

06 14

BOX:

430

FOLDER:

3967

DESCRIPTION:

Elbogen, August

DATE:

03/02/91



3967

06 15

Witnesses:

Jennie Beckweg
John C. Beckweg

*Bill found in Reading
City N. H.*

Counsel, *[Signature]*
Filed *[Signature]* day of *Jan* 189*1*
Pleads *Not guilty.*

THE PEOPLE

46
34 East St vs. *I*
August Elbogen

*kidnapping
Section 21 Penal Code*

DE LANCEY NICOLL,
~~JOHN R. FELLOWS~~

District Attorney.

A TRUE BILL.

[Signature]

*Part one - May 8/91 Foreman.
Tried and convicted with strong
recommendation to honor
S.P. 5405 & 11 mus.
R.B.M.
May 27/91*

0617

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

THE INFORMATION OF DeLaney Nicolo
Attorney at Law and County of New York
laid before Frederick Smith Esquire, Recorder
of the City of New York, and a Magistrate and Officer
having power to issue a warrant for the arrest of a person charged with a crime, the
Twentyfourth day of February in the year of our
Lord one thousand eight hundred and ninetyone who, being duly sworn, deposes,
alleges and says, as follows :

THAT on the Twentyfourth day of January in
the year of our Lord one thousand eight hundred and ninetyone;
one August Ellegren late of the City of New York, in the County of
New York aforesaid, at the City and County aforesaid, did feloniously

and
willfully invade and carry one
female prisoner with intent to
carry her out of the state, to wit, to
the City of New Orleans in the State of
Louisiana, and take these merrand
detained against her will,

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.

WHEREFORE, informant prays that a warrant may issue for the arrest of the
said August Ellegren and that he be dealt
with according to law.

Sworn to before me, this 27th day of
February in the year of our Lord, one
thousand eight hundred and ninetyone

DeLaney Nicolo

Recorder

0618

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

THE DEPOSITION of Jennie Redman, residing at
number 148 West 10th Street —
— taken upon oath this twenty seventh day of February
in the year of our Lord one thousand eight hundred and eighty nine before
Frederic B. Smith Esquire, Recorder of the
City of New York —
and a Magistrate and Officer having power to issue a warrant for the arrest of a person charged with
a crime, in support of the foregoing information, who being duly sworn, deposes and says :

I am seventeen years of age and live
with my father and a younger sister at
the above address. My mother is dead.
On or about the 26th day of January
1891 I saw an advertisement in the New York
"World" in substance saying that good
looking young ladies were wanted to
play first parts or sing in the chorus of
a theatre in New Orleans. Louisiana - applicants
to apply to the above defendants at 32
East 4th Street.
On said 26th day of January 1891 in
answer to said advertisement I called on
Elbogen at 32 East 4th Street and had
a conversation with him in which he said
that there were wanted young ladies in
New Orleans to play in first parts in
Shubert's & Clark's theatres in New
Orleans. That such as desired to go there
would be paid twelve dollars per week
and also receive ten per cent on mile.
This I understood to mean that I was

0619

To come mine to the audience after the performance and was to receive ten percent of the amount paid for such mine. He told me that the place he wanted the young ladies for was a respectable theatre. He promised me honest employment in said theatre at the above rate of compensation and upon what he said I believed that I was to receive such employment and none other.

Accordingly I agreed to go to New Orleans and signed a contract in the form set forth in ^{the contract} the annexed newspaper clipping indicated by the letter "A". I signed my name to this as William Gray instead of my own name because I did not want give my own name, but not because I had any suspicion that there was anything wrong about it. I had not idea at any time before my arrival in New Orleans that Adolphus Gray's place was not a pure and respectable theatre in all respects. I was alone in Chicago at the time I signed this contract. He then told me to be at his office on the Monday following (January 29th 1891) at five o'clock in the afternoon.

on January 29th I did call on he

0620

had told me and these I found also
Alice Petro, Josephine Walby, Billie
Miller and Emma Dalica, all young
girls living in this city, who had signed
contracts in the same form as mine.

In company with Elvora we all
went to the Sibley Street Ferry, crossed
the river to Jersey City and there boarded
a train. At the office Elvora gave Alice
Petro tickets for all of us through to
New Orleans together with a letter
addressed to Schoenhausen in New
Orleans. After seeing us on board the train
Elvora left. ~~at the office~~ while at
his office on the first occasion Elvora
told me he expected to go to New
Orleans soon. I asked why and he
said to see all his darlings.

