

03 19

BOX:

421

FOLDER:

3890

DESCRIPTION:

Raguso, Francesco

DATE:

12/24/90



3890

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BOX:

421

FOLDER:

3890

DESCRIPTION:

Rovellga, Nicoletta

DATE:

12/24/90



3890

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POOR QUALITY ORIGINAL

Witnesses:

Frank Merain
Marie Cognin
Mama Miffa

246
ordered *R. J. [Signature]*

Counsel,

Filed 24 day of Dec, 1890

Pleads, *Not guilty*

27
323 E 106th St.
THE PEOPLE

Francesco Raguso

and

Nicoletta Rovello

*Deputy in the Third degree.
Grand Jurors, according
to degree & receiving.
[Section 498, J.S. 1878, 1887, 1890.]*

JOHN R. FELLOWS,

District Attorney.

7 Conn. at [unclear]
6 Mr. Haire at [unclear] in Washington

A True Bill.

William Van [unclear]

Part 2 - Jan. 8, 1891 Foreman.

No. 1 Trial and convicted
Grand Jurors 2nd degree
S.P. 2 yrs

No. 2 Trial and acquitted.
~~S.P. 2 yrs~~

0322

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

.....

The People,

vs.

FRANCISCO RAGUSO,
and
NICOLLETA ROVELLGA.

"
"
"
"
"
"

Before

HON. RUFUS B. COWING,

and a Jury.

.....

Tried, January 7th, 1891.

Indictment filed, December 24th, 1890.

Indicted for BURGLARY IN THE THIRD DEGREE.

APPEARANCES:

Assistant District Attorney Davis, for The People.

R. J. Haire, Esq., for The Defense.

FRANCISCO MERAGLIA, the complainant, testified that he lived at 403 East 113th Street, and was a saloon keeper, at 2204 First Avenue. He kept the saloon, at that number, on the

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27th of September, 1890. He locked up at ten minutes past 11 o'clock, on the evening of that day. He locked the ordinary lock, and put on a padlock outside of the front door, opening on First Avenue. There was another door opening into the saloon, which led into the hallway of the house. There were three windows looking out into the yard. The glass in one of the rear windows was broken. He left in the store, when he locked it up, four pairs of plated bracelets, worth about \$5. a pair; 3 silver watches, worth \$5., each; 3 pairs of coral ear rings, worth about \$5. a pair, and a locket, worth about \$3., attached to a brass chain, and a small gold ring, worth about 75 cents, and \$20. in money---in small change. There was also a pair of sleeve buttons, worth about \$1. There were also 2 scarf pins, one gold and the other not. All of these articles were left in a drawer in the bar. He returned to the store about half-past 5 or 6 o'clock, on the following morning. He found one gas jet burning and the other jets turned on but not lighted, and the gas was escaping. He found two bottles on the counter, and a glass. He also found a

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pair of scissors and a hatchet, with which some one had tried to open the drawer in the counter. They had succeeded, and had broken open the drawer. All of the property, including the \$20. in cash, was gone. He found one of the back windows open. The lower sash had been lifted up, so that a person could enter. He complained at once to a police officer, and gave a list of the missing articles. His, the complainant's, wife saw the defendants on September 26th; and he, the complainant, saw the male defendant on the following day. He, the complainant, did not know the woman defendant. Raguso came into his, the complainant's, saloon, and he told him, Raguso, about the loss of his property, but Raguso said nothing. He afterwards saw Raguso on the street, now and then, and also saw him at the 125th Street Police Court, after his arrest. At the Police Court Raguso said that he had not stolen the missing property. Raguso promised to pay him, the complainant, \$5. a week, if he, the complainant, would not take any steps against him. He had recovered everything with the exception of the money, one of the watches and the small

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gold ring. The property was returned by a man named Giardina. He, the complainant, was in his own house at the time. Giardina came with the articles, but he, the complainant, refused to take them, unless they came to him through the 125th Street Court, so they were delivered up there, and were still in the hands of the authorities. He, the complainant, saw the woman defendant at the Police Court. She said nothing as to the missing property. Raguso, the male defendant, was one of his, the complainant's, customers before the theft was committed. All of his, the complainant's, customers knew that he had the jewelry in his possession, because his, the complainant's, wife was accustomed to display the jewelry, and ask the customers if they would like to buy it. He, the complainant, had never seen the woman defendant in the saloon. Under

C r o s s - E x a m i n a t i o n

the complainant testified that the last time that he had seen Raguso in the saloon before the theft was probably a day or two before. He came in like other customers, and

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took a glass of beer and went out. The hatchet that he found on the counter, and that had been used in breaking open the drawer, belonged to him, the complainant, and was kept in the saloon under the bar. His, the complainant's wife bought the jewelry at an auction in Canal Street. It was not all bought at once, but one piece after another, at different times. All the jewelry was secondhand. He, the complainant, had seen a woman by the name of Lango. Raguso, the male defendant, had brought her, Lango, to his, the complainant's house, to have a dress made. He, the complainant, had never spoken to her. He had never seen her but on one occasion, when she came to his house, with Raguso, to get his, the complainant's, wife to make a dress for her. He, the complainant, said nothing then about the loss of his property. In the Police Court the defendant wanted to give him, the complainant, a gold neck chain if he would not make a complaint. He, the complainant, did not say that he would not prosecute the defendant, if the defendant would give him \$50. They were discussing the subject, and the defendant said, "I will give you \$50., if

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you will not prosecute." He, the complainant, wanted \$80. The defendant also told his, the complainant's, wife that he wanted to pay the money and settle the case. Giardina was a bartender for Gaetano Pandolfi, of 329 East 106th Street. Giardina sent the jewelry to him through a man named Antonio Colantano and a boy named Albert Regna.

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OFFICER JOHN ROSS, of the 29th Precinct, testified that he arrested the defendants on the 18th of December, at 326 East 106th Street, where they lived. They were not man and wife, but they lived together. They were arrested on the complaint of the complainant. On the 27th of September the complainant came to the station house, and reported that his place had been broken into, and that the jewelry had been stolen, and, on the 18th of December, he met the complainant on the corner of 121st Street, and the complainant told him that he had received information as to the two defendants. Then he got on the car with the complainant, and went to the house of the defendants and arrested them. When he arrived at the house, the male defendant was there, and the woman defendant came in afterwards. Raguso could talk English, and he told Raguso of the charge against him, and he denied knowing anything about it. Raguso also said that he would give him, the

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Officer, the privilege of searching the premises; then they searched several trunks, and Raguso said, "You can't do anything, because you haven't found anything;" and he tried to laugh the matter off. The woman defendant could not speak English. He, the witness, took the defendants to the station house. He had no further conversation with the male defendant, or the female defendant, either. He saw the male defendant in conversation with the complainant and his wife, in the Police Court, but he did not know what the object of their conversation was, except through what the interpreter told him. He, the witness, had brought the jewelry from the Property Clerk's office, where it was sent from the Police Court. The property was surrendered two or three days after the defendants were arrested. It was brought to court, and handed to him, the witness, by a woman named Mary Lango. The property was then contained in a box. The defendant was not present at the time that the jewelry was surrendered to him, the witness, by Mary Lango. He did not converse with Mary Lango, because she could not understand English, and she made no

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explanation whatever.

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MARY LANGO, of 329 East 106th Street, testified that she had known the female defendant for about three months, and the male defendant a little more. They had lived at one time together at 323 East 106th Street---about a month before the trial. She delivered the jewelry to Officer Ross, in the 125th Street Court. She did not know what the box contained. It was a box given to her by Luigi Giardina. The box was a handkerchief box, with a green band around it. She did not open the box. She was told to deliver the box by Giardina. He gave it to her in the General Sessions building, on the day that they were called before the Grand Jury. She had seen a watch that was in the box, in the possession of the woman defendant, during the month that she was living with her. There was a chain with a ball attached to the watch. She identified the watch produced by the District Attorney as the watch. The woman had told her that the watch and chain were given to her by

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Raguso, and that she had paid him \$3. for it. She, the witness, was present when the bargain was made. The transaction occurred about the middle of November. The male defendant came from the street and sat down and took out the watch, and showed it to the female defendant, and asked her if she would buy it; and he asked \$3. for it, and she gave him the money, and had worn the watch every day. She also saw a band bracelet, about an inch wide, in the possession of the woman defendant. The witness then identified a bracelet shown to her by the District Attorney, as the bracelet that she had seen in the woman defendant's possession. She also saw a pair of sleeve buttons produced by the District Attorney in the possession of the woman defendant. She and the woman defendant were then living together. The male defendant lived about two houses away from them at that time. The woman defendant said that the bracelet and the sleeve buttons were given to her by Raguso. She, the witness, afterwards spoke about the jewelry and Raguso told her not to mention anything about it. Under

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C r o s s - E x a m i n a t i o n ,

the witness testified that the woman defendant came to the United States in August, 1890. She, the witness, sent her a ticket to come to the United States. The woman defendant was her cousin. She, the witness, was not in the habit of bringing girls over from Italy for the purpose of prostitution. She had never brought any other girl from Italy than the woman defendant and she did that because she had written and asked her to bring her over. She introduced her to the defendant, Raguso, and she refused to let the woman defendant stay longer in the house, because the man with whom she was living would not pay her rent. She, the witness, had sent Antonio Calantano to the Tombs several days before the trial to tell the woman defendant that if she would tell the truth, and say that she had the watch in her possession, she would be freed. She did this because the woman defendant and Raguso had lived together as man and wife. They commenced living together on the 22nd of November. She, the witness, told the complainant about what she

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had heard and seen as to the stolen property in December, when she went to have a dress made by his wife. She first told the wife about it, and gave her a description of the jewelry that she had seen in the possession of the female defendant. The complainant was in the room at the time, but she, the witness, would not be sure whether he heard the conversation or not. She did not tell the defendants on her return home about the conversation she had had with the complainant's wife. She had known Giardina about two months. The box was handed to her by Antonio Calantano to give to Officer Ross uptown in the 125th Street Court. She heard Giardina call Calantano to him and say, "Here, give that box to that woman, so that she can take it down to the Police Court!" She knew Officer Ross by sight, and gave him the box. She was present in the Police Court when the defendants offered the complainant's wife the value of the jewelry if she would not prosecute. They said, "We have got some money, and some gold, at home, and we will give you this if you will not prosecute us."

