

07 16

BOX:

347

FOLDER:

3272

DESCRIPTION:

Parker, Charles R.

DATE:

03/29/89



3272

0717

Witnesses:
J. J. Carroll
Thos H. Kwoley

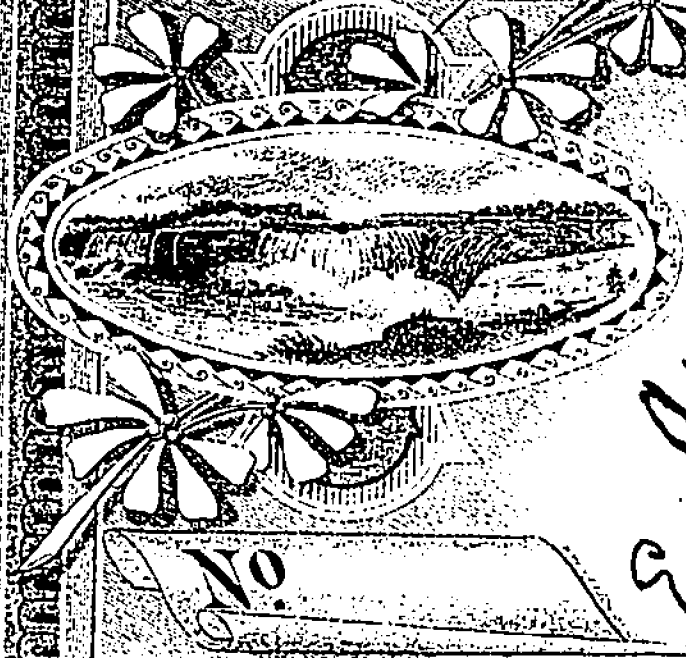
Counsel,
Filed, 29 day of March 1889
Pleads Not guilty offl.

THE PEOPLE,
vs.
Charles D. Barker
Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

JOHN R. FELLOWS.
District Attorney.

Apr. 11. 1889 U.S.D.
A True Bill. April 4/89
Pleading guilty
Chas. D. Barker Foreman.
J. J. Carroll 6 yrs. & 6 mos.
R.B.M.

0718

 \$350. *Three Months after date we promise to pay to the order of C. R. Parker, Esq. Three Hundred & fifty — Dollars at Mercantile National Bank*
Value received: *Due June 14/1889* *Thos. H. Crossley & Co*

0719

POLICE COMMISSION

C. H. Parker

0720

Police Court, First District.

City and County } ss.
of New York,

James T. Carroll
 of No. 41. Centre Street, aged 41 years,
 occupation Mechanic being duly sworn, deposes and says,
 that on the 15th day of March 1889, at the City of New
 York, in the County of New York, Charles R. Parker did

unlawfully and feloniously make, forge
 and utter a certain instrument or writing
 which purports to be a promissory
 note for the sum of three hundred and fifty
 dollars and which purports to be have
 been signed by Thos. H. Crosby & Co
 dated New York, March 14th 1889. and
 payable at the Mercantile National Bank
 and which note is hereto attached, marked
 Exhibit A.

From the fact that on said date, the
 said Parker came to deponent's place
 of business No. 41. Centre Street and offered
 deponent the said note in payment
 of indebtedness due deponent of the sum
 of one hundred and twenty dollars and
 requested deponent to give him, (the said
 Parker) the balance of the face value
 of said note in cash.

Deponent is informed by Thos. H. Crosby
 Thomas H. Crosby, that the signature on
 said note which purports to be the
 signature of Thos. H. Crosby & Co is false
 forged and fraudulent and that he did not
 authorize the said Parker or any other
 person to sign said note and that it is
 not signed by any person connected with
 the firm of Thomas H. Crosby & Co
 Deponent therefore charges that the said
 Parker did feloniously make, forge and
 utter the said note with the felonious
 intent to cheat and defraud deponent
 in violation of the statutes, made and provided.

James T. Carroll

Sworn to before me
 this 18th day of March 1889

J. J. Carroll

Police Justice

0721

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas H. Crooley
aged *52* years, occupation *Electrotypewriter* of No.

18. Rose Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *James P. Carroll*

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

Sworn to before me, this *18th*
day of *March* 188*9*

Thos H. Crooley

ey Gave
Police Justice.

0722

Sec. 198—200.

District Police Court.

CITY AND COUNTY { ss.
OF NEW YORK,*Charles R. Parker*

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

Question. What is your name?

Answer. *Charles R. Parker*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *38 Oxford St Bklyn 7 years*

Question. What is your business or profession?

Answer. *Printing*

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

Answer. *I am not guilty. I ~~waive~~ ^{waive}
an examination here*
C. R. Parker

Taken before me this

19

day of March 188

W. G. Brown
Police Justice.

0723

Sec. 151.

Police Court First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by James T. Carroll

of No. 41, Centre Street, that on the 15th day of March

1889 at the City of New York, in the County of New York,

Charles R. Parker
did feloniously make, forge and utter
a certain instrument or writing which
purports to be a promissory note
for the sum of three hundred and fifty Dollars
and which purports to have been signed by
Thomas H. Crooley & Co

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

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

Dated at the City of New York, this 18th day of March 1889

R. O. Carver
POLICE JUSTICE.

0724

POLICE COURT 1- DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James D Carroll
vs.

Charles R Parker

Warrant-General.

Dated March 18 188 9

Powen Magistrate.

English Officer.

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

Pat K English Officer.

Dated March 18 188 9

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated _____ 188

35 yrs

W

US

Prisoner

W

W

41 Oxford St. Bklyn

Police Justice.

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

The within named

0725

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 Fifteen Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated March 19 1889

Wm. J. Dwyer Police Justice.

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

Dated..... 188

..... Police Justice.

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

Dated..... 188

..... Police Justice.

0726

230 PM.
The 19.
121.93

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court First District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James P. Carroll
41 Center
Charles P. Parker

1 _____
2 _____
3 _____
4 _____

Office of J. J. J. J.

Dated March 19 1889

Power Magistrate.

English Officer.

Court Precinct.

Witnesses Thomas H. Crooley

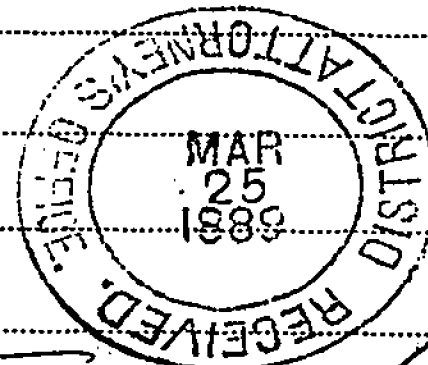
No. 18 Rose Street.

No. _____ Street.

No. _____ Street.

\$ 1500 to answer G.S.

Corn



0727

District Attorney's Office.

1000

Per

C.R. Parker

✓ 17 hours 25.00 6

4.00 1.00
- 5.00 1.00
- 1.00 1.00

1.00 1.00
1.00 1.00
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1.00 1.00

0728

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles R. Parker

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

Charles R. Parker

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

The said

Charles R. Parker

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

fifteenth day of March in the year of our Lord

one thousand eight hundred and eighty-nine, with force and arms, at the City and

County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly

act and assist in the forging a certain instrument and writing, to wit: a certain

promissory note for the payment of money

which said forged promissory note

is as follows, that is to say:

\$ 350.00/100

New York March 14th 1889

Three Months after date we promise to pay to the order of C. R. Parker, Esq.

Three Hundred & fifty.00 Dollars

at Mercantile National Bank

Value received.

No. Due June 14/17, 1889 Thos. H. Grosley & Co.

with intent to defraud, 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.

0729

SECOND COUNT:—

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

Charles R. Parker

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

The said

Charles R. Parker

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing *to wit: a certain*

promissory note for the payment of money

which said forged *promissory note*
is as follows, that is to say:

\$350.⁰⁰/₁₀₀

New York, March 14th 1889

*Three months after date we promise to
pay to the order of C. R. Parker.
Esq. Three Hundred & fifty —⁰⁰/₁₀₀ Dollars
at Mercantile National Bank*

Value received.

No

Due June 14th 1889

Thos. H. Grosby & Co.

with intent to defraud

he
Parker

the said

Charles R.

then and there well knowing the same to be forged, 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.

0730

BOX:

347

FOLDER:

3272

DESCRIPTION:

Payne, Charles

DATE:

03/11/89



3272

0731

Witnesses:

From my investigation of
the facts in this case
I am of opinion that
def's plea of not guilty
should be
accepted.

April 5th 89 - W. M. Davis

Dist.

Counsel,

Filed

Pleaded

day of March 1889

THE PEOPLE

vs.

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

Charles Payne

+ April 5th 89

Pleaded guilty

JOHN R. FELLOWS,

April 9th District Attorney.

Pen 6 mos

R.B.M.

A True Bill.

Charles Seatt Foreman.

P. 1. April 3rd

April 5th 1889
Counsel with

0732

LT PINK

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.

If this Subpoena is disobeyed, an attachment will immediately issue.

Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Officer please serve

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To

Lucy Station

of No.

193 Pomeroy

Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the *5th* day of *April*, 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Charles Payne

Dated at the City of New York, the first Monday of *April*,
in the year of our Lord, 1889.

JOHN R. FELLOWS, *District Attorney.*

0733

Court of General Sessions.

THE PEOPLE

vs.

Charles Payne

City and County of New York, ss.:

James F. Thompson being duly sworn, deposes and says: I am a Police Officer attached to the 15th Precinct, in the City of New York. On the 5th day of April 1889, I called at 193 Prince St.

the alleged residence of Lucy Statten a witness ~~the complainant~~ herein, to serve her with the annexed subpoena, and was informed by the housekeeper of said premises that said Lucy Statten never resided there to her knowledge. I also inquired in the vicinity, but could find no one who knew said witness, or her whereabouts. The complainant herein has informed me that said Lucy Statten has gone to New Jersey to reside.

Sworn to before me, this 5 day

of

1889

James F. Thompson
Notary Public
724-20

0734

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Charles Dayne

Offense:

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of Police Officer.

Jas. F. Thompson

15th Precinct.

Failure to Find Witness.

0735

Police Court
Second Dept

The People vs
Elyia Hutchings
Charles Payne
Examined Before Justice O'Reilly
March 9 1885

Elyia Hutchings the complaining
witness being duly sworn and
examined as a witness for the
people deposes and says:-

Q How long have you known the
Defendant?

A Two years.

Q Where do you live?

A No 6 Dunette Street in the
basement.

Q What is your business?

A I work when I can get it
to do

Q Work at what?

A Whatever I can get to do
laundry work

Q Where did this occur?

A - On Bleeker street between
Bleeker and Annelle - down
by the corner

Q How did it happen

A I asked him for ten cents.
He said he would not give it
to me. afterwards he struck me
and knocked me down and
had me up against the fence.

Q What did you do to him?

A I did not do anything to
him. I have not got much
strength.

Q Had you been drinking?

A I had not so more than
I have at the present time

Q Had you been drinking that
day?

A I had been drinking been -
I was not intoxicated

Q How many glasses of beer had
you had?

A I might have had one - I
might have had two

Q Are you sure it was not more

than two?

1 I said I had two

2 What time did you have those two

A In the morning - between half past twelve eleven and twelve o'clock.

2 Had you been drinking last night?

A I had not,

2 What did you ask him for the ten cents for?

A Because I wanted it

2 Did you not take hold of him?

A I did not.

2 Did you strike him?

A I did when he knocked me in the face

2 Who was present

A My friends stood on the corner.

2 Were they there when it commenced?

A They were.

3 2 How far from the corner?

0738

A. Right at the corner of
Bleeker St and Menilla
Lane.

Q. How far away?

A. About what I suppose

Q. You say he struck you?

A. He did.

Q. When did you see ^(the slayshot) ~~him~~ last
before last night?

A. I had not seen ~~him~~ ^{it} before
since the other day.

Q. Where did you last see it?

A. He put it in a box and
I saw it then.

Q. You saw it in the box?

A. I did.

Q. You left it in the box?

A. I did.

Q. You did not have it with you?

A. I had not.

Q. When did you see it next?

A. I did not see it until
last night.

Q. Where did you see it?

4 A. I took it out of his hand

0739

Q Are you had not seen it?
A I am sure I had not
seen it

Q You have not taken it out
with you.

A No sir I did not

Q Was there any other cause of
its disappearance, more than
the ten cents

A That is all.

Q You have had a fuss before
with him?

A Yes. It was a family affair

Q What was that?

A I was living with him as his
wife. He was a married
man but he was not living
with his wife for five years. He
was going to Washington and
he wanted his wife over. I was
living in the basement until I
got a place. I asked him
to take his wife out so that
there would be no disturbance. I

5 never had words with him

0740

note yesterday.

Q all it was you asked him
for ten cents.

A Yes; that's all.

Splendid! Well & come to
Dinner \$1000.

W. L. Smith

Photographer

0741

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

James Thompson
of No. 15th Street, aged _____ years,
occupation Policeman being duly sworn deposes and says,
that on the 7 day of March 1885

at the City of New York, in the County of New York, Eliza Hutchings
now here is complainant in a charge of
felonious assault against one Charles
Bayne; that she is a material witness
and deponent does reason to believe
that she will not appear to prosecute
said complainant. And deponent
asks that she be required to give
bond for her appearance as such
witness

James H. Thompson

Sworn to before me this 7 day
of March 1885

Police Justice.

0742

Police Court— 2 — District.

City and County { ss.:
of New York, }of No. 6 Minetta
occupation Servant—

Eliza Hutchings

Street, aged 30 years,

being duly sworn

deposes and says, that on the 6 day of March 1889 at the City of New
York, in the County of New York,He was violently and feloniously ASSAULTED and BEATEN by Charles Payne
(narrative)

who struck deponent three or four times
on the face with his fist and
thereafter wilfully and maliciously
struck deponent on the face with
that certain unlawful weapon (nar-
rative sham) and commonly called
a Blung Shot

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

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 7 day
of March 1889

Eliza

her

X Hutchings
mark

Police Justice.

