

1005

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Conroy, Thomas

**DATE:**

04/07/80



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**BOX:**

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**FOLDER:**

146

**DESCRIPTION:**

Langton, Daniel

**DATE:**

04/07/80



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**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

McGuire, Frank

**DATE:**

04/07/80



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**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

Sullivan, James

**DATE:**

04/07/80



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**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

Ward, James

**DATE:**

04/07/80



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**BOX:**

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**FOLDER:**

146

**DESCRIPTION:**

Ward, Thomas

**DATE:**

04/07/80



146

3A

Day of Trial,

Counsel,

Filed 7 day of April 1880

Plends

BURGLARY—THIRD DEGREE AND RECEIVING STOLEN GOODS.

THE PEOPLE

vs. *1880*

OR

vs.

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BENJ. K. PHELPS,

District Attorney

(*Wm. H. Jackson, Receiver*)

A TRUE BILL.

*Wm. H. Jackson, Receiver*  
*Wm. H. Jackson, Receiver*  
*Wm. H. Jackson, Receiver*  
*Wm. H. Jackson, Receiver*

1012

City and County  
of New York, ss.

Thomas P. Morrell

of No. 238 East 81<sup>st</sup> Street, being duly sworn,  
deposes and says, that the premises ~~North~~ East Corner 3<sup>rd</sup> Ave & 95<sup>th</sup>  
Street, 12<sup>th</sup> Ward, in the City and County aforesaid, the said being a frame building  
and which was occupied by ~~Thomas Pearson~~ <sup>Thomas Pearson & Charles C Reed</sup> as a Stable and Store house  
were **BURGLARIOUSLY**  
entered by means of forcibly removing one of the boards  
in front of said building and entering therein  
with intent to commit a crime  
on the afternoon of the 26 day of March 1880 -  
and the following property feloniously taken, stolen and carried away, viz:

a quantity of old Rope and Iron chains  
together and in all of the value of  
twenty-five dollars

the property of Thomas Pearson <sup>and</sup> Charles C Reed -  
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 Thomas Ward <sup>and</sup> James Sullivan  
<sup>and</sup> Frank McQuire <sup>and</sup> Thomas Conroy <sup>and</sup> Daniel Conington  
<sup>and</sup> James Ward (all here present)  
for the reasons following to wit: that since the commission  
of said offense the said Thomas Ward acknowledged  
and confessed to deponent and in open court that  
he in company with said Sullivan, McQuire, Conroy  
Conington and James Ward went to said premises on  
said day - and that the said Thomas Ward removed  
the board from in front of said premises and that  
he did then and there in company with the other  
defendants enter said building and feloniously  
take steal and carry away said property -  
and deponent fully identifies said property - which  
property was subsequently found in the possession of one  
Nicholas Smith a junk dealer (No 7 of Morrell  
South Side of 95<sup>th</sup> East West of 2<sup>nd</sup> Ave)

Thomas Pearson and Thos  
29 day of March 1880 -  
Chas. H. Morgan Clerk, Justice

Police Court—Fifth District.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Thomas Ward.

Question. How old are you?

Answer. 14 years of age.

Question. Where were you born?

Answer. New York.

Question. Where do you live?

Answer. 3<sup>d</sup> Ave. bet 96<sup>th</sup> & 97<sup>th</sup> Streets.

Question. What is your occupation?

Answer. Umbrella Factory.

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

Answer. I went into the stable with Curroy and M<sup>r</sup> Guire. I did not take anything. After going into the stable and staying there a few minutes I went home. Benj<sup>m</sup> Langton was ~~Taken before me, this~~ standing outside to ~~take~~ if any body was coming. James Sullivan made Frank M<sup>r</sup> Guire go into the stable. I saw M<sup>r</sup> Police Justice. Guire pull some chains out. This was in the afternoon of Friday last at about 3 o'clock. I went to the Court House.

Taken before me this 29<sup>th</sup> day of May 1899 } Thomas Ward.  
A. L. Morgan  
Police Justice

1014

Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *James Sullivan*

Question. How old are you?

Answer. *13 years.*

Question. Where were you born?

Answer. *New York.*

Question. Where do you live?

Answer. *95<sup>th</sup> Street and 2<sup>d</sup> Avenue*

Question. What is your occupation?

Answer. *I do nothing.*

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

Answer. *I did not send Mr. Lewis into the stable - I saw Mr. Lewis bringing out the chain - I am not guilty*

Taken before me, this *29<sup>th</sup>*  
day of *March* 18*88*.

*James Sullivan*  
*B. J. Morgan* - Police Justice.

10 15

Police Court—Fifth District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. Frank McGuire

Question. How old are you?

Answer. 12 years of age

Question. Where were you born?

Answer. New York.

Question. Where do you live?

Answer. 97<sup>th</sup> Street 2<sup>d</sup> Floor.

Question. What is your occupation?

Answer. No nothing

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

Answer. James Sullivan made me and James Ward go in and get the stuff. So me and James Ward went in & brought some stuff and gave it to Sullivan - and put it in a bag ~~and~~ and he went to Smith's ~~with it~~ with it. It was a raw and I was told by Thomas Conway - that Sullivan - got twenty Police Justice five cents for it - I helped to take the rope out of the stable which was sold to Smith - and I got fifteen cents out of it every share - I went with Haley and Redford and Larry and Langton at Smith's to sell the rope - Smith's did not ask us where we got the rope - This was of small pieces - and work fit me chain -  
Frank McGuire

Taken before me this 29 day of August 1880  
N. J. McGuire  
Police Justice

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Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas Conroy* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. *Thomas Conroy*

Question. How old are you?

Answer. *15 Years of age.*

Question. Where were you born?

Answer. *Ireland.*

Question. Where do you live?

Answer. *2<sup>d</sup> No. bet. 96<sup>th</sup> & 97<sup>th</sup> Streets*

Question. What is your occupation?

Answer. *Umbrella Making*

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

Answer. *I went in - and came right back  
didn't take anything - got a punch in  
the eye - and went right home - Jim  
Hard punched me in the eye - I am not  
guilty*

Taken before me, this *29<sup>th</sup>*  
day of *March* 18*80*

*R. J. Morgan* *Thomas Conroy*  
Police Justice.

1017

Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Daniel Langton* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. *Daniel Langton*

Question. How old are you?

Answer. *14 years of age.*

Question. Where were you born?

Answer. *New York.*

Question. Where do you live?

Answer. *1846 - 2<sup>d</sup> Avenue.*

Question. What is your occupation?

Answer. *Go to school.*

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

Answer. *I did not go into the Stable Street  
outside to watch to see if anyone  
was coming.*

Taken before me, this

day of *March* 18*88* *Daniel Langton*

*R. J. Morgan* — Police Justice.

10 18

Police Court—Fifth District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*James Ward* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. *James Ward*

Question. How old are you?

Answer. *16 years of age.*

Question. Where were you born?

Answer. *Ireland.*

Question. Where do you live?

Answer. *31 No. 147 60th St. N.Y.C.*

Question. What is your occupation?

Answer. *Umbrella Factory.*

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

Answer. *I was in 3<sup>d</sup> Avenue and I saw  
a crowd of boys and I went over  
to them. I was told my brother was  
with them. I chased him home.  
I asked Larry why he brought my  
brother there and he  
said for fun. I then  
struck him. I was under the stalls  
and did I take any thing from  
them. I did not get Smith's the  
owner. I only went there to see if my  
brother was there.*

Taken before me this  
*29 day of May 1889*  
*James Ward*  
*B. L. Morgan*  
*Police Justice*

1019

POLICE COURT—FIFTH DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas P. Maxwell  
238 E. 81<sup>st</sup> St. New York

- 1 Thomas Maxwell 135 79<sup>th</sup> St.
- 2 James Sullivan 95<sup>th</sup> St. 2<sup>nd</sup> av.
- 3 Frank McChine 97<sup>th</sup> St. 2<sup>nd</sup> av.
- 4 James Conway 96<sup>th</sup> St. 2<sup>nd</sup> av.
- 5 Daniel Langton 184<sup>th</sup> St.
- 6 James Ward 125<sup>th</sup> St. 2<sup>nd</sup> av.

Det. March 29<sup>th</sup> 1880

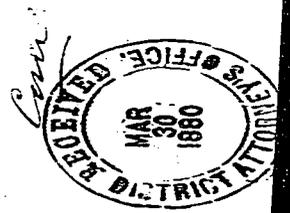
Morgan Magistrate.

Rosolange 23 Officers

\_\_\_\_\_

Witnesses,  
John Ross - 133<sup>rd</sup> St.  
Joseph Sanyard Police  
Thomas Peterson  
2 E. 84<sup>th</sup> St.

500 back to Ann G.S.



Received in Dist. Atty's Office.

BAILED.

No. 1, by .....

Residence .....

No. 2, by .....

Residence .....

No. 3, by .....

Residence .....

No. 4, by .....

Residence .....