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LUIGI GIARDINA, testified that he lived at 329 East 106th Street; he knew both the defendants. He had known them for about a month. He did not know the complainant. He identified the stolen jewelry contained in the box upon the District Attorney's table. He first saw the jewelry when the male defendant brought it to him, on the day that he was arrested. After the male defendant brought the jewelry to him, the witness, the male defendant was arrested. He, the witness, was in his own rooms with his wife when the male defendant entered and gave him the box of jewelry. The defendant said, "Keep these for me. At 12 o'clock I will call for them." He, the witness, took them and kept them for the male defendant. He did not call again because he was arrested meanwhile. Several days afterward he took them to the complainant's house, but the complainant was not at home. He afterwards found the complainant at home, but the complainant would not receive the jewelry, and then

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he, the witness, took the jewelry to the Police Court, and had it turned over to Officer Ross. He took some jewelry the first day to the Police Court, and then on the following day he found some more jewelry in the cupboard where he had put the original box delivered to him by the male defendant. The box had been upset and some of the jewelry had been spilled. So he took the jewelry that he found on the second day to the Court.

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ROSINA BOFFA, testified that she lived at 59 Mulberry Street, and September, 1890, she lived at 344 East 112th Street. She knew the complainant and knew the defendants. She did not see Raguso have any jewelry in September or October, when he visited her house almost every day in September and October, 1890. She knew that the female defendant landed in the United States on the 24th of August. She had known her in Italy seven or eight years before. When she arrived she stayed for three days in her, the witness's, house, then she went to live with Mary Lango. She had known Mary Lango for six or seven years in Italy, and about a year in the United States. She knew her as the keeper of a house of prostitution. She had taken her, the witness, from her home for that purpose, and compelled her, the witness, to leave her husband. Her reputation was bad. She was a prostitute in Italy, and was keeper of a

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house of illfame in New York.

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FOR THE DEFENSE,

GAETANO FERRANTI, of 59 Mulberry Street, testified that he knew Mary Lango and had known her for about eight months. He knew others who knew her, and he knew that her reputation was bad. He had formerly lived at 107th Street, and had lived there four years. He had visited a girl that was in her house for an improper purpose. Others visited the house for the same object. He was a hod carrier, and he had been twice convicted and sentenced to prison for fighting. He had served six months each time.

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FRANCISCO RAGUSO, the male defendant, testified that he did not break into the store of the complainant, nor did he steal any part of the jewelry. He had never seen it before he saw it in the Police Court. He did not know Giardina, and he had never given him any jewelry to take care of. In the Police Court the complainant and his wife asked him for \$80., saying that that was the value of the property that they had lost, and they promised if he would pay that amount they would let him go free. He, the defendant, not wishing to cut a bad figure, and wishing to get out of the trouble, said that he would pay \$50. He had a gold chain in his trunk, and the complainant and his wife came to his cell in the 128th Street Police Station, and asked him for the key of the trunk to get out his gold chain. They told him that they would keep the chain until he had finished paying the sum that they would agree with him that

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he should pay. In the police court, on the following day, he saw the female defendant give the key of the trunk to the complainant's wife, and told her to take the gold chain out and keep it until he, the male defendant, paid the amount agreed upon. The complainant was there at the time. The complainant said, "That is all right. As soon as you will find a man to guarantee you, I shall let you go." under

C r o s s - E x a m i n a t i o n

he testified that he did not sell the watch in evidence to the woman defendant for \$3. He had never seen any of the jewelry, and had never seen any of it in his possession. He had been in New York about three years, but he had meanwhile visited Italy. When he returned in October, 1888, he had with him Letitia Franko, a married woman. After he got here with this woman he was tried and convicted and sentenced to the penitentiary for six months, but it was not for stealing money belonging to this woman's husband. He was charged by the woman with trying to assault her.

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He was convicted in the 125th Street Police Court. He was never in prison in Italy. He was sentenced for six months, but he only spent about thirty-five days in the penitentiary. He got out because he got a bondsman.

THE COMPLAINANT being RE-CALLED by counsel for the defendant, said that he did not have a gold chain belonging to either of the defendants, and that he had refused to receive it. He understood that Mary Lango had the chain.

MARY LANGO being RE-CALLED by counsel for the defendant, testified that she had the key of the female defendant's trunk. She was keeping it for her. The female defendant gave her the key at the 125th Street Court. The gold chain was in the female defendant's trunk, as the complainant would not receive it. She had refused to give up the chain on the order from the female defendant, but she did say she wanted to give it to her in person. She told the messenger that came for the chain that she would deliver it to the female defendant and not to him. She, the witness, did not threaten the female defendant on the day before that if the

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female defendant was acquitted she would have her re-
arrested if she did not return to live with her.

THE WITNESS, FERRANTI, and THE WITNESS, ROSINA BUFFO, being RE-
CALLED, by counsel, testified that they had heard Mary
Lango make this threat.

0344

Police Court - 5 District.

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

of No. 40 E. 113th Street, aged 35 years,

occupation Saloon Keeper being duly sworn

deposes and says, that the premises No. 21208 1st Av Street, Ward

in the City and County aforesaid the said being a four story brick

building in part a Saloon

and which was occupied by deponent as a Saloon

in which there was at the time a man being by name

were BURGLARIOUSLY entered by means of forcibly raising a

windor leading from the rear yard

of said premises into said saloon

on the 27th day of September 1890 in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

Three pair of ear rings one ladies

chain three silver watches four

pairs of plated gold bracelets two

scarf pins pair of sleeve buttons

one gold ring and twenty dollars

in silver coin good and lawful

money of the United States

All of the value of Eighty dollars

(\$80.00)

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen and carried away by

(Francesco Ragusa and Nicoletta Kovilga

both now here)

for the reasons following, to wit: that at the hour of 11.10

O'clock P.M. said date deponent closed

said saloon for the night securely

locking the doors and windows and

left all of said property in the money

drawer and at the hour of 6 o'clock

A.M. September 28th 1890 deponent

discovered that said saloon had been

entered as aforesaid and said property

1 Bracelets / 1 Earrings
2 Scarf pins / 2 Locks/Chain
Sleeve Buttons
2 Watches

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15
15
3
7.5
20
1.25

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CITY AND COUNTY }
OF NEW YORK, } ss.

Marie Longo

aged 27 years, occupation Homemaker of No.

323 E 106 St

Street, being duly sworn deposes and

says, that she has heard read the foregoing affidavit of Frank Mirano

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

Sworn to before me, this

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Marie Longo
Mark

day of

Dec

1898

C. W. Meador

Police Justice.

0347

Sec. 198-200.

S District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Francesco Raguso 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.

Francesco Raguso

Question. How old are you?

Answer.

27 years old

Question. Where were you born?

Answer.

Italy

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

Answer.

323 E. 106th St. one month

Question. What is your business or profession?

Answer.

Ho carrier

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

*Francesco X Raguso
made*

Taken before me this

19

day of *Dec* 1890

[Signature]

Police Justice.

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Sec. 198-200.

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District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

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

Question. What is your name?

Answer.

Nicoletta Rovellia

Question. How old are you?

Answer.

24 years old

Question. Where were you born?

Answer.

Italy

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

Answer.

323. E. 106. St. New York

Question. What is your business or profession?

Answer.

Keep home

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

Nicoletta Rovellia
Mack

Taken before me this

19

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[Signature]

Police Justice

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

Dated, Dec 19 189 11 W. O. Mead Police Justice.

I have 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.

0350

Miriam Frank Herman
Marie Longo
Rosario Amuffo

#2110 B.O. 5 1899
Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Mirano
403 - East 113th
Francesco Ragusa
Nicotina Robillya

Offense, Burglary



No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

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Dated, Dec 19 1899
Meade Magistrate.

John Ross Officer.
219 Precinct.

Witnesses Marie Longo
No. 323 E. 106th Street.

Rosa Broffo
No. 2082 1st Ave Street.

Louis [unclear] Street.
No. 329 [unclear] Street.
\$2000 to the



CM
Marie Longo
Rosa Broffo

0351

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Francesco Ragusa
and
Nicoletta Rovellga*

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

Francesco Ragusa and Nicoletta Rovellga

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Francesco Ragusa and Nicoletta Rovellga, both*

late of the *Twelfth* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty-seventh* day of *September* in the year of our Lord one
thousand eight hundred and *ninety* ———, with force and arms, in the
night ——— time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *a certain building, to wit:*

the saloon of one Frank Mirano

there situate, feloniously and burglariously did break into and enter, with intent to
commit some crime therein, to wit: with intent, the goods, chattels and personal property
of the said *Frank Mirano in the said*
saloon ~~in the said dwelling house~~ then and there being, then and
there feloniously and burglariously to 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.

SECOND COUNT—

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

Francesco Ragusa and Nicoletta Rovella

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

The said *Francesco Ragusa and Nicoletta Rovella*, both

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, in the *night*—
time of said day, with force and arms,

three pairs of earrings of the value of five dollars each pair, one chain of the value of eight dollars, three watches of the value of eight dollars each, eight bracelets of the value of one dollar each, two scarf-pins of the value of one dollar each, two sleeve buttons of the value of twenty five cents each, one finger ring of the value of five dollars, and divers silver coins of a number and denomination to the Grand Jury aforesaid unknown, of the value of twenty dollars

of the goods, chattels and personal property of one *Frank Mirans*

in the dwelling house of the said *Frank Mirans*

there situate, then and there being found, from the dwelling house aforesaid, 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.