We arrived in New Orleans the
following Thursday morning ~~January 2~~
February 14 at about eleven o'clock. At
the depot there we were met by
Schoenhausen and Plant who took
us to breakfast at a restaurant on
a street; ~~Delaine~~
Royal Street. After breakfast ~~to~~
Schoenhausen took us to a boarding
house next to a Missie Walden at
105 Bienville Street ^{Alice Petro, Josephine Walby, and} who gave us
a room. We agreed to stay here

and dollars a week board. Then we went down town and had something to eat. We passed the afternoon in our rooms. ~~On~~ on the way to the boarding house Schenckhouse showed us a building which he said was the theatre we were to play at. This was had a sign on it "Royal Palace". At the boarding house Schenckhouse told us to be at the theatre at about eight o'clock.

At about that time Alice Peters, Josephine Walby and myself went to the theatre. The ~~of~~ other two girls had meanwhile become suspicious and left the car. I was afterwards informed secured lodgings in a charitable institution called the "Home for the Friendless". They did not take rooms at the boarding house but left us in great haste.

On entering the theatre we found it to be a large hall with a gallery with private boxes arranged about round tables in them. On the main floor there were tables and chairs but no rows of seats. There was a bar on this floor unseparated from the hall and upstairs was another bar and a luncheon counter.

Schenckhouse was there seated in

0622

The place were a great many men and women. The women were all dressed in short dresses, and the people were drinking and the men and some of the women were smoking. The men were talking loud and using ^{and profane} bad language. A performance was then given. It consisted (as it did on the four succeeding nights) in singing by women and dancing also by women.

Schoenhausen showed us about the place and introduced us to some of the men who treated us to drinks. They drank wine with us. We remained there till about ten o'clock and then went to the "Eden" theatre which was a place very much like the "Royal Palace" but apparently of a very more character.

We remained at the Eden ~~the~~ with Schoenhausen about half an hour and during that time he treated us to beer and then left and went to the Reading House.

The next day we remained home during the day and at about half past six o'clock (according to Schoenhausen's direction) we went to the "Royal Palace" and there remained until ~~two~~ quite o'clock the following morning.

We did the same thing, the ~~four~~ ^{four} ~~times~~

successively nights including Sunday.

During each of these nights were were required by Schenckhausen to go around the place and ask men to drink. I had brought out Schenckhausen's directed material for a short dress as had, also Alice Petro and Josephine Walbrigg and we were these dresses in the place. The men who frequented the place were generally of a very low class, and were usually drunk. They would have all kinds of familiarities with the girls there and used the most indecent and vile language. Usually they would ask the girls to go out with them for the purpose of prostitution; many asked me to do this and offered me money for it but I always refused.

On the following ~~Wednesday~~ ^{Tuesday} (February 27th) a detective came to see me at the ~~place~~ "Royal Palace" in the evening and I told him who I was and how I had been involved into the place. on the next day some ladies called at my boarding house, and through their assistance I got away from the place and succeeded in getting back to New York.

Witness my hand and seal this 27th day of February 1891
Jennie Beckwith

Recorder

0624

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

August Elbogen 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. August Elbogen

Question. How old are you?

Answer. 46 years old

Question. Where were you born?

Answer. Urania, Austria.

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

Answer. 34 East 4th Street, New York City

Question. What is your business or profession?

Answer. dramatic and variety agent

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 of the crime charged. The statements I made to the reporter of the New York World and which were printed in that newspaper are in all respects true

August Elbogen

Taken before me this 24th

day of September 1911

Henry J. [Signature]

Police Justice

0625

Thursday May 14/91.

How Randolph B. Martins.

My dear Judge; In consequence of the "Frenchy" matter, it has been impossible for me to properly prepare for the sentence of Elbogen.

The inquest is going on today, and while we hope to finish, it may go into tomorrow.

Would you be kind enough to remand defendant for one week from tomorrow, at which time

0626

People
v.
Blind

0627

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.....

August Elbogen

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Five~~ *Three* ~~thousand~~ *hundred* 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 *February 28* 189*3*

[Signature]
Police Justice.
Rogers

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.

0628

Recorder Chambers 294
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

[Signature]
vs.