0743

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Charles Payne 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.

Charles Payne

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

6 Muretta St

6 mos

Question. What is your business or profession?

Answer.

Brok black

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

Charles Payne

Taken before me this

day of *March* 188*9*

John J. McQuinn
Police Justice.

0744

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 Charles Payne

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 7 Mch 188 9 Sam J. O'Connell Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0745

Police Court--- 2d 366 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Elysa Hutchings
vs.
Charles Payne

Offence Assault

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated 7 Mch. 1889

Daniel O'Reilly Magistrate.

Thompson Officer.

15th Precinct.

Witnesses Officer with

No. 1, by

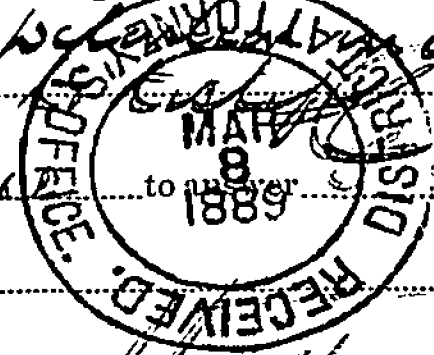
Lucy Staten

No. 193 Prince Street.

Complainant committed to the
House of Detention by default

\$ 1000

Committed



Arrested

0746

2 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Elija Hulehug
vs.
Charles Pague

Examination had

Before

March 7 1889
Daniel O'Reilly Police Justice.

I, William L. Ormsby Stenographer of the 2 District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of Elija Hulehug

as taken by me on the above examination before said Justice.

Dated

March 8 1889

D. J. O'Reilly
Police Justice.

W. L. Ormsby
Stenographer.

0747

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Payne

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

Charles Payne

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

The said

Charles Payne

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

Eliza Hutchings

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

Charles Payne

with a certain

slung-shot - which *he* the said *Charles Payne*

in *his* right hand then and there had and held, the same being then and there a weapon and an instrument and weapon likely to produce grievous bodily harm, *her*, the said *Eliza Hutchings* then

and there feloniously did wilfully and wrongfully strike, beat bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0748

SECOND COUNT—

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

— Charles Payne —

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

The said

Charles Payne

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

Eliza Hutchings —

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said

the said

Charles Payne

with a certain

which

he the said

in

his face

right hand then and there had held, in and upon the

of her

the said Eliza Hutchings

then and there feloniously did wilfully and wrongfully strike, beat

bruise and wound, and did then and there and by the means aforesaid, feloniously,

wilfully and wrongfully inflict grievous bodily harm upon the said

Hutchings

to the great damage of the said Eliza Hutchings

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.

0749

BOX:

347

FOLDER:

3272

DESCRIPTION:

Pearson, Frank E.

DATE:

03/06/89



3272

0750

Witnesses:

Counsel,

Filed

Pleads,

Day of March 1889

THE PEOPLE

vs.

Frank E. Pearson

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. R. Smith Foreman.

March 20/89.

James J. Connelley

S. J. Swogard & Co.

11/11/89

0751

2-1/89
The People
vs.
Frank E. Pearson.

{ Court of General Sessions, Part I.
Before Judge Childersleeve.

March 27, 1889.

Indictment for grand larceny in the second degree

Annie B. Wakefield sworn and examined, testified:

I live at 306 West 123rd Street, I know the premises Nos. 349 and 351 West 123rd Street in this city, the property is subject to mortgage, ten thousand dollars on each house, making twenty thousand dollars. The mortgage is entered in the name of Mrs. Tilford, I understood from Mr. Tilford that the property belongs to his wife, I bought the property from Mr. Tilford and executed to him a mortgage. On the 27th of September, 1888, I gave Pearson, the defendant, five hundred dollars for the purpose of paying the interest on the mortgage which became due upon the 17th of September, I got a receipt from Pearson for that money. The five hundred dollars consisted of a check for \$250 and \$250 in cash. I have been familiar with Pearson's handwriting for a number of years. He wrote the receipt in my presence; the receipt now handed to me is the one. It was marked Peoples' Exhibit A and read in evidence as follows: "New York, September 27, 1888. Received from Annie B. Wakefield \$500, account of Frank Tilford, interest due bond and mortgage. F.E. Pierson. The check now handed me drawn on the Second National Bank to the order of Pierson is my signature and was returned to me by the bank, debited to my account; the endorsement on the back is in the handwriting of F.E. Pearson. This money or no portion of it was paid to Mr. Tilford, I had a conversation with the Defendant after I discovered that

0752

the money had not been paid. I asked Mr. Pearson several days afterward for Mr. Tilford's receipt, he evaded my question, I asked him several times afterward for it and finally I insisted upon having it; he then told me that Mr. Tilford would give him a receipt when he had paid the rest of the money; I asked him what he meant by the rest of the money? He said that he paid Mr. Tilford \$250 and he would give him a receipt when he received the remaining \$250. I asked Pearson what he had done with the money and he said, "never mind, he needed it. I then went to Mr. Tilford, taking with me \$250, I met Mr. Tilford at the corner of 38th Street and Sixth Avenue coming out of his store and I told him I had come to pay him the balance of the interest on the mortgage \$250. He said "I have never received any of it yet." I said, "did not Mr. Pearson pay you \$250?" He said, "Mr. Pearson never paid me one copper, I have been writing to you saying that I would foreclose the mortgage. I then went down to the bank and found that the \$250 had been taken out of the bank and I afterwards paid Mr. Tilford \$500.

Cross Examined. I have stated all the conversation I had with Mr. Tilford as nearly as I remember it, I did not write it down. Mr. Pearson never paid any interest money for me before to anybody. I have been in the habit of paying Mr. Tilford his interest in checks, drawn to Frank Tilford. Why did you not draw the check now offered in evidence as had been your custom to the order of Frank Tilford? Because I had \$250 in cash in the house and when I spoke of making a partial payment to Mr. Tilford Pearson said it would look very silly for me

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to give him \$250 and a check of \$250, to make out the check to him and he would give him the whole amount in cash. At the time I gave this check and money to the Defendant I lived at 317 Second Avenue, I was passing under the name of Pearson, I could not positively give the date of how long I had lived there, I should think about the middle of September until the 10th or 12th of November. I am as positive that I gave him \$250 in cash as that I gave him the check. I received no communication from Mr. Tilford before I gave the money to the Defendant my address had always been given to Mr. Tilford in the care of F.F. Pearson, I do not remember ever giving any instruction to Mr. Tilford to communicate with me through Pearson, I had no occasion to communicate with him except when I paid the interest. I do not remember the exact date of the interview I had with Mr. Pearson on 38th St and Sixth Avenue but it was the latter part of October, I should say between the 20th and 25th, I first learned from Pearson that he had not paid any interest the evening before I went to see Mr. Tilford. I asked Pearson what he had done with the money and he said that he needed it; then I said, "I suppose I shall have to pay Mr. Tilford the second time in order to prevent the foreclosure of the mortgage." He said I should, I made objection to it and told him that I considered what he had done was a theft, that he knew I could not afford to pay the money over twice. I considered Pearson then in the light of a man who had stolen my money. After your conversation with Mr. Tilford which you say was about the 25th or 23rd of October, where did you go? I was living at No. 317

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Second Avenue as Mrs. Pearson, Mr. Pearson was living there also, I went back to my rooms and resumed relations with Mr. Pearson for a short time until I found employment, I should say it was the 11th of November and from there I went to 120 West 70th Street as a nurse to the children of Mr. Hilger. In applying for that position I had occasion to use reference, I referred to Mr. Pearson, the man whom I charged about the 24th or 25th of October had robbed me. Mrs. Hilger told me that she took me as much on my appearance as upon the reference as the reference was not in itself wholly satisfactory, I remained at Mrs. Hilger's house until the 3rd of December.

I did not authorize Mr. Pearson to call upon Mr. Tilford and say at the time this interest money was due that I was not in the city. Did you or did you not tell Mr. Tilford when you saw him in October at 38th Street and Sixth Avenue that you had just returned to the city? I did not, I am as positive of that as I can be. Did you at any time authorize Mr. Pearson to represent to Mr. Tilford that you were in Falmouth, Mass. during the time this interest money was due? I did not. Were you as matter of fact in Falmouth, Mass. at any time while this interest money was due? No, I was only out of the city for a day, as one might go to Coney Island. I asked Mr. Tilford if the interest money had been paid, I paid him \$250 a day or two afterward and the remaining \$250 I wrote to him I would pay when I received my rentals which would be on the first of November. I received a portion of the \$250 which I had as rent which was due on some furniture, I received it from Mrs. Smith who at the time

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she gave me the money was going to reside at 1104 Lexington Avenue corner of 72nd Street. I received from her \$142.00 and the remaining \$158.00 had been drawn from the bank at various times, I have always been in the habit when I had money of keeping quite a good deal with me. Why did not you pay the interest when it was due? For some reason best known to Mr. Pearson, he desired to negotiate the whole matter himself and he allowed this interest to run on for eight or ten days; he requested me to do nothing in the matter, he desired to see Mr. Tilford himself. There was no reason why I desired to see Mr. Tilford in regard to the payment of this interest before it was paid. Mr. Pearson desired to pay it himself, that is that I should give him the money and that he should see Mr. Tilford, that he was anxious to be on friendly terms with him owing to some buildings that he desired him to put up for him and he wished my business with Mr. Tilford to be transacted through him that he might get a position from Mr. Tilford. The houses were purchased really through Mr. Pearson, he acted as my agent; the last business that Mr. Pearson transacted with me was the writing of a lease on the 3rd or 4th of January for Mr. Northsheimer. My husband is dead, he died a year ago, January 1888, I was not his wife when he died.

Counsel wished to prove that the witness was divorced from her husband which the Court decided was irrelevant to the issue.

I went under the name of Wodd and Pearson with the Defendant. I have not gone under the name of Hamilton to my knowledge at the Grand Union Hotel, I occupied rooms there with Mr. Pearson two years ago, I did not register and I

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do not know what name he registered under, that was in 1886, he was there in January, 1889, I went there to see him. Mr. Pearson has pointed the gentleman now shown to me as Mr. Booth, I went to the Grand Union Hotel one evening to see Mr. Pearson when he said he was living there. Where did you sleep on the 15th and 16th of January of this year? I do not remember that I slept anywhere because those two nights I was very much troubled indeed in regard to various business matters and I spent a great portion of the night on the street riding in a horse car. I went to see Mr. Pearson one evening in the middle of January, I do not remember the date, I went to the parlor of the Grand Union Hotel and he said, "come up in my room", I did so, I did not remain all night. Did you have an interview with Mr. or Mrs. Sweet any time in the city of New York between the 25th of October and the 10th of November, 1888? I could not recollect the date, I have not seen Mr. Sweet for over a year, I met Mrs. Sweet on the street on Fifth Avenue one morning, I could not remember the precise date, it was sometime in October. Mr. Pearson gave me a letter which he had taken out of the private post-office box that we had, I have not the letter with me because I did not dream of her name being called up. I was introduced to a lawyer named Rudd by Mr. Loman of Chicago, Mr. Rudd is my attorney, Mr. Loman was an entire stranger to me, I had never met him until he came to New York.

According to stipulation the testimony of Mr. Frank Tilford was read for the prosecution.

The Case for the Defence.

Nellie O'Brien sworn and examined.

I reside 122 East 44th Street, I recognize the defendant he had rooms in that house, I do not know what he came there first and do not know how long he lived there.

Annie Shanley sworn and examined.

I reside at 122 East 44th Street and recognize the defendant as having been a tenant in the house, I think he came there in November but I am not positive about it and I think he left in February but I am not sure of that, I have been away from home a couple of months and he left while I was away, he was there in December and I think he was there in January, I never saw Mrs. Wakefield before saw her here upon the stand; the defendant had a furnished room, I do not know how many nights he slept there.

Frank E. Pearson sworn and examined.

I have resided for the past ten or fifteen years in Boston and New York, I was in Boston from 1866 until three years ago, I was in the stable business, one was the Phoenix Stable in Portland Street and one was the Star Stable; I was manager of Draper & Paul's riding academy in Boston about six years and the first year that the new Park Riding School in Newbury Street was opened I was there a year. I came to New York to remain in April or May, 1886, I have been employed here as superintendent of buildings 115 East 75th Street by the Brown Riding Academy Company, a stock company, I have not been engaged in any other regular business, I have been buying and selling horses and carriages more or less for three years. I

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know the complaining witness in this case, I first met her at Draper & Hall's Riding Academy in Boston in the winter of 1832 and 1833, I became intimate with her in Boston and that intimacy continued after I came to New York, I did not send for her to come to New York; when she came here I used effort upon several occasions to have her return home, I think she went to Boston in May or June, 1836 and said she was not coming back any more. There were not articles of agreement signed to that effect then but there had been previous to that. Sometime in September of 1838, I think on the 27th as the receipt shows, I asked Mrs. Wakefield if she had any money; she said that she had only about \$250 or thereabouts. I says "can you give me some money?" She says, "yes, how much do you want?" I says, "one hundred dollars"; she says, "I want to use some money to-day or to-morrow myself and I will draw that money out of the bank." She gave me a check then for \$250, I got the money and returned her \$150. At that time there had been some talk about Mr. Tilford's interest, she wanted him to wait until the next month; she says, "I will let you have this money, I shall have some money on the first of the month for rents due. She suggested that I would give her a receipt for that and in the meantime she would tell Mr. Tilford that she had given it to me to pay when I came home. From that time until the officer arrested me there never has been anything said and no demand made for that money or anything said by her to me about it. In point of fact, did you receive on the 27th of September, the date of that receipt, any money in bills from her whatever? Not one

