

0590

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Silvernail, Herman

**DATE:**

01/21/91



3923

0591

216 JBA

Counsel,  
Filed *By* day of *Jan* 189*9*  
Pleads, *Myth*

THE PEOPLE  
vs.  
Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 529, 531 — Penal Code].

*Herman Silverman*

OF LANGLEY NICOLL,  
JOHN R. PHILLIPS

District Attorney.

A True Bill.

*Franklin Eason*

Foreman.

*Jan 23 99*

*Spies & Connors*

*L. P. Bentz*

Witnesses:

*[Signature]*  
*deft declares*  
*to give evidence*  
*of fact.*

0592

Police Court 2 District. Affidavit—Larceny.

City and County }  
of New York, } ss:

Mary Schuffer  
of No. 111 1/2 W. 11th Street, aged 25 years,  
occupation Domestic being duly sworn,

deposes and says, that on the 19th day of January, 1897 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 Pocketbook Containing  
Good and lawful money of the  
United States issue to the amount  
and of the value of two dollars.

in the care and charge  
of deponent

Sworn to before me this 19th day of January 1897

Henry B. ...  
Police Justice.

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 Herman Silverman (Gardner)  
from the fact shop at or about the  
hour of 1:30 P.M. on said date deponent  
was walking along First Avenue  
and when in the Corner of Third  
Street the said Silverman came  
up to deponent, snatched said  
property from deponent, left deponent  
unarmed and carrying away from deponent with  
said property in his possession.

Mary Schuffer

0593

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Herman Silvernail* 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. *Herman Silvernail*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *Above*

Question. What is your business or profession?

Answer. *Labrer.*

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.*

*Herman Silvernail*

Taken before me this

day of *February* 188*7*

*J. M. [Signature]*

Police Justice.

0594

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 Alger

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

Dated July 18 91 J. 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.

0595

Police Court--- 5<sup>th</sup> District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Mary Schaffer*  
*Herman Silverman*

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

Dated *January 18 1891*  
*Ford* Magistrate.

*W. J. ...* Officer.  
*D. J. ...* Precinct.

Witnesses.....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer *G. S.*

*[Signature]*



BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

The People  
 vs.  
 Herman Silvermail  
 Court of General Sessions, Part I  
 Before Recorder Smyth, January 23, 1891  
 Indictment for grand larceny in  
 the second degree.

Mary Chevlm, sworn and examined, testified  
 I live at 111 Second Avenue in this city. Did  
 you see this defendant Silvermail on the 17<sup>th</sup>  
 of January last? Yes sir, on First Avenue near  
 Third Street in this city. Did you have in  
 your possession when you first saw him  
 a pocket book? Yes sir, I had a pocket book  
 in my hand, and he snatched it out  
 of it. What was in the pocket book? Two  
 dollars; the pocket book was not worth  
 much about 25 cents. When this man came  
 up to you did he say anything - any conver-  
 sation? No sir, he did not snap it until  
 he got me to the corner, he took it at  
 the corner; it was raining, he turned  
 the corner, I had hold of my coat, he took  
 the pocket book out of my hand. I had the  
 pocket book in the other hand and the  
 defendant snatched it out of my hand.  
 When he snatched your pocket book did  
 he run? Yes sir, towards Second Avenue.  
 Was anybody else in that neighborhood  
 running at that time? No sir, except the  
 man that followed him when I halloed out.  
 Where you began to run after him was

0597

anybody else running after him when you first began? No sir. Where you got up to Second Avenue a lot of people joined in? Yes. You continued to run as fast as you could, did you come up to him? Yes sir. Where did you next see him? I met him coming up the avenue with Officer Wood and another man who caught him. You recognized him as the man? Yes sir, he had a bright coat on. You chased him up Second St. Yes sir. Cross Examined by counsel. Did you ever see him before that time? No sir. The first you saw of him was when he went by you on the sidewalk? Yes sir, he was not running until he came up, then he took the pocket book and ran. Did you see the pocket book afterward? No. You followed him right up? Yes sir. You did not find the pocket book on the sidewalk. I did not look on the sidewalk. Did any one find it on the sidewalk? I do not know. I did not get it. Was it found on him when he was arrested? No sir. You have not seen it from that day to this? Not since. Did you have an umbrella at that time? Yes sir. I had the umbrella in my right hand holding it up and the pocket book in the left hand.

0598

The defendant came on my left side. I  
saw him when he came over Second St.  
Alburtus Wood, sworn and examined.  
I am an officer attached to the second  
district Police Court. I saw the defendant Silver-  
nail on the 17th of January on Second Avenue  
in this city near Third Street. When I first  
saw him he was trying to get away, he  
was running; the people had him sur-  
rounded, he was trying to run, he was  
striking out and running at the same  
time sideways. I was not in uniform. I  
was in citizen's clothes. I came up and  
from information I got from the parties  
you took hold of him. I told him I was an  
officer. I brought him back, and this lady  
came running up across the street and  
said, "that is the man who took my pocket  
book." I met the complainant on the corner  
of Second street about four houses below.  
She was out of breath, running and ex-  
cited. She said, "this is the man who took  
my pocket book on the corner of Third  
street and First Avenue. You did not find  
the pocket book afterwards, did you? No sir.  
The defendant said he did not take the pocket  
book. I did not hear of any pocket book being  
found in the vicinity. I searched him in  
the station house and found nothing on him.

0599

Herman Silvernail, sworn and examined in his own behalf testified. I was up to 29<sup>th</sup> St. and First Avenue with a truckman. He asked me on the corner of Jay St. if I would go up and help him to unload a load of hay. I told him I would, and he gave me 35 cents for unloading it. When I got through he says, "I have to go up town, you can go back again if you will." I started down First Avenue and got to the corner of Third Street and I crossed. It was raining hard. I had light clothes on, and I wanted to get out of the rain. I started to run, and all of a sudden I heard a woman crying, "Here goes the boy that stole my pocket book." I slacked up running and walked up to the corner until I met a policeman and he came and grabbed hold of me and said he wanted me to come back to the station house. I says, "I am not afraid to go back. I have done nothing." He took me to the station house and searched me and did not find anything except 30 cents. I did not take the woman's pocket book. The 30 cents I had on my person I got for unloading the hay. The jury rendered a verdict of guilty.

0600

Testimony in the  
case of  
Reynold Silvernail  
filed Jan 1991

0601

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Herman Silvernail

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

Herman Silvernail of the CRIME OF GRAND LARCENY in the second degree committed as follows: The said Herman Silvernail

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of January in the year of our Lord one thousand eight hundred and ninety-one, in the day - time of the said day, at the City and County aforesaid, with force and arms,

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

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

divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of two dollars and one pocketbook of the value of twenty-five cents

of the goods, chattels and personal property of one Mary Schevlin on the person of the said Mary Schevlin then and there being found, from the person of the said Mary Schevlin then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll, District Attorney.

0602

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Simono, Antonio

**DATE:**

01/08/91



3923

*Charles H. Heyman*  
*Prosecutor*

Counsel,  
Filed *8* day of *Jan* 18 *91*-  
Pleaded *9*

THE PEOPLE  
vs.  
*A*  
Antonio Simons

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

*11/20/91*  
*De Ruyter*  
JOHN R. FELLOWS  
District Attorney.

*888 J*  
*Jan 13 1891 for*  
*affidavit from coroner*

**A TRUE BILL.**

*John W. Keiser*  
*Jan 14/91* Foreman.  
*Spent Foreman*  
*W. H. Keiser*

If these;

26

THE PEOPLE  
 vs.  
 ANTONIO SIMONO.

COURT OF GENERAL SESSIONS, PART I.  
 BEFORE RECORDER SMYTH .

Tuesday, January 13, 1891.

Indictment for assault in the first degree.

SALVATORE BINDO sworn and examined through the Interpreter by Mr. Macdonna.

- Q. What is your business, what is your trade? A. Stone mason.
- Q. Where do you live? A. No. 2031 First Avenue.
- Q. Did you live there in March last? A. No, I did not live there in March last.
- Q. Where did you live? A. I do not remember exactly, I think it was 611 113th Street.
- Q. Where were you working on the 24th day of March last? A. 136th Street.
- Q. Whereabouts, east or west? A. East.
- Q. Near what avenue? A. Between First and Second Avenues
- Q. Who was working with you? A. Nicola Bindo and another one that is not here but in Italy.
- Q. He is in court now? A. Yes sir, he is here, he is the other wounded man.
- Q. What sort of work were you doing at the place? A. We were laying the foundation in a cellar for a house.
- Q. Did you see the defendant Simono? A. Yes sir I saw him that day, him and two sons.
- Q. At what time in the day did you see them? A. I saw them first before twelve o'clock but the row took place about one o'clock.
- Q. What did this man say to you when you met him the first time that day? A. He came and wanted us to stop our

work, him and his two sons.

Q. Did he ask you to stop your work? A. He says, "where is the boss?" I answered, "he is not here." He said, "he owes me some money, where is he gone"; he said, "stop your work because he owes us some money, you must not work any more"; so by your stopping work that will compel him to pay us." "Why should I stop, I said? He does not owe me any money, he has always paid me." They answered then, "you don't want to stop your work?" I said, "no, I don't stop." So he said, "if you wont stop I will make you stop."

They put their hands on their knives and they commenced showering blows on me.

Q. Did you see a knife in the hands of the defendant Antonio Simono, this old man? A. Yes sir, I did, he wounded me on the back.

By the Court. Q. What was it, a knife or what? A. It was a knife of this size (showing).

By Mr. Macdonna. Q. Did he make a blow at you in front with that knife? A. The son was giving me blows in front, I was defending myself the best way I could from his son when he gave me a blow on the back.

Q. Was anybody else at your back when you received this blow? A. No sir, nobody except Simono, the defendant; and then after I received the blow on my back the son wounded me on my chest.

Q. Was Nicola with you at this time, did he come to your rescue? A. He seen me in such a plight he came to my assistance and he was cut in his face.

Q. What became of Simono after Nicola came up to you, did they run off? A. The father cut me in the face and the son

0606

gave me a blow near my heart.

- Q. What became of Simono after they cut Nicola?     A. After cutting him they run away, we commenced calling for the assistance of the police and they ran away.
- Q. And were there any other men there round about?  
A. Yes sir, there was a big crowd collected around.
- Q. After they began to holler?     A. Yes sir, after we commenced hallooing police the crowd collectad.
- Q. Did he notice in which way those men ran, ask him whether they ran away or whether they walked away?     A. No, they ran away, running.
- Q. Did the officer come?     A. The police officer arrived about quarter of an hour afterwards.
- Q. Officer Lockwood?     A. No, another one in uniform.
- Q. And where did you go?     A. They called an ambulance and took me to the hospital.
- Q. And they took Nicola to the same hospital?     A. Yes sir, both of us.
- Q. What hospital did they take you to?     A. The hospital at 120th Street.
- Q. East 120th Street?     A. East, near the river.
- Q. How long did you remain in the hospital?     A. I was there one week in the hospital and then I had the doctor attending me four weeks in the hospital.
- Q. What became of the clothes that you had on when you went to that hospital with the coat mark in the back?  
A. The doctors in curing my wound they had to cut them all to pieces.
- Q. Was there a mark on your back of that stab wound?  
A. Yes sir, both on the back and on my chest.

The Court: If the Jury desires to see the mark they can.

Witness: The one behind is much bigger than the one in front.

By Mr. Macdonna. Q. That is one mark (pointing to the mark)?

A. That is the place where the knife came in.

Mr. Macdonna to the Interpreter: Ask him to take off his coat.

Witness: It is healed up.

By the Court. Q. Where was that wound? A. On the left shoulder blade.

By Mr. Macdonna. Q. When did you next see Antonio Simono, this prisoner here, the old man? A. I never saw him since the time that I had him arrested.

Q. I asked him where and when did he see him after the cutting?

A. I saw him on 115th Street.

Q. When? A. On the morning of Sunday, I do not remember exactly the day of the month but it was on a Sunday morning, I saw him going to his house and I went for an officer immediately.

Q. Was that the day he had him arrested? A. Yes sir, he was arrested that same day.

Q. You have not any doubt that this is the man who cut you on that day? A. No sir, I am positive.

CROSS EXAMINED by Counsel.

Q. Where do you live? A. 2031 First Avenue.

Q. How long have you lived there? A. Eight months.

Q. Where did you live before that? A. 113th Street.

Q. How long did you live there? A. About two years.

Q. What day did this stabbing take place that you talk about?

A. It was on a Monday but I do not recollect the date exactly.

Q. What year? A. It was in March of last year.

Q. Do you know that man, the defendant? A. Yes sir.

Q. How long have you known him? A. I know him for the last two years.

Q. How many times since the 24th day of March, 1890 have you seen him? A. I never saw him but the day I arrested him.

Q. How often have you seen him since the 24th of March, 1890, the day of the assault.

By the Court. Q. Ask him if he ever saw that man between the day that he says he cut him and the day he had him arrested?

A. No sir, I did not see him.

By Counsel. Q. You positively had no conversation with him since that time? A. How could I have a conversation with

him if I had not seen him.

