

0009

BOX:

49

FOLDER:

566

DESCRIPTION:

Adelberg, Frederick

DATE:

10/12/81



566

0010

10/19/1911

Counsel, *G. L. P. M.*
Filed 12 day of *Oct* 1887
Pleads *Not guilty* *13*

Grand Larceny of Money, &c.
INDICTMENT

THE PEOPLE

vs.

Frederick Adelsberg

David S. Collins
BENJ. K. PHILIPS
District Attorney

True Bill.

Wm. H. Langford Foreman
Wm. H. Langford
Wm. H. Langford
Wm. H. Langford

RPM

OF THE COURT
CLERK AND COMPTROLLER

New York General Sessions.

PEOPLE, ON MY COMPLAINT,

versus

Frederick Adelberg } 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. The money (\$42⁵⁰) charged to have been stolen has been returned. The defendant is a youth of respectable connections, without previous accusation against him, and thoroughly penitent. He has already been in imprisonment for two months and we think his punishment has been sufficient to ensure his future good conduct.

Robert Mayer

0012

First District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. *9 Lispenard* Street, *in said City*
being duly sworn, deposes and says, that on the *24th* day of *September* 188*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, *and his Copartner*
the following property, viz:

*Good and lawful money of the United
States of the value of Forty Two dollars
and Fifty Cents*

the property of *the firm of Burke and Mayer, said firm
consisting of the following named persons, deponent
and Louis Mayer*

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 *Frederick Adelberg (now here)*
*from the fact that the said Adelberg did
admit in the presence of deponent and other
persons that he (Adelberg) did, while in the
employ of deponent and his Copartner take, steal and
carry away said property he (Adelberg) having access
thereto.*

Thos F Burke

Sworn before me this

29th

day of *September*

188*1*

POLICE JUSTICE.

0014

Sec. 198-200.

First DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frederick Adelberg being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his law 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. Frederick Adelberg

Question. How old are you?

Answer. 20 Years

Question. Where were you born?

Answer. Nurnberg, Bavaria

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

Answer. 52 Hudson Street Hoboken, New Jersey And Since 1st of September 1881

Question. What is your business or profession?

Answer. Book Keeper.

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 waive Examination

Taken before me, this 29th
day of September 1881

Frederick Adelberg

[Signature]
Police Justice.

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

Police Court—1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas J. Burke
9 Leonard St.

Fredrick Adlberg

Offence, Grand Larceny

Dated 29th September 1881

Magistrate.
Kilbreth

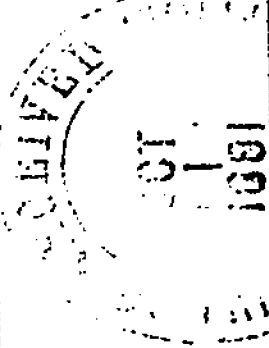
Handy and Jorganty, Officers
5th Precinct

Clerk.

Witnesses. Martin Handy
5th Precinct Police Station

No. Street,

No. Street.



Em

BAILED,

No. 1, by

Residence Street,

No. 2, by

Residence Street,

No. 3, by

Residence Street,

No. 4, by

Residence Street,

Police Justice.

Dated 29th September 1881

and that there is sufficient cause to believe the within named
guilty thereof, I order that he be admitted to bail in the sum of
Hundred Dollars and be com-
mitted to the Warden or Keeper of the City Prison until he give such bail.

Police Justice.

Dated 188

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

Police Justice.

Dated 188

9100

0017

Court of General Sessions of the People of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

Frederick Adelberg against

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

Frederick Adelberg
of the crime of *Larceny*

committed as follows:

The said

Frederick Adelberg

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

on the *twenty seventh* day of *September* in the year of our Lord one thousand eight hundred and ~~seventy eight~~ *one* at the Ward, City and County aforesaid, with force and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each: two hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each: five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

of the goods, chattels, and personal property of one

Thomas J. Burke

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

Daniel B. Collins

BENJ. K. PHELPS, District Attorney.

00 18

BOX:

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FOLDER:

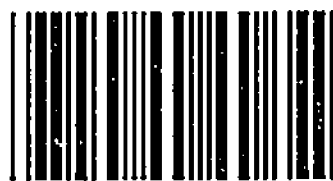
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DESCRIPTION:

Ahearn, Dennis

DATE:

10/04/81



566

00 19

49 *Joseph*

Day of Trial

Counsel,

Filed *4* day of *Oct* 188*1*

Pleads *Not guilty.*

THE PEOPLE

vs.
21. Ky v 1600

107
Dennis Ahearn

BURGLARY—Third Degree, and
[Receiving Stolen Goods.]

David S. Collins
BENJ. K. PHILLIPS,

Part Pro District Attorney.
Nov 10. 1881

Meads King 3.
A True Bill.

3 1/2 year.

Wm. H. H. H. Foreman

0020

List of articles stolen from yacht
Reverie. Friday Sept 9th 181

| | | |
|-----------------------------------|------|---------|
| Rope 200 feet | | 7 |
| one flannel shirt | 2 | |
| one pair pants | 5 | |
| one heavy flannel shirt | 3 | |
| one silk neck tie | 1 | 11 |
| Knives, forks, spoons, corkscrew | | 3 50 |
| One Crutch stand (four bottles) | | 3 50 |
| One sugar bowl | | 25 |
| one Jar preserves | .25 | |
| one Can peaches | .65 | |
| one box assorted Crackers | 3.00 | 3 90 |
| one Turkish Towel | | 25 |
| one soap box & soap | | 25 |
| one oil can | | 3. |
| one clock | | 17 5 |
| one Tobacco Jar, Tobacco, 2 pipes | | 1 50 |
| one patent block | | 50 |
| one mattress cover | | 5. |
| Two blankets | | |
| | | \$42.40 |

R W Parkborne
140th St & Alexander Ave
New York

0021

Form 50.

Police Court, Sixth District.

City and County }
of New York, } ss.

Robert M. Rathburn

of Alexander Avenue & 140th Street, being duly sworn,
deposes and says, that the premises No. vessel Revere
Street, Ward, in the City and County aforesaid, the said being a vessel
and which was occupied by deponent as a Yacht were valuable things
were kept for use and was ~~was~~ **BURGLARIOUSLY** broke
and entered by means of breaking the hasp on the cabin
door and entering the cabin with intent to
steal

on the night of the 9th day of September 1881
and the following property feloniously taken, stolen and carried away, viz.:

| | |
|---|-------|
| Two hundred feet of rope of the value of | 4. - |
| One shirt of the value of | 2. - |
| One pair of pants of the value of | 5. - |
| One shirt of the value of | 3. - |
| One silk neck tie of the value of | 1. - |
| One Civil Stand of the value of | 3.50 |
| Knives, forks & spoons " " " | 3.50 |
| One Clock " " " | 3.00 |
| One Turkish towel " " " | 1.00 |
| And several other articles of the value of | 13. - |
| in all of the value of forty-two ⁴⁰ / ₁₀₀ | |
| Dollars | 42.40 |

the property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed, and the aforesaid property taken, stolen
and carried away by Cornelius Hugan and
Dennis Ahearn (both now here)

for the reasons following, to wit:

That said property
was contained in the cabin of said
vessel which was anchored at the
foot of 132nd Street in the East River
on the above named date. That said
cabin was securely locked and fastened
by deponent on the afternoon of said
9th day of September. That on the following

0022

day the said cabin was found broken
open and said property stolen and carried
away. That on the 11th day of September
Deponent in company with Officer
George Demmerlein of the 33rd Precinct Police
found a portion of the aforementioned
property in the possession of ^{and} Cornelius Hagan
on a ~~barge~~ wrecked barge in the
East River. Deponent is also informed
by Officer Condon of the 33rd Precinct Police
that he (Condon) arrested said Dennis
Ahearn on the aforesaid barge and that
said Ahearn showed said Condon where
a portion of the stolen property was hidden
Therefore Deponent charges the said
Cornelius Hagan and the said Dennis Ahearn
with having committed the aforesaid burglary
and stolen and carried away the aforesaid
property, and prays that they may be
dealt with according to law

Sworn to before me this 12th ~~th~~ day of September 1881

Harry Green

Police Justice

Defendant asked
for an adjournment
till Sept 18th for the
purpose of consulting
counsel

0023

Police Court—Sixth District.
CITY AND COUNTY OF NEW YORK.

Power Justice

The People, Etc., on complaint
of
Robert W. Rathbun
Cornelius Hagan
Jemis & Farnam

Offense, Burglary & Larceny
Examination, September 13 1881
William H. Brown Attorney
John M. Conner
125 Bond St. N.Y.

