

0 133

BOX:

97

FOLDER:

1046

DESCRIPTION:

Packenham, Daniel

DATE:

03/08/83



1046

Justo pence
21

B
48

Day of Trial

Counsel,

Filed

Pleads

day of March 1883
Wm. G. M. 12

THE PEOPLE

vs.

Violation of Excise Law.
on Sunday.

B

David Gaden
104 Mo. H. St.

46. 9m
104 m

JOHN MCKEON,
District Attorney.

A TRUE BILL

[Signature]

Foreman.

22 Apr 11. 1883

Wm. G. M. 12
Wm. G. M. 12

0134

0135

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Daniel Cadogan

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

of the CRIME OF *Exposing for Sale and Selling Spirituous Liquors on Sunday*, committed as follows :

The said *Daniel Cadogan*

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

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

~~JOHN MCKEON, District Attorney.~~

0136

~~County of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

~~AGAINST~~

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

Daniel Padrenham

of the CRIME OF Giving away Spirituous
Sigars on Sunday

committed as follows:

The said Daniel Padrenham

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

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

JOHN McKEON, District Attorney.

0137

Police Court First District.

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

of 6th Precinct Police

John Crook aged 35 years

of the City of New York, being duly sworn, deposes and says, that on Sunday the 4th day
of March 1883, in the City of New York, in the County of New York,

at premises 104 Mott Street

a place where intoxicating liquors and wines were kept for sale, and sold as a beverage,

Samuel Packenham [now here]

did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in

the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said

Sunday the 4th day of March 1883 as required by law.

WHEREFORE, deponent prays that said defendant

may be arrested and dealt with according to law.

Sworn to before me, this 5th day
of March 1883

John Crook

Solomon Smith POLICE JUSTICE.

0138

BAILED

No. 1, by John Connolly
Residence 130 White Street

No. 2, by _____
Residence _____ Street

No. 3, by _____
Residence _____ Street

No. 4, by _____
Residence _____ Street

Witnesses _____
_____ Street

No. _____
Street

No. _____
Street

No. _____
Street

Magistrate John Connolly
Officer _____ Precinct _____

Dated 5 March 1883

Offence Violation Express Law

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Connolly
vs.
Daniel Paskenkow

Police Court 4th District. 172

RECEIVED
MAR 10 1883
CLERK'S OFFICE
COURT OF CRIMINAL JUSTICE
NEW YORK

Boatland

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 Daniel Paskenkow

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 5 March 1883 Solomon B. Smith Police Justice.

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

Dated 5 March 1883 Solomon B. Smith 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 _____ 1883 _____ Police Justice.

0139

Sec. 198-200.

1st

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Daniel Packerham 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. Daniel Packerham

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. Ireland

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

Answer. 104 Mott St. - 3 1/2 years

Question. What is your business or profession?

Answer. Liquor dealer

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

Answer. I have nothing to say

Daniel Packerham

Taken before me this

day of

January 1887

5th

John J. Smith

Police Justice.

0140

BOX:

97

FOLDER:

1046

DESCRIPTION:

Peck, Ellen

DATE:

03/16/83



1046

Sept. 6. 1883

Indict. to
pleas. 2nd day
or Keegan to
be paid

f. J.

April 20/83

Richard H. P. O. K.

3079 Putnam Av.

Brooklyn

and filed at

\$2000

131/31 B. H. May 23/83

B. H. May 23/83

203

Day of Trial,

Counsel,

Filed 16 day of March 1883

Pleas Not guilty (May 26/83)

THE PEOPLE

B.

vs.

Eden C. S. S. S.

Indict. for ass. on
Reverend. Accusing
Sain serum but as
the objection on which
it is assumed many
was overruled in
New Brunswick. S. S. S.
The Court will be advised
by the Attorney General
to the Grand Jury
for any other case

W. H. Bill, District Attorney
and Commissioner of the
Jan 29/83

W. H. Bill, District Attorney
and Commissioner of the
Jan 29/83

Foreman.

W. H. Bill, District Attorney
and Commissioner of the
Jan 29/83

W. H. Bill, District Attorney
and Commissioner of the
Jan 29/83

W. H. Bill, District Attorney
and Commissioner of the
Jan 29/83

0141

0142

City and County of :
New-York, : SS.:

The Jurors of the People of the State
of New-York, in and for the body of the City and County of New-
York, upon their oath present:

That Ellen E. Peck, late of the
First Ward of the City of New-York, in the County of New-York
aforesaid, on the eleventh day of April, in the year of our Lord
one thousand eight hundred and seventy eight, at the Ward, City
and County aforesaid, with force and arms, on the day and year
last aforesaid, with intent feloniously to cheat and defraud one
Benjamin T. Babbitt, from whom one Charles R. Beckwith, thereto-
fore a clerk and servant, over the age of eighteen years, of him,
the said Benjamin T. Babbitt, had as such clerk and servant embez-
zled and fraudulently obtained divers sums of money, amounting in
the aggregate to over two hundred thousand dollars, and defrauded
the said Benjamin T. Babbitt of the same, did then and there felo-
niously, unlawfully, knowingly and designedly falsely pretend and
represent to him, the said Benjamin T. Babbitt, that she, the said
Ellen E. Peck, had been in communication with the wife of the said
Charles R. Beckwith in relation to the restitution of said money,
or a part thereof, so embezzled and fraudulently obtained from
the said Benjamin T. Babbitt by him, the said Charles R. Beckwith
as aforesaid, and had persons employed by her, the said Ellen E.
Peck, who were in communication with the wife of said Charles R.
Beckwith in relation to the restitution of said money, or a part
thereof, so embezzled and fraudulently obtained from the said
Benjamin T. Babbitt by him, the said Charles R. Beckwith as afore-
said; that she, the said Ellen E. Peck, had expended large sums of
money in purchasing and obtaining Bonds that had been bought by
the said Charles R. Beckwith with some of the money so embezzled
and fraudulently obtained from him, the said Benjamin T. Babbitt,
by the said Charles R. Beckwith as aforesaid; that she, the said
Ellen E. Peck, had expended large sums of money in securing inform-
ation as to the location of a large amount of property which had
been bought by the said Charles R. Beckwith with some of the money
so embezzled and fraudulently obtained from the said Benjamin T.
Babbitt by the said Charles R. Beckwith as aforesaid; that she,
the said Ellen E. Peck, had divers persons employed in securing
information as to the location of certain Bonds under the control
of the wife of the said Charles R. Beckwith, bought with some of
the money so embezzled and fraudulently obtained from the said
Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid;
that she, the said Ellen E. Peck, had paid to divers persons large
sums of money for services in securing information as to the loca-
tion of certain bonds under the control of the wife of the said
Charles R. Beckwith, bought with some of the money so embezzled
and fraudulently obtained from him, the said Benjamin T. Babbitt,
by the said Charles R. Beckwith as aforesaid; that she, the said
Ellen E. Peck, had secured information as to where a large amount
of property was located which was bought with some of the money so
embezzled and fraudulently obtained from him, the said Benjamin
T. Babbitt, by the said Charles R. Beckwith as aforesaid; that
she, the said Ellen E. Peck, had purchased for the said Benjamin
T. Babbitt a considerable amount of bonds and coupons, for which
she, the said Ellen E. Peck, had paid with money theretofore furn-
ished and given to her by the said Benjamin T. Babbitt; that she,
the said Ellen E. Peck, had placed a considerable amount of bonds,
purchased by her for the said Benjamin T. Babbitt, with the said
money theretofore furnished by the said Benjamin T. Babbitt, in
the hands of one Parker, a cashier of a bank at Deep River, in

0143

the State of Connecticut.

And the said Benjamin T. Babbitt, then and there believing the said false pretences and representations, so made as aforesaid by the said Ellen E. Peck, and being deceived thereby, was induced by reason of the false pretences and representations, so made as aforesaid, to deliver and, did then and there deliver, to the said Ellen E. Peck a certain sum of money, to wit: the sum of nineteen thousand dollars in money, and of the value of nineteen thousand dollars, of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Benjamin T. Babbitt; and the said Ellen E. Peck did then and there designedly receive and obtain the said sum of money, to wit: the sum of nineteen thousand dollars in money, and of the value of nineteen thousand dollars, of the said Benjamin T. Babbitt, of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Benjamin T. Babbitt, by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Benjamin T. Babbitt of the same.

Whereas, in truth and in fact, she, the said Ellen E. Peck, was not then and there a skilled detective, and was not any detective whatever.