Q. Why did you give a false name at the station house?

A. I gave my name Salvadore Bindo.

Q. You say you were stabbed in the back by the prisoner?

A. Yes sir.

Q. Did not you also tell the District Attorney that the prisoner stabbed you in the chest? A. No sir, I said it

was the son.

Q. If you were stabbed in the back by the prisoner how could you see who stabbed you? A. I saw him approaching me

with a knife and while I was defending myself from his son I felt the knife on my back.

Q. When the son was assaulting him how far was the father from him? A. He was close, the distance between ourselves.

Q. Was there not another son there? A. Yes sir, the other son was fighting with the other witness.

By the Court. Q. Nicola? A. Yes sir, Nicola.

By Counsel. Q. Do you know John Capello? A. Yes sir, John Cap-

Q. I simply asked does he know him? A. If you will bring him here I might know him.

Q. Stand up, Capello --- do you know him? A. Yes sir, he worked with us.

Q. Do you know Mike Pasinella, stand up, Mike? A. Yes sir, he was also arrested at the time.

By Mr. Macdonna. Q. That was the time of the assault, wasn't it?

A. The time of the assault.

By Counsel. Q. There was several other Italians there, were there not? A. Yes sir, there were several Italians, there were nine arrested.

Q. There was fifteen or twenty, were there not, arrested?

A. There were only arrested nine, no more, the men that were on the work.

Q. And they were all acquitted? A. Yes sir.

Q. Did not you pick up a trowel and assault one of the sons of this man? A. No sir.

Q. And he is positive and it is as true as anything he said, that he has not seen the prisoner since the 24th day of March, 1890, up to a few days ago when he was arrested by the police? A. If I had seen him before I would have had him arrested.

Q. Has he seen either of the sons since the 24th day of March, 1890? A. No sir, if I will see him I will have him arrested.

Q. Did you ever see the prisoner carry a knife before?

A. I never had anything to say to him and never seen him with a knife before.

Q. You have worked with him, have you? A. Yes sir.

Q. And always have been very friendly? A. Yes sir, like any of the other laborers.

Q. And never had any trouble or quarreling together?

A. Never.

Q. Then he had no occasion to stab you, had he?

The Court: That is excluded.

By Counsel. Q. Was there not a sort of meleé or riot between you

and the Italians up there at 130th Street at the time the stabbing took place? A. No sir, there was nothing, it

was himself and his two sons that came and assaulted us.

Q. There was no trouble there at all? A. No, no row.

Q. There was no row? A. There was nothing.

Q. He says 138th Street he was stabbed, between what streets

or avenues was he stabbed? A. Between First and Second Avenues.

Q. Ask him if he is sure of that? No answer.

By Mr. Macdonna. Q. That man who stood up, Mike, he was arrested?

A. Yes sir, he was arrested.

Q. Was he brought to the hospital to you? A. Yes sir.

Q. How many other men were brought to the hospital to you?

A. They brought about twenty persons.

Q. And Mike was one of them? A. Yes sir.

Q. And you did not identify Mike as the man who stabbed you?

A. No sir, because he was not in the row.

Q. I hand you the Police Court papers and ask you if that is your signature? A. Yes sir, that is the signature

Bindo Salvatore.

Q. That is your name, Bindo Salvatore? A. Yes sir.

By Counsel. Q. You say that both of those men, John Capello and Mike Fasinella were both at 138th Street at the time of this

stabbing? A. No sir, there was only one of them, Mike.

Q. Which one of them? A. Michello.

NICOLA BINDO sworn and examined through the  
Interpreter by Mr. Macdonna.

Q. What is your business Nicola, what is your trade?

A. Stone mason.

Q. Were you at work as a stone mason in 138th Street between  
First and Second Avenue on the 24th of March last?

A. Yes sir.

Q. In company with the last witness Salvatore? A. Yes sir.

Q. Was he there about one o'clock? A. Yes sir.

Q. Did you see the prisoner Antonio Simono? A. Yes sir,  
him and his two sons.

Q. Did you see Antonio Simono, the old man, strike Salvatore  
in the back with a knife?

Objected to as leading. Objection sustained.

By the Court. Q. What did you see the prisoner do to the com-  
plainant? A. I saw him giving him a blow with a knife.

By Mr. Macdonna. Q. Where, in the back? A. On his back.

Q. Did you see the knife in his hand? A. Yes sir.

Q. What was Salvatore doing when the old man struck him in the  
back with a knife, the prisoner? A. He was clinched  
quarreling with his son.

Q. With the son of the prisoner? A. Yes sir.

By the Court. Q. What was the prisoner's son doing? A. They were  
fighting.

Q. Did they have any knives? A. Yes sir.

Q. Who were they fighting? A. With ourselves, myself and  
Salvatore.

By Mr. Macdonna. Q. Were you cut? A. Yes sir, and another one from one of the sons on my chest.

Q. Who cut you in the face? A. The prisoner.

By the Court. Q. Was it his son cut him in the breast?

A. Yes sir, and the son gave me a wound on my breast.

By Mr. Macdonna. Q. Did the ambulance take you away from that place that afternoon? A. Yes sir.

Q. And where were you brought? A. To the hospital on 120th Street.

Q. How long did you remain in the hospital at 120th Street?

A. Two months.

Q. Did he see Salvator there during that time? A. We went together.

Q. Near one another? A. Our cots were near each other.

Q. When did you next see Simono after the 24th day of March last? A. I saw him lately because I went out of town.

Q. Did you see him before he was arrested? A. I only saw him now lately.

Q. After his arrest? A. Yes sir.

Q. Did you see Michello, that man who stood up, did you see that man in the hospital? A. Yes sir, they were brought to the hospital when they were arrested.

Q. And many others? A. Yes sir, several people were brought.

Q. And you did not identify those people as the people who had stabbed you or Salvatore? A. No sir.

CROSS EXAMINED by Counsel.

Q. How many Italians were at this place at the time you were stabbed? A. About six, eight or ten persons.

Q. Were there any other persons beside Italians? A. Yes sir.

Q. You say you were stabbed also by the prisoner in the face?

A. Yes sir.

Q. Did he stab you first or did he stab the complainant first?

A. The first blow was given him and when I went to his assistance then he cut me.

Q. Was there not three or four other people than you and the complainant in the fight in the melee between you?

A. No sir, there was nobody.

Q. How near to the complainant was the prisoner when you went to the rescue? A. They were close to each other.

Q. Was he in front of him or in the back of him? A. They were standing like we are standing, that way, close to each other.

Q. How could he stab the complainant in the back the way the Interpreter is standing in front of you now?

A. We were close to each other and when we said we would not stop work then he gave the blow with the knife.

By the Court. Q. He wants to know what position this man was in at the time that he stabbed the complainant, see if you can get that out? A. We were quarreling and talking, he came from behind and gave me the blow this way (illustrating) and in the moment I saw him and went to his rescue I was cut on the face.

Counsel: I would like to know on which side this man said he was stabbed on the back?

The Court: The stab was under the left shoulder, as I understand it.

Counsel: And he striking him on the right --- I leave that to the Jury.

By Counsel. Q. Are you positive that neither one of the sons of the

prisoner stabbed this complainant? A. One of the sons wounded him on his chest and also one of the sons wounded me on my chest.

Q. How near was the son to the complainant when you went up to rescue him from these two young men? A. We were close to each other.

Q. Did the father come up to the complainant to strike him after he got in a fight with the two sons or before?

A. First the father and then the sons.

Q. Where does he live? A. 100th Street.

Q. How long has he been living there? A. About eighteen months.

Q. Haven't you seen the prisoner since the 24th day of March, 1890 up to a few days ago when he was arrested?

A. I remained two months in the hospital, then I came out and I went out of town.

By the Court. Q. He was two months in the hospital? A. Yes sir.

Q. And when he got out of the hospital where did he go to live? A. I went to Boston.

Q. How long did he remain in Boston? A. About three months.

Q. Did he come back to New York? A. Yes sir.

Q. About what time? A. To the best of my recollection it was the month of August when I came back from Boston.

Q. Ask this question, if he saw the prisoner the old man here at any time between the time that he left the hospital and the time that he went to Boston A. No sir.

Q. He told us that he got back here in August? A. Yes sir.

Q. When did he next see this old man after he came back?

A. Two days before he was arrested.

Q. Where did he see him then? A. I saw him on the street.

Q. On what street? A. In a street near 3rd Ave. uptown.

By Counsel. Q. Do you know this man (pointing to a man in Court)?

A. Yes sir, I worked for him.

Q. In the month of May, 1890, did you work for him. (Patsy Zoccolo). A. Yes sir.

Q. Did you see that man (the prisoner) working for him?

A. No sir, because I worked only one day for him.

Q. Did not you testify a few moments ago that you did not return from New York until August? A. Yes sir.

Q. And has he not been in New York ever since up to the time of the prisoner's arrest? A. Yes sir.

Q. How near do you live to the prisoner's house? A. I live on 110th and he lives on 115th Street.

Q. What number in 115th Street does he live? A. I do not remember, I do not think about it now.

Q. Haven't you been to the prisoner's house? A. No sir.

Q. You are positive that the day you worked in the month of May for Mr. Zoccolo, the contractor, that you did not meet the prisoner? A. Yes sir, I saw him that day with his two sons.

Q. Which is the truth, did you see him or didn't you see him?

A. Yes sir, I have seen him.

Q. Then when he testified a few moments ago that he had not seen him up to the time of the arrest, that was false, was it not?

Question withdrawn.

Q. When did you next see him after you saw him in May?

A. I saw him on the street that he was walking upon.

Q. Why did not he have him arrested then? A. Because I did

not know the number of his house.

Q. How many times after the second time did he see him on the street? A. Yes sir, I saw him another time but I did not take any notice of him.

Q. You did not have him arrested at that time? A. There was not police officer.

Q. How many times after the third time did he see him without having him arrested? A. I have not seen him any more afterwards.

Q. Only two or three times? A. I saw him only two times.

Q. Ask him the night that he called at the prisoner's house why did not he have him arrested at that time?

The Court: Ask him if he called at his house? You have no business to assume a fact that is not proved.

By Counsel. Q. Did he call at the prisoner's house? A. No sir.

Q. Did you at any time after you saw the prisoner on the street inform the complainant that you had seen him?

A. Yes sir, I did.

Q. Was that the first time that you saw the prisoner?

A. Yes sir, I told him the first time I saw him.

Q. What did you tell him then? A. I said, "the man that wounded you is here in town."

Q. Was that before the month of May or was it during the month of May? A. No, it was in August.

Q. When he saw him in the month of May he had no conversation at all with him, with the complainant? A. NO.

Q. Between the month of May and the month of August he swore that he saw the prisoner once or twice, did he on any of those occasions tell the complainant that he saw the prisoner? A. I came back in August.

Mr. Macdonna: I object to this as immaterial, irrelevant, and incompetent.

By Counsel. Q. Have you seen the two sons since? A. No sir, I have not seen them here.

By the Court. Q. He meant to ask if you saw the prisoner's two sons since the day of the cutting? A. No sir.

By Mr. Macdonna. Q. Did you have any weapon or knife in your hand on the 24th of March when this row occurred? A. No sir, I was undressed and I had nothing in my hand.

Q. Did Salvatore have anything in his hand that you saw? A. He had nothing.

Q. Did he have his coat off too? A. Yes sir.

Q. In his shirt? A. In his shirt, yes sir.

WILLIAM J. LOCKWOOD sworn and examined.

By Mr. Macdonna. Q. Officer Lockwood, you are connected with the 33rd precinct? A. Yes sir.

Q. Did you arrest this defendant Simonov? A. Yes sir.

Q. When? A. On the 22nd of December.

Q. On whose complaint? A. On the complaint of the complainant here who has testified.

Q. Salvatore, the first witness examined? A. Yes sir.

By the Court. Q. What day did you make the arrest? A. The 22nd of December.

By Mr. Macdonna. Q. Where did you arrest him? A. In 115th St. near First Avenue.

Q. Did you bring him to the station house or to the Court first? A. To the station house.

- Q. Was the complainant there? A. Yes sir.
- Q. Did the complainant identify him? A. Yes sir.
- Q. Was there an interpreter there? A. Yes sir.
- Q. Tell us what happened, what conversation or what was said by the defendant or by the complainant and what the defendant said in the station house through the interpreter.

Objected to. Objection sustained.

- Q. You locked this man up, did you? A. Yes sir.
- Q. Was he the first man whom you had arrested for this crime? A. No sir.
- Q. Did you arrest this man they call Michealo over there? A. Yes, he was one of them, there was a number of them arrested at the time.
- Q. How many of them did you arrest? A. I think there was nine or ten, I am not positive, I did not arrest them.

By the Court. Q. But there were nine or ten people arrested on suspicion and taken to that hospital for the purpose of enabling the complainant to identify any of them if he could, is that it? A. Yes sir.

- Q. He did not identify any of them? A. No sir.
- Q. Were you looking for this man? A. Yes sir.
- Q. From the time that the complaint was made about the stabbing? A. On and off, we had our eyes open.
- Q. But you did look for him? A. Yes sir.
- Q. In what neighborhood? A. Down in the neighborhood of 110th and 112th Streets, around Second Avenue.
- Q. Inhabited by Italians? A. A. Yes sir.
- Q. You did not succeed in catching him until the 22nd? A. No sir.