Defendants in Court. Complaint read,
to them and notice of their appearance given
to them. Defendants appear by Counsel and demand
of examination.
Robert W. Rathbun, answer.

Q. Did you lose any property on
the night of the 9th day of September 1881

Ans I did.

Q Does this schedule contain a list
of the property stolen
Ans Yes.

Q When and where did you leave the
property in question.

Ans I left it in the cabin of the sloop
Yacht "Plover", which I own.

Q When did you last see the property before
it was recovered.

Ans On Friday the ninth of the month

0024

Q Was the cabin locked

Ans The cabin was locked

Q Where was the yacht situated

Ans She was anchored at the foot of
132nd St East River.

Q When did you next see the property
and where?

Ans I next saw a portion of the property
on a wrecked barge in the East
River, located in the Sunken Meadows.

Q Was the cabin of your vessel
broken open

Ans It was.

Q Who accompanied you to the wrecked
barge.

Ans, Oliver Dummerlin, George R. Nally,
Frank Thorne, Edward Morison.

Q When did you find your property on
that barge.

Ans On Sunday morning last between
9 & 10 A.M.

Q Did you see either of these two

0025

business on that wrecked barge
on Sunday morning

Ans I saw Hagan one of the business
here, present, that Sunday morning

Q Do you recognize any of the property
now in court as yours and a part
of the property stolen from your
vessel?

Ans I recognize the crew's claim
as my property and the same one
that was stolen from my vessel
on the 9th of September, and it is
the one found on the wrecked
barge in the possession of Hagan

Q Was Hagan then an accomplice?

Ans He was by Officer Hammond.

Q Was there any other person on that
barge except your party and Hagan?

Ans There was not.

Q Did Hagan make any statement
at that time?

Ans I did not hear him make any.

0026

2

Q Where is the rest of the property that was recovered?

A At the Knickerbocker Yacht Club House.

Q What was the value of property stolen from your yacht?

A Forty two dollars and 40 cents.

Q What was the value of the articles found on the barge where Hagan was arrested?

A I can't tell how much was recovered.

Q When and where did you see the other prisoner Shuman?

A On the same barge where we found Hagan later in the day, about 1-15 or 16-11.

Q Did you find any more of your property at that time?

A No.

0027

Q Did Ahearn make any statement at that time

Ans I did not hear him.

Q Was he then arrested

Ans He was under arrest when I saw him.

Cross Q

Q Who locked the cabin

Ans I did

Q What time was it.

Ans On Friday between the hours of 5⁰⁰ and nearer seven than five I believe.

Q When did you last see the 200 feet of rope mentioned in your complaint.

Ans On Friday last between 5⁰⁰ and 7 o'clock

Q How do you know it was there

0028

Ans Because I saw it.

Q How was it divided

Ans Into sheet ropes, coils and...

Q Did you make ~~any~~ inventory of the articles

Ans Not a written one.

Q Did you go over the boat before before you left

Ans I did.

Q Did you see the Soap box & Soap

Ans I did.

Q Did you see the Sugar bowl before you left and examine it

Ans I did It was empty.

Q Did you see the Can of Peaches

Ans I did.

0029

Q How many knives were aboard

Ans Seven

Q Now, you went on board the sunken barge on Sunday did you have any conversation with Hilgum

Ans No.

Q Did you see any body on the wrecked barge when you went there

Ans Yes. Officer Demmerlein was on the barge.

Q You saw some of your property on that barge

Ans I did.

Q What property did you find on the barge

Ans I found a towel,

Q Was it concealed

Ans It was under a pile of rags.

Q Did you find anything else

Ans Yes I found my knives they were concealed in the steering cabinet.

0030

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Q How were they concealed

Q Behind a barrel.

Q Did you hear ~~any~~ either of the defendants make any statements

Ans I did not.

Q Do you identify any of the property now shown in court, as being your property and a portion stolen from your yacht.

Ans. The towel, Tobacco jar, clock, knives, forks and spoons, and book, and the Crew's stand, and fender.

W. H. Rathborne

George Immerlein, sworn, son.

Q What position do you occupy

Ans I am roundsman of police 33 Prec.

Q Did you arrest either of the defendants

Ans I did Hagan

Q Where did you arrest him

Ans. On board the barge on the river

Sworn before me this
18th day of September 1861
Wm. J. Jones
Justice of Peace

0031

meadows in the vicinity of the wreck of the Sea Wanaqua. On Sunday last.

Q Who was there at the time of the arrest.

Ans. John H. London, Frank Wayne, Robert H. Rachtum, George R. Hobbs, Alfred Varian, Edward Mowton, Mr. Barker.

Q Was there any property found on that boat identified by Mr. Rachtum as his property.

Ans. There was.

Q Do you recognize any property now in court as being found on that barge and identifiable by him.

Ans. Yes that crescent stand.

Q Can you enumerate any other property found.

Ans. I could, sheet lines, and lines from the locker. One towel, sugar box

0032

Q Did Hagan make any statements at the time of the arrest.

Ans He did

Q What did he say

Ans He said his brother Thomas Hagan, O'Rourke, and Hennessy were arrested yesterday morning by officers in a row-boat for stealing a row boat laying at the mouth of West Chester Creek. Hagan said to me, when I heard they were arrested I came and took charge of the ~~canal~~ boat, and that he did not see the ropes found here.

Q Did you charge Hagan with the Burglary, or committing a crime.

Ans. I ~~did not charge~~ After the defendant admitted that his companions had stolen the boat, I did not charge him. I then arrested him.

0033

Q Did you arrest him before or after the identification of the property found.

Ans Afterward

Q How did you go to the barge

Ans In row-boats

Q Whose boat reached there first.

Ans My boat.

Q Who was in your boat.

Ans. George Deimelin. John O'Connor
Alfred Tarian and Thomas Haggan

Q What took place as soon you boarded the barge

Ans I commenced to search

Q Where did you see Hagan at that time

Ans I found Hagan lying on the Cabin deck

0034

2 How long after you reached the boat before Mr Rackham came aboard

Ans About three minutes

2 What property do you identify as being found on the barge on Sunday morning

Ans All now shown in Court.

Prop Q.

2 Did Hagaw make any objection to you or your party going aboard the barge.

Ans No.

2 Was you in uniform.

Ans No. Officer Condon was in uniform

2 What was the first thing you saw of Hagaw

Ans Young man I want you

0035

Q This was after you had been below
and found the articles
Ans Yes.

Q At the time you placed him under
arrest, where was he
Ans On the cabin deck, and had been
there all the time

Sworn to before me this George H. Emmert's
13th day of September 1881
Clair. G. over Police Justice

John H. London. being sworn

Q You are a patrolman of the 33^d
precinct.

Ans I am.

Q Are you the officer referred to by
Officer Demmerlin.

Ans I am

Q Did you arrest A. Heard

0036

Ans I did. I arrested him on a boat on the East River on Sunday last.

Q Who was there at the time of the arrest?

Ans William Stewart, Frank Ketchum

Q What did I hear say at the time of his arrest?

Ans. I asked him if he was in charge of the boat, he said he had been sent over to watch the boat, that the two men who had been watching had been arrested. I asked him what they were arrested for and he said he did not know it was something about a boat. I asked him if he knew who it was that arrested them, he said he did not know. I then showed him my shield and asked him if he knew who he was talking to. I could get no satisfactory from him, and I arrested him. I waited some time for the roundsman to come

and finally started to the Station house with the prisoners. He said he did not do anything. He did not steal the stuff. That it was the other parties. The parties who were arrested previous. He said we did not get all the property, and that some of it was sunk in the river, and more of it buried in the meadow. he said he would show me where it was. He then went back to the wreck, made the boat fast and went onto the meadow and in a hole he brought out rope ten or twelve parcels.

Q Do you identify any of the property here as being shown by him to you.

Ans Yes this rope, and this fender formerly identified by Mr. Rachtburn.

Q Did he make any further statement.

Ans. He said that ~~Demme and Brooke~~ they were in the habit of going down the River and stealing stuff.

0038

Q Who did ~~they~~ refer to by parties

Ans. ~~He said~~ He said Kennedy
J O Burke, and that they had
been arrested the night before,
and that he and Hagan had told
them they would get into trouble.

Q Was you present at the arrest
of Hagan by Officer Desmerleu
in the morning?

Ans I was.

Q Did Shearn know of Hagan's arrest
at the time of telling you what you
state.

Ans. No sir, He did, after I informed
him of Hagan's arrest he weakened
and told me about the stuff,
The property here shown is the same
that was ~~shown~~ found by Shearn, me
in the place where Shearn said it
was.

