

0 153

**BOX:**

416

**FOLDER:**

3842

**DESCRIPTION:**

Ziuso, Giuseppe

**DATE:**

10/31/90



3842



**DATE TIME DAY MONTH YEAR COUNTRY STATE COUNTY CITY TOWNSHIP DISTRICT**

\_\_\_\_\_X

New York, November 14th, 1890.

ANTONIO DeSISTO, a witness for the People, sworn, testified:

I live at No. 37 Mulberry street in this city . I am a stone mason by trade . On the 27th day of September last I was a stone mason in this city . I was working on that day at 137th street and 2nd Avenue in this city . I am acquainted with the defendant and have known him for several years. I was engaged in laying a foundation with other masons at the place I have indicated . The defendant had been engaged at work at this place a short time before, but had been discharged by the boss for some reason . On this Saturday morning the 27th day of September I was engaged with a man named Sarabo in edging some stone about fifteen feet below the surface of the street . I was leaning over, having my back bent laying a stone . I saw the defendant up on the street directly above the place I was doing my work . He looked down at me. The first thing I knew was that I was struck on the loins by a large sharp stone. I called out "Holy Virgin" and was

about to sink down, and whilst I was sinking I looked up and I saw the defendant standing above me on the bank with another stone raised in his hand. Saroboy had his arm around me holding me and then the other stone came down out of the defendant's hand and it partly struck me and partly the man who was holding me. The stone with which I was struck weighed eight or ten pounds at least.

Q You got cut on the head by the second stone? A. Yes sir.

Q Did the stone hit the man who was holding you at all?

A Yes sir; it struck him on the elbow. I fell to the ground at that time and remained there unconscious; the blood was running down my face. When I came to my senses the Policeman was there and I saw that he arrested the other man. He brought the man to me and he asked me if that was the man who hit me. I said "Yes sir"; then the prisoner says "You are still alive, I threw it to kill you". The prisoner was brought up to me when I came to my senses.

Q Where were you when you came to your senses? A. I was still in the foundation where I had been working.

Q Did they not take you out of the excavation? A. Afterwards when the policeman came and I was able to go I was taken away.

Q Did you have any more talk with the defendant? No sir.

Q Where did you go to after that? A. I was taken up to the station house and a doctor came there and washed my wounds. I was taken to my home and was treated there

by a doctor . The doctor tells me that I have been injured for life . I have not as yet been able to do any work at my trade as I cannot bend over without a great deal of pain .

CROSS EXAMINATION:

- Q You say that you cannot work ? A. I can do some work but I cannot do the work which I did formerly .
- Q How long do you know the defendant here . A. Three or four year . I never had any trouble with him in my life. He believed that I had been instrumental in having him discharged from this work and accused me of it, but it was not a fact . I had nothing whatever to do with his discharge from this place . I do not have charge of the workmen . I could not say how many men were on the bank at the time the defendant threw this stone . It was one of these stones which we had been using in building this foundation . It was quite heavy .

FRANK SAROBY, a witness for the People, sworn, testified:

I live at No. 38 Baxter street in this city . I am the man referred to by the last witness as the man who held him when he was struck . On this day in question I was at work with him in this excavation on Second avenue up town . It is at the corner of 137th street and what is known as Lincoln Avenue . The foundation was about ten feet below the surface of the street . On the day in question at about seven o'clock the defendant came to work but was discharged and sent away for some reason by the foreman . He stayed around the foundation for about an hour after that . At about half past eight o'clock just as

myself and the complainant were laying a stone in the foundation; a large rock came down from above and struck the complainant in the loins . He was about to fall and I caught him . I looked up on the bank and at that moment I saw the face of this defendant and in his hand he had another stone . I saw him fire this second stone down into the foundation; it struck the complainant in the face partly and another part of it struck me on the elbow . One of the stones weighed at least twenty five pounds in my opinion . The defendant stood on the bank while he fired both these stones . I saw him raise his two hands above his head and he seemed to use all his force in firing the second stone . The complainant became unconscious and I had to hold him there . I remember the fact that the officer came . When the officer returned he had the defendant in custody and he was identified both by myself and the complainant as the man who had fired the rocks . The policeman had to chase the defendant for some distance before he caught him . When the defendant came before the complainant he said " I am very sorry that I see you living, I threw that for to kill you " . He was then taken away to the station house by the officer . I went away with the complainant, and when he had his wounds dressed I brought him home . I had no other talk with the defendant .

