0806

BOX:
349
FOLDER:
3291
DESCRIPTION:
Fox, John

DATE:
04/01/89

3291

Witnesses:

Off. Daniel O'Kael, 22d

Counsel,

Filed 1 day of April 1889

Pleads, Not guilty

THE PEOPLE

vs.

John Fox

29.

538 W 55

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

April 2/89

Plead Assault 3 deg

Pen 10 mos

No 8.

RBM.

0808

Police Court— 4 District.

City and County of New York, } ss.:

Daniel D. Kash,

of No. No. 22 Brevoort ~~Street~~, aged 26 years,

occupation Police Officer being duly sworn

deposes and says, that on the 27 day of March 188 9 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Doe (Non Resident) who cut and stabbed deponent on the left arm with a pocket knife then and there held in his (defendants) hand.

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 27 day of March 188 9. } Daniel D. Kash

John Hyman Police Justice.

0809

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Fitz ..... 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. John Fitz

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. Ireland

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

Answer. No 538 W 55th St 2 weeks

Question. What is your business or profession?

Answer. Labor

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

John Fitz

Taken before me this 9th *day of* April 188 9

Thos F Kenny *Police Justice.*

08 10

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 Fifteen *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 Mch 27 188 9 John J Ermon *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0811

8

Police Court--- 4 460 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Daniel S. Nash

vs.

1 John Doe

2

3

4

Offence Felony

Dated Mch 27 1889

Gannon Magistrate.

Nash Officer.

27 Precinct.

Witnesses John Barry

No. 884 8th Ave ~~Street.~~

No. Street.

No. Street.

$ 1500 to answer

Cats

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0812

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Fox

The Grand Jury of the City and County of New York, by this indictment, accuse John Fox of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said John Fox late of the City of New York, in the County of New York aforesaid, on the twenty-seventh day of March in the year of our Lord one thousand eight hundred and eighty-nine, with force and arms, at the City and County aforesaid, in and upon the body of one Daniel D. Rash in the peace of the said People then and there being, feloniously did make an assault, and him the said Daniel D. Rash with a certain knife which the said John Fox 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 him the said Daniel D. Rash 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 John Fox of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said John Fox 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 Daniel D. Rash in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Daniel D. Rash with a certain knife which the said John Fox in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the Peace of the People of the State of New York and their dignity.

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said John Fox of the Crime of ASSAULT IN THE SECOND DEGREE, committed as follows:

The said John Fox late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said Daniel D. Rash ~~in~~ the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Daniel D. Rash with a certain knife which he the said John Fox in his right hand then and there had and held, in and upon the arm of him the said Daniel D. Rash then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Daniel D. Rash against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

08 14

BOX:
349
FOLDER:
3291
DESCRIPTION:
Francis, Joseph T.
DATE:
04/16/89

3291

Witnesses, Wm Dikes

Counsel, J. B.

Filed 16 day of April 188 9

Pleads, Not guilty

THE PEOPLE

vs.

Joseph T. Francis

Grand Larceny, 2nd Degree.
(From the Person.)
[Sections 528, 584. —— Penal Code].

JOHN R. FELLOWS,
District Attorney.

April 23/89. Jury find Defendant Insane — Send to Hudson River State Hospital at Poughkeepsie.

A True Bill.

R.B.M.

A M Kirby
Foreman.

#240

0816

Police Court—Third District. **Affidavit—Larceny.**

City and County of New York, } ss.:

William Fisher

of No. 474 Pearl Street, aged 26 years, occupation Laborer being duly sworn deposes and says, that on the 10 day of April 1889 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the and town night time, the following property, viz:

One silver Watch with brass chain attached of the value of Six dollars

$6—

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 Joseph Francis (now here)

from the fact that deponent was walking along Forsyth Street in said City when said defendant came behind him and took said property from the pocket of the vest thru and there from by him and ran away. That deponent pursued him and saw defendant throw said property in a Beer north East corner of Division and Forsyth Streets in said City

William his X mark Fisher

Sworn to before me this 11 day of April 1889

Police Justice.

0817

Sec. 198—200.

8 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Joseph Francis

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. New York

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

Answer. No home

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

Joseph Thomas Francis

Taken before me this 11 *day of* May 188 9

Police Justice.

08 18

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 Fifteen *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 Apr 11 188 9 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0819

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Police Court---3 District. 563

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Fisher
474 Pearl St

1 Joseph Francis
2
3
4

Offence Larceny from the person

Dated April 11 1889

Daniel O'Reilly Magistrate.

James J Turner Officer.

11 Precinct.

Witnesses

No. Dr. John G. Grant Street.
17 East 127 St

No. Dr. C. Leonard Street.
326 East 116 St

No. Street.

$ 1500 to answer G. S.

Committed

G. S. memo

47

The People
vs.
Joseph T. Francis.

Court of General Sessions, Part I.
Before Judge Martine.

Tuesday, April 23, 1889.

A Jury was empannelled to try the question of the Defendant's sanity.

John G. Truax sworn and examined.

By Mr. Bedford. Q. Dr. Truax you are one of the physicians of this city. A. I am.

Q. You are connected I believe with the City Prison as a physician. A. No sir.

Q. Did you have occasion under the direction of Judge Martine to examine the prisoner at the bar, Joseph Francis.

A. I did, yes sir.

By the Court. Q. Under the direction of the District Attorney.

A. Yes sir.

By Mr. Bedford. Q. This man here Joseph Francis, when did you examine him.

A. Last Friday.

Q. Where was he when you examined hi m.

A. In the City Prison.

Q. At what time of day or night about.

A. It was about the hour of two to three, or half past three inthe afternoon.

Q. You examined him mentally. A. I did.

Q. His mental condition. A. I did, and physicial.

Q. After such examination or investigation what do you say a a medical expert is the condition of his mind.

By the Court. Q. Tell us the examination you made, Doctor.

A. I first inquired into his memory.

Q. Of whom did you inquire, of him.

A. Of him, yes sir, and to test that I asked him first where he was, and he was under the impression that he was in Clinton Prison, serving out a sentence which he had not completed. I asked him how long he had been where he is now, and he said four years. I went back to this in every form and manner until I saw that it was really a delusion of which his mind was possessed, that he was not simulating it but it was a delusion. I found that he had not any correct idea as to his condition, his surroundings or where he had been for a given period of time, a long period of time. I also found that he was suffering with delusions of sound. He believed that people were entering his cell and calling him names; he believed that the officers of the prison were in collusion with these people and admitted them to his cell, especially when he attempted to gotsleep they admitted them there for the purpose of annoying him and they would call him names, names which he repeated and which will hardly bear repitition here. I found his physicial condition to be this: his pupils would not respond to light, all rhythm of the action of his heart was lost; you could not count the pulsations at all, neither could you count them at the wrist. I found that he was unable to stand at all with his eyes closed; he could stand with his eyes open but the moment he attempted to stand with his eyes closed he would fall right down; I think that possibly he might do it now.

Q. Stand him up.

Witness speaking to the Defendant: Shut your eyes tight.

The Defendant did so.

Witness: Well, his physicial condition is somewhat better to-day than the day upon which I examined him; then the moment he attempted to close his eyes he grabbed for me instantly.

Q. Is that a special indication of insanity.

A. It is an indication of nerve degeneration; of course that is one form of insanity.

Q. What form of insanity do you think this man has.

A. He has acute mania, there is no question about that, whether it is the effect of general paresis or not I could not say.

Q. Can you judge what produced it.

A. Of course I could say that if I could believe what he told me but ----

Q. Only from the history of the case.

A. Only from the history of the case.

Q. And that history was derived from him.

A. That history was derived from him.

Q. Is it alcoholic.

A. No, it is syphilitic -- of course it is something one is not apt to be proud of and yet they might make that as an excuse if they wanted to escape punishment, still, I have no doubt but in a sense it is absolutely true.

Q. Do you believe that these conditions are likely to continue.

A. I think that they will, I do not think he will be sound--

Q. Is he curable or incurable.

A. I believe that he is incurable, but of course there may be periods if it is of syphilitic origin he may be curable.

Q. Is he dangerous.

A. He has attempted suicide, so they told me in the prison.

Q. Dangerous to himself.

A. Dangerous to himself; of course with a delusion that he has of people calling him names he is apt to imagine that anybody whom he meets insults him and to resent the insult; that of course would make him dangerous to others.

