

0402

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hein, Emanuel M.

DATE:

01/04/92



4259

Witnesses:

In my opinion the defendant committed his offense in this county - (See copy filed herewith.)

I recommend the dismissal of this indictment.

Jan 8/92 V. M. Darrant

Counsel. *Wm. H. Meyer*
Filed, *4th day of June* 1892
Pleads. *May 15*

THE PEOPLE

vs.
Prop. E. 2 for I
0.98

Emmanuel M. Stein

Wm. H. Meyer

DE LANCEY NICOLL,

District Attorney.

Paid 2 Jan 11/92

A TRUE BILL.

Chas. J. DeForest

Jan 11. 1892

Indictment dismissed

LARCENY, MISAPPROPRIATION,
(Sections 528 and 531 of the Penal Code.)

Court of General Sessions

The People }
vs }
Emanuel Klein }

City & County of New York ss
Henry Klein of No. 219
East 48 Street this City being duly
sworn says that he is a traveling
Salesman and an uncle of defendant.
That defendant has never been
arrested before to deponents know-
ledge, always having borne a
most excellent character for
honesty &c.

Deponent further says that his ^{deponent's} father
and mother reside in Albany
N.Y. and are highly respectable,
and should this defendant be
discharged deponent will immo-
diately send him to Albany.

Sworn to before me }
January 5th 1892 } Henry Klein
John Ed. Minns }
Coram Robert }
N. Y. Co }

Court of General Sessions

The People }
 vs } Larceny
 Emanuel Klein }

City & County of New York ss
 Emanuel Klein being
 duly sworn says that he is the de-
 fendant above named, and is now
 confined in the City Prison. That he
 is twenty two years of age, has never
 been arrested before or charged with
 the commission of any offense.
 That he went into the Employment
 of Bloch & Brothers (Complainants) in
 November last as a traveling sales-
 man. That after being in the
 complainants Employment about
 two weeks and while in Holyoke
 and Springfield Mass. and being
 without any means or money, and
 without intending to deprive my
 employers out of their property, but
 from necessity only, I sold ~~about~~
 to Algernon Bros 47 Hampden St Holyoke
 Mass \$25⁵⁰/₁₀₀ worth of sample pants
 about nine pairs, and also sold
 to A. Jacobs Springfield Mass about

\$244 worth.

Deponent then came back to this City and sold to a party in the clothing business on 3^d Avenue near 26th Street \$16 worth of pants, and then went to Albany N.Y. and tried to sell a bill of goods to my father and uncle, both refused to buy. I then went to Boston and from there to Auburn N.Y. where I was arrested.

At the time of my arrest by Detective Murphy, I surrendered to him the key of my trunk which contained the balance of the Complainant's property (sample pants) and which I am informed has been returned to my Employers. Deponent further says that he sold in all about \$65 worth of sample pants, and in doing so had no intention to commit the Crime of larceny, nor to cheat and defraud his Employers.

Deponent further says that while in Holyoke, he wrote and wired his Employers, that he required money for expenses etc, but received

only five dollars which was not sufficient and wired his Employers to this effect, and it was thereafter that he sold the property as herein before stated.

Deponent further says that at the time of his arrest, he came at once to New York with the officers.

Subscribed to before me } Emanuel Klein
 January 8th 1894 }
 Ferdinand Edmunds Jr
 Notary Public
 N.Y. Co

Court of General Sessions

The People

vs

Emanuel Heu

Affiant of
Defendant ^{Heu}

Naunce Hester

of Counsel Dept
3 Paul Row

W.H.C

Prep & 1 for Jd.
C.H.

0409

NEW YORK COUNTY OF ALBANY.
DISTRICT ATTORNEY'S OFFICE,
ALBANY, N. Y.
HUGH REILLY,
DISTRICT ATTORNEY. ANDREW HAMILTON,
ASSISTANT.

July 1. 92
My Dear Mr. McCall

As suggested by you
last evening at the Banquet
I drop you a line in reference
to the case of Emmanuel
Marie under arrest in
your city for some grade
of larceny. His parents
reside here, and are wealthy
and reputable people.
His father is a card &
woman. He has been wild
but has never been indicted
or convicted of any crime
to my knowledge, & certainly
not here. His mother, brother
Mr. Mark Cohen, the assistant
district attorney of this County
at whose request I write

0410

POOR QUALITY ORIGINAL

believes he ought to be
 furnished, but thinks the
 Elmira Reformatory the proper
 place. He is young & there
 is hope for him. I fully
 concur in Mr. Coburn's re-
 commendation & would
 not advise it if I felt
 otherwise. If you think
 it proper I would so
 recommend to the Court.

Trusting that you
 enjoyed yourself last
 night, I wish you a
 happy new year.

Truly yours
 Hugh Reilly

Hon. DeLancey Nicoll
 District Attorney
 New York City

04-111

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Emanuel Klein

Larceny

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself, that the said defendant was in my employ as a traveling salesman, and while in such employment was entrusted with samples of clothing to show customers. That said defendant disposed of said samples and appropriated the money for same but this deponent fully believes that he never intended to deprive him of same, nor deprive him (Complainant) of the use and benefit thereof and had no intention of committing the crime of larceny.

This deponent is personally acquainted with the family and relatives of defendant who are highly respectable occupying high social position in Albany N.Y. and that this is the defendant's first offense never before having been charged with the Commission of any crime.
Dated New York Jan 4/1900
Louis Koch.

Court of General Session
of the People
vs

Emmanuel Klein

Withdrawal of
Complaint

0413

3rd

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 41 Great Jones Street, aged 25 years,
occupation clothing being duly sworn
deposes and says, that on the 5th day of Dec 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

Fifty two pairs of pantaloons together
of the value of One hundred and
fifty dollars and one trunk of the
value of twenty one dollars altogether of the
value of One hundred and eighty dollars
the property of Kenny M Bloch and deponent
Partners

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Emanuel M Klein from the fact
that the said defendant was in the
employment of deponent and his brother
Charities as a travelling salesman and
on said date deponent gave the defendant
the said trunk and said fifty two pairs
of pantaloons as samples to travel through
Massachusetts and New York State to procure
customers to buy goods of the same as the
samples from deponent's firm with the understanding
that the defendant was to return said samples
in the course of one week and the defendant
has failed to return said samples but
withheld and appropriated said samples
to his own use wherefore deponent prays

Subscribed and sworn to before me this
5th day of Dec 1891
Police Justice

0414

That said defendant may be apprehended
and dealt with according to law

Sworn to before me
this 21st day of Dec 1921

John Ryan

Louis Block

Police Justice

0415

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Emmanuel M. Klein 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. *Emmanuel M. Klein*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Albany*

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

Answer. *64 Miller St Albany 12 years*

Question. What is your business or profession?

