0203

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dalio, Dominico
DATE:
04/15/90

3642

Witnesses;

Nicolo Palatino

No. 17 Rates

Counsel,

Filed 15 day of Feb 1890

Pleads, Not guilty 7

THE PEOPLE

vs.

Dominico Dalio

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

JOHN R. FELLOWS,

District Attorney.

Part of appl. 39 at Def's request
Ret 2 Mar 9/90
Tried and convicted Assault Second Degree.

A True Bill.

S.P. 2½ yrs
Mar 13/90

W. J. C. Berry

Foreman.

Off April term on Def's motion by Dist Atty

13

Police Court— 1 District.

CITY AND COUNTY OF NEW YORK, } ss. Nicholas Palatino

of No. 62 James Street,

being duly sworn, deposes and says, that

on the 17 day of February

in the year 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Dominico Dalio (another)

who cut defendants throat and

face with a razor he held

in his hand

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 29 *day of* March 1888

his
Nicholas x Palatino
mark

John Flammer POLICE JUSTICE.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Dominico Dalia 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. Dominico Dalio

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Italy

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

Answer. 37 Crosby Street 5 days

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

his
Dominico + Dalia
mark

Taken before me this 29 *day of* December 1888

Charles Krauskopf *Police Justice.*

POOR QUALITY ORIGINAL

0207

Police Court--- 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Lucinto Palatino

vs.

1 Domenic Italio

2

3

4

Offence Sec. assault

on Nicolo Palatino

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated February 19 1890

Magistrate.

Peter J Farrney Officer.

4 Precinct.

Witnesses Lou'ce offeny

No. Street.

No. Street.

No. Street.

No. Street.

By Carmen to appear Court forthwith
$5 Feby 20 10 o'clock a.m.
1 March 18. 2 P.M.
" " 25 2 P.M.
Lou
Lou
Lou

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 18 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 18 *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated 18 *Police Justice.*

0208

BAILED,

No. 1, by Geo. Carella

Residence 35 Carey Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Ab 117

Police Court 1 District 5th

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Vincenzo Calatini

60 Canyon St

Bluemico Italio

2

3

4

Offence assault & Felonious

Dated March 29 1890

Forman Magistrate.

Farrar Officer.

Sol. List-Lt. Commander Precinct.

Witnesses Giacomo Calatini

No. 20 Roosevelt Street.

By [illegible]

No. [illegible] Street.

RECEIVED APR 1 1890

No. 14 [illegible] Street.

$ 1000

J. McBride

20 Roosevelt St.

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 One *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 ..... *18* ..... John Hommann *Police Justice.*

I have admitted the above-named Defendant

to bail to answer by the undertaking hereto annexed.

Dated March 29 *18*90 John Hommann *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 ..... *18* ..... *Police Justice.*

THE PEOPLE
VS.
DOMINICO DELIO.

Tried May 9th, 1890, before HON. RUFUS B. COWING, and a jury.

Indictment filed April 15th, 1890.

Indicted for assault in the first degree.

A p p e a r a n c e s:

Assistant District Attorney Jerome for the People.

Robert H. Racey, Esq., for the defense.

NICOLO POLARINO, the Complainant, testified that he lived at 62 James Street. He met the defendant on February 17th at No. 27 Roosevelt Street, in the yard, at about eleven o'clock at night. He, the complainant, was with some friends, named Amolinari and Labriola. On that night, he, the complainant, went to 27 James Street to call upon the landlady of the house, who was a countrywoman of his. He, the complainant, had not been drinking that day. One of his, the complainants', friends had a hand organ and commenced to play it and the defendant began to sing. So much noise was made that the landlady said,

"Get away;I don't want any such annoyance." Then the whole partywent down stairs and when he, the complainant, arrived at the ground floor he felt a hand taking hold of him by the neck. He, the complainant, shouted, "Holy Virgin, why are you holding me ?" and the defendant jumped at him with a razor and cut him on the left side of the neck, and as he, the complainant, turned to face the defendant he was cut upon the right cheek under the eye. Then the defendant ran away. Labriola tried to catch hold of the defendant as he ran and the defendant dropped his hat. Labriola picked up the hat and pursued the defendant, but the defendant escaped. He, the complainant, was exhausted by his wounds and fell upon the floor. Labriola called for the police and he, the complainant, was taken to the hosiptal in an ambulance.

UNDER CROSS EXAMINATION, the complainant testified that he had not had any difficulty with the defendant on that night, or any other night, and he had not even spoken to him on that night. They went to serenade his countrywoman. It was not a fact that he, the complainant, drew a razor and attacked the defendant. It was the defendant's own razor. He, the complainant, saw it in the defendant's hand when he cut him. He, the complainant, on the way down

stairs did not seize hold of the complainant, or any other man, and beat him, blackening his eye and attacking the defendant with a razor.

BIASSA LABRIOLA testified that he was a boss of a gang of laborers working in New Jersey, and he lived at 27 Roosevelt Street. He heard the serenading party in the hall at about midnight. He, the witness, got out of bed and opened his door and listened to the music of the organ, or accordeon, and five or six of the men passed his door going down. The complainant was the last of the men. The complainant bid him, the witness, goodnight and went on down stairs and he, the witness, shut his door. Almost in an instant afterwards he heard a row downstairs and he opened his door and saw the defendant running away, and he picked up the defendant's hat. The complainant was then lying on the ground bleeding. He, the witness, was the brother-in-law of the complainant.

GENARO MOLINARO testified that he and his son, who played the orguinette, accompanied the complainant to the house at 27 Roosevelt Street. They met Delio in the yard and he asked where they were going. He, the witness,

replied that they were going to serenade their countrywoman and Delio said, "Well, I'll go with you." All of the party said, "Well, if you want to come, come." They went to the second floor of 27 Roosevelt Street and played music and sang, and the husband of the woman offered them some whiskey The defendant refused to drink whiskey and demanded beer. Then the boss of the place said, "Goodnight," and the party left. The complainant and the defendant were the two last persons coming down stairs. Then when they were near the foot of the stairs, he saw the defendant running without his hat, and he, the witness, asked the defendant where the complainant was and the defendant said, "He is ~~xxxxxx~~ coming." It was dark in the hallway and when they did not see the complainant coming they returned and found him lying upon the floor bleeding.

UNDER CROSS EXAMINATION, the witness testified that he had known the defendant for several years. They went to serenade their countrywoman in honor of her having given birth to a child.

OFFICER PETER S. FARNEY testified that he arrested the defendant on the night in question in Crosby Street, at

about one o 'clock in the morning. He noticed that the defendant's hand was bleeding and he traced blood marks up the stairs of the rear house in Crosby Street where the defendant lived, up to the defendant's rooms. He asked the defendant if he was the man that cut the complainant and the defendant said, "Yes." He then took the defendant to the Chambers Street Hospital, and on the way he asked him why he had cut the complainant. The defendant's right eye was black and swelling. The defendant answered that the complainant had pulled a razor on him, and he, the defendant, had taken the razor away from the complainant and he thought that the complainant was going to draw a pistol and he cut the complainant in self defense. In the Chambers Street Hospital the complainant identified the defendant as the man who cut him. In the police court the defendant claimed that when he cut the complainant his life was in danger.

UNDER CROSS EXAMINATION, the witness testified that in the police court the complainant first refused to make a complaint. The complainant there said that he did not care to make a complaint, because when he recovered from his wounds he would kill the defendant. The Judge then

compelled the complaiant to make a complaint, saying that if he did not he would discharge the defendant.

FOR THE DEFENSE DOMINICO DELIO, the defendant, testified that he was living at the time of his arrest at 14 Roosevelt Street. He was a Street sweeper by occupation. He, the defendant, was considered a good singer and was invited to join serenading parties on account of his voice. He was asked to join the serenading party on the night of the 17th of February, and the defendant said that if they would let him take home a pint of beer that he had come out to get he would go with them. They waited for him and they went up to the second floor at 27 Roosevelt Street and they had music and singing. The complainant did not like his singing. He, the defendant, was offered whiskey in the room of the woman that they were serenading, but he didn't care for it and wanted beer. All hands drank whiskey excepting himself. Then they left the rooms and on the stairway the complainant, who was angry with him because he would not drink whiskey and did not sing in the way he liked, attacked him and struck him in the face and he said, "By the Holy Virgin, this night I will

kill you." Then the complainant drew a razor and struck at him, the defendant, with the razor. He, the defendant, caught the razor in his left hand, cutting two fingers, and took the razor away from the complainant. Then he was going away, when the complainant again said, "I will kill you to-night;" and put his hand into his hip pocket. Then he, the defendant, said, "Before you will kill me, I will kill you," and he gave the complainant a cut with the razor and went away about his business. He, the defendant, had never been in any trouble before. He went to his brother-in-law's house in Crosby Street, instead of to his own home, because he was afraid of being arrested. The complainant was under the influence of liquor. He, the defendant, was a married man.

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CHARLES L. HUBBELL,
ATTORNEY AND COUNSELOR AT LAW,
12 BRIDGE STREET,

New York, April 21st 1890.

The People
-v-
Dominico Dalio } assault
No 7. Part III.

Ass't. District attorney Jerome.

Dear Sir

Having had a business transaction with the friends of Nicola Porline who was assaulted with a razor by Dominico Dalio who is charged with assault with intent to Kill.

I was requested by Nicola Porline to send the following statement of facts to you, which might be useful in the successful prosecution of the case by the People, and by you as their representative. while I dont dessire to be officious or considered

CHARLES L. HUBBELL,
ATTORNEY AND COUNSELOR AT LAW,
12 BRIDGE STREET,

New York, 188

impertinent I would esteem it a favor if you would proceed with the trial of the matter on the 29th day of april 1890. as I have been informed the case it set down for that day.

