

0329

**BOX:**

449

**FOLDER:**

4139

**DESCRIPTION:**

Hallen, James D.

**DATE:**

09/29/91



4139

0330

NOV 10 1957

1957

Witnesses:

*Wm Jones*

.....  
.....  
.....  
.....

*see endorsement of  
Indictment # 203  
Sept 91.*

Counsel, *A* day of *Sept*, 1957  
Filed *189*  
Plends, *legally*

THE PEOPLE

vs.

*James D. Holten  
(vs. cases)*

Booze. [Sections 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100]

DE LANCEY NICOLI,  
District Attorney.

A TRUE BILL.

*M. J. Berry*  
Foreman.

*Part 3, March 3/92 -  
Indictment dismissed  
No bill dismissed.*

0331

District Attorney's Office  
City & County of  
New York

May 7 189.

Dear Sir,

your note relative to the  
witness Lucas is at hand.

A witness can not be required  
to give security for his appearance  
except upon proof by affidavit  
that there is reason to believe he  
intends to evade the process of the  
court or leave the jurisdiction.

and again, the court can not  
commit the witness except when he is  
in the before the court. It has no  
power to issue a warrant for his arrest.

He must be personally served  
with a subpoena before any thing can be  
done.

The thing to do is to arrange with  
whomever is to try the case (I have no  
further connection with it) upon the

Yours very truly

Geo. B. Andrews

Wm. G. ...

0332

COURT OF GENERAL SESSIONS  
CLERK'S OFFICE.

PEOPLE

*James D. Wallace*

*for other cases*

*See*

*Sept 20th, 1891*

The Rev. }  
 vs. }  
 John N. Johnson }

Samuel A. Binion - N.D.  
 Maryland University - New York State  
 Reserve - an officer -

I met Mr. Drury at the N.Y.  
 Hotel - ~~on the 6th~~ <sup>on the 6th</sup> afternoon  
 on the 7th (Friday). I found Mr.  
 Drury at (216) Room. Suffering  
 from Acute Gastritis. I remained with  
 him the old night - in the morning -  
 I made inquiry with respect to  
 a nurse. - In the afternoon of the  
 2nd and 3rd. I saw Johnson  
 at the N.Y. Hotel. He said he was  
 a nurse. He had a thermometer.  
 I typed some papers. And I took him  
 up and presented him to Mr. Drury.  
 as a nurse. and at that time Mr.

Drury was in a Mercantile Convention.  
 He said to him, I wanted a  
 Report of the Patients Convention - Pulse  
 Respiration - and time of feeding med.  
 He said he had no water. I told  
 Mr. Drury this. And asked him to

his water - Mr. Drury gave him  
 key of trunk - and I then  
 presented - and Sept. I saw  
 him again - ~~then~~ ~~him~~ - Sat.  
 at 8 and 12. The nurse was  
 taking care of him satisfactorily  
 until Monday the 10<sup>th</sup> of July  
 when he was eating Beefsteak  
 at the table -

Monday - the 12<sup>th</sup> you found  
 - ~~him~~ ~~up~~ his meals Mr. Drury  
 had a \$300 check - It was  
 a check of \$300. ~~drawn upon~~  
 Messers Co. Boston -

A Mrs and Sons draft, on the  
 Bank of North America - To  
 the order of Thayer and Drury  
~~Mythig~~ ~~Company~~ and endorsed  
 by them to Mr W. H. Drury.

I put in it in an envelope  
 addressed to 22 Nassau St. to  
 Mess and Co. and a letter requesting  
 them to send you by express the  
 \$300. That I was given - The  
 came back with \$100. and  
 a letter from Mr Mess of Mess  
 Bros and Co - This was about

4<sup>th</sup> Run - 12<sup>th</sup> Hudson, I was  
 then in Bay - I gave the Doctor  
 \$50.00. And the \$25.00 This was for  
 payment in full for Services.  
 He said I will go down to the  
 Bath.

Mr. McCarty, arraigned on  
 26<sup>th</sup> of July - '91

Found Personal effects on the person -

Doctors Testimony.

The Ball Boy. Came to me  
 down - Between 4 and 5 -  
 on the night of the 13<sup>th</sup>, as  
 a result of this - I went to  
 Mr. Drury's Room - He was  
 lying in Bed - He was in  
 a Semi Comatose Condition - And  
 I told my Dr. Love at my  
 finger - The middle finger of  
 my Right Hand the finger  
 was in Bad Condition. He  
 told me Dr. Duke Key and  
 all went to work. And found  
 everything upset. And Jopsy  
 Sunday. You got the patient being  
 peculiar to meet his needs.  
 and left McCloskey. Mrs. Drury  
 asked me to look for his pulse  
 this morning, I found nothing in  
 the trunk - ~~The~~ ~~finger~~ on Monday  
 the 9<sup>th</sup> I saw the trunk open  
 and saw all the things in it.

his

Office found from

\$ 46<sup>00</sup> on money and

7 Penn Tickets - and 12 - or 14

Rail Road Pool Tickets -

- This watch was not Mr Dring's  
that he had on - a few weeks  
and chain - Ticket called for  
(1) (paid Dring's Stubs - A Dring's tin)  
75<sup>00</sup> loan - paid. at 225 Penn  
Row on the 14<sup>th</sup>. It was  
paid under - M. Clark -
- (2) Ticket (Gow Hunter Case watch <sup>(Ming)</sup>)  
and chain. (52<sup>00</sup> loan)  
paid. 16<sup>th</sup> - 195. Penny  
Simpson name M. Clark -
- (3) Gow Hunter Case. Watch. With  
Mr Dring's Silver Belt -  
on 17<sup>th</sup> St. at Stems 3<sup>rd</sup> car  
and 19<sup>th</sup> St.  
10<sup>00</sup> Paid under Dring.

- (4) other tickets. are under Johnson.  
(1) Reprints Revolver. 28<sup>th</sup> of Jan.  
at Goldman -  
Feb 12<sup>th</sup> Penna coat 87 cents

under Museum:  
D.C. 26<sup>th</sup>. Coat and pants. Warm  
H. 3.62. 437 3<sup>rd</sup> av -  
July 17<sup>th</sup> to Mr. Coats \$12.  
1.00.

Remus McCloskey.

Washing My. Hotel. 74<sup>th</sup> St.  
as night. Male museum in  
the Hotel. Come over  
at 6 - and stay till  
6.

0339

with, piece of  
Hess 9/10 - 10/10  
22 November

Thomas M. Gowan -

326 - E - 7 37<sup>th</sup> St.

0340

P. O. BOX 3682

In Re

*The People*

THE U. S. COMMERCIAL AGENCY  
AND  
COLLECTING COMPANY,  
280 BROADWAY.

vs.

*James D. Hallen*

NEW YORK, April 18th 1891.

Hon. DeLancey Nicoll,  
District Attorney,

Dear Sir:-

I herewith hand you the stenographer's minutes of the trial of the people against James D. Hallen for grand larceny, before Police Justice J. O'Reilly.

What I complain of in the trial of this case is that I was not permitted to take the stand and testify and produce my proofs in support of the allegations made in the complaint. J. O'Reilly said he would accept the complaint as proven, and would allow the defendant to cross-examine me on the complaint.

The defendant occupied three days in this cross-examination, asking, as you will see, a great many foolish, absurd and irrelevant questions, calculated to befog the Judge; and wound up this farce by asking the Judge to discharge him on the grounds that if any money had been stolen from anybody, it had not been stolen from the U. S. Commercial Agency & Collecting Co., but from the clients of James D. Hallen.

Justice O'Reilly discharged him, as requested, without allowing me to take the stand for redirect examination, although he had promised that I should do so when I protested against answering

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P. O. BOX 3652

THE U. S. COMMERCIAL AGENCY  
AND  
COLLECTING COMPANY,  
280 BROADWAY.

In Re .....

..... VS. ....

NEW YORK,

2

the questions that Hallen put--"yes or no", but insisted upon explaining my answer so that the Judge would understand the case.

Had he permitted me to testify under either direct or indirect examination I would have shown conclusively that Mr. Hallen had no clients; but that they were the subscribers and clients of this Company; and that Mr. Hallen was paid \$25.00 a week salary by this Company to attend to the law business of its clients and subscribers; that Mr. Hallen did not receive any money from these clients; and, although he was the attorney of record, he received no compensation in fees, commissions or wages, other than the \$25. per week salary, paid him by this Company; and that he has no liens upon the suits (and no claims upon the clients) for services or costs.

I would also have proven that the money which he stole was in the shape of a check drawn by me as Treasurer of the U. S. Commercial Agency and Collecting Co. on the said Co's bank account at Lawrence, Frazier & Co.'s bank; and that said check was endorsed by Hallen and deposited by him to his credit in a little country bank at Addison, N. Y., where he had for 12 months been in the habit of depositing the amounts embezzled by him from this Company.

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P. O. BOX 3682

In Re .....

THE U. S. COMMERCIAL AGENCY  
AND  
COLLECTING COMPANY,  
280 BROADWAY.

..... VS. ....

NEW YORK,

3

All that I ask is to be permitted to go before the Grand Jury that I may get this case tried by the General Sessions, where the Judges are lawyers and know what they are about; and I guarantee to produce evidence that will convict J. D. Hallen, not only of the larceny of the \$20.00 complained of before Judge O'Reilly, but of the larceny of a large number of smaller items, aggregating about Fifteen hundred Dollars.

This man has been stealing from his clients and employers since he was a boy; and when indicted in one city he flies to another, disguises himself, seeks employment and repeats his offences the first opportunity.

Amongst the papers left with you on Thursday were three indictments--two for grand larceny and one for forgery--and there are other indictments against him.

My object in wishing to convict him is that I may have him disbarred, and thus prevent him from doing injury to others in the future.

I would be pleased to appear before you, or any assistant of yours, with the documentary proofs of the numerous thefts referred to above, which proofs now lie before me on my desk.

Yours very respectfully,

*Wm. G. Jones*

<p>Swamp Park has been  of the Clear Lake Co.  265 Broadway  San Francisco at 39 King St  New York where the  5174 Spruce Street  56 Grand Street  New York</p>	<p>VS.</p>	<p>Swamp Park has been  of the Clear Lake Co.  265 Broadway  San Francisco at 39 King St  New York where the  5174 Spruce Street  56 Grand Street  New York</p>
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Swamp Park has been  
of the Clear Lake Co.  
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San Francisco at 39 King St  
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New York

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265 Broadway  
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5174 Spruce Street  
56 Grand Street  
New York

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



*Wm. J. Blustein, Esq.  
Box 1037  
Menton, C.*

0345

Office of  
Clerk of the Superior Court

New-Haven, May 2<sup>d</sup>, 1891.

Robert T. [unclear]

Dear Sir:-

Your favor of the 30<sup>th</sup>  
ult. was duly received.

In reply would state that I  
have carefully examined the names  
of all who were witnesses in the  
case of State vs. John A. Johnson,  
and can only think of two who  
would be likely to identify him, viz:  
Robert L. [unclear], Esq., who at the  
time of the trial was a Deputy Sheriff,  
and a lawyer on retainer  
in our State [unclear], who would

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able to identify Johnson unless he  
has changed very much in appearance,  
and Norman Davis, of Meriden, Conn.  
The latter was a policeman in Meriden  
at the time of the murder.

But so many of the witnesses from  
Meriden that are now dead or gone  
now that it is impossible  
I could not find any more  
your purpose.

Yours truly,  
E. J. [unclear]

SUPREME COURT OF ERRORS,  
SECOND JUDICIAL DISTRICT,  
NEW HAVEN COUNTY, November Term, 1874. }

STATE  
vs.  
JOHN R. JOHNSON. } Superior Court, January Term, 1874.

STATE OF CONNECTICUT, } ss. New Haven, 14th day of January,  
County of New Haven. } A. D. 1874.

To the Honorable Superior Court of the State of Connecticut for the  
County of New Haven, now in session at New Haven, in and for  
said County.

The Grand Jurors of the County of New Haven from the body of  
the County, duly impanelled and sworn, do on their oaths present  
and inform that, at the Town of Meriden, in said County of New  
Haven, on the eighth day of July, one thousand eight hundred and  
seventy-two, John R. Johnson, then of said Town of Meriden, now  
confined in New Haven County Jail, with force and arms, willfully,  
maliciously, feloniously and of his malice aforethought, in and upon  
one Johanna C. Hess of the said Town of Meriden, in the peace  
then and their being, did make an assault, and with a certain knife  
which he then and there in his right hand had and held, her, the said  
Johanna C. Hess, then and there willfully, maliciously, feloniously  
and of his malice aforethought, did strike, stab, and wound, giving  
to her, the said Johanna C. Hess, by such striking, stabbing, and  
wounding, with the said knife as aforesaid, in and upon the left side  
of the neck of her, the said Johanna C. Hess, one mortal wound of  
the breadth of one inch and of the depth of two and one-half inches,  
of which said mortal wound the said Johanna C. Hess, at the Town  
of Meriden, in the County of New Haven aforesaid, from the said  
eighth day of July, one thousand eight hundred and seventy-two, to  
the ninth day of July, one thousand eight hundred and seventy-two,  
languishing did live, and on said ninth day of July, one thousand  
eight hundred and seventy-two, she, the said Johanna C. Hess, did of  
said mortal wound then and there die.

And so the Grand Jurors aforesaid, on their oaths aforesaid, do  
say that the said John R. Johnson her, the said Johanna C. Hess,  
willfully, maliciously, feloniously, and of his malice aforethought, in  
the manner and by the means aforesaid, did kill and murder, contrary  
to the statute in such case made and provided, of evil example and

against the peace. And by means of the premises the said John R. Johnson did then and there become and was guilty of, and did commit, murder in the second degree.

A true bill.

SAMUEL A. MILES, *Foreman.*

STATE OF CONNECTICUT, }  
NEW HAVEN COUNTY. } ss. Superior Court, April Term, 1874.

STATE }  
vs. } Indictment for Murder in the Second Degree.  
JOHN R. JOHNSON. }

MOTION FOR NEW TRIAL.

Be it remembered, that on the trial of this case to the jury, under the plea of "not guilty," the defendant offered some evidence tending to prove, and claimed he had proved, that he was intoxicated at the time of the commission of the alleged offense, and further that he had injured his hand some three weeks prior to said date, and had been unwell since said injury, and had suffered great pain therefrom, and that his health was such that he was more easily affected by the use of intoxicating liquors; that he had been drinking on said day to such extent that he had become intoxicated; that he was provoked by the conduct of the deceased to such a degree that he was wholly beside himself and for the time being insane; that he had no intention of doing the deceased any injury prior to his becoming intoxicated, and that such intoxication was not sought for the purpose of stimulating himself to the commission of any crime; and his counsel presented to the Court a written request that the Court would give the jury upon this point the following instructions, viz:

"That if the jury find that the defendant was intoxicated at the time of the commission of the act alleged in the indictment, and was thereby in such a condition as to be unable to form a deliberate and premeditated purpose to kill any person, and was at the same time unconscious of the character and consequences of his acts, provided he had no deliberate or premeditated purpose to kill any person prior to his being intoxicated, then the jury cannot convict the defendant of any crime higher than manslaughter."

The Court instructed the jury on this point as follows:

"The law recognizes the general principle that it is wrong for a man to cloud his mind and excite his passions to evil action by the excessive use of intoxicating drink, and if he does this voluntarily, and by reason of its effect does what the law punishes as a crime, the intent to drink and the evil consequence combine and make the act a crime.

But this doctrine has important qualifications which the jury should bear in mind.

1st. It will be noted, that if the intoxication be not voluntary, that is, if one is made drunk by stratagem, or fraud, or by the act of another, it cannot be considered his own act, and hence cannot supply the criminal intent essential to make the act a crime.

2d. As the law makes a man responsible for the *immediate* and not the *remote consequences* of his acts, if excessive drinking results in any *disease of the mind*, whether permanent or intermittent, it excuses the act committed under its influence, just like any other insanity or imbecility. The law never holds a man responsible for the origin of his insanity or the origin of his loss of mental capacity.