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single cent. Mr. Tilford wrote a letter to Mrs Wakefield which was not directed to my care, it was directed simply to 100 East 12th Street and I gave it to Mrs. Wakefield. I would not be positive whether it was before or after the reception of that letter that I had a conversation with Mrs. Wakefield in regard to the interest money. There was never anything said about Mr Tilford's arrangements in any shape or manner from the day I took that check until I was arrested except at the time that I took it. I had been to see Mr. Tilford before that interest was due, the time he says that I came to his office and then I went to Mr. Tilford after the interest was due at the request of Mrs. Wakefield to tell him that she was out of town because she claimed she had not money enough to pay the interest. It was not specially named that it should be Falmouth but some place out of town, I said Falmouth; she asked me to go there and say that she was out of town. I know of my own knowledge that she was not out of town a single day during that time. I returned to her and told her that I said to Mr. Tilford she was out of town. Mr. Tilford speaks of a second communication addressed to you to the Morton House in which he says if the interest on this mortgage is not paid he would proceed to foreclose? That was not exactly the working of it but that is the substance of it; he said that he had a right to foreclose, that it was a thirty days mortgage but he did not say that he would do it. At the time this check passed to you which you say you kept one hundred dollars of and returned one hundred and fifty to her, what was the positive understanding in regard to that receipt for the five hundred dollars between

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you and Mrs. Wakefield, what did she say about it and what did you say about it? She did not say very much about it only that she wanted that receipt to show to Mr. Tilford and she would tell him that she had given it to me to pay him and in the meantime on the first of the month she would have money enough to pay it herself, the first of the following month, November, when there would be five hundred dollars rent due; she did make some statement about making a partial payment after the first of October if it was necessary and he pressed her. You hear her testimony in regard to conversations that took place between you and she at the time she went down to see Mr. Tilford in which you said that she made a partial payment and that you could not get a receipt until it was all paid and that you needed the money, state to the Jury what was said at that time by you and her? There was nothing said about it, no conversation at all. After she had seen Mr. Tilford in regard to the interest on the 24th of October as testified to by him, did she have any conversation with you, did she ever raise any question at all about your not having paid this? Not one word. When was the first that you heard that she had charged you with this offence? When the officer took me down here and showed me the complaint, that is the first I knew of anything about Mr. Tilford's matter. I had known Mrs. Wakefield almost continuously since 1883, I have received monies from her but not large sums at a time, altogether anywhere from a hundred to a thousand dollars at a time. When she first came here it was in 1886, I had money of my own and during the first two years I got no money from her,

we were living together and I paid the bills.

Cross Examined.

I am a married man,

I think my wife is alive, I have got four children and they are living in Boston, my wife has got support from me for the last five years but I have not any means of knowing the exact amount, I should say in five years four to five thousand dollars to support herself and four children. The paper now shown me, the receipt given to the complainant, has my signature and the check now shown me has my signature. On the 27th of September I got \$250 from her and gave her back \$150 two days following; this transaction was in September and I was arrested in February. Since I have been in the Tombs I have written a letter to Mrs. Wakefield; there is no signature to the letter which is now handed to me but it is my hand-writing.

The interest was due on September 17. Will you explain to the Jury your statement that you returned one hundred dollars out of this two hundred and fifty, what you meant by this: "and when I think that had you waited the time promised this could all have been kept to ourselves and we should have pulled through by May all safe; you have the power to stop this thing, will you do it, I am now preparing this story"? That particular thing has reference to something else entirely. To begin with, there never has been one single word in any shape or manner in reference to Tilford's interest, we never had a quarrel or dispute, on the other hand we had continual dispute about the furniture of 351 123rd Street, I have a written agreement with the man to hold it until the first of May; she told me that she would fight that case and it is now

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in progress in the Civil Court; it has no reference whatever to this in any way, shape or manner, and if she waited until the first of May which is the time the other party agreed, there would be no doubt in the world that it would be paid, and there never would be a word in my opinion. This came out of the other transaction entirely, that is the explanation of the sentence in the letter Will you explain this about the furniture: "Get some disinterested person and ask them advice. You are I am sure influenced by some interested party or your Counsel does not know the whole of our miserable history which must soon be known to them and all the world, and when I think that had you waited the time promised this could all have been kept to ourselves and we should have pulled through- does that explanation still hold, that that relates to a mortgage on some furniture? That relates to another thing entirely, Mrs. Wakefield knows what that is, it has no reference to this particular case of Mr. Tilford in any shape or manner. Was it your effort to publish your relationship in the paper against this woman? No, but being under arrest ---- what is this miserable history, it has been ventilated here? No, it has not been; it is a miserable one, I say this, that I knew what Mrs. Wakefield had been to me these past years would never for a matter of five hundred dollars come out. I would rather not tell the relationship, I would rather have my right hand cut off, I think it is in that letter, if it is not you have one that it is in. Will you explain to the Jury this sentence of your letter, what you meant by it: "then why did you not charge me with this crime and demand

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your \$250 before you swore to this complaint", that complaint does not refer to that mortgage, does it? Not at all. What do you mean by this: "Why did you pay the amount and say nothing?" That is it exactly, that is what I wanted to know, I wanted to know why up to this day they had paid the interest and not charged me with it or demanded any money or anything else. Why did you mention in this letter, "why did you not charge me with this crime and demand your \$250", if you only owed her \$150? I did not know anything about it until I was arrested. How could I know it? That is what I wanted to know. why she demanded \$250. She had demanded money of me before. How much money have you earned selling horses and wagons in six years? A good many thousand dollars, I should think six or eight thousand dollars during the last seven years. I have no means of knowing how much money I spent on myself during that time. I have loaned Mrs. Wakefield money. I asked her in that letter which I wrote from the prison why she did not make a demand on me for \$250 when as matter of fact I only got \$150 from her, I asked her that because I knew there was no check and no money passed except in that Tilford matter. I had other sources of revenue beside Mrs. Wakefield. The checks now shown me were drawn by me in favor of Anna Wakefield for money that I let her have from time to time, the aggregate \$746, the checks are dated August 4 and September 4, 1888. I disposed of my property and interests in Boston before I came to New York. I have been in the habit of getting money from Mrs. Wakefield and have been giving it to her whether I owed it or not.. I have not the slightest idea

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of how much money I got in August 1888 from her, it was it was a very usual thing every few months that I would have some money from her or give her some money. I do not think I have any other checks in my possession than those that are now in the Judge's hands amounting to \$746.00 -- the checks bear date from June to August, I do not remember the dates, I do not know that I got \$275 from Mrs. Wakefield in August 1888 but very likely I did. I have not the slightest idea of how much money I got from Mrs. Wakefield during the year 1888. I hand you a note dated, New York, September 7, 1887, for value received I promise to pay Annie Wakefield \$547, C.E. Pearson. That is my handwriting. It is not possible that some of this \$746 that I have spoken of as having been paid between June and August 1888 is in liquidation of that note; that \$540 was given to me two years ago to bind a bargain for a place on Broadway No. 613 which is the second door from Daly's Theater, I did get that money and I gave it back to Mrs. Wakefield; she told me she destroyed that note and did not know where it was; this place that I was to get was for myself. This other note handed to me is in my handwriting, it is dated New York, January 25 1888. "For value received I promise to pay Annie B. Wakefield \$950 on demand." Might it not be possible that some of these checks between June 8 and August 4 were in liquidation of that note? There has never been anything said about that note, I do not think it was, you can call it as you please about that. You do not know if that note was paid or not? It never has been paid to my knowledge. I now hand you a check dated January 25, 1888 pay to F.E. Pearson \$750, might those checks that you gave her

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have been in liquidation of that, that is signed by you. Yes, that is right. Did you get any other notes or checks from her during the month of May or December? I think it is likely, it was very seldom a month passed that I did not get a check. Having inspected all those checks and all those notes and this amount of money you got from this woman, do you still want the Jury to understand that it was your habit during the six years to have given her money? I would like to have you show anything during the two years that she gave me anything from a laundry bill to a postage stamp, I do not claim to have given her money six years, three years.

Counsel for the Defendant asked that the letters written by the complainant to the Defendant be admitted in evidence. The Court excluded them on the ground that they had nothing to do with this money transaction -- they were simply letters of a social nature.

Witness: I would like to make an explanation about these checks many of those checks I simply took to get cashed, I took the check and got the money for the lady. I knew that the interest was due about the 17th of September and I also know from conversation with the complainant about that time that she had the money to pay it. I wanted to see it paid, I was friendly with her and getting along nicely together. And yet, on the 27th of September, when you knew that she was anxious to get money to go to pay this interest and you as her friend were interested in having her accomplish it, you borrowed from her one hundred dollars? Yes, I did. You got as appears by the

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receipt you gave her, five hundred dollars and according to your statement you received \$250 and of that \$250 you returned her \$150 within two days? Yes. If you only borrowed one hundred dollars, had only use for a hundred at that time and got the balance for her convenience, why did not you give it to her right away, why did you wait two days? I got the check some time at night and I got the money the next day and gave the \$150 the next day following. When did you give her a hundred, you say you paid her back the other hundred? It was a week or ten days afterwards. During this period of time this interest that was due Mr. Tilford was it a subject of conversation between you? Not after the 27th of September and previous to that it was only spoken of two or three times. When I gave her this receipt for five hundred dollars she wanted to make Mr. Tilford wait until the following month, November, if possible. I was a little more of a business man than she was a business woman, I did not tell her that it was a good business move to do so, she wanted to know of me whether it would answer to put off Mr. Tilford and I said I thought it might be as good as anything else. I gave her back the \$150 and when I gave her back the other \$100 nothing was said about the interest at all, I did not ask her whether she paid Mr. Tilford. I got these letters in January from her and I was arrested on the 25th of February. I kept no book account with her as to money transactions and all I am able to tell the Jury is from memory and from these checks. How much she was indebted to me or I to her I do not know. I think take it all together, there was not very great difference

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in favor of either of us as to the money transactions.
I saw her on the 24th of February for about five minutes
and nothing was said about money, I think it was on the
7th of February I saw her on Lexington Avenue and talked
with her but nothing was said about money; we were living
together on the 25th of January 1888.

~~The Jury rendered a verdict of guilty.~~

Annie B. Wakefield recalled by the District At-
torney.

It has been stated here in testi-
mony by Pearson that this receipt dated September 27, 1888,
for five hundred dollars was made at your suggestion and
that as matter of fact only \$250 passed and that that \$250
was given back to you, and that further at your suggestion
this receipt was drawn for the purpose of satisfying Mr.
Tilford, is there any truth in that statement? Not one
word, Mr. Pearson told me never to show that receipt,
that it would send him to Sing Sing if I did. That re-
ceipt never was shown to a living person until I gave it
to my attorney. And as a matter of fact you did give
him \$250 in cash and a check for \$250? Yes sir. He
says he gave you back money received at that time, \$150
two days afterward, this having been done in the evening,
the next day he got the money and the following day he
gave you \$150, is that true? No sir. He says he
subsequently gave you \$100, in all \$250, is that true?
No sir, it is not.

The Jury rendered a verdict of guilty.

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Testimony in the
case of
Frank L. Pearson
filed March
1889.

COURT OF GENERAL SESSIONS.

-----X
 The People &c. :
 against :
 Frank E. Pearson. :
 -----X

It is hereby stipulated and agreed by and between the above named plaintiffs, by their attorney, John R. Fellows, District Attorney of the County of New York, and Frank E. Pearson, defendant, by his attorney, William D. Hughes, Esq., that the testimony of Frank Tilford, a witness for the People in the above entitled action, as taken according to this stipulation in advance of the trial, and in presence of each of the attorneys for the respective parties to this action shall be read upon the trial of this action when the same shall be had, and the examination and cross-examination of the said witness taken in pursuance hereof shall be read and used upon said trial to the same

effect as if said witness was orally examined thereat.
~~and the same shall be read into Part One of the~~
~~and as directed by Judge Lawrence.~~
 Dated, March, 16th, 1889.

John R. Fellows
 District Attorney
 for Plaintiffs the People H. H.

W. D. Hughes

COURT OF GENERAL SESSIONS.

-----X
 :
 The People &c. :
 :
 vs. :
 :
 Frank E. Pearson. :
 :
 -----X

Deposition and examination of Frank Tilford,
 a witness for the People in the above entitled action,
 taken before William H: VonGerichten, a Notary Public
 in and for the City and County of New York, in pursu-
 ance to a stipulation hereto annexed, of even date
 herewith. By District Attorneys

Q. What is your name ?

A. Frank Tilford.

Q. Where do you reside ?

A. 19 West 50 Street.

Q. What is your business ?

A. Groceries.

Q. Do you know the complainant Anna B. Wakefield ?

A. Yes sir.

Q. Do you know the defendant, Frank E. Pearson ?

A. Yes sir.

Q. How long have you known them ?

A: About two years.

Q. What business transaction, if any, have you ever
 had with either or both of them ?

A. I sold two houses to Anna B. Wakefield, known as
 349 and 351 West 123d Street about two years ago,

for fifteen thousand dollars each. She paid \$5000 each upon the houses in cash and the balance was secured by bond and mortgage, I think for two or three years held by my wife; I put them in her name afterwards rather.

Q. Interest payable semi-annually ?

A. March 17th and September 17th of each year. This was in March the sale was made, on or about March 17th, 1887.

Q. Interest payable semi-annually at what rate ?

A. Five per cent.

Q. State the amount of the mortgage ?

A. \$20,000, \$10,000 upon each house.

Q. Mr. Tilford, do I understand you aright, you said you sold those houses for \$15,000 each ?

A. Yes sir, \$30,000, \$10,000 cash, \$20,000 upon bond and mortgage.

Q. Which was payable with interest semi-annually?

A. Yes sir, March 17th and September 17th.

Q. Who has been paying you the interest upon that mortgage ?

A. Anna B. Wakefield.

Q. In what way did she pay it, or who paid it to you directly ?

A. I never could find her address; I asked her repeatedly for it and she always told me to communicate with Mr. Pearson, Frank E. Pearson.

Q. I know, but who paid it to you; did any one pay you

interest at all ?

A. Generally received it by her check.

Q. The interest was paid by her check ?

A. As a rule, yes sir; always was, I think.

Q. And who paid you that check ?

A. I think it came by mail.

Q. Did you ever receive payment of interest from Mrs.

Anna B. Wakefield through any one else but herself?

