

0901

BOX:

415

FOLDER:

3838

DESCRIPTION:

VanWart, Isaac

DATE:

10/29/90



3838

Witnesses:

A. M. Earle

F. W. Griffith

The undersigned having
 sworn the People
 in the matter
 of the Complaint
 charging the said
 City Council to
 accept plea of
 guilty to
 recommendation
 suppression of
 Antislavery

Filed 10.10.91

McKenzie Smith
 Dist. Dist. Ct.

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

vs.

Isaac Van Wart
 (exonerated)

JOHN R. FELLOWS,

District Attorney.

Part I

No 10780 del. in quest

" 24 1890 "

A True Bill.

Andrew Little
 Foreman.

Part I

Jan 24 1891

off Jan 24 1891

Isaac

Grand Larceny, 2nd degree
 (MISAPPROPRIATION,
 Sections 528 and 531 of the Penal Code).

0903

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Isaac Van Wart 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. *Isaac Van Wart*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *N.Y.*

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

Answer. *Jersey City, N.J.*

Question. What is your business or profession?

Answer. *Ice business*

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*
Isaac Van Wart

Taken before me this

day of

*October 1888**John W. McNamee*

Police Justice

0904

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
 Justices for the City of New York, by Alexander M Earle
 of No. 146 Horatio Street, that on the 22 day of May
 1890 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the United
States of the value of Twenty one ²⁰ 100 Dollars,
 the property of Princeton Carbons Ice Company of which Complainant is
 w as taken stolen and carried away and as the said complainant has cause to suspect, and does suspect and
 believe, by Isaac Van Wart

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
 Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant
 and forthwith bring him before me, at the 2 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 3 day of Oct 1890

To J. C. R. [Signature] POLICE JUSTICE.

090

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Chas. Hanley Officer.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

J. C. [Signature] 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

0906

BAILED,
No. 1, by Charles Knutson
Residence 104 Pearl Street.
No. 2, by Everett State
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court---2
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Alfred W. Cault
Loose Van Wert

1 _____
2 _____
3 _____
4 _____

Offence Larceny
February

Dated OCTOBER 1890

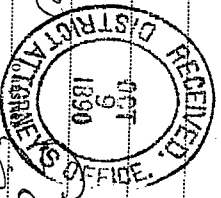
D. O. Reilly Magistrate.

Stanley Officer.

Witnesses Henry J. Vandewick

No. 119 Street.

No. _____ Street.
No. 502 Street.
\$ 500



J. C. Knutson

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

Loose Van Wert

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 OCTOBER 1890 John H. Hannon Police Justice.

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

Dated October 1890 _____ 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 _____ 1890 _____ Police Justice.

0907

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Isaac Van Wart

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

Isaac Van Wart

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

The said *Isaac Van Wart*,

late of the City of New York, in the County of New York aforesaid, on the *twentysecond* day of *May*, in the year of our Lord one thousand eight hundred and *eighty-ninth* at the City and County aforesaid, being then and there the clerk and servant of *a certain corporation*

known as the "Consumers Ice Company",

and as such clerk and servant then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said *corporation*,

the true owner thereof, to wit: *the sum of thirty one dollars and twenty cents in money, lawful money of the United States of America, and of the value of thirty dollars and twenty cents,*

the said *Isaac Van Wart*, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said *sum of money*

to his own use, with intent to deprive and defraud the said *corporation*

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said *corporation*,

did then and there and thereby feloniously steal, 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.

0908

Witnesses:

A M Earle

143 Vandewater

The Defendant having been well and in health in another matter of the Complaint & Consenting the District Attorney to accept plea of guilty to larceny and recommended suspension of Return July 10, 1891

McKenzie Smith
District Attorney

312

Counsel,

Filed 29 day of Oct. 1891

Pleads, Not guilty to indictment

ad. in
jury at

THE PEOPLE

vs.