- 1 *[Signature]*
- 2
- 3
- 4

Offence *[Signature]*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *February 27* 189*1*

[Signature] Magistrate.

Van Gerechtken Officer.

Central office

Witnesses *Jennie Beckweg*
No. *John C. Beckweg* } *148 W. 10th*
Street.

No. Street.

No. Street.

\$ *5000* to answer *General Demands*



[Signature]

0629

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

August Elbogen

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

indictment, accuse *August Elbogen*

of the crime of *Kidnapping*

committed as follows:

The said *August Elbogen*

late of the City of New York, in the County of New York aforesaid, on the
twenty-ninth day of *January* in the year of our Lord one thousand
eight hundred and ninety-*one*, at the City and County aforesaid,

*did feloniously and wilfully inveigle and
kidnap one Jennie Reckweg, with intent
to cause her, the said Jennie Reckweg,
without authority of law, to be sent out*

0630

of the State, to wit: to the city of New Orleans, in
the State of Louisiana, and to be there kept and de-
tained, against her will: 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 C. Scoll,
District Attorney.

0631

BOX:

430

FOLDER:

3967

DESCRIPTION:

Elschner, Robert

DATE:

03/29/91



3967

0632

B.M. Mar 20/91

565

Witnesses;

Lawrence V Mulry

The Complainant in this case tells me that the sums exacted by defendant were so collected at different times from different persons. He also recommends the defendant to clemency. I recommend that after plea of guilty of Petit Larceny be accepted.

Apr. 2, 1891
S. M. Davis
Clerk

Counsel,
Filed 29 day of March 1891
Pleas, April 25

THE PEOPLE
vs.
Robert Elzchner
Grand Larceny, 2nd degree
[Sections 523, 537 - of the Penal Code]

John R. Willows
District Attorney

A TRUE BILL

Forfeited.
April 2, 1891.
Pleas Petit Larceny
Pen 14 months

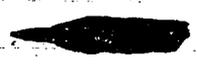
0633

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

City and County }
of New York, } ss.

of No. 45 West 17th Street, aged 26 years,
occupation real estate agent being duly sworn, deposes and says,
that on the ninth day of February 1891, at the City of New
York, in the County of New York, one Robert Eldredges

being the clerk and receiver of James Mulry
deposits father and as such clerk and
receiver having in his possession custody and
control the sum of \$135.³⁵ the property of
said James Mulry, did feloniously
appropriate the same to his own use, with
intent to defraud: as deponent has good
cause to believe and does verily believe and
charge.

Sworn to before me this }
20 day of March 1891 }
David Anderson
Notary Public (100)
N. Y. 

Lawrence J. Mulry

0634

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

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samsone V. Mulry
vs.
Robert Elschner

Offence: Grand Jurisdiction

Dated *March 20* 189*9*

Witnesses, *Ellen Wilson*

No. *543 East 75* Street,

Officer Sheridan, Central Office

No. _____ Street,

No. _____ Street,

0635

GRAND JURY ROOM.

PEOPLE

vs.

N.A.

Robert X. Erchner

Search warrant issued
to office
Sheridan 10/15/91
Quoted to diary

0636

District Attorney's Office.

Part 2
PEOPLE

vs.

Robert Elchuer

April 2nd 91

Wilson & Sheridan

Served Personal Copy

taken by Officer March 30th 91



New York General Sessions

The People vs }
 vs
 Robert Elshner }

City & County of New York - s. s.

I, Charles Finke, being duly sworn, do depose and say:-

I saw a cigar manufacturer and carry on business, at 343 East 21st Street this City.

I know the above named defendant for the past ten (10) years.

He worked for me for about 8 months, collecting bills due me.

I know other people who know him and know his reputation for honesty & general good conduct.

It is the best said defendant was never arrested before & has always been an honest sober & industrious man

sworn to before me this 6th day } Charles Finke
 of April 1891

Reynald Stumant:

Commissioner of Deeds
 in and for the City and
 County of NEW YORK.

0638

New-York General Sessions

The People
Robert Elocher

City and County of New York ss:
Augustus Krauss
being duly sworn do depose & say,
I am a cigar maker & work
for Laidman, Kame & Co. 64 St near 12th
St in this City,

I have known the deft above
named for the past nine years, & I
know a great many people in this City who
know him

I have been intimately acquainted
with him, being an associate & companion
of his, & a frequent visitor to his home.

