

1136

BOX:

441

FOLDER:

4068

DESCRIPTION:

Nascsz, Harry

DATE:

06/29/91



4068

Witnesses;

Counsel,

Filed *219* day of *June* 189*1*

Pleads, *Verdict*

THE PEOPLE

vs.

Harry Haring

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]
(Endorsement, etc.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Miller

Foreman.

July 7th 1891

Indict. and acquitted

1138

Police Court-2 District.

Affidavit-Larceny.

City and County } ss.
of New York,

Edward F. Kerner

of No. 15 Wall

Street, aged 33 years,

occupation Banker

being duly sworn

deposes and says, that on the 27 day of February 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United States
of the amount and value of Twenty
one Dollars

the property of Deponent

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

from the fact that deponent is informed by Henry Polye of No 146 - 8th Avenue that on said date the Defendant came to his said Polye place of business No 146 Eighth Avenue and stated to said Polye that he was sent by the deponent to collect said amount of money due to deponent by said Polye as balance due on a bond said Polye had bought from deponent said Polye believing the representations made to him Polye by Defendant to be true paid Defendant said amount by a check hereto annexed Deponent further says that he never authorized the defendant to collect said amount of money balance due deponent on said bond and that

Sworn to before me, this
1887
Police Justice

Defendant made said representations to
 said Polyz with intent to cheat and defraud
 deponent as said defendant never returned
 said money to deponent wherefore deponent
 charges defendant with the larceny of said
 money and appropriating the same to his defendant's
 own use.

Sworn to before me
 this 19th day of June 1891

~~W.D. Wilmato~~

John P. Thomas
 Police Justice

1140

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 42 years, occupation Grader of No. 146 5th Ave

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edward Horn

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

Sworn to before me this

day of

June 19 1889

W. W. M. M. M.

Police Justice.

1141

POLICE COURT, 2 DISTRICT.

City and County of New York, ss.

THE PEOPLE

vs.

On complaint of

For

Harry Nasoz

Edward Horner
Lancuz
Wiss

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

Dated

June 19 1891

W. M. M. M. M.

Police Justice.

Harry Nasoz

1142

Sec. 198-200.

✓

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Harry Masecz 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 the waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Harry Masecz.*

Question. How old are you?

Answer. *25 yrs.*

Question. Where were you born?

Answer. *Austria.*

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

Answer. *266. East Houston St. (N.Y.)*

Question. What is your business or profession?

Answer. *Clerk.*

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

Answer. *I am not guilty*

Harry Masecz

Taken before me this *19* day of *June* 19*11*
H. P. ...
Police Justice

1143

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

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

Dated *June 19* 18 *91* _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated *7* 18 _____ Police Justice.

1144

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Not Guilty.
Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward H. Hornor
88 Wall St
Harry Hasey

1

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3

4

Offence

Dated

June 19th 1891.

McMahon Magistrate.

Jacob A. Heidelberg
C.O. Precinct.

Witnesses

Henry Polyc.

No.

146, - 8th Ave.

No.

Manfred

Cook of Gun

No.

Levin, for

\$

5.00 to answer

Grand Jury charge

complaint

felony



1145

No. 1658.

New York, Feb. 27th 1891

New York County National Bank

Pay to the order of E. H. Moore

Twenty One

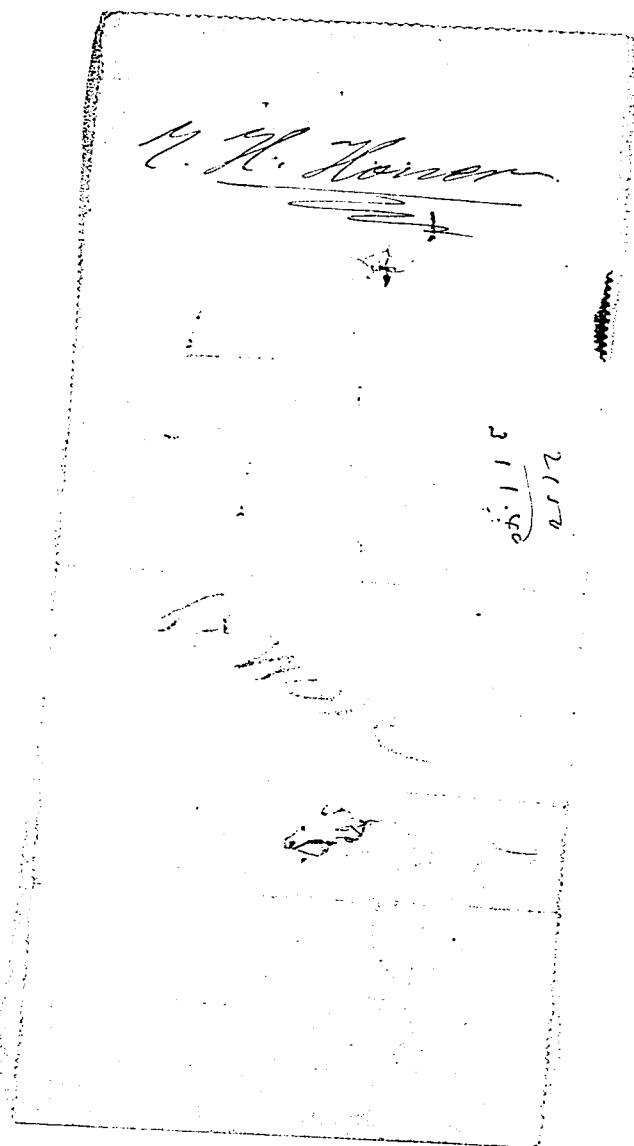
50 Dollars

\$21.50

Wm. J. Folger

STILES & CATH. BY AVE. & 14TH ST. N. Y.

1146



1147

J. H. Horner

J. H. Horner

✓

1148

E H Hone

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1149

E. H. Flower

E. H. Flower

44

Signed by Krishaber
on stand - before jury

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Harry Nascesz

The Grand Jury of the City and County of New York, by this indictment, accuse
Harry Nascesz
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Harry Nascesz

late of the City of New York, in the County of New York aforesaid, on the *27th*
day of *February* in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, having in his custody a certain
instrument and writing, *to wit: an order for the pay-*
ment of money of the kind called bank cheques
which said *bank cheques* is as follows, that is to say:

No. 1658 New York, Feby 27 1891

New York County National Bank
Pay to the order of E. N. Honer
Twenty One *50/100 Dollars*
\$21.50 *Henry Polye*

the said

Harry Nascesz

afterwards, to wit: on the day and in the year
aforesaid, 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 forging on the
back of the said *bank cheque*
a certain instrument and writing commonly called an *Endorsement* which said forged
instrument and writing commonly called an *Endorsement* is as follows, that is to say:

E. N. Honer

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.