## CROSS EXAMINED by Counsel.

Q. You had never seen the prisoner before arresting him?

A. No sir.

Q. You did not know whether there was a son by the same name or not, did you? A. No sir.

Q. The name was given you Antonio Simono? A. Yes sir.

Q. You do not know whether that was the son's name or the father's? A. It was reported by the complainant that the father and his son had committed the crime.

Q. Did he say son? A. No, one son I believe.

Q. You said you arrested this man Mike, you did not arrest him? A. No sir, I did not arrest him.

Q. You do not know whether he was arrested or not, do you?

A. I do, yes, I helped to convey him.

Mr. Macdonna: That is the case for the People.

ANTONIO SIMONO sworn and examined in his own behalf, through the Interpreter:

By Counsel. Q. Where do you live? A. 115th Street.

Q. What number? A. Near First Avenue.

Q. How long has he lived there? A. About eleven months.

Q. Where did he live before that? A. I lived down town before.

Q. Ask him if he remembers the 24th day of March, 1890.

A. Yes sir.

Q. Ask him what day did that fall on? A. On the 23rd.

By the Court. Q. Ask him if it was Monday? A. I do not remember

By Counsel. Q. Ask him if he knows the complainant, do you know

that man? A. Yes sir.

Q. Do you know the man sitting next to him? A. Yes sir.

Q. How many times since the 24th day of March, 1890, have you seen the complainant, the man whom had you arrested ?

A. I have always seen him, always met him, and I worked one day with him also.

Q. Since the 24th day of March, 1890, how often have you seen Salvatore? A. I saw him as soon as he came out of

the hospital.

Q. How many times after he came out of the hospital have you seen him since the 24th day of March? A. I saw him

every day.

Q. Most every day? A. Every day.

Q. Does he mean every day or most every day? A. Nearly every day.

Q. How many times has he seen Nicola since he came out of the hospital? A. I have always seen them.

By the Court. Q. How often did he see him since he came out of the hospital? A. As soon as he came out of the hospital

I did not see him but when he commenced working I saw him every day nearly.

Q. How soon after he came out of the hospital did he see him?

A. Three or four days after he came out of the hospital.

By Counsel. Q. From that time up to the time he was arrested he had seen him most every day? A. Yes sir, nearly every day.

Q. Ask him how many times since Salvatore got out of the hospital he has been to the prisoner's house? A. He did not come to my house.

Q. How many times since Nicola got out of the hospital has he been to his house?? A. He did not come either to my

house.

Q. When you first met Salvatore after he came out of the hospital did he mention anything to you about this stabbing?

A. No sir, I saw him and we passed each other at a certain distance but we had no conversation.

Q. When you met Nicola after Nicola came out of the hospital did he mention anything to you about the stabbing?

A. No sir, he said nothing because I was innocent.

Q. Did you ever carry a knife that long, about ten or twelve inches long?

A. Never, I never carried a knife.

By the Court. Q. Ask him if he ever had a knife at all?

A. Never.

By Counsel. Q. On the 24th day of March when your sons were fighting with Nicola and Salvatore, how far away were you from that little melee or squall?

A. I was about fifteen steps away from them.

Q. Did he raise his hand at all to either one, the complainant or the complainant's witness, Salvatore or Nicola?

A. No sir, I did nothing.

Q. And he has always lived in New York since the 24th day of March --- I believe he testified to that?

The Court: I think he did.

By Counsel. Q. At the time that this stabbing affair took place you were working for this man here, weren't you? (Pointing to Patsy Zoccolo.)

A. Yes sir.

Q. What is your business?

A. Laborer.

Q. You are positive that you never raised a hand or a stone or a knife -----

The Court: He said all that, that he had no knife, he did not raise his hand, he did not do anything to anybody.

## CROSS EXAMINED by Mr. Macdonna.

- Q. Do you know Mike?           A. Yes sir.
- Q. He lives near you, don't he?           A. A little distance away from me.
- Q. He visits you, don't he?           A. Yes sir, sometimes he came to see me.
- Q. How long has he been living near you?           A. Since I came to live uptown; I live on 113th Street and he lives in 115th Street.
- Q. Does he remember when Mike was arrested for stabbing these two men ?
- Objected to.           Objection sustained.
- Q. Do you remember when Mike was arrested for the purposes of identification?           A. Yes sir, I remember, I was present but they did not arrest me.
- Q. He knew that Mike was arrested?           A. Yes sir.
- Q. Did you have any conversation with Mike after he came back from the hospital?           A. No sir.
- Q. Not a word?           A. No sir.
- Q. Did he know when Mike was arrested ---- he was present --- did he know what he was being arrested for?
- A. They arrested everybody, I do not know why, for what reason, but they arrested everybody.
- Q. You did not say anything to the police officer, did you, about being present?           A. They said nothing to me and I said nothing.
- Q. He knew they were arresting everybody for this crime, didn't he?           A. Yes sir, I saw them arresting everybody.
- Q. He knew what they were arresting them for, did he?

A. They were arresting them on account of a fight that took place.

By the Court. Q. Did he say anything to the police officers about his two sons? A. No sir, I did not.

Q. Were his two sons at the fight? A. Yes sir, they were.

Q. Did they have knives? A. I do not know if they had knives or not.

Q. Ask him when they ran away, when they went away?

A. They ran away there and then.

Q. Where did they run to, ask him? A. No sir, I do not know.

Q. He does not know whether they are in Italy or here?

A. I do not know, sir.

Q. He does not know anything at all about them? A. No sir, I do not know nothing.

By Mr. Macdonna. Q. Never saw them from that day to this? A. No sir, I have not seen them.

Q. He has no animosity against Salvatore or Nicola, has he?

A. No sir, I have got nothing against them.

Q. They are friendly? A. Yes sir, certainly.

Q. And they were friendly before this assault took place, weren't they? A. We have been always friends.

Q. And these two men visited him didn't they, before the fight? A. No sir, they did not visit me.

Q. Neither of them? A. No sir, they didnot visit me.

Q. Ask him how he knew that they were both in the hospital for nearly two months, didn't he know it, yes or no?

Objected to as immaterial. Objection overruled.

A. I know that one was for two months and another one for one month.

Q. Did he call on them during that time, those friends of his?

Objected to as immaterial and inadmissible.

Objection overruled.

A. No sir, I did not.

Q. Did not go near them? A. I did not go because I did not know where the hospital was.

Q. Now he has testified here that he has seen Nicola since he got out of the hospital almost every day, do I understand that to be true? A. Yes sir.

Q. Ask him if he was in Boston during the month of June, July and August? A. No sir, I have not been there.

Q. He was in New York, was he? A. I was always in New York.

By the Court. Q. What street did he live in did he say?

By Mr. Macdonna. Q. Were you in 110th Street during these three months? A. Always at 115th Street.

Q. Ask him does he know that Nicola was in Boston during these three months June, July and August? A. No sir.

Q. He was in New York was he, he saw him? A. Yes sir, I seen him uptown.

Q. Now did these two men Nicola and Salvatore assault your two sons on the 24th of March? A. Yes sir, the complainant and the other one assaulted my sons before.

Q. And <sup>who</sup> ~~he~~ was helping the complainant and Nicola, was there some other man helping them to beat his sons? A. He caught hold of Antonio with one hand and with the other hand had the trowel.

Q. And who was helping the complainant and Nicola, was there some other man helping them to beat his sons? A.No sir.

Q. There was nobody there but his two sons; and Nicola?

A. There were seven persons all fighting together.

Q. Were the three persons helping his two sons to beat these two men or were they helping Salvatore and Nicola to beat his sons, there were three men? A. Yes sir, they were against my two sons.

Q. These three men were they friends of Nicola and Salvatore or friends of your sons? A. They were friends of the complainant and the other one.

Q. And were they beating his sons too or holding them?

A. Yes sir.

Q. And you stood by and looked at this thing and did not take a hand in, is that the idea? A. I was with my hands in my pockets and crying.

By Counsel. Q. How old are you? A. Sixty-three years old.

MICHAELO FASINELLA sworn and examined through the Interpreter.

By Counsel. Q. Where do you live, Fassinella? A. 343 115th St.

Q. On the 24th day of March, 1890, do you remember that day?

A. Yes sir.

Q. Was that Sunday or a Monday? A. Monday.

Q. Do you remember a fight having taken place at 136th Street between First and Second Avenue or Brook and Willis Avenue?

A. Yes sir.

Q. Did you see the prisoner Antonio Simona there? A. Yes sir.

Q. Who else did you see there? A. There were two complainants, the complainant and his witness.

Q. Who else? A. There were about fifteen Italians altogether.

By the court. Q. Did he see the defendant's two sons there?

A. Yes sir.

By Counsel. Q. Did you see the stabbing affair or the fight, what did you see?

A. I had to take in some money, the balance of my wages and as I was not paid by the boss, as the boss had not been paid, he had not paid us either; we went this day -----

By the Court. Q. Who did, who is we? A. Myself.

By Counsel. Q. And who else? A. And other four or five persons

Q. What did they do? A. To ask for the balance of our wages. I was talking with a man, with one of the laborers in charge of the clay on the sidewalk.

Q. What took place, did you see a fight then ----- did he see a fight there, that is what I want to know?

A. I saw the son-in-law of Antonio Simono, the prisoner.

Q. Step-son you mean? A. The step-son.

Q. What did he see? A. Talking with the foreman.

Q. Did he see a fight there, that is what I want to know?

A. Yes sir.

Q. Who was in that fight? A. The two sons of the prisoner and other seven people, seven more.

Q. Did you see the prisoner at the bar in that fight?

A. Yes sir, I did see him, he was distant about ten or eleven steps.

Q. But was he fighting? A. No sir.

Q. Did he see a knife in the prisoner's hand? A. No sir, I have not.

Q. Was Nicola and Salvatore in that fight? A. Yes sir.

Q. And they were in the fight with the two sons and the rest of these Italians whom he says were fighting together, is that it? A. He wants to be excused to say two words.

Q. What is that? A. Now the Foreman ----

Q. I want to know was Nicola and Salvatore and the two sons in the melee, were they fighting together, that is what I want to know? A. Yes sir.

Q. And he is positive that this man, the prisoner, was not near that fight, not near these two men while they were clubbing each other?

The Court: He said he was not within ten or fifteen feet, he was doing nothing.

Witness: On my conscience I saw him doing nothing.

By Counsel. Q. How often have you seen the prisoner since the 24th day of March, 1890, in the City of New York?

Objected to as immaterial. Objection overruled.

A. I have always seen him, he has not moved from the city.

By the Court. Q. Ask him if he saw the complainant taken away?

A. Yes sir, I did.

Q. Who took him away from the fight? A. The ambulance.

Q. Was anything the matter with him? A. I knew twenty minutes afterwards that he was wounded.

Q. Did not he see him lifted into the ambulance, put in? A. Yes sir.

Q. Did he see any blood on him? A. Yes sir.

Q. Where was he bleeding? A. On his back.

Q. Did he see a cut in his coat? A. I saw it at the Hospital after.

Q. At the hospital he saw where the cut was in his coat, is that right? A. The shirt, I saw his shirt.

Q. Did he see Nicola there that day? A. Yes sir, I saw him at the hospital.

- Q. Did not he see him taken away in an ambulance? A. Yes sir.
- Q. Did he have any blood on him? A. Yes sir.
- Q. Where was it, right down his face? A. He had his forehead full of blood.
- Q. And he was lifted into the ambulance? A. Yes sir.
- Q. Now were any of the other seven people taken and put in the ambulance? A. Only two I have seen taken in the ambulance.
- Q. Did he see any blood on any of the other five? A. No sir.
- Q. Not one of them had a bit of blood? A. No sir, none of them was wounded.
- Q. It was not the old man that cut Salvatore, or whatever his name is? A. No sir.
- Q. Who did cut him? A. The step-son.
- Q. His step-son, the prisoner's step-son? A. The step-son of the prisoner.
- Q. What did he cut him with? A. I cannot say.
- Q. Did not he see him cut? A. They were fighting on the sidewalk and there was a crowd and there was great confusion.
- Q. How did he know it was the step-son cut him? A. I saw him wounding the complainant.
- Q. In the back? A. Yes sir.
- Q. What did he do, stick a knife right into his back, just show us how he did it? A. He is a very short man (the witness illustrated as if stabbing him in the chest).
- Q. Ask him if he ever did anything of that kind himself?  
A. No sir, I have not got the courage to kill a fly.
- Q. Ask him who cut Nicola's face down here? A. I cannot say but I think they were the blows of hammers which they

exchanged between themselves.

Q. Did Nicola have a hammer in his hand? A. No, Nicola had no hammer, he had a stone in his hand.

Q. And what cut his face? A. I cannot say, it might have been either a hammer or a blow from a stone.

Q. Or it might have been a knife, might it not?

A. I cannot say.

Q. Or a stiletto? A. I did not see it.

Q. But he had blood on his face? A. Yes sir.

Q. There was not a bit of blood on the prisoner, was there?

A. No, there was nothing.

By Counsel. Q. After these two men were taken to the hospital did the prisoner run away or did he remain there with the rest of the people? A. He remained there.

Q. And the step son and the other son, they ran away didn't they? A. Yes sir.

By Mr. Macdonna. Q. Nicola had a stone in his hand, did he?

