

0009

**BOX:**

494

**FOLDER:**

4505

**DESCRIPTION:**

Edwards, James

**DATE:**

09/07/92



4505



**POOR QUALITY ORIGINAL**

00-11

**Court of General Sessions.**  
**City and County of New York.**

**Part II.**

-----X  
The People :  
vs :  
James Edwards. :  
-----X

Before the  
Hon. Frederick Smyth,  
and a jury.

**Indicted for grand larceny in the second degree.**

**Indictment filed September 7th, 1892.**

**Tried September 30th, 1892.**

**Appearances:**

**Assistant District-Attorney Weeks for the People.**

**Charles W. Brooke, Esquire, for the Defense.**

-----X  
J O S E P H T. L A D D, being called by the people and  
duly sworn, testified that he was a jeweler at No. 71  
Broadway. On June 1st, he was introduced to the def-  
endant in the cafe in the building where he had an  
office. He, the witness, was in the cafe for about

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half an hour. He next saw the defendant in his, the witness's store, the next morning, about 10 o'clock. The defendant came in and looked over his, the witness's, goods, and said that he had a customer that he thought he could sell a ring to, and he wanted to take a ring and show to the proposed customer. The defendant said he would bring the ring or the money back the next morning. The agreement was that the price of the ring was to be \$175 and the defendant was to keep all he could get over that amount. Before he, the witness, gave the defendant the ring, he told the defendant he did not know him, and the defendant said he could be identified in the neighborhood. He, the witness, said he would like to have the defendant identified. The defendant took him to White, Morris & Co., money brokers, who said that they were doing business with the defendant. The defendant then took him to Joseph's place in Wall street. Joseph was also a money broker. The defendant then took him to a lawyer in the Union Trust building, on the fourth floor. He, the witness, went back to his office and gave the defendant the ring. That was the last he, the witness,

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see of the defendant. The defendant did not return to him the next day and did not bring the ring or the money back. The witness identified the ring in evidence as the ring he had given the defendant. About a week afterwards, he, the witness, made a complaint at the police court. He was sick in bed for five days, but made the complaint as soon as he got out. Since then he had had no conversation with the defendant and the defendant had not paid for the ring. The ring had not been returned to him, and this was the first time he had seen it. The ring was valued at \$175. He, the witness, was introduced to the defendant by the bartender in the cafe. He, the witness, went in to get a check for \$20 cashed. The defendant may have seen the check while he, the witness, was sitting there, but he had no conversation with the defendant about the check. He and the defendant sat there and talked in a casual social way. He, the witness, was introduced to the defendant as a jeweler. The defendant did not say what his business was. The defendant did not pay him, the witness, three \$50 bills for the ring. He did not tell the defendant to give him, the witness, \$150 for the

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ring. The price was \$175. He, the witness, made a complaint against the defendant on the 11th of June. The transaction took place on the 2nd of June. The defendant gave him a number in West 24th street, near Ninth avenue, as his residence, one of the even numbers. After he, the witness, got out of a sick bed, he went to the number No. 455 West 24th street, and found that the defendant had been living there. He, the witness, did not remember the number that the defendant gave him, but it was in 24th street, near Ninth avenue. He had the number written on a piece of paper at the time, but had lost it. He, the witness, did not go to number 425 West 24th street, and did not know that James Edwards lived at that number.

D A N I E L M c L A U G H L I N, being duly sworn, testified that he had been clerk in Mr. Ladd's store for about two years, and a half. He remembered the defendant coming into the store on the morning of the 2nd of June. The defendant came in with Mr. Ladd. The defendant asked him, the witness, to show him some rings. The defendant selected a two-stone ring, and told Mr. Ladd that he would bring it back the next

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morning or the money. That was the last that he, the witness, saw of the defendant, who had not been in his, the witness's store since. Mr. Ladd was taken sick on the Saturday following, and in Mr. Ladd's absence he, the witness, was in charge of the store and did not leave it at all. The defendant took Mr. Ladd with him and they went out for the defendant to be identified. Mr. Ladd took the ring with him.

J. O. H. N. T. C. U. F. E. testified that he was an officer attached to the Central Office. On the 11th of June he had a conversation with Mr. Ladd at the central office, as a result of which he, the witness, went to the Hoffman House, where he saw the book keeper and the head man. Then he went to No. 455 West 24th street. He saw some ladies there and then went to see the truckman, named Hughes, who lived at No. 327 West 26th street. Then he went back to the central office and telegraphed to the Chief of Police of Providence, R. I. He received a despatch from the chief of police of Providence in reply. He then obtained papers of extradition, and went to Providence and saw the Attorney General, and the Governor of the State. A deputy sheriff went

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with him and they went to a billiard hall and found the defendant there. The defendant asked to be allowed to cash some winning checks and then asked him, the witness, to go with him to see his wife and said that his wife was sick. When the defendant was brought down to him, the witness, he told the defendant what he was there for, that he was a detective from New York and had a Governor's warrant to bring him, the defendant, to New York for the larceny of Mr. Ladd's ring on the 2nd of June. The defendant asked if it would not be convenient for him, the witness, to wait until the next day, as he, the defendant, had sent his lawyer to New York to treat with Mr. Ladd's lawyer. He, the witness, said he could not wait as he was coming back on the first train, with him, the defendant, to New York. The defendant then requested him, the witness, to go to his, the defendant's house. He, the witness, went with the defendant to the defendant's house and allowed him to see his wife. On the way from the house to the train the defendant said he had paid Mr. Ladd three \$50 bills for the ring. He, the witness, said that if he, the defendant, had done as it

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was strange for him to send a lawyer to New York to state the case. The defendant said nothing more, and he, the witness, brought the defendant to New York. The defendant told him, the witness, that the ring was in Providence. He, the witness, told the defendant in Providence that it would be better for him to bring the ring to New York with him, and the defendant made no answer, but in New York the defendant told him that the ring was in Providence, and he, the witness, telegraphed to Detective Parker, in Providence and the ring was sent on in an express package. The defendant was arrested about six or eight days before he, the witness, reached Providence, but was bailed out.

J A M E S E D W A R D S, the defendant, called by the defence, being duly sworn testified that, at the time of his arrest he lived at No. 6 Prince street, Providence. He had a wife and family and kept house there. His profession was giving music lessons. Five or six years ago he came to New York. He had lived in Providence for eight years previous to that. He was there in charge of the Aldrich House, as cashier. He was cashier there for a year and nine months. After he

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left the Aldrich House, which was torn down, he moved to New York to take a place in the Hoffman House, as cashier. He was there nearly two years. After he left the Hoffman House, he gave lessons in music. He did not expect to get another position in a hotel, and he moved back to Providence on the 10th of June, 1892. The reason he moved back to Providence was that his wife was in delicate health. He first met Mr. Ladd, the complainant, in the latter part of May, in the cafe at No. 71 Broadway. He was not positive about the exact date. It was in the afternoon. Two or three gentlemen were in the cafe. Mr. Ladd came in and some of the gentlemen who knew Mr. Ladd spoke to him. Mr. Ladd said he had done a very silly thing. An old gentleman came in his, Mr. Ladd's, store and bought a gold watch for \$75, in payment of which, he gave a check for \$150 or \$175. He, the witness, was not positive of the amount. Mr. Ladd said he gave the old gentleman the watch, without the check being certified, and without knowing the old gentleman. Some of the gentlemen present chaffed Mr. Ladd and said he must be a Johnny or a chump, to let a man have a gold watch and take a check

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and give the man the difference. Mr. Ladd passed the check to one of the gentlemen. He, the defendant, was standing there and the gentleman passed the check to him, and he at once recognized it. He had cashed many checks in the same name in the Hoffman House and he told Mr. Ladd the check was perfectly good. He, the defendant, had some money, which he took out of his pocket in a joking manner and said he would cash the check himself. Mr. Ladd said he did not know him, the defendant, and some one then introduced him to Mr. Ladd as Mr. Edwards, who had been formerly cashier of the Hoffman House. Mr. Ladd said if he, the defendant, said the check was all right he was satisfied. They had a drink and he, the defendant, went home. Some two days afterwards he came down town. As a general thing he went into the cafe, the owner of which was an acquaintance of his. He went in the cafe and met Mr. Ladd. He asked Mr. Ladd if he got his check cashed. Mr. Ladd said it was all right. Mr. Ladd asked him to have a drink and he, the defendant, suggested tossing for the drink which they did. They then went out together and Mr. Ladd invited him into his store and