SECOND COUNT—

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

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

The said Harry Nassaz

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid having in his possession a certain instrument and writing, to wit: an order for the payment

of money, of the kind called bank cheques, which said bank cheque, — is as follows, that is to say:

No. 1658.

New York, Feby. 27th 1891

New York County National Bank

Pay to the order of E. H. Honer

Twenty One ————— 50/100 Dollars

\$21.50/100

Henry Polye

on the back of which said bank cheque there was then and there written a certain forged instrument and writing commonly called an Endorsement of the said last-mentioned bank cheque, which said forged instrument and writing, commonly called an endorsement is as follows, that is to say:

E. H. Honer

with force and arms, the said forged Endorsement then and there feloniously did utter, dispose of and put off as true, with intent to defraud, — he — the said Harry Nassaz then and there well knowing the premises, and that the said Endorsement was 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.

DE LANCEY NICOLL,

JOHN R. FELLOWS,

District Attorney.

1152

BOX:

441

FOLDER:

4068

DESCRIPTION:

Neese, John

DATE:

06/02/91



4068

1153

POOR QUALITY
ORIGINAL

Witnesses:

Counsel,

Filed

Pleads,

Arthur J. Quinn

15th March

1891

day of June

1891

Quinn 3

THE PEOPLE

vs.

John Neese

John R. Ellows

District Attorney.

A True Bill.

Chas. F. Ambler

Nov 16/91 Foreman.

*Spindly committed
of Hamling 1891*

MURDER IN THE FIRST DEGREE
[Section 188, Penal Code.]

1154

RE MARY N. NEESE.

Before ~~the Coroner and Jury~~

Coroner Louis A. Schultz
New York, March 9th, 1891.

F R E D E R I C K J . M O T T , Special Officer of
the 29th Precinct being duly sworn, testifies as
follows:

BY THE CORONER:

Q Tell the jury what you know about this matter ?

A On the 18th of last month the case was reported to the
29th precinct; I went down there and found Mary Neese
had been taken to the hospital; the prisoner, John Neese,
had escaped, but was captured in Grand Street and taken
before Mary Neese who identified him as the man who had
struck her with a brick, and subsequently she died from
her injuries. The two daughters told us that they were
in the room that evening, and they explained how he
threw the brick and hit his wife and their mother.

G E O R G I A N A N E E S E , being duly sworn, testifies
as follows:

EXAMINATION BY THE CORONER:

Q Where do you live ? A ¹⁶¹ E. 112th street.

Q Tell the gentleman just what you know about this matter ?

A My father had been drinking all Saturday, and came
home under the influence of liquor Saturday evening,

and we advised him to go to bed and be quiet. On Sunday morning he went out to be shaved, and came home under the influence of liquor; and we begged him to go to bed and be quiet. We couldn't do anything with him, and he sat down alongside the red hot stove where my mother had been cooking and making bread. He offered her some whiskey, and she wouldn't take it, and he was very angry. She wouldn't sit down to dinner, and he was very angry. About four or five o'clock he went out again and got some more liquor, and sat alongside of the hot fire again. My mother was in the room at the time, she went into the next room for something, and smelling something burning came back and looked in the closet drawers for the towels, and they were gone, and she raised the stove lids and found them in there burning; she asked my father what he had done, and he wouldn't answer her, and she took his collars out of his drawer and put them in the fire; and he picked up a brick and threw it at her and run out -- she had a piece of brick to keep the stove lid down.

N O R A N E E S E , being duly sworn, testifies as follows:

EXAMINATION BY THE CORONER:

Q You live the same address as your sister does ? A Yes.

Q Tell the gentlemen just what you know about the matter?

A. On Sunday my father came in under the influence of liquor; he had been drinking all day Saturday and Saturday evening, and Sunday he had been drinking all along, after he got shaved and came in and wanted my mother to drink with him, and she wouldn't drink with him. So about half past four in the afternoon, my mother went into the bed room and when she came out she smelt something burning; she found out that he had burnt her towels; she went in the front room and found his collars and put them in the stove. He came out and said something - I don't know exactly what it was - and he picked up the brick and hit her with it, and she fell on the floor; and I got a doctor, and the doctor said the best thing was to take her to the hospital.

-----oOo-----

VERDICT: We, the Jury in the case of MARY ANN NEESE, find that the deceased came to her death on February 28 1891, from injuries received at the hands of her husband, *John D. Neese* at No. 261 East 112th Street, *January 1891*, and we hold the prisoner for the action of the Grand Jury.

COURT OF GENERAL SESSIONS, PART I.

-----X
 The People of the State of New York, :
 :
 against : Before
 : Hon. Fred'k Smyth,
 : and a Jury.
 John Neese. :
 :
 -----X

Indictment filed

Indicted for murder in the first degree.

New York, ~~Sept.~~ 14, 1891.

A P P E A R A N C E S:

For the People,

Asst. District-Atty. Henry E.E.Stapler;

For the Defendant,

Mr. William C. Beecher, and

Mr. Arthur F. Ducret.

ALBERT GRIMM, a witness for the People, sworn, testified:

I am a physician having an office on Lexington Avenue between 112th. and 113th. Streets. I had my office there on the 18th. of January 1891. On the afternoon of that day I went to No. 161 East 112th. Street. An apartment in that house was occupied by the defendant and his family. When I got into his apartments I found a woman lying on the sofa in that room. She was in a semi-comatose condition. There was a wet bandage on her head. On lifting that I found a lacerated wound, and on further examination I found that she was suffering from a compound fracture of the skull. This fracture was on the

2.

left temple at a point about two inches above the outer corner of the eye. I found on probing the wound that the skull was fractured and the woman suffering from a compound fracture of the skull in that region. She answered the questions that I put to her rationally. A brick was shown to me by one of the daughters at that time. In consequence of information given to me in that house I went out and notified the officer on the beat. I didn't do anything further in the matter.

SAUNDERS J. UNCLES, a witness for the People, sworn, testified:

I am an officer of the Municipal Police assigned to duty in the 29th. Precinct. On the 18th. of January last I was on duty on Third Avenue at about five o'clock in the afternoon. While on such duty the last witness Albert Grimm came to me and had a conversation with me. In consequence of that conversation I left him, jumped on a car, rode down to 110th. St. to get the assistance of the man on the next post below me. I found Officer Harpert and I went with him and another officer to the house No. 161 East 112th. Street. When I got inside I found Dr. Grimm and the two daughters there and a woman lying on a lounge. I sent Officer Harpert to get an ambulance and we remained there until the ambulance came. When the ambulance came the woman was taken in it to the Harlem Hospital. I assisted in carrying her to the ambulance. We took the younger daughter to the Station House with us. A brick was handed me by one

3.

of the daughters which I now produce here and which has been in my possession ever since. I didn't hear the injured woman make any statement. The room in which we found this woman was a little room of that apartment. It was about nine feet five inches wide. In that room was a closet which was three feet two inches wide and about seven feet high. There was a faucet in that closet.