Q, Was Hagan present
at the time you had the conversation with
Shearn the defendant John H Condon

Ans No sir.

Shawn J. Condon
130 King of Boston 1881
Examination
Police Justice

0039

Defense

Cornelius Hagen. Sworn

Q Where do you live

Ans 107th Street bet 1st Ave & Ave "C"

Q What is your business

Ans I am a carpenter & boatbuilder
I have been working the Sea van
-aka for the past eight or nine
months.

Q & Who has had charge of the
wrecking boat on which the property
identified in Court was found?

Ans I have personally
with in about five
weeks last past,

Q Since, who has had charge?

Ans My boys. Thomas Francis Hagen
and Cornelius Hagen.

0040

Q Who was in charge on the 9th of September Friday last.

Ans To the best of my knowledge I believe my son Thomas and two other boys one whose name I understand was O'Rourke.

Q Do you know where your son Cornelius Hagan one of these defendants was on Friday night the 9th of September

Ans In my house 107th Street bet 1st Ave & Ave A.

Q Were you home that night and did you see him.

Ans I was and saw him.

Q When did you send him to take charge of the wreck.

Ans On Saturday last, Sept 10th 1881

Q Why did you send him there.

Ans I sent him for some timber to cut into blocks.

0041

Q After ~~that~~ what happened,

Ans Did he bring them

Ans No Sir

Q When did he return

Ans He did not return he was arrested

Q What time was it on Saturday
you sent him for those blocks

Ans In the evening

Q Where was he on Saturday

Ans I don't know he was at the
house about 8 o'clock in the morning
when I left to go down town

Q When you returned was he at home

Ans Yes Sir.

Q Who sent them the other defendants
to the wreck

Ans I sent him

Q When

0042

Ans 9 o'clock Sunday morning

Q Why did you send him

Ans With dinner for my boy Cornelius

Q How old is your son Cornelius

Ans About 17 years

Q Has Cornelius your son been residing at home with you lately

Ans Yes

Q You say you have made a contract for stripping this wreck, with whom

Ans Mathias J Gregory

Adjourned till September 15th 1881 at 9 o'clock
at request of defendant's counsel.

September 15th all parties in court
Defendant's ask for adjournment for
the purpose of procuring witnesses
Adjourned till Saturday Sept 17th at
9 o'clock.

Saturday Sept 17th all parties in
Court

0043

Cornelius Hagan recalled
Cross Q

Q Have you the contract which
you referred to.

Ans I have. Contract produced.
and marked (A)

Q Where is your house that is referred
to in the contract where you were
to take the wrecked matter.

Ans 104th St bet 1st Ave & Ave "A"

Q Did you take the property from
the wreck to that house.

Ans No sir.

Q Where did you take the property.

Ans From the wreck.

Q Where too.

Ans I sold \$45 worth of lumber to Mr Zuckman
the undertaker. \$15 worth of lumber
to Mr Fitzgerald.

Q Did you see any other property

0044

from the wreck

Ans No

Q Have you taken any portion of the property taken from the wreck to your house and if so what portion

Ans I have taken several blocks, and timbers.

Q Have you taken any metals,

Ans Yes sir

Q You said in your direct examination that you had charge of the wreck ~~until~~ until about 5 weeks ago what caused you to sever your connection.

Ans My connection is not severed,

Q Which one of your sons did you turn over the charge of the wreck under this contract, ^{to} five weeks ago. when you say you gave up personal charge of the wreck,

Ans My son Thomas.

0045

~~Proceedings~~

Q How many sons have you

Ans Four.

Q Where is your son Thomas

Ans He is in the Tomb I suppose.

Q Don't you know he is in the Tomb

Ans Yes.

Q Do you know on what charge.

objected to, sustained, exception taken

Q What is the names and where are
your other sons except the one
now here in court.

Ans Charles and Harry they are at
home at 107th St.

Q How old is your son Cornelius
here present.

Ans I believe he is 17 years of age

Q Has he ever been arrested before

Ans No sir

0046

Q What is your own business

Ans A Carpenter & Boat builder.

Q Do you know who owns the boat from which your son Cornelius was taken on Sunday last,

Ans I do. I own it.

Q How many times did you visit the boat within five weeks past.

Ans I haven't been there once, except Sunday when Cornelius was present.

Q How old is your son Thomas

Ans 14 years.

Q Where was your son Cornelius at the time you turn over the wreck to your son Thomas

Ans He was working for Mr. Miller

Q Did you say on your direct examination that your sons Thomas and Cornelius had charge of that wreck from the time you gave up personall

Ans charge
No Sir.

0047

Q How long ~~was your~~ has your son Cornelius worked for Mr Milner.

Ans From a month to six weeks.

Q ~~For~~ mean What portion of the year was those four or six weeks

Ans Last month and a portion of this month.

Q What was his employment with Mr Milner if you know

Ans Digging bair.

Q What hours was he employed,

Ans It was irregular, according to the tides

Q What time did he leave your house

Ans Sometimes night sometimes in the day at all hours.

0048

Q After you put your son Thomas in charge of the wreck where did he sleep.

Ans. I can't tell.

Examination of witness suspended for the purpose of examining another witness.

William Milner Jr. sworn.

Q Where do you live

Ans East River & 110th St

Q What is your business

Ans Boat letting and supplying fishing tackle & bait

Q How long have you been in that business

Ans My father has had the business over twenty years I have had charge over five years.

0049

Q Do you know the defendant
Cornelius Hagare and if so how
long

Ans I have known him since early
boyhood.

Q Has he been employed by you

Ans Yes for six weeks last-
past up to the time he was
arrested.

Q Do you remember last Friday
the 9th day of September

Ans Yes sir distinctly

Q Did he work for you on that
day?

Ans He did.

Q What time did he come in.

Ans He went out very early and
came in before noon

0050

Q Do you remember whether he was around that afternoon

Ans I saw him up till 5 o'clock

Q Then he has worked every day up to the time he was arrested including Sunday.

Ans Yes sir.

Q Did you see him on Saturday the 10th of Sept.

Ans I did. he came in about 11 o'clock in the morning. he must have gone about five o'clock, to dig bait.

Q Has he done other work for you

Ans He has worked on the float for me getting boats ready.

Q Has he ever collected money

Ans Yes.

0051

Q When was the last time you saw him previous to his arrest
Ans Saturday evening about 8 or 9 o'clock

Q Do you know how the tides run last week

Ans Low water was in the morning

Q This young man didn't sleep with you did he

Ans No sir.

Q You know nothing about the whereabouts of Cornelius Nagam between 5 o'clock on Friday until you saw him on Saturday

Ans I do not.

Q And you did not know of his whereabouts on any night

Ans No sir.

Sworn to before me this 26th November 1900
Charles James John Barton

0052

John Zimmerman sworn

Q Where do you reside and what is your business

Ans I live at 109th St. I dig hair for Mrs Sheehan who keeps a board house at 109th St East River.

Q Do you know the defendant Cornelius Nagaw

Ans Yes sir

Q When was the last time you saw him before you saw him in Court

Ans A week ago yesterday Friday

Q How do you know it was a Friday

Ans I had it fixed in my mind,

Q When did you see on Thursday and where

0053

Cornelius Hagan recalled

Ans at 109. "Up to him it was about dark,

Q State what conversation if any took place between you and him

Ans. When I saw him he asked me if I was going out digging in the morning. I said about 4 o'clock he then left me and went up the street.

Cross Q

Q How long have you known Cornelius Hagan

Ans A little over a year

Q Do you reside near him

Ans Yes Within two blocks of him.

Q Who do you reside with

Ans My father

Q How long have you worked for

0054

Mrs Sheehan

Ans Going on two weeks

Q What did you work at previous
to working for Mrs Sheehan

Ans I worked for Mr Millner

Q Have you been intimate with
Cornelius Hagan the defendant

Ans I have been in the habit of speaking
to him.

Q Can you now swear as to the
whereabouts of Cornelius Hagan
on Friday evening the 9th after you
parted company with him about
dusk.

Ans. I can not.

John. Zimmerman
Sworn to before me this
day of September 1881,
Harry. C. Over Police Justice

00-55

Cornelius Hagan recalled

Catharine Hagan, sworn

Q Where do you live

Ans 107th St between 1st Ave & Ave A

Q Are you the mother of the defendant
Cornelius Hagan and how old is
he

Ans I am. He is 14 years old.

Q Did he live at home with you
up to the time of his arrest.

Ans He did

Q Do you remember Friday the 9th
day of September.

Ans I do.

Q Was your son Cornelius at home
on that evening.

