

0805

BOX:

418

FOLDER:

3866

DESCRIPTION:

Tarragna, Luigi

DATE:

11/21/90



3866

0806

Witnesses :

18ca books
182

Counsel, *[Signature]*
Filed *21* day of *Nov* 188*9*
Pleads, *Not Guilty*

THE PEOPLE

29
Tailor
Elizabeth
vs.
Luigi Sarragna

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

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Foreman.

J. M. Benjamin
Part 2 Nov. 26, 1890
Tried and convicted of
assault in the Second Degree
S. P. 2 1890.

0807

Police Court _____ District.

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

of No. 212, Broadway Street, aged 26 years,
occupation Painter being duly sworn
deposes and says, that on the 13 day of November 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Luigi
Saragna (now here) who
pointed aimed and
discharged the contents
of a barrel of a revolving
pistol at the body of
deponent

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 13 day }
of November 1888 } David Yasky

W. G. B. W. Police Justice.

0809

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Luigi Farragna

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Italy

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

Answer.

255 Elizabeth 6 months

Question. What is your business or profession?

Answer.

Tailor

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. I only fired the pistol to scare him. I did not shoot at any one - I shot it up in the air. Luigi Farragna

This formal examination was made through Pasquale Chillelo 35 Mulberry Street - Signor Store Keeper.

Taken before me this

day of *November* 188*9*

W. J. [Signature]
Police Justice.

0010

Police Court--- District. 114B

THE PEOPLE, Ec.,
OF THE COMPLAIN OF

Samuel Jackson
Samuel Jackson
Samuel Jackson
Samuel Jackson

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

Dated
Magistrate
Officer
Precinct

Witnesses
John H. ...
John H. ...
No. ...
Residence



No. ...
Residence
\$... to answer

Samuel Jackson
Samuel Jackson

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

Samuel Jackson

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 *Nov 15* 1890 *Samuel Jackson* 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.

NEW YORK GENERAL SESSIONS.

The People

vs.

Luigi Tarragna.

Before

Hon. Rufus B. Cowing

and a Jury.

Tried November 26th, 1890.

Indictment filed November 21, 1890.

Indicted for Assault in the First Degree.

APPEARANCES:

Assistant District Attorney Jerome, for The People.

C. A. Burgess, Esq., for the Defense.

D A V I D Y E S K Y, the complainant, testified that he was a merchant tailor, doing business at 212 Bowery. He was in that business on November 13th, 1890. The defendant had been in his employ, and was in his employ on November 12th, 1890. He gave the defendant a coat to make, and he spoiled it, and it was useless. His, the complainant's, cutter saw the coat, and said that the coat was spoiled, and discharged the defendant, and the defendant made a disturbance in the store, and would

not go out of the store. He attempted to strike the cutter and some other workmen. Then the cutter called him, the complainant. The complainant ordered the defendant out of the store, but he would not go. Then he, the complainant, looked for an officer, and could not find one, and he, the defendant, still stood in the store and made a noise, and then he, the complainant, took him by the collar and put him out into the street. The defendant walked up and down before the store during that afternoon. When he, the complainant, reached his place of business on the following morning at about a quarter of 10 o'clock, he took off his hat and coat and walked to the store door. He saw the defendant standing in front of the store, and the defendant fired a shot at him, the complainant, and ran away. The defendant was standing about 8 or 9 feet from him, the complainant, at the time that he fired. The defendant took the pistol from his outside overcoat pocket, and aimed it at him, the complainant, and fired. He, the complainant, ran after the defendant and caught him five or six doors away from his, the complainant's, door. He knocked the defendant down, and an officer came up, and he, the complainant, felt in the defendant's overcoat pocket, and took a pistol out of the defendant's pocket. He, the complainant, examined the pistol, and found that one of the cartridges had been discharged. The other cartridges were loaded with ball. The

officer arrested the defendant. The defendant said something in Italian which he, the complainant, did not understand. Under

Cross-Examination, the complainant testified that he had never seen the defendant before he entered his employ. He was first employed on November 12th, 1890, starting at work in the morning, and the row occurred in the afternoon, when the defendant was discharged and ordered out. He, the complainant, had looked for the pistol ball, but had been unable to find it. It had probably passed through the open doorway and lodged in some part of the walls of the store. He, the complainant, had said and done nothing to the defendant before the shooting, except to put him out of his store on the preceding afternoon, when he refused to leave, after the foreman reported that he had spoiled the coat.

