

0230

BOX:

309

FOLDER:

2939

DESCRIPTION:

Wallace, Joseph

DATE:

05/10/88



2939

0231

BOX:

309

FOLDER:

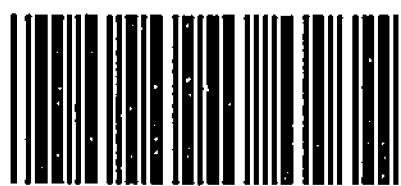
2939

DESCRIPTION:

Johnson, Charles

DATE:

05/10/88



2939

Genny A. Tozapple
Off Alaci room 16th floor

Filed 10 day of May 1888
Pleads, 2 certiorari (11)

vs.

Joseph Wallace

24. 11. 1911

Charles Johnson

JOHN & FELLOWS,

May 24/97 District Attorney.

Order N. 1. 1. 1.

For: One year.

A True Bill

J. M. Sullivan

Foreman.

May 11/98.

John C. Smith

Please Lucy May
 Don't ever write me

Dr. Duggan

0232

0233

Police Court—2 District.City and County }
of New York, } ss.:Henry A. Holzappee
of No. 84 Greenough Avenue Street, aged 31 years,
occupation Manager being duly sworndeposes and says, that the premises No 84 Greenough Avenue Street,
in the City and County aforesaid, the said being a three story brick
buildingand which was occupied by deponent as a store on the ground floor
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
open a gate leading to the back yard
and then breaking open a back
window on the ground floor.on the 27 day of April 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Thirty three
Imprua rugs of the value of
two hundred and eighty four dollars
(\$264)the property of The Lovell Manufacturing Co. and in deponent's care
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

Joseph Wallace and Charles Johnson
(now here)for the reasons following, to wit: Deponent left the said
property in the said store and locked
the same up securely at the hour
of 5.50 P.M. on April 26. Deponent
learned at the store on the following
morning that the place had been
opened by burglars and deponent
missed the said property. Deponent
is informed by Policemen Patrick

0234

Lavin of the 16th precinct that
 on the morning of April 27 about
 9.30 o'clock he arrested the
 above named defendant, at
 19th street and 9th Avenue
 in possession of the aforesaid property
 before the charges defendant
 with Lavin committed the said
 burglary Henry A. Holzapfel.

Sworn to before me this 27
 the day of April 1888
 J. White
 Notary Public

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Degree.

Burglary

vs.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Failed by

No.

Street.

0235

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Larin

aged _____ years, occupation Policeman of No. _____

160A Bremer Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Harry A. Holzgaffner

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

Sworn to before me, this

27

day of

April

1888

Patrick B. Larin

A. J. White

Police Justice.

0236

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Wallace 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.

Joseph Wallace

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

Newark N.J. 4 months

Question. What is your business or profession?

Answer.

Engraver

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

Answer.

I have nothing to say.

Joseph Wallace.

Taken before me this

day of

1884

Police Justice.

0237

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Johnson

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

Question. What is your name?

Answer.

Charles Johnson

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

291 10th Av. 3 months

Question. What is your business or profession?

Answer.

Lack man

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

Answer.

I am not guilty
Charles Johnson

Taken before me this

day of

1898

Police Justice.

0238

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court No. 2 District 697

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry A. Holystyle
J. J. McManus
Joseph Wallace
Charles Johnson

Offence Burglary

Dated April 27 1888

White Magistrate.

Yavin Officer.

16 Precinct.

Witnesses

Cde de Office

No. 10 Yavan & Carey Street.

160 Precinct

No. _____ Street.

No. _____ Street.

1500 Street.

to answer

April 30. 10. am

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$500 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated April 27 1888 A. White Police Justice.

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

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0239

—+ OFFICE OF +—
BERNARD MURPHY,

Wholesale and Retail Dealer in

→ Hay, Grain, Flour and Feed, ←
OF ALL KINDS,

115 WEST 37TH STREET

New York, May 14 1888

The bearer
Charles Johnson was in my
employ for about three years
during that time I found him
trustworthy and faithful he
left at his own request

Bernard Murphy

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Wallace and
Charles Johnson*

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

Joseph Wallace and Charles Johnson

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

The said *Joseph Wallace and Charles*

Johnson, both —

late of the *— Ninth —* Ward of the City of New York, in the County of New York, aforesaid, on the *24th* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Store* of one

— Henry A. Holzgottel. —

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Henry A. Holzgottel.

in the said *Store* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said

Joseph Wallace and Charles Johnson
of the CRIME OF *Grand* LARCENY in the second degree committed as follows:

The said *Joseph Wallace and Charles Johnson, both* —

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

thirty three maps of the value of
ten dollars each,

of the goods, chattels and personal property of one *Henry A. Schuyler* —

in the *store* of the said *Henry A. Schuyler* —

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

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Joseph Wallace and Charles Johnson
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Joseph Wallace and Charles Johnson, both* —

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

stole three maps of the value of
ten dollars each,

of the goods, chattels and personal property of one *Henry A. Stapp* —

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Henry A. Stapp* —

unlawfully and unjustly, did feloniously receive and have; the said *Joseph Wallace and Charles Johnson*

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

JOHN R. FELLOWS,

District Attorney.

0243

BOX:

309

FOLDER:

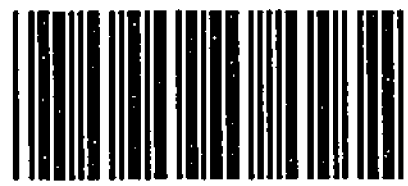
2939

DESCRIPTION:

Walsh, Patrick

DATE:

05/18/88



2939

0244

Witnesses:

John S. [Signature]
John S. [Signature]
John S. [Signature]

Counsel,
Filed 18 day of May 1888
Pleads, Guilty in

THE PEOPLE

vs.

37 W & 9
332
corrupt power

Patrick Walsby

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

JOHN R. FELLOWS,

25 " Park 3 District Attorney.

A True Bill.

[Signature]
Foreman.

Pay 18 May 25. 1888

Find and Convicted
assault 2 & dep
May 25, 1888

28

COURT OF GENERAL SESSIONS. PART III.

