

0852

BOX:

397

FOLDER:

3700

DESCRIPTION:

Cafferty, Bridget

DATE:

06/30/90



3700

POOR QUALITY
ORIGINAL

0053

Witnesses:

Anne Jordan

Counsel, *45 Mc*
Filed *30 June 1890*
Pleads, *Spitzgully*

35 11 21
THE PEOPLE
vs.

R
Bridget Cafferty

Grand Larceny Second Degree.
[Sections 528, 581, Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Chauvinthogues
Part 2 - July 29, 1890 Foreman.
Pleads Petit Larceny.
2 mos per Jm
per Jm

POOR QUALITY
ORIGINAL

0054

Police Court—3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 226 East 11th Street, aged 22 years,
Occupation Waitress being duly sworn

deposes and says, that on the 23 day of June 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

A quantity of female wearing
apparel of the value of Twenty
four dollars and good and law-
ful money of the amount and value
of Two Dollars together being of
the total value of Twenty-six dol-
lars

the property of this 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 Bridget Caffrey (now

here) for the reasons following
to wit: On the said date said
property was in a box in depon-
ent's bedroom and after missing
the same deponent is informed by
Mary Murray (now present), that
she (Mary) saw defendant go in-
to deponent's said room with a por-
tion of said property hanging out
of the defendant's pocket which
said property the deponent has since
identified ^{as their own} and recovered

Annie Jordan

Sworn to before me, this 24 day
of June 1890
Charles W. McNulty
Police Justice.

POOR QUALITY
ORIGINAL

0055

CITY AND COUNTY {
OF NEW YORK, } ss.

aged 22 years, occupation Mary Murray Chambermaid of No. 226 East 11th Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Annie Jordan and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 24
day of June 1889

Mary Murray

Charles Kaminitor
Police Justice.

POOR QUALITY
ORIGINAL

0856

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Bridget Caffrey*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *226 East 11th St one week*

Question. What is your business or profession?

Answer. *Cook*

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

Answer. *I am not guilty - I took
the stuff but did not mean
to steal it - I have offered
to pay for it since*

Bridget Cafferty

Taken before me this

24th

day of

June

1890

at

City of New York

Charles W. McCormick

Police Justice.

POOR QUALITY
ORIGINAL

0857

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT,

of No. 226 East 11th Street, aged 22 years,
occupation Waitress being duly sworn deposes and says
that on the 23^d day of June 1889
at the City of New York, in the County of New York she caused

the arrest of Bridget Laffrey on
a charge of Grand Larceny she
(Bridget) having stolen from this
deponent wearing apparel and money
of the total value of Twenty-six
dollars and therefore prays that the
defendant be held to Enable her (de-
ponent) to procure further Evidence

Annie Jordan

Sworn to before me, this 23^d day of June 1889
of Annie Jordan
Charles W. Smith Police Justice.

POOR QUALITY
ORIGINAL

0050

Police Court-- 3 ^{5/3} District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Annie Jordan

vs.

Bridget Caffrey

AFFIDAVIT.

Dated June 23rd 1889

Taintor Magistrate.

Benham Officer. 14 Pre.

Witness,.....

Disposition,.....

#500 for 2x
June 24. 90 2 PM.
C117.

POOR QUALITY
ORIGINAL

0859

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 COMPLAINT OF

Arthur Jordan
No. 226311

Richard Alfred
Grand Larceny

1
2
3
4

Offence

Dated

June 24 1890

Magistrate

Sanborn

Officer

147

Witness

Cham Chapman

No. 226311

Street

No. _____

Street

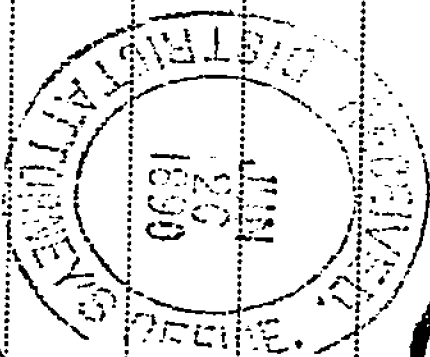
No. _____

Street

\$ _____

to answer

Can



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 June 24 1890 Charles W. Smith Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY
ORIGINAL

0050

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Bridget Cafferty

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

Bridget Cafferty

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

The said

Bridget Cafferty

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

one promissory note for the payment of money of the kind commonly called United States Treasury Notes, of the denomination and value of *two* dollars; *one* promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *two* dollars; *one* United States Gold Certificate, of the denomination and value of *two* dollars; *one* United States Silver Certificate, of the denomination and value of *two* dollars;

two promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *one* dollar each; *two* promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *one* dollar each; *two* United States Gold Certificates, of the denomination and value of *one* dollar each; *two* United States Silver Certificates, of the denomination and value of *one* dollar each;

divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *two* dollars and *divers* articles of female wearing of a number and description to the Grand Jury aforesaid unknown, of the value of *twenty-four* dollars, —

of the goods, chattels and personal property of one

Annie Jordan

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

John R. Fellows,
District Attorney

0861

BOX:

397

FOLDER:

3700

DESCRIPTION:

Capolio, Martin

DATE:

06/10/90



3700

POOR QUALITY
ORIGINAL

0862

Witnesses:

Thomas A. Plunk

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

June 16/90. A. D. Barker

offh

Counsel,

Filed

day of

June

1890

Pleads

Guilty

THE PEOPLE

vs.

R

Martin Capolio

5 P.M.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

James H. Haggan
June 16/90

Foreman.

*In recem. spirit, the
def. discharged on his
own recog. JRM*

INJURY TO PROPERTY.
[Section 634, Penal Code.]

POOR QUALITY
ORIGINAL

0063

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT,

3 DISTRICT,

of No. 5 Madison Street, aged 35 years,

occupation. Dealer in furs, being duly sworn deposes and says

that on the 6 day of June 1890

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

Martin Capotis
working did wilfully and
maliciously break the plate
glass show window in defendant's
store, and did also break the
glass show-case doing damage
to the amount of one
hundred and twenty five (\$25)
dollars.

Solomon Bloom
M. B.

Sworn to before me this

day

of

June

1890

day

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

Charles W. Bennett

Police Justice.

POOR QUALITY
ORIGINAL

0064

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Martin Capotio 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.

Martin Capotio

Question. How old are you?

Answer.

31 years.

Question. Where were you born?

Answer.

Italy

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

Answer.

26 - 3rd Avenue Brooklyn.

Question. What is your business or profession?

Answer.

Shoe maker

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

Answer.

I am not guilty.
Martin Capotio
(mark)

Taken before me this

Sept 11 1892

Charles W. Tamm
Police Justice.

POOR QUALITY
ORIGINAL

0066

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

Martin Papadakis

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

Martin Papadakis
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying*
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Martin Papadakis*,

late of the ~~Ward~~ *Ward* of the City of New York, in the County of New York
aforesaid, on the *ninth* day of *June*, in the year
of our Lord one thousand eight hundred and eighty *ninety*, at the ~~Ward~~ City and
County aforesaid, with force and arms, *a certain pane of*
plate glass of the value of one
hundred dollars, and one show-case

of the value of *Twenty five dollars*,
of the goods, chattels and personal property of one *Edmund Bloom*,
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.

POOR QUALITY
ORIGINAL

0067

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said
— *Martin Caputo* —
of the CRIME OF UNLAWFULLY AND WILFULLY ~~destroying~~ —
REAL PROPERTY OF ANOTHER, committed as follows:

The said *Martin Caputo*, —
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

Solomon Bloom, —
there situate, of the real property of the said *Solomon Bloom,* —

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.

0060

BOX:

397

FOLDER:

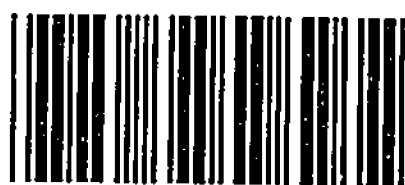
3700

DESCRIPTION:

Carey, Thomas

DATE:

06/17/90



3700

POOR QUALITY
ORIGINAL

0069

Counsel,

Filed

day of

Pleads,

THE PEOPLE

vs.

Thomas Carey

PETIT LARCENY

[Sections 528, 532, 536 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Witness;

Polkman
Off. Chas Meyer

James H. Haggins
June 18/90
Henry Gentry
Pengmos
P.B.M.

POOR QUALITY
ORIGINAL

0870

Police Court—

5 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

George Goossman
of No. 421 E. 120th Street, aged 31 years,
occupation *Stender and Truckman* being duly sworn
deposes and says, that on the 13th day of June 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the *Night* time, the following property, viz:

A quantity of rope about
one hundred and seventy five feet
of the value of four dollars.

(X 4.00)

the property of

Deponent

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

and two other men not yet arrested
from the fact that deponent is informed
by Officer Charles Meyer that at
the hour of 9:15 O'clock P.M. said
date he saw this defendant and
said two other men not arrested, together
and in company with each other at
the foot of East 116th St. in the act of
climbing over a fence. and at that time
this defendant had a quantity of rope
in his possession. he Officer arrested
this defendant the said two other men
making their escape.

Deponent further says that he has since

Police Justice

POOR QUALITY
ORIGINAL

0071

seen said rope so found with this
defendant and fully identifies it as
his property. and charges this defendant
and said two other men not arrested
with being together and acting in concert
with each other and feloniously taking
stealing and carrying away said
rope from the dock at the foot of
East 117th Street.

Sworn to before me }
this 14th day of June 1891

Geo. Grossman

Wm. J. Duffy
Police Justice

POOR QUALITY
ORIGINAL

0072

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Meyer
aged _____ years, occupation Police Officer of No. _____

29th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George Grossman
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 17

day of June 1890

Charles Meyer

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0073

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

5 District Police Court.

Thomas Carey

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.

Thomas Carey

Question. How old are you?

Answer.

19 years old

Question. Where were you born?

Answer.

New York

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

Answer.

329, E 12 & 26 2 years

Question. What is your business or profession?

Answer.

Drive a brick oven

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 had nothing to do with
this case.*

Refuses to sign his name

Taken before me this
day of

[Signature]

Police Justice.

POOR QUALITY
ORIGINAL

0074

BAILED,

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Geo. Goodman
421st East 120th St
Manhattan

Offense *Larceny Misd*

Dated *June 14* 189*0*

Ruffy Magistrate.
29 Precinct.
Chas. Meyer Witness
29. Precinct No. _____ Street _____

No. _____ Street _____
No. _____ Street _____
\$ *200* to answer.

Unsubstantiated

RECEIVED
JUN 16 1890
CLERK OF THE DISTRICT COURT

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 _____

Three 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, *June 14* 189*0* _____ Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named _____

_____ guilty of the offense within mentioned, I order h to be discharged.

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0075

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Carey

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

Thomas Carey
of the CRIME OF PETIT LARCENY committed as follows:

The said

Thomas Carey

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

*one hundred and seventy-five feet
of rope of the value of two cents
each foot.*

of the goods, chattels and personal property of one

George L. L. L.

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

POOR QUALITY
ORIGINAL

0076

SECOND COUNT----

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

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

The said

Thomas Carey

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid
at the City and County aforesaid, with force and arms,

one hundred and seventy five feet
of rope of the value of two cents
each foot

of the goods, chattels and personal property of one

George Grossman

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

George Grossman

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

Thomas Carey

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

JOHN R. FELLOWS,

District Attorney.

0877

BOX:

397

FOLDER:

3700

DESCRIPTION:

Carlone, Frank

DATE:

06/05/90



3700

POOR QUALITY
ORIGINAL

0070

Witnesses:

Geo Smith

#13
Counsel, Wm O. Pughon 11. 11. 11
Filed day of June 1890
Pleads, *Myself*

THE PEOPLE

vs.

Frank Carlone

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm O. Pughon
Foreman.
June 13/90

*Specs & convicted of
an attempt to commit
second degree
murder 6 mo
P.S.M. 16*

The People vs. Frank Carlone
 Court of General Sessions. Part I
 Before Judge Martine. June 11th 1890
 Indictment for assault in the first degree.
 John Smith, sworn and examined, testified. I
 live at 449 East 146th street in this city, and lived
 there on the 17th of May last. I am a laborer. I
 have known the defendant to see him about a
 year; upon the 17th of May I saw him in 148th St.
 between Morris and College avenues. I was
 building a fence for Freddie Stubbe. Robert
 Nichols was helping me. The defendant came
 running across the street and says, "Smith, Smith."
 I turned round and walked over towards him,
 and he says to me, "What did you call my wife
 a ginieen bitch for?" I knew her just to see
 her pass by. He grabbed me by the coat. I
 said, I did not call her that name. Then
 he grabbed me by the back of the neck, and
 the lady he calls his wife came out and
 grabbed him; he came from the house
 across the street - the house that I have seen
 him going in and out of. The house is full
 of Italians. She said, "Frank, Frank dont
 you do it," she took hold of him and
 took him over to the house. I went back
 to my work and somebody halloed out,
 "Look out, John, he has a pistol." I turned
 around - I had a level in my hand - and

when I saw the pistol in his hand coming over to me I fired the level at him. He had the pistol pointed at me; he was 15- or 20 feet from me when I saw him. As soon as I threw the level I ran over to the corner near the lamp post; then he ran and turned up towards 149th St. and Morris Avenue. He fired the shot at me when I 'pegged' the level. This firing took place between four and five o'clock and I made a complaint to the officer about six o'clock. I did not see what the defendant was doing while I was running away toward the corner. I saw the pistol as he came towards me the second time; the pistol was pointed right at me. I saw the defendant after he was arrested on Wednesday morning; this assault took place on Saturday. I saw him in the station house. I had no talk with him after he was arrested; he was in custody of the officer.