Mr J. P. Baer  
340 E. 105<sup>th</sup> St

7006

1020

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 Thomas Ward James Sullivan, Frank  
McGuire Thomas Conway, Daniel Langton  
and James Ward

late of the *Twelfth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *twenty sixth* day of *March* in the  
year of our Lord one thousand eight hundred and ~~seventy~~ *eighty* with force and  
arms, at the Ward, City and County aforesaid, the *store house*, of

*Charles C Reed*

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 here-  
inafter described, with intent the said goods, chattels, and personal property of the said

*Charles C Reed*

then and there therein being, then and there feloniously and burglariously to steal, take  
and carry away, and

*Two hundred and fifty pounds of rope  
of the value of ten cents each pound -  
One hundred feet of rope of the value of  
twenty five cents each foot -  
One hundred feet of chain of the  
value of twenty five cents each foot  
Twelve hundred and fifty pounds of iron  
of the value of two cents each pound*

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

*Charles C Reed*

so kept as aforesaid in the said *storehouse* 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present:

That the said

*Thomas Ward, James Sullivan, Frank McQuire, Thomas Conroy, Daniel Langton and James Ward each*

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,

*Two hundred and fifty pounds of rope of the value of ten cents each pound*

*One hundred feet of rope of the value of twenty five cents each foot.*

*One hundred feet of chain of the value of twenty five cents each foot*

*Twelve hundred and fifty pounds of iron of the value of two cents each pound*

of the goods, chattels and personal property of

*Charles C Reed*

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

*Charles C Reed*

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

*Thomas Ward, James Sullivan, Frank McQuire, Thomas Conroy, Daniel Langton and James Ward*

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.

1022

~~CITY AND COUNTY OF NEW YORK~~

*aforesaid*  
And 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, ~~aforesaid~~ do further present

That Thomas Ward, James Sullivan, Frank  
McGuire, Thomas Conroy, Daniel Langton  
and James Ward each —

late of the *Twelfth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *twentieth* day of *March* in the  
year of our Lord one thousand eight hundred and ~~seventy~~ *eighty* with force and  
arms, at the Ward, City and County aforesaid, the *Storehouse* of

Thomas Pearson.

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 here-  
inafter described, with intent the said goods, chattels, and personal property of the said

Thomas Pearson —

then and there therein being, then and there feloniously and burglariously to steal, take  
and carry away, and

*Two hundred and fifty pounds of rope  
of the value of ten cents each pound  
One hundred feet of rope of the value  
of twenty five cents each foot.  
One hundred feet of Chain of the value  
of twenty five cents each foot.  
Two hundred and fifty pounds of iron  
of the value of two cents each pound*

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

Thomas Pearson

so kept as aforesaid in the said *Store house* 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present:

That the said

*Thomas Wadh, James Sullivan,  
Hank McGuire, Thomas Conroy, Daniel  
Langton and James Wadh each*

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,

*Two hundred and fifty pounds of rope  
of the value of ten cents each pound*

*One hundred feet of rope of the value  
of twenty five cents each foot*

*One hundred feet of chain of the  
value of twenty five cents each foot*

*Twelve hundred and fifty pounds of  
iron of the value of two cents each pound*

of the goods, chattels and personal property of

*Thomas Pearson*

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

*Thomas Pearson*

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

*Thomas Wadh, James Sullivan Hank  
McGuire Thomas Conroy, Daniel  
Langton and James Wadh*

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.**

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**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Washburne, Ernest A.

**DATE:**

04/21/80



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35  
J. H. H.

Filed 21 day of April 1880  
Pleeds  
Sup. County (32)

THE PEOPLE  
Amichaloff.

B

Ernest A. Washburne

Attorney at Law

Judge of Court

State Returns

BENJ. K. PHELPS,

District Attorney.

The complainant by  
one of parts in  
the Bill  
and there is no reason  
to be heard in return  
The State's counsel  
Foreman

has intervened  
I think that he should  
be discharged on his  
own recognizance

John  
356 W 23

sent  
note to  
base to Horse + H.  
Incl

-----  
The People, &c. )

-v- )

Ernest A. Washburne )  
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False Pretences.

Quincey Van Hummel (Compt.) 19 W. 21 St.

I saw an advertisement in the New York Herald on the 14th of March, asking for a partner in a business that was paying \$100 a day profits, and to address "Stanhope, Herald Office." I wrote to Stanhope, and he replied to it, that if I would call at 212 Broadway, Washburne & Co., I would get the particulars. I went there and saw the defendant, and bookkeeper and porter. It was an office fitted up well, and there seemed to be a good many men going in and out. I told him I came to see about the advertisement. He said yes- and looked over some correspondence he had, and found my letter, and he said he was ready to show me the business. I asked him what kind of business he had, and he said it was patent medicine called Salicylica for Rheumatism. He exhibited a pamphlet, of which I have a copy here, showing how extensively it was advertised. I asked him what amount of business he was doing, and he said that his business ran last year over \$20,000 profits. I told him I liked the appearance of things and would come back the next day and he should be prepared to show me his books. I returned the next day, and he showed me a set of books which you have got here. They were all straight. I looked them over carefully. He represented that those books

contained the condition of his business. I told him I would come in the next day again. I went the third day and took my friend along - my friend was an expert bookkeeper - and he examined the books for me, and they showed that Washburne drew out of this business the preceding year up to January 1880, \$26,000. The accounts were from day to day. I asked my friend what he thought of it, and he said the books were perfectly straight and they showed a big business. My friend asked the bookkeeper if he kept the books and he said yes, in the presence of Washburne and me. We then asked Washburne where the liabilities were - we said the books didn't show any liabilities. He said, "I have no liabilities because my business is cash at the end of every thirty days. I am dealing with whole-sale drug houses about America, which are the best class of customers." I asked him expressly if he owed anything, and he said no he didn't owe a dollar in the world - and the books showed that. Then I asked him for references, and he gave me a number; and I told him I would return the next day, and to have the papers prepared and I would go into it. That was on Thursday - that was the fourth time. I told him I would come in on Friday and pay the money, but instead of doing so Friday, I told him I would not give him the money until the next Monday. The next Monday I returned there and paid him the \$2,000 in a check. I would not have paid him if he had not told me that he did not owe a dollar in the world. It made no difference what the reference was, if he had not told me that he did not owe a dollar. He

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further represented that he was the owner of the trade mark specified in the indictment. After I paid him the money, we signed the articles of agreement. He then left the office, saying that he would go out and drum up trade. He went out and came back once in the afternoon. That day he got \$100 from Post Office orders -- at least he showed me what purported to be two Post Office orders for \$50 each. On Tuesday the 23rd I went there about ten o'clock, and soon after I came in Washburne came in, then he disappeared and I did not see him after that until I had him arrested.

Then the bookkeeper went to work to discourage me. All the letters that came to the office that I saw were dunning letters -- and they were shown me apparently to discourage me. On Wednesday he did not appear, dunning letters did however, but no orders. I asked the bookkeeper where he was and he said he was at Court, and had sent word that he would not be down. I finally had him arrested.

I heard the defendant make before the Magistrate the statement subscribed by him, and which was sent to the District Attorney's Office. I identify the books now here as the books shown me by the defendant. They were also identified by Washburne's bookkeeper.

There is a certificate of incorporation on file in the County Clerk's Office called the European Salicylic Medicine Co., the defendant being one of the incorporators and President of the Company dealing in this Salicylica.

The People

vs

Ernest A. Macbrine

Witness

E. Van Hammel



1031

Ernest D Barlow  
as mentioned in paragraph

Mr H L Bradman 55 Park Place 7. Isles  
from Mr Walding house

Expant Capeno can identify  
Washburne as man whom Ernest  
got judgment agt - as he left  
made contract and on with  
left & served the sum of 1000/-  
away Monday

Ernest D Barlow  
- your friend  
Ernest D Barlow  
1031

1032

Mrs <sup>A. May</sup> Phillips

1880

Dear Sir  
in the Washburn case  
I understand Humbull  
to state that he had  
~~settled~~ with Washburn  
and had got his money as  
a compromise with him  
I want you to look for  
that case  
Yours

A. Victoria

1033

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Ernest A. Washburn* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that *an* he was at liberty to refuse to answer any question that may be put to h , states as follows, viz:

Question. What is your name?

Answer.

*Ernest A. Washburn*

Question. How old are you?

Answer.

*27 years*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live?

Answer.

*New York*

Question. What is your occupation?

Answer.

*Patent Medicine business*

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

Answer.

*The representations which I made were strictly correct. It was merely a misconception of ideas. I never represented that I had no liabilities. I represented that he was not liable for any of my liabilities. This is a malicious matter. The reason I did not come to the office was because he threatened me. The orders I showed him were strictly bona fide. I have judgments against me and they are on record. He broke his part of the contract & never did any thing in performance of his agree-*

Taken before me, this

day of

POLICE JUSTICE

1034

went except the payment of the  
morning.

Taken before me E. A. Washburne  
this 27 day of March 1880  
J. Mitchell  
Police Justice

James J.

The examination  
of the defendant shows  
that the representations  
given by the con-  
flaming witness  
were not true, and  
they were known to  
be untrue when they  
were made. Taking  
the complaints and  
examination together  
there seems to be suf-  
ficient to hold the  
prisoner. The apper-  
tation for his dis-  
charge must be denied.