----- e - x
 :
 The People of the State of New York :Before
 :Hon.Frederick Smyth,
 against : and a jury.
 :
 P A T R I C K W A L S H :
 ----- x

Indictment filed, May 18, 1888. New York, May 18, 1888.

New York, May 25, 1888.

A P P E A R A N C E S .

For the People, Ass't Dist. Atty. Goff.

For the defendant, James R. Brady, Esq.,

JOHN BOYLE, a witness for the people, testified:

I am a carriage maker having my shop at No. 6,8 &10
 Seventh Avenue. I reside at No. 309 West 4th street.
 In the month of January and during the 1st week of February
 the defendant Patrick Walsh was in my employ. ON
 that Saturday I told him after paying him his wages that I
 must dissolve partnership with him that he was not doing
 work as I wished him to do it. On Monday morning Joseph
 Otis, a young man who was a helper to Walsh came in and
 asked me whether I had paid Walsh his wages on Saturday
 night and I told him that I had. On Tuesday when I came
 back from dinner I found the defendant Walsh in my shop
 and I asked him if he had paid Joe Otis. He said "No"
 and I told him he ought to pay him and then he said "You
 tried to skin me and you got the worst of it. I told him

to go on about his business. Then I left and I as I was going through a partition door he picked up this large whiffle-tree and struck me over the head with it. I did not fall but the blow staggered me. I was taken to St. Vincent's hospital and remained there about nine weeks. I got out of the hospital about four weeks ago:

CROSS EXAMINATION:

This man was to pay Joe Otis so much a week out of the money which he himself earned. I had not been drinking on that day.

Q Did you call him a foul name and hit him in the face ?

A Never sir.

Q You are sure about that ? A Yes sir.

Q Didn't you call him a liar and a thief ? A No sir.

Q And then didn't you strike him ? A No sir.

JOHN G. MOORE, a witness for the people, testified:

I am the house-surgeon at St. Vincent's Hospital. I examined the complainant when he came to the hospital. He had a wound extending down the side of his forehead and it was what we called a compound fracture of the skull. He remained there for about nine weeks.

Q Do you consider that a blow of this whiffle-tree held in my hand and delivered with ordinary strength upon the skull of another man is such a blow as is likely to produce death ? A It would be a blow likely to produce serious injury, but it is very hard to say whether it would produce death.

JOSEPH OTIS, a witness for the people testified:

I am the person referred in in the testimony of Mr. Boyle. I remembe the day that the defendant came into Mr. Boyle's shop. As soon as Walsh saw the complainant he put his hand on a whiffle-tree which was hanging on the wall and struck him. Boyle's son had a stick in his hand at that time.

CROSS EXAMINATION:

I heard the son say "Kill him".

FRANK HORSFORD, a witness for the people, testified:

I remember the 7th of February. The day Patrick Walsh came into this shop. I overheard the conversation which took place between Boyle and Walsh and I saw the son of Boyle run in between Walsh and his father with a weapon in his hand and threaten to strike Walsh he said "I will kill you"; then Walsh made a grab for this whiffle-tree in order to defend himself and struck the father. Boyle's son had a thick piece of iron in his hand, and fr

FRANK BOYLE, a witness for the people testified:

I am the son of the complainant. I did pick up a stick and I went inside into the shop. My father went in and I went in after him. I saw Walsh go after a club and then I picked up the nearest thing which I could find which was a bar of iron. He struck my father over the head with this whiffle-tree.

JOHN S. FULTON, the police officer, testified to making the arrest.

JOSEPH CARPENTER, testified that he saw the defendant at the shop that the defendant asked him how soon the boss would be in and he told him in about ten minutes and that then the defendant said "If he says anything to me I will break his head."

D E F E N C E .

PATRICK WALSH, the defendant, testified:

I was arrested once for disorderly conduct. On this day in question I had passed a Civil service examination for the position of Inspector in the Customs House. I rode up on the 7th Avenue car to Boyle's shop. When I saw Boyle I asked him for some money which he owed me and he said he had paid me and I told him that he hadn't. He then called me a foul name and called me a thief and a skin and a highway-robber and said he would smash me in the nose. Then he hit me in the breast and said "I want you get out of here." I was ready to go out and I started to pick up my brushes; then I saw his son standing just outside of this doorway with a large iron bar in his hand making for me and I picked up this whiffle-tree to protect myself from the son; the son made an attempt to hit me with the iron bar and I struck back at him with this

whiffle-tree and the father being between us received the blow by accident. I did not intend to injure him at all

CROSS EXAMINATION:

The witness Horsford and I have worked in different shops together. It was agreed between myself and Mr. Boyle that I should pay Joe Otis so much a week out of what he paid me. I don't remember having any other trouble in any other painting shop that I have worked in. I found Boyle a nice man to work for as long as he kept sober. He sometimes got drunk and he was very abusive

THOMAS K. O'BRIEN, WILLIAM GORMAN, testified to the defendant's good character.

WILLIAM REED, in rebuttal testified that the defendant was a quarrelsome man.

DANIEL DALY testified to the same effect.

ROBERT LINSEY, testified to the good conduct of the complainant

The Jury found the defendant guilty of assault in the second degree.

INDICTMENT FILED May 18, 1888.

COURT OF GENERAL SESSIONS,

Part III.

The People, etc.,

against

PATRICK WALSH.

ABSTRACT OF TESTIMONY ON TRIAL,

May 25, 1888.

0250

0251

District Attorney's Office,
City & County of
New York

Dec. 17 1890

CAPTAIN OR OFFICER IN COMMAND:

Dear Sir:

I desire to see Officer Gulton
attached to your command in
May 1888 in relation to the case of
Patrick Walsh
sentenced May 28/88 to 4
years and 8 months imprisonment by Recorder
Smith

Please ask the officer to bring such information in
relation to the case, and as to the previous record of the defendant
Walsh as he may be enabled to
obtain.

