

0133

**BOX:**

97

**FOLDER:**

1046

**DESCRIPTION:**

Packenham, Daniel

**DATE:**

03/08/83



1046

*Justo pence*  
*FD*

48

Day of Trial  
Counsel, *J. P. Lynch*  
Filed *March 1883*  
Pleads *Not Guilty*

THE PEOPLE  
vs.  
*B*  
*David Sadler & Son*  
*104 No. 77 St.*  
*40. 9000*  
*104 No. 77*

Violation of Excise Law.  
on Sunday.

JOHN MCKEON,  
District Attorney.

A TRUE BILL  
*[Signature]*  
Foreman.

*27 Apr 11. 1883*  
*[Signature]*  
*[Signature]*

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

~~JOHN W. KEENE, District Attorney.~~

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~~County of General Sessions of the Court~~

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

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

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 ~~express 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 6<sup>th</sup> Precinct Police John Crook aged 35 years

of the City of New York, being duly sworn, deposes and says, that on Sunday the 4<sup>th</sup> 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 Packerhau [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 4<sup>th</sup> 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 5<sup>th</sup> day } John Crook  
of March 1883 }

Solomon B. Smith POLICE JUSTICE.

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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

Police Court 1st District. 1772

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Connolly  
Esq.

1 Samuel Paskenbaum  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

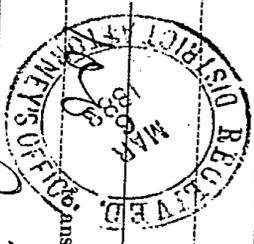
Offence Violation Excise Law

Dated 5 March 1883

John Connolly Magistrate.  
John Connolly Officer.  
Precinct \_\_\_\_\_

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

§ \_\_\_\_\_ answer by J. J. Connolly  
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 Samuel Paskenbaum

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 S. S. S. Police Justice.

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

Dated 5 March 1883 Solomon S. S. S. 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.

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Sec. 198-200.

1<sup>st</sup> District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

September 1888

5<sup>th</sup>

Robert W. Smith  
Police Justice.

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BOX:

97

FOLDER:

1046

DESCRIPTION:

Peck, Ellen

DATE:

03/16/83



1046



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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, theretofore a clerk and servant, over the age of eighteen years, of him, the said Benjamin T. Babbitt, had as such clerk and servant embezzled 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 feloniously, 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 aforesaid; 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 information 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 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 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 furnished 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

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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-

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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.

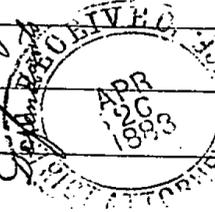
0145

~~Copies~~  
New York Court of General Sessions

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

Demurrer

Henry A. Meyerson  
Attorney



To Hon. John W. Keon  
Clerk

Numbered lines 2 through 30 on the left side of the page.

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DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Ellen E. Peck-

Demurer

The judgment on demurer should be for People, because the crime charged was committed 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 16<sup>th</sup> 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.

2<sup>o</sup>. That the Indictment does not contain  
1. 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<sup>o</sup>. 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 9<sup>th</sup> 1883

Henry A. Meyenborg  
Attorney for defendant

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W. General James

The People

Eleas E. Peck

Support of  
Henry Clay

Henry at Meyersburg  
Sept 18 1862

M. S. McClungly of  
Brooklyn, N.Y.

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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 3<sup>rd</sup> day of  
April he applied to Mr Spackler  
Clerk of the General Sessions to be  
permitted to examine the Grand  
Jury minutes herein, when he  
was informed by Mr Spackler that  
there were no grand Jury  
minutes in existence - and to  
all he had was some Affidavit  
which said Affidavits were the  
property of B. V. DeBelle and  
J. T. Golden witness  
them to before me

this 9<sup>th</sup> April 1883. Henry Story

Wm. J. Dwyer  
Notary Public  
King's Co.