If you consider the facts indicated of any material use to you in the prosecution of Dominico Dalio, please subpoena the Witnesses whose testimony to you may be of importance.

Kindly press the case to trial on the 29th day of april 1890.

I sincerely trust you will not consider that I am intruding upon you, and excuse me for taking so much liberty in the matter.

Kindly let me hear from you in relation to the same.

Yours Very truly.
Charles. L. Hubbell

The People
-v-
Dominico Dalio. assault.

Gaestano Pastiner of 14 Roosevelt Street can testify to the following facts. for the people or prosecution.

That Dominico Dalio called at his place about ten oclock on the night when the assault was committed and showed him a razor, that he could identify the razor, and could establish the fact as to the ownership of the razor, and whether the one used by Dominico Dalio was the one said Dalio had exhibited to him two hours before the assault.

Francisco Labriola of 18 Roosevelt Street can testify that Dominico Dalio told him that he was agoing to use his razor on somebody, and said here is my hand shake upon it.

That at the time of the assault he was mailing at the hall door for the rest of the party, and saw Dominico Dalio run out of no 27 Roosevelt Street, without any hat on. he then heard that Nicola Porline had been cut with a razor by Dominico Dalio.

John Mullinars of 18 Roosevelt Street, saw Dominico Dalio run out of 27 Roosevelt Street hatless and bareheaded and running as fast as he could go.

Biasco Labriola of #27 Roosevelt Street. at about 12 P.M I heard a noise and scuffling in the hall. I opened my door, and Dominico Dalio ran away, and I found Nicola Polrine bleeding profusely from cuts all over his face and neck, and I picked up the hat of Dominico Dalio. and have the same now in my Possession.

People

-v.

Dominico Dalio.

additional

witnesses

0220

Grand Jury Room.

PEOPLE

vs.

Dominico Dalio

assault

Witnesses for the People
desired to be Subpoened

Francisco Labriola
#18 Roosevelt Street

John Mullinaro
#18 Roosevelt Street

Biasco Labriola
#27 Roosevelt Street
N.Y. City

Gaetano Pastiliner
#14 Roosevelt Street
N.Y. City

0221

Dr. Lederman, R. of

PART II.

The Room in the Court House and Story and Number thereof.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Dr. Lederman, R. of

Bellevue

Dr. Lederman, R. of

Bellevue

Court East 26th St.

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Dr. G. B. Amoli Centralia

of No. Bellevue Hospital Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 5th day of MAY. 1890 ~~1889~~ at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Dominico Dolio

Dated at the City of New York, the first Monday of MAY. 1890 ~~1889~~ in the year of our Lord,

JOHN R. FELLOWS, *District Attorney.*

0222

Sec. 192.

1 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before John J. Gorman a Police Justice of the City of New York, charging Domenico Dalio Defendant with the offence of felonious assault

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Domenico Dalio Defendant of No. 37 Crosby Street; by occupation a Laborer, and Luigi Coralla of No. 35 Crosby Street, by occupation a Soloonkeeper Surety, hereby jointly and severally undertake that the above named Domenico Dalio Defendant shall personally appear before the said Justice, at the 1 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Ten Hundred Dollars.

Domenico his X mark Dalio

Luigi Coralla

Taken and acknowledged before me, this 26 *day of* February 1880.

John J. Gorman POLICE JUSTICE.

0223

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Taken the ..... day of ..... 188 ..... Justice.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

Luggie Carrolle

the within named Bail and Surety being duly sworn, says, that he is a resident and free holder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House & lot No 438 East 112 Street of the value of Twelve thousand dollars clear of all incumbrances

Luggie Carrolle

Sworn to before me, this 26 day of February 1886

Police Justice.

Bellevue Hospital
Feb. 25. '90.

Nicolo Paladio is in no danger of death at the present time & in all probability will recover.

W. B. Arnott, M.D.
House Surgeon
3rd Division.

Feb. 20. '90.

Nicolo Paladini — deceased crushed footback. Condition fairly good & in no immediate danger

W. B. Arnott M.D.
House Surgeon.

Feb 24 '90

Valony or Paladino will not be able to work for a week & is in some danger

W. B. Arnott

0229

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Feb. 19th 1890

To whom it may concern:

Melvilay Rueve is at Chambers St. Hospital under treatment for multiple incised wounds neck & face

Carter S. Cole, M.D.
House Surgeon

CITY AND COUNTY OF NEW YORK, } ss.:

POLICE COURT, 1 DISTRICT.

Jacinto Palatino

of No. 25 Roosevelt Street, aged 30 years,
occupation Bottle dealer being duly sworn deposes and says
that on the 17 day of February 1890
at the City of New York, in the County of New York Nicola Palatino
was violently and feloniously assaulted and
beaten by Domenic Dalio (unknown)
Deponent is informed by said Nicola in the presence
of said Domenic, that he Domenic, cut him
in the face and Neck with a Razor he
held in his hand That said Nicola
is now Confined to the Chambers Street
Hospital from the Effect of the injuries
inflicted and as deponent is informed
in danger of death Deponent prays that
said Domenic be committed for

Sworn to before me, this
day of
188

Police Justice

0227

Examination to await the presence of said witnesses, and for the further purpose to obtain further Evidence

Sworn to before me this 19th day of February 1890

John J. Lennan
Police Justice

Jacob Lem
his
mark
Palatine

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.

AFFIDAVIT.

Dated 183

Magistrate.

Officer.

Witness,

Disposition,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Dominico Dalio

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

The said Dominico Dalio late of the City of New York, in the County of New York aforesaid, on the seventeenth day of February in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the City and County aforesaid, in and upon the body of one Nichola Palatino in the Peace of the said People then and there being, feloniously did make an assault and him the said Nichola Palatino with a certain razor which the said Dominico Dalio 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 Nichola Palatino 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 Dominico Dalio of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Dominico Dalio 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 Nichola Palatino in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Nichola Palatino with a certain razor which the said Dominico Dalio 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 Dominico Dalio of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Dominico Dalio 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 Nichola Palatino in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Nichola Palatino with a certain razor which he the said Dominico Dalio in his right hand then and there had and held, in and upon the face and throat of him the said Nichola Palatino 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 Nichola Palatino against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0230

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dandelion, Charles
DATE:
04/10/90

3642

Witnesses:

Nellie Baer

Theo Dyffri

A Holomius

Samuel

Frice Cafod

Burnice

No 39

Counsel,

Filed 10 day of April 1890

Pleads, Not guilty

30 Strut master
46 Franklin St

THE PEOPLE

vs.

Charles Donadion

Burglary in the THIRD DEGREE
(Section 498, 50 C.P.2.3, 5 Pl. 1857)

JOHN R. FELLOWS,

District Attorney.

Ap 23. 1890

A True Bill.

W. J. B. Berry

Foreman.

Part 2 April 23/90
Pleads Burglary 3rd Deg
4 yrs 10 Mos SP
April 25/90

25

POOR QUALITY ORIGINAL

1820

Police Court— 3 District.

City and County of New York, } ss.:

Nellie Baer

of No. ~~[illegible]~~ 223 5th St. Street, aged 31 years,

occupation Married being duly sworn

deposes and says, that the premises No. 121 Rivington Street, 10 Ward

in the City and County aforesaid the said being a three story brick

dwelling the top floor of

~~and~~ which was occupied by deponent as a dwelling place

~~and in which there was at the time a human being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly opening

a door leading into said

premises with a false key

on the 18 day of March 189[illegible] in the day time, and the

following property feloniously taken, stolen, and carried away, viz:

A quantity of mens clothing

~~mens~~ clothing a gold ring

a bed spread

and good and lawful

money of the United States

of the denomination and value

of twenty-five dollars the

whole being of the aggregate and

value of three hundred dollars

$300.00

the property of Rudolph Baer and defendant

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

Charles Sandelmann (Murphy)

for the reasons following, to wit: at about the hour of

Eleven & clock A. M on said

date an unknown boy came

to defendants house and told

her that her husband had been

killed. Defendant securely locked

and fastened the doors and

windows of said premises the

said property being in said premises

POOR QUALITY ORIGINAL

0233

at the time. Deponent went to where her husband is employed and found that nothing had happened to him. When deponent returned to her rooms she found that said door had been opened and said property missing and is informed by Nellie Kenny (her tenant) that she Nellie Kenny at the hour of 12. being mid-day on said date saw the defendant enter said premises minus any bundles and a few minutes thereafter she saw him come out of said premises with two large bundles in his possession one of the bundles being wrapped up in a bed-spread. Deponent is informed by Katie Cissin that she Katie saw the defendant trying to open a door leading into said premises with a key. Deponent further says that the defendant does not reside in said premises and had no right therein.

Sworn to before me
this 25th day of March
1890

Nellie Ball

J M Patterson Police Justice.

Police Court, ____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 ____
2 ____
3 ____
4 ____

Offence—BURGLARY.

Dated ____ 188
____ Magistrate.
____ Officer.
____ Clerk.

Witnesses, ____
No. ____ Street,
No. ____ Street,
No. ____ Street,
$ ____ to answer General Sessions.

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 h to be discharged.

Dated ____ 188 ____ *Police Justice.*

CITY AND COUNTY OF NEW YORK, } ss.

Katie Cisin

aged 15 years, occupation Schoolgirl of No. 121 Rivington Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Nellie Baer and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 25 *day of* March 1890 } Katie Cisin

J. McCutcheon
Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

Nellie Kenney

aged 19 years, occupation Housekeeper of No. 120 Rivington Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Nellie Baer and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 25 *day of* March 1890 } Nellie Kenney

J. McCutcheon
Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Dandelion 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. Charles Dandelion

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. U. S.

