Magistrate

No. 3, by

Officer

Residence

Preced.

Witnesses

Dr. Donohue

No. 4, by

Government

No. 1, by

Street

No. 2, by

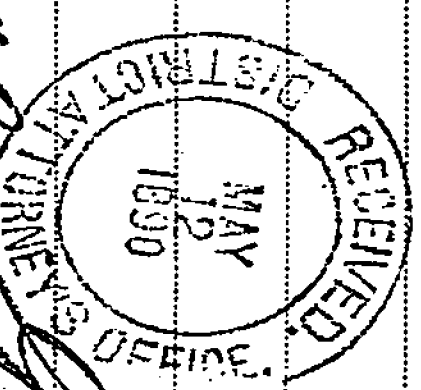
Street

No. 3, by

Street

No. 4, by

Street



Chas Morris

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

Defendant

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

Dated May 9 1890 Charles Morris 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.

POOR QUALITY
ORIGINAL

0462

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Timothy Collins

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

Timothy Collins
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Timothy Collins
late of the City of New York, in the County of New York aforesaid, on the
eight day of *May* 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 *Jeremiah O'Brien*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *Jeremiah O'Brien*
with a certain *knife*

which the said *Timothy Collins*
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,

3
with intent *him* the said *Jeremiah O'Brien*
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

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

The said

Timothy Collins
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 *Jeremiah O'Brien* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said
Jeremiah O'Brien
with a certain *knife*

which the said *Timothy Collins*
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.

POOR QUALITY
ORIGINAL

0463

THIRD COUNT—

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

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

The said

Timothy Collins
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
Jeremiah O'Brien in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said *Jeremiah O'Brien*
with a certain *knife*

which

he the said *Timothy Collins*
in *his* right hand then and there had and held, in and upon the *face*
of *him* the said *Jeremiah O'Brien*
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 *Jeremiah O'Brien*

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.

0464

BOX:

394

FOLDER:

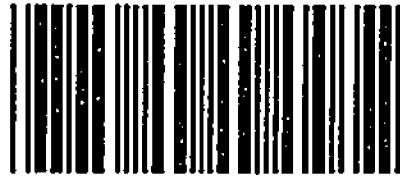
3669

DESCRIPTION:

Comither, Henry

DATE:

05/26/90



3669

POOR QUALITY
ORIGINAL

0465

244. D. C. 403.7
C. W. C. C. C.

Counsel,
Filed 26 day of May 1890
Pleads, C. W. C. C.

THE PEOPLE
vs.
Henry Conithier
Grand Larceny, first Degree.
(From the Person.)
[Sections 528, 580, Penal Code.]

JOHN R. FELLOWS,
District Attorney.
June 4. 1890

A True Bill.

Chas. B. Folsom

Foreman.

June 13th
Part III June 17/90
Defendant discharged on
his own recognizance

Witnesses:

Dennis O'Carroll

Officer O'Brien

Efforts have been made to
secure the attendance of the
Complainant without success.
Officer informs me that Com-
plainant told him he cannot
appear. He resides in
Hoboken - I recommend
the discharge of the
defendant on his own recog-
nizance. S. H. L. G. J.
June 17/90 District Atty

POOR QUALITY
ORIGINAL

0466

Police Court—2 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 41 Clinton Street Hoboken N.J. Dennis McCarthy
occupation Laborer aged 35 years,
being duly sworn

deposes and says, that on the 17 day of May 1894 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the night time, the following property, viz:

One Silver Watch
and gold chain attached all
of the value of Twenty one
Dollars \$ 21.00

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 Henry Cornitter (now here)

(and two others not yet arrested) from
the fact that at about the hour
of 9 o'clock P.M. deponent was walking
through Prince Street and when near
the corner of Thompson an Prince Street
deponent was interfered with by three
men and felt a tug at his Watch
and chain which deponent carried in
the left hand pockets of the Waist
coat and then upon deponent's
person and deponent immediately
missed said Watch and chain and
raised an alarm and the said
defendant Cornitter was arrested

Sworn to before me, this
17th day of May 1894

Police Justice.

POOR QUALITY
ORIGINAL

0467

by Officer John J. O'Brien of the
St. Francis while running through
Thompson Street.