By Mr. Bedford. Q. Doctor, do you think his present physicial and mental condition to-day at this moment is of such a character and nature as that he could not understand that he was being tried for a crime and that he could not make a defence to his Counsel if put upon trial.

A. I do not believe he could understand anything you said to him about it.

Q. In your opinion is he too insane to be put on trial for this alleged picking of pockets.

A. Yes sir.

By the Court. Q. From your examination Doctor, are you able to for any opinion as to how long these conditions have lasted.

A. Well, I think that they have been at least a year and a half from what I could learn from himself personally.

Q. Taking into consideration the fact that this man is charged with having picked a pocket, I have not the facts before me fully, assuming that that were true, would that be in any way inconsistent in your view with his present condition.

A. No, I should think not.

Q. Do you believe him to be shamming.

A. No, I do not.

By Mr. Bedford. Q. It is your judgment now that he is insane and incapable of making a defence to this accusation.

4 A. Yes sir.

Q. And you believe he is likely to continue so.

A. Yes sir.

Q. You believe him to be dangerous.

A. I do.

Q. In your judgment what would be the best disposition to make of him.

A. I think he should be confined in some asylum for insane people.

By Counsel. Q. Doctor, this accusation upon which he is indicted happened on the 10th day of April, do you believe that these symptoms that you have described existed at that time from your examination are you prepared to tell us.

A. I should think they did, yes sir.

By a Juror. Q. Doctor, are you a commissioner of lunacy.

A. I am.

By Counsel. Q. You have treated a great many of these cases.

A. Yes sir.

By the Court. Q. A large number of this character, Doctor.

A Yes sir.

Zenas L. Leonard sworn and examined.

By Mr. Bedford. Q. You are a practising physician in this city.

A. Yes sir.

Q. For how many years.

A. For the last nine years.

Q. At the suggestion of the Court and the District Attorney you, as a medical man, examined the defendant.

A. Yes sir.

Q. When did you examine him.

A. On the afternoon of the 18th of this month.

By the Court. Q. Were you and Dr. Truax together.

A. It was on the same day.

Q. Not together. A. No sir.

By Mr. Bedford. Q. A separate examination on the same day.

A. Yes sir.

Q. Tell us your opinion, after examining him as regards his sanity or insanity.

By the Court. Q. Tell us what you found and upon which you based your opinion.

A. I made an extended examination of this man's case.

Q. Covering what time. A. Nearly an hour, and during that time I found that his memory was at fault, he had no idea of time -- the statement was that he was in Clinton Prison and had been there for four years, his term had not expired and that he had been committed for assault. I then discovered that he had very pronounced insane delusions. He imagined that he heard voices of persons persecuting him, expecially the keepers and that at all times day and night; and also I found that he had delusions as to his own physicial condition in that he regarded himself as being a remarkably strong man. I asked him to take hold of my hand and press it as hard as he could, I found that his force was very slight, slighter than that of a child ten yeard of age and as to his physicial condition I found that his circulation was poor, the heart's action was at fault, so much so that he could not tell one sound from another and the pulse was almost imperceptible. The pupils would not react to the light and I found that he was not able to walk across the floor steadily and that when he closed his eyes he had a tendency to fall, no more so than I have seen to-day.

Q. What do you infer from that, the tendency to fall when he closed his eyes.

A. That it shows that his nerve forces is at fault, degeneration of nerve power, incoordination.

Q. What effect would the closing of the eyes have.

A. Then the loss of power, coordination.

Q. Describe that moreparticularly so that laymen can understand it.

A. With his eyes open he would be better able to govern his movements, he could then exert what power he had but with his eyes closed he is altogether at a loss. I found during my examination, toward the close of my examination as a result of the examination he became excited and finally refused to make any answers, and as a result of the examination I came to the conclusion that he was not shamming. There were symptoms that it would be impossible for him to sham.

Q. You say now that it is your opinion that he is not shamming.

A. He is not shamming.

Q. What form of mania or delusion has he, what form of insanity has he.

A. His symptoms are those of acute mania.

Q. Likely to continue.

A. Yes sir, I think so.

Q. Is he dangerous in your opinion.

A. Yes sir.

Q. Why do you consider him dangerous.

A. Because with one of these insane delusions of persecution, imagining someone is persecuting him, he might strike down

an attendant or he might injure himself.

By Mr. Bedford. Q. In your opinion as a medical gentleman is he now capable should he be put on trial for this alleged larceny, of understanding he is on trial, is he capable of having an interview with his Counsel and making a defence in his own behalf.

A. I think not.

By Counsel. Q. Do you believe, Doctor, that these symptoms you describe existed on the 10th of April.

A. Yes sir.

By the Court. Q. How long do you think it has lasted Doctor, if you are able to form an idea.

A. At least six months.

The Jury rendered a vereict that the Defendant was insane and the Court committed him to the Hudson River State Hospital for the insane at Poughkeepsie.

Testimony in the case of Joseph T. Francis filed April 20 1889

0829

Hudson River State Hospital

Poughkeepsie, N.Y. Octo 18 1884

Hon. John R. Fellows,
District-Attorney,
New York City-

Dear Sir,

Joseph J. Francis, an insane criminal, committed to this hospital May 24/84 by Hon. Randolph B. Martine of Court of General Sessions, escaped from this hospital this evening by forcing the window-guards. I have telegraphed Supt. Murray of Police Department, & written to Judge Martine-

Yours truly,
J. M. Cleanland-
Supt.

0830

Hudson River State Hospital

Poughkeepsie, N.Y. Oct. 18 1889

Hon. Randolph B. Martine -
Court of General Sessions -
32 Chambers - New York

Dear Sir,

Joseph F. Francis, an insane criminal sent here May 24, 1889 - on your order, escaped from this hospital this evening, by forcing the window-guards. I have telegraphed the Supt. of your Police Department, & written to District Attorney Fellows -

Yours Truly,
J. W. Clearland,
Supt.

0831

#326 E. 116th St. N.Y. Apr. 19th 1889.

Hon. John R. Fellows,
District Attorney.

Dear Sir, —

At your request I have examined into the mental condition of Joseph T. Francis at the City Prison.

I find that he is insane, has pronounced delusions, and is not capable of making a proper defense.

Yours very respectfully,
J. L. Leonard M.D.

0832

J. G. TRUAX, M. D.,
17 E. 127th St.

New York, Apr. 18th 1889

Dear Sir

I have this day, at your request, examined Joseph T. Francis, now confined in the City Prison. He is insane; consequently would not understand the nature of a trial or be able to make a proper defense. He is in such a physical condition that his immediate removal to a proper hospital for the treatment of such cases, is indeed necessary.

Sincerely Yours
J. G. Truax M.D.
17 E. 127th St.

To James McCabe Esq
District Attorney's Office

0833

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph T. Francis

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph T. Francis of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Joseph T. Francis

late of the City of New York, in the County of New York aforesaid, on the tenth day of April in the year of our Lord one thousand eight hundred and eighty-nine, in the night time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of five dollars and one chain of the value of one dollar

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

John R. Fellows,
District Attorney

0834

BOX:
349

FOLDER:
3291

DESCRIPTION:
Frank, Joseph

DATE:
04/05/89

3291

Witnesses;

Off McKinney

Stickler

Counsel,

Filed 5 day of April 1889

Pleads, Not guilty

THE PEOPLE

vs.

Joseph Frank

KEEPING A HOUSE OF ILL FAME, Etc.

[Sections 322 and 385, Penal Code]

~~Pd Apr 15, 1889~~

~~Plead guilty~~

JOHN R. FELLOWS,

District Attorney.

Part 2 Apl 15 at 4 pm

request for

A True Bill. Part III May 6/89

Plead guilty

C. M. Morby

Judgt suspended

Part 3 1 year

Foreman.

may be called for

No 77.

T.

0836

Sec. 198—200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Joseph Frank

Question. How old are you?

Answer. 28 Years

Question. Where were you born?