3d. Again: In all cases where the law requires some specific intent, or some particular state of mind, as an essential element of the offense in question, then, though that specific intent or state of mind is wanting by reason of intoxication, the entire crime cannot be proved and the fact of intoxication operates as a defense.

In all cases where express malice is essential to be proved, intoxication operates as a defense.

Murder in the first degree (unless committed in the prosecution of the crimes of arson, rape, robbery, and murder) requires a deliberate and specific intent to take life, and hence a state of intoxication sufficient to render such deliberate and specific intent impossible shows that the crime charged could not have been committed.

But in murder in the second degree express malice or an actual and specific intent to murder need not be proved as an essential element of the crime.

The jury, however, must be satisfied from the evidence beyond a reasonable doubt that there was malice, but implied malice is sufficient, and malice may be implied from the cool and deliberate use of a deadly weapon, or from evidence showing a general depraved inclination to do evil, and reckless and cruel disregard of human life; the fact of intoxication, therefore, does not necessarily rebut or disprove any essential element of the crime of murder in the second degree, where it rests on implied malice, but it may have the effect to reduce the crime from murder in the second degree to manslaughter, provided the jury find that the act was committed in consequence of provocation.

Where provocation was given to the accused by the deceased, and the question is whether the fatal blow is to be attributed to the passion of anger excited by previous provocation; the fact of intoxication is to be considered by the jury, because the accused would have been more excitable under provocation, by reason of intoxication. In this case, therefore, the jury will give the accused the benefit of the actual effect of the provocation (if any) on his mind in *the condition it was then in*, whether from intoxication or any other cause, though the jury are satisfied that the provocation had a much greater effect on his mind by reason of intoxication.

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If, therefore, the jury, upon the whole evidence, find that the mind of the prisoner in the condition it was then in, from whatever cause, was clouded by passion caused by reasonable provocation before the blood had time to cool, and that the assault was made in consequence of such provocation and not from express malice, the jury can convict the accused of no higher crime than manslaughter."

The jury returned a verdict of guilty of murder in the second degree, and the accused feeling aggrieved by the refusal of the Court to give the instructions to the jury as requested by his counsel, and by the instructions as above given to the jury, and believing that the Court erred and mistook the law, files this his motion for a new trial, and asks that the questions of law arising thereon may be reserved for the consideration and advice of the Supreme Court of Errors, to be holden at New Haven, within and for the 2d Judicial District, in this State, on the 2d Tuesday of November, A. D. 1874

A rule to show cause is granted and the questions of law arising thereon are reserved for the advice of the said Supreme Court.  
By LOOMIS, *Judge*.

At a Superior Court held at New Haven, in and for New Haven County, on the first Tuesday of April, A. D. 1874.

Present, Hon. DWIGHT LOOMIS, *Judge*.  
ARTHUR D. OSBORNE, *Clerk*.  
CHARLES S. SCOTT, Esq., *Sheriff*.

THE STATE }  
vs. }  
JOHN R. JOHNSON. }

Upon a bill of indictment laid before the Grand Jurors from the body of the county of New Haven, duly impanelled and sworn, by Eleazer K. Foster, Esq., Attorney for the State, within and for said New Haven County, charging said John R. Johnson, now confined in New Haven County goal, with the crime of murder in the second degree, as per indictment on file, and returned into Court by said Grand Jurors at the January term, 1874, endorsed "A true bill."

The prisoner appeared, and for plea said "Not guilty." And after a full hearing, the case was committed to the jury, who returned a verdict of "Guilty of murder in the second degree."

It is therefore considered by the Court, that the prisoner is guilty of murder in the second degree, in manner and form as charged in said indictment.

And thereupon the prisoner within due season moves for a new trial of said case, as on file, which motion is allowed, with stay of execution. A rule to show cause is granted, and the questions of law arising thereon are reserved for the consideration and advice of the Supreme Court of Errors, at its next term, to be held in and for the Second Judicial District, on the 2d Tuesday of November, A. D. 1874.

A true copy of record.

Attest,

ARTHUR D. OSBORNE, *Clerk*.

0350

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
2300e	10x	ce	42 Paid 2 Ex

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. 3/3 1891

Dated Detroit Mich 3

To Robert Townsend

1st List Attorney Sessions  
Building adjoining new Court House  
" or residence " New York City

It seems impossible on account of sickness in my family and an unexpected and imperative business coincidence to be in New York on the sixth. The case be deferred until

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
2300e			

RECEIVED at the WESTERN UNION BUILDING, 195 Broadway, N. Y. 1891

Dated Detroit 3

To (2)

the eighteenth when I will surely be there answers quick  
W. H. Running



above mentioned case.

Deponent further says: that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing, and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the said amount or any part of the same as alleged by him, but, on the contrary, had stolen and unlawfully and feloniously kept, detained and appropriated the same to his own use, and with the intent and for the purpose of injuring and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *said Court* and therefore no jury fees have been or could have been paid to the clerk by said Hallen in this case.

Sworn to before me, :  
 :  
 1891. :

*William G. Jones*

Police Justice.

.....X  
 THE PEOPLE, &c.,  
 against  
 JAMES D. HALLEN.  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says; that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the Laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of deponents' Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 8th, 1890, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the Attorney of Record in over two hundred cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Wm Eggert vs Davidson*

That such admission was made in the presence of Mr. N. C. Lucas the Secretary of the Agency and Mr. Henry Halsey the <sup>Michigan</sup> ~~Attorney~~ Clerk. Deponent further alleges that the

amount stolen by Hallen in the aforementioned case was

\$16.00 Deponent further alleges that he caused said

Lucas to make memorandum of such admission by Hallen which was done.

*Sworn before me } William G. Jones  
Sept 9, 1891 }  
Geo. L. Rauch  
Notary Public  
my*

1st DISTRICT POLICE COURT.

.....X  
 THE PEOPLE, &c.,  
 against  
 JAMES D. HALLON.  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

NEWTON C. LUCAS being duly sworn deposes and says;  
 that he was the Secretary and Book-keeper of the United  
 States Commercial Agency & Collecting Company, a corpora-  
 tion duly organized and existing under the laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1889 up to *August* 1890. That he  
 is well acquainted with James D. Hallon, above-named, said  
 Hallon being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Hallon  
 called at the office of said Company on or about January  
 8th, 1890 to sign, and did sign substitutions of Attorney  
 in about two hundred cases in which said Hallon appeared  
 as Attorney of Record. That among such cases was the case  
*of Wm Eggert et al vs E Davidson* then  
 pending in the Supreme Court of New York *City*. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halsey and this  
 deponent said Hallon examined and separated into two sepa-  
 rate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *William Eggert*

*aged*  
*E. Davidson*

That deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.50. That said Hallen misappropriated the sum of *16<sup>00</sup>* in the case of *Eggert vs Davidson* hereinbefore referred to.

Sworn to before me,  
September *9<sup>th</sup>* 1891.

*Newton Lucas*

*George E. Rauch*  
Notary Public  
*my C.*

0357

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. G. Jones  
250 Broadway

James D. Hallam  
(12 cases)

Office Peterborough

Dated Sept 11 1891

Witnesses, Newton C. Lucas

No. 84 West Broadway

No. Street,

No. Street,

0358

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

*Wm. F. Jones Esq  
U.S. Commercial Agency & Collecting Co  
Stewart Building*

**MATTHEW PAULSON,  
Gentleman's Nurse, Rubber & Manipulator**

*Residence, 210 E 36 St—New York.*

M. P. has had a long experience in the New York Hospital and refers to the following gentlemen.

Dr. F. Barker, 21 East 35th Street.	Dr. T. M. Markoe, 20 West 30th St.
" G. A. Peters, 12 West 29th Street.	" J. H. Emerson, 81 Madison Ave.
" Wynkoop, 5 East 13th Street.	" T. G. Thomas, 600 Madison Ave.
" G. A. Sabine, 46 West 23d Street.	" Louis A. Sayre, 285 Fifth Ave.
Dr. J. T. Metcalf, 18 West 30th Street.	

Vapor and other Baths given at Gentlemen's own Residences.

! ALSO FURNISH MEDICAL AND SURGICAL NURSES.  
ORDERS BY MAIL PROMPTLY ATTENDED TO.

0359

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

*Wm. B. Jones Esq*

*U.S. Commaul Agency + Collecting Co*

*Stewart Building*

**MATTHEW PAULSON.**  
**Gentleman's Nurse, Rubber & Manipulator**

*Residence, 210 & 36 St New York.*

M. P. has had a long experience in the New York Hospital and refers to the following gentlemen.

Dr. F. Barker, 24 East 38th Street.	Dr. T. M. Markoe, 20 West 30th St.
" G. A. Peters, 12 West 29th Street.	" J. H. Emerson, 81 Madison Ave.
" Wynkoop, 5 East 13th Street.	" T. G. Thomas, 600 Madison Ave.
" G. A. Sabine, 46 West 23d Street.	" Louis A. Sayre, 285 Fifth Ave.
Dr. J. T. Metcalf, 18 West 30th Street.	

Vapor and other Baths given at Gentlemen's own Residences.

I ALSO FURNISH MEDICAL AND SURGICAL NURSES.  
ORDERS BY MAIL PROMPTLY ATTENDED TO.

- Copy -

To the Sheriff of New Haven County and to the  
 Warden of the Connecticut State Prison - Greeting:  
 Whereas at a Superior Court holden at New Haven within and for  
 New Haven County on the 1<sup>st</sup> Tuesday of April A.D. 1874  
 John R. Johnson of Meriden in said County now confined  
 in New Haven County Jail was convicted of the crime of Murder  
 in the second degree, and was by said Court sentenced to be im-  
 prisoned in The Connecticut State Prison in the Town of Waterbury  
 in Hartford County, there to be kept for and during the term of his  
 natural life, and to pay the cost of prosecution, taxed at - dollars  
 - cents as appears of record and to stand committed in the said  
 State Prison until said sentence be fully complied with: Whereof  
 execution remains to be done. There are therefore, by Authority  
 of the State of Connecticut, so command you, the Sheriff of said  
 New Haven County, that at the said New Haven County Jail, you forth-  
 with deliver the said John R. Johnson, to the warden of said Connecticut  
 State Prison, or his Agent, to be transported to the said State Prison: And  
 you the said Warden are hereby commanded, then and there, to receive  
 the said John R. Johnson and him forthwith cause to be transported  
 to the said Connecticut State Prison, in the Town of Waterbury, and  
 County of Hartford, aforesaid, there to be kept at hard labor during the said  
 term of his natural life, and you the said Warden of said State Prison are  
 hereby further commanded, to receive the said John R. Johnson and him  
 safely keep at hard labor within said State Prison for and during the  
 said term of his natural life and until he pay said costs, and  
 be discharged by due order of law - Hereof fail not but due ser-  
 vice and return make. Dated at New Haven this 1<sup>st</sup> day of  
 May A.D. 1874. By order of the Court  
 A True Copy: attest *D. D. Hammond* warden } Arthur D. Osborn Clerk



0362

Form No. 1

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission. This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
7	h. h. h.	W. D. Collect	Collect

**RECEIVED** at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 4 1891

Dated Hartford Conn  
To Robert Townsend Esq District attorney  
City Hall square  
ny

It is impossible for me  
to come this week  
Geo E. Frieden

0363

Gold watch - <sup>with chain</sup> \$300.

Diamond studs value - of \$300.

Emerald ring set with  
diamonds - = \$75.00

\$ 35.00

In Money.

0364

JAMES KANE.

JAMES T. KANE.

# JAMES KANE & SON,

— MASON BUILDERS —

AND DEALERS IN ALL KINDS OF BUILDERS' MATERIALS.

No. 47 STONE STREET,

Meriden, Conn.

5/12

1881

Robert Townsend

Post Off. C/P + Conty 27

Dr Sir: I will be at court room  
in New York about 11. A m  
Monday. Will leave Meriden  
7-20 A m If you need me  
earlier please notify me & I will  
come on over train

Yours Respectfully  
W E Clouston  
Post 1037 Meriden

0365

NIGHT MESSAGES

Western Union Telegraph Co.

Pay no Charges to Messenger unless written in Ink in Delivery Book.  
DELIVERED FROM WESTERN UNION BUILDING,  
195 Broadway, Cor. Dey St.

No. *161*

*Arthur Townsend*

*Asst Dist Atty Reservoir*

**Paid.** *Adjoining New Court Bldg*  
*or Residence*

## S E C O N D D A Y.

Mr Welch:- We produce the certificate of incorporation of the Company and about 120 cases or thereabouts as ordered by the court.

Certificate marked,

Defendants Ex. A.

The people's Counsel objects.

- Q You stated the other day in your cross examination that this company was organized by Mr. Jones, Mr. Hallen, Mr. Lucas and Mr. Baker, and that was all. As a matter of fact was it not Jones Hallen, and <sup>Lucas</sup> ~~was~~ was not?
- A Mr. Lucas was not in it possibly.
- Q Read the certificate and see?
- A W. G. Jones, J. S. Jones and J. D. Hallen.
- Q W. G. Jones is you?
- A Yes.
- Q J. S. Jones is who?
- A My wife.
- Q And James D. Hallen?
- A Yourself.

0367

Q I ask you to examine the certificate and say as a matter of fact <sup>whether</sup> the United States Commercial Agency and Collecting Company had any existence until the 30th day of August 1889?

A The certificate is filed the 30th day of August.

Q (Repeated)

A My answer is that it was incorporated the 29th day of July 1889 and the certificate is filed August 30th.

Q As a matter of fact this United States Commercial Agency and Collecting Company had no existence before July 26th 1889?

A No: it had not.

Q And yet you swear on the 4th day of September that it was organized in 1888?

A *That* was a mistake.

Q Is your statement now that when you made this affidavit upon which the defendant was arrested you were mistaken as to the statement therein made in relation to the fact that the United States Commercial Agency and Collecting Co. had any existence prior to July 26th 1889?

A I overlooked the fact that the paper had omitted to show the connection between the two companies. The first Co. was the United States Commercial Agency and Collecting Co.

(2)

0368

Limited and in August 1889 this word Limited was dropped and the Company was organized as the U. S. Commercial Agency and Collecting Co., and it was incorporated under the laws of New Jersey, merely the word Limited was omitted.

Q Do you mean to say that the only error made in your affidavit here on the 4th of September is that you neglected to state that it was known as the U. S. Commercial Agency and Collecting Co. Limited?

A That is in reference to one specific statement with reference to the date when you became attorney for the Company, that is what I meant.

Q As a matter of fact the U. S. Commercial Agency and Collecting Co. Limited has no connection with the U. S. Commercial Agency and Collecting Co.?

A That is not true.

Q Is it not a fact that the U. S. Commercial Agency and Collecting Co. was by order of the General Term of the Supreme Court and the Court of Appeals of the state of New York forbidden to carry on business in the state of New York?

A Yes.

Q When was that decision rendered?

A I do not remember.

Q

(3)

0369

- Q Was that ~~Just~~ before the organization of this Company in Jersey City?
- A Yes: it was previous to it, very near that time.
- Q Was not the U. S. Commercial Agency and Collecting Co. Limited out of existence and not doing any business?
- A Yes: it went out.
- Q And has done no business since that?
- A Yes.
- Q Have you the minute book of the U. S. Commercial Agency and Collecting Company upon its organization?
- A Yes sir.
- Q Will you produce it?
- Book produced and pages 29 and 30 are marked Defendants Ex. B. and C.  
Objected to by counsel for the People  
Objection overruled.  
Exception.
- Q You stated the other day that Mr. Hallen commenced no action except as directed so to do by the U. S. Commercial Agency and Collecting Co.
- A I did not state that.
- Q As a matter of fact was not the only attorney acting for the

U. S. Commercial Agency and Collecting Co. Mr. Hallen?

A You were Attorney.

Q The only attorney?

A No, because there were other attorneys.

Q Was there any other attorney acting for the clients who came to the office of the U. S. Commercial Agency and Collecting Company except James D. Hallen?