B

Isaac Van Wart
(2 cases)

Grand Larceny, 2nd degree
(MISAPPROPRIATION)
(Sections 528 and 531 of the Penal Code)

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Amos Little
Foreman.

Sept 10/91
Pleads G. L.

Sentence Suspended
on recommendation of
District Attorney

City and County of New York, ss:

William H. Wheeler being duly sworn deposes and says that for the past fifteen years he has been in the employ of the Knickerbocker Ice Company of this City, and during most of the time has occupied the position of Foreman of routes.

That he has known Isaac Van Wart for the past twenty years and has seen him frequently during that period, and that his reputation has always been good, and that he was a reputable and law abiding citizen.

Sworn to before me this :
:

10th day of February 1891.:

✓

Michael R. Jones
Notary Public
(1.)

W. H. Wheeler

09 10

Mr. H. H. Huler

City and County of New York, ss:

C. Leslie Mulford of No. 104 Vesey Street, New York City, being duly sworn deposes and says he is one of the firm of Mulford & Son, Ice dealers.

That he has known Isaac Van Wart for the past fifteen years and has seen him frequently during that period and that his reputation has always been good, and that he was a reputable and law abiding citizen.

Sworn to before me this :

day of February 1891.:

C. Leslie Mulford
John D. Allen
Notary Public, N.Y.C.

City and County of New York, ss:

William Greenleaf being duly sworn deposes and says he resides at Everett's Hotel, New York City and is employed by the Edison Electric Light Company of this City.

That he has known Isaac Van Wart for the past ten years and has seen him frequently during that period and that his reputation has always been good, and that he was a reputable and law abiding citizen.

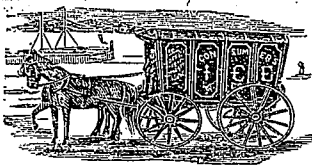
Sworn to before me this :
9th day of February 1891.:

Wm Greenleaf

John B. Alling
Notary Public (G)
Wm H. K.

09 13

William General



Consumers' Ice Co.

OFFICE and DEPOT;

Foot of Horatio St., North River.

ALEX. M. EARLE, President.
ALF. B. DARLING, Vice-President.
WM. P. EARLE, Treasurer.

New York,

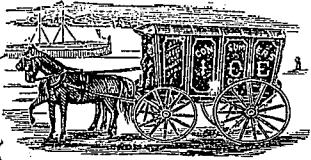
Jan 8th 1891,

Vernon M. Davis Esq
Sir:

Enclosed is subpoena
for this day at 11 O'clock. To-day is the
annual meeting of our board of Trustees
& election of the Board & officers. I cannot
therefore possibly respond to the subpoena
by my presence. I would respectfully ask
that this case be adjourned for two weeks.
We will call and see you making other
apologies if necessary.

Very truly
Yours
A. M. Earle

09 15



Folio 370

NEW YORK, May 1 1890

Wm. Dana T. Foster

Bought of CONSUMERS ICE COMPANY.

OFFICE and DEPOT:

Foot of Horatio Street, North River.

FOR ICE FROM

TO

WEEKS PRICE

\$

Cts.

May 1/89 " May 1/90 52 @ 50 2600

70¢ per ton

PAID May 21/90

Received Payment for Company,

Isaac R. May

09 16

Consumers
Ice Co
5/21/90
Pa

0917

Police Court 2 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Alexander M Earle

of No. 146 Horatio
occupation President

Street, aged 69 years,

deposes and says, that on the 21 day of May 1892 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:

Good and lawful money of the United States of the amount and value of Twenty six dollars

the property of Consumers Ice Company incorporated

under the laws of this State of which deponent is President 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 ~~Alexander M Earle~~ Joseph Van Wert

Deponent says that said defendant was Foreman in the employ of said Company

and by virtue of such Employment did receive and have in his possession

the aforesaid sum of money ^{and} having so received and taken it

into his possession for and in account of said Company did unlawfully ^{and}

feloniously appropriate the same to his own use with intent to

deprive said Company of the same. Deponent is informed by Frank

W. Griffith that he paid said defendant said sum of money on said

date Alexander M Earle

Sworn to before me, this

1892 day

of 10th month Police Justice.