THIRD COUNT—

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

Francesco Raguso and Nicoletta Rovellga
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Francesco Raguso and Nicoletta Rovellga, both* _____

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

the same goods, chattels and personal property, of a number and description to the Grand Jury aforesaid unknown, of the described in the second count of this indictment

of the goods, chattels and personal property of *Frank Mirano* —

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, from the said *Frank Mirano* _____

unlawfully and unjustly, did feloniously receive and have; (the said *Francesco Raguso and Nicoletta Rovellga* —

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen,) 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.

0354

BOX:

421

FOLDER:

3890

DESCRIPTION:

Randall, Sarah

DATE:

12/11/90



3890

0355

BOX:

421

FOLDER:

3890

DESCRIPTION:

Allpop, Julia

DATE:

12/11/90



3890

0356

John Smith
William
Officer Tapp

Witnesses:

Counsel

Filed

Placed

1890
day of
1890

THE PEOPLE

vs.

Sarah Randall
and
Julia Allport
N. D.

Grand Larceny, Second Degree
[Sections 528, 581, 582 Penal Code]

JOHN R. FELLOWS,

District Attorney,

Consolidated Sec. St. Court,
New York

A True Bill.

Foreman.

1890
1890
1890

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The People
vs.
Julia Allpop

Count General Sessions. Part 3
 Before Judge Fitzgerald. December 16. 1870
 Indictment for attempt at grand larceny
 and receiving stolen goods. jointly
 indicted with Sarah ~~Randall~~
 Peter Smith. Sworn and examined. I live
 in Rockville, Conn., I am not married.
 I came to New York on the 3^d of December. I
 was on a spree. I was pretty well advanced
 on the spree upon the 4th. I went to No. 147
 Elizabeth street in this city. I went in the
 house with a woman; it was not Sarah
 Randall, who pleaded guilty here. I took the
 woman I went in with to be about thirty
 years old. We went in the room and
 drank some whiskey in there. That was
 about one o'clock Friday morning. I had
 eighty dollars when I went in there and
 I gave the woman two dollars. A woman
 in Court (Sarah Randall) wanted some
 money to get whiskey. I did not have
 a smaller bill and I gave her a five
 dollar bill; she was not in the room
 I was in; she came in Friday morning
 about seven o'clock; she (Sarah Randall)
 came into the room where I was with
 the other woman. I was in bed with the
 two women. I had seventy dollars on
 my person when I was lying there. Sarah
 Randall took it. I felt her hand in my

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pocket. I know I had my money in my pocket at that time, for I went outside ten minutes before that to the water closet. I counted it and took it from one pocket and put it into another; she was lying on the bed with me ten minutes before she took the money. I had the money in the left hand pocket of my pantaloons. The other woman was on my left and Sarah was on my right. I was lying there talking to the women. He did not drink any whiskey in that room. When I felt Sarah's hand in my pocket and my money was gone, the other woman caught hold of me so I could not get up, but I got away from her. I don't know her name. Sarah went into the next room with the money; she went to a table there; there were three at that table with Sarah Randall. I followed her out and I saw Sarah and Julia Allpop, the defendant at the bar, she claimed to be her daughter. I saw my money in Sarah Randall's hand and Julia Allpop took it and put it in her breast - in her bosom inside of her dress. I did not do anything. I could not do anything; she went out

0359

and hired two men to put me out. They called me out and I stated my case to them and they told me to go round to the Mulberry St. police station. I went around and stated my case and the detective came around with me. I am sure that the woman to whom Sarah gave the money was this defendant; the defendant was not in bed with me at any time.

Cross Examined - I arrived in New York on the 3rd of December at four o'clock in the evening. I stopped in 212 Bowery that night and on the 4th of December I went round the city. I am a marble cutter at Rockville, Conn. I came to New York to have a little fun. I laid in bed till twelve o'clock the following day. I was "pretty full" the night before. I had \$124 when I came to New York. I spent \$44 the first day I was here in purchasing clothes and under clothes. I had \$80 when I went into this house. I paid ten dollars for underclothing, the suit of clothes I have on cost \$10, a hat two dollars and shoes \$2. I have been in the House of Detention since a week ago Friday. It was one o'clock in the morning when I went to that house.

0360

I had been at the theatre in the night and then I went and had something to eat and then I went around drinking. I met the woman. I went with about 12 o'clock on the street, corner of Hester and Elizabetha streets; she was a street walker. We went into a corner store and had two drinks apiece. I had whiskey I had five or six whiskeys previous to that. I arrived at this house one o'clock in the morning and I sent out for drinks there. I drank till two or three o'clock in the morning and then I went to sleep. I saw the Randall woman first about eight o'clock in the morning. After I saw her I sent out for more drinks. I had had no breakfast, and on top of the old drinks I had more whiskey. I gave a five dollar bill to a woman to go out to get some drink. I did not see her hand it to a young man. I saw a young man in the room when I came out of the bed room. This defendant has two rooms there, one is a cooking room and the other is a bed room. About half past twelve at night the woman and I went to the defendant's house. I asked

0361

the defendant for the money and she said she did not have it. I believe it was about one o'clock in the day that I lost my money. Between eight and one o'clock I guess I took about four drinks of whiskey. I asked the defendant for the money immediately after the other woman took it. She offered to open her bosom to show me she did not have it but I said, "never mind," if she did not want to give me the money I would see about it. I stayed there until about a quarter to two o'clock and then went to the Police station and came back with an officer; the defendant was out when we got back. I was not very drunk when this money was taken. I had slept but I was dizzy. There was no whiskey brought into the bed room; it was all drunk in the other room. It was ten minutes before the money was stolen that I gave the woman the five dollars to go out for whiskey. I don't know where they got it. The whiskey that I drank was in one room and the bed was in the other - I had about five drinks. The two of us were lying in a lounge. There was one woman lying on each side of me.

0362

6
 Henry P. Foye, sworn and examined
 I am an officer of the Tenth precinct and
 arrested the defendant at 147 Elizabeth St.
 the place where the robbery is said to
 have been committed. I arrested her on
 Dec. 1, th about half past three in the
 afternoon. There was there Julia Allpop,
 Sarah Randall, Julia Allpop's two daughters,
 Mr. Allpop and another man. I arrested
 Sarah Randall too. Then I went there with
 the complainant Julia Allpop had gone
 up stairs in the upper part of the house;
 she was not there when we got in. I
 told her the complainant accused her
 of having his money. She said she did
 not have it. I searched her, but found
 no money on her. I arrested all of them
 and took them to the station house.
 I did not get the money. I took the
 complainant along. The other officer does
 not know any more about it.

John Madder sworn. Live at 150
 Elizabeth St. opposite 147. I never saw
 the complainant before that night. I was
 moving furniture and I met Sarah
 Randall going up the street. Peter Smith
 was in the hall way of the house, and
 at the threshold of the door they were

wrangling about some money that he claimed he had lost. Her daughter said, "you did not lose a cent of money." I said to him, "young fellow, what is the matter?" He said, "I went in with the two women and one of them put her hand in my pocket and took seventy dollars and left me four cents. The defendant was not present at the time. I had no conversation with Smith when the defendant or Sarah Randall was present. I went into the room where Sarah Randall was and I said to her that the fellow claimed he lost seventy dollars and it was a shame, that he had not a cent. The defendant was not present at the time. I do not think Peter Smith said anything to me while the prisoner was present. He said they were all in there and she was out fully twenty minutes. There were four women there - two daughters, Sarah Randall and some other women.

That was the case for the People

0364

Julia Allpop, sworn and examined in her own behalf testified: I am 45 years old and at the time of my arrest I lived at 205 Oliver St. It is a private house two stories high and only two families in it. I have two rooms and my daughter and myself live there. I don't know where my husband is today. I heard he is in the hospital but I don't know what hospital. He did not work any lately because he was sick. I recollect the complainant coming into my place; it was very near five o'clock because generally I am up to get my daughter's breakfast to go to work. The complainant came in with Selia Gray and they had two bottles of brandy with them. So I got my daughter's breakfast ready and I cleared out the place. My husband said, "Julia, you had better go out for the 'lines' for the doctor." I went to Broome Street, and it was a long time ringing the bell before any one came to me. What time was it when you returned? It was about 9 o'clock when I came back home. So then I went round a little and I went out again. I says to my husband, "Tomorrow is Friday, and I will go and

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get some dinner." That is all I have to say.
Do you recollect the complainant accusing
you of taking money from this woman
Randall? Yes, and I says, if I have got
your money come and look up the front
of my bosom. No, he says I dont want
to look in your bosom. Did you take the
money? No sir. Did you receive the money
from this other woman who had taken it?
No sir: I never took a cent of money in
my life from anybody. If I had a cent I
would give it before I would take it. Have
you ever arrested before? No sir, never.
I am 45 or 46 years in this country and
I never was arrested. I have been here
nearly all my life. I was here before the
war broke out and long before. Do you
know Sarah Randall? Yes, I know her.
Was she in that house that morning? Yes.
Did you have any talk with her that
morning? I says, "good morning." I was
glad to see the lady; she walked in, of course.
Was Sarah Randall along with this Peter
Smith? Yes, and this other woman Delia
Gray was there too. I have two rooms, and
when I came in these people were in
the bed room. Do you remember Peter
Smith coming out of that room and
saying, "you have got my money, Sarah."

Randall passed it to you," do you recollect that was said to you, was Sarah there at the time? Yes sir. Had she give you any money at the time? No sir.

Cross Examined. I am married. I live with my husband and two daughters. This arrangement of Peter Smith with two women and having a bottle of whiskey happened in my room. My husband was very sick and he was lying on a lounge. My two daughters were at work at the time. When these parties came in at five o'clock in the morning I was up making a fire. My daughters were sleeping in the bed room. They did not leave the house to go to work until about seven o'clock. I could not tell how many people were in that bed room because I was out. I went out for "the lines" for my husband. From 5 to 9 o'clock I was doing my house work. This man accused me of having the money before I went out. From the time that he went in until I was accused of having the money, I was out of the house. I went to the butcher's. That was the only place I went to. I think it was about nine o'clock that the complainant accused me of having the money. It was in my bed room that Peter Smith and the women

0367

At five o'clock my husband, myself and two daughters were in those rooms. I have only one bed. Sarah Randall did not come in until it was about nine or ten o'clock. Peter Smith came in with one woman; they did not lie on the bed, they sat on the lounge, they did not go in the bedroom. My husband was sick and that is why he was up. My two girls was in the bed room and in bed at five o'clock.