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said if he, at any time, wanted to buy, for him, the defendant, to give him his custom. He, the defendant, said he wanted to buy a ring, if he, Mr. Ladd, had one that suited him and the price was not too much, perhaps they could make a bargain. Mr. Ladd, himself, showed him, the defendant, his display. He, the defendant, looked over the display and asked Mr. Ladd how much he wanted for a diamond ring. Mr. Ladd said \$160. He, the defendant, looked the ring over and said he did not care to pay more than \$150. Mr. Ladd said he would let him have it for that amount of money and when ever he, the defendant, felt like parting with it, he could return it to him, Mr. Ladd, and he would give him a handsome return. He, the defendant, went into his pocket. He thought he had about \$40, or \$50, or \$60 with him. He told Mr. Ladd that although he had bought the ring he could not pay for it just then and Mr. Ladd would have to keep it for him until he brought him the money. Mr. Ladd suggested that he, the defendant, could make a check and he would accept it. He, the defendant, told Mr. Ladd frankly he had no bank account. Mr. Ladd then said if he, the defen-

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dant, had anybody who knew him, he could take the ring and pay for it when he was ready. He, the defendant, said it was not worth while to trouble him, that he could wait. Mr. Ladd insisted upon selling the ring and he, the defendant, mentioned Silverman & Joseph, bankers in Wall street, and White, Morris & Co., brokers, in Broadway, and Mr. King, cashier of the Park National Bank, and said that any of these references were good, and Mr. Ladd could sell him the ring if it was all right. Mr. Ladd said it was rather strange but he knew all these gentlemen, and if he, the defendant, liked to go with him to be identified by them as an honorable man, he would let him have the ring. He, the defendant, told Mr. Ladd he would have to hear what they had to say. Mr. Ladd and he, the defendant, went into Silverman & Wolf's, and he, the defendant, asked if they knew him. They said they did for sometime. They then went to White, Morris & Co., who also identified him, the defendant. Then he asked Mr. Ladd if he wanted to go to the Park Bank but Mr. Ladd said he was satisfied and would sell him the ring, for \$150 and could pay him or his clerk at anytime. If he

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wanted anything else he, Mr. Ladd, would like to see him again. He, the defendant, offered Mr. Ladd \$50 or \$60 he had in his pocket at the time, on account, but Mr. Ladd said it was not necessary, he did not want the money. Then they parted. He next saw Mr. Ladd between 11 and 12 o'clock, on Saturday, June 4. He, the defendant, came from his home and went to Mr. Ladd's store, and handed Mr. Ladd three \$50 bills. Mr. Ladd was alone in the store and at once recognized him. He, the defendant, had \$200 in his pocket. Mr. Ladd suggested a drink and he, the defendant, said he did not object, and they went to the same cafe and had a cocktail there. He, the defendant, never heard anything more of Mr. Ladd until he, the defendant, was called a fugitive of justice by the New York police. He was arrested in Providence. In New York he was living at No. 455 West 24th street, from 1890 to 1892. The entry in the city directory of 1891, as "James Edwards, clerk, No. 455 West 24th street", was his. In the 1892 directory the entry "James Edwards, clerk, No. 425 West 24th street," was evidently meant for him, the witness, but he never lived at that address. At

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that time he lived at No. 455. He moved from there to Providence in June 1892, the 9th. He never heard anything from Mr. Ladd until about the 2nd of September, when his, the defendant's, wife, was going to be confined. He, the defendant, was on the way from his house in Providence, for a second doctor to attend his wife, when a hand was placed on his shoulder and a man requested him to go with him, and see the Chief of Police, who, the man said, would like to see him. He told the man he had no time to see the chief of police at that time, that his wife was going to be confined, and the chief of police could see him at No. 6 Prince street, at any time. The man if he, the defendant, did not go with him, he would be under the necessity of arresting him, because they had received a telegram from New York to arrest him, as a fugitive from justice. He, the defendant, asked who charged him and the man showed him a letter from Inspector Steers, the contents of which he, the defendant, did not recollect, but it said he had stolen a ring in New York, and was wanted for that crime. As soon as the man told him, he, the defendant, recollected the whole transac-

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tion. He said he recalled that he bought a ring some-  
time ago, and he paid for it, that was all. He, the  
defendant, at once sent to the doctor's and told him  
the circumstances. He, the defendant, was asked if he  
was willing to go to New York. He said he could not  
on account of his wife's condition. One of the doc-  
tors got a friend to go bail for him, the defendant,  
and he was released. After his wife was confined, he,  
the defendant, asked Wilson & Jenkins, lawyers, of  
Providence, to go to New York and ascertain what was  
the motive that induced Mr. Ladd to make a complaint.  
Mr. Jenkins came on to New York, and he, the defen-  
dant, paid his fare. He, the defendant, was in the  
billiard room of the Aldrich House, with the owner of  
the house, when he was arrested by the officer from  
New York. The detective told him it was a mean case  
against him, the defendant, and he had better make a  
clean breast of it. He replied that he had paid for the  
ring with three \$50 bills, and he did not mean to pay  
for it again except under compulsion. He never said to  
Mr. Ladd that he had a customer for the ring, and was  
never engaged in buying and selling rings in his life.

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The only statement he made to Mr. Ladd was that he wanted to buy a ring. He had a letter that he received from Mr. Jenkins, the day after he was committed to the Tombs. Mr. Jenkins never wrote to him the result of his trip to New York, but did write advising that Mr. Brooke be retained to defend him, the defendant. He, the defendant, left the Hoffman House because he had a little quarrel with Mr. Stokes, because he cashed checks that turned out bad. He was partially discharged and partially left on his own account. He left on the 1st of September, 1891. He went into the employ of Mrs. Sharp, on the recommendation of Mr. Stokes, two months afterwards, he believed. He left her employ on the 10th of March, 1892. He was not discharged by Mrs. Sharp, but she had him arrested. She accused him of having taken \$400 out of the safe. He did claim that he lost it. After March, 1892, he had charge of a department in the Continental Steamboat Company, in Providence, from the time he got there, on the 9th or 10th of September. He had money accumulated at the time he left Mrs. Sharp's employ. He had several hundred dollars at home, on the day that

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he lost Mrs. Sharp's \$400. He had an average of \$35 a week from his music lessons. He had no other employment. He wore the ring at once upon leaving Mr. Ladd's store, as Mr. Ladd asked him to put it on his finger. He wore it until he took charge of the baggage department of the Continental Steamboat Company. Then he stopped wearing it and left it at home. At the time he was arrested the ring was with Burke Bros., & Company. Burke endorsed a loan for \$150 for him, the defendant, and he gave Burke the ring as security. He, the defendant, never kept a bank account. He paid Mr. Ladd the three \$50 bills, in Mr. Ladd's store, between 11 and 12 o'clock, on Saturday, June 4th. No one was present besides Mr. Ladd. As soon as the clerk came in from lunch, Mr. Ladd invited him to go out for a drink. The \$150 was money he had made out of his business. He, the defendant, had a suit pending against Mrs. Sharp for about \$1,300 salary. The case had not been tried yet. He was tried in the Court of General Sessions, on Mrs. Sharp's complaint, and acquitted.

M A Y L A D D being duly sworn testified that she was the

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wife of the complainant, James Ladd. She lived in  
Marcy avenue, Brooklyn. On the 4th of June, between  
11 and 12 o'clock, her husband was at her, the witness-  
's, mother's home at No. 212 Halsey street, Brooklyn.  
She fixed the date because she lost her grand-mother  
, who died on that day.