J O H N H A M M E R S C H L A G, testified that on November 12th, 1890, he was in the employ of the complainant. On the morning of the shooting he was cleaning the window of the store and dressing it, and he saw the prisoner pass by and raise up the revolver, and heard him mutter something, and saw the flash and heard the report of the pistol. Then the defendant ran away, and he, the witness, got out of the window and went to the front door, and he saw the complainant overtake the defendant, and he, the witness, assisted in holding the defendant until the officer came. He, the witness, saw the revolver

taken from the defendant. Under

Cross-Examination, the witness testified that he was and assistant salesman. On the day before he, the witness, was not in the store at the time that the difficulty occurred, but he came in in time to see the defendant put out. He, the witness, had looked for the pistol ball, but could not find it.

For the Defense,

L U I G I T A R R A G N A, the defendant, testified that he lived in Elizabeth Street, but he could not remember the number. He had been employed as a tailor from his boyhood. He had been in the United States first, for five years, and then he returned to Italy, and returned to the United States about two years before the trial. He only worked in the complainant's store one day. He did not fire a shot at the complainant. He had some words with the complainant about the cutting of a coat, and the complainant struck him a blow in the face. As he passed the shop on the next day, he fired a shot in the air. Under

Cross-Examination, he testified that he had lived in Elizabeth Street about seven weeks. He had a razor in his pocket, besides the revolver, at the time he was arrested, but he kept the razor in his pocket to cut and clean his nails. He usually left the razor at home, but, on that day, it happened to be in his pocket. He carried the revolver for no partic-

ular reason. He had owned it about three months. He did not carry it on his person regularly. He had it on his person about four days before the shooting. He had no particular reason for carrying it. He fired the shot into the air, because he saw the complainant standing at the door of the shop, and he wished to frighten him, so that he would not again attack him and strike him. He did not know that persons were punished for carrying weapons in the City of New York. He passed the shop of the complainant while engaged in searching for a position.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Luigi Tarragna

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

Luigi Tarragna
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Luigi Tarragna

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *November*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, at the City and County aforesaid, in and upon the body of one *David Yesky* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *David Yesky* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Luigi Tarragna* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *him* the said *David Yesky* 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

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

The said

Luigi Tarragna

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 *David Yesky* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said

David Yesky
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

Luigi Tarragna
in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0817

BOX:

418

FOLDER:

3866

DESCRIPTION:

Tierney, Morris

DATE:

11/21/90



3866

08 18

186

Witnesses :

.....
.....
.....
.....
.....

Counsel,

Filed 21 day of Nov 1890

Pleads

THE PEOPLE

vs.

R
Morris Tierney

INJURY TO PROPERTY.
[Section 651, Penal Code.]

2647
33567

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. J. Higgins
Nov 24/90

Foreman.

Pleads Guilty - trial
4 mos Pen. H.

Police Court, 4th District.

City and County } ss.
of New York,

of No. 539 First Avenue Street, aged 30 years,
occupation _____ being duly sworn, deposes and says,
that on the 9th day of November 1890, at the City of New
York, in the County of New York,

Morris Tierney
did willfully break and destroy a
plate glass window in the aforesaid
premises, said window being of the
"value of One Hundred Dollars.

Said deponent is informed by
Henry Phanning, that about 6 1/4
o'clock on the evening of said day
he saw said Tierney throw two
stones at and against said window
which broke said glass and com-
pletely destroyed the same.

Sworn to before me
this 10th day of November 1890

N. Madanahon
Police Justice

Frank Kammitter

0820

Police Court-- District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 of No. _____
 of the County of New York,
 in the County of New York,
 Police Court,
 City and County of New York.

Dated _____ 188
 Magistrate.

Officer _____
 Clerk _____

Witnesses _____
 Street _____

No. _____
 Street _____

No. _____
 Street _____

No. _____
 Sessions _____

to answer _____
 at the City of New York

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

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0821

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Johanning
aged 27 years, occupation Bar tender of No. 348 East 47th Street, being duly sworn deposes and

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

Sworn to before me, this 10th day of November 1890 } *Henry Johanning*

W. Brnaker
Police Justice.

0822

Sec. 198-200.