The complainant says that he was in bed, which you say was your bed, and he says he brought the woman in bed and Sarah Randall was on one side and the woman on the other—where were your daughters when that performance was going on? I could not tell you. I was out, I did not see anything of that. I was at the butcher's. I went there in the day time at eleven o'clock. I did not get five dollars to get whiskey. Didn't you get this money from Sarah? No sir. My mother is in the grave, and if I was kneeling beside her I would say that I did not. They did not go into my bed until I went to the doctor's. I saw them in bed. Didn't you think it was very strange for Peter Smith and a strange woman to occupy your bed? Of course I says to Delia, "get out of my bed."

Sarah Randall, sworn and examined I live at 206 Elizabeth St. I went to the house of the defendant about ten o'clock. I was very much under the influence of liquor. I pleaded guilty yesterday to an attempt at grand larceny in this case. When I took the money I laid it on the table. I did not give it to the defendant. I could not say how many people were in the room when I laid it on the table because I was very much under the influence of liquor. There were five or six persons there and they were all under the influence of liquor.

Cross Examined. I knew I took the money but I was very much under the influence of liquor when I took it. I did not say anything to anybody when I laid the seventy dollars on the table. The defendant is perfectly innocent as regards stealing the money. It is not true what Peter Smith said in regard to my handing the money to the defendant. I found the money on the bed. I knew it was not mine. I believe the two daughters of the defendant were in the room when I put the money on the table, but I am not positive.

The jury rendered a verdict of guilty of receiving stolen goods. She was sent to the penitentiary for one year.

0369

Testimony in the
case of
Julia Alltop
filed Dec. 1990.

0370

Police Court District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Peter Smith

of No. *212 Broadway* Street, aged *22* years,

occupation *Marble Cutter* being duly sworn

deposes and says, that on the *7* day of *December* 18*92* 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:

*Good and lawful money
of the United States of the
amount and value of
Twenty Dollars
\$20.00*

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 *Sarah Raudall and John*

Albion (both now here) who were acting in concert for the reasons

following to wit: on the said date deponent was lying on a bed in a room in premises

147 Elizabeth with the defendants *Raudall* he at the time having the said money

in the pocket of the trousers which he then wore; he felt a tug at said pocket and saw

the defendant *Albion* taking her hand out of said pocket - Deponent immediately missed said money

Subscribed and sworn to before me this *7th* day of *December* 18*92* at the City of New York.

Police Justice

0371

The defendant Sarah Ruggell ran
out of said room and handed
the said money to said Julia
Adams who placed said money
under her dress, on her bosom.

Sworn to before me. Peter Smith
This 5th day of December 1890

A. J. White

Police Justice

0372

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Julia Allpop being duly examined before the undersigned 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 she 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.

Julia Allpop

Question. How old are you?

Answer.

45 years

Question. *Where were you born?

Answer.

Ireland.

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

Answer.

147 Elizabeth St. N.Y. 8 months

Question. What is your business or profession?

Answer.

Housekeeper

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
Julia Allpop
mark*

Taken before me this

day of

July 1908

Police Justice

0373

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK. } ss.

District Police Court.

Sarah Randall 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 *her*; that the statement is designed to enable *her* if she 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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 found the money in the bed and came into the other room and placed it on a table -

Sarah Randall

Taken before me this

day of

[Signature]

Police Justice

0374

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.....

Defendants
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. *Dec 5 90* 18..... *A. J. White* 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.

0377

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Sarah Randall and Julia Allpop

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment accuse *Sarah Randall and Julia Allpop* of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said *Sarah Randall and Julia Allpop*, both

late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *December* 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 *thirty-five*

\$70.00

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 *thirty-five*

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

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

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

of the goods, chattels and personal property of one *Peter Smith* on the person of the said *Peter Smith* then and there being found, from the person of the said *Peter Smith* 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.~~

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Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *Sarah Randall*
and *Julia Allpop* —
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROP-
ERTY committed as follows:

The said *Sarah Randall*
and *Julia Allpop*, both —
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,

*the same goods, chattels and
personal property described in
the first count of this in-
dictment*

of the goods, chattels and personal property of one *Peter Smith*

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

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

Sarah Randall and Julia Allpop
then and there well knowing the said goods, chattels and personal property to have been
feloniously 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.

0379

BOX:

421

FOLDER:

3890

DESCRIPTION:

Raynor, John H.

DATE:

12/08/90



3890

0380

BOX:

421

FOLDER:

3890

DESCRIPTION:

Mooney, George

DATE:

12/08/90



3890

Witnesses,

James C. Bond
Geo. Mooney

to Jas. Vincent
3rd Street

N^o 2
Filed 8 day of Dec 18 90
Pleads, 2nd July 9

THE PROPER
Grand Larceny Second degree.
[Sections 528, 531, Penal Code].
John H. Rayner
37 1/2
George Mooney

JOHN R. FELLOWS,
District Attorney.
Part 3 Dec. 18 at 8th request

A True Bill.

John H. Rayner
Foreman.
Part III December 23/90
Both plead - Patch Larceny
Each City Prison 10 days

0382

Account of General Session
of the City Court of New York

The People

vs

John H. Raynor and
another

State of New York }
City of New York } 83

Oliver R. Charlesick
being duly sworn saith.

I reside at 416 Lafayette
Avenue in the City of Brooklyn and am
a dealer in cigars. I know John H.
Raynor the above named defendant, I
have known him and all his family
for twenty years and more, and I know
many people who knew him, his character
is good, I have never heard anything
against his character in any way until
the present charge against him. If there
had been anything against him I would
in all probability have heard it. He was
in the employ of the Union Ferry Company
for a number of years and I never heard
any one utter the word against him,
and all the persons I ever heard speak

0383

of him spoke well of him
Sworn before me this } Oliver & Charles
17th day of December 1890 }

Chas. Sanders

Commissioner of Deeds,
N.Y. City

0384

Court of General Sessions
for the City & County of New York

The People

vs

John H. Raynor & ano

State of New York }
City & County of New York } ss

Niram T. Smith being
duly sworn saith

I reside at 1147 West 117th
St Brooklyn. I am now in the Salt
business and have been since last Spring.
For 22 years prior to that I was in
the employ of the Union Ferry Company
^{15 years of which} as Superintendent of Pilots and I had
control of Collectors, gatemen, bridgemen
and deck hands. I know the defendant
John H. Raynor and have known him
since he was a small boy. His character
is good. He was in the employ of
the Union Ferry Company for eighteen
years, first as deck hand, then I
promoted him to bridgeman, then I
promoted him to collector of money
for vehicles at the gate, I think his
collections averaged \$50.00 a day.
All the time I have known Raynor

0385

he has been an honest, industrial
and faithful ^{man} and I never heard
a word against him until the
present charge. He was honest and
capable in the positions in which
I placed him. I knew many persons
who know him and if there had
been anything against him I would
have known it. During the time he
was in the employ of Muir & Co
I saw him at least once a day. He
was a good man or he would not
have been promoted. Promotions
with the company are made upon
the merits of the men and not by
favor.

Sworn to before me }
this 18th day December 1890 }
Chas. Sanders
Commissioner of Seeds,
N.Y. City

Court of General Sessions
of City ^{and} County of New York

The People of the State of
New York

against
John H. Raynor ^{and}
another

City ^{and} County of New York, ss.

James C. Thompson being duly sworn says that he resides at No 138 Myona Street in the City of Brooklyn ^{and} is the Foreman of the Broadway Rail-Road in that City. That he is well ^{and} intimately acquainted with the defendant John H. Raynor ^{and} has known him for upwards of twenty years. That he believes now ^{and} always has believed said Raynor to be a person of good moral character ^{and} worthy of the utmost trust. That deponent has placed implicit trust in him ^{and} never had any reason to feel regret therefor. That he never heard previous to the present occasion, any remark made derogatory to his character ^{and} notwithstanding the present charge against him, deponent believes him to be

worthy of trust and confidence and deponent would trust him under any and all circumstances. That deponent has always known said Raynor to be a sober and industrious man, attentive to his duties and very regular in his habits. That his associates have been persons of good character.

That deponent knows and has known for years many persons who are intimately acquainted with the defendant and he never heard spoken of him anything that would reflect upon his character but all of his acquaintances speak well of him. That if there had ever been anything against the defendant, deponent would certainly have heard of it.

Sworn to before me this } James A. Thompson
18th day of December 1890 }

Chas. Sanders,
Commissioner of Seeds,
N.Y. City

0388

My General Sessions

The People vs

vs

*John H. Raymond
Lawson*

Affidavits

0389

John Vincent,

Law Offices

Mutual Life Ins. Building,

32 Nassau Street,

New York, Dec. 22^d 1890.

Peoples
Raynor &
Mooney

My dear Judge

I cannot attend

before you this A. M. I hope however
you will be as merciful as you
can consistently with your duty.

Wishing you and yours a Merry
Christmas I am

Yours truly
John Vincent

Hon. R. J. Cowing -

0390

CITY AND COUNTY }
OF NEW YORK, } ss.

Emanuel Meyer
Police Officer
aged _____ years, occupation _____ of No. _____
17th Street Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Nathaniel C. Ferris*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *26*
day of *November* 18*90* } *Emanuel Meyer*

A. J. Conway
Police Justice.

0391

District Attorney's Office.

