

0196

**BOX:**

497

**FOLDER:**

4534

**DESCRIPTION:**

Barnnett, Richard

**DATE:**

10/18/92



4534

POOR QUALITY  
ORIGINAL

0197

Witnesses:

off Junes

Counsel,

Filed,

May of

1892

Pleads,

THE PEOPLE

vs.

RECEIVING STOLEN GOODS  
(Section 550, Penal Code.)

Richard Bennett

Part I

April 10 1893

DE LANCEY NICOLL,

District Attorney.

Part 3. May 5 1893

Indefinite term of Prison & Solitary

Dec 22 92 138W May 9

A TRUE BILL.

Jan 9 93 138W

Notary complete and correct

B. J. Woodward

Part 2 - Jan. 9 1893. Foreman.

Ind and fine deceased 92

City Prison 138W 1893

San Francisco 138W 1893

Monday - March 7 1893

THE PEOPLE,

COURT OF GENERAL SESSIONS, PART II.

vs.

BEFORE JUDGE MARTINE.

RICHARD BENNETT.

Monday, January 9, 1893.

Indictment for RECEIVING STOLEN GOODS.

A Jury was empannelled 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 somewhere 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 brother.



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.

- 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.

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

A. Yes, sir.

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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.

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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 simply 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?

17 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 Mc

Donald 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.

Q. 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 pawn it 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



where to go and get the ring; I was brought up to the station house the next morning, and the ring was not there, and I was remanded again until they went to the pawn-shop to get the ring.

- Q. When did you first admit having received the ring from McDonald, who was the first person? A. The first person I ever told was Officer Carey, in the station house.
- Q. Then you didn't tell the Judge, in the police court, when McDonald accused you of it, you did not tell the Judge then that you received it from him? A. No, sir, I did not.
- Q. Then when you testified that you did, you testified untruly? A. Yes, sir.
- Q. This was seven or eight o'clock, in the morning of the 8th of October, that you received this ring from McDonald? A. Yes, sir.
- Q. The very day that the burglary occurred? A. Not the very day, it was the day after.
- Q. The burglary occurred early that morning, didn't it? A. I don't know what time it occurred at all.
- Q. You received it about seven or eight o'clock in the morning? A. Yes, sir.
- Q. Who was with McDonald when he gave it to you? A. Nobody.
- Q. Was anybody with you when he gave it to you? A. No, sir; I was sitting on the string-piece, fishing.
- Q. Was anybody near you? A. There was people five or six feet away from me, sitting there.
- Q. McDonald came up to you? A. Yes, sir.
- Q. Did you get up? A. No, sir.
- Q. Kept right on fishing? A. Yes, sir; I was sitting down.

- Q. McDonald gave you the ring? A. He handed me the ring, and he told me he found it in the clothes; he asked me to go and pawn it. I says, "Where did you get it?"
- Q. Were you working at that time? A. No, sir.
- Q. I though you worked straight along up to the time you were arrested? A. I was not working on the saturday. I worked all the week except Saturday.
- Q. Was it Saturday that McDonald brought you that ring? A. Yes, sir; Saturday.
- Q. How many days before you were arrested? A. I was arrested on the following Sunday.
- Q. You stopped your fishing; did you? A. I still kept the line in my hand.
- Q. And went right down to pawn this ring? A. I looked at the ring; I asked if that was all right, when he said he found it in the clothes? He said, "Yes." I went and pawned the ring, and when I came back he was arrested; I didn't know it was stolen.
- Q. Where did you pawn the ring? A. Between 35th and 36th streets, on Seventh avenue.
- Q. You got the ring on the dock, at the foot of 46th street? A. Yes, sir.
- Q. Have you never pawned anything before? A. No, sir.
- Q. That was the first time you ever went into a pawn-shop? A. Yes, sir.
- Q. How did you come to go down to Proker's pawn-shop? A. He gave me the name and address, to go there -- McDonald did.
- Q. You didn't tell us that before? A. No, sir.
- Q. He gave you the name and address, and told you to go to

- 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 burglaru, 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

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.

POOR QUALITY  
ORIGINAL

0232

22

Testimony in the  
case of  
Richard Bennett

filed  
Oct. 1/1942

to U.S.