14 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Morris Tierney

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. Ireland

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

Answer. No 335 East 44th St 7 years

Question. What is your business or profession?

Answer. None

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

Morris Tierney
his mark

Taken before me this

day of March 1887

H. M. M. M. M.

Police Justice.

0823

Sec. 151.

Police Court H District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police*
Justices for the City of New York, by Frank Kammitler
of No. 639-1 Avenue Street, that on the 9 day of November
1888 at the City of New York, in the County of New York,

Morris Tierney
did wilfully and maliciously break
and destroy a plate glass window
in the aforesaid premises of the value
of one hundred dollars.

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you (the said
Sheriff, Marshals and Policemen), and each and every of you, to apprehend the said Defendant and bring him
forthwith before me, at the same DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 10 day of Nov 1888

W. T. McMahon POLICE JUSTICE.

0824

884 1 2 Ave

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated 188

Magistrate

Oliver Officer.

The Defendant *Morris Herney*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated *November 13* 188*9*

This Warrant may be executed on Sunday or at
night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice

The within named

age 24 Irish No 332, 6, 47. St

0825

Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Frank J. Macmillan
839 - 1st Ave
Maxim Cleary

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

Offence *Malicious
Mischief -
Armed*

Dated *13 November 1890*

McMackenz Magistrate.
Carroll Officer.
Carroll Precinct.

Witness *Henry Johnson*
No. *3 W 56 St 119* Street.
Chas. Jones

No. *84 9* Street.

No. *100* Street.
§ *100* Precinct.



Am

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

Dated *Nov 3* 18*90* *DT Macdonald* 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.

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Morris Siemey

The Grand Jury of the City and County of New York, by this indictment, accuse,
Morris Siemey
of the CRIME OF UNLAWFULLY AND WILFULLY DESTROYING
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said Morris Siemey,
late of the 19th Ward of the City of New York, in the County of New York
aforesaid, on the 11th day of November, in the year
of our Lord one thousand eight hundred and eighty
at the Ward, City and
County aforesaid, with force and arms, a certain pane of
plate glass.

of the value of one hundred dollars,
of the goods, chattels and personal property of one Trade Hammiter,
then and there being, then and there feloniously did unlawfully and wilfully break
and destroy:

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
Morris Brenner
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying*
REAL PROPERTY OF ANOTHER, committed as follows:

The said *Morris Brenner*,
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, with force and arms, *a certain*

pane of plate glass.

of the value of *one hundred dollars*,
in, and forming part and parcel of the realty of a certain building of one
Frank Hammit,
there situate, of the real property of the said *Frank Hammit*,

then and there feloniously did unlawfully and wilfully *break and destroy*.

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.

0828

BOX:

418

FOLDER:

3866

DESCRIPTION:

Tobin, Michael

DATE:

11/07/90



3866

0829

Bond \$2000

Witnesses:

I have made no careful examination of the within case. The defendant is a man of very good character and has been in business for a long time in this city. He has a wife & child absolutely dependent upon him for support. I have not been able to discover any evidence that would show that the defendant received the stolen property with knowledge that it was stolen. I respectfully recommend that the defendant be discharged upon his own recognizance
Part 2 Nov. 21/90

W. J. Jerome,
clerk - Dist.

B. W. Nov 7/90
149
1747

Counsel,
Filed, day of Nov. 1889
Pleads, Not guilty 10

THE PEOPLE,

vs.

I AM
Michael Tobin

Grand Jur. 10/41

RECEIVING STOLEN GOODS.

(Section 550, Penal Code.)

JOHN R. FELLOWS.

District Attorney.

Nov. 14, 1890, in Dist. Ct.

A True Bill.

J. J. Brundage
Part 2 - Nov. 21, 1890

Discharged on his own Foreman.
recognizance on behalf
of District Attorney

0830

W.M. WACHEL, *November 18/1891.*

MANUFACTURER & DEALER IN

Paints, Shellac, Varnishes, Etc.