A. No sir.

Q. Did you ever receive the money through the defendant
Frank E. Pearson ?

A. No sir.

Q. Did you ever see the defendant Frank E. Pearson ?

A. Yes sir.

Q. Just tell us how and under what circumstances ?

A. The time I made the sale of these houses I saw him
and he seemed to act as her adviser and transacted
the business.

Q. As agent and adviser ?

A. Yes; that seemed to be the relation.

Q. When was the last time you saw him ?

A. I should say about six weeks ago.

Q. Where was he then ?

A. Came to my office. He didn't say anything special.

Q. Now tell us the nature of your business ~~xxxxxx~~
connection with Mrs. Anna B. Wakefield, how the
interest on that mortgage was payable and how it
was paid to you ?

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A. She paid by check. I always sent Pearson notice that the interest was payable, or rather I sent to her a letter addressed to her care of Pearson and she responded. The interest of Anna B. Wakefield on the houses 329 351 West 123d Street as before mentioned was due on September 17th, 1888.

Q. Wasn't it due at two different periods ?

A. Yes, but she paid it up to that time directly.

Q. Tell us the amount of interest then due ?

A. \$500. About that time I wrote her, care of F. E. Pearson, at a riding school in 75th Street that the interest was due and payable. He called at my office and stated that she, Mrs. Wakefield, was out of town and would return in a few days and pay it. Early in October I wrote him at the address he had given me, Morton House, that if she did not pay the interest by October the 17th I would commence foreclosure proceedings. Then I received this answer stating that she was at Falmouth, Massachusetts. I wrote her at that address; do not remember receiving any answer. On or about October the 24th I met Mrs. Wakefield on the street near my office. She said she was coming to see me; that she had just returned to the city and had ascertained the interest on the bond and mortgage had not been paid. She expressed surprise, as she had given Pearson \$500 to pay it. That was the 24th of October. She asked me if I would accept \$250

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on account, the balance, \$250 would be paid November 1st.

(Paper offered in evidence and Marked Exhibit 1 of this date.)

Q. You say she stated to you at that time that she had given the money to Mr. Pearson to pay you with ?

A. Yes sir.

Q. You never have at any time received any money from Mr. Pearson ?

A. Never.

Q. Did Anna B. Wakefield call on you on or about the 24th of October, 1888 ?

A. I met her in the street.

Q. Did she ask you then if you had received the interest money which she had sent you which was due ?

A. No sir.

Q. Did you tell her that you had received that money from any one ?

A. No sir.

Q. In fact you had not received it ?

A. I had not received it.

Q. Did you tell her that the whole amount of that interest money was then due and no part of it had been paid to you by any one ?

A. She seemed to know it.

Q. Did you tell her ?

A. Yes, we talked about it.

Q. To the best of your recollection and belief you told her it had not been paid.

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A. Yes sir.

Q. The upshot of it was she came afterwards and paid you the money ?

A. Yes sir; wrote me that letter. (C. E. S. 11.)

Q. Did Frank E. Pearson, on or about the 27th day of September, 1888, pay you the sum of \$500 interest on the bond you have described ?

A. No sir.

Q. Did he pay to you a check dated the 27th of September, 1888, on the Second National Bank, which I show you, for the sum of \$250 ?

A. No sir.

(Check offered in evidence and Marked Plaintiff's exhibit 2 of this date.)

Q. And he paid you no money ?

A. No money.

Q. You never in fact received any part of \$500 from him the interest alleged to be due on this mortgage?

A. No sir.

CROSS-EXAMINED BY MR HUGHES.

Q. The interest fell due on what day ?

A. September 17th, 1888.

Q. And you wrote on or about that time to Mr. Pearson ?

A. To Mrs. Wakefield, care of Pearson.

Q. And did you receive any reply from him ?

A. He called.

Q. And stated that she was out of the city ?

A. Yes sir.

0776

6

Q. The next communication was about when ?

A. In October.

Q. That was made to Pearson direct ?

A. Yes sir.

Q. And the letter offered in evidence there by the prosecution is the answer to that ?

A. Yes sir.

Q. When next did you see Anna Wakefield or Pearson ?

A. 24th of October I met Anna R. Wakefield on the street near my office.

Q. Will you state as nearly as you can just what she said and you said at that time ? What opened the conversation ?

A. She asked me if I was going down town. I said, Yes that I was. She asked me if I was in a hurry. I told her that I was. She said that Interest on that mortgage has not been paid. I said, No, it is more than overdue and I want the money. She appeared surprised and nervous and stated she had given Pearson the money to pay me. I said, I don't know anything about that at all, what you have done in the matter, but I know that I have not received the money.

Q. Was there any more of that conversation ?

A. The proposition that she made to me asking if I would accept \$250 on account, the balance on November 1st. I said that I would. She was afraid of foreclosure. The terms of my mortgage gave me the right to foreclose after thirty days.

0777

7

Q. State whether you have seen that letter before, and under what circumstances ?

A. Yes sir, I received this letter after my conversation with Anna B. Wakefield.

Letter offered in evidence and marked Defendant's Exhibit 1 of this date.

Q. At that time was there any conversation about her having been away during this period ?

A. She said she had just returned to the city.

Q. Did she give in detail any reason why she was then not prepared to pay the full amount of the interest at the time she asked for the extension ?

A. She said she thought it had been paid; she was short of funds; wasn't prepared for it.

Q. At the time you granted this extension you believed the statement she had made to you that she had been absent from the city ?

A. Certainly sir, I had written her out of the city you know.

Q. You wrote her in accordance with the address obtained from Pearson, Falmouth, Massachusetts; did you ever receive any reply ?

A. I don't think I did.

Q. To the best of your recollection ?

A. I did not.

BY. MR. HARTMAN.

State any conversations, give the substance of any conversations you may have had with Mr. Pearson on or about the first time you met him ?

A. Came to me and told me.

Q. About what time ?

A. Along in March, 1887, when the negotiation of this property was going on, and stated that ^{she was} some relative of his wife's. I said, Who wants to buy these houses and he said, A relative of my wife.

Q. Did you ask him if she was any relation to him ?

A. I think he before ~~me~~ told me this.

Q. What did you ask him if anything ?

A. I said who is this woman that wants to buy these houses.

Q. What was his answer ?

A. His answer was that she was a relative of his wife's, as near as I can remember it.

*Sworn to before me
this 18th day of March 1897
Wm H. Gerich
Notary Public (46)
N. Y. Co*

Grand Juror

Board of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Frank E. Pearson

*Examination of Frank
Pearson on Deposition*

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY

0779

0780

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4 District Police Court.

Frank E. Pearson 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.

Frank E. Pearson.

Question. How old are you?

Answer.

42 Years.

Question. Where were you born?

Answer.

Maine

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

Answer.

Grand Union Hotel 2 days

Question. What is your business or profession?

Answer.

Stable Keeper.

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

Answer.

I am not guilty of the charge and Waive Examination
Frank E. Pearson

Taken before me this

day of September 1887

Police Justice.

0781

Sec. 151.

Police Court 14 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by James B. Wakefield
of No. 351 West 123rd Street, that on the 27th day of September
1888, at the City of New York, in the County of New York, the following article to wit:

Two hundred and fifty dollars in cash and
one check of the same to two hundred
and fifty dollars together

of the value of Two Hundred Dollars,
the property of Complainant
w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Frank O. Pearson

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant
and forthwith bring him before me, at the 14 DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this 13 day of February 1889
John H. Hume POLICE JUSTICE.

0782

Age 41. U.S. res Concord Union Hotel.

The within named

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

Dated..... 188

Police Justice.

Police Court District.

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant-Layton.

Dated

Feb 13'

1881

Magistrate

Totten. Officer.

The Defendant, Frank C. Seavers,

The Defendant Joseph C. Williams, to answer taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Forbear. Officer.

Dated:

Feb 25

1884

This Warrant may be executed on Sunday or at night. /

Police Justice.

Lawrence W. G. ... Police Justice.

0783

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.....

Frank C. Pearson
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars,..... 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 25 188 9..... W. H. H. H. Police Justice.

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

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

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

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

0784

271
Police Court---

310
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Annie B. Wakefield
vs.
Frank C. Pearson

2

3

4

Office
Dr. C. W. C.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated February 25 1889

Weldie Magistrate.

Fisher Officer.

Cum Precinct.

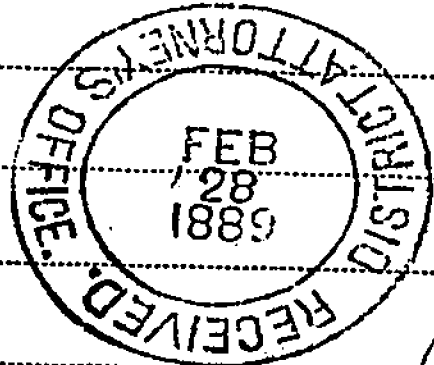
Witnesses Frank Tillford

No. 19 74 10th Street.

No. Street.

No. Street.

\$ 2000 to answer



0785

STATE OF NEW YORK,

City & County of New York

:
: SS.
:

ANNIE E. WAKEMFIELD, being duly sworn, says that she resides at No. 351 West 123rd St., in the City of New York. That she is the owner of two houses and lots situate in the City of New York, being the premises known as Nos. 349 and 351 West 123rd St., in the City of New York. That at the time of the purchase of said premises deponent gave to *Julia Tilford wife of Frank* Tilford a mortgage for \$20,000.00 at 5 % per annum, covering the whole of said premises. That the interest upon said mortgage becomes due on the ~~15th~~ ^{17th} days of March and September in each year. That on the 27th day of September, 1888, deponent gave to one Frank E. Pearson the sum of \$250.00 in cash and her check for \$250.00 to his said Pearson's order, making in all the sum of \$500.00, as her agent, to pay the half-yearly interest then due upon the mortgage upon her said premises. That said Frank E. Pearson gave to deponent a receipt for said sum of \$500.00 of which the following is a copy, to wit:

"New York, Sept. 27, '88.

"Received of Annie E. Wakemfield \$500. Five Hundred Dollar
3/4 Frank Tilford interest bond and Mortgage.

"F. E. Pearson."

That thereafter deponent demanded from said Pearson the receipt for her interest money, and said Pearson after making sundry excuses, stated to deponent that he had only paid \$250.00 of said interest money and that he could not get the receipt until he had paid the whole amount.

That deponent then called upon said Tilford and learned

from him that the said Frank E. Pearson had not paid to him
 said Tilford ^{or his wife} the sum of \$500.00 as she had directed him ^{said Pearson} as
 her agent to do, nor any part thereof. After seeing said
 Tilford and learning the facts as stated deponent saw said
 Pearson and told him what she had learned from Tilford, and
 he, said Pearson, then and there acknowledged that he had not
 paid said sum of \$500.00 or any part thereof to said Tilford ^{or his wife}.

Deponent further says that she thereupon demanded from
 said Pearson the sum of \$500.00 and the said Pearson refused
 to pay to deponent said sum. That thereafter deponent person-
 ally paid to said Frank E. Tilford the sum of \$500.00, being
 the half-yearly interest due upon the mortgage upon her said
 houses.

Deponent further says that the check above mentioned,
 which she gave to said Pearson to the order of said Pearson,
 was duly endorsed by said Pearson and the amount thereof
 was duly paid by the bank upon which the same was drawn,
 and the amount thereof charged against deponent's account at
 said bank.

That said Pearson has not paid to deponent said sum of
 \$500.00 or any part thereof, although deponent has frequently
 demanded from ~~him~~ him, said Pearson, payment of the same.

*The deponent therefore charges the
 Defendant with feloniously
 taking, stealing, and carrying away
 said money and appropriating
 the same to his own use and benefit
 thereby causing deponent loss
 of the amount stated. Annie B. Wakefield
 Sworn to before me this
 13th day of February 1889
 J. H. Venable Justice*

0787

STATE OF NEW YORK, :
City & County of New York : SS.

FRANK W. TILFORD, being duly sworn, says that he resides at No. 19 West 50th Street, in the City of New York. That he is acquainted with Annie B. Wakefield, and that ^{deponent Julia Telford} he is the mortgagee of a certain mortgage for \$20,000.00 at 5 % per annum upon two houses owned by said Annie B. Wakefield, being houses known as Nos. 349 and 351 West 123rd St., New York City. That the interest upon said mortgages becomes due on the 17th days of March and September in each and every year. That on or about the 25th day of October, 1888, said Annie B. Wakefield called upon deponent and stated that she had come to pay the \$250. of the interest upon her mortgage which she understood from one Frank E. Pearson was yet due. That deponent told her that ^{no part of the same} the whole amount was due and had ~~not~~ been paid by anyone. That said Annie B. Wakefield expressed great surprise that no part of the said interest money had been paid. That thereafter said Annie B. Wakefield personally paid to deponent the whole amount of said interest money, being the sum of \$500.00, in two payments for which deponent gave her receipts.

Sworn to before me this :
11th day of February, 1889 :

Frank Telford

Henry Klock
Notary Public
N.Y.C.