Q. Did you see the ring?

A. No, sir.

Bennett, and that Bennett did not know it was stolen.

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

OFFICER MORRIS, recalled by Mr. Weeks:

the ring?

A. Yes, sir.

Police Court 4 District.

City and County } ss.  
of New York.

of No. 635 West 46 Street, aged 37 years,  
occupation Liquor 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, had given  
to the officer Thomas McDonald had given  
this defendant Bennett a ring, part  
of the property taken. That defendant  
is informed by Detective Frank Morris  
of the 44 Precinct that he Morris  
arrested the defendant and the defendant  
admitted to him the office that said  
McDonald had given him a ring  
which he Bennett claimed. Defendant  
further says that he has inspected  
the said ring 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  
stolen from the same where he stole and  
says that the defendant he dealt with  
according to law.

Done before me this 12 day of October 1892 Matthew Laaffe

William  
Police Justice

POOR QUALITY  
ORIGINAL

0234

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, 4 DISTRICT.

of No. 72- Reginald Police Officer, aged 25 years,  
occupation 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 Stolen Goods, defendant  
wishes 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 day

Police Justice



0235

AFRIDA VIT.  
García Soto Gardo

POOR QUALITY  
ORIGINAL

0236

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*Richard Bennett*

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. *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. *1550 West 48th St. Brooklyn*

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

189

Police Justice.

POOR QUALITY  
ORIGINAL

0237

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

1  
2  
3  
4  
Dated \_\_\_\_\_ 188

Offence

Magistrate

Officer

Witnesses

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

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

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

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

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

No. \_\_\_\_\_  
Residence \_\_\_\_\_  
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 \_\_\_\_\_

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ 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  
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, 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 felon-  
iously 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 + RBC

Witnesses:

David E. Law

L. G. Lee

Peter Engel

Counsel,

Filed,

Pleads,

1892

day of

Oct

Myself, Charles

THE PEOPLE

vs.

Carlton H. Betts

~~member of~~ ~~city~~ ~~indict. dis.~~ ~~RBC~~

James H. Hays

DR. LANCEY NICOLLE

District Attorney  
Dumaine filed Oct 31/92

TRUE BILL

B. L. Edwards

Foreman

Nov. 10

Judgment for The People  
on the Demurrer RBC  
Nov 10 1892

failed by

Alfred E. Brown

200

After considering the  
written report, I am  
of the opinion that  
no commitment in this  
case is possible & I  
recommended the dis-  
missal of the indictment  
Aug 8 1893 Detainee here  
But all



Bail fixed at  
\$1500 + RBE

Witnesses:

David Eiland

J. G. Lee

Peter Engel

Counsel,

Filed,

Pleads,

1892

day of

Oct

Myself Am 23/92

THE PEOPLE

vs.

Carlton H. Butts

~~mem. of det.~~  
city. indict. dis. RBE

Jan. 4/93

DE LANCEY NICOLLE

District Attorney

Document filed Oct 31/92

TRUE BILL.

B. Lockwood

Foreman.

Nov. 10

Judgment for the People  
in the Remuner RBE  
Nov 10 1892

fixed by

200

Alfred E. Brown

After examining the  
work report. I am  
of the opinion that  
no connection in this  
case is possible & I  
recommend the dis-  
missal of the indictment  
Chas. Delaney Secy  
1893 Dist Atty

Police Court

District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

David Elan

of No. 9 North Henry

Street, aged 46 years,

occupation Lawyer

being duly sworn,

deposes and says, that on the 6<sup>th</sup> 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 Elan

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 6<sup>th</sup> 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 Poughkeepsie 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 Poughkeepsie National Bank in the State of New York, and that the said \$500.00 was required to deposit in the said bank for the purposes aforesaid,

Suppose to be in the hands of the

of 1891 day

Police Justice

gave to the said Betts the said sum of \$500.<sup>00</sup> But deponent further says that said representations each and all of them were false and fraudulent and were known to said Betts at the said time to be false; and that said Betts 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 Betts were made for the purpose of defrauding deponent out of the said \$500.<sup>00</sup>

Said Betts 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 Betts for larceny by the false pretense in taking and obtaining from this deponent the sum of \$500.<sup>00</sup> by false representation and in violation of Section 528 of the Penal Code.

