

0504

BOX:

27

FOLDER:

331

DESCRIPTION:

Peterson, Oscar

DATE:

12/14/80



331

0505

BOX:

27

FOLDER:

331

DESCRIPTION:

Marvin, George

DATE:

12/14/80



331

0506

64

Counsel,

Filed 14 day of Dec 1880

Pleads,

THE PEOPLE

BURGLARY—Third Degree, and Larceny.

Dear Sirs,
I
George Madden

BENJ. K. PHELPS,

Part in Dec 15, 1880.
Att. Gen. in attempt to prove.

A True Bill.

Madden

Foreman,

SP one year each

0507

Police Court—Second District.

City and County } ss:
of New York. }

Henry Harris
of No. 297. Bleeker Street, being duly sworn,
deposes and says, that the premises No. 297. Bleeker
Street, 9th Ward, in the City and County aforesaid, the said being a Store
and which was occupied by deponent as a Grocery

were **BURGLARIOUSLY**
entered by means of forcibly breaking
a pane of glass in a side
window on Barrow Street
and entering said premises
on the night of the fourth day of Decr 18 80

and the following property feloniously taken, stolen, and carried away, viz:

Good and lawful money
of the United States
consisting of silver
& copper coin and
of the value of
Two dollars & Sixty five
cents.

\$2.65
100

the property of William D. Harris and
his deponent to care & charge,
and deponent further says, that he has great cause to believe, and does believe, that

the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen

and carried away by Oscar Peterson & George
Marvin (now here)
for the reasons following, to wit:

that deponent is informed
by John C. Van Allen that
he saw said persons enter
said premises

Henry Harris.

Subscribed and sworn to before me this 10th day of Decr 1880
J. J. [Signature]
Justice of the Peace

0508

Police Court—Second District.

CITY AND COUNTY)
OF NEW YORK. } ss.

George Marovis being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—

George Marovis

QUESTION.—How old are you?

ANSWER.—

32

QUESTION.—Where were you born?

ANSWER.—

N. Y.

QUESTION.—Where do you live?

ANSWER.—

224 W. 11th St.

QUESTION.—What is your occupation?

ANSWER.—

Carpenter

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

ANSWER.—

I am not guilty

George Marovis

I have before me, this

5th day of

1880

Police Justice.

0509

Police Court—Second District.

CITY AND COUNTY)
OF NEW YORK. } ss.

Oscar Peterson being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—

Oscar Peterson

QUESTION.—How old are you?

ANSWER.—

22.

QUESTION.—Where were you born?

ANSWER.—

U.S.

QUESTION.—Where do you live?

ANSWER.—

53 Bethune St.

QUESTION.—What is your occupation?

ANSWER.—

musician

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

ANSWER.—

I am not guilty.

Oscar Peterson

Underlying and this

City of New York

Police Justice.

188

05 10

FORM 10.

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

John C. Van Etten

of No. *16 Commerce* Street, being duly sworn, deposes and says,
that on the *ninth of the 4th* day of *December* 188*0*. at the City of
New York, in the County of New York,

deponent saw Oscar Peterson and
George Martin standing by the window
of premises No 397 Beekman Street heard the
sound of breaking glass and saw said
persons enter said premises as set forth
in the foregoing affidavit

John C. Van Etten

Subscribed before me, this

9th day of

1880

Public Notary

0511

Police Court-Second District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Henry Harris
297 Blucher St.
vs.
1 Oscar Peterson
2 George Maron

Dated Dec 18 1899

Smith
Magistrate.

Dougherty
Clerk.

Witnesses: Wm H Sanders.

23 Leroy

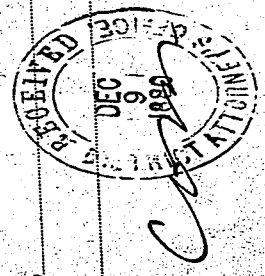
Wm E. Deenish

37 Barrow St

Wm Dougherty
Jury

John C. Van Eeten
Committed in default of \$ 1000 Bail.

Bailed by _____
No. _____
Shut.



05 12

Tombs. N.Y. Dec 13/80

Dist. Attorney:

Dear Sir:

My name is George Marvino. On the morning of Sunday Dec'r 5th I was arrested on suspicion of being implicated in burglarizing the grocery store of Mr. Bann situated on the corner of Bleeker and Barrow Sts. Nothing was found on me connecting me save a screwdriver or small morticing chisel, which as I am a carpenter. I use in my trade. Just previous to my arrest, I was walking up Bleeker St on my way home, when I saw running down on the other side of the street two policemen and several persons in citizen dress. When I reached the corner of Barrow St, I stopped to see where the police were running to, and when they turned and crossed over to where I was standing, I naturally stepped back from the corner so as not to obstruct their passage. When

05 13

they came to where I was standing, they stopped and looked at me, and then one of the Officers went to the store window and proclaimed that he had found a broken pane. The inmates of the house were woke up and the store was opened and the Officers brought out a man named Peterson who was found inside. From the evidence you have, you know better than I do what was found on his person.

Now sir this is the case as I know it. All I want to call your attention to is this. Does my action, remaining passive when I had ample opportunity to escape - if guilty - indicate that I had any connections, act or part in this affair? Would any sane man act as I did if he were guilty? This is all I have to say. Officer Dilks of the 9th Precinct will corroborate my statement as to the ease with which I could have effected my escapes, had I so desired, or

05 14

had I been guilty of any crime.

Now sir, here is how I am situated. I have no money, and no friends in this state. Though born and brought up in this state, I have not lived here for 10 years and am fast the recollection of my old acquaintances. Therefore I am so situated that I cannot make a fair defense of myself, and I appeal to your generosity as a man, consistent with your duty as a public officer to assist me through this labyrinthine maze, and if it is my fate to suffer please extend your clemency to one who - in his native city - is almost an entire stranger, whose circumstance and fate place in a false position. I have but one relative in the world, a brother living in Middletown Conn, and he is sick abed, or he would be with me in my trouble. Friendless as I am, I do not see my way clear as

05 15

to standing trial, and if I am to
be indicted, please have it done
soon as possible, and I will plead
guilty, leaving this statement which
I send you as a pleader, that the
clemency of the court may be extended
to one who is unfortunate but not
guilty.

Respectfully

George Morris

05 16

CITY AND COUNTY } ss.
OF NEW YORK,

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

That

*Oscar Peterson and George
Marvin each*

late of the *ninth* Ward of the City of New York, in the County
of New York, aforesaid, on the *fourth* day of *December*
in the year of our Lord one thousand eight hundred and ~~seventy-eight~~ with force
and arms, at the Ward, City and County aforesaid, the *store* of
Heinrich Harris there situate, feloniously and
burglariously, did break into and enter, the same being a building in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said *one*
William D. Harris then and there therein being, then and there
feloniously and burglariously to steal, take and carry away, and

*Divers coins of a number kind and denomination
to the jurors aforesaid unknown and a more
accurate description of which cannot now be
given of the value of two dollars and sixty
five cents*

of the goods, chattels, and personal property of the said

William D. Harris
so kept as aforesaid in the said *store* then and there being, 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.

BENJ. K. PHELPS, District Attorney.

0517

BOX:

27

FOLDER:

331

DESCRIPTION:

Philipine, Joseph

DATE:

12/17/80



331

05 18

131.
H. Cairns
Filed 17 day of Dec. 1880
Pleads Guilty (2)

THE PEOPLE

29 June 78.
Joseph Philipine } Felonious Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

Part 178: Jan. 14, 1881.

Fried & jury disagree

(10-2 ft. com.)

A True Bill.

Marville W. Cooper

Foreman

May 16, 1881
Spies & Committee of
Hennrichsen Battery
Pen 3000

05 19

AFFIDAVIT—FELONIOUS ASSAULT, &c.

Second District Police Court.

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

Dominick. Orvaldo of No. 59
Grand Street, being duly sworn, deposes and says
that on the First day of December in the year
1887, at the City of New York, he was violently and feloniously assaulted and beaten by
Joseph. Philippine (now here) who
struck deponent several blows on
the head with a wooden Mallet
then and there held in the hand
of said Joseph.

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

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

Sworn to before me this

First day
December 1887

Joseph. Philippine

Police Justice.

0520

Police Court—Second District.

CITY AND COUNTY
OF NEW YORK.

Joseph Philippine being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—

QUESTION.—How old are you?

ANSWER.—

QUESTION.—Where were you born?

ANSWER.—

QUESTION.—Where do you live?

ANSWER.—

QUESTION.—What is your occupation?

ANSWER.—

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

ANSWER.—

I am not guilty.