A. Yes sir.

Q. What did Salvatore have in his hand? A. The trowel.

Q. Salvatore and Nicola were both defending themselves with the trowel and a stone, were not they hitting these other fellows? A. Yes sir.

Q. Did they strike severe blows? A. The row did not take more than one minutes time.

Q. Did Salvatore hit anybody with the trowel?

A. No, I saw him holding him and holding the trowel aloft on his head but he did not bring it down.

Q. This way (illustrating) quite still? A. Yes sir, quite still.

Q. No blood on any of them? A. NO.

Q. Never used the trowel or the stone? A. No sir.

Q. Did you tell the police when you were brought to the hospital that Simono's step-son cut the complainant?

Objected to. Objection overruled.

A. Yes sir, I did say so.

Q. Did you speak to Salvatore and to Nicolo in the hospital?

A. Yes sir, I did.

Q. Did you tell them that you had seen their father, the father of the other Simono at the fight?

Objected to as immaterial. Objection sustained.

JOHN CAPPELLO sworn and examined by Counsel through the Interpreter.

By Counsel. Q. Cappello, on the 24th day of March, 1890, were you at work in 136th Street between Brook and Willis Avenue?

A. Yes sir, I was working there.

Q. Did you see the prisoner Simono there and the witness Fasinella? A. Yes sir, I did.

Q. On that day there was a fight took place?

A. Yes sir.

Q. Who was fighting? A. There were seven or eight persons fighting.

Q. Was those two men fighting (pointing). A. Yes sir.

Q. And who were the others that were fighting?

A. Two other countrymen of theirs and other pesons that I do not know.

Q. Was this man near the fighting, the defendant?

A. No sir, he was standing near me at a distance.

- Q. And did you see a knife in his hand? A. No sir, I did not.
- Q. Did you see any instrument in his hand? A. No sir, nothing.
- Q. Did you see him in the fight at all? A. No sir.
- Q. He was standing near you? A. Yes sir.
- Q. Where do you live? A. No. 430 113th Street.
- Q. How often have you seen the prisoner at the bar since the 24th day of March, 1890, in New York City?
- A. As we worked close to each other I see him every night.
- Q. Most every night? A. Yes sir.
- Q. Since the 24th day of March, 1890? A. I have always seen him since that date.
- Q. You have been in New York city since the 24th day of March, 1890? A. I have always worked here, I have never left the town.
- Q. During the month of May were you in the employ of this contractor or builder, Patsy Zakolo? A. Yes sir.
- Q. Did you see Antonio Simono there during the month of May?
- A. Ys, I did.

By the court. Q. How long did you see him there and how often?

A. He worked for eight or nine days.

Q. What part of May was it? A. About the middle of May, the 14th or 15th.

Q. Where did you see him, where was he working?

A. 140th Street.

Q. Near what avenue? A. Between First and Second Avenues, he was working at 140th Street.

By Counsel. Q. When those two men were taken to the hospital, Salvatore and Nicola, did this man remain there, was he scared and did he run away (the defendant)?

A. Antonio Simono did not run away but remained with us but he was not arrested with the others.

CROSS EXAMINED by Mr. Macdonna.

Q. Were you about the building on 136th Street on that afternoon of the row, looking for your money?

A. No, I was working.

Q. Does he know who else was looking for money beside Antonio Simono and his two sons?

Objected to as immaterial. Objection overruled.

A. I know only those.

Q. Does he know what the other men other than Antonio and Salvatore and the son and step-son of Simono were doing, were they helping the complainant and his witnesses or were they helping the sons of this man, the prisoner at the bar?

A. They were all in one big row.

Q. And he was standing with Antonio Simono and himself looking at this row? A. There was myself and the defendant and Mike, the other witness that was on the stand.

Q. Three altogether? A. Yes sir.

Q. And how was the old man standing, did he have his arms folded or in his pocket? A. He was with his hands in his pockets and he was crying and he was shouting, "be quiet be quiet."

By Counsel. Q. Did you see any knife or any instrument or a stone or anything in the prisoner's hand?

A. No sir, nothing, he had nothing in his hands.

Q. Have you ever seen the prisoner carry a knife?

Objected to. Objection overruled.

A. No sir, I have never seen him with a knife.

By the Court. Q. He never had a knife at all? A. No/n e has never had a knife.

Wednesday, January 14, 1891.

ROSA SIMONO sworn and examined by Counsel through the Interpreter.

Q. You are the wife of the prisoner? A. Yes sir.

Q. Where do you live? A. 115th Street.

Q. How long have you been living there? A. About a year.

Q. On the 24th day of March, 1890 up to the time of the arrest of the prisoner, has the prisoner ever been absent from your room at night? A. He was always at the house.

Q. Was he from the 24th day of March, 1890, up to the time of his arrest ever absent from the city?

A. He was always in New York, never went out of town.

PASQUALE CAGGINO sworn and examined by Counsel through the Interpreter.

Q. You are the landlord of the premises where the prisoner has been living? A. Yes sir.

Q. What is the number of that house? A. No. 343.

Q. What street? A. 115th Street.

Q. How long has the prisoner lived there? A. One year.

Q. From the 24th day of March, 1890 up to the time of his arrest did you see him every day or did you ever see him there? A. I have seen him every night.

The Jury rendered a verdict of guilty of assault in the second degree.

0634

Counsel: I ask leave to make a motion for a new trial on the minutes.

The Court: Make it now, put down the ground.

Counsel: I make a motion for a new trial on the ground that the evidence adduced by the People is insufficient for a verdict.

The Court: Motion denied.

Counsel: Note an exception.

The Court sentenced the Defendant to the State Prison for five years.

0635

25

Testimony in the  
case of  
Antonio Simono

filed  
Jan. 1891.

THE COURT: ...

... of the ...

... I ...

... the ...

... .

... the ...

(1)

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Antonio Simons*

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

*Antonio Simons*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Antonio Simons*

late of the City of New York, in the County of New York aforesaid, on the  
*24th* day of *March* 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 *Salvatore Berto*  
in the Peace of the said People then and there being, feloniously did make an assault  
and *him* the said *Salvatore Berto*  
with a certain *knife*

which the said *Antonio Simons*  
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,

*him* the said *Salvatore Berto*  
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

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

The said *Antonio Simons*

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

with a certain *Salvatore Berto*  
*knife*

which the said *Antonio Simons*  
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.

## THIRD COUNT—

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

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

The said

*Antonio Simons*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
*Salvatore Berto* in the peace of the said People then  
and there being, feloniously ~~did~~ wilfully and wrongfully make another assault, and

him the said *Salvatore Berto*  
with a certain *knife*

which *he* the said *Antonio Simons*  
in *his* right hand then and there had and held, in and upon the *breast*  
*and back* of *him* the said *Salvatore Berto*  
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said *Salvatore Berto*

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.

0638

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Skallon, Thomas

**DATE:**

01/15/91



3923

0639

138  
Barber

Counsel,

Filed 15 day of Jan 1891

Pleaded *Not guilty*

1945  
vs.  
THE PEOPLE  
Thomas Sheahan  
Grand Larceny  
[Sections 529, 531 - Penal Code]

DL LANCEY NICOLI,  
JOHN R. FELLOWS,

22 Feb 3 1891 District Attorney.

*Ind and convicted PL.*

A True Bill.

*Faulkner*

22 Feb. 3. 1891 Foreman.

*1471*

*PL*

Witnesses:

0640

Police Court 4 District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

Mrs Johanna Scallon

of No. 520 West 50<sup>th</sup> Street, aged 49 years,  
occupation Green & Candies being duly sworn,

deposes and says, that on the 6<sup>th</sup> day of January 1891 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:

Two Dresses and  
a cloth coat together of the  
value of thirty dollars  
\$ 30.00

the property of deponent and daughter

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

from the fact that deponent was  
informed that the said defendant  
had been seen leaving the above  
premises with a bundle, while deponent  
was temporarily absent from said premises.

Deponent on her return traced the  
above property, and on asking the  
said defendant about it he told  
deponent that the said cloth coat  
was in Folio Pawn Shop 9<sup>th</sup> Avenue  
between 44<sup>th</sup> & 45<sup>th</sup> Sts and that  
it was pawned under the name of  
White. Deponent has since been to  
said Pawn Shop and recovered the

Sworn to before me this

189

Police Justice.

0641

said coat and identify it as  
part of the property taken stolen  
and carried away from defendant's  
possession. Defendant therefore prays  
that the said defendant, may  
be dealt with as the law directs

Sworn to before me this } Mees Skellan  
17<sup>th</sup> day of January 1891 }  
John Ryan  
Police Justice

0642

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

44 District Police Court.

*Thomas Scallon* 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. *Thomas Scallon*

Question. How old are you?

Answer. *19 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *520 West 50 Street 3 Years*

Question. What is your business or profession?

Answer. *Plumber*

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*  
*Thomas Scallon*

Taken before me this  
day of *March* 1910  
*Frank Hogan*  
Police Justice.

0643

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

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

Dated July 7 1891 John Ryan 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.

0644

25

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Johanna Scallan*  
*520 - West 50th*  
*Thomas Scallan*

*Paul Scallan*  
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 *January 4* 18*91*

Magistrate.

*F. E. Kostuta* Officer.

*32* Precinct.

Witnesses *Call Office*

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

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

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

\$ *1000* to answer *G.S.*



*Paul*

*G.S.*

0645

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

.....  
The People, )  
vs. )  
THOMAS SCALLON. )  
.....

) Before  
)  
) HON. FREDERICK SMYTH  
) and a Jury.  
)

Tried, February 3rd, 1891.

Indictment filed January 15th, 1891.

Indicted for Grand Larceny in the Second Degree.

APPEARANCES:

Assistant District Attorney Weeks, for The People.  
Messrs. Blake & Sullivan, for The Defense.

JOHANNA SCALLON, the complainant, testified that she lived at 520 West 50th Street. The defendant was her son. On the 6th of January, 1891, between the hours of 1 and 2 o'clock in the afternoon, she dressed herself to go out, intending to have the defendant arrested. She returned between 3 and 4 o'clock. Between 5 and 6 o'clock, when the gas was lit, she missed the sacque belonging to her little girl, and two dresses belonging to herself. The defendant was not at home at that time. He came home on the

0646

2

following morning, having been out all night. She said to him, "What have you been doing last night?" And the defendant laughed, and said, "What have I been doing?" And she, the complainant, said, "You have been robbing again off me," and the defendant said, "No; I aint---" And she said, "Never mind what you have been doing to me, but you are a hard hearted brother to strip your sister of her only little comfort---her coat." And he said, "I aint got it," and she said, "Where is it?" And the defendant said, "I pawned it in Fox's, and I gave him the name of 'White'". The defendant also said that he pawned the coat for \$2. She, the complainant, asked him for the ticket, and he said that he had destroyed it. Fox's pawn shop, where the defendant said he had pawned the coat, was in 9th Avenue, between 44th and 45th Street. She went to the pawnshop, and they denied that they had received any such pledge. Then she took the defendant and went with the police officer to the pawnshop on the following morning. Then the pawn broker looked at his books and found that the coat had been pawned the day before, for \$2., under the name of "White." She, the complainant, identified the coat as her daughter's. She paid the pawn broker \$2. for the coat, and received it. She, the complainant, paid \$10.50 for the coat originally. It had been worn for only about three weeks. Under

CROSS-EXAMINATION, the complainant testified that she kept

0647

3

a store, and that she supported her daughter and the defendant and a blind son. Since the arrest of the defendant the dresses have been returned. She found them at the door of her rooms about half past 2 o'clock on the morning of the Thursday before the trial. When she opened the door to let out her blind son, who was going to get his newspapers to sell, she found the dresses. The defendant was then in prison. A week after the defendant was arrested, a boy about 19 years of age came into her store, and asked her if she knew where a boy named Scally lived, and she said that she knew no one by that name. And he said Scallon had given him two pawn tickets to keep for them and he handed her one of them. He refused to give his name. There was

NO DEFENSE.

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0648

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Skallon*

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

*Thomas Skallon*

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

The said

*Thomas Skallon*

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

*two dresses of the value of twelve dollars each and one coat of the value of six dollars*

of the goods, chattels and personal property of one

*Johanna Skallon*

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

*De Lancey McGill*  
District Attorney

0649

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Smith, Edward

**DATE:**

01/09/91



3923

0650

Monday

If witnesses:  
Evan Johnson  
154-44-101

W. J. Haire

Counsel,  
Filed 9 day of Jan 18 91  
Pleads, Haire

THE PEOPLE

vs.  
R

Edward Smith

Grand Larceny, 4th Degree.  
(From the Person.)  
[Sections 628, 630, Penal Code]

W. J. Haire

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. J. Remington  
Foreman.  
Jan 15 91

Wm. J. Remington  
Foreman.  
Jan 15 91

Jan 28 1891

23 79

0651

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Orlando Russell

of No. 134 - W - 26th

Street, aged 27 years,

occupation waiter

being duly sworn,

deposes and says, that on the 27 day of November 1898 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

one silver watch with plated chain attached of the value of Five dollars

the property of deponent

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

Deponent says that he saw said Smith in saloon in 526 Sixth Avenue on said night when he missed said property that was contained in the pocket of the Vest then and there was taken Deponent is informed by

Sworn to before me, this  
day of \_\_\_\_\_  
1898  
Police Justice

0652

Robert E Lee that he purchased  
a ticket representing the appraised  
property that was pledged  
in a loan office in West  
31<sup>st</sup> Street in said City from  
said defendant

Therefore deponent charges him  
with felonies by taking stealing  
and carrying away the same

Orlando Russell  
Sworn to before  
me this 25<sup>th</sup> day of Dec 1890.