Whereas, in truth and in fact, she, the said Ellen E. Peck, had never been in communication with the wife of the said Charles R. Beckwith in relation to the restitution of said money, or a part thereof, so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, never had any persons whomsoever employed by her, the said Ellen E. Peck, who were in communication with the wife of the said Charles R. Beckwith in relation to the restitution of said money, or a part thereof, so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not expended large or any sums of money in purchasing or obtaining bonds that had been bought by the said Charles R. Beckwith with some of the money so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not expended a large sum or any sum of money in securing information as to the location of a large amount of property, or of any property, which had been bought by the said Charles R. Beckwith with some of the moneys so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, never had divers nor any persons employed in securing information as to the location of certain bonds under the control of the wife of the said Charles R. Beckwith, bought with some of the money so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not paid to divers persons, nor to any person or persons whomsoever, a large nor any sum of money for services in securing information as to the location of certain or any bonds under the control of the wife of the said Charles R. Beckwith, bought with some of the money so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as afore-

0144

said; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not secured any information as to where a large or any amount of property, or any property whatever, was located, which was bought with some of the money so embezzled and fraudulently obtained from the said Benjamin T. Babbitt by the said Charles R. Beckwith as aforesaid; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not purchased for the said Benjamin T. Babbitt a considerable or any amount of bonds or coupons, or any bonds or coupons; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not purchased for the said Benjamin T. Babbitt a considerable or any amount of bonds or coupons, or any bonds or coupons, for which she, the said Ellen E. Peck, had paid with money theretofore furnished and given to her by the said Benjamin T. Babbitt; and

Whereas, in truth and in fact, she, the said Ellen E. Peck, had not placed a considerable or any amount of bonds, or any bond or bonds, purchased by her for the said Benjamin T. Babbitt with the said money theretofore furnished by the said Benjamin T. Babbitt, in the hands of one Parker, a cashier of a bank at Deep River, in the State of Connecticut, nor in the hands of any one whomsoever; and

Whereas, in truth and in fact, the pretences and representations, so made as aforesaid, by the said Ellen E. Peck to the said Benjamin T. Babbitt was and were in all respects utterly false and untrue, to wit: on the day and year last aforesaid, at the Ward, City and County aforesaid.

And so the Jurors aforesaid, upon their oath aforesaid, do say:

That the said Ellen E. Peck, by means of false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly did receive and obtain from the said Benjamin T. Babbitt a certain sum of money, to wit: the sum of nineteen thousand dollars in money, and of the value of nineteen thousand dollars, of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Benjamin T. Babbitt, with intent feloniously to cheat and defraud him of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New-York and their dignity.

JOHN Mc'KEON,
District Attorney.

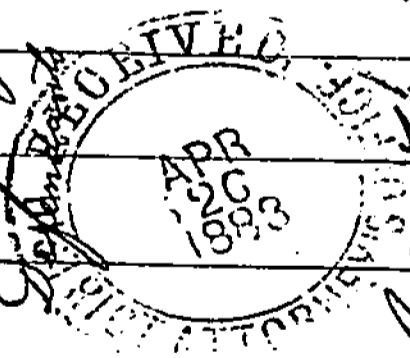
0145

Copy
New York Court of General Sessions

The People of the State of New York
against
Ellen E. Leck.

Demurres

Henry A. Meyerson
Attorney



To Hon. John W. Keon
and Clerk

0146

DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Ellen E. Peck-

Demurer

The judgment on
demurer should
be for People, be-
cause the crime
charged was com-
mitted prior to
Sept-1, 1881. & the
Code of Pro. does
not apply.

H. C. Allen

0147

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

The People of the State of New York
against
Ellen E. Peck

The defendant Ellen E. Peck above named, demurs to the indictment alleged to have been presented by the Grand Jury on the 16th day of March 1883 - charging her with the crime of obtaining money by false pretences, on the following grounds:

1. That the Indictment does not show that it was found by a Grand Jury, nor that it is indorsed by the Foreman of a Grand Jury.

2nd. That the Indictment does not contain
The Title of the action, specifying the name of the Court to which the Indictment is presented and the names of the parties as required by sec 275 of the Code of Criminal procedure.

3rd. That the indictment does not conform substantially to the requirements of sections 275 and 276 of the Code of Criminal procedure.

Wherefore this defendant asks Judgment of the Court that she be dismissed and discharged from the said premises specified in said indictment.
Dated New York April 9th 1883

Henry A. Meyemborg
Attorney for defendant

0148

W. General James

The People

Eleven 21st Decr

of the
Army of the

Army of the
Department

W. 5th Division
Brooklyn, N.Y.

0149

The People of the
State of New York
against
Ellen E. Peck

City of New York,
County of Kings

Henry Story of said
County being duly sworn, says:
"that he is managing Clerk in the office
of Henry A. Mayentberg, defendant
attorney and that on the 3rd day of
April he applied to Mr. Spaulding
Clerk of the General Sessions to be
permitted to examine the Grand
Jury minutes herein, when he
was informed by Mr. Spaulding that
there were no grand jury
minutes in existence - except to
all he had was some Affidavit
which said Affidavits were the
verges of B. J. Deblent and
J. T. Golden witnessed
them to before me
this 9th April 1883.

Henry Story
Notary Public
Kings Co

0150

Copy

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

The People of the State of New York

against
Ellen E. Pick

The defendant Ellen E. Pick, above named, claims to the indictment alleged to have been presented by the Grand Jury on the 16th day of March 1883, charging her with the crime of obtaining money by false pretences, on the following grounds:

1st That the indictment does not show, that it was found by a Grand Jury, nor that it is indorsed by the Foreman of a Grand Jury.

2nd That the Indictment does not contain

“The title of the action specifying the name of the Court to which the indictment is presented and the names of the parties as required by sec. 275 of the Code of Criminal Procedure

3^d - That the indictment does not conform substantially to the requirements of sections 275 & 276

0151

of the Code of Criminal Procedure.

Wherefore the defendant asks
Judgment of the Court that she
be dismissed and discharged from
the said premises specified in said
Indictment -

Dated New York April 9th 1883.

Henry A. Weyenberg
Atty for defendant.

N.Y. General Term.

The People vs

Ellen E. Cook

copy destroyed.

0152

General Stephen

The People on

Eden E. Peck

Deft's Brief

Red leaf
+ people. 7-
Apr May 1901
for reply
f v d
May 7, 1901

0153

General Sessions

The People on

Edw. E. Peck

Deft's Brief.

Read by
+ replied to
at Henry Bond
for reply
L J
May 7, 1861

0154

General Sessions &c.

The People &c
Agst
Ellen E. Peck

Indictment for
obtaining money by
false pretence.

The alleged offense was committed
in April 1878.

Prior to the Code of criminal
procedure the defendant was
indicted for the offense.

Nothing was done with that
indictment.

In March 1883 the indictment
in question was found.

II.

The finding of an indictment is the
formal commencement of a criminal
action, and if the old indictment
was being prosecuted the Code
of Procedure would have no
application. But as to the indictment
found in March 1883, it is submitted
that the proceeding in all respects
is governed by the Code the same

0155

as if the offense charged had been committed after the Code took effect.

(1)

(1)

By the Code a criminal action is thus defined, "The proceeding by which a party charged with a crime is accused and brought to trial and punishment is known as a criminal action." (Sec. 5.)

(2)

The saving clause is as follows;

"This code applies to criminal actions and to all other proceedings in criminal cases which are herein provided for from the time when it takes effect, but all such actions and proceedings theretofore commenced, must be conducted in the same manner as if this Code had not been passed." (Sec. 967).

(3)

The demurror is a pleading in the action. If the action in which it is interposed was commenced before the Code took effect then it does

0156

- 3. -

not apply; but if the action was not commenced until after it took effect, then it does apply.

(4) The action was commenced by the filing of the indictment. Sec. 274. reads as follows;
"First-pleading on the part of the people is the indictment."

(5) Sec. 321 is as follows;
"The only pleading on the part of the defendant is either a demurrer or a plea."

Sec 323 - Grounds of demurrer —
III.

It follows from the foregoing that this action was commenced when the "first pleading on the part of the people" was filed to wit: March 16, 1883.

a If it was not commenced when it was commenced, when the old indictment was filed.

0157

- 8. -

not apply; but if the action was not commenced until after it took effect, then it does apply.

(4) ^{my}The action was commenced by the filing of the indictment. Sec. 274. reads as follows;
"First-pleading on the part of the people is the indictment."

(5) Sec. 321 is as follows;
"The only pleading on the part of the defendant is either a demurrer or a plea."

Sec 323 - Grants of demurrer -
III.

It follows from the foregoing that this action was commenced when the "first pleading on the part of the people" was filed to wit: March 10, 1883.

a If it was not commenced then it was commenced, when the old indictment was filed.

0158

4

Then we have this result—
A criminal action was commenced
against us by indictment in 1878
and we are now being prosecuted
in the same action upon an
indictment found in 1883.

Such a result might follow
if a grand jury had the
power to amend an indictment
found by a former grand
jury, but there is no such
power, and no such power
is claimed.

The first indictment was
superseded by the finding of
the second.

This proceeding is not —
analogous to the proceedings
in a civil action. In a civil
action the complaint may be
amended at any time and
the action is continuous.

But in this case the original
action has been abandoned.

The Statute declares it must be
chap. 11 part. 4. Art. 2. Sec. 42.

0159

- 5 -

IIII

We respectfully submit, that the prosecution is governed in all respects by the provisions of the code, the same as if the offense had been committed since the code went into effect.

IV.

If we are correct in the view we take, then we say the indictment is fatally defective and the defendant is entitled to judgment upon the demurrer.

It is defective because-

- 1st It does not contain the title of the action.
- 2nd It does not specify the name of the Court to which it was presented.
- 3rd It does not contain a "plain and concise statement of the act constituting the crime."

0160

4th It is not substantially in the form required by Sec. 276.

5th It does not appear to have been found by "the grand jury" etc but by the jurors of the people etc. Sec. 276.

The defendant can only be arraigned in the Court in which the indictment is found, or to which it is sent or removed.

He has a right to know such Court before he can be called upon to plead and it does not answer the requirements of the Code that he learns that fact aside the indictment Sec. 296.

This is a substantial right and may not be dispensed with.

The defects pointed out cannot be cured by amendment under Sec. 293.

0161

- 7 -

IV.