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

Answer. 46 Forsyth St. 2 weeks

Question. What is your business or profession?

Answer. Stock Cutter

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

Charles Dandelion

Taken before me this 25 *day of* March 1880

Police Justice.

0236

74 No 39 442

Police Court--- 1 District.

THE PEOPLE, &c., ON THE COMPLAINT OF

Nellie Baer
223 E. 53rd St.
Charles Landelkin

Offence Burglary

BAILED,

No. 1, by .....
Residence ..... Street.

No. 2, by .....
Residence ..... Street.

No. 3, by .....
Residence ..... Street.

No. 4, by .....
Residence ..... Street.

Dated March 25 1890

Patterson Magistrate.

Officer.

Precinct.

Witnesses Nellie Henry
No. 120 Rivington Street.
Katie Crum
No. 121 Rivington Street.
Officer

No. ..... Street.

Defendant
Andrew Ryan
Thos H Murphy
Carr

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* 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 March 25 *18*90 J. D. Patterson *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

Record of Chas Wandelino

indicted for entering building of 04 John on Oct 16 1888 tried and acquitted

indicted for Grand Larceny on Nov 13=88 tried on March 15th 1888 acquitted

indictment found April 23 1889. Pleaded Guilty / Sentenced to Six Months in Penitentiary By Judge Gildersleeve for Grand Larceny

Sent to Elmira Reformatory on Monday Jan 17th 1886 By Recorder Smyth on Complaint of Morris Goodman for Grand Larceny

The People vs. Charles Dandelion and Isaac Prager — grand larceny.

Court of General Sessions. Part First. Before Recorder Smythe. Friday January 14, 1881. Indictment for grand larceny. Morris Goodman, sworn and examined, testified: I keep a stove store and sell tin ware at 39 Sullivan St. I know "Ike" Prager not a very long time, and the other one I know since the time he came in on Friday morning to see "Ike" Prager and I know him from Friday till Monday afternoon; my property was stolen on Monday between 4 and 5 o'clock in the evening. I know Prager since I was married to my wife, about two months ago. Prager had no work, he stopped at my place and I gave him something to eat and a place to sleep. On Monday the 20th of December between 3 and 4 o'clock in the morning I was home; the prisoners and myself were in the room back of the store. I sold a stove between 3 and 4 o'clock for $2.50; the man to whom I sold it paid $2.00 in part and I put that with $13 which I had in the top bureau drawer. I had $50 in gold in the bureau beside this $15 in bills, and there was a chain and two rings. The prisoners were in the room when I put the fifteen dollars in the drawer; they saw me put it in. My wife did not feel well and she went to the doctor's; she was not there when I put the

money in the drawer. I locked the drawer and put the Key in my pocket and went away to deliver the stove. I asked Praeger if he would not go with the stove? He said, "no." I asked him if he would mind the place for me while I was gone? He said, "yes". I left him and the other prisoner in the place. It was near four oclock when I went away with the stove and I was away an hour, I got back from Bayard st. about five oclock, and I found the prisoners still there. I said to "Ike" it is dark; he took his coat and wants to go out. I said, "Ike, fetch me two chimneys and some oil and light the lamps." I gave him the money to buy them and he brought the two chimneys and the oil; he lighted the lamps and walked out. I asked him, "what time will you be here again?" He said, "I will be hear soon." So he came back the next morning; he and Danelian went away together. When I came back my wife was not there. How long after you came back was it that you discovered that your money was gone? It was over two hours and a half. That would be about seven or eight oclock. I was alone in the room when I discovered my loss. A woman came into the store and she wanted some change and there was nothing in the drawer. Did any

The People vs. Charles Danelion and Isaac Praeger

Court of General Sessions. Part First Before Recorder Smythe. Friday January 14, 1881. Indictment for grand larceny. Morris Goodman, sworn and examined, testified. I keep a stove store and sell tin ware at 39 Sullivan St. I know "Ike" Praeger not a very long time, and the other one I know since the time he came in on Friday morning to see "Ike" Praeger and I know him from Friday till Monday afternoon; my property was stolen on Monday between 4 and 5 o'clock in the evening. I know Praeger since I was married to my wife, about two months ago. Praeger had no work, he stopped at my place and I gave him something to eat and a place to sleep. On Monday the 20th of December between 3 and 4 o'clock in the morning I was home; the prisoners and myself were in the room back of the store. I sold a stove between 3 and 4 o'clock for $2.50; the man to whom I sold it paid $2.00 in part and I put that with $13 which I had in the top bureau drawer. I had $50 in gold in the bureau beside this $15 in bills, and there was a chain and two rings. The prisoners were in the room when I put the fifteen dollars in the drawer; they saw me put it in. My wife did not feel well and she went to the doctor's; she was not there when I put the

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one else came into your place after you got home except that woman before you found out your money was gone? There was nobody in the room only myself fixing up a little. What other property did you lose? I lost an overcoat, and I lost a chain and two rings As soon as I saw the money was gone, I looked on the wall and I saw that the overcoat was gone too. The next morning about 11 o'clock the prisoners came back to my place. I did not say anything when they came in. I walked in my room and took my hat and went out to the Greene street Station house and got an officer there to get them arrested. They were arrested in my place. I have not got my property back and I dont know where it is. The officer took the prisoners to the station house and I made a complaint. Cross Examined. The lock on the bureau was pushed off; the lock was inside the drawer. There was a door from the store into the back room. I slept in the back room. I have been five months in this place. It is not true that Haeger worked for me for his board and lodging. I gave him bed and board. He was only away one night from my place the night he robbed me. I was married in Baltimore on Sunday and on Tuesday I came home. My brother-in-law knew that boy

Praeger; he keeps company with him. When I came home I found in the morning at six o'clock he was sleeping in the bed in my place. I asked my brother-in-law what was he sleeping there for? He said he had no work, and so he is sleeping there; when he will have work he will pay you. I did not ask him to pay me anything. Sometimes he used to give me a hand at my work. When I was coming home from delivering the stove I bought some tin ware and paid for it; it amounted to between three and four dollars. I did not play cards with the prisoners in the back room. I have an old pack of cards, but I never play. I did not win any money off the prisoners playing cards on Sunday night. Any time when I play cards I do not play for money. My step mother lives in Ridge Street. I never used to meet Praeger there. When I came home Charlie Danelian helped me in with one stove. I gave Praeger 8 cents for oil and 7 cents for the chimneys; it did not take him two minutes to go for them. I saw the prisoners when they went away together. I did not see either of them have ~~my~~ overcoat when they went. From Friday to Monday Danelian came to my place every day. I did not know him before. A woman came in to buy a piece of pipe for 25 cents

She gave me a dollar and I had no change in my pocket. I have a screw driver in my place for use; when I went away it was on the window in the shop, but when I came back it was lying on the top of the bureau. I did not use the screw driver in cleaning the lamp. Praeger slept in my place on the Saturday and Sunday nights before I lost the money, but he did not come back to sleep there Monday night. There is a door leading from my back room to the hall and that was fastened when I went out. There are two windows leading into the yard and the windows were closed. There are no bars on the windows; the windows are always closed and nobody ever opens them. The upper part of the windows was nailed, so that they could not be hoisted up. The window was opened about two weeks before this when I had some coal put in, but I nailed it again. It is not true that I raised the window every time I put coal in. Isaac Praeger, sworn and examined in his own behalf testified I was born in New York city; my father is dead; my mother is not in Court, but my sisters are here. I have never been arrested before for anything. I had been with Mr. Goodman three weeks before I was arrested. I left my home because I had no work, and his brother-in-law,

said he would have me live down with him and help him around the shop. I did help him around the shop. I swept up the shop and minded the things on the sidewalk. Stoves, washtubs, and a baby's cradle had been stolen from the outside I heard the complainants statement with regard to the money. I did not steal it and I did not assist anybody in stealing it. He left there at 3½ oclock and returned about five oclock. Before he left three of us were playing cards in his room; after he left we went out on the sidewalk and stayed out there until he came back. When I saw him came back, I carried down a mattress, a table, and one small parlor stove. When he came in he said, "Ike, will you go after two chimneys and will you bring a gallon of oil?" I first went for the chimneys. When I came back with the oil I filled both lamps and put the chimney on one of them. That was all right. I saw some black dirt on the burner, I took the screw driver and got the dirt off. He left two stoves on the sidewalk. I said, I am going across town to my mothers. I left and went across to my mothers. I got back about ¼ to 11 or 10½ He did not say anything but went right out and got two officers and had me arrested. He

did not say anything about the loss of the money when I went in, but when the officers came he charged us with robbing the money out of the bureau drawer. I thought it was somebody else. There were two young gentlemen there Tuesday morning, Ferdinand Frey and his brother.