Cross Examined. I went to the Police Court in Morrisania and procured a warrant on the 22nd of May, the day he was arrested. The name on the paper now shown me is mine. I cannot read it. I can read my own name. I cannot tell if I signed it or not. I have lived at 149 East 146th St. about ten years with my mother. I am a married man; my wife does not live

POOR QUALITY
ORIGINAL

0001

with me; she lives in 56th St. Yorkville. I know the defendant to see him passing by 148th St. about a year. I never spoke to him before the 17th of May, nor to the person he calls his wife. I saw her before the 17th of May in 148th St. and Morris Avenue plenty of times. I had been working for Frederick Stubbe for five days before the 17th of May and before that I worked for Mrs. Callahan in 149th St. for two months. I saw the defendant on the street when he called me, he was on the opposite side of the street from me. I walked over towards him fifteen feet and I met him on the street. I did not see his wife the same day before the stabbing; she was there when he was there; she came over and grabbed him and said, "Dont you do it, Frank, dont you do it." She took him over to the house and I went back to my work. I saw him again five minutes after that coming running over towards me and somebody halloed, "Look out, John." When I saw the pistol in his hand pointed at me I fired the level at him and then I ran. Up to that time from the time he came back the second time neither he nor I had said anything; he was out in the middle of the road and I was near the mind

POOR QUALITY
ORIGINAL

0002

gutter. I could not tell whether the level struck him or not. I did not stop to see. I did not see him fire the shot at me but I heard it. I did not hear more than one shot. He ran towards me till he got on the avenue and then he turned up Morris Avenue to 149th St. He ran in the opposite direction from where I ran. I had one man helping me to make the fence and there were a couple of men standing around looking at me making the fence. I saw the defendant and Nichols on the street at the time of the firing of the shot. I heard that the defendant was a watchman but I did not know where he was employed. I first complained to officer Burns that night; he said he would tell officer Lockwood if he saw him and he would arrest the defendant. It was five days after the shooting that he was arrested; between the 17th and the 22nd of May I did not complain at the station house, only to officer Burns. I have seen the woman he calls his wife since he has been in prison. I know the widow of Timothy Callaphan. I did not call at her house since the defendant has been in jail. I finished making the fence the Monday after

POOR QUALITY
ORIGINAL

0003

the shooting, which occurred on Saturday. I did not go to the defendant's wife and say that I wanted thirty dollars and would consent to her man going out of jail. I had no difficulty with the defendant before the 17th of May. I don't know that the wife of the defendant lives with Mrs. Callaghan. I have been shot at before in that neighborhood by an Italian. I have heard of the Frog hollow gang. I know James Graney. I don't know where he is now. I last saw him four or five months ago. I knew a man named Mulholland. I don't know whether these men belong to that gang or not. It is not a fact that I belong to that gang and make trouble for the Italians in that neighborhood. I ceased living with my wife since last January. I have no family. I worked all last summer for Wilson and Adams, lumber men, but have not worked for them since. I have no steady work. I went to Concord, N.H. last November and worked there. There was no warrant out for my arrest at that time. I was shot in the arm in September or Oct. by some man whom I do not know and was in the hospital about thirty days. He was an Italian and he came out of the same house that this complainant did. I did not want money from this complainant to withdraw

this complaint. I know the man pointed out to me, Franco Lepede. I did not ask him for thirty dollars to let his friend get out of the Tombs. He wanted me to sign a paper to have nothing to do with this on account of the agent up here. Since the defendant was arrested Franco Lepede followed me up 149th St. and tried to fetch me into a liquor store kept by an Italian; he wanted me to settle the case; he said, "O settle it and I will give you ten, twenty, thirty dollars." I would not ^{take} ~~give~~ anything off him. No paper was presented to me by him, but a man named Sullivan wanted me to sign a paper. I did not sign it. Franco Lepede and Pasquale Savolio were together and offered me thirty dollars to settle the case.

Daniel Thornton, sworn and examined. I live 496 East 148th St. for the past three years. I know the defendant by sight for a year seeing him passing up and down. Have frequently seen him and his wife in a house two doors from the corner of 148th St. and Morris Avenue. I saw the defendant on the 17th of May between half past four and five o'clock in the afternoon. I saw the defendant and the woman come round the corner

from Morris Avenue; the man went across to Smith who was working. He called Smith two or three times, "Come here." Smith walked over to him. I was in the window reading the paper. They had a few words together, and he grabbed Smith. I did not hear what the words were. He grabbed him by the collar and pulled a pistol out. I could not exactly say whether the woman came running out of the house or came from the sidewalk. She put her arms about the defendant and said, "Frank, Frank, don't do it, don't do it." He brought him back then into the house. I sat at my window, and then about three or four minutes afterwards the defendant ran from the direction of that house with a pistol in his hand. Smith had gone back to his work. There was four or five men there and the defendant was running round the tree. Smith ran and as he ran he fired something out of his hand. I don't know whether it was a level or not. When the defendant ran he had a pistol in his hand like that (showing); when Smith ran he ran after him in the Centre of the street and pointed the pistol at him; there was one shot fired out of that pistol, and I heard two more snaps of the hammer, but they

did not go off. Smith went around the corner up Morris Avenue toward 149th St.; the defendant pursued Smith as I got to the corner of 148th St. I could not tell you where the woman was at that time. After the shot Smith went across to the other side and went to work again. I afterwards saw the defendant in the Courthouse. Had no talk with him then nor since that time.

Cross Examined. I work in the department of Public works; on this 17th of May I was home from doing my work. I know Smith by sight and knew his name and knew the defendant by sight. Have seen him and his wife frequently going in and out of Mrs. Callaghan's house. I never had any trouble with Mrs. Callaghan. Smith was making a fence when the defendant came to him. There were three or four others standing around and there was one man helping Smith. The defendant called Smith and he came to him; they met in the middle of the street; they talked about a minute or so, but I don't know what they said. I saw him grab Smith by the collar and put his hand behind his back this way (showing); his back was turned to me at the time, and I

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saw the pistol out of his pocket. I saw the pistol upon that particular occasion. I saw the woman throw her arms around him and she said, 'Frank, Frank, don't do it. Smith went back to work and he went back to the house. I saw the defendant in about three or four minutes afterwards run across from the direction of the house where she brought him into with a pistol in his hand towards where Smith was. I was reading a paper at the time and Smith was building a fence; they were about eight feet apart. Smith turned as he ran and fired something; he ran towards the south corner of 148th St. and Morris Avenue. The defendant did not fire the shot before Smith fired the level at him. I was between twenty and thirty feet away from them on the second floor in the window. The four or five men who were standing with Smith at the fence when he ran across the street with his pistol out remained there. Smith ran west and the defendant ran north east. He ran about thirty feet in the direction of the complainant and then he turned up. The fence is thirty feet from the corner. When they got to the corner of 148th St. and Morris Avenue they went in opposite directions. I never had any difficulty with this defendant.

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James Morrissey, sworn. I live at 494 East 148th St., which is next door to Mr. Thornton. I have lived there going on four years. I know the defendant by sight and saw him on the day of this occurrence, Saturday, between four and five o'clock in the afternoon; he and the woman came around the corner. I was standing at the gate. The defendant ran across the street and he halloed, "Smith, Smith." I knew Smith by seeing him. He was working at the fence across the street. The woman ran after the defendant and says, "Frank, Frank, dont you do it. In the mean time he put his hand in his hip pocket and he pulled his pistol out. I saw that clearly. She took him in the house of Mrs. Callaghan. Smith walked back to the fence and commenced his work again. About two or three minutes afterwards the defendant came out of his house and he ran across the street; he had a pistol in his hand and he ran toward where Smith was. He (Smith) made an attempt with the level in his hand and that broke the aim. The defendant had the pistol aimed towards Smith. He ran after he fired the level down towards Morris Avenue and the

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defendant after him, and when he got as far as the corner he crossed after Smith; he (Smith) was at the curb on the south side crossing down Morris Avenue when the defendant fired the first shot; he was in flight at the time. I heard one report, but he made an attempt to fire again, I heard, "bang, bang"; three times he snapped the trigger; the pistol was a self cocker. I saw the defendant in the Police Court after that, but I had no conversation with him at any time.

Cross Examined. I know the defendant by sight six months. I know Smith off and on about three years. He is a plasterer, and about four years ago he did some work for me. I have been sick for three years and have not done any work since then. I have never had any trouble with Mr. Callaghan. Italians live in that house. I never had any trouble with the defendant. I saw the defendant take the pistol out of his pocket the first time. When he came out of the house the second time he advanced toward Smith and he got very close to him when he (Smith) fired the level at him; the defendant had the pistol in his hand at that time; he pointed it in front of Smith. I did not hear him say anything. The men who were there

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scattered around when the excitement commenced. I did not see the woman the second time.

Robert Nichol sworn. I live at College Ave. and 146th St. I saw the defendant the day of the shooting between four and five o'clock in the afternoon on the corner of Morris avenue and 148th St. I was helping Smith to build the fence on the north side of 148th St. and Morris Ave. I first saw the defendant cross the street from the south to the north side of 148th St., and he was calling "Smith" at the time. Smith advanced to meet him and they met about in the middle of the street and the defendant took Smith by the back of the neck and he kept saying, "Smith, Smith;" at that time the deceased's wife came in between them and took the Italian into the house. She said two or three times, "Frank, don't don't." She went into the house with him and Smith went back to work; he was leveling off a board; he had his back towards this house, and the first thing I saw was the defendant running out of the house with the pistol in his hand; when he was on the sidewalk, some one halloed, "Look out, John." The defendant was then

fifteen or twenty feet away from Smith. He pointed the pistol directly at Smith and then he threw the level at him and ran about the same moment. I had no talk with the defendant after he was arrested.

Cross Examined. I am a printer. I was not working on the afternoon of the occurrence, but I worked that morning 73 Park Place, Carter & Co. I worked there about two years and a half. I live with my mother. I have known Smith nine or ten years, but I do not associate with him. I was voluntarily assisting Smith in putting up that fence; we started to build it at half past twelve. I live on College Ave. four or five blocks away from him. I have known Mrs. Callaghan to see her three or four years. I knew her husband in his lifetime. I do not stand around the corner of 148th St. and Morris Avenue with the boys. The defendant did not point the pistol at me. I ran because I saw the man with the pistol. I have not a doubt but that I saw the pistol. I could not say whether it was cocked or not. He did not have the pistol in his hand the first time, but he had it the second time. I heard the pistol discharged 15 or 20 seconds after he came out. The defendant and Smith were about

fifteen feet. I do not belong to the Frog Hollow gang. I am 20 years old and have never been arrested. I have not spoken to anybody in regard to this case before coming here. I got a subpoena to come. I do not recollect now who gave it to me. I have not talked to Smith about it directly or indirectly. I have not spoken to Officer Lockwood about it. I appeared in the Police Court at 158th St. in response to a summons, but do not know who summoned me; he was a man in citizen's clothes.

Joseph White sworn. I live 434 East 148th St. I live with my mother. I do not know the defendant. I saw him on Saturday, the time of the shooting. I was standing at the corner of 149th St. and Morris Avenue and the defendant came running up Morris Avenue; he took a revolver out of his hip pocket at the corner of 149th St. pulled up the trigger and pulled these three cartridges out (producing them) he went up towards Cortland Avenue. I picked the cartridges up. This was between four and five o'clock in the afternoon.

Cross Examined. I did not see any part of the shooting. I was about fifteen feet from him when I saw him drop the bullets out. I am not

in any way related to Smith. I do not know if the pistol is a self cocker. I had seen Smith about half an hour before the occurrence. I know nothing about the difficulty between the defendant and Smith. I was alone when I picked up the cartridges. I kept them about half an hour and then gave them to John Smith; he asked me for them when I was down by the fence: I did not tell him the circumstances about the finding of them and he did not tell me anything. I think somebody else told him about my finding them. I have not seen them since until produced here in Court today. I did not mark the cartridges, but I swear they are the same; there is a mark on the back of them where the hammer hit them. I have learned the brass finishing trade. I do not know where Smith lives.

The case for the Defence.

Frank Carlone sworn. I am 25 years old and have been in this country about five years. I am a single man. I am a watchman for Mr. O'orman; he is here in Court. I have been watchman for him for four years. I saw John Smith on the 17th of May last. I was going to work on my job at 139th St. and Mrs. Hines brought washing to my house on that Saturday.