If we are wrong in the view we have taken, and the proceeding is not governed by the Code, then we submit the District attorney should be required to furnish the defendant with or allow the defendant to take, copy of all the evidence taken against her by the Grand jury which found the indictment, to the end that, a motion may be made to quash the indictment on the ground that it was improperly found.

0162

8

(a) This application is addressed to the wise discretion of the Court and should be granted unless it be shown that it will be prejudicial to the due administration of justice. No such suggestion is or can be made in this case.

(b) We say the paper to which we have interposed a demurrer is not an indictment, and has no legal force or effect whatever. That there was not a particle of evidence presented to the Grand jury upon which to base an indictment.

(c) We simply ask the Court to determine before trial, whether the paper placed upon the files of the Court is an indictment or not. "A charge does not become an indictment until legally formed."

People v. Naughton 7 Abb. N.S. 424.

0163

- 9. -

Judge Pratt in the case quoted upon the point under consideration, used this language.

"Suppose the Grand jury were not sworn, or that the witnesses were not under oath, or that less than twelve concurred in finding a bill; or suppose the accused come into Court and offer to prove by the foreman that the indictment was never before the Grand jury; that what purports to be the signature of the foreman is a forgery; - are these not matters to be heard in this Court and is there any other tribunal before which they can be heard in the first instance; and may not the Court resort to the minutes of the Grand jury for evidence to determine them, or take any other course not in violation of the jurors' oaths?"

Without discussing the subject further we respectfully submit that the Court should first determine the validity of the

0164

AD

of the indictment before calling
upon the defendant to plead
thereto; and that can't be done
only in the way suggested.

H. A. Meyenberg
Deft's Attorney

S. W. Morris
of counsel.

0165

Court of General Sessions.

-----x

The People, &c., :
- vs. - :
Ellen E. Peck. :

Brief on the part of the People.

-----x

Point 1.

Section 962 of the Code of Criminal Procedure shows conclusively that this proceeding is not in anywise affected by the Code of Criminal Procedure. This Section is as follows:
"But all such actions and proceedings theretofore commenced must be conducted in the same manner as if this Code had not been passed."

A criminal action is commenced by the process issued by the Magistrate. It was, therefore, a criminal action when the proceedings were initiated before Judge Bixby. At all events it was a criminal proceeding. (Sec. 5 Code Criminal Procedure).

Point 2.

There is no objection to defendant having a copy of the minutes of the Grand Jury, if there be any such minutes in existence.

Jno. Vincent
Asst. Dist. Atty.

0166

State of New York,
CITY AND COUNTY OF NEW YORK. } ss.

We William Lightfoot James Muldoon the surety mentioned
in the annexed recognizance to answer, do hereby authorize and empower any
Policeman of the City of New York, or of the City of Brooklyn
or either of them, in my ^{now} name, place and stead, to take, seize, and
surrender the said Ollen O. Jackson, (in the said bond
named as defendant,) to the Court therein mentioned, or deliver ^{him} ~~him~~
to the custody of the authorities of said city and county, in my exoneration
as surety on said recognizance.

Dated January 8th 1879.

Wm Lightfoot
James Muldoon



NEW YORK
Court of General Sessions of the Peace.

THE PEOPLE, &c..
ON THE COMPLAINT OF

vs.
Ollen O. Jackson

Recognizance to Answer.

Taken the 27 day of June 1878

Approved as to form and sufficiency.

Dated June 27 - 1878
Grace Russell
Dist. Atty.

Identified by

Filed 27 day of June 1878

Copy & Retention
Wm Lightfoot
229 Broadway

0167

Court of General Sessions.

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

EXAMINATION OF SURETY.

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

I am a citizen of the United States of America. I am *being duly sworn, deposes and says:*
New York, and have so resided *years of age. I reside in the State of*
Street, in the City of *years and upwards. My dwelling-house is No.*
My business is that of *My wife and family reside with me at that place.*
No. *and I carry on business as such at*
Street, in the City of New York.
I own real estate in the City of New York. It consists of

I paid for that property the sum of \$ *The land, exclusive of the buildings, which*
I have above mentioned, is worth at least \$ *The buildings are worth at least*
\$ *The title to that property was examined for me by M.*
who told me that the title was

This was about

The buildings on the above mentioned land are insured against loss by fire as follows:

<i>In the</i>	<i>Insurance Company for</i>	<i>Thousand</i>
<i>Dollars; in the</i>	<i>Insurance Company for</i>	<i>Thousand</i>
<i>Dollars—</i>		

By the polic *of Insurance any loss which may accrue on said buildings is made payable to*
was from *The conveyance of the land and premises above mentioned*
of the County of New York about *and was recorded in the office of the Register*

That conveyance is, to my best knowledge and recollection, a *deed. It conveyed*
the premises to me, in my own right. It is made to me in my individual name, and the title is now, and ever
since I purchased the property has remained, in my individual name, and I do not hold said property, or
any part of it, or any share or interest of any kind in it, in trust, for, or in anywise for the benefit of,
any person other than myself. It is absolutely and exclusively my own. That I have made no contract
or agreement with any person whatever, to sell or convey said property, and I have no understanding
with any one that he is at any time to take the title to said property.

As to mortgages,

As to taxes and assessments

As to judgments

I am in partnership with

My debts and liabilities are as follows:

Except as above stated I am not liable as bail, bondsman, surety, endorser, guarantor, indemnitor, or other-
wise, in any manner whatever; and except as so stated I do not owe any money, and am not indebted to any
person, firm, or company in any sum, or upon any account whatever. No person holds a power of attorney
from me for the sale or disposal of the property I have mentioned. I have not received any consideration, nor
do I expect any, for going on the recognizance in the above mentioned case. I have not been indemnified

as

and the name signed hereto is my name.

Sworn to before me, this

day of

187

0168

RECOGNIZANCE TO ANSWER.

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

Be it Remembered, that on the
Twenty seventh day of June in the year of our
Lord 1878, Ellen E. Seck Principal,
of No. 144 Street, in the City of
New York, and William A. Lighthall of 144 Herkimer Street, and
and James Muldoon of 145 Duane Street, in the City of
of Brooklyn, Kings County sureties each —

personally came before the undersigned, City Judge of
the City of New York, and acknowledged themselves to owe to the People of
the State of New York, that is to say, the said

Ellen E. Seck Principal, in
the sum of five thousand Hundred Dollars,
and the said William A. Lighthall and James Muldoon Sureties, in
the sum of five thousand Hundred Dollars,
separately, of gold and lawful money of the State of New York, to be levied
and made of their respective goods and chattels, lands and tenements, to the
use of said People, if default shall be made in the condition following, viz.:

Whereas, the said Ellen E. Seck
on the sixteenth day of June A. D. 1878,
by the Hon. P. A. Cosby Police Justice
in and for the City and County of New York aforesaid, was duly com-
mitted to the City Prison after due examination, charged with the offence of
obtaining money by means of false pretences

Now, therefore, the condition of this Recognizance is such, that if the
above-named Ellen E. Seck Principal, shall personally appear
at the present term of the Court of General Sessions of the
Peace, held in and for said City and County of New York, to answer
to any indictment against him, and abide the order of the said Court thereon,
and also in like manner personally appear at any subsequent term of said
Court, to which the proceedings in the premises may be continued, or to any
Court where said indictment may be sent for trial, if not previously surrendered
or discharged, and so from term to term until the final decree, sentence, or
order of the Court thereon, and abide such final sentence, order, or decree of
the Court thereon, and not depart without leave, then this Recognizance to
be void, otherwise to be, and abide in full force, power, and virtue.

Taken and acknowledged before me, the
day and year first aforesaid.

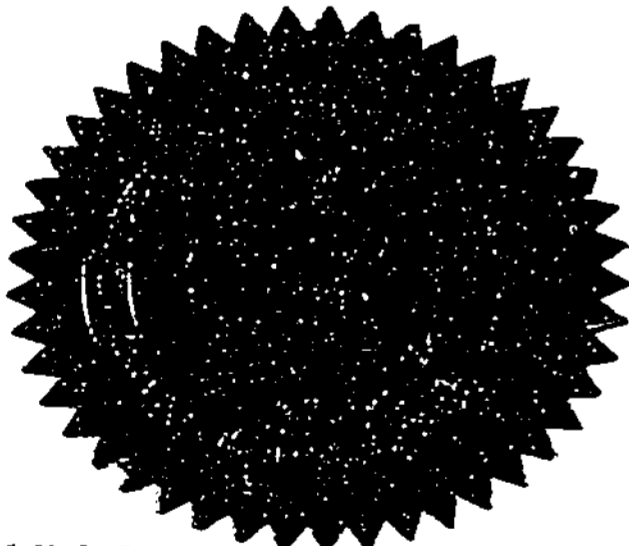
John F. Sutherland City Judge
} Mrs E. E. Seck Principal. L.S.
Wm. A. Lighthall Surety L.S.
James Muldoon Surety L.S.

0169

I, JOHN SPARKS, Clerk of the Courts of General Sessions of the Peace,
and of the Oyer and Terminer in and for the City and County of New York, do
certify that the annexed is a copy of

Recognizance to answer

now on file in the Clerk's Office, and that the same has been compared by me with the
original, and is a correct transcript therefrom, and of the whole of such original.



3d Vol. R. S., 5th Ed., § 74, p. 687.