Cross Examined. I got my meals and slept at the complainant's house, but I was away a couple of nights. I was away a week before I was arrested. I did not tell him that I was going to stay away all night. My sister was sick and she is sickly yet. Dandelion and I were alone when the complainant left with the stove and remained there alone all the time; we remained on the sidewalk. It was not a very cold day; it was comfortable for us to remain outside. When he returned both Dandelion and myself were there. I put one of the chimneys on the lamp in the show window. The complainant's brother in law is 16 years of age. Had no money in my possession the time I left him. I played cards with him for money on Sunday night and I got 25 cents from my sisters. That Sunday night a few more young gentlemen and Mr. Goodman and his wife sat down and played casino for two cents a game. I won 50 cents that night. Ferdinand Frey, John Morgan, Charles Dandelion, Mr. and Mrs. Goodman and

myself were there. I did not stay at my sister's when I went across town that Monday evening all night. I got two dollars off my mother, I was to go home to live again. The next day I was going to tell the complainant that I was going to live with my mother. Charles Dandelion, sworn and examined. I was arrested ten years ago for playing ball in the street, I live at 103 Eldridge st with my parents. I did not take out of the complainant's bureau any money or rings. I did not take his overcoat and I dont know anybody that did. I have known the complainant two weeks. I worked in a wholesale shoe manufacturing Co. I was not discharged, but I was away from work because they were taking stock. I have been working there steadily two years and a half. Cross Examined. I have been ten days in Goodman's place in succession. I had been out of work probably five weeks. Ferdinand Frey asked me if I would take a walk over to Sullivan street and I said, "no." This was two weeks before the stealing. I met Ferdinand after that and asked him if Ike was over there? He said, "yes." I said, "Perhaps the man wont like me to go down there." He says, "you can wait outside and we will both go over together." I stayed outside for five or ten minutes and this brother-in-law of Goodman's came out. He says,

Charlie, come on in; what do you want to stay out there for? I went in, took a chair and sat right by the fire. I went there after that about seven days. I went over there to pass the time away and to play a game of cards. Mr. Goodman's brother-in-law was always there. I did not get meals there. I went there on the day it is charged this property was stolen with Ferdinand Frey at 11½. I stayed there from 11½ until 5 o'clock. Every day I went there I stayed five or six hours. There was two Italian men came in and they purchased a stove. They did not want to leave a deposit on the stove until the stove was taken over to Worth St. He objected. He did not take the stove away from the room until he was paid down. He says to Brian "Will you take this stove over and I will pay you when you get over there and put it up?" Goodman said, "No, I want my money down before I take it over." The man hauled out two trade dollars and he gave this man Goodman two dollars. He said, "Take the stove over, come with me, and I will give you the other 50 cents." He said, "Ike, will you take it over?" I said, "No, supposing the man does not give me the 50 cents, you will have a growl with me." He said, "I will go over myself." He took the stove and

put it on the sidewalk, put it on the handcart, and just as he had the stove in his handcart Mr. Praeger walked out of the door and I followed him. Ever since that time we stood on the sidewalk; we never went in once; we leaned on the bedsteads and we were talking about different things. During all that time no one came into the Store. They went off with Mr. Goodman's brother-in-law that day selling toys; I cannot exactly say when they went; they started off between 9 and 10 o'clock in the morning from the store in Sullivan St. I worked for ~~Woodmansey and~~ Woodman & Garright at 131 and 133 Duane St; Frey is not here. Morris Auerbach, sworn and examined. I am a cigar maker at 284 Tenth avenue about four months, and before that at 1509 Third avenue. I know Praeger about two years and a half. His character for honesty is good. He worked for me about four months ago.

Samuel Benson, sworn and examined, testified I am a salesman at 384 Bowery. I am a brother-in-law of Praeger. I have known him eight years I never heard of him being arrested before this. His reputation for honesty is good. He worked at a hotel in Rockaway beach and he was trusted with the hotel when the proprietor went away — had care of the money; the proprietor himself would appear — I am his brother-in-law

Celia Levison, sworn and examined, testified.
I am the sister of Isaac Raeger. I got a letter I believe it was Tuesday morning and he wrote that he was arrested on suspicion. I gave him 25 cents on the Saturday before his arrest. I saw him on Monday night at mother's house. I saw him give two dollars to my mother. Cross Examined I live in the same room with my mother. My sister, who keeps a fancy store in Grand street, gave it to him; he told us she gave it to him. It was about seven or eight oclock in the evening that he gave mother the two dollars; he got the two dollars on Monday at four or five oclock. She gave him the money because she did not like to see him out this house, she was afraid that he would get into bad company; she told him to give his money to her and to tell his mother that he had been working that week – and that was all the errand; it was her idea that he should go and live with his mother. My sister told me that Ike had been there and that she gave him two dollars and told him to go home to his mother and not live away; she told him that same day, and I got home before he did. I saw my sister at her house No 590 Grand St. near Mangin St. I was there about 6 or 6 1/2 oclock, I could not exactly tell, I had been out that afternoon. He gave my mother the two dollars and said, "I am coming home to live with you."

Danelian and my brother were together; they said they were going to the theatre. When next did you see your brother after they left you to go to the theatre? He said he knocked at our door at about 11 o'clock, but I did not think it was him and we did not open the door. I thought he had gone to Goodman's from the theatre; he came to our house between five and six in the morning; he said he was knocking at the door and he could not knock any longer; he went and stayed at some hotel that night. I am sure he did not sleep at mother's house that night. I don't know whether Danelian returned with him or not. I did not go out to open the door. My brother had breakfast at our house; he laid on the lounge for a while and got up about 8 o'clock. Josephine Danelian, sworn and examined. I live at 103 Eldridge St. for two years and before that at 24 Orchard St. for nine years; the prisoner Danelian lived with me all that time; he was never arrested before. Joseph H. Hannan testified that he was of the firm of Hannan and Reddish and knew Danelian about six years; he worked for them two years and was upright. Sarah Benson, sister of Yager, testified that she visited Goodman the day after brother's arrest and that he (Goodman) offered to settle by taking $35 from each of the prisoners. I told him I did not think my brother was

guilty, but that I would give almost anything to get him home. He said he would only have to speak to the Judge and would get him out in a week. Henry Ehrig testified that he was a shoe maker and worked for Woodman C. Garsight and that the prisoner worked there two years and a half; he could not say anything wrong against him.
The jury rendered a verdict of guilty.

0253

Testimony in the Case of
Charles Lanahan and
Isaac Rieger
filed Jan. 4.

State of New York
City & County of New York } ss.

John J. Luttmann being duly sworn deposes and says that he resides at No. 123 East 84th Street in the City of New York, and is a shoe manufacturer having his factory and place of business at Nos 96, 98, 100 and 102 Read Street in the City of New York at which place his business was at the times hereinafter mentioned and for some time previous thereto.

That on the 9th day of June 1888 Charles Dandenlein then an employe of his, as deponent is informed and believes stole from his premises in Reade Street above named Fifty one pairs of ladies' fine shoes and carried the same away and delivered the same to one Leopold Kurtz - that the said shoes were worth and were of the reasonable value of

One Hundred and Seventy two Dollars ($172 00)

Deponent further says that his information as to the theft of the shoes ~~is derived from~~ by the said Dandelein is derived from one Stephen Blanchard an Express man, and William J. ~~Cummings~~ Cummings who aided said Dandelein in the delivery of a chest case containing merchandise to said Leopold Hurtz, and in from binding the Fifty-one pairs of shoes in said Hurtz possession, which said shoes had upon all of them deponents private trade mark, and which said shoes were taken from said Hurtz by detectives Hardy and Fogarty of the Municipal Police Department and from said Hurtz statements as to how he came into the possession of the said shoes - which shoes deponent now has in his possession as ~~proof~~ evidence with other facts of the the theft committed by the said Dandelein

John J Lattemann

Sworn to before me this 12th day of April 1893

Jonathan Marshall
Notary Public
of N. Y. Co.

In the Matter of
John J. Lettemann
against
Charles Dandelein
Charged with
Grand larceny

Affidavit of
John J. Lettemann

Jonathan Marshall
Atty for Complt
247 Broadway

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Charles Dandelion

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

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

The said Charles Dandelion

late of the Tenth Ward of the City of New York, in the County of New York aforesaid, on the Eighteenth day of March in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, with force and arms, in the day time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Rudolph Baer

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 Rudolph Baer in the said dwelling house 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

Charles Dandelion

of the CRIME OF Grand LARCENY in the second degree, committed as follows: The said Charles Dandelion

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 day time of said day, with force and arms,

divers articles of clothing of a number and description to the Grand Jury aforesaid unknown, of the value of two hundred dollars, one ring of the value of ten dollars, one bed-spread of the value of five dollars and the sum of seventy-five dollars in money, lawful money of the United States and of the value of seventy-five dollars

of the goods, chattels, and personal property of one Rudolph Baer

in the dwelling house of the said Rudolph Baer

there situate, then and there being found, from the dwelling house 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

Charles Dandelion

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

The said Charles Dandelion

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, divers articles of clothing, of a number and description to the Grand Jury aforesaid unknown, of the value of two hundred dollars, one ring of the value of ten dollars, one bed-spread of the value of five dollars and the sum of seventy-five dollars in money lawful money of the United States and of the value of seventy-five dollars

of the goods, chattels and personal property of Rudolph Baer

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

unlawfully and unjustly, did feloniously receive and have ; (the said

Charles Dandelion

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.

JOHN R. FELLOWS,
District Attorney.

0260

BOX:
391
FOLDER:
3642
DESCRIPTION:
Davis, Amasa W.
DATE:
04/14/90

3642

Witnesses;

Officer Lyman
Hannah Eisenman

Counsel,

Filed 14 day of April 1890

Pleads, Not guilty

THE PEOPLE

vs.

Amasa W. Davis

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. C. Berry
Foreman.

Part 2 April 21/90
Pleads Guilty
2 yrs. 6 mos. S.P.

POOR QUALITY ORIGINAL

Police Court, First District.