Yours truly,

David Anderson
WILLIAM N. PENNEY,

Secretary.

prev char good

stood waiting
in place until

Officer came
in carriage

Manufactory at
162 W. 11th

the dispute arose
from some falling
out that they
had about who

should pay an
apprentice - each
holding the other should
pay - it was put by
complot who then
held left brushes to
as security

0253

prev char good

stood waiting
in place until

Officer came
in carriage

Manufactory at
162 W. 11th

the dispute arose
from some falling
out that they
had about who

should pay an
apprentice - each
holding the other should
pay - it was paid by
compulsory who then
held depts brushes &c
as security

0254

Police Court—2 District.City and County { ss.:
of New York, }of No. 162 West 11th Street, aged 49 years,occupation Carriage painter being duly sworndeposes and says, that on the 7 day of February 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Patrick Walsh, (now
here), who struck deponent twice
with his fist and once with a
whiffletree, fracturing deponent's
skullJohn Boylewith the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant :Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.Sworn to before me, this 1 day
of May 1888.John Boyle
A. White Police Justice.

0255

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Walsh 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.

Patrick Walsh

Question. How old are you?

Answer.

36 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

137 West 49th St.

Question. What is your business or profession?

Answer.

Coach Painter.

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

Answer.

~~I have nothing to say~~
I am not guilty I
struck the blow in
self defense and want
further examination

Taken before me this

day of May

188

Police Justice.

Patrick Walsh

St Vincents Hospital
Feb. 8, 88.

This is to certify that
John Boyle is a patient in this Hospital
suffering from a Compound Fracture
of the Skull.

John G. Moore
House Surgeon.

St Vincents Hospital
March. 1, 1888.

This is to certify that
John Boyle is out of danger from
his injury.

John G. Moore
House Physician & Surgeon.

0257

CITY AND COUNTY
OF NEW YORK, } ss.

POLICE COURT

DISTRICT.

John Fulton
of No. 9th Precinct Police Office, aged _____ years,
occupation _____ being duly sworn deposes and says,
that on the 7th day of February 1888

at the City of New York, in the County of New York, he arrested
Patrick Walsh. (Nowhere) on a
charge of having struck one
John Boyle on the head with a
whiffletail injuring him so severely
that he is now confined in St Vincent's
Hospital and unable to appear in Court.
Deponent further says that he took
the said Walsh before the said
Boyle when he Walsh was fully
identified by Boyle as the man that had
struck him. Wherefore deponent prays

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY
OF NEW YORK, } ss.

An information having been laid before Andrew J. White a Police Justice
of the City of New York, charging Patrick Walsh Defendant with
the offence of Assault

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

We, Patrick Walsh Defendant of No. 710
Seventh Avenue Street; by occupation a Coach - painter
and Philip Doyle of No. 303 West 50
Street, by occupation a signwriter Sirety, hereby jointly and severally undertake that
the above named Patrick Walsh Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of 10
Hundred Dollars.

Taken and acknowledged before me, this 2

day of March 1888.

Sam'l C. Buller POLICE JUSTICE.
Patrick Walsh
Philip Doyle

0258

The said Patrick Walsh may
be held to answer the result of the
injuries of the said John Boyle

Sworn to before me
this 7th day of July 1888

[Signature]
Police Justice

[Signature] John S. Sullivan

Police Court, District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

ss.
Patrick Walsh

Dated

188

White

Magistrate.

Officer.

Witness,

John S. Sullivan

Frank Boyle

W. W. 11. 10. 11

Joseph O'Leary

Joseph Carpenter

Edward Pearce

Dispositions

of the

of the

of the

CITY AND COUNTY OF NEW YORK, ss.

[Signature]
Police Justice

Sworn to before me, this
day of March 1881

the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth *Twenty* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *stock of liquor*

Cigars &c and fixtures in the premises
situated at No 781 - 8 Avenue of the
value of Five Thousand Dollars over
and above all encumbrances

Philip Donohue
[Signature]

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

ss.

Taken the day of 188

Justice.

0259

The Magistrate finding
that the within named
will please him and
returne them
case among every
absence

BAILED,

Police Justice

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

2694th
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Doyle

309 245th St

Adolph W. White

Offence

Assault
felony

Dated

May 1

188

White

Magistrate.

Justice

Officer.

9

Precinct.

Witnesses

St. John L. Wilson, 331 N. 34th

No. 1, by

John L. Wilson, 331 N. 34th

No. 2, by

John L. Wilson, 331 N. 34th

No. 3, by

John L. Wilson, 331 N. 34th

No. 4, by

John L. Wilson, 331 N. 34th

No. 5, by

John L. Wilson, 331 N. 34th

No. 6, by

John L. Wilson, 331 N. 34th

No. 7, by

John L. Wilson, 331 N. 34th

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 Dependent

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 May 4 1888 J. Henry Bond Police Justice.

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

Dated May 4 1888 J. Henry Bond Police Justice.

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

Dated _____ 188 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Salvador Warden

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

Salvador Warden

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

The said *Salvador*

late of the City of New York, in the County of New York aforesaid, on the
nineteenth day of *February* in the year of our Lord
 one thousand eight hundred and eighty-*eight*, with force and arms, at the City and
 County aforesaid, in and upon the body of one *John Borge*. —
 in the peace of the said People then and there being, feloniously did make an assault,
 and *in* the said *John* —
 with a certain *knife* —

which the said *Salvador* —
 in *his* right hand then and there had and held, the same being a deadly and
 dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and
 wound, *the same being such means and*
force as were likely to produce the
death of the said John —
 with intent *in* the said *John*. —
 thereby then and there feloniously and wilfully to kill, against the form of the statute in
 such case made and provided, and against the peace of the People of the State of New York
 and their dignity.