1035

## Police Court—First District.

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

Quincy Van Hurnmell  
 of No. 210 Broadway Street,  
 being duly sworn, deposes and says, that on the 22  
 day of March 1880, at the City and County of  
 New York, Ernest A. Washburn (now  
 here did knowingly and feloniously  
 obtain from deponent good and lawful  
 Money to the amount of two thousand dollars  
 \$2000 by the means of false and  
 fraudulent representations to wit  
 that said Washburn advertised for a  
 partner in the New York Herald News  
 paper setting forth that he was doing  
 a business of one hundred dollars a day  
 and required a partner with \$3500  
 cash <sup>who was</sup> to take charge of the business  
 and give him Washburn an opportunity to  
 travel and extend the business he was  
 then engaged <sup>in</sup> the sale of medicine  
 for the cure of rheumatism. That  
 deponent was informed by said Washburn  
 that he was perfectly solvent, having  
 no debts or liabilities and produced  
 his books and submitted them to the  
 inspection of deponent. That deponent  
 did not find upon said books anything  
 showing said Washburn to be in debt  
 and believing and relying wholly upon  
 the representations made by said  
 Washburn gave to him the above named  
 amount. That since that time  
 deponent has seen a book which he  
 is informed is the genuine book and  
 which was not shown to deponent at said time  
 that upon the last named book

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appears ~~to~~ <sup>be</sup> liabilities to  
the amount of forty thousand  
dollars or more which in debtors  
was not shown to deposit at the  
time of entering the partnership but was  
purposely concealed from him to  
encourage deposit to pay said  
money and become a partner -

That said Washburn did falsely  
and fraudulently pretend and represent  
to deposit that he was perfectly  
solvent free and clear of all debts  
and liabilities in his business trans-  
actions which was of the amount  
daily named within full knowing  
the same to be false and  
deceptive and with the intent and  
purpose of cheating and defrauding  
deposit as this deposit  
believes and charges -

Quincy Van Hummel

sworn to before me this  
27 day of May 1881  
J. H. [Signature]  
Sheffield

Raymond L. Covert of No  
5 Wayne Street Jersey City  
being duly sworn says  
I am a bookkeeper in  
the employ of Ernest A. Washburn  
the prisoner I have been in  
his employ at No 212 Broadway  
New York since about December  
1878. I am familiar with

1037

his mode of transacting business and with the state of his accounts in the same. On about the 22<sup>nd</sup> of March 1880 I estimate his liabilities for advertising alone in said business at \$40,000.

I kept the books of the concern and the entries of orders and payments were made by me upon the dictation of Washburn. The orders and payments were passed through my hands. Washburn received all the mails, and he would come to me and say "you can enter 'up today's' business; such 'and such a firm as much' and such and such a firm 'as much'". The bills in the book now produced in Court are valid outstanding liabilities and amount to about \$40,000.

Given before  
me this 7<sup>th</sup> day of March 1880

J. H. White  
Notary Public

Raymond L. Covert

1038

COUNSEL FOR COMPLAINANT.

Name  
Address

COUNSEL FOR DEFENDANT.

Name  
Address

Police Court - First District.

THE PEOPLE, & Co.,

Complainant of

*James O. H. Hammett*  
*277 Broadway, New York*  
*Complainant of*  
*Ernest A. Washburn*



Dated *March 27* 18*80*

*Richard* Magistrate.

*Conroy & Childs* Officer.

*Abraham* Clerk.

*Raymond* Coroner.

*Arnold of Detmold*

*in default of \$500 bail*

*comp. fees by Municipal Magistrate*

*4 North Ave*

5700

to answer

*Ernest*

Received in Dist. Atty's Office,

*A. Tom Hill*

*N. S. Taylor*  
Governor

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

----- )  
 The People, &c. )

v. )

Ernest A. Washburne )  
 ----- )

R a y m o n d L. C o v e r t, 5 Wayne St., Jersey City.

At the time of the transaction between John Von Hummell and Washburne, I was in the employ of Washburne, and had been for about one year. I knew that he had been in the habit of putting advertisements in newspapers similar to the one that Von Hummell answered. The only way I knew he put that in was his handing me answers to advertisements - he did so twice prior to Von Hummell's. He would hand me a form to copy and send as an answer to letters. The form was to the effect, that the business averaged so much a day, and to please call and investigate. My position was bookkeeper, and I had charge of the general advertisements. He would come in and say to me, "I have received such and such orders", and I would enter them on the sales book and would post them from the sales. The goods I supposed were shipped from the factory, those that were kept at the office were for cash sales. I would enter the orders on the books from his dictation. Sometimes I would see the orders and sometimes I would not. These were cash sales, 50 per cent. discount for net cash. I would post every night. Then as to receiving payment for the goods, he would say "Such and such was paid to me today" and I would post that from the Ledger into the Cash Book. He would give a list of the expenses and those I would enter in the books. I never handled a dollar of his in my life. He kept an account of money he owed. When those bills came in I would post them

in the bill book. That is the way it continued up to this transaction with the Doctor. I remember writing at the request of Washburne to Hummell to call there in regard to an advertisement that had been inserted in the Herald. I remember Hummell calling there. I do not remember hearing any conversation between Hummell and Washburne. I never spoke a word to Hummell until Washburne told me he was a partner. The books that the District Attorney has are the regular books that I kept. I do not know whether those books represent the actual or fictitious state of that business. I do not know anything about the transactions specified in them -- I know that some of the orders specified in that book are genuine. The rest of the orders I made there were made from his dictation. I presumed that they were all genuine transactions, and I presume so still. I made most of the entries in those books -- he made some. I do not know whether the entries he made represented genuine transactions. The orders always came to the Post Office Box, and were brought to me by him. He gave instructions at the Post Office that letters should be given to no one except to himself. The biggest portion of the orders I never saw. His manufactory was at 149 Fulton Street in this City. His father has a paint shop there on the second floor, and Washburne had a portion of it. He had a brother there, but I don't know whether he was engaged about his brother's or father's business. The goods were put up at 1545 Broadway, The European Salicylic Medicine Co., and received in Fulton St. One Bagot was Treasurer of the Company, and Decker was Secretary. Bagot resigned, and I was appointed in his place. I had ten shares of the par value of \$100, which cost me \$10 each. I do not know whether they had any

actual value or not. This company was organized in November 1878. I do not know what constituted their property. They owned the Salicylic Trade <sup>m</sup>ark and the right to manufacture the medicine. I believe that Washburne owned the trade mark, and for a number of shares of stock he gave it to the company. Mr. Decker resided in Brooklyn. I never saw Bagot. The last meeting was held last December. They were held every three months. Washburne, Decker and myself would attend these meetings--no one else. Washburne took charge of the advertisements -- he was the agent of the Company. We did our advertising directly with the papers. The bills came to Washburne & Co., and were turned over to me and I posted them in the books. Washburne said he paid them, but I don't know. He gave me the money, and I always paid the Telegram bills. I paid the Herald bills -- he gave me the money. I think I paid for Harper's Weekly. When I paid those, I made the entries the same as the others. He often told me to make entries of bills that he discharged. He kept a small book of transactions, and every night he would say \*I paid such and such bills\* and I would enter them upon the books. The aggregate of these bills for advertising was about \$60,000. There were a great many bills that would not have been due for three months. I can tell by looking at the books which of those bills had become due before Von Hummell went in there were not marked paid. There were bills coming due all the time. Washburne never spoke to me about his transaction with Von Hummell. I asked him what Von Hummell was coming in for and he said to advertise the medicine. Von Hummell asked me if

Washburne had any liability and I told him yes; he asked how much, and I said about \$60,000. I made an approximate estimate from the books -- and I think he owes that still. There is nothing else that I recollect saying to Von Hummell. Washburne said he would like to get some one in to help him push the advertising. I think he had a party there before by the name of Halyon. That was some time last Winter. There was another man there by the name of Williams or Blossom, but I do not know what interest he had in the business. Washburne paid me \$20 a week. I would not give anything for the trade mark and the right to manufacture that medicine. I do not know whether Washburne owes anything than those advertising bills. I heard him say at the Court that there were judgments against him -- and I think I heard him say so previous to that time. I know of an advertising agent in Nassau St. who had a judgment against him -- got it in January of this year -- I heard the man say so in the office. I have seen papers in civil proceedings served upon Washburne in the office -- probably eight or nine within the last year. The books profess to show the condition of the business, and they show the business was a profitable business, leaving out the amount due for advertising. I always had an idea it was, and I believe so today. I could not tell what they were making every day -- the books represent \$100 a day. I have heard him tell advertising agents that he had no money. -- He never indicated to me in any way that he wanted to get Von Hummell out of the business. Washburne told me that he told Von Hummell that he owed the advertising bills. I closed my last books up January 1880, and commenced another year. At that time the books showed \$30,000 cash. I have not seen Washburne since his arrest. There has been no disposition of the trade mark.

The People

vs  
Ernest A. Frohman

=

Statement of

Conrad Raymond L.

