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BOX:

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FOLDER:

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DESCRIPTION:

Barnnett, Richard

DATE:

10/18/92



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POOR QUALITY ORIGINAL

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Witnesses:

off Juns

Counsel,

Filed,

Pleads,

May of

1892

THE PEOPLE

vs.

Richard Bennett

RECEIVING STOLEN GOODS (Section 550, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Part 3. May 5 1893

Indefinite of Pleads & Verdict

Dec 22 92 - B.S.W. May 9

A TRUE BILL.

Jan 9 93 B.S.W.

When completed by me

R. J. Leonard

Part 2 - Jan. 9 1893. Foreman.

Indefinite of Pleads & Verdict

City of San Francisco

Mon 3 1893

Tuesday - March 7 93

THE PEOPLE, COURT OF GENERAL SESSIONS, PART II.
vs.
RICHARD BENNETT. BEFORE JUDGE MARTINE.

Monday, January 9, 1893.

Indictment for RECEIVING STOLEN GOODS.

A Jury was empanelled and sworn.

MATTHEW TAAFE, sworn, and examined:

By Mr. Weeks:

- Q. What is your business? A. Liquor business.
- Q. Whereabouts? A. I have been at 635 West 46th street, but since the robbery, I sold out; I have sold out a few weeks ago.
- Q. On the 8th of October you were living at 635 West 46th street? A. 637, next door.
- Q. Were you rooms broken into, on the night of the 8th of October? A. The liquor store was.
- Q. How were they broken into? A. There was a hall door; they used an augur, or bit and brace, I couldn't say which; there were three holes, I think it was a bit and brace they used. There was a cross-bar, from the hall-door, they pried up.
- Q. The hall door, leading from the saloon into the hall? A. Yes, sir.
- Q. Was any property taken? A. Yes, sir.
- Q. What property was taken? A. A quantity of wines, whiskies, cigars, kegs of beer and jewelry.
- Q. What jewelry was taken? A. There was my wife's wedding ring, a small ladies gold watch, and a pair of ear-rings.
- Q. Have you since recovered any of the property? A. Only what the officer told me about the wedding ring

that is pawned.

Q. Did you see it? A. Yes, sir.

Q. You went to the pawn-shop? A. Yes, sir.

Q. What pawn-shop was it? A. I think it is in Seventh
avenue.

Q. Officer Morris took you there? A. Yes, sir.

Q. You identified the ring? A. He has got the ring.

By the Court:

Q. Did you identify the ring? A. Yes, sir.

Q. You are sure that is the ring you lost?

A. I am almost positive I could swear to it; the ini-
tials were not on it, I could pick it out of half a dozen;
I was in the pawn-shop -----

By Mr. Weeks:

Q. As soon as you saw it, in the pawn-shop, you picked it out?

A. Yes, sir.

By the Court:

Q. You told us you saw a ring. Was it, or was it not, the
ring you lost? A. I couldn't positively swear to
it, there is so many rings made alike.

By Mr. Weeks:

Q. It was a ring exactly similar, was it?

A. Yes, sir; similar.

By the Court:

Q. The ring that you had, did it have initials on it?

A. No, sir.

Q. And the ring that you found had none? A. No, sir.

Q. The ring you saw in the pawn-shop --- what did you mean, a
minute ago, when you said there was no initials on it? Were
there? A. No, sir.

CROSS EXAMINATION by Counsel:

- Q. What do I understand was lost -- was it one wedding ring?
A. Yes, sir.
- Q. And your wife's watch? A. Yes, sir.
- Q. Was that a gold watch? A. Yes, sir.
- Q. What was the value of it? A. I couldn't tell you exactly, she had it from the old country with her.
- Q. A chain attached to it? A. No.
- Q. Just a plain watch? A. Just a plain watch.
- Q. What else beside the wedding ring and the watch was stolen from your place? A. A pair of ear-rings.
- Q. Gold ear-rings? A. They were diamond ear-rings.
- Q. What were they worth? A. They might be worth probably from thirty-five to fifty dollars.
- Q. What else was lost, or was taken, besides the wedding ring, your wife's watch and the diamond ear-rings?
A. There was a ten dollar silver watch taken.
- Q. Besides that, what was taken? A. There was two kegs of beer recovered.
- Q. What was taken? A. There was taken a quantity of beer, kegs of beer.
- Q. Two kegs of beer? A. Yes, sir; there was two recovered.
- Q. Do you know how many was taken? A. I couldn't positively tell you.
- Q. What else, besides the beer? A. There was two demijohns of wine.
- Q. How many gallons in each demijohn? A. Two gallons.
- Q. What else, beside that, was taken? A. There was somewheres about a half dozen of bottles of Scotch and Irish whiskey, imported.

Q. What else, any cigars? A. About five hundred, in boxes. I couldn't tell how many kegs of beer was taken.

Q. What time was it, in the daytime or night time, this burglary took place? A. Sometime during the morning hours, before I opened.

Q. On what day? A. On Saturday, the 8th of October.

Q. Where did you keep the beer? A. In the ice-box, down stairs.

Q. Where did you keep the rings and the watches?

A. In one of the drawers behind the bar.

Q. All in the saloon? A. Yes, sir.

Q. There is another young man arrested in connection with this affair, is there not --- McDonald? A. Yes, sir.

Q. Was anybody else arrested in connection with it?

A. O'Brien.

Q. Was he arrested? A. Yes, sir.

Q. On the 8th day of October, this wedding ring was lost, among other things -- what day was it that you first saw this ring, you stated you went to the pawn-shop?

A. I couldn't exactly tell you the day.

Q. How soon after? A. It was after he was committed.

By the Court:

Q. How long after the 8th, about, not the exact date?

A. It might be the 11th, I guess.

By Counsel:

Q. Is your wife living? A. Yes, sir.

Q. Doesn't she wear her wedding ring? A. It is kind of small, it is only on occasions when she has a necessity to go out that she wears it.

4 Q. How long is it since your wife wore that wedding ring? How

many years or months before this occurrence?

A. It might be only a few days before that.

Q. How long was it before it was stolen that you, yourself, handled or had it in your hands?

A. It was a couple of nights before the robbery.

Q. How long before the robbery that you handled it, yourself--- that you had it in your hand? A. About two nights before that.

Q. Was it you who bought this ring?

A. She bought it herself.

Q. How many years before that? A. About twelve years ago.

Q. Was there anything to distinguish that from any other ordinary wedding ring? A. It was a very large ring, and kind of a flat ring in the center, not raised very much in the center.

Q. You have seen hundreds of the same kind; have you not?

A. I haven't seen very many.

By the Court:

Q. Did you see any others of the same kind?

A. I have never been in that business, I have never been buying rings.

Q. Do you recollect seeing them? A. No, sir.

Q. Will you swear that that was the identical ring that was in that box that you saw in the pawn-shop?

A. No, sir, I wouldn't positively swear to that --- to the best of my opinion it is.

By Mr. Weeks:

Q. To the best of your knowledge and opinion it is?

A. Yes, sir.

FRANK J. MORRIS, sworn and examined, testified:

By Mr. Weeks:

Q. You are an officer attached to the 22nd precinct, on special duty in that precinct? A. Yes, sir.

Q. When did you first learn of the burglary at Mr. Taafe's? A. On the morning of the 8th of October.

Q. About what time? A. About half-past eight o'clock.

Q. What did you do when you first learned it? A. I went down there, to investigate it.

Q. After making your investigation, where did you go? A. I arrested O'Brien as the result of the investigation; I arrested a man named John O'Brien.

Q. After having arrested O'Brien what did you do? A. I came back and arrested Micheal McDonald.

Q. Did you know him before? A. I did.

Q. What was his business? A. Nothing, in particular.

Q. How old was he? A. About eighteen.

Q. Do you know whether or not he was single or married? A. Single.

Q. And after arresting McDonald what did you do? A. On information received, I went back to O'Brien's house, and in the cellar recovered some cigars and two kegs of beer, about half a dozen bottles of whiskey, and some chewing tobacco.

Q. Were they subsequently identified by Mr. Taafe as part of the property that had been taken? A. Yes, sir.

Q. What did you do next? A. The next I took the prisoners to the Court.

Q. Q. That was the following morning? A. O'Brien and McDonald.

6 Q. Was Bennett there? A. Bennett was not there.

Q. You arraigned them in court, and when did you have another conversation with McDonald? A. In court.

Q. And, after that conversation with McDonald, what did you do? A. I went back, Sunday morning, and arrested Bennett; Sunday afternoon, on the 9th of October.

Q. Where did you arrest Bennett? A. In a liquor store, in West 46th street and Eleventh avenue, North River.

Q. Did you know Bennett? A. No, never knew him before that.

Q. When you arrested Bennett, what did you say to him?
A. I asked him if he had this stolen property, which consisted of one diamond ear-ring and a ring.

Q. Did you say what stolen property? A. I did; I asked him if he had the ring that McDonald told me that he had, and one diamond ear-ring.

By the Court:

Q. You told him that? A. Yes, sir. He said, "Stole?"

By Mr. Team Dick Bennett, I have not got the property."

By Mr. Weeks:

Q. Well, what then? A. I placed him under arrest, and took him to the station house. I had a further conversation with him there; he denied all knowledge of it.

Q. What was your conversation in the station house?
A. About the same as the previous conversation; I asked him if he anything of the property, and he said, "No."

Q. Did you describe the property to him, as to where it came from, or anything of that sort? A. I did; yes, sir.

Q. Let us go back. You found him in a saloon? A. Yes, sir.

Q. You went up to him; what was the first thing you said to him?
A. "Bennett, McDonald told me that you have a diamond ear-ring; that you have a diamond ear-ring

and a gold wedding ring, which he gave you, as the proceeds of a burglary which he committed down here." He says, "I know of the burglary, but I haven't got the property." I said, "Were you around in the morning, at that time?" He says, "Yes, I was around there at seven o'clock." I said, "McDonald told me that he gave you this property, he gave it to you saying he did not want to get "pinched" with it in his possession." He said, "No, he did not say anything of the kind; he did not give me the ring."

Q. Have you told all the conversation? A. Yes, sir.

Q. Then you arrested him and took him to the station house; and had another conversation with him, the same in substance? A. Yes, sir, the same in substance.

Q. And he again said he did not have the property?

A. Yes, sir.

Q. That was what day? A. Sunday afternoon, the 9th of October.

Q. That was the afternoon of the day following the burglary?

A. Following burglary.

Q. The burglary was committed early in the morning of the 8th, and then, on the 10th, you took him to Court?

A. Yes, sir.

Q. Was McDonald in court? A. He was.

Q. Now, tell us what occurred incourt, in the presence of Bennett, between you and McDonald and Bennett --- try to give us the full details of the conversation in his presence and hearing?

A. I went down in the prison after McDonald, he was then committed for trial, and brought him up in front of Justice Welde, and the defendant, Bennett. He, McDonald, then told Judge Welde -----

By Counsel:

Q. Was that in the presence of this defendant, were they arraigned before the Judge? A. Yes, sir, before Judge Welde.

Q. Could this defendant hear what McDonald said to Judge Welde? A. Yes, sir. Judge Welde swore McDonald, and in his sworn statement he said that he gave one diamond ear-ring and the gold wedding ring to the defendant, Bennett.

By Mr. Weeks:

Q. What did Bennett say? A. Bennett denied it.

Q. What was his language? A. He said, "I did not get them."

Q. Then what? A. Judge Welde remanded him, in my custody, until the following morning.

Q. What happened next? A. That night, in the prison, the defendant admitted, to another officer -----

By the Court:

Q. Were you present? A. No, sir; he admitted ot me afterwards.

By Mr. Weeks:

Q. The defendant said some thing to another officer, and after you had an interview? A. Yes, sir, immediately after, that same night.

Q. The night of the 10th --- what was that interview that you had with him then? Now, tell us all the details of the conversation? A. He says, "Go around and see my brother, and he will tell you where that ring is." I went around to his brother's house; he denied all knowledge of knowing anything about the ring, his brothe r.

Q. Then what did you do? A. After I brought his brother around to the station house, and shortly after his brother had gone, the defendant, Bennett, then told me that he had pledged the ring in Proker's pawn-shop, on the 8th of October, at 35th street and Tenth avenue. The pawn-broker told me what name it was pledged in.

Q. What name did he tell you? A. Lynch, I think; I really forget; I went down there.

Q. What, if anything, did he say about having received it? A. He said he got the ring.

Q. Did he say what time? A. In the morning.

Q. What time in the morning? A. Around seven or eight o'clock.

Q. That he got it from McDonald?

By the Court:

Q. Did he say that? A. Yes, sir.

By Mr. Weeks:

Q. And that he had pledged it at this pawn-shop, on the same day, the 8th? A. Yes, sir.

Q. Did you go down there? A. I did.

Q. Did you find any ring pawned that day, under the name that he gave you? A. Yes, sir.

Q. And did you subsequently take Mr. Taafe down? A. Yes, sir.

Q. Is that the ring that was shown to Mr. Taafe? A. Yes, sir.

Q. Did you have any other conversation with the defendant, Bennett? A. No, sir.

CROSS EXAMINATION:

By Counsel:

Q. Where is that ring now? A. It is in the pawn-shop.
Q. Why didn't you get it? A. I have got no order to get it.

Q. Why didn't you get an order to get it, it is a very important piece of evidence? A. The complaining witness identified it at that time as his property, and I thought it was sufficient evidence.