0788

Alfred of South
Welford

My Mother has only just learned
of our whole story -

My Mother

I am just in receipt
of a letter from my Mother and
such a letter "She has no idea
where I am today" telling me of
my broken home how my children
must be taken from their school
and their education cut short
in order to keep them from going
hungry you well know I have
deceived them lies to them
betrayed them for you and
you can not but believe I would
save them this last blow had
it been in my power. What will
become of them when they know
where I am and who put me
here. Now spare my Babies
and my Mother. as well as
your own you certainly have
nothing to gain. till the revenge

be smart enough to pay you
 for branding for life our
 masters and our children
 think of it now. I ask nothing for
 my self and you will remember
 that Jan'y 15th + 16th which we
 spent at — Hotel I offered to do
 anything who could have told and
 advised you to do this after
 being a wife to me all these
 years how could they ^{influence you} — You may
 of course be fortunate enough
 to beat me at trial and if
 you should the End is not
 there you may be sure —
 you will have killed me and
 put a brand upon mine "at least"
 innocent people the day
 I face a jury you have punished
 me enough you may punish me
 more but I beg you to go to
 some disinterested persons and ask
 of them advice you are I am
 sure influenced by some

0791

substantive party or your Council
does not know the whole of
our miserable history - which
must soon be known to them
and all the world and when I
think that had you waited
the time promised this could
all have been kept to ourselves
and we should have pulled
through by May all safe
You have the power to stop
this thing. Will you do it? I am
now preparing this story and it
makes me sick at heart. I
wish you would tell your adviser
our whole story exactly as it is
you would not be doing either
any harm now it is too late but
it might spare others. Have pity
have on the Babies and you
will kill my Mother when she
knows where I am and for what
make one visit to this hell hole

0792

and you will be satisfied.
Now why did you not charge
me with this crime and
demand your \$5.00 before
you swore to that complaint
why did you pay the amount
and say nothing. If you felt
so bitter why did you still
come to me as you did. Oh
No my dear Rose you could not
have done that it is some one
behind it all who has put
you forward. Be that as it
may sit yourself down up
home alone and decide and
again I try you as you are the
Mother and sweet babies try
and think of yours in the
position of mine today. I am
sure your past week has been
no better than mine. in some
respects I would not change
places with you this day.

0793

5th Avenue and 23d Street.

No. 26 127/89 NEW YORK, January 25th 1888

SECOND NATIONAL BANK, H.

Pay to J. E. Pearson or Order,

Seven Hundred and fifty Dollars,

\$ 750.

Annie B. Wakefield

CASH
JAN 25 1888

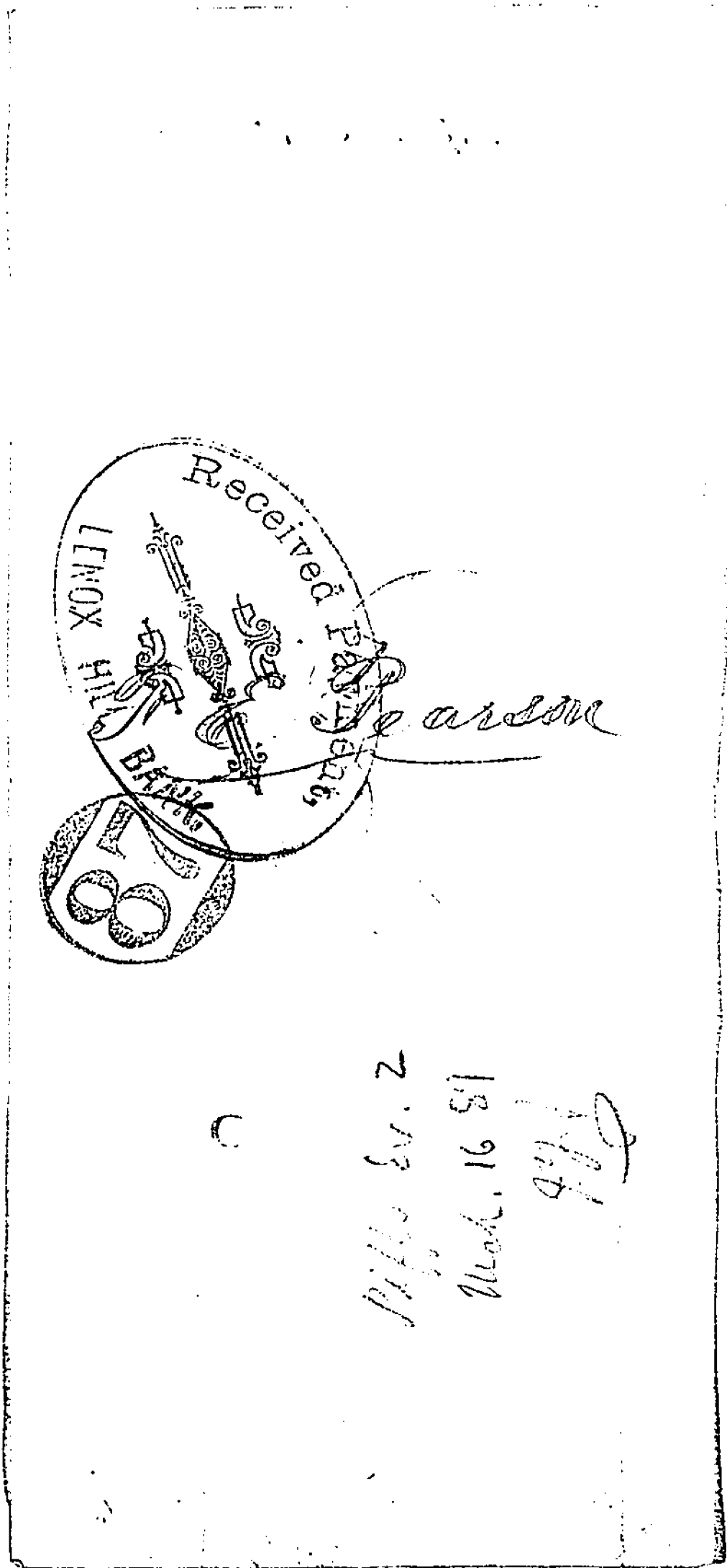
0794

H. Pearson

0795

5th Avenue and 23d Street.	No. <u>1342</u>	NEW YORK, <u>September 27th 1888</u>
	<u>127/100</u> SECOND NATIONAL BANK,	
	Pay to <u>R. E. Pearson</u> or Bearer,	
	<u>Two Hundred and Fifty</u> Dollars,	
	<u>\$ 250.</u>	<u>Annie B. Wakefield</u>

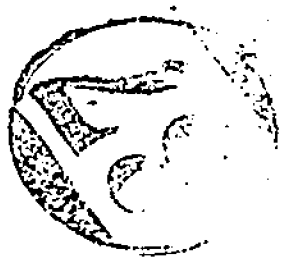
0796



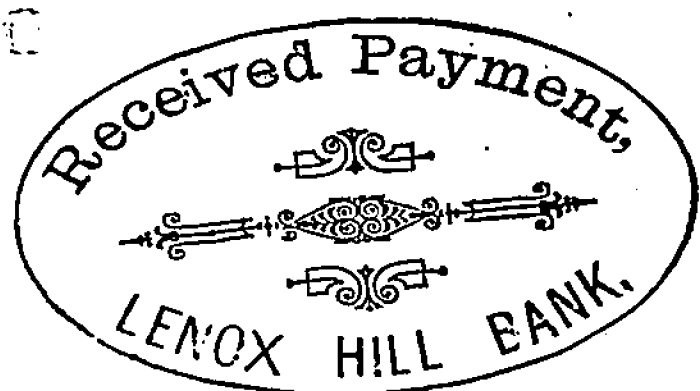
0797

5th Avenue and 23d Street.	No.	NEW YORK, <i>August 18th 1888</i>
	SECOND NATIONAL BANK,	
	Pay to <i>Frank C. Pearson</i>	or Order,
	<i>Two Hundred & Seventy-five</i> Dollars,	
	<i>\$ 275.</i>	<i>Hannie B. Wakefield</i>

0798



Frank E. Pearson



0799

6^e St. Wm 127th New York Sept 27th 1884
Receipt of Ammi B. Van Rensselaer \$500
Five Hundred dollars, as Frank
Filford interest due bond & Mortgage
J. E. Pearson,

0800

Form 116.

Western Union Telegraph Co.

Pay no Charges to Messenger unless written in Ink in Delivery Book.

No. *arr 7**Frank E Pearson*
*Zombs Prison*Charges, *PA*

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
<i>247</i>	<i>gt</i>	<i>19 pd</i>	

Received at **255 CHURCH ST.** (Old No. 169), N. Y. *Chen* 188

Dated *Chicago*To *Frank E Pearson**Zombs Prison*

Have mailed you today Mrs

Schmitts affidavit that she leased*of you and paid you for rent of furniture*
C. W. Sherman

0801

New York, October 27th 1888

Frank Lifford Esq.

Dear Sir--

Enclosed please find Two Hundred and Fifty Dollars, one half the amount due on Bond and Mortgage. I shall have to see your influence if possible until the first of November. I have several collections to make at that time, and I must admit I was not quite prepared for this emergency.

Will you tell me the amount of interest due on the note since the 17th of September the date it became due and I will add it to the remaining payment.

Thanking you for your kindness for
Favourable Terms

I remain--

Yours Respectfully
James B. Wakefield

100 East 12th St.

0802

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank R. Pearson

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

Frank R. Pearson
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said *Frank R. Pearson*,

late of the City of New York, in the County of New York aforesaid, on the
Twenty-ninth day of *September*, in the year of our Lord
one thousand eight hundred and eighty *eight*, at the City and County aforesaid, being
then and there the ~~clerk and servant of~~ *agent and trailer of*
one Annie C. Wadswold, and as such
agent and trailer

~~and as such clerk and servant~~ then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said *Annie C.*
Wadswold,

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

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

to his own use, with intent to deprive and defraud the said *Annie C.*
Wadswold
of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *Annie C. Wadswold.*

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

JOHN R. FELLOWS,

District Attorney.

0003

Second COUNT:—

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

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

The said *Frank R. Pearson* —

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

the sum of five hundred dollars
in money, lawful money of the
United States of America, and of
the value of five hundred dollars,

of the goods, chattels and personal property of one *Annie B. Wadswold,*

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. Kellum,
District Attorney

0804

BOX:

347

FOLDER:

3272

DESCRIPTION:

Perfetto, Vincenzo

DATE:

03/19/89



3272

0805

Witnesses:

Pro. 24. 1.

April 20-1892
Defendant herein was
arrested Dec. 28-1889
by Antonio Samaras who
has since been tried &
acquitted. The State
showed he dismissed
J. K. Brown
Dist. Atty.

Counsel,

Filed

1889

Pleas,

THE PEOPLE

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Killed by Antonio

Samaras who was tried and
acquitted Dec. 28-1889
Chas. J. Brown
Hon. Judge

Off Dec term-1891

W-29

T

0806

CERTIFICATE OF MARRIAGE.
STATE OF NEW YORK.

No. of Certificate.....

I Hereby Certify, that Vincenzo Perfetto and
Emilia Leo were joined in marriage by me, in

accordance with the Laws of the State of New York, in the City of New York,
this Sixth day of August 1888

Witnesses to the Marriage:

{ Signature of Person
performing the Mar-
riage Ceremony: }

Philip B. Benjamin

Giuseppe Guerini

Official Station, Alderman 8th Dist

Telecatti Icilio

Residence, 39 Norfolk St

(Margin reserved for binding.)
No mutilated Certificate will be received. The particulars required on this Certificate must be written with Black Ink.

0807

To the SANITARY BUREAU, DIVISION OF VITAL STATISTICS,
Health Department of the City of New York.

CERTIFICATE OF MARRIAGE.

1. Full Name of GROOM, *Vincenzo Perfetto*
2. Place of Residence, *129 Mott St*
3. Age next Birthday, *26* years, Color, * *white*
4. Occupation, *Musician*
5. Place of Birth, *Italy*
6. Father's Name, *Muzio*
7. Mother's Maiden Name, *Carolina Ravacieri*
8. No. of Groom's Marriage, *First*
9. Full Name of BRIDE, *Emilia Leo*
10. Maiden Name, if a Widow, _____
11. Place of Residence, *97 Park St*
12. Age next Birthday, *17* years, Color, * *white*
13. Place of Birth, *Italy*
14. Father's Name, *Ferdinando*
15. Mother's Maiden Name, *Guidetta Sacomanda*
16. No. of Bride's Marriage, *First*

* If of other races, specify what. At Nos. 8 and 15 state whether 1st, 2d, 3d, &c., Marriage of each. The signatures below of Bride and Groom should be written out in full for the "given" and family names.

New York, *August 6th* 1888

We, the Groom and Bride named in the above Certificate, hereby Certify that the information given is correct, to the best of our knowledge and belief.

Vincenzo Perfetto (Groom.)
Emilia Leo (Bride.)

Signed in the presence of *Guidetta Scilio*
and *Giuseppe Guerin*

Marriage Ceremony performed by *Philip B. Benjamin*
139 Norfolk St
Mrs. Guidetta Sacomanda - mother of bride

0000

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

POLICE COURT, DISTRICT.

Juditha Leo
 of No 95- Park Street, being duly sworn, deposes and says,
 that on the 6th day of August 1888
 at the City of New York, in the County of New York, Vincenza Perfetto

(now her), did unlawfully without the consent of her parent or guardian take, a female child, to wit Emily Leo, she being under the age of sixteen years, to wit: fourteen years, for the purpose of marriage in violation of Section 282 of the Penal Code for the reasons following. to wit: On the above described date the said Vincenza Perfetto took the said Emily Leo to the City Hall and was there married to her as per annexed certificate. Deposant says she is the mother of said Emily Leo that said Emily is only fourteen years of age and that she did not give her consent to the said Vincenza to marry the said Emily, and that she is the only guardian the said Emily has. Wherefore deposant prays that the said defendant be apprehended and bound to answer said complaint.

Sworn to before me
 this 7th day of August 1888 } Juditha Leo
 City Clerk
 Police Justice

0809

(W)

POLICE COURT— 1 DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Juditha Leo

vs.

Emilia Leo
Francis Perpetto

AFFIDAVIT.

Production.

Dated _____ 188

Powers

Magistrate.

Officer.

Witness,

[Signature]

[Signature]

[Signature]

Disposition

08 10

Sec. 151.

CITY AND COUNTY }
OF NEW YORK, } ss.

Police Court 1st District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by

of No. 95 Tenth Street, that on the 6 day of August 1888 at the City of New York, in the County of New York,

Vincenzo Perello
did unlawfully wither that consorts
of her partner or guardian take a
female child to wit Emilio her
she being under the age of fourteen
years, to wit: fourteen years for the
purpose of marriage

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

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

Dated at the City of New York, this 7th day of August 1888

W. J. M. M.
POLICE JUSTICE.

0811

POLICE COURT 1- DISTRICT.