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0028

Police Court \_\_\_\_\_ District.

Affidavit—Larceny.

City and County of New York, ss:

Joseph T. Ladd

of No. 41 Broadway Street, aged 28 years, occupation Jeweler being duly sworn,

deposes and says, that on the 3d day of June 1892 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:

One Diamond Ring

Of the value of

One hundred and seventy five Dollars \$175.00

the property of

May M. Ladd in the care of deponent as agent.

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 James Edwards

for the reasons following to wit: On said day deponent came to deponent at the aforesaid place and told him he had a customer for a diamond ring and that if he deponent would let him show said property to said customer and if said customer bought the same deponent would immediately return the money therefor to him and if said customer failed to purchase said ring he said deponent would return the said property to him immediately and from said time up to the present said deponent has tried to return the

Subscribed before me this 18th day of June 1892 at New York City  
Police Master

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Said property or the money thereof  
to defendant has failed to come  
to defendant's peace of mind  
Therefore charges him  
with the loss of the property  
aforesaid.

Joseph F Ladd

Sworn to before me, this 15 day  
of June 189 2  
W. J. S. D. A. Police Justice.

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0030

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.,  
OF THE COMPLAINANT OF

1. *James G. ...*  
2. *James G. ...*  
3. *James G. ...*  
4. *James G. ...*

Offense *...*

Dated, \_\_\_\_\_ 189

Magistrate.

Officer.

Precinct.

Witnesses \_\_\_\_\_

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

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



*M*

*1123*

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

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

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

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

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

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Edwards*

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

*James Edwards*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed  
as follows:

The said

*James Edwards*  
late of the City of New York, in the County of New York aforesaid, on the *2nd*  
day of *June* 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 one hundred and seventy  
five dollars*

of the goods, chattels and personal property of one

*May M. Ladd*

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

*W. Lacey Nicoll*  
District Attorney

0032

**BOX:**

494

**FOLDER:**

4505

**DESCRIPTION:**

Elliott, John

**DATE:**

09/07/92



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**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

Devery, John

**DATE:**

09/07/92



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**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

Kearns, Patrick

**DATE:**

09/07/92



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Witnesses:

*A.S. Dec 31, 1892*  
*Reported to an expert chemist*  
*R.B.M.*

*Outpost Office*

Counsel,

Filed

Plsds,

1892

THE PEOPLE

vs.

*John E. Elliott*

Robbery, (Sections 224 and 225, Penal Code.)  
Degree.

DE LANCEY NICOLL,

District Attorney.

*No 2 - for trial*

A TRUE BILL.

*James T. [Signature]*

Foreman.

*Part 2 - Sept. 13, 1892.*

*All trial and convicted*

*Ch 1 S.P. 9 yrs & emp.*

*No 2. New trial granted.*

*No 3. S.P. 6 yrs - B.M. 20*

*No 2. Discharged on his own recognizance*

*Let 30/12*

**POOR QUALITY ORIGINAL**

0036

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York.

\*\*\*\*\*

The People,

vs.

JOHN ELLIOTT,

JOHN DEVEREY, and

PATRICK KEARNS.

"  
"  
"  
"  
"  
"  
"  
"

Before

HON. RANDOLPH B. MARTINE,

and a Jury.

\*\*\*\*\*

Tried SEPTEMBER 13TH, 1892.

Indicted for ROBBERY IN THE FIRST DEGREE.

Indictment filed SEPTEMBER 7TH, 1892.

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APPEARANCES:

ASSISTANT DISTRICT ATTORNEY TOWNSEND,

For THE PEOPLE.

JACOB BERLINGER, ESQUIRE,

For THE DEFENCE.  
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EDWARD PASCHAT, THE COMPLAINANT, testified that he lived in a lodging house, corner of Greenwich street and Battery Place, with a Mr. Aschauer. He remembered the 1st of August, 1892. He came from Jersey City that day, crossing the Cortlandt street ferry. He had just arrived from the West Indies. After crossing the ferry he went direct to Mr. Aschauer's place. He received from Mr. Aschauer his, the complainant's, gold watch and chain, and fifteen dollars in American money. He put the watch in the fob pocket of his pantaloons, and attached the chain to a buttonhole in his vest. He had purchased the watch second-hand, a year before the trial, and had paid forty-seven dollars for it. He had the money in his right trousers pocket. He wore the same coat on the day of his arrival as he did on the day of the trial. The coat was not buttoned. After reaching Mr. Aschauer's place he went up stairs and dressed himself. He had a room at Mr. Aschauer's. He went out with the intention of seeing the city. He walked up Greenwich street and stopped in a saloon kept by a man of the name of Caspar and had something to eat, after which he had a

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glass of beer and went out in the street again. He remained in Caspar's about twenty minutes. He went over to the Bowery, and walked up the Bowery as far as Canal street. He did not go in any saloons on the Bowery. He walked through Canal street to Greenwich, and then returned through Greenwich street to the corner of Greenwich and Battery Place. It was then half-past eight o'clock in the evening. He entered a saloon at the corner of Greenwich street and Battery Place, where a concert was in progress, and stayed there until about five minutes to twelve. He then left the concert hall, and went into the saloon proper, and drank a couple of glasses of beer. He was alone at that time. He left the saloon and walked through Battery Place to West street. It was then seventeen minutes to one o'clock, by his watch. He looked at his watch in West street. After two minutes after he looked at his watch the defendant Elliott came up alongside of him and gave him a push, and punched him, and he fell up against the house. The defendant Kearns then caught him, the complainant, by the lapels of the coat, and held him against the wall. The de-

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defendant Elliott then went through his, the complainant's pockets, and took his money and his watch and chain. The defendant Devereey stood beside the other men, but did not do anything. None of the defendants said anything to him, the complainant, and he did not say anything to the defendants. He, the complainant, did not cry out, because he couldn't. He had been hurt in the chest. The defendant then ran away. The defendant Devery did not do anything to him, but stood close beside him. He ran after the defendants until he saw the officer. The defendants ran up-town. He saw the defendants in the custody of the officer, about two blocks from where the robbery had been committed. The officer asked him, the complainant, if he could identify the men, and he told the officer what the defendants Elliott and Kearns had done to him. He did not say anything to the officer against Devery. The defendants did not say anything when he made the charge against them. He accompanied the defendants and the officer to the station house. He was sure that the defendant Elliott was the man who hit him, and that the defendant Kearns held him up against

the wall, and that the defendant Devereay did not do anything to him. He had been in the city of New York before, and had worked here. He had not gotten his watch or money back. He had drank seven or eight glasses of beer that night.

In cross-examination the complainant testified that the last place he had worked was at Navassa Island, in the West Indies, for the Phosphate Company. He, the complainant, had never seen any of the defendants before. He had said to the Sergeant, in the station house, and he had also told the Judge in the Police Court, that he had lost fifteen dollars.