Q. Now just repeat again the language used by this defendant to you at the station house, when he told you that he had received the ring from McDonald; what did he say, "I received the ring from McDonald?"

A. He says, "I will tell you where that ring is; I did get that ring, but not the diamond ear-ring."

Q. That was after you had gone up to the house, and brought his brother? A. Yes, sir.

Q. Who was present, you and the brother and this defendant? at the time you had this conversation? A. No, sir.

Q. Wasn't it in the station house?

A. Yes, sir, in the prison in the station house.

Q. How long after you brought the brother with you into the station house was it that this defendant admitted to you that he had received the ring? A. It may be fifteen minutes, and it may be more.

Q. The brother was there, you brought him there, you say?

A. I brought him there; I think he had gone home, I won't swear if he had or not.

Q. In what room was it that you had your conversation with this defendant, about his having received the ring from McDonald?

A. In the prison.

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- Q. Was he in his cell at the time? A. Yes, sir.
- Q. And when you brought his brother to the prison; did you bring his brother up to the cell, where he was?
- A. Yes, sir; I left the brother, he went in alone and went out.
- Q. Did you go in while the brother was there?
- A. I did not.
- Q. Was not the brother standing near you, at the cell door, at the time you had this conversation with this defendant about getting the ring from McDonald? A. He was not, no, sir.
- Q. Where was he? A. He was at the front door of the station house.
- Q. Sure of that? A. Yes, sir; I am positive of that.
- Q. You saw him there afterward; a moment ago you said you thought he went home? A. Afterwards, yes, sir. I met him at the front door. After I had this conversation with the prisoner, near the cell, or at the time I had the conversation with him, he was at the front door. After I had the conversation with him, I came out of the prison. I couldn't say whether the defendant's brother had gone home or was in the station house.
- Q. In answer to my question, where the brother was at the time you had this conversation about getting the ring from McDonald, you said you thought the brother had gone home?
- A. Yes, sir.
- Q. Now, you say that the brother was in front of the station house -- which is right; had he gone home or was he in front of the station house? A. I couldn't say.
- Q. Will you swear that he was not near you at the time you had the conversation with this defendant about that ring?

A. I will, yes, sir.

Q. Where was he? A. I don't know. He was either at the front door, or had gone home.

Q. Or was somewhere else? A. Or was somewhere else.

Q. Now, was there not an Officer Carey connected with this case? A. Yes, sir.

Q. Was he present at the time you had the conversation with the defendant in respect to the ring? A. Yes, sir.

Q. As matter of fact, isn't it true that it was Officer Carey had the conversation with the defendant?

A. No, sir; at first he admitted to Officer Carey; I was not present at that time.

Q. You were not present at that time? A. No, sir.

Q. Do you know whether or not his brother was present at the time the defendant made any admission to the officer?

A. I was not there, I don't know.

Q. After having made an admission to Officer Carey, he subsequently made an admission to you? A. Yes, sir.

Q. Now, tell us exactly what he said? A. He said, "The gold ring which I got from McDonald, you will get down at Proker's pawn-shop." I asked him what name was it pawned under, and I disremember whether it was Lynch or not; the defendant himself will tell you that; I went down and got the ring.

Q. Is that the only conversation that you had with this defendant about how he came possessed of that ring?

A. He said he received it from McDonald, on the morning of the 8th, somewhere between seven and eight o'clock. I asked the defendant, Bennett, if he was down there at that time, and he said yes.

A. I will, yes, sir.

Q. Where was he? A. I don't know. He was either at the front door, or had gone home.

Q. Or was somewhere else? A. Or was somewhere else.

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Q. You were not present at that time? A. No, sir.

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Q. Is that the only conversation that you had with this defendant about how he came possessed of that ring?

A. He said he received it from McDonald, on the morning of the 8th, somewhere between seven and eight o'clock. I asked the defendant, Bennett, if he was down there at that time, and he said yes.

Q. Was that all he said about how he received it?

A. That was all, he said he received it in West 46th street.

Q. What was said, what was it you said about his being "pinched?"

A. McDonald said, in the presence of the defendant, Bennett, that he handed him over the diamond earring and this gold wedding ring, saying to him as he gave it, "Dick, keep this for me, I don't want to get "pinched" with it on me."

Q. This defendant never made any such statement as that?

A. No, sir.

Q. That was a statement made by McDonald, before Judge Welde?

A. Yes, sir.

Q. Now, Officer, was this in the forenoon or afternoon, at the police court?

A. In the forenoon.

Q. Quite a crowd there? A. There may have been quite a crowd in and around the witness-stand; there was only a very few people there.

Q. About what time in the morning was it?

A. About ten o'clock.

Q. The watch was going on, what they call the Police Court watch, before the Judge?

A. Yes, sir.

Q. You were in the line with your prisoner, in the watch?

A. No, sir.

Q. This was an adjourned examination; had the case been adjourned the day that McDonald made this admission?

A. No, sir, it had not; that was the first time I arraigned the prisoner.

Q. At the time you got into the police court, were the officers in line, what they call the watch in the police court, the

watch to arraign their prisoners into line before the Judge?
A. No, sir, they had all got through with their prisoners.

Q. There is a railing outside of the Judge's desk, where the complainants and the officer generally stand --- you know what I mean?
A. Yes, sir.

Q. And outside of that railing the defendants generally stand?
A. Yes, sir.

Q. Where was this defendant standing, outside that railing?
A. He may have been, I don't know whether he was or not.

Q. At the time that this McDonald wanted to make a statement to the Judge, was he called around inside of that railing, in front of the Judge?
A. Yes, sir, he was.

Q. How many prisoners did you have that morning?
A. Bennett was the only prisoner.

Q. Didn't you have McDonald there?
A. I brought him in from the prison, he was there, yes.

Q. Did you have O'Brien there?
A. No, sir.

Q. Only those two?
A. That's all.

Q. At the time this statement was made to the Judge, this defendant was outside the railing, and the Judge called McDonald inside the railing to make the statement to him; is that true?
A. Yes, sir.

Q. Will you swear that that statement was heard by this defendant, six or eight feet outside of that railing?

A. I will, for the simple fact that Judge Welde repeated the statement of McDonald to the defendant, and asked him what he had to say.

Q. And the defendant denied it; didn't he?
A. The defendant denied it.

Q. Do you know what has become of McDonald now?

A. Yes, sir.

Q. He is in prison?

A. Yes, sir; in the Elmira Reformatory.

By Mr. Weeks:

Q. You say the defendant denied it; what was the language of the defendant's denial?

A. "I didn't receive them, I am not guilty.

Mr. Weeks: The People rest.

THE CASE FOR THE DEFENCE.

Counsel: I ask your Honor to advise the jury to acquit, on the ground that there has been no identification of this property. There is no positive evidence that it is the property that was stolen from that place.

The Court: Motion denied.

Counsel: Note an exception.

The Court: There is further evidence on the question of identification, the evidence that the officer went there, and he said he found that ring, which was the ring this defendant described as being pawned under a certain name.

Counsel: There is no question, but this defendant admits, that he pawned a ring. The complainant does not know that it was the wife's ring.

ANN BENNETT, sworn and examined:

By Counsel:

Q. Mrs. Bennett, you are the mother of the defendant?

A. Yes, sir.

Q. Where do you live, Mrs. Bennett?

A. No. 550 West 48th street.

- Q. How old is your son, here? A. Going on twenty-one.
- Q. Twenty-one years of age? A. Yes, sir.
- Q. Has he ever been arrested before this time?
A. No, sir.
- Q. He lives at home, with you? A. Yes, sir.
- Q. Do you know where he has been employed for the last four years?
A. Yes, sir; Mr. Martin, a tin-roofer, in Brooklyn. He is serving his time to him, he has worked for the last four years.
- Q. And was working up to the very time of his arrest?
A. Yes, sir.
- Q. He brought you home his wages every Saturday night?
A. Yes, sir.
- Q. You say he has never been arrested?
A. No, sir; never.
- Q. He has worked steadily? A. Yes, sir.
- Q. How long has he been working? A. Four years.
- Q. In the one place? A. Yes, sir.

Mr. Weeks: No questions.

RICHARD BENNETT, THE DEFENDANT, sworn, and examined on his own behalf, testified:

By Counsel:

- Q. How long have you been in the Tombs? A. Three months.
- Q. Where have you been working for the last four years?
A. For William Martin, No. 75 Schmerhorn street, Brooklyn, as a slate roofer.
- Q. You worked steady for him, how long? A. Four years.
- Q. Were you working up to the day of your arrest?
A. No, sir; I was not working on that Saturday.

Q. But you were at work the day before?

A. Yes, sir, right up to the day I was arrested.

Q. Have you ever been arrested for anything?

A. No, sir.

Q. Lived home with your mother always? A. Yes, sir.

Q. You are charged here with having received a ring, knowing it was stolen property at the time that you received it?

A. No, sir; I did not.

By the Court:

Q. You received the ring? A. I received the ring, but I did not know it was stolen.

By Counsel:

Q. You know McDonald? A. Yes, sir; I have known McDonald for about a year.

Q. He lives around the neighborhood? A. Yes, sir.

Q. What is McDonald's business, do you know? A. I don't know; he worked in the carpet factory of Higgins.

Q. Did he live right near you? A. He lived across the street.

Q. You got acquainted with him, as boys will get acquainted with each other? A. Yes, sir.

Q. Where was it you met at the time he had the ring in his possession? A. Down on the Forty-sixth street dock, the foot of Rorth River.

Q. What time of day was it? A. Between seven and eight o'clock.

Q. In the evening? A. In the morning.

Q. What were you doing down on the dock at that time in the morning --- eight o'clock? A. I generally go down, fishing, I spend most of the time -----

- Q. When you are not working? A. Yes, sir.
- Q. Were you fishing this morning? A. Yes, sir.
- Q. A good many boys there fishing? A. Yes, sir.
- Q. Was he fishing -- McDonald? A. No, sir.
- Q. He came there while you were fishing? A. Yes, sir.
- Q. He came up and spoke to you? A. Yes, sir.
- Q. Tell us what he said? A. He came up and got talking to me. He said, "I am after finding a ring in the clothes." He asked me to pawn it; I took the ring, and I pawned it; and when I came back, I was arrested; I did not know the ring was stolen, or anything else.
- Q. He asked you to pawn it for him? A. Yes, sir.
- Q. How much did you get on it? A. \$1.50.
- Q. When you came back to find him, with the \$1.50, he was arrested? A. Yes, sir; he was arrested.
- Q. Were you arrested that same day, or the next day?
A. The next day.
- Q. Where were you when you were arrested? A. In Micheal Neeley's saloon, 615 West 46th street.
- Q. What time of day or night were you arrested?
A. Between three and four o'clock.
- Q. In the afternoon? A. Sunday afternoon.
- Q. Now, just tell us the circumstances; what officer was it arrested you? A. Officer Morris.
- Q. Did he come in the saloon to make the arrest? A. No, sir.
- Q. How did the arrest take place? A. He sent a young man by the name of William Bergman into the saloon, and I told him I did not have the ring; he said if I did not give him the ring they would have me arrested, William Bergman said that. So, I says, "You can have me arrested,

I ain't got no ring." He went out and he called the officer in, and the officer came in and asked me for the ring. I said, "I haven't got the ring." That was all was said.

Q. At that time you knew McDonald had been arrested?

A. Yes, sir.

Q. Then did you have any other conversation with the officer there?

A. No, sir.

Q. He took you to the station house? A. He took me to the station house.

Q. How did Officer Carey bob up in connection with the case--- where did you see him? A. In the station house, was the first place I seen him.

Q. What other conversation ---- you went to the police court on Monday morning; did you? A. Monday morning, yes.

Q. Who went with you to the police court?

A. Officer Morris.

Q. Was Officer Carey along? A. No, sir; he was not.

Q. You were arraigned before Judge Welde? A. Yes, sir.

Q. McDonald was sent for and brought there, in your presence?

A. Yes, sir.

Q. Did you have any conversation with McDonald there?

A. No, sir, I did not.

Q. Now, you were placed, weren't you, outside of that iron railing?

A. Yes, sir.

QL About ten or twelve feet from the Judge? A. Yes, sir.

Q. How far is this railing from where the Judge sits -- about?

A. It is eight or nine feet.

Q. Did you notice that the Judge had this conversation with McDonald and the detective that the officer described?

A. No, sir; I did not.

- Q. Do you know whether the Judge was talking to McDonald or not? A. Yes, sir; he was talking to McDonald.
- Q. Where was McDonald standing at the time the Judge was talking? A. Inside the railing.
- Q. You were outside? A. Yes, sir.
- Q. Where was McDonald, back near the iron railing? A. He was by the Judge's desk.
- Q. Could you hear what the Judge said to McDonald? A. No, sir.
- Q. Did you hear what McDonald said to the Judge? A. Yes, sir. McDonald said he gave me the ring, and that I did not know it was stolen --- he did not give it to me with any bad intentions.
- Q. Did the Judge ask you what you had to say? A. Yes, sir.
- Q. What did you say? A. I said I took the ring and pawned it. I did not know it was stolen.
- Q. You entered a plea of not guilty there? A. Yes, sir.
- Q. You said that at the time -- that you did not know it was stolen? A. Yes, sir.
- Q. Did the Judge say to you that you were charged with receiving stolen goods, is that what he said? A. No, sir.
- Q. Were you asked by the Judge what you had to say? A. Yes, sir, I was asked what I had to say. I said I didn't know the ring was stolen, I had the ring, I didn't know it was stolen.
- Q. Afterwards, where was it that you confessed that you had received the ring from this man --- you first denied it, to Officer Morris, didn't you? A. Yes, sir.
- Q. Was it in the station house that you confessed that you had received the ring from McDonald? A. Yes, sir, in the station house.