Given to before me  
this 15<sup>th</sup> day of June 1892

Maria E. Egan  
Thos. F. Gandy  
Police Justice

POOR QUALITY  
ORIGINAL

0245

(1835)

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

Carlton H. Betts being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h right to  
make a statement in relation to the charge against h ; that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h 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-57<sup>th</sup> 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 1932

John J. [Signature]  
Police Justice.

POOR QUALITY  
ORIGINAL

0246

BAILED  
No. 1, by Alvin & William  
Residence 155 East 11th St.  
No. 2, by Alvin & William  
Residence 155 East 11th St.  
No. 3, by Alvin & William  
Residence 155 East 11th St.  
No. 4, by Alvin & William  
Residence 155 East 11th St.

*Alvin & William*

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

David Gilman  
John Henry & John  
Ward & John H. H. H.

Offense, Larceny

Dated June 29 1892

John Henry Magistrate.

John Henry Officer.

John Henry Precinct.

John Henry No.

John Henry Street.

John Henry No.

John Henry Street.

John Henry No.

John Henry Street.

John Henry No.

John Henry Street.

John Henry No.

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

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

Dated, Sept 19 1892

John Henry Police Justice.

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

Dated, Sept 19 1892

John Henry 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, \_\_\_\_\_ 1892

Police Justice.

POOR QUALITY  
ORIGINAL

0247

Sec. 151.

Police Court 2<sup>nd</sup> 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 David 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:

Good 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. Belts

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<sup>nd</sup> 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.  
1



POOR QUALITY  
ORIGINAL

0248

Police Court 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

David Eilan  
243 B. Wap.

Carroll H. Betts

No 143, Wap 132.8

Dated June 15 1882

Ward 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.

Warrant-Larceny.

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

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.

Police Justice.

The within named



NEW YORK COURT OF GENERAL SESSIONS

-----x  
The People, etc.,

against

Carlton H. Betts.  
-----

City and County of New York ss:

David Eilan 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

13<sup>th</sup> day of October, 1892.

*David Eilan*

*Attest  
- Henry Public  
- J. Maunsky -*

POOR QUALITY  
ORIGINAL

0250

N.Y. COURT OF GENERAL SESSIONS

The People, etc.,

against

Carlton H. Betts.

A F F 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

(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.

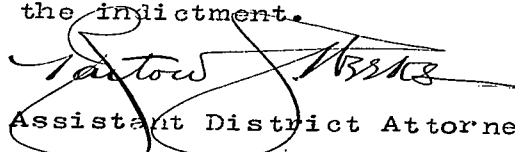
(Signed) DAVID EILAU"

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<sup>d</sup> 1892.

  
Assistant District Attorney

POOR QUALITY  
ORIGINAL

0253

THE PEOPLE OF THE STATE OF NEW  
YORK

*against*

*Barclay H. Peltz.*

*Report.*

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

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 1882.

Present,

THE HONORABLE Augustus D. Fanning  
Justice.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Robert M. Berts

The District Attorney having heretofore, to wit: on the 14th day of  
September 1882, 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 Receiv[ing] 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 H. Schmitt 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 Egan —  
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. Smith*

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

(§ 270 Code of Crim. Pro.)

*John R. Will*  
JOHN R. WILLIAMS,

District Attorney.

Entered

day of

188



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 19<sup>th</sup>* 1892,

Dated, July 13th. 1892.

~~Attorney for Complainant~~

*B. Readwell*  
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. Seyo 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

A - He had not.

Q Did he at any time have a promissory note in that bank?

A Not that I can find.

Q He did not have a note of the particular sum of five hundred dollars then on August 5 1891?

A No

Defendants Counsel - we will admit that

Cross Examined by Afters Counsel

Q - Is it not a fact that Mr. Betts has had an account there for years?

A Yes.

Q And has one at present?

A Yes

Adjourned to Sept 12 1892  
19

Examination Continued Sept 19

David Eilon 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?

1. Some time in the month of  
October I went to the  
Port Keepore National Bank  
and made personal inquiry there  
and saw the books, and

discovered it from the President  
of the bank and the cashier.

2. Had you come into contact  
in a business way with Mr  
Belts 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.

2. Had you been counsel in a  
case with him - in the Indian  
case,

A. No sir

2. In October of last year?

A. No sir

2 Quite sure of that?

1 No sir - I am most positive

2 You swear to that?

1 - I don't swear to anything positive  
I testify as near as I can  
remember to the best of my  
recollection.