Cross-examination:

A window in that room looked into the rear room. There were two windows to the rear room looking out into the yard.

A diagram of the premises was then offered in evidence by the Assistant District-Attorney.

JOHN R. KRUSHINSKY, a witness for the People, sworn, testified:

I am an officer of the Municipal Police assigned to duty in the 29th. Precinct. I was such officer on the 28th. of last January. My post was Lexington Avenue from 110th. to 120th. Street. The last witness came looking for me and Officer Harpert. We went, in company, to the house No. 161 East 112th. Street. This was at 5:30 P.M. on Sunday evening. When we reached the apartments of the defendant we found a lady lying on a lounge with a cut over her left ear. A brick was handed to me by one of the daughters and it was afterwards

4.

brought to the Station House. I think it was Miss Georgiana Neese that handed me the brick. I remained there until the lady was taken away in the ambulance. I didn't know the woman who was lying on the lounge, but had seen her on that afternoon in the neighborhood of three o'clock. In consequence of what she told us we went to her apartments and knocked at the door but could not gain admittance.

LAWRENCE HARPET, a witness for the People, sworn, testified:

I am an officer of the Municipal Police assigned to duty in the 29th. Precinct. On the afternoon of the 18th. of January last at about half past five o'clock I was on post. While in conversation with Officer Kruschinsky, Officer Uncles came up and requested us to go with him to the premises 161 East 112th. Street. We went to those premises. When we entered the apartments of the defendant we found a woman lying on the lounge. She had a wound on her head. She was taken in an ambulance to the Harlem Hospital. I saw that woman at about three o'clock in the afternoon of that day at the corner of 114th. Street and Third Avenue. In consequence of the conversation with her myself and Officer Kruschinsky went to her apartments. When we got there we tried the door of Mr. Neese's apartments but there was no answer. I rapped at the door and nobody answered the knock at all. We then went away. The woman asked me to go to her house.

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5.

HENRY C. ELSING, a witness for the People, sworn, testified:

I am Surgeon at the Harlem Hospital. On the 18th. of January last I was the ambulance surgeon attached to that hospital. I received a call on that afternoon to come to 161 East 112th. Street at about 5:55 P.M. I presume we got to the house in about five minutes. I entered the kitchen. I found a woman lying on the lounge on the right side of the room. It was Mrs. Neese. Two of her daughters were also there. I examined her and found she had a fracture of the skull-- a compound fracture of the skull on the left side between the ear and the eye, and perhaps an inch above a horizontal line drawn from the eye to the ear. I put a bandage on her and she was taken away in the ambulance. I probed the wound with my finger and felt a slight depression when I did so. I declare that the wound was a compound fracture of the skull. Her name was given at the Hospital as Mary Ann Neese. She remained at the hospital until she died on February 27 at 9:35 P.M.

Cross-examination:

The cause of death in my opinion was the fracture. An abscess was formed later on, but the fracture was the cause of the abscess. If the abscess had not formed I don't know whether the woman would have recovered or not. I cannot tell whether the wound received by her on the 18th. of January was necessarily fatal or not. The

6.

wound was an extraordinary one. It was an eighth of an inch in depth and when I probed it with my finger, I felt some depression of the skull itself. It was the depression that showed a crack in the wall of the skull. The woman was treated at the Hospital for this fracture until she died. The abscess formed in consequence of the wound to the skull.

ALBERT T. WESTON, a witness for the People, sworn, testified:

I am a practicing physician in this city. I was called upon on the 28th. of February last to make an autopsy on the body of Mary Neese at the Harlem Hospital. The body was somewhat emaciated. There was a wound on the left temporal region about an inch in front and just above the ear. There was a punctured fracture of the skull underneath the wound communicating by opening, and about three-eighths of an inch in diameter. The of the wound were destroyed by inflammation. The cause of death was meningitis intra cranial abscess following the compound fracture of the skull.

SAMUEL PRICE, a witness for the People, sworn, testified:

I am a Police Officer assigned to Detective duty in the 28th. Precinct. That was my employment on the 18th. of January last. I was at the Station House on the evening of the 18th. of January and was present when this case was reported at the Station House. I was assigned to the duty of investigating the case. Accompanied by Detective Mott I went to 161 East 112th. Street

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and made an examination of the rooms occupied by this family. The diagram which is here representing those rooms is correct. I was handed the brick in the Station House and the same brick is produced here in court. There was a closet in the room in which the stuff was, and in that closet there was a faucet. On the following morning I went to No. 156 Grand Street where the prisoner was employed. The defendant came between 9 and 10 o'clock and I made a prisoner of him. An old man named John Pulver was in the store at the time. I told the defendant that I placed him under arrest. I asked him if his name was John Neese and he said it was. I told him he was my prisoner for assaulting his wife and I brought him to the Station House. He was very much agitated and this man Pulver interrupted me, and the defendant said: "My God. is she dead?" Pulver says: "Now you have done it. You have killed your wife", and that remark of his "My God. is she dead" was made in answer to Pulver. The defendant went to go behind the cigar-maker's counter and I took hold of him. He reached for a knife there. I pulled him away and started taking him out of the store. I asked him what he wanted that for and he said it was part of his tools that he wanted to get, a tobacconist's knife. When he got outside he asked the privilege of going to a restaurant to get his overcoat, claiming that he had left it as security for a meal. I refused him the privilege. We took the Elevated Road at South Fifth Avenue and Grand

8.

Street and rode to 125th. Street. When we got to the car I took him to the rear car and sat down. After telling him of his rights I told him he was arrested on a very serious charge; that anything he might say to me could be used against him. Then I asked him why he struck his wife and he stated that it was the effects of drink and constant quarrelling. He says: "I will tell you the story in a few minutes". He started to give me a short story of his life. He stated that this woman was not his wife; that she was a fast woman and he had been living with her for 27 years; that he had never been married to her; that he had been in business and had a nice store but she broke him up; that their life had been one of constant quarrelling and drink, and that this was the end. He said he struck her with the brick but he did not mean to kill her. I asked him how he came to strike her and he said she threw some of his collars in the fire; that he lost his temper, threw the brick at her and ran away. I asked him if he didn't do something to cause her to throw his collars in the fire; if he didn't put some towels into the fire previous to that, and he said he did put a few old rags in the fire. He said he lost his temper, picked up the brick, threw it and then fled. I took the defendant afterwards to the Harlem Hospital and he was confronted with his wife. I asked her if this man was the man who struck her and she said

yes was;

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"Yes; that is my husband". The prisoner then asked her if she would forgive him, and she said: "No; I will not". I took him away. He was held the following day in the Police Court to await the result of the woman's injuries. After her death he was fully committed.

