

0044

BOX:

17

FOLDER:

209

DESCRIPTION:

Levy, Isaac

DATE:

07/13/80



209

0045

W. P. H. C. W. and others
June 6 1880

Filed 13 day of July 1880

Heads
for County (12)

THE PEOPLE,

vs.

Isaac Levy -

Receiving stolen goods

BENJ. K. PHELPS,

District Attorney,

at New York July 14/80

A True Bill.

E. L. Dwyer
Foreman

July 19 1880

Speedy & Conrad

July 22 1880

3.4.6 Mass Ct.

F.D.

Paul

Wm. W. Turner
40 Essex St

Paul

\$1,500

July 14 1880

0046

I, JOHN SPARKS, Clerk of the Courts of General Sessions of the Peace,
and of the Oyer and Terminer in and for the City and County of New York, do
certify that the annexed is a copy of *a Recognizance to answer*
on Certiorari from General Sessions

now on file in the Clerk's Office. and that the same has been compared by me with the
original. and is a correct transcript therefrom. and of the whole of such original.

GIVEN UNDER my hand, and attested by the seal
of the said Court this *Nineteen* day
of *August* in the year of our Lord one
thousand eight hundred and ~~seventy~~ *eighty*

John Sparks

0047

RECOGNIZANCE TO ANSWER ON WRIT OF CERTIORARI

State of New York, City and County of New York, ss :

Be it Remembered, that on the

Thirteenth day of August in the year of our Lord 1880,

Isaac Levy of No. 21 Norfolk Street, in the City of

New York, Principal, and

William Wittwer

of No. 40 Essex Street in Said City, Surety,
 personally came before the undersigned, one of the Justices of the Supreme Court of the State
 of New York, and severally acknowledged themselves indebted to the People of the State of New York,
 that is to say, the said

Isaac Levy Principal, in
 the sum of Thirty Hundred Dollars,

and the said William Wittwer Surety, in the
 sum of Thirty Hundred Dollars,

good and lawful money of the United States, to be levied and made of their respective goods and
 chattels, lands and tenements, to the use of said People, if default shall be made in the condition
 following, viz:

Whereas, the said Isaac Levy
 was on the Twenty third day of July 1880, duly convicted at
 a Court of General Sessions of the Peace, held in and for the City
 and County of New York, of Receiving Stolen Goods
 and was sentenced to the State Prison for three years and six months
 and, whereas, a Writ of Certiorari, with a Stay of Proceedings,
 has been allowed by a Justice of the Supreme Court, removing said conviction and sentence to the
 General Term of the Supreme Court of the First Department of said State of New York, that the same
 may be reviewed by the said Court—

Now, Therefore, the condition of this Recognizance is such, that if the above-named
 Isaac Levy Principal, shall personally appear at the
 next term of the Court of General Sessions of the Peace, held in and for said City and County of New
 York, and at any subsequent term of said Court, and also shall appear personally at the next and each
 subsequent General Term of the Supreme Court of said First Department, and abide and obey every
 order, remittitur, decree and judgment which said Supreme Court shall make in the premises, and not
 depart without leave, then this Recognizance to be void, otherwise to be and remain in full force,
 power and virtue.

Taken and acknowledged before me the day and year
 first aforesaid,

Niles Beach
 actg Justice Supreme Court.

I. Levy Principal.

W. Wittwer Surety.

LS

LS

0048

And we, the undersigned principal and surety in the annexed Recognizance, do hereby **Stipulate, Agree and Consent**, That in case said Recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this Recognizance, be filed in the Office of the Clerk of the City and County of New York, and that judgment may be entered for the several sums set forth in said Recognizance, and that execution issue forthwith thereon according to law.

Witness,

Jas. C. Deming

J Levy Principal. (LS)

W. Wittwer Surety. (LS)

0049

Court of General Sessions,
CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Isaac Levy

EXAMINATION OF SURETY.