- Q. In the cell? A. Yes, sir, in the cell.
- Q. Did you make any confession of the same kind, to Officer Carey, when your brother was present? A. I told Officer Carey, when my brother was present, right at the cell door --- I told him what pawn-shop the ring was in, where the ring was, and the name.
- Q. You told this to Officer Carey? A. To Officer Carey.
- Q. This was after he had sent for your brother?
A. Yes, sir; after he had sent for my brother.
- Q. Did McDonald ever say to you, at any time, as matter of fact, "take this ring and keep it, in case I should get pinched?" A. No, sir, he did not.
- Q. He simply came down to the dock, where you were fishing, and asked you to pawnit for him? A. Yes, sir.

CROSS EXAMINATION:

By Mr. Weeks:

- Q. Now, Bennett, the first time you ever admitted having pawned that ring was to Officer Carey, in the station house; wasn't it? A. Yes, sir.
- Q. You are sure of that --- positive? A. Yes, sir.
- Q. Then when you testified a moment ago that you told the Judge, in the Police Court, "I took the ring, I didn't know it was stolen," that was not true; was it? You didn't say in the police court that you took the ring?
A. Yes, sir, I said I took the ring.
- Q. Did you, in the police court? A. Yes, sir, I told it in the police court.
- Q. Well, then, a moment ago when you told me that the first time you admitted having taken the ring was in the station house, to Officer Carey, that was not true? Which one of the statements is true? A. I told Officer carey

- Seventh avenue -- between where? A. I went to Seventh avenue, between 35th and 36th streets.
- Q. How did you go there? A. I went right up Eleventh avenue.
- Q. To what street? A. To Tenth avenue, and went down Tenth avenue and up 40th street, to Seventh avenue.
- Q. You went right over to Seventh avenue? A. Yes, sir.
- Q. Didn't you see any pawn-shop on your way? A. No, sir.
- Q. Did you see any pawn-shops on Eighth avenue?
A. No, sir, I did not.
- Q. You went down to 35th street and Seventh avenue?
A. Yes, sir.
- Q. How much did you get on it? A. \$1.50
- Q. Did McDonald tell you anything else when he gave you the ring -- he asked you to pawn it, and told you where to go?
A. Yes, sir.
- Q. Did he tell you anything else about pawning it?
A. No, sir; he did not tell me anything else.
- Q. Not another word? A. No, sir.
- Q. Did he tell you how much to get on it?
A. He told me \$1.50.
- Q. Anything else, are you positive -- sure? A. Yes, sir.
- Q. What name did you pawn it in? A. Lynch.
- Q. Was that your name? A. No, sir.
- Q. Was that McDonald's name? A. No, sir.
- Q. Was there anybody around, at the time you got the ring, of the name of Lynch? A. No, sir.
- Q. Why did you select the name of Lynch?
A. McDonald gave me the name
- Q. And he told you to pawn it, in the name of Lynch; did he?
A. Yes, sir.

- Q. Was that before or after you asked whether it was right?
A. It was afterwards.
- Q. After you asked him whether it was right? A. Yes, sir.
- Q. You asked him whether it was right, and he said, "Yes, it's all right?" A. Yes, sir.
- Q. And then he told you where to go? A. Yes, sir.
- Q. And then he told you to pawn it in the name of Lynch?
A. Yes, sir.
- Q. Did you say anything to him when he said that to you?
A. No, sir.
- Q. Did you tell him that was not your name?
A. I told him that was not my name.
- Q. And what did he say to that? A. He said, "That ain't your name, that is the name I am giving you;" he wrote it on a piece of paper.
- Q. Did you tell McDonald it was not his name?
A. No, sir; I did not.
- Q. Did you ask McDonald why he did not go and pawn it himself?
A. Well, he said-----
- Q. Did you ask him? A. Yes, sir, I asked him why he didn't go and pawn it himself. He said, "My foot feels sore this morning, I don't feel like walking, on account of my being a cripple." That is the reason I done the favor.
- Q. Didn't you suggest to him there were a good many pawn-shops nearer than 35th street and seventh avenue?
A. No, sir.
- Q. You knew it? A. Yes, sir.
- Q. What is the nearest pawn-shop to where you live, that you know of? A. Tenth avenue, between 47th and 48th streets.

- Q. There is another one on Tenth avenue, there is one just a few blocks further down; is there not?
A. I don't know.
- Q. What is the next one that you know of?
A. I don't know if there is any pawn-shops; I am not accustomed to go in pawn-shops.
- Q. I asked you if you knew of any other? A. No, sir.
- Q. Why didn't you go to that one in 47th street and Tenth avenue?
A. I went where he told me.
- Q. You were doing it because he had a sore foot?
A. Yes, sir; the man was a cripple, I done him a favor.
- Q. What time did you get back? A. I got back about nine o'clock.
- Q. Where did you go to? A. I went down 46th street to the foot of the river.
- Q. When did you find out that McDonald had been arrested?
A. I found out he was arrested about half an hour after I came down.
- Q. Who told you? A. Parties around the dock told me he was arrested for Burglary.
- Q. Did they tell you where the burglary was committed?
A. Yes, sir, they told me afterwards where the burglary was committed; Mr. Taafe's store.
- Q. And did you then think there was anything peculiar in his wanting you to go away down to 35th street to pawn that ring?
A. Yes, sir; I said if I knowed anything about the burglar, I wouldn't have taken the ring and pawned it at all.
- Q. As soon as you heard he was arrested, you made up your mind that that ring was part of the burglary? A. No, sir.

Q. You had an idea that it was?

Objected to.

Q. Did you think it was?

A. No, sir.

Q. You did not think it was then?

A. No, sir.

Q. What did you do after you heard that he had been arrested?

A. I went up to the house and took my dinner, and came back again and took a walk around the avenue; I went home and then I went back fishing.

Q. What did you do with the pawn-ticket?

A. I threw it away.

Q. You threw it away?

A. Yes, sir.

Q. What for?

A. I didn't want the pawn-ticket to be found on me at all.

Q. When did you throw it away?

A. After I heard that McDonald was arrested.

By the Court:

Q. How soon after?

A. That was about an hour or two after.

By Mr. Weeks:

Q. You say that you did not think that that ring had anything to do with the burglary, what did you throw the pawn-ticket away for?

A. I did not want the pawn ticket to be found on me.

Q. Why not?

A. Because he gave me the ring to pawn, I didn't know whether the ring was stolen or not; That's the reason I didn't want the ticket to be found on me.

Q. When you were arrested, you said you didn't know anything about the ring; is that so?

A. Yes, sir.

Q. You did?

A. Yes, sir; I said I didn't know anything about it.

- Q. You knew that McDonald had given you the ring?
A. Yes, sir.
- Q. When did you tell your brother about it?
A. I didn't tell my brother anything about it.
- Q. Your brother didn't know anything about it, until he came to the station house?
A. No, sir, he did not.
- Q. Why did you tell Officer Morris to go to your brother to find out about it?
A. I told Officer Carey to go and see my brother and tell him to come up here, that my intention was to let him get the ring and bring it to me the next morning, and I would return it; I was going to tell him to go and get it and have it returned to me.
- Q. Didn't you tell Officer Morris if he would go to your brother he would find out where the ring was?
A. No, sir; I told Officer Carey, I didn't tell him where the ring was or anything else.
- Q. Did your brother know anything about it, when he came to the station house?
A. No, he did not know what I was arrested for.
- Q. And then, for the first time, you spoke to your brother; is that right?
A. Yes, sir.
- Q. Then, before you had seen your brother, you made up your mind to tell about the ring; is that so?
A. No, sir; I told Officer Morris to go down and see my brother, and he said, "All right."
- Q. Why did you send for your brother?
A. I sent down for my brother, because I wanted to tell him about the ring, to go and get the ring, and where to go and get the ring, so as he would bring it to me the next morning, and I would return it to Officer Morris.

Q. You didn't have the pawn-ticket? A. No, sir.

Q. How could your brother get the ring?

A. I don't know, sir.

Q. His name was not Lynch, was it? A. No, sir.

Q. How could your brother get the ring if he did not have the pawn-ticket?

A. Oh, he could go down and ask him about the ring -- that's all.

Q. Did you ask your brother to go down and get your ring?

A. No, sir, I didn't ask him to go down and get the ring.

Q. Why didn't you tell them about the ring before, when you were first arrested? Officer Morris took you from the saloon over to the station house, why didn't you tell him then that you took the ring, and that you did not know there was anything wrong about it, and that he could find the ring down at Proker's?

A. I didn't want to tell him I had anything to do with the ring, because they wanted to fetch me into the burglary.

Q. If you didn't know anything about it, why didn't you tell him right away?

A. I told him all I knew about it.

By the Court:

Q. At the time of the arrest you did not tell him anything about it?

A. No, I did not.

By Mr. Weeks:

Q. You did hear McDonald say to the Judge that he had given you the ring; didn't you? A. Yes, sir, McDonald told the Judge he gave me the ring.

Q. Then didn't the Judge turn to you and ask you what you had to say about it, and then didn't you deny that he had given you the ring?

A. Yes, sir.

Q. You told the Judge, then, that he didn't give you the ring;

is that right?

A. Yes, sir.

Q. Although you, a little while ago, said you told the Judge that you did take the ring but did not know it was stolen?

A. That was the second time of the examination.

Q. When McDonald told the Judge -- which is true -- I want to get it positively?--A When McDonald told the Judge I had the ring, I told him I didn't have the ring, I denied having the ring. I did not say I had seen the ring.

Q. Didn't you say you didn't know anything about it?

A. I denied having the ring, I said I did not have the ring.

By the Court:

Q. Was that the first time before the Judge?

A. Yes, sir, the first time before the judge.

By Counsel:

Q. After you denied having the ring, at the first examination, you went back to the station house, and confessed to Officer Carey that you did have it? A. Yes, sir.

Q. And then, when you were brought back, at the second examination in the police court, you admitted to the Judge you had the ring, but denied that you knew it was stolen?property? A. Yes, sir.

Q. Then there was no discrepancy, you were not making a false statement in the police court and a different statement to the officer, if you confessed to the officer upon your second examination and confessed the same thing to the Judge? A. No, sir.

By Mr. Weeks:

Q. Did you say that you had never been arrested before, for anything? A. Yes, sir.

By Counsel:

Q. How old are you? A. Going on twenty-one years old.

By the Court:

Q. Tell me what you told the Judge when you heard McDonald say that he had given you the ring, what did you tell Judge Welde -- that you had never received it, and did not know anything about it?

A. The Judge asked me, did I know the ring was stolen, and I said, "No, sir."

Q. You say that you heard McDonald say something on the first occasion, and you said that you did not have the ring?

A. Yes, sir.

Q. What did you tell the Judge that for? A. I was expecting to get the ring that night, and give it to Officer Morris.

Q. That is the reason you denied it? A. Yes, sir.

By a Juror:

Q. Had you any suspicion that everything was not all right when this man gave you the ring, had you had suspicion that he had stolen it at all?

A. No, sir.

Q. Why did you ask if it was all right, if you had no suspicion?

A. I asked him if the ring was stolen

Q. Was his general character bad before that, did you know him?

A. No, sir, I didn't know that he stole anything.

Q. And yet you asked him that question? A. Yes, sir.

By Counsel:

Q. I understood you to say that one reason why you went to pawn the ring was, McDonald was a cripple himself? A. Yes, sir.

Q. Did he walk with a crutch? A. No, sir; he does not.

Q. He is very lame? A. Yes, sir; very lame.

Q. You intended to hand him this money when you came back, for

POOR QUALITY ORIGINAL

0231

the ticket?

A. Yes, sir.

OFFICER MORRIS, recalled by Mr. Weeks:

Q. Officer, did McDonald say that he had given the ring to Bennett, and that Bennett did not know it was stolen?

A. No, sir.

The Jury disagreed.

*that is permitted
of case
attorney's husband*

*held
to
1/2*

POOR QUALITY ORIGINAL

0232

Testimony in the case of Richard Bennett

filed Oct. 1942

to U.S.

... ..

v. No. 1234

Bennett, and that Bennett did not know if Mrs. ...

6. Officer, did McDonald say that he had given the ring to ...

OFFICER MORRIS, recalled by Mr. Weeks:

... ..

v. Yes, sir.



Police Court H District.

City and County } ss.
of New York.

of No. 635 West 46 St ⁵⁴² St. 53 Street, aged 37 years,
occupation Liquor Seller being duly sworn, deposes and says,
that on the 8 day of October 1892, at the City of New
York, in the County of New York,

Matthew Laaffe

Richard Bennett, formerly, was arrested on defendant's complaint of receiving stolen goods for the reasons following to wit: That on said date a burglary was committed on defendant's premises at the above address and a quantity of property taken. That the defendant, Michael McDonald, admitted to the officer that he McDonald had given this defendant Bennett a portion of the property taken. That defendant is informed by Detective Frank Morris of the 34 Precinct that he Morris arrested this defendant and the defendant admitted to him the officer that said McDonald had given him a ring which he Bennett pawned. Defendant further says that he has inspected the said pawn office and found the said ring which defendant fully and positively identifies as part of the property taken as aforesaid and defendant charges the defendant Bennett with knowingly receiving the said property from him, the same where he was stolen from and that defendant dealt with accordingly & law.