0521

484

The People vs Joseph Philippine
 Court of General Sessions. Before Judge Gildersleeve January 10. 1887.
 Indictment for felonious assault and battery.
 Dominick Ewald, sworn and examined through the interpreter. I live at 59 Grand St.; the prisoner lived on the same floor. I sell rabbits and vegetables among my countrymen. I buy the rabbits in Washington Market; the prisoner goes round selling fruits and candies. I have lived in the house for three years and he only two years. On the 1st of December I gave this key of the dark closet to which we all had a right to the prisoner in the presence of the landlord. Some time afterwards I had to take out something out of the closet and I went into his room asking him for the key, and instead of giving me the key he took a handful of salt and threw it in my eyes. I could not see anything. Then he took a mallet and hit me on the head; whilst he was beating me on the head and the blood was oozing from the wound I got hold of him and he beat me in my arm and then here on the wrist. Then I cried out and the policeman came and he was arrested; he hit me on the head five or six times. Cross Examined. I am acquainted with the Landlord Bros. lawyers they have charge of a suit which I brought

0522

in the Marine Court against the prisoner for damages I am asking a thousand dollars damages. I have not gone to Court yet. I have known the prisoner since he has been in the house but never associated with him for two years. I had no dealing with him. I had in my hand two chickens which I was picking at that time and went into the room and said to the prisoner, "Please give me my key. I did not strike the prisoner in the face with a chicken before he attempted to do anything to me; the first I knew he was throwing salt in my eyes; he had a grudge against me because I kept that closet locked, I knew he did not like me. I know that the prisoner has a certain amount of money in the bank. Another man in the house went for a policeman. I was going down stairs to call for some help because I was losing very much blood at the time I remained on the third floor about 8 or 10 minutes before the policeman came. The witness pointed out his wounds to the jury. Charles Kean, sworn and examined testified I am the officer who arrested the prisoner I was notified by a citizen living on the floor below. I went to this house 54 Grand St. I saw the complainant and the prisoner; I saw the

0523

complainant bleeding from the head. I did not see his arm until I got to the station house. I saw the wound two or three inches long in his head. Cross Examined. The wound I saw on the head was a cut but the skull was not fractured. I found the complainant on the second floor, he was able to walk. Joseph Philopine, sworn and examined. I live 57 Grand St. and have lived there 18 months. I sell bananas, candies and apples. During the 18 months I have been there I never had a difficulty with him before this day. I never had any feeling or grudge against him. I have never been arrested before this for anything. He locked the little closet to which I had a right with a padlock. I asked him for the key and he began to illtreat me; he had a chicken in his hand and he hit me with it in the face; he said he wanted to cut my face; he would not give me the key; then he came with his fists and hit me on the nose; then we got hold of each other and clinched and I to get rid of him bit him in the wrist to let me go; then he left me and he came against me again with his fist; then I took that mallet and hit him with it twice. I did not intend to injure him, I only did

0524

it to defend myself, to keep him away from me. I was near my door in the hall when I struck him with the mallet. Cross Examined The mallet is mine. I keep it for splitting wood for the stove. I was very angry. I got hold of the mallet. I did not know which way I hit him. I did not aim at his head. I only struck out sideways to keep him away. I had no other thing to defend myself with and it was near me. I did not know how long the wound was which was made upon his head. Then I saw that he was bleeding I did not do any more. I hit him first and then I hit him with a mallet because he would not let me go, he held me by the clothing and I just stooped down and got the mallet. He hit me with the fist, but he did not bruise me. Phillip Massard swim I live 105 Wooster St; my business is that of a Teacher. I am a Frenchman and am acquainted a little with the prisoner. I have known him about three years. I am connected with a mission school. There are some people who speak very well of the prisoner; he is a very steady, hard working man. I used to give him lessons in the English language; he is a quiet, peaceable man. The jury rendered a verdict of guilty of assault and battery with a recommendation to mercy. Penitentiary three months.

0525

Testimony in the case
of Joseph Philloppine
pled

0526

POLICE COURT—Second District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wormusick Conrad
by Grand Ex-

vs.

Joseph Philibine
Dated December 1st 1880

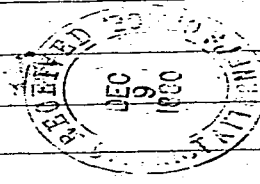
Magistrate.

Officer.

Clerk.

Smith
Charles Kim

Witnesses.



Com

Committed in default of \$1000 bail

Bailed by

No.

Street.

566

0527

CITY AND COUNTY,
OF NEW YORK,

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

That

Joseph Philipine

late of the City of New York, in the County of New York, aforesaid, on the
first day of *December* in the year of our Lord
one thousand eight hundred and eighty *with force and arms, at the City and*
County aforesaid, in and upon the body of *Dominick Ewald*
in the peace of the said people then and there being, feloniously did make an assault
and *him* the said *Dominick Ewald*
with a certain *mallet*
which the said

in *his* *Joseph Philipine* right hand then and there had and held, the same being a deadly and
dangerous weapon, willfully and feloniously did beat, strike, stab, cut, and wound
with intent *him* the said *Dominick Ewald*
then and there, feloniously and willfully to kill, against the form of the Statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County
aforesaid, the said *Joseph Philipine*
with force and arms, in and upon the body of *Dominick Ewald*
then and there being, willfully and feloniously did make an
assault and *him* the said *Dominick Ewald*
with a certain *mallet* which the said

Joseph Philipine
in *his* right hand, then and there
had and held, the same being then and there a sharp, dangerous weapon, willfully
and feloniously, and without justifiable and excusable cause, did then and there beat,
strike, stab, cut, and wound, with intent to then and there willfully and feloniously
do bodily harm unto *him* the said *Dominick Ewald*
against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-
said, the said *Joseph Philipine*
with force and arms, in and upon the body of *Dominick Ewald*
in the peace of the said people then and there being, feloniously, did make another
assault and *him* the said *Dominick Ewald*
with a certain *mallet*
which the said

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

said *Norman C. Gual* then and there feloniously and willfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, at the City and County aforesaid, the said *Joseph Philippine* afterwards, to wit, on the day and in the year aforesaid, do further present: That *Joseph Philippine* with force and arms, in and upon the body of the said *Norman C. Gual* then and there being, willfully and feloniously, did make another assault and the said *Norman C. Gual* with a certain *malet* which the said *Joseph Philippine* in his right hand then and there had and held, the same being then and there a deadly weapon, willfully and feloniously did then and there beat, strike, stab, cut and wound, with intent to then and there willfully and feloniously main *Norman C. Gual* against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

BENJ. K. PHELPS, District Attorney.

0528

131.

H. Calver

Filed 4 day of Decr. 1880

Pleas *Joseph Philippine* (21)

THE PEOPLE

Felonious Assault and Battery.

vs.

Joseph Philippine

BENJ. K. PHELPS

District Attorney.

Part Two: Jan. 14/1881

Trico 5 jury disagree

(No 2 1/2 ems)

A TRUE BILL.

Marshall W. Cooper

Foreman

Jan 16 1881

Joseph Philippine

Henrickson Valley

Penitentiary

0529

BOX:

27

FOLDER:

331

DESCRIPTION:

Philp, Kenward

DATE:

12/03/80



331

0530

BOX:

27

FOLDER:

331

DESCRIPTION:

Hart, Joseph

DATE:

12/03/80



331

0531

BOX:

27

FOLDER:

331

DESCRIPTION:

Byrne, Charles

DATE:

12/03/80



331

0532

BOX:

27

FOLDER:

331

DESCRIPTION:

Post, Louis T.

DATE:

12/03/80



331

0533

Bail
Feb 11, F.B. Hendon, 216 E. 18 St.
Henderson & James Hays, 558 Greenwood
Bridg. James J. Coogan, 121 Bowery
James J. Bishop, 28 Bowery
John Larkin, 74 Minnesota
John Larkin, 20 Minnesota

Pulpit built Nov. 75/80.
Hart, Byrne & Post built Dec 4/80.

Day of Trial, 154
Counsel, 1772
Filed 52
Pleads 80
1880

THE PEOPLE

11708

Kenneth Phelps
Joseph Hart
Charles A. Byrne
Lester F. Phelps

BENJ. K. PHELPS

District Attorney
County of Clark
and
Dec 13 1880

motion to grant on the
ground of misjoinder of
parties is denied
Dated Dec 18th 1880
Refused to O.D.
for trial.
Rufus B. Brown
City Judge

0534

Reo
Edward Philp
Charles A. Byrne } New York City Tribune
Louis J. Post }
Joseph A. Hart }

By leave of Court I enter a nol. pro.
on the indictment hereto pending which
charges the above named defendants
with libel.

That libel is alleged
to consist of the writing and publishing
in a newspaper called "Truth" a certain
editorial article entitled "Lying and
Stealing to it".

Prior to the publica-
tion of the article in question, there had
been printed in the said newspaper
what purported to be a fac-simile
of an autograph letter bearing the
signature James A. Garfield and ad-
dressed to Henry L. Money at Lynn
Mass.

The pretended fac-simile
was accompanied by certain editorial
comments declaring that it was a
veritable reproduction of a letter threat-
fore written by Mr. Garfield and
received by Henry L. Money at Lynn.

In the subsequent issue of
"Truth" containing the article which was
the foundation of the indictment it

0535

was declared that Mr Garfield had denied that he was the author of the letter referred to; and under the heading of "Lying and sticking to it," it was stated in various forms that such denial was false, and that its author was guilty of lying. It was further published that the defendants were declared by the indictment to have been guilty of libel.

At the time the prosecution was instituted there was evidence in the possession of the District Attorney, strongly tending to prove that the defendant Philp (who was employed on the staff of the "Truth" newspaper edited and published by his co-defendants) was himself the writer of the letter above referred to which purported to be a fac-simile of a genuine letter of James A Garfield.

The prosecution against Philp and his codefendants was in a great degree based upon the theory supported by evidence which seemed to deserve credence that the editorial entitled "Lying and sticking to it," (admittedly written by Philp) was known by him at the time of its publication to be false, malicious and libellous, because the so-called

0536

"money letter" was known by him to have been written by himself and not by Mr. Garfield.

Upon careful inquiry and examination, I have since the finding of the indictment been led to doubt whether Philp was in any wise concerned in the authorship or writing of the "money letter," now universally conceded to have been a forgery, and avowed to be such by the "Truth" newspaper itself. Indeed

in the light of the investigation which has been made since the indictment was filed I am decidedly of the opinion that Philp was not the author or the writer of the letter in question. And upon the evidence

now within reach of the prosecution. I should not feel justified in asking a conviction for any offense which involved the participation of Philp in the preparation of that letter.