Answer. New York

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

Answer. 340 Chrystie 10 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 of the Charge and demand a Trial by Jury

Joseph Frank

Taken before me this 2 *day of* March 188 9

Police Justice.

0837

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 A. Arnaud

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 March 28 188 9 J. D. Bloomer *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named .....

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

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

0838

BAILED,

No. 1, by Jacob Ripp,

Residence 308 Broome Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Police Court 3d District. 484

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John McKinney

vs.

1 Joseph Frank

2

3

4

Offence Larceny a Stray Vagrant

Dated March 28 1889

J M Patterson Magistrate.

McKinney Officer.

11 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500. to answer G. S.

Cond

0839

Sec. 322, Penal Code.

3d District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

John McKinney

of No 11 Francis Police Street, in said City, being duly sworn says that at the premises known as Number 54 Orchard Street, in the City and County of New York, on the 26 day of March 1889, and on divers other days and times, between that day and the day of making this complaint

John Doe

did unlawfully keep and maintain and yet continue to keep and maintain a House of Assignation and did then, and on the said other days and times, there unlawfully procure and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said John Doe and all vile, disorderly and improper persons found upon the premises, occupied by said John Doe may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 27 *day of* March 1889

John McKinney

J. McCutcheon *Police Justice.*

0840

Police Court— 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John McKinney

vs.

AFFIDAVIT—Keeping Disorderly House, &c.

Dated March 27 1889

J. M. Pallister Justice.

Officer.

Precinct.

WITNESSES :

0841

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

John McKinney

of No 11 Pleasant Street, being duly sworn, deposes and says, that Joseph Funk (now present) is the person of the name of John Doe mentioned in deponent's affidavit of the 27 day of March 1889, hereunto annexed.

Sworn to before me, this 28 day of March 1889

John McKinney

J. M. Patterson Police Justice.

0842

Sec. 151.

Police Court 3d 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 to any Marshal or Policeman of the City of New York,* GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by John M Kurey of No. 11 Precinct Police Street, that on the 27 day of March 1889, at the City of New York, in the County of New York, John Doe did keep and maintain at the premises known as Number 54 Orchard Street, in said City, a House of Assignation and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

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 each and every of you, to apprehend the body of the said John Doe and all vile, disorderly and improper persons found upon the premises occupied by said John Doe and forthwith bring them before me, at the 3 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 27 *day of* March 1889

J M Patterson POLICE JUSTICE.

0843

Police Court— ..... **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John McKinney

vs.

Joseph Frank

WARRANT—Keeping Disorderly House, &c.

Dated March 27th 1889

Patterson *Magistrate.*

McKinney *Officer.*

11th *Precinct.*

The Defendant Joseph Frank taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

McKinney *Officer.*

Dated March 28th 1889

This Warrant may be executed on Sunday or at night.

J. M. Patterson *Police Justice.*

The within named

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

Dated 188

Police Justice.

0844

N.Y. Court of General Sessions.

The People vs.
Joseph Frank

City and County of New York ss:
Joseph Frank the above named defendant being duly sworn deposes and says that on Saturday May 4th 1889. I removed from 54 Orchard st to 6 Varick Place, where I now reside.

Sworn to before me
this 6th day of May 1889
Joseph Frank
Isaac Hurz
Notary Public
N.Y.Co.

0845

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Frank

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

(Sec, 322, Penal Code.) of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said Joseph Frank

late of the 10th Ward of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of March in the year of our Lord one thousand eight hundred and eighty-nine, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said Joseph Frank

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

(Section 385, Penal Code.) of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Joseph Frank

late of the Ward, City and County aforesaid, afterwards, to wit: on the twenty-sixth day of March in the year of our Lord one thousand eight hundred

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

THIRD COUNT—

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

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

The said Joseph Frank

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

JOHN R. FELLOWS,

District Attorney.

0847

BOX:
349
FOLDER:
3291
DESCRIPTION:
Frank, William C.

DATE:
04/16/89

3291

WITNESSES:

Jas D Ryerson

Counsel,

Filed 16 day of April 1889

Pleads Not guilty

THE PEOPLE,

vs.

B

William C. Frank

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1038, Sec. 21 and page 1039, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

A. W. Kirby

Foreman.

Transferred to the Court of Special Sessions for trial and final disposition.

Part 2... Apr... 22... 1889.

WKC

0849

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William C. Franke

The Grand Jury of the City and County of New York, by this indictment, accuse William C. Franke of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said William C. Franke

late of the City of New York in the County of New York aforesaid, on the third day of March in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Ira B. Ryerson

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid by this indictment further accuse the said William C. Franke of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said William C. Franke

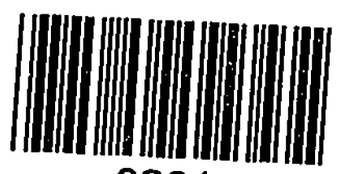
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0850

BOX:
349
FOLDER:
3291
DESCRIPTION:
Frankenstein, Henry

DATE:
04/16/89



0851

BOX:
349
FOLDER:
3291
DESCRIPTION:
Levy, Jacob
DATE:
04/16/89

3291

Witnesses;

Ottman Meinel
Off. J. D. McGinnis
Joseph Gellon

Counsel, McMaster

Filed 16 day of April 1889

Pleads, Not guilty

THE PEOPLE

17 / 179 E. Bway / Tailor vs.

Henry Frankenstein P

18 / 44 Allen / Tailor

and P

Jacob Levy

PETIT LARCENY etc.

[Sections 528, 532 & 533 Penal Code].

JOHN R. FELLOWS,

District Attorney.

No. 1 Pen 8 mo
No. 2 Pen 10 mo.

A True Bill.

A. M. Kirby

Foreman.

Part III April 22/89.
Both plead guilty.
Petit Larceny.

#235

0853

Police Court— 3 —District.

Affidavit—Larceny.

City and County of New York, } ss.:

Frank A. Stratton

of No. 43 & 45 Walker Street, aged 32 years, occupation Musical Instruments being duly sworn deposes and says, that on the 1 day of February 188 9 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 daytime, the following property, viz:

Two Musical Boxes
The value of Seventeen
Dollars

the property of John F. Stratton and Son
in their care and charge
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 Henry Frankenstein and Jacob Levy both New York John the last previous to said larceny the said property was in deponents store in said premises and this deponent has noticed both the defendants loitering about his store frequently and this deponent has been informed by Joseph Gillon a clerk in the pawn shop of 76 Canal that that the said defendants came into the said pawn shop and pawned the above Musical Boxes and this deponent has identified the said property as his and the property was not stolen from his care

Frank A. Stratton

Sworn to before me, this 12 day of March 188 9

Police Justice.

0854

CITY AND COUNTY
OF NEW YORK, } ss.

Joseph Gillen

aged 20 years, occupation Clerk of No.

82 Canal Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Frank A Stratton

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

Sworn to before me, this 12

day of April 188 9

Joseph Gillen

Police Justice.

0855

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Jacob Levy 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. Jacob Levy

Question. How old are you?

Answer. 18 Years

Question. Where were you born?

Answer. Russia

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

Answer. 44 Stanton Street 7 Years

Question. What is your business or profession?

Answer. Sailor

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 of the Charge and deny the Facts as by Jury

Taken before me this 12 *day of* August 188 9

Police Justice.

0856

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry Frankstein 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 such waiver cannot be used against him on the trial.

Question. What is your name?

Answer. Henry Frankstein

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. Russia

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

Answer. 179 East Broadway 3 years ~~Cloakmaker~~

Question. What is your business or profession?

Answer. Cloak maker

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 did not steal the property but I found it at 76 Canal st. I demand a trial by jury

Henry Frankenstein

Taken before me this 12 *day of* April 188 9

Police Justice.

0857

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 Clement

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 April 12 188 9 ..... *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named .....