Ans He was

0056

Q What time did he come home on that evening

Ans It might be twenty minutes past seven or twenty minutes to eight. It was between 7 & 8.

Q What happened when he came home.

Ans. I had some fish and cooked pears for supper and Cornelius don't eat fish and the younger ones quarrelled with him because Cornelius took more than his share of the pears, and I had some words with him. he got up from the table and went to bed.

Q Did you see him go into bed

Ans I did.

Q Where is his bed

Ans In the front room

Q Did you go in there and see him in bed

0057

Ans I did, He did not take his pants off and I made him, do so.

Q How long had he been lying down before you made him take off his pants

Ans It might be an hour.

Q How long was he in the house before he went to bed

Ans About an hour and a half. It was about 20 minutes past 10 when I made him take off his pants

Q Did he get into bed after taking off his pants

Ans He did

Q What was done with his wet pants

Ans I hung them up by the stove in the kitchen.

Q Do you remember what time you went to bed

Ans About ten minutes to 11 o'clock

0058

Q Was the house locked up that night.

Ans It was. I generally lock it every night.

Q Do you remember locking it that night.

Ans I do not but I always lock it up.

Q Were all your children in bed that night.

Ans All but Thomas.

Q Was Cornelius in the house the next morning.

Ans He was.

Q What time did you see him.

Ans I called him about 20 minutes before five, gave him his breakfast prepared his dinner for him and he left.

Q What time did he leave.

Ans It might be twenty minutes after 5 o'clock.

0059

Q Why was he sent back to work

Ans For a schackle bar I think
his father called it.

Q What time was that

Ans In the evening.

Q When did you next see him

Ans In Court. ^{her} ~~Cornelius~~ Hagan
before me this 17th day ^{Mark}
of September 1881. ^{Police Justice}
Adjourned till Sunday Sept 18th 9 o'clock

Sunday Sept 18th all parties in court
Cornelius Hagan recalled cross examined
Continued

Q How many years have you
followed the occupation of Carpenter
& Boatbuilder

Ans 20 years or more.

Q At what places

Ans On Ward's Island, as a Carpenter
for 2 years & 4 months afterwards
at Camansville

Q During what years did you
work on Ward's Island

Ans Really I can't tell.

0060

Q When did you work at
Carmansville

Ans About the year 1870.

Q Then it was before the year 1870
when you worked on Ward Island

Ans Yes

Q How long before

Ans I should think it was two or
three years before

Q How long since you commenced
to do work on your own account.

Ans Really sir I can't tell.

Q Do you take work on your own
account.

Ans Yes sir. nothing since I have
been to work on this wreck under
this contract, with Gregory

Q Have you ever followed any other
business, and if so what.

Ans Yes sir. I have been to sea

Q How long did you follow the sea

Ans About 16 years

0061

Q How long have you lived in New York

Ans 46 years and over.

Q What other business have you followed if any.

Ans Foreman on Central Park

Q For how long

Ans Two years about

Q What years were they

Ans 1859 & 1860

Q What other business have you followed if any.

Ans Worked in the Department of Public Works as Carpenter.

Q When was it

Ans A couple of years ago.

Q Have you now got a shop as a Carpenter & Boatbuilder

Ans It is torn down now.

Q When and where did you carry on the business of a Carpenter & boat builder after you ceased to work as a journeyman

Ans At 10th Street where I live

Q How long

Ans On and off for two or eleven years

Q How long since your shop was pulled down

Ans ~~At~~ About three weeks

Q Did you ever carry on in that place long last between Abbe A. & me the business of purchasing old iron rope copper & other articles of junk

Ans No Sir

Q How long have you been in the business of a wrecker

Ans Since taking the contract from Gregory to wreck the Sea Vanaku about 9 months,

0063

Q Have you abandoned your contract with Mr Gregory

Ans No Sir.

Q Did you notify Mr Gregory when you gave up personal charge of the wreck that you had done so

Ans No Sir

Q Can you now state if any, what property you left on the barge when you gave up personal charge, to your son Thomas, five or six weeks ago.

Ans All the tools I was using the wrecking tools, A lantern and a saw, and ~~other~~ muskets, spikes and a quantity of iron, wood, ropes, fells blocks and bedding.

Q Is it a canal

Ans It formerly was. Derrick rigged Mr Gregory had the Derrick put in.

Q Prior to giving charge to your son Thomas were you in the habit of

0064

Q Mr. [unclear] [unclear]

sleeping aboard at night

Ans Yes off and on.

Q After you put Thomas in charge what was his habit, if you know as to sleeping.

Ans I directed him to sleep aboard the barge.

Q You were familiar with the inside and outside of that barge.

Ans Yes.

Q Did you know of the existence of the space between the outer and inner skin.

Ans It is the same as in every other boat.

Q Did you know of that space being used for the storage of any articles

Ans No.

Q You saw personal property brought into court by the officers other than your own, do you know how that property came on this barge.

Ans No Sir.

0065

Q Did you during the time your son Thomas was in Charge send your son Cornelius nowhere to keep Thomas Company on the barge,

Ans No sir I did not.

Q Have you ever been arrested,
objection sustained.

Q Were you at home on Friday the 9th of September

Ans I was.

Q What time did you get home on Friday the 9th of September

Ans I was home all day working around the place

Q What time did you see your son Cornelius at the house in the evening

Ans I saw him at ^{about} 5 o'clock, when he came from Captain Milkens, in the evening

Q Did you remain at home all that evening

Ans I did.

0066

Q What did your son Cornelius do that evening

Ans He laid down on the stoop and went to sleep

Q Was this after supper or before

Ans It was after supper

Q How long did he sleep there

Ans I don't know I went to bed

Q What time did you go to bed

Ans Between 8 & 9 o'clock

Q How long did it take to eat supper that night the family

Ans Probably $\frac{3}{4}$ of an hour

Q Did you sit down with the family and get up with them

Ans Yes Sir

Q How soon after Cornelius came home that evening did the family set down to supper

0067

Ans I can't remember exactly.

Q Now do you remember the other periods of time to which you have testified as having occurred on that evening.

Ans ~~I said that I didn't look at the clock~~
There is a clock in the front room and one in the back room, and I think I must have looked at the clock when I went to bed.

Q Did you look at the clock,

Ans To the best of my knowledge I think I did before going to bed.

Q Did you see your son Cornelius after he got up from supper

Ans I did he went immediately to the front stoop. I am sure of it.

Q And nowhere else

Ans No sir

Q State what clothes your son had on that evening.

Ans Blue shirt, pair pants and pair of shoes, and hat.

0068

Q Were the pants wet or dry
Ans I don't know.

Q How near to you did your son
Cornelius sit at the supper table
that night

Ans He sat at one end & at the
other about five or six feet
from me.

Q Do you now swear that after
having sat at the table at the
supper table with your son
about 5 or 6 feet from you
that you can't swear positively
whether his clothing was wet or
dry. Objected to. ~~overruled~~
Question ordered to be stricken out.

Q Were your sons clothing on that
evening wet or dry

Ans I don't know.

Q Do you know what time your son
left the house after you saw him
on the stoop that evening.

Ans On Saturday when I went to the wreck

0069

Q At what time.

Ans Probably 9 o'clock in the morning
as near as I can judge.

Q Do you know the defendant Thoms

Ans Yes sir

Q How long have you known him

Ans About 2 years

Q Any relation of your family

Ans No sir.

Q Was he in your employ

Ans Yes doing chores and worked around
for the past two years.

Q Was he a companion of your son
~~Cornelius~~.

Ans He has been around the house and with
him from time to time.

Q Was he at your house on the
evening of the 9th

Ans Yes sir.

0070

Q Did he constitute one of the party at supper that night

Ans Yes.

Q Do you know where Ahearn was on Saturday morning when you sent Cornelius to the wreck

Ans Yes.

Q Where was he

Ans At my house. I sent him with Cornelius's dinner.

Q At what time

Ans I suppose about 10 or 11 o'clock

Q Was Cornelius and Ahearn in the habit of sleeping in your house for five weeks previous to the arrest

Ans Yes.

Q And Thomas was in the habit of sleeping on the wreck

Ans Yes.

Q Why was it then that you sent your 14-year old son Thomas to take charge & sleep aboard the wreck & sleep alone when if you had

0071

I remain at your house merely
doing chores, objects to, sustained.

Reduct

Q Why did you suspend work on the
wreck for the past five weeks.

Ans In order to get ready to move my
house.

Q Has there been any work done
on the wreck since you stopped
personal operations.

Ans No.

Q What did you instruct Thomas to do
when you sent him to the wreck.

Ans To watch the wreck, and property.