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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, answers to the indictment alleged to have been presented by the Grand Jury on the 16<sup>th</sup> day of March 1883, charging her with the crime of obtaining money by false pretences, on the following grounds:

1<sup>st</sup> That the indictment does not show, that it was found by a Grand Jury, nor that it is endorsed by the Foreman of a Grand Jury.

2<sup>nd</sup> That the Indictment does not contain

4 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<sup>d</sup> - That the indictment does not conform substantially to the requirements of sections 275 & 276

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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 9<sup>th</sup> 1883.

Henry A. Meyenborg  
Att'y for defendant.

N.Y. General Term

The People vs

Ellen E. Park

by counsel.

0152

General Sepina

The People on

Edu E. Peck

Depts Brief

Red leaf  
+ people. 7-11  
Apr May 1911

for reply

fvd

May 1911

0153

General Sessions

The People on

Edouard Peck

Depts Brief.

Replied  
+ replied  
at New York  
for reply  
fvd  
May 7, 1880

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General Sessions &c.

The People &c  
Agst  
Ellen E. Peck

Indictment for  
obtaining money by  
false pretense.

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

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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 demurrer is a pleading in the action. If the action in which it is interposed was commenced before the code took effect then it does

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- 8. -

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 then 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) 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 10, 1853.

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

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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.

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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.

IIII

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-

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

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4<sup>th</sup> It is not substantially in the form required by Sec. 276.

5<sup>th</sup> 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 alivude 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.

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- 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.

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(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 found."  
People v. Naughton 7 Abb. N.S. 424.

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-- 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

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AD

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

H. A. Meyenberg  
Depto 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.

*J. W. Vincent*  
Asst. Dist. Atty.

0166

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

Wm. Lighthall 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 <sup>now</sup> name, place and stead, to take, seize, and  
surrender the said Olew O. Seck, (in the said bond  
named as defendant,) to the Court therein mentioned, or deliver ~~him~~<sup>her</sup>  
to the custody of the authorities of said city and county, in my exoneration  
as surety on said recognizance.

Dated January 8<sup>th</sup> 1879.

Wm. Lighthall Surety.

James Muldoon Surety.



Copy

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, &c..

ON THE COMPLAINT OF

vs.

Olew O. Seck

Taken the 27 day of June 1878

Approved as to form and sufficiency.

Dated June 27 - 1878  
Grace Russell  
Dist. Attorney.

Identified by

Filed 27 day of June 1878

Goff & Patroche  
Attys. at L.  
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 \_\_\_\_\_ years of age. I reside in the State of New York, and have so resided \_\_\_\_\_ years and upwards. My dwelling-house is No. \_\_\_\_\_ Street, in the City of \_\_\_\_\_ My wife and family reside with me at that place. My business is that of \_\_\_\_\_ and I carry on business as such at No. \_\_\_\_\_ 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:*  
In the \_\_\_\_\_ Insurance Company for \_\_\_\_\_ Thousand Dollars; in the \_\_\_\_\_ Insurance Company for \_\_\_\_\_ Thousand Dollars—

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

*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 otherwise, 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*  
*I hereby state that I am the identical person described herein \_\_\_\_\_ and the person who owns the property above named as \_\_\_\_\_ and the name signed hereto is my name.*

*Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 187 \_\_\_\_\_*

0158

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 Beck Principal, of No. Street, in the City of New York, and William A. Lighthall of 14 Herkimer Street and James Muldoon 145 Duquesne Street, in the said city, 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 Beck 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 Beck 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 committed 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 Beck 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.

Wm. J. Fetherland City Judge } Mrs. E. G. Beck Principal. T. S. }  
Wm. A. Lighthall Surety T. S. }  
James Muldoon Surety. T. S. }

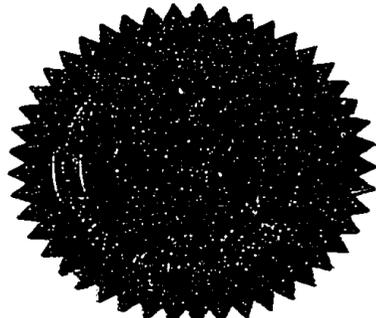
0169

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.