THE PEOPLE, -&c.,
ON THE COMPLAINT OF

Judita Leo
vs.

Vincenzo Perfetto

Warrant-General.

Dated Aug 7 1888

Power Magistrate.

Walsh Officer.

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

James Garib Officer.

Dated April 6- 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

188

28 yrs

20

Italy

Musician

8

350

129 months

Police Justice.

The within named

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

0012

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

152
District Police Court.

Vincenzo Peretto
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.

Vincenzo Peretto

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Italy

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

Answer.

129 Mott St 3 years

Question. What is your business or profession?

Answer.

Musician

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 demand an examination

Vincenzo Peretto

Taken before me this
day of *April* 188*9*

Police Justice

08 13

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
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 *April 9* *188* *9* *Police Justice.*

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

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

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

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

0814

\$1000. bail for by
Apr 7th 9. 20am
The Justice presiding
at the 1st Dist Court
in my absence will please
hear and determine the
within case

BAILED,

by

Residence

Street.

No. 1, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Juditha Leo

Vincenzo Peretto

2
3
4

Dated

April 6th 1889

Ford Magistrate.

DISMISSED.
Precinct.

Witnesses

No.

FOREMAN Street.

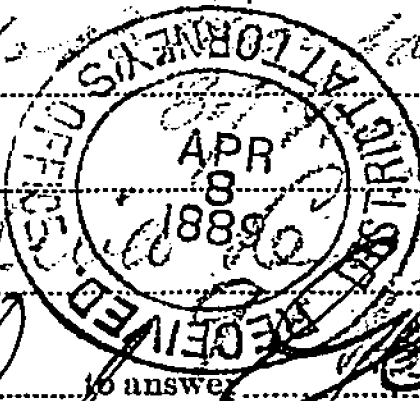
No.

Street.

No.

Street.

\$ 1000 to answer



08 15

Police Court—^{1st} District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 91 Baxter Street,

Stone mason being duly sworn, deposes and says, that

on the 10th day of November

in the year 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Vincenzo

Perfetto who cut and lacerated
deponent's face with the blade
of a razor which he defendant
held in his hand

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

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

of March

1888

day

Antonio Sammarco

John Florman POLICE JUSTICE.

0816

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Vincenzo Perfetto 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. Vincenzo Perfetto

Question. How old are you?

Answer. 28 Years

Question. Where were you born?

Answer. Italy

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

Answer. 129. Mott Street

Question. What is your business or profession?

Answer. Musician

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 and demand
an Examination by a J. P. O'Connell.

Vincenzo Perfetto

Taken before me this

8

th

day of August 1889

John J. O'Connell Police Justice.

08 17

Sec. 151.

Police Court..... District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by *Antonio Sammarco*

of No. *91 Baxter* Street, that on the *10* day of *November*

188*8* at the City of New York, in the County of New York, *he was violently and feloniously*
assaulted and beaten by Vincenzo
Perfetto

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

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

Dated at the City of New York, this *8* day of *March* 188*9*

John J. ... POLICE JUSTICE.

0818

The within named

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

Dated188

28th of
March
1889
S. J. Garity
129th Street

Police Justice.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Antonio Sammarco

vs.

Vincenzo Peretto

Warrant-General.

Dated March 8 - 1889

Gorman Magistrate.

J. Garity Officer.

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

J. Garity Officer.

Dated March 8 - 1889

This Warrant may be executed on Sunday or at
night.

Police Justice.

08 19

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 *Fifteen* Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *March 8th* 188*9* *John J. Thompson* Police Justice.

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

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

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

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

\$3000 bail for 2nd B.M.
March 8/89
ad, 10 Feb 15
M March 9
G.A.M. March 6th

BAILED,

BAILED,
No. 1, by Nicola Caputo
Residence 6 Centre Market Place

No. 1 by Michael Abramo
Residence same address 80 feet

No. 3, 17
Residence Street

No. 4, by

Residence Street

Pro. of 2
Mar 19th

Police Court---

District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

ON THE COMPLAINT OF

Antonio Sammarco
vs. Baptista
Luicewzo Perfetto

2

3

1

Dated March 8 1889

Roman Magistrate.

.....Garity.....Officer.

.....Precinct.

Witnesses: James (Cano)

No. 17 Leonard Street.

No. 7 Street. 1362

No. _____ Street.

\$0.000- to answer

Backed
Letter

TORN PAGE

0821

New York June 7th 1889
Deputy of 3

To the District Attorney
City of New York

Sir:

In the case of the undersigned Antonio Sammarco against Vincenzo Perfetto, for assault and battery, your petitioner respectfully asks the progress of the said case -

Your petitioner has been disfigured and maimed for life, and is naturally anxious, that his assailant, who attacked him in this gross manner should not escape.

Very Respectfully

Antonio Sammarco
91 Baxter Street

0822

POOR QUALITY
ORIGINAL

CONSOLATO GENERALE

DI

S. M. IL RE D'ITALIA.

No. di prot^o genle

1739

Oggetto

New York, li June 29 1889

Dear Sir

Herewith enclosed I have the
honor to hand you a letter ad-
dressed to you by one Antonio
Sannarico, and should feel extre-
mely obliged to you if you
could give him an answer to same.
Thanking you before I remain
Yours

Yours respectfully

[Signature]

Consul General for Italy

John N. Selous Esq
District Attorney
City

0823

New York April 18th 1889.

Hon Sir

Pls Rep 2

Antonio Sammarco living at 191 Bunker St 2^d
floor N.Y. City respectfully represents.

That on the 10th of November p.p. he was assaulted
and wounded by Vincenzo Perfetto of the 129 West St.,
and on or about the 7th of March the Exponent has had
him arrested.

That at the Court of justice of the Towns said Perfetto
was put under one thousand and five hundred dollar
bail, for his promising liberty; but since that time, he,
the Exponent never has had any notice of his cap.

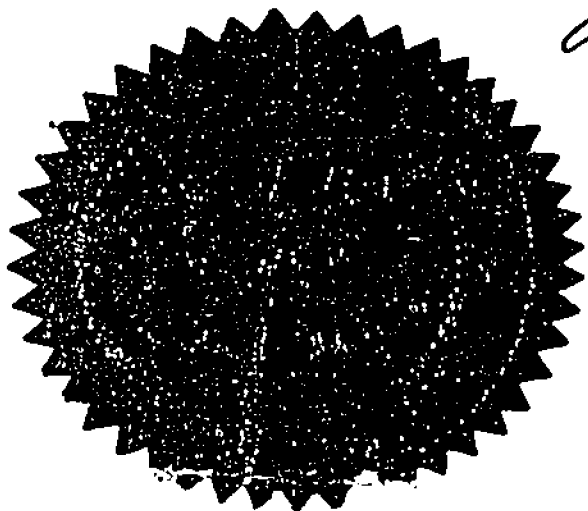
Hoping that justice will be done in such a case, the
Exponent do recur to you, soliciting as quick as
possible the trial of said cap, to be able after, to
recover the damages in consequence of the wounds
against said his Opponent.

The humble supplicant.

Antonio Sammarco

Sworn before me the undersigned Notary

0824



New York April 18 1889
Louis (uncle) Henry Sullivan
for the N.Y. Co. 1885

0025

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Vincenzo Perfetto

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

— Vincenzo Perfetto —
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Vincenzo Perfetto,
late of the City of, New York, in the County of New York aforesaid, on the
tenth day of November in the year of our Lord
one thousand eight hundred and eighty-eight, with force and arms, at the City and
County aforesaid, in and upon the body of one Antonio Sammarco
in the peace of the said People then and there being, feloniously did make an assault,
and — him — the said Antonio Sammarco
with a certain razor —

which the said

Vincenzo Perfetto —
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,

with intent

him the said Antonio Sammarco
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

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

The said

Vincenzo Perfetto,
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 Antonio Sammarco —

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

Antonio Sammarco —
with a certain razor —

which the said

Vincenzo Perfetto —
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.

0826

THIRD COUNT—

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

— *Vincenzo Perfetto* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Vincenzo Perfetto

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
Antonio Sammarco in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
knew the said *Antonio Sammarco*
with a certain *razor* —

which

he the said *Vincenzo Perfetto*
in *his* right hand then and there had and held, in and upon the *face*
— of *him* the said *Antonio Sammarco*

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 *Antonio Sammarco*

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.

0827

BOX:

347

FOLDER:

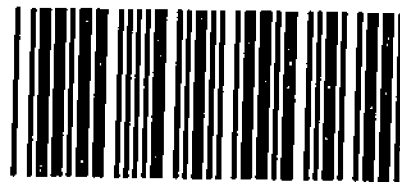
3272

DESCRIPTION:

Phillips, Eugene

DATE:

03/22/89



3272

0828

BOX:

347

FOLDER:

3272

DESCRIPTION:

Diffinee, Japnee

DATE:

03/22/89



3272

0829

BOX:

347

FOLDER:

3272

DESCRIPTION:

Kelly, James

DATE:

03/22/89



3272

Witnesses;

B. Tyrell

off Magent

Counsel,

Filed

Pleads

27th March 1889

THE PEOPLE

vs.

Eugene Phillips

James Diffence

James Kelly

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Chas. Scott Foreman.

March 20th 1889.

(all) (Lend) (Ding) (Eleg)
2. Rem me yr 7/6 mif
1. "Dues" 1/8 & 1/2
3 S.P. Three yrs.

Burglary in the Third degree.
Grand Jurors.
[Section 498, 506, 507, 508, 509, 510, 511.]

0830

0031

Police Court— District.

City and County } ss.:
of New York, }of No. 74 Maiden Lane Street, aged 49 years,
occupation Printer being duly sworn.deposes and says, that the premises No 74 Maiden Lane Street,
in the City and County aforesaid, the said being a four story buildingthe three upper floors of which
and which was occupied by deponent as a Printing office
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly opening
the doors leading into said
premises by means of keyson the 2nd day of March 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Good and lawful money of the
United States of the amount and
value of twenty-eight dollars,
and some papers of no valuethe property of deponentand 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 byEugene Phillips, James Riffine
and James Kelly (all now there)

for the reasons following, to wit:

at about the hour of
eleven o'clock on the evening
preceding said date the said premises
were securely locked and fastened
the said property being in a safe
which was securely fastened and
which was in said premises and
deponent having discovered that
the said safe had been broken

0032

open and the said property taken therefrom is informed by Eugene Phillips and Josephine Riffineer who are two of the said defendants, and who after being informed of their rights admit and confess to the following facts. The said Phillips who was in defendant's employ and who had charge of the keys of said premises, says, that the defendants Kelly induced him and the said Riffineer to go to said premises. The said Phillips opened the doors leading into said premises at the hour of one o'clock on said date and all three entered the said premises. The defendant Kelly then broke open the said safe and took therefrom the said property. The said Phillips and said Riffineer received one $\frac{62}{100}$ dollar & two $\frac{50}{100}$ dollars respectively from the said Kelly as their share of the proceeds of said forgery. The said Riffineer says that the said Phillips' statement is true.

Sworn to before me?
This 15th day of March 1882

J. H. Lloyd
J. H. White
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.

0033

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Eugene Phillips 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.

Eugene Phillips

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.

186 Mulberry St. 3 years.

Question. What is your business or profession?

Answer.

Printer

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

Answer.

*I am guilty. I went with Kelly
and Kiffinee to my employers
place I opened the doors and we
went in. The said Kelly broke open
the safe and took out some money
and papers, he gave me one
dollar and sixty-two cents as my
share.*

Eugene Phillips

Taken before me this
day of *March* 188*2*.

Police Justice.

0034

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Japnee Diffinee 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.

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 guilty. I went to the place with Phillips and Kelly. Kelly asked me to go, and while in there Kelly broke open the said safe and took therefrom some money and papers. Kelly gave me two $\frac{50}{100}$ dollars.

Japnee Diffinee

Taken before me this
day of *March* 188*9*

13th

Police Justice.

0035

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

James Kelly 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.

James Kelly.

Question. How old are you?

Answer.

29 years.

Question. Where were you born?

Answer.

New York.

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

Answer.

256 Columbia St. Brooklyn. 14 yrs

Question. What is your business or profession?

Answer.

Book Finder

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

Answer.

I am not guilty, I know nothing about the charge.

James Kelly.

Taken before me this

15

day of *March* 188*9*

Police Justice.

J. W. M. W.

0036

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~~
Hundred Dollars,.....and be committed to the Warden and Keeper of
the City Prison, of the City of New York, ~~until he give such bail~~

Dated March 15 1889. J. M. Smith Police Justice.

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

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

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

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

0837

Police Court---411 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Benjamin N. Tynell
74 Maiden Lane
Engine Phillips
James Niffen
James Kelly
Offence *Drunk*

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *March 15* 188*9*
Kilbuck Magistrate.

Captn M. Linschtein & Officer.
Anglin & Gales
1st Precinct.

Witnesses _____

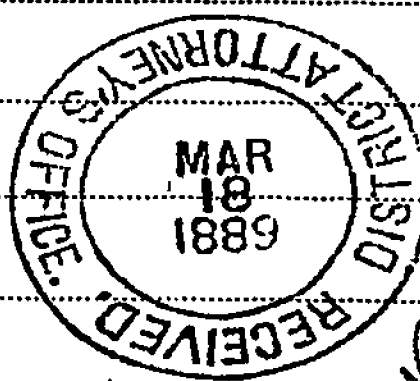
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ _____ to answer.

Com without bail



0838

Police Department of the City of New York,
Jas Anthony Ryan Precinct No. _____

Burglary on New York, _____ 188

Laundress of
Sing Lee 211 Columbia St. Brooklyn
Jan 16th 187 - Officer M^r Farkland

Sent @ March 1st 187 - Judge
Moore Elmira Reformatory

Dwelling House 19th St & 6th
Ave S - Brooklyn

Henry Burns
Pat^r Comerford } 2 years

0839

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Eugene Phillips ^{against} *Japnee*
Diffinee and *James Kelly*

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

Eugene Phillips, Japnee
Diffinee and James Kelly

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

The said

Eugene Phillips, Japnee
Diffinee and James Kelly, all

late of the *Second* Ward of the City of New York, in the County of
New York, aforesaid, on the *second* day of *March* in the year of
our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the *building* of one

Benjamin H. Dyrel —

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

Benjamin H. Dyrel —

in the said *building* 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.

