

0221

**BOX:**

251

**FOLDER:**

2430

**DESCRIPTION:**

Smith, Charles

**DATE:**

02/08/87



2430

0222

BOX:

251

FOLDER:

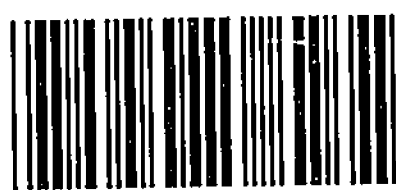
2430

DESCRIPTION:

Amster, Jacob

DATE:

02/08/87



2430



Witnesses

James Marks

Officer Edward Lewis

Ans 29

Counsel,

Filed

day of Feb 1887

Pleads Charged by

THE PEOPLE

N. 5 67 OS.

412

Charles Smith

17th City

Jacob Amster

RANDOLPH B. MARTINE,

Pr Feb 11/87 District Attorney.

Both read PR.

A True Bill.

Edward J. J. J. J.

Foreman

No 1 Pen 2 ms

No 2 Pen 6 ms

0223

0224

Police Court—3rd District.City and County } ss.:  
of New York, }of No. 55 Suffolk  
occupation GraceryIsaac MarksStreet, aged 35 years,

being duly sworn

deposes and says, that the premises No. 55 Suffolk Street, 13 Wardin the City and County aforesaid the said being a five story brick building  
the first floor and cellar of  
and which was occupied by deponent as a Store and Storage Room  
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking a pad  
lock on the door of a cellar which was occupied  
a Storage Roomon the 29 day of January 1887 in the City time, and the  
following property feloniously taken, stolen, and carried away, viz:One Box Coffee Essence, of the value  
of seven dollars,the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away byCharles Smith and James Hunter  
(both now here)

for the reasons following, to wit:

That said property was  
in said cellar and the door to said  
cellar securely locked with a pad lockDeponent is informed by  
Edward Lewis of the 11th Precinct Police  
that, between the hours of 8 & 9 o'clock  
in the evening of said 29 January 1887  
he arrested said two defendants then  
in company of each other in Stanton

0225

Street near Clinton Street with the above property in their possession.

That at that time said Hunter escaped from the custody of said officer.

That on the 1<sup>st</sup> day of February 1884 he re-arrested said Hunter, on the corner of West <sup>Street</sup> & the Brewery in a Lading house.

Dependant fully identifies the property found in the possession of said defendants as the property stolen from dependant.

Sworn to before me } State Mary  
this 1<sup>st</sup> day of February 1884 }

Henry J. [Signature] Police Justice

Dated 1884 Police Justice.

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

Dated 1884 Police Justice.

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

Dated 1884 Police Justice.

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

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

Police Court, District.

THE PEOPLE, &c.  
on the complaint of

1  
2  
3  
4

Office—BURGLARY.

Date 1884  
Magistrate.  
Officer.  
Clerk.  
Witnesses.  
No. Street.  
No. Street.  
No. Street.  
\$ to answer General Sessions.



0226

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 54 years, occupation Edward Lewis Police officer of No.

The 11<sup>th</sup> Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Jane Marks

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

Sworn to before me, this 1 day of February 1889 Edw Lewis

Wm J. J. J. J.  
Police Justice.



0227

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

*Jacob Amster* 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

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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 saw two men coming from the cellar of the Complainant with a box they carried it about 4 houses from the Complainant store they then dropped the box and ran away, and I picked up the box

*Jacob Amster*

Taken before me this

day of *December* 1887

Police Justice.

0228

Sec. 198-200.

District Police Court.

CITY AND COUNTY {  
OF NEW YORK, { ss

*Charles Smith* 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

*Charles Smith*

Question How old are you?

Answer

*18 years*

Question Where were you born?

Answer

*Germany*

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

Answer

*42 5th Street, 2 years*

Question What is your business or profession?

Answer

*Butcher*

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

*on the corner of Broome and Norfolk Street I met Jacob Amster the other the defendant with a heavy box, he asked me to help him to carry the same and go with him, I had nothing to do with the burglary and I did not steal the property*

*Chas. Smith*

Taken before me this  
day of February 188

Police Justice.

0229

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

Charles Smith & Jacob Hunter  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 500 Hundred Dollars, Each and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated February 1 1887 Henry Murray 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 he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0230

Police Court

143 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1 Isaac Marks  
55 Chaffolk St.  
Chosen by the  
2 Jacob Amster  
3  
4

Offence Burglary

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated February 1 1897

Murray Magistrate.

Edward Lewis Officer.

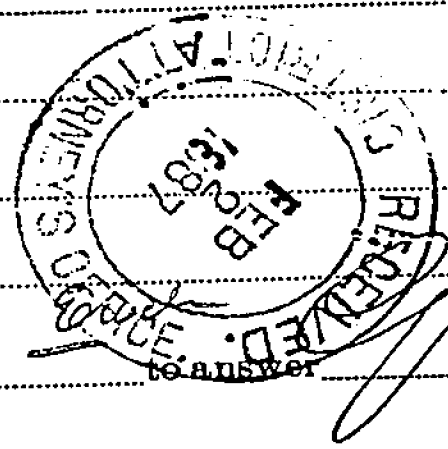
11 Precinct.  
Witnesses Sara Apple

No. Street.

No. Street.

No. Street.

\$ 1000 to answer



(Com)



0231

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Smith and  
Jacob Amster

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

Charles Smith and Jacob Amster

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

The said Charles Smith and Jacob  
Amster, doth —

late of the Thirtieth Ward of the City of New York, in the County of  
New York, aforesaid, on the twenty-ninth day of January, in the year of  
our Lord one thousand eight hundred and eighty-seven, with force and arms, at the Ward,  
City and County aforesaid, a certain building there situate, to wit: the store of one

Isaac Marder, —

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to  
wit: with intent, the goods, chattels and personal property of the said

Isaac Marder, —

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

0232

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— *Rhodes Smith and Goodman*

of the CRIME OF *felix* LARCENY, —

committed as follows :

The said *Rhodes Smith and Goodman*  
*Amster, York* —

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

*one box of coffee essence of the*  
*value of seven dollars,*

of the goods, chattels and personal property of one *Isaac Mader,* —

in the *Store* of the said *Isaac Mader,* —

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

0233

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Charles Smith and Jacob Amster*

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Charles Smith and Jacob*

*Amster, both —*

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

*one box of coffee essence of the*

*value of seven dollars each*

*box,*

of the goods, chattels and personal property of one *Isaac Madar, —*

by ~~a certain person or~~ persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *Isaac Madar, —*

unlawfully and unjustly, did feloniously receive and have; the said *Charles Smith*  
*and Jacob Amster, —*

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.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0234

BOX:

251

FOLDER:

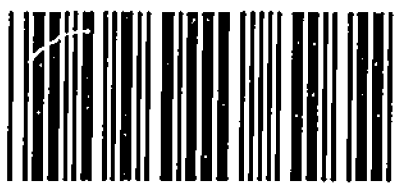
2430

DESCRIPTION:

Smith, John

DATE:

02/25/87



2430



0235

Witnesses:

Sam Schumacher

170 1000 A.P.

Bxcs

Counsel,

Filed 25 day of Feb 1887

Pleads,

Guilty (28)

THE PEOPLE

vs.

John Smith

Burglary in the second Degree.

[Sections 497, 498, 499]

RANDOLPH B. MARTINE,

Attorney at Law.

Placed in Custody

A True Bill.

21. Large years.  
Jellias J. J. J.

Foreman

March 10th

Rich. W. J. J.

John J. J.

John J. J.

0236

Police Court— District.

City and County { ss.:  
of New York,

of No. 204 East 54<sup>th</sup> Street, aged 46 years,  
occupation *Housekeeper* being duly sworn  
deposes and says, that the premises No. 204 East 54<sup>th</sup> Street, Ward  
in the City and County aforesaid the said being a *tenement*

and which was occupied by deponent as a *dwelling*  
and in which there was at the time a human being, by name *Sarah Schumacher*

were BURGLARIOUSLY entered by means of forcibly *breaking a lock*  
on the door of a room in said  
premises & *after opening said*  
*door*

on the *16* day of *February* 188*7* in the *day* time, and the  
following property feloniously taken, stolen, and carried away, viz:

*Clothing; jewelry & furniture*  
*of the value of five hundred*  
*dollars*

the property of *William H. Schmid* *in charge 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

*John Smith (now here)*

for the reasons following, to wit:

*That at the time mentioned*  
*deponent saw defendant in said premises*  
*near the above mentioned room*  
*after the door of said room*  
*had been forcibly opened*  
*That when deponent believed de-*  
*fendant to be engaged in the*  
*commission of a crime attempt-*  
*ed to detain him, he (defendant)*

0237

assaulted & choked Depo-  
nent after which he Defendant ran  
away. That Deponent is informed by Matthew  
Stank, that he (Stank) at the time men-  
tioned arrested Defendant & found in the  
possession of Defendant a tool used  
by burglars & known & described as  
a "jimmy". That Deponent is further in-  
formed by Joseph K. Cashin a police officer  
of the Twenty-third (23) Precinct Police, that  
Defendant was at said time surrendered  
by said Matthew Stank into his (Cashin's) custody,  
& that he (Cashin) at said time found in the  
possession of Defendant on his (Defendant's)  
person, a tool used by burglars & known  
& described as a "skeleton key".  
Sarah Schumacher

I swear to the foregoing  
this 17th day of February 1884  
J. P. Duffy  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1884  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1884  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1884  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated

1884

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.



0238

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 24 years, occupation Butcher of No. Matthew Starks

895 - 3 Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Sarah Schumacher

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

Sworn to before me, this

day of February 1883

Matthew Starks

P. G. Duffy  
Police Justice.



0239

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 27 years, occupation Police Officer of No. 11  
West 125th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Sarah Schumacher

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

Sworn to before me, this 19

day of February

1889

Joseph H. Cashin

P. G. Duffy

Police Justice.

0240

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK

*John Smith* 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

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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.

Taken before me this  
day of *February* 18*88*

*John Smith*  
Police Justice.

*John Smith*

0241

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 Dejeu

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

Dated February 17 188 7 PLA 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 he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0242

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court

731  
District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Sarah Schumacher*

*204 vs. E. 54*

*John Smith*

2

3

4

Office / *Curry*

Dated

*February 19*

188

*Duffer* Magistrate.

*Cochran* Officer.

*D 3* Precinct.

Witnesses

*Matthew Storch*

No.

*895 - 3rd Avenue*

Street.

No.

*George Scherbach*

Street.

No.

*895 - 3rd Avenue*

Street.

\$

*1000*

to answer

*J. S.*

*Com*



0243

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 Smith*

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

*John Smith* -

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

The said *John Smith*,

late of the *Nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *sixteenth* day of *February*, in the year  
of our Lord one thousand eight hundred and eighty ~~seven~~, with force and arms, about the  
hour of *three* o'clock in the *day* time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one

*William H. Schmidt* -

there situate, feloniously and burglariously did break into and enter, there being then and there some  
human being, to wit:

*one Sarah Schmidt* -

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels  
and personal property of the said *William H. Schmidt*,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away -

against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity,

*Randolph B. Mather*

*District Attorney*

0244

BOX:

251

FOLDER:

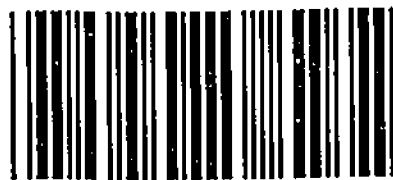
2430

DESCRIPTION:

Smith, Maggie

DATE:

02/24/87



2430

0245

Witnesses:

Willie Evans  
Officer Ball

Counsel,

Filed

Pleads,

1887

THE PEOPLE

vs.

Maggie Smith

Grand Larceny, First Degree.  
(DWELLING HOUSE.)  
[Sections 528, 580. — Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

Grand Jurors

A True Bill.

*[Signature]*

Foreman.



0246

STENOGRAPHER'S MINUTES.

Second District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF  
Millie Evans  
vs.  
Maggie Smith

BEFORE HON.

Samuel Riley  
POLICE JUSTICE,  
Feb 9th 1884

APPEARANCES:

For the People,

For the Defence,

188

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WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Millie Evans  
Officer Hall  
Maggie Smith

1, 4  
5, 6

7, 9

H. J. Cheney  
Official Stenographer.

0247

2

DISTRICT POLICE COURT.

THE PEOPLE  
ON COMPLAINT OF  
*Mellie Evans* Examination had *Feb 9<sup>th</sup>* 188  
agst. *Maggie Smith* Before *Samuel Riley* Police Justice.

I *M. J. Treacy* Stenographer of the *2* District Police  
Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Mellie Evans*  
*Officer Holland* and *Maggie Smith*  
as taken by me on the above examination before said Justice.

Dated *Feb 9<sup>th</sup>* 188

*Samuel Riley*  
Police Justice.

*M. J. Treacy*  
Stenographer

0248

New York Feb 9<sup>th</sup> 1884  
Second District Police  
Court Hon. Daniel Kelly  
Presiding

Nellie Evans } Grand Jurors  
Maggie Smith }

Cross Examination of  
Nellie Evans, Complainant.

Q. Are you a married  
lady

A. Yes Sir.  
Q. And you reside at 40  
235 West 21<sup>st</sup> St.

A. Yes Sir.  
Q. And how long have you  
resided there?

A. Since Sept last.  
Q. You say on the 7<sup>th</sup> of Sept  
Oct you lost one Gold  
watch, gold chain, two \$5.  
Bills, one razor, and  
a handkerchief, and a  
straw?



0249

Q Yes Sir. When did you  
last see these articles, before  
you lost them?

A On Saturday, I  
saw the handkerchief, and  
the etna, the watch a half  
to three quarters of an hour  
before I missed it; the  
razor I cannot when  
I saw that.

Q This is a  
Boarding House where you  
reside?

A Yes Sir,  
Q A number of other Boarders  
there?

A One a Lady.  
Q Who is the Proprietor of the  
House?

A A Widow Lady.  
Q Any other person, or servant  
or person besides Miss  
Young woman there?

A Not on that date

0250

3

Q. The defendant was a servant on that day?

A. Yes Sir,  
Q. You had a fire in the Premises on a Monday.

A. Yes Sir.  
Q. What time did the fire take place?

A. Half past 5 o'clock after noon after the fire engines came there; a number of people come in and out of the house, it took place on the second floor. The strap was found on the defendant, the razor was found in the room where she slept.

Q. Was there another servant there before this defendant?

A. Yes Sir,  
Q. She left?

A. Yes Sir.

3

0251

17

Q. Do you know who gave  
the alarm of fire.

A. I think it was the  
Defendant, but I do not  
know, she remained in  
the house till she was  
arrested.

Q. Who does the stand  
belong to?

A. Me.  
Q. Do it not a fact that  
it belongs to Mrs. Lytton.

A. It belongs to me  
and my handkerchief is  
mine. She claimed to have  
found the handkerchief in  
the Hall and the stand  
off the floor  
I sworn to before me  
this 9<sup>th</sup> day of Feb 1887

Police Justice

17



0252

(5)

Officer Hall of the 16<sup>th</sup>  
Precinct being duly sworn  
deposes and says, I was  
sent to the ~~at~~ House 235  
West 21st about 11 o'clock  
Monday evening to make  
an arrest on a charge  
of Larceny; this woman  
said she knew nothing  
about the property; the  
lady searched and found  
the things on her; the razor,  
the handkerchief; a pocketbook,  
she threw the pocketbook on  
the floor. I did not find  
anything of account in  
the book. The fire did  
not occur during my  
time on the job.

Q.

When you came there  
did you find the defendant  
arrested?

Q.

A

No Sir.  
Did you show this Bill  
to the lady 5

0253

(6)

A She saw it there, she said she had a Bill, that it looked it but she would not swear it was her money; she said the Bill had a number of crosses on it.

Q Did you show it for the purpose of examination.

A Not particularly so.  
Sworn to before me  
this 9<sup>th</sup> day of Feb-1884

} Police Justice

0254

(14)

Maggie Smith being duly sworn deposes and says;

Q On Monday did you reside at 235 West 21st

A Yes Sir.

Q How long had you been employed there?

A Two weeks as Chamber maid.

Q It is a boarding house?

A Yes Sir.

Q How many boarders there?

A Two ladies and Mrs. Cutler, I was there two weeks.

Q Was there other servants in the house during that time?

A There was a cook there, she left on Sunday morning. There was a fire there. I gave the alarm I was gone



0255

(S)

from three to five minutes, there was a large number of people in and out of the house during the excitement of the fire.

Q

After the fire there was some trouble about your going to leave.

A

Not till after dinner

Q

This lady charges you with taking these articles, a handkerchief, a stud and a razor.

A

I found the stud in the hall, and the handkerchief Sunday morning at the door in the vestibule; gentlemen came in to see the ladies and went out.

Q

Up to the time of your arrest were you ever questioned about

0256

9

Q These things?  
A No Sir. I  
Q told her I found them  
A How long have you  
lived in the City  
A 12 years. I have  
been living out ever  
since.

Q This \$3 Bill that  
was found on you.

A It belongs to me,  
my Brother gave it to me.  
I never saw the razor till  
Monday night; she was  
looking on a shelf and  
said here is a razor; that  
is the only time I saw it.  
I have never been arrested  
before

Sworn to before me  
This 9<sup>th</sup> day of Feb 1887

Police Justice

Held \$500, to answer.

(9)

0257

Police Court— 2 District.

Affidavit—Larceny.

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

Mollie Evans

of No. 235 W 21

Street, aged 25 years,

occupation. Nothing

being duly sworn

deposes and says, that on the 7 day of February 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property viz:

One gold watch with gold chain attached of the value of Fifty five dollars,  
 Two bills of the denomination and value of Five dollars each good and lawful money, One Razor of the value of Twenty five cents, One silk Handkerchief of the value of Fifty cents One gold stud set with imitation diamond of the value of one dollar and twenty five cents all of the value of \$67.<sup>50</sup>/<sub>100</sub>  
 the property of Richard Evans deponent's husband

Mollie Evans

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 Maggie Smith (now free)

Deponent says that she found part of said property in the possession of said defendant in premises No 235 W 21<sup>st</sup> Street in said City

Mollie Evans

Sworn to before me, this 7<sup>th</sup> day of February 1887

James C. Buckley Police Justice.



0258

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY  
OF NEW YORK, { ss

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

Question. What is your name?

Answer

*Maggie Smith*

Question. How old are you?

Answer

*29 years*

Question. Where were you born?

Answer

*N. Y.*

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

Answer

*587 7<sup>th</sup> Ave*

*2 mos*

Question. What is your business or profession?

Answer

*Cook*

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*

*Maggie Smith*

Taken before me this

*8*

day of

*July*

188*7*

*James J. McNeill* Police Justice.

0259

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

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

Dated Feb 8 188

Samuel C. Bailey 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 he to be discharged.

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

0260

Police Court

2

209 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Millie Evans

Magge Smith

2

3

4

Offence Grand Larceny

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated February 8 1887

D. O. Reddy Magistrate.

Wall Officer.

16 Precinct.

Witnesses J. P. F. Wall

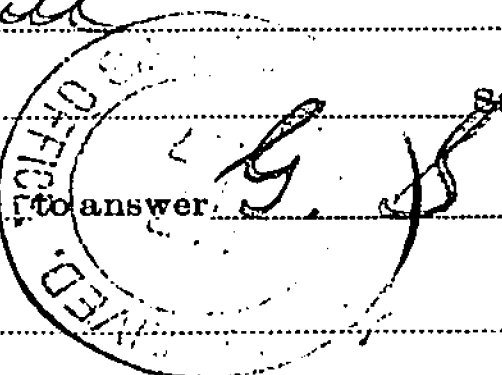
16th Precinct Street.

\$1000 & Feby 9 Street.

2.30 P M

No. Street.

\$ 500 to answer



mm



0261

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Maggie Smith

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

Maggie Smith

of the CRIME OF GRAND LARCENY in the FIRST degree, committed as follows,

The said Maggie Smith,

late of the Sixteenth Ward of the City of New York, in the County of New York, aforesaid, on the seventh day of February, in the year of our Lord one thousand eight hundred and eighty-seven, in the night time of the same day, at the Ward, City and County aforesaid, with force and arms,

one watch of the value of twenty five dollars, one chain of the value of twenty dollars, two promissory notes for the payment of money of the kind called United States Treasury notes, of the denomination and value of five dollars each, two other promissory notes for the payment of money of the kind called Bank Notes, of the denomination and value of five dollars each, one paper of the value of twenty five cents, one handkerchief of the value of fifty cents, and one shawl of the value of one dollar and seventy five cents,

of the goods, chattels and personal property of one

Richard Evans.

in the dwelling-house of the said

Richard Evans.

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

Randolph B. Martine,  
District Attorney

0262

BOX:

251

FOLDER:

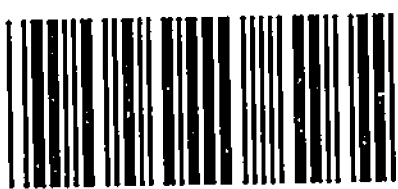
2430

DESCRIPTION:

Smith, Peter

DATE:

02/25/87



2430

Witnesses:

Edward M. H. H.

Officer Schaeffer

Comfort H. H.  
Jeph. H. H.  
Senece H. H.  
in C. H. H.  
Chas. H. H.  
H. H. H.