177 & 179 PARK ROW, N. Y.

*I the undersigned had
dealings with Mr. M. Tobin
for about five years and
found his actions honest
during said time*

William Ward

0031

This is to certify that I
have known Michael Tobin
for the past ten years and
have always found him to
be ^{an} honest and industrious
man. Any kindness shown
to him will be fully appreciated
by me.

John Kelly

134 Park Row

Nov. 18, 1890

New York

JOHN BRANDT,
MEN'S OUTFITTER.

152 & 154 PARK ROW.
124 FULTON STREET.

New York, Nov 18 1890

I have known Mr. M. J. Tobin
for a number of years, as a
sign-painter, and have,
at times, employed him
as such. Have always
found him upright in
his dealings and can
vouch for his honesty
to the best of my
knowledge.

John Brandt

0833

New York,

188

No

LICENSED
SEWER • BUILDER, • ETC.
Water Closets & Bath Rooms
FITTED UP IN THE BEST STYLE.
Gas Fixtures at Manufacturers' Prices
Gas Fixtures Bronzed and Re-Gilt.

TO EDWARD COPPERS, DR.
PLUMBER, GAS AND STEAM FITTER,
457 PEARL ST.,

BETWEEN WILLIAM AND PARK ROW.

I have known Mr. T. Tobin
for 10 years and can vouch for
his honesty and good character
and would willingly trust him
with my own business

Edward S. Coppers
Plumber, 457 Pearl St.

0834

JOS. YESKY,

DEALER IN MEN'S FURNISHING GOODS,

—MANUFACTURER OF—

Coats and Aprons for Waiters and Bartenders,

142 PARK ROW,

New York, Nov 17th 1890

To whom it may concern:

This is to certify that I Joseph Yesky have known Mr Michael J. Tobin for the past 8 years and always found him to be an honest and hard working man

Signed by me

Joseph Yesky
142 Park Row.

0835

JOSEPH KOEHLER.

IMPORTER & MANUFACTURER OF

ART NOVELTIES

150 PARK ROW.
PUBLISHER OF THE PAR EXCELLENCE NEW YEAR CARDS.

SILK FRINGES, TASSELS. MOTTOES. PROGRAMMES AND FANCY ORDERS OF DANCE.

CHRISTMAS VALENTINE. AND EASTER CARDS.

New York, Nov 19th 1890

This is to Certify that I the undersigned know Mr M J Tobin for 10 years and found him to be an honest & trust worthy man in all his dealings also sober and industrious