Done before me 3 this 12 day of October 1892 Matthew Laaffe

William
Police Justice

POOR QUALITY ORIGINAL

0234

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 4th DISTRICT.

I the 72nd Regt. Police
of No. 72nd Regt. Police
Police Officer
being duly sworn, deposes and says
that on the 9th day of October 1892
at the City of New York, in the County of New York defendant

apprehended Richard Bennett (now here)
charged with Receiving knowingly
Receiving Stolen Goods, defendant
asks that said Bennett may
be committed in order that
defendant may procure the
necessary evidence against
said Bennett.

Frank J. Morris

Sworn to before me this
of 1892

Justice

POOR QUALITY ORIGINAL

0236

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Richard Bennett

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 sees 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. *Richard Bennett*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *England*

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

Answer. *12550 145th St Jamaica*

Question. What is your business or profession?

Answer. *Am cooper*

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.*

Richard Bennett

Taken before me this

day of

189

Police Justice.

[Signature]

POOR QUALITY ORIGINAL

0237

BAILLED,
 No. 1, by _____
 Residence _____ Street _____
 No. 2, by _____
 Residence _____ Street _____
 No. 3, by _____
 Residence _____ Street _____
 No. 4, by _____
 Residence _____ Street _____

Police Court...
 District...

THE PEOPLE, &c.
 ON THE COMPLAINT OF

Richard A. ...
Matthew ...

Offence

Dated

Oct 19 188

Magistrate

Officer

Precinct

Witnesses

Matthew ...
 Street

572 West 53rd
 Street

No. _____ Street _____

No. _____

\$ _____ to answer

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

Richard A. ...

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 Oct 19 188 *Richard A. ...* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0238

Court of General Sessions of the Peace

459

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard Bennett

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

Richard Bennett

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Richard Bennett*

late of the City of New York, in the County of New York aforesaid, on the *eight*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one finger-ring of the value
of ten dollars*

of the goods, chattels and personal property of one *Matthew J. Taaffe*
by *John O'Brien, Michael McDonald and Daniel O'Brien* and
by certain *other* persons to the Grand Jury aforesaid unknown, then lately
before feloniously stolen, taken and carried away from the said *Matthew J. Taaffe*

unlawfully and unjustly did feloniously receive and have; the said

Richard Bennett

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

DE LANCEY NICOLL,
District Attorney.

0239

BOX:

497

FOLDER:

4534

DESCRIPTION:

Betts, Carleton H

DATE:

10/20/92



4534

0240

BOX:

497

FOLDER:

4534

DESCRIPTION:

Betts, Carleton H

DATE:

10/20/92



4534

Bail fixed at \$1500 RB

Witnesses: David Eiland, L. Lee, Peter Engel

Failed by Alvin E. Brown

After examining the writer report, I am of the opinion that no connection in the case is possible & recommended the dismissal of the indictment Aug 8 1893 Dist. Atty

10/10/92 B. H. O. 170/92

Counsel, Filed, Pleads, 1892, day of Oct, Myself

THE PEOPLE

LARCENY, 2d degree [Section: 528 and 581, Penal Code.] False Pretenses)

Carlston H. Butts

James H. [unclear] District Attorney, Document filed 10/10/92

TRUE BILL

A. L. Edwards Foreman

Nov 10

Judgment for the People on the 10th November 1892

POOR QUALITY ORIGINAL

0242

Said fixed at \$1500 + RBS

Witnesses:

David Eiland
J. G. Lee
Peter Engel

Failed by
Alfred E. ...
J. D.

After examining ...
write report. I am
of the opinion that
no connection in this
case is possible & I
recommend, to the
trial of the ...
Judge DeLancey ...
1893 ...

163 / BY Oct 20 / 92

Counsel, *163*
Filed, *Oct* 1892
Pleads, *Myself Am 23/92*

THE PEOPLE

LARCENY, 2^d degree
(False Pretenses)
[Section: 528, and 581, Penal Code.]

vs.
~~THE~~
~~STATE~~
~~OF~~
~~MISSISSIPPI~~

Carlton H. Betts

~~mem. of det.~~
city, indict. dis. P.S.M. of
Jan. 4/93

DE LANCEY NICOLL

District Attorney
Demanded Oct 23/92

TRUE BILL.

B. Lockwood

Foreman.

Nov. 10

Judgment for the People
in the Defendant RBS
Nov 10 1892

POOR QUALITY ORIGINAL

0243

Police Court _____ District. Affidavit—Larceny.

City and County }
of New York, } ss:

David Elau

of No. 9 North Henry Street, aged 46 years,
occupation Lawyer being duly sworn,

deposes and says, that on the 6th day of August 1891, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

\$500.00 good and lawful money of the United States

the property of David Elau

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 one Carlton H. Betts, for the following reasons.

That on or about the 6th day of August, 1891, the said Carlton H. Betts came to deponent and told deponent that he (said Betts) had a note for discount in the Longkeeper National Bank in the State of New York; and that he (said Betts) required \$500.00 to deposit in the bank in order that his bank account might show a large amount to his credit, so that his said note might be more readily discounted; and said Betts requested deponent to give to him the sum of \$500.00 in order that he might deposit the same in the bank for the purpose aforesaid.

Deponent, believing the said representation to wit; that he (the said Betts) had a note for discount in the Longkeeper National Bank in the State of New York, and that the said \$500.00 was required to deposit in the said bank for the purpose aforesaid,

Subscribed before me, this _____ day of _____ 1891

Police Justice

gave to the said Betto the said sum of \$500.⁰⁰ But deponent
further says that said representations each and all of them
were false and fraudulent and were known to said Betto
at the said time to be false, and that said Betto did not
have any note in the said bank at that time or at any other
time for discount, and the said false representations of said
Betto were made for the purpose of defrauding deponent out of
the said \$500.⁰⁰

Said Betto is a resident of the State of New Jersey and
without the jurisdiction of this Court

Wherefore by reason of the premises deponent prays
that a warrant may issue for the arrest of said Betto for
larceny by the false pretense in taking and obtaining from this
deponent the sum of \$500.⁰⁰ by false representation and in
violation of Section 538 of the Penal Code.

Given to before me
this 15th day of Jan 1892

Anna C. C. C.
Notary Public

POOR QUALITY ORIGINAL

0245

(1885)

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Carlton H. Betts 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. Carlton H. Betts

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. New York City

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

Answer. 132 E-57th St - 10 years

Question. What is your business or profession?

Answer. Real Estate agent

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
Carlton H. Betts

Taken before me this

day of

Sept 19 1934
John J. Ryan

Police Justice.

POOR QUALITY ORIGINAL

0247

Sec. 151.

Police Court 2nd District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Louis O'Leary of No. 9 North Henry St. Brooklyn Street, that on the 6 day of August 1887 at the City of New York, in the County of New York, the following article to wit:

Some and lawful money
of the United States
of the value of five hundred Dollars,
the property of Complainant
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Carlton H. Bell

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 15 day of June 1887
Thos. G. Brady POLICE JUSTICE.

POOR QUALITY ORIGINAL

0248

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

David Eilan
243 B. West
Carrollton Ho. Bldg

Warrant-Larceny.

No 143, West 132 E

Dated June 15 1882

Waddy Magistrate

Foley Officer.

The Defendant
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

..... Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

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

Dated

188

Police Justice

The within named

POOR QUALITY ORIGINAL

0249

NEW YORK COURT OF GENERAL SESSIONS

-----x
 The People, etc.,
 against
 Carlton H. Betts.

City and County of New York, ss:

David Eilau being duly sworn says that he is the complainant in the above case; that this case was before the Grand Jury for the September term of this Court and was dismissed by the Grand Jury; that important witnesses were not summoned or called before the Grand Jury, to wit: Peter Engle, #21 New Bowery, N.Y., Henry Bindrim who were witnesses who know about the transaction in question; deponent further says that the said Betts is a well known swindler, and as in this class of cases other similar transactions may be inquired into; deponent names the following names as witnesses whom he has swindled in a similar manner as deponent, to wit: H.L.Hood, #26 West 47th St., Brown Bros., Brooklyn, Joshua Lee, Brooklyn, Mr. Huston, Brooklyn, and many others that deponent could name.

Wherefore deponent asks that the case be again submitted to the Grand Inquest in the interest of justice.

Sworn to before me this

David Eilau

13th day of October, 1892.

Wm. M. ...
Henry Public
J. M. ...

**POOR QUALITY
ORIGINAL**

0250

N.Y. COURT OF GENERAL SESSIONS

The People, etc.,

against

Carlton H. Betts.

A. P. I. D. A. V. I. T.

COURT OF GENERAL SESSIONS

-----X
T H E P E O P L E &c.,

Against

Carleton H. Betts.
-----X

The defendant is indicted for obtaining the sum of \$500.00 from one David Eilau on August 6th 1891, by means of false representations that the defendant had a note for discount in the Poughkeepsie National Bank, and that he then required the sum of \$500.00 to deposit in said bank in order that his account might show a large amount to his credit so that the note might be more readily discounted by the bank.

The complainant, David Eilau, who is a lawyer, claims that on July 24th 1891, he cashed a check for \$650.00 for the defendant drawn on the Poughkeepsie National Bank and dated August 3rd 1891, and that having no bank account, he subsequently gave said check to one of his clients who had a bank account, to be deposited for collection and obtained from said client the sum of \$500.00 on account of such check; which sum of \$500.00 he claims to have given to the defendant upon the faith of the representations above referred to, which representations he alleges to be false.

In the Police Court the defendant claimed that upon the day in question, the complainant, stating that he had no bank account, asked the defendant to deposit the

**POOR QUALITY
ORIGINAL**

0252

(2)

the sum of \$500.00 for him and to give him a check dated August 11th which he did and that he subsequently repaid the money to the complainant, the first payment being made by a check for \$425.00 on the Tradesmens National Bank. The check for \$425.00 was produced upon the Police Court Examination, and the endorsement of "David Eilau" thereon, the complainant then stated, was not his signature

The defendant has now produced the following receipt:

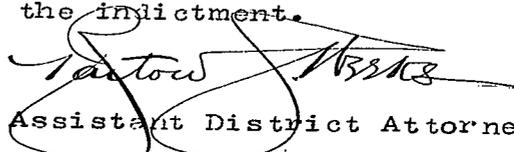
"Received New York August 5th 1891 of C. H. Betts, his check No. 523 on Poughkeepsie National Bank of Poughkeepsie, N.Y. for Five hundred (\$500) Dollars, dated August 11th 1891, payable to my order for money this day deposited by me with said Betts.
(Signed) DAVID EILAU"

which the complainant admits having signed; and the complainant also now practically admits that the endorsement on the check for \$425.00 is in his hand-writing.

The defendant also now produces an office boy who remembers the fact of the complainant endorsing the check for \$425.00 and some circumstances in connection with his procuring the same.

After a careful examination and consideration of the case I am satisfied that, in view of the above receipt, no conviction could be obtained and therefore recommend the dismissal of the indictment.

December 27^d 1892.


Assistant District Attorney

**POOR QUALITY
ORIGINAL**

0253

THE PEOPLE OF THE STATE OF NEW
YORK

against

Carleton H. Petto.

Report.

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

POOR QUALITY ORIGINAL

0254

At a Court of General Sessions of the Peace, held in and for
the City and County of New York, at the City Hall, in
the said City of New York, on the 14th day of
October 1887.

Present,

THE HONORABLE Augustus B. Downing
Justice.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Robert M. Bette

The District Attorney having heretofore, to wit: on the 14th day of
September 1887, submitted to the Grand Jury of this County, empanelled in
this Court for the September, term, and then in session, a certain charge against
the above-named defendant for Grand Larceny in the
second degree,
and the said Grand Jury having, after a consideration of the evidence produced before it in support
of the said charge, dismissed the same, twelve grand jurors of the said Grand Jury not concurring in
finding an indictment against the said defendant for the charge so submitted, and the depositions and
statements setting forth the said charge having been duly returned to this Court, with an indorsement
signed by James T. DeLoach Esquire, Foreman of the said Grand
Jury, to the effect that the said charge was so dismissed.

Now, on reading and filing the affidavit of Daniel P. Ryan
whereby it appears to the satisfaction of the Court that material witnesses
for the People were not examined
before the Grand Jury.

that the charge is well founded both in law and on the evidence, that justice requires that an indictment
be found, and that there is reason to believe that if the said charge is again submitted to the Grand
Jury evidence can and will be adduced, sufficient to warrant the finding of an indictment, and that
an indictment will be found against the said defendant for the said charge, notwithstanding such
dismissal, and on motion of the District Attorney, it is

Ordered, that the said charge be, and the same is hereby directed to be again submitted
to the Grand Jury of this County.

Ed. R. P. C.
J.

POOR QUALITY ORIGINAL

0255

New York General Sessions.

THE PEOPLE

vs.

Robert H. Pettit

Order directing the re-submission
of charge to the Grand Jury.

(§ 270 Code of Crim. Pro.)

John R. Will
JOHN R. WILLOWS,

District Attorney.

Entered _____ day of _____ 188 .

POOR QUALITY ORIGINAL

0256

POLICE COURT.
JEFFERSON MARKET.