Said defendant's reputation for honesty
& general good conduct was the best.

I have never heard or known of his
being arrested before the present time

Subscribed before me this
6th day of April 1891

Reynold Stenaut, Gustav Krauss
Commissioner of Deeds
in and for the City and
County of NEW YORK

0639

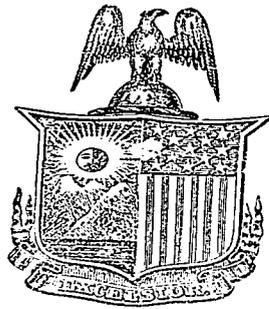
Robert Edsler has lived
with us, for 2 years, we
found him a very trustworthy
person, he was coachman &
gardener, he is very kind,
careful & attentive to the
animals, sober, honest &
willing, he is leaving because
we are going abroad.
Mrs C. J. Ellis
Great Neck, N.Y.

May 4 1885.

0640

Form No. 19. See §§ 7 and 19.

DISCHARGE BY DISBANDMENT.



To all Whom it may Concern :

Know Ye, That Robert Elehner a Private
of Company B of the Fifth Regiment Infantry National Guard of the
State of New York, who was enrolled on the twelfth day of June one thousand
eight hundred and seventy eight to serve for five years, is hereby Discharged from service in the
National Guard of the State of New York, this twelfth day of January
one thousand eight hundred and eighty two at New York City
by reason of the disbandment of his regiment under orders of the Commander-in-Chief.

This discharge does not exempt the said Robert Elehner from military duty in
the Militia, nor entitle him to any other exemptions under provisions of the Military Code. If he shall hereafter enroll
himself in any organization of the National Guard, the Commanding Officer of such organization is authorized and
directed to enter upon the enlistment papers and muster rolls the term of service as appears by this certificate, which
term shall be credited and allowed in computing the entire and complete term of five years, in the same manner
as if rendered continuously in one organization. And the said Commanding Officer is directed to take up this certificate
and file it with the records of his command.

Given at New York City this twelfth day of January 1882

J. J. Rodenburg
Muster Officer

Adam Dennis
Capt. Commanding 5 Regt Infantry Co "B"

And Muster Officer.

0641

New York
April. 6 1891

I A Lohs do hereby testify
that Robert E. Schur has
been in my employ for two
years and nine months as a
general assistant man and in
that time he was well liked
and fully trusted by me and
his employers and I never had
any reason whatsoever in mind
trusting him & hoping that these
new lines may stand him in
good need I remain in haste

Albert Lohs.

at present with Forman for
Consumers cigar Co
226 2nd ^{East} 63rd St

Lewyn & Mar

No 6 Livingston st 228 2nd

0642

H. H. Swensson

The People
Plaintiff,

against

Robert Osburn
Defendant.

Affidavits for
good character

HOWE & HUMMEL,

Attorneys for

Rec'd
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within
hereby admitted,
this day of 1890.
Attorney.

To.....
.....

0643

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Robert Schneider

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

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

The said *Robert Schneider*, late of the City of New York, in the County of New York aforesaid, on the *17th* day of *February*, in the year of our Lord one thousand eight hundred and *ninety-one*, at the City and County aforesaid, being then and there the clerk and servant of *James Miley*,

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

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

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

to his own use, with intent to deprive and defraud the said *James Miley* of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said *James Miley*

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

DeLooney Moll
JOHN R. FELLOWS,
District Attorney.

0644

BOX:

430

FOLDER:

3967

DESCRIPTION:

Engel; Peter W.

DATE:

03/10/91



3967

0645

132 ✓
Counsel,
Filed, *10 March 1891*
Pleads,

THE PEOPLE

vs.

P.
Peter W. Engel

Grand Larceny, Second Degree.
[Sections 529, 531, Penal Code].

DE LANCEY NICOLL

District Attorney.

A True BILL.

Alfred C. ...

Foreman.

March 11/91

Frank J. ...

3/10/91

Arthur ...

0646

Police Court— 5 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. Bertha Mertz
1601 Avenue B. Street, aged 60 years,
occupation Housewife being duly sworn

deposes and says, that on the 6 day of March 1889 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

Good and lawful money
of the United States of the
amount and value of
One hundred and ninety
five dollars \$195⁰⁰/₁₀₀

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 John M. Engel for

the reasons following to wit:
The defendant after being in-
formed of his rights a writ
and confessed to having stolen
the said money from deponent's
premises. A portion of the
money was found in the
possession of the defendant.