~~Sworn before me this~~

Q At the time you sent Thomas
to the wreck what was Cornelius
doing.

Ans He was working for Mr Miller.

Sworn before me this 19th
day of September 1881
H. C. Brown

G Hagan
Police Justice

0072

Adjourned at the request of defendants:
Until Wednesday Sept 3rd at 9 1/2 o'clock

Wednesday Sept 2nd / 88, all
parties in Court

Cornelius Hagan Jr., one of the defendants
called as a witness (by his counsel)
in his own behalf. And being duly
sworn, says

Q. Where do you live how old are
you and what is your business

Ans 10th Street with my father and mother
I was 17 years old on the 6th inst
I dig fish bait,

Q For whom have you worked and for
how long

Ans William Miller. I have worked
for him for six weeks and up to
the time of my arrest on the charge,

Q On Friday the 7th of September was you

0073

working for him

Ans I was

Q On the night of Friday the 9th of September
where were you

Ans At my father's house

Q What time did you get there,

Ans Between half past seven and eight
o'clock

Q Did you eat supper at home that
night,

Ans Yes Sir

Q Did you leave the house that night after
eating his supper

Ans No Sir,

Q State what you did on the night
of the 9th day of September after you
went home.

Ans I first sat down waiting for my
supper. When it was ready I ate it.
There was a dispute at the table. I did
not like fish and took beer that was
there which caused some words between
me and my brother. I got up and left
the table. I went in and lay down on

0074

the bed with my clothes on, my pants
were wet. My mother came in and
told me to get up and take my pants
off. I got up took off my pants
went to bed again and went to sleep.
The next morning my mother fetched
in my pants and stockings to my bed
side. I then got up had my breakfast
took a lunch with me to go up the
river to get bait. It was a little after
five o'clock. I went up as far as
Hunts point and dug bait. I had
a boat belonging to Mr. Millner. I dug
\$1.00 worth on Saturday and got back
about 10 o'clock. I waited till 12 o'clock
at Millner to get paid. Mr. Millner the
old man paid me. I then went home
and got my dinner and help my father
around the house three or four hours.
Carrying boards, felling timber. I then went
back to Millners to help him wash out
the boats on the float to get them ready
for Sunday. I left there about 1/2 past
five went to the house to get my supper
and staid in the house until about 1/2
past 9 o'clock in the evening. ~~at the house~~
When my father sent me to the wreck
He told me to fetch two blocks that were

0075

lying alongside of the boat the next morning. He told me he would send Ahearn over with my dinner if I did not get through in the morning. ~~I was~~ ~~sleeping myself~~, I went to the wreck and slept there Saturday night. I slept in the cabin. I overslept myself and missed the tide on Sunday morning. I got up that morning and sat on the cabin waiting for Ahearn to bring my dinner when I saw the men of the Buckenback Yacht Club coming alongside, and Officer Demmerlein came aboard with the other men first. Officer Demmerlein asked me if I had any objection to his going down into the cabin. I told him no not a bit. He went down and when he came up he said to me taking hold of my hand "Come up this way". One of the men who was down below said hold that stuff. There was about ten or twelve people by this time on the boat come down in the cabin come in the hold, Officer Demmerlein then arrested me.

Q How long before this Saturday night was it since you had been on that barge

0076

Ans I hadn't been on the barge before for six or seven weeks

Q Had you ever ~~sleep~~ slept aboard of the barge before

Ans Yes Sir. I often slept aboard the barge with my father when we were working at the dock.

Q Did you know anything of the property that was shown in the Court and identified by Mr Rathburn

Ans No Sir.

Q I mean the property that he charges as being stolen from him

Ans No Sir.

Q When did you first see it

Ans When I was under arrest Sunday morning

Q And

Q Did you work for Mr Muller on Saturday the 10th day of September

Ans Yes Sir.

0077

Q What time did you go to work for Mr Miller on that morning and what time did you leave.

Ans I went to work at about 1/4 past 5 o'clock and quit about 1/2 past 11 o'clock

Q Did you see Mr Miller again on that day and if so where

Ans I saw him between 1/2 past 4 and 5 o'clock at the bar room

Q Did you see after that on that day

Ans No sir.

Q How many trips did you make on Saturday

Ans I made one.

Q What time did you make that one

Ans Half past 9 o'clock in the evening.

Q What have you been doing since

Q When you went to the wreck who did you find on the wreck

Ans No body

Q Did you know at the time you went to the wreck what had become of your

0078

brother Thomas

Ans Yes sir.

Q What had become of him.

Ans Objected to. overruled

Ans He was arrested as I heard.

Q When did you hear he had been arrested

Ans Just as I was leaving Mellner's boat house to go over to the wreck, at about half past nine, in the evening.

Q Were you thoroughly familiar with every part of that wrecked boat.

Ans Yes sir.

Q Had you been all through that boat during the time your father had been working on the wreck

Ans Yes sir.

Q Could any property be on that barge without being known to you

Ans Yes sir.

Q Did you work with your father on the wreck of the Beaman

0079

from the time he commenced on it
until you went to work for Mulliner

Ans Yes Sir.

Q When did you first go to work for
Mulliner.

Ans About six or seven weeks ago
early in August, I think it was
of a Wednesday.

Q Do you know how long your brother
Thomas had been in charge

Q Do you know when your father
gave up working on the wreck

Ans Between five and six weeks ago.

Q Do you know who had charge of the
wreck since

Ans My brother Thomas.

Q Did you frequently go on the boat
while your brother Thomas had
charge

Ans No Sir, I passed it daily it was
in my route. I passed within 200
feet of it. but did not go aboard.

0080

Q What did you do after supper on the evening of the 9th Friday of this month?

Ans I went into the front bed room and laid down on the bed.

Q How long did you lay there?

Ans About three quarters of an hour.

Q Are you sure that when you got up from the supper table, that night that you went right into the front room, and that you did not go out of the front door that night?

Ans Yes sir.

Q Have you ever been arrested before?

Ans No sir.

Q Did Sharn had lived in your father's house for two years had he?

Ans Yes.

Corneilus Hagan

Sworn to before me this

21st day of September 1881

Wm. J. Davis

Police Justice

0081

8

Thursday Sept 22nd 1881, examination
adjourned at request of defendant's counsel
until Saturday 24th Sept at 9 o'clock.
Saturday 24th of September, examination
adjourned till Sunday Sept 25th 1881

Sunday 25th 1881, Defendants in court
and judgment rendered.

Hagan discharged

Thom held to answer for Larceny
in sum of \$500 at General Session.

0082

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.64
DISTRICT POLICE COURT.

Cornelius Hagan 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. *Cornelius Hagan*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Harlem*

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

Answer. *107th Street 1st Avenue, I have lived there 9 or 10 years*

Question. What is your business or profession?

Answer. *Digging fish bait.*

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 have no knowledge of the offense with which I am charged.*
Cornelius Hagan

Taken before me, this *23rd*

day of *Sept*

188*8*

W. J. Davis

Police Justice.

0083

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Jimmie Shearn 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.

Jimmie Shearn

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York

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

Answer.

107 St between 1 Ave & Ave "A". Three or four months

Question. What is your business or profession?

Answer.

I work for Mr. Hagan at his house

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 know nothing about it.
Jimmie Shearn
Mark

Taken before me, this

day of

September 1881

Manly Law

Police Justice.

0084

TORN PAGE(S)

0086

Sec. 207

6th

District Police Court.

City and County } ss:
of New York,

It appearing to me after hearing the proofs, and the statement
of the defendgnt, that no sufficient cause exists to believe the within named

Cornelius Vagan

guilty of the offense within mentioned I order him to be discharged.

Dated at the City of New York, Sept 25th 1881

Marif. Davis Police Justice.

0087

Sec. 212.