A We have others.

Q In the city of New York?

A No other attorney.

Q Or in the state of New York?

A A great many others.

Q Is it not a fact Mr. Jones that all actions prosecuted for clients who came to the office of the Commercial Agency in the city of New York or the state of New York were prosecuted by Mr. Hallen?

A That is not the fact.

Q Who succeeded Mr. Hallen as attorney for the U. S. Commercial

A Agency and Collecting Co.?

A Mr. Mallory.

Q Do you mean to so swear?

A I do.

Q Who succeeded Mr. Hallen as attorney for clients in cases ~~theretofore~~ commenced and prosecuted by Mr. Hallen after he left the office of the U. S. Commercial Agency and Collecting Co.?

A Mr. Mallory.

Q Is it not a fact that when Mr. Hallen gave up the business of his clients in cases which he prosecuted while in the office of the U. S. Commercial Agency and Collecting Co. that Mr. Henry Halsey acted as attorney?

Objected to.

Objection overruled.

Exception.

A Yes.

Q Is it not a fact that Mr. Hallen when he gave substitutions for another attorney to act for his clients substituted Mr. Henry Halsey?

A Yes.

Q When Mr. Halsey ceased to be attorney for Mr. Hallen's clients who was substituted, what attorney was substituted in his stead?

Objected to.

Objection overruled.

(6)

Exception.

Q (Repeated with the addition) I refer to cases commenced by Mr. Hallen, while he was at 280 Broadway with the U. S. Commercial Agency and Collecting Co.?

A Mr. George H. Mallory.

Q When Mr. George H. Mallory left 280 Broadway, the office of The U. S. Commercial Agency and Collecting Co. who was substituted as attorney for the plaintiffs and defendants for whom Mr. Hallen had commenced or defended actions?

A J. T. Canavan.

Objected to.

Objection overruled.

Exception.

Q From the time that Mr. Hallen gave up the business that he conducted at 280 Broadway for the U. S. Commercial Agency and Collecting Co. down to the present time has the business been conducted by other attorneys admitted to practice in the Supreme Court of the state of New York? Is that true?

A Attorneys employed by the Company on salary.

Objected to.

Q (Repeated)

A Yes.

0373

Q As a matter of fact the U. S. Commercial Agency never did and never would prosecute or have any connection with any party?

Objected to.

Q Was the name of the U. S. Commercial Agency and Collecting Co/ upon any of the papers in any of the cases prosecuted by Mr. Hallen for his clients while he was in the office of the U. S. Commercial Agency and Collecting Co. down to the present time?

A Certainly not.

Q You had Mr. Hallen arrested before Police Justice Gorman?

A I did.

Q What was the charge there?

A Grand Larceny.

Q Was it dismissed?

A It was.

Q Upon that dismissal you made an affidavit?

A I did.

Q Did Mr. Hallen make and file a statement "I have been Counsel for the U. S. Commercial Agency and Collecting Co. and in due time the money by me received would have been paid by me to the company. I have in fact offered to

(S)

0374

the money by check when demanded, which was on Sunday, and the check was refused. I received the money, but I did not intend to keep it, and I have not committed larceny."?

A Yes: you made that statement.

Q And did you W. G. Jones make the following statement "W. G. Jones being duly sworn says:- " I have read the statement of the defendant, I have reason to believe the same to be true. Whereupon the deponent requests that the defendant be discharged."?

A I made that affidavit.

Q Before the Judge?

A Yes.

Q At the time that you made this affidavit did you also swear before Judge Gorman that between the 23rd day of May <sup>1889</sup> and the date of the complaint, this company had in its employ one James D. Hallen?

A I do not remember.

0375

THE COURT:- You can get a copy of the affidavit.

Adjourned to October 14th 10 A. M.

0376

**Detective Bureau**

300 MULBERRY STREET

MEMORANDUM

TIME.....M.

NAME OF OFFICER:

NEW YORK.....188

*S. E. Chamberlain*  
*Mrs. W. Weatherfield*  
*Hingham*

*Just R. Johnson*

*Mrs. S. E. Chamberlain*  
*26<sup>th</sup> March '91*

0377

37 Tuesday Morning Feb 10

Patient dozing quietly -

Pulse 85.

Temperature  $98\frac{1}{2}$  } at 11 am.

Respiration 38.

Flax seed poultice at 1.45.

Miner's acid 2 drops at 2.45.

Pulse at 6 P.M. 86.

Temperature 98 -

Hypodermic at 10. 147.

Flax seed poultice at 9.20.

Max vomica at 8.50 & 11.20.

Patient looks fairly well 24 days

State fairly well.

Wednesday Morning. Had breakfast

at 8.45. (steak, sausage, tea)

Hypodermic at 10 am. 76.

Patient feels very well this morning

has not taken any medicine since

last night. Pulse temperature normal.

Had lunch at 4.40. Oyster stew

Had dinner at 7 P.M. Corn beef &

cabbage!! took no medicine since

0378

W. Sunday Night Feb the 8<sup>th</sup>  
Had one more movement of bowels  
since 2.30 P.M. Urine at 5.5 - 3/71  
Bowels moved at 7.30. vomited  
at 7.30 a little phlegm - white  
Temperature at 8. 98.4° and stringy  
Pulse " " 68.  
Hypodermic 1/6 gr at 8.30.

Monday Morning Feb 9<sup>th</sup>  
Enema of 2 Eggs & beetroot spirit  
by rectum at 2 P.M. retained  
it very good. no vomiting  
since 7.30. Bowels moved at 2.45  
could not retain the Enema any  
longer. Movement of bowels at 6.45  
vomiting also - red vomit at 6.10  
Enema at 8.40. 3/71 (nutritive)  
Bowels moved at 9.45. thin, dark.  
Hypodermic at 11.15 - 1/6 gr.  
Patient did not sleep much  
vomited at 4.30. red vomit at 5.  
Retained the nutritive Enema for 1 1/2 hr.

11/ Saturday Night - Feb 7<sup>th</sup>

Patent my mother. vomited three times. Greenish bile. Passage of bowels twice - & urine - took Clov twice. <sup>15 drs</sup> Nuxvomica 3 drops once. Milk a half tumbler full once. Slept for about 1 1/4 hrs -

Sunday Morning - Feb 8<sup>th</sup>

Nux vomica 15 grains at 9 - Slept for 1/2 hr. Temperature at 10. 99 2/3. 1 hr - vomited once This forenoon - and this P.M. also Nux vom. at 2 P.M. Milk twice - Bouillon at 3 P.M. Passage of bowels at 2.30. & urine morph. <sup>255.78 gr</sup> at 2.55. Hypodermic 1/6 gr. at 6 P.M. } Sunday night Slept about 3 hrs - no vomiting since 5.30 - vomited at 10 past 1. A.M. and then only phlegm. vomited again at 11 Am. Nux vomica 15 drs. at 2.10. Slept all over for about 4 hrs & half -

0380

*David Griffin  
Carl E. Warner*

*Amos F. Hunt  
Willard C. Warner  
Assistant*

*Griffin, Warner & Hunt,  
Attorneys and Counselors*

*33 Campau Building  
3<sup>rd</sup> Floor*

*Dictated by L. T. G.*

*Detroit, Mich.*

April 18, 1891

Hon. Robert Townsend,  
Deputy Ass't Att'y,  
New York City, N.Y.

Dear sir,

Yours of April 17th to Mr. Dunning has been received by him and submitted to me. I have also received a letter from Mr. Lynn, Assistant District Attorney. I have written him that Mr. Dunning will be on hand on Monday morning, May 4th. He will probably arrive in New York on the afternoon of Sunday. I have replied to your letter out of abundant caution, so that one of you will be sure to get the information.

Hoping this is satisfactory, believe me,

Very truly yours,

*Amos F. Hunt*

0381

Levin F. Griffin  
Carl E. Warner

Armond F. Hunt  
J. Chas. Berry  
Willard C. Warner  
Assistant

Griffin, Warner, Hunt & Berry  
Attorneys and Counselors

33 Campau Building  
3rd Floor

Dictated by L. T. G.

Detroit, Mich. March 26th, 1891

Hon. De Lancey Nicoll,  
Care Cowen, Dickerson, Nicoll & Brown,  
15 Wall Street, New York.

Dear sir,

Our client, Mr. W. H. Dunning, of this city advises us that he has conferred personally with you with reference to the assault committed upon him in New York by his nurse John Johnson. I presume you will recall the facts. According to his statement the case is fixed for April 1st. Mr. Dunning desires me to write you. He has been sick for some days and is sick now and does not think it probable that he will be able to travel to New York as early as that day. Can you, therefore, arrange for a postponement of a week or ten days.

Please let me hear from you.

Very truly yours

Levin F. Griffin

This gentleman tried the  
"Asphalt" case for us.  
Gale

A. M. Townsend -  
I want to  
oblige Dunning  
if possible

0382

Dr. Samuel A. Vinson.

I am a student  
a practicing physician.

0383

and must be at home  
by one o'clock.

Can you not tell  
me how to do whether  
the case is to be made?

0384

District Attorney's Office.

---

PEOPLE

vs.

*Hallen*

---

Requesting that  
the remaining indict-  
ments be tried, or  
dismissed.

Their sole interest,  
however, is to have  
the \$1000. def. refunded,  
which can be done by  
discharging defend-  
ant on his own  
recognizance.

0385

CAMPBELL & MURPHY,  
ATTORNEYS AT LAW,  
No. 265 BROADWAY.

F. C. CAMPBELL,  
ARTHUR MURPHY.

New York, *Feb 24* 1892

Honorable Justice,

District Attorney,

Dear Sir!

On May 7<sup>th</sup> 1891, three indictments for grand larceny in the second degree were found by the grand jury of this County against me James D. Hallen.

On the same day the defendant was arrested, held in \$1000. bail, and we deposited that amount in cash with the City Chamberlain, in ~~his~~ lieu of bail.

0386

CAMPBELL & MURPHY,  
ATTORNEYS AT LAW,  
NO. 265 BROADWAY.

T. G. CAMPBELL,  
ARTHUR MURPHY.

2.

New York, ..... 189

One of these cases was tried  
last week before Judge Felt;  
a general, the prosecution  
being conducted by Mr. Davis.  
The trial lasted five days  
and resulted in an acquittal.  
We understand that the two  
other indictments, which remain  
untried, involve facts substantially  
the same as those in the case  
that has been disposed of.  
Mr. Davis states that he does  
not wish to try the other cases  
and suggests that we should  
write to you to make a speedy  
disposition thereof.  
If they are not going to be tried  
we would like to get our money  
back, as we can make very  
good use of that \$1000.  
Will you recommend the dis-  
missal of these cases, or  
direct that they be tried at once  
and oblige your Respectful  
C. Campbell & Arthur Murphy  
att.

0387

Western Union Mutual Life Society

W. H. Bruce, Pres.  
Ford P. Hinckman, V.P.

of the United States

Butler Fox, Treas.  
L. M. Thayer, Secy.

L. M. Thayer, W. H. Dunning.  
ADDRESS:  
Thayer & Dunning, Mgrs.

Detroit, Mich., May 7<sup>th</sup> 1891

Mr Robert Townsend  
Assistant District Attorney

New York  
Dear Sir

Yours to the per Griffin Horn or about  
having the 18<sup>th</sup> instant as the day when Johnson will  
be tried. and when I must be there. Has handed  
me and I will be there. You need have  
no fears of failure this time. I must say that  
I very much indebted to you for meeting  
my request, forwarded on receipt

I am dear Sir

Very respectfully

W. H. Dunning  
106. Jay Street  
Detroit Mich



0389

IN RE People

P. O. Box 3682.

THE U. S. COMMERCIAL AGENCY  
AND  
COLLECTING COMPANY,  
280 BROADWAY.

Hallow

NEW YORK, Brooklyn Dec 27

Ass<sup>t</sup> Dist Atty Davis

Brooklyn

I am in receipt of a letter from Henry W. Blumberg Esq of  
Seyla Westally requesting us to call  
on you with proofs in above named  
Case.

I must to say I will not be able to  
do so for a week or so as I am

0390

Confined to my room with a cast around  
on the back of my neck. Meantime,  
please let me know at what time  
of the day it will be most conven-  
ient for you to see me and I  
will come the first day I go over to  
New York

Yours Very Respectfully

Wm. L. Jones

511 3rd St Brooklyn

0391

STENOGRAPHER'S MINUTES.

*2* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

*U. S. Com Agents & Collectors*  
*Jones*  
vs.  
*Haller*

BEFORE HON.

*Daniel O'Reilly*

POLICE JUSTICE,

*Oct 14* 188*2*

APPEARANCES: { *For the People,*  
*For the Defence,*

188

I N D E X .

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*Case of Complainant* 125

*W. L. Ormsby*

Official Stenographer.

P O L I C E   C O U R T  
S E C O N D   D I S T R I C T

-----  
T H I R D   D A Y.

October 19.

U. S. Com. Agency

Jones v Hallen.

CROSS EXAMINATION of the complaining witness continued  
by Mr. Hallen.

Q. On the last day you testified that all of the actions com-  
menced by Mr. Hallen while in your office, after his leaving  
, were transferred to Mr. Halsey and from Mr. Halsey to Mr.  
Mallory, was that true? A. I believe it is true.

Q. Will you swear to it? A. Most all of them were. The in-  
tention was that all should be.

Q. That was the intention? A. Yes. Most of them were.

Q. As a matter of fact did not some of the clients refuse to  
to give substitutions to Mr. Halsey or Mr Mallory?

A. I think some did. It was only a very few.

Q. Is it not a fact that in more than fifty cases in which Mr.  
Hallen was attorney of record, his clients refused to grant  
substitutions to either Mr. Halsey or Mr. Mallory or to Mr.

C.--- A. No they did not.

Q. Will you swear to that? A. Not that I heard of. I  
think not.

Q. Will you swear they did not? A. I will not swear that they  
did not. I think not.

Q. Dont you know the fact that in some cases that were commenced  
by Mr. Hallen in the City of New York that the papers were t

taken from the records of the City Court and the name of Mr. Mallory who was then the attorney of the Agency written in in your office, or the office of the United States Commercial Agency and collecting Company after the order had been signed by the Court substituting some other attorney?

Objected to.

Objection overruled

Exception.

A. There was one case in which there was Mr. Mallory's name written in in place of Mr. Mallen or Talsey, I am not sure which, whether it was done in my office I do not know.

Q. You do not know? A. I do not know whether it was done in my office or not.

Q. You were present at the examination before Judge McAdam?

A. I was.

Q. Don't you know that it was proved in that case that it was done in your office? A. I do not.

Q. Do you swear that? A. I swear I do not know.

Q. Will you swear that you did not hear witnesses so testify?

A. I swear I don't remember it.

RE-DIRECT

Q. What case was that you referred to in which a change of attorneys was made? A. The case I had reference to was the case in which Higgins had written Mallory's name in place of others.

Q. That was the case of Smith versus Chapin? A. Yes.

Q. Who was Mr. Higgins? A. He was the attorney employed in our office.

Q. At the time the change was made? A. Yes.

## RE-CROSS

- Q. Is it not a fact that after Mallory's name had been written in Mr. Mallory signed a substitution allowing Smith, R-- & Close to become attorneys in that action? A. Yes.
- Q. Is it not a fact that Judge McAdam vacated and set aside the order and the order making Mr. Mallory attorney?

Objected to.

Objection overruled.

Exception.

- A. I do not know.
- Q. Do you swear to that? A. I swear to that.

Mr. Hallen calls the attention of the Court to the opinion of Judge McAdam in the case of Smith v Chapin.

## CROSS EXAMINATION continued

- Q. Do you remember that before Justice German you swore that your present Company the United States Commercial Agency and Collecting Co. had Mr. Hallen in its employ from the year 1888 to December 1889?
- Objected to.
- A. I do not remember -- It is some time ago. I do not remember.
- Q. Do you remember that in the affidavit submitted by you on which Mr. Hallen was arrested that you swore that Mr. Hallen was in the employ of the United States Commercial Agency from 1888 to December 1889? A. I do not remember.
- Q. If you did so swear was it true? A. What.