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

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

0858

Police Court 8 District. 562

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Frank A Stratton
43 & 45 vs. Walker St
Henry Frankenstein
2 Jacob Levy
3
4

Offence Larceny

Dated April 12 1889
Hanus Reilly Magistrate.
McGuiness Officer.
Police Office Precinct.
Witnesses Joseph Gellen
No. 82 Canal Street.
James H Guyman
No. 213 Grand Street.
Ottomar Meltzer
No. 150 Allen St Street.
$ 500 Bailed
Committed

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

0859

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Frankenstein and Jacob Levy

The Grand Jury of the City and County of New York, by this indictment, accuse Henry Frankenstein and Jacob Levy of the CRIME OF PETIT LARCENY committed as follows:

The said Henry Frankenstein and Jacob Levy, both late of the City of New York, in the County of New York aforesaid, on the First day of February in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, with force and arms,

two musical boxes of the value of nine dollars each

of the goods, chattels and personal property of one Frank A. Stratton

then and there being found, then and there unlawfully 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.

0860

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Henry Frankenstein and Jacob Levy of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said Henry Frankenstein and Jacob Levy, both — 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,

two musical boxes of the value of nine dollars each

of the goods, chattels and personal property of one Frank A. Stratton

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before unlawfully stolen, taken and carried away from the said Frank A. Stratton

unlawfully and unjustly, did feloniously receive and have; the said Henry Frankenstein and Jacob Levy — then and there well knowing the said goods, chattels and personal property to have been unlawfully stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0861

BOX:
349
FOLDER:
3291
DESCRIPTION:
Frebel, John
DATE:
04/24/89

3291

Witnesses:

Louis McCord

Counsel,

Filed, 24 day of April 1889

Pleads, Guilty

THE PEOPLE,

vs.

B

John Trebel

May 8/89

Sent to the Court of Special Sessions for trial, by request of ~~Counsel for~~ Defendant.

42 Ayr A

VIOLATION OF EXCISE LAW

(Keeping Open on Sunday.)

[III Rev. Stat. (7th Edition), Page 1089, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

A True Bill.

A M Arby

Foreman.

43 P

0863

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Frebel

The Grand Jury of the City and County of New York, by this indictment, accuse John Frebel of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said John Frebel late of the City of New York, in the County of New York aforesaid, on the thirtieth day of December in the year of our Lord one thousand eight hundred and eighty-eight, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0864

BOX:
349
FOLDER:
3291
DESCRIPTION:
Friend, Olive E.
DATE:
04/25/89

3291

0865

BOX:
349
FOLDER:
3291
DESCRIPTION:
Howard, William E.
DATE:
04/25/89

3291

0866

BOX:
349
FOLDER:
3291
DESCRIPTION:
Howard, Emily

DATE:
04/25/89

3291

0867

BOX:
349
FOLDER:
3291
DESCRIPTION:
Halstead, George

DATE:
04/25/89

3291

0868

BOX:
349
FOLDER:
3291
DESCRIPTION:
Halstead, Orrin A.
DATE:
04/25/89

3291

0869

April 18, 1944.

Mr. C. A. Lachaussee,
55 Jefferson Avenue,
Jersey City (6), N. Y.

Dear Mr. Lachaussee:

I am in receipt of your letter of April 16, 1944, and glad to know that data previously furnished to you answered your purpose.

Answering your further inquiry, allow me to state that the records on file show three indictments against (1) Olive E. Friend, (2) William E. Howard, (3) Emily Howard, (4) George Halstead, and (5) Orrin A. Halstead, charging Grand Larceny, First Degree, filed January 28, 1889. Complainant Lawson N. Fuller. On December 5, 1889, defendants 1, 3, 4 and 5 Discharged on Own Recognizance. On June 18, 1889 defendant #2 convicted of Grand Larceny, First Degree. On June 21, 1889, sentenced to State Prison for the term of nine years and eight months by Recorder Smyth. An indictment was found on April 25, 1889, against the same defendants for like crime. On April 21, 1890, all defendants discharged on own Recognizance except #2 defendant, who was sentenced to State Prison.

Respectfully yours,

Clerk of Court.

JC:G.

0870

55 Jefferson Avenue
Jersey City, (6), N.J.
April I6,I944.

Mr. F.Howard Barrett,
Clerk of Court of General Sessions,
IOO Centre Street, N.Y.City

Dear Mr. Barrett:

I thank you sincerely for sending to me the dates I had requested in my letter of April IO, but one I had asked for is missing that of Judge Cowing. I can't very well use some and overlook my good friend Cowing. In my intercourse with him he always was gentlemanly, courteous and not disposed to bite a reporter's ear off, as some were. I hate like the mischief to bother you again but I have no other way to get the needed dates.

Now I dread to ask this added favor: Would your records give the name of a sugar refiner who was victimized by one "Professor" Friend Mrs. Friend and two other conspirators? They wheedled about $50,000 (sum is from memory) out of this refiner by saying they had an electrical machine that could produce instantaneously pure refined sugar from raw beets. He fell for the swindle. All were convicted. Col. Fellows was District Attorney and he personally appeared in the case. The refiner's name, I believe, was Lawson N. Fuller, but of that I am not certain. I have made inquiries in the sugar trade but could find no one who even remembered the case. I recall the trial well, but the name of the complainant, so vital to the story, has slipped away completely.

Let me add that if this request would mean too much of a search or give your staff any trouble, please forget it. I feel like a burglar

0871

in asking for as much as I have.

Many, many thanks for your good wishes. They are deeply and sincerely appreciated.

Sincerely yours,

C. V. Lachausse

P.S. I was about to mail this letter when yours of April 14 arrived, giving the data on Judge Cowing. Many thanks for your attention.

Again, regarding my request above. If an answer would cause too much research and extra work for any of the attaches of your office, kindly disregard it entirely. I will be none the less grateful to you for what you have done.

C.V.L.

0872

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Orin E. Friend, William E. Howard, Emily Howard, George Hollstead and Orin A. Hollstead.

The Grand Jury of the City and County of New York, by this Indictment accuse Orin E. Friend, William E. Howard, Emily Howard, George Hollstead and Orin A. Hollstead of the crime of Grand Larceny in the first degree, committed as follows:

The said Orin, William, Emily, George and Orin, all late of the City of New York, in the County of New York, aforesaid, on the fourteenth day of June, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with intent to defraud one Lawson E. Butler, (who was then jointly interested in the development and proceeds of operations of the pretended process of reducing raw sugar hereinafter mentioned, and who contributed and expended large sums of money towards the development and operations of such process) of the proper moneys and personal property hereinafter described, and of the use and benefit thereof, and to appropriate the same to their own use, then and there

feloniously and fraudulently, did falsely pretend and represent to the said Lawson,

That one Henry E. Friend, husband of the said Olive, was the inventor of a process of refining raw sugar, and of producing thereby from raw sugar, refined sugar of a high grade, at a cost of only about eighty cents a ton, whereas the cost of refining raw sugar by the ordinary and by any then known process was from eight to nine dollars a ton; that the said process invented by the said Henry was a secret process, and known only to him and to the said Olive; that on the 14th day of July, 1885, the said Henry had practically demonstrated the success of his said process, and had in the space of seven hours, by an apparatus set up in his house, and under unfavorable circumstances refined eighty bags of raw sugar by his said process, and had thereby produced therefrom forty barrels of refined sugar of twelve different sizes, from the finest granulates, up to about the size of small bird's eggs; that a great quantity of expensive and peculiar machinery had been constructed for the purpose of operating the said process and to be put up and worked in a certain building in the City of Brooklyn in the

0874

Rowley Springs, and whereby the said process could be worked and operated on a speedy scale, and to its full extent, and whereby at least four thousand pounds of grain might be ground by the said process in twenty four working hours, that all said machinery was then completed and ready to be sent from the place of construction to the said building, and there set up and put in use, but that there was then due and owing for the construction of the same, the sum of ten thousand and eight hundred dollars, and that this sum must be paid before the said machinery could be delivered and placed in the said building, and before the same could be applied to operation and utilized for the purpose of operating the said process.

And the said Dawson, then and there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Olin, William, Finley, Seeley and Orin, and being deceived thereby, was induced, by reason of the said false and fraudulent pretenses and representations, so made as aforesaid, to deliver, and did then

and there deliver to the said Olive, William, Findley, George and Orrin, the sum of six thousand and five hundred dollars in money, lawful money of the United States and of the value of six thousand and five hundred dollars, of the proper money and personal property of the said Lawson.