GIVEN UNDER my hand, and attested by the seal
of the said Court this *Eighth* day
of *January* in the year of our Lord one
thousand eight hundred and seventy *eight*

John Sparks

0170

CITY AND COUNTY { ss.
OF NEW YORK,

The People of the State of New-York, To the Sheriff,
Deputy Sheriffs, and Policemen of the City and County of New
York, GREETING :

We Command You, and each of you. That you take
the body of

Wm C. Lee

who stand INDICTED before our Justices of our Court of General Sessions of the
Peace, in and for the said City and County, for *Obtaining money*
by false pretences
and *has* forthwith bring before our said Justices, in the said City and County,
to be dealt with according to law.

WITNESS, Hon.

James J. Corning City Judge
of our said City, this *24th* day of *March* in the
year of our Lord one thousand eight hundred and seventy-*nine*

BY THE COURT,

Wm C. Lee
Clerk.

BENJAMIN K. PHELPS,

District Attorney.

0171

N. Y. General Sessions of the Peace.

**THE PEOPLE
Of the State of New-York,**

against

Wm. Beck

B. K. PHELPS, District Attorney.

BENCH WARRANT.

Issued

March 24

1879

For The officer executing this process will make his
return to the Court forthwith.

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

The People of the State
of New York

against

Ellen S. Leck

Notice of Appearance

Henry A. Hengeman
of the County of New York
No 5 West 10th Street
New York City



For
Hon. Peter B. Place

District Attorney
City County of
New York

0173

Court of General Sessions
of the Peace; In and for the
City ^{and County of} New York

The People of the
State of New York
against
Ellen E. Peck

Please take notice that I am
retained by and appear as
Counsel for the defendant Ellen
E. Peck on the Appeal taken
and demand that all papers
therein be served on me at
my office No. 5 Willoughby Street
Brooklyn N.Y.
Dated Brooklyn December 14-1883

Yours
Henry A. Meyerson
Counsel for Ellen E. Peck

To
Hon. Peter B. Olney
District Attorney
New York County

0174

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,
against

Ellen E. Peck

Bench Warrant for Misdemeanor.

Issued

May 23 ^d/₄ 1884

☒ The defendant is to be admitted to be bail
in the sum of dollars.

May 26th 1884

The within named
defendant was arrested
this day and brought
before of General
Sessions by Det. Supt.
Golden.

J. Van G. & Bailey

0175

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 16th day of March
1883, in the Court of General Sessions of the Peace, of the County of
New York, charging Ellen E. Peck
with the crime of obtaining money by False Pretences

You are therefore Commanded forthwith to arrest the above named Ellen E. Peck
Ellen E. Peck and ^{her} bring ~~him~~ before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver ^{her} ~~him~~ into the custody of the Keeper of the
City Prison of the City of New York, or if ~~he~~ require it, that you take ^{her} ~~him~~ before any Magistrate
in that County, or in the County in which you arrest ^{her} ~~him~~, that ~~he~~ may give bail to answer the
indictment.

City of New York, the 23^d day of May 1884.

By order of the Court,


Clerk.

0176

Court of General Sessions, Part 2

THE PEOPLE

vs.

INDICTMENT

For

Ellen C. Beck

To

M

No.

229

in Hall & Pollack
Broadway Street

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *shaking* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *monday* the *2* day of *April* instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

JOHN McKEON,

District Attorney.

0177

Wm. C. Culluck
229 Broadway

-Barclays store

Major
 Hudson & Lybrate
 were on Rock Island
 They announced this &
 they have seen a forest
 around on which the
 was marked in 1850
 & brought to this court
 after the day their
 knows & have found
 1255 Cambridge
 about 1850 date

2401-4 ydpc

Wm. May 1891
 Brown 25
 54. Liberty 7.

0178



B. T. BABBITT,

MANUFACTURER AND MERCHANT,

Nos. 64, 66, 68, 70, 72, 74, 76, 78, 80, 82 and 84 Washington Street,

And 41, 42, 43, 44, 48, 49 and 51 West Street,
New York.

New York.

Feb 9 1883

Hon John M. Kern

District Attorney

Dear Sir I most re-

spectfully ask that you examine this
indictment framed against Mrs Ellen
D. Kern for defrauding me out of nine
teen thousand (\$19,000) dollars. The amount
of indictment read Twenty three thousand
(\$23,000) dollars and the name of
Charles E. Beckwith should read Charles
R. Beckwith. If you deem it essential
to find a new indictment I will ap-
pear before the Grand Jury with
my witnesses when notified by your
order

Yours truly

B. T. Babbitt

0179

B. J. Babbitt
Feb 9. 83

0180

HENRY A. MEYENBORG,

Attorney and Counsellor at Law.

PROCTOR AND ADVOCATE IN U. S. COURTS.

—AND—

NOTARY PUBLIC,

Office, No. 5 Willoughby Street,

(Near Court House).

BROOKLYN, N. Y.

0181

Handwritten text:
The ...
...
3

0 182

DR. W. H. CÆMMERER,

OFFICE HOURS: No. 247 Baltic Street,

7 to 9 A. M.

1 to 2 P. M.

6 to 8 P. M.

Bet. Court & Clinton Sts.,

BROOKLYN, N. Y.

R *Manna 21/83*
I am hereby certifying that
Mrs. Ellen C. Perle of 317
Putnam St. is confined
to bed with hemorrhage
of the uterus and at present
very feeble, and judging
from her present condition,
it will be very necessary
for her to keep her
room for two weeks &
may be still longer
W. H. Cæmmerer
M. D.

0183

City of Portland
County of Clatsop

William H. Commeren
of said City and County being duly
sworn, says: that he is an
duly licensed physician of
the Clatsop County Medical
Society - and that the
foregoing certificate is
true -

Wm. H. Commeren
this 31 day of March 1883. M.D.

J. J. Harder
Notary Public
Hillsboro

0184

*District Attorneys Office,
City & County of
New York.*

New-York, August 1st. 1883.

The People :
vs. :
Ellen M. Peck. :
-----x

Hon. Frederick Smyth,
Recorder.

My Dear Sir:-

Mr. Vincent informs me that you incline to the opinion that upon the motions made upon the indictment in the above action you will have to confine your attention to the indictment itself and not enquire into any of the preceding steps. Mr. Vincent further informs me that you suggest that if I have any views to express in the matter that I come down to see you. I find this to be impossible to-day, and I take the liberty of in this way calling your attention to such points in the Code as lead me to believe that the entire proceeding in the Peck case must be considered as under the existing law before the Code of Criminal Procedure. Section 962 of that Code provides that "all criminal actions and proceedings theretofore commenced" (that is before the Code takes effect) "must be conducted in the same manner as if this Code had not been passed".

Section 5 of the same Code defines a criminal action to be "the proceeding by which a party charged with a crime is accused and brought to trial and punished".

It would seem that the use of the word "accused" in connection with the words "brought to trial and punished" necessarily imply two different stages of the process. I have always understood that the word "accused" referred to the manner in which the information of the crime was brought to the attention of the criminal authorities whether the accusation was made before a Magistrate or presented to the Court in the first instance by the Grand Jury. If you are of the opinion that the word "accused" means only accused by indictment, then, of course, the indictment is the beginning of the criminal action; but I would suggest that it was the purpose and object of the Code to assimilate as far as possible criminal actions with civil actions, and that the indictment in a criminal action is a mere step in the prosecution of it in the same manner as a complaint in a civil action is such a step. A civil action may be commenced by the service of a summons, and in my opinion within the meaning of the Code a criminal action

0185

is commenced by the accusation before the Magistrate and the issuing of the warrant of arrest.

Section 4 of the Code provides that a ~~criminal action~~ must be prosecuted by indictment, but this can have no bearing upon the question as to when a criminal action was commenced. If the laying of an information before a Magistrate and the issuing of a warrant, as provided in Chap. II et seq. be not the commencement of "a proceeding by which a party charged with a crime is accused" what is it? And if it be such a proceeding, then it must of necessity be the commencement of a criminal action as defined by Sec. 7.

Section VII provides that "a party prosecuted in a criminal action is designated by this Code as the defendant," and an examination of the chapters relating to the proceeding before Magistrates will show that the party charged is in that Code uniformly designated there as the defendant, which would seem to indicate that my view was that of the Codifiers.

The new indictment in the Peck case was prepared certainly with the understanding on my part that it was to be amenable only to the law as it existed when the matter was first brought to the attention of the Magistrate. Such has been the uniform understanding of the law in this office, and, in my opinion, it seems to be a reasonable construction of it, and I doubt not but what a closer examination of the Code would disclose other points tending to support this view.

Section 962 employs the words "action" or "proceeding", and there would seem to be no doubt but what, if you determine that the matter before the Magistrate was not the commencement of an action, at all events it must be a "proceeding" in a criminal case, and therefore, by the terms of the section, is to be governed by the law as it existed before the Code took effect.

Should you determine that there is no force in the foregoing, it is still worthy of consideration whether an indictment which is found as a mere superseedeas of an existing indictment must be considered as a new criminal action, and whether it may not be taken as a new step in the proceeding already commenced by the other indictment. The new indictment in this case is a precise copy of the other with the solitary exception of the correction of a clerical error in the name of Charles R. Beckwith, which occurred in the first indictment.

Yours very truly,

Henry G. Allen
Asst. Dist. Atty.

320 West 1st St

People to me
Camp of
P. Y. Z. Club

Wm E Rock

Noted June 16/78

Pringle MacFate

Paired, Gray, 28th 1884

by Friedrich Engels,

5 Willoughby Street

Brooklyn \$25.00.