09 18

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 33 years, occupation Cashier of No. 29 Thomas Street, being duly sworn deposes and

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

Sworn to before me, this 3 day of Oct 1890 } Frank W Griffith

Sam J. Caffrey
Police Justice.

09 19

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Isaac Van Wart 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.

Isaac Van Wart

Question. How old are you?

Answer.

45 years

Question. Where were you born?

Answer.

N.Y.C.

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

Answer.

Jerry City Heights N.Y.

Question. What is your business or profession?

Answer.

Ice burner

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
Isaac Van Wart

Taken before me this

6

day of October 1892

John J. Minner

Police Justice.

0920

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Alvander M. Earle of No. 146 Bernalis Street, that on the 21 day of May 1889 at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the United States of the value of Twenty six Dollars, the property of Consumers Ice Company was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Isaac Van Wart

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals ~~and~~ Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 2 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 3 day of Oct 1889

Isaac Van Wart POLICE JUSTICE.

092

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Chas Hanley Officer.

The Defendant.

taken, and brought before the Magistrate, to answer
the with'n charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

J. C. Butler 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

0922

Police Court---2
District. 1535

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Oliverdick E. Calk
146 W. Horatio St.
Joacel Van Wart

Offence Larceny
Felony

1
2
3
4

Dated OCTOBER 8 188

A. O. Kelly Magistrate.

Officer.

Residence

No. 3, by

Witnesses

No. 2, by

Witnesses

No. 1, by

Witnesses

No. 4, by

Witnesses

No. 5, by

Witnesses

No. 6, by

Witnesses

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

Joacel Van Wart

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 OCTOBER 6 1882 John J. Hoffman Police Justice.

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

Dated Oct 8 1882 John J. Hoffman Police Justice.

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

Dated Oct 8 1882 John J. Hoffman Police Justice.

0923

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Grace Van Wart

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

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

The said *Grace Van Wart*, —

late of the City of New York, in the County of New York aforesaid, on the
Twenty first day of *May*, — in the year of our Lord
one thousand eight hundred and *eighty ninth*, at the City and County aforesaid, being
then and there the clerk and servant of *a certain corporation*

known as the "Consumers Ice Company"

and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said *corporation*, —

the true owner thereof, to wit: *the sum of Twenty six dollars*
in money, lawful money of the United
States of America and of the value of
Twenty six dollars,

the said *Grace Van Wart*, — afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money* —

to his own use, with intent to deprive and defraud the said *corporation* —

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *corporation*, —

did then and there and thereby feloniously steal, 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.

0924

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 35 years, occupation Henry J. Vandewater
Cashier of No.

119 E 127 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Alexander M. Earle

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

Sworn to before me, this 3
day of Oct 1889

Henry J. Vandewater

Do you hereby
Police Justice.

0925

Police Court 2 District.

Affidavit—Larceny.

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

Alexander M. Earle

of No. 146 Horatio Street, aged 69 years,
occupation President being duly sworndeposes and says, that on the 22 day of May 1897 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:

Good and lawful money of the
United States of the amount
and value of Thirty one
dollars ⁴/₄ twenty cents

the property of Consumers Ice Company incorporated

under the laws of the State of which
deponent is President and that this deponenthas a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Isaac Van Wart

Deponent says that said defendant was
Foreman in last employ and by virtue
of such employment for each
Company did receive and have
in his possession the aforesaid sum
of money and having so received
and taken it into his possession
for and on account of deponent
did unlawfully and feloniously
appropriate the same to his own
use with intent to deprive deponent
who is President of said Company
of the aforesaid sum of money

Deponent is informed by Henry
Vanderwater that he paid said defendant
said sum of money on said date

Alexander M. Earle

Sworn to before me, this
22 day of May 1897

John A. C. Kelly Police Justice.