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I live in 153^d St. between Cortland and Third Avenue. I live alone. She said to me, "Frank, I cannot bring the wash any more or come up in your house, because the man is all the time in the street, and when he sees me passing by he calls me a ^{quinea} ~~gineean~~ bitch and an Italian whore." Saturday at five o'clock I accompanied her to 148th St., she lived over in the house of Mrs. Callaghan. I saw John Smith at the fence. I did not know what he was doing. He said, "Look, look at the ~~gineean~~ ^{quinea} bitch." I came down and talked to him. I said, "John Smith, why do you want to do that? I don't want you to insult that lady any more and do not call me a ~~gineean~~ ^{quinea}, because I am not." He said, "get out." He went back to the fence and he got hold of the level, he says, you son of a whore and ~~gineean~~ ^{quinea}, I want to break your face." He struck me the first time with the level and tried to strike me the second time, but there was lots of men that surrounded me in his company. I took the pistol from the pocket and fired in the air to call the help of the Italian men in the house. When I got a permit to carry a pistol, I asked

the officer if I was allowed, if insulted, to use it or not? He answered me that I must not use a fire arm, and if I had not a stick to rap on the ground that I should fire in the air for assistance. After I fired I waited for about ten minutes. As soon as Smith heard the shot he ran away. I did not run after him. When I fired the shot I was near the fence surrounded by a crowd of people. Smith was about five or six feet away from me. No other person ran when I fired the shot in the air; everybody remained on the spot. I have not seen any people that were working at the fence along with Smith on the witness stand. I fired in the air one time. It is a self-cocking pistol. I have a permit for carrying it. (The permit was produced and offered in evidence) After firing the shot I went on to my work. I did not attempt to fire more than one shot. I did not fire to do him any injury. I simply fired to call the attention of the police. I was on the south side of the street at the time Smith made the insulting remarks to me and he was about six or seven steps from me; we were on the same sidewalk. I crossed the street and spoke to Smith. I did not have those cartridges offered here; they do not belong to my pistol. I left my pistol with a man named

Pasquale Cefede, who is present in Court. I continued daily at my work till I was arrested. I did not go away or hide anywhere. I did not see Smith any more. The young woman who accompanied me on the 17th of May used to bring linen to my house. I am engaged to be married to her. I know her for the last three months. I have never been arrested before. I have no relations in this country. I heard the testimony of Mr. Morrissey and Mr. Thornton yesterday, but I did not understand all they said. I do not see any body in Court who was present at the time of the occurrence between me and Smith. Miss Thines was there.

Cross Examined. I gave the pistol to Cefede the Monday after the shooting because I did not care to carry it any more. I did not give it to him because you expected to be arrested and did not want the revolver to be seen. The cartridges now shown me are not the cartridges that were in the pistol which I snatched on Smith. I understood part of what the witnesses who swore against me said. I knew it was false when they said I pulled the revolver in the way I did. I understood from their gestures and motions that they were saying I left the house with the revolver in my hand and that was not true. I believe that the

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calibre of the pistol is 45. I know the woman three months. I met her for the first time in Mrs. Callaghan's house because I was a friend of her husband. I said what was not true at the Police Court when I said I was married to her, but a person told me to say so. She did not say at the Police Court that she was married to me. She is not my mistress. Mary Hines brought my linen up to my house at 153^d St about half past three in the afternoon; she was sober; she stayed for a short time in the house; we talked together and then I got ready my dinner to take away with me; she accompanied me outside of the house. I took

Morris Avenue up to 148th St.; she went up to her home at Mrs. Callaghan's. While she was at the house she told me of the vile names that Smith called her; she did not know him by name but she described him to me. I knew him by the description because he insulted me several times before. I did not attempt to avenge the insult but only to speak to him. It was about five o'clock when I was in company of the woman I went right from there to my work. I went to see her home and I was afraid that he would insult her again. I did not know that Smith was in the neighborhood of

Mrs. Callaghan's house when I accompanied her. I worked at 140th St. and Willis Avenue. I did not go into Mrs. Callaghan's house at that time. I went up and spoke to Smith about this insult. I called him and he came towards me. I did not grab him by the coat. I told him not to call that woman any more vile names because she was not my mistress. I asked him what was the reason that he kept insulting that woman? After he struck me with the level I made up my mind to fire the pistol off for help, but I did not intend to use that pistol before he fired the level. While I was talking with Smith the woman was only three or four steps from me. I recollect her coming up and taking hold of me and saying, "Frank, Frank, dont do it, dont do it," but it was after I fired the shot. Did not she go up to you and say, "Frank, Frank, dont do it, dont do it," put her arms around you and take you into the house? No sir, I did not go into the house. If the witnesses say so, it is false. I never entered the house. I did not go towards the house and the second time advance upon Smith with the pistol in my hand. He hit me with a level first, and at

that time I had the pistol in my pocket. I did not point my pistol at him, but fired it in the air. After he threw the level at me and ran I was surrounded by several persons, five or six; some of them got round me with sticks in their hands. I am the only one who had a pistol so far as I know; they did not run away from my pistol. I know them by sight but do not know their names. I did not follow Smith and point and snap the pistol at him. I heard the witnesses who swore that I did, but I did not understand what they said. John Smith shouted that I had shot him. I waited there ten minutes to see if I could get any assistance from the police officer as he had no right to insult women. I did not see any policeman during that time. I am sure I remained there until Smith came back. I said nothing when Smith said I shot him. I put the pistol back in my pocket. I went up 149th St. because I did not want to be insulted the second time as I knew Smith was in that neighborhood. I put the pistol in my pocket before I went to 149th St. I got to work at six o'clock. I sleep day times and work nights. Mr. Gorman has only one watchman.

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I remained at my work until ten o'clock the next morning. I never saw Officer Lockwood before. I don't know him. I did not know that the policeman was waiting for me. I have my employer here who can swear that he saw me at work at 7, 9 and 10 o'clock the next morning. I did not send word that I was sick. It was either Thursday or Friday morning - four or five days after the shooting - that I was arrested at a quarter after six o'clock in the morning. Officer Lockwood arrested me while I was at my work. He asked me if I was Frank Shoreline and I said, no. He asked me if I was the watchman employed by Mr. O'Horman and I said, yes. He afterwards said, "you must come with me." Then he asked me if my name was Shoreline I answered that it was Pat; that was not my name. I meant to joke with him. I believe I got a permit to carry the pistol in January. There are a great many Italians and negroes living in Mrs. Callahan's house. I went there often to visit my countrymen. I was well acquainted with a number of Italians there. I did not tell the woman Hines before I fired the shot that I was going to shoot Smith. I had seen him several times before the

17th of May; he insulted me many times and asked me for money to get some beer. At one time I was with a lot of my friends and Smith called me a monkey. The woman told me once before the 17th of May about his insulting her. I was not absent from my employment any night between the 17th and the 22nd of May. I was watching Mr. O'Gorman's buildings and office. I was perfectly sober on the evening of the 17th of May, I never drink anything; the woman was sober also. I did not want to kill the man simply because he insulted me. I came from the province of Campobasso.

William O'Gorman sworn. I am a builder and carry on business principally in the 23^d ward, N. Y. I am joint owner of a large number of buildings. I have employed the prisoner as watchman between four and five years. He generally takes charge of the office after the book keepers leave at night; he has to go into the office at least once every hour and he has to go all over to take charge of the buildings. I never knew him to drink, and his character for peace and quietness is good. He worked in my employ from the 17th of May down to the 22nd of May; he was not to my knowledge

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during any of those five nights. If he had been absent I would have known of it. If he should be acquitted, I would take him back in my employment. I did not personally see that the watchman was on duty on the 17th of May, he is supposed to be there all night. I mean to say that so far as I know he was not absent that night. If he had been absent a night or two nights, it would have been reported to me.

Thomas O'Rourke sworn. I am an officer of the 33^d precinct and have been there four years and nine months. I formerly had a post near where Mr. O'Gorman's buildings are located. I know the defendant for three years. I know his character for peaceableness is good. I know Smith by sight. I had what is known as the "frog hollow" post for some time. I don't know what Smith's character is. I have seen the defendant as I was going up and down my post; he has been quiet and peaceable. As long as I did not see him do anything wrong I could not say he has anything but a good character. I knew he was employed to watch Mr. O'Gorman's buildings. I have seen him going in and out of the buildings and his office for over a year.

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Mary Hines sworn. I live 148 Morris ave.
I live in 148th St. and Morris Avenue with Mrs.
Callaghan. I am a single woman and work for
Clark Bros. 125th St. between 7th and 8th avenues.
It is the restaurant of the new opera house.
Mr. Hickey is running it. I do the cooking
for the help. I worked six months there and before
that for eight months at a restaurant in 128th
St. and Third Avenue. I worked for a lady in
Whitesborough, three miles from Utica four
years until the lady died, Mrs. Frost; then
I came to New York and have been fourteen
months here. I am over five years last April.
I know the defendant and have kept company
with her for the last three or four months. I
saw him in the afternoon of the 17th of May.
I saw Smith at half past eight o'clock in the
morning. I was going for milk; he was fixing
the fence and he says, "O, you guinea son
of a b— he would not give ten cents to
anybody. I did not mind. I passed on for
the milk. I had left Clark's and was out of a
situation four or five days and was making
my home with Mrs. Callaghan. I was doing
washing and I was bringing home the
washing. Smith was standing at the cor-
ner about a quarter past three. I had
some washing for Carlene and some for

a lady. Smith was blind drunk at the fence and he said some words again to me. I passed on and never minded him. I went up to Carlson's house and told him I was not going to take any more washing. I was going out to work by the mouth, I said that I was always insulted. He asked who insulted me and I told him Jack Smith; they call him Frog Hollow. I don't know what that is. I started back from Carlson's house to Mr. Callaghans, and he came with me as far as the door but did not go in. Jack Smith said, "guinea, guinea" again; he was at the fence and Carlson went over to him and says, "Don't be calling my wife guinea, she is no guinea." With that Smith rose and struck him twice, he struck him once and made a second blow; then Frank pulled out his revolver out of his pocket and fired in the air. Smith was three or four feet away from me. I was alongside of Carlson. I told him not to meddle with Smith; not to mind him. There was one boy with Smith at the fence, he was a red faced little fellow, not the boy who was on the stand. There were about six or seven people around. This Smith had been insulting me since Christmas

whenever I would pass through the streets I have never been arrested charged with crime. I am engaged to be married to the defendant. I saw all that occurred between the defendant and John Smith. He did not at any time I was there point the pistol at Smith; he fired one shot in the air and then Smith went over as far as the corner of Morris Avenue. Mrs. Callaghan's house is on the northeasterly corner of Morris Avenue.

Cross Examined. I was in Court and heard the testimony of all the witnesses. I was engaged to the defendant a month ~~ago~~ six weeks ago. I was not his mistress. I was not surprised when he called me wife. I have not been called his wife for months past around there. I have not been very much in his company. I never spoke to Smith in my life. I don't know what they mean by guinea. I am not an Italian. I know guinea is a slang term for Italian. I am seen very seldom in his company in the street. Smith had insulted me twenty times before the defendant shot the pistol. It was very seldom that Smith passed me by without calling me a guinea. I did not complain to the defendant about this before the 17th of May. I did not want to have any quarrel and

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did not expect there would be a quarrel. I did not want to have anything to say to Smith, I was afraid he would insult me. I told Mrs. Gallagher before the 17th of May that he insulted me, but did not tell anybody else; the Italians live up stairs in her boarding house. I have lived there since Christmas off and on. I have not drunk with the other Italians frequently and have not been with them when the whole crowd was under the influence of liquor. I have not been there when they committed assaults upon people. Carlone always paid me for washing the clothes. On the morning of the day of the shooting Smith called me a quinea son of a b- h of a whore. He said I would not give him ten cents. I would give it to the quineas. I told Mrs. Gallagher about that, and she said, "never mind," that he was a blackguard; he blackguards everybody when they won't give him any money. I do not know that Mrs. Gallagher is known as a disorderly house. Nearly every second and third day since Christmas he would insult me by calling me these names. I am sure that Nichols was not helping Smith to make that fence when we were there. I did not see Nichols about the place.