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

William Wittwer being duly sworn, deposes and says:
I am a citizen of the United States of America. I am 62 years of age. I reside in the State of New York, and have so resided 32 years and upwards. My dwelling house is No. 40 Essex Street, in the City of New York. My wife and family reside with me at that place. My business is that of Carpenter and I carry on business as such at No. ~~Street, in the City of New York.~~

I own real estate in the City of New York. It consists of The two houses and one lot of land situated at forty Essex street in the South ward of said City

I paid for that property the sum of \$ 10,500 The land, exclusive of the buildings, which I have above mentioned, is worth at least \$ 5000 The buildings are worth at least \$ 10,000

The title to that property was examined for me by Mr Bellesheim who told me that the title was good

This was about The fall of 1866

The buildings on the above mentioned land are insured against loss by fire as follows:
In the *Relief* Insurance Company for five Thousand Dollars; in the *Hanover* Insurance Company for five Thousand Dollars—

By the policies of Insurance any loss which may accrue on said buildings is made payable to The Mortgage and myself The conveyance of the land and premises above mentioned was from Mr. Schelek and was recorded in the office of the Register of the County of New York, about The fall of 1866 That conveyance is, to my best knowledge and recollection, a warranty deed. It conveyed the premises to me, in my own right. It is made to me in my individual name, and the title is now, and ever since I purchased the property has remained, in my individual name, and I do not hold said property, or any part of it, or any share or interest of any kind in it, in trust for, or in anywise for the benefit of, any person other than myself. It is absolutely and exclusively my own. That I have made no contract or agreement with any person whatever, to sell or convey said property, and I have no understanding with any one that he is at any time to take the title to said property.

As to mortgages, Five thousand and six hundred dollars

As to taxes and assessments all paid

As to judgments None against me

I am in partnership with no one
My debts and liabilities are as follows: nothing except as above stated. I am for Mr. H. Rosenschein an Auctioneer only and for the purchase I do not intend to transfer this property after becoming bail for the defendant Isaac Levy. I bail him in good faith that he will answer when called upon. My judgment should be adverse to him Except as above stated I am not liable as bail, bondsman, surety, endorser, guarantor, indemnitor, or otherwise, in any manner whatever; and except as so stated I do not owe any money, and am not indebted to any person, firm or company in any sum, or upon any account whatever. No person holds a power of attorney from me for the sale or disposal of the property I have mentioned. I have not received any consideration, nor do I expect any, for going on the recognizance in the above mentioned case. I have not been indemnified

I hereby state that I am the identical person described herein and the person who owns the property above named as William Wittwer

and the name signed hereto is my name.
Sworn to before me, this 13 day }
of August 1880 }
Meles Beach
Acty J.S.B

W. Wittwer

0050

State of New York,
CITY AND COUNTY OF NEW YORK. } ss.

I, William Wittwer the surety mentioned
in the annexed recognizance to answer, do hereby authorize and empower any
Policeman of the City of New York, or Samuel W. Swayze
or either of them, in my name, place, and stead, to take, seize, and
surrender the said Isaac Levy, (in the said bond
named as defendant,) to the Court therein mentioned, or deliver him
to the custody of the authorities of said city and county, in my exoneration
as surety on said recognizance.

Dated August 19th 1880

W. Wittwer
Surety.

0051

New York Supreme Court.

FIRST DEPARTMENT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

against

Isaac Levy

Recognition to Answer on Certiorari from General Sessions.

Taken the 13 day of Aug 1880

Copy

Approved as to form and sufficiency.

Dated Aug 13 1880

Benj. K. Phelps
District Attorney.

Identified by B. P. Benjamin
Court of General Sessions
Filed 13 day of Aug 1880

Sur. & County Cl.
Sep 27/80

0052

At a General Term
of the Supreme Court
of the State of New York, in
and for the First Depart-
ment in the County Court
House in the City of New
York on the 23rd day of
December 1887,

Present

Hon Noah Davis P.J.

" John R Brady

" Charles Daniels J.

Isaac Levy

Plff in Error

vs.