Part 3

PEOPLE

John H. ^{vs.} Raynor
and
George Mooney
for Dec 18th

~~Off~~ all served Person
Bail notice sent

0392

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 41 West Nathaniel C. Terrel
Street, aged 32 years,
occupation Warehouseman being duly sworn

deposes and says, that on the 26 day of November 1894 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:

One bag of chicks (guns) of the value of forty dollars

the property of W.A. Forrest & Company but in deponent's charge

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 H. Raynor and George Mooney (both now here)

from the fact that said Raynor was employed as a porter by deponent and said Mooney as a carman by deponent. That deponent is informed by Officer Emmanuel Meyers of the 1st Precinct that at about the hour of 7:40 am of said date he observed the defendants in the act of removing said property from said premises. Deponent says that they had no right or authority to remove said property and that they were stealing the same.

Nathl C. Terrel

Sworn to before me, this 26 day of November 1894 at West Police Justice.

0393

Sec. 108-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

George Hoover 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. *George Hoover*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *W*

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

Answer. *389 Pacific St. Brooklyn*

Question. What is your business or profession?

Answer. *Truckman*

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 have nothing to say at present*
Geo Hoover

Taken before me this *4th* day of *March* 188*8*
W. B. ...
Police Justice.

0394

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John M. Rayner 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. *John M. Rayner*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *MS*

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

Answer. *93 Avenue St. Bklyn*

Question. What is your business or profession?

Answer. *Partner.*

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 have nothing to say*
J. M. Rayner

Taken before me this

day of *March* 1939

Police Justice

0395

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 Defendants

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 March 26 1890 W. S. O'Connell Police Justice.

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

Dated Mar 29 1890 W. S. O'Connell Police Justice.

There being no sufficient cause to believe the within named

defendant guilty of the offence within mentioned. I order he to be discharged.

Dated 18 W. S. O'Connell Police Justice.

0396

Identified by
Hon Geo Wallace
Justice
Queens Co. NY

BAILED,

No. 1, by John H. Raynor
Residence Greens L. Street

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- 1793 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

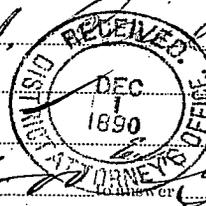
Michael C. Serrel
41- vs. Water St
John Raynor
George P. Rooney

3 _____
4 _____
Date November 30 1890
Paul Magistrate.

Madden Meyer Officer.
Precinct. 1

Witnesses Call Officers
No. _____ Street.

No. 101 Street.
No. _____ Street.
\$ _____
C. J. M.



1793
Officer Paul
Call Officers

0397

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 N. Raynor
and
George Mooney

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

John N. Raynor and George Mooney

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

The said *John N. Raynor and George Mooney, both*

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

one bag of chick gum of the value of forty dollars

of the goods, chattels and personal property of one

Nathaniel C. Terrel

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

0398

BOX:

421

FOLDER:

3890

DESCRIPTION:

Reese, John

DATE:

12/02/90



3890

John Ray

*Witnesses
Newfor
C. A. S. Grant*

Counsel,
Filed, *Dec 1890*
day of
Pleids, *St. Louis*

ADULTERATED MILK.
(Chap. 183, Laws of 1885, Section 1, as amended
by Chap. 577, Laws of 1886, Section 1; Section 186,
Sanitary Code, and Section 575 of the N. Y. City
Consolidation Act of 1882.)

THE PEOPLE,
vs.

John Reed

*1890
11/25/90*

JOHN P. FELLOWS,
Jan 26/91 District Attorney.

Henshaw & Co. Print.

A True Bill.

27 1890

John P. Fellows

Foreman.

John H. Co. J. J.
27 1890

0400

Court of General Sessions,
The People vs }
vs. }
John Reese } Violation of
Sanitary Code.

City & County
of New York & Gas.

John Reese, the
above named defendant, being
duly sworn says, that at the time
of his arrest upon the above charge
he kept a grocery store at 349
East 53rd Street, and sold one
forty quart can of milk per day.
That he had no knowledge that
the milk was adulterated, he using
the only means at his command -
(the lactometer), which showed 108,
~~107~~ ^{per cent} ~~degrees~~ above the required
standard. The test by the Health
Inspector's lactometer showing
106 - said test being made in de-
ponent's presence.

That within a week after his ar-
rest he discontinued the business,
and is now employed as a laborer
in the Grand Central Depot.
Deponent further says that about

0401

two years since deponent was for
the first and only time except
the present arrested, and upon
his plea of Guilty in the Court of
Special Sessions was fined \$50.
and on the following day again
summoned to said Court. when it
appeared that he had answered
instead of a man named Reid,
whom he was informed had been
twice before said Court. and
that the amount of fine was im-
posed by mistake.

Sworn to before me
this 26th Jan'y 1891

John Preese

Max Steiert
Notary Public
New York Co
103.

Court of General Sessions
The People vs
against
John Reese

City & County
of New York

Thomas M. Murray
of 338 Broadway, being duly
sworn says. That as Counsel
for the above named defendant.
he advised a trial by Jury. be-
lieving that ~~for~~ the analysis
made by the Chemist for the
defendant. would prove a satisfac-
tory defense.

That the Analysis made by the
Chemist of the Health Board, merely
showed a deficiency of one half
per cent solid matter, and an
adulteration of four per cent.

That the plea of Guilty was inter-
posed at the request of defendant
on account of his age 63 years -
and excitement, and inability
to pay the Chemist to appear and
testify.

Thos M. Murray

Subscribed and sworn to
this 26th January 1891
Max Stewart
Notary Public
New York Co

0403

Court of
General Sessions
The People vs

^{vs.}
John Reese

Affidavits &c

Thos W. Murray
Counsel for defendant
33 Broadway

0404

780 Third Avenue

New York City
October 17 1900

Certificate of
Quantitative and Qualitative
Analysis
 of a sample of Cows Milk, received and begun
 Oct. 15th 90. at noon, and finished
 Oct. 17th 90. at noon.

The Sample:

The milk was received in a brown glass trial, closed with a cork, and having through the side of the neck of the bottle, drawn a wire, passing the cork, and the opposite side of the bottle, both ends of this wire being drawn together and passing through a lead seal, bearing on one side the inscription "Health Dept. N.Y. on the under side the number '3'". The label attached to the bottle was No. 1035 sample No. 1 dated Oct. 15th 90. and signed by C. Graeb Milk Inspector. The label also stated that 3.5 Quarts of Milk were adulterated by the removal of cream. The bottle, cork, wire, seal and label were in good untampered condition.

Physical Conditions:

Appearance: Normal Cow Milk.
 Taste: Same.
 Reaction: Neutral
 Specific Gravity: 1.033 at 16°C
 N.Y. State Dairy ^{Cent.} Factor meter, 10.6 at 58°C.
 Examination with Franis Microscope showed: Normal Milk.

Qualitative Examinations

showed the entire absence of Carbonate of Soda, Urea, Salicylic Acid, and all other artificial adulterant.

Quantitative Analysis.

Water			87.318
<u>Solid Constituents:</u>			
1 st Organic			
a. Fat (Butter)	2.920		
b. Casein	11.005		
c. Albumen	0.501		
d. Sugar (Milk sugar)	4.788	13.214	
2 ^d Inorganic			
Phosphate &c			4.68
<u>Total</u>			<u>100.000</u>

Microscopical Examination:

Enlargement $\times 100$ & 600 times:
 This examination proved the entire absence of foreign matter, as well as all pathological Micro-organisms.

Opinion:

We herewith state positively and unambiguously, that the above sample of milk, which we have carefully and scientifically examined, is pure, unadulterated and wholesome Swiss milk, and that there is not the slightest reason, for even to suspect the "Removal of Cream," it is as shown above positively contradicted by the amount of solid Constituents ^{respectively} as well by the large amount of Fat, all of which are within the limits which Swiss milk has power.

We herewith give for the purpose of a better understanding of the exact conditions of the Milk, the tables laid down in the National Dispensary by Stollé and Mauché P. 864.

Water	87.0	
Inorganic Solids	0.7	
Fat / Butter	4.0	
Sugar, Casein and Albumen,	8.3	100.0

0406

We declare the above Certificate to be
absolutely correct.

Harman C. Pats
Ch. G.

L. L. Johnson
anal. Chem.

0407

Form No. 12.

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

Chas. E. H. Graeb of No. *301 West* Street,
in the City of New York, being duly sworn, says that he is over the age of twenty-one years, and is a
Sanitary Inspector of the Board of Health therein, especially detailed to the inspection of Milk; that on
the *Fifteenth* day of *October* in the year 189*0*

at premises number *349 E. 53rd* in the City of New York, the said premises being
a place where Milk was then kept for sale, one *John Reese, Jr.*
did then and there unlawfully keep, have and offer for sale three quarts of impure and unwholesome Milk,
which had been and was then and there watered, adulterated, reduced and changed by the addition of
water or other substance, or by the removal of cream therefrom, and that such impure, unwholesome,
watered, adulterated, reduced and changed Milk, was then and there, by the said *John Reese*,
Reese, unlawfully held, kept and offered for sale in violation
of the provisions of the Sanitary Code then and there and at all times thereafter in force and operation,
and especially in violation of the provisions of a section and ordinance of such Sanitary Code which was
duly passed and adopted by the Board of Health of the Health Department of the said City of New York,
and by said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of
February, 1876, in the manner and language following, to wit:

"Resolved, That, under the power conferred by law upon the Health Department, the following
"additional section to the Sanitary Code for the security of life and health be and the same is hereby
"adopted and declared to form a portion of the Sanitary Code."

"No. 186.—No Milk which has been watered, adulterated, reduced, or changed in any respect by
"the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept,
"or offered for sale at any place in the city of New York, nor shall any one keep, have or offer for
"sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in the
City Record, a daily official newspaper and journal published in said city, to wit: in the issues of such
newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and
that said ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the *24.* day }
of *October* 189*0* }

Chas. E. H. Graeb

Charles Stinson
Police Justice.

0408

AK
Police Court, Fourth District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Chas. E. M. Graeb
vs.
John P. Pearson &
349 E. 53rd St.
Affidavit, violation of Section
186 of the Sanitary Code.

Dated *24. Oct.* 189*0*

Justice.

Officer.

