

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. Two
boys from among
differences between
the parties, their words
dispute developed into
an all-round fight,
and each party stood
ready to bring a
cloud of fists to
from the other side.
was the aggressor. As
appears by the letter comes,
the defendants them-
selves 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the charges withdrawn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, under the
law gives a version more
favorable to himself
than the facts justify.
I respectfully recommend
the dismissal of the indictment
of May 7/92. By order
concur James H. McLaughlin

Counsel,

Filed

day of

1893

Pleads,

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 7/92
off at 10/12
William Prater
Jury returned

A TRUE BILL.

Wm W. Keaton

Foreman.

8 Henry B. at
Sept. 20/92

May 31/92

0269

POOR QUALITY
ORIGINAL

Witnesses:

Morrison 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 them-
selves were injured in
the fray, after a
lapse of four years
the defendant files
the ~~complaint~~ withdrawal
which, while of itself
sufficient to warrant
a dismissal, unchristi-
anly gives a version more
favorable to himself
than the facts justify.
I respectfully recom-
mend the dismissal
of this indictment.
May 7/97 By Wm
Conner James M. Osborne

Counsel,

Filed

day of

1893

Pleads,

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
Off of the Court
Morrison Fisher - H. O. M.
Int. assumed J. H. M.

A TRUE BILL.

Wm W. Keaton
Foreman.

May 7/97
J. H. M.

May 31/97

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
 Police Justice.

0271

Sec. 198-200.

3

District Police Court.

1882

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

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

day of *March* 189*Amphlett*

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. *Cloak 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*
Joe Edelstein

Taken before me this

20th

day of *March* 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, March 20 1893 [Signature] Police Justice.

027

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

278 3
Police Court---

328
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Morris Fisher
Henry Edelstein
Isaac Edelstein
Joe Edelstein

Offense
Fel. Assault

Dated,

March 20

189 3

Koch Magistrate.

O'Donnell Officer.

12 Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$.

500 Euro answer H.S.

Bailell

0276

2255

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

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

4th day of May, 1897

Alfred J. ...
Comman of ...
N.Y. City & Co.

Morris Fisher

0277

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

New York, April 17 1897

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

McCall (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 depts

0279

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

1723

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* fall
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 hand 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*

him with a certain *hatchet,* also with a certain piece of pipe, and also with
a certain stone, *Isaac*
which the said *Henry Edelstein, Joseph Edelstein & Joseph Edelstein*
in *their* 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 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 & 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 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 & 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 wrong-
fully 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

Witnesses:

Edmond

Counsel,

Filed

day of March 1893

Pleas

THE PEOPLE

vs.

Cesar Ellis

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. McKeon

Foreman.

Part 3 March 14, 1893

Pleas G. L. & Degree

Emerson

0282

0283

Police Court—2 District.CITY AND COUNTY }
OF NEW YORK, } ss

Pasquale 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 1899, 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

Charles Ellis (now Lee)
 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 Lee)
 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

Sworn to before me, this

188

Police Justice.

0284

and Charles Formore
Georg 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.

Arrived to before me this
1st day of March 1893 } Pasquale Malone
officer Brady
John Jones

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 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888 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 1888 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

1
2
3
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witness,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

0285

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

Virilio 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 Barquillo Falcon
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 1897 }

Virilio Grazzini

[Signature]
Police Justice.

0286

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

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 1893 } Charles Formosa

John F. Brady
Police Justice.

0287

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation Gen Aloncle of No. _____

307 Mulberry St Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Parquale Falcon
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 Aloncle
of June 1897 }

John H. Brady 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 h right to
make a statement in relation to the charge against h; that the statement is designed to
enable h if he see fit to answer the charge and explain the facts alleged against h
that he is at liberty to waive making a statement, and that h waiver cannot be used
against h on the trial.

Question. What is your name?

Answer. *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**1903**John J. [unclear] 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*. *W. H. Brady* 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

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

Parquide Falcone
127 W. 33
Cesar Ellen

2

3

4

Dated

March 1897
Grady

Magistrate.

Alonzo & Formosa

Officer.

C.O.

Precinct.

Witnesses.

Virginia Grazzini

No. 120 S. 5. St. Street.

Alonzo & Formosa

No. C.O. Street.

No. _____ Street.

\$ 15.00 to answer AT-CRM

J. Con...