John Ryan Peace Justice.

0653

CITY AND COUNTY }  
OF NEW YORK, } ss.

Robert E. Lee

aged 54 years, occupation Plumber of No.

149-22-16 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Cecardo Russell

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

Sworn to before me, this 24 day of Dec 1890 Robert E. Lee

John J. Ryan  
Police Justice.

0654

2

Sec. 108-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward Smith* 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. *Edward Smith*

Question. How old are you?

Answer. *21 Years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *136-77-33 a St 3 mos*

Question. What is your business or profession?

Answer. *Bunger*

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*  
*Edward Smith*

Taken before me this *21* day of *Dec* 1938  
*[Signature]*  
Police Justice.

0655

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

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

Dated Dec 24 1890 John J. Ryan 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.

0656

Police Court--- 2 District. 1899

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Orlando Russell  
134- vs. Matt 26th  
Edward Smith

Offence *Carrying gun*  
*H. L. Sullivan*

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 27 90  
Ryan Magistrate.  
Murphy Officer.  
19 Precinct.  
Witnesses Robt. E. Lee

No. 149-72-16 Street.

\$1500 & Dec 27 1899 Street.



No. 1000 to answer G S Street.

Committed  
*E. L. Sullivan*

0657

New York.  
Jan. 19<sup>th</sup> 1891

Your Honor. I hope you will  
be lenient with me as this  
is the first time that I have  
ever been arrested. I therefore  
wish you would send me to  
the Elmira Reformatory as I  
do not wish to become an  
ex-convict and with your  
help I will try and become  
a better man and atone  
for the wrong that I have  
done in the past and shun  
all bad company.

Your Humble Servant.  
Edward Smith.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Smith

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

Edward Smith of the CRIME OF GRAND LARCENY in the first degree committed as follows:

The said Edward Smith,

late of the City of New York, in the County of New York aforesaid, on the twenty seventh day of November in the year of our Lord one thousand eight hundred and ninety, in the night time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of four dollars and one chain of the value of one dollar

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

0659

SECOND COUNT—

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

Edward Smith  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Edward Smith,

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

one watch of the value of four dollars and one chain of the value of one dollar

of the goods, chattels and personal property of one Orlando Russell

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

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

Edward Smith  
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.

De Ransey McCall  
~~JOHN R. FELLOWS,~~

District Attorney.

0660

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Smith, Harry

**DATE:**

01/22/91



3923

0661

232 - *W. H. Brown*

Counsel,  
Filed *27* day of *Jan* 1891  
Pleads, *Not guilty*

THE PEOPLE  
*Frank H. W.*  
vs.  
*Harry Smith*  
[Sections 528, 539 Penal Code.]  
PETIT LARCENY.

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

*District Attorney.*

**A True Bill.**

*Franklin Esson*

*May 11/91*  
*Foreman.*  
*G. W. Brown*  
*May 6 1891*  
*G. W. Brown*

Witnesses;

0662

Police Court 3rd District.

Affidavit-Larceny.

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

Abram P. Kerley

of No. 1107, 10th Avenue Street, aged 33 years,

occupation Druggist being duly sworn

deposes and says, that on the 18 day of November 1891 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:

good and lawful money of the United States consisting of Bills of the value of Nineteen dollars and one nickel coin of the value of five cents and three papers (memorandums) said property being in all of the value of Nineteen <sup>05</sup>/<sub>100</sub> Dollars \$19.<sup>05</sup>/<sub>100</sub>

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 Harry Smith (man here)

from the fact that deponent saw said defendant in the rear part of deponent's store at the aforesaid premises at a Tin box which at the time contained said money and when detected by deponent he ran away, deponent pursued him and he was caught when said money and papers was found in his possession

Abram P. Kerley

Sworn to before me, this 18 day of November 1891  
of Police Justice

0663

Sec. 198-200.

2 District Police Court

CITY AND COUNTY } ss.  
OF NEW YORK,

Harry Smith 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. Harry Smith

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York

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

Answer. 1513 2nd Avenue 4 years

Question. What is your business or profession?

Answer. Bookkeeper

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

Harry Smith

Taken before me this

day of November 1888

John J. Conner

Police Justice

0664

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of Abraham P. Kerley  
For Larceny

Harry Smith

After being informed of my rights under the law, I hereby ~~wave~~ <sup>demand</sup> a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated October 18 1890

Harry Smith

John Sherman Police Justice.

0665

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.....

*Aspendant*

*Three* ~~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 24 1887* *Ed J. Bennett* Police Justice.

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

Dated *Nov 25 1887* *Ed J. Bennett* Police Justice.

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

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

0666

\$500 bail for Ex  
20 Nov 2 P.M.  
adj Nov 24  
3 P.M.

BAILED,

No. 1, by *J.H. Kennedy*  
Residence *1479 1<sup>st</sup> Avenue* Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

The presiding magistrate  
is authorized to hear and  
determine this case in my  
absence and to accept bail.

*John J. Florman*  
Police Justice.

Police Court--- *2* District. *1765*

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Abraham P. Kerley*  
*1107 18<sup>th</sup> Ave*  
1 *Harry Smith*

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

*Offence: Larceny*  
*Miss Ann*

Dated *Nov 18* 189*0*

*John W. Walters* Magistrate.  
*John W. Walters* Officer.  
*J.W.* Precinct.

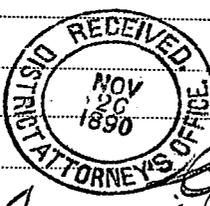
Witnesses *J.W.*  
No. \_\_\_\_\_ Street.

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

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

\$ *300* to answer *g*

*Committed* *g*



0667

A. P. KERLEY,  
DRUGGIST AND CHEMIST,  
AMSTERDAM AVENUE, COR. 69TH STREET.

New York, *Friday*  
Dec 15<sup>th</sup> 1891

Dear Sir,

On Nov. 18<sup>th</sup> last, a  
smoke thief - Thomy Smith - entered  
my place and took my till of \$19.00.  
I caught him in the act, chased him  
till captured by Officer Walters of the  
Central Office. He was taken before  
Justice Lorman at Jefferson Market  
and his examination put down for  
Monday following, Nov. 24<sup>th</sup>, when  
he demanded a trial by jury, and  
was held in \$300.00 Bail for the  
General Session. I heard nothing  
of it for some time so on Dec. 15<sup>th</sup>  
wrote Dist. Atty. Hellows, asking what  
had become of the prisoner. His Secy.  
wrote me the day following that he was  
out on bail, and would undoubtedly be



0669

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Harry Smith*

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

*Harry Smith*  
of the CRIME OF PETIT LARCENY committed as follows:

The said *Harry Smith*

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

*the sum of nineteen dollars in money, lawful money of the United States and of the value of nineteen dollars, one nickel coin of the kind called five cent pieces, of the value of five cents each and three pieces of paper of the value of one cent each piece*

of the goods, chattels and personal property of one *Abram P. Kerley*

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

*De Lancey Nicoll,*  
*District Attorney*

0670

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Smith, Jesse G.

**DATE:**

01/15/91



3923

*J. H. Atwater*

Counsel,

Filed *15* day of *Jan* 18*91*

Pleas, *Not guilty*

THE PEOPLE

*vs.*  
*Michael J. Smith*  
*born [unclear] [unclear]*  
*and*  
*Jesse S. Smith*

Grand Larceny, Second Degree  
(From the Person)  
[Sections 529, 531, 532 Penal Code]

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

*District Attorney.*

**A True Bill.**

*Franklin Egan*

*Sub 2 - Jan. 19/1891*  
*Foreman.*

*And* *committed*

*Receiving Stolen Goods,*

*Chas. R. [unclear] Jan. 21*

Witnesses:

0672

Police Court—3 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

*Tobias J. Kluspiess*

of No. *46 Stanton* Street, aged *15* years,  
occupation *Officer by* being duly sworn

deposes and says, that on the *9* day of *January* 18*91* 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 Silver watch of the value of Five dollars (\$5.00)*

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 *Jesse G. Smith* (now here) and two others not yet arrested who were acting in concert with each other for the reason that at about 5 o'clock P.M. of said date while deponent was standing on the sidewalk, near Division Street he noticed both of said persons not yet arrested fight against him and immediately thereafter he noticed his chain hanging down from the lower left side pocket of his vest then and there worn by him as a part of his

Sworn to before me, this *18* day of *January* 18*91* Police Justice.

bodily clothing and to the end  
 of which chain said property was  
 attached. that defendant followed  
 said two persons not yet arrested  
 and saw them join defendant  
 (now here) that defendant continued  
 following said two persons not  
 yet arrested until he lost sight of  
 them. that subsequently defendant  
 was walking up the Perry and  
 saw defendant now here coming  
 out of Simpsons Pawnshop  
 No 17 Perry, defendant thereupon  
 went into said Pawnshop and  
 defendant was informed by John  
 Hennessy of No 175 Perry that  
 he had just received a watch  
 corresponding in description to  
 the watch defendant had lost  
 whereupon defendant caused  
 defendant's arrest.

Defendant further says  
 that he is informed by said  
 Hennessy that he identifies  
 the defendant now here as  
 the person who pawned said  
 property with him which defendant  
 has since seen and fully and  
 positively identifies

Subscribed before me  
 this 10<sup>th</sup> day of June 1891 } Tobias J. Kluspies  
 J. O. Meach  
 Police Justice

0674

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 36 years, occupation John Hennessy Clerk of No.

175 Perry Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Tobias J. Kluspie

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

Sworn to before me, this 10 day of Jan 1898 John Hennessy

W. Meach  
Police Justice.

0675

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Jesse G. Smith* 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.

*Jesse G. Smith*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*Asami*

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

Answer.

*Englewood, Denver 4 weeks*

Question. What is your business or profession?

Answer.

*Messenger*

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*

*Jesse G. Smith*

Taken before me this

day of *May* 1897

*W. M. ...*

Justice

0676

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 Two 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 Jan 10 1891 W. M. ... 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.

0677

Police Court--- 3 District. 39

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Tobias Kluspie  
46 - 1/2 Stanton St  
Issa G. Smith

Offence from the Person

2  
3  
4

Dated Jan 10 1891

Greene Magistrate.

Winkelday Officer.

11 Precinct.

Witnesses Jno. Hennessy

No. 175 Perry Street.

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

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

\$ 1,000 to answer G.S.



Chm

BAILED,

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

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

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

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

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

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

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

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

0678

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Jesse G. Smith*

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

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

The said

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *January* in the year of our Lord one thousand eight hundred and *ninety one*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

*one watch of the value of five dollars*

of the goods, chattels and personal property of one *Tobias J. Kluspies* on the person of the said *Tobias J. Kluspies* then and there being found, from the person of the said *Tobias J. Kluspies* 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.

0679

SECOND COUNT—

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

*Jesse G. Smith*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Jesse G. Smith*

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

*one watch of the value of five dollars*

*[Large handwritten flourish]*

of the goods, chattels and personal property of one *Tobias J. Kluesner*

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

unlawfully and unjustly did feloniously receive and have; the said

*Jesse G. Smith*

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.

*De Lancey Nicoll,*  
~~JOHN R. FELLOYS,~~

District Attorney.

0680

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Smith, Joseph

**DATE:**

01/14/91



3923

0581

119

Counsel,  
Filed 14 day of Jan 1891  
Pleads

THE PEOPLE  
vs.  
Joseph Smith  
I

INJURY TO PROPERTY  
[Section 654, Penal Code.]

DE LANCEY NICOLL,  
JOHN R. FELLOWS,  
District Attorney.

A True Bill.

William Edson  
Foreman.  
James Smith  
14th & Main St  
Jan 16/91

Witnesses:

Severus Oppa  
W. White  
127 St near 2nd car.  
Near Barber Shop  
East Side -  
F. D.

0682

Police Court, 1 District.

City and County } ss.  
of New York,

Michael Hines

of No. 50 James Street, aged 38 years,

occupation Bartender being duly sworn, deposes and says,

that on the 25 day of December 1890, at the City of New York, in the County of New York,

That on said date Joseph Smith (now here) did wilfully unlawfully and maliciously break a certain light of Plate glass to wit - a light of Plate glass in the window of No 20 Bowery valued at (\$100) one hundred Dollars, with intent to injure and cause damage to deponent or his employer. For the reasons following to wit. Defendant was in said premises on said date and was ordered out by Deponent. Defendant went out of said place and threatened to come back and break said window

Deponent is informed by Thomas Mullins that he saw the defendant throw a stone at said window and break it.

M Hines

Sworn to before me  
this 26<sup>th</sup> December 1890

P. Dineen  
Police Justice

0683

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Mullins*

aged 27 years, occupation Porter of No.

20 Bowery Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Michael Hines

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

Sworn to before me, this 26 Thomas Mullen  
day of Dec 1890

*Prince*

Police Justice.