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



3d Vol. R. S., 5th Ed., § 74, p. 687.

*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 stands 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 P. Cowing City Judge*  
of our said City, this *24<sup>th</sup>* 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*

*Ben Jackson*

B. K. PHELPS, *District Attorney.*

**BENCH WARRANT.**

*Issued*

*March 24*

1879

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

0172

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. Humberg  
of the County of Albany  
No 5 West 10th St  
Albany N.Y.



For  
Hon. Peter B. Shea  
District Atty  
City & County of  
New York

0173

Court of General Sessions  
of the Peace: In and for the  
City <sup>and County of</sup> 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<sup>d</sup>/<sub>4</sub> 1884

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

May 26<sup>th</sup> 1884

The within named  
defendant was arrested  
this day and brought  
before of General  
Sessions by Det Capt.  
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 16<sup>th</sup> 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 bring <sup>her</sup> ~~him~~ before that Court to answer the indictment; or  
if the Court have adjourned for the term, that you deliver <sup>her</sup> ~~him~~ into the custody of the Keeper of the  
City Prison of the City of New York, or if <sup>she</sup> require it, that you take <sup>her</sup> ~~him~~ before any Magistrate  
in that County, or in the County in which you arrest <sup>her</sup> ~~him~~, that <sup>she</sup> he may give bail to answer the  
indictment.

City of New York, the 23<sup>d</sup> day of May 1884.

By order of the Court,

  
Clerk.

0176

Court of General Sessions, Part 2

THE PEOPLE

vs.

For

INDICTMENT

*Ellen C. Beck*

To

M.

*in Fall & Pollack*

No.

*229 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.*



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. *W* Feby 9 1853

Hon John M. Kern

District Attorney

Dear Sir I most res-

pectfully ask that you examine this indictment framed against Mrs Ellen E. Kern for defrauding me out of nine ten 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 appear 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

*7. ... ..*  
*... ..*  
*3*

0182

DR. W. H. CÆMMERER,

No. 247 Baltic Street,

OFFICE HOURS:

7 to 9 A. M.

1 to 2 P. M.

6 to 8 P. M.

Bet. Court & Clinton Sts.,

BROOKLYN, N. Y.

*R* *March 21 1883*  
I do hereby certify that  
Mrs. Ellen C. Peck 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 Brooklyn  
County of Kings

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

Witness his hand and Seal of Office  
this 31 day of March 1883. M.D.

J. J. Hardy  
Notary Public  
Kings Co

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 supercedes 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.

300 Paid for co at

Receipt of  
P. Y. Babcock

Allen E Peck

Wrote June 16/78

Pringle - Wash DC

Sailed May 28 1884

by Friedrich Embrey

5 Willoughby Street

Brooklyn \$2500.

\$5000 to assume bond

~~Pringle by~~

~~141 1/2 My door~~

~~144 1/2 My door~~

0186

The People

v.  
Allen E Peck

Witnesses

B. J. Babcock

8 2 Washington St,

J. Golden DeLoach

300 Mulberry St,

0187

The People  
vs  
Allen E. Peck

Witnesses  
B. J. Babbitt  
82 Washington St.,  
J. Golden Delehove  
300 Mulberry St.,

300 Bond Street Ct

People vs  
Campbell of  
P. M. Peck

vs  
Allen E. Peck

Wrote June 16/78

Prisby - Mass State

Bailed May 28 1884  
by Fredrick Embrey

5 Kilbuck Street  
Brooklyn \$2500.

\$5000 to answer bond

~~Bailed by  
J. H. [unclear] dover  
144 [unclear] St  
Brooklyn  
40 [unclear] Hall  
164 [unclear] St  
Prisby~~

0188

Deep River Comm  
Elective Holders  
L.C. Hotel

15 1848

I am to certify that Mr Baldwin  
has been elected to the office of  
cashier of the bank and has  
taken the oath of office and  
is now acting as such.