When I started from the house with the defendant I did not know he had that pistol with him. I had heard he carried a pistol on account of being a night watchman. Smith was blind drunk, hardly able to stand up when he was at the fence and said, "Guinea, guinea." He hit the defendant on the shoulder with the level; he said, "get out." I understood what he said. I did not see Mr. Morrissey that day looking out of the window of his house. I followed the defendant across. I did not want him to speak to Smith at all. It matters of fact did not Frank come up to him (Smith) as Mr. Morrissey, Mr. Thornton and Mr. Nichol has said and put his hand behind him? A. No. Were you not then afraid that he was going to shoot him and did you not then go over and pull him off and say, "Frank, Frank, don't do it, don't do it." A. No, that was the time it happened I pulled him away. Did he not go over twice? A. No, only once. I have heard the testimony of the witnesses and they are wrong when they say that the defendant came out twice and that the first time he had his pistol in his pocket I pulled him back. I first saw the pistol after the level was thrown; the defendant before that caught hold of Smith's coat; he did not

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put his hand behind him at the same time. Just after the level was fired he pointed the pistol. I am sure of that. It was after he fired the shot that I caught hold of him and dragged him away. He did not run after Smith at all. I did not take Carlone, he said, "I am going to work." I took him over across the road to the outside of Mrs. Callaghan's door; he says, "Merry, go into the house, I am going to work." There were five or six people around when I took him over. I don't know anybody around there. I am not acquainted round there. I am only six months there. I did not see any Italians there. Carlone turned up Morris Avenue and went toward 116th St. I did not see him snap the pistol two or three times; he fired it once. I saw him put it in his pocket. I did not see the defendant run away with the pistol in his hand. After he went away I went into Mrs. Callaghan's house and I did not come out of there for the night. I did not go over where Smith was working at the fence and did not assault him in the presence of a dozen of people. At the time the shot was fired I hit him with my hand. Carlone was gone away and had been gone five

or ten minutes. I was standing at the corner and Smith halloed, "There is what your guineas done". He was coming across to me, he raised his hand and I struck him, but not very hard. I did not see Carlone until the next day between eleven and twelve o'clock in Mrs. Callaghan's house. He stayed five or ten minutes. I did not know then that the police were looking for him. I do not know officer Burns. I saw Officer Lockwood at the Police Court. I did not know he was looking for him. I did not see him come there. Smith has asked me for money for beer; he rapped at Mrs. Callaghan's door and asked if Mary was in. Mrs. Callaghan said, "Go about your business." I heard him say, "I want money." Mrs. Callaghan said to him, "Go about your business; if you do not, I will get you arrested." He has insulted me twenty times.

Julia Callaghan sworn. I am a widow and live in 148th St.; my husband has been dead fourteen months. I live on the south east corner of Morris Avenue and 148th St. I know Rines the last witness for six months, she has been a lodger with me off and on. I rent the upper part of my house to families and I occupy the lower part myself. I have no children.

Kate Harrington has stopped with me for company since my husband died. I know the defendant for two years. There is an Italian family living in the upper part of the house and he visits them; three Italian families live in that house; there are two floors and six rooms on every floor. Smith has called at my house since the defendant has been in jail, and I ordered him away; he asked for Mary Hines. I am twenty years in this country. I suppose I know Smith by seeing him around the neighborhood two or three years. I don't know anything about the difficulty that occurred between him and the defendant. I was inside in my house doing my business. I saw Mary Hines on the 17th of May; she used to wash clothes. I saw her on that day have the defendant's clothes. I suppose she went out between seven and eight o'clock. I don't know what time the difficulty happened. I was inside my kitchen and never came out. I know the defendant to be a sober, decent and peaceable man.

Cross Examined. My husband died suddenly; the defendant came to visit Mary Hines sometimes; he would stay sometimes a quarter of an hour. I was not in the room when

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ORIGINAL

09 11

Mary Hines testified. She went out of the house between seven and eight o'clock with the clothes. It was dark at the time. I think Mary Hines was at home each time he called. I know she was the last time; he asked for Mary Hines, he rapped at the door. I opened it and told him to go away. She took the clothes home after the difficulty. I heard it occurred about five o'clock; she had not taken the clothes home at that time; she took only one parcel of clothes; she washed during those five days for Mrs. Van Tassel and for Carlone.

Katie Harrington sworn. I am a widow and live at 517 east 148th St. I know Carlone and Smith. I stayed with Mrs. Callaghan after her husband died. I go out washing and cleaning. I worked half a day on the 17th of May and was going home. I saw Carlone and his girl passing and saw Smith working at a picket fence. Mrs. Callaghan's is on the other corner. I saw Miss Hines also. Before this occurrence I went to the grocery. Smith was drunk, he insulted me. He asked me for money to drink. I said, "Go away, you are always insulting me, asking me for money to drink and I don't treat men." I saw him after that when Carlone and his girl came along.

I said, "Who is shot?" He said, "Nobody, the bullet went through the air. I did not hear what happened between Carlene and Smith. I saw them on the street. At the time of the shooting I was standing on the stoop. Carlene was in front of the trees and Smith was at the north east corner. I heard one shot and I saw the smoke of it coming in the tree. I should say they were four or five feet apart when the shot was fired. At that time Miss Hines was on the street going towards Mrs. Callaghan's. This occurred close on to five o'clock. Smith spoke to me after the difficulty; he showed me two bullets that were picked up by a boy, and he said, "See what your guineas done on me." I said, "They are not my guineas, only the people I work for." I did not see Carlene after the firing, he was gone, it was about the time he generally goes to work for Mr. O'Hannan. I know him two years and know him to be a decent man.

Cross Examined. I did not see Carlene when he came out of the house. I can't tell you how the pistol was aimed. After the firing he went toward Morris Avenue. I did not follow him. I did not see either Carlene

or Smith run.
Dominick Roberts ^{and examined through the Interpreter} sworn, I live at 148th St.
and Morris Avenue with a brother of mine -
he is not exactly a brother, he is a cousin.
I am a single man and am a hod carrier.
I know Caroline four years and Smith about
a year. I have lived in that neighborhood
since last December. I have seen Smith since
Caroline has been locked up in the Tombs.
One night I asked Smith if he would not
make up with Caroline? He says, "It will be
all right if you will give me the money,"
he says, "Give me the money tonight and
I will leave the city tomorrow." He did not
specify the amount. This was last week.
I had a conversation with Smith between
148 and 149th Sts.; there was nobody with
him. Joseph Roberts is the name of the
other man that is with me today. I know
nothing about the occurrence. I was not
there.

Cross Examined. I have seen Smith for about a year
but have known him to speak to him
for about six months. I have been in this
country four years. Smith spoke to me
in English. I understood him. I did not
give Smith any money and I was not
authorized by Caroline to give him money.

POOR QUALITY
ORIGINAL

0914

Joseph Robertson sworn. I live in 149th St. and Morris Avenue and am a mason. I am 20 years old. Carlone is a countryman of mine. I knew him in Italy and have known him a year and a half since I came to this country. I have seen John Smith during that time. I had a talk with him since Carlone has been locked up. He said, "an Italian has fired a shot at me and I want to make up with him: if you will give me fifty dollars I will go away and will not be found; he says, 'I will take the fifty dollars, I will go away and he will be free.' Smith said that about two weeks ago. I did not refer to the complaint he had made against Carlone, he said he was fired at by an Italian. Smith called me to stand him a glass of beer and if I would not have given him the glass of beer he would have quarreled with me. The saloon we went in to have the beer was in 149th St. I have not seen Carlone since he has been locked up. I saw Smith every day. I don't remember the date when I heard of Carlone's arrest. Smith was always insulting the Italians and passers by. The jury rendered a verdict of guilty of an attempt at assault in the second degree.

POOR QUALITY
ORIGINAL

09 15

Testimony in the
case of
Frank Carline
filed

June
1890
90 Va

POOR QUALITY
ORIGINAL

09 16

Police Court— 6 District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 449 East 146 Street,

New York City

being duly sworn, deposes and says, that

on the 17 day of May

in the year 1890 at the City of New York, in the County of New York,

~~he~~ ^{attempted to be} he was violently and feloniously ASSAULTED and BEATEN by Frank Carlone,
now here, who discharged two shots from

a loaded revolver then held in the hand
of said Carlone, who held said revolving
pistol pointed toward the person of
deponent, said Carlone being then
being less than twenty feet distant
from deponent. Said assault was
committed.

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 ~~convicted~~ bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 22^d day
of May 1890

John Smith X

John Cook and POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0917

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

6th District Police Court.

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

Question. What is your name?

Answer. *Frank Corlone*

Question. How old are you?

Answer. *Twenty-five.*

Question. Where were you born?

Answer. *Italy.*

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

Answer. *652 E 153rd St*

Question. What is your business or profession?

Answer. *Watchman.*

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

Answer. *I am not guilty.*

Frank Corlone

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0918

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Wife & sister of complainant
Chas. Charles of complainant

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Smith
1419 East 14th St
New York City

Paul
Helm

2

3

4

Offence

Dated

May 22nd 1898

Residence

Magistrate

Officer

333

Witness

John Smith

No.

1419 East 14th St

No.

1419 East 14th St

Witness

John Smith

No.

1419 East 14th St

No.

1419 East 14th St

No.

1419 East 14th St

No.

1419 East 14th St

No.

1419 East 14th St

No.

1419 East 14th St

No.

1419 East 14th St

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

Frank Carbona

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

Dated May 22nd 1898 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY
ORIGINAL

0919

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Carlone

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

Frank Carlone
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Frank Carlone

late of the City of New York, in the County of New York aforesaid, on the
seventeenth day of *May*, in the year of our Lord
one thousand eight hundred and eighty ~~ninety~~, with force and arms, at the City and County
aforesaid, in and upon the body of one *John Smith*
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *him* the said *John Smith*
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *Frank Carlone*
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 *John Smith*
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

Frank Carlone
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Frank Carlone

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 *John Smith* 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

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

Frank Carlone
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.

0920

BOX:

397

FOLDER:

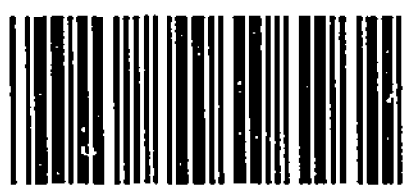
3700

DESCRIPTION:

Carota, Pasquale

DATE:

06/23/90



3700

0921

James De Stephen
Eves Dittelo

Upon reading the
written affidavit
that the Complain-
-ant cannot be
found I ask that
the Defendant be
discharged on his
own recognizance
Sept 30 1900 E. J. B.
A. D. A.

Filed 23 day of June 1890
Pleads, O'Keefe v.

Grand Larceny, *Second* Degree. — [Sections 528, 529 — Penal Code].

Dasquale Carota

JOHN R. FELLOWS,

Attest: *Nezzer* District Attorney.

A True Bill

10¹² u-m

James M. Haggan

Foreman,

Foreman.

Part III Sept 3/90-

Dept. discharged on his
own recognizance.

POOR QUALITY
ORIGINAL

0922

PART I.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

of No.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the

day of 1890, at the hour of 11 in the forenoon of the same

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

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

JOHN R. FELLOWS, District Attorney.

GLUED PAGE

POOR QUALITY
ORIGINAL

0923

Mr. P. M. Barker
67 Mill Street
St. City

If inconvenient to remain, and you prefer another day, state this early to the District Attorney in the Court.
If ill when served, please send timely word to the District Attorney's Office.
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

GLUED PAGE

POOR QUALITY
ORIGINAL

0924

Court of General Sessions.

THE PEOPLE

vs.

all Corotta

County of New York, ss :

sworn, deposes and says: I reside at No.

980 3rd Avenue
Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of
the City and County of New York. On the *29th* day of *August* 18*90*.

I called at *67 Mulken Street, N.Y. City*

the alleged *residence* of *Rocco Datillo*

the complainant herein, to serve him with the annexed subpoena, and was informed by *Mr. Lordi*

*who has his office at the [redacted] that Rocco
Datillo went to Country about two months ago but
that he did not know his address, and that he did
not know when he would return*

Sworn to before me, this *2nd* day
of *September* 18*90*

Harry J. Grogan

Peter J. Boylan
Subpoena Server.
Notary Public N.Y. Co

POOR QUALITY
ORIGINAL

0925

Court of General Sessions.

THE PEOPLE, on the Complaint of

Roces Dahles

vs.

Pasquale Carotta.

Offence.

JOHN R. FELLOWS,
District Attorney.

Affidavit of

John R. Fellows

Subpoena Server.

Failure to Find Witness.

GLUED PAGE

POOR QUALITY
ORIGINAL

0926

PART I.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To *James D. McFarlane*

of No. *142 Baxter* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *3* day of *September* 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Pasquale Caroten

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

JOHN R. FELLOWS, *District Attorney.*

GLUED PAGE

POOR QUALITY
ORIGINAL

0927

Should the
son assigne
Attorney's
If incorp
day, state
Court.
If ill wh
District At
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fore the M
terial was
the Distric

Court of General Sessions.

THE PEOPLE

Rosa De Stefano
vs.

Gaspare Carota

City and County of New York, ss :

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of
the City and County of New York. On the *29th* day of *August* 189*0*.

I called at

the alleged

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

residence of *Rosa De Stefano* *the house*

keeper that no such person was there, I also
inquired of several persons living in the house
with the same result.

Sworn to before me, this

2nd day
September 189*0*

Harry Hargrave

Gaspare Carota
Notary Public N.Y. Co.

POOR QUALITY
ORIGINAL

0928

Court of General Sessions.

THE PEOPLE, on the Complaint of

Rosa Williams

vs.

Margaret Parrott

Offence:

JOHN R. FELLOWS,

District Attorney.

Affidavit of

Pauline Leary

Subpoena Server.

Failure to Find Witness.

Court of General Sessions of the Peace
for the city and county of New York.

The People &c.
Against
Pasquale Carota
Defendant

How: John B. Fellows

District Attorney

Sir:

Please take notice that upon the
complaint, indictment and all proceedings herein
a motion will be made before
How: ~~James Fitzgerald~~ ^{James Fitzgerald} at Part ~~of~~ ^{Three} of said
court, on the 29th day of August 1890, at 11 o'clock
a.m., or as soon thereafter as counsel can
be heard for the discharge of the said
defendant; on the ground of a failure of
the people to prosecute.