0684

Sec. 198-200.

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*Joseph Smith*

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.

*Joseph Smith*

Question. How old are you?

Answer.

*53 years*

Question. Where were you born?

Answer.

*France*

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

Answer.

*20 Bowery 1 year*

Question. What is your business or profession?

Answer.

*Painter*

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*

*his Joseph Smith*  
*mark*

Taken before me this

*26*

*James*  
1890

Police Justice.

0685

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

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

Dated Dec 26 1890 Devin 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 h to be discharged.

Dated.....18..... Police Justice.

0686

Police Court--- / District. 3

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael Hines  
30 - James St.  
Joseph Smith

Offence Malicious  
Mischief

Dated Dec 26 1900

Dioret Magistrate.

✓ Bischoff Officer.  
6 Precinct.

Witnesses Thomas Mullins

No. 20 Bowery Street.

No. Street.

No. Street.

\$ 500 to answer J.S.

Com



BAILED,

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

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

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

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

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

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

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

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

0687

**Court of General Sessions of the Peace**

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*Joseph Smith*

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

*Joseph Smith*

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

The said *Joseph Smith*,

late of the *Sixth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty fifth* day of *December*, in the year  
of our Lord one thousand eight hundred and eighty *nine*, at the Ward, City and  
County aforesaid, with force and arms, *a certain pane of*

*plate glass,*

of the value of *one hundred dollars,*  
of the goods, chattels and personal property of one *Edward Dwyer,*  
then and there being, then and there feloniously did unlawfully and wilfully *break*

*and destroy;*

against the form of the Statute in such case made and provided, and against the peace  
of the People of the State of New York and their dignity.

SECOND COUNT.

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

The said *George Smith* —  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, *a certain*  
*pane of plate glass,*

of the value of *one hundred dollars,*  
in, and forming part and parcel of the realty of a certain building of one  
*Edward Ely,*  
there situate, of the real property of the said  
*Edward Ely,*  
then and there feloniously did unlawfully and wilfully *break and destroy,*

against the form of the Statute in such case made and provided, and against the peace  
of the People of the State of New York and their dignity.

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

0689

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Smith, Peter F.

**DATE:**

01/07/91



3923

45. P. 1

Counsel,

Filed 7 day of Jan 1891

Pleads, *W. J. [unclear]*

THE PEOPLE

Burglary in the Third degree.  
and Petit Larceny.  
[Section 499, 526, 527 & 528-1]

57-2-106  
162  
murder I  
Peter J. Smith

*DeSancey, Nicoll,*  
~~JOHN R. PHIBBS,~~

District Attorney.

A True Bill.

*John W. [unclear]*

Foreman.  
Park III January 1891

Pleads Petit Larceny  
16

*Geo. [unclear]*  
Jan 16 1891

Witnesses:

*upon reading the  
with drawn of  
complaint of  
and military*

*to accept the  
Plea of Petit  
Larceny which the  
Primer offers*

*January 14 1891*

*E. S. A  
E. S. A*

New York Court of General Sessions.

----- X  
 :  
 The People etc. :  
 :  
 against :  
 :  
 Peter F. Smith. :  
 :  
 ----- X

City and County of New York ss:-

Phillip Hill being duly sworn says:

That he resides at 222 Grand st. New York, and  
 is in the wine and liquor business: I have known the above  
 named defendant for about a year; I know other people who know  
 the defendant and they speak of him in the highest terms.  
 He has at different times during the year paid bills for me  
 and he always attended to them faithfully. At different  
 times I loaned him money and he always repaid me.

Sworn to before me this  
 16th day of January, 1891.

*Phillip Hill*

*B. W. Buel*  
 Notary Public  
 New York County.

New York Court of General Sessions.

----- x  
 :  
 The People etc. :  
 :  
 against :  
 :  
 Peter F. Smith :  
 :  
 ----- x

City and County of New York ss:-

F. B. Pieper being duly sworn says:

That he resides at 227 Grand St., New York City and is in business as a merchant tailor. That he has known the above named defendant for over fourteen years and all during those years, I never heard a single thing against his character. I have entrusted him with bills to collect, with the delivery of goods, and he has always been faithful and honest; and notwithstanding the present charge and the plea of guilty, I would again give him employment.

Sworn to before me this  
 16th day of January 1891.

*F B Pieper*  
 5

*Abraham D Levy*  
*Comptroller of Deeds*  
 Notary Public

New York County.

New York Court of General Sessions.

----- x  
 :  
 The People etc. :  
 :  
 against :  
 :  
 Peter F. Smith. :  
 :  
 ----- x

City and County of New York ss:-

*John S. Maxwell*

I reside at 115 Hewes street, Brooklyn, E. D.

That I am in business as a merchant tailor at 224 Grand st.  
 New York City. I know the above named defendant ever since  
 I have been in business in Grand st. for about four years.  
 He has been employed by me and by people in the neighborhood  
 and we always found him an honest and industrious man.  
 I never heard the slightest thing against his character.  
 at various times I loaned the above named defendant small  
 sums of money and he has invariably repaid the loans.

Sworn to before me this

16th day of January, 1891.

*John S. Maxwell*

*[Signature]*  
 Notary Public  
 New York County.

New York Court of General Sessions.

----- x  
 The People etc. :  
 against :  
 Peter F. Smith :  
 ----- x

City and County of New York ss:-

James Purcell, being duly sworn says:

I reside at 2273 Sixth avenue, I know the above named defendant for about fifteen years and the families of the defendant and mine, are on very intimate terms; during all that time the families have visited each other. The defendant's family consists of a wife and two grown up daughters and two sons who all have excellent homes and are very respectable people. The defendant has a good home with his wife and daughter; all during these years the defendant has borne an excellent reputation with every one in the neighborhood as a sober, honest and industrious man.

Sworn to before me this

16th day of January, 1891

*James Purcell*  
*Abraham D. Levy*  
 Commissioner  
 Notary Public

New York County.

0695

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

..... being duly  
sworn, says that he resides at No. .... Street, in the City of  
New York; that he is ..... years of age; that on the ..... day of  
18 ....., at Number ..... in the City of  
New York, he served the within ..... on  
the ..... by leaving a copy thereof with .....

Sworn to before me this  
day of ..... 189 }

*U. S. Cont. of New York*  
*The People*

Plaintiff

against

*Peter F. Smith*

Defendant

*Alfred Smith*

PURDY & McLAUGHLIN,

Attorneys for

No. 280 BROADWAY, New York City

Due and timely service of cop of the  
within hereby admitted  
this day of 18

Attorney.

To

0696

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Att. F. Smith.

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

From my investigation I find that the defendant is a man of excellent character. He is 57 years old and his family consists of a wife and seven or eight children. I desire that no indictment be found against him and that he be discharged.

David Howard

0697

Police Court Third District.

City and County of New York, ss.:

of No. 177 Cherry Street, aged 23 years, occupation Clerk, being duly sworn

deposes and says, that the premises No. 177 Cherry Street, 7th Ward, in the City and County aforesaid the said being a four story brick tenement, the third floor of which was occupied by deponent as a dwelling and living room and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly opening the kitchen door with a key or some instrument

on the 20 day of December 1888 at the day time, and the following property feloniously taken, stolen, and carried away, viz:

and One Coat, and One Vest of the value of Seventeen Dollars

the property of David J. Howard 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 Peter H. Smith (now here)

for the reasons following, to wit: About half past three o'clock on said day and date deponent locked, bolted and effectually closed said said room, and went into his mother-in-law's apartments on the same floor, and hearing a door slam, deponent

from out <sup>and then</sup> and there  
said Defendant, with said  
property in his possession,  
admitted out of Defendants  
apartments into said house  
and on said floor.

Wherefore Defendant now  
charges said Defendant  
with Burglarily entering,  
said house and taking,  
stealing and carrying away  
said property and prays  
that he be dealt with as  
the law directs

David Howard  
Sworn before me  
this 21<sup>st</sup> day of ~~Sept~~ <sup>Sept</sup> 1888  
Police Justice

Dated \_\_\_\_\_ 1888  
Police Justice

There being no sufficient cause to believe the within named  
guilty of the offence therein 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

genuinely 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.

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, \_\_\_\_\_

Office—BURGLARY.

THE PEOPLE, &c.,  
on the complaint of \_\_\_\_\_

vs.

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

Dated \_\_\_\_\_ 1888

Magistrate, \_\_\_\_\_  
Officer, \_\_\_\_\_  
Clerk, \_\_\_\_\_

Witnesses, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
\$ \_\_\_\_\_ to answer General Sessions.

0699

Sec. 198-209

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Henry*  
*Peter H. Smith* 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~~ *me* that the statement is designed to enable ~~him~~ *me* he see fit to answer the charge and explain the facts alleged against ~~him~~ *me* that he is at liberty to waive making a statement, and that his waiver cannot be used against ~~him~~ *me* at 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 am not guilty*  
*by*  
*Peter H. Smith*  
*mark*

Taken before me this

day of

Police Justice

0700

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

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

Dated *Dec 11* 18..... *[Signature]* Police Justice.

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

Dated..... 18..... *[Signature]* Police Justice.

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

Dated..... 18..... *[Signature]* Police Justice.

0701

Police Court--- District.

*3rd 1892*

THE PEOPLE, &c.,  
OF THE COMPLAINT OF

*D. J. Howard*  
*vs.*  
*J. H. Smith*

1  
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 21* 188*9*

*Duffy* Magistrate.

*Gilbride* Officer.

*J. S. P. Co.* Precinct.

Witnesses

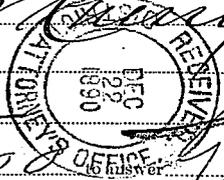
No. *177 Cherry* Street.

*Mr Standard*

No. *177 Cherry* Street.

No. .... Street.

\$. *50* to his use.



*Bung 3 3/4 P.M.*

0702

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Peter F. Smith*

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

*Peter F. Smith*

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

The said

*Peter F. Smith*

late of the *Seventh* Ward of the City of New York, in the County of New York  
aforesaid, on the *twentieth* day of *December* in the year of our Lord one  
thousand eight hundred and *ninety* — , with force and arms, in the  
*day* — time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *David J. Howard* —

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 *David J. Howard* —  
— 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

Peter F. Smith

of the CRIME OF Petit LARCENY, committed as follows:

The said Peter F. Smith

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 time of said day, with force and arms, day

one coat of the value of twelve dollars and one vest of the value of five dollars

of the goods, chattels and personal property of one David J. Howard

in the dwelling house of the said David J. Howard

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.

DeSangre Nisoll  
~~John A. ...~~  
District Attorney

0704

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Snow, Edward

**DATE:**

01/13/91



3923

103

Counsel,  
Filed 13 day of Jan 1891  
Pleads,

Grand Larceny Second degree. [Sections 628, 687, Penal Code].

THE PEOPLE

vs.

Edward Snow

H. K. Ketchum

DE LANCEY NICOLE

District Attorney.

A True Bill.

Stephen Edison Foreman.

James P. [Signature]  
John [Signature]  
G. W. [Signature]

Witnesses:

The [Signature] will  
be [Signature] from  
[Signature]

The [Signature] [Signature]  
[Signature] [Signature]  
[Signature] [Signature]

[Signature]

0706

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Hattie L. Hammell

of No. 280 Sixth Avenue Street, aged 27 years,  
occupation Dress maker being duly sworn,

deposes and says, that on the 2 day of January 1891 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 overcoat of  
the value of fifty five dollars.

\$ 55—

the property of Adolph Feist, and then in  
deponent's care

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 Edward Snow (now here) under

the following circumstances: The said coat  
was in deponent's possession for repairs on  
said date in said house, and defendant  
lived there and had access to the said  
coat. Subsequently the coat was  
missed and defendant, as deponent  
is informed by Adolph Feist, the  
owner of said property, admitted

Sworn to before me this

1891

day

Police Justice

0707

He said Feist that he had stolen  
the said property and the defendant  
gave information where the said  
property had been pawned by him  
and surrendered a pawn ticket for  
said coat, herewith annexed.

Sworn to before me this

6  
day of January 1891  
at New York

Walter L. Hammett

Police Justice.

0708

CITY AND COUNTY }  
OF NEW YORK, } ss.

Adolph Feist

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

200 Grand St Brooklyn Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mathe L. Hammell

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

Sworn to before me, this 6 }  
day of January 1891 } Adolph Feist

W. Mahon  
Police Justice.

0709

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward Snow*

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. *Edward Snow*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *250 1st Av, One Mas 1*

Question. What is your business or profession?

Answer. *Dentist*

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*  
*Edward Snow*

Taken before me this

day of *January* 188*9*

*H. H. ...*

6

Police Justice

0710

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

*Edward Snow*

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 *Jan 20* 18*91* *W. T. M. M. M.* 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.

0711

32

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Hattie L. Hammell  
280- 13. 6<sup>th</sup> Ave.

1 Edward Snow

2  
3  
4

Offence Larceny  
felony

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Dated Jan 6 1891

Mc Mahon  
Magistrate.

Hayes  
Officer.

19  
Precinct.

Witnesses Adolph Feiss

No. Lou Grand St. Ballyin St. St.

No. .... Street.

No. .... Street.