Answer. *Clothier*

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 of murder*

Taken before me this *24* day of *April* 188*7*
John R. [Signature]
Police Justice

0416

3

Sec. 151.

Police Court District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint in writing, and upon oath, was made before the undersigned, one of the Police Justices for the City of New York, by Louis Bloch of No. 41 Great Jones Street, that on the 1st day of Dec 1891 at the City of New York, in the County of New York, the following article to wit:

Fifty two pairs of pantalons and one trunk
together one hundred and eighty
of the value of _____ Dollars,
the property of Henry M Bloch and Complainant Charles
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by J. O. Mc Kern

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the bod_____ of the said Defendant and forthwith bring him before me, at the 3rd DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this

21st day of December 1891
John R. Ryan

Police JUSTICE

0417

CITY OF AUBURN, } ss.:
COUNTY OF CAYUGA, }

sworn says, that he resides in the City of New York being duly
name of James J. Ryan signed to the annexed warrant of arrest, is the
handwriting of James J. Ryan who is a Police Officer
of the City of New York in the county of New York
by whom the annexed warrant was issued.

Sworn before me this 23rd day
of Dec 1891

James J. Murphy

Thos J. Quinn

Recorder.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Warrant-Larceny.

vs.

Dated 188

Magistrate

Officer.

The Defendant
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

0418

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

Magistrate

Officer.

The Defendant
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated

*County of Cayuga } 55
City of Auburn }
This Warrant may
be executed in the County
of Cayuga.
W. T. Quinn
Recorder*

having been brought before me under this
WARDEN and KEEPERS of the City Prison of the City of New York.
Warrant is committed for examination to the

The within named

Police Justice.

0419

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 Alfred Hunt

Cammell M. Kim
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 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 Dec 24 1891 Chas. Logan 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.

0420

(W) + 3 257/1580
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Bloch
41 Grand Street
Emanuel M. Kenic

1 _____
2 _____
3 _____
4 _____

officer McLean
J. J. [unclear]

Dated Dec 24 1891

Magistrate.
Officer.
Precinct.

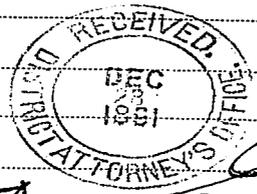
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer



Lam

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ 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

Emanuel M. Stein

The Grand Jury of the City and County of New York, by this indictment, accuse
Emanuel M. Stein
of the CRIME OF ~~Grand~~ LARCENY, in the second degree, committed
as follows:

The said *Emanuel M. Stein,*

late of the City of New York, in the County of New York aforesaid, on the *21st*
day of *December*, in the year of our Lord one thousand eight hundred and
ninety-*one*, at the City and County aforesaid, being then and there the *agent*
and valet of *Henry M. Block and*
Samuel Block, co-partners,

and as such *agent, valet and valet* then and there having in his
possession, custody and control certain goods, chattels and personal property of the said
Henry M. Block and Samuel Block,
the true owner thereof, to wit: *fifty two pairs of trousers*
of the value of three dollars each pair,
and one trunk of the value of twenty
one dollars,

the said *Emanuel M. Stein,* afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *goods, chattels and*
personal property
to his own use, with intent to deprive and defraud the said *Henry M.*
Block and Samuel Block
of the same, and of the use and benefit thereof; and the same goods, chattels and personal
property of the said *Henry M. Block and*
Samuel Block
did then and there and thereby feloniously steal, 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.

0422

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hennessy, Patrick

DATE:

01/20/92



4259

Witnesses:

D. V. J. B. C.

Counsel, *[Signature]*
Filed *[Signature]* day of *January* 189*2*

Plends, *[Signature]*

THE PEOPLE

vs.

Patrick Hennessy

alias

" H. Hartonell

Grand Larceny, *[Signature]*
[Sections 529, 530 Penal Code.]

DE LANCEY NICOLL,
District Attorney.

[Signature]

A TRUE BILL.

Chas. J. DeForest

Foreman.

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

0424

(1865)

Police Court— District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 384 7th Ave Street, aged 33 years,
occupation Butcher being duly sworn,

deposes and says, that on the 7th day of July 1892 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

One Horse, one Wagon and
one pair of Harness the whole
valued at Ten Hundred
Dollars \$1000⁰⁰ to

the property of Deponent

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

from the fact that deponent
is informed by William Kenna
that said wagon and horse was in
possession of deponent's premises that he
witnessed said the defendants get on
the wagon and suddenly drive away
from said place. That witness
ran after defendants and made an
alarm that officer McGovern gave
chase that said officer further informed
deponent that when he ran after
the defendants said defendants jumped
from said wagon and that said officer
then arrested the defendants. deponent
thereupon charges the defendants with having
stolen said property and says that he is held to answer
John Heil.

Sworn to before me, this
of July 1892
Police Justice

0425

CITY AND COUNTY }
OF NEW YORK, } ss.

William Lenan

aged 46 years, occupation Butcher of No.

384 First Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John Kiel

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

Sworn to before me, this 7th } *William Lenan*
day of January } 1892

John Ryan
Police Justice.

0426

Sec. 198-200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Patrick H. Hastnell*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *No. 510 East 23rd Street - 14 years*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty*

Patrick Hastnell

Taken before me this

day of *January* 1892

John J. [Signature]

Police Justice.

0427

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

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

Dated January 7 1892 John M. Ryan 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.

Police Court--- 4 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

John Hill
384 1st Ave
Patrick A. Hartnett

Offence: *Hand Larceny*

- 1
- 2
- 3
- 4

Dated *January 7* 189*2*

Pyan Magistrate.
M. Greery Officer.

18 Precinct.

Witnesses *Wm Leman*

No. *384 1st Ave* Street.

Call the office Street.

No. Street.

No. Street.

\$ *2000* to answer



Ca

921

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ 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

Patrick Hennessy

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

Patrick Hennessy

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

The said Patrick Hennessy

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

one horse of the value of six hundred dollars, one wagon of the value of three hundred dollars, and one set of harness of the value of one hundred dollars

of the goods, chattels and personal property of one John Heil

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

De Lancey Nicoll District Attorney

0430

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hernz, Evaristo M.

DATE:

01/21/92



4259

0431

Witnesses:

David R. ...
John R. ...

Counsel,

Filed *20th* day of *Jan*

1893

Plends,

THE PEOPLE

vs.

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

Ex parte M. Henry

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

Wm. D. ...

Foreman.

J. J. ...
Leah ...

S. P. ...
July 5, 1893

0432

Police Court 1st District.