2

- Q. February 1888? A. No, not the United States Commercial Agency.
- Q. If you swore so it was not true? A. It was a mistake.
- Q. Have you also made the same mistake before Judge Gorman and Judge White and Judge O'Reilly -- did you not? A. I said I did not remember.
- Q. I understand you that if you did say the same before Judge Gorman and Judge White and Judge O'Reilly that you made a mistake? A. Yes.
- Q. The same mistake? A. Yes.
- Q. Were you present when Mr. Hallen was discharged on that charge before Justice White? A. I was.
- Q. Did Judge White refuse absolutely to hear you or your counsel? A. He did.
- Q. And after that you went before his Honor Judge O'Reilly on September 4, that on the 31st of December certain money had been feloniously taken, stolen and carried away &c. the property of the said Company, -- whose money was that? A. The money that I took out of the cash drawer as treasurer, part of it, and part of it was a check on the bank money of the Company.
- Q. Money that had been previously remitted to you? A. No, sir not a cent of it.
- Q. Money that you had charged up to Mr. Hallen's clients? A. To our clients.
- ( Struck out on motion.)
- Q. (Repeated) A. After paying it to you -- yes they were your clients.

67

0396

5

Mr. HALLEN moves for the discharge of the defendant on the ground that it appears upon the examination that there was no money whatever taken by Mr. Hallen the property of the complainant.

Motion granted.

Defendant discharged.

5

0397

2 District Police Court.

U.S. Com. Gen. Telle  
J. Ross

vs.  
Haller

STENOGRAPHER'S TRANSCRIPT.

Dec 14 1880

BEFORE HON.

Daniel O'Reilly

Police Justice.

W L Arndt

Official Stenographer.

1256 1/2 r.

Court of General Sessions,  
City and County of New York.

-----  
THE PEOPLE &C.

vs

JAMES D. HALLEN.  
-----

City and County of New York ss.

William G. Jones, being duly sworn deposes and says, that he is the President of the United States Commercial Agency & Collecting Company:

That this is a proceeding brought for the conviction of James D. Hallen upon indictments found by the Grand Jury of New York County for the crime of grand larceny:

That one Newton S. Lucas, who resides at No. 56 Leroy Street, City, is employed at No. 265 Broadway, N. Y. City:

That as deponent is informed and verily believes to be true, the said Lucas is in hiding for the purpose of avoiding and refusing attendance at the Court, as a witness for the People &c.:

That the said Lucas is a very material witness, and one who has an entire knowledge of the transactions &c. of the said James D. Hallen, having been bookkeeper and Secretary of the United States Commercial Agency & Collecting Company and is the person who made the entries &c. in the books of the agency at said Hallen's request and direction.

That in a conversation had between said Lucas and

0399

this deponent, this deponent informed said Lucas that he would subpoena him, said Lucas, as a witness in another action pending against Mr. Hallen, whereupon said Lucas informed deponent that he would not obey the subpoena if one were served on him, but would leave for Montana as soon as subpoenaed, so as not to testify in Court; and further refused to inform this deponent of the address of his home:

That the testimony of said Lucas is of vital importance to the People of the State herein.

This Application is made under Section 819 and 820 to 824 of the Code of Criminal Procedure, New York.

Sworn to before me this  
day of May, 1891.

*Wm. G. Jones*

0400

At a Court of General Sessions of the Peace held in and for  
the City and County of New York, at the City  
Hall, in the said City on the \_\_\_\_\_ day of  
May 1891- 188-

Present,

The Honorable

Justice.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Indictment for

James D. Hallen

On reading and filing the affidavit of *William G. Jones*  
whereby it appears to the satisfaction of the Court that *Newton C. Lucas*  
a witness herein for the People, and whose testimony is material to the prosecution of this action, is  
about to leave the State,

and that a conditional examination on behalf of the People of the said witness, is necessary to the  
attainment of justice, and on motion of *Delaney Nicoll*  
~~James R. Fellows~~, Esquire, District Attorney, it is

**Ordered,** that the said *Newton C. Lucas* such witness as aforesaid,  
be conditionally examined on behalf of the People, pursuant to the provisions of Section 219 of the  
Code of Criminal Procedure, at

in the said City of New York, on the \_\_\_\_\_ day of \_\_\_\_\_ 1891, at  
the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of the same day, before the Honorable  
one of the Justices of this Court; and it is further

**Ordered,** that a copy of this order and of the said affidavit on which the same is  
granted, be served upon the defendant herein, and his counsel on or before the \_\_\_\_\_ day of  
1891, together with notice of the time and place where the examination  
hereby ordered is to be taken.

New York General Sessions.

THE PEOPLE,

vs.

Affidavit and Order for conditional examination of a witness on behalf of the People. (§ 219, C. Cr. Pro.)

DeLauncay Nicoll,  
JOHN R. FELLOWS,

District Attorney.

32 Chambers St.  
N.Y. City

Due service of a copy of the within order is hereby admitted this \_\_\_\_\_ day of \_\_\_\_\_

1888

Attorney and Counsel for the Defendant.

To \_\_\_\_\_  
Defendant,  
and \_\_\_\_\_  
Counsel.

You and each of you will please take notice that the within is a copy of an order this day duly entered in the Court of General Sessions of the Peace, of the City and County of New York, pursuant to § 219 of the Code of Criminal Procedure; and you will further please take notice that the conditional examination therein ordered and directed, is to be taken at

on the \_\_\_\_\_ day of \_\_\_\_\_ 1888  
at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon,  
before Mr. Justice

as appears by the said order.  
The defendant may be present personally at the examination to confront the witness produced against him.

Yours &c.,  
DeLauncay Nicoll,  
JOHN R. FELLOWS,

District Attorney.

0401

U.S. Supreme Court  
Kings Co

Myron <sup>Trask</sup> et al

Henry Ellendon  
et al

Black - Kings Co.

Search in your office whether  
the above cause was put on the Calendar  
for trial at Circuit & whether a writ of  
Habeas has been filed for that purpose  
between Jan 10/1889 and Jan 10. 1890 -  
and whether same was tried at Circuit.  
Also ascertain whether any fees were  
paid to you for filing original sum-  
mons & complaint - or any fees for  
Jury were paid you or whether any  
fees were paid you for filing security  
for costs. all between above dates  
May 1. 1891

May 1889  
to 1891

A. D. Leohuson  
Atty 280 Broadway  
N.Y. City

June 19/90 Highest number reached  
to date No 745. No 858. never reached  
& could not have been tried at Circuit -

John D. Byrne  
Calendar Clerk Court

Supreme Court

Myron Fish et al

vs

Henry E. Meindow  
et al

I William Kaiser Clerk of the County of King do certify that I have made an examination of the records and find as follows: That the above cause was on the November Calendar of the Supreme Court and numbered 858.

That the highest number reached on said Calendar was No 734.

That the above cause was never reached for trial nor was the same tried or disposed of at Council.

That no fees are charged for filing the summons and complaint -

That no jury fees are collected by me till the cause is actually on trial & none were collected by me in above cause.

That no fees are charged for receiving security <sup>or necessary disbursements</sup> for costs.

Dated May 5/91

Wm Kaiser  
Clerk

Official Search

Book of Court

Wm. D. Dwyer Clerk  
Kearney County.

Wm. D. Dwyer Clerk

TS

Henry E. Winters

0405

AND JURY ROOM.

PEOPLE

vs.

James D. Hallen

0406

*Mr. Geo. C. Brisden.*

Deputy Warden  
C. S. P.

0407

Court of General Sessions,  
City and County of New York.

THE PEOPLE vs.  
vs  
JAMES D. HALLON.

City and County of New York ss.

William T. Jones, being duly sworn deposes and says, that he is the President of the United States Commercial Agency & Collecting Company:

That this is a proceeding brought for the conviction of James D. Hallon upon indictments found by the Grand Jury of New York County for the crime of grand larceny:

That one Newton S. Lucas, who resides at No. 66 Leroy Street, City, is employed at No. 335 Broadway, N. Y. City:

That as deponent is informed and verily believes to be true, the said Lucas is in hiding for the purpose of avoiding and refusing attendance at the Court, as a witness for the People vs.:

That the said Lucas is a very material witness, and one who has an entire knowledge of the transactions vs. of the said James D. Hallon, having been bookkeeper and Secretary of the United States Commercial Agency & Collecting Company and is the person who made the entries vs. in the books of the agency at said Hallon's request and direction.

That in a conversation had between said Lucas and

this deponent, this deponent instructed said Lucas that he would subpoena him, said Lucas, as witness in another action pending against Mr. E. E. Egan, whereupon said Lucas instructed deponent that he would not obey any subpoena if one were served on him, but would leave for Montana as soon as subpoenaed, or would not appear at all; and further refused to furnish his deponent with the address of his home:

The deponent hereby certifies to the truth and importance of the facts so stated.

This Application is made under Section 523 and 530 of the Code of Civil Procedure, New York.

Subscribed and sworn to before me this 9th day of May, 1931.

*Wm. J. Jones*  
*Henry W. Winger*  
Notary Public  
*myl*

0409

LAW OFFICES OF  
HOBART L. HOTCHKISS,  
188 CHURCH STREET,  
[Rooms 6 to 9,]  
REPRESENTING  
The Bradstreet Mercantile Bureau,  
Commissioner for the several States, etc.

New Haven, Conn., May 7<sup>th</sup> 1891.

Robert Townsend Esq.  
Assistant District Attorney:  
Wj. Davis:

Your favor of the 5<sup>th</sup> inst.  
relating to my attendance upon the trial  
of John R. Johnson, May 15<sup>th</sup>, is received.

I think I can arrange to be present,  
but should like more definite information  
as to the hour &c.

I assume that the expenses you state  
will be paid will include a reasonable  
sum for my time as well as disbursements.

You speak of Johnson being on trial  
here in 1884. It was in 1874 that  
his second trial took place.

Yours truly  
Hobart L. Hotchkiss

0410

P. O. BOX 3682

In Re The People

THE U. S. COMMERCIAL AGENCY  
AND  
COLLECTING COMPANY,  
280 BROADWAY.

VS.

James Wallace

NEW YORK.

John A. Hendry Esq.

L. J. J.

I forgot to  
give you the names of the witnesses  
I would like to have subpoenaed  
before the Grand Jury to support  
my testimony against the accused.  
They are

M. H. Jones, Post Master of this Co.

George L. Nansen Secy of this Co.

J. H. Cannon attorney at law 120 Broadway.

John O'Hall a U.S. Dist. Atty for Southern  
District of New York, N.Y.C. City.

James E. Ferron 513 Boulevard St  
Brooklyn N.Y.

David Welch of your (Sullivan's) office.

There are other witnesses who will  
be useful in the case you before  
the Grand Jury, but their testimony  
is not needed just now.

Yours truly  
Wm. J. Jones.

0411

LAW OFFICES OF  
HOBART L. HOTCHKISS,  
188 CHURCH STREET,  
[Rooms 6 to 9,]  
REPRESENTING  
The Bradstreet Mercantile Bureau,  
Commissioner for the several States, etc.

New Haven, Conn., May 13. <sup>th</sup> 1891.

Robert Townsend Esq.  
Assistant District Attorney N.Y.

Dear Sir: Your favor of the 12<sup>th</sup> inst. received. At the time of the trial of Johnson in 1872-4 I was a deputy sheriff, while pursuing my legal studies, and had occasion to take him from and from the Court house and jail. I also loaned him books to read, that I never recovered.

I have a good recollection of his appearance at that time, and think I should know him now without doubt. I will come down Monday and be present at 11 o'clock.

I shall be obliged to return that evening.  
Yours truly,  
Hobart L. Hotchkiss

0412



WARDEN'S OFFICE,  
CONNECTICUT STATE PRISON,

Wethersfield, Conn. May 14 1891

Mr Townsend  
Dear Sir

The Warden has returned and Mr Taylor was here and said you wanted me to come down this 18<sup>th</sup> if nothing happens to prevent I will be there on Monday 18<sup>th</sup>

Yours Respect -  
J. L. Bairden

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
 The People of the State of New York, )  
 )  
 --against-- )-  
 )  
 JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
 New York, in the County of New York aforesaid, on the ~~30th~~<sup>30th</sup>  
 day of ~~November~~ in the year of our Lord one thousand eight  
 hundred and ~~eighty~~<sup>eighty</sup>, at the City and County aforesaid,  
 with force and arms, with intent to deprive and defraud a  
 certain corporation called the United States Commercial  
 Agency and Collecting Company, by which said corporation he  
 was then and there employed as attorney, having as such at-  
 torney the management and conduct on behalf of the said cor-  
 poration of certain suits at law and civil actions, and  
 amongst others the action hereinbelow mentioned, of the  
 proper moneys, goods, chattels and personal property hereinafter  
 mentioned, and of the use and benefit thereof, and to

-2-

appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *Richmond County of New York* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *The N. O. Smith Company* against *James D. Hallen* then pending in the *New York Supreme Court*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0416

-4-

tels and personal property of the said corporation, then and there feloniously did steal, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

0417

Part 5 June 15, 1900

John F. W. Carver 205  
105 Broadway

Counsel,  
Filed *21* day of *Sept.* 189  
Plendg *Weymouth 14*

THE PEOPLE  
vs.  
James D. Hallen  
(accused)  
[Sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*W. J. Perry*

Foreman.

*Part 3. March 1891.  
Indictment dismissed  
Paul. discharged*

Witnesses:  
*John J. Jones*

See endorsement on  
Indictment # 203 Sept 91.

0418

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES of #380 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company being duly sworn says; that on the *9<sup>th</sup>* day of *December* 1889, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent's said company the following property:

Thirteen Dollars and Fifty Cents

the same being good and lawful money of the United States, and that this deponent has a probable cause to suspect and does suspect and positively declares that the said property was feloniously taken, stolen and carried off by James D. Hallen, an Attorney at Law of New York City.

Deponent further alleges; that the said Hallen on or about the said *9<sup>th</sup>* day of *December*, 1889 was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney on a regular salary and as such Attorney had charge of its litigated suits and actions. That one of such cases in charge of said Hallen was the case of *James Scott et al v. E. L. Mead*, pending in *N. Y. Supreme Court*.

Deponent further alleges that on the said *9<sup>th</sup>* of *Decbr* 1889 said Hallen received from this deponent the sum of *Thirteen 50/100* — Dollars to be paid (and claimed by Hallen to have been paid) to the Clerk of the *County of New York* for Jury fees in the

above mentioned case.

Deponent further says; that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the sum aforesaid or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of injuring and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *Said Court* and therefore no Jury fees have been or could have been paid to the Clerk by said Hallen in this case.

Sworn to before me, : *William H. ...*  
 :  
 1891. :

Police Justice.

.....X  
 THE PEOPLE, &c.,  
 against  
 JAMES B. HALLEN.  
 .....X

CITY AND COUNTY OF NEW YORK. : OR.

WILLIAM W. JONES being duly sworn deposes and says:  
 that at all times hereinafter mentioned, he was and still  
 is the President and Treasurer of the said Company, known  
 as the Money & Collecting Company, a corporation organized  
 and existing under and by virtue of the laws of the State  
 of New Jersey. That he is well acquainted with James B.  
 Hallen, above-named, and that he has been in the employ of de-  
 ponent's Agency as the Attorney at a regular weekly salary.  
 Deponent further alleges that on or about January 21st,  
 1890, the said Hallen called at this deponent's office to  
 sign substitutions of attorneys, in his place as the Attorney  
 of Record in over two hundred cases.

That at the time said Hallen separated such papers  
 into two separate piles, of which the smaller pile number-  
 ed twenty-two cases. Deponent thereupon asked the said  
 Hallen why he separated said papers and said Hallen re-  
 plied that he "remembered these cases" referring to the  
 papers in the smaller pile. Deponent thereupon asked  
 said Hallen what he meant by that, and whether he meant to  
 inform this deponent that he, said Hallen, remembered that  
 he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned.