SECOND COUNT—

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

Salvador Warden

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

The said *Salvador Warden*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
 aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
 the said *John Borge*. —
 in the peace of the said People then and there being, feloniously did wilfully and
 wrongfully make another assault, and *in* the said *John* —
 with a certain *knife* —

which the said *Salvador* —

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

THIRD COUNT—

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

Patricia Walsh —

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

The said

Patricia —

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

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

John the said

with a certain

whistle —

which

John

the said

Patricia —

in *John*

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

head

— of *John* the said

John —

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

John —

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0262

BOX:

309

FOLDER:

2939

DESCRIPTION:

Walsh, William

DATE:

05/28/88



2939

0263

Witnesses;

Off Frank L. Braden
29th Precinct

Counsel,
Filed *24* day of *May* 188*8*
Pleads, *Arraignment*

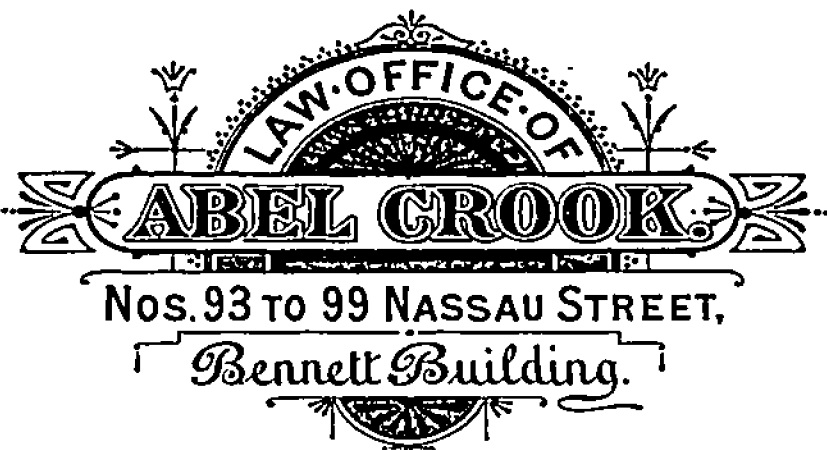
276 2
W.H.

THE PEOPLE
B
William Walsh
VIOLATION OF EXCISE LAW.
(Keeping Open at Unlawful Hours,
[III Rev. Stat. (7th Edition), page 1989, Sec. 5.]

JOHN R. FELLOWS,
22 Nov 13/88 District Attorney.
Transferred by Consent to Court
of S.S. for trial.

A True Bill.
W.D. Brown
Foreman.

0264



New York March 21st, 188.

Hon. John R. Fellows,
Dist. Atty. &c,
My dear Colonel:

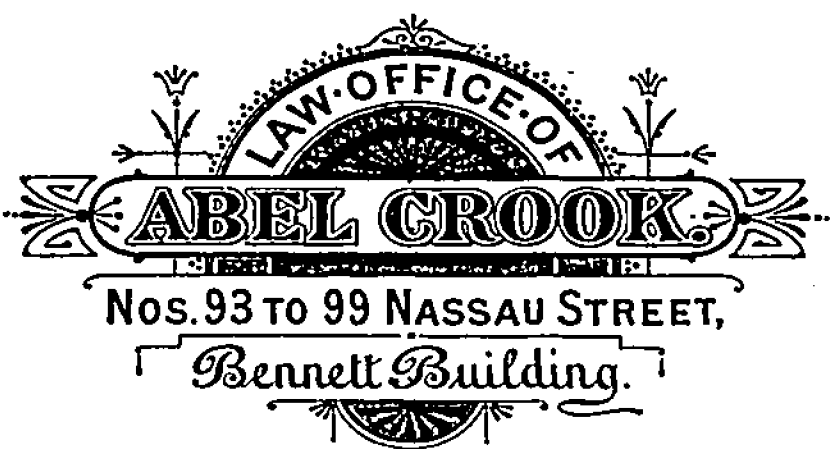
I appear as attorney of record for Harry Yates indicted for alleged violation of the excise law, the claim being that on Feb. 17th he sold to a police officer a glass of ale in the restaurant at No. 20 Fulton Market.

The place had a license in the name of John Meehan, which expired March 12th 1888. It was revoked Feb. 11, and on Feb. 14 Inspector Brown took the license away. On Feb. 16 Commissioner Van Glahn advised Robert Yates, the father of Harry, to take out a restaurant license, for which he made application, and the license was in fact issued Feb. 21st. During this interim this young man, under 21 years of age, not knowing that the license had been revoked, sold this glass of ale to the officer, was immediately arrested, and is now indicted for this single offense.

I have known him from his childhood; he is of good family and of good character in every respect.

Mr. Yates is a personal friend of Hon. John B. Haskin with whom I have been associated, as you know, for upwards of 20 years, and it is at his special request that I appear in this

0265



Fellows, 2.

New York _____ 188

case. The defendant plead yesterday, March 20th, and I am to-day, at 4 p.m., advised that the case is set for trial on the 22nd.

I would respectfully request that the trial may be postponed for say 2 weeks to enable me to arrange the proof, unless in the exercise of your sound judgment you may deem it best that the prosecution be discontinued and the defendant discharged.

I know that the boy intended to do no wrong whatever; I know that his father has been engaged in active business at Fulton Market since 1852; and it seems to me harsh that a vigorous prosecution should be made of what seems to me a trifling offence.

Trusting that you will give this matter your consideration and advise me, I remain

Yours truly,

Abel Crook

*Put this case off the Term & inform
Mr Crook that it has been done
J R Fellows*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Walsh

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

— *William Walsh* —

of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING, a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed as follows: .

The said *William Walsh*
late of the City of New York, in the County of New York aforesaid, on the
seventh day of *April* in the year of our Lord
one thousand eight hundred and eighty-eight, being then and there in charge of,
and having the control of a certain place there situate, which was then duly licensed as
a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms,
at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not
close and keep closed between the hours of one and five o'clock in the morning of the said
day, and between the said hours of the said day, to wit: at the hour of *two* o'clock
in the morning of the said day, the said place so licensed as aforesaid unlawfully did then
and there open and cause and procure, and suffer and permit, at the time aforesaid to be
open and to remain open, against the form of the Statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0267

BOX:

309

FOLDER:

2939

DESCRIPTION:

Waytes, Charles Y.

DATE:

05/16/88



2939

Witnesses;

~~Charles J. May~~
Edward Grant
W. John A. Lammie
J. H. Grant

103

Counsel,
Filed 16 day of May 1888
Pleads, May

THE PEOPLE

vs.

Charles J. May
Grand Larceny in the Second Degree.
(MONEY.)
(Sec. 528 and 531, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. M. Jones
May 1888 Foreman.
Spicer & Co. printed.

0269

Police Court

2nd District

Affidavit—Larceny.