By leave of the Court a juror was withdrawn, and the prisoner was allowed to plead guilty to the crime of assault in the second degree .

Indictment filed Oct. 31-1890

COURT OF GENERAL SESSIONS

Part II.

THE PEOPLE &c.  
against  
GIUSEPPE ZINZO.

Abstract of testimony on  
trial November 14th 1890.

[illegible]

Dr. J. M. PARRAGA,

No. 35 City Hall Place,

bet. Duane and Pearl Streets,

Office Hours: {10-12 A. M.  
{6-7:30 P. M.

NEW YORK.

I do hereby Certify that I attend  
to Antonio De Sisto of 37 Mulberry  
St, who is suffering from a wound  
in the frontal region near the pa-  
rietal inflicted by stone, and a  
contusion in the renal region.  
I reserve my prognosis as all  
wounds in the head are more or  
less dangerous, and probable inter-  
nal injury from the other contusion.  
He is unable to day to leave  
his bed. New York Sept 27<sup>th</sup> 90.

J. M. Parraga

POOR QUALITY  
ORIGINAL

0161

Sec. 192.

6th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Henry Murray a Police Justice  
of the City of New York, charging Giuseppe Brusca Defendant with  
the offence of Assault

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Giuseppe Brusca Defendant of No. 113 E  
113th Street; by occupation a Stone Mason  
and Nicholas Infante of No. 11 East corner of 113th  
Street, by occupation a Builder Surety, hereby jointly and severally undertake that  
the above named Giuseppe Brusca Defendant

shall personally appear before the said Justice. at the 6th District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me this 25th

day of September 1888

Henry Murray  
POLICE JUSTICE.

Giuseppe Brusca

Nicholas Infante

POOR QUALITY  
ORIGINAL

0162

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this

Undertaking to appear  
during the Examination.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Taken the day of

188

Justice.

*Nicholas Comfort*  
the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Twenty* hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of *a building in course*  
*of construction on four lots, sixty*  
*feet East of Madison Avenue and*  
*118th Street of the value of Ten*  
*thousand dollars over and*  
*above all encumbrances.*

*Nicholas Comfort*

Police Court— 6<sup>th</sup> District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

of No. 37 Mulberry St Antonio ~~Sister~~ Desisto Street, aged 42 years,  
occupation Stone mason being duly sworn, deposes and says, that  
on the 27<sup>th</sup> day of Sept 1889 at the City of New York,

in the County of New York, 137<sup>th</sup> St & Lincoln Ave

he was violently and feloniously ASSAULTED and BEATEN by Prescotti Giuseppe

who threw two large stones at deponent

which struck deponent upon the back

and head. Said Giuseppe was standing

upon the bank and deponent in the excavation

for a cellar of the new house near corner of 137<sup>th</sup> St and

Lincoln Avenue

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 27<sup>th</sup> day of Sept 1889 } Antonio Desisto

H. M. [Signature] Police Justice

POOR QUALITY  
ORIGINAL

0164

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

6<sup>th</sup>  
11 District Police Court.

*Presore Giuseppe* 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. *Presore Giuseppe*

Question. How old are you?

Answer. *41 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *443 East 113<sup>th</sup> St., eight years*

Question. What is your business or profession?

Answer. *Stone mason*

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*

*Giuseppe Zucchi*

Taken before me this

*27<sup>th</sup>*

1889

Police Justice.

POOR QUALITY  
ORIGINAL

0165

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation Stone Mason of No. 28 Baxter - Street, being duly sworn deposes and

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

Sworn to before me, this 27<sup>th</sup>  
day of Sept - 1899

Frank Sarubbi

John Colasano

Police Justice.

POOR QUALITY  
ORIGINAL

0166

Exam ination  
Sept 28<sup>th</sup>

9 a.m.

1000<sup>th</sup> St

Sept 29<sup>th</sup> 9 a.m.

Oct 6 9 a.m.