6th District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

It appearing to me by the within depositions and statement that the crime therein mentioned
Oliver Lascenz

has been committed, and that there is sufficient cause to believe the within named

Dennis Shearn

guilty thereof, I order that he be held to answer the same, and the said crime beingailable by
me, but bail not having been taken by me, I order that 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 at the City of New York, Sept 25th 1881

Haris. Owen Police Justice

0088

Court of General Sessions of the Peace of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK,

Dennis Ahearn against

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

Dennis Ahearn
of the crime of *Burglary*

committed as follows:

The said

Dennis Ahearn

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

Robert W. Rathborne

there situate, feloniously and
burglariously, did break into and enter, the same being a *building* in which divers
goods, merchandise, and valuable things were then and there kept for use, sale and
deposit, to wit: the goods, chattels, and personal property hereinafter described, with
intent the said goods, chattels, and personal property of the said

Robert W. Rathborne

then and there being, then and there

feloniously and burglariously to steal, take and carry away, and

*two hundred feet of rope of the value of three cents
each foot - One shirt of the value of two dollars
One pair of pantaloons of the value of five dollars - One
other shirt of the value of three dollars - One necktie of
the value of one dollar - seven knives of the value of fifty
cents each, seven spoons of the value of fifty cents each
seven forks of the value of fifty cents each, one clock
of the value of three dollars, one towel of the value of
one dollar*

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

Robert W. Rathborne

so kept as aforesaid in the said

vessel

then and there being, then and

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

0089

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

Dennis Ahearn
of the CRIME OF *receiving stolen goods*

committed as follows:

The said

Dennis Ahearn

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

two hundred feet of rope of the value of three cents each foot - One shirt of the value of one dollar - One pair of pantaloons of the value of five dollars - One other shirt of the value of three dollars - One neck tie of the value of one dollar - seven knives of the value of fifty cents each, seven spoons of the value of fifty cents each, seven forks of the value of fifty cents each - One clock of the value of three dollars - One towel of the value of one dollar

of the goods, chattels and personal property of

Robert W. Rathborne

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen ~~of the said~~ *taken and carried away from*

the said Robert W. Rathborne

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

Dennis Ahearn

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

Samuel L. Collins
~~BENJ. K. PHILLIPS~~, District Attorney.

0090

BOX:

49

FOLDER:

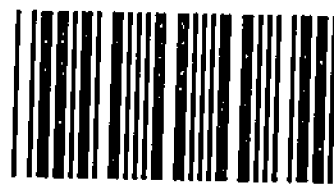
566

DESCRIPTION:

Avery, Charles H.

DATE:

10/28/81



566

0091

BOX:

49

FOLDER:

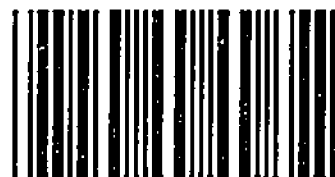
566

DESCRIPTION:

Stryker, William D.

DATE:

10/28/81



566

0092

173
Filed
Pleads
28 day of
October
1892
Charles H. Avery
William D. Stryker

Obtaining Goods by False Pretences.
THE PEOPLE
vs.
Charles H. Avery
William D. Stryker

DANIEL C. ROLLINS,
District Attorney.
Filed
October 21, 1892
Indictment returned as
A True Bill.
William D. Stryker

Wm. D. Stryker
District Attorney
October 21, 1892
Indictment returned as
A True Bill.
William D. Stryker

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State of New York,
City and County of New York. }

Police Court, First District.

The People of the State of New York,
— against —
Charles H. Avery and William D. Stryker.

City and County of New York fo:

temporarily residing at Horatio V. Allin
Trunk Hotel, New York,
being first duly sworn, deposes and says:
I reside in the town of Waltham, County
of Middlesex, and State of Massachusetts.
That on or about the 5th day of April,
1881, one Charles H. Avery, of Boston, County
of Suffolk, and State aforesaid, came to me,
to obtain a loan of money on a
certain ^{promissory} note, which he represented was
made by one W. D. Stryker, at No. 431
Broome Street, New York City, and made
payable to him, the said Avery, on the first
day of July AD 1881. The said Avery
then gave me various reasons why the
said Stryker, as maker, had also, by mutual
agreement, between himself and the said
Stryker, became the custodian of said promiss-
ory note. He further stated that said

+ promissory note was given to him
 by said Stryker for a good and valuable
 consideration. That it was at that
 time in the possession of the said
 Stryker, signed by the said Stryker, and
 + duly endorsed by Messrs. Brooks Brothers,
 of the firm of Brooks Brothers, -
 Broadway, New York City. He further
 stated and represented that said promissory
 note was made by the said Stryker as
 4 aforesaid, on the 28th day of December,
 A.D. 1880, payable six months from
 date, - all of which statements and
 representations he would corroborate and
 prove to be true by the maker thereof,
 the said W.D. Stryker, if I would
 accompany him to New York City, which
 I did at the request and solicitation
 of the said Avery, and one James P.
 Thynng, of Boston, in the County of
 Suffolk, and State aforesaid, and
 from whom the said Avery was to
 obtain the loan on said promissory note,
 if all the aforesaid statements and
 representations, as made by the said
 Avery, to me, and the said James P. Thynng,
 were found to be true, by the further
 statements and representations of the
 said W.D. Stryker, and the production
 of the said note, and the acknowledgment

of the said Stryker that he owed the said Avery the face of said note, and his consent to pay the same when due to the said James P. Thynng.

On or about the seventh day of April A.D. 1881, the said Charles H. Avery and myself met the said W. D. Stryker at his place of business, then at N^o 431 Broome Street, New York City; the said Avery then and there called for his note. The said Stryker went to his safe, took from a box therein a promissory note purporting to have been made by him, as maker, and which he acknowledged to have signed. Said note was made payable to the said Charles H. Avery six months from the date thereof, which was the 28th day of December A.D. 1880, and the said Stryker further assured me that it was a good and valid note, and given for military uniforms purchased and received by him of the said Charles H. Avery, for which he promised to pay therefor the sum of Thirty-five hundred dollars, and gave his promissory note payable in six months from date, as aforesaid. That he had received said military uniforms, and in corroboration of which statement produced the contract of sale.

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X I asked the said Stryker if the promissory note produced by him, ^{purporting to be} and endorsed by Brooks Brothers, of Broadway, New York City, was the signature of said firm, and he assured me that it was. I then informed him of my purpose in seeing him, and making the inquiry in regard to said note, — that the said Avery was in need of money to carry on a pending suit, and that the said James P. Thynge might loan him two thousand or twenty-five hundred dollars on said promissory note, as collateral security before the first day of July A.D. 1881; # The said Stryker assured me that the security was good, and that it would be perfectly safe for him, the said James P. Thynge to make the loan on said note as security, and that he, the said Stryker, would hold the said note for said Thynge, but declined to sign a declaration of trust to that effect, on the request by me to do so.

X An assignment of said note by the said Avery to the said Thynge was then read to W.D. Stryker by me, and he, said Stryker, then acknowledged the facts therein recited to be true,

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2.

and further said that he would pay the face of said note to the said Thyrng. I then requested the said Stryker to accept the said assignment, and he and the said Avery took the document to a table in the rear of your affiant, and returned the same to me in the presence & hearing of the said Stryker, signed as follows; "accepted, W.D. Stryker.", the said Avery saying as he handed the said document to me, "here, that is all right, now."

I saw the said Stryker again about the fifteenth of May, A.D. 1881; he denied that he ever had any such note, as hereinbefore described, that he had produced any note for my inspection on or about the ~~sixth~~ seventh day of April 1881, purporting to have been made and signed by him, that he ever owed the said Avery a dollar, and that he ever before heard the name of James P. Thyrng. On presenting a copy of said note to the said Stryker, he then and there admitted that he did have such a note, on or about the seventh day of April A.D. 1881, and that he also had a contract, but the aforesaid contract was broken soon after it was

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made. The said Stryker then admitted and represented that the aforesaid note was made on the morning of the seventh of April 1881, and further admitted and stated that it was made for the purpose of obtaining money from someone, and that on the seventh or eighth of April aforesaid he wrote the said Avery to inform me that he had destroyed said note, to confirm which statement he showed me a copy of a letter purporting to have been written by him to the said Avery.

I then asked him to let me take a copy of the same, and he declined to do so, saying it would be soon enough to do that when called upon to produce it.

On the seventh day of April 1881, in the City of New York, I paid to the said Avery the sum of Four hundred dollars, which sum was entrusted to me by the said Thynq to pay to the said Avery, if I found upon the statements and representations of the said Stryker, that he owed said Avery the amount of said note.

This said sum was paid to

Paid \$400

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said Avery by me on the representations
of the said Stryker, made to me, in
regard to the validity of said note,
and that he would in good faith
pay the same to the said Thyrus
on or about the first day of
July 1881.

Charles H. Avery
and the said James P. Thyrus have at
divers times between the tenth day
of April 1881, and the first day of
July 1881, stated to me that the
said Thyrus had loaned the said
Avery various sums of money,
on said note, held by the said Stryker.