Cross-examination:

Georgiana Neese

I had a conversation with ~~him~~ on the day I arrested the defendant. I didn't state to Miss Neese that I had found her father at work. Neither did I state to her that I told him I wanted him and that he asked me what I wanted him for. I didn't state to her that I said to her father: "Don't you know what you have done?" and that he replied: "No; what have I done?" I didn't at the time I arrested the defendant state to him that his wife was dying. The defendant didn't state to me: "Dying from what?" I didn't so state to Miss Georgiana Neese. When I took the defendant to the Hospital his wife didn't shake hands with him as I remember.

JOHN PULVER, a witness for the People, sworn, testified:

I tend the cigar store at No. 56 Grand Street. I was there on the morning of the 19th. of January last at about nine o'clock. I was present when the defendant was arrested. The officer came in and asked for Mr. Neese. I told him he was not there then. When Mr. Neese came in I told the officer that was Neese. Neese asked me for ten cents. I told him he could not have it and then the officer arrested him. I told Neese that he had killed his wife and he said: "Is that possible; is

10.

she dead?" The defendant had been employed in that store about five months. Mrs. Neese called several times to see him.

Cross-examination:

The defendant seemed very much shocked and surprised when I told him he had killed his wife.

ANDREW BROWN, a witness for the People, sworn, testified:

I am an officer of the Municipal Police assigned to duty in the 29th. Precinct. I was present in the Harlem Hospital when the defendant was brought before his wife. Detective Price asked the woman if this man was her husband, and she said he was. He asked her if this was the man who assaulted her, and she said it was. I then took him away.

GEORGIANA NEESE, a witness for the People, sworn, testified:

I live at No. 2313 Second Avenue now. On the 18th. of January last I lived at 161 East 112th. Street. I was present in my home on that Sunday evening. At about five o'clock in the afternoon my father put some towels into the stove. Previous to that he had been lying down on the sofa with a newspaper over his face and he got up as though he was dazed and was not in his right mind. He went out into the kitchen. There were two chairs, one each side of the kitchen door. He kind of stumbled over them or pushed them aside and took the lid off the stove and put in some towels. After he put the towels in the stove he laid down for awhile. In a short time my mother went into the front room, took a collar of my father's out of the bureau drawer and walked into the

11.

kitchen and put it in the stove. My father woke up in a short time, went out into the kitchen, took the lid of the stove off, looked in the stove to see if the towels were burnt. As he looked in the stove he took this brick which was lying on the stove and threw it over into the coal box. At that time I heard my mother fall. I believe my mother was at the sink near where the coal box is. When I went to her she was lying on the floor unconscious. My father took his overcoat and hat and ran out into the hall. I sent my sister for a doctor and I lifted my mother up and put her on the sofa. In a short time the officers and the ambulance came and took her away. The brick which was produced here was handed by me to one of the officers. I was taken to the Station House and made a statement there. There is a closet in this room, the lower part of which is a coal box. Then there is a faucet and in the upper part dishes can be put away. My mother was stooping over to draw some water from this faucet at the time my father threw the brick into the coal-box. I didn't see the brick strike my mother. I was standing at the table in about the middle of the kitchen. When I reached my mother she said: "Where is your father? Where is John?" and then at once she became unconscious. After I put her on the sofa she didn't say anything. I found a small wound on the left side of her head. I got a towel, wet it and put it on the wound as a bandage. When my sister returned with the doctor I told him how the affair happened. I went to the

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hospital several times to see my mother before she died. I have stated all I recollect in relation to the throwing of the brick. I was examined in this case before the Coroner. I gave about the same testimony there as I have given here.

Cross-examination:

- Q Do you mean to be understood that you saw your father throw the brick at your mother? A No, sir.
- Q Isn't it a fact that this room which has been called the kitchen was a very dark room in the afternoon? A Yes, sir.
- Q The only communication between the kitchen and the bedroom was one door? A Yes, sir.
- Q Then this room was very dark? A Yes, sir.
- Q You were standing near the middle of the room at a table? A Yes, sir.
- Q Your father was standing at the further side of the stove? A Yes, sir.
- Q Isn't it a fact that your father got up from the sofa and came into this room before your mother came in? A Yes, sir.
- Q You have spoken about your father burning some towels. Hadn't he been using some liniment or medicine? A Yes, sir. He always used old towels and then burnt them up.
- Q After he put the towels in the fire he went back to the sofa and laid down and put a newspaper over his face? A Yes, sir.

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- Q Did you or anybody else tell him that your mother had put one of his collars in the stove? A No, sir.
- Q This brick was resting upon an angle of the stove-pipe, and had been there for some time? A Yes, sir.
- Q The stove was between your father and your mother at the time he threw this brick? A Yes, sir.
- Q He just picked it up and threw it in the direction of the coal-box? A Yes, sir.
- Q Was it easy to distinguish your mother where she was standing by the light of the fire? A I could distinguish my father but not my mother.
- Q On the morning of this very Sunday, was anything said by your father to your mother in regard to helping her with the cooking? A Yes, sir; my father cooked my mother's breakfast on that morning.
- Q You say that twenty minutes before this occurrence your father stumbled over chairs in that room? A Yes, sir; and when he did that he was kind of murmuring to himself.
- Q Had your father been under medical treatment for some time? A Yes, sir; the effect of this medicine upon him was to cause him to act very queer. My father worked every day and always treated us and my mother kindly. I never knew them to have any quarrel at any time. I had a conversation with Detective Price in which he told me that my father said when he arrested him: "Dying from what?" My mother and I paid the rent of those rooms. Four more sisters and brothers are now at the House of In-

14.

dustry in this city. I saw my father pick up the brick and throw it. There was light enough for me to see that. There was not light enough for me to see my mother, as she stood in this closet. The brick was thrown about twenty minutes after the collar had been put in the fire by my mother. I saw my mother start off in the direction of the closet. The next thing I knew of her was when I heard her fall. I understood my father threw the brick because I found it afterwards in the coal-box. At about half past three on that Sunday my mother was preparing to go to church and I assisted her in making her toilet. I do not know what caused my father to stumble over the chairs as he went into the kitchen. I do not know what caused him to murmur to himself. I had a conversation with Officer Price in reference to the burning of the towels.