That being the case of twenty-two cases, was the case of *James Scott et al vs E. L. Mead.*

This such admission was made in the presence of Mr. H. C. Board, the Secretary of the Agency and Mr. Henry ~~Halsey~~ *Wauquay Clerk*.

Department further alleges that the amount standing against him in the aforementioned case was \$70 <sup>50</sup> Department further alleges that he caused said funds to be deposited in the name of *Wauquay Clerk* in order to make a disposition of said amount by means of which

from before me } *William G. Isaac.*  
Sept 9. 1891 }

*Geo L Ranch*  
*Montana, Public*  
*Trust Co*

1st DISTRICT POLICE COURT.

12354

.....X  
 THE PEOPLE, vs.,  
 against  
 JAMES D. HALLER,  
 .....X

CITY AND COUNTY OF NEW YORK. : ss.

NEWTON S. LUGAS being duly sworn deposes and says:  
 that he was the Secretary and Book-keeper of the United  
 States Commercial Agency & Collecting Company, a corpora-  
 tion duly organized and existing under the laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1899 up to ~~September~~ <sup>August</sup> 1900. That he  
 is well acquainted with James D. Haller, above-named, said  
 Haller being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Haller  
 called at the office of said Company on or about January  
 8th, 1900 to sign, and did sign substitutions of Attorney  
 in about two hundred cases in which said Haller appeared  
 as Attorney of Record. That among such cases was the case  
 of *James J. Scott vs. C. L. Head* then  
 pending in the Supreme Court of New York County. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halsey and this  
 deponent said Haller examined and separated into two sepa-  
 rate piles the said substitutions, and upon being asked by

Mr. Jones who re separated the files, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of

*James J. Scott et al  
against  
Edwin L. Mead.*

That deponent thereupon at Mr. Jones' request made a memorandum of this submission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.50. That said Hallen misappropriated the sum of *70 50* in the case of *James J. Scott vs E L Mead* hereinbefore referred to.

Sworn to before me, :  
September 9<sup>th</sup> 1891. :

*Newton C. Lucas*

*Geo L. Runci  
Notary Public  
N.Y.C.*

0424

DISTRICT ATTORNEY'S OFFICE.  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William J. Jones  
230 Broadway  
James D. Hallen  
(12 cases)

Office of District Attorney

Dated September 11 1911

Witnesses, Newton C. Lucas

No. 84 West Broadway Street

No. Street

No. Street

0425

COURT OF GENERAL SESSIONS OF THE PEACE,  
Of the City and County of New York.

-----  
The People of the State of New York, )  
--against-- )  
JAMES D. HALLEN. )  
-----

The Grand Jury of the City and County of New York,  
by this Indictment, accuse JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

The said James D. Hallen, late of the City of  
New York, in the County of New York aforesaid, on the *ninth*  
day of *October*, in the year of our Lord one thousand eight  
hundred and *eighty-nine*, at the City and County aforesaid,  
with force and arms, with intent to deprive and defraud a  
certain corporation called the United States Commercial  
Agency and Collecting Company, by which said corporation he  
was then and there employed as attorney, having as such at-  
torney the management and conduct on behalf of the said cor-  
poration of certain suits at law and civil actions, and  
amongst others the action hereinbelow mentioned, of the  
proper moneys, goods, chattels and personal property herein-  
after mentioned, and of the use and benefit thereof, and to

-2-

appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T h a t he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *County of New York*, — for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *James V. Scott et al against E. L. Mead*, then pending in the *New York Supreme Court* —, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0428

-4-

tels and personal property of the said corporation, then and there feloniously did steal, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.



0430

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM S. JONES of #280 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company being duly sworn says; that on the *15* day of *November* 1889, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent's said company the following property:

Thirteen dollars and fifty cents  
the same being good and lawful money of the United States, and that this deponent has a probable cause to suspect and does suspect and positively declares that the said property was feloniously taken, stolen and carried off by James B. Hallen, an Attorney at Law of New York City.

Deponent further alleges; that the said Hallen on or about the said *15<sup>th</sup>* day of *November* 1889 was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney on a regular salary and as such Attorney had charge of its litigated suits and actions. That one of such cases in charge of said Hallen was the case of *Sullivan et al vs. J. Lattie Smith* pending in *Supreme* Court.

Deponent further alleges that on the said *15<sup>th</sup>* of *Nov* 1889 said Hallen received from this deponent the sum of *Thirteen & 50/100* Dollars to be paid (and claimed by Hallen to have been paid) to the Clerk of the *County of New York* for Jury fees in the

above mentioned case.

Deponent further says; that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the sum aforesaid or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of injuring and defrauding said J. J. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *Supreme Court* and therefore no jury fees have been or could have been paid to the clerk by said Hallen in this case.

Sworn to before me, :  
 :  
 1891. :

*Wm. Jones*

Police Justice.

THE PEOPLE, &c.,

against

JAMES D. HALLEN.

CITY AND COUNTY OF NEW YORK. : ss.

WILLIAM C. JONES being duly sworn deposes and says: that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of deponent's Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 8th, 1900, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the Attorney of Record in over two hundred cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Fullerton v Donath*.

That such admission was made in the presence of Mr. H. C. Jones the Secretary of the Agency and Mr. Henry Halsey the ~~Assistant~~ <sup>Maizey Clerk</sup>. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was \$20 <sup>50</sup>/<sub>100</sub>.

Deponent further alleges that he caused said Jones to make memoranda of such admissions by Hallen which were done.

Sworn to before me <sup>3</sup> this 9th of Sept 1891 by *Paul E Jones*  
E. Geo L. Xant  
Notary Public  
New York

1st DISTRICT POLICE COURT.

.....X  
 THE PEOPLE, &c.,  
 against  
 JAMES D. HALLEN.  
 .....X

CITY AND COUNTY OF NEW YORK : . . .

NEWTON J. LUCAS being duly sworn deposes and says;  
 that he was the Secretary and Book-keeper of the United  
 States Commercial Agency Collecting Company, a corpora-  
 tion duly organized and existing under the laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1889 up to ~~September~~ <sup>August</sup> 1890. That he  
 is well acquainted with James D. Hallen, above-named, said  
 Hallen being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Hallen  
 called at the office of said Company on or about January  
 8th, 1890 to sign, and did sign substitutions of Attorney  
 in about two hundred cases in which said Hallen appeared  
 as Attorney of Record. That among such cases was the case  
 of Sullivan Drew & Company against J. Mattie Smith then  
 pending in the Supreme Court of New York County. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halsey and this  
 deponent said Hallen examined and separated into two sepa-  
 rate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of

*Sullivan Bros & Company*  
*agst*  
*S. Mattie Smith*

That deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.50. That said Hallen misappropriated the sum of  $20 \frac{50}{100}$  in the case of *Sullivan Bros & Co. agst S. Mattie Smith* hereinbefore referred to.

Sworn to before me, - : *Newton C Lucas*  
September 9<sup>th</sup> 1891. :  
*Geo J Hauch*  
*Notary Public*  
*May 6*

0436

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wmly Jones  
280 Bway  
James D. Hallou  
(12 cases)

Office. Pet. L. L. L.

Dated Sept 11 1891

Witnesses, Newton C. Lucas

No. 84 W. Broadway

No. Street,

No. Street,

0437

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----

The People of the State of New York, )  
 )  
 --against-- )  
 )  
 JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,  
 by this Indictment, a c c u s e JAMES D. HALLEN of the  
 Crime of PETIT LARCENY. committed as follows:

T h e said James D. Hallen, late of the City of  
 New York, in the County of New York aforesaid, on the ~~15th~~  
 day of ~~November~~, in the year of our Lord one thousand eight  
 hundred and ~~eighty nine~~; at the City and County aforesaid,  
 with force and arms, with intent to deprive and defraud a  
 certain corporation called the United States Commercial  
 Agency and Collecting Company, by which said corporation he  
 was then and there employed as attorney, having as such at-  
 torney the management and conduct on behalf of the said cor-  
 poration of certain suits at law and civil actions, and  
 amongst others the action hereinbelow mentioned, of the  
 proper moneys, goods, chattels and personal property herein-  
 after mentioned, and of the use and benefit thereof, and to

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appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *County of New York*, for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *William G. Jones vs. James D. Hallen* then pending in the *New York Supreme Court*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0440

-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

0441

Witnesses:

*Wm J Jones*

The defendant has already  
been tried on a charge  
similar to this. He was  
acquitted. I am quite  
sure that it would be  
impossible to convict him  
upon any of the <sup>former</sup> ~~former~~  
indictments now pending against  
him. I therefore recommend  
that they be ~~disposed~~ <sup>dismissed</sup>  
~~dismissed~~ <sup>recognized</sup>. This  
recommendation applies  
to all of the ~~indictments~~ <sup>indictments</sup> in  
indictments -

Mar. 20/92 U. M. Davis  
Clerk

Counsel,  
Filed *11* day of *Sept* 189  
Plendg. *Mich. 11/92*

THE PEOPLE  
vs.  
James D. Holden  
(12 cases)  
Grand Larceny,  
Michigan,  
[Sections 229, 231,  
Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*W. J. Berry*

See endorsement <sup>Michigan</sup> ~~Michigan~~  
Mar 30/92. U. M. Davis  
Clerk

Part 3 Mar 31. 1. M. D  
Part 3. March 31/92.  
Indictment dismissed  
+ Bail discharged

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES of #280 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company, being duly sworn, says; that on the *2<sup>d</sup>* day of *October*, 1889, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent's said Company the following property:

Thirteen Dollars and Fifty Cents

the same being good and lawful money of the United States, and that this deponent has a probable cause to suspect and does suspect and positively declares that the said property was feloniously taken, stolen and carried off by James D. Hallen, an Attorney-at-Law of New York City.

Deponent further alleges; that the said Hallen on or about the said *2<sup>d</sup>* day of *October*, 1889, was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney on a regular salary and as such Attorney had charge of its litigated suits and actions. That one of such cases in charge of said Hallen was the case of *Mark H. Evener vs. Sidor I. Tem* pending in *the City Court of New York*.

Deponent further alleges that on the said *2<sup>d</sup>* of *October*, 1889, said Hallen received from this deponent the sum of *Thirteen 50/100* Dollars to be paid (and claimed by Hallen to have been paid) to the Clerk of the *City Court of New York* for Jury fees in the

above-mentioned case.

Deponent further says; that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the sum aforesaid or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of injuring and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *said Court* and therefore no Jury fees have been or could have been paid to the Clerk by said Hallen in this case.

Sworn to before me,  
 , 1891.

:  
 : *William S. Jones*  
 :

Police Justice.

.....X  
 THE PEOPLE, &c., :  
 against :  
 JAMES D. HALLEN. :  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says: that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the Laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of said Commercial Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 8th, 1890, the said Hallen called at this Deponent's office to sign substitutions of attorney in his place as the attorney of record in over 200 cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the coats in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Esmer, or Hill*

That such admission was made in the presence of Mr. N. C. Lucas the Secretary of the Agency and Mr. Henry ~~W. H. Halsey~~ *W. H. Halsey* the ~~Secretary~~ *Secretary*. Dependent further alleges that the amount stolen by Hallen in the aforementioned case was \$1600. Dependent further alleges that he caused said books to make memorandums of such admission by Hallen which was done.

*Sworn to before me } W. H. Halsey, Secy  
Sept 1. 9. 1891 }*

*Geo. L. Kauch  
Notary Public*

10 467

1st DISTRICT POLICE COURT.

THE PEOPLE, &c.,  
AGAINST  
JAMES D. HALLAN.

CITY AND COUNTY OF NEW YORK. : SS.

NEWTON C. LUGAS being duly sworn deposes and says: that he was the Secretary and Book-keeper of The United States Commercial Agency & Collecting Company, a corporation duly organized and existing under the laws of the State of New Jersey, and was such Secretary and Book-keeper from August 1st, 1898 up to ~~September~~ <sup>August</sup> 1899. That he is well acquainted with James D. Hallan, above-named, said Hallan being employed as the Attorney for said Agency at a regular weekly salary and had no interest in fees and costs in the cases hereinafter mentioned. That said Hallan called at the office of said Company on or about January 8th, 1899 to sign, and did sign substitutions of Attorney in about two hundred cases in which said Hallan appeared as ~~Attorney~~ <sup>Attorney</sup>. That among such cases was the case of *Mark H. Eisner vs. Irada Steen* pending in the <sup>City</sup> ~~County~~ Court of New York <sup>City</sup> ~~County~~. Depo- nent further states that at the same time and place and in the presence of William G. Jones, Henry Halasy and this deponent said Hallan examined and separated into two separate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *Mark H. Eimer* a gent.

*Isidor Stein.*

That Deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$30.50. That said Hallen misappropriated the sum of \$16<sup>00</sup> in the case of *Eimer* against *Stein* - heretofore referred to.

Sworn to before me, :  
September 9<sup>th</sup> 1931. :

*Newton Lucas*

*Geo L Rauch*  
Notary Public  
my Co

0448

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm G. Jones  
280 Broadway

James B. Hallen  
(12 cases)

Office Peter Rancery

Dated Sept 11 1891

Witnesses, Newton C. Lucas

No. 84 N Broadway

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
The People of the State of New York, )

--against-- )

JAMES D. HALLEN. )  
-----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the

Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of New York, in the County of New York aforesaid, on the second day of October, in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, with force and arms, with intent to deprive and defraud a certain corporation called the United States Commercial Agency and Collecting Company, by which said corporation he was then and there employed as attorney, having as such attorney the management and conduct on behalf of the said corporation of certain suits at law and civil actions, and amongst others the action hercinbelow mentioned, of the proper moneys, goods, chattels and personal property herein-after mentioned, and of the use and benefit thereof, and to

appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *Fidelity and Deposit Co. of Maryland* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *Mada D. Finer against Widen Stein* then pending in the *said Fidelity and Deposit Co.*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

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feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

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-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

0453

10, 1900

202

Witnesses:

*Wm E Jones*

.....  
.....  
.....

*All endorsement on Indit  
-sent to 200 Sept 91.*

Counsel,

Filed

day of

*Sept 11 1899*

Pleas

THE PEOPLE

vs.

*James D. Halien  
(vs. same)*

DE LANCEY NICOLL,  
District Attorney.

Sections 223, 224, Penal-Code, Degree

A TRUE BILL.

*W. J. Berry*

Torrey,

*Part 3. March 31 92-*

*Indictment dismissed*

*Paul discharged*

0454

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES of 5780 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company being duly sworn says: that on the 30<sup>th</sup> day of Nov. 1889, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of Deponent's said company the following property:

Thirteen dollars and Fifty cents

the same being good and lawful money of the United States, and that this deponent has a probable cause to suspect and does suspect and positively declares that the said property was feloniously taken, stolen and carried off by James D. Hallen, an Attorney at Law of New York City.

Deponent further alleges: that the said Hallen, on or about the said 30<sup>th</sup> day of Nov. 1889 was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney on a regular salary and as such Attorney had charge of its litigation and its real actions. That one of such cases in charge of said Hallen was the case of *Rathbone, Said vs Leeper* pending in the N.Y. Supreme Court.

Deponent further alleges that on the said 30<sup>th</sup> of Nov. 1889 said Hallen received from this deponent the sum of *Thirteen 50/100* Dollars to be paid (and claimed by Hallen to have been paid) to the Clerk of the *County of New York* for Jury fees in the

above mentioned case.

Deponent further says: that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said session, but that in fact said Hallen had never disbursed or paid out the sum aforesaid or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of inducing and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen ~~was~~ had the said cause placed on the Calendar of the said Court, *but has not yet been reached for trial* and therefore no jury fees have been or could have been paid to the Clerk by said Hallen in this case.

Sworn to before me, :  
 :  
 1891. :

*William Jones*

Police Justice.