45000 to 200000 barrels

~~Printed by
144 Augusta St
144 Light Hall
144 West Street
Printed by~~

The People
v.
Glenn E. Beck

Witnesses
B. J. Babbitt
J. Golden Detective
300 Mulberry St.

320 Dec 10 1898

People to be
sampled of
Pg 73 back

Wm E Pack

Dated June 16/78

Prayer, Mass, Fete

Paired, Gray 2847884

by Friedrich Engels,

5 Villoughby Street

Proctor \$2500.

\$500 to Treasurer - bonds

Filed by

~~for all the doors~~

~~144 August 13 1895~~

~~to a light hall~~

~~W. H. Kent~~

• *Excerpt*

The People

Chas E. Rock

Witnesses : —

B. J. Babbitt

82 Washington St.

J. Golden Becton

300 Mulberry St.,

0187

0188

Deep River Comm
Executive Holden
L.C. Hotel

15 1898

I am in a hurry at this time
and have not time to say any
more than that I am a witness in
the case of the Deep River Bank
and am a member of the same.

Very truly
yours
Richard A. Lister
Cashier

0189

2

June 18 1878

To G. B. Lee, Cashier, First National Bank,
New York, C. & P. Co. & Mrs. C. A. Brewster
or their order a deposit of fifteen to
twenty hundred dollars currency in cash
to be deposited in the bank of deposit
and to be held in the name of the
above named persons in New York, and
deposit in account. Witness to the above
John. Grant, Cashier, Hotel
and.
Rogers, C. & P. Co. & Mrs. C. A. Brewster

0190

New York Supply Department Oct 31 1877

7. 4 car.

Thos. Beck, requested me to send
you a copy of the paper, and
to say that he was a member of
the same, and would be
pleased to have you send a
copy to him, and he would send
it to the printer, and you will find
it in the paper, 31 Oct 1877.

I did not send a note but simply a receipt
for the money showing where the money
went in case of accident

Yours Truly

July 10 1851

0191

4

4

New York March 30th 1878

Dear Mr. Brewster
I have just received your letter of the 28th inst. and am
glad to hear that you are well. I am
very much interested in the matter in
reference to the collection of birds and
am sorry that I cannot do more for you.

I remain, Sir, Very truly,
Yours, Wm. C. C. Peck.

0 192

New York April 11th 1878

Dear Sir, I have the pleasure to acknowledge the receipt of your letter of the 10th inst. in relation to the above named account. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
Wm. E. & C. P. K.

\$19000⁰⁰ signed Wm. E. & C. P. K.

0 193

Brooklyn Dec 5th 1877
Received of M. C. Abbott Nov 21 1877
the sum of \$100.00 for demand
and interest on account of M. C.
Abbott's account of M. C. Abbott
and M. C. Abbott's account of M. C. Abbott
M. C. Abbott

0195

Mr. La Bitt

See also:

[illegible]

My dear Mr. H. B. Fox

0196

Ray Putnam New York City
New York

[illegible][illegible]

0197

[illegible]

Ligia West West.

0198

[illegible]

0199

For Chairman Assoc 1 Brooklyn
Dear Mr. Abbott

[illegible]

0200

[illegible]

Agnes M. R. H. R. R.

0201

Sabbath Evening 11 P.M.
Mr. I. Dabill
Dear Sir,

It would not be strange,
if you were asking why I do not come
and say so, but the only one reason
for my not coming is that I have had a terrible
cold and am not well, and I do not
want to go. I had the typhoid
last first, which left him in a very bad
state, and was then taken down with
typhoid. I have not had my clothing for
quite a while, for about two weeks
today, the doctor gave me no hope of
ever, but today he is quite recovering
and I think myself to be well, and
am very glad, with much anxiety.
But I have not time to say more
at present, but I am sure that
perhaps you think the sum too good to be
true, but please, that I have employed
and that are with her employment of
these two. There where these bonds are and
when everything gets right I can put my
bonds right in them. You may not credit
but it is as true as the Gospel, and I
shall claim the credit when they are placed
in your possession of being the swiftest.

0202

German in the city none excepted.

I have worked the hardest in this case for you that I ever did in my life for any cause. Every day to be bound after the manner of the little slave, a thing I never thought I would be obliged to do. I have done more than I could have done if I had my just reward and may I say the same? I but don't expect to. For the party I have with her might think it more gain to refuse. I must thank to work for me. I do not think it however as I have used her a no of years and always found her faithful. I have a correct statement of all the money used, and you will see that it is to stop for you that I have made no extravagant use whatever of the same. When I have had a few moments lately that I could have written I have been obliged to rest myself and have only written what I was forced to through necessity. I have never acquainted a person except those employed by me with a single word of your business, not even my own husband, and he never asks any questions. I intend to see you this week if my boy is comfortable.

0203

enough for me to leave with anyone else.
13 If not I shall see you early next week.
I have things so entirely mixed up in my mind,
that I have forgotten most all regard to
the matter and I don't get a little better
until I have a good night's sleep. I shall write you a line ready
to send it in the morning by express for
you and trust it to the Union for
and you might get it, as the information
is too precious to be wide spread as yet.
I don't know anyone can make out all I
have written for. I am too tired to hardly
hold my pen. With best wishes to you
I remain yours with respect

Yours W. E. C. C.

0204

110

New York Safety Deposit Oct 31 1877
received of B. P. Abbott in cash of
\$1.00 for Thomas Ballou with
the understanding that the cash should be
used for the purchase of a new
safety deposit box.

Wm. J. West
By John A. Allen
1877

0206

as I can take up both yours and my own
by that time, you had better have my final
answer from Bicknell and not Mr. Briggs.
and also request it to drop to you in
my own hand, for your opinion with
regard to the matter to be arranged.
I am very much pressed and I
think I am putting him to a great inconvenience
in not doing it, which I rather cut off a hand
than do by anyone, who has lent and
refused me, and disappointed me, for I
have promised to try to send it to him and
I must have it to use, and please do
not delay. He thinks you longer than you
are, and I am sure of that. He will
write you on Monday or Tuesday,
and I will let you know and I will
say it to him.

(Signed) C^d E^d Peck.

0208

[illegible]

0209

[illegible]

0210

you will find it not misplaced.
I must go to night today, it not
until late, but I must do some
business. I will get the letter copied
and send it to you. I remained Wednesday.
I am sorry to hear that the stamp
which I sent you is not right. I will try to get
a new one. I am sorry that you have the
copy, as you can keep that. I am
sorry and I think you are the person
to have them. You must send me some
more of your papers. I must have told you
before that I had as much as I could
to get not right, and must replace it
for any husband would be quite indignant
if he found out, and I must have
little to use them. I am so interested
in you due the 10th that I must do
you. So you better make the amount \$
112.00 that will be a good amount
and I will return it to you again the 10th of
the month. I am prepared to give
you the statement of the closing up, if
you wish and I will then take just
what you feel disposed to give me outside
the expense for them. You are a man
of honor and will do what is right.

0211

me, at all event. I feel safe to trust
it, for I shall get the credit in spite
of everybody, and that will be worth a great
deal to me in the end, if not just now.
I am there with a staff and pen, and as
I see it with more than you see that
I am a man of spirit and a future owner.
I shall have a reward instead of a
reward, and I shall find you, and
and did not know but it might be at
your wife, which I hope it is. I do just
yet. I have to go to the post office, and
go to the Bank, besides dozens of other
things, before I can go to the depot, and
I shall be at the time with today.
I cannot, and replace the children
amount, if they could do so the power
to keep the horses as they were, and we
could do so the interest for the four days,
as they knew me, the arranged in that way
with me, and I wish to do what is right,
so please send by the messenger or without fail,
and I shall see you Tuesday at 1 P.M.
After that unless you prefer to see me
otherwise, I shall know more than
In haste but all Respect.

(Signed) E. E. Peck.

0212

Dear Mr. Wallis

[illegible]

0213

[illegible]

0214

deficiency in our financial standing, as
one dollar to ten thousand, what I mean
by that is, that my \$10000 to me, is
less than 10 million would be to you.
I don't wish you to think me inclined to
juggle figures, I just happen to know it,
and you can see and judge for yourself
that it makes me very much embarrassed
at times, using all my own as I can or
later, and a dinner you made to me at one
time, made me feel that I would rather
beg than have one cent of yours, and as
where I could not produce it, at short notice
if it should at any time be necessary for
me to do so (or the equivalent) and I
can't return the \$10000 to you in
any manner. I would be very glad of
it, as there are some things I must have
for myself and family, and as I said
before, I should like to keep the money and
have together intact, ready for use at an
instant's notice, whether we need it or
whether we do not. You can send it by the
mail, or I will come and see you, or you
may come and see me ~~just~~ just which will
suit you best. And believe me all is working
well, even better than I anticipated.
Respectfully I am with best wishes

02 15

(Signed) Mrs. W. W. Beck

I should like you to send it by Messenger,
if you can, it would be much better
as it is very important today, but
I am not sure.

02 16

144

State of New York

County of Prison

Clerk's Office

July 1st June 1841

Wm. J. Smith Esq

Dear Sir

Johnathan Smith visited me
the other day and said he was just of a
letter he had received from a man
named John Smith who he had by name
of A. P. Smith as a schoolmaster. He the best
of my knowledge & belief it is false.
He also claims to have visited Westville
quite often which is false. He has not
had a single visitor since June 1841
at that time it was his sister. At the
time of Westville's acceptance at this
prison he had no jewelry of any kind
with him.

