

0267

**BOX:**

515

**FOLDER:**

4689

**DESCRIPTION:**

Edelstein, Joseph

**DATE:**

03/30/93



4689

0268

**POOR QUALITY ORIGINAL**

Witnesses:

Morris Fisher

This was a typical East side row. Had been some money differences between the parties, their words dispute developed into an all-round fight, and each party stood ready to bring a cloud of witnesses to prove that the other was the aggressor. As appears by the letter course, the defendants themselves were injured in the fray, after a lapse of four years the defendant file the charges withdrawn, which, while of itself sufficient to warrant a dismissal, underwritten by you a version more favorable to himself than the facts justify. I respectfully recommend the discontinuance of this indictment.

May 21/92  
 J. Edgar Hoover  
 J. Edgar Hoover

Counsel,

Filed,

Pleads,

*R. B. Shumaker*

30<sup>th</sup> March 1893

*Henry & Isaac Edelstein*

THE PEOPLE

vs.

B

Henry Edelstein  
Isaac Edelstein  
and  
Joseph Edelstein

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

DE LANCEY NICOLL,

District Attorney.

May 21/92  
 William Prater  
 Just returned

A TRUE BILL.

*Wm W. Keator*

Foreman.

*J. Edgar Hoover*  
 Dept. of Justice

May 31 1893

0269

**POOR QUALITY ORIGINAL**

Witnesses:

Morris Fisher

This was a typical East side row. There being some money differences between the parties, their wordy dispute developed into an all-round fight, and each party stood ready to bring a cloud of witnesses to prove that the other was the aggressor. As appears by the letter comes, the defendants themselves were injured in the fray, after a lapse of four years the ~~plaintiff~~ <sup>defendant</sup> files the ~~complaint~~ <sup>complaint</sup> which, while of itself sufficient to warrant a dismissal, ~~undoubtedly~~ <sup>undoubtedly</sup> gives a version more favorable to himself than the facts justify. I respectfully recommend the dismissal of this indictment.

On May 7/97 By Attorney  
 & Concur James M. Osborne

*R. B. Shumaker*

Counsel,  
 Filed *20* day of *March* 189*7*  
 Pleads, *Not Guilty*

THE PEOPLE

vs.

B

Henry Edelstein  
 Isaac Edelstein  
 and  
 Joseph Edelstein

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

DE LANCEY NICOLL,  
 District Attorney.

*May 7/97*  
*John W. Keator*  
 A TRUE BILL.

*John W. Keator*  
 Foreman.

*May 21*  
*John W. Keator*

*May 31*

0270

Police Court— 3 District.

1931

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

Morris Fisher

of No. 124 Suffolk Street, aged 27 years,  
occupation Sailor being duly sworn,

deposes and says, that on the 19 day of March 1893 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Henry  
Edelstein, Isaac Edelstein and  
Joe Edelstein (all now here) who  
acting in concert attacked deponent  
with intent to do deponent serious  
harm. Said Isaac struck deponent  
upon the head with a hatchet;  
said Henry struck deponent upon  
the head and body with a gas  
pipe which he held in his hand  
and said Joe struck deponent with  
a large stone. 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 ~~apprehended and~~ bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 20 day }  
of March 1893 } Morris Fisher  
[Signature] Police Justice.

0271

Sec. 198-200.

3 District Police Court. 1893

City and County of New York, ss:

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

Question. What is your name?

Answer. *Henry Edelstein*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *181 East Broadway, 1 year*

Question. What is your business or profession?

Answer. *Cloakmaker*

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

Answer. *I am not guilty*  
*Henry Edelstein*

Taken before me this

day of *May*

1893

Police Justice.

0272

Sec. 198-200.

3 District Police Court. 1882

City and County of New York, ss:

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

Question. What is your name?

Answer. Isaac Edelstein

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. Russia

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

Answer. 105 Essex St. 10 months

Question. What is your business or profession?

Answer. Cloakmaker

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

Answer. I am not guilty  
Isaac Edelstein

Taken before me this 20 day of May 1892

Police Justice.

0273

Sec. 198-200.

3 District Police Court. 1892

City and County of New York, ss:

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

Question. What is your name?

Answer. *Joe Edelstein*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *55 Eldridge St 4 months*

Question. What is your business or profession?

Answer. *Cloakmaker*

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*  
*Joe Edelstein*

Taken before me this

*20*

day of *April* 189*2*

Police Justice.

0274

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, March 20 1893 [Signature] Police Justice.

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

Dated, March 20 1893 [Signature] 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.

027

278 3 328  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Morris Fisher  
124 1/2  
Henry Edelstein  
Isaac Edelstein  
Joe Edelstein

offense  
Fel. Assault

BAILED.