Counsel,

Filed 25 day of Feb 1887

Pleas, *Not guilty* (25)

THE PEOPLE

vs.

Peter Smith

H.D.

RANDOLPH B. MARTINE,

District Attorney.

Robbery, degree.  
[Sections 224 and 229, Penal Code].

A True Bill.

*Edward H. H.*  
Foreman.

*Edward H. H.*  
Jury

*7 April 1887*

0263



0264

Police Court— 3<sup>rd</sup> District.CITY AND COUNTY }  
OF NEW YORK, } ss

Edward March

of the House of Detention Street, Aged 28 Years  
 Occupation Boatman being duly sworn, deposes and says, that on the  
 17 day of February 1887, at the 11 Ward of the City of New York,  
 in the County of New York, was feloniously taken, stolen, and carried away from the person of de-  
 ponent by force and violence, without his consent and against his will, the following property, viz:

Good and Lawful Money of the  
 United States, consisting  
 of Silver Coin in all

of the value of Eighty cents ~~DOLLARS~~  
 the property of deponent,

and that this deponent has a probable cause to suspect, and does suspect, that the said property was  
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Peter Smith (nowhere) Grand  
 the fact that deponent was in a  
 balloon on the South East Corner of  
 Cannon and Stanton Street when  
 deponent had said Money in  
 the right hand pocket of the Pants  
 then worn upon deponent's person,  
 that said defendant seized violently  
 hold of deponent's two arms and  
 held them together behind deponent's  
 body, and with his right hand  
 he took said Money from deponent's  
 pocket, deponent being paralyzed

day of

188

Sworn to before me, this

Police Justice.

0265

on his left side was unable to resist,  
Deponent then caused said Defendants  
arrest,

Committed to the custody of the  
18<sup>th</sup> day of February 1889 Edward Aldrich  
J. Thompson  
Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and he be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1889 Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1889 Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1889 Police Justice.

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

THE PEOPLE, &c.,  
on the complaint of

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

Offence—ROBBERY.

Dated 1889 \_\_\_\_\_  
Magistrate.  
Officer.  
Clerk.  
Witnesses, \_\_\_\_\_  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
\$ \_\_\_\_\_ to answer General Sessions.

0266

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

POLICE COURT, 3 DISTRICT.

of Henry Schaffer  
the 13<sup>th</sup> Precinct Police Street, being duly sworn, deposes and says,  
that on the 18 day of February 1887  
at the City of New York, in the County of New York, Edward March

(now here) is a material witness  
for the people of the State of New York  
against Peter Smith who is charged  
with Robbery. Deponent fears  
that said March will not appear  
to testify when required,  
therefore deponent prays that said  
March be committed to the  
House of Detention.

Henry Schaffer

Sworn to before me this

of

1887

day

Police Justice.



0267

Sec. 198—200.

300 District Police Court.

CITY AND COUNTY  
OF NEW YORK,

Peter Smith 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

Question. How old are you?

Answer

Question. Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Peter Smith  
mark

Taken before me this

day of

188

Police Justice.

0268

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

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

Dated *February 18* 188*9* *J. H. Murphy* 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 he to be discharged.

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

0269

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.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Edward March*

*(H.W.)*  
*Peter Smith*

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

*Robbery*  
Offence

Dated *July 18* 188*7*

*Ford* Magistrate.

*Henry Schaffer* Officer.

*13* Precinct.

Witnesses *Edward March*

No. *House of detention* Street.

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

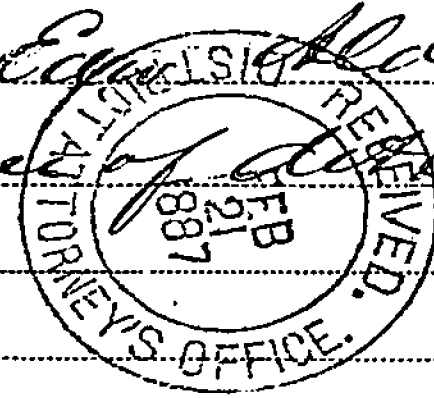
No. \_\_\_\_\_ Street.

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

*500* to answer *95*

\_\_\_\_\_

*Com*





0270

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter Smith

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

Peter Smith -

of the CRIME OF ROBBERY in the second degree, committed as follows:

The said

Peter Smith,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
seventeenth day of February, in the year of our Lord one thousand  
eight hundred and eighty-seven, in the City of New York, at the Ward, City  
and County aforesaid, with force and arms, in and upon one Edward Aldrich,  
in the peace of the said People, then and there being, feloniously did make an assault, and  
one silver coin, of the kind called  
twenty dollars, of the value of twenty  
cents, three silver coins, of the  
kind called quarter-dollars, of  
the value of twenty-five cents  
each,  
and eight silver coins, of  
the kind called dimes, of the value  
of ten cents each.

of the goods, chattels and personal property of the said Edward Aldrich,  
from the person of the said Edward Aldrich, against the will,  
and by violence to the person of the said Edward Aldrich,  
then and there violently and feloniously did rob, 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.

Grand Juror,

District Attorney

0271

BOX:

251

FOLDER:

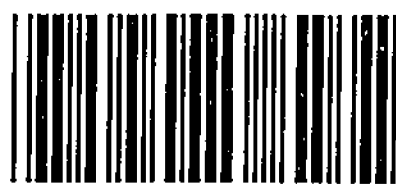
2430

DESCRIPTION:

Smyth, Edwin L.

DATE:

02/16/87



2430

Witnesses:

David Williams

Counsel:

Filed, 16 day of Decr 1887

Pleads, Guilty

THE PEOPLE

vs.

Edwin L. Smyth

(raped)

[Section 532 Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

Dec 14/87

Guilty

A True Bill.

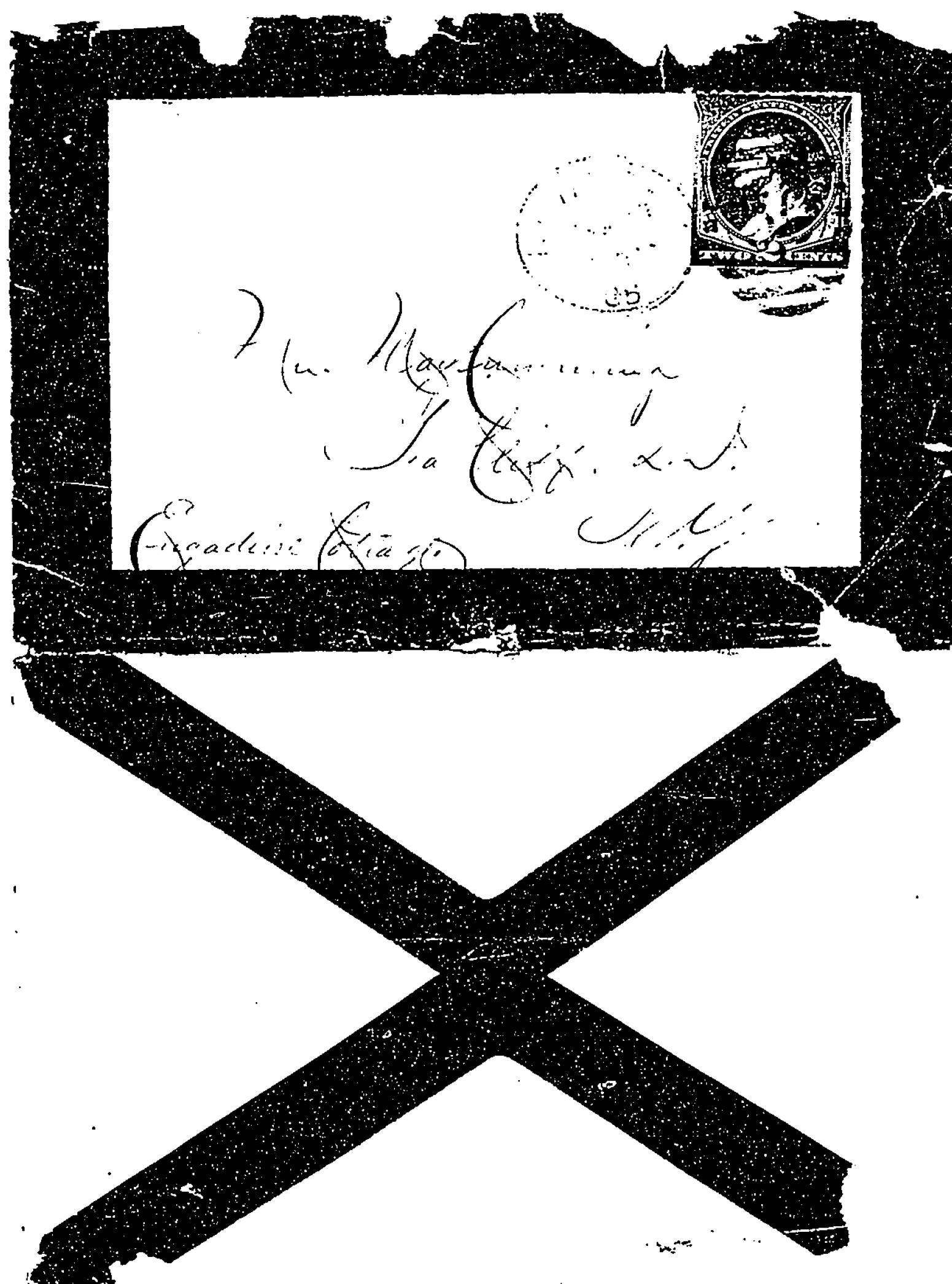
J. W. A. J. M. M. M.

Foreman.  
L. W. A. J. M. M. M.

0272



0273



Mr. Macfarlane  
La Grange, N.Y.  
Cradock St. N.Y.

0274

J. D. Henderson  
49 Broadway

---

Robert Hare Powell To

0275

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edwin S. Smyth

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

Edwin S. Smyth

of the CRIME of Forgery in the Third degree,

committed as follows:

The said Edwin S. Smyth,

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the Twentieth day of September, in the year of our Lord  
one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid,

being then and there in the employment  
of one David Williams, in the force and  
arms, did feloniously and unlawfully  
obtain account and entries and other  
things to the business of the said  
David Williams, to wit: an account  
entered in a certain book of accounts  
called the "Smyth and Williams  
Subscription Book" kept by  
the said David Williams in the course  
of his said business wherein there was  
kept an account of the amount of  
money received from day to day in  
payment of subscriptions for a certain  
printed periodical entitled "The Carpenter



0276

and Binding, published and conducted by the said David Williams, the said account setting forth the names of the persons making such payments and their address and the amounts thereof, and the date of such payment, and which said account so testified as aforesaid by the said Edwin S. Smith reported to set forth and indicate the payments so made in the manner aforesaid on the said twenty-eighth day of September, in the year aforesaid, with the particulars above mentioned respecting the same, which said account is as follows, that is to say

28	W. H. Smith Winchester Iowa	1 00
	L. E. Smith Montpelier Vt	1 00
	Stephen A. Baker Burlington Vt	1 00
	Amount Forward	3 00

September 28<sup>th</sup> 1886

	Amount Brought Forward	3 00
	E. E. Stevens Auburn N. H.	36
	E. H. Baker Medford Mass	1 00
	Saml W. Baker Springfield Pa	2 00
	W. H. Smith Winchester "	2 00
	W. E. Dennis Ohio	

0277

C.F. Butler for	Andrew Hume	"	"	2	00
	A.A. Arnold	Walter W. V.	"	1	00
	Stephen H. Coon	Richard B.	"	1	00
	E.A. Williams	Carson	B.		
C.F. Butler for	R.F. Butler	Against	"	2	00

by them and thereupon placing  
at the foot of the said account as well  
indicating  
the total amount of such payments,  
and as indicating the amount of the  
said charges contained in the last column  
of the said account, when added together,  
there appears following to wit:

|| 11 | 36 ||

thereby falsely indicating the amount  
of such payments on said day to be  
the sum of eleven dollars and thirty  
six cents, whereas the true amount was  
fifteen dollars and thirty six cents,  
as the said Edwin S. Smith then  
and there well knew, and as is apparent  
upon the face of said account, 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.

Randolph B. Martine,  
District Attorney.

0278

Witnesses:

E. F. Gile

Counsel,

Filed, 16<sup>th</sup> day of July 1887

Pleads, *Not guilty*

THE PEOPLE

vs.

*Edwin L. Smyth*

*(Acquitted)*

[Section 514, sub. 1, Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*William J. Morrow*

Foreman.

*Wm. J. Morrow*  
*Dec. 2/87*



0279

City and County of New York ss.

David Williams being

duly sworn, says: I am the publisher of The Iron Age and the Carpentry and Building. My offices are at Nos. 66 and 68 Duane Street in the City of New York. That I employed one Edwin L. Smyth as clerk for a long period, from about July 1885 to November 1886.

That during part of that time and in the month of September 1886, said Smyth had charge of the Carpentry and Building

Subscription cash book, and was authorized to make rightful entries therein: That on the 27th. day of September 1886,

one F.A. Williams of Canton, Pennsylvania, and one C.G. Sayles of Granville Centre, Pa. sent to David Williams a letter con-

taining two dollars in cash as subscription to the Carpentry and Building. That said Smyth feloniously and without

authority, opened said letter and appropriated the contents to his own use. That he thereupon made an entry in the said

Cash Book of the said amount of two dollars, opposite the name of said Williams and Sayles, on September 28th. 1886.

That one Stephen H. Coon of Philmont, New York on the 28th.

day of September 1886, sent to David Williams in a letter the sum of one dollar as subscription. That said Smyth felon-

iously opened said letter, and appropriated said amount to his own use. That said Smyth made an entry in his said cash

book under date of September 28th. 1886 of one dollar opposite

0280

the name of said Coon. That said Smyth made an entry in said Cash Book of eleven dollars and thirty six cents as the total amount of the cash received on said day. That the true amount of cash as shown by his own entries was fourteen dollars and thirty six cents. That the amount of cash received by David Williams on the Carpentry and Building account on September 28th. 1886 was eleven dollars and thirty six cents as shown by the Petty Cash Book kept by Ernest F. Eilert the clerk in charge of the same.

✓ That on the 22nd. day of October, 1886, one Joseph Jackson as clerk for W. White paid over the counter of David Williams the sum of one dollar, to said Edwin L. Smyth for subscription to Carpentry and Building. That said Smyth received the same and appropriated the amount to his own use. That said Smyth thereupon signed and gave said Jackson a receipt for the said amount. That said Smyth thereupon made an entry <sup>of one dollar</sup> in his Cash Book opposite the name of said White. That said Smyth made an entry in his said Cash Book of two hundred and eighty five dollars as the total of the cash receipts for the Carpentry and Building on the 22nd of October. That the true amount of said cash as shown by his own figures in said Cash Book, was two hundred and eighty six dollars.

That the amount of cash received by David Williams on the Carpentry and Building account on October 22nd. 1886, was two

0281

hundred and eighty five dollars, as shown by the Petty Cash Book kept by Ernest F. Eilert the clerk in charge of same.

That the above statements are made upon information and belief and from a personal examination of the books and accounts here in mentioned.

Sworn to before me this  
15<sup>th</sup> day of December, 1886.

"  
" *Daniel Williams*  
"  
*J. G. Duffy*  
Police Justice.



0282

Sec. 192.

12th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK,

An information having been laid before Maurice J. Power a Police Justice  
of the City of New York, charging Edwin L. Smyth Defendant with  
the offence of Forgery

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned.

We, Edwin L. Smyth Defendant of No. 27 East  
16th Street; by occupation a Book Keeper  
and Charles W. Janouette of No. 125 Fifth Avenue  
Dressmaker Importer Street, by occupation a Surety, hereby jointly and severally undertake that  
the above named Edwin L. Smyth Defendant  
shall personally appear before the said Justice at the 12th District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York, the sum of Ten  
Hundred Dollars.

Taken and acknowledged before me, this 12th  
day of December 1886

Edwin L. Smyth

Charles W. Janouette

W. G. W.

POLICE JUSTICE,

0203

CITY AND COUNTY } ss,  
OF NEW YORK, }

Police Justice.

day of December 1886

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and

holder within the said County and State, and is worth Twenty Hundred Dollars,

exclusive of property exempt from execution, and over and above the amount of all his debts and

liabilities, and that his property consists of Cloths, Velvets, Drummings,

Faces, Silks of the value of

Ten thousand Dollars

Therand M. Lanouette

District Police Court.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

vs,

Undertaking to appear during  
the Examination.

Taken the day of 188

Justice,

0284

POLICE COURT,  
FIRST JUDICIAL DISTRICT.

THE PEOPLE, &c.,

ON COMPLAINT OF

*David William*

vs.

*Edwin L. Smyth*

*Thebaud W. Lanouette* being duly sworn as to his sufficiency as  
bail for *One Thousand Dollars* in the above entitled Proceedings  
says, in answer to the following Questions as follows:

Question. Are you a Citizen of the United States?

Answer. *Yes*

Question. Where do you reside?

Answer. *125 Fifth Avenue*

Question. What is your business?

Answer. *Dressmaker and Importer*

Question. Do you own any Real Estate? If so, where is it situated, and of what

does it consist?

*No*



0285

Answer.

Question. When did you purchase, of whom, and what did you pay?

Answer.

Question. Are there any Mortgages upon the same? and if so, to what amount?

Answer.

Question. When are they due?

Answer.

Question. Is the property in your own name alone?

Answer.

Question. Is the Deed or Deeds on record?

Answer.

Question. Are you Surety for any one else? and if so, to what amount, and for what?

0286

Answer.

Question. Do you owe any money? and if so, how much?

Answer.

Yes - About Five Hundred Dollars

Question. Are there any Judgments against you?

Answer.

No

Question. Are there any proceedings in Foreclosure now pending against you?

Answer.

No

2. What does your property consist of  
A. Cloths, Velvets, Silks, Laces  
Trimmines, Cloaks, Dresses  
etc -

2. What is the value of the same

A. About Ten Thousand Dollars.

2. Are they mortgaged -

A. No

2. Is this property in your name alone

A. Yes Sir -

Harvard H. Lamouette

Sworn to, before me, this 28th day of December 1886  
by Henry Police Justice.

0287

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Issued the First Thursday of every month.

New York, Oct 1 1886  
Messrs Powell & Furness Co.

London Pa -  
To DAVID WILLIAMS, Dr.

66 and 68 Duane St.

For one copy of THE IRON AGE, Weekly, from Oct 5 1886 to Oct 5 1887 \$4.50

L.  
C. S.  
By

Received Payment,

FOR DAVID WILLIAMS.



**ROBERT HARE POWEL'S SONS & CO.,**  
 PROPRIETORS OF THE  
**POWELTON FURNACES,**  
 419 WALNUT STREET, PHILADELPHIA.

0289

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Issued the First and Third Thursdays of every month.

Monthly Edition, - - - \$1.15 a Year.

Issued the First Thursday of every month.

New York, Oct-1 1886  
Messrs B. D. Chapin & Co.  
Residence  
To DAVID WILLIAMS, D.C.

66 and 68 Duane St.

For one copy of THE IRON AGE, Weekly, from Oct-9 1886 to Oct-9 1887 \$4.50

L. \_\_\_\_\_

C. S. \_\_\_\_\_

By \_\_\_\_\_

Received Payment,

C. V. T. \_\_\_\_\_

For DAVID WILLIAMS.

0290

E. L. Smith

Oct 11/82

The Monthly Iron Age,  
The Iron Age Bulletin,  
The Metal Worker, Weekly,  
\$2  
The Semi-Monthly Iron Age,  
The Iron Age Bulletin,  
The Metal Worker, Weekly,  
\$3  
The Weekly Iron Age,  
The Metal Worker, Weekly,  
\$5

CLUB TERMS:

THE IRON AGE.  
Weekly Edition, - \$4.50 a year.  
Issued every Thursday morning.  
Semi-Monthly Edition, - \$2.30 a year.  
Issued the first and third Thursday of every month.  
Monthly Edition, - \$1.15 a year.  
Issued the first Thursday of every month.  
THE METAL WORKER.  
Weekly, - \$1.00 a year.  
Issued every Saturday morning.  
CARPENTRY AND BUILDING.  
Monthly, - \$1.00 a year.

RATES OF SUBSCRIPTION,  
Postpaid, to Subscribers in the United States and Canada.



0291

B. D. CLAPP & CO.,

HEAVY AND SHELF



PAINTS. OILS. GLASS ETC.

Keeseville, N. Y. Dec 7th 1886

Friend David Williams

find receipt for the Iron age  
as per your request of Dec 3rd  
and in regard would say we  
sent a Postal Note Oct 8th for  
\$4.00 and recd the Enclosed  
receipt for same we are yours

Yours Respectly  
B. D. Clapp & Co  
On Shields

0292

RATES OF SUBSCRIPTION, POSTPAID TO SUBSCRIBERS IN THE UNITED STATES AND CANADA.

Weekly Edition, \$4.50 a Year.  
Issued every Thursday morning. Contains full Trade Reports for the week, brought up to the close of business on the previous day.

Semi-Monthly Edition, \$2.30 a Year.  
Issued the First and Third Thursdays of every month.  
Monthly Edition, \$1.15 a Year.  
Issued the First Thursday of every month.

New York, Oct-1 1884.  
Messrs Rochester Car Wheel Co.

Rochester N.Y.  
To DAVID WILLIAMS, Dr.  
66 and 68 Duane St.