While the defendants may in strictness be chargeable with criminal libel even though no one of them may have taken part in the forgery of the letter or have had guilty knowledge at the time when it was editorially declared to be genuine that it was in fact a forgery, it seems to me that a prosecution under such circumstances would be both undeserving

0537

Success and unlikely to succeed.

If the defendants prior to the publication of the alleged fac-simile believed the "money letter" to be genuine - (and the prosecution is not prepared to show the contrary.) - such belief may well have been strengthened by the confident assertions made to certain of the defendants by prominent members of the Democratic National Committee that the letter was in truth in Mr Garfield's handwriting.

In the course of the preliminary examination in this cause before ^{the} Presiding Justice of the Supreme Court sitting as a committing magistrate, at least two of the witnesses on behalf of the defendants committed forgery, as they themselves afterwards admitted. Certain of the defendants were engaged in procuring the attendance of those witnesses. But so far as I am informed their action was in good faith.

I am thoroughly impressed with the conviction that the forgery of the "money letter" was a public crime of exceptional gravity, and that whoever perpetrates it, or connives at it, or was wilfully and maliciously concerned in its publication is deserving of severe punishment.

But in the absence of evidence which seems to me sufficient to show either that the defendants were parties to the forging of the letter, or had a guilty knowledge that it was forged at the time when they published it as true, I am unwilling to prosecute this indictment.

Samuel R. Collins
Dist. Atty.

0538

W. J. Byrne & Son

San Diego

10.

Stewart & Co.
San Diego

San Francisco

W. J. Byrne,
San Diego

San Diego, 1881

0539

W S C
Counsel,
Filed 3rd day of Dec^r 1880.
Pleads
THE PEOPLE
vs.
Edward Phelps
Charles A. Byrne
Louis F. Post
Joseph Hard
INDICTMENT
Filed on Jan^y 1881
SAMUEL G. ROLLINS
DISTRICT ATTORNEY
District Attorney.
THE BILL.
Charles A. King
Foreman.
"Not the proper person
in the indictment in
Court of Oyer & Terminer
by leave of Justice Sargent
dated 19. 1881 by
D. B. Rollins D. B. H.
(See reason for return)"

0540

Subpoena Duces Tecum.

W. H. HAMMOND & CO., Law Stationers and Printers, 51 Nassau St., N. Y.

The People of the State of New York

TO *John Sparks, Clerk of the Courts of Oyer
& Terminer and General sessions of the peace.*

We Command You, that all business and excuses being laid aside,
you appear and attend before

*the Supreme Court
at a Circuit thereof appointed to
be held at the Court House in the
City of Brooklyn, King's Co.*

on the *17th* day of *May* 18*85* at

ten o'clock in the *fore* noon, to testify and give evidence
in a certain action now pending undetermined in the said Court, between

Kenward Philp. plaintiff, and
The Tribune Association

defendant on the part of the defendant and that you bring with you, and produce,
at the time and place aforesaid, a certain

*affidavit made by George
Phee on the 26th day of October 1880 - also a
certain affidavit made by Joseph C. Paine,
on or about the 26th day of October 1880 -
also a certain other affidavit made by
Albert F. Southworth on or about the 26th
of October 1880 - also a certain other
affidavit made by Daniel F. Ames on or
about the 26th day of October 1880 - also a
certain warrant issued by Hon. Noah
Davis Justice of the Supreme Court for the
arrest of Kenward Philp. and which
papers were filed and received in your
office on or about the 14th day of November 1880.
also a certain indictment against Kenward Philp. dated Nov 3 1880
now in your custody, and all other deeds, evidences, and writings, which you have in your custody or power,
concerning the premises. And for a failure to attend, you will be deemed guilty of a contempt of Court, and
liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit FIFTY DOLLARS in
addition thereto.*

Witness, *Hon. Calvin B. Pratt* one of the Justices of the
*Supreme Court at the Court House in the City of
Brooklyn on the 11th day of May*
C. A. Rumble Attorney for deft. *Rodney Thurd* Clerk.

0541

Supreme Court, King's Co.

Kenward Philk

Plaintiff

against

The Tribune Association

Defendant

Affidavit of Service.

County of

SS.:

that

being duly sworn, says

on the

day of

18

he served the within Subpoena Duces Tecum upon

the witness named therein, by delivering to and leaving with him personally a true copy thereof, and at the same time and place exhibiting to him the within original, and paying to him the sum of

, his fees for traveling to and from the place where he was required to attend in and by the said Subpoena Duces Tecum, and for one day's attendance thereat; and that he knew the said

to be the individual mentioned and de-

scribed in said Subpoena Duces Tecum as such witness.

Sworn to before me, this
of

18

day }

Supreme Court,
King's Co.

Kenward Philk

Plaintiff

against

The Tribune Association

Defendant

Subpoena Duces Tecum.

L. A. Runkle

Attorney for Deft.

John Sparke

Clerk of the Court of

Superior & Terminals &

General Sessions of the Peace,

0542

*City and County of New York; ss.
The jurors of the People of the State of New York in and for the body of the
City and County of New York, upon their oath present:*

THAT THERETOFORE, TO WIT, ON THE TWENTY SECOND DAY OF OCTOBER
IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY,
THERE WAS PRINTED AND PUBLISHED IN THE CITY OF NEW YORK IN THE
COUNTY OF NEW YORK AFORESAID A CERTAIN NEWSPAPER CALLED "TRUTH",
AND THAT IN THE SAID NEWSPAPER, SO PUBLISHED ON THE DAY LAST AFORE-
-SAID AND BEARING DATE AS OF THE SAME DAY, THERE WERE AND ARE CON-
-TAINED : AMONG OTHER THINGS PUBLISHED THEREIN : THE MATTERS FOLLOW-
ING, THAT IS TO SAY;

"PERSONAL AND CONFIDENTIAL.

"HOUSE OF REPRESENTATIVES,

"WASHINGTON, D. C. JANU 23RD 1880.

"DEAR SIR:

"YOURS IN RELATION TO THE CHINESE PROBLEM CAME DULY TO HAND.

"I TAKE IT THAT THE QUESTION OF EMPLOYEES IS ONLY A QUESTION
OF PRIVATE AND CORPORATE ECONOMY, AND INDIVIDUALS OR COMPANYS HAVE
THE RIGHT TO BUY LABOR WHERE THEY CAN GET IT CHEAPEST.

"WE HAVE A TREATY WITH THE CHINESE GOVERNMENT, WHICH SHOULD
BE RELIGIOUSLY KEPT UNTIL ITS PROVISIONS ARE ABROGATED BY THE ACTION
OF THE GENERAL GOVERNMENT, AND I AM NOT PREPARED TO SAY IT SHOULD
BE ABROGATED UNTIL OUR GREAT MANUFACTURING AND CORPORATE INTERESTS
ARE CONSERVED IN THE MATTER OF LABOR.

"VERY TRULY YOURS

"J. A. GARFIELD.

"H. L. MOREY

"EMPLOYERS UNION

"LYNN MASS.

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AND THE JURORS AFORESAID, UPON THEIR OATH AFORESAID, DO FURTHER PRESENT:

THAT ONE JAMES A. GARFIELD WAS ON THE DAY AND IN THE YEAR LAST AFORESAID A PROMINENT CITIZEN OF THE UNITED STATES AND WAS WIDELY KNOWN AS A CANDIDATE FOR THE PRESIDENCY OF THE UNITED STATES, AND THAT A CERTAIN PORTION OF THE MATTERS HEREINBEFORE DECLARED TO HAVE BEEN SO PUBLISHED AS AFORESAID IN THE SAID NEWSPAPER, TO WIT ALL THAT PORTION WHICH HAS BEEN ABOVE SET FORTH WHICH FOLLOWS THE WORDS "PERSONAL AND CONFIDENTIAL" THEN AND THERE PURPORTED TO BE, AND WERE THEN AND THERE IN THE SAID NEWSPAPER ALLEGED TO BE, A COPY AND A FAC - SIMILE OF A LETTER WHICH THEN AND THERE PURPORTED TO HAVE BEEN WRITTEN, AND WAS THEN AND THERE, IN THE SAID NEWSPAPER ALLEGED TO HAVE BEEN WRITTEN BY SAID JAMES A. GARFIELD, AND WHICH THEN AND THERE PURPORTED TO HAVE BEEN SIGNED, AND WAS THEN AND THERE IN THE SAID NEWSPAPER ALLEGED TO HAVE BEEN SIGNED BY HIM THE SAID JAMES A. GARFIELD BY THE NAME OF J. A. GARFIELD, AND WHICH THEN AND THERE PURPORTED TO HAVE BEEN ADDRESSED AND WAS THEN AND THERE IN THE SAID NEWSPAPER ALLEGED TO HAVE BEEN ADDRESSED TO ONE H. L. MOREY.