CORNELIUS MERRITT, a witness for the People, sworn, testified:

I am an undertaker. I was present at the funeral of Mrs. Neese which took place from 161 East 112th. Street, on the 2nd. day of March. The woman was five feet two inches in height.

NORA BENLEIN, a witness for the People, sworn, testified:

I reside at 161 East 112th. Street and resided there on the 18th. of January last. I am the housekeeper of that house. At half past three o'clock on that afternoon two officers came to me and had a conversation with me. I showed them the room of Mrs. Neese on the opposite side of the hall from me. They knocked at the door and afterwards went away.

1171

15.

FREDERICK J. MOTT, a witness for the People, sworn, testified:

I am an officer of the Municipal Police assigned to detective duty in the 29th. Precinct. On that day I went with Detective Price to premises 161 East 112th. Street. We went into the prisoner's apartments and made an investigation there. I found a closet in a corner of the room, the door of which opened against the wall of the adjoining room. In my presence the brick in question was handed to Officer Price.

No witnesses were called on behalf of the defendant.

The Jury returned a verdict of "guilty of manslaughter in the first degree" and a recommendation to the mercy of the court".

1173

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office
No. 124 Second Avenue Street, in the 17th Ward of the City of
New York, in the County of New York, this 9th day of March
in the year of our Lord one thousand eight hundred and 91 before

Louis W. Schultz
Coroner
of the City and County aforesaid, on view of the Body of Mary N. Neese
lying dead at

Nine good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Mary N. Neese came to her death, do

upon their Oaths and Affirmations, say: That the said Mary N. Neese
came to her death by on February 28th 1891,
from injuries received at the hands of her
husband John D. Neese at 461 East 112th
Street, January 18th 1891, and we hold the
prisoner for the action of the Grand Jury

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,
set our hands and seals, on the day and place aforesaid.

JURORS.

Wm. H. Baker 328 Grand St
Hymen Aaronson 12 Canal
John Bado 34 Canal
L. Ratt 135 Canal
Fred Sum 118 Canal
William F. Jacobus 342 East 120 St
August 112
Theodor Duper 298 Grand St
Louis W. Schultz, CORONER, E. S.

1174

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the
 No. _____ Street, in the _____ Ward of the City of
 New York, in the County of New York, this _____ day of _____
 in the year of our Lord one thousand eight hundred and _____ before
 LOUIS W. SCHULTZE, Coroner,
 of the City and County aforesaid, on view of the body of _____
 now lying dead at _____
 Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the
 said _____ came to his death, do upon
 their Oaths and Affirmations, say: That the said _____
 came to his death by _____

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

Ad. Haber 328 Grand	William J. Jacobus
John Back	12 Canal St
August Weber	34 Front St
Hyman Aronson	
112 Canal	118 Canal street
Fred Sumner	
Theodor L. L. L.	98 Grand St
Chas. Rath	130 Canal St
to do work	127 Canal St

Coroner L. S.

1175

TESTIMONY.

Autopsy.

At Harley Hospital Feb. 28th 89 4³⁰ P.M.
 Present Dr. Dada House Surgeon.
 Body that of an undernourished
 woman of middle age much
 emaciated.

There is a granulating wound
 in the left temporal region about
 an inch in front and just above
 the ear. Wound about 1" in diameter.

There is a fracture underneath
 this wound = fractured = opening
 about $\frac{3}{8}$ of an inch in diameter
 the edges necrotic. There is an

plastic exudation over the dural and a trace of
 meningitis. a pocket extends down
 wards = sub-dural = containing pus.

Brain otherwise normal.

Heart slightly fatty.

Apex of right lung contains a
 small cheesy nodule; otherwise normal.

Left lung normal.

Kidneys cirrhotic.

Liver & intestinal canal normal.

Cause of death. Meningitis
 and intra cranial abscess following
 compound fracture of skull above
 described.

Albert J. Weston.

Sworn to before me

this

day of

Feb. 1891

Louis H. H. H. H.

CORONER.

1176

TESTIMONY.

Albert L. Weston, M. D., being duly sworn, says;
 I have made an autopsy of the body of
Mary M. Foster now lying dead at
Harlem Hospital and from such autopsy
 and history of the case, as per testimony, I am of opinion the cause of
 death is *Wounded by a brick thrown by*
on her head by a brick thrown by
her husband at 161 E. 112nd St. Jan'y
18th 1891. *Compounded fracture*
of skull. Meningitis ex traumatica.

A. L. Weston M. D.

Sworn to before me
 this *28th* day of *Feb.* 1891

Louis McHenry CORONER

1177

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
39	Years	Months	Days	M.S.	Harlem Hosp.
					Feb 28

Admitted to Hosp. Jan'y 1891 with history of having been hit with a brick at 161 E. 119th St. by her husband.

Adm. 3 9 1/2 P.M.

7

L. W. S.

Admission

Q/A

Jan.

189

AN INQUISITION

On the VIEW of the BODY of

Mary M. Neen

whereby it is found that he came to death by

Exhibit taken on the 9th day of March 1891
LOUIS W. SCHULTZ, Clerk

✓ 710

1178

Admitted to Hosp. Jan'y 1891
1891 with history of having
been hit with a brick at
161 E. 112¹/₂ St. by her
husband.
Vol. 29¹/₄ Pat.

AGE	PLAC. OF NATIVITY	WHERE FOUND	Date When Reported
34 Years Months Days	M.S.	Harlem, N.Y.	Feb 28

MEMORANDA.

1002
L. W. S. *Admitted*
C^o.
Mar. 1891
AN INQUISITION
On the VIEW of the BODY of
Mary M. Kress
whereby it is found that he came to
his death by

Inquest taken on the 9th day
of March 1891
LOUIS W. SCHULTZ, Coroner.
710

1179

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK } ss.

John J. Neese being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—

John J. Neese

Question—How old are you?

Answer—

46

Question—Where were you born?

Answer—

U.S.

Question—Where do you live?

Answer—

161 E 112

Question—What is your occupation?

Answer—

Cigar Maker

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

I was not responsible for what I don't know Neese

Taken before me, this *9* day of *March* 18*91*
Louis J. Schenck CORONER.

1180

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
39	Years	Months	Days	U.S.	Harlem Hospital Feb 28

No 110 - 1891
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Mary A. Moore

whereby it is found that A he came to
to death by the hands of

John D. Moore

Report taken on the 9th day
of March 1891

John W. Schuchter
CORONER.