0840

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Eugene Phillips, James Duffinee, and James Kelly of the CRIME OF Grand LARCENY in the second degree committed as follows:

The said Eugene Phillips, James Duffinee and James Kelly, all 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 the said day, with force and arms,

the sum of twenty-eight dollars in money, lawful money of the United States, and of the value of twenty-eight dollars,

of the goods, chattels and personal property of one

Benjamin H. Dyrel in the building of the said Benjamin H. Dyrel

there situate, then and there being found, in the building 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.

John R. Fellows
District Attorney

0841

BOX:

347

FOLDER:

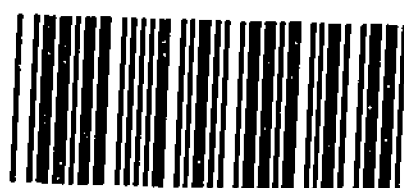
3272

DESCRIPTION:

Phillipsen, Charles

DATE:

03/13/89



3272

0042

Sunday - stenographer

To move minutes
Maurice T. Holahan, Com. of J.P.

To move investigation & evidence
of Phillips - purpose is the
examination & that P. appeared
pursuant to subpoena.
that P. wished to move confession
of P.

Martin Skelgis - that P. told him he
paid \$2500 into Bureau &
markets for his stands in the
new W.W. Miller.

Said L. Skorer, ^{valet} gave Skorer to
give P. any amount up to \$3000 to pay
for stands.

A.J.G. Warner - ^{bookkeeper} for W.W. Miller & Gable
signed check for \$3000 on
P.'s request (Nov 23/88)

Nelson Gessner, ^{bookkeeper} - drew money
from bank and in 6 envelopes
in P.'s direction - accompanied him
to Comp's office - there gave
envelopes to P. & that P. left the
room, came back in 10 min. &
then said it was all right - that
he had got the stands.

Frank D. Schuyler - arrest in Philadelphia

0843

The People of the
State of New York

vs.
Charles Phillipsen

Court of General Sessions
City and County of New York

"On Charge Perjury"

To the Hon John R. Fellows

District Attorney

Dear Sir,

The indictment against
the above named defendant having been filed on the 13th
day of March 1889 and no application having been
made on the part of the defendant for delay of the
trial thereof - and such indictment not having at any
time been moved for trial by or on the part of the
People you will please take notice that I will move
on behalf of said defendant in part "One" of the
Said Court of General Sessions on Monday July 1st
1889 at 11 O'Clock A.M. or as soon thereafter
as counsel can be heard for the discharge of the
defendant from said indictment upon his own undertaking
and recognizance in accordance with the provisions
of the Code of Criminal Procedure and for the dismissal
of the said indictment

Charles W. Brooke

Defendant's Attorney

New York June 27th 1889

0844

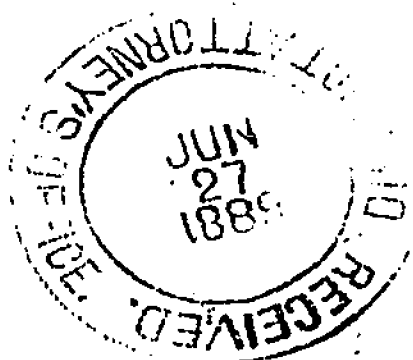
Court of General Sessions

The People vs

vs

Charles Phillipson

Notice of Motion to discharge
defendant in his own recogni-
tance



Charles M. Crook

Defendants Attorney
Trinity Building
111 Broadway
N.Y. City

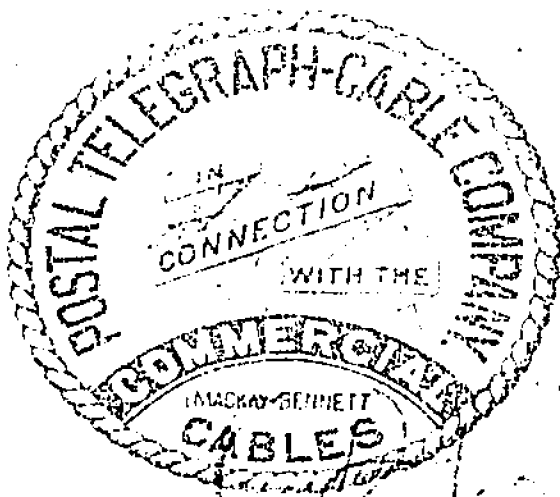
This motion coming on to be heard and
the District Attorney appearing and not
opposing It is hereby ordered that the
said ^{defendant} ~~defendant~~ be and he hereby is
discharged upon his own undertaking

New York July 18. 1889 *RRC*

0845

Form 1

NIGHT MESSAGE.



The Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been set forth in the terms of the following message.

Errors can be corrected against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of **Unrepeated Messages**, beyond the amount of tolls and charges, and in any case where the claim is not presented in writing within sixty days after sending the message.

This is an **UNREPEATED MESSAGE** and is delivered by request of the sender under the conditions noted above.

ALBERT E. CHANDLER, Pres. and Gen. Mgr.
HENRY ROSENER, Vice President.

EDWARD C. PLATT, Treasurer.
GEORGE E. WILLIAMSON, Sec'y and Auditor.

NUMBER SENT BY RECEIVED BY

Dated

To

hgtla Pa 1 received at
Follows int. attach 188
The razzo left with letter from
District attorney to Governor
at 11 here one thirty Friday
11, H. A. Hicks

0846

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles E. Killingsen

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

Indictment accuse

Charles E. Killingsen

of the crime of

Perjury,

committed as follows:

Heretofore, to wit:

on the first day of January
in the year of our Lord one thousand
eight hundred and eighty nine, at the
City of New York in the County of New
York, aforesaid, there was appearing
before Maurice S. Volahon Esquire,
and Edward C. Gardner Esquire, Commissioners
of Accounts of the City of New York, in
due form of law, an examination and
investigation into the methods of the
Finance Department of the City of New
York relative to the allotment of lands
in the New West Washington Market in
the said City then lately before, the said
Commissioners of Accounts having
deemed such examination and investigation
for the best interests of the said City

and County:

And at and upon the said examination and investigation, on the day and in the year aforesaid, the said Charles Phillipson, late of the City and County aforesaid, at the City and County aforesaid, personally came and appeared as a witness before the said Commissioners of Accounts, having been so required to appear, and to be examined under oath at and upon the said examination and investigation by the said Commissioners of Accounts in due form of law, for the purpose of ascertaining facts in connection with the said examination and investigation. And the said Charles Phillipson was then and there in due form of law sworn, and did take his personal oath, by and before the said Commissioners of Accounts that the evidence which he should give upon the said investigation and examination should be the truth, the whole truth, and nothing but the truth, that the said Commissioners of Accounts having then and there full and complete power and authority to administer the said oath to the said Charles Phillipson in that behalf.

And the said Charles Phillipson being so sworn as aforesaid, in then and there became and was material, as and upon

The said examination and investigation
and for the purposes thereof, whether
said Charles Phillipson
had ever given a bribe, or any money,
property or value, or offered to give
a bribe, or any money, property or value
of any kind, or made any promise or
agreement directly or indirectly to give
any bribe, or any money, property or
value of any description, to any one, in
connection with the allotment of lands
in the said new West Washington market.

And the said Charles Phillipson
being so sworn as aforesaid, then and
there, at and upon the said examination
and investigation, before the said
Commissioners of Accounts, upon his
oath aforesaid, solemnly, willingly,
knowingly and correctly, did he solemnly
swear, testify and give in evidence, and of
other things, in substance and to the
effect following, that is to say:

That he the said Charles Phillipson
had never given a bribe or any money,
property or value, or offered to give a
bribe, or any money, property or value of
any kind, or made any promise or agree-
ment directly or indirectly to give any
bribe, or any money, property or value of
any description, to any one, in connection

into the allotment of lands in the said new West Washington market.

Whereas in truth and in fact the said Charles Phillipson had given a bribe, and divers sums of money, and property, and value, and offered to give a bribe, and divers sums of money, and property, and value, and made divers promises and agreements, directly or indirectly to give a bribe, and divers sums of money, and property and value, to divers persons, in connection with the allotment of lands in the said new West Washington market.

And whereas in truth and in fact the matters aforesaid, so by him the said Charles Phillipson then and there, as and upon the said examination and investigation and inquiry, before the said Commissioners of Accounts, sworn to, testified and given in evidence as aforesaid, were then and there in all things utterly false and untrue, as the said Charles Phillipson then and there well knew.

And so the Grand Jury aforesaid do say: that the said Charles Phillipson in manner and form aforesaid, feloniously, unlawfully, knowingly, corruptly

0850

and holding did commit illegal and
corrupt perjury; 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 H. Tallant,

District Attorney.

0851

BOX:

347

FOLDER:

3272

DESCRIPTION:

Poindexter, Malvina

DATE:

03/01/89



3272

11 inches: *off W. C. Phelps*
13th Dec

316 / Counsel,
Filed /
Pleads,
Day of April 1889

52.

ATTEMPTING SUICIDE.
(Section 174, Penal Code).

Mahina Pindextep

JOHN R. FELLOWS,
District Attorney.

A True Bill

John D. Brown
Foreman.

NOTES.

Foreman.
 Heard July
 City Prison 5 days.

0052

0853

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Malvina Poindexter

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

Richmond Va

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

Answer.

87 week 3rd street and 8 years

Question. What is your business or profession?

Answer.

I have no business

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 was drunk and did not
know what I was doing*

Malvina Poindexter.

Taken before me this

12 3

day of *September* 188*9*

Police Justice

0854

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 Feb 23, 188 9. B. D. Smith Police Justice.

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

Dated _____, 188 _____ Police Justice.

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

Dated _____, 188 _____ Police Justice.

0855

Police Court--- 2 ²⁹⁵ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Mulcahy
vs.
Malone Pender

Offence attempted
Murder

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 Feb 23 1889

Duffy Magistrate.

Mulcahy Officer.

15 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 1000



Caru

0856

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

William Mulcahy
 of No. 15th Precinct Paris Street, aged years,
 occupation Police Officer being duly sworn deposes and says
 that on the 1st day of February 1889
 at the City of New York, in the County of New York Malvina

Pondexter. (Now here) did
 feloniously, with the intent to take
 her own life take a quantity of
 Carbolic Acid, in violation of section
 174 of the Penal Code of the State
 of New York.

Deponent further says, that at the
 hour of 12 O'clock Midnight said
 date he found the said defendant
 in the premises no 216 Thompson
 St. sick and also found a bottle

Sworn to before me, this

of

188

day

0857

Labelled Carbolic acid. the said
defendant then admitted and Confessed
to defendant that she had taken a
quantity of said acid with the
intent to take her own life.
Wherefore defendant prays the said
defendant may be held and dealt
with according to law.

Subscribed before me
this 22nd day of Feb. 1889 William Mulcahy

AFFIDAVIT.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Dated

Witness,

Disposition,

Magistrate.

Officer.

0058

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Matina Pinderfer

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

Matina Pinderfer

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *Matina Pinderfer*

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

eighteenth day of *February*, in the year of our Lord

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

with intent to take *her* own life, did feloniously *give and*

administer into herself, and

drinks and swallow down into

her body, a quantity of a

certain deadly poison called

carbolic acid,

the same being an act dangerous to human life, 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.

0859

BOX:

347

FOLDER:

3272

DESCRIPTION:

Powers, Patrick

DATE:

03/15/89



3272

0860

BOX:

347

FOLDER:

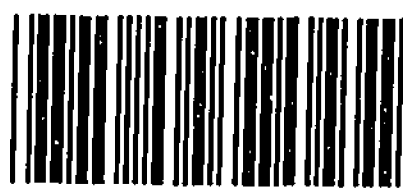
3272

DESCRIPTION:

Piralo, Peter

DATE:

03/15/89



3272

0861

BOX:

347

FOLDER:

3272

DESCRIPTION:

Casale, Petro

DATE:

03/15/89



3272

Witnesses:

Thos. Sheehan

Off Court

I have examined the witnesses & the written charge & the defendant Poirous has pleaded guilty. There is no evidence against the other defendants who are putting their names in. I recommend that as to the defendants Piralto & Casale the indictment be dismissed. I hope the people a good character.

Part 2 March 27/89

Wm. J. Brown
Deputy Clerk

T.

Counsel,

Filed

Pleads,

10th day of March 1889

Not guilty

THE PEOPLE

vs. P
Burglary in the Third degree.
and receiving
[Section 498, 506, 528, 532, 537, 538]

Datrick Powers
Peter Piralto
Getro Casale

JOHN R. FELLOWS,

District Attorney.

Pr March 27/89
No 1 pleas P.P.

C.P. 5 days

A True Bill.

Pr March 27. 1889
as to Nos 2 & 3 Indictments
dismissed with discharged
Chas. H. Scott Foreman

0062

0863

Police Court—1st District.City and County }
of New York, } ss.:of No. 67 MurrayThomas Sheehanoccupation Agent,Street, aged 30 years,deposes and says, that the premises No 66 Madison Street,in the City and County aforesaid, the said being a four story brickbuilding, the Basement of
and which was occupied by deponent as a Storage Room
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
the glass and sashes of a window leading
to said Storage Room,on the 6 day of March 1889 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:Two Boxes of Soap of the value
of seven dollars,the property of deponentand 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 byPatrick Powers Peter Pirolo
and Pietro Casale (all known here)for the reasons following, to wit: Deponent in the Evening of the
5th day of March 1889 at the hour of 9 o'clock
closed and fastened the above described
door, and left said premises,
that on the morning after 6th day of March
deponent discovered that said Burglary
was committed and said property taken
stolen and carried away
deponent is informed by said Patrick

0864

Powers that he committed said Burglary and said Larceny at the house of about 127¹/₂ October in the evening of said 6th day of March, and that immediately after the commission of said crime he sold said property to the other defendants for two dollars and ten cents.