And for such other and further relief as the
court may seem just and proper in the
premises.

Yours truly,
Robert W. Racy
Defendants' Attorney
25 Chambers Street
New York City.

POOR QUALITY
ORIGINAL

0930

Court of General Sessions

The People &c.

Against

Raquel Carota

Defendant.

Clerk of Motion

Robert H. Macy

Defendant's Attorney

25 Chambers Street

New York City

Service of a copy is hereby
admitted this 11th day of
August 1890.

John R. Fellows

District Attorney
per A. Heyward Esq.

POOR QUALITY
ORIGINAL

0931

Police Court-7-District.

Affidavit-Larceny.

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

Rosa De Stefano

of No. 142 Baxter Street, aged 24 years,

occupation. Housekeeper being duly sworn

deposes and says, that on the 19 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 and

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

one Pocket book containing Bills of
the issue of the Treasury of the United
States of various denominations and
in all of the value of
Fifty Seven dollars \$57 ¹⁰⁰/₁₀₀

the property of Antonio De Stefano deponent
husband

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 Pasquale Carota (Brethren)

from the fact that deponent was ^{standing} ~~standing~~
in Mulberry Street between Canal & Bayard
Street, when deponent had said Pocket
book containing said money in the pocket
of the dress then worn upon deponent's
person, deponent felt a jerk in her pocket,
and immediately missed her property,
deponent saw said defendant run away
deponent is informed by Rocco
Dattilio of No 67 Mulberry Street
that he saw said defendant steal
said pocket book from deponent's
person and run away with the same

Rosa De Stefano
deponent

Sworn to before me, this 19 day of May 1892
of [Signature] Police Justice.

POOR QUALITY
ORIGINAL

0932

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 39 years, occupation Mason of No.

67 Mulberry Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Rosa De Stefano
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 17 day of June 1880 Rocco + Rattilio
Mason

John J. Homan
Police Justice.

POOR QUALITY
ORIGINAL

0933

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Pasquale Carota 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.

Pasquale Carota

Question. How old are you?

Answer.

40 years

Question. Where were you born?

Answer.

Italy

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

Answer.

Merion Street Brooklyn 3 months

Question. What is your business or profession?

Answer.

Fruit dealer

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

Pasquale Carota
Mark

Taken before me this

day of

June

1933

at

Merion

Street

Brooklyn

NY

1933

17

1933

17

1933

17

1933

17

1933

17

1933

17

Police Justice.

POOR QUALITY
ORIGINAL

0934

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court
District

THE PEOPLE, &c.
OF THE COMPLAINANT

vs. *John McManus*

Joseph Carotta

1
2
3
4

Offence *Larceny from Person*

Dated *June 17* 18*80*

James Magistrate

James Officer

James Precinct

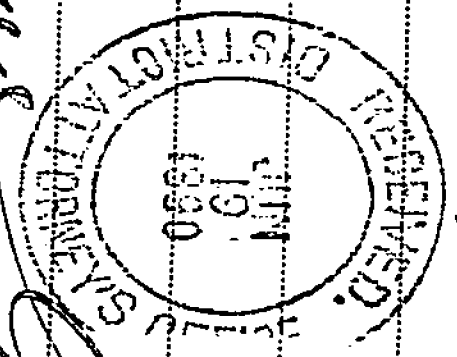
Witnesses *James*

No. *by Muller* Street

No. Street

No. Street

\$ *to answer*



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *200* 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 *June 17* 18*80* *James* Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY
ORIGINAL

0935

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Pasquale Carota

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Pasquale Carota* -

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

The said

Pasquale Carota

late of the City of New York, in the County of New York aforesaid, on the *seventeenth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety, at the City and County aforesaid, with force and arms, in the
day - time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *twenty-eight*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
twenty-eight
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *twenty-eight*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *twenty-eight*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *one pocketbook of the*

value of twenty-five cents

of the goods, chattels and personal property of one *Rosa De Stefano*, on the
person of the said *Rosa De Stefano*, then and there being found,
from the person of the said *Rosa De Stefano*
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.

0936

BOX:

397

FOLDER:

3700

DESCRIPTION:

Carrota, Pasquale

DATE:

06/30/90



3700

POOR QUALITY
ORIGINAL

0937

Witness:

P. Berrada

Supervisor
the within affairs
that complainant
cannot be found
lack that the
dependent to discharge
can his own recognizance

Sept 3rd

1890

G. L. B.

ada

436
Kearney 459

Counsel,

Filed

day of June 1890

Pleas,

W. B. Berrada

THE PEOPLE

vs.

I
Basquale Carrota

Grand Larceny, First Degree.
[Sections 528, 530 Penal Code]

W. B. Berrada
1130

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. B. Berrada

Foreman.

If jury term at after
request by order of court
Part III Sept 3/90 W. B.
depr. discharged on his
own recognizance

POOR QUALITY
ORIGINAL

0938

Police Court / District.

Affidavit—Larceny.

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

Ralph Bernard

of No. 112 Mulberry Street, aged 30 years,
occupation Laborer being duly sworn

deposes and says, that on the 10 day of June 1898 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession

person of deponent, in the night time, the following property, viz:

A pocket-book containing gold
and lawful money of the United
States of the value of Ninety dollars

the property of deponent

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

for the reasons that deponent was
standing in a large crowd on the
corner of Canal and Mulberry Streets
and had said property in the inside
pocket of the coat then worn on
his person. The defendant was standing
close to deponent and pointed to
said fire and while deponent was
looking in that direction deponent
felt a movement at said pocket and
felt the defendant's arm against his
person and said defendant took said
pocket-book from said pocket and
passed it to some other man in the

Sworn to before me, this

188

day

Police Justice.

POOR QUALITY
ORIGINAL

0939

crowd. The defendant then moved quickly through the crowd and deponent pursued him having hold of the defendant's clothing.

Wherefore deponent charges the defendant with acting in concert with said unknown man in the commission of said larceny.

Sworn to before me } - Beruff B. Brown
this 11th June 1890 }

W. J. McMahon

Police Justice

POOR QUALITY
ORIGINAL

0940

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Pasquale Barrota 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. *Pasquale Barrota*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *Union St. Bklyn; 6 months*

Question. What is your business or profession?

Answer. *Tender*

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

Answer. *I am not guilty*

Pasquale ^{*his*} *Barrota*
was

Taken before me this

day of *June* 189*0*

William A. Long

Police Justice.

POOR QUALITY
ORIGINAL

0941

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

Police Court---

923
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Deputy Sheriff
of the County of
Essex, &c.

Offence _____

Dated _____

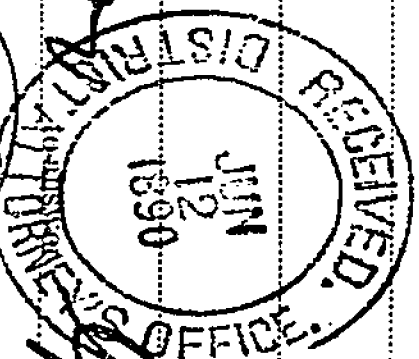
June 11 1890
M. McMahon
Magistrate.

Street _____
Officer _____

Witnesses _____

No. _____
Street _____
No. _____
Street _____

No. _____
Street _____
No. _____
Street _____



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

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

Dated June 11 1890 M. McMahon Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0942

PART I.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To

Ralph Bernard

of No.

112 Mulberry

Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 29 day of August 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Pasquale Correto

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

JOHN R. FELLOWS, *District Attorney.*

GLUED PAGE

POOR QUALITY
ORIGINAL

0943

Court of General Sessions.

THE PEOPLE

vs.

Rasquale Carrota

City and County of New York, ss:

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the

City and County of New York. On the

I called at

the alleged residence of Ralph Bernard

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

Keeper at said premises that the said Ralph Bernard had gone west sometime ago and that he did not know if he would ever return.

I also called on two other occasions but failed to find any one who knew his address.

Sworn to before me, this

29 day }
1890 }

of

David Anderson
Notary Public (100)
N. Y. Co.

Jas. H. Driscoll

Subpoena Server.

POOR QUALITY
ORIGINAL

0944

Court of General Sessions.

THE PEOPLE, on the Complaint of

Ralph Bernard

vs.

Raquel Carrota

Offense: *Assault*

JOHN R. FELLOWS,
District Attorney.

Affidavit of

James W. Noell

Subpoena Server.

Failure to find Witness

POOR QUALITY
ORIGINAL

0945

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS]

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

Northwirth

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

6

To *Off. Shea*

of No. Street.

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

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

Reguale Parrota

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

JOHN R. FELLOWS, *District Attorney.*

GLUED PAGE

POOR QUALITY
ORIGINAL

0946

Off John P. Shea is absent
on Sick leave and has
been reported by Surgeon
Mr. Goren to be insane

William Dean
Sergeant

Attorney's Office about it, and you may save time.
If inconvenient to remain, and you prefer another
day, state this early to the District Attorney in the
Court.
If ill when served, please send timely word to the
District Attorney's Office.
If you know of more testimony than was produced be-
fore the Magistrate, or if a fact which you think ma-
terial was not there brought out, please state the same to
the District Attorney or one of his Assistants.

Court of General Sessions.

THE PEOPLE

vs.

State of New York

County of New York, ss.:

John P. Shea
being duly

GLUED PAGE

0947

POOR QUALITY
ORIGINAL

case not be called on for trial and
in Court please inquire

Court of General Sessions.

THE PEOPLE

vs.

Pasquale Carota

City and County of New York, ss :

Peter Doyle being duly
sworn, deposes and says: I reside at No. *980 - 3rd Avenue*
Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of
the City and County of New York. On the *29* day of *August* 189*0*
I called at *6th Precinct, Station House*

the alleged *Place of Employment of Officer John Shea*
Station the complainant herein, to serve him with the annexed subpoena, and was informed by *the Sergeant*
in Command at said Station House that Officer John Shea
report sick sometime ago, and that he has since been
reported insane by Surgeon *W. C. Govern* of the Police
Department, and the same has been endorsed on the
back of the annexed subpoena by Sergeant *William Dean*

Sworn to before me, this *2nd* day
of *September* 189*0*.

Henry Horghoad

Peter J. Doyle
Subpoena Server.
Notary Public N. Y. Co.

POOR QUALITY
ORIGINAL

0948

Court of General Sessions.

THE PEOPLE, on the Complaint of

Rocco Catali

vs.

Paquale Quarta

Offense:

JOHN R. FELLOWS,
District Attorney.

Affidavit of

Henry J. Boylan

Subpoena Server.

Failure to Find Witness.

POOR QUALITY
ORIGINAL

0949

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Pasquale Carrota

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

Pasquale Carrota
of the CRIME OF GRAND LARCENY IN THE first DEGREE,
committed as follows:

The said

Pasquale Carrota

late of the City of New York, in the County of New York aforesaid, on the tenth
day of June in the year of our Lord one thousand eight hundred and
ninety, at the City and County aforesaid, with force and arms, in the
night time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of forty-five

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of

forty-five
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of

forty-five
dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of

forty-five
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of forty-five dollars

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

0950

BOX:

397

FOLDER:

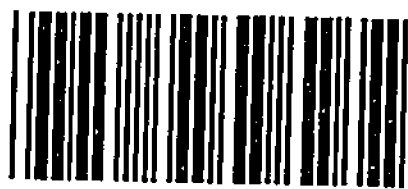
3700

DESCRIPTION:

Cattell, Thomas W.

DATE:

06/23/90



3700

POOR QUALITY
ORIGINAL

0951

Waived by deposit of \$1000
for 3 delinquent by
Alexander S. Galt
Recy 5/90 per order on 2nd delinquent
Witnesses:
Eugene W. Morris
Grace W. Chipman

This indictment is for a
misdemeanor, viz. petit larceny
The party indicted, has presented
a petition to the Court, in
accordance with Sec 66 of the
Code of Civil Procedure, asking
judging that he has received sat-
isfaction, and asking that
the prisoner be discharged from
further prosecution, on account
of his good character of the
defendant, and in furtherance
of justice I join in the
application and recommend
that the indictment be
dismissed

Delaney Peace

Dist Atty

Jan 31/91

Counsel,

Filed 23 day of June 1890
Pleads, for Guilty (any 5)

THE PEOPLE

vs.

Thomas W. Castell

PETIT LARCENY.

[Sections 528, 532 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Forfeited 900
J. R. Fellows
Foreman.
Indictment
Dismissed

POOR QUALITY
ORIGINAL

0952

COURT OF GENERAL SESSIONS.

.....;

T h e P e o p l e , e t c .

against

T h o m a s W . C a t t e l l

.....;

P E T I T I O N

To the Honorable, the Court of General Sessions of the
Peace of the City and County of New York :

The petition of THOMAS W. CATTELL respectfully shows to
this honorable court :

The petitioner was indicted on or about the 23^d
day of *June* 1890, being charged by three indictments
with the larceny of ten dollars ; that although there are
three indictments against petitioner, the alleged offences
are parts of one alleged transaction.