And the said Olive, William, Findley, George and Orrin did then and there feloniously receive and obtain the said sum of money, of the proper money and personal property of the said Lawson, from the possession of the said Lawson, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Lawson of the same, and of the use and benefit thereof, and to appropriate the same to their own use.

Whereas in truth and in fact, the said Henry was not the inventor of any process of refining raw sugar and of producing thereby from raw sugar refined sugar of a high grade at a cost of only about eighty cents a ton, and he had not invented any such process, and the same was not a secret process, and known only to him

thousand and eight hundred dollars, or
any sum of money whatsoever, and the
said sum need not be paid, nor need any
other sum of money be paid, before such
indictment could be found and proceed in
the said Circuit Court for the same could be
taken into possession and withdrawn for the
purposes of operating the said process.

And whereas in truth and in fact
the petitioners and representations, so made
as aforesaid, by the said Ohrie, William,
Emily, George and Orrin, to the said Dawson,
was and were, then and there, in all respects
wholly false and untrue, as they the
said Ohrie, William, Emily, George and Orrin
at the time of making the same then
and there well knew.

And so the said grand jurors aforesaid
do say: that the said Ohrie, William,
Emily, George and Orrin, in the manner
and form aforesaid, and by the means
aforesaid, the said proper money and
personal property of the said Dawson,
then and there feloniously did steal,
against the peace of the State in
such case made and provided, and
against the peace of the People of the
State of New Mexico, and their dignity.

0878

4.

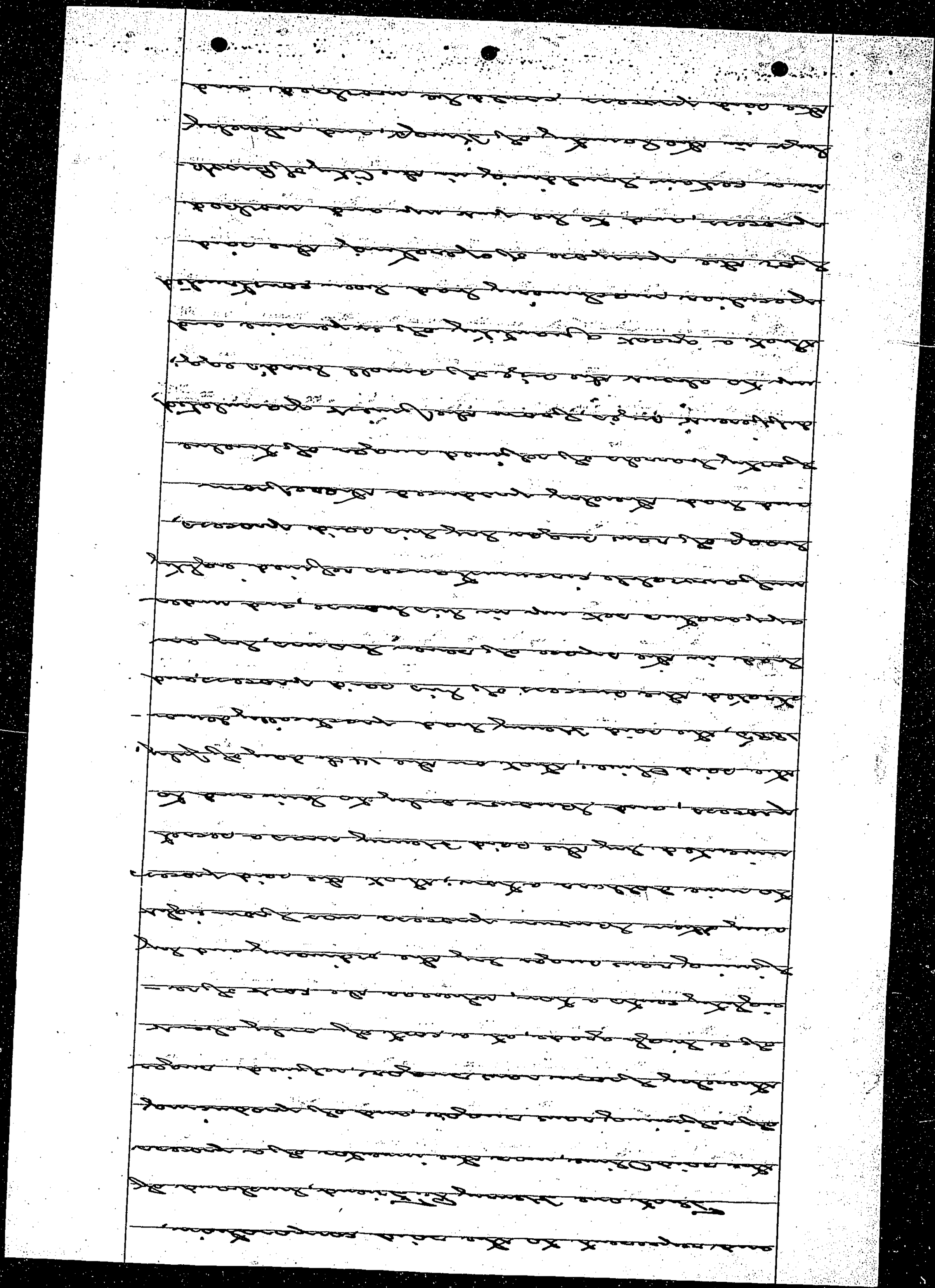
Second COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Orin F. Friend, William F. Howard, Emily Howard, George Hollstead and Orin A. Hollstead — of the CRIME of Grand Larceny in the first degree, —

committed as follows:

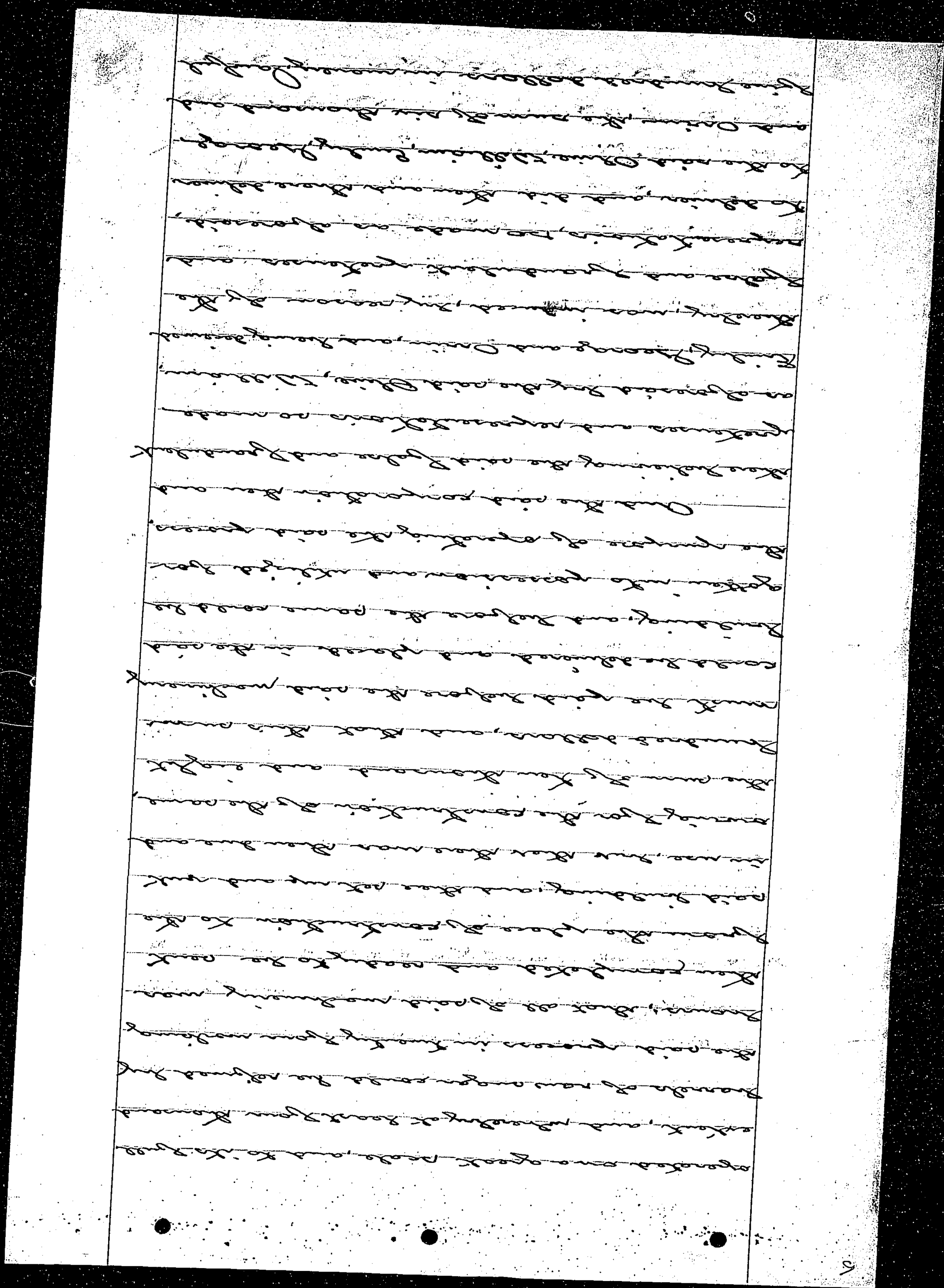
The said Orin, William, Emily, George and Orin, all —