People  
 Washburne 7  
 2

The following are judgments that were entered against him at time he made the false representations

Washburne vs Isaac W England of Maine Mar 11  
 Ct Me 13/80 \$90.26 J.C. Bowman atty  
 7 Buttrick St

Mr H. B. Brainerd Frank Leslie's publishing house 55 Park Place can identify diff as def in this suit as he made the contract with him and then he and served him with the sum and copy copy.

ads Post Ho Shannon Maine Ct Feb 10/80  
 \$53.57 Morrison & Netjen attys  
 346 Broadway  
 said Shannon at said No 346 Broadway can identify as to this judgment.

ads George E. Hutchinson & John Correira Jr  
 Maine Ct Nov 26/79 \$201.02  
 McAlmud atty  
 209 Broadway  
 Mr Almud & Hutchinson (114 Napa St) can identify as to this judgment and Hutchinson can say, also, that def owed him \$300 additional at time representations made.

ads James W Pratt Maine Ct \$160.96  
 Everett S Barlow atty  
 206 Broad way  
 Barlow can identify as to this

ads Tom Baldwin Maine Ct July 12/79  
 \$263.21 Remyt Sporne atty  
 93 Napa St

Ready can identify or to this pedg  
ment.

People

Thadborne

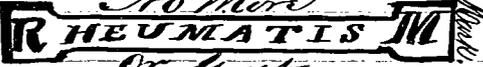
False premises

Each of judgments  
and debt at court  
depreciation &  
in fact or to man-  
tipidation

City and County of New York S.S.

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 Ernest A. Washburne, late of  
the First Ward of the City of New York,  
in the County of New York, aforesaid, on  
the twenty second day of March in the  
year of our Lord One thousand eight  
hundred and Eighty at the Ward, City  
and County aforesaid, with force and  
arms, on the day and year last  
aforesaid, with intent feloniously to  
cheat and defraud Quincy Van Dummell  
of said City and County, did then and  
there feloniously unlawfully, knowingly,  
and designably, falsely pretend and  
represent to the said Quincy Van  
Dummell that he the said Ernest  
A. Washburne was the owner and  
proprietor of a certain trade mark in  
substance and to the effect as follows viz

" No More  
Trade **RHEUMATIS** "   
Or Gout  
acute or Chronic  
Salicylica  
Sure Cure "

That he the said Ernest A. Washburne was

then and then a person of great wealth and respectability. That he said Ernest A. Washburn was then and then doing a business in the sale of a certain Medicine known as Salicylic acid for the cure of Rheumatism the profits of which business were at least one hundred dollars per day. That he said Ernest A. Washburn was perfectly solvent and pecuniarily responsible owing no debts and having no pecuniary liabilities. That he said Quincy Van Cummell would pay to him the said Ernest A. Washburn the sum of Two thousand dollars he the said Ernest A. Washburn would transfer to said Quincy Van Cummell the one half interest in the use of the Trade Mark aforesaid and other articles used by said Ernest A. Washburn and a one half interest in said business.

And the said Quincy Van Cummell then and then believing the said false pretenses and representations so made as aforesaid by the said Ernest A. Washburn and being deceived thereby, was induced by reason of the false pretenses and representations so made as aforesaid to deliver, and did then and then deliver to said Ernest A. Washburn a certain paper

made as aforesaid to deliver, and did then and there deliver to said Ernest A. Washburn a certain paper

writing commonly called a Bank check in substance and to the effect following,  
"It: 72201. New York Mich 22<sup>th</sup> 1880

National Bank of Commerce  
Pay to the order of R. Van Hummell  
Two Thousand \$ ——— Dollars  
\$2000 # for pro Kountze Brothers  
W<sup>m</sup> H. Hollister"

which said check was a good and genuine order for the payment of the sum of two thousand dollars, and of the value of two thousand dollars and upon the back of which check or order the said Quincy Van Hummell duly endorsed his name and upon which check or order the said Ernest A. Washburn did then and there obtain the sum of two thousand dollars of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Quincy Van Hummell and the said Ernest A. Washburn did then and there designedly receive and obtain the said two thousand dollars of the said Quincy Van Hummell of the moneys, valuable things, goods, chattels, personal property and effects of the said Quincy Van Hummell by means of the false pretenses and representations aforesaid and with intent feloniously to

cheat and defraud the said Quincy Jan New-  
-mell. Whereas in truth and in  
fact, the said Ernest A. Washburne was  
not then and there the owner and propri-  
etor of a certain trade mark in substance  
and to the effect as follows viz:

" *To Have*  *Trade* "  
 RHEUMATISM  
 Or  
 Acute or Chronic  
 Salicylic Acid  
 Sure Cure. "

but on the contrary thereof said Ernest A. Wash-  
-burne had therefore transferred all his  
right title and interest in the aforesaid trade  
mark to a certain incorporated Company duly  
organized under the laws of the State of  
New York under the name of The Euro-  
-pean Salicylic Acid Medicine Company.

And whereas in truth and in fact he  
said Ernest A. Washburne was not then  
and there a person of great wealth and  
responsibility, but on the contrary thereof  
he said Ernest A. Washburne then and  
there was wholly insolvent and irrespon-  
-sible.

And Whereas in truth and  
in fact he said Ernest A. Washburne was  
not then and there doing a business in  
the sale of a certain Medicine known as  
Salicylic Acid for the cure of Rheumatism the fol-

The sale of a certain Medicine known as Salicylic acid for the cure of Rheumatism the prof-

its of which business were at least one hundred dollars per day, but on the contrary the profits of said business were of no value.

And whereas in truth and in fact he the said Ernest A. Washburn was not perfectly solvent and pecuniarily responsible owing his debts and having no pecuniary liabilities, but in truth and in fact he said Ernest A. Washburn was then and there wholly insolvent and pecuniarily irresponsible and was owing a large amount of debts and having then and there very large pecuniary liabilities;

And whereas in truth and in fact the said Ernest A. Washburn did on said twenty second day of March in the year aforesaid owe to various persons large sums of money amounting to at least forty thousand dollars over and above all his assets.

And whereas in truth and in fact the pretenses and representations so made as aforesaid by the said Ernest A. Washburn to the said Quincy Jan Hummel was and were in all respects utterly false and untrue to wit, on the day and year aforesaid at the Ward, City and County aforesaid.

And whereas in fact and in truth, the said Ernest A. Washburne well knew the said pretenses and representations so by him made as aforesaid to the said Quincy Van Hummell to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid upon their oath aforesaid, do say, that the said Ernest A. Washburne by means of the false pretenses and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly did receive and obtain from the said Quincy Van Hummell by the means and in the manner aforesaid the sum of two thousand dollars of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Quincy Van Hummell with intent feloniously to cheat and defraud him of the same, against the form of the Statutes in such case made and provided and against the peace of the People of the State of New York and their dignity.

1052

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Watkins, Lizzie

**DATE:**

04/08/80



146

7A

*Golden*

Counsel,

Filed *1* day of *October* 18*88*

Plends *Chas. Smith (9)*

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

*Lizzie Watkins*  
*(2 Cases)*

BENJ. K. PHELPS,

District Attorney.

*Sept 29. 1888.*

*Benjamin Phelps*

A True BILL.

*W. S. Taylor* Foreman.

*W. S. Taylor*

1054

78

*Goldberg*

Counsel,

Filed day of *October* 1888

Pleas *Not Guilty* 191

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

*Lizzie Watkins*  
*(2 cases)*

BENJ. K. PHELPS,

District Attorney.

*April 29. 1888.*  
*Chas. J. ...*

A True Bill.

*W. S. Taylor* Foreman.

*W. S. Taylor*

1055

FORM 89 1/2

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

POLICE COURT—SECOND DISTRICT.

*Amelia Smith*

of No. *105-Wee-72* Street being duly sworn, deposes  
and says, that on the *1st* day of *March*, 18*90*

at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
away, from the possession of deponent,

the following property, to wit:

*One Velvet*

*Coat*

of the value of *Twenty* Dollars,

the property of *deponent, being*  
*her separate property*

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 *Rizzio Watterin*  
*(now here)* from the fact  
that deponent is  
informed by *Ellie*  
*Flayd* that *subseq-*  
*quent to the larceny*  
*of said Coat she*  
*saw the same in*  
*the possession of*  
*the person of the*  
*said Rizzio Watterin*

*Amelia Smith*

Sworn to before me, this *31* day of *March*, 18*90*  
*Moses M. Hays*  
Police Justice

1056

City & County  
of New York

Ella Floyd of  
No 272, 1277 Broadway  
being duly sworn says  
she has never seen the  
foregoing affidavits &  
the facts therein set forth  
are information of this  
deponent are true  
of her own knowledge  
Shown to before Ella Floyd  
this 31<sup>st</sup> day of  
March 1880  
M. S. Blount  
Police Justice

1057

Apr 1<sup>st</sup> 1880

City & County  
of New York

Complainant ~~name~~  
and Cross Ex -

The last time I saw  
the property was  
about 1<sup>st</sup> last of  
February or the 1<sup>st</sup>  
of March - The  
girl left my  
Employment March 11<sup>th</sup>  
& the Sunday follow-  
ing I received the  
Cloak. The same  
morning I received  
the 19<sup>th</sup> of Feb  
I purchased the  
cloak last winter  
paid \$60 for it  
& have worn it a  
dozen or more  
times. It was a  
dark blue velvet  
cloak lined with  
dark blue silk  
And if you had wanted  
to sell this cloak

1058

what would it ~~have~~  
~~been~~ ~~been~~ ~~been~~ ~~been~~  
been the market  
value

Ans I don't know

Re direct

I valued you the  
clock at a few -  
fifty dollars -  
it had no unex-  
cept ordinary value  
& I fixed the value  
at what it cost  
& I would not  
replace it - you  
\$60 -

Ans &c. I have not  
had occasion to  
price the article  
since I lost it -

From to before Amelia Smith  
was the day of  
about 1880

Mercus Otterbourg  
Polina Just

1059

3.