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

Henry E. Stocking

of No. 100 East 23' Street, in said City, being duly sworn, deposes and says, that a certain female child called Hannah Eisemann [now present], under the age of sixteen years, to wit, of the age of 15 years, is a necessary and material witness on behalf of the People of the State of New York in a certain criminal case now pending in the Court of General Sessions of, in and for the City and County of New York, entitled, The People against Amasa Wains, wherein the said Wains is charged with the crime of abduction, under Section 282 of the Penal Code of said State, in that he, the said Amasa Wains did on the fifth day of April 1890 take the said Hannah Eisemann to number 17 Bleecker Street in said City for the purpose ~~of~~ sexual intercourse, not being her husband

and that the said Hannah Eisemann will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his testimony at the instance of the people.

Wherefore, deponent prays that the said child Hannah Eisemann may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed temporarily to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the City or County authorities, as a witness, to appear on the trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided, and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 6d *day of* April 1890 } Henry E. Stocking

D McSweathow

Police Justice.

POLICE COURT First DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry E. Stocking

vs

Hannah Eisenman

AFFIDAVIT.
WITNESS.

Dated April 6 1890.

D. E. McMahon Magistrate.

H. E. Stocking Officer.

Disposition, Com. to N.Y. Soc'y for Prevention of Cruelty to Children

STYLES & CASH, STEAM PRINTERS, 77 EIGHTH AVENUE, NEW YORK.

First District Police Court.

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

Henry E. Stocking

of Number 100 East 23rd Street being duly sworn, deposes and says, that he is a reporter for the City Press on the 4th day of April 18 90 at the City of New York, in the County of New York, at Number 17 Bleecker Street, in said city of New York, one Amasa Davis did unlawfully take a certain female named Hannah Eisenman. said female then and there being under the age of sixteen years, to wit: of the age of fifteen years, with the intent and for the purpose of sexual intercourse, with being her husband in violation of section 282 of the Penal Code of the State of New York.

Deponent further says that on the above date the said Hannah Eisenman in company with the said Amasa Davis left her home in West Haverstraw in the State of New York, and came to the city of New York for the purpose of visiting the Museums, as suggested by the said Amasa Davis.

Wherefore the complainant prays that the said

Amasa Davis

may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 6th *day of* April 18 90

Henry E. Stocking

W. McMahon

Police Justice.

CITY AND COUNTY
OF NEW YORK, } ss.

Hannah Eisenmann

aged 15 years, occupation workin' calico mill ~~of No.~~
and living in Haverstraw ~~Street,~~ being duly sworn deposes and
says, that she has heard read the foregoing affidavit of Henry E. Stickney
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 6
day of April 1889. } Hannah Eisenman

A M Brahe
Police Justice.

Sec. 198—200.

/ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Amasa Davis 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. Amasa Davis

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. New York City

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

Answer. Haverstraw New York; 7 years

Question. What is your business or profession?

Answer. Boatman

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

Answer. I have nothing to say
Amasa W Davis

Taken before me this 6 *day of* April 1880

W. H. Morrison

Police Justice.

0267

BAILED,

No. 1, by ..... Street.

Residence .....

No. 2, by ..... Street.

Residence .....

No. 3, by ..... Street.

Residence .....

No. 4, by ..... Street

Residence .....

ch 92

Police Court--- Fourth District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Mary B. Stockmann

vs.

Thomas Adams

2 .....

3 .....

4 .....

Offence, Assault

Dated October 1 188 9

W. M. Smith Magistrate.

Samuel Brown Officer

Witness Fred Fitzpatrick

No. Carlton Place Street.

Hannah Engelhardt

No. 100 Canal 23 Street.

No. ..... Street.

$ 500 to answer

See Report of N. Y. S. P. C. C. for information about defendant filed with these papers. If lost, notify the Society at once.

RECEIVED APR 1890 DISTRICT ATTORNEY'S OFFICE

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 ..... 188 W. M. Smith *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... 188 ..... *Police Justice.*

0268

The New York Society for the
Prevention of Cruelty to Children

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, April 8th 1890.

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

The People
against
Amasa Davis

} Notice of Prosecution.

To the District Attorney of the
City and County of New York,

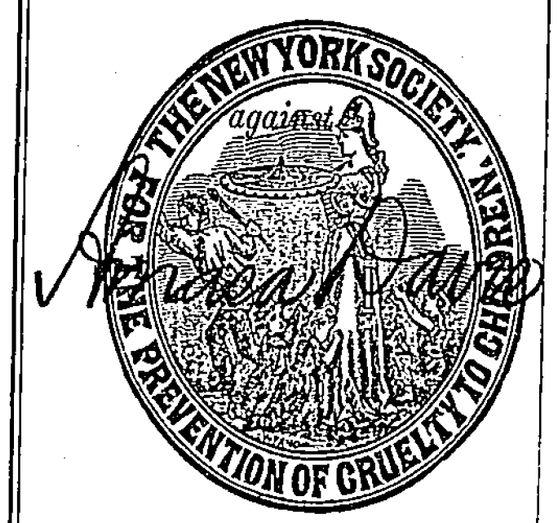
Sir: This Society is interested in the prosecution of the above defendant, and is familiar with the facts of the case. It respectfully requests that before sending the papers to the Grand Jury, fixing the day of trial, consenting to any postponement thereof, or to any reduction of bail, or final disposition of the charge, you will duly notify me as its President and Counsel, so that I may confer with you in regard thereto. This request is made pursuant to the statute (Laws of 1886, Chapter 30, Section 1), and in furtherance of the ends of Justice.

I have the honor to remain, with great respect,

Elbridge T. Gerry,
President, &c.

N. Y. GENERAL SESSIONS

THE PEOPLE



CRUELTY TO CHILDREN.

NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

COURT OF GENERAL SESSIONS OF THE PEACE,

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

The People etc. v. Amasa Davis.	BRIEF FOR THE PEOPLE.

STATEMENT OF THE CASE.

The defendant is charged with the crime of abduction, in trying to induce one Hannah Eisemann aged 15 years to enter a certain house of assignation at 17 Bleecker Street, on the evening of the 5th inst.

Hannah Eisemann aged 15 years says she resides in West Haverstraw New York , with widowed mother Johanna. That on or about the 26th day of March 1890, she became acquainted with the defendant while visiting her aunt in Haverstraw. That he suggested a visit to New York City to see the museums on the Bowery, so on the 5th inst., she having consented to accompany him, they arrived in this City at or about 1.30 P. M. After visiting one museum and a Bowery gallery defendant took her to a house and asked her to come in. She asked him what kind of a house it was, he said it was one where people go to have a good time. If she would go in they would go to bed and have some fun. She still declined to go in with him, and he suggested they go in for a little while, then he would put her on board of a train for home and he would remain in the City over night. The police officer then came up and arrested them.

On the way to Society's office , Hannah identified No. 17 Bleecker St., as the house into which the defendant had tried to induce her to go.

Mrs. Johanna Eisemann of West Haverstraw N. Y. will testify that the girl Hannah is her daughter and that she was born on August 9th 1875.

Detective Lyman of Police Head Quarters, will testify that on the day in question he saw the defendant and girl Hannah about 6 P. M. walking along Bleecker St., from the Bowery. The defendent had hold of girl's hand. When they got to 17 Bleecker St., the defendant started to go up the stoop, with Hannah, but she pulled back. They then went to the stoop of No. 13 same Street, where they remained a minute or two, then went up the Bowery as far as Bond St., and then returned to No. 17 Bleecker St.

Lyman then asked the defendant for an explanation of his actions, which not being forthcoming, arrested both and took them to Police Head Quarters. Knows Nos. 13 & 17 Bleecker St. to be houses of assignation.

Assistant Supt. Stocking of Society was with girl when she identified premises No. 17 Bleecker St., and also saw the defendant in prison, and said to him "you have got yourself in a bad box." The defendant replied," I know I have, but I can stand it . If I had had a little more time I would have finished it."

Knows Nos. 13 & 17 Bleecker St. to be houses of assignation.

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

Amasa Davis,

Abduction

PENAL CODE, § 282.

BRIEF FOR THE PEOPLE.

0273

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Amasa W. Davis

The Grand Jury of the City and County of New York, by this indictment, accuse Amasa W. Davis of the CRIME OF ABDUCTION, committed as follows:

The said Amasa W. Davis, late of the City of New York, in the County of New York aforesaid, on the fifth day of April, in the year of our Lord one thousand eight hundred and ~~eighty~~-nine, at the City and County aforesaid, did feloniously take, receive, harbor, employ and use one Hannah Eisenman, who was then and there a female under the age of sixteen years, to wit: of the age of fifteen years, for the purpose of sexual intercourse, he, the said Amasa W. Davis, not being then and there the husband of the said Hannah Eisenman, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0274

BOX:
391
FOLDER:
3642
DESCRIPTION:
Davis, Henry L.
DATE:
04/22/90

3642

0275

BOX:
391
FOLDER:
3642
DESCRIPTION:
Richardson, George
DATE:
04/22/90

3642

0276

BOX:
391
FOLDER:
3642
DESCRIPTION:
King, William
DATE:
04/22/90

3642

190.
193.
194.

Witnesses:

R W G Welling

M B Wright

Chas Levy

Counsel,

Filed, 22 day of April 1890

Pleads, Not guilty - with leave to withdraw by April 26

THE PEOPLE

all Not guilty plea by Def. vs. 4 of it

Henry L. Davis, B

George Richardson B

and William King B

(2 cases)

POOL SELLING, Etc.

[Section 351, Penal Code.]

~~RANDOLPH B. MARTINE,~~

District Attorney.

Part I

Demurrer filed April 25 1890. To be heard April 30th Part I

A True Bill.

April 30. Argument on demurrer adj'd to May 5 Part I

W. J. C. Berry

July 1/91 Foreman.