No. 1, by Isaac Leffkowitz  
Residence ~~26 Willlet~~ Street.

No. 2, by ~~do~~ moved to  
Residence 41 Lewis Street.  
7 ~~Wich~~

No. 3, by do  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, March 20 189 3  
Koch Magistrate.  
O'Donnell Officer.  
12 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 500 Emt. answer G.S.

Bailell 1

Q



0276

**New York General Sessions.**

PEOPLE ON MY COMPLAINT, <i>VERSUS</i> JOSEPH EDELSTEIN, ISAAC EDELSTEIN and HENRY EDELSTEIN
--

*As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.*

CITY AND COUNTY OF NEW YORK? ss.

MORRIS FISHER, being duly sworn, says: I reside at No. 17 Suffolk Street in the City of New York. That the assault for which the defendants herein are indicted occurred more than four years ago. That about that time I had some disputes with the defendants Isaac and Henry Edelstein about some money matters, they claiming that I owed them money for wagws. That immediately prior to the assault the said two defendants demanded money from me which they claimed I owed them, and I refused? That we all became excited then, and a general fight ensued in which the defendants also got hurt. I am now satisfied that the defendants did not intend to harm me, and that I am also somewhat to blame for it. I am satisfied that Joseph Edelstein merely stepped in to separate us, and I believe that the defendants have been sufficiently punished. I know the defendants very well and know their condition and find that they have never been in any kind of trouble, and have large families depending upon their support.

I, therefore, respectfully beg leave to withdraw the charge herein against the defendants.

Sworn to before me this  
4<sup>th</sup> day of May, 1897

*Morris Fisher*

*Alman*  
*Comman of Ord*  
*N.Y. City + Co.*

0277

Law Offices  
of  
Maurice B. Blumenthal,  
150 Nassau Street,  
Tract Building.

New York, April 17 1893

Hon Delancey Nicoll  
District Attorney New York County

Sir: The cases of the People against Henry Edelstein, Isaac Edelstein & Joseph Edelstein which were on for trial in part two of the Court of General Sessions on Monday last and in part two this day are brought as I truly believe for the sole purpose of harassing the defendants & obtaining from them a settlement of the difficulty by the payment to the complainant of money, as a condition of his withdrawing the charge.

The crime charged is assault. The trouble arose in a tailor shop on Willlett Street on a Sunday Morning in March. There were probably twenty five persons engaged in the dispute which occurred over money

0278

Recoll. (2)

Law Offices  
of  
Maurice B. Blumenthal,  
150 Nassau Street,  
Tract Building.

New York, \_\_\_\_\_ 1892

matters. The defendants were all of them injured in their effort to restore order. The defendants are brothers, one of whom is in comfortable financial circumstances & thus this complaint.

The complainant asked me at the police court examination, to get him fifty dollars "as payment for his trouble". I repeat that the complainant is not acting in good faith but only for the purpose of persecuting the defendants.

I have the assurance of a brother lawyer (whose name I prefer to withhold) that a civil suit for damages will be brought as soon as the criminal charge has been disposed of.

May I trouble you to investigate the matter? With great respect

Maurice B. Blumenthal  
att. for defts

0279

Court of General Sessions of the Peace

1723

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Edelstein, Isaac Edelstein & Joseph Edelstein

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

Henry Edelstein, Isaac Edelstein & Joseph Edelstein of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Henry Edelstein, Isaac Edelstein and Joseph Edelstein late of the City of New York, in the County of New York aforesaid, on the nineteenth day of March in the year of our Lord one thousand eight hundred and ninety three, with force and arms, at the City and County aforesaid, in and upon the body of one Morris Fisher in the peace of the said People then and there being, feloniously did make an assault, and him the said Morris Fisher with a certain hatchet, also with a certain piece of pipe and also with a certain stone which the said Henry Edelstein, Isaac Edelstein & Joseph Edelstein in their right hands then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent him the said Morris Fisher 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

Henry Edelstein, Isaac Edelstein & Joseph Edelstein of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Henry Edelstein, Isaac Edelstein & Joseph Edelstein all 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 Morris Fisher in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Morris Fisher

with a certain hatchet, also with a certain piece of pipe, and also with a certain stone, which the said Henry Edelstein, Isaac Edelstein & Joseph Edelstein in their right hands then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0280

THIRD COUNT—

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

*Henry Edelstein, Isaac Edelstein and Joseph Edelstein*

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

The said *Henry Edelstein, Isaac Edelstein and Joseph Edelstein*

*all* late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said

*Morris Fisher* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *Morris Fisher*

~~as well~~ with a certain *hatchet*, also with a certain piece of pipe, and also with a certain *stone* —

which ~~they~~ the said *Henry Edelstein, Isaac Edelstein and Joseph Edelstein*

in ~~their~~ right hands then and there had and held in and upon the

*head and body* of *him* the said *Morris Fisher*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Morris Fisher* —

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.