AND THE JURORS AFORESAID, UPON THEIR OATH AFORESAID, DO FURTHER PRESENT:

THAT *Kenward Phelps, Joseph Hart, Charles A. Byrne and Louis T. Post* each

EACH LAKE OF THE CITY AND COUNTY AFORESAID, UNLAWFULLY, WICKEDLY AND MALICIOUSLY DEVISING AS MUCH AS IN THEM LAY TO INJURE AND VILIFY SAID JAMES A. GARFIELD, AND TO BRING HIM INTO PUBLIC SCANDAL AND DISGRACE, AND TO DEPRIVE HIM OF HIS GOOD NAME, FAME, CREDIT AND

0544

REPUTATION, DID ON THE SAID TWENTY SECOND DAY OF OCTOBER IN THE SAID CITY OF NEW YORK IN THE COUNTY AFORESAID, UNLAWFULLY, WICKEDLY AND MALICIOUSLY COMPOSE, WRITE, PRINT AND PUBLISH, AND CAUSE TO BE COMPOSED, WRITTEN, PRINTED AND PUBLISHED IN THE SAID NEWSPAPER CALLED "'TRUTH'" A CERTAIN FALSE, SCANDALOUS, DEFAMATORY AND MALICIOUS LIBEL OF AND CONCERNING THE SAID JAMES A. GARFIELD, CONTAINING THE FALSE, SCANDALOUS, LIBELOUS AND MALICIOUS WORDS FOLLOWING OF AND CONCERNING THE SAID JAMES A. GARFIELD, THAT IS TO SAY:

"'GARFIELD'S POLITICAL DEATH WARRANT.

"HIS ^{IN}FAMOUS LETTER ADVOCATING THE INCREASED IMMIGRATION OF CHINESE CHEAP LABOR.

"'FAC SIMILE OF THE LETTER IN WHICH HE DECLARES HIMSELF ADVERSE TO THE LABORING MAN'S INTEREST, AND IN FAVOR OF THE EMPLOYERS' UNION - ADVISING THE EMPLOYMENT OF THE CHEAPEST LABOR AVAILABLE.

"'PERSONAL AND CONFIDENTIAL.

"'HOUSE OF REPRESENTATIVES,

"'WASHINGTON, D. C. JANU 23D 1880.

"'DEAR SIR:

"'YOURS IN RELATION TO THE CHINESE PROBLEM CAME DULY TO HAND.

"'I TAKE IT THAT THE QUESTION OF EMPLOYEES IS ONLY A QUESTION OF PRIVATE AND CORPORATE ECONOMY, AND INDIVIDUALS OR COMPANYS HAVE THE RIGHT TO BUY LABOR WHERE THEY CAN GET IT CHEAPEST.

"'WE HAVE A TREATY WITH THE CHINESE GOVERNMENT, WHICH SHOULD BE RELIGIOUSLY KEPT UNTIL ITS PROVISIONS ARE ABROGATED BY THE ACTION OF THE GENERAL GOVERNMENT, AND I AM NOT PREPARED TO SAY THAT IT SHOULD BE AGROGATED UNTIL OUR GREAT MANUFACTURING AND CORPORATE INTERESTS ARE CONSERVED IN THE MATTER OF LABOR.

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"VERY TRULY YOURS

" J. A. GARFIELD.

" H. L. MOREY

" EMPLOYERS UNION

" LYNN MASS. "

AND THE JURORS AFORESAID, UPON THEIR OATH AFORESAID, DO
FURTHER PRESENT:

THAT THEY THE SAID *Kenneth Philp, Joseph Hart*
Charles A. Byrne and Louis V. Post

UNLAWFULLY, WICKEDLY AND MALICIOUSLY CONTRIVED AND INTENDED BY SO
PUBLISHING SAID FALSE, SCANDALOUS, LIBELOUS AND MALICIOUS WORDS
ABOVE SET FORTH TO CAUSE IT TO BE BELIEVED BY DIVERS PERSONS AND
BY ALL SUCH PERSONS AS MIGHT THEREAFTER READ THE SAME AS THE SAME
WAS SO PUBLISHED AND CONTAINED IN SAID NEWSPAPER AS AFORESAID, THAT
THE SAID SO CALLED LETTER WAS A TRUE COPY AND FAC-SIMILE OF A GENU-
INE LETTER THERETOFORE WRITTEN BY THE SAID JAMES A. GARFIELD AND
ADDRESSED TO ONE H. L. MOREY AND SIGNED BY SAID JAMES A. GARFIELD
WITH HIS OWN HAND, TO THE GREAT SCANDAL AND INJURY OF THE SAID JAMES
A. GARFIELD, AND AGAINST THE PEACE OF THE PEOPLE OF THE STATE OF
NEW YORK AND THEIR DIGNITY.

S E C O N D C O U N T .

AND THE JURORS AFORESAID, UPON THEIR OATH AFORESAID, DO
FURTHER PRESENT:

THAT HERETOFORE, TO WIT, ON THE SAID TWENTY SECOND DAY OF
OCTOBER IN THE YEAR AFORESAID THERE WAS PRINTED AND PUBLISHED IN

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THE SAID CITY OF NEW YORK IN THE COUNTY AFORESAID A CERTAIN NEWS-
PAPER CALLED "TRUTH", AND THAT IN THE SAID NEWSPAPER, SO PUBLISH-
ED AND BEARING DATE OF THE DAY LAST AFORESAID, THERE WERE AND ARE
CONTAINED : AMONG OTHER THINGS PUBLISHED THEREIN: THE MATTERS FOL-
-LOWING, THAT IS TO SAY:

"GARFIELD'S POLITICAL DEATH WARRANT.

"HIS INFAMOUS LETTER ADVOCATING THE INCREASED IMMIGRATION OF
CHINESE CHEAP LABOR.

"FAC SIMILE OF THE LETTER IN WHICH HE DECLARES HIMSELF ADVERSE TO
THE LABORING MAN'S INTEREST, AND IN FAVOR OF THE EMPLOYERS' UNION-
ADVISING THE EMPLOYMENT OF THE CHEAPEST LABOR AVAILABLE.

"PERSONAL AND CONFIDENTIAL.

"HOUSE OF REPRESENTATIVES,

"WASHINGTON, D. C. JANY 23D 1880.

"DEAR SIR:

"YOURS IN RELATION TO THE CHINESE PROBLEM CAME DULY TO HAND.

"I TAKE IT THAT THE QUESTION OF EMPLOYEES IS ONLY A QUESTION
OF PRIVATE AND CORPORATE ECONOMY, AND INDIVIDUALS OR COMPANYS HAVE
THE RIGHT TO BUY LABOR WHERE THEY CAN GET IT CHEAPEST.

"WE HAVE A TREATY WITH THE CHINESE GOVERNMENT, WHICH SHOULD
BE RELIGIOUSLY KEPT UNTIL ITS PROVISIONS ARE ABROGATED BY THE ACTION
OF THE GENERAL GOVERNMENT, AND I AM NOT PREPARED TO SAY THAT IT
SHOULD BE ABROGATED UNTIL OUR GREAT MANUFACTURING AND CORPORATE
INTERESTS ARE CONSERVED IN THE MATTER OF LABOR.

"VERY TRULY YOURS

"J. A. GARFIELD.

"H. L. MOREY
"EMPLOYERS UNION
"LYNN MASS."

0547

AND THE JURORS AFORESAID, UPON THEIR OATH AFORESAID, DO
FURTHER PRESENT:

THAT THE SAID *Kenward Phillips, Joseph Hart*

and Charles A. Byrne and Louis V. Post

UNLAWFULLY, WICKEDLY, WILFULLY AND MALICIOUSLY DEVISING AS MUCH AS
IN THEM LAY TO INJURE AND VILIFY THE SAID JAMES A. GARFIELD AND TO
BRING HIM INTO PUBLIC SCANDAL AND DISGRACE, AND TO DEPRIVE HIM OF
HIS GOOD NAME, FAME, CREDIT AND REPUTATION, AFTERWARDS TO WIT, ON
THE SAID TWENTY SECOND DAY OF OCTOBER IN THE YEAR LAST AFORESAID AT
THE SAID CITY OF NEW YORK IN THE COUNTY AFORESAID, UNLAWFULLY,
WICKEDLY AND MALICIOUSLY DID COMPOSE, WRITE AND PUBLISH, AND DID
CAUSE AND PROCURE TO BE COMPOSED, WRITTEN AND PUBLISHED IN THE
SAID NEWSPAPER CALLED "TRUTH", A CERTAIN OTHER FALSE, SCANDALOUS,
MALICIOUS AND DEFAMATORY LIBEL OF AND CONCERNING HIM THE SAID JAMES
A. GARFIELD, CONTAINING OF AND CONCERNING HIM THE SAID JAMES A.
GARFIELD THE FALSE, SCANDALOUS, MALICIOUS AND DEFAMATORY WORDS
FOLLOWING, THAT IS TO SAY:

"LYING AND STICKING TO IT.

" THE REPUBLICAN NATIONAL COMMITTEE YESTERDAY HELD A MEETING
TO CONSIDER THE BEST WAY OF APPEASING THE STORM OF POPULAR INDIGNA-
TION THAT GARFIELD'S : MEANING THEREBY THE SAID JAMES A. GARFIELD'S:
INFAMOUS CHINESE CHEAP LABOR LETTER HAS AROUSED. : MEANING THEREBY
A CERTAIN LETTER PRETENDED TO HAVE BEEN THERETOFORE WRITTEN BY HIM
THE SAID JAMES A. GARFIELD AND TO HAVE BEEN SIGNED BY HIM THE SAID
JAMES A. GARFIELD BY THE NAME OF J. A. GARFIELD AND TO HAVE BEEN
ADDRESSED TO H. L. MOREY, AND MEANING THEREBY THE LETTER LAST
HEREINBEFORE REFERRED TO WHEREOF A COPY AND FAC-SIMILE AS AFORESAID

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PURPORTED TO BE, AND IN THE SAID NEWSPAPER CALLED "TRUTH", SO
PUBLISHED AS AFORESAID, WAS ALLEGED TO BE, CONTAINED AND PUBLISHED
IN THE SAID NEWSPAPER AS IS HEREINBEFORE PARTICULARLY SET FORTH:

"GARFIELD" : MEANING THEREBY THE SAID JAMES A. GARFIELD: "HAS
DENOUNCED THE LETTER AS A FORGERY.