Subscribed before me

This 1st day of Oct 1881

J. K. White

Notary at Arms

Police Justice

- 0 100

City and County of New York ss:
I, James J. Thynge, of Boston, County
of Suffolk, Commonwealth of Mass-
achusetts do depose, testify and say that
about the first day of April, 1881,
Charles H. Avery, came to my office
in said Boston and said he held a
note against W. D. Foyker of New York
for thirty-five hundred dollars, dated
Dec. 28th 1880 payable in six months
with interest at six per cent. and
indorsed by Brooks Brothers a firm on
Broadway in New York - He asked me if
I would loan him money on that note
as collateral - I said no, I did not know
enough about the security that I
desired undoubted security - Avery
said if I bring a man to you that
knows about the security and pronounces
it good, Will you loan upon the note
as collateral; I will pay good interest
upon it. I told him if the security
could be shown to be good and safe
I would loan him money upon it.
About the fifth day of April, 1881 he
brought to my office Mr. Allen, an atty
at law of Waltham, Mass. and informed
me that he was his counsel and requested
him to give me the facts in reference
to the note. Mr. Allen said he knew
about the note but had not seen it.
Said he would take the amount Mr.

0101

Avery asked for, go to New York with him and if he found that matters were all right would give him the money and take an assignment of the note as collateral, otherwise he would return the money to me. I thereupon gave him four hundred dollars; they returned on the seventh day of April with a copy of the note from Fryker and the assignment of the note from Avery to me endorsed 'accepted, W. S. Fryker'. Mr Avery gave me his note for the money and interest, signed also by his wife. Avery came to me afterwards at various times to borrow money on the strength of the note and assignment thereof, offering in addition other security which has since turned out to be worthless; and relying upon this note and assignment I have loaned him the sum of twenty-seven hundred and fifty dollars. I frequently inquired of Mr. Allin as to the security and was assured that it was all right. I telegraphed Fryker in reference to the note and to make no payments except to me in substance. He replied in substance that he had no Avery note. I referred his telegram to Mr. Allin. He said

it was all right - that he had some private reason for telegraphing in that manner. - he said - I will go to New York and see about it and I went with him. We arrived in New York on the 16th day of May, 1881. I listened to a conversation between Mr. Allen and Stryker and then said to him: Where is the Avery note? - in substance. He said - there is no such note and never was. I said to him - how come I by this copy? - He said - you haven't any. I said to him I have a copy. Stryker asked to see it, I showed it to him. He then said there was such a note made by some one to get money out of some one. I said - did you sign the note? - He said - I did - I then said - was it done to get my money from me under false pretences and by a swindle. Stryker said - "Avery wanted to get some money from some one. I didn't know who. So I signed the note only for the time as I wrote Avery on the second day after it was made that I had destroyed it, and wrote him to tell Mr. Allen to that effect and that I destroyed it on the 8th day of April, 1881." I then left

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his place of business, where this conversation had taken place.

That payment of said note at the maturity thereof, was duly demanded from the said Stryker, who failed and refused to pay the same. That said note was duly protested for non-payment. That Brooks Brothers were duly notified thereof, and payment demanded from them, which they refused, and at the same time they alleged that they had no knowledge of said note, and had never endorsed the same.

That the following is a copy of said alleged note, to wit:

"New York Dec. 28th 1880.

"\$3500.00

" Six months after dated promised
"to pay to Charles H. Avery or order
"the sum of thirty-five hundred dollars,
"with allowable interest at six per
"cent. per annum, payable at number
"431 Broome St. New York City.

" W. D. Stryker. "

Endorsed

"Brooks Brothers,

Broadway,

New York"

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That the said Charles St. Doery and the said William D. Stryker, at the City and County of New York, and at the date aforesaid, did combine and conspire unlawfully to cheat and defraud the complainant as aforesaid, and did by their false and fraudulent acts and representations and pretences ^{will knowing the same to be false} as aforesaid, cheat and defraud said complainant, and unlawfully obtained from him said amount of money above mentioned.

Subscribed and Sworn to
before me this 13 day
of October 1881.

A. M. White

Police Justice

James P. Thayer

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W. W. W.

Police Court, First District

The People of the State
of New York,
Donald N. Allen

Charles H. Coery
and William D. Stryker.

Affidavits.
False Pretenses

0106

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

DISTRICT POLICE COURT.

William D. Stryker 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 D. Stryker

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New Jersey

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

Answer.

Jersey City 12 years

Question. What is your business or profession?

Answer.

Military Clothing Manufacturer

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 the charge as alleged

Taken before me, this

day of

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Wm D. Stryker

J. H. Smith

Police Justice.

0107

BAILED,
No. 3, by Wm. D. Stenger
Residence 152 A Street,
No. 3, by Wm. D. Stenger
Residence 152 A Street,
No. 4, by Wm. D. Stenger
Residence 152 A Street,

#179
Sec. 206, 210 & 212.

Police Court, District.

THE PEOPLE, &
ON THE COMPLAINT OF

Horatio N. Willard

Charles H. Avery

William D. Stenger

Offence, False Pretences
(Felony)

Dated 14th October 1881

James J. Kilbreth Magistrate.

Delaney Officer.
1st Dist. Court Squad Clerk.

Witnesses .

No. Street,

No. Street,

No. Street.

#179
Willard

#179
not annexed

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

William D. Stenger
guilty thereof, I order that he be admitted to bail in the sum of 20 Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated Oct 14 1881 J. Kilbreth Police Justice.

I have admitted the above named William D. Stenger
to bail to answer by the undertaking hereto annexed.

Dated Oct. 14 1881 J. Kilbreth Police Justice.

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

Dated _____ 188 _____ Police Justice.

0108

Police Justice.

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Dated

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

There being no sufficient cause to believe the within named

Police Justice.

188

Dated

I have admitted the above named

Police Justice.

188

Dated

guilty thereof, I order that he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail

and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed,

Police Court District.

THE PEOPLE, & 1887
ON THE COMPLAINT OF

Horatio A. Allen

Charles H. Avery

William H. Stryker

Offence, (felony)

Dated 14th October 1887

James T. Kilbreth Magistrate.

Delaney Officer.

1st Dist. Court Squad Clerk.

Witnesses

No. Street,

No. Street,

No. Street.

#12 Pailed

#1 not arrested

BAILED.

No. 3, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

0109

District Attorney's Office.

THE PEOPLE,

vs.

Thryker

for Sullivan
&

Cromwell

alt. proofs.

Smith

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Offices of J. E. LADDEN,

Attorney and Counsellor at Law,

234 BROADWAY, Opposite Post Office,

(Third Floor, Rooms 11 and 12.)

New York, November 15th 1881

Hon. Wm. C. Beecher.

My dear Sir.

Will you please allow Mr. O'Neil, the bearer, to copy the affidavits which you showed me, in reference to the case of W. M. Hyman, indicted for obtaining money under false pretences.

Yours Truly

J. E. Ladden

Received of W. C. Beecher Am. Dist. Atty
the affidavits in re Wm. D. Hyman in
record on writ abt. year
Nov. 15 1881.

J. E. Ladden
by V. O'Neil

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Receipt for
Affidavit
completes

0112

Court of General Sessions of the Peace
For the City & County of New York

The People of the State of New York
Against

Charles H. Avery & William H. Smykes
Indicted October 19th 1881 for obtaining
money under false pretenses

You will please take notice
that upon the affidavit copy of which
is herewith served upon you, and on
the indictment and all the proceedings
had in this matter the undersigned
will move the Court of General Sessions
of the Peace for the City & County of
New York, Part One, to be held at the
Court Room thereof in the City of New
York on the 13th day of March next
at 11 o'clock in the forenoon or as soon
thereafter as counsel can be heard to
dismiss the said indictment as against
the defendant William H. Smykes upon
the ground that said Smykes was
not brought to trial at the next
Term of said Court after the said
indictment was found, and has never
been brought to trial although the
same has not been postponed upon

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his application, pursuant to Section 668
of the Code of Criminal Procedure, or
for such other or further relief as may
be just

Dated March 8th 1882.

To

Hon John M. Keane

District Attorney

of the City & County of New York.

J. E. Huddell

Att'y for Deft William R. Huddell

234 Broadway

New York

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Court of General Sessions of the Peace
For the City & County of New York.

The People of the State of New York
vs
Defendant.

Charles H. Avery & William M. Stryker
Indicted October 19th 1881 for obtaining
money under false pretenses.

City & County of New York, ss.

J. E. Hudson being duly sworn
deposes and says that he is the Attorney
and Counsel for the above named William
M. Stryker.

That said Stryker was, as defendant
is informed and verily believes, indicted
with the said Charles H. Avery on the
19th day of October last for obtaining
money under false pretenses, to which
indictment he pleaded not guilty, on
the 15th day of November 1881. That
he is not imprisoned, but is at large
on bail, James McKimney who resides
in 152nd Street between Sixth & St. Nicholas
Avenues being his bondsman.