For one copy of THE IRON AGE, Weekly, from Oct-23 1884 to Oct-23 1885 \$4.50

L. \_\_\_\_\_

C. S. \_\_\_\_\_

By \_\_\_\_\_

Received Payment,

C. V. Williams

For DAVID WILLIAMS.

0293

*David Williams.*

*\$ no.  
4. m.*

*Oct 9. 1886.*

**RATES OF SUBSCRIPTION.**

Postpaid, to Subscribers in the United States and Canada.

**THE IRON AGE.**

Weekly Edition, - - \$4.50 a year.  
Issued every Thursday morning.

Semi-Monthly Edition, - \$2.30 a year.  
Issued the First and Third Thursday of every month.

Monthly Edition, - - \$1.15 a year.  
Issued the First Thursday of every month.

**THE METAL WORKER.**

Weekly, - - - \$1.00 a year.  
Issued every Saturday morning.

**CARPENTRY AND BUILDING.**

Monthly, - - - \$1.00 a year.

**CLUB TERMS:**

The Weekly Iron Age, } \$5  
The Metal Worker, Weekly, }

The Semi-Monthly Iron Age, } \$3  
The Iron Age Bulletin, }  
The Metal Worker, Weekly, }

The Monthly Iron Age, } \$2  
The Iron Age Bulletin, }  
The Metal Worker, Weekly, }

*Sent Oct 9/86.  
Cash \$4.50  
No letter to you.*



0294

<p>RATES OF SUBSCRIPTION, POST PAID TO SUBSCRIBERS IN THE UNITED STATES AND CANADA.</p> <p><b>Weekly Edition,</b> - - - \$4.50 a Year. Issued every Thursday morning. Contains full Trade Reports for the week, brought up to the close of business on the previous day.</p> <p><b>Semi-Monthly Edition,</b> - - - \$2.30 a Year. Issued the First and Third Thursdays of every month.</p> <p><b>Monthly Edition,</b> - - - \$1.15 a Year. Issued the First Thursday of every month.</p>	<p align="center"><b>Office of THE IRON AGE,</b> 83 Beade St., New York, Oct 1 1885</p> <p><i>Mess Rochester Car &amp; Wheel Co.</i> <i>Rochester N.Y.</i> To DAVID WILLIAMS, Dr.</p> <p>For one copy of The Iron Age, <u>Weekly</u>, from <i>Oct-23</i> 1885 to <i>Oct-23</i> 1884 \$4.50 ✓</p> <p>L. <i>465</i></p> <p>C. S. <i>450</i></p> <p>By <i>M. C.</i></p> <p align="center"><b>PAID</b> <i>Received Payment</i> <i>M. C. Williams</i> For DAVID WILLIAMS.</p> <p align="right">Oct 12 1885</p>
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0295

David Williams.

\$ 50.

4 —

Oct 12. 1885.

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CLUB TERMS.

The Weekly Iron Age and The  
Metal Worker, per year, \$5.00

The Semi-Monthly Iron Age and  
The Metal Worker, per year, 3.00

The Monthly Iron Age and The  
Metal Worker, per year, 2.00

---

Sent Oct 10/85.

By apt \$ 50.  
4. —

See our letter Oct 10/85.

---

0296



**ROCHESTER CAR WHEEL WORKS,**

**OFFICE AND WORKS, BROWN'S EAGE,**

P.O. BOX 256.

Rochester, N.Y. Dec 4<sup>th</sup> 1886.

David Williams Esq.

"Iron Age."

New York.

Dear Sir.

Yours of 3<sup>rd</sup> duly received & contents noted.  
We enclose receipts 1885 and 1886, and have written  
on back the information you ask. —

Very truly yours,

W. C. Chapin Treas.



0297

## Police Court, 1st District.

City and County } ss.  
of New York,

of No. 66 168 Duane St. Street, aged 45 years,  
 occupation Poolisher being duly sworn, deposes and says,  
 that on the 18th day of October 1886, at the City of New  
 York, in the County of New York, Edwin L. Smyth was

a clerk in his employ, that J. D. Henderson  
 paid to said Smyth the sum of \$4.50 as sub-  
 scription for the loan age of which deponent is publisher  
 that said Smyth received the said \$4.50  
 and gave a receipt signed by him for the  
 same and did not account for the same  
 but appropriated the said amount to his  
 own use. That said Smyth made an  
 entry of the figure 7 on the subscription  
 list of said David Williams which entry  
 said Smyth had no authority to make  
 with the intention of concealing the fact  
 of said wrongful appropriation.

Deponent further says that B. D. Clapp  
 and Co of Kieville New York sent \$4.50 by  
 postal note on October 1st 1886, and presented  
 a receipt to said David Williams for  
 subscription to the loan age, and that said  
 B. D. Clapp & Co received a receipt for said  
 amount dated Oct. 1, 1886 and signed by  
 said E. L. Smyth. Said Smyth had no  
 right to open said letter from said Clapp  
 and Company nor any right to receipt for  
 the same. No entry was made in the  
 books of deponents of the payment of said  
 amount of \$4.50, but except that said  
 Smyth made an entry of the figure 7  
 in the subscription list of deponent  
 in his own handwriting which entry de-  
 ponent had no right to make and  
 said entry was made for the purpose  
 of fraudulently concealing the fact  
 of the fraudulent appropriation by  
 said payment of said \$4.50. That said

0298

Smyth did fraudulently and wrongfully appropriate the same to his own use.

Deponent further says... that the Rochester Car & Wheel Co. of Rochester New York sent by mail to David McKim a letter containing \$4.50 the same being for subscription to the Sun Age about October 1886. That said Smyth received said letter and fraudulently gave the same ~~over~~ without any rightful authority and appropriated the said \$4.50 to his own use. That said Smyth signed a receipt for the same without any rightful authority and mailed the same to said Rochester Car and Wheel Company. That to conceal the fact of said wrongful appropriation of said \$4.50 said Smyth made a false and unauthorized entry in the subscription list of said deponent of the figure 7 in his own handwriting.

That deponent discovered other false entries of a similar nature and has instituted an examination of his book which is now going on and similar entries and receipts are being brought to light every day. The deponent believes that

0299

✓ the entire amount of wrongful  
✓ & fraudulent appropriations of his  
✓ money made by said Smyth, and  
✓ a large sum. He further states  
✓ that said Smyth has confessed  
✓ to him that he was in the  
✓ habit of stealing amounts of postage  
✓ stamps belonging to said defendant  
✓ on one occasion to the amount  
✓ of five dollars and smaller amounts  
✓ at other times. That said confession  
✓ was made by said Smyth to said  
✓ David William <sup>to the John S. King</sup> about the 3rd day  
✓ of December 1886 in the Elizabeth  
✓ Street <sup>Police</sup> Station House.

That the source of the information  
of defendant as to facts stated  
above are his ~~the~~ examination of  
his books, the original receipts  
obtained by him from the parties  
mentioned, and letters written by  
them to him. Defendant further  
says that he is well acquainted  
with the handwriting of said Smyth  
and that the signatures purporting  
to be the signatures of E. L. Smyth  
to said receipts were made by  
him as the best of defendant.



0300

Knowledge & Beliefs  
whereof deponent says that deponent is free to answer  
Sworn to before me *William*  
this 11<sup>th</sup> day of December 1886  
W. J. Owen  
Police Justice

0301

Sec. 151.

Police Court

District.

CITY AND COUNTY  
OF NEW YORK,

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

of No. 66 Duane Street, that on the 18th day of October 1886 at the City of New York, in the County of New York,

Carroll P. Smyth  
(now known) are unlawfully and feloniously  
forging signatures to terms of account

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 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 11th day of December 1886

Police Justice.

Police Court

District.

THE PEOPLE, No.,  
ON THE COMPLAINT OF

vs

Warrant-General.

Dated

188

Magistrate.

Officer.

The Defendant

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

Officer.

Dated

188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest.

Native of

Age,

Sex,

Complexion,

Color,

Profession,

Married,

Single,

Read,

Write,

0302

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 ten Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated January 31 1887

*H. G. Duff*  
Police Justice.

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

Dated \_\_\_\_\_ 188

*W. B. ...*  
Police Justice.

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.



0303

POOR QUALITY  
ORIGINAL

\$1000 (n & c)

3:30 PM, Dec 13<sup>th</sup>

The presiding Justice here  
then is hereby authorized  
to proceed with the exam-  
ination here being done by  
Judge

BAILED, by

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

The presiding  
Magistrate will please  
take bail on the  
within Case

Deputy  
Police Justice

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James Williams

vs.  
James L. Smith

Dated

1886

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

13 Dec  
Held in \$1000 to answer  
on Thursday 6<sup>th</sup>  
January 2:30





0305

J. P. MANN, Printer, 84 Nassau St., N. Y.

# STENOGRAPHER'S MINUTES

N. Y. SPECIAL SESSIONS.

FIRST DISTRICT POLICE COURT.

THE PEOPLE  
vs.

EDWIN L. SMYTH.

BEFORE

Hon. P. G. Duffy.

Police Justice.

December 13, 1886.

## WITNESSES.

Direct. Cross. Re-called.

DAVID WILLIAMS,

1-10 5-12

JOHN S. KING,

14 21

JOHN B. HENDERSON,

29-32 31

DAVID S. VEITCH,

Official Stenographer,

101 CENTRE ST., N. Y.



0306

FIRST DISTRICT POLICE COURT.

THE PEOPLE ON THE COMPLAINT

of

DAVID WILLIAMS

against

EDWIN L. SMYTH.

BEFORE

Hon. P. G. DUFFY,

Police Justice.

December 13, 1886.

Henry B. Corey, Esq., for the People,  
F. V. S. Oliver, for the Defendant.

City & County of New York, s s:

DAVID WILLIAMS, the complaining witness being duly sworn, deposes and says.

Q (Mr. Corey) Mr. Williams, are you a publisher? A. I am.

Q What papers do you publish? A. The Iron Age, Metal Worker, Carpentry and Building.

Q Where are your offices? A. 66 and 68 Duane Street.

Q Do you know Edwin L. Smyth? A. Yes, sir.

Q How long have you known him? A. About a year and a half I should say.

Q Was he ever in your employ? A. Yes, sir; during that time

0307

2

until recently.

Q You employed him as a clerk? A. Yes, sir.

Q What were his duties? A. His duties were to take charge of the subscription list of carpentry and building or C. and B. as we call it; wait upon customers at the counter, and do such other things as he might be directed to do.

Q Had he any right to open the mails?

(Objected to.)

A. No, sir.

Q Was he under duty to open any letters? A. No, sir.

Q Did you ever authorize him to open any letters? A. Never.

Q Did he have any charge of the subscription list of the Iron Age? A. No, sir.

Q Was it a part of his duty to make any entries in the subscription list of the Iron Age? A. No, sir.

Q Did he have any right to give receipts for subscriptions to the Iron Age? A. For such moneys as he received over the counter.

Q Had he right to give receipts for such moneys as came through the mails? A. No, sir.

Q Are you familiar with the handwriting of Edwin L. Smyth? A. Tolerably.

Q Did you ever see him write his name? A. I cannot swear that I did.

0308

3

Q Have you seen papers which purported to be signed by him?

A. Yes, sir.

Q Did he ever bring you such papers? A. Not that I know of;  
I do not think he did.

Q Were there any books in which he had a right to make entries?

A. Yes, sir.

Q What books? A. What we call the subscription cash for  
C. and B. and the subscription list of the same paper.

Q Will you explain the system, Mr. Williams, by which the sub-  
scriptions which come through the mails to the Iron Age are  
entered on the books? A. The letters are received in the  
office--at the time in question they were brought by the  
usual letter carriers of the Post Office and delivered to  
various people to any one almost. They should then be brought  
by the person receiving them and lay them on Mr. King's desk  
by whom they were opened. If there were money in the let-  
ters, the amount contained in it was marked on the letter it-  
self, the letters separated in their proper departments and  
the moneys placed in the drawer of which he kept an account.

Then, as regards the subscription business, the let-  
ters were divided into Iron Age, Metal Worker and C. and B.  
by themselves. The person in charge of the desk makes a list  
from those letters of the cash receipts in a book which is  
called the cash subscription.



0309

4

- Q Who is that person? A. Miss Cummings in the case of the Iron Age and Metal Worker and Mr. Smyth in the C. and B. Those are footed up at the end of the day and a comparison made with the other documents in the matter and if they are all correct, they are all incorporated together in a general cash book.
- Q Have you examined the cash book of the Iron Age which contains the record of subscriptions for the month of October, 1886? A. No, sir; it has been examined by other people, but I have not examined it.
- Q You say that Mr. Smyth had no right, it was not a part of his duty, to sign receipts for moneys which came through the mails? A. Yes, sir.
- Q It was not a part of his duty to enter upon the subscription list of the Iron Age the figure 7? A. He had no right whatever to make any entry on that list.
- Q Explain about that figure 7? A. He had no right to make any entry whatever.
- Q Explain the system of marking the receipt of the money upon any subscription list? A. Our subscription list contains a printed slip of names with the date attached, the subscription as paid and set opposite to his name. If John Jones has paid to the first of December, 1886, he will have December 1, 1886, opposite to his name. If he pays for another year,

03 10

5

paying up to 1887, that 6 is changed; a line is drawn through it and a 7 made in the margin which is changed on the next revision.

Q Who makes that entry? A. Miss Cummings.

Q Has any one else a right to make it? A. I think not.

CROSS-EXAMINED.

Q Now, what are the duties of Mr. King? A. Mr. King is general manager of the business. He has a right to do almost anything he likes .

Q And give such orders and directions to those under him, or in his department as he sees fit? A. Yes, sir.

Q The same as you with your authority, I mean? A. He has my authority to do anything of that sort.

Q Did you read this affidavit before you signed it? A. Yes, sir; I did. That is the one made on Saturday.

Q You never saw Smyth write his name? A. I do not claim to have done so; I probably have; I have no doubt I have.

Q You have sworn that you have? A. No, sir; on the contrary, I have not.

Q Have you ever sworn that you saw him make his signature?  
A. I do not think I have. If it is done in that complaint, I suppose that I did.

Q You do not think you have said that? A. I do not think I have.

0311

6

Q Now, I will read from your complaint "Deponent further says that he is well acquainted with the handwriting of said Smyth and that the signature purporting to be the signature of Edwin L. Smyth to said receipts were made by him to the best of Deponent's knowledge and belief". Is that true or not?

A. It is perfectly true.

Q Which signature? A. Will you say what signature is referred to there?

Q Well, what signature did you refer to when you signed that complaint? A. The signature as thereto appended.

Q You say you never saw him write his name? A. I do not say whether I did or not.

Q Can you say now whether you did or not? A. No, sir.

Q Well, how can you conscientiously swear to the best of your knowledge and belief, that the signatures appended to any of these documents are his if you did not see him write his name? A. He has been a clerk in my employ for a year and a half, and I am perfectly familiar with his signature. I have no doubt I have seen him write his name, but I do not recall an instance in which I have seen him write his name. I have seen him writing continually.

Q His name? A. I do not recollect that I ever did.

Q So then, you had no knowledge on the subject whatever when you swore to the best of your knowledge, that he did write it?



03 12

7

You had only belief? A. I should think that you might draw the inference as well as I.

Q You had knowledge only and belief? A. I think I had.

Q Don't you know now that you did not have? A. No, I did not.

Q Is there anybody else in your employ besides Mr. King--is there any lady in your employment? A. Yes, sir; I have mentioned Miss Cummings.

Q What are her duties? A. She had charge of the subscription list of the Iron Age and Metal Worker.

Q Now, will you explain to me in answer to the knowledge that I want to get at--- A. In the course of questions you are asking, I will ask you to be explicit.

Q I will be very exact with you, you will not be so well pleased as I will--do you know anything about whether the mails come in to Mr. King alone or not, or whether he receives them alone or in person? A. What do you mean by that?

Q Does he personally receive the mails all the time? A. I said they were carried to him, to his desk.

Q Now, be exact in your answers please, and I will be exact in my questions, do you know whether he receives all the mails or no? A. What do you mean by receiving mails?

Q Personally? A. Well, what do you mean by receiving mails?

Q Are they delivered to him personally? A. Such is I believe the habit.

03 13

8

- Q Did he, to your knowledge, and belief? A. I am not sure, all the time.
- Q Why don't you answer yes or no? A. Because you make it hard to answer yes or no.
- Q Do you know whether Mr. King receives all the mails or not into his own hands? A. Not of my own knowledge.
- Q Do you know whether anybody else of your own knowledge has ever received the mails except Mr. King during the time specified in this complaint? A. I do not know of my own knowledge of any other person having received the mails during that time except Mr. King. By receiving mails I mean taking them and opening them.
- Q I have not asked you about opening them; I may be and be. Now what is the method after the mail is received of the marking of any of the subscriptions, either money subscriptions or orders, when received by Mr. King or any person else through the mail; what is the method; do they take the money and put it in the drawer or do they give it to other persons according to your direction; does he receive it or keep it himself? A. He puts the money in the drawer keeping account of it on a slip. The money is put in the drawer and the account kept of it which is incorporated with the other cash by Mr. King's brother who is in personal charge of that.

03 14

9

They work together and keep the cash account together.

Q At the same desk? A. No, sir, different desks about as far from here as to that table (about 5 feet).

Q But separate from each other? A. Yes, sir.

Q Then the money is carried over to the other? A. He enters and cuts it.

Q Sometimes it is carried over to him? A. Well, I have seen it carried over often by Mr. King himself. I do not recollect seeing it carried by any other person.

Q When did you examine these books yourself, personally?

A. Which books?

Q The subscription book? A. The subscription list or the subscription cash?

Q Either or both? A. I did not examine the subscription cash.

Q Well, how about the other? A. I made a cursory examination of it two or three days.

Q A cursory examination? A. Yes, sir.

Q Of Mr. King's accounts? A. No, sir; of the subscription list; Mr. King has nothing to do with that.

Q Who kept that? A. Miss Cummings.

Q You did not tarry to see whether they were correctly kept or not? A. No, sir.

Q You did not examine the names to see if they were correct or



03 15

10

not? A. No, sir.

Q So then, it must have been a very cursory examination?

A. Yes, sir.

Q A very superficial examination? A. It was quite so.

Q Now, that is all you know about this matter, isn't it? All the information you have got on this subject you have got second-hand about the charges in this complaint? You do not know anything about them personally, do you? A. People have brought me things and said "Here is this, and here's that" and I have looked at them.

Q Have you examined the subscription list personally? A. I do not think I have made any examination.

Q (Redirect) Did you make any examination of the subscription list with any one as to the three names J. D. Henderson, B. D. Clapp & Company? A. I saw those names.

Q The Rochester Car and Wheel Company? A. Yes, sir.

Q You examined that personally? A. I saw those names.

Q Did you examine those subscription lists personally, and see those names? A. Yes, sir.

Q Who was there when you examined them? A. Mr. King was certainly.

Q Do you remember that 7 there at that time? A. Yes, sir; I remember looking at them with you; almost everybody in the office has looked at them with me.

03 16

11

- Q The examination of the subscription list as to the three parties whom I have mentioned, was a careful examination as far as they were concerned? A. Yes, sir.
- Q When you said you had made only a cursory examination of the subscription list, did you apply that to the entire subscription list? A. Yes, sir.
- Q You did not mean to say that you had made only a cursory and superficial examination (objected to).
- Q Did you mean to say that you had made a cursory and superficial examination of the entire list, or a cursory and superficial examination of the particular names? A. As far as the particular names was concerned, I looked at them.
- Q Did you make a careful examination as to those names? A. Yes, sir.
- Q What is the explanation of the receipting for subscriptions? A. Such subscriptions as are paid over the counter are receipted for by the person receiving the money. Such subscriptions as are paid through the mails, are receipted by the Clerk in charge of the desk.
- Q And as to the subscriptions that come through the mail? A. They are receipted by the clerk in charge
- Q Who is that clerk? A. Miss Cummings.
- Q Who was that clerk for the past three months? A. Miss Cummings, I think, for the past three months.

03-17

12

- Q Was Edwin L. Smith ever that clerk? A. Not to my knowledge.
- Q In the presence of Mr. King at the office did any one else have a right or have authority from you to open the letters?
- A.. No, sir.
- Q In his absence did anybody have a right to open the letters except yourself? A. I never gave any one authority to open letters. I have no doubt that during protracted absences of Mr. King, he has given to Mr. Mabie the right to open letters.
- Q Do you know of his having given to any one else the right to open letters? A. I do not know of it.
- Q (Re-Cross) You say you gave a cursory examination to the subscription list? A. Yes, sir.
- Q What do you mean by giving a careful examination to the three names mentioned? A. I looked at them, saw the names made up my mind as to who made the 7 opposite them and may be looked at them for a minute or two.
- Q You simply looked at the names and saw the number 7 opposite them? A. Yes, sir.
- Q Is that all the examination you made? A. Yes, sir.
- Q Who called your attention to them? A. I think Mr. King.
- Q Don't you know? A. It was a topic of conversation and observation in the office.
- Q Didn't he show them to you simply and you looked at them?



03 18

13

A. I picked out some myself.

Q Didn't he show you those three and didn't you look at them in that way? A. The way it was done was this---

Q Didn't he show you those three names and didn't you look at them when he showed them to you? A. He may have.

Q Do you know whether he did or not? A. I know exactly how that examination was made.