City and County of New York } ss.

of No. David Rodelsperger Street, aged 43 years, occupation Manager, being duly sworn, deposes and says, that on the 7 day of January 1892, at the City of New York, in the County of New York, one Corrado M. Stern

(now here) did wilfully feloniously and unlawfully utter a certain check (check attached), purporting to be made by one J. H. Martins & Sons, drawn on the Mechanics National Bank for the sum of Thirty five dollars and a quarter purporting to be endorsed by J. de Rivera & Co. from the following facts that upon said date the defendant entered defendants place of business at 2 South William Street and requested defendant to cash said check that at first defendant refused stating to the defendant that the check must be endorsed by some one known to defendant, that the defendant departed and entered the office of J. de Rivera & Company and shortly returned with said check with what purported to be the endorsement of said firm written on the back of said check that defendant believing the endorsement to be genuine gave the defendant cash for said check.

Defendant is now informed by J. de Rivera that the endorsement on said check is a forgery and that he never authorized the defendant to use his name. Defendant further says that

0433

after inquiring he learned that no
such firm as J.R. Martinez & King
had an account at said bank.

D. Radtchberger.

I have sworn me this
11th day of January 1892

W. W. ...
Patron Justice

Police Court, District.

THE PEOPLE, &c.,		Offense
ON THE COMPLAINT OF		
1		
2		
3		
4		

Dated..... 189

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street.

No. Street.

No. Street.

to answer..... Sessions.

0434

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Evaresto M. Herzig

Question. How old are you?

Answer.

49 years

Question. Where were you born?

Answer.

Cuba.

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

Answer.

226 m 6th St.

Question. What is your business or profession?

Answer.

Bookkeeper

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
Evaresto M. Herzig*

Taken before me this

August 1888

[Signature]

Police Justice.

0435

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.....

Alfred A. ...

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

Dated *January 11* 18*93*.....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.

0438

43

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

David Roed Berger
L. S. vs. M. H.
Evaresto M. Harris

1 _____
2 _____
3 _____
4 _____

berger
Officer

Dated *January 11* 18*91*
M. Graham Magistrate.

Arustiny Officer.
Precinct.

Witnesses *J. de Rivera*
No. *3 So. Williams* Street.

No. _____ Street.



No. _____ Street.
\$ *3.00* to answer *G.S.*

July
7
of
...

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

0437



NEW YORK,

Jan 5th 1892

Mechanics' National Bank,

PAY TO THE ORDER OF

E. M. Murray

Thirty five and no/100

DOLLARS

\$

35 #

J. R. Martineau

0438

E. M. J. [unclear]
End. correct
J. de Pursey

1892

250

0439

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

aged 39 years, occupation John A. Rivera of No. 3 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of David Redelberger and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 11 day of January 1889 } John A. Rivera

W. D. ...
Police Justice.

0440

Sing Sing Prison
April 20th 1893.

Re Nancy Nicoll Esq.
District Attorney &c.

Sir:

On the 5th day of February 1892, in the Court of General Sessions before Judge Martine, I was convicted of the crime of forgery in the second degree, and was sentenced to imprisonment for the term of six years and six months.

The crime in question was the forgery of a bank cheque for \$34,500 dollars. The circumstances under which the forgery was committed, although no legal excuse or justification for the crime were such that, if Judge.

Martine had known them at the time, he would, I am sure, have imposed a lighter sentence.

These circumstances however were not known to Judge Martine, and it was useless for me to disclose them, because I was at that time unable to prove them.

Since I have been here, however, facts have come to light and have been judicially ascertained, which clearly show the circumstances in question. I have communicated these facts to Judge Martine, and he has suggested that I should apply to the Governor for a mitigation of my sentence, and has assured me that when the

Governor calls upon him for his views on the case he would make a prompt reply.

I have reason to think that he has made some inquiry into the facts and has found them to be as I have stated, and that his opinion will be favorable to a reduction of my term.

I have now made my application to the Governor, and he will, I presume, call upon you as well as upon Judge Martine, for your views of the case.

I respectfully beg that before you reply to such communication from the Governor, you will consult

0442

Judge Martine, and learn
from him the facts on
which my application
is based, and the result
of his inquiry into the truth
of what I have alleged.

Yours remain;

Yours Respectfully
Evaristo M. Henry

0443

Name and Cell No. of Writer.
E. McKeung
713

Full Address of Letter
Mrs. Dan Gilbert
103 N. 93 St.

Rules for Guidance of the Friends of Prisoners.

Letters should be confined to family or business matters. Put name and date of sentence on envelope. Daily, weekly sensational, immoral and political papers or books not allowed. Visits permitted once in two months: no visiting on Sundays or Holidays. Articles of cooked or prepared food, not exceeding 100 lbs., allowed once in two months. Tea, coffee, or chocolate not allowed. Tobacco, underclothes, etc., may be sent at any time. Boxes and packages, by express, must be plainly marked with name and date of sentence of prisoner, and prepaid.

Sing Sing Prison, N. Y., June 21 1893.

My dear Mrs Gilbert I
am just in receipt of
the enclosed letter from
the District Attorney,
and at the same time I
enclose you the acknowledge-
ment of the Governor secretary
of the receipt of my petition
and as you will plainly
see they have not taken
any steps as to the inves-
tigation they speak of.
The only way to do is for
you to write to the Gover-
nor stating what Nicoll
says, and the Governor
will then write to him.
Just think when I thought.

0444

everything was going
on so well. The prin-
cipal thing has been
neglected by the clerk
in Albany.

Please let me hear
from you soon; my
best love to Elsie whom
I expect to see very soon.

Did they go on Wednesday
to see Martine; please let
me know the result
of the interview.

Tell Charlie I have
not heard from him
in a long time.

With my best wishes
and kind regards to
all believe me your
sincere and anxious

friend. E. M. News

P.S. I can see that the
District Atty wishes to
communicate with the
Governor, but can not
do so unless the Gov. writes
to him for an investi-
gation of the case.

Please take the necessary
steps so as to avoid any
more delay in the case.
With many thanks for
your kindness and hoping
that everything will be
settled soon; believe me
sincerely.

E. M. News

0445

I.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

April 24. 1893

Sir:

Your application is received for Executive clemency in the case
of *yourself*

The application has been entered, the papers placed on file and
the investigation provided by law will be made at once. When reports
have been received the case will be given consideration and if favor-
able action is taken you will be informed. If the result of the
examination, however, does not justify a favorable conclusion, no
reply will be made.

By reason of the pressure of legislative matters no case will
ordinarily be acted upon by the Governor during the session of the
Legislature or for thirty days thereafter.

Very respectfully yours,

J. S. Williams.

Private Secretary.