OFFICER PATRICK CONNOLLY testified that he was attached to the Second Police Precinct. He remembered the morning of the 24th of August, 1892. About five minutes past one o'clock that morning he was standing on the corner of Washington and Albany streets. Albany street was a very dark street. He heard some one running, and he went out into the middle of the street. He saw the three defendants running down the street; he ordered them to stop, and they did stop. He asked them what

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they were running for, and they said, "Nothing." He told them that they ought to be cautious, that they left themselves liable to be locked up as suspicious characters. He then let them go. Devery acted as spokesman. The defendant went away, and walked rapidly up Washington street; they walked so rapidly that he, the witness, ran down to West street, to see if anything had occurred there. On his way down he met the complainant. He had a conversation with the complainant. He turned back in the direction in which the defendants had gone, and the complainant turned back with him. He saw the defendants standing at the corner of Cortlandt and Washington streets. The defendants started to run when they saw him, the witness, and he ordered them to stop. They did not stop. Elliott ran up Washington street and Kearns ran up West street. Devery stood where he was and said, "I ain't done nothing, and I ain't going to run." He, the witness, called out, and the officer at the ferry heard him and caught Kearns. The officer's name was Hopman. He, the witness, followed the defendant Elliott up Washington street, and he caught Elliott in

**POOR QUALITY  
ORIGINAL**

0042

7

the middle of the block. When he caught Elliott, Elliott said, "No New York policeman will lock me up." He caught Elliott by the collar, and took him back towards Cortlandt street. The complainant met them and went up to Elliott and said, "Give me back my watch and chain." Elliott said to the complainant, "I didn't take your watch and chain, you're only a bloody Dutchman." Officer Fitzsimmons came up and they had to loosen the complainant's hold on Elliott. He, the witness, took Elliott to the station house, Officer Fitzsimmons took Devereey, and Officer Hoylan took Kearns. On the way to the station house Elliott was swearing and cursing, and threatened to "do" him, the witness, when he got a chance. He, the witness, did not hear any of the defendants say anything when they were arraigned at the desk in the station house. He searched the defendants in the station house. He did not find anything on Elliott; Kearns had about a dollar in change in his pocket, but he did not take the money from Elliott; he did not find anything in Devereey's pockets. Devereey said in the station house that he knew nothing about the robbery. He asked

**POOR QUALITY  
ORIGINAL**

0043

8

Deverey who took the complainant's watch, and Deverey said, "I didn't take his watch; he is only a bloody Dutchman. He, the witness, took Deverey to the Police Court the next morning.

In cross-examination the witness testified that he had been a policeman about a year and three months. The place where he was standing when he first saw the defendants was not a liquor store; it was an iron foundry. Elliott ran about a hundred yards before he, the witness, caught him. The complainant told him, the witness, that he was stopping at the corner of Greenwich street and Battery Place. After he caught Elliott, Elliott tried to get away from him. He did not call Elliott a bastard. The defendants did not tell him that they were sea-faring men and that they were running for their ship, but he heard them say so at the Police Court. He also heard Kearns and Deverey say that they were firemen on the "Majestic." The defendant Elliott first said that he was a brick-layer, by trade, living in Cherry street; but in the Police Court Elliott said that he was a fireman aboard some ship. Elliott had given the name of the

**POOR QUALITY  
ORIGINAL**

0044

9

ship, but he, the witness, did not remember it.

FOR THE DEFENCE, JOHN ELLIOTT, ONE OF THE DEFENDANTS, testified that he went to sea as a fireman, but that he was a brick-layer by trade. He was engaged on board the ship "Chamelon," from Newcastle. He saw the complainant on the night in question, but had never seen the complainant before that night. He did not take a watch and chain or fifteen dollars from the complainant. He did not hit the complainant in the stomach. He had arrived in New York on the Monday preceding his arrest; he had never been in New York before. The ship "Chamelon" had gone to Rotterdam at the time of the trial, and his clothes were on board the ship. He had only known Kearns and Devereux about an hour before he was arrested. He had gone into a saloon, but, owing to his unfamiliarity with the streets of New York, he did not know where the saloon was. He met Kearns and Devereux in the saloon. At the time of their arrest they were on the way to their ships. He did not know the number of the pier where his ship was lying, but he knew where the grain-elevator

**POOR QUALITY  
ORIGINAL**

0045

10

was, and his ship was alongside the grain elevator, loading with linseed.

In cross-examination Elliott testified that he had arrived from Genoa, Italy, the day before his arrest. He went to sea in Winter, but worked as a brick-layer in Summer. He lived in London, but went to Wales when he wanted to ship. On the night in question he left his ship at about six o'clock and strolled around to different saloons. He had eighty cents in his pocket. He met Kearns and Devereay in a saloon and got into a conversation with them, asking them where they belonged and on what ship they were. Kearns told him, and then Kearns said that he had just sold a jersey that he bought in Liverpool, and he, Elliott, commenced to drink with Kearns and Devereay. All three left the saloon, with the intention of returning to their ships. At that time he, Elliott, was pretty nearly drunk. He remembered meeting Officer Connolly. At the time they met Officer Connolly they were running to get aboard their ships. He remembered the officer saying that if they ran they might be taken in for suspicious characters, and

**POOR QUALITY  
ORIGINAL**

0046

11

after that they walked rapidly. He had had about eleven drinks that night. The complainant did not catch hold of him, Elliott, on the street. He was not under the influence of liquor at the time of his arrest. He, Elliott, was married and had a wife and two children in London. The officer never had any conversation with him. He, Elliott, ran because he was afraid the officer was going to hit him with his club. He knew what a police officer was, and understood an officer's duties. He remembered that one of the songs he had heard in the concert hall was "Good-night, good-night." He did not say to the officer, at the time of his arrest, "No bloody New York policeman will lock me up." The complainant did not say to him, Elliott, when he was in the custody of the officer, "Give me my watch and chain." He, Elliott, said to the complainant, in the Police Court, "Anyhow, you're only a bloody Dutchman." He did not have any feeling against what he called a "Dutchman." On the way to the station house the officer asked him if he had the complainant's watch and chain, and he said that he hadn't, and didn't know anything about it.

**POOR QUALITY  
ORIGINAL**

0047

12

He, Elliott, submitted to arrest, and did not have any struggle with the officer. When the officer was taking him to the cell, in the station house, the officer said to him, "You were born a bastard;" and the officer punched him after putting him in the cell. In the station house he, Elliott, said he lived at No. 6 Cherry street; he did not know where Cherry street was. He had first heard of Cherry street on board of the ship, from a man who had been in the city before. He had no special reason for giving No. "6" but he expected to be discharged and did not think the number made any difference. He did not tell the officer what ship he had come from, as there was twenty-dollars due him on board the ship, and he did not want the officer to get it. He was positive that he did not know where Cherry street was.

OFFICER CONNOLLY, recalled by Counsel for The defence, testified that when he arrested the defendants on the morning in question, the complainant looked dazed. The complainant looked as though he had been drinking, but he seemed to be able to walk and take care of himself.

**POOR QUALITY  
ORIGINAL**

0048

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At the time of the arrest, Elliott and Kearns were under the influence of liquor; Devereay was the soberest of the three, and was pretty nearly sober. All three of the defendants and the complainant were able to run without stumbling. Devereay was not so much under the influence of liquor as the complainant.

PATRICK KEARNS, ONE OF THE DEFENDANTS, testified that he was a fireman, and at the time of his arrest he was engaged on board the Steamship "Majestic," of the White Star Line. That was his first trip; he had shipped in Liverpool. He had been following the sea for fifteen years. Before working on the "Majestic," he had been on board the steamship "Samuel Keyser," for two months and thirteen days, and previous to that he had worked on the steamship "City of New York." He had sailed in and out of New York harbor. He remembered the night of his arrest. He did not hold the complainant up against a wall while the defendant Elliott stole the complainant's watch, chain and money. He had never seen the complainant before the time of his arrest. He had been arrested once before and convicted, and

**POOR QUALITY  
ORIGINAL**

0049

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sentenced to ten days in the Work-house. That was about five months before the trial. That was the only time he had been arrested, previous to his arrest on this charge. He had a wife and six children, in Liverpool. On the night of the alleged robbery he and Devereay had been down to Joseph Thompson's shipping office, on Washington street. He, Kearns, had a two shilling piece, and he sold it to a man for fifty cents. He also had a kersey, which he sold for one dollar. After leaving Thompson's, he and Devereay went down to Greenwich street and Battery Place, and entered a dance hall. They met Elliott in the dance hall. They had several drinks with Elliott. He, Kearns, Devereay and Elliott left the saloon a little after twelve o'clock. He said to Devereay, "Let's run, or the gate will be locked and we will have to stay out until five o'clock in the morning." All three started to run. They met an officer, and the officer asked them what they were running for, and he, Kearns, told the officer that they were running for their ships. They did not run after that, but walked rapidly. Thereafter after the officers

**POOR QUALITY  
ORIGINAL**

0050

15

came up and arrested all three of the defendants.