Q Did he show them to you or not, you say he may have; now do you remember anything at all about it, whether he did or not or whether some one else showed you? A. I do not think the truth would be answered by yes or no. Mr. King came to me and said "We find seven names on this list that have Smyth's 7s and no entry of the cash." He said there is one. I looked over and I said there is another. We looked over and picked out one and one another.

Q Which one would he pick out? A. I do not remember.

Q Which one did you pick out? A. I do not remember.

Q Weren't there nine pointed out to you? A. No, sir; I found some myself.

Q Did you pick out any of them yourself? A. Yes, sir.

Q After he showed them to you? A. After he showed me the kind of a 7 it was I picked out similar ones.

Q Is that all you know about it? A. Yes, sir.

(The Prosecution reserves the right to recall this witness.)

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J O H N S. K I N G, called by the prosecution and sworn.

Q (Mr. Corey) What is your business, Mr. King? A. I am business manager for Mr. Williams.

Q What are your duties as a business manager in connection with the business of Mr. Williams? A. I have general charge of the details of the office and open all the mails; I have power of attorney to transact his business, sign checks and all that sort of thing.

Q How wide reaching is your power of attorney? A. It is full I believe. It covers all, to carry on the business as far as Mr. Williams, himself, I believe.

Q Do you know Edwin L. Smyth? A. I do.

Q How long have you known him? A. I should think about a year and a half since he came to the office.

Q How did you come to know him? A. He came there in response to a letter that I ordered to be sent to him, which was in reply to an advertisement for a young man for a clerk.

Q Was he employed as a clerk? A. He was.

Q Was he in your employ during the months of October and September, 1886? A. He was.

Q In the employ of Mr. Williams? A. Yes, sir.

Q Mr. King, will you explain the system of receiving and opening the mails in the office of Mr. Williams? A. The mail formerly, until the last few weeks was brought to the door

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by the carrier who blew a whistle and a young man, some of them went down, Mr. Smyth usually if he was there. The letters were brought to my desk and I usually opened them. The first delivery in the morning, however, was delivered before I got there, and they were usually opened by Mr. Mabie who was my assistant.

- Q Was there any one besides Mr. Mabie to whom you ever gave authority or whom you knew to have authority from Mr. Williams to open the mails besides Mr. Mabie A? No, sir.
- Q Have you received money through the mails for subscriptions to the Iron Age? A. Yes, sir; money comes through the mails.
- Q With that money, you received what? A. Usually, there is a letter or bill accompanying it.
- Q Are those bills sent to these parties? A. Yes, sir.
- Q And they send them back to you for what purpose? A. To be receipted.
- Q To whom have you given the right; who has the right to receipt those bills for subscriptions to the Iron Age? A. Miss Cummings.
- Q Has any one else a right in that office to receipt the bills? A. Not without special permission?
- Q Did you ever give special permission to any one to receipt the bills? A. When Miss Cummings was away, other persons occupied the desk.



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- Q Who occupied it? A. Mr. Smyth once or twice during the month of August.
- Q Did he occupy it during October or December, 1886? A. Not to my knowledge.
- Q What is the regular order in which this receipt passes through the office of the Iron Age? A. These receipts or the letters accompanying them bear the stamp of the letter. The amount is marked in blue by myself. All subscriptions are passed to Miss Cummings who puts on them another stamp. The stamp contains the date of the receipt and the other stamp shows "paid" on the face of it.
- Q Would you allow a receipt to go out of the office with your knowledge, if it did not bear that stamp? (Objected to.)
- Q Was it the custom in your office to allow a receipt to go out of the office without that stamp? (Objected to.)
- Q Did you ever know a receipt to go out of that office without that stamp on it?  
(Objected to.)
- Q Did a receipt ever go out of that office without a stamp on it? A. Well, receipts that came over the counter did not bear those stamps.
- Q Did the receipts coming through the mails and which were sent to the parties paying the money, bear that stamp? A. I have no knowledge of any receipt going away, otherwise.

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Q Was it the rule of the office? A. Yes, sir. New subscriptions would not bear that stamp. The date of the reception would be marked on the letter in that case.

Q In case any letters came to your office and were opened in your absence, was it a rule of the office that that letter should go under your inspection, afterwards?

(Objected to.)

Q Who has the custody of the subscription list of the Iron Age? A. Miss Cummings.

Q Has any one else? A. Not when she is there.

Q When she is not there who has a right to make entries on the subscription list? A. Well, if she is absent any day, it is done by the person whom I place in charge of the desk during her absence.

Q Was she absent during the months of September and October, 1886? A. I think not, I think she has attended to her duties both those months.

Q Did you during the months of October and September and November give Mr. Smyth authority to occupy that desk and sign receipts? A. There were two days after Thanksgiving when Miss Cummings was in Washington. Whether Mr. Smyth occupied the desk then, I do not know. If he had asked for permission I would have given it.

Q Were there any other times prior to that within two months in which you had given him such authority? A. No, sir.

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- Q Do you swear to that positively? A. To the best of my knowledge. I am certain that during those two months I never gave him any authority. I am positive of it.
- Q Have you examined the subscription list of the Iron Age?
- A. I have.
- Q Have you made an examination of that entry opposite the name of J. D. Henderson on that subscription list? A. There is no entry opposite it. He is the agent of Robert H. Hare Powell & Sons.
- Q Is there an entry opposite the name of Robert Hare, Powell & Sons? A. There was.
- Q What was that entry? A. A change of the figure 6 into the figure 7 crediting up one year.
- Q Did you examine the subscription list as to the name of B. D. Clapp & Company? A. I did.
- Q Was there an entry opposite that name? A. Yes, sir, there was a credit of one year, changing the figure 6 to the figure 7.
- Q Did you examine the entry of the name opposite the Car and Wheel Company? A. I did.
- Q Was there an entry there? A. I think it was changed, a 6 into a 7 or a 5 into a 6, but I think it was a 6 changed into a 7.
- Q Have you seen the receipts appended to this affidavit?



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A. I have.

Q Did you compare these receipts with the entries on the subscription list? A. I did.

Q By whom did they purport to be signed? A. By E. L. Smyth or Edwin L. Smyth.

Q You have examined the cash books of the Iron Age? A. I have.

Q Is there any record on the cash book of the Iron Age of the amount received by David Williams? A. There is not.

Q Are you familiar with the handwriting of Edwin L. Smyth?

A. Very familiar with it; I have seen a great deal of it.

Q How did you come to be familiar with it? A. It was the rule of the office that all letters left by any person in the office should be brought to me to be read and approved before sending them out. All letters that he wrote were brought to me for my approval and stamped before they were sent away. In that way, I became very familiar with his handwriting.

Q Did Edwin L. Smyth ever write his name in your presence?

A. He has brought receipts to me which he said he had signed and asked me to pass upon the amount of change going back.

Q He said that he signed them? A. He handed them to me himself; it was evident that he signed them for his name was there. I do not think I ever asked him that question.

Q What books of account did he keep? A. He kept the accounts of the C. and P.

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- Q What books were those? A. Subscription books.
- Q Any other books? A. Also the club book connected with the same paper.
- Q Any other books? A. I think not.
- Q Didn't he keep the cash book of the C. and B? A. That is a part of the same system.
- Q Did you ever see him make an entry in the cash book of the C. and B? A. I have seen him writing in it.
- Q Did you ever see him writing in the subscription list of the C. and B? A. I have.
- Q From your recollection of the handwriting of Edwin L. Smyth on the cash book, can you swear that the handwriting on these receipts is the same? A. To the best of my knowledge and belief it is, as far as I can swear to anything that I did not see or do myself. I would swear unhesitatingly that it is his handwriting.
- Q Did he have any authority to write those ? A. No, sir.
- Q Did you ever receive the money which came through the mails for those receipts? A. I did not.
- Q If a receipt came over the counter, he had a right to sign it? A. He did.
- Q Out of town subscriptions which came by the mail, did he have a right to sign receipts for those? A. Yes for C. and B. but not for the others, unless he was occupying the desk.

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CROSS EXAMINED.

Q Now, Mr. King, when you received the mail with money in it, did you mark on a memorandum the receipt of that money?

A. I marked on all bills the amount and number.

Q Did you make a memorandum of the receipt of the money on any particular book of this concern, on a slip for example?

A. I marked the amount on a slip and a number. Then I put that number on the letter and bill.

Q What did you do with the money? A. I kept it.

Q Then, at the end of the day I presume you turned over the money to some one else? A. It was counted up.

Q At the end of the day? A. Yes, sir.

Q And the tally list of the person who counted the money was placed with the slip on which you write the amount? A. Yes.

Q You would not know until the end of the day whether there was anything short or not? A. Well, no, I should say not.

Q And the person having the charge of counting the money, you and that person would have to tally before the account would be supposed to be correct? A. The amount of money and the ticket together would have to tally.

Q They have often miscarried, haven't they? A. Very seldom.

Q But, before the month of September, they haven't they?

A. Very small amounts, a few cents. One time we lost some few dollars which were taken out of the drawer.



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- Q Once in a while it happened? A. Very seldom.
- Q Did it not amount to \$4.50? A. No, sir.
- Q At no time? A. Not to my knowledge; not as far as I remember.
- Q Now do you remember whether you were there every day in the month of September at the receipt of the mail? A. When was the 1st of September? I think I was there every day in September. I went after my family I think, the last of August and brought them home.
- Q Come down to October--were you there from the 3rd of September? A. I was there during the whole month. I was not absent a day since, to my knowledge. I am there all the while to my knowledge. I was not there at the receipt of the first mail.
- Q Now do you remember who was there on the 1st of October to receive the first mail? A. I suppose Mr. Mabie was. I do not remember, but I suppose Mr. Smyth did that.
- Q Do you remember to whom it was given when it is brought in? A. It is laid on Mr. Mabie's desk, usually.
- Q What time of the day did you usually get there in the morning from the 1st of October? A. Five or ten minutes of 9 o'clock.
- Q The first mail was in every time you came? A. Yes, sir.

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- Q And distributed on the several desks to which they belonged?
- A. The mail all belongs to me except private matters.
- Q They were supposed to lie on your desk until you came in?
- A. A young man left them on my desk until I got there.
- Q Until you got there, you did not know what disposition was made of them? A. No, sir.
- Q Do you know whether any subscription came in from Clapp & Company on the 1st of October? A. Clapp & Company have written to me that they sent such a subscription and forwarded to me the receipt.
- Q Do you know whether any such subscription came or not? A. I believe it did.
- Q Outside of what they said, do you know? Did you ever receive any yourself? A. I did not receive the money for it.
- Q And do you remember receiving from the Rochester Car and Wheel Company any moneys at all? A. The same answer would apply to that.
- Q Do you know whether anybody else received any subscriptions either from Clapp & Company or the Rochester Car Wheel Company? A. I know that the account has been credited on our list and those receipts have been returned to us and the amounts have been paid.
- Q Is that all you know about it? A. The books show we have not received it.

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- Q The books show you have not received the money? A. Yes, sir.
- Q You say you are familiar with the handwriting of Smyth?
- A. Yes, sir.
- Q Now, I will show you a couple here, Mr. King, please look at them; here is one signature, here is another signature, which is his handwriting? (The Counsel shows the Complaint in this case to the witness)
- A. They are both.
- Q In what respects are they similar? A. The general similarity of the writing. Sometimes he writes fancy capitals and sometimes plain capitals. I have seen him write both ways.
- Q Is there any person in your employ who writes like him?
- A. Not to my knowledge.
- Q Is there a man in your employ named Ilert? A. Yes, sir.
- Q What is his business? A. He has charge of the petty cash.
- Q Well, he has charge of it as well as Miss Cummings? A. Miss Cummings has not anything to do with the petty cash.
- Q Suppose, for example, you were away, who would occupy that desk? A. Mr. Mabie would occupy my desk and open the mail if I told him I was not coming.
- Q Would any one else open the mail for Mr. Mabie as far as you know? A. In case he was delayed or did not get there early Mr. Ilert would open it.
- Q How often did that happen? A. While Mr. Mabie was in the country. He came back, I think, early in September.



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- Q Didn't he do that in the month of September or October or November? A. I do not remember that he did.
- Q You cannot say yes or no, that he did? A. I cannot say positively.
- Q Then, according to your statement, you have the only right when there, to open the letters, the mail, and in your absence Mr. Mabie, and in his absence Mr. Ilert? A. Provided he is authorized to do it.
- Q He is not authorized except you are there? A. No, sir; I hold special authorization. I think he was requested to open the mail to assist me while Mr. Mabie was up at Englewood.
- Q Then, he could have any one else to assist him in putting away the cash? A. He did not take anything out of the letter. Neither Mr. Mabie or Ilert, took anything out of the letters. They simply cut them open. He cut them open to facilitate the opening of the mail.
- Q You say you examined the book and found the account of these persons, Clapp & Company and the Rochester Car Wheel Company credited with the amounts? In any book, did you see them credited where the 6 was scratched out and the 7 inserted? A. Yes, sir.
- Q You found it credited? A. Yes, sir.
- Q When was it you first found any credit? A. It was called to my attention last week, I think.

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- Q Not before that? A. Well, it might have been the week before, it was within a week or two.
- Q Well, on October 1st, or previous to that, did you have your attention called to it? A. No, sir.
- Q You did not? A. No, sir.
- Q Do you know whether the account, the cash account tallied on that day? Whether the cash account tallied with the receipt or the subscription list on that particular day? A. Yes, they tallied ; the figures as given in, tallied.
- Q (Mr. Corev) When those entries are made on the subscription list, are they immediately noted to show that the amount of cash is paid in? A. The entry is made in the cash book first.
- Q Does any clerk in the office or yourself, take the subscription list and make that original entry from the subscription list in the first instance on any other set of books? A. I do not understand your question.
- Q If an entry of 7 is made in the subscription list showing that a certain subscription is paid up to '87, is there any other clerk who takes that to make an entry from it? A. No.
- Q (Mr. Oliver) Why not? A. Because, entries are made on the list which I have marked.
- Q Why is not the entry made in that way? Supposing in your absence, why not some one write it in? A. I do not understand you.

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Q The person who receipts that letter, say Mr. Ilert or Mr. Smyth or whoever is in charge of the desk, why is not there an entry made opposite that in another book to show that the entry is made for a certain amount of money? A. The entry on the subscription book is made from the letters on which I have noted the amount and then checked off. Every letter which has money is entered into the subscription cash.

Q Then, what is done in your absence, you do not know anything about, whether it is paid in or not paid in? A. I do not correct those lists.

Mr. Corey, now said: The Iron Age cannot tell without an examination, whether the entries of '78, made in the subscription list, correspond with Mr. King's tally sheet for the day.

The Witness: You cannot tell without examining them.

Q You did not examine until about two weeks ago, did you?

A. No, sir; about two weeks ago, or somewhere in that neighborhood--within two weeks. When our attention was called to this discrepancy in the office, we examined into the books.

Q Who called your attention to the discrepancy? A. We were informed.

Q Who informed you? A. Mr. Smyth himself told me that he had been taking postage stamps.



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- Q Is that about the subscription list? A. No, sir.
- Q Who informed you about that? A. The clerk brought me the list--Miss Cummings.
- Q She told you? A. Yes, sir.
- Q When? A. About the time I examined them within two weeks ago. It was since Mr. Smyth left the office.
- Q (Re-Direct) During the months of September, October and November, say from the 15th of September to the 1st of December, were you absent from the office any day? A. I cannot remember being absent any day.
- Q Did you during that time give Mr. Smyth any special authority to open your letters? A. I never gave him authority to open a letter.
- Q You mean by saying that you do not remember being absent a day in the specified time, that you are always there at the reception of the mail? A. Well, if I should happen to be out at dinner.
- Q Do you mean to say that? A. Well, I mean to say that I do not think I was there at the reception of the first mail in the morning, but during the rest of the day I was. I am pretty certain I was there.
- Q Most likely you were there? A. Yes, sir.
- Q But you cannot be positive that you were there at the reception of the mail each day? A. I believe I was, but I can-

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not say positively.

J O H N D. H E N D E R S O N, called by the People and sworn.

Q (Mr. Corey) What is your business? A. I represent Robert Hare, Howell & Company and Robert Hare, Powelson and Company. They are proprietors of the Powelton Furnaces.

Q Did you ever see that paper before (Exhibit 1)? A. Yes.

Q What do you understand this paper to be? A. It is a bill from the Iron Age for a subscription for one year.

Q Where did you receive that? A. It was sent to me from the Philadelphia office

Q What did you do with that bill? A. I went to the office of the Iron Age in Duane Street and paid it.

Q To whom? A. I do not know; to one of the clerks there. Some one came to me and received the money.

Q Did you obtain a receipt? A. Yes, sir.

Q Is that the receipt? A. That is the receipt.

Q Did you pay that money in cash? A. Yes, sir.

Q Over the counter? A. Yes, sir.

Q Do you know what desk the clerk came from? A. No, I know it was one of two, I don't know which of the two it was.

Q Did you see that receipt signed? A. I do not remember whether I did or not.

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Q Was it a male or female clerk? A. It was a male clerk.

Q Describe those two desks? A. As you go into the office you go into the doorway here (indicating). There is a desk running along there and shut off here. Go in and turn to your right, and directly in front of you is a small window.

There is a counter running along as you walk along to the left. I went to the window to pay. But a clerk who is seated at one of the two desks, which were to my left, came and received the money. I did not pay it through the window.

Q How many desks were there? A. Only two.

Q Immediately in front of the counter? A. Almost immediately in front, within two or three feet of the counter. It was a male clerk? A. Yes, sir.

Q What did he do with the receipt when you handed it to him? A. I have not any particular recollection of that, I do not know whether he went to the desk and sat down and signed it or whether he signed it there. I have no particular recollection. He might have gone to the desk and sat down and signed it.

Q Did he take it away and bring it back again to you? A. I do not recollect that positively. The same clerk that I handed the money to handed me back the receipt. He brought the voucher back to me.



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Q What date was that? A. From the date on the voucher, it was the 18th of October.

Q Would you know from an examination of that paper, using it to refresh your memory, that it was on that date that you were there? A. No, I know it was in the month of October, because this voucher was put in in my October account

Q It was some time in October? A Yes, sir.

Q Do you remember which of the two desks this party came from? A. No.

Q Had you ever seen any previous receipts from the Iron Age? A. I never had.

CROSS-EXAMINED.

Q Do you remember whether there was any other person in the place besides the person who received your subscription?

A. Yes, sir; several others

Q Males and females? A. Males and females.

Q At the time you went in, did the person who received your subscription stand by or sit near any other person? A.

There were two desks there. There were people all around.

I did not notice particularly who was there. Some one got up from one of the desks to receive the money. I do not recollect anything further than that.

Q Do you recollect whether that particular person was joined by any one else? A. I did not notice anything of the kind.

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- Q You say there were a number of people there? A. Yes, sir; in the office.
- Q Five or six or eight or ten? A. I should say there were more than ten within sight. It is a large room.
- Q And, ~~after~~ at the desks and within the enclosure? A. Yes.
- Q Any one of them could have seen what was done? A. Yes, I presume they could.
- Q All could have seen what was going on? A. Yes, sir.
- Q (Re-direct) How big is the room? A. Oh, it is a very large room.
- Q How many desks were in the room as far as you know? A. I have been in that room twice in my life, I have no idea, I should say there was desk room for twenty, may be.
- Q Were the two desks you speak of, particularly prominent? A. Yes, sir; directly in front of where I stood.
- Q Can you positively and unqualifiedly swear that the clerk to whom you paid that money over the counter, came from one of those two desks? A. I can.

Adjourned to 16th inst. at 2 P. M.

POOR QUALITY  
ORIGINAL

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N. Y. SPECIAL SESSIONS.  
FIRST DISTRICT POLICE COURT.

THE PEOPLE

VS.

EDWIN D. SMYTH.

Stenographer's Transcript,

December 13, 1888

DAVID S. VEITCH,  
OFFICIAL STENOGRAPHER.

101 CENTRE STREET, N. Y.



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J. P. MANN, Printer, 84 Nassau St., N. Y.

# STENOGRAPHER'S MINUTES

*1st District Police Court*  
N. Y. SPECIAL SESSIONS.

THE PEOPLE  
vs.

DAVID WILLIAMS

vs.

EDWARD L. SMYTH.

BEFORE

P. G. DUFFY,

Police Justice.

December 10, 1888.

## WITNESSES.

	Direct.	Gross.	Re-called.
DAVID WILLIAMS.			
MAY CURRIE.		32	33
FLORENCE BLISS.	38-40	40-47	32
W. E. PARTRIDGE.	48-51	49	
ERNEST E. ELIOTT.	53		
JOSEPH JACKSON.	54-56	55-56	
	59		

DAVID S. VEITCH,  
Official Stenographer,  
101 CENTRE ST., N. Y.

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SECOND SESSION.

December 16, 1886.

-----x-  
DAVID WILLIAMS

—VS.—

EDWIN J. SMYTH.  
-----x

BEFORE

P. G. Duffy,

Police Justice.

DAVID WILLIAMS (recalled)

Q (Mr. Corey) Mr. Williams, the other day in your evidence, did you refer to one Edward L. Smyth as having been in your employ? A. Yes, sir.

Q Do you recognize that Edwin L. Smyth as being in Court? A. I do, the defendant.

Q Point him out? A. He is here (pointing him out)

Q That is the prisoner? A. Yes, sir.

Q Mr. Williams, whose duty was it to keep the cash book of the C. and B? A. Mr. Smyth.