Wm. J. Smith

Signed James Jackson

0217

Brooklyn April 29th 1848
Dear Mr. Daboll

I was just leaving home to come
over to the city to see you, when I received a
large paper. I cannot say that Mrs.
10th is a very good one, but it is a very
good one, and I am sure it will be
very useful to you. I have
of the same kind, and shall have more.
I am sure you will be very
glad to see it, and I am sure
it will be very useful to you.
I am sure you will be very
glad to see it, and I am sure
it will be very useful to you.
I am sure you will be very
glad to see it, and I am sure
it will be very useful to you.

(Signed) Wm. D. Daboll

02 19

anxious than I do in the matter.

Have patience, it will not be long.

Very respectfully,
Yours,

Captain Mark W. Dick.

0220

16

Thursday morning April 7th
Dear Mr. Packard.

The experience I have had since
leaving you would fill a good volume. I arrived
in New York at 10 minutes before 2 o'clock
on the 4th and waited there a good long
time for a train to Long Island City. I was
told the train was leaving. Well, it was
there and so was she, and she asked me if
I was prepared to take all she brought. I told
her, yes, it was not too much. She said she had
come with her and did not wish
to divide them up. I told her that I was
opposed to it. I said with a smile that
I would take them and give her
the cash. She said she had taken her
jewelry for tonight then, as she should not
be a nuisance under any circumstances.
(Now she was put up to that to trap me
in your office). I told I had plenty more
and that it would take a little time to
send it, and if she would wait till Sunday
I would be ready for her. Well, she said she
would wait till I pay her \$2500 or if
I could not do that in the afternoon of
the 9th it would do. Now whether she
does want whatever it is to have this money
I have no doubt. A robber who is being

0221

self about by seven o'clock in a little
 more than I can quite get a word of
 about a time. I saw your wife as some
 distance from the window at the same
 time, but at the same yesterday all
 day, I was sitting in a chair, and
 came to bed last night, my hands being
 quite numb and stiff, but nothing
 worse. I do not know how it is, and I feel
 and talked with the family as usual for some
 time, and they asked me did it hurt me
 especially when I was in the room, and
 I cannot say yes, I said it was
 nothing, but I was really very much troubled for
 the last night, the 10th. The same was
 said to me by the doctor. He says, when
 you are in a room, do not sit with a
 young child? ha ha ha! You ought to have
 seen him look at me. He says where are
 you going? I said up to the 11th floor
 and then. So I went straight up to the 11th
 floor, and went into the bedroom door.
 I changed my gown for a dress and hat &
 cloak of Mr. Perryer, and about an hour
 afterwards came down. I came to the front door
 Garry's cell was admitted, and then about
 a half hour more Mr. Perryer came up,
 and came in and stood awhile after her

0222

that I have had of you, and Friday I will
arrange it so that I can come over to the
Hotel without fail so to have a good talk
with you about matters and things. It might
not be necessary a long negotiation as it
will be best for me to be well prepared.
I will forward it all together then remain
await the result with patience. I have had
of you altogether more more than would seem
necessary in the affair, but you know just
what is expected of me by yourself, and
I must use every legal right or right
of mine and I am bound
to do that for you. If I do not I will return
in all again and bear the loss whatever it
is myself. Friday when I come over please
hand a Note to me for the amount I have
had of you \$6000 for fear anything might
happen to either you or myself and I will
sign the same make it payable Jan 1 1885
for I shall be all through with the Lady by
that time. I am sure ready for a settlement
with yourself. I will do the very best for
both you and myself that it is in the power
of anyone to do, and hoping you do not
the better of it. Remain, Yours with all Respect
Ogden M. W. West

0223

7

307 Williams Ave. Bklyn. N.Y. 28 1898

Mr. J. S. Pabst

Dear Sir,

I have called twice and
you were gone each time to have a talk
with you. I know your time is
valuable, as well as your money, and that
you have known to waste more than
myself. That I feel in the secret of success,
to attend to the business as much personally
as possible. Well, to business at once.
I have made an affidavit explanatory in
part of my dealings with, and for you,
thinking perhaps you may feel that I am
taking too much time and money for what
I am trying to do for you, but I think that
in the end, you will say I have accomplished
the shrewdest piece of detective work that
has been done in many years. I hope. Keep
you pretty well informed, better than a cred-
ited any party before, and you are so much of
yourself, that I can tell you of things that
I would no more trust to some parties
I have worked for than nothing at all.
Well, I am knowing to where one part of
the stolen property is, but that I do not
wish for without more. That I can put

0224

my hands on at any time, and I have 5
very valuable witnesses that are not aware
that they have given themselves away at all.
But I hope I shall not have to use them,
and shall not if every thing goes on as well
as it has thus far. Every bait I have
put out, has been snapped at, and good
worth for it. The last thing I did, you
were disappointed at, and that was unletting
the Bonds. That I did yet, remain I don't
know. I said in order to throw her
off her guard at the time of buying them.
That I was afraid of danger. Well, and that
I should turn as much of my money as I
could into them. Bond I said the whole
and are you going to keep them, I said I
was, until I had a good many more, that
I could buy a long as my money lasted.
and she said a friend of hers would use
some that she had, and that she herself
could sell about \$4000 worth more.
I told her the money was ready, anytime
or her, only to phone a line or Telegram
before we should come. She has been sick
and I have had sad changes in my own
family in the meantime, but last week
we wrote to Mr. Parker and asked him if
him if the Bonds were still kept there for

0225

me and if there was a deposit to my
acct. He wrote her yes! plenty of it.
Do you see. Don't tell the right of it after
all. I tell you Mr. Tabbitt a small
thing certainly a profit, a thing that it has
taken me by the hair, and I have
understood that occasion all through
this matter. It has never taken the interest
in any case. Even that I have it. It is
although a situation most hard to win.
Both the gain and the honor. I have put
Lord and Lady into this case, and I will
win it. I have used a great deal of my
own money, because I should not disturb
what was waiting for the purchase, anything
I might be called upon to invest. I received
a letter this morning, forwarded to me from
Mrs. R. saying that it would be a good
thing to have mine. Now what do you
think of that? I hope someone will be
smart enough now, to see if they come
from where the ones are that I am knowing
to or if this is a different lot. Now what
I propose is this. You are not feeling quite
satisfied with me, and I will supply what
is needed, with what I already have, that
has not been used, if you will put in
\$5000 more, and I bind myself by the

0226

enclosed note and affidavit to repay you
the \$15000 again before the 10th May
whether I am through court, and when
I get through successfully and satisfactorily
to you, you are to give me just what you
deem proper to, after a careful inspection
of my own situation. Now &c. and I know
you will do what is generally right and
just for you and thought business man,
and will be that it in a business way
must go away ^{from} here so as to meet I am
Saturday, as I have agreed to do by letter
today, and then you shall have to have
be tomorrow, (Sunday) What can I see
you and at what time will it be most
convenient to you.

Respectfully Yours
(Signed) Mrs. A. M. West

0227

18

30. Victorian Ave Monday 8 P.M.
 I am very sorry to hear
 Mr. Marshall

Dear Sir, Why did you not reply
 when I wrote you I was doing something
 in the matter of the money, & that it was
 made no difference what as the K. took in
 the paid instead of the other, it would
 have been absolutely necessary for you to have
 been seen where the money was kept, but I am
 sure you will be very much surprised
 to find a great number of people who
 are very much interested in the matter
 and that it is something
 very much more than just a
 matter of money. I am sure you will be
 just so days as I should only have
 been so long ago, but I am sure
 that I am using, & of course had no
 opportunity of conducting the search, we had plans
 in the matter, but in their minds of
 the matter in regard to the place of con-
 cealment &c. They are in the house and I
 have the name and name of the man who made them,
 and he was called upon to be used in case
 of the thing, & got the money and the money from
 her, and he is willing to testify if need be to
 that effect. He does not know who he did it
 for, but knows he did it, as it is made a

0228

memorandum of on his side Robert the Man
individual. Mrs W. has father's exactly with him,
and she has the name in from about 1820
to 1830, so in case she were there, I am
wondering what to go to in, that it is much
easier to go to the place from. I am
wondering that it is a not quite decided whether
I answer or not, but if I can get the
easier exact of it, I would like to have the
cases in, I don't wish to do any more talking
with her, but if that is my only way to do,
I have to do so, and keep a good a watch
of her account as time. I try to be in
the house, and I understand, I understand in
the family, and I am sure I can
run your house without consulting. There are
here there, I think I am smart enough with
to help to locate them, but I am as sure of
them as though I was in the possession of them
at the present moment, and if anything
more, I am sure that you are in any case
in a position to do so. I can see no
to be in a position of eventually placing them
in your hands. I thank you for the confidence
you have thus far placed in me, and I wish
you all time that it has not been misplaced,
and that you are the gain by a good many
thousands, as well as having the satisfaction

0229

of knowing that one who has so shamefully
wronged you shall not alone suffer the penalty
of his crime, but be deprived of his earthly
gains. I wish to have a talk with you, but
must leave so this week, & shall not be
able to bring out more a year, but I will
write you, and I shall, so will drop you a
line from time to time, so that I shall be
able to get out, but nothing but I shall write
you. Hope you are well and prospering.
I am, your most sincere friend.

Respectfully, Mrs. E. C. Cook

I shall direct this to the Post Office at your
address, as I think it best.