In cross-examination Kearns testified that he had arrived in the Port of New York on the Wednesday preceding his arrest. On the night of the arrest he and Devereay had eight glasses of beer, in different places. He was sober on that night, and knew perfectly well what he was doing. He had been coming to this port for fifteen years, as a fireman. He was somewhat familiar with the streets of New York City. His ship was lying at the foot of Christopher street. He went down the Battery because he thought that was the nearest way to go to Thompson's place on Washington street. He thought it was longer to go down Weststreet than down the Battery. When he and Devereay entered the dance hall there was about a hundred people in there. . To the best of his knowledge he did not know any of the people in there. After meeting Elliott, the conversation was simply in regard to their respective ships, how many fireman they carried, &c. They had several drinks in the saloon. After leaving the saloon he, Kearns, proposed to Devereay that they go back to their ship the same way

**POOR QUALITY  
ORIGINAL**

0051

16

as they had gone, but Devereey suggested that they should go down West street, to which he, Kearns, agreed. He, Kearns, had never lived in the City of New York. He did not know why they were running through Albany street, when they intended to go up West street. He had never been in the concert hall before. The only reason they left the concert hall was that it was being closed up and they were compelled to leave. Officer Hopman was the officer who actually took him, Kearns, into custody. He, Kearns was scared when the officer called to him to stop, and he thought the officer might club him for running at that time of night. At the time of the arrest he heard Devereey say to the officer that he, Devereey, did not have anything at all to do with it. He, Kearns, had never been clubbed by an officer. He said in the station house that he had never seen the complainant before. He did not say anything about the complainant being a "Dutchman," and did not hear any one else say so. He told the officer in the street that he did not have anything to do with the robbery and that he had never seen the complainant

**POOR QUALITY  
ORIGINAL**

0052

17

before. They did not meet any persons after leaving the saloon. He, Kearns, saw Elliott pay for the drinks in the saloon, but he did not notice what change Elliott got, or whether he got any change at all. Elliott told him, Kearns, that he was going to his ship. Elliott did not ask permission to accompany them. He did not know any reason why Elliott, a stranger, should go with him and Devereay. They simply started out and went together. He did not know Elliott, and did not know whether Elliott was a man of good character or not. Devereay suggested that they had better hurry. It did not give him, Kearns, any concern that they were accompanied by a stranger, Elliott. He asked Elliott where he was going, and Elliott told him he was going to his ship. When he, Kearns, found that they had left West street, he said to Devereay, "Let us go back by the water, and keep by the dock side." He knew where Washington street was, but did not know Cortlandt street. He did not ask Elliott where his ship was lying, or who his officers were. Elliott did not tell him, Kearns, who his chief officer was, or anything as to his ship-

**POOR QUALITY  
ORIGINAL**

0053

18

mates, or the cargo, or how long he had been on the voyage. He did not hear Officer Connolly call to the officer at the ferry to stop him, Kearns. He ran right into Officer Hopman's arms. He did not tell Officer Connolly what ship he belonged to, until he was taken to the station house. When he, Kearns, was taken back to Officer Connolly by Officer Hopman the complainant was in the company of Officer Connolly. The complainant accused them of robbing him of his watch and chain and fifteen dollars, and they each denied it. On the way to the station house the complainant kept repeating that they had robbed him. He, Kearns, did not hear Elliott say anything in the station house about a "Dutchman;" he had never heard that expression.

JOHN DEVEREY, ONE OF THE DEFENDANTS, testified that he was a fireman on the White Star Steamship "Majestic." The defendant Kearns was a brother fireman of his. He had never been arrested before in his life, charged with any crime whatever. He lived in Liverpool; he was not a married man. He heard the complainant swear that he

**POOR QUALITY  
ORIGINAL**

0054

19

was one of the men who took his, the complainant's, watch; that was not true, he did not have anything to do with taking the complainant's watch. After leaving the dance house he, Devere, Kearns and Elliott were together all the time. He was twenty-six years of age, and had followed the sea for six years.

In cross-examination Devere testified that he knew some of the streets of New York, but did not know the names of the streets, because he could not read or write. On the night in question he took a walk with the defendant Kearns, down the Battery. He had never been at the Battery before. He had known Kearns for ten years, and had only been in two ships with him. He had six or seven drinks of beer on that night; but he was not under the influence of liquor. Elliott and Kearns were not under the influence of liquor. He had never been in the concert hall before, but in passing the door heard singing and went in. He was accompanied by Kearns. Elliott went over and spoke to them, and he, Devere, drank with Elliott and Kearns. He, Devere, could not say how long they were in that saloon. He did not meet any of his shipmates

**POOR QUALITY  
ORIGINAL**

0055

20

there. They did not drink with any women in the dance hall, nor talk with any women. About twelve o'clock the concert hall was closed up, and they left. The three defendants went out together, and did not see any more of any of the people in the dance hall. They were going back to their ships; they knew their way back to the ship. After walking about ten minutes Kearns said, "If we don't hurry up the gate will be closed;" and that was the reason they started to run. He had never been locked up before. He, Devere, had never slept in New York City. He remembered seeing Officer Connolly. They were running when they met Officer Connolly, but they were not running very fast. Officer Connolly asked them what they were running for, and they told him they were running for their ship. Officer Connolly said something about it being suspicious to run. He, Devere, never ran after that. It was about three or four minutes after the officer spoke to him that he was arrested. Officer Connolly ran after Elliott; Elliott ran away.

• Shortly after the officer got up to them, the complainant arrived. The complainant said that he had

**POOR QUALITY  
ORIGINAL**

0056

21

been robbed of his watch and chain; he, Devere, said that he did not know anything about the complainant's watch and chain. Elliott and Kearns made the same statement. He, Devere, did not see a single person after leaving the dance hall, except Officer Connolly. He had never seen Elliott before that night, and Elliott did not belong to the same ship that he, Devere, did. Elliott was going to his ship. Elliott did not tell him, Devere, where his ship was, and he, Devere, did not know where Elliott's ship was. He had heard Kearns testify that Elliott had said something about his ship, but he, Devere, did not hear Elliott make any such statement. He and Kearns were not taking Elliott anywhere; Elliott was simply accompanying them. It was not very dark when they were arrested, but he, Devere, didn't take a look at the officer, and couldn't recognize him. He said to the officer, "I didn't take anything; I never stole the man's watch, and I didn't see his watch, and I wouldn't run." He did not mean that the other defendants were guilty, and that that was the reason they ran. He did not see Kearns run away, because he was not look-

ing at Kearns; he was looking at the officer. He did not hear Officer Connolly call to any other officer to arrest Kearns. He heard Officer Connolly rap, and two or three minutes afterwards Kearns was brought back. He, Devere, did not say anything about the complainant being a "bloody Dutchman," and did not hear any one else use that expression. He did not have any money that night. Kearns had about a dollar and seventy-five cents; he, Devere, saw Kearns spend about thirty or forty cents.

IN REBUTTAL, OFFICER PHILLIP FITZSIMMONS testified that he was attached to the Second Precinct Police. In the early morning of the 24th of August, 1892, he was on post in Dey street, and he happened to be standing at the corner of West and Dey streets at one o'clock. He fixed the time by the fact that the boat had just come in. He was talking with Officer Schlattman at the corner, and he heard a rap. He saw a man running up West street, from Cortlandt, about fifty feet from him, the witness. He stopped the man. He said to the man, "Hold on a minute; what is the matter." The

**POOR QUALITY  
ORIGINAL**

0058

23

man said, "Nothing; I didn't take anything." The man whom he had caught was the defendant Kearns. He, the witness, returned to Washington street with Kearns, and there he saw Officer Connolly with the defendant Elliott. Officer Connolly had hold of Elliott's collar, and the complainant also had hold of Elliott. He, the witness, made the complainant let go of Elliott. He looked around and saw Devereay, and Officer Connolly told him to take Devereay to the station house also. On the way to the station house Devereay said he had not done anything. Elliott resisted Officer Connolly on the way to the station house and was pushing back all the time, and Officer Connolly had to push Elliott along.

In cross-examination the witness testified that Officer Connolly was pushing the defendant Elliott, but he did not see Officer Connolly strike Elliott.