(meaning thereby the said James A. Garfield,
"HE HAS LIED, AND THE REPUBLICAN NATIONAL COMMITTEE WILL
STICK TO THE LIE.

"THAT WAS THE DECISION AT WHICH THEY ARRIVED YESTERDAY.

"IN THIS QUESTION OF VERACITY BETWEEN GARFIELD'S" : MEANING
THEREBY THE SAID JAMES A. GARFIELD'S: "WORD AND GARFIELD'S"
: MEANING THEREBY THE SAID JAMES A. GARFIELD'S: "LETTER, THE PEOPLE
OF THE UNITED STATES WILL KNOW HOW TO DECIDE.

"THEY WILL NOT BE DECEIVED BY THE PERSISTENT LYING OF THE
REPUBLICAN NATIONAL COMMITTEE.

"GARFIELD'S" : MEANING THEREBY THE SAID JAMES A. GARFIELD'S:
"OWN WORDS, IN GARFIELD'S" : MEANING THEREBY THE SAID JAMES A.
GARFIELD'S: "OWN WRITING, CONFRONT GARFIELD'S" : MEANING THEREBY
THE SAID JAMES A. GARFIELD'S: "LIES

(meaning thereby the said James A. Garfield,
"THE REPUBLICAN CANDIDATE FOR THE PRESIDENCY, IN HIS DESPERA-
TION, HAS TRIED TO LIE HIMSELF OUT OF A DIFFICULTY THAT WILL SWAMP
HIM. THE REPUBLICAN GENERAL COMMITTEE, WHILE CURSING HIS FOLLY IN
(meaning thereby the said James A. Garfield's
(meaning thereby the said James A. Garfield)
THEIR HEARTS, LIE FOR HIM BECAUSE HIS SWAMPING IS THEIR UTTER
DESTRUCTION.

"PAY NO HEED, VOTERS, TO WHAT IS SAID ON ONE SIDE OR THE
OTHER

"EXAMINE GARFIELD'S" : MEANING THEREBY THE SAID JAMES A.
GARFIELD'S: "LETTER, AS IT IS LAID BEFORE YOU TO-DAY, AND JUDGE FOR
YOURSELVES."

0549

BOX:

27

FOLDER:

331

DESCRIPTION:

Picot, Alfred

DATE:

12/28/80



331

0550

BOX:

27

FOLDER:

331

DESCRIPTION:

Hancock, Albert

DATE:

12/28/80



331

0551

BOX:

27

FOLDER:

331

DESCRIPTION:

Solari, Camille

DATE:

12/28/80



331

0552

1227
13th

Counsel
Filed 28 day Dec 1887
Pleads, *Not Guilty (Jan 1888)*

THE PEOPLE
vs.
B.
Alfred Picot
Albert Spencer
3. 1. 7
Samuel Ward
(2 cases)

and Larceny

21. BENJ. K. PHELPS,
District Attorney.

A True Bill.
Marshall W. Coffey
Foreman.
(cal) Jan 25/88
Philip J. J.
143 fine \$5 each.
2 " \$10.

0554

[illegible]

0556

Oct 12

Hancock gave me an amt of
50 cts then again gave me 25 cts a few
days after
This was out of money I gave him
from the drawer

Oct 20

Hancock gave me 50 cts + 25
cts about same time - this was
out of money I gave him

The copies to these instances were
checked by Picot

I have been Picot after a check pay how
checks came to me 1st then went to Picot
to change to correspond to amt
taken out.

0557



Mitchell & Kintler.

Hotel Brunswick,

Fifth Avenue, 26th & 27th Sts.

New York,

Oct 27th

1880

Mr St John

Dear Sir

Please be careful in looking over my checks. As I have discovered some trickery on the part of Mr Schurb.

As I came to relieve Mr Schurb to his supper. I layed my box as I always do on the desk. Until I'm admitted to put it otherwise. After he was through counting this money he layed his box on the counter and I commenced counting and just as I got to the 50th piece he took my box and ran down stairs. I noticed it to late for he was down to the bottomed

0558

of the stairs. I called him back, and he said he made a mistake. I did not notice any thing wrong until 15 minutes after two o'clock when she came up and said Mr. Brown wanted my boy, that something was wrong. (Here is where I thought something was wrong) I failed to give him the boy and 2 minutes after he came ^{again} with the keys of the boat saying he put a check in my boat on a mistake. ^{He was sure he got it out} I refused to give him the check, and after a while who should come to me but Albert the waiter (also with the keys) saying I'll give you \$2. — I refused to take the check out (I refused as I ought to do) He said that the wine was more than the amount up to. ^{and he would like to change it} I said how did it get in my box which he did not explain. So I thought I would let you know of it and you would explain it to me. I guess that was the way I lost my \$2.40 the other day. I'll find from further particulars when I see him. Sister Deborah

0559

POLICE COURT SECOND DISTRICT.

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

Charles Schwab
of No 95 Avenue B Street, being duly sworn, deposes
and says, that on the 10th day of October 1880
at the City of New York, in the County of New York,

deponent was in the employ of Francis
Kunster at the Hotel Brunswick in said
city, that deponent was then and previous
there to a cashier at the Cafe in said
Hotel, that on or about said date
Alfred Picot and Albert Hancock and
Camille Solari (all now here) did unlawfully
and unlawfully conspire with deponent
to cheat and defraud said Francis
Kunster as aforesaid.

The manner of doing
business at said Cafe in said Hotel is
that said Picot who is the bookkeeper
thereof should make out and deliver to
the waiter thereof a check similar to
the one hereto annexed and which said
check also has a supplementary check
attached thereto the upper check is
the one which is delivered to the
guest, while the other is the one
which was returned and paid to
deponent as such cashier.

That on
or about said date said Albert
Hancock and said Camille Solari then
came to and propose to deponent
that when they gave deponent such
check that deponent should keep and return

0560

them said check, that deponent did so
and on several occasions said Hancock and
said Solari returned said checks to deponent
altered and reduced in amount thereby cheating
and defrauding ~~the~~ as aforesaid that
deponent has frequently seen said Picot
change and alter said checks as aforesaid
he said Picot being the bookkeeper there
and whose duty it was to write make
out and deliver the respective checks
to the waiters in said Hotel

Alfred Picot

Sworn to before me
the 31st of November 1893

James H. Connelley

Bailed 12.27
137

N: 21 by Edward Rogers
317 Capital St

N: 24 Wm. H. Powell
170 - 7th Ave

N: 34 Emanuel Shaker
44 University Street

Alfred Picot
for company
100-2078
Mark H. Connelley
James H. Connelley

966

Police Court - Second District

THE PEOPLE, &c.

ON THE COMPLAINT OF

Charles Schwab

Alfred Picot

Albert Hancock

Camille Solari

Nov 31

1893

James H. Connelley

George H. Connelley

Hotel Municipal

Nov 18-93

3000

mitted in default of

ailed by

George H. Connelley

House of Detention

Bailed by Charles Connelley

5799 Broadway

0561

FORM 10.

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

George H. Demme
House of Detention
of No. 274 Street being duly sworn, deposes and says,
that on the 27th day of October 1888 at the City of

New York, in the County of New York, deponent wrote the letter
here attached and which said letter is
directed to Mr. St. John. That the facts
therein are true, and further that
Robert Hancock came to deponent
and offered deponent two dollars to
permit him David Hancock to
take a certain supplementary check
out of the box then in charge of
deponent.

George H. Demme

Sworn before me, this 27th

1888
Police Justice.

0562

POLICE COURT— DISTRICT.
CITY AND COUNTY }
OF NEW YORK } ss.

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

BE IT REMEMBERED, That on the Tenth day of November in the year of Lord 1880.
of No. 172 1/2 West 12th Street, in the City of New York,
and Bernard Rogers.
of No. 517 Canal Street, in the said City,
and John Lewis
of No. 331 East 38th Street, in the said City,
personally came before the undersigned, one of the Police Justices in the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said
the sum of Alfred Three Hundred Dollars; the said
the sum of Bernard Three Hundred Dollars, and the said
the sum of John Three Hundred Dollars, separately, of
good and law money of the State of New York, to be levied and made of their respective goods and chattels,
lands, and tenements, to the use of said People, if default shall be made in the condition following, viz.:

WHEREAS, the said Alfred Picot was charged, before the
undersigned, Police Justice as aforesaid, on the oath of Joseph Schuch
with Conspiracy for having, on the 20th day of October 1880,
in the City and County of New York, aforesaid,
in company with three others.
committed a Cheat & Defraud
Thomas Russell.

And Whereas, he has been brought before said Justice to answer said charge and the said offence with which
he is charged being bailable by said Justice, and he having demanded an examination on said complaint, and it hav-
ing been made to appear to the satisfaction of said Justice that said examination should be continued to some other
day, he did thereupon order the said accused to find sufficient Bail in the sum of Three
Hundred Dollars, for his appearance at the 20th District Police Court, No. Edman
St. 10th street, on the 6th day of Nov.
1880 at 3 o'clock, in the after noon of that day, to answer to said charge.