Q Have you examined the entries made in that cash book on the 27th of September, 1886? A. If that is the date referred to in that complaint, I have.

Q Did you see an entry made there on the account of F. A. Williams and C. G. Sayles? A. I do not remember the names but I verified the names in the book at the time I made the

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examination.

Q Do you remember the entry made opposite those names? A. No, not now.

Q You verified them at the time? A. Yes, sir.

Q What was the entire amount of cash footed up (objected to)

Q Do you remember Mr. Williams, what the whole of that account was filled out? A. I do not.

CROSS-EXAMINED.

Q Do you remember, Mr. Williams, tallying up the amounts of this cash book, alluded to by Counsel , except on the particular day that he called your attention to now? A. I remember doing them up for those days mentioned in the complaint, but I do not think I did for any other days. In each case I verified the statements .

Q Outside of that, you did not verify any accounts at all?

A. No, sir.

Q You do not know whether the other accounts are correct or not? A. No, sir.



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M A Y C U M M I N G S, called by the prosecution and sworn.

Q (Mr. Corey) What is your business? A. I am the Iron Age and Metal Workers' subscription clerk for Mr. Williams.

Q Do you know Edwin L. Smyth? A. I do.

Q Is he in Court? A. He is.

Q Do you identify the prisoner Edwin L. Smyth who was a clerk in Mr. Williams' employ? A. I do.

Q Do you know whether he was in the employ of Mr. Williams during the months of September, October and November, 1886?

A. I do.

Q Were you there every day during those months? A. Not every day.

Q What are your duties as clerk in the Iron Age, Miss Cummings?

A. I make up the cash every evening from 4 to 5, to agree with the slip on Mr. King's desk on which he keeps the amount. I then stamp them paid. I distribute them to the clerk at the C. & B. desk.

Q What are your duties with the subscription list of the Iron Age? A. I credit all the subscriptions from the list I have.

Q Do you receive any money? A. No, sir.

Q What entry do you make to show that a subscription has been paid? A. Well, if a name is already entered on the list, there is a date, for instance December 26. If a man sends in

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enough money to pay for one year's subscription, I change that from 6 to 7 or as the case may be.

Q Do you recognize that paper? A. Yes, sir.

Q What is that paper or book? A. It is the subscription list of the Iron Age, weekly.

Q Is it your duty to keep this book? A. Yes, sir.

(Book offered in evidence; objection by the defense.)

Q Is that the book in which you made entries? A. It is.

Q Have you examined that book (Hands it to the witness)

A I have.

Q When did you examine that book last? A. Well, I examined it thoroughly on the 11th of November or the 13th.

Q Have you examined it since the 13th of November? A. I have looked at it.

Q Have you examined that entry made out in the name of B. T. Clapp & Company in the month of October, 1886? A. I have.

Q Did you make that entry? A. I did not.

Q What is that entry? A. It is crediting a subscription of the Rochester Car Wheel Company in Rochester, New York, from October 23, 1886, to October 23, 1887.

Q Made in what way? A. Credited with ink, indicated by a figure 7.

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- Q Did you make that entry? A. No, sir; I did not.
- Q Is that your handwriting? A. No.
- Q Will you find the entry of the Powelton Furnace Company in that book? A. Yes, sir, Saxton, Pennsylvania.
- Q Describe the entry? A. It is the entry of the Powelton Furnace Company Saxton, Pa., crediting their subscription from October, 1886, to October, 1887.
- Q Did you make that entry? A. No, sir.
- Q Is it in your handwriting? A. No, sir.
- Q Did you ever see any one else make an entry in this book? A. I never did.
- Q Where did you keep this book? A. It is kept during the day-time in my desk, and in the evening, it is put in the safe.
- Q Was it your duty to keep this book exclusively? A. Yes, sir, exclusively.
- Q Did you know of any one who had a right to make entries on this book but yourself? A. No, sir.
- Q Are you familiar with the handwriting of Edwin L. Smyth? A. I am.
- Q Why are you familiar with it? How did you come to be familiar with it? A. He sat in the desk next to mine for a year and a half; and we were obliged to see each other writing, continually.
- Q Did you ever see him write? A. I did.



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Q Did you ever see him write his name? A. Yes, sir.

Q Would you know his signature if you were to see it? A. Yes.

(Witness was now shown Exhibit 1, receipt from the Powelton Furnace Company; Exhibit 2, receipt of B. D. Clapp & Company; Exhibit 3, receipt of the Rochester Car Wheel Company.)

Q Is that his signature? A. I would say that is his signature

Q Is that his signature? A. Yes.

Q You swear that the signature on the three receipts are to the best of your knowledge and belief, the signature of Edwin L. Smyth? A. To the best of my knowledge and belief.

Q Do you recognize this book? A. Yes.

Q What is that book? A. That is the book in which the subscriptions of the C. and B. are entered.

Q Who had charge of that book during the months of September, October and November, 1886? A. Mr. Smyth.

Q Did you ever see him make entries in that book? A. Many times.

Q Did you ever see any one else making entries in that book? A. Not during those months; I have seen them while he was on his vacation.

Q Prior to that time? A. Yes, sir.

Q Subsequent to that time? A. No.

Q Is that book in his handwriting on a comparison with his

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signature and writing as you have seen it on other papers?

A. Yes, sir.

Q Do you swear that is his handwriting? A. I swear it is his handwriting as I have always seen it.

Q On a comparison with what you have seen when he has written in your presence? A. Yes, sir.

(This book was <sup>now</sup> ~~not~~ offered in evidence by the prosecution for the purpose of proving the handwriting of Edwin L. Smyth. No objection by the defense.

The book referred to is marked "C. Cash Subs. C. & B. and Mechanics."

Q Do you recognize that letter? A. I do.

Q Did you receive that letter? A. I did.

Q When? A. I received it last summer in the country. I could not say the exact date, but the stamp is August 8th. I was at Sea Cliff, Long Island, I suppose that I received it on the 14th.

Q From whom did that letter purport to come? A. From Edwin L. Smyth.

Q Is it in his handwriting? A. Yes, sir.

Q Do you recognize the signature? VA. I do.

(Letter offered in evidence for the purpose of proving the handwriting of the defendant; no objection by the defence.)

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CROSS-EXAMINED.

- Q You say, Miss Cummings, that you kept that book those months until it was corrected, to November 13th? A. It was corrected until November 11th.
- Q In what way was it corrected? A. The entries are supposed to run for about a month. At the end of that time it is sent over to the printer's office and there re-printed. I have a new list in order to make the entries for the next month.
- Q When were those entries made? A. November 11, was the last entry made. It takes a couple of days to re-print it.
- Q Were the items gone over specifically one after the other, to see if there were any mistakes in the footing up, of the items, themselves ? A. No, sir.
- Q What I mean to say is this, when it was corrected, as you say, did the correction consist in some one going over the items and tallying the items? A. No, sir. Correcting is only another word for re-printing.
- Q So the books were not examined at all up to the 13th, simply re-printed? A. The subscription list was not examined by any one that I know of.
- Q Now, when was it examined as you know of, since the 11th of November? A. When it was re-printed, I correct it.
- Q You correct the original? A. Yes, sir, with the re-print.



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For instance, I see if the 7 that I have drawn out with the pen has been printed in the new list. All the corrections are made in that way.

Q Is there any particular thing to which your attention was called that was left in the re-print that differed from the thingnitself.

Q Nothing at all? A. Nothing.

Q Did you notice whether any of those items so inserted were not in your handwriting? A. No, sir.

Q You went over to see if the old list tallied with the new? A. Yes, sir.

Q You passed it over cursorily ? A. Yes, sir.

Q You really made no examination ? A. Not to see if any one else had written in it, because no one else had any right to write in it.

Q Now, when did you first see the entries, these particular entries specified, that they were not in your handwriting? A. I could not tell you.

Q Within this month? A. I guess so, I think so, it was either in the latter part of November or----

Q Try and fix your mind as to what time it was? Was it before Thanksgiving? A. It was not before Thanksgiving; it was since Thanksgiving.

Q Well, Thanksgiving was on Thursday, was it within the Monday,

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Tuesday, Wednesday or Thursday afterwards or ten days afterwards? A. Well, I think it was within ten days afterwards.

Q What particular thing called your attention to the difference in writings at that time when you did examine it? A. Mr. Smyth's 7s.

Q Who pointed them out to you? A. I think I discovered them myself or pointed them out.

Q Now, when did you discover them? A. Within that time.

Q Some one called your attention by looking at them (objected to).

Q Did not some one call your attention to this book and ask you to look at it for the 7 or some other figure? A. I know that I was asked to look over the book; but I know that I discovered it myself. I cannot tell whether one was prior to the other; I think I discovered it first.

Q You know you were asked to look over your book? A. Yes, sir.

Q Was it suggested to you with what view you were to look over it? A. No, sir.

Q What did you look over it for? A. I looked over it to see if any one else had written there besides myself.

Q Was not that the view that you looked over it for? A. No.

Q Had you suspected anything before that, yourself? A. Yes.

Q When did you suspect it? A. I suspected it when Mr. Smyth was gone.

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Q When was that? A. It was in the month of December.

Q Then you looked over that book? A. Yes, sir.

Q Had some one else suggested it, Mr. King or Mr. Williams?

A Well, I think I discovered those figures on the list myself before any one suggested it to me.

Q But you are not certain? A. No, sir.

Q Now, when you were absent, I suppose that you were occasionally absent during the months of September, October or November? A. I think I was not absent at all in September. I am pretty sure I was not. I was absent one day in October.

I have not looked over the matter. I was absent one day in October, and in November I was away on the 25th, 26th and 27th.

Q Did anybody have charge of that subscription list in your absence? A. Mr. Smyth took charge of it for the 26th and 27th. Mr. Smyth had charge of my list for those two days only.

Q Then he had a right to make entries on the list for those two particular days? A. That list only extends to November last. We are speaking of the 26th and 27th of November and that is another thing.

Q I want you to confine your answers to this particular list?

A. In that particular list, no one had a right to make a single entry but myself, nobody. I was absent one day be-



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fore that, but that had nothing to do with it; no one had any right to make an entry in it, for my work laid over for me from one day to the other.

Q Then it was corrected on the 13th of November? A. Yes, sir.

Q Now, what does this subscription list show? Does it show the amount of moneys received on any particular day? A. No. When a subscription is credited for one year, if it is out of the city, it shows \$4.50 is paid--

Q Supposing it is examined on the first of November and there are a whole lot of subscriptions that come in on that day; are they tallied at the end of the day? A. I keep the figures and accounts in the cash book.

Q You simply write the subscriptions in this book? A. Yes, sir.

Q Do you remember whether you tallied the number of subscriptions with the dollars and cents of each particular day? A. Yes, ~~sir~~; but I cannot tell by my subscription list. My subscription list has not anything to do with the cash book.

Q Suppose, for example, that I gave the subscription for \$4.50 and it was marked down to my name, and you received \$4.50 either over the counter or by note--- A. I never received any money.

Q Supposing you put a 6 mark in that book would the tally list of the moneys received dring the day between 4 and 5

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o'clock, have to be compared with the subscriptions put down in the book? A. I do not understand you. Allow me to explain. This subscription list there is no account of money in it at all.

Q You put down on your tally list \$4.50 if you get the money?

A. Not on the subscription list. If the \$4.50 comes in over the counter, it is handed to the petty cash clerk. He gives me the slip and I enter it in my cash book.

Q So you enter it as cash? A. Yes, sir. I charge it to that person.

Q When you looked at that book before it was corrected did you look at each particular item? A. No, sir; we never compare the subscription list with the cash account.

Q Now, do you remember any times in the afternoon of September or October, that you were absent after 3 o'clock for any little time? A. Yes, I think that occurred once or twice.

Q It was in September or October? A. Yes, sir; but understand me, Mr. Oliver, in my absence, in the afternoon, from 4 o'clock, or whatever time I leave, no one had any right to attend to my work.

Q You might possibly have been absent two or three times during one or both of those months? A. Yes, sir.

Q Now in whose charge was the book left during those times?

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A. It laid on my desk until half past 4, and then it was put on my desk until half past 5, and then it was put in the safe. It was not left in any one's charge, particularly.

Q Was it put away when you went away? A. No, sir.

Q What was the reason for keeping it open? A. For reference.

Q It was easy of access for any one in your absence? A. Any one who had occasion to go to it, yes.

Q (Re-Direct) Where is your desk in that office? A. It was the second desk; it is the third desk now as you enter.

Q Was your desk immediately in front of the counter? A. Yes.

Q Whose desk adjoins yours? A. Mr. Smyth's on one side and Mr. Ilert on the other. Mr. Smyth's was to my right-hand as I sat down.

Q Did he occupy that desk during the month of October? A. Yes.

Q Were you present in the Iron Age office during the 18th of October, 1886? A. Yes, sir, I was.

Q Did you see Mr. Smyth on that day? A. Yes.

Q Did Mr. Smyth on that day occupy the desk to your right?  
A. Yes.

(The subscription list was now offered for identification of the names upon it; no objection by the defence. It was also offered as an evidence of the wrongful entries alleged in the complaint; this was objected to by the defence.)



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Q Did you handle any money in the office of the Iron Age for Mr. Williams? A. No sir.

Q How did you make your entries in what you call your cash book from what? A. From the figures marked on the list in blue pencil by Mr. King.

Q Did you ever make any entries except from letters of that description? A. Letters or orders for subscriptions on which the amount of money was written.

RE-CROSS

Q From what list were the receipts made out for the Iron Age, from what paper? A. From different paper in use on the 1st of the month, or whatever paper is in use.

Q What list was in use on the 1st of November? A. They were examined and sent out from the subscription list.

Q By any person? A. By any person who has authority to do it.

Q Any one who has a bill to send out had a right to look at the list and make it out from it? A. Yes, sir.

Q From what other book were the bills made out? A. The December bills were made out from the December list.

Q Kept by you? A. Yes, sir.

Q And made out by different people? A. As the case might be. As a rule, the bills were made out by Miss Bliss.

Q How do you know that you saw Mr. Smith there on the 18th of October? A. I know he was there.

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Q Because he was generally there and you were generally there ,  
is that the reason you say he was there on that particular day

A. I do not know of any special instance---

Q You presume he was there and that you saw him there because  
you were there? A. Yes, sir.

F L O R E N C E B L I S S, called by the prosecution and sworn.

Q (Mr. Corey) What is your occupation? A. I am employed in  
the Iron Age office.

Q As what? A. Clerk.

Q Was it a part of your duty to make out blank receipts for  
the Iron Age? A. Yes, sir.

Q Will you examine that receipt for the Powelton Furnace Com-  
pany---is that in your handwriting? A. Yes, sir.

Q What did you do with that receipt when you had made it out?  
A. I presume I sent it to the Powelton Furnace Company.

Q Was that the regular course? A. Yes, sir.

Q Will you look at that receipt; is that in your handwriting?  
A. Yes, sir.

Q Describe it? A. This is addressed to the Rochester Car Wheel  
Company, Rochester, New York, from October 23, 1886, to Octo-  
ber 23, 1887.

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Q Is that in your handwriting? A. Yes, sir.

Q Did you send it to the Rochester Car Wheel Company? A. I presume I did, sir.

Q Are you familiar with the handwriting of Edwin L. Smyth?

A. I think so, yes, sir.

Q How are you familiar with it? A. Well, being employed in the same place I had occasion to see his handwriting every day

Q Did you ever see him write his name? A. Yes, sir.

Q Is that his signature? (Exhibit 1) A. I think it is.

Q Is that his signature? A. Yes, I should take that to be his signature (referring to the signature on the B. D% Clapp Company's receipt, Exhibit 2).

Q Is that his signature? (Exhibit 3)? A. Yes, that is too.

CROSS-EXAMINED.

Q You say you have seen him write? A. Yes, sir.

Q Would you swear beyond a doubt that that is his signature; beyond any doubt that you cannot be mistaken? A. I think I am ready to do so.

Q Do you do so? A. I will do so.

Q That is his signature without any mistake? A. There is no mistake about it.

Q And how is this? A. I think that is the same signature.

Q Is there any doubt in your mind about that one? A. I do not think so.



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- Q Or this one? A. No, sir.
- Q What is the difference between those two signatures and this one, if any? A. They are written in a clear hand, but that they are signed by the same persons, I think there is no doubt.
- Q What is the difference in the words or the joining of the letters? A. Yes, there is a little difference in the formation.
- Q A little or great difference? A. On this document, the voucher Exhibit 1, the letters are joined together; in this one they are apart, Edwin L. Smyth.
- Q Which way did you ever see him write? A. Well, I think this one. The first is the most familiar.
- Q That peculiar style? A. Yes, sir, I think he wrote that way finest.
- Q Did you ever see him write the other way, or did you simply judge that is his handwriting? A. Well, I cannot discriminate; I never saw him write exactly, only that I am familiar with his handwriting and would know it.
- Q You never saw him write the particular style of those two receipts, did you? A. I saw him write that way.
- Q Have you ever seen him write in that particular way in your life? A. I cannot remember just now that I have.

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Q Will you swear positively under oath that you ever saw him write the first one in that way? A. No sir; I cannot swear that I ever saw him write that way. I know that is his signature.

Q From your familiarity with his handwriting? A Yes, sir.

Q You never saw him write that particular way, did you?

A. I never saw him form the letters while he was writing his signature, but that this is his signature, I know.

Q You do not doubt but that is his signature? A. Yes, sir.

Q You never saw him write his name in that particular way, did you, in your life? A. I never saw him in the act.

Q (Re-Direct) Would you, upon examining these two signatures (Exhibits 2 and 3) would you recognize that as the same handwriting of the first receipt? A. Yes, sir.

Q Will you explain how the letters of the Iron Age come to the Iron Age office? What is done with them? A. Well, the letters that are addressed to the Iron Age office, first are brought by the postman. They come into the office. They should go to our manager direct, and he opens them. Then the money that is in them, he takes out and marks the money on the letter, stamps them "paid", and then they are passed over to the clerks.

Q Have you anything to do with the letters which go out from the office? A. Do you mean the letters or receipts or bills?

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- Q Letters. A. Yes, I have now.
- Q Did you have for the last three months? A. I have had for the last month certainly, and perhaps longer.
- Q Well, how long for the last month, from the first of November? A. Yes, longer than that. I think it began in the latter part of October.
- Q What is your duty about the letters which go out from the office? A. It is my duty to copy them.
- Q Did you ever copy any letters which purported to be signed by Edwin L. Smyth? A. Yes.
- Q Do you recognize the handwriting as his? (Objected to as leading.)
- Q Whenever you copy a letter which purported to be signed by Edwin L. Smyth, did you recognize the handwriting? A. Yes.

M A Y C U M M I N G S, (called by the defense, for further Cross-Examination)

- Q (Mr. Oliver) Did you ever see Mr. Smyth write his name outside of that letter? A. Many times.
- Q Are you sure of that? A. Positive.
- Q When? A. In the office. He has signed his name to receipts at my desk. I stood at his desk talking to him.
- Q What receipts did he have occasion to sign? A. The cash



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that comes in every day. It was for his own receipts of C. and B; and in cases that came over the counter.

Q He would not have occasion to sign any other receipts?

A. Not for the Iron Age.

W. E. P A R T R I D G E called by the People and sworn.

Q (Mr. Corey) What is your business? A. Mechanical engineer and expert in handwriting.

Q Where is your office? A. 294 Broadway.

Q Have you ever been called as an expert in any cases before the Court? A. Yes, sir.

Q In what cases? A. Well, I call to mind now a case of forgery--I was called by Mr. Parsons, and previous to that, I have been called against Mr. Parsons and Mr. Abbott and recently, in some other cases. I do not call them all to mind at present.

Q How old are you? A. About 43.

Q Mr. Partridge, will you examine this letter?

(Mr. Smyth's letter to Miss Cummings at Sea Cliff)

A. Yes, sir.

Q Have you examined it? A. Yes, sir, quite carefully.

Q Will you look at the signatures on these three receipts, Exhibits 1, 2 and 3; is the handwriting---(Question objected to by the defence)

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Q Is the handwriting in that letter, the same handwriting as the handwriting in the signature to the receipt?

(Question objected to as immaterial)

(This witness was now withdrawn for the present.)

E R N E S T F. F I L D E R T, called by the People and sworn.

Q (Mr. Corey) What is your business? A. Clerk in the Iron Age office.

Q What is that book? A. It is the subscription cash for the C. and B.

Q Who kept that book during the months of September, October and November, 1886? A. Edwin L. Smyth.

Q Did you ever see him make entries in that book? A. Not that I am positive of. I know that he has made entries in it.

Q Did you ever see Edwin L. Smyth write his name? A. Yes, sir I did.

Q Would you recognize the signature? A. I would, sir.

Q You cannot swear that you ever saw Edwin L. Smyth write in that book? A. No, sir; I cannot swear to it.

Q How do you know that he kept that book? A. From the fact that he ran the desk or had charge of the desk.

Q Have you seen him have that book? A. Yes, sir.

Q Did you ever see him writing in it? A. No, <sup>not</sup> sir; that I

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could say positively.

Q Will you examine those three signatures on the receipts, Exhibits 1, 2 and 3? A. Yes, sir.

Q From your knowledge of having seen Mr. Smyth sign his name, would you swear that is the same signature? A. I should say so.

CROSS-EXAMINED.

Q When did you see him write; how long ago? A. Well, I have seen it done but I cannot say positively when.