Deponent
Mertz

Suborned to give this
affidavit, this
day of March 1889
John M. Engel
Police Justice.

0647

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

Peter W. Engel

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. *Peter W. Engel*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *309-E-81st 6 years*

Question. What is your business or profession?

Answer. *Laborer*

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 of the charge.*

Peter W. Engel.

Taken before me this

day of

August 1889
W. J. [Signature]

Police Justice.

0648

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.....

Referend out
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *500* 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 *Mar 7* 18 *91* *M. J. Kelly* 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.

0649

Police Court--- 5 District 312

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Bartholomew
161 Avenue 13
John W. Engel

James [unclear]

2
3
4

Dated *March 7* 18*91*
Weld Magistrate.

Alfred K. [unclear] Officer.
27 Precinct.

Witnesses *Officers*

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *Es.*



Cam

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0650

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Peter W. Engel

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse *Peter W. Engel*

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

The said

Peter W. Engel

late of the City of New York, in the County of New York aforesaid, on the *6th* day of *March* in the year of our Lord one thousand eight hundred and *ninety-one*, 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 *195-00* payment of and of the value of *ninety-seven*

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 *ninety-seven*

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

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

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *ninety-seven dollars*

of the goods, chattels and personal property of one *Bertha Mertz* 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.

DE LANCEY NICOLL.

~~JOHN R. FELLOWS~~ District Attorney.

0651

BOX:

430

FOLDER:

3967

DESCRIPTION:

Esposito, John

DATE:

03/05/91



3967

0652

Witnesses:

Hugo Schuller

Barbara Lorraine

Counsel,

Filed

Pleas,

101
J. P. [unclear]
C. [unclear]
day of March 1891
[unclear]

THE PEOPLE

vs.

I

John Epposito

ABDUCTION
[Section 232, Sub. 1, Penal Code.]

DE LANCEY W. COLL,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

Almy [unclear]

F. D. Foreman,
11 March 1891.

Tried and convicted
offense charged in 2nd count.

S. P. 15th and
March 20.

0653

*The New York Society for the
Prevention of Cruelty to Children.*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, March 5th 1891.

*Court of General Sessions of the Peace in and for the
City and County of New York.*

*The People
against
John Esposito*

Notice of Prosecution.

*To the District Attorney of the
City and County of New York,*

*Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.*

I have the honor to remain, with great respect,

*Edwidge T. Gerry,
President, &c.*

0654

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN.

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

0655

Fifth District Police Court.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

Hugo Schubert

of Number 100 East 23rd St being duly sworn
deposes and says, that on the 22nd day of February 1899, at the
City of New York, in the County of New York,

That John Casarito, now here, on his
premises situated at 325 West 67th St,
did unlawfully and willfully perpetrate
an act of sexual intercourse, with
a certain female called Barbara Sparce,
now here, said female being then and
there actually and apparently under the
age of sixteen years, to wit of her
age of fifteen years, not being his
wife, in violation of Section 248.4 of
the Penal Code of the State of New
York.

Wherefore the complainant prays that the said

John Casarito
may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 27th
day of February 1899.

Hugo Schubert
Police Justice.

0656

CITY AND COUNTY }
OF NEW YORK, } ss.

Barbara Starace

aged *thirteen* years, occupation *shop girl* of No.

325 West 64th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Hugo Schultz*

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

Sworn to before me, this *27th*
day of *February* 18*99*

Barbara Starace
Mam.

Mar. Kelly

Police Justice.

0657

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

John Esposito 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. *John Esposito*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *325 W-67 St 4 months*

Question. What is your business or profession?

Answer. *Laborer*

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*

John X Esposito
his
mark

Taken before me this

day of

189

Police Justice.

0658

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
500 *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 *February 27th* *188* *M. A. [Signature]* *Police Justice.*

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

Dated.....*188*.....*Police Justice.*

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

Dated.....*188*.....*Police Justice.*

0659

The Magistrate finding will
be made when some determine
the within case in my
absence -

[Handwritten signature]

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

28290

Police Court--- 5th District.