-----X
 The People on the complaint of David X
 Eilau. X
 -against- X
 CARLTON H. BETTS. X
 -----X

It is hereby stipulated and consented that
 the examination in the above cause be adjourned from July
 14th. to *July 19th* 1892,
 Dated, July 13th. 1892.

~~Attorney for Complainant~~

Breadwell
 Attorney for Defendant.

H. H. Hardy
 Atty for Complainant

Police Court
Second Dist.

The People &c
David Eilan

v

Carlton H. Betts

Examination Before Justice Ryan
Sept. 1 1892

For the People - A. H. Purdy Esq
Defendant L. B. Freadwell
Mr. Randall

Jerome V. Beys being duly sworn
and examined as a witness
for the people deposes and
says:-

Examined by Mr. Purdy

Q. Are you the cashier of the
Poughkeepsie National Bank?

A. Yes sir

Q. On the 5th day of August
1891 did Carlton H. Betts
have in your bank for discount
a promissory note

Examination Continued Sept 19

David E. Elam the complaining witness
being cross examined on his
affidavit deposes and says:-

By Mr. Randall

Q - Is that your signature to the
complaint in this case?

A Yes sir.

Q When did you become acquainted
with defendant?

A About the year 1890 I suppose.
He had an office - desk
room in my office

Q Did you have other transactions
with him?

A None whatever

Q No other one?

A None.

Q Never lent you any money

Q Never one?

A No sir.

Q Positive of that?

A Yes.

Q When did you discover

that this account had been
practiced as you state?

A Some time in the month of
October I went to the
Poughkeepsie National Bank
and made personal inquiry there
and saw the books, and
discovered it from the President
of the bank and the cashier

Q Had you come into contact
in a business way with Mr
Beltz in any proceeding or
matter before this discovery
in October

A I cannot understand the question -
some time in the month of July -
I acted as referee in a foreclosure
proceeding with him up at
Hudson.

Q Had you been counsel in a
case with him - on the Indian
case,

A No sir

Q In October of last year?

A No sir

Q Into one of what?
A No sir - I am most positive
Q You swear to that?
A - I don't swear to anything positive
I testify as near as I can
remember to the best of my
recollection.
Q Will you swear positively that
there was no other transaction
before he procured the loan
of \$500.
A There was a transaction
about a check for \$500.
Q Then when you swore that
there was no other transaction
you were mistaken
A I did not swear any such
thing - if I did I wish to
correct it. There was a loan
of \$650 previous to the loan
of \$500.
Q Is not that the receipt
shown to you now
Paper number 941 A.
Sept 19 1892 5/1

5

Q That is your signature?

A Yes.

Q Do you mean to say that the money on that transaction - was not all the money paid on that transaction?

A No on never a cent.

Q Is that your signature to that paper - the endorsement of E. B. Shorn?

A It is.

The Witness here identified his signature on the endorsements of Exhibits C, D, E, F, G, H, I, K, L, and M.

Q Do you mean to swear to this Judge that defendant did not pay you the amount of that check?

A Yes on - never a dollar paid on either of those checks - they were accommodation checks.

The Court

Q Are those part of the papers

Lee?

A Yes sir

The Court These checks all foot
of \$ 650 and this loan
was \$ 650?

A Well - on his figuring - I was
to give him \$ 500 at the time:
my check was drawn and
deposited in the Post Office
National Bank

Q That was about May

A about the 5th or 6th of
August I don't own
whether it was before - the 4th
5th or 6th - It was between
the 4th and 6th

X Q Where is that check on the
\$ 650 transaction

A It has been stolen from me -
- I suppose you are in possession
of it.

Q That is your answer to this
Judge?

A I do not know where the
Judge's check is

Q Did you not give the check to Mr Brindrum?

A I did not.

Q Where is that check?

A It was stolen from me out of my desk.

Q out of that transaction was there not a suit brought against Brindrum by Mr Betts in order to enjoin payment?

A It is not determined yet.

Q Was not a summons and complaint served by James Betts Counsel for Mr Brindrum.

A Yes sir.

Q Mr Betts appeared as Attorney and he not

A Yes sir.

Q Was not that served by you on the 25th of Sept 89?

A I suppose about that time.

Q Have you not been Attorney of record for Mr Brindrum since that time?

A No sir

Q You have not?

A No sir.

Q Who is

A Mr Belts

Q Now you not Attorney of record, or was ~~not~~ not your name used in that suit from the institution of that suit up to the present time

A I was not attorney of record from the institution of it

Q When was it you became suit?

A On the 25th of June of this year

Q You were substituted?

A Yes: for Mr Belts

Q Will you appear as attorney here for Mr Brudman

A Oh first Mr Belts

Q But he not appear at your ~~next~~ request?

A He did.

Q x Q Did you not retain him?

A Herons a law partner
of mine at the time.

Q There has been a good deal
of litigation over that
suit has there not?

A I suppose you know it.

Q I ask you?

A Yes.

Q There has been a good deal
of litigation over over that
suit

A I suppose so.

Q a good deal of recrimination
and bitterness

A no bitterness on my part

Q and you had a proceeding
to furnish facts for contempt?

A I did

Q whatever you could do to
bring that suit to trial
has been done?

A Yes Sir I did so
Q and it has not been
judicially determined?

A It has not been judicially
determined

Q You had Mr Betts arrested?

A Yes Sir

Q You knew he was here all the time?

A He was once or twice

Q You knew he had an office
in New York

A Yes

Q Did he ever lend you any money?

A Never a cent. He had no money
to lend.

Q Now when did you first find
out that Mr Betts did have an
office in this city.

A He had desk room with me

Q How long?

A For about a year and a half.

Q You knew him pretty well?

A I did not know him well

Q Did he have a good reputation
when you loaned him this

\$650? - What induced you
to part with so much
money?

A Friendship - - He said he
was financially embarrassed
temporarily; he said he had
put in a note for \$2000 in
the Doughkeppie National Bank
for discount and he wanted to
swell his account temporarily
and I loaned him \$650
and he gave me his check.
Then I got \$500 on his check
and then Betty asked me
to let him have that so
that he could put it in the
Doughkeppie National Bank
and I gave it to him
on his false representation
that he had this note
in the bank

2 Now this \$650 transaction
what led you to think that
you had got misled

A He went up to the bank
and stopped the payment
of the check.

Q What did he give you when
you gave this \$500?

A Nothing but his promise

Q No writing - no paper

A No nothing

Q No check?

A No nothing

Q You got nothing to
show for it?

A No Sir

Q You do not want to
change your testimony on
that?

A I do not

Q Is that your signature on
that check

A I never had that check
in my life.

Q You never did?

A I never did
(paper not marked)

Q See it that is your

Signature?

A I won't swear that it is my
signature

Q You can't swear?

A No - for the simple reason
that it is in two kinds of
ink - I never use two

Q You swear that you did
not receive five hundred
dollars - that check was
a balance

A I never saw that check
before in my life

The check is marked
"N" (also E.S.)

Q Did you receive the check
for \$425?

A Never did

Q Is that your signature
on E.N.?

A No sir

Witness identifies his
endorsement on papers
Exhibits O. P. Q. R
S.

Q Where did you get the money on that check. Ebbitt

Q

A I do not know

Q Do you swear that you do not owe Mr Betts money?

A I never owed him a cent in my life.

Q Don't you owe him money that you borrowed?

A None whatever

Q Tell the court what these checks are for that are endorsed by you?

A These checks were simply given while he had desk room with me for himself. He had nothing to do. Half the time he would come down at 11 O'clock. He gave me the understanding that he kept an elephant team, half a dozen wagons, horses and driver; that he used \$5000 a year for his personal expenses

that I had a house up at
Doughkeppie. The money
obtained on the checks I
endorsed was given over to
him - It was entirely a
matter of accommodation

2 Every one for accommodation

A Every one - I had one check
for \$20 that I had to
make good.

2 This check for \$425?

A I never saw that check

2 Don't you swear that that is
not your signature?

x A I don't swear I say that
it is not my signature

2 Did not Mr. Betty have
to go with you in order to
get the money on that
check (Jt. Ex. S.)

Witness here identified
as his handwriting
the endorsements on
Jt. Ex. Exhibits T, U,
V, W, X, Y, Z, Z1, Z2

23. 24. 25. 26.

Q In your affidavit of June 15
1892 you say that Mr. Belts
resides in New York

A Yes

Q You knew that at that
time he was out of the jurisdiction
of the court.

A Yes sir

Q And subsequently in the
suit of Bindram you swore
you did not know he was
a resident of New York

A I may have been mistaken

Q You made an affidavit
on the 22nd day of August
1892 in the suit of Belts
against Bindram?

A Yes

x Q And you swore you was
not aware of the fact that
Complawant was a non
resident

A Yes I made an affidavit
in that suit

(Excerpts from complaints
affidavits read)

2 You stated that you
just became aware that
Bells was a non-resident
on August 19 1922.

* A Well the matter came
up and I had to make
those affidavits

By Mr. Dady

2 I do and explain that

A He had desk room with
me. He said that he
occupied a house in 55th
Street that he partly lives in
Jersey at Metuchen. I
made inquiries in order to
find out whether he lived
at Metuchen

Carlton H. Bell the Defendant
being affirmed before and
sworn as a witness in his
own behalf

Q How long have you known
about Complamant?

A about a year and a half

Q What is your business?

A Secretary for the Incorporated
and Underwriters ^{company} of
New York

Q Did you ever have any
relations as tenant with Mr
Eilan?

A Yes.

Q How long?

A I was about a year and
a half with him as tenant.

Q Did he make a loan to
you of \$650?

A He did on July 25-1891.

Q Does that receipt represent
the transaction?

A Yes Sir

Q And these checks that
have been put in evidence do
they represent that \$650
you paid with checks?

18 A They do

Q Were any of these checks
accommodation checks?

A No sir.

Q How about this \$600 amount?

A I could not ask him to
cash a check I had an
account in the Madison
National Bank and one in
the Thompson's National
Bank.

Q at that time?

A Yes.

Q This check for \$425 - was
that cashed up to you?

A Yes - they are on my
account book.

Q Under what date?

A Aug 6.

Q When was that paid?

A About the 7th.

Q When then why after this
loan was made did you
take action and bring this
suit against Bradman?

19 A Because I discovered that

During the time I was
paying the money by these
checks, giving these checks
to the amount of \$650 - I found
out for the check, he said
I did not have the check
with me. I did not
want to pay it once after it
had been paid previously by
these small checks.

Q When did you write to the
bank?

A August 1891 - the 3d or 4th
the check was dated. The receipt
was given on the 21st day of
July.

Q You gave this man checks
after you had the \$650?

A I gave him the checks because
I had this receipt - he was in
the same office. He told me
he had not cashed the
check.

Q You gave him small checks

20 A I gave him small checks

some were to pay bills, &
on the 5th day of August he
came to me and he had
\$500. He said he had a new
bank account and asked
me to deposit it. I took it
and gave him my check book
the 11th day of August. On
the day he gave me the
money I deposited it in the
bank across the street. The
next morning he sent me
needed money to pay Engel
He asked me for \$825.
I went out to lunch and
when I came back I saw
a check for him and gave it
to him to go across the street
and get the money. and he
could not get it while I
went across the street and
identified him. I endorsed
the check guaranteeing his
signature and he got the
money.

Q How did you pay the balance

A I paid it in small sums.

Q Did you make any such statement as he says you did about the checks?

A No sir I make no such statements

Q At the time this \$500 was paid did you owe him any money at the time

A No sir (not at the time)

Q Do these checks cover what you did owe?

A Yes sir

Q Did he owe you money?

A He has - yes sir

Q In this suit you brought against Brubaker none of his statements were true?

A No sir

Cross Examined by the Party

Q What is your business?

A I am secretary of the newspaper and Underwriters Co of N.Y.

Q where is the office?

A No 1 Broadway

Q How many rooms do you
occupy?

A Oh two offices

Q who is President?

A Mr Deadwell

Q How is your attorney?

A He is in for you we - yes

Q You are the secretary?

A Yes sir

Q Is there any such company

A Yes sir

Q anybody but you?

A Oh yes sir

Q You say you had a place
on the Hudson - where?

A Three miles north of Hyattsville

Q Of whom did you buy it?

A Emma Van Wert

Q What did you pay for
it?

A \$22,800. That was the
price

Q How did you pay for it?

A. I gave some of it in cash

Q How much in cash?

A It is all paid for

Q How much cash did you pay?

A \$1500

Q Balance in notes?

A Yes sir all paid now.

Q You did not transfer the property to your father?

A Never - no sir

Q To whom did you transfer it?

A I never transferred it to any one

Q Who owns the property

A My notes own some of the mortgage

Q Now is it not a fact that you put that property on notes?

A No sir - Mr Tom Wort will come here and testify.

Q What about the Mettleda property?

A - No Sir.

Q Where do you live

A 132 East 52nd Street
in this City - off and on

Q How long have you lived
in that place? in 52nd St.

A The last 10 years

Q Did you ever own a place
there?

A No Sir.

Q How do you live there?

A With my father.

Q You have a residence at Melutchen,
a residence at Douglasspark and
a residence there.

A No.

Q Your father owns that place

A He does not.

Q You went down to the
Edman office and were there
a long time.

A Jimmy introduced to him by
Mr. Headwell - He had
been there before

25-2 Is it not a fact that you

had an account with the
Dougherty National Bank:

A Yes.

x Q Would you not after ask
them to put his name on
your checks so that you could
get them cashed?