City of Cambridge  
 of New York  
 Ellen T. Lynde of New  
 1277 Broadway being  
 re-called says in  
 Crossed I have known her  
 Dept. about one week  
 have spoken to her  
 & seen her three or  
 four times, I have  
 worked for Mrs. Smith  
 off & on about four  
 months, it is now  
 nearly a year  
 since I left the  
 Employment Agency  
 The fact <sup>is</sup> that I saw  
 the Clerk, <sup>in the</sup> <sup>sub</sup> <sup>office</sup> <sup>at</sup> <sup>the</sup> <sup>same</sup> <sup>place</sup>  
 a year ago, I never  
 noticed whether I  
 ever saw, I don't  
 like that one  
 I saw the defendant  
 have the Clerk, on  
 her at Mt. Olivet Church  
 in 37th St. believe  
 you & she were, two  
 Sundays ago, in the night  
 time, I don't directly

1060

.4

behind her, I had never  
spoken to her, then,  
but knew that she  
had lived with  
Mrs Smith. I knew  
the clock because I  
could hear of it -  
& felt - ~~of it~~ - I heard  
the ~~complaint~~  
had lost things &  
a clock. The second  
Tuesday after I saw  
her in church I saw  
her in Dr Gray's office.

It was 3 weeks  
ago last Sunday  
that I saw her first  
in church with  
the clock and  
Reddick. Mrs Smith  
arouse the clock  
when I want to  
live with her, I  
saw the clock every  
every day for the  
4 months in which  
I lived with the  
Compliment. I  
knew Mrs Smith

5.

had ~~noticed~~ lost - the  
 clock + noticed it  
 particularly  
 Mrs. Did Mrs. Smith wear  
 the clock nearly  
 every day

Mrs. She would take  
 she went out - +  
 went out every day  
 when it was  
 pleasant -

Clar Lloyd  
 work

From Boston  
 1880  
 Mrs. Mary  
 Boston

6.

City & County  
of New York

Elizabeth Watters in  
deposition being  
called & sworn says  
I did not steal  
the Clock. I was  
sick in my house  
three Sunday's ago  
The same Sunday  
the police man was  
sent. I have not  
been to church in  
a month  
Grandly I worked for  
Mrs Smith I left  
her letter weeks ago  
today. It was  
the Sunday after  
I left her that  
the policeman was  
sent - I never saw  
the Clock referred  
to in the complaint.  
I was the Chambermaid  
in Mrs Smith's house  
I did not carry  
the keys of the room



1064

8.

I went to Mount Olive  
Church in the Evening  
the dependant was  
not there, The Church  
was crowded, I  
never saw her have a  
velvet cloak, when  
I came home from  
Church, I did not  
see Eliza. I did  
not go to her apart  
ments - Anna Smith

From October 1879  
to the day of the 1879  
Mount Olive Church  
~~Record~~  
Records

1065

Police Court—Second District.

*Rosa Watkins*  
CITY AND COUNTY  
OF NEW YORK,

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.—

*Rosa Watkins*

Question.—How old are you?

Answer.—

*22 years*

Question.—Where were you born?

Answer.—

*Richmond Va*

Question.—Where do you live?

Answer.—

*127 W 32<sup>d</sup> St*

Question.—What is your occupation?

Answer.—

*Chambermaid*

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

here preferred against you?

Answer.—

*I am not guilty  
Rosa Watkins  
witness*

Taken before me, this

*Mrs. C. A. ...*  
day of *the* 18*th*  
Police Justice.

1066

*307*

Form 864.  
POLICE COURT—SECOND DISTRICT.

Affidavit—Larceny.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

*Amelia Smith*  
*105 W. 22nd St.*

*Lizzie Watkins*

DAIVED *March 31<sup>st</sup>* 1880

*Ottobona* MAGISTRATE.

*James Gunnison* OFFICER

WITNESS: *Ellen Floyd*  
*1277 Broadway*



*100* TO ANS.

BAILED BY.....  
No. .... STREET.

*Ex April 1*  
*20m*

1067

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

*Lizzie Watkins*

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

*One cloak of the value of sixty*  
*Dollars*

of the goods, chattels, and personal property of one

*Amelia Smith*

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.

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

*Lizzie Watkins*

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 cloak of the value of sixty dollars*

of the goods, chattels, and personal property of the said *Amelia Smith*

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

*Amelia Smith*

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

*Lizzie Watkins*

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.

**BENJAMIN K. PHELPS, District Attorney.**

1069

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Watkins, Lizzie

**DATE:**

04/08/80



146

1070

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Young, Josephine

**DATE:**

04/08/80



146

1071

*H. J. Phelps*

Counsel,  
Filed *Sept 1878*  
Pleads *Not Guilty*

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

*I*  
*Lizzie Walker*  
*Josephine Young*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*W. S. Taylor*  
*Noteman.*  
*Sept 23. 1878.*  
*John S. Acquitted.*

1072

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } SS

FORM 89 1/2

POLICE COURT—SECOND DISTRICT.

of No. 105 West 22<sup>nd</sup> Street being duly sworn, deposes  
and says, that on the 1<sup>st</sup> day of March 1880  
at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
away, from the possession of deponent,

the following property, to wit:

A quantity of  
Hat trimmings  
consisting of pieces  
of velvet, feathers  
lace & strings, and  
here shown

of the value of Five Dollars,  
the property of deponent, being  
her separate property

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

Ryger McKim  
and Josephine Young  
(both now prisoners) from  
the fact that depon-  
ent is informed by  
officer James Cumming  
that on the 30<sup>th</sup> day  
of March 1880, he went  
to premises No 127 West  
3<sup>rd</sup> Street near home  
& as the apartments  
occupied by the said  
Josephine he found  
the said property

Subscribed to before me this  
day of

Police Justice

1073

which she the said  
Josephine claimed as  
her own property, and  
deponents had fully  
identified the same  
deponents further  
say that the said  
Lizzie had been  
the purveyor of herself  
at the time of the  
said Lizzie and  
that at the time  
of her arrest she  
resided in the  
premises No 127 West  
32<sup>d</sup> Street with the  
said Josephine

Amelia Smith  
Sworn to before me  
this 31<sup>st</sup> day of  
March 1880  
Moses C. C. C. C. C.  
Police Justice

1074

FORM 10. STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK, ss.

of James Cunningham of The 25<sup>th</sup> Precinct Police Street, being duly sworn, deposes and says, that on the \_\_\_\_\_ day of \_\_\_\_\_ 187\_\_ at the City of New York, in the County of New York,

That he has heard read the foregoing affidavit and the facts stated therein on information of deponent, are true of deponent's own knowledge

James Cunningham

Sworn before me this 31<sup>st</sup> day of March 1880  
Merrill [Signature] Police Justice.

1075

*307*

FORM 594  
POLICE COURT—SECOND DISTRICT.

Affidavit—Larceny.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*Amelia Smith*  
105 W. 22nd St.

*Missie Watkins*  
*Josephine Young*

DATED *March 31st*, 18*80*

*Stenberg* MAGISTRATE

*Cummings* OFFICER  
*25*

WITNESSES:  
*Geo Cummings*  
*25-111 St*



*Geo* TO ANS. *Geo* ATTORNEY

BAILED BY.....

No. .... STREET.

*Geo* *april 1st*  
*2 P.M.*

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

*Lizzie Watkins and Josephine Young each*

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

*One yard of velvet of the value of one dollar*

*One yard of lace of the value of one dollar*

*One yard of Fringe of the value of one dollar*

*One pound of feathers of the value of two dollars*

of the goods, chattels, and personal property of one

*Aurelia Smith*

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.

1077

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

That the said

Lizzie Watkins and Josephine Young each

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 yard of velvet of the value of one dollar

One yard of lace of the value of one dollar

One yard of fringe of the value of one dollar

One pound of feathers of the value of two dollars

of the goods, chattels, and personal property of the said *Amelia Smith*

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

*Amelia Smith*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said *Lizzie Watkins* and *Josephine Young* 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.

BENJAMIN K. PHELPS, District Attorney.

1078

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Weier, Henry

**DATE:**

04/28/80



146

267

Counsel,  
Filed 28 day of April 1880  
Pleads

THE PEOPLE  
vs.  
Henry Heier  
Burglary—First Degree, and  
Grand Larceny

BENJ. K. PHELPS,  
District Attorney.

A True Bill.  
N.S. Taylor  
Foreman.

April 24 1880.  
Verdict of guilty should specify of which count.