City and County } ss.:
of New York, }

of No. 68 Sullivan Street, aged 28 years,

occupation Waiter on Steamer Providence being duly sworn

deposes and says, that on the 25 day of April 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, in the day time, the following property viz :

Eighteen 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 Charles Maytes (now here) Graier

the fact that on said date while deponent

was laying on a sofa in said premises

with said amount of money in his

possession he was approached by

the defendant as deponent is informed

by Louis Young of 70 Sullivan Street

that he saw the defendant set Young

beside deponent and that he had

his hands on the person of deponent

arise and depart from said premises.

Deponent further says that when he

wrote he found said amount of

money missing from his garment

and was then informed by Young

Sworn to before me, this
1888 day
Police Justice.

0270

of the fact of Maytes being near him
that Dependent then searched for
Maytes and found him in a
gambling house that he confessed
taking said money and offered
to pay the same back to Dependent

Edmund Grant

Sworn to before me
this 5 day of May 1888

J. H. H. H.

John J. H.

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 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

vs.

1

2

3

4

Date

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions.

0271

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 45 years, occupation Washer of No. 170 Sullivan Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Paul

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

Sworn to before me, this 5

day of May 1888

Louis Young

J. Henry Bond
Police Justice.

0272

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Charles Wayne*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *West Indies*

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

Answer. *121 W 25 St. 1 month*

Question. What is your business or profession?

Answer. *Pastry man St. Hudson*

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

Answer. *I am not guilty*

Charles J. Wayne

Taken before me this

day of

188

Police Justice.

4300. Knott for 2 May
1942. B. P. Knott

No. 1, by

Residence

No. 2, by.

Residence.

No. 8, 07

Residence_

No. 4, by

Residence

Street.

Street.

Street.

Street.

Police Court—

District

THE PEOPLE, &
ON THE COMPLAINT OF

Edward Heath

168 Southwark
Charles May 1860

Offence.

Dated

188

MAGISTRATE.

Officer.

regiment.

Witnesses

No. _____

2

No

4

30.

4

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 Agueda

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 May 7 1888 J. A. M. Petersen Police Justice.

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

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

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

Dated _____ 188_____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Y. Waytes

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

— *Charles Y. Waytes* —
of the crime of GRAND LARCENY IN THE *Second* DEGREE, committed as follows:

The said

Charles Y. Waytes

late of the City of New York, in the County of New York, aforesaid, on the *twenty-fifth*
day of *April* in the year of our Lord one thousand eight hundred and eighty-*eight*,
at the City and County aforesaid, with force and arms, in the *day* — time of
the same day, *one* promissory note 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 twenty dollars, and of the value of twenty dollars — ;
one promissory note 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
ten dollars, and of the value of ten dollars — ; *three* promissory note § 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 five dollars, and of the value of five dollars *each*;
nine promissory note § 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*; *eighteen* promissory note § 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 bank notes),
being then and there due and unsatisfied, of the value of twenty dollars — ; *one*
promissory note 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 — ; *three* promissory note § 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*; *one* United States Silver Certificate of the

0275

denomination and value of twenty dollars _____ ; *one* United States Silver Certificate of the denomination and value of ten dollars _____ ; *three* United States Silver Certificate of the denomination and value of five dollars *each*; *nine* United States Silver Certificate of the denomination and value of two dollars *each*; *eighteen* United States Silver Certificate of the denomination and value of one dollar *each*; *one* United States Gold Certificate of the denomination and value of twenty dollars _____ ; *one* United States Gold Certificate of the denomination and value of ten dollars _____ ; *three* United States Gold Certificate of the denomination and value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *eighteen* dollars _____

of the proper moneys, goods, chattels and personal property of one *Edmund Grant* on the person of *the said Edmund Grant* then and there being found, *from the person of the said Edmund Grant* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0276

BOX:

309

FOLDER:

2939

DESCRIPTION:

Wehn, Karl

DATE:

05/16/88



2939

J. J. Sullivan
 97 160 B. room
 Bad.

Counsel,
 Filed day of May 1888
 Pleads Magically

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

THE PEOPLE

vs.

hp

Karl Wahn

Wm. S. Sullivan
 District Attorney.

May 24/88

Indictment dismissed

A True Bill. says dectd.

Wm. S. Sullivan
 Foreman.

Thomas L. O'Reilly
 244 W. 49 St.

Mary L. Abel
 118 Duane St.

After a very careful examination
 we are fully satisfied
 that the evidence
 is insufficient to
 sustain the indictment
 against the defendant
 and that no fair-
 minded jury would
 convict him and other
 persons named in the indictment
 of the crime charged.
 Dated May 24/88

Edward M. Jones
 Deputy Clerk

Court of General Sessions

The People
against
Karl Wehr

Report.

The question in this case is whether the defendant was a member of the firm O'Reilly & Co. If he was, then the indictment cannot be sustained. The great preponderance of the evidence shows that he was. I am satisfied that no fair-minded jury would convict the defendant. The complainants have filed a so-called withdrawal of the charge. I, therefore, recommend the dismissal of the indictment herein.

Edward Grose
Deputy Ass't

0279

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Karl Weber

As complainants in the above case, ^{we} I beg to recommend
the defendant to such leniency and clemency as the Court and
District Attorney may see fit to show; but ^{we} I expressly assert
that ^{our} ~~my~~ reasons for so doing are not controlled by any advantage
to ~~myself~~ ^{ourselves}

Thomas L. O'Reilly
James R. Riey

Court of General Sessions

The People
against
Karl Wehr

Forgery, 2^d degree.

Depositions.

Henry J. Thels.

113 Second Street.

Dealer in leather and findings.
I have known the defendant for five or six years last past, and have bought goods from or through him off and on. On the 9th of March, 1888, the defendant asked me for the payment of a bill rendered to me by the firm O'Reilly & Co. It was for waps sold to me by them through the defendant. He asked me for cash money, but I said that I had not the cash money and had to give him a check, yet in order to enable him to cash the check, I would certify to the correctness of the indorsement, if he could indorse the check. I then

drew the check, annexed to the papers
 hereto, the defendant indorsed the
 same in the said firm's name in
 my presence and I certified the
 said indorsement as correct. The
 check was by me delivered to the
 defendant in payment of the
 said bill, and was afterwards
 returned to me from the bank.
 Five or six weeks later, a bill was
 presented to me by O'Reilly & Co. for the
 same goods for which I had paid by
 said check. Thomas O'Reilly, a member
 of said firm, called upon me and
 told him that I had paid the bill
 to the defendant. He told me that
 the defendant had no business to col-
 lect the bill and asked me whether
 I paid in cash or by check. There-
 upon I related to him what had
 happened between me and Wm.
 I have known the defendant
 for five or six years, and have
 bought wax from him, before he
 acted as salesman for O'Reilly & Co.