Deponent is informed by Gilbert Carr of the 4th Precinct Police that he found one Box of soap, a part of the within described property, concealed in a closet at the premises of Pietro Casale and that he found the soap of the other Box concealed in a trunk at the premises of said defendant Peter Piralo. Deponent believing the information to be true charges that said Powers did commit said Burglary and Larceny and that said Piralo and Casale did feloniously receive said stolen property, they well knowing at the time that the same was stolen.

Sworn to before me this
4th day of March 1889

Thos. J. Sheehan

John J. Murphy
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.

0865

CITY AND COUNTY }
OF NEW YORK, } ss.

Gilbert Carr
aged 39 years, occupation Police officer of No. 4th Precinct Police Street, being duly sworn deposes and

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

Sworn to before me, this 7
day of March 1889 } Gilbert Carr

John J. Herman
Police Justice.

0866

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Patrick Powers 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.

Patrick Powers

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.

104 Oliver Street 5 months

Question. What is your business or profession?

Answer.

Labourer

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

Answer.

*I was drunk and did not know
what I was doing, I was Insane
at the time*

P. Powers

Taken before me this

day of

188

John J. Murphy

Police Justice

0067

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Pietro Casalo 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.

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.

Pietro Casalo
(mark)

Taken before me this

day of

March

188

9

Police Justice.

0868

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Peter Pinalo 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.

Peter Pinalo.

Question. How old are you?

Answer.

50 years

Question. Where were you born?

Answer.

Italy

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

Answer.

86 Jones Street 1 1/2 years

Question. What is your business or profession?

Answer.

Barber

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

Peter Pinalo
mailed

Taken before me this

day of

March 1889

John J. MacFarlane Police Justice.

0869

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

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

Dated *March 7* 188 *9* *John J. McLaughlin* Police Justice.

I have admitted the above-named *Peter Pirala & Pietro Casale* to bail to answer by the undertaking hereto annexed.

Dated *March 7* 188 *9* *John J. McLaughlin* 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.

0870

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas Sheehan
67 Munroe St
1 Patrick Powers
2 Peter Pirolo
3 Pietro Lasale
4

Office
Burglary &
Sec. stolen goods

BAILED,

No. 2 by Paula Garbano
Residence 101 Park Street.

No. 3 by Donato Mozzo
Residence 37 Munroe Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated March 7 1889

Magistrate.

Gilbert Carr Officer.

4 Precinct.

Witnesses said offer

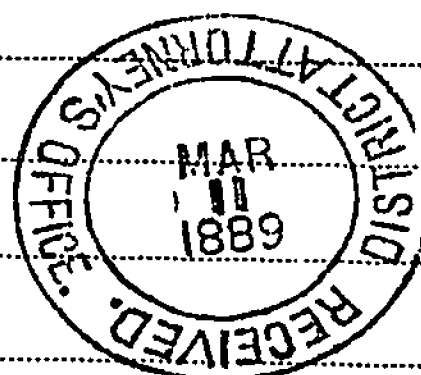
No. Street.

No. Street.

No. Street.

\$ 1000 to answer

No. 2 + 3 Compacted



0871

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*Patrick Powers, Peter
Piralo and Petro Basale*

The Grand Jury of the City and County of New York, by this indictment, accuse
*Patrick Powers, Peter
Piralo and Petro Basale*
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Patrick Powers, Peter
Piralo and Petro Basale*

late of the *Fourth* Ward of the City of New York, in the County of
New York, aforesaid, on the *sixth* day of *March* in the year of
our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the *building* of one
Thomas J. Sheehan

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

Thomas J. Sheehan

in the said *building* 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.

0872

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
Patrick Powers, Peter Piralo
and Petro Basale
of the CRIME OF *Petit* LARCENY committed as follows:

The said *Patrick Powers, Peter Piralo and Petro Basale*,
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 the said day, with force and arms,
two boxes of soap of the
value of four dollars each
box

of the goods, chattels and personal property of one

in the *building* of the said

Thomas J. Sheehan
Thomas J. Sheehan

there situate, then and there being found, *in* the *building* 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.

0073

THIRD COUNT—

AND, THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Patrick Powers, Peter Piralo
and Pietro Basale
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Patrick Powers, Peter*
Piralo and Pietro Basale

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

two boxes of soap of the
value of four dollars each
box

of the goods, chattels and personal property of one

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

Thomas J. Sheehan
unlawfully and unjustly, did feloniously receive and have; the said *Patrick*
Powers, Peter Piralo and Pietro Basale

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

JOHN R. FELLOWS,
District Attorney.

0074

BOX:

347

FOLDER:

3272

DESCRIPTION:

Probansky, John

DATE:

03/14/89



3272

Witnesses :

Counsel,

Filed

14th day of March 1889

Pleads,

THE PEOPLE

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

39-6-1889.

197-5-1889.

P

John Roberson

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. H. Scott Foreman.

Part III March 19/89.

True and convicted
Assault 2^d deg.

2nd 19/89. W. H. P.

H.

0876

COURT OF GENERAL SESSIONS -Part III.

The People of the State of New York, :Before Hon. Fred'k
against :Smyth, and a Jury.
J O H N P R O B A N S K Y .

Indictment filed March 14th 1889.
Indicted for assault in the 1st degree.

N e w Y o r k , March 19th 1889.

APPEARANCES: For the People, Asst? Dist? Atty? Goff.

For the Defendant Mr. Maurice Meyer.

STEPHEN WEISS, a witness for the People, sworn, testi-
fied:-

I live at No. 8 Bethune Street in this city and am
a foreman cooper by occupation . I am at present and
have been for twenty five years past employed as fore-
man in the copperage shop of Beadl eston and Woerz, bre-
wers in this city . I was so employed on the 7th day
of March this year . Previous to the 7th of March this
defendant had worked for me. Shortly after the first
of January this year I laid the defendant off among
others because of an insufficiency of work in the coo-
perage department . On several occasions he came to
me and asked me for work , and I told him there was no
work. I told him that there were several others who

0877

2

Were laid off before he was and that they would have to be employed first before I could take him back . On the 7th of March he came to the shop again and asked me for work; I again told him that there was no work; he came down a few steps into the room where I was working and he said to me "Steve, have you got work for me?"; I said to him "No, you see that yourself"; with that he raised up his arm and fired off a revolver at me; the bullet passed right by my face but did not hit me. I caught him by the arm and shouted "Murder " and several of the workmen came to my assistance. We then brought him into the office of the brewery and while there he said that if he had his revolver again he would have shot me down; he also said that if he had a knife he would kill me; right after that he said that he knew he would get locked up but as soon as he got out he would kill me any how; he was very sorry he did not kill me .

CROSS EXAMINATION:

Q. How many men did you discharge at the same time as you discharged the defendant ? A. I believe eight or nine .

Q Do you recollect about June 5th 1888 having a conversation with this defendant in which you said to him that he would never get any more work, that his name was on the black list ? A. No sir; I never said that .

Q. There had been a strike at your place ? A. Yes sir.

Q. When he came to you and asked for work did you grab him by the throat and attempt to throw him out ?

A. Yes sir; I had him by the throat after he fired the revolver at me .

Q. Wasn't that before the shot took place ? A. No sir .

HERMAN KOENICH, a witness for the People, sworn, testified:

I am a stable-man employed in the brewery of Mess. Beadleston & Woerz. On the 7th of March I was in the brewery; I heard a shot; I opened the door of the cooperage shop and in there I saw this defendant Probansky all dressed up in his good clothes; Steve. Weiss the foreman was lying on a bare ll and Probansky was lying on the barrell too and Steve. Weiss was crying "Murder" and I took hold of the defendant and took the revolver out of his hand . We then took him into the office . I did not hear him say anything in the office .

CROSS EXAMINATION:

I did not know the defendant before the 7th of March . We held him pretty tight after he fired the shot . I did not see the shot go off .

CLAUS MOHR, a witness for the People, sworn, testified:

I work in the wash house of Beadleston and Woerz. On the 7th of March I was in the brwery; I heard a shot and I ran into the copperage shop and there I saw the stableman Koen ich, Weiss and Probansky. The stable-

man had the defendant by the neck holding him on a barrel. I went along with them into the office. There was a good deal said in the office but I don't remember anything of it .

CROSS EXAMINATION:

Probansky was very much excited when he was in the office . I knew that the defendant worked in the cooperage shop but I never had any dealings with him .

JOHN WATSON? a witness for the People, sworn, testified:

I am a police officer attached to the 9th precinct. I arrested this defendant on the 7th of March at the brewery . I found him in the office of the brewery . The revolver which is shown me is the revolver which was handed to me on that day in the office by the witness Mohr. It is a five barreled revolver; when I examined it I found it loaded with four balls; one chamber empty . I asked the defendant why he had done it and he said "I came here to kill him and to kill myself". I took him to the station house . In the police Court I saw him sign the examination paper in which he said "I do not care for my life; if I had killed him I would have killed myself. John Probansky".

CROSS EXAMINATION:

The defendant was rather excited in the office at the time I arrived there . He spoke to me in the English language .

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D E F E N C E

The defendant's counsel read two letters certifying to the good character of the defendant from previous employers .

JOHN PROBANSKY, the defendant, sworn, testified :

I am thirty nine years of age. I was married in 1880 and have a wife and two children . I have never been arrested efore in my life for any offence . . I worked in different places since I came to this country. I worked in Beadleston & Woerz's for about fourteen months altogether . I was laid off twice by the foreman Steve Weiss, the complainant in this case . He always treated me tyrannically while I was under him in the cooperage shop. I went to work there during the strike in April when all the Union men were out of the shop. I am not a Union man . On the 7th of March I called upon the foreman, as I had often done before that, and asked him if there was any work. When I came in to the shop I said "Steve have you got any work for me" and he said "I have no work"; and I said "Steve, for God's sake take this boycott off of me, my wife and children are starving"; and he said "It is right for you, you ought to starve"; and I said to him "Steve, you are worse than a murderer, a murderer will murder me, but you murder my wife and children" and with that he caught hold of me by the throat and commenced to hit me; there was nobody in the ro om with us at that time and I thought

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that as I had a revolver I would shoot it off so as to get somebody to come and help me. I thought the noise of it would attract somebody from some other part of the building. I fired it off and another man came into the shop.

Q. Did you go there for the purpose of shooting the foreman? A. No sir; I used this revolver when I had a Grocery store. I bought it at the time of the strike when I was working in the Brewery and the Union men were persecuting me.

CROSS EXAMINATION:

After I gave up the store I carried the revolver with me in my overcoat pocket. ; the revolver was always loaded.

Q. Didn't you intend to kill the foreman? A. No sir; for God's sake no, my wife and children are too dear to me. I did not say that I would shoot him again; what I did say was that he ought to be shot because he would murder my wife and children.

Q. Was it after you fired the shot that he caught you by the throat? A. No sir; before that time. The revolver is not a self cocking one. I had my thumb on the trigger and he hit my hand and it went off then.

The jury returned a verdict of GUILTY of Assault in the second degree with a recommendation to the mercy of the Court.

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Indictment filed Mar. 14-1889.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

JOHN PROBANSKY

Abstract of testimony on

trial-New York, March 19th

1889.

0003

Police Court

Police Court

2^d District.

City and County
of New York,

ss.:

of No.

8

Occupation

deposes and says, that on the

day of

Street, aged

62 years,

being duly sworn

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

(now here) John Probauskay who aimed, pointed and fired and discharged a revolving pistol loaded with powder and lead at deponent, and said assault was feloniously committed

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

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc.; and be dealt with according to law.

Sworn to before me, this

day

of

March

188

Police Justice.

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Police Court

Police Court

District.

City and County
of New York,

ss.: Stephen Weiss

of No.

8

Bethune

Street, aged 62 years,

Occupation

being duly sworn

deposes and says, that on the

7

day of

March

1889 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Probausky (now here) who aimed, pointed and fired and discharged a revolving pistol loaded with powder and lead at deponent, and said assault was feloniously committed

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

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc.; and be dealt with according to law.

Sworn to before me, this

day

of

March 7

1889

J. H. Hoff

Police Justice.

0885

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Probanstky 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 Probanstky*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *Poland*

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

Answer. *No. 219 East 76 Street & about 16 months*

Question. What is your business or profession?

Answer. *Cooper*

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 do not care for my life if I had killed the complainant I would kill myself*

John Probanstky

Taken before me this
day of *March* 188*8*

Le. J. O'Connell
Police Justice.

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

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

Dated March 7 1889 Samuel J. [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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Police Court--- 2344 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Stephen Weiss
& 23 Bethune
John Prohansky

Offence *Disorderly*
Delin

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Mar 7* 1889

G. O. Kelly Magistrate.

John Watson Officer.

Precinct.

Witnesses *Herman Koenig*

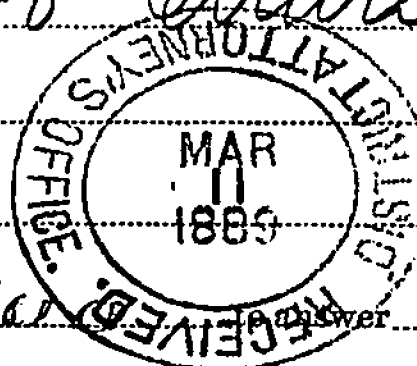
No. *661 Washington* Street.

Claus Mohr

No. *128 Charles* Street.

No. _____ Street.

\$ *1.50* Over



G. O. Kelly
Mar 11 1889

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Probauski

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

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

The said

John Probauski
John Probauski
late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the City and County aforesaid, in and upon the body of one *Stephen Weiss* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Stephen Weiss* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Probauski* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *him* the said *Stephen Weiss* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *John Probauski* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

John Probauski
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 *Stephen Weiss* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Stephen Weiss*

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *John Probauski*

in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.