State Reporter  
State Reporter  
State Reporter

1880

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

Andrew Peters -

of No. South East Corner Boulevard & 101 Street, being duly sworn,  
deposes and says, that the premises No. South East Corner Boulevard & 101 Street,  
12 Ward, in the City and County aforesaid, the said being a dwelling house  
and which was occupied by deponent as a place of abode

\_\_\_\_\_ were **BURGLARIOUSLY**  
entered by means of raising the Back Basements window  
and entering same premises with intent to  
commit a crime \_\_\_\_\_

on the morning of the 24<sup>th</sup> day of April 1880 at 10 o'clock a.m.  
and the following property feloniously taken, stolen and carried away, viz: Household  
furniture, silver and plated ware, and  
wearing apparel together and in all of the  
value of Three thousand dollars \_\_\_\_\_

the property of deponent's father Thomas M. Peter  
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 \_\_\_\_\_

Henry Meier (now here)

for the reasons following to wit: That at about the hour of  
one o'clock a.m. on said day deponent  
was awakened by the Burglar alarm  
and upon going down stairs into the basement  
deponent found the said Henry Meier - and  
the said Henry Meier had no lawful right  
or business in said basement - That said  
Henry Meier immediately after his arrest acknowledged  
and confessed to deponent that he entered  
said premises through the basement window  
as aforesaid -

And: Peters,

Subscribed & sworn to before me this  
24<sup>th</sup> day of April 1880  
John C. Peters and Peter's Justice

1081

Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Weier* — being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. *Henry Weier*

Question. How old are you?

Answer. *20 years of age*

Question. Where were you born?

Answer. *Germany*

Question. Where do you live?

Answer. *No residence*

Question. What is your occupation?

Answer. *Clerk*

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

Answer. *I am guilty*

Taken before me, this *24<sup>th</sup>* } *Henry Weier*  
day of *April* } 1880

*George Hamann*

Police Justice.

1082

POLICE COURT—FIFTH DISTRICT.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Andrew Peters*

*S & Co. Merchants, 101 1/2 St.*

*Henry Meier*

BAILED.

No. 1, by .....

Residence .....

No. 2, by .....

Residence .....

No. 3, by .....

Residence .....

No. 4, by .....

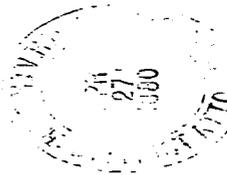
Residence .....

*United April 24<sup>th</sup> 1880*

*Thommen* Magistrate.

*Haine* 31 officer.

*—* Clerk.



*\$ 1000 Am. S.S.*

*Committed*

Received in Dist. Atty's Office.

*Borough* Office

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

*Henry Heier.*

late of the *Twelfth* Ward of the City of New York, in the County of  
New York, aforesaid,  
on the *twenty seventh* day of *April* in the year  
of our Lord one thousand eight hundred and *seventy Eighty*  
with force and arms, about the hour of *one* o'clock in the *night* time  
of the same day, at the Ward, City and County aforesaid, the Dwelling-house of

*Andrew Peters*  
there situate, feloniously and burglariously did break into and enter by means of  
*forcibly breaking open an outer window of said*  
*dwelling house*  
whilst there was then and there some human being to wit, one *Andrew*  
*Peters* within the said dwelling-house he, the said

*Henry Heier*  
then and there intending to commit some crime therein, to wit, the goods, chattels, and  
personal property of *Thomas M. Peters*

in the said dwelling-house 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.

~~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 Ward, City and County  
aforesaid, about the hour of o'clock in the time of said day,  
the said~~

~~late of the Ward, City, and County aforesaid,~~

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

~~in the said dwelling-house of one,~~

~~, then and there being found~~

~~in the dwelling-house aforesaid, then and there feloniously did steal, take, and carry  
away, against the form of the Statute in such case made and provided, and against  
the peace of the People of the State of New York and their dignity.~~

BENJ. K. PHELPS, District Attorney.

1084

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Welden, John W.

**DATE:**

04/30/80



146

285  
Mott.

Counsel,  
Filed 30 day of April 1880  
Pleads

THE PEOPLE  
vs.  
John W. Wetmore  
INDICTMENT.  
Larceny from the person.

BENJ. K. PHELPS,  
District Attorney.

A True Bill.  
H. S. Taylor  
Foreman.

Part no May 3, 1880  
pleads at US prison  
SP 18 month.

1086

Form 112.

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

Police Court—First District.

of No. 99 Christie Street, being duly sworn, deposes  
and says, that on the 23 day of April 1880  
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 silver watch

of the value of five 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 John W. Welden

(now here) for the reason that deponent  
felt some person take the aforesaid watch  
from the pocket of vest then and there worn  
by deponent and saw said defendant  
have the aforesaid watch in his hand and  
attempting to take the same from the chain  
which was attached to said watch

Emil Hoffmann

Sworn to, before me, this 23 day of April 1880  
of  
St. Michael's  
Police Justice.

1087

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*John W. Welden* 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.

*John W. Welden*

Question. How old are you?

Answer,

*23 years*

Question. Where were you born?

Answer.

*Murray*

Question. Where do you live?

Answer

*347 Madison St*

Question. What is your occupation?

Answer.

*Printer*

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

Answer.

*I saw the watch hanging from his pocket and I went to take it and hand it to him. I didn't mean to steal it, and when he called out thief I walked away*

*John Welden*

Taken before me this

day of

18

Police Justice.

*John W. Welden*  
*23*  
*April 18*

1088

COUNSEL FOR COMPLAINANT.

Name, .....  
Address, .....

COUNSEL FOR DEFENDANT.

Name, .....  
Address, .....

Police Court—First District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Ernie H. Gorman*  
*99 Christie St.*  
*vs.*  
*John W. Nelson*

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 *13 April 1880*

*John W. Nelson* Magistrate.

*Ernie H. Gorman* Officer.  
*4 PM* Clerk.



\$ *1000* to answer  
at *5* Sessions  
Received at Dist. Atty's office *[Signature]*

1089

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

*John W. Welden*

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *twenty third* day of *April* 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 five dollars*

of the goods, chattels, and personal property of one  
on the person of the said  
from the person of the said  
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.

*Emil Koffman*

**BENJ. K. PHELPS, District Attorney.**

1090

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Wellington, Charles

**DATE:**

04/27/80



146

257

Filed 27 day of April 1880  
Pleads Not Guilty (2P)

THE PEOPLE

vs.

Charles Wellington

Felonious Assault and Battery

01  
25 Bond

BENJ. K. PHELPS,

District Attorney.

Sen. J. M. [Signature]

A True Bill.

H. S. Taylor

Foreman.

May 10 1880

Judge & Committee of  
Assault & Battery  
Ben [Signature]

The People  
 vs.  
 Charles Wellington  
 Indictment for felonious assault and battery.

Court of General Sessions. Before  
 Recorder Smythe. May 7, 1880.

James McNamee, sworn and examined, testified. I live now with my sister since I got hurt; she lives 117 West Twenty sixth St.; her name is Mrs. Doyle. I charge the prisoner with assaulting me on the 25th of April. I was out late that night and I walked down the Bowery. I went in this beer saloon to have a glass of beer and just as I got to the bar he walked right in after me and somebody said, "Look out;" I turned around and he struck me in the hand. I put up my hand to save my head and I got it on top of the head. I got hit on the side of the head. Were you knocked senseless? Yes sir, it bursted an artery in my head, I was in the Chamber St. and Bellevue hospital two days, and every day I have to go to get a battery put to it; there is no power in it; it is paralyzed, the same as if it were asleep. The saloon is No 15 Bowery where I got cut. A young man named Murray was with me; the prisoner was not employed there; he came in just as I stood at the bar. I had no words with him; he struck me in the hand, I made a grab for him and I got it on top of the head. Saturday night before that I went into

the restaurant where he was working, he went to shoot me. The 20th was Tuesday morning, and the "growl" I had with him was on the Saturday before. Cross Examined. The prisoner was cashier one night in the restaurant and the other cashier was quarreling with him. He said four of us were going to kill him; he had a pistol. I was a perfect stranger to them. The young lad that was with me said to him, "What are you accusing us for?" He did not know either one of them. He said we were going to strike him; we were paying our money at the bar for what we had to eat. I was not drunk that night, but my friend was; he was not using improper or indecent language. My partner and myself did not threaten to whip him; he had the pistol out of the drawer when we went outside of the door. The prisoner was not in 15 Bowery the night I went in there before me, but he followed me in. I don't know the number of the restaurant, but it is on the Bowery near Grand St. I am a book binder by trade. I was born in New York. I was assaulted about 20 minutes after one o'clock Tuesday morning. I was to a party that night, and I went into this place to get a glass of beer before going to bed. Christopher Brady sworn and examined.