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 intent to deprive and defraud the Electric Sugar Refining Company, a corporation duly organized and existing under and by virtue of the laws of this State, (and which said corporation was then financially interested in the development and successful operation of the pretended process for refining raw sugar hereinafter mentioned, and had contributed and expended large sums of money toward the development and operation of such process,) of the proper money and personal property hereinafter described, and of the use and benefit thereof, and to appropriate the same to their own use, then and there fraudulently and feloniously did steal, take and



and request to the said corporation,

That one Henry C. Friend, husband of the said Olive, was the inventor of a process of refining raw sugar, and of producing thereby from raw sugar, refined sugar of a high grade, at a cost of only about eighty cents a ton, whereas the cost of refining raw sugar by the ordinary and by any then known process was from eight to nine dollars a ton; that the said process invented by the said Henry was a secret process, and known only to him and to the said Olive; that on the 14th day of July, 1885, the said Henry had practically demonstrated the success of his said process, and had in the space of seven hours, by an apparatus set up in his house, and under unfavorable circumstances refined eighty bags of raw sugar by his said process, and had thereby produced therefrom forty barrels of refined sugar of twelve different grades from the finest granulated up to about the size of small bird's eggs; that a great quantity of expensive and peculiar machinery had been constructed for the purpose of operating the said process, and to be put up and worked in a certain building in the City of Brooklyn in the County of Kings, and whereby the said process could be worked, and



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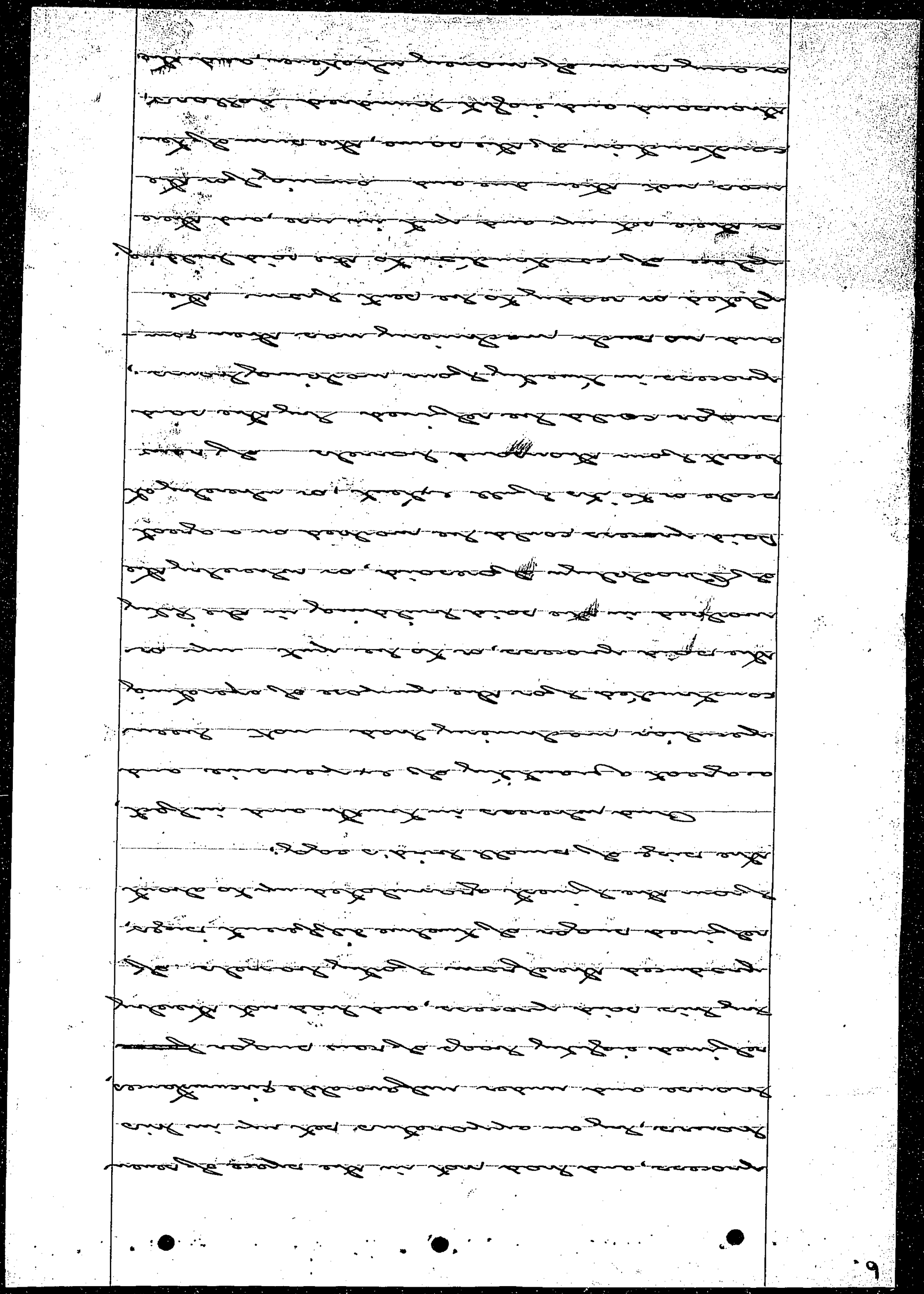

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said sum need not be paid, nor need any other sum of money be paid, but before such machinery could be delivered and placed in the said building, or before the same could be gotten into possession and utilized for the purpose of operating the said process.

And whereas in truth and in fact the pretenses and representations, so made as aforesaid by the said Oline, William, George and Orrin, to the said corporation, was and were, then and there, in all respects utterly false and untrue, as they the said Oline, William, Emily, George and Orrin, at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say: That the said Oline, William, Emily, George and Orrin, in the manner and form aforesaid, and by the means aforesaid, the said proper money and personal property of the said corporation, then and there feloniously did steal, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