Wm. W. Adams  
Cashier



0190

3

New York Safety Deposit Co Oct 31 1877

My Dear

This week, I requested you to send  
me a check for the amount of \$100.00  
which I have deposited in your name  
and which I have drawn out of the  
account. I have also drawn out of the  
account the amount of \$100.00 and  
I have sent you the check and the  
receipt for the same. I have also  
sent you the receipt for the same.  
Tuesday evening 31 Oct 1877.

I did not send a note but simply a receipt  
for the money showing what the money  
was in case of accident.

Yours truly

Wm. B. Smith

0191

4

4

New York March 30<sup>th</sup> 1878

Dear Mr. Brewster  
I have the honor to acknowledge the receipt of your letter of the 27<sup>th</sup> inst. in relation to the matter in  
reference to the case of John Howard  
and am glad to hear that you are  
satisfied with the result.

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

0192

New York April 11<sup>th</sup> 1878

Dear Mr. [unclear] I have the honor  
to acknowledge the receipt of your  
kind letter of the 10<sup>th</sup> inst. and in  
reply to inform you that the  
same has been forwarded to the  
proper authorities for their  
consideration and I will be glad to  
keep you advised of the result.

Yours truly  
Wm. E. P. [unclear]

0193

Brooklyn Dec 5th 1871  
Received of Mr. C. M. Merrill Nov 21 1871  
the sum of \$100.00 for the amount  
of the bill of exchange on New York  
for \$100.00  
Wm. E. P. R.











0199

8

307 Parkman Ave 1 Brooklyn  
Dear Mr. W. Abbott

I wish very much to get on  
with my business and must be  
able to get away from you and  
the office as soon as possible  
I have not yet seen you and  
am going into another part of the state  
to see you there when and to  
be reached tomorrow. I want to get back  
here by Monday if it is a possibility  
for I want to get into my  
line of work I have enough to do you to find  
a room and no doubt will  
be glad to see you on the 7th. His  
is the name of the man and the address  
of the case is 100 North Broadway and  
100 to the amount of \$500 and put  
it into the next original person in  
my respect I have now had to deal with and  
put in other respect the next morning as  
we term it. I did all the transaction  
for the party I have in her house. But  
although that I am good so far. I am  
using every invention to find out where  
she got them and want her to make

0200

as received, and you send over a statement  
as before. will sign it and return it to  
you. Return my messenger as little time  
as possible as I do not wish the bank  
to be troubled. I will get to work  
to-day. I will be glad to hear from  
you. I will be glad to hear from  
you. I will be glad to hear from  
you.

Yours Truly  
N. K. W. Pick.

0201

Sabbath Evening 11 P.M.  
Mr. S. D. Abbott  
Dear Sir

It would not be strange  
if you were wondering why I do not come  
out more, but the following are reasons  
for my staying in. I have had a terrible  
cold and a violent cough and I have not  
yet recovered. I had the typhoid  
fever first, which left me in a very bad  
state, and was then taken down with  
typhoid. I have not had my clothing fit  
enough to make a change for about two weeks  
today. The doctor gave me no hope at first  
ever, but today he speaks quite encouragingly  
and I think myself to some extent to be  
fairly well again, with a cough increasing  
but I remain. Miss S. has not been  
able yet to be removed to the hospital and  
perhaps you think the summer quiet to be  
true but please that I have employees  
and that are with her every moment of  
their lives. I know where these servants are and  
when everything gets right I can put my  
hands 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

woman in the City were accepted.  
I have worked the hardest on this case  
for you that I ever did in my life for  
any person, I would go to London after the  
case if it were not for the \$1000. a thing  
I would not have done but I would  
have done it if I had the money. I would  
not get any more of the money I would  
keep it for you just now and I would have  
the money I but don't expect to. I for the  
party I have with her might think it  
will give to refund. I don't think I  
want for me. I do not think it however  
and I have used her a 20 of years and  
always found her faithful. I have a cert  
statement of all the money used, and you  
will see it. I get it in a shape for you  
that I have made no extravagant  
writings of the same. When I have had  
a few moments lately that I could have  
written I have had a lot of best money  
and I have only written what I was forced  
to through business. 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  
the week if my boy is comfortable.