1094

I was going down the Bowery about 1/2 to one o'clock on the morning of Tuesday. There was a kind of brawl in front of 15 Bowery. I went up and I saw the prisoner standing outside the door without any hat on, apparently as if he was chucked out. I says, "What is the trouble?" "I want my hat." With that the proprietor of the place opened the door. I said, "Have you got this young man's hat?" He said, "yes." I says, "Give it to him. He handed him his hat. "Now, get away out of here," I said. He started to go up the Bowery. Then a man came out and told me there was a man inside hurt pretty bad. I went to try to find this man (the prisoner) and he had disappeared. I took the man that was hit with the stick to the station house. The doorman, me, and another policeman tried to stop the blood on his head; we could not stop it. We sent him to the Chamber St hospital. I went up stairs and got a stick and put it in my pocket and started in pursuit of this young man. I stayed out all the next day looking for him. I went over to the place where he is employed and I could not find him. I was looking for him the ~~that~~ day and the next night, and a couple of nights after I was going along the Bowery again.

the restaurant where he was working, he went to shoot me. The 20th was Tuesday morning, and the "growl" I had with him was on the

when a woman and her daughter came running up Bayard St. and halloed out, "Mr Brady there is the man that has stolen the watch." I arrested the prisoner corner of Bowers and Bell St. 1/2 past one o'clock at night. I did not get the stick. Cross Examined I did not see any of the affair; when I saw the complainant he was bleeding from a cut on the side of his head. His hand was paralyzed; the doctor told me he had to put a battery to it; he was standing up and two men were holding him; he was not able to stand, two of us had to take him to the house; he was very weak; we all as one as carried him. James McNamee sworn. The prisoner struck me with a cane. When I got struck in the hand first and put up my hand I saw the knot on the cane; the cane was as thin as my finger a chain cane like, black with a knot on it. Charles Wellington, sworn and examined in his own behalf testified. I am a clerk I heard the statement of the complainant about my striking him with a cane. I had been working for Mr. Herring 132 Bowers; he discharged his cashier and put me in his place. I was in 15 Bowers on this night, and while in conversation with this former cashier's friend, the prisoner was in there

1096

sitting down with another man, and they were talking pretty loud. I paid no attention to what they were talking about. He was under the influence of liquor. I was afraid he would take up a ketchup bottle and strike me. The man that was struck came up with his friend and stood at the bar and looked at me in the face. I never took much notice of him until this man says, "I have enough friends to pick you up and throw you out of the door. I have a friend, a cashier, who was here before you, and you got him discharged. I said, I did not. He said, 'you are a damned liar.' With that the man took up a bottle and said, 'I am a friend of his, God damn you, I will mark your skull.' I said, 'you will do nothing of the kind.' I went, he says. I says, 'No.' He ran up and picked up a ketchup bottle. I lifted the revolver up; it was not loaded, I had been cleaning it. Another thing, I says, 'there is ladies in the dining room.' He went out; two or three hours after that he came back; he and his friend were under the influence of liquor. He opened the door and said, 'God damn you, if I would only catch you outside I would paralyze you, I am going to give it to you. I will break your damned skull

He came for me again. Some man got hold of him; he shoved me one side, I made a crack with the cane, he and his friend knocked my hat off; two or three more came for me. Officer Brady came up and asked me what was the matter? I told him my hat was in there; he got it for me; he said, "Go on." I went up Bayard St. and went to bed.

Cross Examined. Had witnesses here this morning to prove that the complainant made threats to Max Dreyfus and a man named Tollenbender. I have another witness, Mr. Herring of the Bowery. I belong in Baltimore and have written for recommendations; the only man I worked for in New York is Mr. Herring. Max Dreyfus sworn I know McNamee by sight. I was in the saloon 15 Bowery when the prisoner and the complainant had some quarrel together. I could not say who gave the first blow. The complainant was in the place first, and when the prisoner came in he (the complainant) said, "There is the gentleman what is going to give it to him; there he is coming now; I will give it to him first. I did not see any blow struck by either one."

Cross Examined. I was not working at this time. I went in to get a glass of beer. McNamee came in with some more parties; he was in about three quarters of an hour before the prisoner

I saw Wellington come in, he had a walking  
 cane in his hand. I did not see any blow.  
 I did not turn my back then, but there was  
 so many in the crowd. I did not notice the  
 cane in the air and I did not see anybody  
 strike. Adam Herring, sworn and examined  
 testified. I keep a restaurant at 132 Bowery. I  
 know the prisoner, he was in my employ some-  
 thing less than three months I think, I could  
 not tell the exact time. I did not know him  
 before he came into my employ. Do you  
 know what his character was for peace and  
 quiet while he was with you? I never saw him  
 get in any trouble only this time, it is the  
 only time I saw him get into any trouble, and  
 that was with this complainant. I do not know  
McNamee Cross Examined. I guess he is  
 pretty hot tempered in resenting an insult.  
 He did not have occasion to resent a great  
 many while he was with me, only once. I rem-  
 ember he had a little disturbance with a  
 man on the walk; he was carrying in coal,  
 he was perfectly right; he did not draw a pistol  
 that time. I never knew him to have one. This  
 other man was a little intoxicated; they had  
 a few blows. I separated them, they were pull-  
 ing one another's hair. I was not present  
 when McNamee, Murphy and Knapp were there.

Allen Krapp, sworn and examined, testified there do you live? No 5 Delancey St. What is your business? Eating saloon business, waiter. Were you in the saloon 15 Bowery? No sir; all I can tell you is the first offence. I was in Herring's saloon. I went in and had a cup of tea. I went to the bar and was talking to the prisoner when ~~the~~ <sup>this</sup> ~~party~~ <sup>unknown</sup> party to me came up to the bar; he and the prisoner had a few words. I said, "these are not friends of yours." He said, "yes they are;" he drew a revolver; the prisoner said, "I will fix that party yet. Did Mr. McNamee do anything to him then?" Then he drew the revolver he picked up something on the oyster bar, I think it was a bottle, not till Wellington drew the revolver. I had a quarrel with Wellington; he was cashier for a couple of nights with a particular friend of mine; he ought not to be; my friend was off. I told him he had no business there; he said, "I will do as I have a mind to."

Joseph Goss testified that he was carver for Mr. Herring and that he saw Wellington draw a pistol on Mr. McNamee. Miles Murphy swore that in the Essex Market the prisoner asked him if the complainant was going to prosecute him. I said, he ought. The prisoner said, "When I get out, I will 'crack' (meaning kill) you." The jury rendered a

1100

verdict of guilty with a recommendation  
to mercy. He was sentenced to the pen-  
itentiary for nine months.

1101

Testimony in the Court  
of Charles Wellington  
filed April 27.

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, ss.

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

Question.—What is your name?

Answer.—*Charles Wellington*

Question.—How old are you?

Answer.—*21 Years*

Question.—Where were you born?

Answer.—*U-S*

Question.—Where do you live?

Answer.—*25 Bayard St*

Question.—What is your occupation?

Answer.—*Clerk*

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

Answer.—*I am not guilty*

*Charles Wellington*

*John J. [Signature]*  
Taken before me this  
*20* day of *April* 188*5*  
[Signature]  
Justice

Form 15  
Police Court—Third District.

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

James McNamee

of No. 193 Mulberry Street

on Sunday the 20

being duly sworn, deposes and says, that day of April

in the year 1880 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Charles Wellington (now dead) who did strike deponent two violent-blows, one <sup>blow</sup> on deponents head and one blow on deponents arm, with a cane the head of which was filled with some metal - thereby ~~causing~~ wounding deponent - deponent was assaulted and beaten

with the felonious intent to take the life of deponent, or 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 bound to answer for the above assault, &c., and be dealt with according to law.

Sworn before me this 22 day of April 1880

*[Signature]*  
Police Justice.

his  
James McNamee  
Clark

1104

Form 15.

Police Court—Third District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James W. Starnes  
~~192 Broadway St.~~  
Barred to Office

Charles Wellington

Dated April 22-1880

ABDRAVIT A. & B.  
FELONIOUS.

Tomato Magistrate.

Erney 10<sup>th</sup> Officer.

WITNESSES:

Charles Day for  
Selom 132 Bowery  
for  
John Herring, Kahn of N.Y.  
182 Bowery.

1000 to Am. G.S.

Card

Monday 20th

Allen Knapp.  
5 Delaney St.  
Joseph Goss  
130 Bowery.  
Adam Herring  
Julius Murphy  
73 Spring

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

*Charles Wellington*  
late of the City of New York, in the County of New York, aforesaid, on the  
*twentieth* day of *April* 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 *James McNamee*  
in the peace of the said people then and there being, feloniously did make an assault  
and *him* the said *James McNamee*  
with a certain *cane*  
which the said *Charles Wellington*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound  
with intent *him* the said *James McNamee*  
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 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 *Charles Wellington*  
with force and arms, in and upon the body of the said *James McNamee*  
then and there being, wilfully and feloniously did make an  
assault and *him* the said *James McNamee*  
with a certain *cane* which the said

*Charles Wellington* in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, wilfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously  
do bodily harm unto *him* the said *James McNamee*  
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

*Charles Wellington*  
with force and arms, in and upon the body of *James McNamee*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *him* the said *James McNamee*  
with a certain *cane*  
which the said

*Charles Wellington* in *his* right  
hand then and there had and held, wilfully 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 *James McNamee* with intent *him* the

said *James McNamee* 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.

FOURTH 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

*Charles Wellington*  
with force and arms, in and upon the body of the said *James McNamee*  
then and there being, wilfully and feloniously, did make another assault and *him*  
the said *James McNamee* with a certain *cane* which the said  
in *his* *Charles Wellington* right hand then and there had and held, the same being then and there  
a deadly weapon, wilfully and feloniously did then and there beat, strike, stab,  
cut and wound, with intent to then and there wilfully and feloniously maim *him*  
the said *James McNamee* 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.

257

Filed 27 day of April 1880  
Pleeds *Charles Wellington*

THE PEOPLE

vs.

*Charles Wellington*

Felony Assault and Battery.

BENJ. K. PHELPS,

District Attorney.