Witnesses *J. Offrain P. Young*

No. *301 North 2nd*

M. G. Berry

No. *301 North 2nd*

\$ to answer

0409

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK } SS

John Reese 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 Reese*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No 309 East 53rd St - 10 years*

Question. What is your business or profession?

Answer. *Printer*

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 demand a trial by a jury. John Reese*

Taken before me this
at New York City
on the 1st day of
1908
Police Justice

0410

Sec. 151.

Police Court Fourth District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Johas E St Graeb of No. 301 Mott Street, that on the 24 day of October 1890 at the City of New York, in the County of New York,

John Reese of 349 E. 53rd st. the city did thru & there keep, have for offer for sale three quarts of milk changed by the addition of water in violation of Section 186 of the Sanitary Code

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

These are, therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the fourth DISTRICT POLICE COURT in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 24 day of October 1890

Charles W. Fairbanks Police Justice.

0411

age 63 German Res 349, E, 53, St

The within named

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

Dated, 189

..... Police Justice.

28. 10 am

Police Court Fourth District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Chas & H. Grady,

vs.
John Reese Jr

349 E. 53 rd. St.

Warrant-General.

Dated October 24, 189

Magistrate.

Clammell Officer.

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

Officer.

Dated October 28, 1890

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

04 12

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 One 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. 29 October 1890 *Charles N. Linton* Police Justice.

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

Dated. 29 October 1890 *Charles N. Linton* 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.

0413

~~for Ex~~
Oct 29-90 2.30 PM.
Paroled in case of Cornell
M. J. D.

1634
Peace Court--- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles B. Garb
301 - 9th St.

John Reese

Officer Volatier
Auxiliary Card

BAILED,

No. 1, by John Rudenson
Residence 151. East 49th Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated Oct 28 1890
Dawton Magistrate.
Cornell Officer.
Court Precinct.

Witnesses _____
No. _____ Street.
No. _____ Street.

No. _____ Street.
No. _____ Street.
\$ 100 to answer
Bailed
H. M. M. M.



0414

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 Reese

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

John Reese

(Chap. 188, Laws of 1885, § 1, as amended by Chap. 577, Laws of 1890, § 1.)

The said

John Reese

late of the City of New York, in the County of New York aforesaid, on the
fifteenth day of *October* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid,
did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated
and unwholesome milk (the same not being skimmed milk produced in the said County),
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.

0415

SECOND COUNT:

(§186, Sanitary Code

And the Grand Jury aforesaid, by this indictment, further accuse the said
John Reese
of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE
HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said
John Reese

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale,
three quarts of milk which had been and was then and there watered, adulterated, reduced
and changed by the addition of water and other substances to the Grand Jury aforesaid
unknown, and by the removal of cream, against and in violation of the Sanitary Code of
the Board of Health of the Health Department of the City of New York, duly adopted
and declared as such at a meeting of the said Board of Health, held in said city on the
second day of June, 1873, as amended in accordance with law, and particularly in viola-
tion of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of
said code, which is as follows, that is to say:

“No milk which has been watered, adulterated, reduced or changed in any respect
by the addition of water or other substance, or by the removal of cream, shall be brought
into, held, kept, or offered for sale at any place in the City of New York; nor shall any
one keep, have or offer for sale in the said city any such milk.”

Which said section and ordinance above set forth was, by a certain resolution, duly
passed and adopted by the said Board of Health and by said Health Department, at a
meeting thereof duly held in said city on the twenty-third day of February, 1876, added
to and made a part of the said Sanitary Code aforesaid, and adopted and declared to
form a portion thereof, pursuant to the authority and power conferred by law upon the
said Board, and which said ordinance was thereafter duly published once a week, for two
successive weeks, in the *City Record*, a daily official newspaper and journal published
in the said city, to wit: in the issues of such newspaper of the twenty-fourth day of
February, 1876, and also of the second day of March, 1876, and which said Sanitary Code
so amended and altered was then and there, at the time of the committing of the offense
hereinabove alleged, in full force and operation, and was by law declared to be binding
and in force in said city, and which said section and ordinance above set forth was then
and there in full force and virtue, having been in nowise altered, amended or annulled by
said Board of Health, 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.

04 16

BOX:

421

FOLDER:

3890

DESCRIPTION:

Reilly, Jerry

DATE:

12/16/90



3890

0417

Counsel,

Filed 16 day of Dec 1890

Pleads,

THE PEOPLE

vs.

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

Jerry Reilly

Wm. J. Kelly

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John H. Lynch

Dec 17 90 Foreman.

*Pleaded & sworn to by
S. P. S. 1905 - P. B. M.*

17 Witnesses

*William Linnahan
Edward Linnahan*

0418

Police Court— 2 District.

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

of No. 235 West 36 Street, aged 32 years,
Bertha Lowry

occupation Keep House being duly sworn

deposes and says, that on 14th day of December 1888 at the City of New

York, in the County of New York,

she was violently and feloniously ASSAULTED and BEATEN by

Jerry Kelly (now dead)
who wilfully and maliciously

cut and stabbed, deponent
in the head with a knife
he then and there held in
his hands

Deponent further says
that 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 dealt with according to law.

Sworn to before me, this 14 day }
of December 1888 } Bertha Lowry

[Signature] Police Justice.

0419

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James R. Reilly 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.

James R. Reilly

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

New York

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

Answer.

30-2 West 37 St. 2 Mos.

Question. What is your business or profession?

Answer.

Printer

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.

James R. Reilly

Taken before me this

day of *Dec* 188*8*

So. J. C. [Signature]

Police Justice.

0420

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.....

Refund

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Fifteen* 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 *Dec 14* 18*90*.....*So. J. [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.

0421

Police Court--- 2 1249 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Gertha Lowy
235-445-33
Jerry Kelly

Offence
...

2.....
3.....
4.....

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Dec 14* 188*90*

O'Reilly Magistrate.

Volini Officer.

20 Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.



§ *1321* to answer.....

Cam

0422

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Jerry Reilly

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

Jerry Reilly
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Jerry Reilly

late of the City of New York, in the County of New York aforesaid, on the
fourteenth day of December in the year of our Lord
one thousand eight hundred and ninety, with force and arms, at the City and
County aforesaid, in and upon the body of one Bertha Lowy
in the Peace of the said People then and there being, feloniously did make an assault
and her the said Bertha Lowy
with a certain knife

which the said

Jerry Reilly

in his 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,

her the said Bertha Lowy
with intent 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

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

The said

Jerry Reilly

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 Bertha Lowy in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and her the said
with a certain knife

which the said

Jerry Reilly

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 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.

John R. Fellows,
District Attorney

0423

BOX:

421

FOLDER:

3890

DESCRIPTION:

Reilly, John

DATE:

12/02/90



3890

0424

POOR QUALITY ORIGINAL

#3.

Counsel,

Filed

Pleads,

F. J. Keller
Dec 9 1890
Not guilty

THE PEOPLE

vs.

John Kelly

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

J. R. Fellows
Dec 9 1890

JOHN R. FELLOWS,

District Attorney.

*Dec 9, 1890 - word at
left right*

A True Bill.

W. H. K. Conacher
Dec 9 1890 Foreman.

*Head Assault 1 deg.
S.P. 8 yrs. P.B.M.
Dec 21/90*

0425

POOR QUALITY ORIGINAL

#3.

Witnesses:

August Stebbins
John McEnty

Counsel,

Filed

day (of)

1890

Pleads,

2 Dec 1890
Not guilty

THE PEOPLE

vs.

John Reilly

26. E. H.
John R. Fellows

Assault in the First Degree, Etc.
(Firearms)
(Sections 27 and 218, Penal Code)

JOHN R. FELLOWS,

District Attorney.

A True Bill

John R. Fellows
Dec 9/90 Foreman.

Magistrate
S.P. 8 yrs. P.B.M.
Dec 22/90

0426

Police Court _____ District.

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

August Stettweg

of No. 72 Allen Street, aged 35 years,

occupation: Cysterman being duly sworn

deposes and says, that on the 8th day of October 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Reilly

(now dead) who entered premises 201 Avenue A where deponent was employed, that said Reilly ordered an oyster stand and while deponent was preparing it said Reilly walked to the money drawer and stole about four dollars, that deponent detected him as he did followed him when he Reilly produced a loaded pistol, pointed it at deponent and fired a shot at deponent from it which slightly wounded deponent on his side and that said Reilly then escaped and that 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 23rd day of November 1887 of August Stettweg.
A. J. White Police Justice.

0427

Sec. 198-200.

CITY AND COUNTY OF NEW YORK

District Police Court

John Reilly

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 Reilly*

Question. How old are you?

Answer *26 years*

Question. Where were you born?

Answer *W*

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

Answer *411 Park St*

Question. What is your business or profession?

Answer *Steam fitter*

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 Reilly

Taken before me this

day of

188

Police Justice

0428

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 250 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 Nov 26 1890 [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.

0429

Police Court--- 1756 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August Hellweg
72 Allen St.
John Kelly

Seaboard
Assault
Offence

Dated *Nov 13* 18*90*

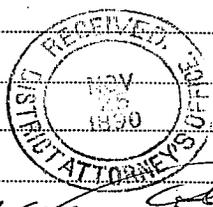
White Magistrate.
Titus V. McCarty Officer.
Co Precinct.

Witnesses.....
No. Street.

No. Street.

No. Street.

\$ *6.00* to answer *Eds.*



Ch
Recd
11/13/90

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0430

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 Reilly

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

John Reilly
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

John Reilly
late of the City of New York, in the County of New York aforesaid, on the *eighth* day of *October*, 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 *August Stollweg* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *August Stollweg* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Reilly* 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 *August Stollweg* 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

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

The said

John Reilly
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 *August Stollweg* 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

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

John Reilly
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.

0431

BOX:

421

FOLDER:

3890

DESCRIPTION:

Reilly, John

DATE:

12/03/90



3890

0432

Witnesses:

Mary Gordon
Officer Schmitt

Counsel,

3 Dec 1889

Filed

day of

Pleads,

July 4

THE PEOPLE

vs
John Reilly
36-9-10
Pleadings

Burglary in the second degree.