2 Will you swear positively that  
there was no other transaction  
before he procured the loan  
of \$500.

1 There was a transaction  
about a check for \$100.

2 Then when you swore that  
there was no other transaction  
you were mistaken

1 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.

2 Is not that the receipt  
shown to you now

Paper marked D.H.A.  
Sept 19 1892 5/1

2 That is your signature?

A Yes.

2 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.

2 Is that your signature to  
that paper - the endorsement  
of E. & B. Shown

A It is.

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

2 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 28<sup>th</sup> 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 25<sup>th</sup> of June of this year

Q You were substituted?

A Yes: for Mr Belts

Q Will you appear as attorney due for Mr Brinkman oh first Mr Belts

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

A He did.

Q x 2 Did you not retain him?

A Herons a law partner  
of mine at the time.

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

A I suppose you know it.

2 I ask you?

A Yes.

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

A I suppose so.

2 a good deal of recrimination  
and bitterness

A no bitterness on my part

2 and you had a proceeding  
to punish Herons for contempt?

A I did

2 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 Poughkeepsie 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  
Poughkeepsie 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 to  
that check

A I never had that check  
in my life.

Q You never did?

A I never did  
(paper not marked)

Q See if 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 and  
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  
Exhibit O. P. Q. R  
S.

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

A I do not know

Q Do you mean 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 of at  
Dougherty. 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 endorsement on  
Jt. Exhibits T, U,  
V, W, X, Y, Z, Z1, Z2

23. 24. 25. 26.

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

A Yes

2 You knew that at that  
time he was out of the jurisdiction  
of the Court.

A Yes Sir

2 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

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

A Yes

x 2 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  
affidants read)

2 You stated that that you  
just became aware that  
Bells was a non-resident  
on August 19 1892.

+ A Well the matter came  
up and I had to make  
those affidants

By Mr. Dundy

2 Go on and explain that

A He had desk room with  
me. He said that he  
occupied a house in 53<sup>rd</sup> St.  
that he partly lives in  
Jersey at Metuchen. I  
made inquiries in order to  
find out whether he lived  
at Metuchen

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

Q How long have you known  
defendant Complainant?

A about a year and a half

x Q What is your business?

A Secretary for the Incorporated  
and Underwriters <sup>company</sup> 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 Commercial National  
Bank.

Q at that time?

A Yes.

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

A Yes - then it is on my  
account book.

Q Under what date?

A Aug 6.

Q When was that paid?

A Along the 7th.

Q What 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, &c  
 on the 5th day of August he  
 came to me and he had  
 \$500. He said he had a  
 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 gave  
 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?

X 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 New York and Underwriters Co of N.Y.

Q where is the office?

A W 1 Broadway

Q How many rooms do you  
occupy?

A Oh two offices

Q who is President?

A Mr Deadwell

Q He is your attorney?

A He is here for me -- 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 Von West

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 Van Wert will  
come here and testify.

Q What about the McIntosh  
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 Longhempson and  
a residence there.

A No.

Q Your father owns that place

A He does not.

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

A I was 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  
Post-Keyprie National Bank:

A Yes.

x Q Would you not after ask  
Elmer 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 Hadenman  
National Bank right across  
the street from the office.

Q If you had money in the  
Hadenman Bank how is it  
you drew these checks on the  
Post-Keyprie Bank

A Because I depend to have  
my money in the Post-Keyprie  
Bank

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

26 A I cannot tell



2 One thousand dollars

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

2 Covering \$650?

A Certainly

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

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

2 He was giving you money?

A No

2 How come 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

2 All these checks on the  
Post-Keypine (National Bank)  
how were they given?

A They were given to Mr Eilan

2 You loaned him money?

A No: I had loaned him  
money previously

27 2 All these checks Mr Eilan

would draw the money?

A He did

Q Now loaned him all this money?

No

By McCarty

Q He loaned this \$150 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 Doughkeapine 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 Doughkeapine and stop the check

Q I did

28 Q Why did you do that?

A Because he had been  
paid the whole money

Q You told him you owned  
Hamer at Borgkessie and  
Metutcher?