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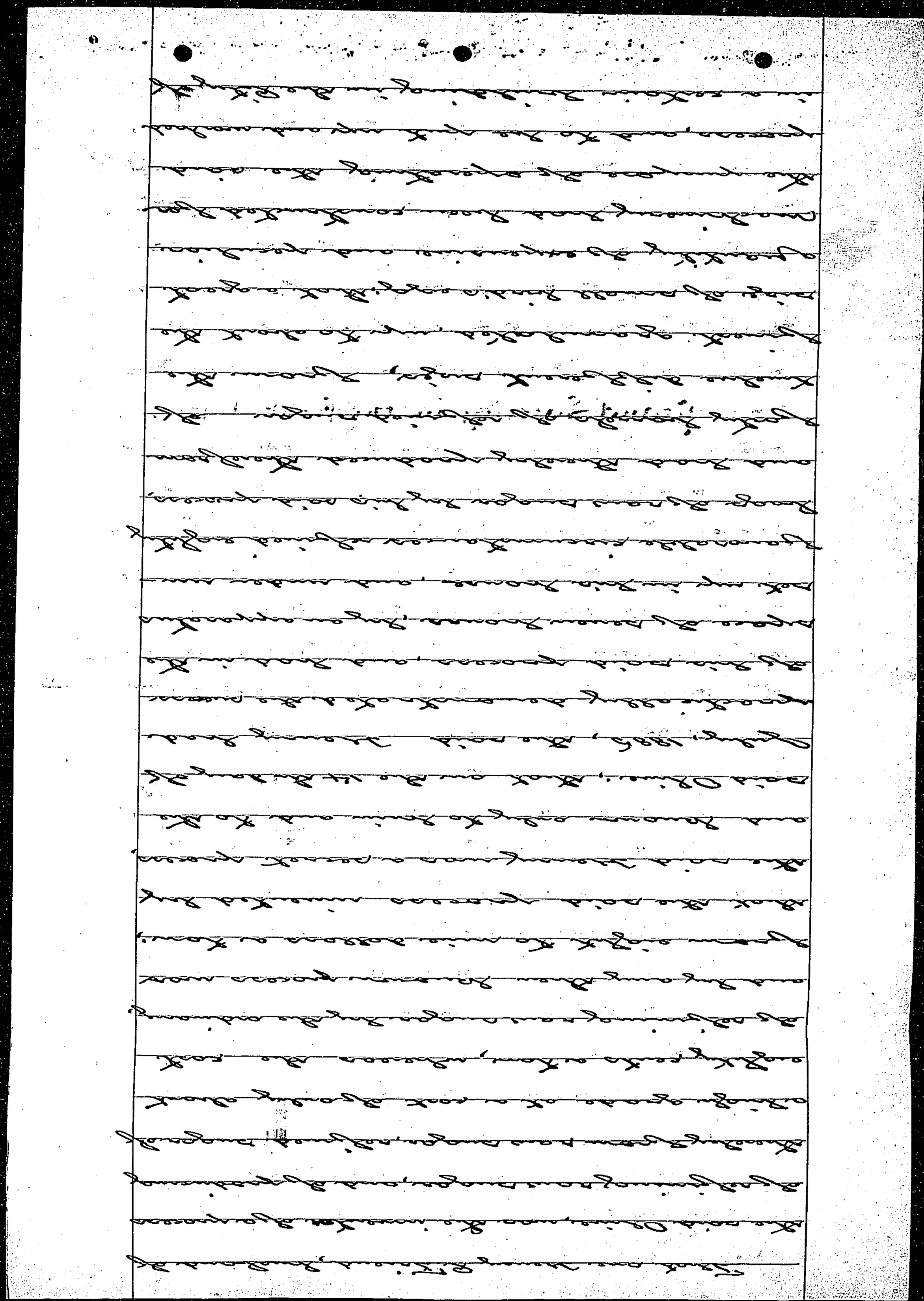
Third COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Orin E. Friend, William H. Howard, Reidy Howard, George Hobbs and Orvin A. Hobbs — of the CRIME of Grand Larceny in the first degree,

committed as follows:

The said Orin, William H. Howard, Reidy, George and Orvin, on —

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 intent to deprive and defraud William H. Rockwell and James W. Robertson, (who were then financially interested in the development and successful operation of the pretended process for refining raw sugar hereinafter mentioned, and had contributed and expended large sums of money toward the development and operation of such process,) of the proper property and personal property hereinafter described, and of the usual benefit thereof, and to appropriate the same to their own use, then and there feloniously and fraudulently did falsely pretend and represent to the said William H. Rockwell and James,



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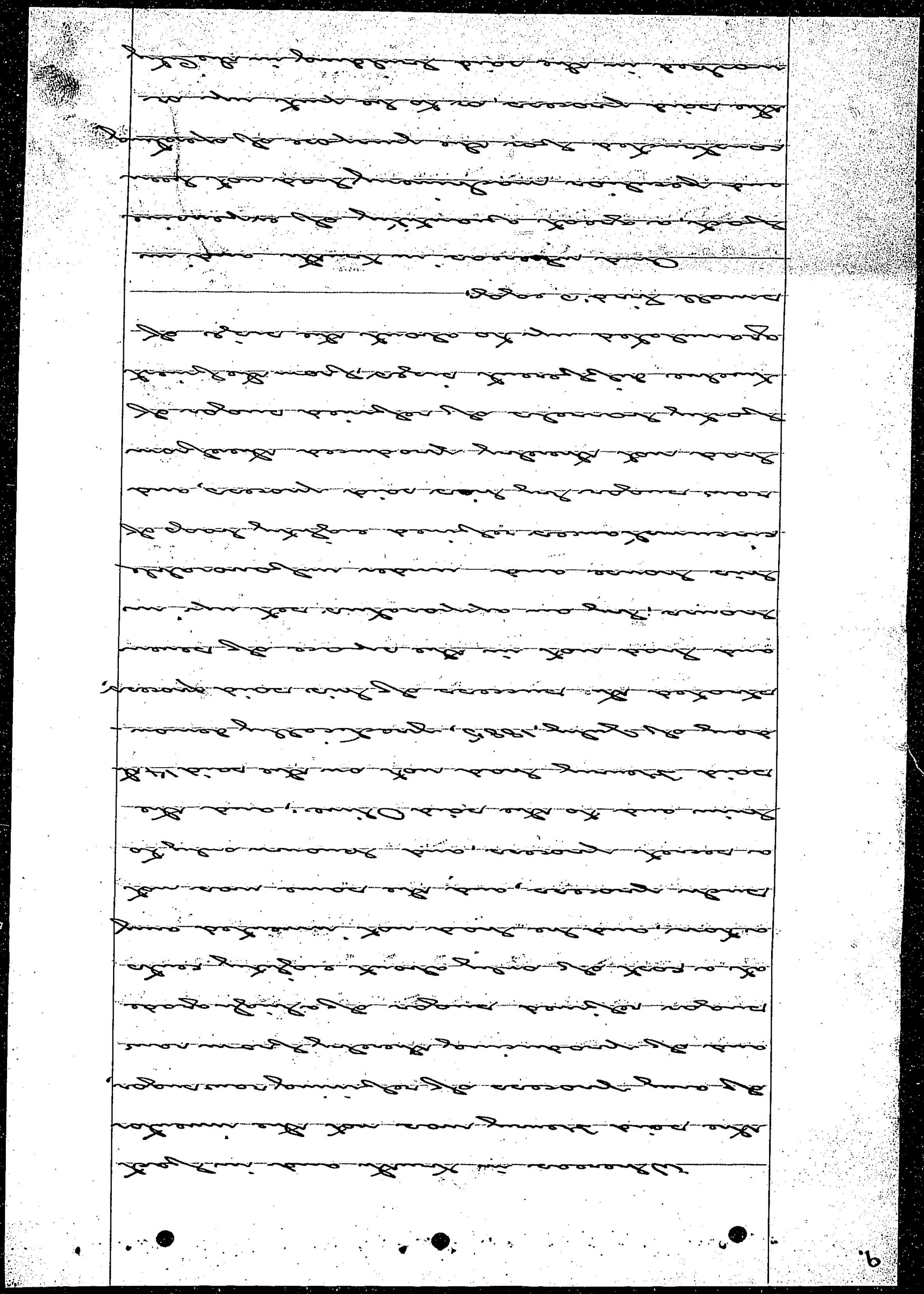
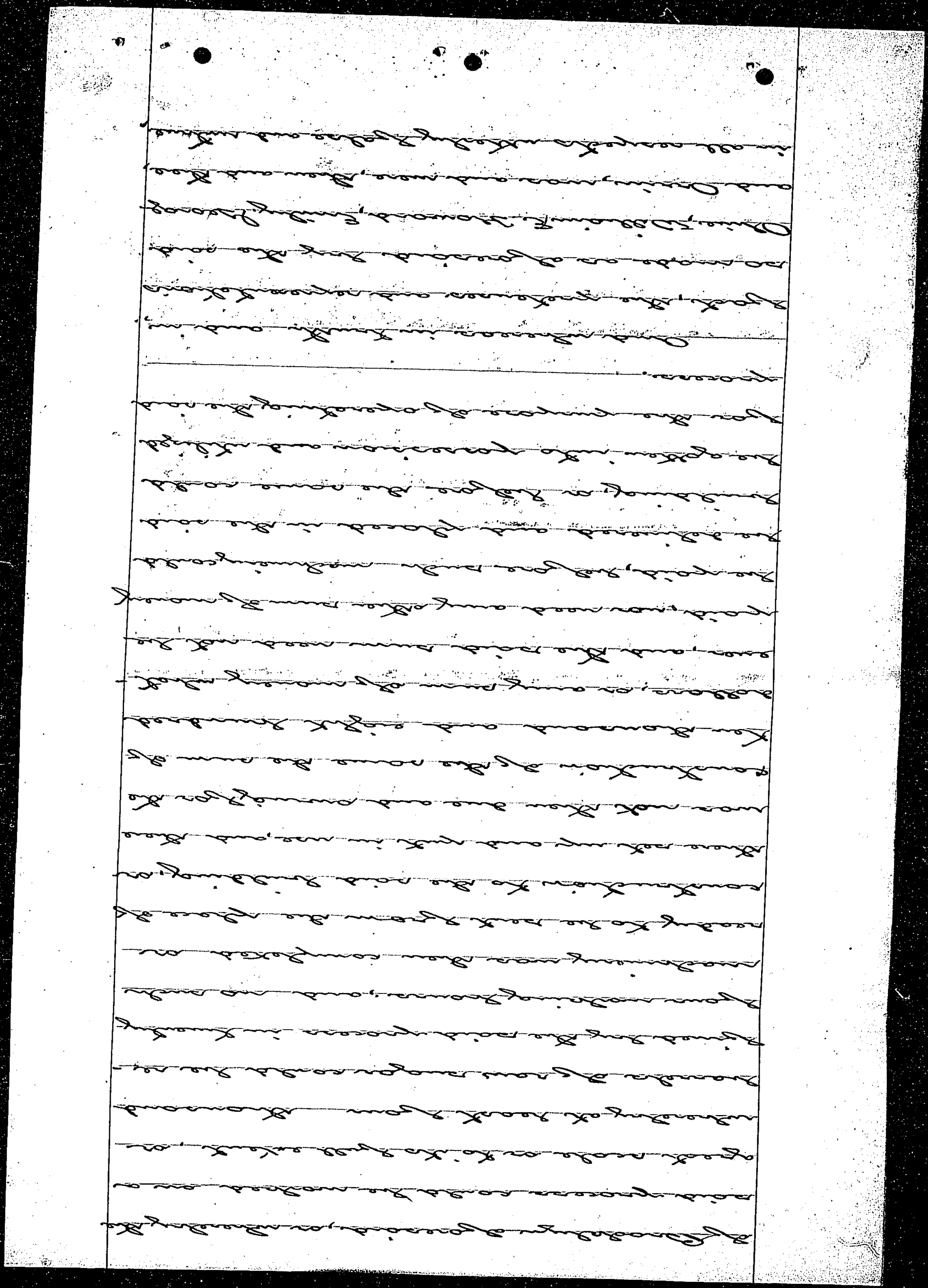
duced, by reason of the false and fraudulent pretenses and representations, so made as aforesaid, to obtain, and did obtain and have delivered to the said Ohio, William E. Howard, Finley George and Orrin, the sum of five thousand and five hundred dollars in money, lawful money of the United States, and of the value of six thousand and five hundred dollars, of the proper moneys and personal property of the said William H. Rotherill and James.