.....X  
 THIS PEOPLE, &c., :  
 :  
 against :  
 :  
 J A M E S D . H A L L E N . :  
 :  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says; that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the Laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of deponents' Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 2th, 1930, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the Attorney of Record in over two hundred cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That such pile of twenty-two cases, was the case of *Rathbone et al vs Leeper*

That such admission was made in the presence of Mr. W. G. Lucas the Secretary of the Agency and Mr. Henry ~~Ralsey~~ *Harvey Clark* Esq. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was \$1600. Deponent further alleges that he caused said Lucas to make memorandum of such admission by Hallen which was done.

Sworn to before me }  
Sept. 9, 1891 }

*William S. Jones.*

*Geo L Rauch*  
*Notary Public*

1st DISTRICT POLICE COURT.

THE PEOPLE, &c.,

against

JAMES D. HALLAN.

173-511

CITY AND COUNTY OF NEW YORK. : SS.

WILSON S. LUGAS being duly sworn deposes and says: that he was the Secretary and Book-keeper of the United States Commercial Agency & Collecting Company, a corporation duly organized and existing under the laws of the State of New Jersey, and was such Secretary and Book-keeper from August 1st, 1890 up to ~~August~~ *August* 1890. That he is well acquainted with James D. Hallan, above-named, said Hallan being employed as the Attorney for said Agency at a regular weekly salary and had no interest in fees and costs in the cases hereinafter mentioned. That said Hallan called at the office of said Company on or about January 8th, 1890 to sign, and did sign substitutions of Attorney in about two hundred cases in which said Hallan appeared as Attorney of Record. That among such cases was the case of *Rathbone and vs. Leeper* then pending in the Supreme Court of New York County. Depo-  
 nent further states that at the same time and place and in the presence of William G. Jones, Henry Halsey and this deponent said Hallan examined and separated into two separate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the coats in said cases referred to, of which there were twenty-two, and among which said cases was the case of *Rathbone, Said & Co*

*agst. Leeper.*

That deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$10.00 to \$25.00. That said Hallen misappropriated the sum of *\$16<sup>00</sup>* in the case of *Rathbone Said & Co vs Leeper.* hereinbefore referred to.

Sworn to before me, :  
September 9<sup>th</sup> 1881. :

*Newton L. Jones*

*Geo L. Xanck*  
*Notary Public*  
*714/6*

0460

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. G. Jones  
286 Broadway

James D. Hallen  
(12 cases)

Offence...  
District Attorney

Dated September 11 1891

Witnesses, Newton C. Lucas

No. 84 West Broadway

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
 The People of the State of New York, )  
 )  
 --against-- )  
 )  
 • JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,  
 by this Indictment, a c c u s e JAMES D. HALLEN of the  
 Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
 New York, in the County of New York aforesaid, on the ~~20th~~  
 day of ~~December~~, in the year of our Lord one thousand eight  
 hundred and ~~eighty nine~~, at the City and County aforesaid,  
 with force and arms, with intent to deprive and defraud a  
 certain corporation called the United States Commercial  
 Agency and Collecting Company, by which said corporation he  
 was then and there employed as attorney, having as such at-  
 torney the management and conduct on behalf of the said cor-  
 poration of certain suits at law and civil actions, and  
 amongst others the action hereinbelow mentioned, of the  
 proper moneys, goods, chattels and personal property herein-  
 after mentioned, and of the use and benefit thereof, and to

-2-

appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *County of ...*, for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *...* against *...*, then pending in the *...*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0464

-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

0465

Part 5 June 15, 1903

201

Witnesses:

*Wm James*

Counsel, *W. J. Berry*  
Filed *11* day of *Sept* - 189  
Plends, *Sept 11*

THE PEOPLE  
vs.  
James D. Hallen  
(vs. *James*)

James D. Hallen  
(vs. *James*)  
District Larceny  
[Sections 22, 23, 24  
Penal Code]

DE LANCEY NICOLL,  
District Attorney.

*All endorsement on  
Indictment "203  
Sept '91.*

A TRUE BILL.

*W. J. Berry*  
Foreman

*Part 3. March 3, 02.  
Indictment dismissed  
Bail dismissed*

0466

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : vs.

WILLIAM A. JONES of the Borough, New York, President of the U. S. Commercial Agency and Collecting Company, being duly sworn, says; that on the 15 day of October 1888, at the City of New York, in the County of New York, was feloniously stolen, stolen and carried away from the possession of defendant's said company the following property:

Twenty Dollars and fifty cents and also being paid and lawful money of the United States, and that said deposits were a part of the same and were also of the property, and that the same were feloniously stolen, stolen and carried off by James H. Mallon, an Attorney-at-Law of New York City.

Deponent further alleges; that said James H. Mallon on or about the said 15 day of October, 1888, was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney, on a regular salary, and as such Attorney, had charge of its litigation with and actions. That one of such cases in charge of said Mallon was the case of Cook & Dembner agt Leslie pending in the City Court of New York

Deponent further alleges that on the said 15<sup>th</sup> of October, 1888, said Mallon received from this deponent the sum of Thirteen 50/ Dollars to be paid (and claimed by Mallon to have been paid) to the Clerk of the City Court of New York for Jury fees in the



.....X  
 THE PEOPLE, &c., :  
 against :  
 JAMES D. HALLEN. :  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says; that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the Laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of deponents' Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 8th, 1890, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the Attorney of record in over 200 cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the

case of *Cook & Bernheimer vs. Carlin Bros*

That such admission was made in the presence of Mr. N. C. Lucas the Secretary of the Agency and Mr. Henry Halsey, the ~~agent~~ <sup>Monaghan Clerk</sup>. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was

\$22 <sup>50</sup>/<sub>100</sub>. Deponent further alleges that he caused said

Lucas to make memorandum of such admission by Hallen which was done.

*Sworn to before me } James G. [Signature]*  
*Sept 9, 1891*

*Geo. L. Kauch*  
*Notary Public*  
*1117 Co*

1st DISTRICT POLICE COURT.

11837

.....X  
 THE PEOPLE, &c.,  
 against  
 JAMES D. HALLEN.  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

NEWTON C. LUCAS being duly sworn deposes and says;  
 that he was the Secretary and Book-keeper of The United  
 States Commercial Agency & Collecting Company, a corpora-  
 tion duly organized and existing under the Laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1889 up to ~~September~~ *August* 1890. That he  
 is well acquainted with James D. Hallen, above-named, said  
 Hallen being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Hallen  
 called at the office of said Company on or about January  
 8th, 1890 to sign, and did sign substitutions of Attorney  
 in about two hundred cases in which said Hallen appeared  
 as Attorney of Record. That among such cases was the case  
 of *Lock v. B. emheiser vs. Fashier* then  
 pending in the ~~Supreme~~ *City* Court of New York ~~County~~ *City*. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halasy and this  
 deponent said Hallen examined and separated into two sepa-  
 rate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *Cook & Bernheimer* against *Caslin Brothers*

That deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.50. That said Hallen misappropriated the sum of *22<sup>50</sup>* in the case of *Cook & Bernheimer* agst *Caslin* hereinbefore referred to.

Sworn to before me, :  
 September *9<sup>th</sup>* 1891. :

*Newton Lucas*

*Geo. F. Rauch*  
*Notary Public*  
*1124 G*

0472

DISTRICT ATTORNEY'S OFFICE.  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. G. Jones  
280 Broadway  
James D. Hallen  
(12 cases)

Office  
Pettit  
Carney

Dated Sept 11 1891

Witnesses, Newton C. Lucas

No. 84 W. Bway Street,

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
The People of the State of New York, )

--against-- )-

JAMES D. HALLEN. )  
-----

The Grand Jury of the City and County of New York,

by this Indictment, accuse JAMES D. HALLEN of the

Crime of PETIT LARCENY, committed as follows:

The said James D. Hallen, late of the City of New York, in the County of New York aforesaid, on the ~~15th~~ day of ~~October~~, in the year of our Lord one thousand eight hundred and ~~eighty nine~~, at the City and County aforesaid, with force and arms, with intent to deprive and defraud a certain corporation called the United States Commercial Agency and Collecting Company, by which said corporation he was then and there employed as attorney, having as such attorney the management and conduct on behalf of the said corporation of certain suits at law and civil actions, and amongst others the action hereinbelow mentioned, of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to

-2-

appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *City Court in the City of New York* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *Enda and Condemner* *against Eastin* then pending in the *said City Court*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0476

-4-

tels and personal property of the said corporation, then and there feloniously did steal, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

Witnesses:

*Wm. Jones*

Counsel,

Filed

21 day of Sept. 1891

Plends,

THE PEOPLE

vs.

*James D. Hallen*  
(12 cases)

Deputy  
Grand Juror,  
(Sections 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200)

DE LANCEY NICOLL,  
District Attorney.

*See endorsement on  
Indictment 203,  
Sept 91.*

A TRUE BILL.

*W. J. Berry*

Foreman.

*Part 3 March 3/92  
Indictment dismissed  
& Bail discharged*

0478

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK, S. D. N. Y.

William H. ... of ... New York, Presi-  
dent of ... Commercial Agency and Collecting Company,  
being duly sworn, deposes that on the 29. day of October  
1933, at the City of New York, in the County of New York,  
and following names, which had derived from the  
possession of ... and the following prop-  
erty:

... of the United States,  
and that this defendant had a probable cause to suspect and  
take ... that the said prop-  
erty was feloniously taken, stolen and carried off by James  
D. ... of New York City.

Deponent further alleges that the said ... on  
or about the date 24 day of October 1933, was in the  
employ of the said ... & Collecting  
Company, as its attorney on a regular basis, and as such  
attorney had charge of its litigation with ...  
that one of such cases in charge of said ... was the  
case of *L. Remy & Son vs. J. F. O'Neill*, pending in  
Supreme Court of N. Y. Co.

Deponent further alleges that on the said 20  
of October 1933, said ... from this depon-  
ent the sum of *thirteen 50/100* dollars to be  
paid (and claimed by ... to have been paid) to the  
Clerk of the *Supreme Court*, for ... fees in the

above-mentioned case.

Deponent further says: that the said notice received and income tax of said case by timely and fraudulently stating, writing and representing to this agent that the said case had been previously by him as such Attorney dismissed for the aforementioned purpose in said action, and that in fact said notice had never dismissed or paid out for the said case by part of the said in this, and by the fact of the said notice said notice of the dismissal of said case, said notice of the said case to the said case, and that the said case for the purpose of bringing and recovering said U. S. case was a fraud by the following, to-wit: Deponent further alleges, that the said notice and the said case placed on the Calendar of the *Supreme Court* and therefore no duty fees have been or will have been paid to the Clerk by said court in said case.

Sworn to before me, : *Wm G Jones*  
 :  
 , 1892. :

Public Justice.

.....  
THE PEOPLE, &c.,  
against  
JAMES D. HALLEN.  
.....

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says:  
that at all times hereinafter mentioned he was and still  
is the President and Treasurer of The United States Commer-  
cial Agency & Collecting Company, a corporation organized  
and existing under and by virtue of the laws of the State  
of New Jersey. That he is well acquainted with James D.  
Hallen, above-named, and who has been in the employ of de-  
ponent's Agency as the Attorney at a regular weekly salary.  
Deponent further alleges that on or about January 8th,  
1890, the said Hallen called at this deponent's office to  
sign substitutions of attorney in his place as the Attor-  
ney of record in over 200 cases.

That at the time said Hallen separated such papers  
into two separate piles, of which the smaller pile number-  
ed twenty-two cases. Deponent thereupon asked the said  
Hallen why he separated said papers and said Hallen re-  
plied that he "remembered these cases" referring to the  
papers in the smaller pile. Deponent thereupon asked  
said Hallen what he meant by that, and whether he meant to  
inform this deponent that he, said Hallen, remembered that  
he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *L. Remm & Son vs H. J. O'Neill*

That such admission was made in the presence of Mr. N. C. Lucas the Secretary of the Agency and Mr. Henry ~~Walcott~~ <sup>Walcott</sup> Clerk Halsey the ~~Deponent~~. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was \$70 <sup>50</sup>/<sub>100</sub>. Deponent further alleges that he caused said Lucas to make memorandum of such admission by Hallen which was done.

Sworn to before me }  
Sept. 9. 1891 } *Wm. G. Jones*  
*George E. L. Rauch*  
Notary Public

12/60

1st DISTRICT POLICE COURT.

.....\*

THE PEOPLE, &c.,

against

JAMES D. HALLER.

.....\*

CITY AND COUNTY OF NEW YORK. : SS.

HENSON C. LUCAS being duly sworn deposes and says that he was the Secretary and Book-keeper of the United States Commercial Agency & Collecting Company, a corporation duly organized and existing under the laws of the State of New Jersey, and was such Secretary and Book-keeper from August 1st, 1888 up to ~~September~~ <sup>August</sup> 1890. That he is well acquainted with James D. Haller, above-named, said Haller being employed as the Attorney for said Agency at a regular weekly salary and had no interest in fees and costs in the cases hereinafter mentioned. That said Haller called at the office of said Company on or about January 5th, 1890 to sign, and did sign substitutions of Attorney in about two hundred cases in which said Haller appeared as Attorney of Record. That among such cases was the case of *L. Remus, Son vs. W. J. O'Neill* pending in the Supreme Court of New York County. Depo-  
nent further states that at the same time and place and in the presence of William G. Jones, Henry Halsey and this deponent said Haller examined and separated into two separate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the files, answered that he, said Mallon, remembered that he had received and misappropriated all the moneys in said cases referred to, of which there were twenty-two, and among which said cases was the case of *L. Penn & Son*

*agent.*  
*Mrs. M. P. O'Neill.*

That deponent thereupon as Mr. Jones' request made a re-examination of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Mallon in each of said twenty-two cases was from \$18.00 to \$50.00. That said Mallon misappropriated the sum of *20 50* in the case of *Penn against O'Neill*

heretofore referred to.

Sworn to before me.

September 9th 1891.

*Walter Lucas*

*Geo L. Rauch*  
*Notary Public*  
*my co*

0484

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Wm. G. Jones*

*280 Broadway*

*James D. Hallen*

*(12 cases)*

*Offence Petition*

Dated *September 11* 1891

Witnesses, *Newton C. Lucas*

No. *14 West Broadway*

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
The People of the State of New York, )

--against-- )

JAMES D. HALLEN. )  
-----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
New York, in the County of New York aforesaid, on the ~~29th~~  
day of ~~October~~, in the year of our Lord one thousand eight  
hundred and ~~eighty~~, at the City and County aforesaid,  
with force and arms, with intent to deprive and defraud a  
certain corporation called the United States Commercial  
Agency and Collecting Company, by which said corporation he  
was then and there employed as attorney, having as such at-  
torney the management and conduct on behalf of the said cor-  
poration of certain suits at law and civil actions, and  
amongst others the action hereinbelow mentioned, of the  
proper moneys, goods, chattel: and personal property herein-  
after mentioned, and of the use and benefit thereof, and to

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appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *Bayview Bank* in and for the said *city and county of New York*, for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *J. Jones and Son against W. G. Jones*, then pending in the *said Bayview Bank*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

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tels and personal property of the said corporation, then and there feloniously did steal, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

199

Witnesses:

*Wm Jones*

Counsel,

Filed *21* day of *Sept*. 189*1*

Pleas, *Not guilty*

THE PEOPLE

vs.

*James D. Hallen*  
*(in case)*

*De Lancey Nicoll*  
*District Attorney*  
(Sections 22, 23, 24, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

*See endorsement on  
Indictment # 203 Sept. 91.*

A TRUE BILL.

*W. J. C. Berry*

Foreman.

*Peri B. March 31 92*  
*Indictment dismissed*  
*Peri discharged*

0490

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES of #280 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company being duly sworn says; that on the *22* day of *October* 1889, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent's said company the following property:

Thirteen Dollars and Fifty Cents

the same being good and lawful money of the United States, and that this deponent had a probable cause to suspect and does suspect and positively declares that the said property was feloniously taken, stolen and carried off by James B. Hallen, an Attorney at Law of New York City.