BAILED,

No. 1, by

Nicholas Borfont

Residence

130<sup>th</sup> St 10<sup>th</sup> Ave

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Police Court

6<sup>th</sup>

1576

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Endreio Heavitt

37 Mulberry St

Charles J. Sweeney

1  
2  
3  
4

Offence

Assault  
Felony

Date

Sept-29<sup>th</sup>

1890

Magistrate

James J. Sweeney

Officer

John J. Sweeney

Witness

James J. Sweeney

Witness

James J. Sweeney

No. 1, by

James J. Sweeney

1890

No. 2, by

James J. Sweeney

1890

No. 3, by

James J. Sweeney

1890

No. 4, by

James J. Sweeney

1890

No. 5, by

James J. Sweeney

1890

No. 6, by

James J. Sweeney

1890

No. 7, by

James J. Sweeney

1890

No. 8, by

James J. Sweeney

1890

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

Ruseosi Giuseppe

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 Oct-1-1890 John J. Sweeney Police Justice.

I have admitted the above-named defendants John J. Sweeney

to bail to answer by the undertaking hereto annexed.

Dated Oct-13<sup>th</sup> 1890 Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated.....18 Police Justice.

POOR QUALITY  
ORIGINAL

0 167

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,

Marshal or Policeman in this State, GREETING:

An indictment having been found on the 31<sup>st</sup> day of October

1890, in the Court of General Sessions of the Peace of the County of New York,

charging Giuseppe Giusso

with the crime of Assault in the Second Degree

**You are therefore Commanded** forthwith to arrest the above named Giuseppe Giusso and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York.

New York City, the 7<sup>th</sup> day of November 1890

By order of the Court,

John Sparks

Clerk of Court.

POOR QUALITY  
ORIGINAL

0168

*Oct 10<sup>th</sup>* 1890

The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

*Van Gersicht & Reilly*

443 E. 113<sup>th</sup>  
New York General Sessions of the Peace.

*Nicholas Corfostan*  
130 10<sup>th</sup> Ave  
THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Giuseppe Guiso*

BENCH WARRANT FOR FELONY.

Issued *November 7<sup>th</sup>* 1890

The officer executing this process will make  
his return to the Court forthwith.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Giuseppe Gino*

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

*Giuseppe Gino*

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

The said

*Giuseppe Gino*

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

*Antonio Desisto*

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

*Giuseppe Gino*

with a certain *stone*

which *he* the said

*Giuseppe Gino*  
in *his* right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *him*, the said *Antonio Desisto* 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.

*John R. Fellows,*  
*District Attorney*

0170

**BOX:**

416

**FOLDER:**

3842

**DESCRIPTION:**

Zuhone, William

**DATE:**

10/16/90



3842

POOR QUALITY  
ORIGINAL

0171

Counsel

Filed

Pleads,

1890

THE PEOPLE

vs.

William Zubov

Chris 4/10

Sent to the Court of Special  
Sessions for trial, by request  
of the Defendant.

VIOLATION OF EXCISE LAW.  
(Selling to Minor).  
[Section 290, Penal Code, sub. 8.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

POOR QUALITY  
ORIGINAL

0172

Counsel

Filed

Plsads,

day of

1895

THE PEOPLE

vs.

*B*  
*William Zubov*

*Chr 11/19*

RECEIVED BY THE DISTRICT ATTORNEY  
FOR THE DISTRICT OF COLUMBIA  
JAN 11 1895

VIOLATION OF EXCISE LAW.  
(Section 290, Penal Code, sub. 8.)

JOHN R. FELLOWS,

*District Attorney.*

A True Bill.

*Andrew Little*

*Foreman.*

Witnesses:

*Officer Gendron*

POOR QUALITY  
ORIGINAL

0173

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Guhone*

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

accuse

*William Guhone*

of a MISDEMEANOR, committed as follows:

The said

*William Guhone*

late of the City of New York, in the County of New York aforesaid, on the  
*second* day of *September* in the year of our Lord  
one thousand eight hundred and ninety

, at the City and County aforesaid,  
certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one

*Alexander Lauber*

who was then and

there a child actually and apparently under the age of sixteen years, to wit: of the age of  
*eight* years, 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.*