\$ 1000 to answer G.S.



Com 9/22

0712

234

J. Mc Aleenan,  
No. 194 Eighth Avenue,  
Bet. 19th & 20th Sts., N. Y.

JANUARY 2 1891

Coat

Bremen 5:25

Good for One Year Only,  
Not accountable for loss or Damage by Fire,  
Breakage, Robbery or Mole.

Rates of Interest.

On sums of One Hundred Dollars, or  
under, 3 per cent. per month or any fraction  
thereof for first six months, and 2 per cent. per  
month thereafter. On sums over One Hundred  
Dollars, 2 per cent. per month for first six  
months, and 1 per cent. per month thereafter.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against  
*Edward Snow*

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

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

The said *Edward Snow*

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

*one overcoat of the value of*  
*fifty-five dollars*

of the goods, chattels and personal property of one *Adolph Fieser*

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.

*Dehancey McCall*  
*District Attorney*

0714

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Stewart, John

**DATE:**

01/06/91



3923

0715

24<sup>th</sup> July

Counsel,

Filed

6 day of Jan 1891

Pleas,

of 24<sup>th</sup> July 7

THE PEOPLE

vs.

John Stewart

Wm. C. Lester  
John C. Lester

Deputy Sheriff  
~~JOHN C. LESTER~~

District Attorney.

Burglary in the Third degree.  
Attacks.  
[Section 489] Criminal Code

A True Bill.

Franklin Eason

Foreman.

Henry D. [Signature]

John C. Lester

Wm. C. Lester  
July 23/91

Witnesses:

Deputy Sheriff  
John C. Lester

Wm. C. Lester

0716

Police Court - 4 District

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

Rosalie Utitz

of No. 349 East 52<sup>nd</sup> Street, aged 0 years,

~~occupation~~ Married woman, being duly sworn

deposes and says, that the premises No. 349 East 52<sup>nd</sup> Street, 19 Ward

in the City and County aforesaid the said being a dwelling house the

second floor of ~~and~~ which was occupied by deponent as a dwelling

~~and in which there was at the time a human being, by name~~

~~attempted to be~~ were BURGLARIOUSLY entered by means of forcibly breaking the

panel in the door leading into said

apartment and breaking a pane of glass

in a door also leading into the said

apartment on the 21<sup>st</sup> day of December 1890, in the day time, and the

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

A quantity of wearing apparel of

the value of about One hundred

dollars

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

John Stewart (now here) and two other men not arrested

for the reasons following, to wit: that on said day deponent

securely locked and fastened and the doors leading into said apartment

and said property was therein. Deponent

returned in about two hours thereafter and met the defendant and one of

said unknown men in the building

coming down stairs. Deponent then found

said panel and glass broken and

0717

immediately pursued the defendant and  
 said unknown man but was met by  
 the other unknown man who stopped  
 deponent and enquired for a person of the  
 name of Casey and also the cause  
 of deponent's apparent agitation and  
 excitement. Deponent saw the defendant  
 and the first mentioned unknown man  
 on the opposite side of the street and  
 deponent saw the last mentioned  
 unknown make motions to the defen-  
 dant and then all of them ran  
 away; deponent pursued them and  
~~caused the defendant to be arrested.~~  
 they escaped. Deponent is informed by  
 Eugene Snyder (now here) that he saw  
 deponent pursuing the defendant and  
 when deponent abandoned the pursuit  
 he Snyder continued following the  
 defendant and caused his arrest.  
 Sworn to before me at Potosi Mo.  
 this 26<sup>th</sup> December 1890

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
 of the City of New York, until he give such bail.  
 Dated 1888  
 I have admitted the above named  
 to bail to answer by the undertaking hereto annexed.  
 Dated 1888  
 There being no sufficient cause to believe the within named  
 guilty of the offence within mentioned, I order he to be discharged.  
 Dated 1888  
 Police Justice

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

THE PEOPLE, etc.,  
 on the complaint of \_\_\_\_\_

vs.

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

Offence—BURGLARY.

Dated \_\_\_\_\_ 1888

Magistrate. \_\_\_\_\_  
 Officer. \_\_\_\_\_  
 Clerk. \_\_\_\_\_

Witness,  
 No. \_\_\_\_\_ Street, \_\_\_\_\_  
 No. \_\_\_\_\_ Street, \_\_\_\_\_  
 No. \_\_\_\_\_ Street, \_\_\_\_\_  
 \$ \_\_\_\_\_ to answer General Sessions.

0718

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Eugene Snyder*

aged 15 years, occupation Errand Boy of No.

427 East 59<sup>th</sup> Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Rosalie Utitz

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

Sworn to before me, this 26 day of December 1890 } Eugene Snyder

Charles N. Smith  
Police Justice.

0719

Sec. 198-200

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*John Stewart* 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 Stewart*

Question. How old are you?

Answer.

*41 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*92 Bowery, 1 week*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*I am not guilty*  
*John Stewart*

Taken before me this 26<sup>th</sup> day of December 1896

Police Justice

0720

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

*defendant*

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

Dated *Dec 26* 18 *91* *Charles K. Smith* Police Justice.

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

Dated..... 18..... Police Justice.

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

Dated..... 18..... Police Justice.

0721

Police Court

1904  
4<sup>th</sup> District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

*Rosalie Wittz*  
349 - 5<sup>th</sup> St.  
*John Stewart*

Offence  
*Burglary*

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 26* 189*0*

*Tarnton* Magistrate.

*Buff & Lilly* Officer.

*23* Precinct.

Witnesses *Eugene Snyder*

No. *427 E 59<sup>th</sup>* Street.

*Paul H. Cur*

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

*Adele Wittz*

No. *349 5<sup>th</sup> St.*

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

*Bertha Feuerlicht*

to answer

*349 5<sup>th</sup> St.*



*Atty  
Aug 3  
1891*

0722

**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 Stewart*

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

*John Stewart*

*attempting to commit the crime of*  
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

*John Stewart*

late of the *nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty-fourth* day of *December* in the year of our Lord one  
thousand eight hundred and *ninety*, with force and arms, in the  
*day* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *Rosalie Utitz*

there situate, feloniously and burglariously did <sup>*attempt to*</sup> break into and enter, with intent to  
commit some crime therein, to wit: with intent, the goods, chattels and personal property  
of the said *Rosalie Utitz*  
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.

*De Ransey Nicoll,*  
*District Attorney.*

0723

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Stone, Harry M.

**DATE:**

01/19/91



3923

0724

160

Counsel,  
Filed *19* day of *May* 189*1*  
Pleads,

THE PEOPLE  
vs.  
Grand Larceny, Second Degree.  
[Sections 523, 524, Pennl Code].

*Harry M. Stone*  
*per [unclear]*

**DE LANCEY NICOLL,**  
~~JOHN B. HULLICOMBE~~  
District Attorney.

**A True Bill.**

*Franklin Esson*  
Foreman.  
*Jan 19/91*

*pleas of [unclear]*  
*Jan 22/91*

*Friday*

Witnesses

*Asst. Peonies*  
*Ch. goods the*  
*complexed*  
*for currency*  
*RS*

POLICE COURT FOR THE FIRST DISTRICT.

.....  
The People of the State of New York on :  
the complaint of William R. Kurau, :  
against :  
Harry M. Stone :  
.....

CITY AND COUNTY OF NEW YORK, SS :

*undrayd No. 642 Court 123 Street in the City of New York*  
William R. Kurau being duly sworn, deposes and says :

*Upon information and belief*  
That on the 26th day of December at the City of New York,  
one Harry M. Stone did take, steal and carry away the sum  
of two hundred and seventeen dollars and seventy one cents,  
from the possession of such bank,  
the property of the Bowery Bank, a corporation organized  
under the laws of the State of New York, and doing business  
in the City of New York.

That deponent charges the commission of the said  
offense, upon the following facts :

That upon the said 26th day of ~~November~~ <sup>December</sup>, 1890, a  
person whom deponent believes to be Harry M. Stone, came to  
the Bowery Bank in this city, and presented the draft  
hereunto annexed, with the slip pinned thereto, reading :  
" From No. 61, payment stopped, No. 70". That the meaning  
of said slip was, that the accompanying draft, which had  
been deposited with the Bowery Bank for collection, and by  
them forwarded to the Fourth National Bank of this city for  
collection, had been returned by said Fourth National  
Bank for the reason that payment had been stopped thereon at  
said bank. That said draft had been sent by the Bowery  
Bank through the Clearing House to the said Fourth National  
Bank, as the Bowery Bank had obtained credit therefor in

its dealings with the said Fourth National Bank. That deponent as Paying Teller of said Bowery Bank, relying upon the statement contained upon the said slip attached to said draft, that payment of the same had been stopped at the Fourth National Bank, paid to the person presenting the same, whom deponent believes to be the defendant herein, Harry M. Stone, two hundred and seventeen dollars and seventy one cents, in lawful money of the United States, said sum being the amount of said draft.

Deponent further charges, upon information and belief, derived from the affidavit of *D. J. Josephine* hereunto annexed, and from the confession of Harry M. Stone hereunto annexed, that said Stone had no authority from the Fourth National Bank to demand back said money, and that payment thereon had not been stopped by said Fourth National Bank, and that the money to pay the same was then deposited in said bank.

And deponent further charges <sup>*upon info received and belief*</sup> that the said Harry M. Stone has committed the crime of larceny in the second degree, ~~in~~ that he has taken from the possession of the Bowery Bank, the true owner thereof, the sum of two hundred and seventeen dollars and seventy one cents, as already mentioned, and has obtained the sum by the color and aid of fraudulent and false representation and pretence as above set forth.

That deponent knows the defendant, Harry M. Stone personally and knows that he has presented drafts and checks at various times at the Bowery Bank in behalf of the Fourth National Bank of this city.

Sworn to before me this ) *Wm R. Swan*  
8th day of January, 1891 )  
*Wm R. Swan* Justice

0727

POLICE COURT FOR THE FIRST DISTRICT

.....  
 The People of the State of New York on :  
 the complaint of William R. Kurau, :  
 against :  
 Harry M. Stone :  
 .....

CITY AND COUNTY OF NEW YORK :

D . J. TOMPKINS being duly sworn, says that he knows  
 Harry M. Stone, the accused in this proceeding, that he  
 saw him write the annexed confession, and sign the same,  
 and that said defendant, Harry M. Stone, admitted to  
 deponent that the statements therein were true.

*that he resides at 54 South Oxford St  
Brooklyn*

Sworn to before me this )  
 9th day of January, 1891 )

*Daniel J Tompkins*

*Edw J. ... Police Justice*

0728

Sec. 198-200.

District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Harry M. Stone*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *130 Clinton Place 2 months*

Question. What is your business or profession?

Answer. *None*

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 guilty*

*Harry M. Stone*

Taken before me this

day of *January* 18*98*

Police Justice

*J. P. [Signature]*

0729

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 *100* 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 *January 9* 1891 *[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.

0730

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William R. Sturges*  
vs.  
*Mary M. Sturges*

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 *January 9* 188*9*

*Maguire* Magistrate.

*Keowley* Officer.

\_\_\_\_\_ Precinct.

Witnesses *Daniel J. Tompkins*

No. *54* \_\_\_\_\_ Street.

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

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

\$ *1000* to answer \_\_\_\_\_



*Com*  
*for*  
*money*

0731



City of New York Records Chambers

New York Jan 20 1891.

Hon. Fredk W. Smith  
Recorder =

This petition represents that  
Harvey M. Slovic, lately clerk in the Fourth  
Nat<sup>l</sup> Bank, is now under indictment on charge  
of grand larceny. He has pleaded <sup>guilty</sup> or will  
do so - having made confession - He has been  
in the employ of the bank about seven years,  
has been of Exemplary conduct hitherto  
and this offence is his first. He made  
early confession and appears penitent  
The bank desires that such leniency may  
be shown this young man (now twenty eight  
years of age) as the Court may deem consistent  
with the interest of justice - not only on  
account of his long & previously faithful

service but because of peculiar tempta-  
 tion in which he was placed because of  
 domestic troubles - he being separated from  
 his wife, and obliged to provide for support  
 of herself and two children upon his salary  
 as a clerk. It is believed he is capable  
 of reform and his friends will place him  
 far away under new associations if your  
 Honor will permit. We pray, therefore, that  
 sentence may be suspended in his case, for  
 the reasons here laid before your Honor.

The Fourth Natl Bank by  
 C. H. Peterson, Clerk

The Guarantee Company of North America - which was surety upon Mr.  
 Stone's bond to the Fourth Natl Bank - ~~and~~ caused Stone's prosecution to be  
 commenced, but hereby concurs in the above petition. We caused the  
 Complaint against Stone to be made by Mr. W. R. Kuran, Paying  
 Teller of the Bowery Bank of New York, but Mr. Kuran leaves the  
 disposition of this matter entirely in our hands, and authorizes  
 our concurrence in this petition so far as the use of his name  
 may seem necessary. - as neither the Bowery Bank nor he, have,  
~~any~~ nor have had, any pecuniary interest in the matter.

N.Y. Jan'y 20/91

Respectfully,

The Guarantee Co. of North America  
 by D. J. Tompkins, Secretary

0733

Statement of Harry M. Stone.