Q Well, about as near as you can tell, was it before the 4th of July? A. Well, I have seen him write his signature ever since he has been in the office.

Q Did you ever see him write his name before the 4th of July last? A. I should say I had.

Q On what list or note or receipt? A. That I could not say. I do not know on what paper it was done.

Q Do you remember the occasion of his writing his name before? A. No, sir; I do not remember it exactly, any more than I should any other signature in the office.

Q Do you remember whether it was in his book or anybody else's book; or a receipt of what? A. No.

Q Do you remember seeing him write his name since the 4th of July? A. I do not doubt but that I have.

Q At any time since the 4th of July? A. Not that I can recall.



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Q (Re-Direct) What books did you keep? A. The petty cash.

Q What is that book? A. It is the petty cash.

Q Will you turn to that book on the date of September 28th, 1886; what is the entry and the amount of petty cash received by you on that day?

(Objected to.)

Q What is the entry on that book on that day?

(Objected to on the ground that the figures in a book kept by another person do not bind us).

Q Who reported the amount of petty cash to you on that day?

A. The amount of subscriptions received Miss Cummings reports to me on a slip, every night.

Q Were the amounts received on account of C. and B.--how were they reported? A. They were reported on the same report; they are all reported together.

Q (Re-Cross) Do you know whether Miss Cummings reported that particular item to you at that particular time and on that particular day, or some other person? A. The report was given to me and it should properly come from her.

Q Do you know whether it personally came from her or not? A. I cannot say positively.

Q Well, do you remember who opened the letters on that day?

A. No, sir; I do not.

Q Do you remember whether you did? A. On that particular

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day?

Q Yes. A. Well, the general thing is---

Q On that particular day, do you remember who opened the letters? A. Mr. King is supposed to open them.

Q Do you know who opened the letters on that particular day? A. Well, from the fact that no one else but Mr. King opens them, I know it.

Q Did you see him open them? A. No, sir.

Q Did you open them on that particular day? A. No, sir.

Q How do you know you did not? A. I have not opened them for some time back.

Q What do you mean by some time back? A. Well, probably since the 15th of September or so. I have cut them open. I never opened them myself for a year back.

Q You have not cut them open since the 1st of September? A. No.

Q Are you positive of that now? A. I will not say positively

Q Do you remember whether anybody else opened them besides you or Mr. King since the 15th of September cut them open in the way you have spoken? A. Yes, sir.

Q Who was that person? A. Mr. Mabie.

Q Do you remember when he cut them open, what he did with them in any particular instance since the 15th of September?

A. The same as any one else would keep them on his desk until Mr. King came.

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- Q Well, how long did they remain upon Mr. King's desk? A. They remained upon Mr. Mabie's desk until Mr. King came.
- Q Do you remember how long they remained on Mr. Mabie's desk before Mr. King came? A. I do not remember any particular length of time.
- Q Do you remember whether any particular person stood alongside of these particular letters that were opened on these particular times? A. No, sir.
- Q Do you know whether they were all easy of access to any person besides Mr. Mabie while they were on the desk? A. That I cannot say.
- Q Could any person reach his desk? A. As a general thing he sits there until Mr. King comes.
- Q Any of the young men or women could take them? A. Not if he was there. No one could be at his desk unless he knew it.
- Q Now who else ever opened the letters besides you and Mr. Mabie in Mr. King's absence? A. No one else that I know of.
- Q Do you remember whether Mr. Smith ever opened them or not? A. No, sir.
- Q Never did? A. Not that I know of.
- Q You know Mr. King did? A. Yes, sir.
- Q You know Mr. Mabie did? A. Yes, sir.
- Q You know yourself did? A. Yes, sir.
- Q Did you ever see Mr. Smyth open any of those letters, yes or



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no? A. No, I did not.

J O S E P H J A C K S O N, called by the People and sworn.

Q (Mr. Corey) Where were you employed on the 22nd of October, 1886? A. In the Dry Dock Railroad Company.

Q Who is the president of that company? A. William White.

Q Will you state what you did on that day? A. Well, I could not state everything I did.

Q Were you in the office of the Iron Age, 66 Duane Street?

A. Yes, sir; I was.

Q Will you state what object you came there for? A. To pay a bill.

Q Where did you pay it? A. I paid it in the office, sir.

Q Over the counter? A. Yes, sir.

Q To whom did you pay it? A. To a slim, dark complexioned man.

Q Do you recognize any one in court that you paid it to?

A. He talked a good deal like a girl, the man who waited on me.

Q Well, what did he do with the money that he received? A. That I cannot say.

Q Would you recognize the man to whom you paid the money?

A. I would not, sir, I only saw him once.

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Q Do you identify the prisoner as the party to whom you paid the money? A. No, I would not swear to it.

An adjournment was now taken until the 20th inst.

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N. Y. SPECIAL SESSIONS.

THE PEOPLE

VS.

DAVID WILLIAMS,

VS.

EDWIN L. SMYTH.

Stenographer's Transcript,

December 16th, 1886,

DAVID S. VEITCH,

OFFICIAL STENOGRAPHER,

101 CENTRE STREET, N. Y.



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TORN PAGE

J. P. MANN, Printer, 84 Nassau St., N. Y.

# STENOGRAPHER'S MINUTES

~~NEW YORK SPECIAL SESSIONS~~

*First District Court.*

THE PEOPLE

vs.

DAVID WILLIAMS,

vs.

EDWIN L. SMYTH

BEFORE

Hon. P. G. Duffy,

Police Justice.

December 20,

1886.

## WITNESSES.

Direct. Cross. Re-called.

WILLIAM HEIM,

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WILLIAM E. PARTEIDGE,

62-72

68-73

ERNEST E. EILERT,

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DAVID WILLIAMS,

79

DAVID S. VEITCH,

Official Stenographer,

101 CENTRE ST., N. Y.

THIRD SESSION.

DAVID WILLIAMS

VS.

EDWIN L. SMYTH.

BEFORE

Hon. P. G. Duffy,

Police Justice.

December 20, 1886.

W I L L I A M   H E I M, called by the prosecution and sworn.

Q (Mr. Corey) What is your occupation? A. Letter carrier.

Q Were you a letter carrier during the month of September, 1886?

A. I was.

Q Did you bring a registered letter to the office of the Iron Age, to the office of David Williams on the 3rd of September, 1886? A. I did.

Q To whom did you deliver that letter? A. To Mr. Smyth.

Q Do you recognize the defendant Edwin L. Smyth as being the man to whom you delivered that letter? A. Yes, sir.

Q Did you receive from him a receipt? A. Yes.

Q Did he sign the receipt? A. Yes.

Q Is that the paper (shown witness)? A. Yes.

Q Did you see him sign the receipt? A. Yes, sir.

Q In your presence? A. Yes, sir.

(This receipt was now offered in evidence to prove the handwriting of the defendant.

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and marked Exhibit 4; no objection by the defence.)

WILLIAM E. PARTRIDGE, recalled by the Prosecution.

Q (Mr. Corey) Mr. Partridge, have you examined that letter written by Edwin L. Smyth to Miss Cummings and offered in evidence on the 16th? A. Yes, sir.

Q Have you examined this cash book? A. Yes, I have examined it.

Q Is the handwriting in the cash book the same as in the letter and on that receipt? A. I have examined from a point, about the end of November, back through, perhaps, one hundred and fifty pages.

Q To what month does that take you? A. To somewhere in January, 1886.

Q Is the handwriting in that book which you have examined, covering that period, the same as the handwriting in that letter? A. Wherever I have examined it, I have found it the same. I have not examined every day.

Q Will you turn to the entry of September 28, 1886, opposite the names of Stephen H. Coon, F. A. Williams and C. G. Sayles?

A. I have examined those lines.

Q Will you state what those entries are? A. The first line is Stephen H. Coon, Philmont, New York; F. A. Williams, Canton, Pennsylvania and C. G. Sayles, Grandville Centre.



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Q What are the entries on the same lines after those lines;  
is there any entry of the amounts? A. There is an entry  
of one dollar against two, two dollars against Sayles.

Q Are those entries in the same handwriting as the letter and  
other papers which have been proven to be in the handwriting  
of the defendant? A. There is no doubt in my mind in re-  
gard to their being identical.

Q Do you swear positively, that the handwriting is the same?  
A. I should be willing to make that assertion.

Q Are you willing? A. Yes, sir.

Q Do you make that assertion? A. I make the assertion  
that those handwritings are in my opinion identical. Of  
course, the reasons upon which they are based, you do not  
wish?

Q I would like to have you state the reasons upon which you  
base your opinion that the handwriting is the same. Will  
you explain the reasons, Mr. Partridge, for your opinion?

A. In comparing one kind of handwriting with another, one,  
of the first things to look for is the habit of the arm and  
hand, or as we term it the habits of the handwriting. These  
comprise proportions of letters more even than the form it-  
self. Sometimes a man can turn a letter backward and make  
it entirely different.

We have as the first thing the proportions of the

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letter S. In the capital letter S, in Stephen H. Coon the top is sharp and the bottom a large loop bearing certain relations which any one can see in examining the whole letter. In the Cummings' letter I find a similar proportion and the sharp top S in the fourth page. The capital C dropping below the line finished with the upward stroke which is much flattened or straightened at the close. That ~~xxxx~~ straightening or flattening of the loop is found in several places in the Cummings' letter. It is a part of the habit seen in the ~~xxxx~~ Ms of Monday morning, page 3. The capital C in C. G. Sayles, or capital C in centre, or capital C in Canton and the capital C in Coon, show the characteristic features of the C in Cummings, the A, in August and the A in Avenue, first page of the Cummings' letter. In the Cummings' letter this C is considerably flattened, but it drops below the line and has a peculiar backward flourish, characteristic of most of them. The C in Coon, however, or loop or oval at the bottom is carried backward as though to make another entire circuit before turning.

- Q Are those practically all the characteristics which you have in that handwriting? A. No., the handwritings are. The two specimens are so uniform that it would be possible to go over letter by letter and stroke by stroke and though I have not done so with every letter and every stroke, yet as far as I have gone, I have found justification for the habits of the

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hand in the letter and in the entries. In other words, in my own mind, it has been cumulative evidence piled up by comparing stroke by stroke and what was evidently the rule which the writer had established by himself, in making each of the letters . . .

Q Will you examine the entry under October 20, 1886, the entry of the name of William White? Do you find that entry?

A. I do.

Q Explain it please? A. "William White, City, \$1.00"

Q Is that entry made in the handwriting of Edwin L. Smyth?

A. It is made in the handwriting of the Cummings' letter.

It has every characteristic letter by letter of letters which occur in this.

Q Can you tell, as an expert, whether figures having the same general characteristics as words, that is to say, whether the habits of the hand and arm are such as to necessitate the figures made by the writer similar in every case?

A. They are usually similar; the only difference is where a man learns two sets of figures and sometimes uses one and sometimes another.

Q Have you examined the figures which have been entered there on the cash book? A. I have. The figures made opposite these entries, this part of the cash book.

(The witness was now shown the subscription list of



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the Iron Age which was offered for identification heretofore).

- Q Do you find on that subscription list, any entries of the figure 7 which are similar to the figures which are entered in the cash book? A. There is here, in column 73, an entry carried to B. D. Clapp & Company of a 7 which possesses the characteristics of the 7s in this book.
- Q Is that in the same handwriting as the figure 7 in the cash book? A. From my examination of the papers, there is no doubt in my mind in regard to its being in the same hand.
- Q Will you examine that page of the subscription list and tell me if you can find any figures 7 which are similar to or correspond to the figures of Edwin L. Smyth? A. Here is one, in column 69, carried to the Rochester Car Wheel Company a 7 which has the characteristic features of those in this book--cash book.
- Q Do you find any entry of the figure 7 similar to those of Edwin L. Smyth? A. I find in column 109, Powelton Furnace a 7 which has the characteristics of those in this cash book.
- Q Is that 7 in his handwriting? A. From my examination of the papers.
- Q That is your opinion as an expert, is it? A. There is no doubt in my mind as to the fact that this 7 was written

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by the same hand which wrote the entries in the cash book  
(Offered in evidence to prove that the defendant  
made those entries; objected to by the defence.)  
(Cash subscription book "C" now offered in evidence  
by the Prosecution.)

Q Have you examined that paper (Showing witness a paper)?

A. Yes, sir.

Q What is that paper? A. A postal note for \$4.50.

Q Give the contents of it? A. It is a postal note for  
\$4.50 payable in New York City sent from Keeysville, New York  
and signed L. L. Barrett.

Q Have you examined that signature of L. L. Barrett? A. Yes.

Q In whose handwriting is that signature? A It is the same  
handwriting in my opinion, as Miss Cummings' letter.

Q Is there any attempt in that signature of the postal note to  
disguise the handwriting?

(Objeted to)

Q Is the handwriting in that postal note precisely the same as  
the handwriting on the letter? A. I see no difference be-  
yond those of a different pen and different paper. The  
postal note is a rough paper and apparently one which absorbs  
ink readily. It modifies the appearance to some extent.

(Paper offered in evidence and marked Exhibit 5.)

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CROSS-EXAMINED.

- Q Have you examined any other handwritings in Mr. Williams' establishment? A. Yes, sir.
- Q Did you see whether there was any similarity in the figures? A. Yes, sir.
- Q Is the distinguishability or dissimilarity so great that they can be distinguished cursorily? A. Most of the figures that I have examined, most of the handwriting, are very easily distinguished, notably that of Miss Cummings, or I suppose that it was Miss Cummings.
- Q You were told this was Miss Cummings' figuring? A. Her figures I examined elsewhere.
- Q Did you examine anybody else's book in Mr. Williams' employment which showed any similarity to Edwin L. Smyth's handwriting? A. There were no other handwritings in books that I saw that bore any resemblance that even a cursory examination would show they were alike or similar. I think I examined no handwriting that even a non-expert would not have said at once, that there was a marked difference.
- Q Whether it related to the writing of words or figures or whatever was easily noticeable, was it? A. Yes, sir. The difference in all cases that I examined was marked. It did not need an expert to distinguish that.
- Q Are the 7s in that book, made by any one easily distinguish-



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ed from the 7s made by Mr. Smyth when they were comparing them for re-print? A. I do not know Mr. Smyth's handwriting. There are two classes of 7s in this list. I think a person making a careful examination would find that they were marked.

Q Now, one who kept the book would know, as a matter of fact, that they were different? A. Well, that is a little out of my line. I would say that I should in going over these, I would pick out two, yes three distinct classes of 7s here. (Witness now referred to the classes and distinguished them on the list.) This 7s against Powelton is similar to Mr. Smyth's. It is distinguished entirely from both of the other 7s in its formation.

Q Were the other two made by the same person in your judgment? A. I cannot swear to that.

Q Why not? A. Judging from this and knowing nothing of the handwriting, "judging from this one would suppose that the 7s on the left and the 7s on the right, the majority of them were made by one hand, which was different from the 7s in the Powelton.

Q Then, although there is a difference, you should judge that the two were made by the same person? A. Yes, sir.

Q Yet the differences are noticeable? A. Yes, sir. It is necessary to qualify my answer in order to make it perfectly accurate. I do not like to let an answer go, which, as an

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expert, is not quite correct while I am under oath.

Q Didn't you examine any other postal cards or letters outside of those shown to you here to-day, in Mr. Williams' employment? A. Yes, sir; a considerable number of them.

Q Did you see any 7s in any of them? A. No, sir; there were no figures; my attention was not called to them.

Q Did you see any figures in any other books which looked like the figure 7 which you have marked down there? A. Yes, sir; I saw the figure 7--there were 7s, they had some similarity to them.

Q 7s outside of the book, the cash book? In whose book did you see those 7s that you say had a similarity? A. The book was handed to me as one which was kept by Mr. Smyth.

Q In any other book, did you see any 7s which looked like those kept by Mr. Smyth? A. I do not think I looked in any other books.

Q Do that you do not know whether any one else in that establishment made a figure 7 similar to the one you saw in his book? A. I examined those books most carefully.

Q Those were the ones your special attention was called to? A. Yes.

Q You were told that Mr. Smyth had kept them, weren't you? A. Yes.

Q Who went over them with you? A. I went over them alone.

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- Q Who gave them to you? Who handed them to you? A. I do not know who handed them to me the first time; I looked at them several times. They were left on desks. I recognized the books and I picked them up.
- Q Did you go over that subscription list alone? A. Yes,
- Q Which particular part did you go over? A. I went over it page by page and column by column? A. There are only two columns of figures on the page. The corrections are made on the margin .
- Q Do you know whether the corrections are in the same handwriting as Edwin L. Smyth's figure 7? A. I did not examine the handwriting of the corrections, only the figures.
- Q Did you examine the corrections and see if they were exactly like those that were corrected? A. Do you mean simply the figure 7?
- Q Yes; is not that a correction (showing to witness)? A. Yes.
- Q Is that an improved figure? A. I did not look for those. I looked for changes in dates and that was all.
- Q Look at the 87 there and see if it is merely a change of date or a new figure? A. It is a figure apparently written over 86.
- Q Is there any indication that there was a 6 there?
- A. Yes, sir.
- Q Where? A. It is under the horizontal part of the 7.



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Q Is that within the 7? A. Yes, sir; and the 7 is over the stem of the 6, I think.

Q Is that a correction? A. Yes, sir.

Q In whose handwriting is that? Is it in the same handwriting as the other 7s on either side of the margin or is it not a different 7? A. It is similar in its characteristic to the 7s on this side of the page.

Q It is dissimilar in some characters? A. As I have not examined it and this is a poor light, I would <sup>not</sup> like to make an opinion.

Q (Re-Direct) Will you explain the question asked you on the Cross-Examination in regard to the difference between the 7s? A. The 7s on the two sides ~~which start~~ <sup>are started</sup> by making a mark on the place where the change of figure is to be made. The pen is swept out to the right or to the left, <sup>to</sup> and the place where the 7 or other figure is to be written; and the figures are written continuously with that sweeping line. The result of that apparently is, that in going to the right the down stroke or dot with which the 7 is begun, is larger, forms a clearer corner than it does on the left-hand side where the pen has to return horizontally, I mean on the same line before it finishes or comes down.

Q Did you mean to say on your Cross-Examination that the 7s

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on the left-hand column and the 7 on the right-hand column bore any marks of difference; I refer to the 7s which are not similar to those of Mr. Smyth? A. Yes, I think they bore several marks of dissimilarity.

Q Could they have been made by the same hand (objected to)

Q Are the entries of 7 in that subscription list, exclusive of those alleged to have been made by Mr. Smyth, and to which you have referred, are those in your opinion made by the same hand? Are they in the same handwriting notwithstanding the dissimilarity of which you speak? A. I think they are in the same handwriting.

Q (Re-Cross) Were all those 7s written by the same pen on that page? A. I did not examine them to see, with this light I could not tell whether it is possible to answer that question. It might be possible to make an answer in some case, but-----

Q Do you know whether it was the same kind of pen or not?

A. I do not know.

Q Can you tell whether they are written by the same kind of ink?

A There is every probability that they were written by the same kind of pen; the general appearance of them indicates it. The weight of the shade and the weight of the hair line seems to be as uniform as steel pens run.

Q Were they written by the same kind of ink? A. The color

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of the ink as far as I noticed it, was quite uniform. The entries throughout of the 7s as far as I noticed them, were quite uniform in color.

Q (Re-Direct) Mr. Partridge, will you examine those three receipts marked Exhibits 1, 2 and 3; is that in your opinion the same signature, in the same handwriting as the entries in the cash book? A. I see no reason to doubt their identity in any way.

Q Well, were they written by the same person? A. That is my opinion.

Q Are they in the same handwriting? A. I think so.

Q Have you examined those receipts and signatures before?

A. I have this one I am not certain of these two.

Q Will you examine them now? A. Yes.

Q Are those signatures in the same handwriting as the handwriting which we have proved here? A. I think they are.

Q Can you swear positively as an expert that they are? A. I can, to that one.

Q (Re-Cross) Can you see well by this light? A. I can see the forms which are necessary here in those cases. While I do not know this individual one, it is so light, the other signatures---

Q Can you swear so accurately, as not to be mistaken about them? A. There is no doubt in my mind about it.



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Q (Repeated) A. I have sworn that they are identical.

Q Can you swear now that you cannot be mistaken about them?

A. I could not swear so accurately as to beyond the possibility of a mistake; no expert can.

Q I am not talking about other experts, but about you --now, can you swear to the subscription list so accurately that you cannot be mistaken as to the similarity of the 7s to those on the cash book. A. I can swear in regard to these 7s that from my examination of the papers there is no doubt in my mind as to what handwriting these 7s were made in. That is all I can swear.

Q Are you so positive that you cannot be mistaken? A. Men are not usually so positive as to be beyond the possibility of a mistake, and I am a human being.

Q You cannot swear positively that you cannot be mistaken in that particular instance? A. No.

Q Are you so positive in your statements about the others that you have examined, that you cannot be mistaken? A. I do not think there is any doubt in my mind about the others, none whatever.

Q (Re-Direct) Can an expert swear in any case so positive that he cannot be mistaken?

(Objected to).

Q Can you, as an expert, swear so positively as to the similar-

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ity or identity of two handwritings as to be mistaken?

A. There are cases where I or any other man could swear and no possibility of mistake. An expert's opinion is of small value as compared with facts.

Q Can you swear positively, that the handwriting on those receipts is the same handwriting in the cash book? (

(Objected to on the ground that the witness has already sworn that he cannot be positive about the two receipts.)