0203

enough for me to leave with anyone else.  
If not I shall see you early next week.  
I have been so entirely busy with my work,  
that I have forgotten most all regard to  
the matter and hope to get a little quiet  
time in a few days. I shall write you a line ready  
to send in the morning by express if  
you will just let me know for  
what time you get it, and the information  
is too precious to be wide spread as yet.  
I don't know as you can make out all I  
have written for you. I've tried to hardly  
hold my pen. Will not answer to you  
I remain yours with respect

Wm. W. C. Beck.

0204

110

New York Safety Deposit Oct 31 1877  
received of B. S. Abbott in cash of  
\$1.00 for Howard Robbins with  
the understanding that the cash should be  
used for the purpose of the  
New York Safety Deposit Co.

Wm. H. West  
Secretary



0206

I  
and can take up both yours and my own  
by that time, for I am to have my first  
Lawrence from Peck with me on Friday  
and will require it to do up to you in  
my own hands, for your business with  
me is not to be done by any other  
person. I will not do it for  
any other person, and I will not  
do it in any way, I pushed and I  
Kiss I am pulling hard, a great increase  
in a col of it, which I rather cut off a hand  
than do by any one, who has tried and  
refused me, and I will do it, for I  
have promised to try to send it to you, and  
I will send it to you, and please do  
not delay the Manager longer than you  
can, and I will thank you to do so  
on Tuesday, or Wednesday,  
and I will send it to you, and I will  
say it is done.

(Signed) C. E. Peck.











0212

307 Oakraw Ave Ithaca N.Y. May 13  
Dear Mr. Dabbitt

I called to see you last Tuesday  
but you had not got home so I  
left a message for you to call  
me when you were home. I  
was very sorry that I could not  
see you. I was very glad to  
hear that you were well and  
that day in the Astor House will come  
about just as we wish and I hope it may  
be a very successful one. I will be  
with you all week long with a credit  
to Mr. B. for my part. I was very  
glad to hear that you were well  
and that you would not let me  
hear from you. I would not  
hear from you and as I told you  
I talked very differently from  
what I expected to hear. I  
received a letter from you after I saw  
you, asking me to send you a  
special pass not to let  
my sister (with) know what I  
said to me, and that was his  
business, and I told you for  
what she knew his  
business and he wanted her to know  
with you. Her wife was to come  
there this week, but I shall go  
probably Tuesday. I am most  
sincerely yours



0214

differs in our financial standing, as  
one dollar to ten thousand, what I mean  
by that is, that my \$1000 to me, is  
less than 10 million would be to you.  
I don't wish you to think me inclined to  
force you to pay for anything, for from it,  
why you see and judge for yourself  
that it makes me very much embarrassed  
at times, using all my own as I can or  
late: but a loan you made to me at one  
time, made me feel that I would rather  
be without than have one cent of yours, and  
where I could not produce it, at short notice  
it should at any time be necessary for  
me to do so (or its equivalent) and I  
can't see how the \$1000 would be your  
business matter. 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 you  
have together intact, ready for use at any  
moment'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 & ours with best wishes

02 15

(Signed) Mrs. W. Beck

I should like you to send it, whenever you  
have a chance, it would be much appreciated  
and I would be very glad to receive it  
at any time.