Committed
Examined
Discharged
Date of death

1181

733

101 710 - 1891

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Mary M. Neve

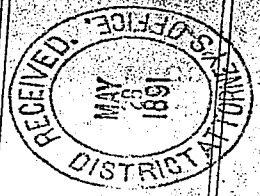
underlying ~~it~~ found that S. he came to

to Death by the hands of

John D. Neve

Inquest taken on the 9th day of March 1891

Reported by Louis H. Schultz
Coroner.



Committed

Bailed

Discharged

Date of death

MEMORANDA.

AGE	39 Years	Months	Days
PLACE OF NATIVITY	Ill.		
WHERE FOUND	St. Louis Hospital Oct 28		
DATE When Reported			

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 Reese

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

John Reese

of the CRIME OF Murder in the First Degree, committed as follows:

The said *John Reese*,

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

Mary N. Reese

in the peace of the said People then and there being, wilfully, feloniously, and of *his* malice aforethought, did make an assault, and *she* the said

John Reese, *her*.

the said *Mary N. Reese*, with a certain *knife*

which *she* the said *John Reese* in

his right hand then and there had and held, in and upon the *head* of *her* the said *Mary N. Reese*.

then and there wilfully, feloniously, and of *his* malice aforethought did strike, ~~stab, cut and wound~~ *and* giving unto *her* the said *Mary N. Reese*,

then and there with the *knife* aforesaid, in and upon the *head* of *her* the said *Mary N. Reese*.

~~and~~ *one* mortal wound of the breadth of one inch, and of the ~~depth~~ *length* of six inches, of which said

mortal wound ~~and fracture~~ the said ~~Mary N. Reese~~ —
 at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the
~~twentieth~~ day of ~~February~~, in the same year
 aforesaid, did languish, and languishing did live, and on which said ~~twentieth~~
 day of ~~February~~, in the year aforesaid, ~~she~~ the said
~~Mary N. Reese~~, at the City and County aforesaid,
~~and fracture~~
 of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said

~~John Reese, then~~ —

the said ~~Mary N. Reese~~, in the manner and form, and by
 the means aforesaid, wilfully, feloniously, and of ~~his~~ malice aforethought, did kill,
 and murder, 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 Reese~~ —

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

The said ~~John Reese~~ —

late of the City and County aforesaid, afterwards, to wit: on the said ~~twentieth~~
 day of ~~February~~, in the year of our Lord one thousand eight hundred
 and ~~eighty~~ ~~ninety one~~, at the City and County aforesaid, with force and arms, in and
 upon the said ~~Mary N. Reese~~ —

in the peace of the said People then and there being, wilfully, feloniously, and with
 a deliberate and premeditated design to effect the death of ~~her~~ — the said
~~Mary N. Reese~~ —, did make another assault, and
 the said ~~John Reese, then~~ — the said

~~Mary N. Reese~~, with a certain ~~kind~~ —
 which ~~she~~ — the said ~~John Reese~~ — in

His right hand then and there had and held, in and upon the head
 of ~~her~~, — the said ~~many N. Reese~~,
 then and there wilfully, feloniously, and with a deliberate and premeditated design to effect
 the death of ~~her~~ the said ~~many N. Reese~~, did strike, stab, cut and
 wound, giving unto ~~her~~ the said ~~many N. Reese~~, then
 and there, with the ~~knife~~ aforesaid, in and upon the head —
 of ~~her~~. — the said ~~many N. Reese~~.
 one mortal wound of the breadth of one inch and of the depth of six inches, of which said
 mortal wound ~~and~~ the said ~~many N. Reese~~, at
 the City and County aforesaid, from the said ~~eighteenth~~ day of ~~January~~,
 in the year aforesaid, until the ~~twenty-first~~ day of ~~January~~, in the
 same year aforesaid, did languish, and languishing did live, and on which said
~~twenty-first~~ day of ~~January~~ in the year aforesaid, ~~she~~
 the said ~~many N. Reese~~, at the City and County
 aforesaid, of the said mortal wound ~~did~~ die.

And so the Grand Jury aforesaid do say: That the said
~~John Reese, her~~, —
 the said ~~many N. Reese~~, in the manner and form, and by
 the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design
 to effect the death of ~~her~~ the said ~~many N. Reese~~,
 did kill and murder, against the form of the Statute in such case made and provided, and
 against the peace of the People of the State of New York and their dignity.

~~JOHN R. FELLOWS,~~
~~JOHN R. FELLOWS,~~

District Attorney.

1185

BOX:

441

FOLDER:

4068

DESCRIPTION:

Nesbit, Edward

DATE:

06/26/91



4068

Witness:

Counsel,

Filed

26 day of June 1891

Pleads,

THE PEOPLE

vs.

Edward Nesbit

Grand Larceny Second Degree.
[Sections 528, 537, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Foreman.

June 29/91

Henry H. H. H.

S. P. H. H.

1187

Police Court

5 District.

Affidavit-Larceny.

City and County } ss:
of New York, }

of No. 318 E 123rd Street, aged 33 years,
occupation Lawyer being duly sworn,
deposes and says, that on the 13 day of March 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the day time, the following property, viz:

One coat and vest
and two gold fadges
the whole being valued
at Thirty-five dollars
35-00

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen and carried away by Edward Westbrooke,
for the reasons following to
wit: deponent is informed by
Law Johnson the wife of de-
ponent that a person came to
the deponent's residence but to
her that the deponent had
sent him to get some prop-
erty and bring it to them
Mrs Johnson believing the re-
presentation made by the de-
fendant's wife to the deponent
the said property which prop-
erty deponent afterwards secured
from a pawn office where deponent
had pawned it.

Roana. Substant.

Sworn to before me this 23 day

1891

Police Justice.

1188

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation Manager of No. 34-6-123

Robert A. Johnson Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 23
day of June 1897

Lois Johnson

[Signature]
Police Justice.

1189

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Edmund Nestbit*

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. *2240-3rd Avenue, St. Marks*

Question. What is your business or profession?

Answer. *Driver*

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.*
E. Nestbit

Taken before me this

day of

Petite Justice.

1190

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 5 DISTRICT.

of No. Samuel Price Street, aged 33 years,
 occupation Electrician being duly sworn, deposes and says
 that on the 21 day of June 1891
 at the City of New York, in the County of New York He arrested

Edward Westcott (now known on a
 charge of larceny on complaint
 of Robert A. Johnson. The said
 Johnson not being able to ap-
 pear in Court to-day deposes
 that the defendant be
 held to enable him to produce
 the complainant in Court.

Samuel Price

Sworn to before me, this

22

day

of

June 1891

Police Justice

1191

234

Police Court.

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

725

US.
Canon West

Dated

189

Magistrate.

Officer.

Witness.

Disposition

Ex June 23-9.30 a.m.

1192

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

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

Dated June 23 91 *188* *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.*

1193

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

District.