[Section 49, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Fellows

Foreman.

Paul III December 8/90

Pleads Burg 3^d deg
10

E. M. ...
See 10/90

0433

Police Court 3 District.

City and County } ss.:
of New York,

Mary Gordon

of No. 77 Suffolk Street, aged 22 years,
occupation Keeps house being duly sworn

deposes and says, that the premises No 77 Suffolk Street, 12 Ward
in the City and County aforesaid the said being a tenement building
the third floor of
and which was occupied by deponent as a dwelling apartment
and in which there was at the time a human being, by name deponent and
her two children Beekie and Maggie Gordon
were **BURGLARIOUSLY** entered by means of forcibly opening a
door leading to deponent's apartments, by
means of a false key and which door
was securely locked

on the 28th day of Nov 1887 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

[Large diagonal scribble across the page]

the property of

and deponent further says, that she has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
by John Reilly (now here)

for the reasons following, to wit: Deponent says, - at about 3 P.M.
of said date, her attention was attracted by
hearing the sound of a key inserted in
a door leading to her apartments, and
deponent on looking, saw said door
open, and defendant enter her premises
but defendant seeing deponent ran
from said premises, down the stairs,
and into the street, where defendant

0434

was pursued by deponent who subsequently caused the arrest of defendant by Officer Charles W. Schmidt of the 11th Precinct, who saw defendant running and on arresting defendant discovered a large quantity of Keys in defendant's possession; and also a file.

Wherefore, deponent charges defendant with burglariously entering the apartments and prays that he be dealt with as the law directs.

Mary Jordan

Subscribed and sworn to }
this 29th day of Nov 1899 }

[Signature]

Police Justice

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

of the City of New York, until he give such bail. 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

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

Police Court, District,

THE PEOPLE, vs.,
on the complaint of

Offence—BURGLARY.

1
2
3
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

to answer General Sessions.

0435

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles W. Schmidt

aged _____ years, occupation *Officer* of No. _____

11th Precinct

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Mary Gordon

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

Sworn to before me, this

29

day of

Nov

188*7*

Charles W. Schmidt

[Signature]

Police Justice.

0436

3

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Reilly 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 Reilly

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

United States

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

Answer.

Refused

Question. What is your business or profession?

Answer.

Blacksmith's helper.

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 exoneration?

Answer.

*I am not guilty.
John Reilly*

Taken before me this *29* day of *Nov* 188*8*

Police Justice

[Signature]

0437

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.....

De Feudant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *75* 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 *Nov 29* 18 *90* *[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.

0438

Police Court--- 3-1786 District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Mary Brodon
77th Suffolk
John Reilly

Offence
Durgatory

2
3
4

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Nov 29 1890
Hogan Magistrate.

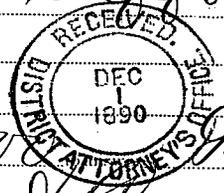
Chas W Schmidt Officer.
11th Precinct.

Witnesses said officer
No. Street.

Reah Weinberg
No. 77 Suffolk Street.

No. Street.

\$ 100
No. Street.



W.C. Corn

0439

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 R. Kelly

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

John R. Kelly —

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

The said

John R. Kelly

late of the *Seventh* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *November*, in the year of our Lord one thousand eight hundred and eighty *nine*, with force and arms, about the hour of *three* o'clock in the *day* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Mary Gordon*.

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: *the said Mary Gordon* —

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said *Mary Gordon*.

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away;

[Handwritten flourish]

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. Kelly
[Signature]

0440

BOX:

421

FOLDER:

3891

DESCRIPTION:

Roberts, John

DATE:

12/09/90



3891

0441

Witnesses:

Joseph F. Bennett
William Eaton

Counsel,
Filed *9 Dec 1887*
Pleads, *Not Guilty (Feb 2/91)*

*His Honor THE PEOPLE
Joseph F. Bennett
vs.
John Roberts*

Assault in the Second Degree.
(Section 218, Penal Code).

John Roberts

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL.

William F. Cannon
Foreman.
Prof. 2 July 6, 1891
*Tried and convicted, with
recommendation to mercy*
2410 Pen P.A.
Oct. 11

0442

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Nov 23rd 1890

To certify that Jacob Bennett
will be discharged from this
Hospital tomorrow Nov 24th 90 and
will then be able to appear in
Court.

J. E. L. Wells M.D.
House Surgeon

0443

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Nov. 21^d 189

Jaes F. Bennet's condition this
morning is excellent, and all
danger of serious results passed
Fred L. Wells M.D.
From Eng

The Society of the New-York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Nov 19 189

Mr Bennet still in Chambers
St. Hospital and unable to
appear in court
Fred L. Wells M.D.
From Eng

0444

The Society of the New York Hospital,
HOUSE of RELIEF, 160 Chambers St.,
New York, Nov 18th 1890.

This is to certify that Jacob Z.
Bennett was stabbed in the
Abdomen yesterday and is now
in this Hospital under treatment.
His condition this morning is
good, and no serious result
is anticipated unless some un-
foreseen symptoms express
themselves.

J. B. Russell, M.D.
Assistant to House Surgeon

0445

Police Court— District.

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

of No. 141 Heyward Street, aged 63 years,
occupation Steeple being duly sworn

deposes and says, that on the 17 day of November, 1888, at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Roberts man him who cut and stabbed deponent on the side and groin with the blade of a knife which he then held in his hand

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 25 day of November, 1888 } Jacob J. Bennett

[Signature] Police Justice.

0446

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

John Roberts

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 Roberts

Question. How old are you?

Answer.

40 years.

Question. Where were you born?

Answer.

England.

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

Answer.

69-9th St. Brooklyn

Question. What is your business or profession?

Answer.

Labourer

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 Roberts

Taken before me this

1887
day of
1887

0447

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 1 DISTRICT.

Joseph Eaton
of No. 115 1st Avenue Street, aged _____ years,
occupation Police Officer being duly sworn deposes and says,
that on the 17th day of November 1890
at the City of New York, in the County of New York, he arrested

John Roberts upon the complaint
of Jacob Bennett now confined
in Chambers St Hospital suffering
from a stab wound said by
said Bennett in depositions previous
to have been inflicted by said
Roberts.

Joseph Eaton

Sworn to before me, this

of November 1890

(day)

[Signature]

Police Justice

0448

Police Court, _____ District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

John Roberts

AFFIDAVIT.

Dated *Nov 15* 188*9*

W. White Magistrate.

Patm Officer.

Witness, _____

Disposition, _____

Exp. Nov 20. 10 am
27. 10 am
24. 10 am

0449

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

Keefe and son
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 Nov 25 90 18 Nov 25 90 Police Justice.

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

Dated Nov 29 90 18 Nov 29 90 Police Justice.

There being no sufficient cause to believe the within named Keefe and son guilty of the offence within mentioned, I order h to be discharged.

Dated Nov 29 90 18 Nov 29 90 Police Justice.

0450

*August J. Bennett
Officer Eaton*

Police Court--- No. 1792 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jack S. Bennett
vs.
John Roberts

BAILED,

No. 1, by *Jonathan Cadin*
Residence *117 Newark Place* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Mar 25* 18*90*

James Magistrate.
Eaton Officer.

Witnesses *Char Jenkins*

No. *Pier 12 E.R.* Street.

Samuel Palmer

No. *90 off* Street.

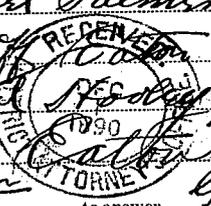
David H. ...

No. *H. Eaton* Street.

\$ *300* to answer *U.S.*

Robert Ryden

Committed



0451

William W. Rides.

*Mutual District Ass'n. Co.
29 Murray St.
N. Y.*

General Manager.

0452

District Attorney's Office.

John Roberts defend.

~~PEOPLE~~
subpoenas for

Robert Ryder
Samuel Palmer
Henry Newberger
Daniel Hooley

send to _____

Chas Jenkins
Engine Pacific
Pier 13 - E.R.
if not found take to
old slip station
Office Eaton.

H.W. J. Jeph

0453

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

vs.

John Roberts

Witness

~~*John R*~~

Robert Rogers

Samuel Palmer

Wm. H. Hoxley

W. J. Newbarger

Dist. 13 - E. R.

Ernie Rappie

District Attorney.

Or Office Eaton

0454

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

.....
 The People,) Before
) HON. FREDERICK SMYTH,
 vs.) and a Jury.
 JOHN ROBERTS.)

Tried February 6th, 1891.

Indicted for ASSAULT.

Indictment filed December 9th, 1890.

APPEARANCES:

Assistant District Attorney Weeks, for The People.

Messrs. Levy, Friend & House, for The Defense.