James O'Reilly
 247 West 49th Street

I am a physician and a member of the firm O'Reilly & Co. I know the defendant. He was employed by our firm to sell wax on commission. My son Thomas and myself engaged him in the latter part of December, 1887, I had several conversations with him, before we engaged him. The O'Reilly in the firm name is my son. There is no other member of ~~the~~ firm, except my son and myself. We are the only persons authorized to engage help or to make any contract in the firm's name. We authorized him to collect the money due us for goods sold by him and to sign receipts therefor; but we did not authorize him to indorse checks with our name and collect the money for the same. He was in our employ until the first day of April last. His commission was 10% of the amounts collected. He had no share in the profits of our firm. He was not a partner.

Michael Gray.

Patrolman, 20th Precinct.

I arrested the defendant on the 8th day of May, 1888, in 87th Street, near Eighth Avenue. He told me that he could prove that he was a member of the firm.

David Ireland,

255 West 29th Street.

I am a fur cutter. My place of business is at No. 254 West 29th Street. In December, 1887, Mr. Thomas O'Reilly and the defendant came to me and rented the store of No. 252 West 29th for their wax business. Dr. James O'Reilly, the father of Thomas O'Reilly, came and approved of the place, and made the remark, that the boys were to do the dancing, and the old man (meaning himself) would have to pay the bill. Thomas O'Reilly always spoke of the defendant as his partner. He frequently left a message for the defendant, and they always called him his partner. The doctor never took any active part in the business. I never saw any one else run the business than the two young men. They

Thomas O Reilly

247 West 49th Street

I know the defendant; have known him for upwards over a year. I made his acquaintance through my father, when the defendant was the janitor of the Geneva Flats. My father told me that the defendant had previously been in the wax business and knew the adulteration of wax and that he, my father, thought, we could establish a prosperous business with him. My father had never manufactured wax. In the early part of December, 1887, I first spoke to the defendant about the business and asked him, when he would be ready to go in. I had to push him, to start the business. We rented the shop together from Mr. Ireland. He said there were lots of money in the business, provided there was enough money to carry on the business. I said to him that my father would advance

all the money that was necessary in the business, and that I wanted to make all the money that could be made in the business. The defendant was engaged as a salesman and not taken in the business as a partner. His compensation was to be ten per cent ~~of~~ on the sales effected by him. I always ~~inquired~~ spoke of him as my man, when I made inquiries ~~of~~ about him. I never called him my partner. He had authority to sign the firm's name on all bills and receipts, but not on any check. There was never any thing said about indorsing checks for the firm. He had to collect the money due for the goods sold by him.

James O'Killy, recalled.

I cannot remember whether I had any conversation with the defendant and his wife about our business cards or about his failure in business. I do not remember that I pro-

forced to the defendant the use
 of his name on our business
 cards for the reason that he was
 known in the trade and that his
 name would prove profitable to
 the business. I did not go to the
 shop very often, perhaps once a
 week, to see whether my son
 Thomas was not out on a racket.
 My son had been in business
 before for himself, but had to give
 it up because he did not attend
 to it. I thought that with the aid
 of the defendant, he might brighten
 up a profitable business. The
 defendant did other jobs for us, besides
 selling war; he gave me the
 name of the firms where to buy
 the articles needed for the manu-
 facture of the war. He could also
 charge his disbursements to the
 firm, such as carfare etc.

Karl Weber

In November last, ^{the defendant,} ~~Dr. James O'Reilly~~
 came to my house and asked me whether I

could make adulterated soap and what profit there was in it. I said there were 100 percent profits in it. By request of Thomas O'Reilly I went to Dr. O'Reilly's house in the beginning of December last. He then wanted to know what the ingredients were and how much they cost. I told him of the price of the articles, but not the articles themselves, as I did not want to give my secret away. He then made a calculation and then said that his son was in the Standard Family Medicine Company, that had agents all over the United States who could sell all the soap that we could manufacture. In the middle of December last, the doctor again came to my home and said that he had considered the matter and thought that we could sell the soap ourselves, that we, the doctor, his son and myself would go into partnership and that as the business must have a name and address known in the trade, he thought that it

would be best to put my name in the firm name; but I and my wife said that this would not do, as I had failed in business. Mr. Sullivan, my lawyer, having told me, that I could not use my name in any business. The doctor then requested me to call at his office in the evening, and there he told me that we would order cards giving the firm name simply as *Railly & Co.*, as the word company would cover us all. He further said that the profits should be divided in three equal parts, and that if the business should prove so profitable that ~~we~~ his son and myself, could repay him the money he would have to invest in the business, he would get out, as he was merely desirous to start his son in some business that he might be able to support himself. He asked me where the articles needed in the business could be bought, and I gave him the name of the firm.

I considered myself authorized to indorse checks with the firm name, as I was a partner and did all the writing for the firm, sign the receipts, make out the bills, and collect the money. Thomas O'Reilly has always called me his partner and introduced me to several parties as such. I once introduced him as my partner to Mr. Alexander Sellock of West Street. When Dr. O'Reilly ~~gave~~ advanced me the last \$50, he said that in the future he would not advance me any more money, as he would not pay his son's beer money any longer, that we would both have to be satisfied with 10 percent of the profits and that the balance of the profits would be divided share and share alike at the end of every three months. I went to the business almost every day, until the day before I was arrested, but during the last few weeks, the shop was usually closed, when I called

I obtained several orders for wax,
 during the ~~last~~ few weeks, and
 on the day of my arrest I gave
 Thomas an order for a barrel
 of wax. My wife never knew
 and does not know to-day
 the proportions of the articles used
 in the manufacture of the wax,
 I always signed the firm
 name O'Reilly & Co. and never
 added per Carl Wehr, or per
 Wehr. During the first week
 of our partnership I attended to the
 manufacture of the wax, and
 Thomas O'Reilly was out to pro-
 cure sales, but he did not succeed,
 and so I had to attend to the
 sales and leave him at the shop.
 I have done a great many jobs
 for the doctor without demand-
 ing and receiving compensation
 therefor, which I would not
 have done, if I had been engaged
 as salesman only and be com-
 mitted to ~~the~~ ^{the} commission. I
 also attended to the delivery of
 the goods. I have never been
 arrested before.