THE PEOPLE, &c
ON THE COMPLAINT OF

Robert Johnson
318 E. 123 St.
Common Pleas
2 _____
3 _____
4 _____
offered
Wm. J. [unclear]

Dated *June 23 1891*

Wm. J. [unclear] Magistrate
Wm. J. [unclear] Officer.

Witnesses *29* Precinct.

Mrs. T. [unclear]

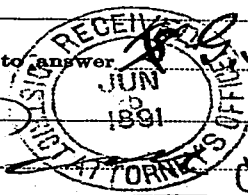
No. *318 E. 123 St.* Street.

Officer Ross

No. *29 Precinct* Street.

No. _____ Street.

\$ *1000* to answer _____



G. L. [unclear]
advice on [unclear]
"Trick and device"

1194

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Nesbit

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

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

The said

Edward Nesbit,

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

one coat of the value of fifteen
dollars, one vest of the value
of seven dollars, and two badges
of the value of seven dollars
each

of the goods, chattels and personal property of one Robert A. Johnston
then and there being found, then and there feloniously did steal, take and carry away, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

De Lancey Nicoll
District Attorney

1195

BOX:

441

FOLDER:

4068

DESCRIPTION:

Newman, John

DATE:

06/17/91



4068

1196

W. J. [unclear]

Counsel,
Filed *17* day of *June* 189*7*
Pleas, *[Signature]*

THE PEOPLE
vs.
John Newman
Grand Larceny, *First Degree.*
[Sections 528, 530, Penal Code].

OF LANCEY NICOL,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

[Signature] Foreman.
[Signature]
[Signature]
[Signature]
[Signature]

1197

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 202 East 15th Street, aged 35 years,
 occupation Keep House being duly sworn,
 deposes and says, that on the 6 day of June 1891 at the City of New York,
 in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
 the night time, the following property, viz:

A Satchel containing
gold and lawful money
of the United States amounting to
the amount of about Seventy
dollars

\$ 70.00

the property of

Deponent

and that this deponent

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

from the fact that said
Satchel containing said money
was in a wardrobe in the
above premises, and said defendant
was employed by deponent to do
some work in said premises.
Shortly after the departure of said
defendant, deponent missed the
said property, and as no other
person was in said premises but said
defendant, deponent therefore accuses
him with having taken, stolen and
carried away said property.

May L. E. Roy

Sworn to before me this 11 day

John L. E. Roy
 1891
 Police Justice.

1198

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

John Newman 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. *John Newman*

Question. How old are you?

Answer. *21 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *153 East 28 Street 7 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

John Newman

Taken before me this

day of

John Newman
Police Justice

1199

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 Clifford

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 Nov 11 1884 James M. [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 he to be discharged.

Dated _____ 188 _____ Police Justice.

1200

Police Court District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

May L. Rogers
John Robinson

2
3
4

Dated *June 11* 18*91*

Murray Magistrate

J. H. Hunsley Officer.

18 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *5.00* to answer

Chas
9th St
Monmouth

BAILED.

No. 1, by

Residence Street.

No. 2, by

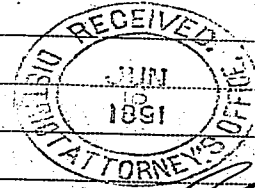
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



The People
 John Newman
 Indictment for grand larceny in the first degree.

Court of General Sessions. Part I.
 Before Judge Cowing. June 22, 1891.

Mary Le Roy, sworn and examined, testified:
 Are you a married lady? Yes. When did you first see this defendant? About one year ago. He was not working for me then; he came to my house late in the evening as a beggar. Did you give him help? Yes. When did you next see him? Then I chided him for begging, saying, he was young and healthy, and that he should try to earn a living. He said that he was willing to work but could not get it. I said, that is the old song he says, Lady, if you have work for me I will do it for you. I said, very well, came around the day after tomorrow and clean my cellar. He did so and I paid him very liberally to assist him; it was not really necessary till the first of the month. It was about six days off. This was when I first met him, about a year ago. I helped him very liberally till he said he would get employment in the Railroad Co. He worked for me recently up to the time of my losing my satchel which had seventy dollars in it. This was Saturday June 1st.

That was he doing for you this last time? He was ~~bringing~~ ^{sorting} some screws from the tool box in my room in front of the ward robe door, which was open, and my satchel hung inside on the front hook. The seventy dollars which was in it consisted of cash, gold and silver and paper. When had you last seen that money in the satchel? Five minutes before. He was employed in this room where the satchel was and no one else was there except him and myself. This room is on the first floor near the front door. When he left the room I left with him; his place was up stairs, and his excuse for going down stairs was to get soap cups. I waited a moment or two, and finding that he did not return, I locked my door, the door of the room I had just left where the satchel was, and passed down. I went away to look for him and found my basement door wide open and he gone. I went on the second floor again and spoke to my house keeper. I waited a moment or two, and then went down in the basement again to investigate and found his coat. I then became uneasy and went back into

my room immediately and searched my satchel. I found the money was gone. Did anybody else have any access to that room except this defendant? Not a single soul.

By the Court. I understand you to say five minutes before he came into the room when he went out you locked the door and went down stairs and found the door open, he was gone. you came right back and the money was gone, nobody had any access to this room but him and yourself? No sir. Nobody was in that room from the time you saw him until you missed the money? No sir.

By District Attorney. He did not turn up again? No sir until the officer caught him. When was that? The officer arrested him on Wednesday morning. He took the money on Saturday June 6th and the officer arrested him the following Wednesday.

Cross Examined. That time in the day was this? About twenty minutes after nine o'clock in the evening. I placed the satchel in there five minutes before that. Had you been out with it? No. I just paid a bill at Redley's for some goods. I keep furnished rooms at Fifth Street where ladies and gentlemen are accommodated. Whoever have rooms in the house have pass

Keys to pass up and down at their own sweet will, but no one entered my room where the money was. I was in my room from the time the defendant came in until he went out; the door was locked when I admitted him and I locked it immediately after passing him out. You were in the room all the time he was in there? Yes. I did not watch him at his work. How large a room was it? It is a large front parlor. He was sitting sewing did you say? Yes, he was at the ward robe which was carelessly open, the patch hanging in the front. I was off in another direction arranging my sewing case in the same room, not in sight, as the wardrobe door had him partially hidden. He could look around and see you? Of course he could, but I was not watching him all the time. The door to this room is fastened by an ordinary lock? Yes. The keys to the other doors are different but the same in their design. I moved to this house No. 202 recently. I began to employ him latterly about June 10. About how long was he working for you? About two weeks; the first week I employed

him previous to this. During his services I lost a pair of opera glasses and an opera shawl.