0455

2

JACOB T. BENNETT, the COMPLAINANT, testified that he lived at 141 Hayward Street, Brooklyn, Eastern District. He was in his sixty-fourth year. He was foreman for Mr. Hall, a stevedore. On November 17th, 1890, he met the defendant in Peter Nash's saloon. It was then about half-past 2 in the afternoon. The defendant was looking on at a game of cards, in which the complainant was engaged. He, the complainant, was playing cards with Robert Ryder. It was a game of cribbage. The defendant said, "Charlie Peterson wants that 2,000 cases of oil taken in." He, the complainant, made no reply, and the defendant repeated his remark. He, the complainant, then said, "Charlie Peterson is man enough to tell me, without telling other folks in the street what he wants done." Then the defendant said, "Jake Bennett blackballed me." He, the complainant, made no response. Then the defend-

0456

3

ant said, "The damn son-of-a-bitch black-balled me." Again the defendant said, "Jake Bennett, the damn cur, the son of a bitch, black-balled me." He, the defendant, then arose from the table and said, "Now, you've gone far enough. Stop! Don't go any further. If you mean fight, I'll give you all the fight you want." The defendant said, "You damn cur, you son of a bitch, there's no fight in you." He, the complainant, took the defendant by the neck and laid him down on the floor and said, "Do you call me a son of a bitch?" The defendant said, "No. I'll take all that back." Then he, the complainant, let the defendant up, and went and sat down again at the table, and renewed the game of cribbage. When the defendant got up on his feet again, he said, "You damn cur, you son of a bitch." Then Ryder said, "You ought to be ashamed of yourself. If I had been him, when I had you down I would give it to you, so that you wouldn't have called me that name

0457

again." The defendant said, "He can't do it, nor you neither." Thereupon Ryder struck the defendant once or twice, and the defendant said, "You know I am not good enough for you, Bob Ryder," and Ryder let him alone and walked away from him, and when he walked away from him the defendant pulled out a knife and said, "I swear I'll have your blood, Bob Ryder, before you cross the ferry to-night." He, the complainant, said, "Bob, this is no place for us. Let's go out." Thereupon, he, the complainant, started out of the saloon, and walked about two hundred yards down the street, to about opposite Pier 13. Then he, the complainant, saw that it had stopped raining, and he began to set his men to work. Just then the defendant came along and said to him, the complainant, "You damn cur, you son of a bitch," and the complainant looked over his shoulder, and the defendant said, "Yes; I mean that, you damn cur, you son of a bitch," and, with that, he, the defendant, struck

0458

5

the complainant. Then he, the complainant, thought that the defendant was hitting him with his fist, but the first thing he, the complainant, knew, he was cut. He felt the warm blood running down his body, and he opened his trousers, and said, "That skunk has cut me," and, thereupon, the defendant started to run, and he, the complainant, followed him up Old Slip. He, the complainant, was stabbed in the left side, and in the groin. The wound in the left side was about two inches long, but the wound in the groin was not very deep. The defendant ran toward the Old Slip Station House, and, just as he got to the corner of Front Street, he started to cross and run down Front Street towards the Ferry, when he, the complainant, called to a policeman, and told him to stop the defendant, and the policeman arrested the defendant, and took him into the station house. Then an ambulance was called, and he, the complainant, was taken to the hospital, where his, the complainant's, wounds were dressed in the

0459

6

station house by the ambulance surgeon before he, the complainant, was taken to the Chambers Street Hospital. He, the complainant, remained there until November 25th, under hospital treatment. Peter Nash's saloon was opposite Pier 14, in South Street. In

C r o s s - E x a m i n a t i o n,

the complainant testified that he, the complainant, was walking in the direction of South Ferry when he was stabbed. The defendant, prior to the stabbing, had worked for him, the complainant, as foreman in the stevedoring business. He, the complainant, knew that the defendant lived in South Brooklyn, but he did not know in what street. He, the complainant, struck the defendant twice in the street, before he felt that he was stabbed. He struck the defendant with his fist. He did not knock the defendant down on his back in the street. He did not have the defendant

0460

down when the defendant used the knife.

7

0461

8

ROBERT RYDER, of 471 7th Avenue, Brooklyn, testified that he was foreman for a stevedore. While he, the witness, and Bennett, the complainant, were playing a game of cribbage, Roberts entered Nash's saloon, and stood for a moment looking on at the game. Then he began to use abusive language to Bennett. Among other things he said, "I hope to Christ you'll be black-balled soon. You black-balled me, and I shall see you with a cotton hook stuck in your ass, yet." Then the defendant said, "You've got it in for me, and I'll have it out for you." He, the witness, said to Bennett, "Jake, don't take no notice of him. He's just got enough liquor in him to make him fightable." The defendant then called the complainant a "dirty son of a bitch" and told him he would have his heart's blood before he left New York that night. Then Bennett got up

0462

9

and caught Roberts by the collar, and Timothy Flynn, a man doing work for Stevedore Hall, went over and begged Bennett not to strike Roberts, and parted them. Then he, the witness, told the defendant that he ought to be ashamed of himself, to speak to Bennett as he had done; and the defendant said, "You dirty son of a bitch, I'll have your heart's blood, too, before you leave." Then, he, the witness, struck Roberts in the face with the cribbage board, and as the defendant did not seem to mind that, he, the witness, sailed into him, and knocked him around the bar room until he put his head into the sawdust barrel to hide it. Then he, the witness, and Bennett left the saloon. He, the witness, left Bennett at the head of Pier 13, and went to his own work at Pier 11.

0463

10

SAMUEL PALMER, of 302 East 102nd Street, a 'longshoreman, testified that after the difficulty in the saloon, he saw Bennett, the complainant, standing at the head of Pier 13, talking to two men that worked for him, and he saw the defendant approach Bennett and say something to him. Then Bennett struck at the defendant, and they got into a clinch, and the defendant struck at Bennett apparently with his fist, several times. He, the witness, thought, at the time, that it was a curious way for the defendant to be punching the old man in the stomach, and when the defendant drew his hand back, he, the witness, saw the knife in his hand. Then the defendant started to run, and he, the witness, looked for a police officer. When the defendant ran, the complainant ran after him.

0464

11

OFFICER JOSEPH EATON, of the First Precinct, testified that he arrested the defendant on the 17th day of November in Old Slip, near Front Street. The complainant was about fifty feet behind the defendant at the time. He, the witness, saw the defendant running away from the complainant. In the station house he, the witness, found the knife in evidence in the defendant's pocket. He, the witness, saw the ambulance surgeon dressing a wound in Bennett's stomach in the station house. He, the witness, could not say whether there was blood on the defendant's knife when he took it from him. The complainant's clothing was saturated with blood.

In

C r o s s - E x a m i n a t i o n,

0465

12

the witness testified that he arrested the defendant about twenty-five feet away from the entrance of the station house. The defendant was going towards the door of the station house, in his, the witness's, opinion.

0466

13

JOHN ROBERTS, the DEFENDANT, testified, in his own behalf, that he lived at 62 9th Street, South Brooklyn. He was accustomed to travel to and from Brooklyn on the South Ferry. He had been about twenty-three years in the United States. He was born in England. He was a married man, and had a family. He had worked as a 'longshoreman. He had also worked for the complainant. He had never been charged with an assault before. He used the knife when he was overpowered by the complainant, and believed the complainant intended to do him serious bodily injury. He, the witness, knew a man named Peterson, the brother-in-law of the complainant's employer. Before he, the defendant, entered the saloon, he met Peterson, and Peterson asked him, the defendant, to deliver a message to Bennett, telling him to take in the oil, and he, the defendant, delivered

0467

14

the message himself. Then Bennett got up from the table and struck him, the defendant, with his fist, and got him down in the saloon and had his knee upon his chest, and Tim Flynn separated them. Then Ryder sailed into him, the defendant, with the cribbage board, and beat him shamefully. He, the defendant, said to Nash, the proprietor of the saloon, "I guess I'll go home, Peter," after Bennett and Ryder had gone out. He, the defendant, was sore from the beating. He went down South Street, to go home b. wa. of the South Ferry. Bennett stood on the sidewalk. As he neared Bennett, Bennett turned about and struck him and knocked him down, and he, the defendant, had to use the knife in selfdefense. Bennett was a scientific sparer, and he, the defendant, had a broken shoulder and a compound fracture of the thumb, and could not defend himself with his hands. He had known Bennett for several years, and he knew other people who knew him. Bennett's reputation was that he was able to take care of himself with

0468

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any man. After the stabbing occurred, he, the defendant, ran towards the station house, followed by a great many people, 'longshoremen. He was afraid of getting hurt and he concluded to go to the station house for protection. He was on the way to the station house, to give himself up, when the Officer arrested him. He, the defendant, had to pass where Bennett attacked him, to get to the South Ferry. He, the defendant, did not go out of the saloon with the intention of renewing the quarrel with Bennett, and he had no intention of using the knife upon Bennett or anybody else. He, the defendant, did not threaten to have the complainant's or Ryder's heart's blood. The knife that he, the defendant, used, was given to him by the mate of an English ship, and he had had it about eight or ten months before the stabbing. He used the knife in his business, for cutting rope. Almost every 'longshoreman carried such a knife.

In

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C r o s s - E x a m i n a t i o n,

the witness testified that he had been employed by the complainant, Bennett. Latterly the complainant had not employed him, the defendant. That was what he meant when he said that Bennett had blackballed him. Bennett would not employ him any longer. He, the defendant, did not remember applying any opprobrious epithets to Bennett, in the saloon. Some words passed between them, but he, the witness, could not remember what they were. Bennett attacked him in the street, without any provocation whatever. He, the defendant, believed that his life was in danger when he stabbed Bennett. He did not exhibit the knife in the saloon, or say that he would have Bennett's heart's blood, or that of Ryder. He, the defendant, was employed, at the time of the trial, as an elevator man, in the Astor Building, on the Pine Street side. He had been there about two months. He had been out on bail.

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ALBERT J. ROBERTS, testified that he was twenty-five years of age, a son of the defendant, and that he lived at 238 East 81st Street. He was an inspector for the Mutual District Messenger Company. He had been a messenger boy with the same company. He, the witness, was married, but, up to the time of his marriage, he had lived with his father, the defendant. The defendant was a quiet, peaceable man, and was at home almost every evening after his work was done. The defendant had always worked along-shore.

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I N R E B U T T A L.

DANIEL HOOLEY, testified that he was a 'longshoreman, and that he was in Nash's saloon at the time of the difficulty between the defendant and the complainant. The witness then corroborated the testimony of Ryder and Bennett as to what took place in the saloon.

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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 Roberts

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

John Roberts

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

The said

John Roberts

late of the City and County of New York, on the *seventeenth* day of *November*, in the year of our Lord one thousand eight hundred and ~~sixty~~ *ninety*, with force and arms, at the City and County aforesaid, in and upon one

Jacob F. Bennett

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *John Roberts*

with a certain *knife* which *he* the said

John Roberts in *his* right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *him*, the said *Jacob F. Bennett* then and there feloniously did wilfully and wrongfully strike, beat, *cut, stab* bruise 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.

John R. Fellows,
District Attorney.