Now Therefore, the condition of this Recognizance is such, that if the above named Alfred Picot
shall personally appear before said Justice at the said 20th District Police Court in the City of New
York, on the 6th day of Nov 1880 at 3 o'clock, P. M. and at such
other times and days as the said examination may be adjourned to, and abide the final decision of said Justice, and
not depart therefrom without leave, then this Recognizance to be void, otherwise to remain in full force.

Taken and acknowledged before me, the
day and year aforesaid

POLICE JUSTICE

Alfred Picot
Bernard Rogers
John Lewis

0563

CITY AND COUNTY
OF NEW YORK,

Bernard Rogers one of the within
named Sureties, being duly sworn, says that he is a *free* holder and resident in
said City, and is worth *Six* **Hundred Dollars,**

over and above the amount of all his debts and liabilities; and that his property consists of
stock fifteen and interest, and the
fancy good business owned and
carried on by me at No. 317
Canal Street in the City of New
York, valued at Ten thousand
dollars clear of all encum-
brances *Bernard Rogers*

CITY AND COUNTY
OF NEW YORK,

John Lewis one of the within
named Sureties, being duly sworn, says that he is a *free* holder and resident in
said City, and is worth *Six* **Hundred Dollars,**

over and above the amount of all his debts and liabilities; and that his property consists of
three trucks owned at No.
550 Broadway valued at two
thousand above free of all
encumbrances *John Lewis*

RECROSS EXAMINATION FOR TRIAL OR EXAMINATION

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Taken this day

of 187

Justice.

Filed day of 187

Sureties identified by

No. Street.

0564

POLICE COURT—2^d DISTRICT.
CITY AND COUNTY OF NEW YORK, } ss.

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

BE IT REMEMBERED, That on the 24th day of November in the year of Lord 1880
 of No. 7 Pacific Place Street, in the City of New York,
 and Emmanuel Solari
 of No. 44 University Place Street, in the said City,
 and Patrick Brophy
 of No. 138 Ward 15th Street, in the said City,

personally came before the undersigned, one of the Police Justices in the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

Camilla
 the sum of Three Hundred Dollars; the said

Emmanuel
 the sum of Three Hundred Dollars, and the said

Patrick
 the sum of Three Hundred Dollars, separately, of

good and law money of the State of New York, to be levied and made of their respective goods and chattels, lands, and tenements, to the use of said People, if default shall be made in the condition following, viz.:

WHEREAS, the said Camilla Solari was charged, before the undersigned, Police Justice as aforesaid, on the oath of Joseph Schwab with Conspiracy for having, on the 10th day of October 1880 in the City and County of New York, aforesaid,

in company with three others
Conspired to cheat and defraud
Francis Kinsler

And Whereas, he has been brought before said Justice to answer said charge and the said offence with which he is charged being bailable by said Justice, and he having demanded an examination on said complaint, and it having been made to appear to the satisfaction of said Justice that said examination should be continued to some other day, he did thereupon order the said accused to find sufficient Bail in the sum of Three

Hundred Dollars, for his appearance at the 29 District Police Court, No. 6th Avenue and 10th street, on the 6th day of November 1880 at 3 o'clock, in the after noon of that day, to answer to said charge.

Now Therefore, the condition of this Recognizance is such, that if the above named

Camilla Solari
 shall personally appear before said Justice at the said 29 District Police Court in the City of New York, on the 6th day of November 1880 at 3 o'clock, P M. and at such other times and days as the said examination may be adjourned to, and abide the final decision of said Justice, and not depart therefrom without leave, then this Recognizance to be void, otherwise to remain in full force.

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

POLICE JUSTICE.

Camilla Solari
Emmanuel Solari
Patrick Brophy

0565

CITY AND COUNTY }
OF NEW YORK } ss.

Police Justice

Shewn to before me this

Emmanuel Solari one of the within
named Sureties, being duly sworn, says that he is a *free* holder and resident in
said City, and is worth *200* *Hundred Dollars*,
over and above the amount of all his debts and liabilities; and that his property consists of

One house and lot situated at
No 44 University Place

Emmanuel Solari

CITY AND COUNTY }
OF NEW YORK } ss.

Police Justice

Shewn to before me, the

Patrick Brophy one of the within
named Sureties, being duly sworn, says that he is a *free* holder and resident in
said City, and is worth *200* *Hundred Dollars*,
over and above the amount of all his debts and liabilities; and that his property consists of

One house and lot situated at
110 138 West 15th Street

Patrick Brophy

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

ss.

Taken the day

of 187

Justice.

Filed day of 187

Sureties identified by

No. Street.

0566

POLICE COURT—
CITY AND COUNTY
OF NEW YORK } ss.

DISTRICT.

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

BE IT REMEMBERED, That on
the 25th day of November in the year of Lord 1880,
of No. 98 York Avenue
and James H. Laird Street, in the City of New York,
of No. 252 6th Avenue
and Andrew Phillips Street, in the said City,
of No. 232 6th Avenue Street, in the said City,
personally came before the undersigned, one of the Police Justices in the City of New York, and acknowledged
themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said
the sum of Alfred Hancock Hundred Dollars; the said
the sum of James Laird Hundred Dollars, and the said
the sum of Andrew Phillips Hundred Dollars, separately, of
good and law money of the State of New York, to be levied and made of their respective goods and chattels,
lands, and tenements, to the use of said People, if default shall be made in the condition following, viz.:

WHEREAS, the said Alfred Hancock was charged, before the
undersigned, Police Justice as aforesaid, on the oath of John H. Schenck
with Conspiracy for having, on the 10th day of Oct 1880,
in the City and County of New York, aforesaid,
in conspiracy with the others
conspired to cheat & defraud
Francis Kissler

And Whereas, he has been brought before said Justice to answer said charge and the said offence with which
he is charged being bailable by said Justice, and he having demanded an examination on said complaint, and it hav-
ing been made to appear to the satisfaction of said Justice that said examination should be continued to some other
day, he did thereupon order the said accused to find sufficient Bail in the sum of 1000
Hundred Dollars, for his appearance at the 2nd District Police Court, on
6th Ave & W. 10th St street, on the 6th day of Nov
1880 at 3 o'clock, in the after noon of that day, to answer to said charge.

Now Therefore, the condition of this Recognizance is such, that if the above named Alfred Hancock
shall personally appear before said Justice at the said 2nd District Police Court, in the City of New
York, on the 6th day of Nov 1880 at 3 o'clock, P. M. and at such
other times and days as the said examination may be adjourned to, and abide the final decision of said Justice, and
not depart therefrom without leave, then this Recognizance to be void, otherwise to remain in full force.

Taken and acknowledged before me, the
day and year aforesaid

Police Justice

Alfred Hancock
James Laird
Andrew Phillips

0567

CITY AND COUNTY OF NEW YORK, ss.

James Layd one of the within named Sureties, being duly sworn, says that he is a *free* holder and resident in said City, and is worth *say* Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

a house lot No. 913, 6th Ave. in the City of New York value of \$1000.00 and a mortgage of \$1000.00 on the same.

CITY AND COUNTY OF NEW YORK, ss.

Andrew Phillips one of the within named Sureties, being duly sworn, says that he is a *free* holder and resident in said City, and is worth *say* Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

the stock fifteen shares of the Bigan Insurance Company and cash on hand at No. 232 6th Avenue in the City of New York value \$1000.00

RECOGNIZANCE FOR TRIAL OR EXAMINATION

THE PEOPLE, &c.,

ON THE COMPLAINT OF

ss.

Taken the day

of 187

Justice,

Filed day of 187

Sureties identified by

No. Street.

0568

Police Court—Second District.

RECOGNIZANCE TO TESTIFY.

CITY AND COUNTY OF NEW YORK, ss.

BE IT REMEMBERED, That on the 14 day of November the year of our Lord 1880
of No. 95 Avenue B Street, in the City of New York,
and Joseph Weiss
of No. 116 6th Avenue Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE of the STATE OF NEW YORK, that is to say: the said

Charles
the sum of three Hundred Dollars,
and the said Joseph

the sum of three Hundred Dollars,
separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz.:

The Condition of this Recognizance is such, That if the person first above recognized shall personally appear at the next COURT OF GENERAL SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the People of the State of New York, as he may know concerning an Offence or Felony said to have been lately committed in the City of New York aforesaid by

Alfred Picot and others

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, (i.e.)
day and year first above written.

Alfred Picot
Police Justice.

Charles
Joseph Weiss

0569

CITY AND COUNTY
OF NEW YORK, ss.

the within-named Bail, being duly sworn, says that he is a man holder in
said City, and is worth Five Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

Stock in Trade and fixtures of
Wine Saloon situated at No. 126
6th Avenue

Joseph D. Hill

New York General Sessions.

THE PEOPLE, &c.,

RecoGNIZANCE to Testify.

Magistrate.

187

day of

Filed

0570

POLICE COURT—SECOND DISTRICT.

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

Charles Schunab
 of No 95 Avenue B Street, being duly sworn, deposes
 and says, that on the or about 10th day of October 1880
 at the City of New York, in the County of New York,

Alfred Picot and Albert Hancock and Camille Solari (last named) did in company with deponent unlawfully conspire to cheat and defraud Francis Kissler and Rebecca B. Mitchell out of their property.