That there have been four regular
Terms of this Court held since the said
indictment was found besides the one
now in session at any one of which

the said Stryker might have been tried
That an application for a postponement of trial has been made by and on behalf of said Stryker.

Sworn to before me this { J. P. Linder
8th day of March 1882 }
Thos. O'Neil,
Notary Public

Court of General Sessions
of the Peace, for the
County of New York

The People of the State,

of New York
County,

Charles H. Avery and
William D. Stryker
Indicted for False Pretenses

Applicants of Motion
to dismiss indictment

That this motion was
made and heard at 149 at 11 AM
by consent R.B.G.

J. E. Linder
Counsel for Stryker
William D. Stryker
234 Broadway
New York

Indictment dismissed of order
made this 8th day of March
1882 - John W. Linder
Dist. Ct.
Wm. D. Stryker

Section 668 of the Code
of Criminal Procedure
"If a defendant, indicted
for a crime whose trial

has not been postponed
upon his application, he
not brought to trial at
the next term of the Court
in which the indictment
is made after it is found
the Court may on application
of the defendant order the indictment
to be dismissed unless
good cause to the
contrary be shown."

It appears by the return
of the defendant that 4 term of
this Court has passed
without bringing the people
Stryker to trial without
any application for postponement
on his part. He now moves
for an order dismissing
the indictment on the ground
that Motion granted unless
the District Attorney bring
the defendant to trial during this
March term, or give some
good reason why not
order met 10/12 Rm. Blooming

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

The People of the State
of New York.

against.

Charles H. Avery and
William D. Stryker

The Grand Jury of the City and
County of New York by this indict-
ment accuse Charles H. Avery and
William D. Stryker of the crime of
Obtaining money by false pretences
committed as follows:

The said Charles H. Avery and
William D. Stryker each late of the
First Ward of the City of New York,
in the County of New York, aforesaid,
on the seventh day of April in
the year of our Lord one thousand
eight hundred and eighty-one, at
the Ward, City, and County aforesaid,
with force and arms, on the day and
year last aforesaid, with intent to
feloniously to cheat and defraud one
James P. Hyatt did then and there

feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to the said James P. Thynge and to one Horatio St. Allin who was then and there the agent of him the said James P. Thynge and was by him the said James P. Thynge authorized and empowered to then and there represent and act for him the said James P. Thynge in the premises

That a certain promissory note then and there produced, transferred and delivered to him the said James P. Thynge by them the said Charles H. Avery and William D. Stryker, purporting to be made by the said William D. Stryker under the name of W. D. Stryker and to be endorsed by the said Charles H. Avery and under their firm name and style of Brooks Brothers, by John E. Brooks, Francis Wagner, Jarvis Keel, Clark Hopps, Matthias S. Ewen, Hiram S. Armstrong, Francis S. Lloyd who were then and there carrying on business ^{as copartners} in the city and County of New York aforesaid under the firm name and style aforesaid and which said note is the words and

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figures following that is to say:-

"New York Dec. 28th 1880.

"\$3500.00

" Six months after date I promised
" to pay to Charles H. Avery or order
" the sum of thirty-five hundred dollars,
" with allowable interest at six per
" cent. per annum, payable at number
" 431 Broome St. New York City.
" W. D. Stryker "

Endorsed

" Brooks Brothers,
Broadway,
New York. "

was then and there, and theretofore
had been, endorsed by the said
John E. Brooks, Francis Wagner, Jarvis Weed, Clark S. Hopps,
Matthias S. Ewen, Hiram S. Armstrong, Francis S. Lloyd
under their aforesaid firm name
and style of Brooks Brothers and
that the endorsement on said note
purporting to be made by the said
John E. Brooks, Francis Wagner, Jarvis Weed, Clark S. Hopps,
Matthias S. Ewen, Hiram S. Armstrong, Francis S. Lloyd
under their said firm name and style
of Brooks Brothers was the true and
genuine signature of them the said
John E. Brooks, Francis Wagner, Jarvis Weed, Clark S. Hopps,
Matthias S. Ewen, Hiram S. Armstrong, Francis S. Lloyd.

as so carrying on business as aforesaid and of their said firm of Brooks Brothers.

That the said note had been given by him the said William D. Stryker to him the said Charles H. Avery for a good and valuable consideration parted with by him the said Charles H. Avery to him the said William D. Stryker.

That said note had been given by him the said William D. Stryker to him the said Charles H. Avery for military uniforms purchased and received by him the said Charles H. Avery from him the said William D. Stryker.

That they the said Charles H. Avery and William D. Stryker and each of them were solvent, pecuniarily responsible and possessed of great wealth.

And the said John P. Hyatt, and said Horatio N. Allen as such agent as aforesaid so authorized and empowered as aforesaid then and there believing the said false pretences and representations so made as aforesaid by the said

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Charles H. Avery and William O. Stryker and being deceived thereby, was induced, by reason of false pretences and representations so made as aforesaid to deliver, and did then and there deliver to the said Charles H. Avery and William O. Stryker a certain sum of money to wit: the sum of Four hundred dollars in money and of the value of Four hundred dollars, of the proper moneys, valuable things, goods, chattels, personal property and effects of the said James P. Thyng, and the said Charles H. Avery and William O. Stryker did then and there receive and obtain the said sum of Four hundred dollars in money and of the value of four hundred dollars of the said James P. Thyng, and said Horatio W. Allen as such agent as aforesaid so authorized and empowered as aforesaid, of the proper moneys, valuable things, goods, chattels, personal property and effects of the said James P. Thyng by means of the false pretences and representations aforesaid, and

with intent feloniously to cheat and defraud the said James P. Thyng of the same.

Whereas in truth and in fact, the aforesaid note had never been endorsed by them the said John E. Brooks, Francis Wagner, Jarvis H. Black, S. Kopp, Matthias Egan, William D. Armstrong, ^{and Francis S. Dwyer} or any of them under the aforesaid firm name and style of Brooks Brothers or under or in any other name whatever as they the said Charles H. Avery and William D. Stryker then and there well knew: and

Whereas in truth and in fact, the aforesaid note had never been endorsed by them the said John E. Brooks, Francis Wagner, Jarvis H. Black, S. Kopp, Matthias Egan, William D. Armstrong, ^{and Francis S. Dwyer} or any of them or by the said firm as they the said Charles H. Avery then and there well knew: and

Whereas in truth and in fact, the aforesaid note had not been given by him the said William D. Stryker to him the said Charles H. Avery for a good or valuable or any consideration whatever as they the said William D. Stryker and

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and Charles H. Avery then and there well knew: and

Whereas in truth and in fact, the aforesaid note had not been given by him the said William D. Stryker to him the said Charles H. Avery for any military ^{uniforms} for any uniforms whatever purchased or received by him the said Charles H. Avery from him the said William D. Stryker as they the said Charles H. Avery and William D. Stryker then and there well knew: and

Whereas in truth and in fact, the aforesaid note was then and there wholly useless ~~and~~ ^{and useless} worthless as they the said Charles H. Avery and William D. Stryker then and there well knew: and

Whereas in truth and in fact, they the said Charles H. Avery and William D. Stryker were not ~~or~~ nor was either of them then and there solvent or pecuniarily responsible or possessed of great ^{or any} wealth but on the contrary they the said Charles H. Avery and William D. Stryker were and each of

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them was wholly insolvent pecuniarily irresponsible and worthless, and impoverished all which they the said Charles H. Avery and William D. Stryker and each of them then and there well knew:

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And Whereas, in fact and in truth, the pretences and representations so made as aforesaid, by the said *Charles H. Avery and William D. Stryker* to the said *James P. Hyng* ^{and said Coratio Hall as each agent as aforesaid and assembled as aforesaid} in all respects utterly false and untrue, to wit, on the day and year ^{first day of April} ~~last~~ aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said *Charles H. Avery and William D. Stryker* well knew the said pretences and representations so by *them* made as aforesaid to the said *James P. Hyng* ^{and said Coratio Hall as each agent as aforesaid and as authorized and empowered as aforesaid} to be utterly false and untrue at the time of making the same.

And so the ^{grand jury} ~~Jurors~~ aforesaid, upon their oath aforesaid, do say, that the said *Charles H. Avery and William D. Stryker* by means of the false pretences and representations aforesaid, on the ^{seventh day of April in the year of our Lord one thousand eight hundred and eighty one} ~~day and year last aforesaid~~, at the Ward, City, and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said *James P. Hyng*, the said sum of *four hundred dollars in money and of the value of four hundred dollars*

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said

James P. Hyng with intent feloniously to cheat and defraud *him* of the same, 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.

Daniel G. Rollins.
DANIEL G. ROLLINS, District Attorney.