That said indictments having been obtained against
petitioner upon the application of the New York Transfer
Company of this city, that thereafter petitioner was extradit-
ed from the State of New Jersey, and brought to this city,
and here gave bail. The petitioner made no resistance to
the extradition or any attempt to evade or resist said
process, which petitioner is informed and believes he might
very well have done.

That thereafter petitioner caused to be paid to the
complainant in this case, the New York Transfer Company the
full amount alleged to have been taken by petitioner, and the
complainant upon a representation of the facts and circum-
stances herein set forth, agreed to withdraw its complaint

POOR QUALITY
ORIGINAL

0953

COURT OF GENERAL SESSIONS.

.....
T h e P e o p l e , e t c .

against

T h o m a s W . C a t t e l l

P E T I T I O N

.....
To the Honorable, the Court of General Sessions of the
Peace of the City and County of New York :

The petition of THOMAS W. CATTELL respectfully shows to
this honorable court :

The petitioner was indicted on or about the 23^d
day of *June* 1890, being charged by three indictments
with the larceny of ten dollars ; that although there are
three indictments against petitioner, the alleged offences
are parts of one alleged transaction.

That said indictments having been obtained against
petitioner upon the application of the New York Transfer
Company of this city, that thereafter petitioner was extradit-
ed from the State of New Jersey, and brought to this city,
and here gave bail. The petitioner made no resistance to
the extradition or any attempt to evade or resist said
process, which petitioner is informed and believes he might
very well have done.

That thereafter petitioner caused to be paid to the
complainant in this case, the New York Transfer Company the
full amount alleged to have been taken by petitioner, and the
complainant upon a representation of the facts and circum-
stances herein set forth, agreed to withdraw its complaint

**POOR QUALITY
ORIGINAL**

0954

against the petitioner so far as they could do so, and to ask the District Attorney and the court to consent to the dismissal of the indictment.

That said promise of the complainant herein was made without any promise, direct or indirect, on the part of the petitioner of any compensation therefor, but was wholly induced by the restitution made by petitioner of the sum alleged to have been taken by him and by the facts and circumstances herein set forth.

The petitioner asks for the dismissal of the indictments against him from this honorable court for the following reasons :

The offences charged against petitioner which are, as has already been stated, practically one transaction, are a misdemeanor, and that the complainant Company can therefore withdraw the charge ~~merely~~ against petitioner, and request the court to allow such withdrawal.

The petitioner is a man of good character, of industrious habits, and has always worked hard to maintain himself and his family ; that his reputation is good, and that up to the present accusation against him there has not been any charge of any nature whatsoever against petitioner.

That petitioner's family in the State of New Jersey are respectable people of good position, one of his near relatives being an *Ex* senator of the State of New Jersey. The petitioner has dependent upon him for support, a wife and three children, the latter being respectively four years, two years, and six months of age.

The petitioner's family is entirely destitute and

POOR QUALITY
ORIGINAL

0955

dependant entirely upon petitioner's exertions to keep them from actual want ; and that in addition to this family, petitioner ^{desires} ~~has~~ to contribute to the support of his mother, a widow, who is in very delicate health. That a relative of petitioner's has advanced him a small sum to commence a small grocery business, and promises, in case this charge is disposed of, to render him aid sufficient to obtain a modest living for his family.

In view of the foregoing facts, petitioner therefore respectfully prays this honorable court that upon this petition, and upon the annexed consent of the complainant the New York Transfer Company that this honorable court may dismiss the indictments against petitioner.

And your petitioner will ever pray, etc.

Dated Camden, N. J. December 12, 1890

State of New York,
OFFICE OF THE SECRETARY OF STATE, } ss:

I hereby Certify, that Thomas J. Hunt
of Philadelphia County of Philadelphia and State of Pennsylvania
was, at the time of administering the oath or affirmation mentioned in his annexed certificate, a Commissioner for the State of New York, to take the proof and acknowledgment of deeds and other instruments to be used or recorded in this State, and to administer oaths and affirmations; and that such Commissioner was, at the time aforesaid, duly authorized to take the same; and that I have compared the signature of the said Commissioner to the certificate subjoined to the annexed instrument with the signature of such Commissioner deposited in this office, and have also compared the impression of the seal affixed to such certificate with the impression of the seal of such Commissioner, deposited in this office, and I verily believe the signature and impression of the seal to the said certificate to be genuine.

Witness my hand and the Seal of office of the Secretary of State, at the City of Albany,
this Twenty-second day of December
in the year one thousand eight hundred and ninety

Frank Rice

Secretary of State.

and belief, and as to those matters he believes it to be true.

Sworn to before me this 19th day of December 1890

Thomas J. Hunt
Commissioner of Deeds of the State of
New York, within the County of Phil-
adelphia in the State of Pennsylvania.
No. 623 Walnut St.

GLUED PAGE

POOR QUALITY
ORIGINAL

0956

State of New York,
OFFICE OF THE SECRETARY OF STATE, } S.S.

I hereby Certify, that Thomas J. Hunt
of Philadelphia County of Philadelphia and State of
his annexed certificate, a Commissioner for the State of New York, to take the proof and acknowledgment of deeds and other
instruments to be used or recorded in this State, and to administer oaths and affirmations; and that such Commissioner was, at
the time aforesaid, duly authorized to take the same; and that I have compared the signature of the said Commissioner to the
certificate subjoined to the annexed instrument with the signature of such Commissioner deposited in this office, and have also
compared the impression of the seal affixed to such certificate with the impression of the
seal of such Commissioner, deposited in this office, and I verily believe the signature and
impression of the seal to the said certificate to be genuine.

Witness my hand and the Seal of office of the Secretary of State, at the City of Albany,
this Twenty-second day of December
in the year one thousand eight hundred and ninety

Frank Rice

Secretary of State.

L the States,
ada and the
strally,
FLA, PA.

POOR QUALITY
ORIGINAL

0957

COURT OF GENERAL SESSIONS

.....
The People of the State of New York, &c

-against-

Thomas W. Cattell
.....

To the Honorable the Court of General Sessions of the
peace for the City and County of New York :

TENBROOK W. MORRIS, Superintendent
of the New York Transfer Company, a corporation duly incorpor-
ated under the laws of the State of New York, respectfully
shows to this honorable court that said New York Transfer
Company, the party injured by the acts of one, Thomas W.
Cattell, as set forth in three indictments found against
him, and now pending for trial in this honorable court,
hereby appears before this court, and acknowledges that it
has received satisfaction for the injury in said three
indictments described, committed by said Thomas W. Cattell,
the defendant herein, and respectfully asks that if this
court shall see fit so to direct, that it may order all
proceedings to be stayed upon the prosecution of said three
indictments, and that defendant be discharged therefrom, or
that this court may take such action in the premises as
shall seem to it meet and just.

Dated, New York, ~~December 27, 1890.~~

January 15th 1891

Tenbrook W. Morris
Supt N.Y.T. Co.

**POOR QUALITY
ORIGINAL**

0958

CITY AND COUNTY OF NEW YORK, SS :

On this 15th day of January, 1891, before me personally came Tenbrook W. Morris to me known to be the individual described in and who executed the within instrument, and acknowledged that he executed the same for the purposes therein mentioned.

C. W. Birdsell
Notary Public
New York County.

POOR QUALITY
ORIGINAL

0959

COURT OF GENERAL SESSIONS.

.....
The People etc.
against
Thomas W. Cattell
.....

Statement of Counsel

To the Honorable, the Court of General Sessions of
the Peace for the City and County of New York :

Having been employed by the complainant in this criminal action, I think it advisable to add my statement to the papers herewith presented upon an application for the dismissal of the indictments against the defendant or for such other action as the court may deem advisable.

I have had entire charge of this matter on behalf of the complainant, got together the evidence, prepared the case for presentation to the Grand Jury, and urged, and finally obtained, after some little difficulty, the extradition of defendant from Camden, New Jersey.

The defendant did not resist arrest, but came voluntarily, without waiting for any further proceedings.

I am thoroughly familiar with all the facts of this case, and I desire to join in the application herewith made.

In addition to the matters stated in this petition, of defendant, I have ascertained that he is a nephew of Senator Alexander G. Cattell of New Jersey, who is also President of the New State Board of Assessors, President of the New Jersey Safe & Trust Company, etc, a man of unblemished character, and very high position in his own state. He has made a very strong appeal to me on behalf of his nephew,

**POOR QUALITY
ORIGINAL**

0950

and states that he is willing, if the present matters should be dismissed, to take charge of him, and to advance him enough money to support him in a small business by which he may support his family, who are now in a state of destitution.

He represents his nephew to be a man of perfectly good character before these present charges were made, and that he was led astray by intemperate habits ; that he has reformed, and he believes that he will remain so.

From all the facts and circumstances in my possession, I believe the interests of justice would not suffer, and that it is for many reasons desirable that this application should be granted.

Restitution has been made, some months since, to the complainant, without any promise being made or required that complainant should take any action favorable to defendant.

I may add, that I have no pecuniary interest personally contingent upon the success or the present application.

Dated, New York, January 19, 1891.

Very respectfully,

Theodore Connolly.
Counsel for N. Y. Transfer Co.
Complainant

POOR QUALITY
ORIGINAL

0961

Court of General Sessions,

The People, etc

Thomas W. Catell.

Petition, etc.

January 19 1891

Mr. Mac Donnell.

Please

look into this

case with a view of

deciding whether a return

must be taken or not

POOR QUALITY
ORIGINAL

0962

Court of General Sessions

The People, etc

Thomas W. Catell.

Petition, etc.

January 19 1891

Mr. MacBarnes:

Please

look into this

case with a view of

deciding whether a return

should be made.

Yours truly,
T. W. Catell

POOR QUALITY
ORIGINAL

0963

District Attorneys Office.
City & County of
New York.

Proper
as
Thos W. Battell

Mr. Peck

The petition herein, dated January 19/91 states all the reasons relied on to induce the District Attorney to dismiss the three indictments against the above defendant, and furnishes also a history of the case.

There are singular discrepancies between the statements contained in this petition, and those embodied in the original application for the indictment and extradition of the defendant. The original application is filed herewith.

I think the real object of the petition, which you sent to me to report on, would be accomplished if Battell would plead to petit larceny and thus release the \$1000 deposited as bail.

The facts set forth in the petition as to Battell's present condition, his social connections and future prospects, in case clemency is extended to him, seem to mark the case

POOR QUALITY
ORIGINAL

0964

District Attorneys Office.
City & County of
New York.

Case as a proper one for suspension
of judgement

Respectfully

H. D. Macdonald
Deputy

2402

2402

2402

2402

2402

POOR QUALITY
ORIGINAL

0965

People

W. W. Callell

Report

To Hon. Doan, Keck
Director of Mining

Jan 24/1891

I am enclosing
6000 copies of the report also for your reference

POOR QUALITY
ORIGINAL

0966

.....
The People, on the complaint of)
The New York Transfer Company,)
vs.)
Thomas W. Cattell)
.....

CITY AND COUNTY OF NEW YORK SS :

TENBROOK W. MORRIS, being duly sworn, says : That he is the Superintendent of the New York Transfer Company, a corporation formed under the laws of the State of New York, and as such has charge of the office of said Company at 1323 Broadway in the City of New York, and of all the books and records of that Company in said office, and of the conduct of the business of said Company.

That the defendant, Thomas W. Cattell, took stole and carried away ten dollars, the property of the said New York Transfer Company under the following circumstances :

That at the times herein mentioned said Thomas W. Cattell was checking-clerk in the office of said Company and his duty was, among other things, to check off and verify the statements of the various agents of said Company, who reported each day to said office the amount of their disbursements and receipts on behalf of said Company, by such agents.

4.2
N.P.
That among the agents of said Company was one, Joseph S. Kelly, who was agent of the Company at Desbrosses Street Ferry in the City of New York, and received and paid out moneys for said Company as hereinafter set forth.

That the reports of the business from said Kelly show-

**POOR QUALITY
ORIGINAL**

0967

ing his receipts and disbursements, passed through the hands of said Cattell, and it was his business to examine the same and to see that they were correct, or, if not, correct to report to said Company any discrepancies found therein.

That in or about the month of June, 1889 said Thomas W. Cattell and said Kelly formed a fraudulent and corrupt scheme, by which they mutually agreed that said Kelly should retain in his hands and appropriate to his use and that of said Cattell ten dollars a day of the moneys coming into his hands, and being the property of the New York Transfer Company, above referred to, and that said sums of ten dollars, when so retained in his hands by said Kelly, should be divided between said Cattell and said Kelly.

That in pursuance of said corrupt scheme, on the 17th day of September, 1889, said Kelly, as the employee and agent of said Company, received on behalf thereof as such agent and employee the sum of \$138.40 in money, the property of said Company, and out of said moneys so received by him, disbursed and paid out for said Company the sum of \$12.70, leaving in his hands the property of and belonging to said Company the sum of \$125.70, which said sum is shown by the accounts of said Kelly to have been in his hands as such agent aforesaid at the close of the business of said 17th day of September, 1889.