By Counsel In houses of that kind they lose things frequently? Yes.

Jeremiah J. Hennessy, sworn and examined, testified. Did you make the arrest officer in this case? Yes sir. Where did you arrest the defendant? He was arrested at Twenty Third St. about two o'clock in the morning of the 30th of June. Did he have anything to say when he was arrested? He was fetched in by another officer on post. I found him in the station house; we were looking for him nightly; we could not come across him. You know nothing about the particulars of the case? No sir. All I found on him was a pawn ticket a five cent nickel. It represents a suit of clothes under the name of Vogle. What did he say in reference to it? When I met him I asked him the reason why he robbed this lady? He said the reason I robbed her she would not pay me. I says, Why did you leave your coat in the parlor after you? He said, that is my "business." He did not state anything else.

The Court The evidence is that it was taken in the night time. The District Attorney. Yes. nine o'clock

John Newman, sworn and examined in his own behalf testified: I began to know the complainant last year. I worked for her in Fortieth street; she keeps a furnished room house where ladies and gentlemen come in and take a room for a while. I worked for her also in East Fifteenth street; she kept the same kind of a house there. Did you steal anything from her house in East Fifteenth street or in Fortieth St? No, sure. Do you remember when you were in the room sorting screws? I did that several times. Are you positive that you did not take any patch out of there that day or any other day? No, sir.

Can you explain to the jury why you left the house that night and not return any? I left the house that day, it was Saturday. The lady that works there making the beds she told me to ask Mr. Leroy for the money. I said that she knew she would not pay me. She said every servant girl, every woman and man that worked for her she would skin them, that she could prove it. She said, "go and ask her." She did not pay me when I worked at Fortieth St. she gave me money now and then.

but did not pay me what I ought to have got. That night after the woman told me that, I said, "Mrs. Leroy, I would like to take an hour off if you can give me a few dollars to get some underwear." He said, "Wait a minute, till I come back." She went out again and came back that evening. I asked her again. She said, "You will have it today, as I tell you; now you can't get it." I said, "I have a pair of ticket for some underwear, I would like to take it out. I would like to have some clean underwear and a clean shirt for next week." She said, "That don't matter, what is the use putting on a clean shirt, it will get dirty again." So any way I told her that I knew it would get dirty again, but I would want clean underwear. She said, "You will have to do as I told you." I kept still for a while.

By the Court. Was this on the day the money is alleged to have been taken? Yes sir. I went in the hall to take up the carpet and after I got through I went up stairs; she was in her room. I said, "Mrs. Leroy, can I go now?" I was determined to go that night to get some underwear. She refused me again, she told me to

put on bolts on the door up stairs. I said to her I would not work for her till I would get underwear. I said I would go now as the shops will be closed; it is a good suit of underwear. I would have to pay more if I would buy a new suit. She said, "you can go now." I said, "All right," and both of us went up stairs to put some bolts on the door. I asked her again for the money. She said, "no, you cannot get it." I said I will go down and get some screws, and she came down after me and she commenced cursing me. I wanted to get a better suit of clothes that I might go to work. I could not get any money out of her and I left the house. I got arrested that night. I left my coat behind me because it was all tore and a friend of mine promised me a suit of clothes. I did not take the seventy dollars that the complainant says she lost. I did not tell the officer that I took the money because she would not pay me. I told him I left the house because she would not pay me. The jury rendered a verdict of guilty of grand larceny in the first degree.

1209

Testimony in the
case of
John Newman
filed June
1891

12 10

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 Newman

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *John Newman*
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,
committed as follows:

The said *John Newman*
18th Ward of the
late of the City of New York, in the County of New York aforesaid, on the *6th*
day of *June* in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms, in the
night time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *thirty-five*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
thirty-five

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

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

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of

*thirty-five dollars, and
one satchel of the value of five
dollars*

of the goods, chattels and personal property of one *May Le Ray*, in the
dwelling house of the said *May Le Ray*, then and there being found,
from the dwelling house aforesaid,
then and there feloniously did steal, take and carry away, against the form of the
Statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

DE LANCEY NICOLL.

JOHN R. FELLOWS, District Attorney.

12 1 1

BOX:

441

FOLDER:

4068

DESCRIPTION:

Nugent, James

DATE:

06/18/91



4068

12 12

Witnesses:

Counsel,

Filed

Pleads,

day of June 1891

THE PEOPLE

vs.

James Nugent

CONCEALED WEAPON.
(Section 410, Penal Code).

DE LOUISIANA

JOHN R. FELLOWS

District Attorney.

A True Bill.

Chas. F. Ambrose Foreman.

June 19/91

Wm. L. Gentry

Pen one up.

12 13

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

James Nugent 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 Nugent*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Illinois*

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

Answer. *10610. 2 years -*

Question. What is your business or profession?

Answer. *Bricklayer*

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*
James Nugent

Taken before me this

day of

189

Police Justice.

12 14

In Person to the Court

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 *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 *June 29* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

12 15

Police Court

District

THE PEOPLE, &c.,
BY THE COMPLAINT OF

John Shortall
James Muga

2

3

4

Dated

June 13 18*91*

Magistrate

Officer.

Precinct.

Witnesses

Theodore Brown

No.

491

Street.

No.

Street.

No.

Street.

\$ *3.00* to answer

G. S.
Com. Wagon

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

12 16

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, DISTRICT.

John Shortall
of No. 27th Precinct Police Street, aged years,
occupation Officer
being duly sworn deposes and says,
that on the 12 day of June 1891

at the City of New York, in the County of New York, he arrested
James Nugent, (now here), who, with the
intent to use said willfully and
maliciously and feloniously, carry
concealed on his person a dirk knife.
From the facts that deponent was inform-
ed by citizens that the defendant had
the said dirk knife on his person, and
that he, the defendant had threatened
to use the same. Therefore deponent
prays that the defendant be held and
dealt with as the law directs. All of which
is in violation of Sec. 10 of the Penal Code.
John Shortall

Sworn to before me, this

of June 1891

day

Police Justice

12 17

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Nugent

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

of a FELONY, committed as follows:

The said

James Nugent
late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *June* in the year of our Lord one thousand eight hundred and ~~eighty-ninety-one~~, at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed, on his person, a certain instrument and weapon of the kind commonly known as *dirk, dagger and dangerous knife* with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, 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

of a FELONY, committed as follows:

The said

James Nugent 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, feloniously did possess a certain instrument and weapon of the kind commonly known as *dirk, dagger and dangerous knife* by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANSEY RUSSELL

JOHN R. FELLOWS,

District Attorney.

12 18

**END OF
BOX**