0216

144

State of New York

County of Prison

Clerk's Office

signed June 10 1841

Wm. Smith Esq  
Clerk

Arthur Clinton visited me  
the other day and read to me part of a  
letter he had just received in which  
was contained an account of a man  
of the name of Beckwith who had been by Howard  
& A. Pillsbury as a shoemaker. To the best  
of my knowledge & belief it is false,  
we also claim to have visited Beckwith  
quite often which is false, he has not  
had a single visitor since June 1841  
at that time it was his sister, but the  
name of Beckwith accepted at this  
prison he had no jewelry of any kind  
with him.

Witness my

signed James Jackson

0217

Brooklyn April 29<sup>th</sup> 1848  
Dear Mr. Daboll

I was just leaving home to come  
over to the city to see you, when I received a  
telegram from Vermont saying that Mrs.  
10<sup>th</sup> was coming on the 7<sup>th</sup> of today  
and that she was a confirmed  
sufferer, so much so that she had  
of the disease then, and that her  
I was unable to write, cannot tell  
of it do not wish to write to get  
your presence tomorrow. I hope you will  
at all events at a point in time  
I will be able to see you on Monday  
and if you prefer a different  
appointment, it says you acquaint me  
I will return and then we will  
I will collect

(Signed) Wm. W. S.



02 19

was in the state of the matter.  
Manufacture, it was not understood  
by the committee.  
George M. W. D. K.

0220

16

Friday morning April 7<sup>th</sup>  
Dear Mr. Packer.

The experience I have had since  
leaving you would give you a volume. I arrived  
in New York at 10 minutes before 10 o'clock  
on the 7<sup>th</sup> and waited there in your long  
line for a train to Long Island City. I was  
there at 11 o'clock. My wife and I were  
there and so was she, and she asked me if  
I was prepared to take all the things I had  
with me, it was too much. She said she had  
to come with her and did not wish  
to divide them up. I told her that I had  
agreed to give her \$2000 with a condition  
that she should take these and give them  
to the bank. She said she had taken her  
jewelry for example then, as she should not  
make a division under any circumstances.  
Now she was put up to that to trap me  
in your office. I told I had plenty more  
money and that it would take a little less  
time and if she would not go on Sunday  
I would be ready for her. Well, she said she  
would not go to pay it \$2000 so if  
I could not have it in the afternoon of  
the 7<sup>th</sup> it would do. Now whether she  
does want to have this money  
I have to decide in whether she is being



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 wise to give a long negotiation as it  
will be best for me to be well prepared.  
I will forward it all together this evening  
await the result with patience, I have had  
of you altogether more than would seem  
necessary in the affair, but you know just  
what is expected of me in your work, and  
we must use every legal remedy or suit  
out under said bonds, and I am bound  
to do that for you, if I do not I will return  
you all again, and bear the loss whatever it  
is myself; Friday when I come over please  
hand a Note drawn 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 1851  
for I shall be all through with the Lady by  
that time. Be 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  
think otherwise. Remain, Yours with all Respect  
Cyril M. West

0223

17

307 Williams Ave. Bklyn, N.Y. Feb. 28 1878

Mr. J. H. Pabst

Dear Sir,

I have called twice and you were good times to have a talk with you. Of course know your time is valuable, as well as my own, 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 it seems 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 crowd did any party before, unless you are so cunning 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  
with profit. The best thing I have seen  
was displayed at, and that was unletting  
the Birds that I did get, remain where  
I were. I said in order to show them  
I was in guard at the time of buying them,  
that I was afraid of damage, I said, and that  
I should turn as much of my money as I  
could into them. I said I would like to  
see if you were going to keep them, I said I  
was, and I had a good many more, that  
I could buy a long way my money lasted,  
and she said a friend of her would see  
- so that she had, and that she herself  
could sell about \$4000 worth more.  
I told her the money was ready, and I  
was not, only I should have a letter or Telegram  
before we could 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 Birds were still kept there for