That on said 17th day of September, 1889 said Kelly did not pay to said Company the sum of \$125.70, ~~xxx~~ ~~xxx~~ belonging to said Company in his hands, nor did he pay the

POOR QUALITY
ORIGINAL

0968

7.8
N.P.

same to said Company at any other time, but, on the contrary, only paid to said Company the sum of \$115.70, and did divide the ^{balance, to wit, ten dollars.} ~~same~~ with said Cattell, paying unto said Cattell, in pursuance of the fraudulent scheme already set forth the sum of \$5.00, the property of said Company.

That a part of the scheme entered into between said Kelly and Cattell, and agreed to between them was, that said Cattell, who was a checking-clerk in the employment of said Company, as above set forth, should pass the accounts of said Kelly as correct, although on their face they would show a discrepancy of ten dollars on each occasion that said Kelly and Cattell would retain from the funds of the Company that amount.

7.8
N.P.

That on ^{the} ~~said~~ 18th day of September ~~said~~ 1889, said Cattell did examine the accounts for that day of said Kelly for the 17th day of September, 1889; that said accounts then showed on their face, that said Kelly had retained ten dollars of the funds of said Company, and that he should have paid said Company the sum of \$125.70 instead of the ~~\$115.70~~ sum of ~~\$125.70~~, actually paid by him.

7.8
N.P.

That notwithstanding said discrepancy said accounts of said Kelly were passed as correct by said ^{Cattell} ~~Kelly~~, in pursuance of the scheme already referred to and entered into between said Kelly and Cattell.

7.8
N.P.

That, thereafter, ^{as already set forth herein} said Kelly paid said Cattell his half of the said ten dollars stolen on the 17th day of September, 1889 by said Kelly and Cattell, to wit, the

POOR QUALITY
ORIGINAL

0969

sum of five dollars, the property of said Company.

That by the said acts of said Cattell and Kelly they took, stole and carried away the sum of ten dollars, the property of said Company, of which they were agents, employees and servants.

That the knowledge of the criminal participation of said Cattell in said acts is obtained by deponent from the statements made to him, and confessions of said Kelly to him, and that deponent has also carefully examined the accounts for said day, and that the same show the facts hereinbefore set forth.

Wherefore this deponent prays that an indictment may be found against said Thomas W. Cattell for the larceny of ten dollars as above set forth, the property of the New York Transfer Company, aforesaid.

That wherever in this affidavit sums of money are mentioned that such sums of money are of the lawful money and currency of the United States of America.

Sworn to before me this)
19th day of June, 1890)

Jenbrook R. Morris

Charles Connolly

*Notary Public
Queens County, New York*

POOR QUALITY
ORIGINAL

0970

.....
The People, on the complaint of the
New York Transfer Company
vs.
Thomas W. Cattell
.....

CITY AND COUNTY OF NEW YORK, S.S:

4.8
N.D.
7.6
N.D.

Horace W. CHIPMAN, being duly sworn, says : that he was at
the times herein mentioned, ^{cashier} ~~receiving-clerk~~ in the office of
The New York Transfer Company at No. 1323 Broadway in the
City of New York. That on the 18th day of September, 1889,
Joseph F. S. Kelly, the agent of the Company at Desbrosses
Street Ferry, paid to said Company, as the receipts of his
office for September 17th, the sum of \$115.70, and the
said amount was received by deponent as such receiving-clerk
from said Kelly.

Sworn to before me this)
20th day of June, 1890.)

Horace W. Chipman
Notary Public
City and County of New York

POOR QUALITY
ORIGINAL

0971

.....
The People, on the complaint of)
The New York Transfer Company,)
vs.)
Thomas W. Cattell.)
.....

CITY AND COUNTY OF NEW YORK, S.S :

JOSEPH ~~S.~~ S. KELLY being duly sworn, says : that he is
the person referred to in the annexed affidavit of Tenbrook
W. Morris ; that he has read said affidavit, and that the
statements therein contained in reference to the transactions
of deponent and of one Thomas W. Cattell are true.

That said fraudulent scheme was entered into by
deponent upon the persuasion and request of said Cattell,
who took advantage of deponent's needy circumstances,
and pointed out to him how easy it would be to obtain
money in this way.

That deponent has given this testimony against said
Cattell voluntarily, upon the request of the complainant
herein, the New York Transfer Company.

Sworn to before me this)
18th day of June, 1890)

Therese Gannon
Notary Public
County of Queens, N.Y.

J. S. Kelly

POOR QUALITY
ORIGINAL

0972

The People

against

Thomas W. Catell

No. 2.

Affidavits.

POOR QUALITY
ORIGINAL

0973

Bailed by
Alexander G. Batted
Candor N. J.

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

Richard M. Marino
1323 Broadway
N.Y.

1323 Broadway
N.Y.

Dated June 20 1890

Witnesses, James W. Chapman

No. 1323 Broadway

No. Street,

No. Street,

POOR QUALITY
ORIGINAL

0974

.....
In the Matter of the application)
for the Extradition of Thomas W.)
Cattell.)
.....

The following facts are respectfully submitted to the
Honorable District Attorney of New York County :

In the year 1889, Thomas W. Cattell was checking clerk
in the main office of the New York Transfer Company, and his
duty was, among other things, to verify the daily reports
turned into the Central Office by the agents of the Company
in this city, and to report immediately any discrepancy in
their accounts. As Cattell was the only person who examin-
ed all the accounts turned in of each agent, he was the only
person who could detect errors made by the agents.

Taking advantage of this position, Cattell proposed to
several agents, among others to Joseph J. S. Kelly, in the
summer and autumn of that year, agent at Desbrosses Street
Ferry, in this city, of the New York Transfer Company, that
these agents should steal ten dollars a day from the
Company's money, and divide with him, Cattell, he, Cattell,
agreeing to certify their accounts as correct ; and he assur-
ed them that in this way there would be no danger of detec-
tion.

The accounts passed by Cattell as correct show on their
face that at various days, in the case of at least three
agents, there was a discrepancy of ten dollars a day, for
each appearing, amounting, in all, to over six hundred
dollars.

**POOR QUALITY
ORIGINAL**

0975

One of the agents (Kelly) has been arrested, has confessed his share in the theft, and has had sentence suspended upon him, he promising to give evidence whenever it shall be necessary, against Cattell, who took advantage of his being in circumstances of very great want, to tempt him to defraud the Company.

The evidence of Kelly will show that on twenty nine occasions he, at the instigation of Cattell, kept back ten dollars of the funds of the Company coming into his hands, and divided the same with Cattell.

Cattell has left this state, and is now in Camden, New Jersey, and the New York Transfer Company seeks his extradition, and will, if the District Attorney of this County thinks favorably of the present application, present the facts to the grand jury, with a view of procuring three or four indictments upon the charges, which can be corroborated by Kelly, with a view of asking for the extradition of Cattell.

As regards Cattell, this Company are very anxious to make an example of him, and these proceedings are not sought with any view to compromise or compound the offence, but with a view to punish an offender who is a very dangerous one, and whose thefts while small separately are in the aggregate, serious. It is imperative to this Company, for the honest management of its large business, that such thefts, when detected, shall be punished.

All of which is respectfully submitted.

New York, May 27, 1890

Yheodore Leunig
Attorney for New York Transfer Company.

POOR QUALITY
ORIGINAL

0976

Court.

In the Matter of the
Application

for
Plaintiff.

Against

The extradition of

Thomas W. Battell.

Defendant.

Brief of Facts

Theodore Connolly,

Attorney for New York Transfer Co.
4 Beekman St.
287 BROADWAY,
NEW YORK.

NEW YORK.

To
Oren
Attorney for

Due Service of Copy of within
is hereby admitted.

Dated, New York, May 27 1890

Attorney for

(Oren)

June 10 1890

Mr. Lindbergh

This Man

Callen should be

brought back &

punished - Please

confer with Mr

Connolly -

J. H. Parsons

D. O.

POOR QUALITY
ORIGINAL

0977

.....)
The People, on the complaint of)
The New York Transfer Company,)
vs.)
T H O M A S W. C A T T E L L)
.....)

CITY AND COUNTY OF NEW YORK, SS :

TENBROOK W. MORRIS, being duly sworn, says : That he is the Superintendent of the New York Transfer Company, a corporation formed under the laws of the State of New York, and as such has charge of the office of said Company at 1323 Broadway in the City of New York, and of all the books and records of that Company in said office, and of the conduct of the business of said Company.

That the defendant, Thomas W. Cattell, took, stole, and carried away ten dollars, the property of the said New York Transfer Company under the following circumstances :

That at the times herein mentioned said Thomas W. Cattell was checking-clerk in the office of said Company, and his duty was, among other things, to check off and verify the statements of the various agents of said Company, who reported each day to said office the amount of their disbursements and receipts on behalf of said Company, by such agents.

4. 2
N.C.
That among the agents of said Company was one, Joseph S. Kelly, who was agent of the Company at Desbrosses Street Ferry in the City of New York, and received and paid out moneys for said Company as hereinafter set forth.

That the reports of the business from said Kelly, show-

**POOR QUALITY
ORIGINAL**

0978

ing his receipts and disbursements, passed through the hands of said Cattell, and it was his business to examine the same, and to see that they were correct, or if not correct, to report to said Company any discrepancies found therein.

That in or about the month of June, 1899, said Thomas W. Cattell and said Kelly formed a fraudulent and corrupt scheme by which they mutually agreed that said Kelly should retain in his hands and appropriate to his use and that of said Cattell, ten dollars a day of the moneys coming into his hands, and being the property of the New York Transfer Company, above referred to, and that said sums of ten dollars when so retained and kept in his hands by said Kelly should be divided between said Cattell and said Kelly.

That in pursuance of said corrupt scheme, on the 21st day of September, 1889, said Kelly, as the employee and agent of said Company received on behalf thereof as such agent and employee the sum of \$85.45 in money, the property of said Company, and out of said moneys so received by him disbursed and paid out for said Company the sum of \$26.18 leaving in his hands the property of and belonging to said Company the sum of \$59.27, which said sum is shown by the accounts of said Kelly to have been in his hands as such agent aforesaid at the close of the business of said 21st day of September, 1889.

That on said 21st day of September, 1889 said Kelly did not pay to said Company the sum of \$59.27, belonging to said Company in his hands, nor did he pay the same to said Company at any other time, but on the contrary only paid

POOR QUALITY
ORIGINAL

0979

4-6
N.P.
to said Company the sum of \$49.27, and did divide ^{ten dollars} ~~the same~~
^{the balance thereof}
with said Cattell, paying unto said Cattell, in pursuance of
the fraudulent scheme already set forth the sum of \$5.00,
the property of said Company.

That a part of the scheme entered into between said
Kelly and Cattell, and agreed to between them was that said
Cattell, who was a checking-clerk in the employment of
said Company, as above set forth, should pass the accounts
of said Kelly as correct, although on their face they would
show a discrepancy of ten dollars on each occasion that
said Kelly and Cattell would retain from the funds of the
Company that amount.

4-6
N.P.
That on ^{the} ~~said~~ 23rd day of September, 1889 said Cattell
did examine the accounts ~~for that day~~ of said Kelly for the
21st day of September, 1889 ; that said accounts then showed,
on their face, that said Kelly had retained ten dollars of the
funds of said Company, and that he should have paid said
Company the sum of \$59.27 instead of the sum of \$49.27,
actually paid by him.

4-6
N.P.
That notwithstanding said discrepancy, said accounts of
said Kelly were passed as correct by said ^{Cattell} ~~Kelly~~, in pursuance
of the scheme already referred to and entered into between
said Kelly and Cattell.

4-6
N.P.
That, thereafter, said Kelly ^{as already set forth herein} paid said Cattell his
half of the said ten dollars stolen on the 21st day of
September, 1889 by said Kelly and Cattell, to wit, the sum of
five dollars, the property of said Company.

That by the said acts of said Cattell and Kelly, they
took, sold and carried away the sum of ten dollars, the

POOR QUALITY
ORIGINAL

0480

property of said Company of which they were agents, employees and servants.

That the knowledge of the criminal participation of said Cattell in said acts is obtained by deponent from the statements made to him, and confessions of said Kelly to him, and that deponent has also carefully examined the accounts for said day, and that the same show the facts hereinbefore set forth.

Wherefore this deponent prays that an indictment may be found against said Thomas W. Cattell for the larceny of ten dollars, as above set forth, the property of the New York Transfer Company aforesaid.

That wherever in this affidavit sums of money are mentioned that such sums of money are of the lawful money and currency of the United States of America.

Sworn to before me this 19th)
day of June, 1890.

Frederick W. Morris

*Theodore County
Notary Public
City & County of New York*

POOR QUALITY
ORIGINAL

0981

.....
The People, on the complaint of the
New York Transfer Company,

vs.

Thomas W. Cattell.

.....
CITY AND COUNTY OF NEW YORK, S.S:

*4. l.
N. P.
4. l.
N. P.*
Horace W. CHIPMAN, being duly sworn, says : that he was
at the times herein mentioned, ^{*cashier*} ~~receiving-clerk~~ in the office
of the New York Transfer Company, at 1323 Broadway in the
City of New York. That on the ~~23rd~~ ^{*3rd*} day of September, 1889
Joseph F. S. Kelly, the agent of the Company at Desbrosses
Street Ferry, paid to said Company as the receipts of his
office for September 21st, the sum of \$49.27, and the
said amount was received by deponent as such receiving-clerk
from said Kelly.