A No sir

Q ~~not~~ why not?

A - Because I had an
account at the Faderman
National Bank right across
the street from the office.

Q If you had money in the
Faderman Bank how is it
you drew these checks on the
Dougherty Bank

A Because I depend to have
my money in the Dougherty
Bank

Q How much did you give
Mary the year How
much did it all amount
to?

26 A I cannot tell

Q One thousand dollars

A About \$10,000 — \$11,000 or
\$12,000

Q Covering \$650?

A Certainly

Q Why should you get David
Eilan to endorse these checks?

A Because I was giving pay to
him for money he gave me.

Q He was giving you money?

A No

Q How were that?

A They were given in payment for
this \$650 and other checks
— one was for painting the door
some men for \$5 \$10 or
\$15

Q All these checks on the
Poughkeepsie National Bank
how were they given?

A They were given to Mr Eilan

Q You loaned him money?

A No; I had loaned him
money previously

27 Q All these checks Mr Eilan

would draw the money?

A He did

Q Now loaned him all this money?

A No

By McCarty

Q He loaned this 1150 to you

A Yes

By McCarty

Q Did you receive this check for \$650?

A Yes Sir

Q Did you have any deposit in the Doughty Savings National Bank at that time?

A Yes - I had \$700 in the bank the day the check was drawn

Q Then you drew against it right away did you

A As I needed the money.

Q Did you not write up to Doughty Savings and stop the check

A I did

Q Why did you do that?

A Because he had been
paid the whole money
Q You told him you owned
place at South Kensington and
Metuchen?

A I did own the
Q You did not occupy them
A I did
Q You told him you owned
them?

A Yes.

Q How as to this \$500
A Of his own free will he
gave me the \$500
Q Why did he do so?
A Because he had no
bank account.

By the court

Q Because he was not
able to take care of his
own money?

A Yes Sir

By Mr Pardy

Q You did not tell him
29 Q that you had a note

in the Post Office National
Bank for discount and you
never had a note there
for discount?

A I have had

2 at that time:

A Not at that time

2 at the time you told him
- that he delivered to you
this loan

A on the 6th day of August
1890 I did have a note
there

2 How long before and
how long after.

A I can't tell about that

2 You say you did not
tell him you had a
note in the bank?

A No sir

2 Did you tell him at any
time that you had a note
in the bank?

A I do not think I did

30 Re count - move the question.

A I do not think I will.
By Mr. Pandy

Q Did you tell him when you got that \$500 that you had a note for the amount?

A No sir I did not

Q Were you ever arrested before?

+ A Yes sir

Q For swindling?

A Never - no sir

Q What were you arrested for?

A On an order of arrest

Q For just such transactions as this?

A No sir

Q Were there a criminal order of arrest against you?

Objection to & withdrawn.

By the Court

Q What order?

A A civil order of arrest

Q What for?

3) A Out of the city -

Q What for?

A - I had a plane repaired
out on Long Island

Q - For debt?

A Yes Sir

By Mr. Pandy

Q What was done on that order?

A Honorably discharged

Q How many judgments are
there against you?

A I do not know

Q A good many?

A I cannot tell

Q How many

A Three or four possibly

Defendants Counsel - I have time
to put in evidence that this
check for \$425 was paid
to Mr. Eilan on the 6th of
August

The Court - You had me notice
that this case would go on
today and you should be
ready now.

Nelson Bradwell being very
known and examined as a
witness for Defendant before,
and says I am the attorney
for Defendant. I have been
a practicing attorney 20 years.
I know the Defendant. I
have known him about four
or five years. He has been
in the office with me. I
know he had an office with
Mr. Eilan. I introduced him
to Mr. Eilan.

Q Did you ever know of
any transactions between them?
A Yes.

Q about any money loaned by
Mr. Bell?

A I know of Mr. Bell, loaning
him money to pay the rent and
to go to the Island. I know
of his loaning money a number
of times.

Q Do you know whether Mr.
Eilan had a bank account?

A In my best belief he had
not

Q Do you know anything
with reference to this \$500
transaction?

A Not to my knowledge.

Q Did you hear any statement
made by Egan?

A I do not recollect any
I have been talking with
Egan and I can't recollect
any

Q Do you know the Egan's
signature?

A I do

Q are you able to identify it?

A Yes Sir

Q Look at Exh. Exhibit marked
Z. 5. Do you know whether
that is his signature?

A I believe it to be his

Q Will you swear it to
be his?

A Yes that is his signature.

94 Q Look at it and say

letter that is his signature

A Yes sir

of a man & "M."

Q Have you any doubt about it?

A Not the least

By the Court

Q You are willing to swear?

A Yes Sir - Positive

Q This check was 6 to 425 No

4 - do you recollect with reference to that transaction

Mr Egan coming back not

being able to get the money

and Mr Betts guaranteeing the check.

A Yes Sir: I remember the transaction.

Q Let me see it

A Mr Egan came back and

said he was not able to

get the amount of the check

Q To Mr Betts?

A Mr Betts said "I will fix

it or you can get it - he

signed it. He wrote on it

"Endorsement guaranteed" and
Mr. Eilan came up and
said "All right" he got the
money

Q Have you been counsel on
the suit against Henry ^{Bridman} ~~Bridman~~?

A Yes.

Q What was the object of that
suit?

A To compel Bridman to sur-
render the \$650 check on the
ground that it was paid before
it came into Bridman's hands.

Q That suit is still pending?

A It is.

Q Eilan was acting as Attorney
in that suit?

A Eilan was substituted as
Attorney in place of Mr. Betty
some time in June.

Q There has been a good deal
of feeling in that case has
there not?

A Yes.

96 Cross Examined by Mr. Purdy

Q You are an Attorney and
Counselor at Law?

A Yes

Q And you became connected
with Mr. Egan through an
advertisement you saw in a
paper?

A Yes

Q You answered the advertisement
and went into the office did you?

A Yes sir - I know there was
an advertisement. I forget the
purpose of it, I occupied part
of the office

Q How did you pay for it?

A In services. There was an
agreement in writing - what
I was to do and what he
was to do

Q You did not pay him except
in services?

A Not from all I was to
pay.

Q You and Betty started a
suit against Brubaker

A Against Elean and against
Brubaker, Elean supposed
of the check to couple to
return

Q You knew Brubaker did
not live up the river why did
you bring suit against him
up the river?

A Because we believed he
lived up there
~~Part~~

~~Confess~~ Elean called

Peter Engel being only sworn
as a witness for the people
before and says "I live
at 47 Catherine St (N.Y.) I
am a cabinet maker

Q Do you know Mr Betty's apartment?

A I know him? I have seen
him

Q Mr Elean owed you \$500
did he not?

A Yes sir

Q Did you have an interview with Mr. Betts on that subject?

A Yes sir

Q State what took place between you and Mr. Betts

A Mr. Betts told me that he had got the \$500. from Mr. Egan. He said he was short; that he had used the money.

Q Betts said he had used the money?

A Yes. He said to come in in a couple of days. I went there half a dozen times and he said he had not got the money yet; that he had a note in Poughkeepsie for discount and that as soon as he got that he would give me the money. I kept going there but could not get the money.

Leon examined

39 Q Did you come into the office

at any time and say that Eilan
had borrowed you?

A No sir.

Q You never did?

A No sir.

Q Any other transaction?

A No sir.

Q What did you say?

A Mr Eilan owed this money
to me.

Q How did he get it?

x A He sold a ^{place} house for me
up town

Q He kept the money?

A He did not pay me.

Q Has he ever paid you?

A No.

Q He sold it and got the
money and you never got
it?

A Yes.

Q Was there not a man sold
out?

A Yes.

80 Q Did Eilan bring out?

A. Some Low I got swindled
in the business

Q. Who brought the suit?

A. I gave security to some
people to settle the books

Q. Did you make any transfers
of property?

A. No Sir

Q. Was it sold out by the
Sheriff?

A. Yes.

Q. Mr. Egan was Attorney in
that suit?

A. Yes.

Q. You never got your \$500?

A. No Sir. He always told me
to come at the Bell

By the Court

x Q. What did Bell say?

A. He told me he got the \$500
from Egan and kept it back

Q. You asked him to give it
to you?

A. Yes

By Mr. Paddy

Q He said he had a note
in the bank and would
pay it?

A Yes
De must

Q Did you not come in the
office when Betts told you
he had paid Eilan in checks?

A That was another time

Q In order to get rid of you
and not Eilan send you to
Betts.

A He sent me to Betts

Q and when you went to
Betts did he not tell you
that he had paid Eilan
in checks?

A That was afterwards - I
went there about 17 times and
now Mr Betts was there, once
he offered me notes -

Q Who?

A Mr Betts here offered me two
notes; that was somewhere
about Sept 10

Q

Q Betts did not owe you anything.

A He offered me notes

By the Court

Q You say you went there about 10
days after the 15th of June
and he offered you two notes
and he told you he was getting
notes cashed at work.

A Yes.

By Mr. Pardy

Q He said there were notes in the
bank - upon deposit there

A That was before that

The Defendant Betts re-called in his
own behalf:-

Q Did you hear what this witness
say about coming to the office?

A Yes sir

x Q Did you offer him a note?

A I never offered him a note
He never came to the office but
twice

49 Q Did you tell him that you

Did not owe Eilan?

A Yes.

Q Did you had got a loan from him of \$500?

A Yes.

+ Q You told him that you had paid that?

A Yes sir.

Q What about these notes he says you offered him.

~~A I do not know that I ever offered him any notes.~~

A I do not know that I ever offered him any notes
Q Was you present when

L B Treaswell called as a witness for the Defendant before and says

Q Were you present when Mr Engel came there

A I was in the room

Q What took place?

A He said he was sent there

44 by Mr Eilan to get \$500 -

Betts told him he did not
owe Eilan \$500 - that he
paid it. That was about all that
was of it. Betts got the checks
and showed them and Mr
Engel said he was satisfied
that the loan had been paid.

Q Was there anything and Mr
Engel?

A No

Q Did you ever hear of it with
this out?

A Never

Q Did you hear Engel say that
Eilan had swindled him out
of \$500?

A I think I did

Defendants Counsel moves an adjournment
in order to bring further evidence

The Court - I refuse to adjourn the
hearing further. You were told by
the court to be prepared

45 - The first time this case came

POOR QUALITY
ORIGINAL

0303

up.

Motion denied

Defendant held to answer \$500
bail.

86

Pes
v
Bills

District Attorney's Office
City & County of
New York

David T. Lewis, Jr.

Doney went to the Treasurer
Nash Bk once or twice -
The first time ^{was} to cash a
small check -

The second time was in
August when I deposited
a draft drawn by party for
Omaha on Chemung Bk
& at same time tried to demand
against it but bank
refused to pay until
the draft was paid -
I came back & sent
check to Rumpf or Ellinger
for cash -

The office boy is Geo Drew
1 Broadway with Henderson
& Beets -

Reo } District Attorneys Office
Beets } City & County of
New York

Richard Ruff - 121 Mack St.
in July 91 lived at 7 Chambers
St. & kept restaurant & saloon.
Whenever I cashed checks for Mrs.
Edam he was always with
two or three gentlemen who
came in for drinks or for
cigars - One day Mr. Edam
introduced Mr. Beets to me
that whenever one of
his checks came endorsed
by him Edam it was all
right - Beets offered to
treat but said he had no
cash & asked me to cash
a check. I said I never
cashed checks unless I
knew him well. Then Mrs.
Edam said

Then I cashed the checks.
In all cases where I cashed

POOR QUALITY
ORIGINAL

0306

Betts checks. I didn't
give the money directly to
Betts or handed it over
the bar to Dean who
pushed it to Betts &
Betts then treated —

Police Court

1st Judicial District

The People vs
- vs -
Carlton Betts

It is hereby stipulated and
consented that the examination
of the defendant herein be
adjourned from July 28th
till the 1st day of September
1892. at two o'clock P.M.

July 28th 1892

Wm. Williams
P. of counsel for complainant
L. B. Brewster

of counsel
L. B. Brewster
of counsel for defendant

Police Court
2nd Judicial District
The People vs
aged
Carlton N. Betts

It is hereby stipulated & consented
that the examination of the defendant
hereto be adjourned from July
28th till the 11th day of September
1892 at two o'clock P.M. -
done July 28th 1892

Fordy & McManis
of counsel for complainant
B Leadwell
of counsel for deft.

POLICE COURT, JEFFERSON MARKET.

----- x
The People on the complaint of

DAVID EILAU :

against

CARLTON H. BEETS. :

----- x
:

It is hereby stipulated and consented that the examination in the foregoing ~~complaint~~ case be adjourned to Thursday July 28th, 1892, at 2 o'clock, same place.

Dated July, 18th, 1892.

A. H. Hardy

Complaint
Attorney for plaintiff

B Leadwell
Attorney for defendant.

POLICE COURT, JEFFERSON MARKET.

----- x
 :
 The People on the complaint of
 DAVID EILAU :
 against
 CARLTON H. BEETS. :
 ----- x
 :

It is hereby stipulated and consented that the examination in the foregoing ~~case~~ case be adjourned to Thursday July 28th, 1892, at 2 o'clock, same place.

Dated July, 18th, 1892.

A. H. Purdy
 Attorney for ~~plaintiff~~ *Beets*

Breadwell
 Attorney for defendant.