0225

me and if there was a deposit to my  
acct. He wrote her you!! plenty of it.  
Do you see. Don't tell the right of it after  
all. I tell you Mr. T. Abbott a small  
thing, a little, a little, a little, that it has  
taken me to the moon and I have  
used my own money all through  
and I don't know how to take the interest  
in any case, even that I have in this  
although I don't want to be 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 don't want to disturb  
what was waiting for the purchase, anything  
I might be called upon to invest. I received  
a letter this morning, I was told to go from  
Mr. P. saying that I should have  
\$5000 with me. Now what do you  
think of that? I hope someone will be  
smart enough 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 10<sup>th</sup> May  
whether I am through court, and before  
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 think  
you will do what is generally right and  
just for you and thought business man,  
and will do that in a business way,  
I must go away <sup>from</sup> home so as to meet you  
Saturday, as I have agreed to do by letter  
today, and then you shall have the same  
to be tomorrow, (Sunday) What can I see  
for and at what time will it be most  
convenient to you.

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







0230

19

307 Putnam Ave N Brooklyn  
Dec 5 1877

Dear Mr Dehitt

Dear Sir: I have been more than  
busy, as I should have sent this receipt over  
to you, it is almost not out yet, you  
said it had and with my assistance  
and I will sign it. I have arranged everything  
this far as far as my ability, and am  
now like the "Spider" waiting for the fly to  
crawl into my jaws. I thought to go  
over to you to see and perhaps if  
wished to visit and see you, and see what  
you can, and see what you can bear.

Respectfully, but in haste

Signed E. C. Peck

Probably ought to have about Ten hundred Dollars  
and for a time to live for expenses, I have  
a lot of time their expenses to pay aside from  
to us in the family in money and the one in  
Utica. I can take out some money in my  
that I can't bear, but I rather dislike to do  
it. If you could possibly spare for the  
year with our possession the 1000, I did so,  
the other out your own money, and I will do  
the best possible.

Signed Wm R. W. S.

0231

20

Wednesday morning

Mr. 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 <sup>make</sup> ~~seem~~ so likely  
to suspect anything, and I wish to avoid  
all of that. I have given this case,  
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. It is only thing that worries me at  
all is this for fear you will find the least  
inconveniences: but you need not fear for my  
plan cannot but work. I have the letter she  
wrote to Genl. Kim, and I suppose she  
will be sent, or sent some other way, so  
is there today to be written. 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



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  
will communicate with you as soon as I  
shall be able to do so. I have been in  
London for about a week but will for  
some time be prevented from  
writing you more frequently.

I remain, Sir, with all respects

Your Obedient servant

Wm. Pitt

0234

Police Court- District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Ellen E Peck* being duly examined before the under-  
signed, 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 Subbit, the  
amount that I had with  
interest*

Taken before me, this

*R. V. Orin*  
day of *June*

Police Justice.

1878

0235

Golden  
Central Office

0236

District Attorney, Kings County,

No. 3, COUNTY COURT HOUSE,

Brooklyn, July 18<sup>th</sup> 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 22<sup>nd</sup> at ten o'clock. He is to be  
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 2<sup>nd</sup> 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 <sup>whom</sup> 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 fraudently 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 aforesaid and that she had paid to said persons divers large sums of money for their services in securing this and other information <sup>for deponent</sup> whereby 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 11<sup>th</sup> 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 <sup>for</sup> <sup>with</sup> <sup>the</sup> 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 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 11<sup>th</sup> day of April 1878 ~~the~~ 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  
herew 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. Rabbit

Sharon to Mrs Mrs Mrs  
16th day of June 1878

Wm Wm Wm  
C. W. Justice

0242

BOX:

97

FOLDER:

1046

DESCRIPTION:

Petzold, Edward

DATE:

03/21/83



1046

0243

B 215

Filed 21 day of March 1883  
Pleads Not guilty - March 23

THE PEOPLE  
vs. **R**  
Edwards & Sons  
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1800

Assault in the First Degree (Firearms.)

JOHN McKEON,  
District Attorney.

A TRUE BILL.

Geo. O. Fisher  
Foreman.

April 13  
Jury of Foremen  
Chief of Foremen  
Case two years.