THE PEOPLE; &c.,
ON THE COMPLAINT OF

Hugo Schuttner
100 W. 23rd St

1. *John Esposito.*

2. _____

3. _____

4. _____

[Handwritten signature]

Offence

Dated *February 27* 189*1*

[Signature] Magistrate.

[Signature] Officer.

Witnesses *Barbara Starace*

No. *100 - E. 23rd St.*

Hugo Schuttner

No. *100 - E. 23rd St.*

Barbara Starace

No. *325 - W. 67th St.*

\$ *1.000* to *Frank Tuley*

at 9.00 a.m. 1st March

2,000 Bail - Ben Cone

Feb 28. 1891 - 7

0660

DR. J. CLIFTON EDGAR,
115 EAST 35TH ST.,

UNTIL 10.
4-8.

NEW YORK.

Feb. 27 1891

Hon. Elbridge T. Ferry, Esq.,

I hereby certify that I
have this day examined
the person of Barbara Starace,
age 13, of 325 West 57 St.,
and found signs of a
recent penetration of
her genital organs, by
some blunt instrument.

Respectfully submitted,

J. Clifton Edgar, M.D.,
Examining Physician.

0661

Morrilton
Ms.

Feb 25-91

Mr Nicoll

Dear Sir
I have
inclosed a certificate
from my attending M.D.
which will at once
explain my absence.
I will come down
just as soon as my
health will permit.

Yours Resp

Wm H Lyons

D. S. Spedwell at

0662

JAMES DOUGLAS, M. D.
98 MAPLE AVENUE.

Morristown, N. J. February 21st 1891

I hereby certify that I have been attending Mr. William H. Lyons since February 16th 1891 for an attack of Acute Lonsilitis with complications. During that time he has been confined to his bed, sitting up to day for the first time. He is weak and will not be able to travel for at least ten days or a fortnight.

Respectfully
James Douglas M. D.

0663

Police Court, Fifth District.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

of No. 100 East 23rd Street Hugo Schutte Street, in said City, being duly sworn, deposes and says, that a certain female child called Barbara Starace [now present], under the age of sixteen years, to wit, of the age of thirteen years, is a necessary and material witness on behalf of the People of the State of New York in a certain criminal case now pending in the Court of General Sessions of, in and for the City and County of New York, entitled, The People against John Caspo sito, wherein the said John Caspo sito is charged with the crime of Rape, under Section 278 of the Penal Code of said State, in that he, the said John Caspo

sito did unlawfully and willfully per-
petrate an act of sexual intercourse with
said Barbara Starace, then and there
being under the age of sixteen years, to
wit of the age of thirteen years, not
being his wife.

and that the said Barbara Starace
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving her
testimony at the instance of the people.

Wherefore, deponent prays that the said child Barbara Starace
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed
temporarily to an institution authorized by law to receive children on final commitment, and to
have compensation therefor from the City or County authorities, as a witness, to appear on the
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 28th
day of February 1899 } Hugo Schutte
W. H. Kelly
Police Justice.

0664

POLICE COURT *5th* DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF



AFRIDAVID.
WITNESS.

Wm. C. ...
13. ...

325 West 64th St.

Dated *February 28* 18*88*

Magistrate.
S. P. ... Officer.

Disposition, *Committed to New York Society for the prevention of cruelty to children.*

0665

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

The People

v.

BRIEF FOR THE PEOPLE.

John Esposito.

STATEMENT OF THE CASE.

The prisoner, 30 years of age, an Italian laborer, living at 325 West 37 Street, is indicted for rape on a little girl 13 years old, named Barbara Starace, on February 23, 1891, at the above mentioned premises. The facts appear in the evidence.

EVIDENCE FOR THE PEOPLE.

BARBARA STARACE. - Is 13 years old, and lives with her mother Theresa at 325 West 37 Street. Her mother lives with the defendant as his wife. On Sunday morning February 22, about 8 o'clock, while her mother went out to buy milk and bread for breakfast, defendant came out of his bedroom into witness's bedroom while she was asleep, and got into her bed, and when she waked up she found him on top of her. She immediately began to scream and defendant put his hand over her mouth and thus prevented her from screaming as much as he could. Witness continued to scream as much as she could, and defendant put his privates into her privates and hurt her a good deal. She saw and felt him making movements with his body. He remained on top of her for about five minutes, and she then felt it wet between her legs. Defendant then, hearing a door open, got off of her and went back to his own bedroom, after wiping her privates off with a cloth. She then got up, cleaned herself,

