

0805

**BOX:**

418

**FOLDER:**

3866

**DESCRIPTION:**

Tarragna, Luigi

**DATE:**

11/21/90



3866

0806

Witnesses :

Counsel,

Filed

day of

1880

Pleads,

1880 a bill

THE PEOPLE

vs.

29  
Laird  
Elizabeth  
Luigi Tarragna

Assault in the First Degree, Etc.

(Firearms)  
(Sections 217 and 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

J. Y. Benjamin  
Part 2 - Nov. 26, 1898  
Fried and convicted of  
assault in the Second Degree  
S. P. 2 1898.

Police Court— District.

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

David Yesky  
of No. 212, B'way Street, aged 26 years,  
occupation Jailor being duly sworn  
deposes and says, that on the 13 day of November 188 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Luigi  
Sarnagna (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 188 } David Yesky

W. G. B. Police Justice.

0000

Police Court, District

**THE PEOPLE, &c.**  
*the complaint of*

28

*Offence*—Felonious Assault & Battery

*Dated* ..... 188

*Magistrate.*

*Officer.*

*Clerk.*

## Wines, ---

No. .... Street,

No. .... Street,

No. .... Street,

*to answer General Sessions*

*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.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. A small dark speck is located near the center of the page, slightly to the right of the middle. The paper appears to be from a notebook or a set of legal pads.

00009

Sec. 198-200

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*Luigi Tarragna*

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 point at any one - I shot it up  
in the air. Luigi Tarragna*

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

Taken before me this

day of *November* 189*8*

*in* 189*8*  
Police Justice.

0010

Police Court--- District. 1743

THE PEOPLE, &c.,  
OF THE COMPLAIN OF

*James H. [unclear]*  
*George [unclear]*  
*Del. [unclear]*

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Offence

Witnesses

No.

*Wm. H. [unclear]*  
*Wm. H. [unclear]*  
*Wm. H. [unclear]*

No.

No.

\$



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

*Alfred [unclear]*

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* 18*90* *Gu [unclear]* 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.

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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-nine, 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.

08 17

**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.

*Morris Tierney*

INJURY TO PROPERTY.

[Section 651, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*J. P. Briggs*  
*Nov 24/90*  
Foreman.  
*Pleads Guilty - Alford*  
*4 mos Pen. J.P.*

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 before me  
this 10th day of November 1890

A. J. Mahoney  
Police Justice

Frank Kammerer

Police Court \_\_\_\_\_ District,

THE PEOPLE, &c.,

## ON THE COMPLAINT OF

104 to  
OS. 104 to  
104 to  
104 to

of New York }  
City and County } ss.

York, in the County of New

Offence,

**Dated**

188

**Magistrate.**

**Officer.**

**Clerk.**

**Witnesses,**

No. \_\_\_\_\_

**Street,**

No. \_\_\_\_\_

**Street**

**INQ.....**

## Streets

0000000000

**essions.**

City of New York  
and says,  
years,

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

Sworn to before me, this 10<sup>th</sup> day of November 1890 } Henry Johanning

W. M. M. M. M.  
Police Justice.

0822

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

14 District Police Court.

*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*  
mark

Taken before me this

day of

1887

Police Justice.

0023

Sec. 151.

Police Court H District.CITY AND COUNTY }  
OF NEW YORK, } ss.*In the name of the People of the State of New York; To the Sheriff of the County 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 Kammitter 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 Timney  
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 1st 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

H. D. McMahon

POLICE JUSTICE.

0024

884 1 Love

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-General.

Dated \_\_\_\_\_ 188

Magistrate

*Alenueff* 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 Dec 332, 6, 47-28*

0825

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

Police Court--- District.

THE PEOPLE, &c.  
ON THE COMPLAIN OF

*Charles J. Macmillan*  
839-1425  
*Morris Clemens*

Offence *Malicious*  
*Mischief*  
*Arson*

Dated *13 November 1890.*

*McMackend* Magistrate.  
*Connell* Officer.  
*Connell* Precinct.

Witness *Henry Federharm*  
No. *308* Street.  
*Chas. Doyle*

No. *849* Street.

No. *1000* Street.  
§ *1000* Justice.