Very Respectfully
Joseph Koehler

COURT OF GENERAL SESSIONS.

```

-----X
The People &c.,      :
                   :
  -against-        :
Michael Tobin.     :
-----X

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City and County of New York, ss:

GEORGE MORRIS, now in Tombs Prison, being duly sworn, deposes and says that he is a sign painter by occupation and is thirty-one years of age.

That on the 28th day of October, 1900, at the City of New York, he obtained from the firm of REILLY BRO., of #418 West 42nd Street in said City, by means of a forged order purporting to have been made by the firm of R. H. MACY & CO., (which had been written and given to deponent by one JOHN COLLINS, who has not yet been arrested), a quantity of oil and a quantity of gold leaf. That deponent was subsequently arrested and fully acknowledged his connection with the aforesaid transaction.

Deponent further says that up to the time of his said arrest, he was a man possessed of a good moral character which had never before been impeached; and every averment and allegation, herein contained, is true to deponent's own knowledge, and is made solely because the defendant, MICHAEL TOBIN, is innocent of the charge preferred against him, and deponent does not want to see him suffer for the commission of a crime of which he is wholly innocent.

Deponent further says that he is a resident

ident of CHICAGO, ILLINOIS, where he was employed by CHARLES E. BEEDE, ESQ., for upwards of fourteen years last past and that he has always been found honest, upright and reliable in every respect, and that he left said City for New York with the hope of bettering his condition and advancing himself.

A few days after my arrival in this City, I was met by JOHN COLLINS, who induced me to obtain the goods as hereinbefore stated; that upon receiving said property, I delivered it to said COLLINS at the corner of Beekman Street and Broadway, whence we proceeded to the paint shop of TOBIN & CO., at 154 Park Row, where we found the defendant, MICHAEL TOBIN, at work. COLLINS then told defendant, that he had four packs of gold leaf which he had bought at a bargain, viz: at \$3.50 per pack and that he would sell it to the defendant at a comparatively low figure. Defendant thereupon informed said COLLINS that he had no money and refused to purchase the said property. COLLINS then asked the defendant, if he knew anyone who would purchase the said gold leaf and TOBIN told him that he knew a dealer in gold leaf who keeps in that neighborhood, from whom he bought his gold leaf, and who might purchase it if it were a bargain; he then went out and returned in a few minutes with \$17, which he gave to COLLINS, and of which COLLINS gave me half. Neither COLLINS nor I gave TOBIN one cent of the money realized on the sale of said gold leaf and I know, of my own knowledge, that TOBIN had no personal interest in the result of said sale or the proceeds thereof. We did not inform said TOBIN in what manner we became possessed of the gold leaf

**POOR QUALITY
ORIGINAL**

0030

except that we had gotten it at a bargain and would sell it at a low figure, and the part taken in the said transaction by the defendant, TOBIN, was that of a wholly disinterested and innocent third person.

This statement is made by me, voluntarily, without compulsion and without promise of any reward or compensation, and is solely made because I believe it to be in the interests of justice.

Sworn to before me this : *Geo. Morris*
2nd day of November, 1890. :

Frederick B. House
Commr of Deeds
W. Co.

COURT OF GENERAL SESSIONS.

-----X
 The People &c., :
 -against- :
 Michael Tobin. :
 -----X

City and County of New York, ss:

MINNIE TOBIN, being duly sworn deposes and says that she is the wife of the above named defendant to whom she has been married and with whom she has been living, for nearly seven years.

That her living apartments are adjoining the paint shop, belonging to her husband, at #184 Park Row, in this City.

That she was present on the 26th day of October, 1890, assisting her husband, when JOHN COLLINS and GEORGE MORRIS entered the shop and stated to her husband that they had bought four racks of gold leaf at \$3.50 per rack and offered to sell the same to him at a comparatively low figure as a bargain; that he thereupon stated that he had no money wherewith to buy said gold leaf. They then asked him if he knew of any one in the neighborhood, likely to buy same. He told them that he thought that one, WILLIAM WACH of 177 & 179 Park Row, of whom he bought his gold leaf, might, if it were a real bargain, purchase the same from them. *One of these* then said that he had had a quarrel with MR. WACH and TOBIN thereupon left the store with the purpose of selling the gold leaf for them. He returned in a little while with the money, which he gave to these two men, who thanked him for his kind

ness and then departed.

I have since been informed that MR. WACH refused to buy the gold leaf as it had pin holes in it and was therefore defective but recommended MR. TOBIN to Mr. *Robert Heucke* of No. *175* Park Row, who bought the gold leaf from the defendant and paid \$17. therefor.

That my husband had no interest whatever in the result of said sale or the proceeds thereof but thought the said JOHN COLLINS and GEORGE MORRIS to be respectable men who were anxious to honestly dispose of goods which they had honestly bought.

That during the seven years of her marriage, he has always been following his occupation of sign painting and has always been honest, sober and industrious and has provided for the support and maintenance of himself and his family; that he has never before been arrested nor charged with the commission of any offense against the law, and deponent does not believe that he knowingly intended to do any wrong.