A I did own her

Q You did not occupy her

A I did

Q You told him you owned  
her?

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. Paddy

Q You did not tell him

29 Q that you had a note

in the Dougherty 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  
1891 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 He count - move the question.

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

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

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?

Q 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 move time  
to put in evidence that this  
check for \$425 was paid  
to Mr. Eilan on the 6<sup>th</sup> of  
August

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

Nelson Treadwell 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 Eilan?

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

Q Do you know the Eilan'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.

24 Q Look at it and say

whether that is his signature

A Yes sir

Is it marked & "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 \$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 hear 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 in  
the suit against Henry <sup>Bridman</sup> ~~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

2 You are an Attorney and  
Counsellor at Law?

1 Yes

2 And you became connected  
with Mr Eilan through an  
advertisement you saw in a  
paper?

1 Yes

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

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

2 How did you pay for it?

1 In service. There was an  
agreement in writing - what  
I was to do and what he  
was to do

2 You did not pay him except  
in services?

1 Not from all I was to  
pay.

Q You and Betty started a  
suit against Brinkman

A Against Elean and against  
Brinkman. Elean supposed  
of the check the couple is  
return

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

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

~~Complain~~ Elean called  
in

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? Defendant?

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. Eilan. 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 for?

A No Sir.

Q You never did?

A No Sir.

Q Any other transaction?

A No Sir.

Q What did you say?

A He Eilan owed this money  
to me.

Q How did he get it?

x A He sold a <sup>place</sup> 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  
Juple to settle the books

Q Did you make any transfer  
of property?

A No Sir

Q Was it sold out by the  
shop?

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 leave it to Betts

By the Court

x Q What did Betts 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

41 By Mr Paddy

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

A Yes  
He 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  
no 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

2 Betts did not owe you anything.

A He offered me notes  
By the Court

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

A Yes.

By Mr. Parry

2- He said there were notes in the  
bank - upon deposit there  
1 That was before that

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

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

A Yes sir

x 2 Did you offer him a note?

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

x 3 2 Did you tell him that you

Did not owe Eilan?

A Yes.

Q Not 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 L 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 learn of it while 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.

Pes  
v  
Bills

District Attorney's Office  
City & County of  
New York.

David T. Lewis, Jr.

Donny went to the Treasurer  
Nash Bk once or twice -  
The first time <sup>was</sup> to cash a  
small check -

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

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



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

Bernhard Rancft - 121 Mack St.  
in July, 91 lived at 7 Chambers  
St. I kept restaurant & saloon.  
Whenever I cashed checks for Mr.  
Edam he was always with  
two or three gentlemen who  
came in for drinks or for  
cigars - One day Mr Edam  
introduced Mr Beets & said  
that whenever one of  
this 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 Mr  
Edam said

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

**POOR QUALITY  
ORIGINAL**

0306

Betts checks. Deitch  
gave the money directly to  
Betts or handed it from  
the bar to Deam who  
passed it to Betts &  
Betts then treated —

Police Court  
1st Judicial District  
The People vs  
- apt -  
Carlton Betts.

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

Wm W. Williams  
P of Counsel for complainant  
L B. Broadwell

of Counsel  
L B. Broadwell  
of Counsel for defendant

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

It is hereby stipulated & consented  
that the examination of the defendant  
herein be adjourned from July  
28<sup>th</sup> till the 11<sup>th</sup> day of September  
1892 at two o'clock P.M. -  
Signed July 28<sup>th</sup> 1892

Fordy & McManus  
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 examina-  
tion in the foregoing ~~case~~ case be adjourned to Thursday  
July 28th, 1892, at 2 o'clock, same place.

Dated July, 18th, 1892.

*A. H. Smith*

Attorney for *Complainant*

*Breadwell*  
Attorney for defendant.

*Please file above in foregoing case*  
*Shawne*

*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 afore-  
said 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 pro-  
vided, 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

03 15

Witnesses:

*off hours*

Counsel,

Filed

1892

Pleads,

THE PEOPLE

vs.

*P*

*Samuel Birch*

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*B. Toeward*

Foreman.