POOR QUALITY  
ORIGINAL

0059

District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

2  
Dec 4 1895

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Lunnely  
attached to your command in  
August in relation to the case of  
Patrick Kearns  
sentenced 5 to  
years and          months imprisonment by

George Martine  
Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.

1695

Transferred to the Precinct.

POOR QUALITY ORIGINAL

0060

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

*Patrick Kearns*

Question. How old are you?

Answer.

*35 years.*

Question. Where were you born?

Answer.

*England.*

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

Answer.

*No home here.*

Question. What is your business or profession?

Answer.

*Fireman*

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

Answer.

*I am not fairly -  
Patrick Kearns  
murr*

Taken before me this

day of *March* 189 *21*

*H. H. ...*

Police Justice.

POOR QUALITY ORIGINAL

0061

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court  
District

THE PEOPLE, vs.,  
ON THE COMPLAINT

HOUSE OF DETENTION CASE

*Samuel Jackson*  
*John Brown*  
*John White*  
*John Green*

Offense  
*Robbery*

Dated, *Aug 24* 189*2*

*W. H. Mahan* Magistrate

*Annally* Officer

*2* Precinct

Witness

*Constitution* Street

*Ann F. Brown* Street

*Robertson in support* Street

*H. H. Co*

No. *2570* Street

to answer *9.8*



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

*Defendants*

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Twenty 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, *Aug 24* 189*2* *W. H. Mahan* 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

0062

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

Police Court--First District.

*Edward Pascard*  
of No. *5 Battery Place* Street, being duly sworn, deposes  
and says, that on the *24<sup>th</sup>* day of *August* 18*92*  
at the *1<sup>st</sup>* Ward of the City of New York, in the  
County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent, by force and violence, without his consent and against his will, the following property viz:

*The gold watch and chain  
and gold and lawful  
money of the United States  
of the amount and value  
of fifteen dollars the  
whole being*

of the value of *Fifty-two* Dollars,  
the property of *deponent*

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

*John Elliot, John Devory  
and Patrick Kearns (all born  
here) who were acting in con-  
sult for the reasons following  
to wit: at the hour of one  
o'clock a.m. on said date  
as deponent was on West Street  
having the said property in  
the pockets of the coat  
which he then wore he was  
seized hold of by the de-  
fendants Devory and Kearns*

Subscribed to before me this  
18  
day

Police Justice

POOR QUALITY  
ORIGINAL

0063

and whilst so held the  
defendant Elliot did take  
said property from de-  
fendant's possession

Sworn to before me } Colman  
this 24<sup>th</sup> day of August } Parshad  
1892

A. T. Mahan

Police Justice

POOR QUALITY ORIGINAL

0064

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of *August* 189*7*

*W. H. ...*

Police Justice.

*I am not guilty -*  
*John Elliott*  
*mark*

POOR QUALITY ORIGINAL

0065

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK.

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

Question. What is your name?

Answer.

*John Henry*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*At home here*

Question. What is your business or profession?

Answer.

*Freeman*

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 Henry  
Henry*

Taken before me this

day of *October* 189 *2*

*John Henry*

Police Justice

POOR QUALITY ORIGINAL

0066

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 Elliott, John Devery and Patrick Kearns

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

John Elliott, John Devery and Patrick Kearns

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

The said John Elliott, John Devery and Patrick Kearns, all

late of the City of New York, in the County of New York aforesaid, on the twenty-fourth day of August, in the year of our Lord one thousand eight hundred and ninety-two, in the right time of the said day, at the City and County aforesaid, with force and arms, in and upon one Edward Paschat,

in the peace of the said People then and there being, feloniously did make an assault; and one watch of the value of thirty dollars, one chain of the value of seven dollars, and the sum of fifteen dollars in money, lawful money of the United States of America, and of the value of fifteen dollars,

of the goods, chattels and personal property of the said Edward Paschat, from the person of the said Edward Paschat, against the will and by violence to the person of the said Edward Paschat, then and there violently and feloniously did rob, steal, take and carry away, the said

John Elliott, John Devery and Patrick Kearns, and each of them, being then and there aided by an accomplice actually present, to wit: each by the other, and also by divers other persons to the Grand Jury unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Se Jancy Mill, District Attorney

0067

**BOX:**

494

**FOLDER:**

4505

**DESCRIPTION:**

Eppler, Theodore W.

**DATE:**

09/08/92



4505

POOR QUALITY ORIGINAL

0068

Witnesses:

*Wm. F. ...  
of Peace ...  
An officer*

46 *J.P. ...*

Counsel,

Filed

1892

Pleas,

*S. ...  
M. ...*

THE PEOPLE

vs.

*Theodore W. Eppler*

Forgery in the Second Degree.  
[Sections 811 and 821, Penal Code.]

DE LANCEY NICOLI,

District Attorney.

*Paul Dep. 15.9.2 B.S.W.*

A TRUE BILL.

*John ... Foreman.  
Sept 11 1892  
Chief of Court  
J.M. ...  
Sept 16 1892*

20

The People  
vs.  
Theodore W. Eppler

Court of General Sessions. Part I  
Before Recorder Smyth. Sept. 15<sup>th</sup> 1892.

Indictment for forgery in the second degree.

Edward Finkelmeier, sworn and examined

testified:

Where do you live? I live in Brooklyn.

Whereabouts? No. 1038 Madison street.

By whom are you employed and where?

Herry Lindenmeyers and Sons. No. 37 East Houston streets. That is your business?

Paper dealers. What is your employment there? Salesman. Did you ever see this

defendant Theodore W. Eppler before? Not until the day he came to our store to

buy goods. When did you first see him? The second day of July. At the store

of Lindenmeyers in Houston street? Yes.

He came to me and he ordered ~~me~~ some paper of me, and I gave him

the paper; he gave me a check for it, I passed the check.

By the Court. He bought some paper? Yes sir.

How much paper, what amount of paper and what was said about it? He bought

a ream of paper of us, and the amount of it was \$1.50 odd cents, and he gave

me a check for that.

By Dist. Atty. Is this the check that he gave you? (check shown) That is the check.

What did he say at the time he

gave it to you? He said that he would call for those goods, and if he did not call in time for the goods that we should send the goods to Mr. Gans' place. Did he say where it was? No. 308 Pearl street. Did you know Mr. Gans? Yes, he was a customer of ours. He then left? He left the store. How soon did he come back? He did not come back at all. When he gave you this check was anything given to him in return? Yes; we gave him the change. How much? Twenty three dollars and I believe twelve cents. It was over twenty three dollars.

By the Court The price of the paper was \$1.80? That I could not say, it was a dollar and eighty odd cents. You gave him the difference between the price of the paper and the amount of the check? Yes.

By the Dist. Atty He represented that the goods were for Mr. Gans of Pearl street, who was a customer of yours? Yes sir.

Is that the gentleman who was a customer of Lindenmeyers in Pearl street (pointing to Mr. Gans) Yes sir.

By the Court Did you send the paper to Mr. Gans? We sent the paper to Mr. Gans.

Cross Examined.

Q How long have you been employed with the firm that you are connected with, I don't know the name, tell us the name?  
Henry Lindenmeyr and Sons.

Q How long have you been connected with it? Pretty near five years. You are one of the firm? No sir, only a salesman. Your name is Finkelman? Yes.

Q You told us you had not seen the defendant until that day? Yes sir. Had you ever seen him - have you another branch? Yes, we have a branch at Spruce street - Is it in Beekman street? No, Spruce street. Was it formerly in Beekman street? It was formerly in Beekman street Nos. 15 and 17. Had you been employed there? Yes, I was down in the main business, and they moved to Houston street. The same firm that was moved to Houston street? Moved to Houston street. Had you ever seen the defendant in that store in Beekman street? Not to my knowledge I had not seen him.

Q Is this the first time that you ever waited on him to your knowledge? Yes.