Made Wednesday Jan 7/90 -  
NEW YORK

My name is Harry Stone,  
28 years of age, and reside  
at 138 Clinton Pl. with  
Katie Kelly. My wife  
Abellie S. Stone, from whom  
I am separated resides at  
West Brighton S. I. with  
our children.

I am an employe of  
the Fourth National Bank.

On Friday Dec. 26, 1890  
I checked slip of checks from  
The Bowery Bank of New York  
to the Fourth National Bank  
and placed on that slip

0734

~~marked~~ the letter "D" on the  
slip to indicate that some-  
one else had checked the  
slip. - Among the checks  
from the Bowery Bank of  
New York was one from  
the Augusta Savings Bank  
of Augusta Ga. on the  
Fourth National Bank of  
New York City for two  
hundred and seventeen  
dollars and seventy one  
cents, the amount of which  
appeared on the slip from  
the Bowery Bank of New York  
referred to in the foregoing.

This check or draft I  
took with it to the  
Bowery Bank of New York

Charter

previously" attaching to the check a ticket reading "From No. 61, Payment Stopped No 70", all of which was printed except the number 70" which I <sup>wrote</sup> put on. I handed this check with ticket attached to the Paying Teller of the Bowery Bank of New York and received from him two hundred and seventy seven dollars and seventy one cents and appropriated this money to my own use. of this money I paid to my wife Nellie C. Stone, thirty

0736

five dollars on the evening of  
Dec. 26/90, also \$30 on Tuesday  
following to my wife, paid  
on Dec. 27. to Mrs. Kayser, at  
138 Belmont Pl. - \$5. for my  
board, paid to my father  
Edward F. Stone, \$11<sup>50</sup>, paid  
to Jas. C. Ketchum of U. S. Treasury  
\$11<sup>50</sup>, paid on Jan'y 3/91, to  
Mrs. Kayser \$6. for my board,  
paid to Mr. N. A. Babcock of  
the Fourth National Bank \$10<sup>00</sup>,  
paid to Walter E. Burkett  
of same bank \$10<sup>00</sup> bought  
a suit of clothes for \$8<sup>50</sup>, also  
a pair of shoes for \$2<sup>97</sup> and paid  
to Katie Kelly \$5<sup>00</sup> paid to  
Eugene Davis \$5<sup>00</sup> the balance  
and what I have paid for incidentals  
is still in my possession. I make this  
statement without any prejudice of any  
character being made. *Edward F. Stone.*



0738

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Harry M. Stone*

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

this indictment, accuse *Harry M. Stone*

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

The said *Harry M. Stone*

late of the City of New York, in the County of New York aforesaid, on the *26th* day of *December* in the year of our Lord one thousand eight hundred and *seventy*, 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 *one hundred*

*42172*

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

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

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

of the goods, chattels and personal property of *one* a corporation called *the Bowery Bank* 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*  
JOHN R. FELLOWS, District Attorney.

0739

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Sullivan, William

**DATE:**

01/09/91



3923

0740

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Hewlett, George

**DATE:**

01/09/91



3923

0741

63

Counsel,  
Filed *9* day of *Jan* 18 *91*  
Plend *9*

THE PEOPLE  
vs.  
William Sullivan  
and  
George Hewlett

Burglary in the Third degree  
Section 498, 526, 525, 522

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

*Wm. W. Moseman*  
Foreman.

*Jan 17/91*  
*Read Jury Jury*  
*AD. 2. Al. Ref.*  
*Jan 1 1891 Pen 21/16*

Witnesses:  
*Stuyvesant*  
*W. W. Moseman*  
*18. Jan 19 91*  
*Also for office*  
*A. H. Keweenaw*  
*430 W 19 St*  
*Wm. Sullivan*  
*67. Laurens St*  
*W. W. Moseman*  
*107. Nassau St*  
*a Deputy of 1891*  
*Pen. 21/16*

0742

Police Court 2 District.

City and County }  
of New York, } ss.

Charles H. Petch

of No. 104 Spring Street, aged 53 years,

occupation Restaurant Keeper being duly sworn

deposes and says, that the premises No 104 Spring Street,

in the City and County aforesaid, the said being a building, the

basement of

and which was occupied by deponent as a Restaurant

and in which there was at the time a barman being, by name

were BURGLARIOUSLY entered by means of forcibly breaking a

pane of glass in a window leading  
into said basement and breaking of  
twisting the iron bars fastened across  
the window

on the 29<sup>th</sup> day of December 1898 in the night time, and the

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

A quantity of flat silver plated ware  
consisting of forks and spoons of the  
value of about five dollars; one pair  
shoes, one coat and box of cigars

All of the value of Fifteen  
dollars

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

William Sullivan & George Newlett

(both now here)

for the reasons following, to wit: for that said premises  
were securely locked and fastened  
and closed for business and said  
property was therein. Deponent upon  
opening the establishment found it  
broken into in the manner aforesaid  
and said property stolen.

Deponent is informed by Charles  
S. Schneider (now here) police officer

0743

that ~~has~~ arrested the defendant for  
a larceny, and they confessed to him  
that they had committed the burglary  
and they in open Court after each  
of them being informed of their  
rights acknowledged and confessed  
that they broke into said premises  
and carried away the said property  
Sworn to before me C. H. Petron  
this 2<sup>nd</sup> January, 1891

A. T. McMahon  
Police Justice

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
\_\_\_\_\_ vs. \_\_\_\_\_  
Burglary \_\_\_\_\_ Degree \_\_\_\_\_

Dated \_\_\_\_\_ 188 \_\_\_\_\_

Magistrate \_\_\_\_\_

Officer \_\_\_\_\_

Clerk \_\_\_\_\_

Witnesses: \_\_\_\_\_

Committed in default of \$ \_\_\_\_\_ Bail \_\_\_\_\_

Bailed by \_\_\_\_\_

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

0744

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles S. Schneider*  
aged *27* years, occupation *Police Officer* of No. *137* *Blanc* Street, being duly sworn deposes and

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

Sworn to before me, this *2nd* day of *January* 18*91*

*Charles S. Schneider*

*W. W. ...*  
Police Justice.

0745

Sec. 138-200.

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*George Newlett*

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 Newlett*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*423 W. 13<sup>th</sup> St. 14 years*

Question. What is your business or profession?

Answer.

*Bucklayer*

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 guilty*

*George Newlett*

Taken before me this

day of *January* 188*9*

*J.P. Mahoney*

Police Justice

0746

Sec. 198-200

CITY AND COUNTY OF NEW YORK ss.

District Police Court

*William Sullivan* 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. *William Sullivan*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *67 Ganssawort St. Bronx*

Question. What is your business or profession?

Answer. *Printer's apprentice*

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 guilty*  
*Wm. Sullivan*

Taken before me this

*John J. ...*

Police Justice

0747

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~~ *they* be held to answer the same and ~~he~~ *they* be admitted to bail in the sum of ~~Five~~ *Five* Hundred Dollars, ~~each~~ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he ~~give~~ *gives* such bail.

Dated *July 2* 18 *98* *W. M. Malone* 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 ~~it~~ to be discharged.

Dated..... 18 ..... Police Justice.

0748

Police Court--- 9 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Charles H. Petich*  
*104-23 Spring St.*  
*William Sullivan*  
*George Newell*

Offence *Burglary*

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *Jan 7* 188*9*  
*J. M. Maher* Magistrate.  
*Schneider* Officer.  
*15* Precinct.

Witnesses *Call officer*  
No. *Edward Basch*  
*627-629 Broadway*  
No. .... Street.

No. .... Street.  
\$ *1300* to *G. S.*



*Wm. B. P. S.*

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Sullivan and George Hewlett*

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

*William Sullivan and George Hewlett* —

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

The said

*William Sullivan and George Hewlett, both* —

late of the *Eighth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty ninth* day of *December* 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 restaurant of one Charles N. Petesch*

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 *Charles N. Petesch in the said*  
*restaurant* 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

*William Sullivan and George Hewlett*

of the CRIME OF *Petit LARCENY*, committed as follows:

The said *William Sullivan and George Hewlett, 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,

*twenty forks of the value of twenty-five cents each, twenty spoons of the value of twenty-five cents each, one pair of shoes of the value of two dollars, one coat of the value of two dollars, fifty cigars of the value of four cents each*

of the goods, chattels and personal property of one *Charles W. Petch*

*restaurant* *Charles W. Petch*  
in the dwelling house of the said

*in the restaurant*  
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.

*De Rancey Nicoll,*  
*District Attorney*

0751

**BOX:**

425

**FOLDER:**

3923

**DESCRIPTION:**

Swartz, Joseph

**DATE:**

01/27/91



3923

0752

Witnesses;

*Self person  
Ch. in hat of a  
thing. For*

Counsel,

Filed 27 day of Jan 18 91

Pleads,

THE PEOPLE

vs.

*Joseph Swartz*

Grand Larceny & second degree. [Sections 528, 531 - Penal Code]

*W. B. Lacey  
District Attorney*

DE LANCEY NICOLL  
DISTRICT ATTORNEY

District Attorney.

A True Bill.

*Franklin Eason  
Foreman.*

*Jan 27 1891  
Pleas of Self  
241 Mo. S. P. A.*

0753

Police Court— 3 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

*Simon Sulkey*  
of No. *400 - Third Avenue* Street, aged *68* years,  
occupation *Retired* being duly sworn

deposes and says, that on the *23<sup>rd</sup>* day of *January* 1891 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 *nighttime*, the following property, viz:

*Two sets of silver service pieces, of the value of <sup>over</sup> seventy-five (75) dollars, a silver pointer and silver chain of the value of fifteen dollars, three taliths (shawls) of the value of fifty dollars*

*All of the aggregate value of One hundred & Forty (140) Dollars the property of Congregation Adath El, of 135 East 29<sup>th</sup> Street, in care and charge of deponent as a Trustee*

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 *Joseph Schwartz (nowhere)* for the reasons following, to wit:

*Deponent says - said property was contained in the Synagogue of 135 East 29<sup>th</sup> Street, and on January 23<sup>rd</sup>, missed said property.*

*Deponent further says - he is informed by Sergeant Edward Burns of the 7<sup>th</sup> Precinct, that at about 8:30 P.M., of January 23<sup>rd</sup>, he arrested a defendant at the jewelry store of Louis J. Ellisberg of 141 East Broadway, in the act of disposing of above mentioned silver, and also found & seized three taliths (shawls) in the possession*

Sworn to before me, this 15<sup>th</sup> day of January 1891.  
Justice.

0754

of defendant, all of which property  
deponent and Michael Levy of  
135 East 29<sup>th</sup> Street, identify as  
being the missing property.

Deponent further says - he is  
further informed by said Jergs Burns,  
that defendant admitted to him  
that he had stolen said property  
from said Synagogue, 135 East 29<sup>th</sup> Street.

Wherefore, deponent charges  
defendant with the larceny of said  
property, and prays that he be held and  
dealt with as the law directs.

Sworn to before me  
this 25<sup>th</sup> day of July 1893 J. J. [Signature]

[Signature]  
Police Justice.

0755

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward Burns*

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

*75 Ave*

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

*Simon Sulsky*

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

Sworn to before me, this

*25*

*Edward Burns*

day of *July* 189*8*.

*Wm. Murray*

Police Justice.

0756

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Michael Devo*

aged *62* years, occupation *Sexton* of No.

*135 Carrey<sup>rd</sup>* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Simon Sulsky*

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

Sworn to before me, this *25<sup>th</sup>* day of *May* 189*9* } *Michael Levy*

*John Brown*  
Police Justice.

0757

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Rouis J. Ellisberg*

aged *22* years, occupation *Printer* of No.

*141 East Broadway* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Simon Sulzberg*

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

Sworn to before me, this *25* } *Rouis J. Ellisberg*  
day of *July* 189*9* }

*Wm. M. M. M.*  
Police Justice.

0758

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Schwartz 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. Joseph Schwartz

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. England

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

Answer. 4 Rivington St 14 months

Question. What is your business or profession?

Answer. Diamond Cutter

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

Answer. I am guilty.  
Joseph Schwartz

Taken before me this

August 18 1891

Police Justice

0759

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

*Mequandant*

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

Dated *July 25* 18 *91* *John M. Murray* 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.

0760

30, 303<sup>98</sup>  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Simon Sulzky*  
vs. *Joseph Schway*

Office  
*Grand Juror*

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 *July 25* 18*91*

*Nurray* Magistrate.

*Edward Burns* Officer.

*7* Precinct.

Witnesses *Said officer*

No. *Michael Wey* Street

*135 East 26<sup>th</sup> St*

No. *Louis J. Ellisberg* Street

*141 East Broadway*

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

\$ *1000-* answer



*CM*

*Handwritten initials and marks*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Swartz

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

Joseph Swartz

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

The said

Joseph Swartz

late of the City of New York, in the County of New York aforesaid, on the 23rd day of January in the year of our Lord one thousand eight hundred and ninety one, at the City and County aforesaid, with force and arms,

two sets of silver service pieces of the value of thirty-five dollars each set, one pointer of the value of five dollars, one chain of the value of ten dollars and three shawls of the value of fifteen dollars each.

of the goods, chattels and personal property of one

Simon Sulkey

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

De Lancey Nicoll, District Attorney