DE LANCEY NICOLL,

*District Attorney.*

0281

**BOX:**

515

**FOLDER:**

4689

**DESCRIPTION:**

Ellis, Cesare

**DATE:**

03/09/93



4689

0282

Witnesses:

*G. A. Alford*

*37*  
*Chambers*  
Counsel,  
Filed *March* 1893  
Pleads *March 10*

THE PEOPLE

vs.

*Cesar Ellis*

Robbery, second Degree.  
(Sections 224 and 229, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Wm. McKeaton*

Foreman.

*Part 3 March 14, 1893*

*Pleads G. L. & Degree*

*Emory R. D.*

0283

Police Court - 2 District.

CITY AND COUNTY }  
OF NEW YORK, } ss

*Paquale Falcone*  
of No. *127 West 33d* Street, Aged *44* Years  
Occupation *Tailor* being duly sworn, deposes and says, that on the  
*15* day of *February* 18*99*, at the *15th* Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

*a gold watch and chain  
of the value*

of the value of *One hundred and thirty* 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 force and violence as aforesaid by

*Thomas Ellis* (now *Lucy*)  
About the hour of midnight on said  
date the said watch was stolen from  
deponent's person in *Bleecker* Street  
near *South 7th Avenue* and the  
deponent was *there* and deponent  
and two other men *drinking* with  
deponent just previous to the time the  
said watch was taken and deponent  
is informed by *Virgilio Grazzini* (now *Lucy*)  
that at said time he saw deponent  
near deponent at the time the  
said watch and chain were taken  
from deponent's person by force and violence  
and deponent is informed by *Detective*

day of 188

Sworn to before me, this

Police Justice

0204

and check Formosa  
Geo. Aloude, now here, that defendant  
confessed to them on February 21 1893. That  
he defendant had taken said watch,  
and defendant gave information on which the  
watch said stolen property was recovered from a  
party who had the same ticket for said  
property.

Sworn to before me this  
1st day of March 1893 } Pasquale Malone  
off. of J. Brady  
D. S. Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1893  
Police Justice.

I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1893  
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 1893  
Police Justice.

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

THE PEOPLE, &c.,  
on the complaint of

ss.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence—ROBBERY.

Dated 1893 \_\_\_\_\_  
Magistrate. \_\_\_\_\_  
Officer. \_\_\_\_\_  
Clerk. \_\_\_\_\_

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

§ \_\_\_\_\_ to answer General Sessions.

0285

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Virgilio Grazzini*

aged \_\_\_\_\_ years, occupation *Mail worker* of No. \_\_\_\_\_

*120 South 5th Avenue* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Paquillo Falcone*

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

Sworn to before me, this *1st* day of *March* 189*7*

*Virgilio Grazzini*

*J. St. George*  
Police Justice.

0286

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles Formosa*

aged \_\_\_\_\_ years, occupation *Electrician* of No. \_\_\_\_\_

*300 Mulberry*

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Parquade Falcone*

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

Sworn to before me, this *7th*  
day of *March* 189*3*

*Charles Formosa*

*John S. Brady*  
Police Justice.

0287

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged \_\_\_\_\_ years, occupation Gen Alouche \_\_\_\_\_ of No. \_\_\_\_\_

307 Mulberry St Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Parquale Falcone

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

Sworn to before me, this 1 day } George Alouche  
of June 1899 }

[Signature] Police Justice.

0288

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Cesare Ellis*

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.

*Cesare Ellis*

Question. How old are you?

Answer.

*23 years*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*181 West 4th - 6 months*

Question. What is your business or profession?

Answer.

*Writer*

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  
Cesare Ellis*

Taken before me this

day of

*March*

*1917*

*John J. [Signature]*  
Police Justice.

0289

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

*Cesar Elli*

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 *March* 18*93*. *[Signature]* 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.

0291

Police Court--- 2 District. 242

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Parquide Falcone*  
*127 W. 33*  
*Casa Ellen*

*Polking*  
Officer

2  
3  
4

Dated *March (1897)*

*Grady* Magistrate.  
*Aloude & Formosa* Officer.  
*C. O.* Precinct.

Witnesses *Virginia Grazzini*  
No. *120 S. 5. Av.* Street.

*Aloude & Formosa*  
No. *C. O.* Street.

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

\$ *1500* to answer at \_\_\_\_\_



*of Court*

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.