The people of the
State of New York,

The writ of Error hereto-
fore allowed by this Court
and directed to the Court of
General Sessions of the peace of
the County of New York, and the
return thereto coming on to
be heard and after hearing
Chas W Brock Esq of Counsel for
the Plff in Error and Daniel G.
Rollins Esq. District Attorney

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of Council for the People the
Depts in Error.

It is ordered
that the Judgment and
Conviction of the said Court
of General Sessions be, and
the same is hereby in all
things affirmed, and it is
hereby ordered and directed
that the same be executed
Enforced and carried into
effect and that the stay of
proceedings heretofore
allowed herein be vacated
and set aside,

Wm A Butler

A Copy
Wm A Butler
clerk

0054

N.Y. Supreme Court

General Term

Isaac Levy
Defendant

vs

The People of the
State of New York

Order of affirmance

Daniel G. Rollins

Dist. Atty.

0055

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

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath, present:

That *Isaac Levy*.

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *twenty fourth* day of *June* — in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty* with force and arms, at the
Ward, City and County aforesaid,

one shawl of the value of five hun-
dred and fifty dollars.

of the goods, chattels and personal property of *Joseph Delphin the*
Younger —
by

a certain person or

~~and certain other persons~~, to the Jurors aforesaid unknown, then lately before feloniously
stolen of the said *Joseph Delphin the younger*
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have
(the said

Isaac Levy —

then and there well knowing the said goods, chattels, and personal property to have
been feloniously stolen), against the form of the Statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

~~been feloniously stolen), against the form of the Statute in such case made and pro-~~
vided, and against the peace of the People of the State of New York, and their dignity.

BENJAMIN K. PHELPS, District Attorney.

0056

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Isaac Seoy.

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

One chattel of the value of five hundred and fifty dollars—

of the goods, chattels, and personal property of the said *Joseph Delphin the younger*
John Grady

by ~~a certain person or persons to the Jurors aforesaid unknown~~, then lately before feloniously stolen of the said

Joseph Delphin the younger

unlawfully, unjustly, and for the sake of wicked gain did feloniously receive and have (the said

Isaac Seoy—

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJAMIN K. PHELPS, District Attorney.

0057

And the Jurors aforesaid, upon their oath aforesaid, do further present
That the said

Isaac Levy

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

One shawl of the value of five hundred
and fifty dollars —

of the goods, chattels, and personal property of the said *Joseph Delphin the younger*
by ~~James Sullivan~~ *James Sullivan* ~~then lately before feloniously~~
stolen of the said

Joseph Delphin the younger —
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

Isaac Levy —
then and there well knowing the said goods, chattels, and personal property to have
been feloniously stolen), against the form of the Statute in such case made and pro-
vided, and against the peace of the People of the State of New York, and their dignity.

BENJAMIN K. PHELPS, District Attorney.

0058

BOX:

17

FOLDER:

209

DESCRIPTION:

Long, Michael

DATE:

07/13/80



209

0059

Thursday

Filed

13 day of

July

18 80

Plsads

vs. Penit. (C)

THE PEOPLE

vs.

*#23
21st Nov*

P
Michael Long

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

July 15/12
Plsads guilty on record
Charge

A True Bill.

John A. Baker
Foreman.

#64
3.14.6
W. S.

0060

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

Form

Police Court—First District.

Jeremiah Shanahan
of No. *76 Mulberry* Street, being duly sworn, deposes and says,
that on the *8th* day of *July* 18*88*
at the City of New York, in the County of New York, he was violently and feloniously assaulted and
beaten by

Michael Long now present.

*That said Michael did willfully
and maliciously cut and
wound the flesh of deponent's
eye and face with and
by means of a cotton hook
and sharp dangerous weapon
which he Long then held in his
hand*

Deponent believes that said injury, as above set forth, was inflicted by said

Michael Long

with the felonious intent to take the life of deponent, or to do him bodily harm, and without any justification
on the part of the said assailant:

Wherefore this deponent prays that the said assailant may be apprehended, and dealt with according
to law.