Not guilty on 4th Count

Each fined $100

RBM

POOR QUALITY ORIGINAL

City County and State of New York; ss

Richard W. G. Welling being duly sworn deposes and says: That he resides at Number sixty two East Twenty fourth street in the City County and State of New York. That he doth upon information and belief, hereby charge one John Doe, whose real name is unknown to deponent, with violating the Penal Code of this State, and with violating the provisions of Chapter four hundred and seventy nine of the laws of eighteen hundred and eighty seven, in that the said John Doe did unlawfully and feloniously at the premises at the house or building Number sixty nine West street in the City, County and State of New York on the third day of April eighteen hundred and ninety, engage in pool selling, and was engaged and occupied as a clerk or employee in the said premises and being the person who was engaged in writing the names of horses running in the race on which such pool was sold on the blackboard kept in said premises and giving the particulars of such race and exposing the odds offered in such pool. wherefore this complainant prays that said John Doe may be apprehended and bound to answer the complaint.

Sworn and subscribed before me this fourteenth day of April 1890

Charles N. Tainter
Police Justice

R W G Welling

City, County and State of New York, ss;

MARK B. TOBIN being duly sworn, deposes and says ; that he resides at No. 86 Wierfield Street, in the city of Brooklyn, New York. That on the third day of April, eighteen hundred and ninety, he attended at the Guttemburg race track in the State of New Jersey and that at the said races the horse called, known and advertised as Wahoo and advertised to be ridden by the jockey Barton ram and came in third in said race. M B, Tobin,

Sworn and subscribed before me this 12th day of April 1890.

Charles H. Jarvis
Police Justice

69 Dewey st

Mark B Dobin

Wahoo

0820

69 New

City, County and State of New York, ss:

CHARLES W. LEVY being duly sworn deposes and says: That he resides at Number 1691 Park Avenue, in the City, County and State of New York. That on the third day of April, in the year eighteen hundred and ninety, in the City and County of New York, one John Doe, whose real name is unknown to deponent did unlawfully and feloniously at the premises in the house or building number 69 New Street, in the said City and County of New York, engage in making a bet or wager and selling a ticket in a pool upon the result of a trial or contest of speed between certain horses, the said trial or contest to take place at a race track known as ~~Clifton or~~ Guttenburg in the State of New Jersey, which said bet or wager and the sale of which pool was made in violation of the provisions of chapter four hundred and seventy-nine of the laws of eighteen hundred and eighty-seven, an act entitled, "An Act prescribing the period in each year during which and the terms under which racing may take place upon the grounds of associations incorporated for the improving of the breed of horses and suspending the operation of certain sections of the Penal Code, " and in violation of the Penal Code. That at the said place and on the said day this deponent bought a ticket in a pool betting and wagering upon a certain horse known and advertised as Wahoo, paying the sum of two dollars for such ticket, and that the said John Doe did engage in pool selling at the said premises at the time deponent

purchased such ticket the said John Doe being engaged and occupied as a clerk or employe in the said premises and being the person who was engaged in writing the names of horses running in the race on which such pool was sold on the blackboard kept and exposed in said premises and giving the particulars of such race and exposing the odds offered in such pool.

Sworn and subscribed before me this 12th day of April 1890.

Charles N. Daniels
Police Justice

Chas W. Levy

69 Pen

Chas W Levy

"Wahoo"

Blackburn & Mill

6 q New
Complaint
Reply

~~HGarrett~~
John

Wm Kirkland 11 24

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Henry L Davis 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. Henry L Davis

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. U-S.

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

Answer. 408 — 4th avenue 2 years

Question. What is your business or profession?

Answer. Clerk

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

Henry L Davis

Taken before me this 14 *day of* April 1880

Charles Matsuntz *Police Justice.*

POLICE COURT, 3 DISTRICT.

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

Charles W. Levy

of No. 1691 Park Avenue Street, being duly sworn, deposes and says, that Henry L. Davis (now present) is the person of that name mentioned in deponent's affidavit of the 12 day of April 1880 hereunto annexed. as John Doe

Sworn to before me, this 14 day of April 1880 }

Chas W. Levy

Charles W. Levy POLICE JUSTICE.

0287

69 Nassau Street

Sec. 151.

Police Court 3d **District.**

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

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 Richard W. L. Welling of No. Sixty two East Thirty fourth Street, that on the third day of April 1890 at the City of New York, in the County of New York, one John Doe, whose real name is unknown to complainant, violated the Penal Code of the State of New York and violated the provisions of chapter four hundred and seventy nine of the laws of eighteen hundred and eighty seven, in that the said John Doe did unlawfully and feloniously at the premises at the house of building number Sixty Nine New street in the City County and State of New York, engage in pool selling and was engaged and employed as a clerk or employee in the said premises and being the person who was engaged in selling the tickets and receiving the money for the pools on horses running in the race on which such pools was sold.

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 each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 3d 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 fourteenth *day of* April 1890

Charles N. Tainter POLICE JUSTICE.

0288

POLICE COURT ..... DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard W. Welling

vs.

John Doe

Warrant—General.

Dated April 14 1880

.....*Magistrate.*

.....*Officer.*

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

.....*Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

.....*Police Justice.*

The within named

Richard
57
14 - NC

.....

Official Sheriff

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

Is Hereby Deputized to execute the within writ.

Mark B. Johnson
Deputy Sheriff

188

.....*Police Justice.*

0289

No 190 3 582

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Richard H. Kelling
vs.
Henry L. Davis
2.
3.
4.

Offence Pool Selling

BAILED,
No. 1, by Henry Campbell
Residence 47 Vesey Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

Dated April 14 1890
Charles N. Tainter Magistrate.
ALB Fabini Sheriff's Deputy Officer.

Precinct.

Witnesses
No. Street.
No. Street.

No. Street.
No. Street.
$ 700 to answer
Bailed S.
Bailed
Bailed

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* Seven *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 April *1890* Charles N. Tainter *Police Justice.*

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

Dated April 14 *1890* Charles N. Tainter *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

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

Third District Police Court.

of No. 66 Exchange Place James M Head

Street,

being duly sworn, deposes and says,

that on the 11th day of April 1890

at the City of New York, in the County of New York,

George Richardson (Member) did feloniously at the premises No 69 New Street in said City engage in making bet & wager in a Pool Room the result of Races between Horses to take place at Clifton New Jersey which said bet or wager and the sale of a Pool ticket was made in violation of Chapter 479 of the Laws of 1887 and in violation of the Penal Code.

That ~~defendant~~ at the time ~~purchased~~ ~~a pool~~ one Mark B. Robin purchased a pool ticket from one person in said premises, and within an inclosure at said premises, and at the time said ticket was purchased said defendant Richardson was sitting at a Table and was writing on a sheet while some person was calling the bet made by said Robin.

Sworn to before me this 14 day of April 1890

James Head

Charles N Lennon
Police Justice

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George Richardson 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. George Richardson

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Newport

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

Answer. 742 6th Avenue 3 months

Question. What is your business or profession?

Answer. Bookkeeper

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

George Richardson

Taken before me this 1st *day of* April 1880

Charles A. Flanigan

Police Justice.

0292

Sec. 151.

Police Court 3 **District.**

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

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 Richard W. & Welling

of No. sixty two East Thirty fourth Street, that on the third day of April

1890 at the City of New York, in the County of New York, one John Doe, whose real name is unknown to complainant, violated the Penal Code of this state, and violated the provisions of chapter four hundred and seventy nine of the laws of eighteen hundred and eighty seven, in that the said John Doe did unlawfully and feloniously at the premises at the house or building number sixty nine West street in the city county and state of Newyork, engage in pool selling and was engaged and occupied as a clerk or employee in the said premises and being the person who was engaged in recording the bets or wagers made and the names of the horses running on the race on which such pool was sold and in the shell or pool or memorandum slips and used in said premises and giving the particulars of such race and the odds offered on such pool.

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 each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 3 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 fourteenth *day of* April 1890

Charles N. Tomlin POLICE JUSTICE.

The within named

.....

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

Dated 188

.....Police Justice.

POLICE COURT ..... DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard D. Wallinf

vs.

John Doe

Warrant—General.

Dated April 14 1880

.....Magistrate.

.....Officer.

The Defendant.....

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

.....Officer.

Dated.....188

This Warrant may be executed on Sunday or at night.

.....Police Justice.

Is Hereby Deputized to Execute the Within Warrant

Wm. B. Mills

Eb20

0294

Ab 1194 GPC

Police Court--- 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 [illegible]

2

3

4

Offence Selling pool tickets

Dated April 14 1890

[illegible] Magistrate.

Officer.

Precinct.

BAILED,

No. 1, by [illegible] Campbell

Residence 49 Varick Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Witnesses

No. Street.

No. Street.

No. Street.

RECEIVED APR 15 1890 DISTRICT ATTORNEY'S OFFICE

$ 700 to answer. [illegible]

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 [illegible]

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 April 14 1890 ..... *Police Justice.*

I have admitted the above-named [illegible]

to bail to answer by the undertaking hereto annexed.

Dated April 14 1890 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

Court of General Sessions of the Peace.

The People, etc.,

-vs.-

Henry L. Davis, George Richardson;
and William King

Now, on this [illegible] day of April, 1[illegible], in this Court, [illegible] Henry L. Davis, George Richardson and William King [illegible] upon the said information, say that they [illegible] guilty thereto, and for a plea to each of said demurrer say—

- F I R S T -

That the [illegible] demurrer [illegible].

- S E C O N D -

That more than one crime is charged in [illegible] contrary to the [illegible] of Section [illegible] of the Code of Criminal Procedure.

[illegible] that they may be discharged [illegible] from the said information.

Dated April [illegible], 1[illegible].