Everisto M. Herzog

Sing Sing Prison

0446

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

June 1st,

1893

Evaristo M. Hernz,

Sing Sing Prison, N.Y.

Sir:-

The District Attorney duly received your communication of April 20, 1893, relative to your proposed application for pardon, and wherein you state that you have made application to the Governor who, in the ordinary course, would refer the same to this office for a report thereon.

No communication has been received from the Governor respecting your case, and therefore, ^{it} must be that ~~is~~ your application, if any was filed, was not made out in such form as to receive Executive consideration.

Yours &c.,



Secretary.

0447

Indictment
filed Jan 192

Oring Sing Prison
March 20th 1893.

Hon. Randolph B. Martine,

Sir;
on the 5th day of February 1892 I
pleaded guilty before you to an
indictment for forgery in the se-
cond degree, and was sentenced
by you to imprisonment in a
State prison for the term of six
years, which term I am now
serving in this prison.
My purpose in writing to you
at present is, to lay before you
some facts which, if you had
known them at the time, might
possibly have induced you to
impose a lighter sentence.
The crime for which I was indicted
consisted of the forgery of a cheque

for \$34⁵⁰, purporting to have been made by my brother, John R. M. Henry. This brother was the Executor of my father's will and had had in his hands, ever since my father's death in 1879, all my share of the Estate.

The income from my share of the Estate was at first paid to me with a fair degree of regularity, and was sufficient for my support in a modest way, but afterwards it fell off, and for about two years before my arrest I had received nothing from my father's Estate and was dependent entirely upon my own earnings. About six months before my arrest the firm by which I was employed went into liquidation, and I was thrown out of employment. —

3. I soon spent my savings and was left entirely without means of support. I got into debt with my butcher and grocer and exhausted my credit, so that I could no longer procure for my wife and child the necessaries of life. Time and again I asked my brother for some part of the income due me from the Estate, but I could get from him neither money nor any account of what was coming to me. — Many times he put me off, and upon one pretence or another postponed a settlement, until I was wearied beyond all endurance. I felt sure that he was largely in arrears with me, but I had no means to commence legal proceedings to compel an accounting. At last after many delays

and postponements, he finally told me that there was nothing due to me from the Estate.

Just about this time my landlord had commenced proceedings to dispossess me from the apartments which I occupied with my family, and my wife and child were about to be turned into the street. I went to my brother and begged for some assistance, but he refused. Then I forged the cheque in question in my brother's name, for the exact amount of money which I owed for rent, cashed the cheque and paid the proceeds to my landlord.

My expectation was that my brother under all the circumstances, would pay the cheque, rather than allow a charge of

5
forgery to be made against me.
I do not justify my conduct,
nor do I claim that the facts
which I have stated amount to
anything like a defence. But I
do respectfully submit that I
was driven to commit this crime
by the pressure of want, and by
the cruelty and dishonesty of
my brother whose name I forged.
And this, it seems to me, might
properly have been taken into
consideration, in determining the
extent of my punishment.

I did not disclose these facts
when I was arraigned for sen-
tence, because they involve a
serious accusation against my
brother, and I had then no
proof to sustain the charge.

Since I have been here, however,
my brother has been removed

0452

6
from his trust by a decree of
the Surrogate of New York
made Nov. 28th 1892. A deficiency
of more than thirty thousand
dollars was found in his acc'ts,
and a decree was made against
him for the amount of such deficit.
Horace Anderson, Esq. was appointed
Trustee in my brother's place.
Harold Swain, Esq. of No. 55 Liberty St.
New York, was attorney for some of
the heirs, in the proceedings in
which the decree were made, and
I can refer to him and to the Records
of the Surrogate's Court for proof
of what I have stated, concerning
my brother's misconduct as trustee.
I respectfully submit that the
result of the proceedings in the
Surrogate's Court affords ground
for my charge that, at the time
when I forged my brother's name,

0453

7
He had suppressed and misap-
propriated my income, and
that by his wrong doing I was
reduced to the poverty which
led me into crime.

I am about to apply to
the Governor for some mitiga-
tion of my sentence, and I
have no doubt that he will
be largely guided by your
opinion of the case. I therefore
write to you in the hope that
your views will be favorable
to my application. I have a
wife and child who are des-
titute and who must suffer
greatly until I am restored
to liberty. I most earnestly
trust that you will take
into consideration the circum-
stances which I have related,
and that they will lead you

0454

8
to believe that the ends of justice
will be satisfied by any imprison-
ment for a term shorter
than the one imposed by you.

If not inconsistent with
your views of propriety, I shall
be most deeply grateful to you
for a reply to this communica-
tion, to let me know whether
your opinion upon my appli-
cation to the Governor will be
favorable or unfavorable.

Very Respectfully Yours,
Francis M. Henry

0455

E. M. Herzog

Fla
Jan 1892

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Evaresto M. Henry

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

Evaresto M. Henry

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

The said Evaresto M. Henry

late of the City of New York, in the County of New York aforesaid, on the seventh day of January in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, having in his custody a certain instrument and writing, in the words and figures following, that is to say:

New York, Jan 5th 1892
Mechanics' National Bank,
Pay to the order of E. M. Henry
Thirty five no/100 Dollars
\$35.00
J. R. Martiney Henry

The said Evaresto M. Henry

afterwards, to wit: on the day and in the year aforesaid, with intent to defraud, at the City and County aforesaid, feloniously did forge, on the back of the said instrument and writing a certain instrument and writing commonly called an endorsement which said forged instrument and writing commonly called an endorsement is as follows, that is to say:

J. de Rivera & Co

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.

0458

BOX:

464

FOLDER:

4259

DESCRIPTION:

Herschfeldt, Nathan

DATE:

01/20/92



4259

0459

210

L. L. Lamon

Counsel,

Filed *20* day of *May* 189*2*

Pleas, *Not Guilty*

THE PEOPLE

45 vs. *Witts*
69 *B*

Nathan Herschfeldt

[§§ 343 and 344, Penal Code.]

POLICY.

DE LANCEY NICOLL,

District Attorney.

Court I April 20. 92

A TRUE BILL.

Chas. J. DeForest

Foreman.

Park St. Court 2-19-92
John P. DeLoe

Devi 1 mo
R. B. May

Witnesses:

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

0460

AFFIDAVIT-Keeping Lottery Office.

CITY AND COUNTY OF NEW YORK, } ss.

3rd

District Police Court.