And the said Ohio, William E. Howard, Finley George and Orrin did then and there feloniously receive and obtain the said sum of money of the proper moneys and personal property of the said William H. Rotherill and James, from the possession of the said William H. Rotherill and James, by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to defraud and defraud the said William H. Rotherill and James of the same, and of the use and benefit thereof, and to appropriate the same to their own use.





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as they the said Olive, William, Thomas, Emily, George and Orin at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say: that the said Olive, William, Thomas, Emily, George and Orin, in the manner and form aforesaid, and by the means aforesaid, the said paper money and personal property of the said ~~[illegible]~~ William H. Fox, then and there feloniously did 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.

John R. Fellows,
District Attorney.

April 27th 1889
Nos. 1. 3. 4. & 5 discharged on their verbal ~~[illegible]~~ on motion of the District Attorney
Geo. P. Hawes 89

Counsel

Filed 23 day of April 1889

Pleads 1, 2, 4 & 5 Not guilty, charge of
No. 3 plead Not guilty to plea of
and Demurrer to plea of
Not guilty to the action as to the other
of the Indictment

THE PEOPLE

vs.

Olive E. Friend
William E. Howard
Emily Howard
George Halstead
Oscar A. Halstead

JOHN F. FELLOWS
District Attorney

A careful consideration of the evidence given upon the trial of the co-defendant Howard and the statement made by the learned District Attorney, convinces me that the defendants should not be discharged under a suspension of Judgment upon their pleas of Guilty. For obvious considerations it would not be proper at this time to give the reasons which induce me to deny the motion of the District Attorney. It may be that the defendants believing that the motion to suspend judgment would be granted, as such motions usually are, withdrew their pleas of Not Guilty and pleaded Guilty to the Indictment. I do not think that they should be held to their pleas and they will therefor be permitted if they are so advised to withdraw the pleas of Guilty and renew their pleas of Not Guilty to the Indictment. F.F.

Dec 16, 1889

Witnesses:

Lewis N. Fuller

M. A. Cottrell

Dec 5th 1889

recommend a suspension of judgment — the cases of the defendants who have interposed pleas of guilty. The principals in this long, complicated, costly to the crime charged, were David M. Friend and the husband of Olive E. Friend, who died before the indictment was found — but Wm E. Howard, who has been tried convicted & is now serving a term in prison. I think that the ends of justice would best be promoted by adopting the course suggested.

J. H. Beers
Dist Atty

Defendants Olive E. Friend, Howard & Wm E. Howard, Emily Howard, George Halstead & Orin A. Halstead discharged by consent on their own recognizances & John Fellows, Esq. Dist Atty

April 21, 1890
Nos. 1. 3. 4. & 5 discharged on their verbal recognizance on motion of the District attorney

Counsel, George P. McAllister

Filed 25 day of April 1889

Pleads, 3. 4 & 5. Not guilty — 1 & 2. plead Not guilty to 1st Count and Guilty to the plea of guilty only

THE PEOPLE

vs.

Olive E. Friend
William E. Howard
Emily Howard
George Halstead
Orin A. Halstead

(Scroll)

John Fellows
District Attorney

A TRUE BILL

Filed May Term June 5th 1889

No 2 tried & convicted in the 2nd County

P2 10 5. 189

Nos 1. 3. 4. 5 plead guilty

P2 Dec 1889

Nos 1. 3. 4. 5 withdraw their plea of Guilty and plead Not Guilty.

A careful consideration of the evidence given upon the trial of the co-defendant Howard and the statement made by the learned District Attorney, convinces me that the defendants should not be discharged under a suspension of judgment upon their pleas of Guilty. For obvious considerations it would not be proper at this time to give the reasons which induce me to deny the motion of the District Attorney. It may be that the defendants believing that the motion to suspend judgment would be granted, as such motions usually are, withdrew their pleas of Not Guilty and pleaded Guilty to the Indictment. I do not think that they should be held to their pleas and they will therefor be permitted if they are so advised to withdraw the pleas of Guilty and renew their pleas of Not Guilty to the Indictment. F.F.

Dec 16, 1889

0893

BOX:
349
FOLDER:
3291
DESCRIPTION:
Fuchs, Frank
DATE:
04/23/89

3291

Witnesses: Off Meyer

Counsel,

Filed, 23 day of April 1889

Pleads,

THE PEOPLE,

vs.

Frank Fuchs

April 23/89

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1989, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

A True Bill.

A. M. Kirby

Foreman.

360.

0895

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Fuchs

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

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said Frank Fuchs

late of the City of New York, in the County of New York aforesaid, on the third day of March in the year of our Lord one thousand eight hundred and eighty-nine the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.