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named *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 *Nov 13* 18*90* *DT Macmillan* 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 *destruction of*  
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 *ninth* day of *November*, in the year  
of our Lord one thousand eight hundred and *eighty-ninth*, at the Ward, City and  
County aforesaid, with force and arms, *a certain piece of*  
*plate glass.*

of the value of *one hundred dollars*,  
of the goods, chattels and personal property of one *Isabella Hammit*,  
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

B. W. Nov 7/90

Witnesses:

Counsel,

Filed,

day of

188

Pleads,

THE PEOPLE,

vs.

Michael Tobin

Grand Jur. 10/4/90

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Pat 2 - Nov. 21, 1890

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

RECEIVING STOLEN GOODS.

(Section 550, Penal Code.)

I have made no verbal  
examination of the defendant in  
this 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  
Pat 2 Nov. 21/90

W. J. Jerome,  
clerk - Dist.

WM. WACH, 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 <sup>an</sup> 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<sup>th</sup> 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 Fictures 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. M. T. Tobin  
for 10 years and can vouch for  
his honesty and good character  
and would willingly trust him  
with my own business

Edward C. 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 17<sup>th</sup> 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

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 19<sup>th</sup> 1890

This is to Certify that I the  
undersigned know Wm M J Tobin  
for 10 years and found him to be  
an honest & trustworthy 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

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 23th day of October, 1890, 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, TOMIN, 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*  
2 <sup>*nd*</sup> 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 #181 Park Row, in this City.

That she was present on the 26th day of October, 1930, 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 Hencke* 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 . :

*21<sup>st</sup>* 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 & ADORSE,  
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 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup>* 1890

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

*Hendelberg*

*Oct 10<sup>th</sup>* 1890

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

*Hendelberg & Kusk...*

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

City and County of New York, } ss.

of No. 418 in West 42nd Street, aged 31 years,  
occupation painter being duly sworn, deposes and says,  
that on the 28th 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 B. & M. & Co.  
(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 money I went  
to the corner of Bleeker St & Broadway and  
there delivered the same to him. We then went  
together to the paint shop of John and Co at  
175 Park Row where Collins delivered the  
property to John saying he had some  
gold leaf and asked him to go across the  
street and dispose of it. John 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  
John said that he could get rid of all the  
gold leaf that Collins brought him.

Sworn to before me

this 28th day of November 1890 } Geo Morris

James J. [Signature]

[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. Lima*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Office of the District Attorney  
New York City*

Dated *Nov 17* 18*99*

Witnesses, *George Morris*

No. *City Union* Street,

*Sergeants Heidecker & Dolan*  
No. \_\_\_\_\_ Street,

No. \_\_\_\_\_ Street,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

0845

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 Solin

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

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

The said Michael Solin,

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

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 thirty 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 Solin —

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

0048

Witnesses;

diff has sent  
him in Pen for  
apt.

By

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

vs.

William Tracey

Grand Larceny, Second Degree.

(From the Person.)

[Sections 588, 589, — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. P. Danquon

Foreman.

Part III November 11/90

met and convicted

34/10 3m 10a  
Nov 14/90

0849

Police Court—2—District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No. 86 King Street, aged 65 years,  
occupation None being duly sworn  
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 <sup>and stole</sup> 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 31  
day of October 1889  
by Jo. J. McFadden Police Justice.

0050

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *William 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*

*J. W. Smith*

Police Justice.

0051

Police Court-- 2 District.

1650

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William J. Jacey  
86 1/2 Long St.

Offence Larceny from  
the person

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Oct-31 1890

McReilly

Burroughs Street

Officer.

Witnesses

No.

Street.

No.

Street.

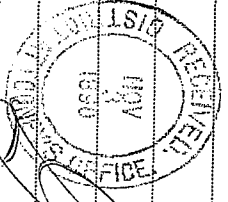
No.

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. C. McReilly 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  
  : Hon. Frederick Smyth  
  : and a jury.  
  :  
  :  
----- x

Indictment filed November 7, 1890.

Indicted for grand larceny in the second de-  
gree.

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.

G R A H A M B U R N S I D E, 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 defend-  
ant 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.

T H O M A S   B U R L E I G H,   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".

"...to the ..."

...of ...

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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.

...

# 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.

*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.