Edward Shalvey

of No. *The 12th Precinct Police* Street, being duly sworn deposes and says, that on the *12th* day of *January* 18*87*, at premises No. *252* Delancey Street, in the City and County of New York, he saw there in charge of the place *Nathan*

Herschfeldt (now here) and that said place was openly, publicly, and unlawfully kept and maintained as an office or place for the vending or selling of instruments or papers known as "Lottery Tickets" or Lottery Policies" for the reasons following to wit; that deponent

is informed by *Louis Bernstein* now under arrest for selling a Lottery Policy slip to *Nathan Wettstein* at *252 Delancey Street* that *Louis* was employed by the defendant to write and sell policy slips and that *Louis* was shown by defendant how to write such slips which deponent charges was in violation of the statute in such case made and provided, and prays that the said *Nathan Herschfeldt*

may be dealt with according to law.

Sworn to before me, this *12th* day of *January* 18*88* by *Edward Shalvey*

J. P. ...
Police Justice.

0461

CITY AND COUNTY }
OF NEW YORK, } ss.

Louis Bernstein

aged 12 years, occupation School boy of No.

257 Delancey Street, being duly sworn, deposes and

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

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

Sworn to before me, this 12 day of July 1896, Louis Bernstein

[Signature]
Police Justice.

0462

3 District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

Nathan Herschfeldt 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.

Nathan Herschfeldt

Question. How old are you?

Answer.

45 Years

Question. Where were you born?

Answer.

Austria

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

Answer.

251 Delancy 3 Months

Question. What is your business or profession?

Answer.

Tailor

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

Nathan Herschfeldt

Witness

Taken before me this

day of

1912

Police Justice

[Signature]

0463

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

guilty thereof I order that he be held to answer the same and he be admitted to bail in the sum of 5 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 January 12 1892 J. Williams Police Justice.

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

Dated January 12 1892 J. Williams Police Justice.

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

Dated _____ 18 _____ Police Justice.

0464

30048

Police Court---

District

THE PEOPLE, &c.

ON THE COMPLAINT OF

Edward Sklaroff

vs.

Nathan Kerschfeld

2

3

4

Supervisor's Office

BAILED,

No. 1, by

Leo Friedman

Residence

311 East 57th Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

Jan 12 1891

1891

Richard Sullivan

Magistrate.

Officer.

Precinct.

Witnesses

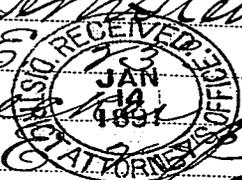
No.

No.

No.

\$

to answer



Louis Bernstein

Street.

100 E 100 St

Street.

Edw B...

Street.

500

Bailed

0465

JOHN M. COMAN.
COUNSELLOR AT LAW,
280 BROADWAY, (Stewart Building.)
(Room 62.)

New York, Jan 21st 1892

Chief Clerk
General Sessions
New York.

Dear Sir

The case of Natham
Heischfield, which is to be
called to day. The Hon
Wm Laucey Nicoll promised
not to call it owing to
the absence of Mr. Coman,
the defendand's attorney
who is away at Thomasiem
Ga. at the death bed of
his son.

Please attend to this and
Greatly Oblige
Yours Respectfully
Charles Hooper.

0466

COURT OF GENERAL SESSIONS, PART *Civil*
THE PEOPLE } INDICTMENT

vs.
Nathan Henschfeldt

For

To

M.

Leo Friedman

No. *311 East 50* Street.

The indictment against the above-named defendant for whose appearance you are bound, has been placed upon the Calendar for *pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on _____ the *21* day of **JANUARY** instant, at eleven o'clock in the forenoon. If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,
District Attorney.

0467

The New York Society for the
Prevention of Cruelty to Children

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, January 15th 1892

Court of General Sessions of the Peace in and for the
City and County of New York

The People
against
Nathan Hirschfeld

Notice of Prosecution

To the District Attorney of the
City and County of New York,

Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponement thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.

I have the honor to remain, with great respect,

Edwidge T. Gerry,
President, &c.

N. Y. GENERAL SESSIONS

Reporting Station Office
CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Nathan Mendelsohn

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

Nathan Mendelsohn

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Nathan Mendelsohn*,

late of the *Fifth* Ward of the City of New York in the County of New York aforesaid, on the *twelfth* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "Policy," where money and property was dependent upon the result, 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

Nathan Mendelsohn

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said *Nathan Mendelsohn*,

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, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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.

J. J. [Signature]
[Signature]

0470

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hicks, George

DATE:

01/25/92



4259

04771

W 17168983

Richard M. [unclear]
David [unclear]
C. Casper

Counsel,

Filed 25th day of

1892

Plends

19th *Month*

THE PEOPLE

Blascom & [unclear]

George Hicks

N.D.

Grand Larceny, [Sections 528, 580, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Feb. 8, 1892 W.D.

A TRUE BILL,

Wm. C. DeForest

Foreman.

Part 2 - Feb. 8, 1892

Enid and Corvictal

570 S.P. [unclear]

Wm. C. DeForest
Attorney

POOR QUALITY ORIGINAL

0472

COURT OF GENERAL SESSIONS.
City and County of New York.

-----x	:	
The People	:	Before
vs	:	
George Hicks.	:	Hon. James Fitzgerald,
-----x	:	and a jury.

Indicted for Grand Larceny in the Second degree.

Indictment filed January 25th, 1892.

Tried January 31st, 1892.

Appearances:

Assistant District-Attorney Vernon M. Davis, for the
People.

H. J. Goldsmith, Esq., for the Defense.

Rachel Wolf, the complainant, testified that she lived at 85 Second avenue. On the evening of the 20th., of December, 1891, she was at the corner of Broome street and the Bowery. It was then about ten minutes before ten o'clock. She had in the pocket of her dress a pocket-book containing \$120 and a child's gold bracelet. The

0473

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money was in bills mostly. There was some small change, rolled up in the bills. She was standing on the east side of the Bowery, on the south side of Broome street - the south-east corner of the Bowery and Broome street. Her sister was with her. Her sister's name was Jennie Parker. She and her sister had been to Grand street. A parade was marching up the Bowery. The parade turned into Broome street. She and her sister waited for the crowd following the parade to pass. She, the complainant, was to meet her husband, a few doors from that corner. She held her pocketbook in one hand, grasped tightly, and her parasol in the other hand. She held the pocketbook in her left hand. A colored boy walked past her quickly, and snatched her pocketbook. She started to run after him, but she was pushed down, and fell upon the sidewalk. She noticed that the colored boy ran across Broome street. Then he ran across the Bowery towards the corner where the hotel is. She, the complainant, called to her sister that her pocketbook had been stolen. Then she and her sister went to the Eldridge street police station, and notified the officer in charge of the station of the lar-

0474

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ceny. Her husband also accompanied her to the station. They remained there until II o'clock that night. She gave a description of the colored boy who stole her pocketbook to the police officer in charge of the station. A colored boy was brought into the station. In size and build he ~~ka~~ looked like the boy who stole her pocketbook, but she could not identify him postively. She first saw the defendant at the Essex Market Police Court, some time after the larceny. She could not tell how many days or weeks it was after the larceny exactly. It was fully a month after the larceny, she believed, that she saw the defendant in the Essex Market Police Court. She signed the complaint in the case, she believed, on the 18th of January. She could not swear that the defendant was the boy who stole her pocketbook, but he had the build and appearance of the boy. She did not hear the defendant make any statement in the police court, and she, the complainant, did not say anything in his hearing there. She did not get back her money or her pocketbook. She had seen a boy named David H. Mills in the Essex Market Police Court, but did not remember having seen him at the time that her pocketbook was stolen.