*Please file above in foregoing case
 Dorsne
 Breadwell
 Sept 1st 1892*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK |
AGAINST

Carleton H. Betts

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

Carleton H. Betts

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

The said Carleton H. Betts,

late of the City of New York, in the County of New York aforesaid, on the *sixth* day of *August*, in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one David Eilan*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said*

David Eilan,

That *he* the said Carleton H. Betts then had a note for discount in the Poughkeepsie National Bank at Poughkeepsie in the State of New York, and that he then required the sum of five hundred dollars to deposit in the said bank, in order that his account in the said bank might show a large amount to his credit, so that the said note might be more readily discounted by the said bank.

By color and by aid of which said false and fraudulent pretenses and representations, the said

— Carleton H. Betts —

did then and there feloniously and fraudulently obtain from the possession of the said

David Eilan, the sum of five hundred dollars in money, lawful money of the United States of America, and of the value of five hundred dollars,

of the proper moneys, goods, chattels and personal property of the said David Eilan, —

with intent to deprive and defraud the said David Eilan, —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Carleton H. Betts did not then have a note for discount in the said Poughkeepsie National Bank, and he did not then require the said sum of five hundred dollars to deposit in the said bank in order that his account in the said bank

might show a large amount to his credit, so that the said note might be more readily discounted by the said bank.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Carleton H. Betts to the said David Eilan was and were then and there in all respects utterly false and untrue, as he the said Carleton H. Betts at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said Carleton H. Betts in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said David Eilan, then and there feloniously did STEAL, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

03 14

BOX:
497

FOLDER:
4534

DESCRIPTION:

Birch, Samuel

DATE:
10/14/92



4534

POOR QUALITY ORIGINAL

0315

Robert
Counsel,
Filed *14* day of *Oct* 189*2*
Pleads, *Marty*

THE PEOPLE
vs.
F
Samuel Birch
Madison
Section 288, Code Civ.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

B. Toelwood

Foreman.

Complaint sent to the Court
of Special Sessions,

Part III... *Oct 18 1892*

Witnesses:

off hours

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Samuel Birch

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse Samuel Birch of a

Misdemeanor,

~~of the crime of~~

committed as follows:

The said Samuel Birch,

late of the City of New York, in the County of New York aforesaid, on the fourteenth day of September, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, being the father of Frederick Birch and Clara Birch, minors of the age of five years, and two years, respectively, and there being then and there a duty by law imposed upon him to furnish board

**POOR QUALITY
ORIGINAL**

0317

clothing, and shelter to the said miners, unlawfully
did wilfully omit, without lawful excuse, to perform
the said duty so by law imposed upon him.

De Jancey Nicoll,
District Attorney.

03 18

BOX:

497

FOLDER:

4534

DESCRIPTION:

Bird, Payton

DATE:

10/20/92



4534

POOR QUALITY ORIGINAL

0319

18/ X

Counsel, *Do not*
Filed *day of Oct* 1892
Plends. *Myself &*

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

THE PEOPLE

vs.

43 1/2 Ave
536 1/2 Park St.
Raylow Bird

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

A. J. Redwood

Sept 2 - Oct. 27, 1892 Foreman.

Plend assault 2 deg.

W. J. M. P.

Nov. 4/92 for.

App. Penning
Account of
Witness - App.

Account of

Wholly responsible

D
D

Subpoena officer

Stamps

Nov 2 for

POOR QUALITY ORIGINAL

0320

Police Court 2nd District.

City and County of New York, ss.:

of No. 25th West 27th St Charles Jerome
occupation Seaman Street, aged 30 years,
being duly sworn

deposes and says, that on the 13 day of Oct 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Rayton Reid

(now here) who did cut and stab
deponent on the left fore arm
with some sharp instrument
the deponent held in his
hand and said assault
was committed

554 7th Ave
8th Floor

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

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

Sworn to before me, this 14 day of Oct 1887 Charles Jerome
of 554 7th Ave Police Justice.

POOR QUALITY ORIGINAL

0321

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Dayton Bird

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. *Dayton Bird*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *N Y*

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

Answer. *536 Seventh Avenue - 2 years*

Question. What is your business or profession?

Answer. *Porter*

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*

Porter Bird

Taken before me this *14* day of *Sept* 1938
[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0322

BAILED,

No. 1, by _____

Residence _____

No. 2, by _____

Residence _____

No. 3, by _____

Residence _____

No. 4, by _____

Residence _____

Police Court... 65 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles H. Henslee
255 W. 27
Payton Bird

Offense Morant Felony

Dated, Oct 14 1892

White Magistrate

J. W. Johnson Officer
20 Precinct

Witnesses _____

No. _____

Street _____

No. _____

Street _____

OCT 17 1892

No. _____

Street _____

\$ _____

to answer

Street _____

No. _____

Street _____

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

Five 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, Oct 14 1892 John Ryan Police Justice.

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

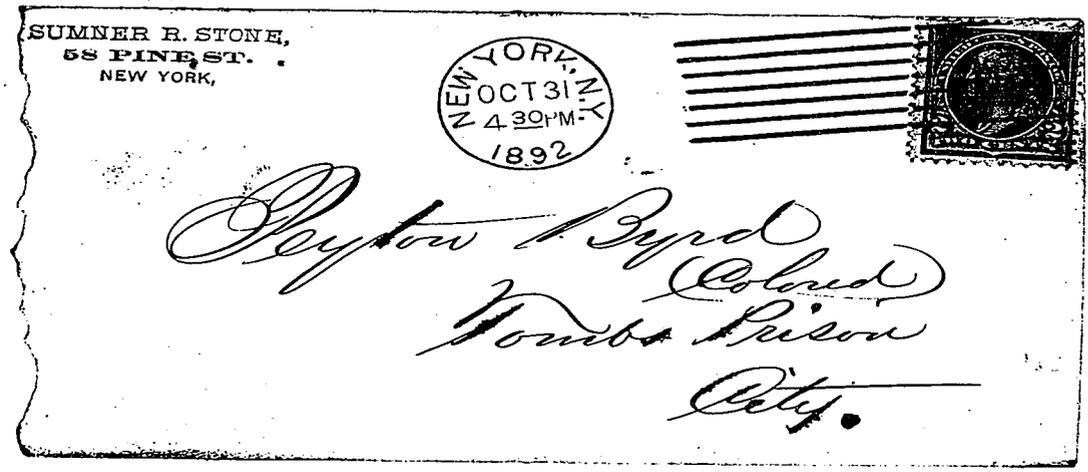
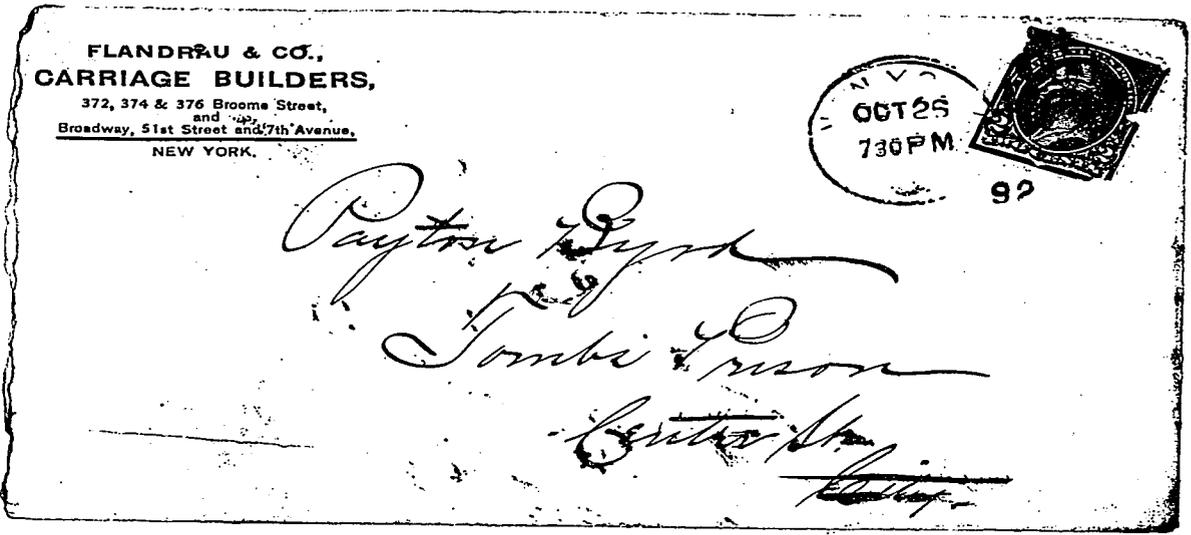
Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

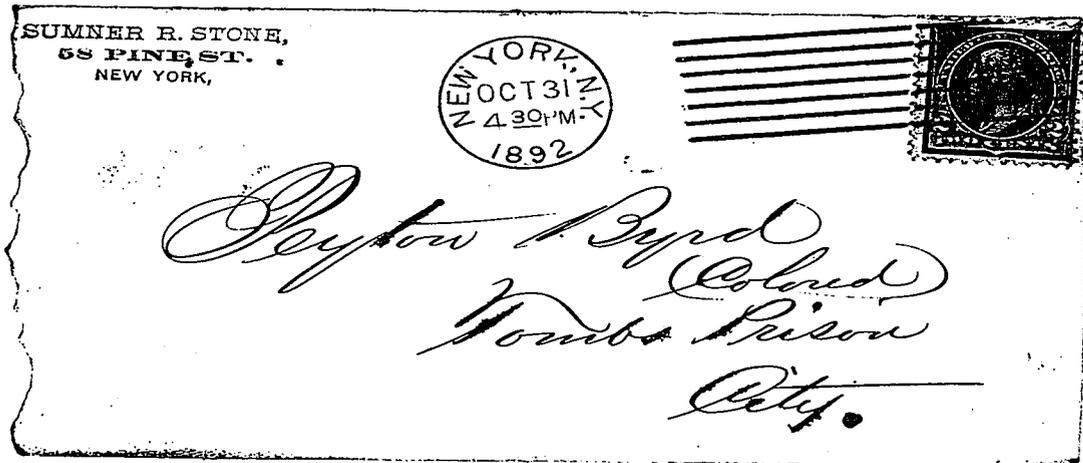
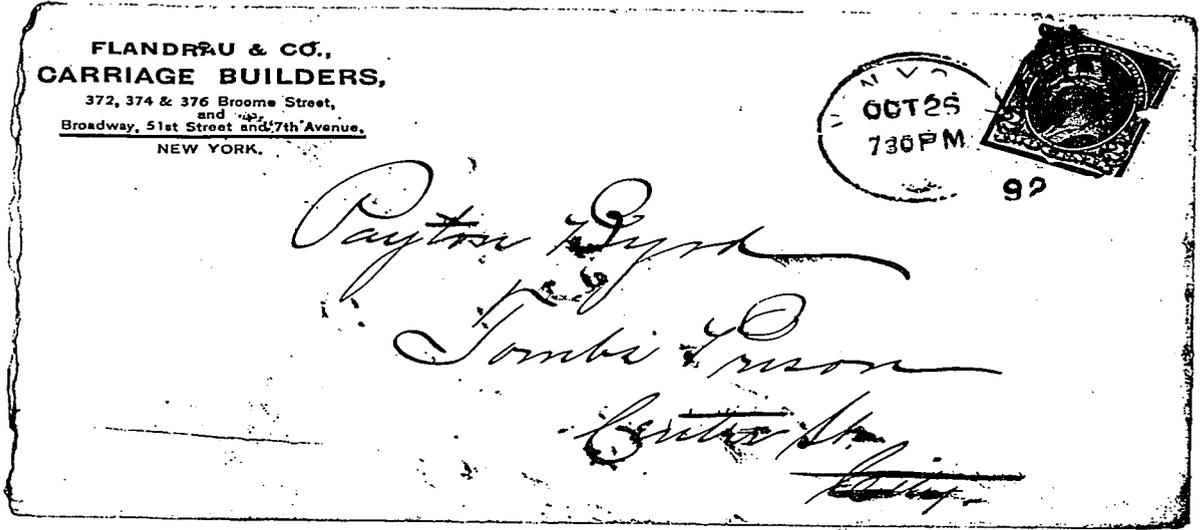
POOR QUALITY ORIGINAL

0323



**POOR QUALITY
ORIGINAL**

0324



**POOR QUALITY
ORIGINAL**

0325

Seth C. Keyes.

Daniel J. Wilson.

*James W. Lawrence.
Special.*

Flandrau & Co.

*DOWN TOWN REPOSITORY,
372, 374, 376 BROOME ST.*

(Trade Mark.)

*UP TOWN REPOSITORY,
BROADWAY 51ST ST. & 7TH AVE.*

Carriage Builders.

FIRM.

DIRECT ANSWER TO

Broadway and 51st Street.

Keyes & Wilson.

IN ANSWER TO YOURS

24.

New York. 10/26/92

*To whom it may concern,
Payton Byrd was in
our employ for six
weeks or more last year
found him faithful &
honest.*

Keyes & Wilson

POOR QUALITY
ORIGINAL

0326

Peyster Byrd was some ten years
ago - a waiter in the family of
my late mother in law, Mrs C. M.
Hitchcock at 106 East 34th street -
was in her service for some years,
and I remember him as a civil, obliging
and attentive servant.

Samuel R. Fine
58 Pine Street
New York.

Oct 31/92.