Jeremiah Shanahan
Subj.
Shanahan

Sworn to, before me, this

day of

1888

Police Justice.

0061

Police Court, First District.

CITY AND COUNTY } SS.
OF NEW YORK.

Michael Long being duly examined before the under-
signed, according to law, on the annexed charge; and being informed that he was
at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Michael Long

Question. How old are you.

Answer.

23 Years

Question. Where were you born?

Answer.

Ireland

Question. Where do you live?

Answer.

21 Morris Street

Question. What is your occupation?

Answer.

Longshoreman

Question. Have you anything to say, and if so, what,—relative to the charge
here preferred against you?

Answer.

*No, sure he would
take my life and I did
it to protect myself.*

Michael Long
subscribed

Taken before me, this
day of
JAN 187
POLICE JUSTICE.

0062

COUNSEL FOR COMPLAINANT:

Name.....

Address.....

COUNSEL FOR DEFENDANT:

Name.....

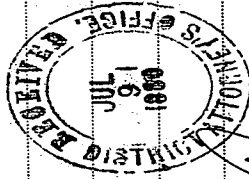
Address.....

Police Court—First District.

Affidavit—Felony Assault and Battery.

THE PEOPLE, &c.
ON THE COMPLAINANT

Jeremiah Shanahan
79 Mulberry St
Michael Long



No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Dated, *July 8th* 1880
Magistrate.

Officer.

William W. Smith
S. B. Squad Clerk.

Witnesses

J. J. O'D to answer
at General Sessions *Done*

Received at Dist. Atty's Office,

0063

CITY AND COUNTY }
OF NEW YORK, } ss.THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York,
upon their Oath present:

That

Michael Long
late of the City of New York, in the County of New York, aforesaid, on the
Eight day of *July* in the year of our Lord
one thousand eight hundred and *Eighty* with force and arms, at the City and
County aforesaid, in and upon the body of *Jeremiah Shanahan*
in the peace of the said people then and there being, feloniously did make an assault
and *him* the said *Jeremiah Shanahan*
with a certain *hook*
which the said *Michael Long*

in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound
with intent *him* the said *Jeremiah Shanahan*
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 Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *Michael Long*
with force and arms, in and upon the body of the said *Jeremiah Shan-*
ahan then and there being, wilfully and feloniously did make an
assault and *him* the said *Jeremiah Shanahan*
with a certain *hook* which the said *Michael Long*

in *his* right hand, then and there
had and held, the same being then and there a sharp, dangerous weapon, wilfully
and feloniously, and without justifiable and excusable cause, did then and there beat,
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously
do bodily harm unto *him* the said *Jeremiah Shanahan*
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 Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-
said, the said *Michael Long*

with force and arms, in and upon the body of *Jeremiah Shanahan*
in the peace of the said people then and there being, feloniously, did make another
assault and *him* the said *Jeremiah Shanahan*
with a certain *hook*
which the said *Michael Long*

in *his* right
hand then and there had and held, wilfully and feloniously did beat, strike, stab, cut,
and wound, the same being such means and force as was likely to produce the death
of *him* the said *Jeremiah Shanahan* with intent *him* the

0064

said *Jeremiah Shanahan* 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said *Michael Long*

with force and arms, in and upon the body of the said *Jeremiah Shanahan* then and there being, wilfully and feloniously, did make another assault and *kill* the said *Jeremiah Shanahan* with a certain *book* which the said *Michael Long* in *his* right hand then and there had and held, the same being then and there a deadly weapon, wilfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to *kill* and there wilfully and feloniously maim *kill* the said *Jeremiah Shanahan* 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.

BENJ. K. PHELPS, District Attorney.

Murphy

Filed 13 day of July 1880

Reads *in open court*

THE PEOPLE

vs.

Michael Long

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

Shanahan guilty on second

A True Bill.

Michael Long
Foreman

764
3.14.6 Mues