Deponent was in the employ of said firm as cashier in the Cafe at the Hotel Brunswick, said Picot was then in the employ of said firm as bookkeeper, the duty of said Picot being that when a waiter obtained refreshments for a guest, he said Picot would make out a check for the waiter to deliver to the guest while said Picot also made out a supplementary check thereof which came to deponent as cashier, on or about said date said Solari came to deponent and asked deponent to retain such supplementary check that said Solari brought to deponent, that then said Solari would get said check from deponent and take it to said Picot who would then reduce the amount of said check (deponent being acquainted with Picot's writing) then said Solari would return said altered check to deponent, that then said Solari would receive from deponent the money in amount as to the difference between the original and altered check, that said Albert Hancock also came to deponent and received his checks book and which said check

0571

said Pilot would also redempt in amount
then said Benward would return said
check to Clement and receive from
deponent the amount of such redemption

G. Schwab

Sworn before me
the 8 November 1880

James M. Smith
Police Justice

Police Court - Second District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Offence,

Dated, 188

Justice.

Officer.

Witnesses,

Committed in default of \$ surety.

Bailed by

No. Street.

0572

FORM 10.

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

George St John
of No. *Hotel Brunswick* Street, being duly sworn, deposes and says,
that on the *31* day of *November* 188*0* at the City of
New York, in the County of New York, *deponent in company with*
Francis Kinsbe & Charles Schwab & Alfred
Picot were in a private office at the
Hotel Brunswick, that they and then
deponent heard said Alfred Picot admit
that two visitors to wit Camille and
Robert would return supplemental checks
to ~~deponent~~ Picot that he said Picot
would falsify and reduce the amount
of such checks and return the same to
said visitors

George St John

Sworn to before me this

18th

day

1880

Alfred Justice.

0573

1-

Charles Schwab
was
Alfred Picot } Conspiracy
Albert Hancock }
Cornille Solari }

Examination held November
1880 -

Counsel for Picot and Hancock
James B. Mc Clelland

Counsel for Solari
Bumwell -

Charles Schwab of the Hotel Brunswick
being only sworn says
I saw there was a Cashier
in the Hotel Brunswick
Solari the prisoner was the
first person who spoke to
me about the checks in question
I had been saying they had
been repainting Solari
said asked me to say nothing
about it

0574

I told Solari I would not say
anything - I subsequently received
some money from Solari
at one time Solari gave me
50 cents -

Picot never gave me any money
Hancock gave me some
money - I don't know how
much - I was never present
at the uttering of any checks
You have excepted Hancock
What personal knowledge that
have you that Hancock had
any thing to do with uttering
the checks

Hancock told me to keep
the checks so that they could
be altered

I was arrested for participation
in Robbery Kissler and
Buttwell - at the time of the
arrests referred to I was
in their employ and receiving
pay for my services
When the arrests were brought

Ques -

Ans.

Coys -

0575

to one alleged to have been stolen
I kept it for my own use
I did not enter such mon-
ies on the books of the employ-
er I knew it was stolen
money I did not say one
word or make any report
to my employer about the
Larcenies until after my
arrest

I know of a single instance
where the Hotel Brunswick
was depaupered by the alleged
Larcenies by the defendants

During that instance

I cannot say any more
than I have said in my af-
fidavit

Do you name a single in-
stance in that affidavit
No Sir

My memory is distinct about
the whole occurrence

Explain how ~~much~~ the alleged
conspiracies had been con-
summated the ~~proprietors~~ of
the Hotel Brunswick would

Ques

Ques

Ans.

Ques

0576

Ans

have been defended.
One of the traitors Hancock
or Solari would bring me a
check and request me to keep
it - a check for eatables - they
received from the Bookkeeper
when the traitors brought me
the money the check called
for they requested me to keep
it the check so that it might
be altered by the bookkeeper
~~that is all~~ the waiter would
return me the check altered
and I would give him the
difference between the altered
check and the original one
These alterations were not
always carried out - when
they saw there were too many
around they desisted. I don't
remember the occasions when
these alterations were attempted
and not completed -
I only remember the occasions
when these alterations were
attempted and consummated

0578

to the Cafe the waiter is obliged to pass the Bookkeeper who records upon the check the articles ordered - having served them to the customer he returns to the Bookkeeper to have his check completed by being summed up - he then takes the check to the customer - receives the money takes it to the Cashier if there is change to be received he takes it back to the customer

The waiter could if disposed alter the check himself and it could be done without the knowledge of the Bookkeeper

Cross
Dms

Counsellor Mr. Gelland asks
If I should come to your
Restaurant and my check
was One dollar what
would be the modes of payment
in order to defraud
the proprietors of the Hotel

0579

supposing I gave the Master
a Two dollar Bill
Ans. I cannot easily answer the
question - but can explain
it by the sheet of Cheques and
forms of vouchers here produced

George W John

Sworn to before me this
18th day of November 1880
Herman Smith Police Justice

0580

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That Alfred Picot, Albert Hancock and
Camille Solari each

late of the First Ward of the City of New York, in the County of New York, aforesaid
not being an apprentice or person within the age of eighteen years, on the *twelfth*
day of *October* in the year of our Lord one thousand eight hundred
and ~~eighty~~ *eighty* was employed in the capacity of a clerk and servant to one

Francis Kinsler and Rebecca B. Mitchell

and as such clerk and servant, was entrusted to receive a certain sum of
money to wit the sum of fifty cents in
money and of the value of fifty cents

and being so employed and entrusted as aforesaid, the said *Alfred Picot, Albert
Hancock and Camille Solari* by virtue of such employment,
then and there did receive and take into his possession the said certain sum.

of money to wit: the sum of fifty cents in
money and of the value of fifty cents

for and on account of *Francis Kinsler and Rebecca B. Mitchell*

his said master and employer; and that the said *Alfred Picot, Albert
Hancock and Camille Solari* on the day and year last aforesaid,
with force and arms, at the Ward, City and County aforesaid, fraudulently and feloniously did
take, make away with and secrete, with intent to convert to his own use, and did fraudulently and
feloniously embezzle and convert to his own use, without the consent of his said master and em-
ployer, and did fraudulently and feloniously and without the consent of his said master and
employer withhold, appropriate, apply and make use of the said certain sum of

money to wit: the sum of fifty cents in
money and of the value of fifty cents

0581

of the goods, chattels, personal property and money of the said *Marcus Kinsler* which said goods, and *Rebecca B. Mitchell* chattels, personal property, and money had come into his possession and under his care, by virtue of his being such clerk and servant as aforesaid, 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.

And the Jurors aforesaid, upon their Oath aforesaid, do further Present, That the said

Alfred Picot, Albert Hancock and Camille Solari each

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year last aforesaid, at the Ward, City and County aforesaid, with force and arms, fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: one hundred 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 the denomination of two dollars, and of the value of two dollars each: one hundred and twenty 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 the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as a bank note), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as a bank note), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: thirty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: two hundred and forty silver coins (of the kind usually known as shilling pieces), of the value of twelve and a half cents each: three hundred silver coins (of the kind usually known as half dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand coins (of the kind known as three cent pieces), of the value of three cents each: three thousand copper coins (of the kind known as cents), of the value of one cent each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each, and of the kind known as fractional currency, of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each: five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each.

0582

of the goods, chattels, and personal property of one *Francis Kinsler and*
Rebecca B. Mitchell then and
there being found, 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.

BENJ. K. PHELPS, District Attorney.

0583

BOX:

27

FOLDER:

331

DESCRIPTION:

Picotta, Alfred

DATE:

12/09/80



331

0584

BOX:

27

FOLDER:

331

DESCRIPTION:

Kane, Patrick

DATE:

12/09/80



331

0585

10 286

Counsel,

Filed 9 day of Dec. 1880.

Pleads Not Guilty

THE PEOPLE
vs.
Charles Scott
Patrick Kane

INDICTMENT.
Petit Larceny of Money from the Person.

BENJ. K. PHELPS,

District Attorney.

Part No. Dec 9, 1880.

vs. - pleads guilty

For one of our

A True Bill.

Marshall W. Cooper

Foreman.

Dec 14, 1880

W. C. Phelps
Counsel for the People
C. P. Phelps
C. P. Phelps

THE ALBANY OF THE PEOPLE OF THE STATE OF NEW YORK

0586

Form 112.

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

Police Court—First District.

James Mahoney
of No. House of Detention Street, being duly sworn, deposes
and says, that on the 27 day of November 18 88
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, and from deponent's person

the following property, viz: one nickel plated watch and plated
chain attached. one revolving pistol and lawful
money to the amount of two $\frac{40}{100}$ dollars. in all

of the value of sixteen $\frac{40}{100}$ 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 Alfred Picotta and
Patrick Kane (both now here) for the reason that
while deponent was on Front Street in said city
in a helplessly drunken condition and subsequently
deponent was informed by officer Robert Erwin
that he said officer saw Alfred Picotta holding
deponent against a house and saw said Picotta
put his hand in ~~deponent's~~ the pocket of the coat then
and there worn by deponent as a part of his
bodily clothing and did take therefrom the
aforesaid property and placed the same into his
said Picotta's pantaloons pocket and while said
larceny was committed said Kane was standing

Subscribed before me this

Police Justice

0587

near and in conversation with said Picotta when said defendants discovered that said Officer Erwin was watching them. they the said defendants took hold of deponent to lead him away

Wherefore deponent charges said Alfred Picotta and Patrick Kane with acting in concert with each other in taking stealing and carrying away from deponent person the aforesaid property.

Sworn to before me this
28th day of November 1886

James Mahoney

A. M. Patterson Police Justice

City and County
of New York

ss

Robert Erwin

of the First Precinct being duly sworn says that he has heard read the foregoing affidavit and the statement therein contained and information is true to deponent own knowledge

Sworn to before me this
28 day of November 1886

Robert Erwin

A. M. Patterson Police Justice

0588

POLICE COURT—FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK.