Complaint sent to the Court  
of Special Sessions,

Part III, ... Dec. 18<sup>th</sup> 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

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 Sancey Nicoll,*  
*District Attorney.*

03 18

**BOX:**

497

**FOLDER:**

4534

**DESCRIPTION:**

Bird, Payton

**DATE:**

10/20/92



4534



POOR QUALITY  
ORIGINAL

03 19

App. Perry  
Counsel - App.

App. Perry

Wholly responsible

27

Subpoena officer  
Hampden

Nov 2 1892

Counsel,  
Filed day of Oct 1892  
Pleads. Guilty

THE PEOPLE  
vs. [unclear]  
536 [unclear] P  
Payton Bird  
Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

A. J. [unclear]  
Part 2 - Oct. 27, 1892 Foreman.  
Pleads assault 2nd Deg.  
3/17/1892  
Nov 4/92 for

POOR QUALITY  
ORIGINAL

0320

Police Court—2<sup>nd</sup> District.

City and County { ss.:  
of New York,

of No. 258 West 27<sup>th</sup> St Charles Jermie  
occupation Seaman being duly sworn  
deposes and says, that on the 13 day of Oct 1888 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Payton Bird

(nowhere) who did cut and stab  
deponent on the left forearm  
with some sharp instrument  
the deponent held in his  
hand and said assault  
was committed

554 7<sup>th</sup> Ave

8-14-1888

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

of

14 day  
Oct 1888

Charles Jermie  
Police Justice.

POOR QUALITY  
ORIGINAL

0321

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

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

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*

Taken before me this

day of

*Sept 14 1898*

Police Justice.

*Porter Bird*

POOR QUALITY  
ORIGINAL

0322

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

Police Court... 65 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles H. Hines  
255 W. 27  
Payton Bird  
Attorney  
felony

2  
8  
4  
Offense

Dated, Oct 14 1892

White  
Magistrate.  
J. M. Anderson  
Officer.  
20 Precinct.

Witnesses

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

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

Oct 17 1892

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

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

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

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

Payton Bird

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

Dated, Oct 14 1892 J. M. Ryan Police Justice.

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

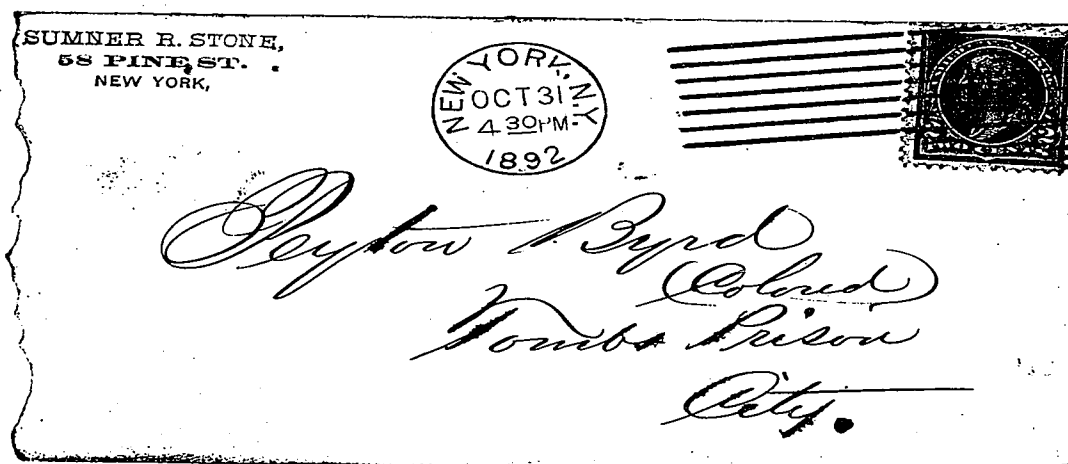
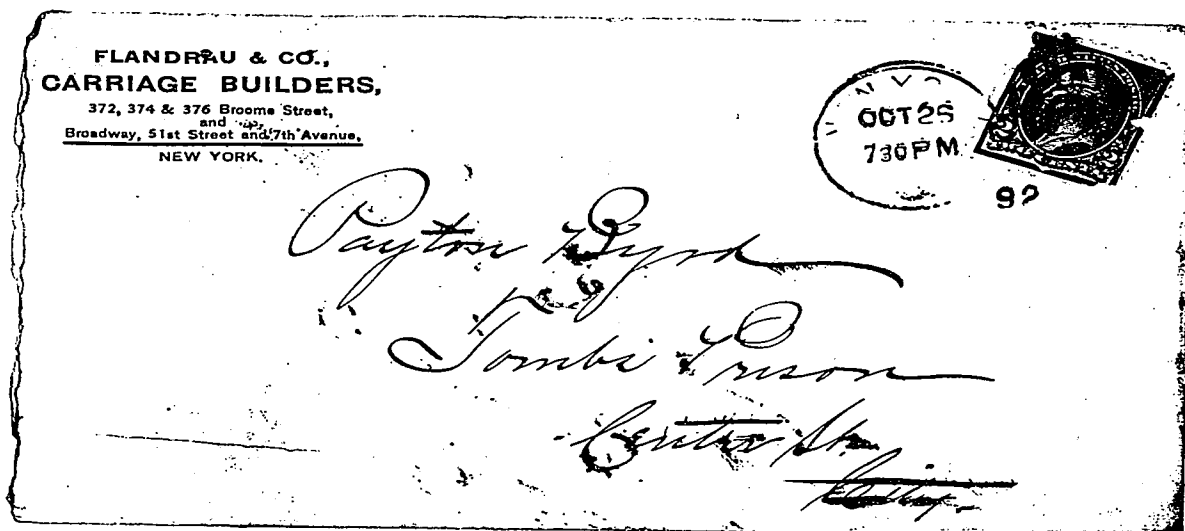
Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