Official

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 Widne* 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 Widne* 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 Widne* 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 *Widne* then and there being, feloniously did, wilfully and wrongfully, make an assault, and to, at and against *him* the said *Jacob Widne* 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.**

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Police Court 3 District 217

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Jacob Weick  
17<sup>th</sup>

Edward Petzold

Offence Seduction  
Assault

Dated March 15 1883

Paterson Magistrate.

Frank Weick Officer.

17<sup>th</sup> Precinct.

Witnesses

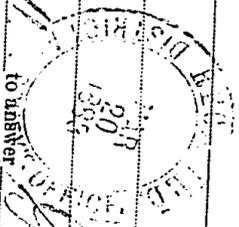
No. \_\_\_\_\_ Street.

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

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

\$ \_\_\_\_\_ to answer

Conrad



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 19 1883 J. M. Paterson 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<sup>th</sup>

day of March

1888

J. M. Patterson

Police Justice.

0248

Police Court— 3<sup>rd</sup> District.

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

Jacob Wiehe, an officer  
of No. 17<sup>th</sup> Precinct Police Street,  
aged 34 years being duly sworn, deposes and says, that  
on Sunday the 18<sup>th</sup> day of March  
in the year 1883 at the City of New York, in the County of New York,

he was violentl and feloniously ASSAULTED ~~and~~ by Edward  
Petzold, now deceased, 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

*[Large handwritten flourish]*

with the felonious intent ~~to take the life of~~ and to do him serious bodily 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 19<sup>th</sup> day  
of March 1883

Jacob Wiehe

*[Signature]*  
POLICE JUSTICE.

0249

Testimony in the  
case of  
Edward Petzold  
filed March

1883.

0250

421  
The People  
v.  
Edward Petzold } Court of General Sessions, Part I  
Before Judge Gilderaleve. 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 18<sup>th</sup> 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 attention 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 recognize him; he was sick. I don't know whether he is her husband or not.

0251

He fired the shot <sup>in</sup> 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, "Mrs. 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.

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William Stulting 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

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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 to mercy.

0255

BOX:

97

FOLDER:

1046

DESCRIPTION:

Porter, Thomas

DATE:

03/16/83



1046

0256

77

Counsel, *[Signature]*  
Filed 16 day of March 1883  
Pleads Not Guilty (19)

THE PEOPLE  
vs.  
B  
Thomas Sater

Grand Larceny, Receiving Stolen Goods, degree, and

JOHN McKEON  
District Attorney

Monday May 1/83

A True Bill.

Geo. C. Fisher  
Foreman.

*[Signature]*  
Filed 19th July 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 Paterson  
Robberty 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

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City and County of New York, ss.

Police Court— 4 District.

THE PEOPLE

vs.

On Complaint of

*Peter Rafferty*

For

*Peter Lweeney*

*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* 1883.

*[Signature]*

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,

27

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 MCKEON, District Attorney.

0260

BAILED.

No. 1, by Martin Adams  
 Residence 1450 Broadway Street

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

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

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

Police Court - 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John LaFontaine  
 560 W 54th St

Arthur M. Miller  
 8 Avenue Porters

Offence Police Justice

Dated March 29 188 3

Harman Magistrate.

Ballston Officer.

22 Precinct.

Witnesses \_\_\_\_\_

No. 1 in 57 of \_\_\_\_\_ Street.

No. 250 \_\_\_\_\_ Street.

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

\$ 25.00 to answer \_\_\_\_\_

Miller

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 Porter

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

[Signature] 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.

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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 41<sup>st</sup> 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 29<sup>th</sup>

day of October 1883

[Signature]  
Police Justice.

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4 District Police Court.

Affidavit-Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

Peter Rafferty

of No. 560 West 54 Street.

being duly sworn, deposes and says, that on the 1<sup>st</sup> day of November 1883

at the ... 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)

[Large scribble]

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

Peter Rafferty

Sworn before me this

2<sup>nd</sup> day of November 1883

Police Justice.