0230

19

307 Putnam Ave N Brooklyn
Dec 8 1877

Dear Mr Abbott

Sir: I have some more than
enough, as I should have sent this receipt over
to you, it is almost not sent you, you
have said it back and as it is your receipt,
and I will sign it. I have arranged everything
this far, as best of my ability, and am
now like the spider, "waiting for the fly to
crawl into my jaws." I will get to go
on to your house and give you a
word to hear and see if I can do what
you want, and see what I can hear.

Respectfully, but in haste

Signed E. C. Peck

Really ought to have about Ten Hundred Dollars
more for him to live for expenses, I have
a list of these expenses to pay aside from
the one in the family in New York and the one in
Utica. I can take out some money in New York,
that is all I can do, but I rather dislike to do
it. If you are I could possibly have for the
year, with our possession the 1st of Dec, I did so,
there is not your own money, and I will do
the best possible.

Signed Wm R. N. S.

0231

20

Wednesday morning
Mr. T. Babbitt
Dear Sir

I was so very
busy writing Monday and yesterday that
I found it impossible to get over to see
you, unless I came near evening, and
I was not sure then as I could find
you in: beside if I came to the Hotel
near 12 o'clock, it does not ^{make} ~~seem~~ so likely
to suspect anything, and I wish to avoid
all of that. I have given them over,
and neither are ~~them~~ ^{they} are the only
one I have. I could not ask to have my
plans all work any better than what they
do. They even go beyond my expectations
thus far. The only thing that worries me at
all is this for fear you will find the least
inconvenience: but you need not fear for my
plan cannot but work. I have the letter ~~to~~
write to Prof. Rums, and I suppose he
will be back, or will come on yesterday, so
is there today to write to. I drew a check and
forwarded it for the \$2000 as I was too late
to get the money off by Express that day.
Now what I want is this (for I want to
be on the safe side) send me enough more
money to make the amount an even \$6000

0232

[illegible]

0233

the best I and the first of the week, I
will put the amount right back into
your hands again as I rather than not
wish to communicate with you as soon as I
shall be able to. I have been in
the hospital for a long time and I
am not at the present time at present to
be able to do so.

I repeat back it with all respects
and I remain your obedient servant
Wm. H. E. & Co.

0234

Police Court—

District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Ellen E Peck being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to *her*, states as follows, viz.:

Question.—What is your name?

Answer.— *Ellen E Peck*

Question.—How old are you?

Answer.— *44 years old*

Question.—Where were you born?

Answer.— *Montpelier - Vermont*

Question.—Where do you live?

Answer.— *Brooklyn -*

Question.—What is your occupation?

Answer.— *A married woman*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— *I don't want to plead guilty because I do not wish to default. I want to pay Mr. Dubois, the amount that I had with interest.*

Taken before me, this

15

day of

June

1878

Police Justice.

0235

Golden
Central Office

0236

District Atto

Office, Kings County,

No. 3, COUNTY COURT HOUSE,

Brooklyn,

July 18th 1879

Benjamin T. Phelps,

District Attorney,

New York.

Dear Sir,

If you will please send an officer
to the Court of Sessions Tuesday morning
July 22nd at ten o'clock. He is to
turn over to your office Mrs. Ellen Beck
for whom you sent a bench warrant to this
office, should she be acquitted.

She was tried this day and a verdict
of not guilty rendered.

Yours Respectfully,

J. H. Bacon

Chief Clerk.

0237

City & County of New York ss

Benjamin T. Babbitt of the City of New York being duly sworn says that Charles R. Beckwith prior to the 2nd day of January 1876 defrauded deponent out of several large sums of money amounting to over two hundred thousand dollars a large part of which sum has never been recovered by or paid back to this deponent. That said Beckwith was indicted for obtaining a portion of said money and afterwards tried and convicted and is now confined in the State Prison at Sing Sing. That said Beckwith has a wife who deponent believes to reside in Newark N.J.

Deponent says that in the City & County of New York (within the last year) Ellen E. Peck falsely represented to deponent that she was a skilled detective and that she had been in communication with the wife of said Beckwith and had persons employed ^{who were} in communication with his wife with reference to

0238

a restitution of said moneys or a part thereof and a recovery of said moneys so fraudulently obtained by said Charles R Beckwith from deponent and that she said Ellen E Peck had expended large sums of money in the purchase and of Bonds and securing information as to the location of a large amount of property which had been purchased by said Charles R Beckwith with the moneys of deponent. Deponent says that said Peck at divers times within the last twelve months in said City & County falsely pretended that she had divers persons employed in securing information as to the location of certain bonds under the control of the wife of said Beckwith. purchased with the moneys of deponent as afore said and that she had paid to said persons divers large sums of money for their services in securing this and other information whereby ^{for deponent} he would be able to get back a large part of the money

0239

of which he had been defrauded by said Beckwith. That said Peck falsely represented to deponent that she had received by means of the employment of divers persons and by means of her own services as a detective and the payment of several sums of money information as to where a large amount of property was located which was purchased with the money fraudulently obtained from deponent and that by reason of such information the employment of such persons and the payment of divers sums of money deponent could obtain a large part of said bonds.

That all of said representations so made by said Ellen E. Peck to this deponent were false and untrue and were made by her knowingly designedly to this deponent with intent to cheat & defraud him.

That this deponent relying upon such representations and believing them to be true was cheated & defrauded by said

0240

Ellen E Peck out of large sums of money to wit the sum of nineteen thousand dollars.

Deponent further says that said Ellen E Peck on or about the 11th day of April 1878 in the City & County of New York falsely pretended and represented that she had purchased for deponent a considerable amount of bonds & coupons for which she pretended ~~she had~~ paid ^{for with the} money which was given by deponent to her and is a part of said nineteen thousand dollars and that said bonds had been placed by her in the hands of Mr Parker a ~~at~~ Cashier of a Bank at Deep River Conn. and that she could purchase more bonds if deponent would give her a certain other sum of money That deponent relying upon such representations gave to her on about the 11th day of April 1878 ~~for~~ the sum of four thousand dollars (\$4.000.) to purchase other bonds and coupons.

That said representations

to have

0241

were in all respect false and known
by her to be untrue when made
to deponent. That deponent believing
them to be true gave to said Peck
the sum of four thousand dollars
out of which sum he has been
cheated and defrauded by means
of such false representations made
by said Peck. That certain letters
and papers copies of which are
hereto annexed and having
reference to the acts of said Peck
herein referred to are made part of
this affidavit. Deponent prays
that Ellen E. Peck may be arrested
and dealt with according to law.

R. L. Abbott

Shown to J. H. M. M. M.
16th day of June 1875

W. W. M. M. M.
Clerk of Court

0242

BOX:

97

FOLDER:

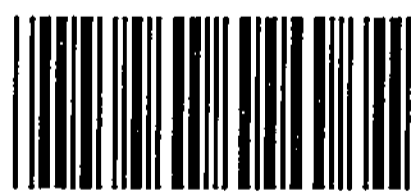
1046

DESCRIPTION:

Petzold, Edward

DATE:

03/21/83



1046

Official

B 215

Filed 21 day of March 1883

Pleads Not guilty March 21/83

THE PEOPLE

vs.

P

Edward Rogers

John McKeon
District Attorney

Assault in the First Degree.
(Firearms.)

A TRUE BILL.

Geo. O. Fisher
Foreman.

April 14/83
Jury of 12 men
Charged by Foreman
P. O. M. 11/83
Peri two years.

0243

0245

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Edward Petzold

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

of the CRIME OF *Assault in the first degree*, committed as follows:

The said *Edward Petzold*

late of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *March* in the year of our Lord one thousand eight hundred and eighty *three* with force and arms, at the City and County aforesaid, in and upon the body of *Jacob Wiche* in the peace of the said People then and there being, feloniously did make an assault, and to, at and against *him* the said *Jacob Wiche* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *Edward Petzold* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent *him* the said *Jacob Wiche* thereby then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Edward Petzold

of the Crime of assault in the second degree, committed as follows:

The said *Edward Petzold*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Jacob Wiche* then and there being, feloniously did, wilfully and wrongfully, make an assault, and to, at and against *him* the said *Jacob Wiche* a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *he* the said *Edward Petzold* in *his* right hand, then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, wilfully and wrongfully then and there shoot off and discharge

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

JOHN McKEON, District Attorney.

0246

Police Court 3 217 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Facet Meide

17th

Edward Petzold

Offence *Seduction*
Assault

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

No. 5, by _____
Residence _____
Street _____

No. 6, by _____
Residence _____
Street _____

No. 7, by _____
Residence _____
Street _____

Dated March 15th 188 3

Magistrate.

Facet Meide Officer.

17th Precinct.

Witnesses _____

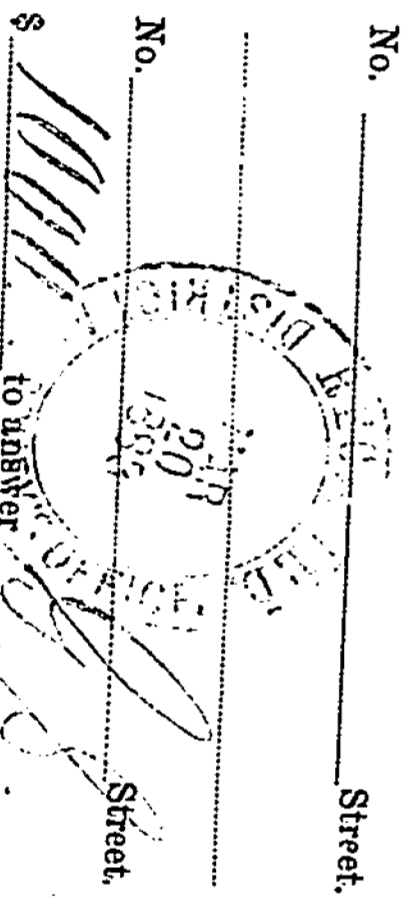
No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.