In cross-examination, the complainant testified that she did not notice a number of colored boys or men passing her at the time that the parade passed her. She was not looking at the parade, but was simply waiting for it to pass, so that she could go on her way to the place at which she was to meet her husband. She was not positive that the defendant was the boy who stole her pocketbook.

David H. Mills testified that he was an inmate of the House of Detention. He worked at electric lighting, and lived at Delancey street and the Bowery. He recalled the evening of the 20th., of December. He, the witness, was standing at the corner of Broome street and the Bowery when the parade passed. He saw the complainant and her sister standing on the corner, apparently waiting for the parade to pass. The complainant and her sister were on the south-east corner of Broome street and the Bowery, and he, the witness, was on the north-east corner. The width of Broome street was between the witness and the complainant. He, the witness, was standing right at the curbstone. He saw the defendant grab the ~~witxxxxxx~~ complainant's pocketbook. Then he saw the complainant

0476

5

fall. He did not know whether the defendant pushed her down or knocked her down or whether she slipped down. After she fell the defendant ran away. He ran right across the Bowery, to the opposite corner of Broome street. He, the witness, said to a friend who was with him, the witness, " Let's catch him." Then they started after the defendant, but the defendant ran so fast, that he, the witness, said to his friend, " Never mind. It is no use to run after him. We can't catch him." He saw the defendant distinctly when he stole the pocketbook, and he saw the complainant fall and then saw the defendant running. He heard the complainant cry out, " I have lost my pocketbook." He did not see the defendant actually snatch the pocketbook, but saw him snatch something from the hand of the complainant, and, at the same moment, saw the complainant fall. About a week after the larceny, he, the witness, saw the defendant again. He went to the neighborhood that the defendant frequented, with a detective. The detective asked him, the witness, to go there, and see if he could identify anybody in that neighborhood as the thief. The detective arrested the defendant. The defendant

0477

6

had something in his pocket. He tried to get it out of his pocket. The detective let go of his hold on the defendant's arm, to catch hold of the hand with which he was trying to take the something from his pocket, and then the defendant ran away. The detective fired two shots at the defendant. The defendant ran around into Sixth avenue, and dodged into a back alley, and escaped. The next time he saw the defendant was in the Eldridge street station, after the defendant's arrest. In the station, he, the witness, heard the defendant say to the officer that there was only \$80 in the pocketbook. There was no crowd between him and the defendant at the time he saw the defendant snatch the complainant's pocketbook, and he could see the whole occurrence distinctly. It occurred just as the parade had passed. The last of the parade had passed the place where the complainant was standing. There were two electric lights right on the corner where the complainant stood.

In cross-examination, the witness testified that he was out of employment at the time of the occurrence. He had been in the habit of stopping at Delancey street and the Bowery, but his home was at 184 Eldridge street.

0478

7

He had been in the habit of stopping at the lodging house at Delancey street and the Bowery. He, the complainant, had been out of employment for about two months at the time of the larceny. He, the witness, was standing in Chrystie street when he heard the band in the procession, and he went to the corner of the Bowery and Broome street, to see the parade. He had never seen the defendant before he saw him snatch the pocketbook of the complainant. The defendant's appearance was exactly the same, however, as far as he could judge, as that of the colored boy who stole the pocketbook, and he had no doubt as to the identity of the defendant.

Clement Caspar, testified that he lived at 140 Suffolk street. He was a carpenter by trade. He was working at the time of the larceny, and was committed to the House of Detention. He had been released about two days before the trial. He, the witness, was standing with his friend, Mills, at the corner of the Bowery and Broome street, at the time of the larceny. Then the witness corroborated Mills's account of the larceny, of the pocket book. He did not see the defendant again until he saw him

in the Essex Market Police Court. He identified him positively there. He had no doubt of the identity of the defendant.

In cross-examination, the witness testified that he worked steadily for the support of his mother and for his own support. He worked generally for builders. The builders for whom he worked at the time of the larceny was named Werner. He, the witness, was nineteen years of age. He had been working for fully seven years, at his trade. He, the witness, had never been arrested in his life. At the time of the passing of the parade, he saw no other colored boy than the defendant at the place where the larceny occurred. He had never seen the defendant before that night. He had a good look at the defendant's features, however, at the time of the larceny. Before the arrest of the defendant, he, the witness, gave a description of the defendant to Officer Mooney.

Officer William J. Mooney testified that Broome street was about forty-five feet wide, from curb to curb, on the east side of the Bowery, and about sixty feet wide on the west side of the Bowery. He, the witness, arrested the defendant, on the morning of the 16th of January, in Classon avenue, Brooklyn. He had seen the defendant,

0480

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in this city, ten days before that time. He saw him then at the corner of West Third street and Macdougall street. The witness, Millis, pointed the defendant out to him, the witness. Officer Mullen accompanied him, the witness, at that time. Officer Mullen caught hold of the defendant in Third street, about midway in the block. Officer Mullen had on a pair of gloves, and the defendant got away from the officer, and ran into Macdougall street. Then he ran through Fourth street into Sixth avenue. He, the witness, fired his revolver twice at the time, but missed him. The defendant then ran back into West Third street, and dogged into the alleyway there, and got away. He went to Brooklyn, to look for the defendant, in consequence of some information that he received from a colored man, who lived in the neighborhood of Sixth avenue and West Third street. When he, the witness, first arrested the defendant, in this city, he had no conversation with the defendant. When he first saw the defendant in Brooklyn, the defendant was in a saloon. The defendant came out of the saloon and went into a tenement house. Then he came out again, and went into a grocery store. When he came out of the grocery store, he went into a bakery.

II

the witness, asked the defendant about the complainant's pocketbook. He said, " Yes. But I ain't as much to blame as another fellow what was with me." The defendant would not tell who the other fellow was. The defendant also said, " There wasn't as much as \$120 in it. There was only \$87 in it. There was a \$50 bill, a \$20 bill and a \$10 bill and the rest was in odd money." When his mother came to the station, he, the witness, took the defendant from his cell , and allowed him to stay in the back room of the station with his mother. Something was said between the defendant and his mother about the pocketbook and a little bracelet that was in the pocketbook. Then the conversation was changed. He could not say whether the mother of the defendant spoke about the bracelet was mentioned by one of them, in the conversation.