Alfred Picotta being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Alfred Picotta

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Canada

Question. Where do you live?

Answer.

Water Street

Question. What is your occupation?

Answer.

Boatman

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

Answer.

I am not guilty

Alfred X. Picotta
his mark

Taken before me, this

12 day of November 1880

POLICE JUSTICE.

0589

Police Court—First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Patrick Kane

Question. How old are you?

Answer.

14 years

Question. Where were you born?

Answer.

Ireland

Question. Where do you live?

Answer.

Albany N.Y.

Question. What is your occupation?

Answer.

none at present
~~boat~~

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

Answer.

I am not guilty

Patrick Kane
mark

Taken before me, this

day of

1880

Police Justice.

0590

near and in conversation with said Picotta when said defendants discovered that said Officer Erwin was watching them. they the said defendants took hold of deponent to lead him away.

Wherefore deponent charges said Alfred Picotta and Patrick Kane with acting in concert with each other in taking stealing and carrying away from deponent person the aforesaid property.

Sworn to before me this 28th day of November 1880

James Mahoney
Police Justice

City and County of New York } ss Robert Erwin of the First Precinct being duly sworn says that he has heard read the foregoing affidavit and the statement therein contained and information is true to deponent own knowledge

Sworn to before me this 28 day of November 1880

Robert Erwin
Police Justice

0591

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

Police Court—First District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Mahoney
Home of detention

Alfred Picotta

Patrick Kane

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BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

Affidavit—Larceny.

Dated *28 Nov* 18 *80*

Patterson Magistrate.

Erwin Officer.

Erwin Clerk.

Witnesses: *Erwin*

Erwin

Complainant in *House*

of detention in defendant

by 28 Nov 1880

Each

to answer *Each*

at *General* Sessions *Con*

Received at Dist. Atty's office

0592

CITY AND COUNTY }
OF NEW YORK. { ss.

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

That *Alfred Picotta and Patrick Kane & son*

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

Divers Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as United States Treasury Notes, of a number
and denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of *two dollars*

Divers Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as Bank Notes, of a number and denomina-
tion to the Jurors aforesaid unknown, and a more accurate description of which cannot
now be given, of the value of *two dollars*

~~Divers Due Bills of the United States of America, the same being then and there
due and unsatisfied, and of the kind known as Fractional Currency, of a number and
denomination to the Jurors aforesaid unknown, and a more accurate description of
which cannot now be given, of the value of~~

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-
known, and a more accurate description of which cannot now be given, of the value of
two dollars and forty cents

One watch of the value of eight dollars

One chain of the value of one dollar

One pistol of the value of five dollars

of the goods, chattels, and personal property of one *James Mahoney*
on the person of the said *James Mahoney* .. then and there being found,
from the person of the said *James Mahoney* 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.

BENJ. K. PHELPS, District Attorney;

0593

BOX:

27

FOLDER:

331

DESCRIPTION:

Poole, James

DATE:

12/17/80



331

0594

116
Counsel,
Filed
Pleads
Dec. 1880.
Wm. H. Phelps

THE PEOPLE
vs.
James Pole
Larceny and Receiving Stolen Goods.

BENJ. K. PHELPS,
District Attorney.

A True Bill.
Mammoth W. Cooper

Foreman.
Dec. 23. 1880.

James Pole
Remains in custody
of Wm. H. Phelps

0595

Form 112.

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

Police Court—First District.

of No. 157 Madison Street, being duly sworn, deposes
and says, that on the 11th day of December 1888
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried
away from the possession of deponent, And from deponent's

the following property, viz:

One Silver Watch
with chain attached

of the value of

ten

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 James Poole and

which Negro both now present
that deponent was passing along Melburn
Street at about the Palace Gate where
he was suddenly approached by the
prisoners and others that one of the
persons suddenly snatched the chain
and jerked the watch from deponent's
wrist and then ran away. That deponent is now informed by
one Aaron that the prisoner Poole
possessed said watch in his room at prison
shop and received three dollars for it.

0596

Cents thereon and deponent is further informed by Officer Fiege of the 14th Precinct that the ticket representing said watch was given to him by the prisoner Negro all of which deponent believes to be true and therefore charges the prisoner with the commission of said larceny.

I come to before you this 12th day of Decr 1880
 John Aaron of the City and County of New York
 Chief Justice

John Aaron of No: 19th Grand Street being sworn says that the prisoner Doole pawned the watch here shown in deponent's establishment in said street and received thereon from deponent the sum of three dollars & fifty cents as a loan

John Aaron

I come to before you this 12th day of Decr 1880

John Patterson of the City and County of New York
 Chief Justice

City and County of New York

Robert A. Fiege of the 14th Precinct being sworn says that the prisoner Negro gave to deponent the ticket here shown and said that he brought it, said ticket represents the watch taken from Complainant and which was identified by him in said Aaron's possession as the watch taken from him in Muller Street on said night

Robert A. Fiege

I come to before you this 12th day of Decr 1880
 John Patterson of the City and County of New York
 Chief Justice

0597

POLICE COURT—FIRST DISTRICT.

CITY AND COUNTY } ss.
OF NEW YORK }

Patrick Negro being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

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

Answer.

I am not guilty I bought the ticket from a person whose name I do not know and gave him fifty cents for it
Patrick Negro

Taken before me this

12 day of

Decr 1880

POLICE JUDGE.

0598

Police Court—First District.

CITY AND COUNTY
OF NEW YORK.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer,

Question. Where were you born?

Answer.

Question. Where do you live?

Answer

Question. What is your occupation?

Answer.

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

Answer.

I am not guilty of the charge

James Poole

Taken before me, this

day of

1890

Police Justice

0599

COUNSEL FOR COMPLAINANT.

Name,
Address,

COUNSEL FOR DEFENDANT.

Name,
Address,

Police Court—First District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Michael McCaffrey
150 Madison St.

Albavitt—Larceny.

James Doyle
DEC 13 1892
John J. Doyle

John J. Doyle
Magistrate.
John J. Doyle
Officer.
John J. Doyle
Clerk.

John J. Doyle
to answer
Sessions
at Dist. Atty's office

officer sign and
that so far as
he knows his
charges is not
paid
his summer on
person of Goodwin
Matthew Lyons
runner him for
16 years
Charles Ford

0600

CITY AND COUNTY }
OF NEW YORK, } ss.

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

That

James Poole

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
eleventh day of *December* in the year of our Lord
one thousand eight hundred and eighty *at the Ward, City and County aforesaid*
with force and arms,

*One watch of the value of eight dollars.
One chain of the value of two dollars.
of the goods chattels and personal property
of one Michael M. Loughlin on the
person of the said Michael M. Loughlin
then and there being found from
the person of the said Michael M.
Loughlin*

~~of the goods, chattels, and personal property of one~~

then and

there ~~being found~~, 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.

0601

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

James Poole

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

One watch of the value of eight dollars
One chain of the value of two dollars

of the goods, chattels, and personal property of the said

Michael W. Roaghen
by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously
stolen of the said

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

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

BENJ. K. PHELPS, District Attorney.

0602

BOX:

27

FOLDER:

331

DESCRIPTION:

Porter, Francis R.

DATE:

12/10/80



331

0603

32

Day of Trial,

Counsel, *George S. Davis*

admiral's counsel.

Filed 10 day of Dec. 1880

Pleas *not guilty*

THE PEOPLE

vs.

P

Francis M. Porter

BENJ. K. PHELPS,

District Attorney.

A True Bill.

Marshall H. Cooper

Foreman.

Samuel

Henry

James

a true & correct
 In the above said's duty
 Sworn to before me, this 16th day
 of November 1880
 Marshall & Co. Secy
 of
 McMillan & Co. Secy
 of
 Police Justice

0605

934
Police Court
10 day of November 1880
Deponed before me
Police Court - Fourth District

State of New York ss Thomas Mulvey of
the 18th Precinct Police being sworn deposes
and says that at about 5 o'clock in the
afternoon of the 15th day of November 1880
deponent saw Francis R Porter (now here)
ascend the stoop of the house No 9 Lexington
Avenue, deponent then heard the noise of
breaking glass, and saw said Porter
come from said stoop, reach
broke the glass in the door of said house

AFFIDAVIT
THE PEOPLE, &c.
ON THE COMPLAINT OF
James S. Haveth
Deponent
Francis R. Porter

Dated Nov 16th 1880
Attest
Magistrate
Mulvey, sworn

Witness
Thomas Mulvey
Examined and
demanded trial at
Court of General Sessions.
Disposition
\$500 T. C.
General Term
Nov 22 1880
Done

0606

City and County } ss.
of New York.

The jurors of the People of the State of New York in and for the body of the City and County of New York upon their oath present.

That Francis R. Porter, on the fifteenth day of November in the year of our Lord one thousand eight hundred and eighty at the City of New York in the County of New York aforesaid wilfully, maliciously, wantonly and unlawfully did injure and deface a certain building in the City and County aforesaid commonly known as Number nine Lexington Avenue then and there occupied by one Abraham S. Hewitt and a door of and in the said building and two panes and plates of glass then and there being a part of said door and of said building by then and there wilfully, maliciously, wantonly and unlawfully breaking and destroying the said two large panes and plates of glass then and there in and being a part of the door of the said building and of the said building against the form of the

0607

Statute in such case made and
provided and against the peace of
the People of the State of New York
and their dignity

Benjamin K. Phelps
District Attorney