

0 153

BOX:

416

FOLDER:

3842

DESCRIPTION:

Ziuso, Giuseppe

DATE:

10/31/90



3842

POOR QUALITY ORIGINAL

0154

3577
P. R. Hill

Counsel,
Filed
Pleads,
1880
M. J. Hill

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

40
43
E. L. Hill
vs.
Mosepe Jimso
(Prescoe Jimso)

6-7
Anato Kern, Jr.
John R. Fellows,
District Attorney.

A True Bill

Andrew Little

Foreman.
Part III November 14 1890
Pleads Guilty
Assault 2 day.

By Mrs. J. M. Hill

Witnesses:

M. J. Hill
E. L. Hill
Ch. Hill
C. Hill
A. Hill

[Handwritten signature]

COURT OF GENERAL SESSIONS Part III.

-----X

The People of the State of New York, : Before Hon. Fred'k.
 against : Smyth, and a Jury.
 G U E I S S E P P I Z I N S O . :
 -----X

Indictment filed Oct. 31st 1890.
Indicted for assault in the 2nd degree .

N e w Y o r k, November 14th, 1890.

APPEARANCES: For the People Asst. Dist. Atty. Parker
f For the defendant Mr. J. Berlinger .

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 defen-
 dant had been engaged at work at this place a short time
 before, but had been discharged by the boss for some rea-
 son . On this Saturday morning the 27th day of September
 I was engaged with a man named Saravo 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 .

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 Desisto of 37 Mulberry
St, who is suffering from a wound
in the frontal region (near the par-
ietal) 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 29th 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 Menaceous*

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 hearing thereof having been adjourned,

We, *Giuseppe Brusca* Defendant of No. *113 E* Street; by occupation a *Stone Mason* and *Nicholas Infante* of No. *11 East corner of 1st St* 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 *6* 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 *9th* day of *September* 188*8*

Henry Murray POLICE JUSTICE.

Giuseppe Brusca
Nicholas Infante

POOR QUALITY ORIGINAL

0162

CITY AND COUNTY } ss.
OF NEW YORK, }

Nicholas Conforte

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 five* 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 *five 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 Conforte

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.

POOR QUALITY ORIGINAL

0163

Police Court— 6th District.

CITY AND COUNTY } ss.
OF NEW YORK, }

of No. 37 Mulberry St Street, aged 42 years,
occupation Stone mason being duly sworn, deposes and says, that
on the 27th day of Sept 1880 at the City of New York,

in the County of New York, 137th St & Mulberry Ave
he was violently ~~ASSAULTED~~ and feloniously ~~BEATEN~~ by Preseosi 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 137th St and
Mulberry 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 27th day of Sept 1880 } Antonio Desisto
Henry [Signature] Police Justice

POOR QUALITY ORIGINAL

0164

Sec. 198-200.

6th
11

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Prisoner Giuseppe 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. *Prisoner 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. *~~112~~ 443 East 113rd 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 Zucso

Taken before me this

27th

1889

John J. ...

Police Justice.

POOR QUALITY ORIGINAL

0165

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Sarubbi

aged *32* years, occupation *Stone Mason* of No.

28 Bayler -

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Antonio Sisto*

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

Sworn to before me, this *27th*
day of *Sept* - 18*99*

Frank Sarubbi

John Colasano

Police Justice.

POOR QUALITY ORIGINAL

0155

of am in action
Sept 28 1890

9 a.m.

1100 1/2 Ave

Sept 29 9 a.m.

Oct 6 9 a.m.

BAILED,

No. 1, by Nicholas Borfont

Residence 130 1/2 Ave

No. 2, by _____

Residence _____

No. 3, by _____

Residence _____

No. 4, by _____

Residence _____

Get by a Contemnent
of the City of New York
No. 1, by _____
Residence _____
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court... 67 1576
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Emilio Alessi
37 37 Mulberry St

Ernest S. Smeade

1 _____
2 _____
3 _____
4 _____
Offence Miscell -
Felony

Date Sept - 29 1890

Thomas Magistrate

John A. Borfont Officer

John A. Borfont Precinct

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.....

Rusevi 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 13 1890 John A. Borfont Police Justice.

I have admitted the above-named defendants John A. Borfont to bail to answer by the undertaking hereto annexed.

Dated Oct - 13 1890 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0167

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 31st 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 7th day of November 1890

By order of the Court,

John Sparks

Clerk of Court.

POOR QUALITY
ORIGINAL

0 168

Oct 10th 1890

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

Van Gerichten & Reilly

443 E. 113rd St
New York General Sessions of the Peace.

Incl. 100 Cent. 130 10th St
THE PEOPLE
OF THE STATE OF NEW YORK,

against

Giuseppe Guiso

BENCH WARRANT FOR FELONY.

Issued *November 7th* 1890

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

POOR QUALITY
ORIGINAL

0169

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 Giusso

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

Giuseppe Giusso

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

The said

Giuseppe Giusso

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

Antonius Desisto

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

Giuseppe Giusso

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

Giuseppe Giusso
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 *Antonius 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

135

Counsel

Filed

Plends,

J. J. [Signature]
day of *Oct*
17

1890

THE PEOPLE

vs.

B
William Zubone

Chas [Signature]

Filed in the Court of Special Sessions for Trial, by request of the Defendant.

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

POOR QUALITY ORIGINAL

0172

135

Counsel
Filed *By* day of *1895*
Placed, *Nov 11*

VOLATION OF EXCISE LAW.
(Section 290, Penal Code, sub. 8.)
(Selling to Minors.)

THE PEOPLE
vs.
B
William Zubone
Charles
WAS MADE AND REPRODUCED
FOR THE DISTRICT BY REQUEST
OF THE DISTRICT ATTORNEY.

JOHN R. FELLOWS,
District Attorney.

A True Bill.
Andrew Little
Foreman.

Witnesses:
Wm J. 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 Zubone

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

accuse

William Zubone

of a MISDEMEANOR, committed as follows:

The said *William Zubone*
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.