In cross-examination the witness testified that he had never seen the defendant before he saw him in Third street, near Macdougall. He got a description of the colored boy who stole the complainant's pocketbook & from the witness Mills, and from a colored man who lived in that neighborhood. He also got a description of the defendant from the witness Caspar. It was the colored man that lived in the neighborhood of Sixth avenue and Third

before he saw her in the police court. He was not on the corner of the Bowery and Broome street, on the night of the 20th of December. He did not steal the complainant's pocketbook, nor did he see any one else take it, or assist in taking it. He was not arrested by Officer Mooney in West Third or Macdougall street. He never saw Officer Mooney until he was arrested in Brooklyn by the officer. He never used the name of Will Gardner. He never heard the name until Officer Mooney mentioned it., to him, in Brooklyn. He had never seen the witness, Mills or Caspar, in his life until he was arrested. When Officer Mooney spoke to him about the complainant's pocketbook, the officer said, " Did you take this pocketbook?" He, the defendant, said, " No sir." Then Officer Mooney said, " Officer Armstrong is trying to make it square, and if you can get the money back, you can get it all squared up." He, the defendant, said, " No. I won't square up for something I did not do." Then the officer said, " Well, that other fellow is down at the station house. He knows you took it." He, the defendant, said, " There is no fellow that knows it." Officer Mooney then said, " Well, I will get you sent to the Elmira reformatory." He, the defen-

defendant, said, "No sir." Then the officer said, "I will bring the pocketbook", but the officer had no pocketbook, and did not bring any. Mrs. Wolf did not identify him, the defendant.

In cross-examination, the defendant testified that he had never been convicted of any offense whatever. Two years before his trial, he was convicted of larceny. He admitted that he had been in the penitentiary. He had just remembered it. He had spent six months in the penitentiary. It was about two years before his trial. He was convicted of assault then, in the General Sessions. He did not tell Officer Mooney that there was not \$120, but only \$87, in the pocketbook. He told Officer Mooney in the station house, that he knew nothing about the pocketbook, and did not steal it. He had seen Officer Armstrong. He had not seen Officer Armstrong for about six months. Then he met him in the street. He did not ever have any talk with Officer Armstrong. He knew Officer Armstrong when he was on post in the Eighth Precinct. He did not tell officer Mooney, when the officer arrested him, that he, the defendant, lived across the street, with

his mother. He told the officer that he lived in 648 Classon avenue, with his aunt. When he was in the penitentiary, he was known by his mother's name, Gardner. He was known as Will Gardner. He did not remember this when he told his counsel that he had never gone under the name of Will Gardner. When he was arrested he was taken to two flats in Garfield Place, Brooklyn. He was receiving \$5, a week. He kept the sidewalk clean, and tended to the furnaces. He was engaged in work from 8 o'clock in the morning until 5 o'clock in the afternoon. He also attended to several horses. The stable was at 155 Garfield Place.

Emma Gardner testified that the defendant was her son. Her first husband was named Hicks, and the name of her second husband was Gardner. She knew that her son, the defendant, had worked in Garfield Place, Brooklyn, but she never bothered to ascertain the number. The defendant gave her money from his earnings, whenever she needed money. She knew that the defendant was not in New York on the evening of the 20th of December, because she, the witness, was over in Brooklyn, on the night before, and saw him there. She asked him when he would be home, and he said that he would be home as soon as possi-

0485

I7

the Essex Market Police Court, at the time that she, the witness, saw her. About two weeks afterwards, Mrs. Wolf passed by the house where she, the witness, lived, in Minetta Lane. Mrs. Wolf said that she, the witness, could recover for her, Mrs. Wolf, the child's bracelet that was in the pocketbook at the time that it was stolen. If she recovered it, she, Mrs. Wolf, would not appear against the defendant, who had then been committed to the Tombs for trial. She, the witness, said that she knew nothing about the pocketbook or the bracelet. She, the witness, did not say that she spoke to the defendant about the bracelet. Mrs. Wolf said to her, "You speak to your boy about the bracelet. You may be able to get out of him where the bracelet is, where I wouldn't be able to." She the witness, said that it was no use to speak to her son about the bracelet, because she knew that he knew nothing about it.

- - - 0 0 0 - - -

0486

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, DISTRICT.

of William F. Moore
No. 115 Boomer Street, aged 36 years,
occupation Police Officer being duly sworn, deposes and says
that on the 17 day of January 1892
at the City of New York, in the County of New York David F. Miles

Clement Casper
who ~~is~~ ^{is} a material witness in a certain
Complaint of larceny from the person
of Miss George Hicks Department has
reason to believe that said Miles will
not appear at the next Court of General
Sessions in and for the City and County of
New York as such witness wherefore
Department prays said witness may be
ordered to enter into recognizance for his
appearance as such witness

William F. Moore

Sworn to before me this

of

1892

day

Police Justice

Police Court 3rd District.

Affidavit—Larceny.

City and County of New York, ss:

of No. 50 Grand Avenue Street, aged 25 years, occupation Married Woman being duly sworn, deposes and says, that on the 20 day of December 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

A pocket book containing good and lawful money of the United States of the amount and value of about one hundred and twenty dollars

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by George Hicks

from her. From the fact that at about the hour of ten o'clock and forty five minutes P.M. on said date while deponent was standing on the corner of Broadway and Crown Street the defendant came towards deponent and snatched the aforesaid pocket book containing said money from deponent's left hand and ran away. Deponent further states she is informed by David H. Mills of Delavan Hotel on B. Delancey and Bowery that he saw the defendant snatch said pocket book from deponent's hand and run away and Mills positively identifies

Supervisor of Police
of New York City
687
121002105

0488

the defendant as the person that
did take, steal and carry away
the aforesaid property from possession
and person of Alfred

Sworn to before me this

1st day of January 192

Rachel Wolff

Charles L. Luntz
Police Justice

0489

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 19 years, occupation Electric work of No. 107
Delancey & Bowery Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Rachel Wolff
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 18 day of July 1890, at 107 Delancey & Bowery
Street

Charles J. Tantor
Police Justice.

0490

Sec. 198-200

3 District Police Court

CITY AND COUNTY } ss.
OF NEW YORK, }

George Hicks 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. *George Hicks*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Brooklyn*

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

Answer. *64 of Columbus Ave.oklyn 2 months*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty
George Hicks*

Taken before me this

John J. [Signature]
1887
John J. [Signature]

Police Justice

0491

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 John Smith

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

Dated May 19th 1892 Charles K. Smith 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.