Q In your opinion, as an expert, are the signatures on those receipts, the same as the handwriting in the books and papers? A. Undoubtedly and without a doubt in my mind.

Q Are the 7s in that subscription list, in your opinion as an expert, the same as the figure 7 which occurs on the cash book, kept by Mr. Smyth? A. All I can say in answer to that question, I have said previously, that from my examination of the papers in this case, I have not any doubt in regard to it. That is a perfectly accurate statement of my opinion.

Q (Re-cross) You say you are an expert? A. Yes, sir.

Q Where did you learn to write? A. In the town of Dexter in the State of Maine.

Q How long have you been an expert in writing? A. I have been studying writing ever since I learned.

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- Q How long have you professed yourself as an expert? A. Ten years. In fact, I taught writing before that.
- Q Well, do you remember in some of those cases in which you testified that you were a witness as an expert, that you were mistaken at any of those times? A. No, sir.
- Q You do not remember a single instance? A. I never had a case where I was proved to be in a mistake. In fact, my opinions I have never put forward. A man's opinions as an expert are of no account as compared with the facts that he points out.
- Q I presume from that that in every case in which you have been examined, the side upon which you have testified has won? A. I do not know; but in one case the opposing counsel to stop further testimony admitted the whole expert side.
- Q That might have been to save Stenographer's fees? A. Possibly.

ERNEST F. EILERT, recalled by the Prosecution.

- Q (Mr. Corey) Turn to the entry September 28, 1886 --do you see an entry there? Turn to the entry of Coon's and others--what are the sums opposite those entries? A. One dollar opposite Coon.
- Q What is the entry of that total amount? A. \$11.36.
- Q Have you added up that account? A. I have.



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- Q What is the true amount? A. The true amount is \$14.36.
- Q Examine the entry of October 22, the name opposite the name of William White? A. One Dollar.
- Q Have you added up the total amount of Smyth's figures for that day? A. Yes, sir.
- Q What is the entry of the total amount? A. The total amount entered here is \$285 ; the true amount is \$286.
- Q You have carefully examined that account? A. Yes, sir.

CROSS-EXAMINED.

- Q Were those things pointed out to you since you were here before? A. No, sir.
- Q What books do you keep, bye the bye? A. Petty cash book.
- Q Have you found a mistake in your own book after a day or so had passed away? A. Yes, sir, I kept a record of it and always found it.
- Q How long ago? A. I couldnot say exactly how long ago.
- Q Well, about? A. I could not say when I had a mistake. I have never kept any particular record of them.
- Q You might have added up the amounts for a day and in looking over the book found a little error and corrected it? A. No, sir; for the simple reason that if I madean error, I would have to find it and make the cash of the house agree.

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DAVID WILLIAMS, recalled.

Q (Mr. Oliver) Was it ever reported to you by Mr. King or any one else that Mr. Smyth in the course of his employment had taken a check for \$200 to the bank, and brought back \$300, and notified Mr. King, and then brought the balance back to the bank? A. I never heard of it, sir.

Q Was it reported to you by Mr. King or any other person that a registered check for \$10. was found in the scrap basket amongst Mr. King's letters, found by Mr. Smyth and returned to you? A. We made other arrangements for getting our mail from what we had before. About that time Mr. Smyth brought two letters to Mr. King which he said he found in an overcoat or something of that kind. I have been away from my office, I think, more than half the time, away in the country or abroad in Europe more than half the time for the least year and a half.

Q (Mr. Corey) What is the extent of the authority that you repose in Mr. King? A. Absolute.

Q What is the extent of his power of attorney? A. Unlimited.

Adjourned until the 23rd , at 3 P. M.

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*First District Court.*  
N. Y. SPECIAL SESSIONS.

THE PEOPLE

vs.

*David Williams*

- vs. -

*Edwin L. Smyth.*

Stenographer's Transcript,

December 20, 1886.

DAVID S. VEITCH,  
OFFICIAL STENOGRAPHER,  
101 CENTRE STREET, N. Y.



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J. P. MANN, Printer, 84 Nassau St., N. Y.

STENOGRAPHER'S MINUTES

N. Y. SPECIAL SESSIONS.

THE PEOPLE

vs.

*Edwin L. Snythe*

BEFORE

*Hon P. G. Duffy*

*Police Justice*

*July 19<sup>th</sup> 1887.*

WITNESSES.

Direct.

Gross.

Re-called.

*Edwin L. Snythe*

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*86*

*John S. King*

*89*

*Mr. Merrill*

*89*

*J. W. Launette*

*90*

DAVID S. VEITCH,

Official Stenographer,

101 CENTRE ST., N. Y.

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FOURTH SESSION.

-----X  
D A V I D   W I L L I A M S       :       BEFORE  
                                  :       Hon. P. G. Duffy,  
                                  :       Police Justice.  
E D W I N   L .   S M Y T H .       :  
-----X

January 19, 1887.

Mr. H. B. Corey for the People

Mr. F. V. S. Oliver, for the Defence.

Defendant's Counsel now moved for the dismissal of the Complaint on the ground that there is no specific act of larceny proven; motion denied pro forma; exception. The Justice said he desired to hear both sides of the case before granting the motion.

E D W I N   L .   S M Y T H the defendant in this action, was now called and sworn in his own behalf.

Q (Mr. Oliver) How old are you ? A. Nineteen.

Q How long are you in the City of New York? A. About two years.

Q How long have you worked for Mr. Williams? A. About a year and a half.

Q In what capacity? A. As subscription clerk of the C. & B and to assist on the Iron Age when a clerk who had that

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was absent.

- Q Well, now, you heard the specific charges against you---  
did you on the 18th day of October, 1886, collect from J. B.  
Henderson \$4.50 and appropriate that or any part of it to  
your own use? A. No, sir; I did not.
- Q Did you receive from B. C. Clapp & Co. of Keysville, New  
York, \$4.50 on October 8, 1886 and keep any part of that for  
your own use? A. I did not.
- Q Did you in either of those two cases mark opposite the sub-  
scription the figure 7 indicating that those payments were  
made up to 1887, in either of those two cases? A. No, sir;  
I did not.
- Q Now, did you receive from the Rochester Car and Wheel Company  
of Rochester \$4.50 by mail and appropriate any part of that  
to your own use? A. No, sir; I did not.
- Q In October, 1886? A. I did not.
- Q Did you make a figure 7 opposite the entry in that subscrip-  
tion list? A. No, sir.
- Q Did you at any time alter the book or books of your employer  
either as publisher of the Iron Age and the C & B. at any time  
during your term of employment, especially that time, from  
August, 1886 up to January 1st, 1887? A. No, sir.
- Q Now, it reads here (in the complaint) that in September,  
1886 you had charge of the C. & B. subscription cash book,



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is that so? A. Yes, sir, that is so.

Q Now, did you receive from F. A. Williams of Canton, Pennsylvania and one C. G. Sales of Grandville Centre, Pennsylvania a letter containing two dollars for a subscription to the C. & B? A. I received no letters myself as a subscription for the C. & B?

Q Did you open the letter in which the said subscription was contained without authority, and appropriate any of that money to your own use? A. No, sir, I did not.

Q And did you make any entry in the book opposite the subscription, opposite the names of Williams and Sales, on September 28th? A. No, sir.

Q Did you in the case of Stephen Coon on the 28th of September receive and open a letter without authority and appropriate the contents of said letter namely, two dollars to your own use? A. No, sir.

Q Did you as far as you could correctly, set down, and as far as you knew of the sum of money that were received by you, in the book that you were authorized to keep? A. Yes, sir, I did.

Q Did you set down in that book you were authorized to keep all moneys received by anybody else that were necessary to be put down in that book according to your best skill and knowledge. A. Yes, sir.

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Q In what manner, during your employment there, was the cash received and turned in by any person for a subscription to the Iron Age and the C. & B. that came over the counter?

A. Well, a person came up to the counter to pay a subscription, anyone, no one in particular, most generally myself would go up to the counter and take the subscription. If a person had a bill paid he made out, we would sign our own name to it and make out a subscription blank for the amount of money received, for whatever it was, Iron Age, C. & B. or Metal Worker. This money would be handed in to Mr. Eilert, the petty cash clerk.

Q In what way? A. It was laid on his desk or kept until he was there. Oft times it was laid on his desk. Well, then at night when Miss Cummings made up her cash she was supposed to get all the subscription blanks for money received over the counter. The subscription blanks for Iron Age and Metal Worker she kept to herself, and the blanks for the C. & B. I kept myself.

Q And the money was handed over to whom? A. To Mr. Eilert.

Q By Miss Cummings? A. By the person who took the subscription over the counter no matter who it was.

Q Well now, how about the opening and receiving of letters?

A. Well, when the letters were brought in, that is when the letter carrier would bring them to the foot of the stairs he

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would whistle and any one could go and get them ; it was the business of the errand boys; if they were not there, either Mr. Bliss or myself would bring them up to Mr. King. Often, Mr. Eilert or Mr. Mabie would say "Let me look over the letters". They would keep them until they were sent up to Mr. King.

Q Did they recognize the places from whence the letters came? Would they open them before Mr. King came? A. In the morning, the first mail was always opened by Mr. Mabie or Mr. Eilert. If Mr. Mabie was not there, Mr. Eilert opened them.

Q Were you ever in any trouble in your life? A. No, sir.

Q Where do you live when you are at home? A. Philadelphia.

Q Where? A. Eighteenth and Spring Garden.

Q Are any of your relatives there? A. Not at present, no; my parents are dead.

Q Your grandmother is dead? A. Yes, sir.

Q And all belonging to you? A. Yes.

Q You are under age and have a guardian appointed? A. Yes, sir; I have some aunts living.

Q You are a ward in the Probate Court in Pennsylvania? A. Yes.

Q You have a guardian controlling a great deal of your property? A. Yes, sir.

Q There was a circumstance mentioned here in the examination of Mr. Williams about the sum of \$300 got on a check from Mr.



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King.

(Objected to as immaterial)

Q Do you remember while in your employment receiving from Mr. King a check for \$200, and going to the bank with said check and returning with \$300? A. Yes, sir.

Q You told Mr. King of that; and told him that you had received \$300, having been overpaid that much? A. Yes, sir, it was Mr. George King that sent me.

Q Do you remember finding anything in the waste basket?

A. Not myself, but one of the errand boys found a registered letter containing \$10. He asked me what he should do with it, and I told him to take it right up to Mr. King.

Q Did you speak to Mr. King about that? A. No, sir, I told the boy about it.

Q You were arrested some time ago in relation to postage stamps while in the employment of the complainant in this case. That case was disposed of and dismissed by the Justice before whom it was heard? A. Yes, sir.

Q Have you got anything else to say in relation to the case that you think you ought to say for your exculpation?

A. I have not anything else to say.

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CROSS-EXAMINED.

Q When you were arrested for the charge of taking postage stamps what statement did you make to Mr. King and Mr. Williams in regard to the matter? A. That I was not guilty.

Q Do you remember what the exact language was that you used at that time? A. I do not.

Q You told Mr. Williams that you were not guilty? A. Yes, sir.

Q And that you had not taken any postage stamps? A. I said so.

Q Didn't you tell Mr. Williams that you had not taken as large an amount of postage stamps as he supposed?

(Question objected to on the ground that the case referred to has been disposed of.)

Q You swore that you had never received any money from J. B. Henderson? A. I did.

Q Are you positive of that? A. I am quite sure of it.

Q You were in the habit of receiving money over the counter? A. At times.

Q When that money was received by you, did you give a receipt for it? A. I said I did not receive it.

Q Well, I mean when you received it? A. Yes, sir, I gave a receipt for it or gave it to Miss Cummings to receipt for it.

Q. You have no recollection of receiving this particular money? A. No, sir.

Q If you had signed a receipt for that money, would you remember

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the fact? A. I think I would; then I received so many that it would be hard to tell one from another.

Q Is that your signature? (Exhibit 1) A. I say it is not mine. The signature is like mine, but it is not mine.

Q Are you familiar with the custom of the Iron Age of receiving money coming through the mails? A. Yes, sir.

Q You know the regular form of a receipt going out from the office when you were employed there? A. Yes, sir.

Q Will you look at that receipt and tell me if that receipt is regular in its form and corresponds with that which you usually sent out from the Iron Age? A. Yes, sir.

Q Were there any other entries on that? A. Yes, sir, down here where I is is the number of the list on which the subscription is credited up; where C. S. is is the page in the cash subscription book; and "by" is by the person making out the receipt.

Q Are there such entries there? A. No, sir.

Q Then it is not a regular receipt? A. No, sir.

Q Do you know who signed that receipt? A. I do not, I did not.

Q Have you any recollection, Mr. Smyth, of a letter which came to the Iron Age some time in November, I think it was, 1886 from F. A. Williams, Canton, Pennsylvania, a letter containing money? A. I do not know about it at all; it may have



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come; a great many letters came.

Q You swore in your examination that you did not make an entry in the cash book against the name of F. A. Williams? A. If I received the money I made the entry; if I received the letter containing the money I made the entry.

Q Was it your duty, Mr. Smyth, to keep the cash book of the C. & B? A. Yes, sir.

Q You were the only person who kept that book, were you?

A. Except when I was on a vacation or a day sick, or something like that.

Q You would recognize your handwriting, would you not? A. I would.

Q Look at that entry, Mr. Smyth, under September 28th?

A. "Stephen H. Coon, Philmont, New York; F. A. Williams, etc."

Q Is the entry opposite F. A. Williams in your handwriting? A. Yes, sir.

Q Did you add up the entries on that day? A. I always added up my entries.

Q The entry there which shows the total for that entire day was made by you, wasn't it? A. Yes, sir, it was.

Q Will you turn to the entry 22nd of October, 1886; do you see there an entry opposite the name of W. White? A. Yes, sir.

Q What is the entry opposite that name? A. "W. White, City \$1.00."

0400

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Q Is that in your handwriting? A. Yes, sir.

Q What is the total for that day? Is that in your handwriting, too? A. Yes, sir, that is in my writing.

Q Did you sign the receipts in those cases, Mr. Smyth?

A. I would not swear that I did.

Q You said that when you were arrested on the other charge that you told Mr. Williams and Mr. King that you were not guilty? A. Yes, sir.

J O H N S. K I N G, recalled.

Q (Mr. Corey) What statement, Mr. King, did Mr. Smyth make to you in regard to the charge on which he was arrested for stealing postage stamps?

(Question objected to on the ground that the postage stamp business has been already heard and fully determined by Justice White and dismissed.)

(Witness now withdrawn)

M R. M E R R I L L.

Q (Justice Duffy) Do you know this young man, defendant? A. Yes.

Q What about his character, would you trust him with your money, goods and chattels? A. Yes, sir, I would.

0401

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T. W. L A N O N E T T E of No. 125 Fifth Avenue.

Q (Justice Duffy) Do you know this young man? A. Yes, sir.

Q What business are you in? A. Dressmaking.

Q From your knowlege of the young man, do you consider him honest and upright? A. Yes, sir.

Q You would take him into your employment and trust him with money? A. Yes, sir; he is in my employ.

Q (Mr. Oliver) You have heard all the testimony in this case?

A. Yes, sir.

(The Defence now rested .)

(Case now adjourned and testimony closed. The Court said he would hear argument on the 22nd inst, and in the meantime would read the testimony in the case.)



TORN PAGE

0402

N. Y. SPECIAL SESSIONS.

THE PEOPLE

VS.

*Edwin L. Sneythe*

Stenographer's Transcript,

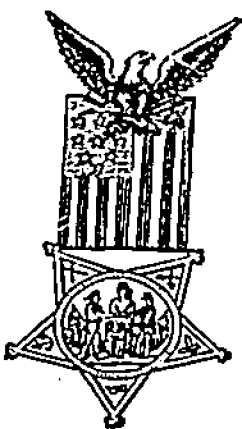
*July 19th 1887*

DAVID S. VEITCH,

OFFICIAL STENOGRAPHER,

101 CENTRE STREET, N. Y.

0403



Meetings every Friday Night.

HEADQUARTERS

MAJOR C. A. ANGEL POST, NO. 20,

◀G. A. R.▶

Lambertville, N. J., Nov 21st 1887

To The Honorable Judge Cowing  
Part 2 - Court of General Sessions  
Chambers St N.Y. City

Dear Sir

With much sympathy for Edwin Laing, who is to be tried before you for "forgery", I have occasion to address you. I have known this young man from childhood to be an open, honest and honorable young man and feel that he can not be guilty of the crime of which he is accused and am confident that should anything be proven against him, it can only occur from unintentional error and no motive for dishonesty.

He has been well educated and brought up of a fine mother, and has always been kindly cared for. His sister is grief stricken over this sad news, and begs that you will spare her Brother from imprisonment and disgrace. Think of his health, which is very poor, as a glance at him will readily admit, and I ask you for the sake of all who love him and for the shadow that would be cast upon him, to set him free once more.

I Remain Yours very truly

Cyrus A. Slack

Lambertville  
N.J.

P.O. Box 384

0404

Post Office, New York, N.Y.

Fifth Division,  
Money Order Department,

June 22 1887

Jno S. Lindsey Esq  
Indictment Clerk  
District Attorney's Office

Sir:

Will you  
please deliver to bearer Postal  
Note No 002678 Keeseville  
N.Y. paid at this office  
Dec 13 1886. The Auditor of  
the Treasury for the Postoffice  
Department has requested its  
return.

Respectfully

J. S. Taylor  
Asst. P.M.



0405

have written quite sufficient  
for this time & will close  
with best wishes & hope to  
hear from you at your leisure.

Very truly yours  
Edwin L. Drake & Son  
P.O. Box 521  
N.Y. City

0406

CORRECTION

0407

til Monday as he did last  
week. It hardly seems  
possible that almost two  
weeks of your vacation have  
passed. I know the time  
passes very rapidly when  
we are away from business.

I suppose you have by  
this time received your  
bills &c &c from Mr. M.  
myself, not only, did it  
for a joke. Well, Miss  
Lanning I am sure I



0408

have written quite sufficient  
for this time & will close  
with best wishes & hope to  
hear from you at your leisure.

Very truly yours  
Edwin L. Drake & Son  
P.O. Box 521  
N.Y. City

0409

+125 Fifth Ave. N.Y.C.  
Aug 13<sup>th</sup> 1886.

Dear Miss Fanning:- There  
is no use in apologizing  
for failing to write you  
before this, but as the saying  
is 'tis better late than never"  
I will now try to put this  
and that together and in  
the end find that I have  
written a chapter of nonsense.  
Well to begin with, I have  
been kept very busy at  
the two desks so I have no

04 10

one to assist me and of course  
I want any one to help  
me as long as I can do the  
work myself. But in this I am  
for getting to mention Miss Mudd's  
kindness in writing 5 or 6 letters  
to parties whose drafts were  
returned. Now you must not  
think of ~~Dr. J. G. Mudd~~ Metal Worker  
but enjoy yourself to your very  
heart's content and the work  
will go all right. Since Mr  
Lanouette has gone to Europe  
I am living at his house as  
company for Will & his mother  
and I am perfectly delighted.  
I almost forgot to mention  
that after leaving you at the

station I went up to Lanouette  
& Mr Lanouette advised me to  
write a note to Mr. Mordcair -  
this I did & about 10.30 p.m.  
there came an apologizing telegram  
from him begging me not to  
mention his letter to any one till  
I saw him. Accordingly I came  
to the office Monday morning late  
& before going to my desk invited  
him to carefully look through  
everything & be hold! the money  
& all was found in one of  
the pigeon holes where I keep  
my check rates & I tell you  
he looked silly. Every one  
was indignant over his letter  
& sided with me, and now



0411

they seem to think more of me.  
I am glad I took your advice.  
Will - Fred. is on his vacation  
at Ellport L.I. and no doubt  
is having a nice time as  
is also Mr. Knox at White Lake  
N.Y. I expect to go to Rensselaer  
on Saturday to spend Sunday.  
I get a letter from Bob. every  
day. Mr. King came into the  
office this morning with a  
large valise & we all thought  
he was going away but he  
did not go - so I presume  
he will go to-morrow as he  
did last Friday & stay.

04 12

-----  
People " "  
on the complaint of " "  
David Williams, " "  
against " Forgery.  
Edwin L. Smyth. " "  
-----

The defendant is charged with forgery in the third degree under section 515 of the Penal Code for making false entries in books of account belonging to the complainant, for the purposes of concealing the larceny <sup>by him</sup> of various sums of money belonging to the complainant.

The complainant David Williams, is the publisher of The Iron Age, the Carpentry and Building and other papers at Nos. 66 & 68 Duane Street in New York City.

The defendant Edwin L. Smyth was in complainants employ during the months of September, October and November 1886 as clerk. He had charge of the cash book of subscriptions for the Carpentry and Building. With the books and accounts of The Iron Age he had nothing to do. He had no right or authority to make entries in any of the accounts of The Iron Age. He had no right to receive money or to open letters.

Large amounts of money come through the mails in payment for subscriptions to the various papers owned by Mr. Williams.

The subscription price of The Iron Age is \$4.50 yearly, and this amount is frequently sent by the subscriber by letter in money or postal note. The testimony of David Williams

and John S. King describes the method of receiving and cred-

0413

iting these payments.

All receipts were made out and signed by the Iron Age subscription clerk, Miss. Cummings (see testimony) and no other clerk had any right or authority to sign these receipts. Miss Cummings further kept a book containing the subscribers names in which after making out the receipts she would make an entry of the figure "7" to show that the subscription had been paid up to 1887.