Q What time of day was it on the second of July that the defendant came into your place? It was close on to our

closing hour, which was one o'clock. I believe it was between twelve and one o'clock. It was on Saturday, I apprehend, is that correct? Yes sir, Saturday before the 4<sup>th</sup>. Were the shutters up? The shutters were up, the store was open.

By the Court. Plenty of light in the store was there not? Yes. You can see very well? Yes. Are you sure that is the man who gave you that check? Yes, I am sure it is.

By Counsel. How long did it take you to make this sale? About a quarter of an hour, not quite a quarter of an hour. Did he look at a great deal of paper different styles and kinds? No, it was not necessary. I knew what he wanted. You went directly to the part of the store where you keep the goods indicated by him? Yes. Can you not be mistaken about this man being in there that day and giving you a check? I am sure I am not.

District Attorney. I offer the check in evidence Theodore Gaus, sworn and examined testified. That is your business? Printer. Where are you located? No. 308 Pearl street. Do you deal with

Henry Lindermeyer and Sons, Horston street?  
 Yes. Do you keep an account in the  
 Bowery bank, New York? Yes sir. I show you  
 this check, people's exhibit No. 1 and ask you  
 if that is your signature appended to that  
 check? No sir. Is that signature Theodore  
 Gains to that check in the handwriting of any  
 one who has authority to sign your name  
 to a check upon the said bank? No sir.  
 Or to draw money from the account in  
 this bank.

By the Court Did you ever deliver that check to this  
 man here? No sir.

By District Attorney Do you know this defendant? Yes sir.  
 How did you first become acquainted with  
 him? He came in the office about a  
 year and a half - starting from April  
 back I should judge about two years now.  
 He was employed by Mr. Hartman. In your  
 building? In the same building, in the  
 same office. Hartman publishes a paper?  
 Yes. How long was he in Hartman's employ?  
 About a year and a half, up to April,  
 he left in April. April of this year?  
 Yes, this year.

Cross Examined by Samuel  
 Have you an account in that Bowery  
 bank? Yes sir.

John Allison, sworn and examined, testified:

By Mr. Weeks. You are a book keeper in the Bowery bank?  
Yes sir. Do you know Mr. Theodore Gaus  
who has an account there? Yes. Is there  
more than one account in that name  
in the Bowery bank? No, there is only one

By the Court. This is the man? That is the gentleman  
who was just on the stand.

Mr. Weeks. I was going to put on another witness  
to identify the defendant. To save time  
possibly it may not be necessary.

The Court. I do not see what occasion there is  
until we hear what he has got to say.

Mr. Weeks. The people rest.

Theodore W. Eppler, sworn and examined  
in his own behalf testified:

By counsel. Where do you live? I live in No. 34 East  
Twelfth street. Did you see Mr. Fin Kelmer  
the complaining witness that was on the  
stand a few moments ago? Yes sir.  
Did you see him on the witness stand  
a few moments ago? Yes sir. Did you  
hear his testimony? Yes. What have you  
got to say about it? I have never been  
in No. 37 or 35 East Houston streets. I often  
go into Linden meyer's down in Beekman  
street. You never was in that place in  
Houston street? No sir. Were you in

There on the second of July? No sir. Did you buy any paper there? No sir. Now you are under oath remember, did you receive from him twenty three dollars and some odd cents change? No sir. I did not. In return for a check? No sir. I did not look at that check, did you ever see that check before? (check shown) No sir. Did you ever have it in your possession? I seen it the other day with a gentleman. Did you ever have it in your possession as your own? No sir never. You do not know anything about it do you, that is what you swear to? No sir.

Counsel That is the defendant's case

Waldman Turk, sworn and examined, testified.

By Mr. Weeks Are you employed by the firm of Lindermeyer and Sons? Yes sir. At Nos 33 and 35 East Houston streets? Yes sir. The same place that Mr. Finkelmeier is employed? Yes. Were you there on the second of July of this year? Yes sir. Did you see this defendant there on that day? Yes sir. Where and when and what was he doing? I only saw him a moment that day. Finkelmeier handed me that check through the window, through the box. I am entry clerk of the cashier, and I took

The check. It was only a small amount I enquired in the office first. I went inside and I enquired from the head cashier whether the defendant could have the money or not, because it was only a small amount of money. The cashier after looking it up said "it is all right." I took the check and went out again and gave it to my assistant cashier to pay the cash to him. Before I went out I forgot to say I spoke to the defendant. I told him to wait.

By the Court: Is that the man you spoke to (pointing to the defendant) Yes, sir.

District Attorney: That is the check that was handed in at that time was it (check shown to witness). The same check.

The Court  
Counsel

Have you got any other witnesses?  
No, sir. I have not any.

The jury rendered a verdict of guilty.  
He was remanded for sentence.

POOR QUALITY  
ORIGINAL

0077

Testimony in the  
case of  
Theodore W. Gopher  
filed Sept

1942

20th



POOR QUALITY ORIGINAL

0078

Police Court, 3 District.

City and County of New York, ss.

of No. 33 to 37 E Houston Street, aged 70 years, occupation Salesman being duly sworn, deposes and says, that on the 20 day of August 1892 at the City of New York, in the County of New York, he caused the

Edward Finkelstein

arrest of Theodore W Eppler for the reasons following to wit: Depoent is a Salesman for Henry Lindenmeyer & Sons at said place that on the 20 day of July 1892 the defendant came into said place and told depoent he wanted to purchase some writing paper that the defendant purchased paper to the amount of one dollar and ninety two cents from depoent. That defendant gave depoent a check to the amount of twenty five dollars and then and then informed depoent that said check was genuine. That depoent gave defendant the sum of twenty three dollars and eight cents in exchange for said check. Said check being true and correct and made part of this complaint. Depoent is now informed by Theodore Haus whose name appears on said check that he never signed said check and that the same is a forgery. Depoent therefore charges the defendant with forgery and forays that he is held to answer

Done to before me this } Edward P. ...  
day of August 1892 }

Police Justice

POOR QUALITY ORIGINAL

0079

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss:

*Theodore Epples*

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

Question. What is your name?

Answer. *Theodore Epples*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No home*

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*  
*Theo W. Epples*

Taken before me this

*12*

day of *August*

189*7*

Police Justice

*[Signature]*

POOR QUALITY ORIGINAL

0000

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.,  
OR THE COMPLAINANT OF

*W. C. Christopher*  
*55 St. Paul St.*  
*Chas. Epstein*

1  
2  
3  
4

Offense, *Forgery*

Dated, *Aug 22* 189*2*

*Shagan* Magistrate  
*James Small* Officer

Witnesses *Geo. Gano* Precinct *13*  
*Dean Street*

No. *508* Street *Pearl*  
*Waldman* Street *Stark*

No. *33* Street *Frank*  
*de Lude* Street *Arundel*

No. *45* Street *Berkman*  
*407* Street *to answer*

*Carlin* Street *Berkman*  
*Carlin* Street *Berkman*



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

*defendant*

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *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, *Aug 22* 189*2* *Shagan* Police Justice.

I have 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**

0001

**BOWERY COR. CANAL ST**

No. 642 New York, July 20 1892

**The Bowery Bank of New York,**

Pay to the order of Thos. Pease

Twenty-five Dollars.

\$ 25 <sup>00</sup>/<sub>100</sub> 1892 Thos. Pease

Wm. Mann Co., 88 Maiden Lane, N. Y. (13648-E.)

**POOR QUALITY ORIGINAL**

0082

**BOWERY COR. CANAL ST.**

No. 642 New York, July 2<sup>d</sup> 1892

**The Bowery Bank of New York,**

Pay to the order of Thos. Peard

Twenty-five Dollars.