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 *Edward Petzold*

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

Dated March 15th 188 3 *J. M. Patterson* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0247

Sec. 193-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Petzold

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. *Edward Petzold*

Question. How old are you?

Answer. *23 years of age*

Question. Where were you born?

Answer. *South America*

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

Answer. *327 Fifth St. 6 months*

Question. What is your business or profession?

Answer. *Book-Binder*

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. The picture went off accidentally. I did not point it at the officer*

Edward Petzold

Taken before me this

19

day of *March* 188*8*

J. M. Patterson
Police Justice.

0248

Police Court— 3rd District.

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

of No. 17th Precinct Police Street,
Aged 34 years being duly sworn, deposes and says, that
on Sunday the 18th day of March
in the year 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and~~ by

Edward
Petzold, now here, who
did wilfully and maliciously
aim and point a pistol at
deponent, and while so holding
said pistol in his hands so
pointed at deponent, did fire
off and discharge the contents
of one barrel of said pistol
at deponent

with the felonious intent ~~to take the life of~~ to do him guerris harm; and with out any
justification on the part of the said assailant :

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

Sworn to before me, this 19th day
of March 1888

J. M. P. Justice POLICE JUSTICE.

Jacob Wiehe

0249

Testimony in the
case of
Edward Petzold
filed March

1883.

0250

4-21

The People
 v.
Edward Petzold } Court of General Sessions. Part I
 Before Judge Geldersleeve. April 4. 1883.
 Indictment for assault in the first degree.
 Jacob Wiehe, sworn and examined, testified:
 I belong to the Seventeenth precinct; upon the
 night of the 18th of March Petzold pointed a
 pistol at me; it was about 15 minutes past
 eleven a woman came to the station house
 on a Sunday evening and told the Sergeant
 something. Officer Klein and myself went
 to this house; as soon as we opened the
 door the prisoner said, "If you come in
 here, I will shoot you" to me and Klein.
Klein said, I am going outside on the
 window and tried to attract his atten-
 tion towards the street and you go
 inside and take hold of him. I returned
 to the door, opened the door partly. I
 saw him having the pistol pointed
 toward me and the shot went off;
 he did not hit me; the bullet hit the
 globe lamp and broke it. Cross
 Examined This was in a basement; I
 understand there is four rooms. That
 lady (pointing) lives there. I saw an old
 man lying in bed, but I cannot re-
 cognize him; he was sick. I don't
 know whether he is her husband or not.

0251

He fired the shot ⁱⁿ ~~at~~ the ~~bed~~ front room. I was standing at the bed room and had the door partly open. The door of the room in which he was was closed but he opened it. He was pretty well under the influence of liquor. I had done nothing to him. I was sent there to quell a disturbance; the fight was not in progress; the prisoner was in the back room and his friend was covered with blood; the prisoner had some blood on him too.

Augusta Spitzer, sworn and examined for the defence testified. I am a married lady and live in this house where the occurrence took place; the defendant and the young man who had a quarrel with him had two furnished rooms. I have known the prisoner two years; he has been living with me six or seven months; his reputation for peace and quietness is good. I heard the report of a pistol in his room and I went to the station house and brought an officer; the policeman was standing at the bed of my husband when the second shot was fired. After the policeman came I heard another shot fired. At that time the policeman was standing in the fourth room at the

0252

bed of my husband. Petzold came to the door and said to me, "open the door;" I said, "I will not open the door; if you throw out the pistol through the bedroom window then I will open the door." I told him this three or four times; the policeman was already there in the house; he threw out the pistol. I took up the pistol and gave it to the policeman; that was after the shooting. Then I unbolted the door and he came out. I am no relative of this man. I spoke in German to the policeman and he looked in through the jar of the door; he said, "I won't go in, I have six children and a wife home." Petzold said, "Mr. Spitzer, open the door, I will be good." I said, "I will not open the door till you give me the pistol. The policeman was in my room when the shot was fired.

Julius Spitzer sworn. I am the husband of the last witness; the prisoner was always orderly; he is a book binder; he was two paces away from my bed. - I was in bed sick - at the time he fired the shot. How many rooms separate between your room and the room where Petzold was? Two rooms are between. Were the doors closed? The middle door was bolted.

0253

William Kutting sworn. I am a book binder at 47 Maiden Lane; the prisoner works in the same place with me; we lived in the same house together; we had a little quarrel that night; this pistol belongs to me. I left it in the room that night. The officer was in the fourth room the time the shot was fired. I was not in the room when he fired the pistol but I was there when he threw it out. He did not shoot at me that night. I heard two shots. I don't know the cause of him firing the first shot; there were not two pistols there. The prisoner was under the influence of liquor that night.

Adolph Markle sworn. I am a pocketbook maker at 80 Nassau St. I live in this house, am no relative of the prisoner, I live on the floor opposite. I was about going to bed and heard a disturbance and a pistol shot. The lady of the house returned with an officer; she took the officer to the door of the fourth room and said, there was the man, and to look in, but not to go in; he said he would not go in for he had a family at home. The officer and the woman had a consultation to see if she could not persuade him to throw the pistol out of the window. ~~At this~~ She asked him three or four times to throw

0254

it out of the window and he did.
At the time I heard the pistol shot the prisoner
I am sure the officer was not in
sight when Petzold fired the shot.
John M. Schmidt. I am a book
binder 47 Maiden Lane; the prisoner
worked for me off and on for two years
and I found him the quietest man
I ever had.

Edward Petzold sworn and examined
in his own behalf. I am a book binder,
never have been arrested before,
had no trouble with the policeman,
did not wish to shoot or kill him; the
pistol does not belong to me but to
my friend. I was under the
influence of liquor that night and do
not remember anything.

Julius Klein, an officer, testified he
heard two shots fired and that he
took the pistol out of the prisoner's
hand.

The jury rendered a verdict of
guilty on the second count with
a recommendation of mercy.

0255

BOX:

97

FOLDER:

1046

DESCRIPTION:

Porter, Thomas

DATE:

03/16/83



1046

0256

77

Counsel, *W. L. P.*
Filed *16* day of *March* 188 *3*
Pleads *Not guilty (19)*

THE PEOPLE
vs. *B*
Thomas Sater
Grand Larceny, Receiving Stolen Goods,
degree, and *County*

JOHN McKEON
District Attorney

A True Bill.
Monday May 7/83

Geo. C. Fisher
Foreman.

Dec 19 1883

0257

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Thomas Porter

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

Thomas Porter

of the CRIME OF *Burglary* committed as follows:

The said *Thomas Porter*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
first day of *March* in the year of our Lord one thousand eight hundred and
eighty- *three*, at the Ward, City and County aforesaid, with force and arms
two coats of the value of ten
dollars each

of the goods, chattels and personal property of one *Porter*
Robert then and there being found, then and there
feloniously did steal, take and carry away, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York, and
their dignity.

John McKeon
District Attorney

0258

City and County of New York, ss.

Police Court—4 District.

THE PEOPLE

vs.

On Complaint of

Peter Rafferty

For

Peter Lawrence

Thomas Porter

After being informed of my rights under the law, I hereby *waive* a trial by Jury, on this complaint, and demand a trial at the **COURT OF SPECIAL SESSIONS OF THE PEACE**, to be holden in and for the City and County of New York.

Dated *January 2* 1893.

A. Rafferty

POLICE JUSTICE.

Thomas Porter

0259

PART I

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Off Walton

of No. _____ Street,

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 20 day of Dec instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Thomas Porter
in a case of Felony whereof *he* stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of Dec in the year of our Lord 1883.

John McKee JOHN MCKEE, District Attorney.

0260

BAILED,
No. 1, by Arthur Adams
Residence 1450 Broadway Street,
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court 4 District. 169
THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Hafferty
560 W 54th St
Arthur Adams
1450 Broadway Street
Dated March 29 188 3
Harman Magistrate.
Shelton Officer.
42 Precinct.
Witnesses
No. 1 J. B. Smith Street _____
No. 2 Arthur Adams Street _____
No. 3 _____ Street _____
No. 4 _____ Street _____
to answer 8
Adams

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 Harman

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated March 29 188 3 Harman Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0261

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

4 District Police Court.

Thomas Porter 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. Thomas Porter

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. New York

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

Answer. 230 West 41st Street for five years

Question. What is your business or profession?

Answer. No order

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

Answer. I am not guilty of the charge preferred against me.

Thomas Porter

Taken before me this 2nd
day of October 1888

[Signature]
Police Justice.

0262

4 District Police Court.

Affidavit-Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. *560 West 54* Street, *Peter Rapperty*

being duly sworn, deposes and says, that on the *1st* day of *March* 188 *3*
at the *in the night time* City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, _____

the following property, viz:

Two coats of the value
of twenty dollars (720.00)

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 *Thomas Porter (now here)*

from the fact that deponent was
informed by one John Doyle who
saw the deponent take and
carry away said property.

Peter Rapperty

Sworn before me this

2

1883

3

Police Justice.