The defendant Smyth is accused of stealing and opening the three letters containing in two cases \$4.50 each in money, and in one case a postal note for the same amount, and appropriating the same to his own use.

He is also accused of signing the name of "L.L. Barrett" to the postal note, and obtaining the money on the same. The postal note has been proved in evidence and is among the exhibits.

Expert testimony ( see testimony of Mr.Partridge) has proved that the signature of "L.L.Barrett" is in the hand writing of Edwin L Smyth.

To further corroborate the fact of the forgery the expert has sworn that the entry of the figure "7" apposite the name H.D. Clapp & Co. of Keeseville, N.Y. the firm sending the postal note is in Smyth's hand writing.

Miss. Cummings has sworn that she did not make the entry, it is not in her handwriting, and no other clerk has any right to make such entry.

In addition to this the receipt sent to H.D.Clapp & Co. is signed by Edwin L. Smyth. The expert has sworn to the handwriting.



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The receipts in question marked Exhibits I, II, & III are not regular in form, as is proved by the evidence and admitted by the defendant in his cross-examination. They must pass through several hands and bear several signatures. These particular receipts have no such additional signatures.

The defendant Smyth had no right or authority to sign these receipts, or any receipts of The Iron Age, and Miss. Cummings the clerk in charge has sworn that she never saw them.

Mr. King the business manager has sworn that the money never came into his possession.

There is thus the strongest chain of circumstantial evidence to prove the larceny of the money by Smyth. The fraudulent entry of the figure "7" on the Iron Age subscription book or list to conceal the larceny, constitutes forgery in the third degree, as defined in section 515 of the Penal Code.

Moreover, the signatures on the postal note of "L.L. Barrett" sworn to be in the handwriting of Smyth would constitute the crime of forgery in the first degree.

The complainant also charges the defendant Smyth with falsifying the subscription cash book of the Carentry & Building kept by him.

The defendant is charged with intercepting two letters containing money from subscribers containing \$3. and on Sept. 1886 he made an entry in his cash book opposite the names of the person sending the same. The letters never came into the possession of the concern, and the money was never turned in. The expert has sworn and the de-

04 15

defendant Smyth admitted that the entries were in his handwriting and were made by him.

The total of the day's receipts as set forth by Smyth in his cash-book was \$11.36. The true amount by Smyth's own figures was found on examination to be \$14.36, just \$3 short and that sum of \$3 was the exact amount sent in the letters which the complainant never received. Yet the defendant must have opened them for he made the entries, (see evidence of Miss. Cummings and Eilert).

On October 1886 there is another fraudulent entry made by Smyth in his cash-book, as charged in the complaint. Smyth admitted the entry to be in his handwriting.

The total of the day's receipts as set down by Smyth is \$28~~6~~. The true amount as shown by Smyth's own figures was \$28~~6~~.

The charge in this case is not larceny primarily, but forgery.

The complainant respectfully submits, that upon the facts proven the defendant Edwin L. Smyth be <sup>held</sup> to await the action of the Grand Jury.

*Henry B. Coray*  
Attorney for the complainant.

04 16

People  
on Complaint of  
David Williams

against  
Edward L. Smyth

Forgery

Complainant's Brief

Henry B. Corey  
Compl's Atty  
O'Brien St  
Newport



POOR QUALITY  
ORIGINAL

0417

Mr. Parker will  
please send me  
a copy  
of the  
L. H. Wright  
a Tennessee Calendar  
January 1900

04 18

<p>Am. 16. 10. 19</p>	<p>People ✓ EL Smith</p>

0419

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

Edwin S. Smyth

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

Edwin S. Smyth  
of the CRIME of Forgery in the second degree, —

committed as follows:

The said Edwin S. Smyth,

late of the First Ward of the City of New York, in the County of New York afore-  
said, on the — ninth — day of — October, in the year of our Lord  
one thousand eight hundred and eighty — six, at the Ward, City and County aforesaid,

having in his custody and possession  
a certain order for the payment of money  
of the kind called United States Postal  
Notes, which said postal note is in the  
words and figures following, to wit:

002678

Greenville, N. Y.

Oct - 8 1886

Postal Note

For Five Dollars

Payable in the United States only  
The Postmaster at New York City.  
Will pay to bearer within three months  
from the last day of the month of  
issue, Five Dollars, Fifty Cents  
The Money Postmaster



0420

This note is also payable at office of  
issue within the same period. If lost  
or destroyed no duplicate can be issued  
there, the said Edwin S. Smith, of the  
ward, to wit: on the day and in the  
year aforesaid, at the Ward, City and  
County aforesaid, with intent to  
defraud, did feloniously forge, upon  
the face of the said noted note, a  
certain instrument and writing to wit:  
a certain receipt for money, purporting  
to be a receipt for the money named  
in the said noted note, to wit: the sum  
of four dollars and fifty cents in  
money, which said forged receipt  
is as follows, to wit:

Received the above amount (meaning  
meaning the said amount as  
aforesaid named in the  
said noted note, to wit: the  
sum of four dollars and  
fifty cents in money)

E. S. Barrett signature

against the laws of the State in  
and case made and provided, and  
against the laws of the People of the  
State of New York, and their heirs

Donald J. Smith,

District Attorney

0421

Witnesses:

David Williams

Counsel,

Filed, 16 day of February 1887

Pleads, Not guilty

THE PEOPLE

vs.

Edwin L. Smyth

(Accused)

[Section 111 — Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Jedward J. Manning

Foreman.

Feb 29 1887

0422

First District Police Court  
of the City of New York

The People, on complaint  
of David Williams  
vs  
Edwin L. Smyth

2  
Hon. J. G. Duffey  
Justice

Defendant's Brief

First. The defendant has been arrested on a complaint that does not clearly define the crime ~~for~~ <sup>with</sup> which he is charged: there are allegations of many larcenies and of forgeries connected with said larcenies.

Second. The charge if anything is a specific charge of petit larceny in each particular instance.

Third. The proof is that defendant had charge of a certain book, called the cash book, in which book it was the duty of defendant to enter the account of cash received as said amounts were given him by the other employees.



0423

of the firm or by himself. It is ~~in evidence~~

Fourth. It is in evidence by the testimony of Miss Cummings (pages 35 & 46) that it was the duty of witness Cummings to make up the cash every evening from four to five to agree with the slip on witness King's desk on which he kept the amount, and to then stamp them "Paid". and distribute them to the Clerk, and to credit all the subscriptions from the list she had (page 35).

Fifth. It appears from the testimony of witness King that said witness had a charge of receiving all monies, and in his absence that monies could be received by others and letters opened by others and their contents distributed to the different clerks as occasion required.

Sixth. It appears from the testimony of witness Eilert (page 56) that he Eilert kept the

0424

Petty cash book and the entries made in paid book were made from the amount of subscriptions received from Miss Cummings on a slip every night. Witness Eilert could not tell whether the date September 28, 1886 was made <sup>by a report from</sup> Miss Cummings or anybody else. Witness Eilert (page 58) testified that he and one Marie opened letters, many of them presumably containing cash before Mr King came to his desk.

Seventh. The witness Hevin (page 61) testified that he delivered a letter to defendant September 3<sup>rd</sup> 1886 but there is no evidence that the monies received for from that letter were not properly entered in the books or that the said monies were not delivered at Mr King's desk or put on Miss Cummings' slip.

Eighth. The witness Jackson (page 59) could not swear he delivered any monies to defendant.

Ninth. There is no evidence

0425

of the firm or by himself. It is that defendant did not hand all monies he might have received casually for his employers, that he did not turn in the same at the proper desk or enter such amounts as properly there belonged, on his own or other books.

Tenth - There is no evidence that he did not properly enter every specific item which he is charged with stealing either in the cash book or on the subscription list, but on the contrary there is evidence throughout, that the subscriptions received were properly and correctly set down by him.

Eleventh - There is not a particle of evidence by any witness, that he did receive any money, and appropriate the same to his own use.

Twelfth - There is no evidence to show that defendant altered, erased, obliterated or destroyed



0426

an account, book of accounts, record or writing, belonging to or appertaining to the business of his employer, or made any false entry in any such account, or books of accounts, or wilfully omitted to make true entry of any material particular in any such account or book of accounts, made, written or kept by him, or under his direction, with intent to defraud or to conceal any larceny or embezzlement by him of any money or property. Contrary to Section 515 of the Penal Code. The charge of Forgery should therefore be dismissed.

Thirteenth. As no specific larceny has been proven under Section 512 of the Penal Code, each specific charge of larceny should therefore be dismissed.

Fourteenth. The allegations in the Complaint, and the inferences derived from the testimony are met by the positive denial of the defendant under oath. His positive testimony entitles him to his discharge.

Fifteenth. The charge of

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stealing postage stamps was tried and disposed of before another Justice and therefore cannot properly be considered by the Court in this case.

Sixteenth. The fact that some of the daily accounts of cash were not properly added up is no proof of larceny, but is only evidence of carelessness.

Seventeenth. The testimony of the expert in this case, does not show that any "False" entries were made by the defendant at any time.

Eighteenth. The defendant had no motive, being well to do, to steal or forge, and has hitherto borne an irreproachable character as appears by the testimony of School Commissioner Durill and Mr. Lavolette his present employer (pages 89 & 90) and by an instance of honesty, set down in page 85.

Therefore in view of the above facts, the prisoner is entitled to his

0428

Discharge.

All of which is respectfully  
Submitted.

New York January 25<sup>th</sup> 1887 -

William J. Fanning  
Attorney for Defendant

Francis T. S. Oliver  
of Counsel



1st District Police Court  
of the City of New York

The People  
on complaint of  
David Williams

- vs -

Edwin L. Smyth

Defendant's Brief

William J. Finnigan  
Attorney for Defendant

J. W. Oliver  
of Counsel.

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Wm. J. G. Duff  
Notary

0429

0430

B. RUSH FIELD, M. D.  
415 NORTHAMPTON ST.,  
EASTON, PENNA.

Feb 3<sup>d</sup> 1887

To Judge Gildersteele  
My dear Sir

Though unknown  
to you I take the liberty of  
writing a word or two  
in relation to Edward Dwyer  
who I believe is to be tried  
before your worthy Self some  
time during this week. I  
merely wish to add my name  
to the long list of his friends  
who have known him so long  
and so well and who  
can not believe that he  
is guilty of the charge against  
him. I have known him from  
his childhood or I should  
not presume to speak with  
so much certainty. His  
character is excellent and  
in all my dealings and  
relations with him I have al-  
ways found him to be an  
exemplary young man

0431

Trusting you will pardon  
my intrusion and that  
my friend may soon  
enjoy his deserved liberty  
I am, Very respectfully Yours  
D. H. Field.



0432

When the registered letter or parcel accompanying this card is delivered, the Postmaster will require signature to the receipt on the other side, also on his record of registered deliveries, and mail this card without cover to address below.  
A penalty of \$300 is fixed by law for using this card for other than official business.

**Post Office Department.**

OFFICIAL BUSINESS.

Post Office at

Stamp here name of post office

SEP 8  
Z 430 PM

and date of delivery

**RETURN TO:**

Name of Sender

Street and Number,  
or Post Office Box.

Post Office at

County of

State of

0433

REGISTRY RETURN RECEIPT sent <u>9/2</u> , 18 <u>84</u>	
Reg. No. <u>24</u>	from Post Office at <u>Nelson, N. T.</u>
* Reg. Letter } Reg. Parcel }	Addressed to <u>David Williams</u> <u>New York N.Y.</u>
After obtaining receipt below, the Postmaster will mail this card, without cover and without postage, to address on the other side.	
RECEIVED THE ABOVE DESCRIBED REGISTERED <del>PARCEL</del> *LETTER.	
(SENDER'S NAME ON OTHER SIDE.)	
Sign on dotted lines to the right.	<u>D. Williams</u> <u>53402</u>
When delivery is made to other than addressee, the name of both addressee and recipient must appear.	<u>Ed. J. J. J.</u>
* Erase letter or parcel according to which is sent.	

0434

September 28<sup>th</sup> 1886

Amount brought forward	3	00
C. E. Stevens Auburn N.Y.	36	
E. H. Balch Mechanicsburg Ohio	1	00
Lou W. Gott Greensburg Pa	2	00
H. N. Lewis Huntington "	2	00
H. C. Dennis Phila "		
C. E. Carleigh Andrew Hann "	2	00
A. A. Arnold Weirton W. Va	1	00
Stephen H. Coon Thimons Pa	1	00
F. A. Williams Canton Pa		
C. G. Layles C. G. Layles Graunville Centre "	2	00
	11	36



0435

Copy of entries on  
Carpentry & Building  
Subscription Cash Book  
for Sept 28 - 1886

28	W. H. Lewis	Winterset Iowa	1 0 0
	Geo. F. Hull	Housatonic Mass	1 0 0
	Stephen A. Baker	Johnstown N.Y.	1 0 0
	Amount forward		3 0 0

TORN PAGE

0436

Easton, Pa.

Feb. 20 1887

To the Hon. \_\_\_\_\_

Judge of City Court:

Dear Sir:

I am at the disadvantage of not knowing your name. A young man to be tried before you on the charge of forgery, asks me to say a word to you in his behalf, and forgets to give me your name. I regret that his information came so late, and that I must occupy a portion of the Sunday hours not otherwise occupied, in addressing you, if my note is to arrive in time to do service. I hardly think you will listen to a stranger, and yet with a measure of hope will plead with you. How sincerely I hope that his age may be considered - the delicate state of his health and that the lightest penalty will be inflicted, if found guilty. I have written him telling him to say any wrong he has done, & reconcile his maker.

0437

who will doubtless kindly disprove the judge  
toward him.

Eddie Smyth, when a resident of this city was  
a quiet, good boy. Until a brief period before leav-  
ing it, he taught a class of little boys in our  
Sunday School and best things were looked for  
him. He had a mother, poor but of good edu-  
cation. While his father, was as I understand  
wayward, his Grandparents and his Aunt are  
exceeding fine people. It is strange if he has  
gone astray.

He is so sorry for his wrong, or for the mis-  
advice that has led to his accusation, wrong,  
that I pity him with all my heart and I  
have almost wished that I was judge in the  
case to give him another trial (without condem-  
nation) to do right, if the law permits.

Dear Judge - There is no need of any multiply-  
ing words, but let me entreat you, in the name  
of the most merciful judge of us all, that for  
the sake of all who love him and are interest-  
ed in his future - the sake of his health, you  
be as lenient with him as you can. May  
God so influence you.

With respect, Yours  
Wesleyan, Pastor Christ. Luth. Church, Easton, Pa.



0438

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edwin S. Smyth

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

Edwin S. Smyth

of the CRIME of *Petit Larceny*, -

committed as follows:

The said

Edwin S. Smyth, -

late of the *First* Ward of the City of New York, in the County of New York afore-  
said, on the *Twenty-fifth* day of *September*, in the year of our Lord  
one thousand eight hundred and eighty-*nine*, at the Ward, City and County aforesaid,

*with force and arms, the sum of*  
*three dollars in money, lawful*  
*money of the United States, and of*  
*the value of three dollars, of the*  
*goods, chattels and personal property of*  
*one David Williams, then and there*  
*lawfully found, then and there feloniously*  
*did steal, take and carry away, against*  
*the form of the Statute in such case*  
*made and provided, and against the*  
*peace of the People of the State of*  
*New York, and their dignity.*

Randolph B. Martine,

*District Attorney.*

0439

Witnesses:

G. F. Gilens

51.

Counsel,

Filed, 16 day of Feb 1887

Pleads, Not guilty

THE PEOPLE

vs.

Edwin L. Smyth

(Attorney)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

William J. [Signature]

Foreman.

J. put in in  
before grand jury

Admitted

Cox Foreman  
[Section 5229, Penal Code]

0440

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edwin S. Smyth

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

Edwin S. Smyth  
of the CRIME of Petit Larceny, -

committed as follows:

The said

Edwin S. Smyth, -

late of the ~~First~~ Ward of the City of New York, in the County of New York aforesaid, on the ~~Twenty second~~ day of ~~October~~, in the year of our Lord one thousand eight hundred and eighty- ~~nine~~, at the Ward, City and County aforesaid, with force and arms, the sum of one dollar in money, lawful money of the United States, and of the value of one dollar, of the goods, chattels and personal property of one David Williams. Then and there being found, then and there unlawfully did ~~he~~ take and carry away, against the peace of the People of the State of New York, and their dignity.

Randolph B. Martine,

District Attorney.



0442

BOX:

251

FOLDER:

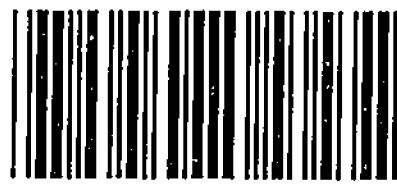
2431

DESCRIPTION:

Somerville, John

DATE:

02/20/87



2431

Witnesses:

Antonio Baroni

Officer Pinton

Officer Hollenback

S.P.

Counsel,

Filed

Pleads,

201  
of W. M. G. Leland.

City of New York 1887

Notably, the

THE PEOPLE

vs.

John Somerville

Burglary in the Third Degree.  
Sections 498, 506, 522 & 532.

RANDOLPH B. MARTINE,

District Attorney.

City Prison 5 days.

A True Bill.

Edward Simmons

Part II March 187 Foreman  
Jury & convicted of Petit Larceny  
with a degree of malice to the  
money of the City.

March 187

0443

0444

Police Court—2 District.City and County } ss.:  
of New York,of No. 494 Ommenich Street, aged 32 years,occupation Dealer in fruit

being duly sworn

deposes and says, that the premises ~~is~~ at the north-east Cor of Hudson & Canal Streets  
in the City and County aforesaid, the said being a wooden booth erected on Canal  
Street against the house at the north-east Cor of Canal & Hudson Streets  
and which was occupied by deponent as a place for the sale and storage of fruit  
and in which there was at the time ~~no~~ no human being,

were **BURGLARIOUSLY** entered by means of forcibly unlocking the  
door which opens from said booth into the street  
by means of a false key or other instrument made  
opening said door

on the 19<sup>th</sup> day of February 1887 in the night time, and the  
following property feloniously taken, stolen, and carried away viz:

Three bunches of bananas  
of the value of five dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by

John Semerville (nowhere)

for the reasons following, to wit: That about the hour of 12 o'clock on the  
above date, deponent locked and securely fastened  
the above described booth and went away; that  
about the hour of 7.50 A.M. on the following morning  
he returned and discovered that the booth had been  
burglariously entered in the manner above described  
and the above mentioned property taken, stolen and  
carried away.  
That deponent has been informed by Officer Sweeney



0445

Wallerbach of the 8<sup>th</sup> Ward Police, that about the hour of 3 A.M. of the above mentioned night, he saw the defendant loitering around the above described booth, and that the defendant had admitted and confessed to him in the presence of Officer James Perkins of the 8<sup>th</sup> Ward, that he found the above mentioned door of the booth open, and that he was willing to pay for the bananas. Defendant further says, that he has been informed by Officer John N. Weston of the 8<sup>th</sup> Ward Police, that about the hour of 3 A.M. on the above night, he saw the defendant at the Cor of Wall and Varick Streets with a bunch of bananas on his arm.

Wherefore defendant charges the said John Somerville with unlawfully entering the above described booth and with stealing the above described property and prays that he may be dealt with according to law.

Subscribed and sworn to before me  
this 23 day of February 1887

*John M. [Signature]* John Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

Degree.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0446

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 24 years, occupation Volunteer of No.

Eight Street Street being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Antonio Ferraro

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

Sworn to before me, this 25

day of February 1887

[Signature]

Police Justice.

Fredrick Hollenbach

0447

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation Deputy of No.

the Eighth Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Antonio Ferraro

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

Sworn to before me, this 23  
day of February 1887

John W. Houston  
Police Justice.



0448

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY { ss  
OF NEW YORK.

John Somerville 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

Taken before me this

188

Police Justice.

0449

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

\_\_\_\_\_ *John Munnille*  
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 *February 28* 188 *7*

*John Munnille* 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 he to be discharged.

Dated \_\_\_\_\_ 188

\_\_\_\_\_ Police Justice.

0450

BAILED,

No. 1, by Lawrence Finner

Residence 307 Hudson Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court-- 2 District. 247

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Antonio Ferraro  
491 1/2 Broadway  
John Connerly

3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated February 13<sup>th</sup> 1887

Nymy Murray Magistrate.

Fredrick Wollenbach Officer.

8<sup>th</sup> Precinct.

Witnesses Fredrick Wollenbach

No. Off of the 8<sup>th</sup> Precinct Street.

No. Off of the 8<sup>th</sup> Precinct Street.

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

\$ 5.00 to answer Expd

(Comm)



0451

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 Samerille*

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

*John Samerille*

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

The said *John Samerille*,

late of the *Rio Grande* Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Roach* of one

*Antonio Ferraris*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*Antonio Ferraris*

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

0452

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

— *John Samerinde* —  
of the CRIME OF *Petit* LARCENY,—

committed as follows :

The said *John Samerinde*,

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

*Three bundles of bananas of*  
*the value of two dollars each*  
*bundles,*

of the goods, chattels and personal property of one *Antonio Ferraris*,  
in the *month* of the said *Antonio Ferraris*,—

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

*Richard J. Smith*  
District Attorney.