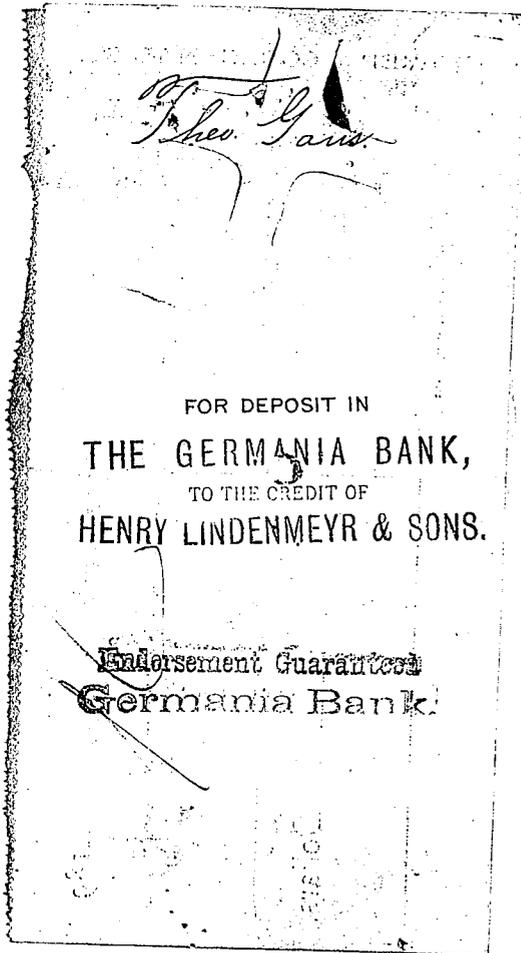
\$ 25 <sup>00</sup>/<sub>100</sub>

Thos. Peard

Wm. Mann Co., 88 Maiden Lane, N. Y. (13648-E.)

**POOR QUALITY  
ORIGINAL**

0083



**POOR QUALITY  
ORIGINAL**

0084

*Theo. Lind.*

FOR DEPOSIT IN  
**THE GERMANIA BANK,**  
TO THE CREDIT OF  
**HENRY LINDENMEYR & SONS.**

~~Endorsement Guaranteed~~  
**Germania Bank**

081

**POOR QUALITY  
ORIGINAL**

0085

**BOWERY COR. CANAL ST.**

No. 2042 New York, July 16 1892

**The Bowery Bank, of New York,**

Pay to the order of Wm. Gaus

Eighteenth Dollars.

\$ 18 <sup>00</sup>/<sub>100</sub> Wm. Gaus

Wm. Mann Co., 88 Maiden Lane, N. Y. (13648-E.)

**POOR QUALITY ORIGINAL**

0086

**BOWERY, COR. CANAL ST.**

No. 2042 New York, July 16 1892

**The Bowery Bank, of New York,**

Pay to the order of Thos. Gaus

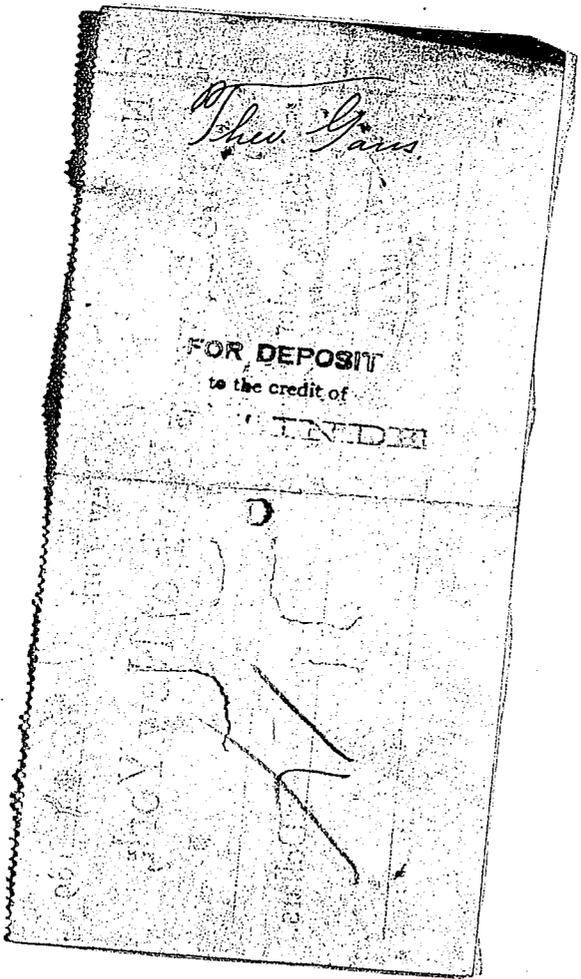
Eighteenth Dollars.

\$ 18 <sup>00</sup>/<sub>100</sub> Thos. Gaus

Wm. Mann Co., 88 Maiden Lane, N. Y. (13648-E.)

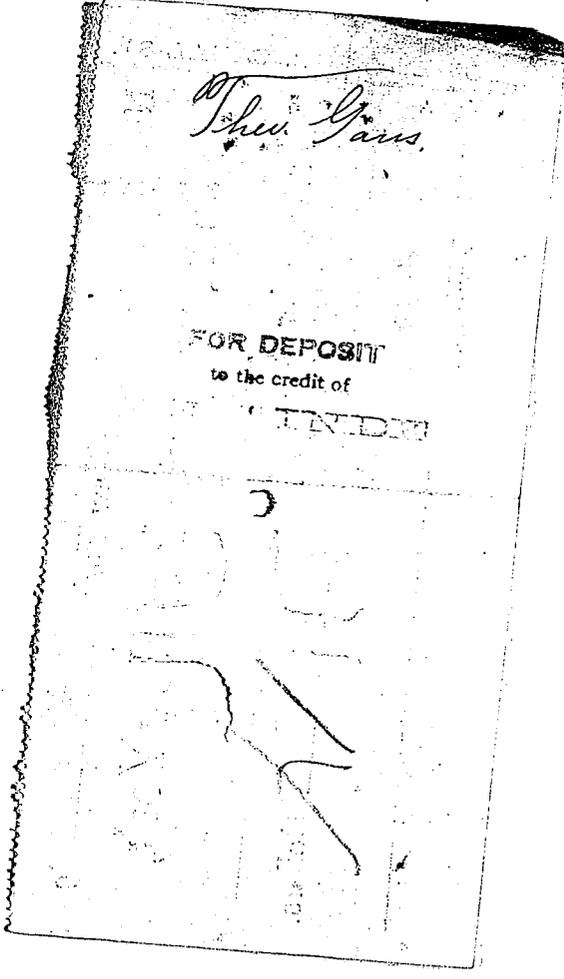
**POOR QUALITY ORIGINAL**

0087



**POOR QUALITY  
ORIGINAL**

0088



POOR QUALITY  
ORIGINAL

0089

Tuesday  
July 5/92

Monday  
July 18<sup>th</sup>/92

POOR QUALITY ORIGINAL

0090

CITY AND COUNTY }  
OF NEW YORK, } ss.

1021

*Shawlor Gaus*

aged 30 years, occupation Courier of No. 505  
Pearl Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Edward Finkelstein  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 22 day of August 1897 Shawlor Gaus

*[Signature]*  
Police Justice.

POOR QUALITY ORIGINAL

0091

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Theodore W. Eppler*

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

*Theodore W. Eppler*

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

The said *Theodore W. Eppler*

late of the City of New York, in the County of New York aforesaid, on the *twentieth*  
day of *August* in the year of our Lord one thousand eight hundred and  
*ninety-two*, at the City and County aforesaid, with intent to defraud, feloniously did  
forge a certain instrument and writing, which said forged instrument and writing is as follows, that  
is to say:

*No. 642*      *New York, July 2d 1892*  
*The Bowery Bank, of New York*  
*Pay to the order of Thos. Gans*  
*Twenty-five Dollars*  
*\$ 25<sup>00</sup>/<sub>100</sub>*      *Thos. Gans*

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

POOR QUALITY ORIGINAL

0092

SECOND COUNT.

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

*Theodore W. Eppler*

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

The said *Theodore W. Eppler*

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 intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

*No. 642 New York, July 22 1892*  
*The Bowery Bank, of New York,*  
*Pay to the order of Theo. Gans*  
*Twenty five — Dollars*  
*\$25.00* *Theo. Gans.*

the said

*Theodore W. Eppler*

then and there well knowing the same to be forged, 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.*