Deponent further alleges; that the said Hallen on or about the said *22* day of *October* 1889 was in the employ of the said U. S. Commercial Agency & Collecting Company as its Attorney on a regular salary and as such Attorney had charge of its litigation, its suits and actions. That one of such cases in charge of said Hallen was the case of *Parkhurst vs Wolff* pending in *N. Y. Supreme Court*.

Deponent further alleges that on the said *22<sup>d</sup>* of *October* 1889 said Hallen received from this deponent the sum of *Thirteen 50/100* Dollars to be paid (and claimed by Hallen to have been paid) to the Clerk of the *County of New York* for Jury fees in the

above mentioned case.

Deponent further says; that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing, and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the said sum or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of injuring and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *Said Court* and therefore no Jury Fees have been or could have been paid to the Clerk by said Hallen in this case.

Sworn to before me, :  
 :  
 1891. :

*William Jones*

Police Justice.

.....  
THE PEOPLE, ac.,  
against  
JAMES D. HALLEN.  
.....

CITY AND COUNTY OF NEW YORK. : ss.

WILLIAM H. JONES being duly sworn deposes and says; that at all times hereinbefore mentioned he was and still is the President and Treasurer of The United States Commercial Agency and Printing Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey. That he is well acquainted with James D. Hallen, whose name, and who has been in the employ of deponent's Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 21st, 1939, the said Hallen called at this deponent's office to sign subscriptions of attorney in his place as the Attorney of Record in over two hundred cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Parkhurst vs Wolff*

That such admission was made in the presence of Mr. W. C. Jones the Secretary of the Agency and Mr. Henry Halsey the ~~Secretary~~ *Attorney General*. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was

*\$16.00*

Deponent further alleges that he caused said James to make a statement of such admission by Hallen which was done.

*William G. Jones*

*Sworn before me?  
Sept 9, 1891*

*Geo. L. Kauch  
Notary Public  
M. J. Co.*

1st DISTRICT POLICE COURT.

9969

THE PEOPLE, vs.,

against

JAMES D. HALLON.

GIFT AND DEPOSIT OF THE RECORDS OF THE

DEPARTMENT OF SOCIAL SERVICES, being duly sworn, deposes and says: That he is the Secretary and Book-keeper of the United States Commercial Agency & Book-binding Company, a corporation duly organized and existing under the laws of the State of New Jersey, and was such Secretary and Book-keeper from August 1st, 1930 to ~~August 1st~~ <sup>August 1st</sup> 1931. That he is well acquainted with James D. Hallon, above-named, said Hallon being employed by the Attorney for said Agency as a regular paying salary and had no interest in fees and costs in the cases hereinafter mentioned. That said Hallon called at the office of said Company on or about January 5th, 1930 to sign, and did sign substitutions of Attorney in about two hundred cases in which said Hallon appeared as Attorney of Record. That among such cases was the case of *John Parkhurst vs. A. Waloff* then pending in the Supreme Court of New York County. Depo-  
 nent further states that at the same time and place and in the presence of William G. Jones, Henry Halsey and this deponent said Hallon examined and separated into two separate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *John Parkhurst*

*aget.*  
*Abraham Wolff et al*

That dependent on reason of Mr. Jones' request made a memorandum of this exhibition, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.00. That said Hallen misappropriated the sum of *16<sup>00</sup>* in the case of

*Parkhurst v Wolff*

hereinbefore referred to.

Sworn to before me, :  
September 9<sup>th</sup> 1851. :

*Newton Lucas*

*Geo L. Natchez,*  
*Notary Public*  
*my co*

0496

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William G. Jones*  
*280 Broadway*

*James D. Allen*  
*(12 cases)*

*Office Pitt Rivers*

Dated *September 11* 1891

Witnesses, *Newton C. Lucas*

No. *84 West Broadway*

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
 The People of the State of New York, )  
 )  
 --against-- )-  
 )  
 JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
New York, in the County of New York aforesaid, on the 22nd  
day of October, in the year of our Lord one thousand eight  
hundred and eighty nine, at the City and County aforesaid,  
with force and arms, with intent to deprive and defraud a  
certain corporation called the United States Commercial  
Agency and Collecting Company, by which said corporation he  
was then and there employed as attorney, having as such at-  
torney the management and conduct on behalf of the said cor-  
poration of certain suits at law and civil actions, and  
amongst others the action hereinbelow mentioned, of the  
proper moneys, goods, chattels and personal property herein-  
after mentioned, and of the use and benefit thereof, and to

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appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *County of New York* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *Putnam against* *Wells*, then pending in the *New York Supreme Court*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

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feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

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tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

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Part 5 June

Witnesses:

*Wm G Jones*

Counsel,

Filed *21* day of *Sept* 1891

Plends, *Sept 24*

THE PEOPLE

vs.

*James D. Hallen*  
*(2 cases)*

Degree,  
Penal Code.

*White*  
Grand Larceny,  
[Sections 624, 625.]

DE LANCEY NICOLL,  
District Attorney.

*See endorsement on  
Indictment # 203 Sept 91.*

A TRUE BILL.

*W. J. Berry*

Foreman.

*Part 5. March 31/92  
Indictment dismissed  
+ Bail discharged*

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----

The People of the State of New York, )  
 )  
 --against-- )-  
 )  
 JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
New York, in the County of New York aforesaid, on the ~~11th~~  
day of ~~November~~, in the year of our Lord one thousand eight  
hundred and ~~eighty nine~~, at the City and County aforesaid,  
with force and arms, with intent to deprive and defraud a  
certain corporation called the United States Commercial  
Agency and Collecting Company, by which said corporation he  
was then and there employed as attorney, having as such at-  
torney the management and conduct on behalf of the said cor-  
poration of certain suits at law and civil actions, and  
amongst others the action hereinbelow mentioned, of the  
proper moneys, goods, chattels and personal property herein-  
after mentioned, and of the use and benefit thereof, and to

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appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *Riley Paul & Co. Attorneys* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *William G. Jones et al vs Riley Paul & Co*, then pending in the *said Riley Paul & Co*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

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-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

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Witnesses:

*Wm Jones*

*See endorsement of  
Judgment No 203.  
Sept 91*

Counsel,  
Filed *21* day of *Sept.* 189*1*  
Plends. *Atty General*

THE PEOPLE

vs.

*James D. Hallen*  
*(12 cases)*

*De Lancey Nicoll*  
[Sections 228, 232, Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*W. J. LeBerry*

Foreman.

*Part 3. March 31/92*

*Judgments dismissed*

*Bail discharged*

0507

POLICE COURT, FIRST DISTRICT.

CITY AND COUNTY OF NEW YORK. : VS.

WILLIAM H. HALLIEN of 1250 Broadway, New York, President of the U. S. Commercial Agency and Collecting Company, being duly sworn, deposes; that on the *17<sup>th</sup>* day of *October* 1888, at the City of New York, in the County of New York, was personally taken, seized and carried away from the possession of respondent's said Company the following property:

Thirteen Dollars and 50 Cents, being the sum of money being held and deposited with the said Company, and that said defendant was and is a subject and now is a resident and positively and lawfully the owner of the property, was taken, seized and carried away by James B. Hallien, an Attorney-at-law of New York City.

Deponent further alleges; that the said Hallien on or about the said *17<sup>th</sup>* day of *October*, 1888, was in the employ of the said U. S. Commercial Agency & Collecting Company as its attorney on a regular salary and as such attorney had charge of its litigated suits and actions. That one of such cases in charge of said Hallien was the case of *Charles B. Kelly vs. Heermann* pending in the *N.Y. Supreme Court*.

Deponent further alleges that on the said *17<sup>th</sup>* of *October*, 1888, said Hallien received from this deponent the sum of *Thirteen & 50/100* dollars to be paid (and claimed by Hallien to have been paid) to the Clerk of the *County of New York* for jury fees in the

above-mentioned case.

Deponent further says; that the said Hallen received and became possessed of said sum by falsely and fraudulently stating, writing and representing to this deponent that the said sum had been previously by him as such Attorney disbursed for the aforementioned purpose in said action, but that in fact said Hallen had never disbursed or paid out the sum aforesaid or any part of the same as alleged by him, but, on the contrary said Hallen did unlawfully and feloniously keep, detain and appropriate the same to his own use, and with the intent and for the purpose of injuring and defrauding said U. S. Commercial Agency and Collecting Company. Deponent further alleges, that the said Hallen never had the said cause placed on the Calendar of the *part Court* and therefore no Jury Fees have been or could have been paid to the Clerk by said Hallen in this case.

Sworn to before us,

, 1881.

: *William G. Jones*  
 :  
 :

Police Justice.

.....x  
 THE PEOPLE, &c.,  
 against  
 J A M E S D . H A L L E N .  
 .....x

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says; that at all times hereinafter mentioned he was and still is the President and Treasurer of the United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above named, and who has been in the employ of Deponents' Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 21st, 1890, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the attorney of record in over 200 cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Charles B. Kelly vs N. W. Keenan & Co.*

That such admission was made in the presence of Mr. R. C. Lucas the Secretary of the Agency and Mr. Henry Halsey the ~~Attorney~~ <sup>Accounting Clerk</sup>. Deponent further alleges that the amount stolen by Hallen in the aforementioned case was

\$ 20 <sup>50</sup>/<sub>100</sub>. Deponent further alleges that he caused said Lucas to make memorandum of such admission by Hallen which

was done.  
Sworn to before me by *William J. Jones*  
Sept 4, 1891

*Geo. L. Rauch*  
Notary Public  
M. J. O.

1st DISTRICT POLICE COURT.

17647

.....X  
 THE PEOPLE, &c., :  
 against :  
 JAMES D. HALLEN. :  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

NEWTON C. LUCAS being duly sworn deposes and says;  
 that he was the Secretary and Book-keeper of The United  
 States Commercial Agency & Collecting Company, a corpora-  
 tion duly organized and existing under the Laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1889 up to *August* 1890. That he  
 is well acquainted with James D. Hallen, above-named, said  
 Hallen being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Hallen  
 called at the office of said Company on or about January  
 8th, 1890 to sign and did sign substitutions of Attorney  
 in about two hundred cases in which said Hallen appeared  
 as Attorney of Record. That among such cases was the case  
 of *Charles H. Kelly vs. A. W. Hernandez* then  
 pending in the Supreme Court of New York County. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halsey and this  
 deponent said Hallen examined and separated into two sepa-  
 rate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *Charles H. Kelly*

*agent*  
*Agnes W. Heermann*

That report thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$15.00 to \$20.50. That said Hallen misappropriated the sum of *30<sup>50</sup>* in the case of *Kelly as Heermann* hereinbefore referred to.

Sworn to before me,  
September 9<sup>th</sup> 1891.

*Newton B. Lucas*

*Geo L. Kuehn*  
*Truancy Public*  
*1117 Co*

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DISTRICT ATTORNEY'S OFFICE.  
City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. G. Jones  
280 Broadway  
James D. Hallen  
(12 cases)

Office Peter Larceny

Dated Sept 11 1891

Witnesses, Newton C. Lucas

No. 84 W. Broadway Street.

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
 The People of the State of New York, )  
 )  
 --against-- )-  
 )  
 JAMES D. HALLEN. )  
 )  
 -----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the  
Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of  
 New York, in the County of New York aforesaid, on the ~~17th~~  
 day of ~~October~~, in the year of our Lord one thousand eight  
 hundred and ~~eighty nine~~, at the City and County aforesaid,  
 with force and arms, with intent to deprive and defraud a  
 certain corporation called the United States Commercial  
 Agency and Collecting Company, by which said corporation he  
 was then and there employed as attorney, having as such at-  
 torney the management and conduct on behalf of the said cor-  
 poration of certain suits at law and civil actions, and  
 amongst others the action hereinbelow mentioned, of the  
 proper moneys, goods, chattels and personal property herein-  
 after mentioned, and of the use and benefit thereof, and to

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appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *Bank of the State of New York* for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *James D. Hallen vs. Bank of the State of New York*, then pending in the *County of New York*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

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feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID; do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0517

-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

196

Witnesses:

*Wm F. Jones*

Counsel,

Filed *21* day of *Sept* 189*1*

Plends, *Sept 21, 1891*

THE PEOPLE

vs.

*James D. Hallen*  
*(2 cases)*

Book -  
Grand Larceny,  
(Sections 83, 83.1,  
Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

*See indorment on  
Judgment # 203  
Sept '91*

A TRUE BILL.

*W. J. C. Berry*  
Foreman.

*Part 3 March 3 '92  
Judgment dismissed  
Bail discharged*



above-mentioned case.

Deponent further says; that the said Hallen re-  
 ceived and became possessed of said case by falsely and  
 fraudulently stating, writing and representing to the de-  
 ponent that the said case had been previously by him as such  
 attorney disbursed for the aforementioned purpose in said  
 action, but that in fact said Hallen had never disbursed  
 or paid out the said amount or any part of the same as  
 alleged by him, but, on the contrary said Hallen did un-  
 lawfully and feloniously, keep, detain and appropriate the  
 same to his own use, and with the intent and for the pur-  
 pose of injuring and defrauding said U. S. Commercial Agen-  
 cy and Collecting Agency. Deponent further alleges,  
 that the said Hallen never had the said cause placed on  
 the calendar of the said Court and therefore no jury  
 fees have been or shall have been paid to the Clerk by  
 said Hallen in this case.

Witness my hand and seal  
 this 1st day of June 1901

*William G. Jones*

Public Notary.

.....X  
 :  
 THE PEOPLE, &c., :  
 :  
 against :  
 :  
 JAMES D. HALLEN. :  
 :  
 .....X

CITY AND COUNTY OF NEW YORK. : SS.

WILLIAM G. JONES being duly sworn deposes and says; that at all times hereinafter mentioned he was and still is the President and Treasurer of The United States Commercial Agency & Collecting Company, a corporation organized and existing under and by virtue of the Laws of the State of New Jersey. That he is well acquainted with James D. Hallen, above-named, and who has been in the employ of deponents' Agency as the Attorney at a regular weekly salary. Deponent further alleges that on or about January 8th, 1890, the said Hallen called at this deponent's office to sign substitutions of attorney in his place as the Attorney of record in over 200 cases.

That at the time said Hallen separated such papers into two separate piles, of which the smaller pile numbered twenty-two cases. Deponent thereupon asked the said Hallen why he separated said papers and said Hallen replied that he "remembered these cases" referring to the papers in the smaller pile. Deponent thereupon asked said Hallen what he meant by that, and whether he meant to inform this deponent that he, said Hallen, remembered that he had stolen the costs in these twenty-two cases. Said

0522

Hallen thereupon said "yes" and admitted that he did steal the costs in the twenty-two suits in such papers mentioned. That among that pile of twenty-two cases, was the case of *Anthony & Co vs W. A. Heale*

That such admission was made in the presence of Mr. N. C. Lucas the Secretary of the Agency and Mr. Henry ~~Halsey~~ *Accounting Clerk* the ~~Attorney~~. Deponent further alleges that the

amount stolen by Hallen in the aforementioned case was /

*\$22 <sup>50</sup>/<sub>100</sub>*

Deponent further alleges that he caused said Lucas to make memorandum of such admission by Hallen which was done.

*Sworn before me by William J. Gacey  
Sept 9. 1891*

*Geo L. Kauch  
Notary Public  
Mojave*

1st DISTRICT POLICE COURT.

11500

.....x  
 :  
 THE PEOPLE, &c., :  
 :  
 against :  
 :  
 JAMES D. HALLER. :  
 :  
 .....x

CITY AND COUNTY OF NEW YORK. : SS.