0666

2

and as soon as her mother returned told her what had happened. Her mother told her she must not mind it and not to tell anything about it to anybody. In the afternoon the defendant told her he would take her over to Brooklyn to see some friends of hers, and after she had dressed herself and had gone with him one block to 11th Avenue he commenced talking to her and telling her that he would give her nice dresses to wear if she would do what he wanted. Witness then got frightened and went home, and when they got there defendant ordered her to take her nice dresses off and made her put on her old dress which she wore to work. On Monday evening February 23rd, about 10 P.M., while witness was sitting in the kitchen, the defendant came over to her and without any provocation struck her in the face. She then again began to scream, and Philomena Paulo then came to the door and took her over to her rooms. The defendant then went out and got a police officer, who took her out of Philomena's room and brought her back to her mother. On Wednesday she went over to her uncle James Quina of East 75 Street and told him what had happened. She also told Philomena, who occupies a room near by, what had happened.

FRANK PAULO. - Is 11 years of age, lives at 325 West 67 St., right opposite defendant's room. On February 22 between 6 and 7 A.M. witness was sitting in his room with his mother, when he heard the girl screaming, and in the afternoon he saw the girl going out with the defendant. Shortly afterwards when they came back, he went into the room with the girl's little brother, and heard the defendant tell her that if she did not do as he wanted her to do she would have to take off her good dresses and put the old ones on. Witness then saw defendant make her take off her dress and put on her old dress.

0667

PHILOMENA PAULO. - Is the mother of the last witness. On February 22 between 6 and 7 o'clock she was sitting with her boy Frank in her room when she heard the girl screaming. The girl kept on screaming and witness went over and opened the door, but as the girl ceased to scream she went back to her own room. On Monday evening at about 10 P.M. she again heard the girl screaming and went over to her room again to see what the matter was, and saw defendant hitting the girl, and she took the girl over to her rooms where the girl told her all that had happened, and witness advised her to have him arrested. Defendant shortly afterwards came into her rooms with an officer, who ordered her to let the girl alone and took the girl back to defendant's room.

JAMES QUINA. - On Wednesday morning February 25th the girl Barbara came over to East 75th Street and told them all that had happened. The girl's father Luigi is dead and her mother Theresa came over from Italy a year ago and has been living with the defendant about six months. Witness had the girl in his care for about 4 years, and the girl is a very good and truthful girl.

LOUIS STARACE. - Is the uncle of the girl Barbara, residing at 1626 Avenue B, and a barber. The girl told the story of her treatment to him, and he reported the case to The Society for the Prevention of Cruelty to Children.

J. CLIFTON EDGAR. - Is Examining Physician to The New York Society for the Prevention of cruelty to Children. On February 27 examined the person of Barbara Starace, 13 years of age, living at 325 West 67 Street, and found signs of recent penetration of the vagina by some blunt instrument.

0668

54897

N. Y. GENERAL SESSIONS

THE PEOPLE	AGAINST	<i>John</i>	REPORT <small>PENAL CODE, "</small>
		<i>Esposito</i>	

BRIEF FOR THE PEOPLE.

0669

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Fazzino

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

John Fazzino —

of the CRIME OF ABDUCTION, committed as follows:

The said *John Fazzino* —

late of the City of New York, in the County of New York aforesaid, on the

thirteenth day of *February*, in the year of our Lord one

thousand eight hundred and eighty *ninety-one*, at the City and County aforesaid, did

feloniously take, receive, harbor, employ and use one *Barbara Starace*,

who was then and there a female under the age of sixteen years. to wit: of the age of

thirteen years, for the purpose of sexual intercourse, he, the

said *John Fazzino* not being then and there

the husband of the said *Barbara Starace* —

against the form of the Statute in such case made and provided, and against the peace of

the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

~~Second~~ COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *John R. Fellows*—

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said *John R. Fellows*,

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 a certain
female not his wife, to wit: her, the said *Barbara Skarce*,
then and there being, wilfully and feloniously did make another assault, she, the said
Barbara Skarce, being then and there a female under the
age of sixteen years, to wit: of the age of *fifteen* years; and the said
John R. Fellows then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
Barbara Skarce, 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,
JOHN R. FELLOWS, District Attorney.