Sworn to before me this . . . :
21st day of November, 1890. : *Minnie Tobin*

Fredrick B. Howell

Commiss. of Supd

N.Y. Co

Court of General Sessions

THE PEOPLE vs. -

- vs -

MICHAEL TOBIN

ATTORNEYS vs. -

LEVY, FRIEDMAN, OTTOVSE,

ATTORNEYS.

0842

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 7th day of November
1890, in the Court of General Sessions of the Peace of the County of New York,
charging Michael Tobin

with the crime of Receiving Stolen Goods

You are therefore Commanded forthwith to arrest the above named Michael Tobin
and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City
Prison of the City of New York.

New York City, the 7th day of Nov 1890

By order of the Court,


Clerk of Court.

0843

New York General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Michael Tobin

BENCH WARRANT FOR FELONY.

Issued *Nov 7th* 1890

The officer executing this process will make his return to the Court forthwith.

Hendelberg

Oct 10th 1890

The within named defendant was arrested this day and brought to the Court of General Sessions by

Hendelberg & Kusch

District Attorney's Office,
City and County of New York.

City and County } ss.
of New York, }

of No. 418 in West 42nd Street, aged 31 years,
occupation painter being duly sworn, deposes and says,
that on the 27th day of October 1890, at the City of New
York, in the County of New York, he obtained from the firm

of Bailey Brothers of 418 West 42nd Street in the
said City, by means of a forged order purporting
to have been made by the firm of Burt Mayfield
(which order had been written and given to me
by one John Collins who has not yet been arrested)
a quantity of oil and a quantity of gold leaf
therein mentioned and described.

For this transaction I was subsequently
arrested and, I have acknowledged my guilt
thereof.

I was induced to commit said crime by the
said Collins. Upon receiving the property I went
to the corner of Bleecker St & Broadway and
there delivered the same to him. We then went
together to the paint shop of Sobin and Co at
175 Park Row where Collins ~~delivered~~ handed
the property to Sobin saying he had some
gold leaf and asked him to go across the
street and dispose of it. Sobin left the shop
and after an absence of about fifteen minutes
returned and handed Collins seventeen
dollars. At this Collins afterwards gave me
eight dollars and fifty cents.

at the time he gave Collins said money
Sobin said that he could get rid of all the
gold leaf that Collins brought him.

Sworn to before me
this 1st day of November 1890 } Geo Morris

James J. [Signature] }
Foreman Grand Jury

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

~~the District Attorney~~

vs.

Michael J. Quinn

Office of
District Attorney
Rosenberg
New York

Dated Nov 17 1899

Witnesses, George Morris

No. City Union Street,

Sergeants Heidecker &

No. Polk C. D. Street,

No. _____ Street,

_____ Street,

_____ Street,

_____ Street,

_____ Street,

_____ Street,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Michael Tobin

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

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Michael Tobin,

late of the City of New York, in the County of New York aforesaid, on the ~~twentieth~~ day of October, in the year of our Lord one thousand eight hundred and eighty ~~ninety~~

four packs of gold leaf of the value of seven dollars and twenty five cents each pack, eighty packs of gold leaf of the value of twenty five cents each pack, and one half pint of kerosene oil of the value of twenty five cents.

of the goods, chattels and personal property of one Richard S. Bentley, by George Morris, John Bellus, and

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

Richard S. Bentley

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

Michael Tobin

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.

0847

BOX:

418

FOLDER:

3866

DESCRIPTION:

Tracey, William

DATE:

11/07/90



3866

32

Witnesses;

Counsel,

Filed

day of

1891

Pleads,

Wm. J. ...
Nov
Guilty

THE PEOPLE

vs.

18
8
Shaw
Senior
William Tracey

Grand Larceny, Second Degree.
(From the Person.)
[Sections 588, 589, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. P. ...

Foreman.

Part II November 11/90

Michael Conricta

3/10 3/10/90
FP

diff has send
tem in Pen for
apt.
FP

0849

Police Court 2 District.

Affidavit—Larceny.

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

Graham Burnside

of No. 86 King Street, aged 65 years,
occupation None

deposes and says, that on the 29 day of October 1889 at the City of New

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

A Silver watch of the value
of Five dollars (\$5)

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by William Tracey (now here)

from the following fact to wit: that
on the aforesaid day about the hour
of 2. P. M. deponent, was on the doorstep
and about entering the Liquor Store
No 388. Hudson, when the defendant
who was coming down Hudson Street
at the time, made a rush for deponent
and grabbed and took ^{and stole} the said property
which was in a pocket of a vest then
and there worn on his person, and
which property was attached to the
said vest by a chain, and that
immediately defendant ran away.

Graham Burnside
Mark

Sworn to before me, this 29 day
of October 1889
J. J. Reddy
Police Justice.

0850

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William Tracey*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *No 8 Grand St 3 weeks*