NEWTON C. LUCAS being duly sworn deposes and says;  
 that he was the Secretary and Book-keeper of The United  
 States Commercial Agency & Collecting Company, a corpora-  
 tion duly organized and existing under the Laws of the  
 State of New Jersey, and was such Secretary and Book-keeper  
 from August 1st, 1888 up to ~~September~~ *August*, 1890. That he  
 is well acquainted with James D. Haller, above-named, said  
 Haller being employed as the Attorney for said Agency at a  
 regular weekly salary and had no interest in fees and costs  
 in the cases hereinafter mentioned. That said Haller  
 called at the office of said Company on or about January  
 8th, 1890 to sign, and did sign substitutions of Attorney  
 in about two hundred cases in which said Haller appeared  
 as Attorney of Record. That among such cases was the case  
 of *E. N. Anthony Co vs M. A. Heale* then  
 pending in the ~~Say~~ *City* Court of New York *City*. Depo-  
 nent further states that at the same time and place and in  
 the presence of William G. Jones, Henry Halsey and this  
 deponent said Haller examined and separated into two separ-  
 ate piles the said substitutions, and upon being asked by

Mr. Jones why he separated the piles, answered that he, said Hallen, remembered that he had received and misappropriated all the costs in said cases referred to, of which there were twenty-two, and among which said cases was the case of *Ex H. T. Anthony & Co.*

*Against*  
*William N. Steele.*

That deponent thereupon at Mr. Jones' request made a memorandum of this admission, and further compared the packages with the records in his charge and ascertained that the amounts received by said Hallen in each of said twenty-two cases was from \$18.00 to \$20.50. That said Hallen misappropriated the sum of  $\$22 \frac{50}{100}$  in the case of

*Anthony against Steele.*

hereinbefore referred to.

Sworn to before me, :  
September 9th 1892. :

*Newton B. Lucas*

*Geo. F. Ransom*  
*Notary Public*  
*1111 1/2*

0525

206

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm. G. Jones  
280 West Broadway  
James D. Hatten  
(12 cases)

Office of the District Attorney  
City and County of New York

Dated September 11 1891

Witnesses, Newton C. Lucas

No. 84 West Broadway Street,

No. Street,

No. Street,

COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York.

-----  
The People of the State of New York, )

                  --against-- )-

                  JAMES D. HALLEN. )  
-----

The Grand Jury of the City and County of New York,

by this Indictment, a c c u s e JAMES D. HALLEN of the

Crime of PETIT LARCENY, committed as follows:

T h e said James D. Hallen, late of the City of New York, in the County of New York aforesaid, on the ~~the~~ day of December, in the year of our Lord one thousand eight hundred and ~~eighty-nine~~, at the City and County aforesaid, with force and arms, with intent to deprive and defraud a certain corporation called the United States Commercial Agency and Collecting Company, by which said corporation he was then and there employed as attorney, having as such attorney the management and conduct on behalf of the said corporation of certain suits at law and civil actions, and amongst others the action hereinbelow mentioned, of the proper moneys, goods chattels and personal property herein-after mentioned, and of the use and benefit thereof, and to

-2-

appropriate the same to his own use, did then and there feloniously, <sup>fraudulently</sup> and falsely pretend and represent to one William G. Jones, who was then and there the President of the said corporation,

T H A T he the said James D. Hallen, as such attorney had then lately before advanced and paid to the clerk of the *City Court of the City of New York*, for and on account of the said corporation, the sum of thirteen dollars and fifty cents, as and for jury fees in a certain action entitled *on Demand Company* *against W. A. Hall* then pending in the *said City Court*, and that the said corporation was then and there by reason of such advance and payment justly indebted to him the said James D. Hallen in the said sum of thirteen dollars and fifty cents.

A n d the said William G. Jones then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James D. Hallen and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James D. Hallen, the sum of thirteen dollars and fifty cents in money, lawful money of the United States of America, and of the value of thirteen dollars and fifty cents, of the proper moneys, goods, chattels and personal property of the said corporation.

A n d the said James D. Hallen did then and there

0528

-3-

feloniously receive and obtain the said proper moneys, goods, chattels and personal property, from the possession of the said corporation by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said corporation of the same, and of the use and benefit thereof, and to appropriate the same to his own use

W H E R E A S, in truth and in fact, the said James D. Hallen had not then lately before or at any time advanced or paid to the said clerk for and on account of the said corporation the sum of thirteen dollars and fifty cents, or any other sum, as and for jury fees in the said action, and the said corporation was not then and there by reason of any such advance or payment, justly indebted to him the said James D. Hallen in the said sum, or in any other sum.

A N D W H E R E A S, in truth and in fact, the pretenses and representations so made as aforesaid by the said James D. Hallen to the said William G. Jones was and were then and there in all respects utterly false and untrue, as he the said James D. Hallen at the time of making the same then and there well knew.

AND SO THE GRAND JURY AFORESAID, do say that the said James D. Hallen, in the manner and form aforesaid, and by the means aforesaid, the said proper moneys, goods, chat-

0529

-4-

tels and personal property of the said corporation, then  
and there feloniously did steal, against the form of the  
Statute in such case made and provided, and against the  
peace and dignity of the said people.

DE LANCEY NICOLL,

District Attorney.

0530

**BOX:**

449

**FOLDER:**

4139

**DESCRIPTION:**

Hallen, James D.

**DATE:**

09/21/91



4139

0531

Part 5 June 15, 1909

322

Witnesses:

Henry Hakey

J. F. O'Brien

See endorsement  
on Indictment  
of 203 Sept 91

Counsel,

Filed

Pleas,

29 day of Sept. 1891

THE PEOPLE

vs.

James D. Hallen  
(112 case.)

Forgery in the Second Degree.  
[Sections 211 and 251, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

M. J. C. Berry

Foreman.

Part 3. March 31 92.

Indictment dismissed  
& Bail discharged

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James O. Hallen

The Grand Jury of the City and County of New York, by this  
Indictment accuse James O. Hallen

of the crime of Forgery in the second degree,

committed as follows:

The said

James O. Hallen

late of the City of New York, in the County of New York, aforesaid, on the

third day of August in the year of our Lord one thousand  
eight hundred and eighty-ninety one, at the City and County aforesaid,

with intent to defraud, feloniously did  
forge a certain instrument and writing,  
which said forged instrument and writing  
is as follows, that is to say:

in Supreme Court

In the matter of the application of  
Susan S. Meyers to compel Henry Talley,  
an Attorney and Counsellor at Law, to  
pay over certain monies obtained by him for her ac-  
count &c., and also to deliver to her a certain bill of  
sale signed and executed by William Meyers to Susan S.  
Meyers for certain goods and chattels, &c.

Know all men by these presents, that we, Henry Halsey, of the City of New York, and E. L. Wells are held and firmly unto Susan S. Meyers her heirs, administrators, executors and assigns, in the sum of fourteen Hundred Dollars (\$1,400.00), which payment well and truly to be made we bind ourselves our and each of our executors, administrators and assigns, jointly, firmly and severally by these presents.

In Witness Whereof we have hereunto set our hands and seals, this 3rd day of Aug 1891.

Whereas, an order was granted herein on the 6th day of July, 1891, by Hon. Miles Beach, Justice of this Court, requiring the said Henry Halsey to pay over to the said Susan S. Meyers, her heirs, executors, administrators and assigns, within five days thereafter the sum of six Hundred and ninety Dollars (\$690.00) and to deliver to said Susan S. Meyers a certain bill of sale executed by William Meyers to Susan S. Meyers: and

Whereas, the said Henry Halsey feeling aggrieved by such order, has appealed thereupon to the General Term of the Supreme Court: and

Whereas, Hon. George C. Barrett, one of

the Justices of this Court, granted an order herein on the 29th day of July, 1891, staying all proceedings on the part of Susan S. Myers herein, until after the hearing and decision of said appeal.

Now therefore, the conditions of this obligation are such that if the General Term of this Court shall affirm the order of Hon. Miles Beach herebefore referred to, and the said Henry Halsey, or his heirs, executors, administrators and assigns, shall within five days after notice of such affirmance pay over to the said Susan S. Myers, or her executors, administrators and assigns, in such manner as this Court shall direct, said sum of six hundred and ninety Dollars, (\$690.00), together with the costs and disbursements of said appeal and shall with the same time turn over to said Susan S. Myers, or her executors, administrators and assigns, the bill of sale before referred to, then this obligation to be void, otherwise to remain in full force and virtue.

Henry Halsey  
 C. F. Wells

against the form of the Statute in such case made and provided and

0535

against the peace of the People of the  
State of New York and their dignity.

De Laurence Nicoll  
District Attorney.

0536

**BOX:**

449

**FOLDER:**

4139

**DESCRIPTION:**

Hansen, Elsie

**DATE:**

09/24/91



4139

264

Counsel,  
Filed 24 day of Sept 1891  
Plends,

**VIOLATION OF EXCISE LAW.**

(Selling without license.)  
(Ill. Rev. Stat. (7th Edition), page 1281, § 13, and  
of 1887, Chap. 310, § 2.)

THE PEOPLE

vs. F

Chas. D. Cannon

June 29

no Bond

DE LANCEY-NICOLL,

District Attorney.

A TRUE BILL.

W. J. O'Brien  
Foreman

Witnesses:

Ed. Cider

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Elsie Hansen*

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

*Elsie Hansen*

(III. Revised Statutes, 7th edition, page 1991, Sec. 13.)

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES WITHOUT A LICENSE, committed as follows:

The said

*Elsie Hansen*

late of the City of New York, in the County of New York aforesaid, on the *eleventh* day of *September* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at a time, to

*one Edward Eider and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883, chapter 310, Sec. 5.)

SECOND COUNT—

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

*Elsie Hansen*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER, WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*Elsie Hansen*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as number

*thirty eight Stanton Street,*

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to

*one Edward Eider and to*

certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0539

**BOX:**

449

**FOLDER:**

4139

**DESCRIPTION:**

Hanson, Charles

**DATE:**

09/14/91



4139

0540

Witnesses:

*Off Parry, 1906*

*J. M. [unclear]* 1099  
Counsel,  
Filed *14* day of *Sept* 189  
Pleads, ~~\_\_\_\_\_~~

THE PEOPLE

vs.

*P*  
Charles Hanson

CRIME AGAINST NATURE.  
[Sec. 303, Penal Code.]

*28.*  
*B. [unclear]*

*Edmund Nicoll,*  
~~JOHN H. FELLOWS,~~

District Attorney.

A TRUE BILL.

*W. J. [unclear]*  
*Sept 15/91* Foreman.

*Wm. [unclear]*  
*1 yr Pen [unclear]*  
See complaint against David Leahy.

0541

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Rhodes Hanson*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *Rhodes Hanson*  
of the CRIME AGAINST NATURE, committed as follows:

The said *Rhodes Hanson*,  
late of the City of New York, in the County of New York aforesaid, on the  
*eighteenth* day of *August*, in the year of our Lord one thousand  
eight hundred and ninety — *one*, at the City and County aforesaid,  
with force and arms, in and upon one *David Seating*  
a male person, then and there being, feloniously did make an assault, and  
*with* the said *David Seating*, in a manner  
contrary to nature, then and there feloniously did carnally know; against the form of  
the Statute in such case made and provided, and against the peace of the People of  
the State of New York, and their dignity.

SECOND COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further  
accuse the said *Ernest Hanson*  
of the same CRIME AGAINST NATURE, committed as follows:

The said *Ernest Hanson*,  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, feloniously did voluntarily submit to carnal  
knowledge of himself by one *David Smith*, a male  
person, in a manner contrary to nature; against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

*John R. Fellows*  
JOHN R. FELLOWS,

*District Attorney.*

0543

**BOX:**

449

**FOLDER:**

4139

**DESCRIPTION:**

Hart, William

**DATE:**

09/16/91



4139

0544

# 112

Witnesses:

Fred H. Murray  
Off. McNeal

Counsel,  
Filed 16 Sept 1891  
Pleads,

THE PEOPLE

vs.

William Stark

Burgary in the Third Degree.  
Section 488, 406, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

For Clerk  
J. J. McNeal

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

M. J. Liberry

Foreman.

J. J. McNeal

Filed Aug 20 1891  
2 nos 1891

0545

Police Court \_\_\_\_\_ District.

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

of No. 22 Spruce Street, aged 23 years,  
occupation photographer being duly sworn

deposes and says, that the premises No. 22 Spruce Street, 4th Ward  
in the City and County aforesaid the said being a law office on the 2d floor  
of the 4th story lesion building  
and which was occupied by deponent as a photograph office  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly prying open  
the door leading from the hall  
into said parlour and breaking in  
said door

on the 19th day of August 1891 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

- One dozen gold watches
- 1 Ring
- 2 Memorians
- 1 Seal

Being together of the value of  
44  
Twenty seven 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 by the aforesaid property taken, stolen and carried away by

William Hart (now dead) and another  
person who is as yet not arrested

for the reasons following, to wit: who were acting in concert  
with each other for the purpose of procuring  
to wit that on the night of the 18th  
day of October 1891 deponent securely  
locked and fastened said door by  
means of a lock and key, and about  
the hour of twelve AM on the morning  
of said day he found said door  
broken open and said property gone

0546

Expounded said defendant together with  
said man <sup>than</sup> ~~stand~~ in front  
of said premises with his property  
in his possession and he caused said  
defendant to be arrested. We found in  
his possession 2 sets of pins a bangs  
and said scales which he identifies  
as being his and being a portion of  
the property herein mentioned and  
he together said defendant with  
acting in concert with said unknown  
person and with the burglary  
before said

Sworn to before me 1891  
this 19th day of August  
Fred King  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ ISS \_\_\_\_\_ Police Justice.

I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ ISS \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ ISS \_\_\_\_\_ Police Justice.

Police Court, \_\_\_\_\_ District.

THE PEOPLE, &c.,  
on the complaint of

vs.

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence—BURGLARY.

Dated \_\_\_\_\_ ISS \_\_\_\_\_  
Magistrate.

Officer \_\_\_\_\_  
Clerk \_\_\_\_\_

Witness \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_

§ \_\_\_\_\_ to answer General Sessions.

0547

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*William Hart*

Question. How old are you?

Answer.

*37 years.*

Question. Where were you born?

Answer.

*United States*

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

Answer.

*57 Allen Street 3 years.*

Question. What is your business or profession?

Answer.

*Seaman*

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

Answer.

*I am not guilty*

*William Hart*

Taken before me this

day of *19* 1897

Police Justice

0548

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

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

Dated Aug 19 1891 ..... Police Justice.

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

Dated.....18 ..... Police Justice.

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

Dated.....18 ..... Police Justice.

0549

1115

Police Court---

THE PEOPLE, &...  
ON THE COMPLAINT OF

*James M. Henry*  
*22 Spruce St*  
*William H. [unclear]*  
1  
2  
3  
4  
Office

BAILED.

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *August 19* 188*9*

*Levin* Magistrate.

*W. [unclear]* Officer.

*H* Precinct.

Witnesses .....

No. .... Street.

No. .... Street.

No. .... Street.

No. .... Street.

\$ *500* to answer *GS*

*from*

*12/12*

*Recd*



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Hart

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

William Hart

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

The said

William Hart

late of the 4th Ward of the City of New York, in the County of New York aforesaid, on the nineteenth day of August in the year of our Lord one thousand eight hundred and ninety-one in the day-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the office of one Frederick Henry

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said Frederick Henry in the said office then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT—

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

*William Hart*

of the CRIME OF *Grand LARCENY in the second degree*, committed as follows:

The said

*William Hart*

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

*twelve scarf pins of the value  
of one dollar and fifty cents  
each, one banjo of the value of  
seven dollars, two harmonicons  
of the value of fifty cents each  
and one scale of the value of  
two dollars*

of the goods, chattels and personal property of one

*Fredrick Henry*

in the

*office*

of the said

*Fredrick Henry*

there situate, then and there being found, in the *office*  
aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute  
in such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

THIRD COUNT:

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

*William Hart*

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *William Hart*

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,

*twelve scarf-pins of the value of one dollar and fifty cents each, one banjo of the value of seven dollars, two harmonicons of the value of fifty cents each, and one scale of the value of two dollars*

of the goods, chattels and personal property of

*Frederick Henry*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

*Frederick Henry*

unlawfully and unjustly did feloniously receive and have; (the said

*William Hart*

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.

DE LANCEY NICOLL,  
District Attorney.