0926

BOX:

415

FOLDER:

3838

DESCRIPTION:

Visaggio, Joseph

DATE:

10/14/90



3838

0927

Witnesses:

Frank Farewell
Dann Lee

96.
revised

Counsel,

Filed *14* day of *Oct* 18*90*
Pleads

THE PEOPLE

vs.

B
Joseph Visaggio
J

INJURY TO PROPERTY.
[Section 654, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Almon Little

Foreman.
Oct 24/90

0928

Police Court, 6th District.City and County } ss.
of New York,

Frank Farewell

of No. 583 Southern Boulevard ~~ss.~~ aged 51 years,

occupation Painter being duly sworn, deposes and says,

that on the First day of July 1890, at the City of New

York, in the County of New York, ~~John J. Vreage~~ Vreage, now here,
 did, without lawful authority, not being the
 owner thereof, wilfully injure certain personal
 property belonging to this defendant - to wit a
 plate glass window in the premises No
 583 Southern Boulevard, damaging the
 same to the extent of Forty Dollars.
 Defendant is informed by one Sam
 Lee that he saw said Frank Vreage
 wilfully break said window. Said act
 was committed in violation of Section 53 of the Penal Code

Sworn to before me this
 2^d day of June 1890

Wm. J. Mac
 Police Justice

Frank Farewell -

0929

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

23.

- 1
- 2
- 3
- 4

Offence,

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer 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.

0930

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

Ct. District Police Court.

Joseph Visage being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h's 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's waiver cannot be used
against h'm on the trial.

Question. What is your name?

Answer. *Joseph Visage*

Question. How old are you?

Answer. *Thirty-six*

Question. Where were you born?

Answer. *Italy*

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

Answer. *443 E 113 Street; Four years.*

Question. What is your business or profession?

Answer. *Stone Mason.*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.*
Giuseppe Visaggio

Taken before me this

day of

July 1 1891
Blair C. Williams
Police Justice.

0932

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Laundry of No.

579 E 133rd Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

188

John C. Corman

Police Justice.

利三

0933

BAILED,
No. 1, by Marcos Conforti
Residence 733 E 114th St
Street.
No. 2, by _____
Residence _____
Street.
No. 3, by _____
Residence _____
Street.
No. 4, by _____
Residence _____
Street.

Willard 96
Police Court
District.
1066

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Frank J. Farrell
Joseph W. Wain
1
2
3
4
Dated July 2nd 1890
Offence Vio. Section 654 of the Penal Code
Magistrate.
Conforti
303
Precinct.
Witnesses:
No. _____ Street.
No. _____ Street.
No. _____ Street.
§ 1574 to answer
Guilty
Admitted
Committed

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

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

Dated July 2nd 1890 John J. Conforti Police Justice.

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

Dated July 3rd 1890 John J. Conforti 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

Joseph Visaggio

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

— Joseph Visaggio —

of the CRIME OF UNLAWFULLY AND WILFULLY ~~destroying~~ —

PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said Joseph Visaggio, —

late of the ~~South~~ ^{East} Ward of the City of New York, in the County of New York
aforesaid, on the ~~first~~ ^{first} day of ~~July~~ ^{July} in the year
of our Lord one thousand eight hundred and eighty ~~ninety~~ ^{ninety}, at the Ward, City and
County aforesaid, with force and arms, a certain ~~pane of~~

glass

of the value of ~~four~~ ^{four} dollars.

of the goods, chattels and personal property of one ~~Frank~~ ^{Frank} ~~Barrell~~ ^{Barrell},

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
Joseph V. Maggione
 of the CRIME OF UNLAWFULLY AND WILFULLY *destroying*
 REAL PROPERTY OF ANOTHER, committed as follows:

The said *Joseph V. Maggione*
 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*

piece of

of the value of *forty dollars*,
 in, and forming part and parcel of the realty of a certain building of one
Frank B. Sarnell
 there situate, of the real property of the said *Frank B. Sarnell*.

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.