And deponent there
for accuses the said Defendant
with having taken stolen and carried
away said property in concert with
the two others not yet arrested.

Sworn to before me this

18

day

of

1890

J. J. O'Brien
Police Justice.

Dennis McCarthy
Defendant

POOR QUALITY
ORIGINAL

0468

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 50 years, occupation Detective of No. 82
Princt

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Jimmie Mc Carthy
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 18
day of May 1898
[Signature]
Police Justice.

John J. Dwyer

POOR QUALITY
ORIGINAL

0469

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Cornithe 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 Cornithe

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

185 Ormeau St - 7 months

Question. What is your business or profession?

Answer.

Barber

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

Answer.

I am not guilty

Henry Cornithe

Taken before me this
day of *May* 1880

18

Police Justice.

[Signature]

POOR QUALITY
ORIGINAL

0470

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

Police Court---

163
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry M. Smith
71st Street
New York
Henry Committee

Offence Larceny from
Prison

Dated May 18 1890

Hogan
Magistrate

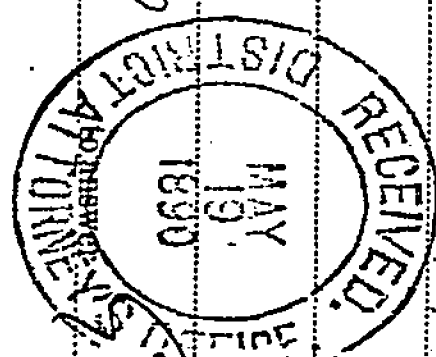
Officer
Precinct

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____



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

Henry Cornithen

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 May 18 1890 _____ 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.

POOR QUALITY
ORIGINAL

0471

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To

of

Street

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

day, as a witness in a criminal action prosecuted by the People of the State of New York, against

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

JOHN R. FELLOWS, District Attorney.

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To

of No.

Street

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

day, as a witness in a criminal action prosecuted by the People of the State of New York, against

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

JOHN R. FELLOWS, District Attorney.

POOR QUALITY
ORIGINAL

0472

PART III.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To *Jimmie Mc Carthy*

of No. *71 Clinton* Street *Hoboken, N. J.*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *13th* day of *June*, 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Harry Cornithen
Dated at the City of New York, the first Monday of *June*,
in the year of our Lord 1890.

JOHN R. FELLOWS, *District Attorney.*

**POOR QUALITY
ORIGINAL**

0473

Complainant will
not appear to
proceed

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

POOR QUALITY
ORIGINAL

0474

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To Dennis M. Carty

of No. 71 Clinton

Street Hoboken N.J.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 17th day of June, 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Henry Cornither

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

JOHN R. FELLOWS, *District Attorney.*

POOR QUALITY
ORIGINAL

0475

Court of General Sessions.

THE PEOPLE

vs.

Henry Cornither

City and County of New York, ss :

John H. Reilly being duly
sworn, deposes and says: I reside at No. 3 Bank

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of
the City and County of New York. On the 16th day of June 1890.

I called at # 71, Clinton St. Hoboken N. J.

the alleged residence of Denis McCarthy

the complainant herein, to serve him with the annexed subpoena, and was informed by said

Dennis McCarthy that he has attended three
days already, and don't propose to lose
any further time, and refused to come
although deponent served him personally
with a Subpoena, a copy of which is
hereto annexed

Sworn to before me, this 17 day
of June 1890

Wm. H. Van Gorp
Notary Public

John H. Reilly
Subpoena Server.

72 W.C.S.

POOR QUALITY
ORIGINAL

0476

Court of General Sessions.

THE PEOPLE, on the Complaint of

Dennis McCarthy

vs.

Henry Cornith

Offence:

JOHN R. FELLOWS,
District Attorney.

Affidavit of
John H. Reilly
Subpoena Server.

~~Failure to Find Witness.~~

POOR QUALITY
ORIGINAL

0477

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 Comither

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

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

The said

Henry Comither

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

*one watch of the value
of ten dollars and one chain of the
value of eleven dollars*

of the goods, chattels and personal property of one *Dennis Mc Carthy*
on the person of the said *Dennis Mc Carthy*
then and there being found, from the person of the said *Dennis Mc Carthy*
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-