Mary Wehr.

2213 Tenth Avenue.

I am the wife of the defendant
I was married to him on the
12th of August, 1886. I know Dr.
James Reilly. I graduated from
his College of Midwifery. When
my husband and I had charge
of the Geneva Flats, as janitors,
the doctor made to me the pro-
position that my husband
should go with his son Thomas
in the war business. My hus-
band had formerly been in that
business, but had failed. Yet
he knew ~~the~~ its secrets, and
the doctor thought that he and
his son could make it pay.
Young O'Reilly had to give up
his position in the Standard
Medicine Company, and the
doctor wanted to set him up
in business for himself. The
doctor promised to furnish the
money, and he said he would
take my husband into the busi-
ness as a partner. He also offered
to employ another man to do my

husband's work at the Geneva's
Plats, and to pay him \$10 a week.
This man should also ~~for~~ work
~~in~~ the war business. There was
never anything said about the
defendant's compensation, except
that the doctor told me at his office
that he would advance my hus-
band \$50 a month on his share
in the profits of the business, and
that the rest should remain in the
business. The doctor wanted to
have cards printed for the busi-
ness and he said, that my hus-
band's name should go on, as
he was known in the trade, and
that he would not like to have
his name appear on the card
at all. But I replied that my
husband's name could not be
used on the cards, as he had
failed in business.

David R. Ireland,

252 West 29 St.

I am the son of David Ireland
and am employed in his business.
I know Thomas O'Reilly, and heard

him ~~be~~ refer to the defendant as
his partner on two different
occasions.

husband's work at the Geneva's
 Flats, and to pay him \$10 a week.
 This man should also ~~for~~ work
~~in~~ the wax business. There was
 never anything said about the
 defendant's occupation, except
 that the doctor told me at his office
 that he would advance my hus-
 band \$50 a month on his share
 in the profits of the business, and
 that the rest should remain in the
 business. The doctor wanted to
 have cards printed for the busi-
 ness and he said, that my hus-
 band's name should go on, as
 he was known in the trade, and
 that he would not like to have
 his name appear on the card
 at all. But I replied that my
 husband's name could not be
 used on the cards, as he had
 failed in business.

David R. Ireland,

252 West 29 St.

I am the son of David Ireland
 and am employed in his business.
 I know Thomas O'Reilly, and heard

him to refer to the defendant as
 his partner on two different
 occasions.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Karl Weber

Report of

BRIEF OF FACTS.

For the District Attorney.

Dated May 28 1888.

Edmund Green

Deputy Assistant.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Karl Dehn

Report of
BRIEF OF FACTS.

For the District Attorney.

1888.

Dated

May 28
Edward Grover

Deputy Assistant.

0296

District Attorney's Office,

PEOPLE

vs.

Karl Wehr

Mr. McBurna,

Please defer
action in above
case until I
can see you. I
have to attend
an examina-
tion at the York
ville Police
Court.

Yours Truly,
Edward Cross

J. J. Sullivan
att'y for Carl Wehr
No. 160 Broadway

0297

COR. BOWERY & GRAND ST.	No. <i>2849</i>	New York, <i>March 9</i> 1888
	National Butchers' & Grocers' Bank,	
	OF THE CITY OF NEW YORK,	
	Pay to the order of <i>O'Reilly & Co</i>	
	<i>Thirty six 69</i>	<i>36 69</i> Dollars.
		<i>A. M. W. L.</i>

0298

W. Reilly & Co.
Endorsement
Correct
H. M. W. L.

0299

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

POLICE COURT—

DISTRICT.

of No.

247, 28, 49

Street, being duly sworn, deposes and

says that on the

9th

day of

March

1888

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

Karl. Weber

(Now here) did feloniously forge and sign the firm name of the firm of O'Reilly & Co of which said firm defendant is a member to the annexed check for thirty six & 69/100 dollars with the intent to cheat and defraud and uttered said check as defendant truly believes from the fact that said defendant was employed by defendant firm as a salesman, and on the above mentioned date he Weber sold to one H.J. Abel a barrel of wax. defendant went to the said Abel to collect the payment for said barrel of wax when he Abel informed defendant that he had paid the said defendant for said wax, and gave defendant said check which he Abel had given said defendant and which said check had been paid and cancelled by the Butcher and Drums Bank, and he Abel also informed defendant that the said defendant had endorsed said check in his presence. Defendant further says that the said defendant was not authorized to endorse said check and that said endorsement is false forged and fraudulent. Wherefore defendant prays he the said defendant may be held and dealt with according to law.

— John L. O'Reilly

Sworn to before me
this 9th day of March 1888

John L. O'Reilly
Deputy Justice

0300

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer. Karl Wehr

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Germany

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

Answer. 221 B. Park. Street

Question. What is your business or profession?

Answer. Sales Merchant

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

Answer.

I am not guilty

Karl Wehr

Taken before me this

day of

188

Police Justice.

0301

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court- 2/ 125
District.

THE PEOPLE &c.
ON THE COMPLAINT OF
Munroe, & Hall
247 West 44th St
1. Carl Weber
2. _____
3. _____
4. _____
8. _____
Offence Forgery

Dated May 8 188

Michael Gray
Magistrate.

Witnesses
A. Weber
Precinct.

No. _____
Street.

No. _____
Street.

No. 12
Street.

No. 150a
to answer

Conrad

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 _____

Carl Weber

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 May 12th 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.

0302

O'REILLY & CO.