Sworn to before me this)

20th day of June, 1890.)

Horace W. Chipman
Wooden County
Notary Public
City & County of New York

0902

Thos. C. C. C. C.
N. Y. N. Y.
C. C. C. C.

Joseph F. Kelly

POOR QUALITY
ORIGINAL

0983

The People

against

Thomas W. Cottell

No 3

Affidavits.

POOR QUALITY
ORIGINAL

0984

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Andrew W. Miller
1323 Broadway
vs.

Thomas W. Hall

Offence

Dated *June 20* 18*90*

Witnesses, *Thomas W. Miller*

No. *1323 Broadway* Street

No. _____ Street,

No. _____ Street,

POOR QUALITY
ORIGINAL

0985



State of New Jersey.
Executive Department.

Trenton, September 9th, 1890.

Col. John R. Fellows,
District Attorney,
New York City.

Dear Sir:-

This will introduce to you the Hon. Alexander G. Cattell an ex-United States Senator of our State. He desires to see you about some case which is now before you and in which he is personally interested. Anything you can do for him will be duly appreciated by me.

Very Truly Yours,

Leon Abbott

POOR QUALITY
ORIGINAL

0986

.....

The People, on the complaint of)
The New York Transfer Company,)
vs.)
Thomas W. Cattell.)
.....

CITY AND COUNTY OF NEW YORK SS :

TENBROOK W. MORRIS, being duly sworn, says : That he is the Superintendent of the New York Transfer Company, a corporation formed under the laws of the State of New York, and as such has charge of the office of said Company at 1323 Broadway in the City of New York, and of all the books and records of that Company in said office, and of the conduct of the business of said Company.

That the defendant, Thomas W. Cattell, took stole and carried away ten dollars, the property of the said New York Transfer Company under the following circumstances :

That at the times herein mentioned said Thomas W. Cattell was checking-clerk in the office of said Company and his duty was, among other things, to check off and verify the statements of the various agents of said Company, who reported each day to said office the amount of their disbursements and receipts on behalf of said Company, by such agents.

That among the agents of said Company was one, Joseph M. S. Kelly, who was agent of the Company at Desbrosses Street Ferry in the City of New York, and received and paid out moneys for said Company as hereinafter set forth.

That the reports of the business from said Kelly show-

**POOR QUALITY
ORIGINAL**

0987

ing his receipts and disbursements, passed through the hands of said Cattell, and it was his business to examine the same and to see that they were correct, or, if not, correct to report to said Company any discrepancies found therein.

That in or about the month of June, 1889 said Thomas W. Cattell and said Kelly formed a fraudulent and corrupt scheme, by which they mutually agreed that said Kelly should retain in his hands and appropriate to his use and that of said Cattell ten dollars a day of the moneys coming into his hands, and being the property of the New York Transfer Company above referred to, and that said sums of ten dollars, when so retained in his hands by said Kelly should be divided between said Cattell and said Kelly.

That in pursuance of said corrupt scheme, on the 9th day of September, 1889, said Kelly, as the employee and agent of said Company, received on behalf thereof as such agent and employee the sum of \$166.35, in money, the property of said Company, and out of said moneys so received by him disbursed and paid out for said Company the sum of \$8.60, leaving in his hands the property of and belonging to said Company the sum of \$157.75, which said sum is shown by the accounts of said Kelly to have been in his hands as such agent aforesaid at the close of the business of said 9th day of September, 1889.

**POOR QUALITY
ORIGINAL**

0988

That on said 9th day of September, 1889 said Kelly did not pay to said Company the sum of \$157.70 belonging to said Company in his hands, nor did he pay the same to said Company at any other time, but, on the contrary, only paid to said Company the sum of \$147.75 and did divide the same with said Cattell, paying unto said Cattell, in pursuance of the fraudulent scheme already set forth the sum of \$5.00 the property of said Company.

That a part of the scheme entered into between said Kelly and Cattell, and agreed to between them was, that said Cattell, who was a checking clerk in the employment of said Company, as above set forth, should pass the accounts of said Kelly as correct, although on their face they would show a discrepancy of ten dollars on each occasion that said Kelly and Cattell would retain from the funds of the Company that amount.

That on the 10th day of September, 1889, said Cattell did examine the accounts ~~for that day~~ of said Kelly for the 9th day of September, 1889 ; that said accounts then showed on their face that said Kelly had retained ten dollars of the funds of said Company , and that he should have paid said Company the sum of \$157.75 instead of the sum of \$147.75 actually paid by him.

That notwithstanding said discrepancy said accounts of said Kelly were passed as correct by said Cattell, in pursuance of the scheme already referred to and entered into between said Kelly and Cattell.

POOR QUALITY
ORIGINAL

0989

That, thereafter, as above set forth, said Kelly paid said Cattell his half of the said ten dollars stolen on the 9th day of September, 1889, by said Kelly and Cattell, to wit, the sum of five dollars, the property of said Company.

That by the said acts of said Cattell and Kelly they took, stole and carried away the sum of ten dollars, the property of said Company, of which they were agents, employees and servants.

That the knowledge of the criminal participation of said Cattell in said acts is obtained by deponent from the statements made to him, and confessions of said Kelly to him, and that deponent has also carefully examined the accounts for said day, and that the same show the facts hereinbefore set forth.

Wherefore this deponent prays that an indictment may be found against said Thomas W. Cattell for the larceny of ten dollars as above set forth, the property of the New York Transfer Company, aforesaid.

That wherever in this affidavit sums of money are mentioned that such sums of money are of the lawful money and currency of the United States of America.

Sworn to before me *nm*
this *10th* day of June, 1890

Theodore B. Morris
Notary Public
City & County of New York

Theodore B. Morris

POOR QUALITY
ORIGINAL

0990

.....

The People, on the complaint of the
New York Transfer Company

vs.

Thomas W. Cattell

.....

CITY AND COUNTY OF NEW YORK, S. S:

*7.6
K.F.*
Horace W. CHIPMAN, being duly sworn, says : that he was,
at the times herein mentioned, ^{cashier} ~~receiving-clerk~~ in the
office of the New York Transfer Company at No. 1323 Broadway
in the City of New York. That on the 10th day of September,
1889 Joseph F. S. Kelly, the agent of said Company at
Desbrosses Street Ferry paid to said Company, as the
receipts of his office for September, 1889, the sum of
\$147.75, and the said amount was received by deponent as
such receiving-clerk from said Kelly.

Sworn to before me this)

20th day of June, 1890)

Horace W. Chipman
Therese Conway
Notary Public

County, & City of New York

POOR QUALITY
ORIGINAL

0991

.....
The People, on the complaint of)
The New York Transfer Company,)
vs.)
Thomas W. Cattell.)
.....

CITY AND COUNTY OF NEW YORK, S.S. :

JOSEPH ~~W.~~ S. KELLY being duly sworn, says : that he is
the person referred to in the annexed affidavit of Tenbrook
W. Morris ; that he has read said affidavit, and that the
statements therein contained in reference to the transactions
of deponent and of one Thomas W. Cattell are true.

That said fraudulent scheme was entered into by
deponent upon the persuasion and request of said Cattell,
who took advantage of deponent's needy circumstances,
and pointed out to him how easy it would be to obtain
money in this way.

That deponent has given this testimony against said
Cattell voluntarily, upon the request of the complainant
herein, the New York Transfer Company.

Sworn to before me this)
18th day of June, 1890)

Theodore Conover
Notary Public

City & County of New York

J. S. Kelly

POOR QUALITY
ORIGINAL

0992

The People

against

Thomas W. Batten

No 1.

Affidavits

POOR QUALITY
ORIGINAL

0993

DISTRICT ATTORNEY'S OFFICE.
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard W. Morris
1322 Broadway
vs.
Thomas W. Catell

Office

Dated *June 20* 18 *93*

Witnesses, *Horace W. Chapman*

No. *1322 Broadway* Street,

No. _____ Street,

No. _____ Street,

POOR QUALITY
ORIGINAL

0994

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas W. Cattell

The Grand Jury of the City and County of New York, by this
Indictment accuse Thomas W. Cattell

of the crime of *Petit Larceny,*

committed as follows:

Heretofore, to wit: on the twentyfirst day of September,
1889, at the City and County aforesaid, one Joseph T.
S. Kelly, being the clerk and servant of the New York
Transfer Company, a corporation then and there duly
organized and existing under and by virtue of the laws
of this State, and as such clerk and servant then and
there having in his possession, custody and control
certain moneys and personal property of the said
corporation, the true owner thereof, to wit: the sum of
ten dollars in money, lawful money of the United
States of America, and of the value of ten dollars,
did then and there unlawfully 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
and personal property of the said corporation did
then and there and thereby unlawfully steal.

POOR QUALITY
ORIGINAL

0995

And the said Thomas W. Cattell, late of the City and County aforesaid, then and there, to wit: on the day and in the year aforesaid, at the City and County aforesaid, was unlawfully concerned in the commission of the said crime and petit larceny by the said Joseph F. S. Kelly in manner and form aforesaid, and him the said Joseph F. S. Kelly in the commission of the same, did then and there unlawfully aid and abet, and then and there unlawfully did directly counsel, command, induce and procure him the said Joseph F. S. Kelly to commit the same in manner and form aforesaid; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

John R. Fellows,

District Attorney.

POOR QUALITY
ORIGINAL

0996

B. W. June 20/90

Bailed by deposit of \$1,000

(in 3 installments) by

Alexander S. Battle

Oct 25, 1890

Remitted

W. W. Mott

W. W. Chapman

This indictment is for a

felony, to wit, Petit Larceny

The party against the indictment

is a petition to the Court in

accordance with Sec 66 of

the Code of Civil Procedure

acknowledging that he has

received satisfaction, and asking

that the person be discharged

from further prosecution on

account of the good character

of the defendant and in

furtherance of justice, I am

in the application and I am

more that the indictment

be dismissed

Counsel,

Filed

Pleads,

23 day of June 1890

for Emily (Lump)

THE PEOPLE

vs.

Thomas W. Cottell

PETIT LARCENY.

[Sections 528, 532 Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. W. Chapman

Foreman.

Let Sept. be left to

Bis in the 1st and

other proceedings

in \$1000.00

in Aug 21/90

Jan 21/91

And City

POOR QUALITY
ORIGINAL

0997

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas W. Cattell

The Grand Jury of the City and County of New York, by this
Indictment accuse Thomas W. Cattell

of the crime of *Petit Larceny*,

committed as follows:

Heretofore, to wit: on the ninth day of September, 1889,
at the City and County aforesaid, one Joseph F. S. Kelly,
being the clerk and servant of the New York Transfer
Company, a corporation then and there duly organized
and existing under and by virtue of the laws of this
State, and as such clerk and servant then and there
having in his possession, custody and control, certain
moneys and personal property of the said corporation,
the true owner thereof, to wit: the sum of ten dollars
in money, lawful money of the United States of
America, and of the value of ten dollars, did then
and there unlawfully 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 and
personal property of the said corporation, did then
and there and thereby unlawfully steal.

POOR QUALITY
ORIGINAL

0998

And the said Thomas W. Cattell, late of the City and County aforesaid, then and there, to wit: on the day and in the year aforesaid, at the City and County aforesaid, was unlawfully concerned in the commission of the said crime and petit larceny by the said Joseph F.S. Kelly, in manner and form aforesaid, and him the said Joseph F.S. Kelly, in the commission of the same did then and there unlawfully aid and abet, and did then and there unlawfully directly counsel, command, induce and procure him the said Joseph F.S. Kelly to commit the same in manner and form aforesaid; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

John R. Fellows,

District Attorney.

POOR QUALITY
ORIGINAL

10000

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas W. Cattell

The Grand Jury of the City and County of New York, by this
Indictment accuse Thomas W. Cattell —

of the crime of *Petit Larceny*,

committed as follows:

Heretofore, to wit: on the seventeenth day of September, 1889, at the City and County aforesaid, one Joseph F. S. Kelly, being the clerk and servant of the New York Transfer Company, a corporation then and there duly organized and existing under and by virtue of the laws of this State, and as such clerk and servant, then and there having in his possession custody and control certain moneys and personal property of the said corporation, the true owner thereof, to wit: the sum of ten dollars in money, lawful money of the United States of America and of the value of ten dollars, did then and there unlawfully 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 and personal property of the said corporation did then and there and thereby unlawfully steal.

And the said Thomas W. Cattell, late of the

**POOR QUALITY
ORIGINAL**

1001

City and County aforesaid, then and there, to wit: on the day and in the year aforesaid, at the City and County aforesaid, was unlawfully concerned in the commission of the said crime and larceny by the said Joseph F. S. Kelly, in manner and form aforesaid, and him the said Joseph F. S. Kelly, in the commission of the same did then and there unlawfully aid and abet, and then and there unlawfully did directly counsel, command, induce and procure him the said Joseph F. S. Kelly to commit the same, in manner and form aforesaid; against the form of the Statute in such case made and provided, and against the peace and dignity of the said People.

John R. Fellows,

District Attorney.

1003

**END OF
BOX**