[illegible] I,
Of Counsel for said Defendants.

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

.....being duly sworn, says that he resides at No.....Street, in the City of New York; that he is.....years of age; that on the.....day of.....1890, at Number.....in the City of New York, he served the within.....on the.....by leaving a copy thereof with.....

.....

.....

.....

Sworn to before me this
day of 1890. }

.....

M. T. General Sessions

The People &c.

Plaintiff,

against

Henry L. Davis –
George Richardson &
William King *Defendants*

Demurrer.

filed Apr. 25/90

HOWE & HUMMEL,
Attorneys for Defendants.
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within hereby admitted this day of 1890.

Attorney.

To.....

.....

Court of General Sessions of the Peace.

- x

The People, etc.,

-vs.-

William King

- x

N o w, on this 8th day of April, 1880, in this Court comes the said **William King**, and being arraigned upon the said indictment, says that he demurs thereto, and that the grounds of said demurrer are-

- F i r s t -

That the facts stated do not constitute a crime;

- S e c o n d l y -

That more than one crime is charged in the indictment within the meaning of Section 276 of the Code of Criminal Procedure.

W H E R E F O R E defendant demands judgment that he may be discharged and acquitted from the said indictment.

Dated April 8th, 1880.

H O W E & H U P P E L

Of Counsel for the said Defendant.

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

.....being duly sworn, says that he resides at No.....Street, in the City of New York; that he is.....years of age; that on the.....day of.....in the City of New York, he served the within ..... on ..... the..... by leaving a copy thereof with.....

.....

.....

.....

.....

Sworn to before me this
day of 1890.

In. Ny. General Sessions

The People &c
Plaintiff,

against

William King.
Defendant.

Demurrer

Filed April 25/90

HOWE & HUMMEL,
Attorneys for Defendant.
87 & 89 CENTRE ST., New York City.

Due and timely service of copy of the within hereby admitted this day of 1890.

Attorney.

To.....

.....

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

Third District Police Court.

Mark B. Tobin,

of No. 86 Wierfield,
Street, Brooklyn, N. Y.

being duly sworn, deposes and says,

that on the Eleventh day of April 1890

at the City of New York, in the County of New York, a man now present in Court, who gives his name as William King did feloniously at the premises known as No 69 New Street in said City and County engage in making a bet or wager and selling a ticket in a pool upon the result of a race between horses to take place at Clifton New Jersey, which said bet or wager and the sale of which pool was made in violation of the provisions of Chapter 479, of the laws of 1887 and also in violation of the Penal Code.

That at the said time and place the deponent bought a ticket in a pool, betting and wagering upon a certain horse known and advertised as Silver, paying the sum of $2. for such ticket, and also a certain other ticket in a pool, betting and wagering upon a certain horse known and advertised as Sir William, paying the sum of $2. for such ticket; and that the said man now giving his name as William King did engage in pool selling at the said premises at the said time; and that the deponent bought the said tickets of the said man now giving his name as William King at the said time and place.

Subscribed and sworn to before me this 14th day of April 1890

Mark B. Tobin

Charles N Langton
Police Justice

0300

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

William King 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. William King

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Newport C

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

Answer. 216 East 20 Street 12 years

Question. What is your business or profession?

Answer. Clerk

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

William King

Taken before me this 1 day of April 1880

Marlee Wiltamter

Police Justice.

0301

Sec. 151.

Police Court 3d **District.**

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

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 Richard W. E. Welling of No. Fifty two East Thirty fourth Street, that on the third day of April 1880 at the City of New York, in the County of New York, one John Doe, whose real name is unknown to complainant, violated the Penal Code of this State, and violated the provisions of chapter four hundred and seventy nine of the laws of eighteen hundred and eighty seven, in that the said John Doe, did unlawfully and feloniously at the premises at the house or building number forty nine Newstreet in the City County and State of New York, engage in pool selling, and was engaged and recognized as a clerk or employee in the said premises and being the person who was engaged in writing the names of horses running in the race on which such pool was sold on the blackboard left in said premises and giving the particulars of such race and exposing the odds offered in such pool.

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 each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 3d 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 fourteenth *day of* April 1880

Charles N. Tainter POLICE JUSTICE.

Black Board

POLICE COURT No. DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard W. G. Welling

vs.

John Doe

Warrant—General.

Dated April 15 1890

Magistrate.

Officer.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at night.

Police Justice.

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

Police Justice.

The within named

0303

Apr 1893

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Maud B. Fisher
vs.
1 Officer Kane
2
3
4

Offence, Selling Porn

BAILED,
No. 1, by Anthony Comstock
Residence 17 Vesey Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

Dated April 14 1890
Charles N. Lexington Magistrate.
Officer.
Precinct.
Witnesses
No. Street.
No. Street.
No. Street.
No. Street.
$ to answer

RECEIVED DIST. ATTORNEY'S OFFICE APR 16 1890

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 Seven *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 April 14 *18*90 Charles N. Lexington *Police Justice.*

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

Dated April 14 *18*90 Charles N. Lexington *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned. I order h to be discharged.*

Dated ..... *18* ..... *Police Justice.*

0304

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Henry D. Davis, George Richardson and William King

The Grand Jury of the City and County of New York, by this indictment, accuse Henry D. Davis, George Richardson and William King of a Misdemeanor, committed as follows:

The said Henry D. Davis, George Richardson and William King, all late of the First Ward of the City of New York, in the County of New York aforesaid, on the Seventh day of August, in the year of our Lord one thousand eight hundred and ~~eighty-~~ ninety, at the Ward, City and County aforesaid, did unlawfully keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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 Henry D. Davis, George Richardson and William King of a Misdemeanor, committed as follows

The said Henry D. Davis, George Richardson and William King, all

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, being then and there the occupants of certain room in a certain building there situate, with force and arms did unlawfully and knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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 Henry S. Davis, George Richardson and William Hunt of a Misdemeanor, committed as follows:

The said Henry S. Davis, George Richardson and William Hunt, all 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, being then and there the occupants of a certain room in a certain building there situate, with force and arms, did unlawfully therein keep, exhibit and employ divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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.

~~Court of General Sessions of the Peace~~

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

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

~~against~~

Fourth Count.—

The Grand Jury ~~of the City and County of New York,~~ by this indictment, ~~accuse~~ further accuse the said Henry G. Davis, George Richardson and William King of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said Henry G. Davis, George Richardson and William King, on

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Seventh day of August in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one Frederick T. Fahey

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "Sir William" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at Elizabeth in the County of Essex in the State of New Jersey and commonly called the Elizabeth Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

0307

Second Count.—And the Grand Jury aforesaid, by this indictment, further accuse the said Henry S. Davis, George Richardson and William Kurtz

of the CRIME OF POOL SELLING, committed as follows:

The said Henry S. Davis, George Richardson and William Kurtz, all

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, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one Charles S. Sohn and to divers other persons, to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called "Sir William" and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at Clifton in the County of Passaic in the State of New Jersey and commonly called the Clifton Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Williams
~~RANDOLPH B. MARTINE,~~

District Attorney.

0300

BOX:
391
FOLDER:
3642
DESCRIPTION:
Davis, Joseph
DATE:
04/25/90

3642

0309

BOX:
391
FOLDER:
3642
DESCRIPTION:
Junkerman, Daniel
DATE:
04/25/90

3642

Witnesses;

Daniel Junkerman
Officer Wade
Denis O'Gatchel

216
ordered bef. J. J. Moss

No 216

Moss a

Counsel,

Filed 25 day of April 1890

Pleads, Not guilty

THE PEOPLE

vs.

Joseph Davis P
and
Daniel Junkerman P
~~W. Pl.~~

Burglary in the Third degree.
and Grand larceny
Second degree
[Section 498, Co. 6, Sec. 527 P. C.]

JOHN R. FELLOWS,

District Attorney.

No - Cond by Crt
Apl 28/90

April 30 - 1890

A True Bill.

W. J. Berry

Part 2 - April 30/90.

Foreman.

No. 1 Tried and Acquitted
No. 2 Discharged by Court. on his own recognizance

0311

Police Court— 4 District.

City and County of New York, } ss.:

Denis O'Gatchell

of No. [illegible] Sixth Avenue Street, aged [illegible] years, occupation Umbrella Manufacturer being duly sworn deposes and says, that the premises No. 1[illegible] East 23 Street, 18 Ward in the City and County aforesaid the said being a five story brick building and which was occupied by deponent as a business premises and in which there was at the time a human being, by ~~name~~

were BURGLARIOUSLY entered by means of forcibly breaking open the [illegible] window with a stone and entering therein with intent to commit a felony.

on the First day of April 188[illegible] in the [illegible] time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of umbrellas and walking sticks together of the value of Forty Eighty Dollars $40.00

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

Joseph Davis [illegible]

for the reasons following, to wit: That at about 7 Oclock P.M. of March 31st 1890 said premises No 1[illegible] East 23rd Street was securely locked and fastened. That deponent is informed by Daniel Jansen [illegible] Washington Lodging House No 153 East 20th Street. That he saw defendant break into said premises and take steal and carry away said property

D. O. Gatchell

CITY AND COUNTY OF NEW YORK, } ss.

Daniel Jensemann

aged 23 years, occupation Lathner of No. 153 Eldridge Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Denis O'Gatens and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 8 *day of* [illegible] 183 } Daniel Jensemann

[illegible]

Police Justice.

Sec. 198—200.

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Davis 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. Joseph Davis

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Ireland

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

Answer. No 1 3 60 East 29th Street

Question. What is your business or profession?

Answer. Painter

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 and make any of accusation against Joseph Davis

Taken before me this 6th *day of* May 1888

Police Justice.