\$1000 for 22
July 19. 1892. 2 P.M.

Witness Clement Caspar
Bailed by Bartholomew Saizer
140 Suffolk

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

The witnesses leave
to the Horseley detention
in default of \$1000

307 B 72
Police Court--- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rachel Wolf
George Hicks

HOUSE OF DETENTION CASE

Dated July 19 1892

Wm J. Morney Magistrate

David H. Mills Officer

House of Detention Precinct

Witnesses David H. Mills

House of Detention Street

Clement Caspar

No. 140 Suffolk Street

No. 1000 Street

\$ 1000



Office
Wm J. Morney

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

THE PEOPLE OF THE STATE OF NEW YORK, against

George Hicks

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

The said George Hicks

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 ninety-one at the City and County aforesaid, with force and arms, in the night-time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of sixty dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of sixty dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of sixty dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of sixty dollars

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

DE LANCEY NICOLL, District Attorney.

0494

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hill, Gus

DATE:

01/04/92



4259

Witnesses:

Upon examination
of the same I find
assault to be a
felony
as per
the
code

#12

Counsel,
Filed *H. J. [Signature]*
day of *Jan'y* 1892
Pleas, *Not guilty*

THE PEOPLE
vs.
Sno Hill

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

DR LANCEY NICOLL,
District Attorney.

Jan 14, 92

A TRUE BILL.

Alvin O. DeForest

Foreman.

James M. [Signature]

Charles Henry Selig
6 wrapped [Signature]

0496

Police Court 2nd District.

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

Rachel Howard

of No. 148 E 32nd Street, aged 42 years,

occupation Furnished room keeper being duly sworn

deposes and says, that on the 24th day of December 1887 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Geo Hill (murderer)

Who did cut and stab deponent
on the head, neck, and hand with
a pocket knife

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

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 25th day }
of December 1887 }

Rachel Howard

[Signature] Police Justice.

0497

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Gus Hill

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. *Gus Hill*

Question. How old are you?

Answer. *49 years*

Question. Where were you born?

Answer. *Virginia U.S.*

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

Answer. *148 E 32nd Street 3 months*

Question. What is your business or profession?

Answer. *Barber*

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
Gus Hill
mark

Taken before me this *15*
day of *December* 189*1*

[Signature]
Police Justice.

0498

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

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

Dated *Dec 25* 18 *91* *[Signature]* 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.

0494

1592

Police Court--- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rachel Howard
148 E 32
Gus Hill

1
2
3
4

offence Fel
H. S. Sauls

Dated Dec 25th 1891

H. S. Sauls Magistrate.

W. M. ... Officer.
19th Precinct.

Witnesses
No. Street.

No. Street.



No. Street.

\$ 500 to answer MS

Can

BAILED.

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence 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

Gus Hill

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

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

The said *Gus Hill*

late of the City of New York, in the County of New York aforesaid, on the *24th* day of *December* in the year of our Lord one thousand eight hundred and ninety-~~one~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Rachel Howard* in the peace of the said People then and there being, feloniously did make an assault and *her* the said *Rachel Howard* with a certain *knife*

which the said *Gus Hill* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent *her* the said *Rachel Howard* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Gus Hill* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Gus Hill*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Rachel Howard* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said *Rachel Howard*

with a certain *knife*

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

De Lancy Nicoll
District Attorney.

0501

BOX:

464

FOLDER:

4259

DESCRIPTION:

Hill, Moses

DATE:

01/12/92



4259

Witnesses:

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

111

Counsel,
Filed, *12* day of *July*, 189*2*
Plends,

THE PEOPLE

vs.

I

Moses Hill

De Lancey Nicoll

DE LANCEY NICOLL,

District Attorney.

LANCEY, 250
(MISAPPROPRIATION)
(Sections 528 and 531 of the Penal Code.)

A TRUE BILL.

Charles De Forest

Foreman.

James H. ...
Head ...
27th ...

0503

Police Court 1 District. Affidavit—Larceny.

City and County of New York, ss: *Martin Guarino*

of No. *39 1/2 Ruster* Street, aged *35* years,

occupation *Roofer* being duly sworn,

deposes and says, that on the *29* day of *December* 189*1* at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *right* time, the following property, viz:

Good & lawful money of the United States consisting of ^{four} bank notes and bills of the value of ^{Twenty one Dollars}

the property of *Deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by *James Hill (brother)*

for the reasons following to wit: That on the *29* day of *December* 189*1* deponent & defendant were in the house of prostitution *29 Pell Street* and deponent gave said defendant said property to keep for him until he returned from a room where he was in with law inmate of said house when deponent returned said defendant was gone, and failed to seek him from said time up to the present time when he caused him to be arrested and charged him with the larceny of said *Martin Guarino*

Sworn to before me, this *1* day of *December* 189*1* *M. J. [Signature]* Police Justice.

0504

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer. *James Hill*

Question. How old are you?

Answer. *24 years.*

Question. Where were you born?

Answer. *Keenymun*

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

Answer. *13 Pell Street 6 months*

Question. What is your business or profession?

Answer. *Store Fitter*

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 guilty
Moses Hill*

Taken before me this

24

W. M. ...

Police Justice

0505

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.....

Leperdant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *ten* 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 *January 3* 18 *92* *W. W. Mahoney* 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.

0508

1624

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

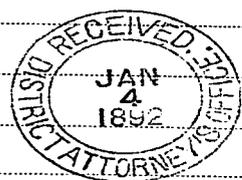
Martin Green
39 1/2 Baiter St
Moses Hill

Officer H. A. ...

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

Dated *January 2 1892*
H. M. ... Magistrate.
James Schuyler Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
\$ *1000* in answer *H. S.*



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

THE PEOPLE OF THE STATE OF NEW YORK

against

Moses Hill

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

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

The said *Moses Hill,*

late of the City of New York, in the County of New York aforesaid, on the *29th* day of *December,* in the year of our Lord one thousand eight hundred and ninety-*one,* at the City and County aforesaid, being then and there the *agent and trustee* of *one Martin Aguirre,*

and as such *agent and trustee* then and there having in his possession, custody and control certain goods, chattels and personal property of the said

Martin Aguirre,

the true owner thereof, to wit: *the sum of seventy-one dollars in money, lawful money of the United States of America, and of the value of seventy-one dollars,*

the said *Moses Hill,* afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said *sum of money*

to his own use, with intent to deprive and defraud the said *Martin Aguirre,*

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said *Martin Aguirre,*

did then and there and thereby feloniously steal, 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.