WHOLESALE DEALERS IN

Purified Bees-Wax,

252 WEST 29TH STREET,
NEW YORK.

0303

Edmond Pittman
Orchard Street
betw ~~W. & Stanton~~
Del. & Stanton

0304

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Karl Wdm

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

- Karl Wdm -

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

The said *Karl Wdm*,

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, having in *his* custody a certain instrument and writing, *to wit: an order for the payment of money of the said called Trade Insurance*, which said *Trade Insurance*, is as follows, that is to say:

No. 2849 New York, March 9 1888
The National Builders' & Drivers'
Bank, of the City of New York,
Pay to the order of O. Bailey & Co.
Drawing six⁶⁹ Dollars.
\$36⁶⁹ M. J. Adams.

the said *Karl Wdm*,

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 the forging on the *Trade* of the said *Trade Insurance*, 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,

O. Bailey & Co.

with intent to defraud, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

— *Harold Walden* —

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

The said *Harold Walden*.

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 checks,*

which said *bank check* is as follows, that is to say:

No. 2349 New York, March 9 1888
The National Bankers' & Drafters,
Bank, of the City of New York.
Pay to the order of, *O'Reilly & Co.*
Twenty six 69 Dollars,
\$36 69 N.Y. City.

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

O'Reilly & Co.

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 *Harold Walden* — 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.

Randolph B. Martine
RANDOLPH B. MARTINE,

District Attorney.

0306

BOX:

309

FOLDER:

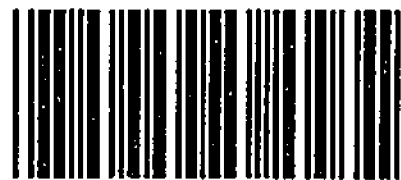
2939

DESCRIPTION:

Welsh, James

DATE:

05/18/88



2939

Witnesses:

Robert D. Brown
Wm. M. ...
22nd ...

Counsel,

Filed *18* day of *May* 188*P*
Pleads,

THE PEOPLE

vs. *P*

James Welsh

Grand Larceny Second degree.
[Sections 528, 53, 550 Penal Code.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Wm. M. Brown
Foreman.
*May 21st 188*P*.*
Glendon J. J.
Per: One year.

166

0307

0308

Police Court—14 District.

Affidavit—Larceny.

City and County } ss.
of New York, }

Robert Deneau
 of No. 918 Eighth Avenue Street, aged 57 years,
 occupation Liberty Stable Keeper being duly sworn
 deposes and says, that on the 14 day of May 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, in the night time, the following property viz :

Two Sets of Single Harness
One Clipping Machine
together of the value of forty dollars
\$40.00

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 James Welch nowhere

from the fact that deponent was
 in deponent's employ until the
 morning of the above date when
 deponent discharged him for being
 drunk. That deponent is informed
 by Officer William F. Fitcher of
 the 22^d Precinct that at about mid-
 night on the above date he arrested
 said defendant on the N.W. Cor 8th
 Avenue and 58th Street with the above
 described property in his possession.
 Deponent has since seen said
 property and fully and positively
 identifies the same as his property.

Robert Deneau

Sworn to before me, this

day of

1888

Police Justice.

0309

CITY AND COUNTY }
OF NEW YORK, } ss.

William F. Fitcher
aged *38* years, occupation *Police Officer* of No. *22* *Queinot* Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Robert Senean*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me this *15* day of *May* 188*8* *William F. Fitcher*

Wm. Munn
Police Justice.

0310

Sec. 108-200.

H. District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

James Welch

Question. How old are you?

Answer.

31 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 898 Eighth Ave New York

Question. What is your business or profession?

Answer.

Writer

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

Answer.

I was drunk and didn't
know what I was doing

E. J. Welch

Taken before me this

day of

May 1887

Police Justice.

0311

Police Court No. 4 District 136

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert Deane
918 E. 8th Ave

James M. Lee
Larceny
(felony)

Offence
2
3
4

BAILED,
No. 1, by
Residence
Street

No. 2, by
Residence
Street

No. 3, by
Residence
Street

No. 4, by
Residence
Street

No. 5, by
Residence
Street

No. 6, by
Residence
Street

No. 7, by
Residence
Street

Dated May 15 1888

Magistrate

Officer

Precinct

Witnesses

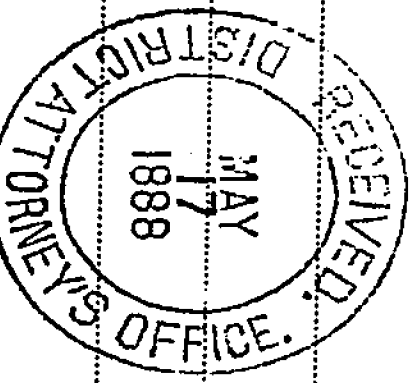
No. Street

No. Street

No. Street

No. Street

No. Street



(Clerk) of

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 Three 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 May 15 1888 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

03 12

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 Welsh

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

James Welsh

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

The said

James Welsh

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

*two sets of harness of the value
of fifteen dollars each, —
and one clipping machine of the
value of ten dollars*

of the goods, chattels and personal property of one

Robert Wenean

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.

03 13

BOX:

309

FOLDER:

2939

DESCRIPTION:

White, Marion E.

DATE:

05/24/88



2939

Witnesses:

off John W. Landa
19 1/2 Pascual

232

1/11/11

Counsel,

Filed 24 day of May 1888

Pleads, Not guilty (25)

THE PEOPLE

vs.

B

Marion E. White

sent to the Court of Sessions for trial, by request of Counsel for Defendant.

[Sections 322 and 385, Penal Code]
KEEPING A HOUSE OF IL FAME, Etc.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. M. Press

Foreman.

0314

03 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Marion E. White

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

— Marion E. White —

(Sec. 323,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Marion E. White

late of the ~~188~~ Ward of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty ~~eight~~, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

— Marion E. White —

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

— Marion E. White —

(Section 385,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Marion E. White

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eighteenth* day of *May* in the year of our Lord one thousand eight hundred

03 16

and eighty-*eight*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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 Grand Jury aforesaid, by this indictment, further accuse the said

— *Marion E. White* —

(Section 322 of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:
Penal Code.)

The said

Marion E. White

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eighteenth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*eight*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.