FLANDRAU & CO.,  
CARRIAGE BUILDERS,  
372, 374 & 376 Broome Street,  
and  
Broadway, 51st Street and 7th Avenue,  
NEW YORK.



*Payton Byrd*  
*Tombs Prison*  
*City.*

SUMNER R. STONE,  
68 PINE ST.  
NEW YORK,



*Payton Byrd*  
*(Colored)*  
*Tombs Prison*  
*City.*

POOR QUALITY  
ORIGINAL

0325

Seth C. Keyes.

Daniel T. Wilson.

James W. Lawrence.  
*Special.*

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

(Trade Mark.)

UP TOWN REPOSITORY,  
BROADWAY 51<sup>ST</sup> ST. & 7<sup>TH</sup> AVE.

# Flandrau & Co. Carriage Builders.

DIRECT ANSWER TO

Broadway and 51st Street.

FIRM.

Keyes & Wilson.

IN ANSWER TO YOURS

*ref.*

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

Peypen Byrd was some ~~ten~~ years  
ago - a waiter in the family of  
my late Mother in law, Mrs C. M.  
Hitchcock at 106 East 34<sup>th</sup> street -  
was in her service for some years,  
and I remember him as acible, obliging  
and attentive servant.

Sumner B. Stone  
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  
*Payton Bird*  
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 *him* the said  
*Charles Jewell* 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 *him* 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 *him* the said *Charles Jewell*  
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 Jewel* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault and *him* 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

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

Witnesses:

off walls

Counsel,  
Filed  
day of Oct  
1892

Pleads,  
Myself

THE PEOPLE

vs.

Isaac Blum  
and

Davis Secretary

Oct 14/92  
District Attorney.

Chas. LANCEY NICOLL,

Spied & Acquired

A TRUE BILL.

D. Woodward

Foreman.

Oct 14/92

Abel J.

Spied & Acquired

S.P. 2 1/2 and 1/2

Burglary in the Third Degree.  
[Section 498, 499 & 500, Penal Code.]

POOR QUALITY  
ORIGINAL

0332

Police Court— District.

City and County } ss.:  
of New York,

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  
and 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 rear of  
said premises into the hallway then knocking  
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 farmers' satin. Total of the  
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

John E. Blum (brother) 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 \$150.00  
this 20 day of September 1892  
J. Gordon



POOR QUALITY  
ORIGINAL

0333

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

District Police Court.

*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.

*W. H. Ave*

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*  
*(Mark)*

Taken before me this  
day of **SEPTEMBER**, 189

Police Justice.

POOR QUALITY  
ORIGINAL

0334

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*Davis Serotsky*

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

Question. What is your name?