Question. What is your business or profession?

Answer. *Drive a hoisting horse*

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*
William Tracey

Taken before me this *31*

day of *Oct*

1890

John W. Smith

Police Justice.

0851

Police Court... 2 District. 1657

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard Burnside
86 1/2 Spring St
William Jorsey

1
2
3
4
Offence Larceny from
the person

Dated Oct-31 1890

J. P. Reilly Magistrate

Burlingame Street Precinct 9

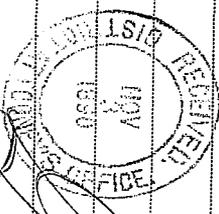
Witnesses

No. Street

No. Street

No. Street

\$ 15.00 TO ANSWER



Committed to

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

Dated Oct 31 1890 J. P. Reilly Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 : Before
 against : Hon. Frederick Smyth
 : and a jury.
 William Tracy. :
 :
 ----- x

Indictment filed November 7, 1890.

Indicted for grand larceny in the second degree.

New York, November 11, 1890.

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

For the People,

Assistant District-Attorney A. D. Parker;

For the Defendant,

Mr. Joseph Moss.

GRAHAM BURNSIDE, a witness for the People, sworn, testified:

I live at No. 86 Cook Street in this city. On the 29th. of October last I lost a watch. On that day I had a silver watch of the value of about \$5 in my vest pocket. It was attached to a chain. I was on my way to Skelly's Hotel at No. 388 Hudson Street. This defendant came up to me and grabbed the watch out of my pocket as quick as lightning. I followed him a good distance, but I could not catch him. I was not able to run after him. He was arrested afterwards by an officer and I positively identified him as the man who had taken my watch in this manner. I gave a description of him to an

officer and when the officer brought this man before me I didn't hesitate in my identification of him.

CROSS-EXAMINATION:

I had not been drinking on this day in question. I was just about to come into this hotel to get a pint of beer. I had noticed this man around that neighborhood different times. I got a good square look at his face and I am positive that he is the man.

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

I am a special officer attached to the Ninth Precinct. I arrested this defendant on the 29th. of October. I received a description from the complainant. It was about eight days after this occurrence that I saw the defendant. I had known him before that hanging around corners. When I arrested him we confronted him with the complainant, and the complainant positively identified him as the man who had taken the watch. When I arrested the defendant I asked him what he had done with the watch, and he told me he knew nothing whatever about the watch. He denied it from the start.

CROSS-EXAMINATION:

I arrested this young man by the description given me by the complainant. At the time I arrested him I was not positive that he was the man. The complainant was quite positive in his identification.

D E F E N C E .

W I L L I A M T R A C Y, the defendant, sworn, testified:

I am eighteen years of age. I didn't steal the watch and chain spoken of. I do not know anything about it. I was arrested in Houston Street. The officer told me he wanted me on a charge of burglary. I told him I had nothing to do with any burglary. Then he told me that I was charged with stealing a watch and chain. I told him that I knew nothing about the watch and chain. At the Station House I was placed in a line with three men and the complainant, after being nudged by the officer, identified me.

CROSS-EXAMINATION:

The old man shook his head at me at first and then Officer Burleigh took him off into a corner and spoke to me, and when he came back he positively identified me. I had nothing to do with the stealing of this watch and chain. I never saw the complainant before the day I was arrested. I served three months in the Penitentiary at one time for assault. I was arrested on suspicion of stealing some clothing at No. 108 Leroy Street but I was allowed to go.

OFFICER BURLEIGH, being re-called, denied the testimony of the defendant in reference to the identification.

P A T R I C K F. H U N T, a Police Officer, gave similar testimony.

The Jury returned a verdict of "guilty of grand larceny in the second degree".

Printed by the Government Printer

Indictment filed Nov. 7-1890

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

WILLIAM TRACY.

Abstract of testimony on

trial New York November 11

1890.

Printed by the Government Printer

Printed by the Government Printer

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Tracey

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

William Tracey of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said William Tracey

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

one watch of the value of five dollars

of the goods, chattels and personal property of one Graham Burnside on the person of the said Graham Burnside then and there being found, from the person of the said Graham Burnside 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.

Graham Burnside
John R. Fellows
District Attorney

SECOND COUNT—

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

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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,

of the goods, chattels and personal property of one

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

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

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

JOHN R. FELLOWYS,
District Attorney.