*Ben. K. Phelps*  
A True Bill. *JP*

*H.S. Taylor*

ROSENBERG

*May 10 1880*

*Charles Wellington*  
*James McNamee*  
*Charles Wellington*  
*James McNamee*

1107

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Wellington, Charles

**DATE:**

04/27/80



146

25A

Counsel,

Filed 27 day of April 1880

Pleas *Andamity (2d)*

THE PEOPLE

vs.

*Charles Wellington*  
*(2 cases)*

INDICTMENT.  
Larceny from the person.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*N. S. Taylor*  
Foreman.

*Case dismissed May 3, 1880.*

*Tried & acquitted -*

1109

Police Court—Third District.

CITY AND COUNTY OF NEW YORK,

*Charles Wellington*

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

Question.—What is your name?

Answer.—

*Chas Wellington*

Question.—How old are you?

Answer.—

*W. D., 21 Years old*

Question.—Where were you born?

Answer.—

*U. S.*

Question.—Where do you live?

Answer.—

*25 Bayard*

Question.—What is your occupation?

Answer.—

*Clerk*

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

Answer.—

*I am not guilty -*

*Charles Wellington*

*[Signature]*  
I have examined the above and find it true and correct.  
*[Signature]*  
day of *May* 1880  
Police Justice.

1110

301

DISTRICT POLICE COURT—

AFFIDAVIT—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Frank Lewis

of No. 116 Hester Street.

being duly sworn, deposes and says, that on the 22<sup>d</sup> day of April 1880

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 Silver watch of the  
value of Eight Dollars

Sworn before me this  
22<sup>nd</sup> day of April  
1880  
J. J. [Signature]  
District Justice.

the property of

deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
from deponent's person stolen, and carried away by Charles Wellington (now Rose)

as deponent is informed by  
Mary King  
Frank Lewis

City of New York  
 Mary King residing at 116 Water Street  
 being sworn says that she keeps a Lager Beer Saloon at No 15 Church Street that  
 at about the hour of one o'clock on  
 the morning of the 22<sup>d</sup> April 1880 Frank  
 Lewis was asleep in the rear of said  
 Saloon there being no other person therein  
 in said room room said Lewis then had  
 a watch and chain upon his person, some  
 few minutes thereafter Charles Wellington passed  
 through said room towards the Water Closet  
 said Wellington then returned and left  
 said Saloon, department then saw said  
 Chain hanging from said Lewis vest  
 with a silver ring attached to it  
 sworn to before me the 22<sup>d</sup> April 1880 Mary King

*James J. [Signature]*  
 Police Justice

AFFIDAVIT  
 IN SENY.

DISTRICT POLICE COURT.

THE PEOPLE  
 vs.  
 ON THE COMPLAINT OF

Frank Lewis  
 116 Water St.

Charles Wellington

DATED April 22 1880

Smith MAGISTRATE.

Brady OFFICER

10<sup>th</sup> Prec

WITNESSES:  
 Mary King  
 116 Water St

DISPOSITION  
 500 days  
 Bond

1112

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 *Charles Wellington*

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *twenty second* day of *April* 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*

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

1113

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Wilbur, Charles

**DATE:**

04/19/80



146

1114

**BOX:**

11

**FOLDER:**

146

**DESCRIPTION:**

Whiting, Emma E.

**DATE:**

04/19/80



146

1879

Filed 19 day of April 1879

Pleas, *W. G. Quincy*

*Burgess & Deane  
110 Pine Street N.Y.C.*

THE PEOPLE,  
vs.

*Charles Wilbur  
Essex E. Whiting*

BENJ. K. PHELPS,

Attorney at Law

110 Pine Street N.Y.C.

A True Bill.

*N. S. Taylor*

Foreman.

No. 1  
*L. M. C. P. J.*

*April 20th  
Chas. F. Jones*

1115

1116

Police Office. Third District.

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

Emilio Cordery

No. of 230 Chrysothie Street, being duly sworn,

deposes and says, that the premises No. 230 Chrysothie

Street, 17 Ward, in the City and County aforesaid, the said being a Brick Building one room and one bed room on the second floor in the rear of house and which was occupied by deponent as a Dwelling

were BURGLARIOUSLY

entered by means forcible breaking the lock of a door in the front room, and then the lock of a door leading from the front door to the above described premises on the afternoon of the 12<sup>th</sup> day of April 1880, and the following property, feloniously taken, stolen and carried away, viz..

One Black Coat of the value of thirteen dollars  
Two pair of Pants of the value of twenty dollars  
Two Revolving Pistols of the value of fifteen dollars  
Six pair of Ladies Stockings of the value of one <sup>50</sup>/<sub>100</sub> dollar  
said property being in all of the value of forty nine <sup>50</sup>/<sub>100</sub> dollars

the property of deponent

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

Charles Wilbur and Emma Whitney  
(with whom here)

for the reasons following, to-wit: That deponent is informed by officer John Wade of the 10<sup>th</sup> Precinct Police that he arrested the aforesaid defendants with a portion of the above described property in their possession

Emilio Cordery

sworn to before me this  
13<sup>th</sup> day of April 1880  
J. M. Patterson  
Notary Public

1117

City & County }  
of New York }<sup>59</sup>

John Wade of the 10<sup>th</sup>  
Precinct Police being duly sworn deposes  
and says that on the 12<sup>th</sup> day of April  
1880 he arrested Charles Wilbur and  
Emma Whitney on a second count  
Rail Road law then in the Bowery  
and in their possession appeared found  
a portion of the property described in  
the written affidavit of Emily Cordons  
which property he Cordons fully identifies as  
the property taken stolen and carried away  
from his possession

Sworn to before me this } John Wade  
13<sup>th</sup> day of April 1880 }

J. M. Patterson J. Police Justice

1118

Police Court—Third District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles Wilbur being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was  
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—Charles Wilbur

Question.—How old are you?

Answer.—25 years

Question.—Where were you born?

Answer.—New York

Question.—Where do you live?

Answer.—10 First Str.

Question.—What is your occupation?

Answer.—Silvering Glass

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 stuff

Chas. Wilbur

Being further Examined says when I went  
in to the car I placed the bundle on  
Engena's lap and the revolver behind  
her back, she had nothing to do with  
the case at all

Chas. Wilbur

*Sam Patterson*

Taken before me, this

13

day of April

1870.

Police Justice

1119

Police Court—Third District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Emma Whitney being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that she was  
at liberty to answer, or not, all or any questions put to her, states as follows, viz.:

Question.—What is your name?

Answer.—Emma Whitney

Question.—How old are you?

Answer.—25 years

Question.—Where were you born?

Answer.—New York

Question.—Where do you live?

Answer.—10 First St.

Question.—What is your occupation?

Answer.—Shaw Keeper

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

Answer.—I am not guilty

Emma E Whitney

Taken before me, this  
13 day of April  
1880  
Sam Patterson  
Police Justice.

1120

Form 115.

POLICE COURT -- THIRD DISTRICT.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF  
*Emile Gardner*  
 230 Chrysler St.  
*Charles P. [unclear]*  
*Emma [unclear]*

Offence, BURGLARY, *Ind. & Mer.*

Dated *April 13* 18*80*  
*Paterson* Magistrate.  
*Wade* 10 Officer.

Clerk.....

Witnesses, *Charles L. [unclear]*  
 No. *22* *Chrysler* Street.

No..... Street.

No..... Street.  
 No. *1111* *South* to answer committed.

Received in Dist. Atty's Office,

BAILED,

No. 1, by.....  
 Residence..... Street.

No. 2, by.....  
 Residence..... Street.

No. 3, by.....  
 Residence..... Street.

No. 4, by.....  
 Residence..... Street.

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 *Charles Hilburn and Emma E Whitney*  
Each —

late of the *Seventeenth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *Twelfth* day of *April* — in the  
year of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* with force and  
arms, about the hour of *Two* o'clock in the ~~day~~ *day* time of the same day, at the  
Ward, City and County aforesaid, the dwelling house of

*Emelio Borders* —————  
there situate, feloniously and burglariously did break into and enter ~~by means of forcibly~~

the said

*Charles Hilburn and Emma E Whitney*

then and there intending to commit some crime therein, to wit: the goods, chattels, and  
personal property of

*Emelio Borders* —————

in the said dwelling house 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.

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 Ward, City and County  
aforesaid, the said

*Charles Hilburn and Emma E Whitney*  
Each —————

late of the Ward, City, and County aforesaid,

*One coat of the value of fifteen dollars —*  
*Two pairs of pantaloons of the value of ten dollars each —*  
*Two pistols of the value of seven dollars and*  
*fifty cents each —*  
*Six pairs of stockings of the value of twenty five*  
*cents each —————*

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

*Emelio Borders* —————

in the said dwelling house 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.

BENJAMIN K. PHELPS, District Attorney.

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

That the said

*Charles Wilbur and Emma E. Whiting*  
each

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 coat of the value of thirteen dollars*

*Two pair of pantaloons of the value of ten dollars each*

*Two pistols of the value of seven dollars and fifty cents each*

*Six pair of stockings of the value of twenty five cents each —*

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

*Emilia Cordero*

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

*Emilia Cordero*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said *Charles Wilbur and Emma E. Whiting* 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.

BENJAMIN K. PHELPS, District Attorney.