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

THE PEOPLE OF THE STATE OF NEW YORK, against

Payton Bird

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

The said Payton Bird late of the City of New York, in the County of New York aforesaid, on the thirteenth day of October in the year of our Lord one thousand eight hundred and ninety-two with force and arms, at the City and County aforesaid, in and upon the body of one Charles Jewell in the peace of the said People then and there being, feloniously did make an assault and with a certain sharp instrument to the Grand Jury aforesaid unknown

which the said Payton Bird in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent to kill the said Charles Jewell 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 Payton Bird of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Payton Bird late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Charles Jewell in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and with a certain sharp instrument to the Grand Jury aforesaid unknown

which the said Payton Bird in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT—

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

Payton Bird

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Payton Bird

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Charles Jewell* did wilfully and wrongfully make another assault and *kill* the said

with a certain *sharp instrument* to the Grand Jury aforesaid *unknown*,

which *he* the said

Payton Bird

in *his* right hand then and there had and held, in and upon the *arm* of *him* the said

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Charles Jewell*

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.

DE LANCEY NICOLL, District Attorney.

0329

BOX:

497

FOLDER:

4534

DESCRIPTION:

Blum, Isaac

DATE:

10/07/92



4534

0330

BOX:

497

FOLDER:

4534

DESCRIPTION:

Seratsky, Davis

DATE:

10/07/92



4534

POOR QUALITY ORIGINAL

0331

R. H. [Signature]

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

Isaac Blum
and *[Signature]*

Davis Secretary

Oct 14 1892
Mr. [Signature]

District Attorney,

Washington.

Spied & Requested

A TRUE BILL.

R. H. [Signature]

Foreman.

[Signature]

Abt. [Signature]

S.P. 2 1/2 [Signature]

Burglary in the Third Degree.
[Section 498, etc.]

Witnesses:

Off Wells

POOR QUALITY ORIGINAL

0332

Police Court - District.

City and County of New York, ss.:

of No. 15 Orchard Street, aged 34 years, occupation Clothing being duly sworn

deposes and says, that the premises No. 15 Orchard Street, 10 Ward in the City and County aforesaid the said being a 4 story brick building the ground floor of which was occupied by deponent as a Clothing Store and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the panel in the door leading from the passage of said premises into the hallway, then removing a panel out of the door leading from the hallway into the premises occupied by deponent on the 20th day of September 1892 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Seven Overcoats, six four double breasted coats, twelve coats and vests, and fifty yards of various satin. Value of one hundred and fifty dollars (\$150.00)

the property of Deponent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Alice Blum (Groomer) and an Unknown man not yet arrested.

for the reasons following, to wit: That Deponent is informed by Officer James Wells that he caught the said defendants in the act of coming out of the said premises in company of said unknown man, not yet arrested and that they have the said property in their possession

Joseph Gordon

Sum to return to deponent on this 20th day of September 1892

POOR QUALITY ORIGINAL

0333

Sec. 198-200

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Isaac Blum

signed 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 sees 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. *Isaac Blum*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *70 Avenue*

Question. What is your business or profession?

Answer. *Carpenter*

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*
Isaac Blum
Made

Taken before me this day of SEPTEMBER

20

189

Police Justice

[Signature]

POOR QUALITY ORIGINAL

0334

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

Davis Serotky

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 sees 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 *Davis Serotky*

Question. How old are you?

Answer *30 years*

Question. Where were you born?

Answer *Russia*

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

Answer *176 Madison Street; 6 months*

Question. What is your business or profession?

Answer *Carlo's*

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*
Davis Serotky
made

Taken before me this *23*
day of *September*, 189*7*

[Signature]
Police Justice

POOR QUALITY ORIGINAL

0335

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

Police Court, 3
 District, 1179

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Isidor Rubin
Isidor Rubin
Davis Serotky

8
 4
 Offense Burglary

Dated, SEPTEMBER 20 1892

Wagon Magistrate
Halls Officer

Witness Call officer
 No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

2000 to answer
COMMITTED

to answer



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 Isidor Rubin

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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, Sept 20 1892 [Signature] Police Justice.

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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, Sept 23 1892 [Signature] Police Justice.

POOR QUALITY ORIGINAL

0336

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 3 DISTRICT.

of No. 11th Precinct James Wells Street, aged _____ years,
occupation _____

being duly sworn, deposes and says
that on the _____ day of _____ 189____
at the City of New York, in the County of New York: Davis Serotky

(now here) is the person mentioned
in the affidavit of Joseph Gordon
as the unknown man.

Therefore deponent prays that the said
Davis Serotky be made a co-defendant
with Isaac Blum and held to
answer the annexed complaint.

James A. Wells

Sworn to before me this 23
of September 1895 day

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0337

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged James Wells years, occupation Police Officer of No. 11th Precinct

11th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Joseph Gordon and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me this 10th day of Sept 1897 James A. Wells

[Signature] Police Justice.

POOR QUALITY
ORIGINAL

0338

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against
Isaac Blum
and
Davis Serotsky

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

Isaac Blum and Davis Serotsky

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

The said

Isaac Blum and Davis Serotsky, both

late of the 10th Ward of the City of New York, in the County of New York aforesaid, on the
20th day of September in the year of our Lord one
thousand eight hundred and ninety-two in the night-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the store of
one

Joseph Gordon

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

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

**POOR QUALITY
ORIGINAL**

0339

SECOND COUNT—

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

Isaac Blum and Davis Serotsky

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said

Isaac Blum and Davis Serotsky, both

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

*seven overcoats of the value of eight
dollars each, twelve sixteen coats of
the value of five dollars each,
twelve vests of the value of two
dollars each, and fifty yards of
farmers' satin of the value of
ten cents each yard*

of the goods, chattels and personal property of one

Joseph Gordon

in the

store

of the said

Joseph Gordon

there situate, then and there being found, in the

store

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

**POOR QUALITY
ORIGINAL**

0340

THIRD COUNT:

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

Isaac Blum and Davis Seratsky
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Isaac Blum and Davis Seratsky*, both

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

*the same goods, chattels and
personal property described
in the second count of this
indictment*

of the goods, chattels and personal property of

Joseph Gordon
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said

Joseph Gordon
unlawfully and unjustly did feloniously receive and have; (the said

Isaac Blum and Davis Seratsky
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,

District Attorney.

0341

BOX:

497

FOLDER:

4534

DESCRIPTION:

Bosso, John

DATE:

10/25/92



4534

POOR QUALITY ORIGINAL

0342

Witnesses:

John Steward

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

John Boss

Grand Larceny, (From the Person),
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

John Boss

A TRUE BILL.

B. J. DeKorn

Foreman.

John Boss

S. P. H. 4/20

POOR QUALITY ORIGINAL

0343

(1895)

Police Court 1 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 91 Mulberry Street, aged 35 years,
occupation Labourer

deposes and says, that on the 16 day of October 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession

person of deponent, in the night time, the following property, viz:

One pair of gloves and a knife the whole being valued at One ²⁵/₁₀₀ dollar

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

John Drossel and his son for the reasons following to wit: at the hour of their return a. m. on said date as deponent was seated on a stoop in Mulberry Street having the said property in the pocket of the coat, which he then wore, he fell asleep and was awakened by feeling the defendant searching his (deponent's) clothing. Deponent is informed having witnessed the said property seized by Officer Richard Barry that he (Barry) found in the possession of the defendant the said property, which property is identified by deponent
John Mendle

Sworn to before me, this 16 day of October 1892

W. Mendle
Police Justice.

POOR QUALITY ORIGINAL

0345

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Bossor*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *92 Baxter St. 1 year*

Question. What is your business or profession?

Answer. *Fireman*

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

Answer. *I am not guilty*

John Bossor

Taken before me this
day of *October* 189*4*
H. M. ...
Police Justice.

POOR QUALITY ORIGINAL

0346

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

Police Court
 District

THE PEOPLE, &c.
 ON THE COMPLAINT OF

John W. M. [Signature]
John [Signature]
John [Signature]

1 _____
 2 _____
 3 _____
 4 _____
 Offense _____

Dated, _____ 189

Mr. [Signature]
 Magistrate
[Signature]
 Officer

Witnesses
 No. _____
 Street _____
 No. _____
 Street _____

No. _____
 Street _____
 \$ _____ to answer

[Signature]
[Signature]

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

POOR QUALITY
ORIGINAL

0347

504

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Boss

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

John Boss
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

John Boss

late of the City of New York, in the County of New York aforesaid, on the *16th*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*two*, in the *night*-time of the said day, at the City and County aforesaid,
with force and arms,

*one pair of gloves of the
value of one dollar and one
knife of the value of fifty
cents.*

of the goods, chattels and personal property of one *John Mendle*
on the person of the said *John Mendle*
then and there being found, from the person of the said *John Mendle*
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.

**POOR QUALITY
ORIGINAL**

0348

SECOND COUNT—

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

John Basso
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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

*one pair of gloves of the
value of one dollar, and
one knife of the value of
fifty cents*

of the goods, chattels and personal property of one

John Mendle
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said

John Mendle
unlawfully and unjustly, did feloniously receive and have; the said

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

DE LANCEY NICOLL,

District Attorney.

0349

BOX:

497

FOLDER:

4534

DESCRIPTION:

Branch, Benjamin

DATE:

10/17/92



4534

POOR QUALITY ORIGINAL

0350

Witnesses:

Wm Taylor

103
Counsel,
Filed 17 day of Oct 1890
Pleads, *Phyally*

THE PEOPLE

vs.

Benjamin Branch

H.D.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. Boeckmann

Foreman.

John A. Conced

of Assembly

Shropshire

POOR QUALITY ORIGINAL

0351

Police Court 2 District.

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

William Taylor

of No. 157 West 27th Street, aged 19 years,

occupation Waiter being duly sworn

deposes and says, that on the 9 day of October 1882 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Benjamin Branch

nowhere, who attempted to cut deponent ten or twelve times with some sharp instrument, a knife or razor, making three flesh cuts on deponent's body, reflecting painful wounds, with said instrument or weapon then held in his hand by deponent

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant

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

Sworn to before me, this 10 day
of October 1882

William T. Taylor

[Signature]
Police Justice.

POOR QUALITY ORIGINAL

0352

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Benjamin Branch 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. *Benjamin Branch*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *N-S.*

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

Answer. *217 West 27th St. 3 years*

Question. What is your business or profession?

Answer. *laborer*

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

Answer. *I am not guilty - I was fighting him with my fist. He must have been cut in the crowd. I did not have any weapon.*

Benjamin Branch

10

Taken before me this

day of

October 1888

Police Justice.

POOR QUALITY ORIGINAL

0353

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

Police Court... District.

1894

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mr. Taylor
150 W 127 St
Benjamin Brown

2 _____
3 _____
4 _____

Offense Morant felony

Dated, Oct 10 1894

White Magistrate.
de Cord Officer.

Witnesses Complainant

No. 19 Precinct.
House of Detention

No. _____ Street _____

No. _____ Street _____

\$ 1000 to answer
John Brown

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

Benjamin Brown

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 1000 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, Oct 10 1894

John White Police Justice.

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

Dated, _____ 189 _____

Police Justice.

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

Dated, _____ 189 _____

Police Justice.

POOR QUALITY ORIGINAL

0354

Police Court, 2 District.

City and County } ss.
of New York,

Louis McCord

of No. 19th Avenue Street, aged _____ years,
occupation Doctor

that on the 10 day of October 1888 being duly sworn, deposes and says,

York, in the County of New York,

Benjamin Branch
now he was charged with felonious
assault on William Taylor, and the
said Taylor is a non resident and
deponent has reason to believe said
Taylor will not appear as a witness
and deponent asks that said Taylor
be required to furnish a bond for
his appearance as a witness

Subscribed and sworn to before me this 10 day

of October 1888
Louis McCord
Police Justice

William H Taylor

Branch and I had a room together, at 217 West 27th St. On Sunday about 6:30 P.M. I met on Branch on 27th St bet 6th and 7th ave. He said "What did you mean by talking to me?" I have a good mind to knock your damn head off. He had some words and pulled a knife or some other sharp instrument, his hand having been in his side coat pocket. He cut me on the coat collar, as I turned he cut me across the chest, as I ran he cut me in the back. I ran into the shafts of a wagon, he cut me on the arm and on the leg. (The coat shows about 13 cuts, and one on the pants.) I went and got some sticking plaster and then to the Station Stouse. Can show the cut on his arm.

Officer Louis McCord.

I went to Branch's house knocked he wouldn't let me in myself and another officer kicked in the door. Branch refused to come and had to club him.

POOR QUALITY
ORIGINAL

0356

I said "What did you cut him for?
did you cut him" he said "Yes
I cut him for nothing"

Saturday night

POOR QUALITY ORIGINAL

0357

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Benjamin Branch

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

The said *Benjamin Branch*
late of the City of New York, in the County of New York aforesaid, on the *ninth*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*two*, with force and arms, at the City and County aforesaid, in and upon
the body of one *William N. Taylor* in the peace of the said People
then and there being, feloniously did make an assault and *him* the said
William N. Taylor with a certain *sharp*
instrument to the Grand Jury aforesaid unknown
which the said *Benjamin Branch*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

him the said *William N. Taylor*
with intent 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
Benjamin Branch
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Benjamin Branch*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
William N. Taylor in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *William N. Taylor*
with a certain *sharp instrument to the*
Grand Jury aforesaid unknown,
which the said *Benjamin Branch*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

De Laucey Recoll,
District Attorney