Answer *Davis Serotsky*

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 Serotsky*  
*ma*

Taken before me this *23*

day of *September* 189*7*

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, District, 1179

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

15 Orchard St

Isaac Blum  
David Serotky

Offense, Burglary

Dated, SEPTEMBER 20 1892

Magistrate, Hogan, Wells

Officer

Witness, Call Officer

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

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

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

24th 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 Isaac Blum

~~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. 11<sup>th</sup> 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 1892

day

Police Justice.

POOR QUALITY  
ORIGINAL

0337

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 11 years, occupation Police Officer of No. 114

114 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

of

day

1892

James A. Wells  
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 10<sup>th</sup> Ward of the City of New York, in the County of New York aforesaid, on the  
20<sup>th</sup> 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.

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.



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 E. Mendenhall

Counsel,

Filed

day of Oct

1892

Pleads,

THE PEOPLE

vs.

John Bossi

Grand Larceny,  
(From the Person)  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. J. Lockwood

Foreman.

Heads of Jury

S. P. 4 yrs.

POOR QUALITY  
ORIGINAL

0343

(1885)

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 91 Mulberry Street, aged 35 years,

occupation Laborer being duly sworn,

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

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

\$1.25  
100

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 Bresson and his  
for the reasons following to-wit:  
at the hour of their arrest 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  
at New York

Police Justice.

POOR QUALITY  
ORIGINAL

0344

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 33 years, occupation Police Officer of No. 6<sup>th</sup> Avenue

Richard Barry Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of John Mundle  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me this 16

day of October 1892

Richard Barry  
John Mundle

Police Justice.

POOR QUALITY  
ORIGINAL

0345

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Bosso* being duly examined before the under-  
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 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 Bosso*

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. *I am unemployed*

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 Bosso*

Taken before me this

day of *October* 1894

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 M. Mada*  
*John M. Mada*  
*John M. Mada*

Dated, *Nov 16* 189*2*

Magistrate

Officer

Precedent

Witnesses

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

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

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

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

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

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

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

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

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

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, *Nov 16* 189*2* \_\_\_\_\_ 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.

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.



SECOND COUNT—

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

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

The said

*John Dasso*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year afore-  
said, 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 Dasso*  
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

Counsel,

Filed

Pleads,

1898

THE PEOPLE

vs.

Benjamin Branch

H. D.

DE LANCEY NICOLL,

District Attorney.

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

A TRUE BILL.

B. Woodward

Foreman.

Filed & Entered  
of the County of  
Shropshire

POOR QUALITY  
ORIGINAL

0351

Police Court 2 District.

City and County } ss.:  
of New York,

William Taylor  
of No. 150 West 27th Street, aged 19 years,  
occupation Waiter being duly sworn  
deposes and says, that on the 9 day of October 1888 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  
flank cuts on deponent's body, reflecting  
damful 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 1888 }

William H. Taylor.  
J. White Police Justice.

POOR QUALITY  
ORIGINAL

0352

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Benjamin Branch* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h* right to  
make a statement in relation to the charge against *h*; that the statement is designed to  
enable *h* if he see fit to answer the charge and explain the facts alleged against *h*  
that *he* is at liberty to waive making a statement, and that *h* waiver cannot be used  
against *h* 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 74 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*

Taken before me this

day of

10

*October 1905*

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.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mr. Taylor  
150 W. 127  
Benjamin - Product

Offense *Miscellaneous*

Dated,

*Oct 10* 1892

Magistrate.

*de Cord* Officer.

Magistrate.

Witnesses

*Complainant*

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

*Thomas of Detention*

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

Street

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

Street

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

to answer

*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 \_\_\_\_\_

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

Dated, *Oct 10* 1892 \_\_\_\_\_ 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,

of No. 19th Avenue Street, aged \_\_\_\_\_ years,  
occupation Doctor being duly sworn, deposes and says,  
that on the 10 day of October 1888 at the City of New  
York, in the County of New York,

Louis McCord

Benjamin Branch  
now has been 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

[Signature]  
Police Justice

Louis McCord

William H Taylor

Branch and I had a room together, at 217 West 27<sup>th</sup> St. On Sunday about 6:30 P.M. I met on Branch on 27<sup>th</sup> St bet 6<sup>th</sup> and 7<sup>th</sup> 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 House. 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

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,

with intent *him* the said *William N. Taylor*  
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 Lancey Recall,*  
*District Attorney*