03 14

No 216

Police Court 5th District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

[illegible]

224 6th Ave

[illegible]

2

3

4

Offence [illegible]

Dated [illegible] 18[illegible]

[illegible]

Magistrate.

[illegible]

Officer.

Precinct.

Witnesses [illegible]

No. [illegible] Street.

[illegible] Street.

No. [illegible] Street.

No. [illegible] Street.

$ [illegible]

RECEIVED APR 17 1899 POLICE OFFICE

No. 1, by ..... Street.

Residence ..... Street.

No. 2, by ..... Street.

Residence ..... Street.

No. 3, by ..... Street.

Residence ..... Street.

No. 4, by ..... Street.

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 [illegible]

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of [illegible] *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 [illegible] *18*[illegible] [illegible] *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... *18* ..... *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 ..... *18* ..... *Police Justice.*

0315

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

Charles L. Wade

of ~~No.~~ the 18th Precinct ~~Street,~~ aged ..... years,

occupation Police Officer being duly sworn deposes and says,

that ~~on the~~ ..... ~~day of~~ ..... ~~188~~

~~at the City of New York, in the County of New York,~~

David Jurkemann Complainant is an important material witness in the Burglary Complaint against one Joseph Davis herein attached. deponent believes that said Jurkemann will fail to appear at the trial of said Complaint and therefore asks that he be committed to the House of Detention as a witness

Charles L. Wade

Sworn to before me, this 14 day of May 188 5

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

Joseph Davis and Daniel Junkerman

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

Joseph Davis and Daniel Junkerman

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

The said Joseph Davis and Daniel Junkerman, both

late of the Eighteenth Ward of the City of New York, in the County of New York, aforesaid, on the first day of April in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the building of one

Denis O. Gatchell

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

Denis O. Gatchell

in the said building then and there being, then and there feloniously ond 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 Joseph Davis and Daniel Junkerman of the CRIME OF Grand LARCENY in the second degree, committed as follows:

The said Joseph Davis and Daniel Junkerman, 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 the said day, with force and arms, fifteen umbrellas of the value of two dollars each and ten walking sticks of the value of one dollar each

of the goods, chattels and personal property of one Denis O. Gatchell

in the building of the said Denis O. Gatchell

there situate, then and there being found, in the building 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.

John R. Stillows,
District Attorney.

03 18

BOX:
391
FOLDER:
3642
DESCRIPTION:
DeCarlo, George
DATE:
04/10/90

3642

Witnesses:

A. Briscoe

X No 40 Raely 249.

Counsel,

Filed 10 day of April 1890

Pleads, Not guilty

34 / 41 Anthony St

THE PEOPLE

vs.

George De Carlo

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

JOHN R. FELLOWS,

10th day of April *District Attorney.*

Part 3 – apl 16

A True Bill.

W. J. O'Berry *Foreman.*

Part 2 – april 28/90

Pleads assault 2nd degree

Sylv. T. McD. J.P.

april 25/90

POOR QUALITY ORIGINAL

6169

0321

Police Court— 1 District.

CITY AND COUNTY OF NEW YORK, } ss.

Arthur Briscoe

of No. No home Street,

Ship fireman being duly sworn, deposes and says, that

on Tuesday the 19 day of April

in the year 1890 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by George

De Carlo, (now here) who pointed and aimed a loaded revolving pistol at deponents body and discharged three cartridges from said revolver one of the leaden balls in said cartridges striking deponent upon the head. Said assault was committed

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 21 *day of* April 188 } Arthur Briscoe

W. M. Mathews POLICE JUSTICE.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George DeCarlo 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. George DeCarlo

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Italy

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

Answer. 41 Mulberry St. 4 months

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

George DeCarlo

Taken before me this 7 *day of* Sept. 188[illegible]

[illegible]

Police Justice.

0323

Affidavit - 4th
Larceny

Police Court 1 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Arthur Price
Name of Defendant
George Edwards

2
3
4

Offence Felonious Assault

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated April 2 1890

D. T. McMahon Magistrate.

Officer.

Precinct.

Complainant and Witness
Burns Commissioner of Police
the Nuisance of Gambling
Nuisance dynamite affidavit

RECEIVED APR 1890 POLICE COMMISSIONERS OFFICE

Brafton Williams Street.
No.
S. 1007 to answer 4 P. M.

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* Two *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he gives such bail.*

Dated April 2 *18*90 D. T. McMahon *Police Justice.*

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

Dated *18* *Police Justice.*

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

Dated *18* *Police Justice.*

0324

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

John Bullerty

of No. 4th Precinct Street, aged years,

occupation Officer being duly sworn deposes and says

that on the 1st day of April 1890

at the City of New York, in the County of New York Arthur Brecoe

and Mamie Drum, (both now here)

are necessary and material witnesses

for the People against George

Delarlo charged with felonious

assault. Said Brecoe is a

seafaring man and has no home

and Mamie is a prostitute and

has no home and deponent asks

that both of said witnesses be

sent to the House of Detention in

default of bail

John Bullerty

Sworn to before me, this 2 day

of April 1890

W. H. Mathews

Police Justice.

0325

Police Court—.....District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
.....
vs.
.....
.....

AFFIDAVIT.

Dated.....188

.....*Magistrate.*

.....*Officer.*

Witness,.....

.....

.....

.....

.....

.....

Disposition,.....

Com to House of Detention
in default of 100 bail

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George De Carlo

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

The said George De Carlo late of the City of New York, in the County of New York aforesaid, on the first day of April, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety with force and arms, at the City and County aforesaid, in and upon the body of one Arthur Briscoe in the peace of the said People then and there being, feloniously did make an assault and to, at and against him, the said Arthur Briscoe a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said George De Carlo in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent him, the said Arthur Briscoe 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 George De Carlo of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said George De Carlo 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 Arthur Briscoe in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Arthur Briscoe a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said George De Carlo 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 shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0327

BOX:
391
FOLDER:
3642
DESCRIPTION:
deKraft, William R.
DATE:
04/02/90

3642

Witnesses:

A S Mull

Pamington

The rule is well settled that whenever a statute charges a number of acts as constituting together or each separately, a crime the pleader may charge any two or more of them in the same count of the indictment and proof may be made of any one or more of them, and the indictment will then be satisfied. The acts here charged are of a cognate nature and appear to be parts of the same transaction - and are therefore not repugnant. That that is here charged - alleged to be two acts - is taken from the same section and same sentence of the statute - and charges in substance but one crime - a conviction upon proof of either one - if they be regarded as separate - would bar a prosecution upon the other.

Demurrer overruled.

RB.M.

May 2 1890

---

219 — 224

J. O'Neill

28 Park Row

Counsel,

Filed 2 day of April 1890

Pleads, 3 Not guilty

April 16 Plea of not guilty withdrawn and demurrer filed

THE PEOPLE

vs.

B

William R. de Kraft

Misdemeanor

Laws of 1887, § 67

52

1930

JOHN R. FELLOWS,

District Attorney.

Part 3 April 25th at 9½ at request

A TRUE BILL.

Foreman.

May 2 Demurrer disallowed

See Entertement

Fined 19/90

Stands Guilty

Fine $250.

Paid

RBM.

COURT OF GENERAL SESSIONS.

THE PEOPLE, vs. WILLIAM R. DeKRAFT.	MISDEMEANOR IN USING LETTERS M.D., WITHOUT AUTHORITY L.L. 1887 ch.647 §6.

MEMORANDUM FOR TRIAL.

I.

Defendant is charged with violation of the following provision of Ll.1887, ch. 647, §6.

"Any person who shall assume the title of doctor of medicine, or append the letters "M.D." to his or her name, without having received the degree of doctor of medicine from some school, college or board empowered by law to confer said degree or title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $250, or imprisonment for six months for the first offense" &c.

I I.

The facts of the case in brief are as follows:

On Sept. 14th, 1880 Defendant registered under ch. 513, Ll. 1880 in the office of the Clerk of N.Y.Co.,

making the usual affidavit in such cases in which he stated that by authority of a diploma granted in July 1868 by the Electro-Therapeutic Institute, of Philadelphia, Pa., he had been practicing medicine since that said month of July.

The said "Institute" was a fraudulent concern.

On July 2d, 1881 he was arraigned before Police Justice BANKSON T. MORGAN on the charge of practicing medicine without authority. On making an affidavit stating:

"I am engaged in the business of administering galvanism, electricity and magnetism, known to science as Electro-Therapeutics. I do not prescribe medicine, or operate in surgery and have never done so".

Justice MORGAN held that, within the meaning of the law, affiant was not practicing medicine and discharged him.

In the year 1889, defendant's brother HENRY De KRAFT brought an action against one HUDSON & al to recover $36,000 for medical services rendered to their decedent MILLER and in that action, this defendant testified that he was a physician (See memoranda for cross examination infra).

In his opinion the referee HOOPER C. VAN VORST, held that the diploma of the Electro Therapeutic Institute conferred neither the right to use the letters M. D. nor to administer electricity medically in this state.

The defendant being thus made fully aware that he could not use the letters M. D. or practice medicine

under his alleged diploma, continued his practice and the use of said letters; and he employed one, AUGUSTE MOREL to translate into French and Spanish certain quack advertising pamphlets, on the title page of which he uses the said letters. He discharged MOREL from his employ and refused to pay him for his work; whereupon MOREL furnished the evidence on which the present complaint is founded.

On Dec. 9th, 1889 one, LAWRENCE W. HUNT took up his residence in defendant's house for treatment. He was told by defendant that his malady was catarrh of the stomach, that he was not consumptive, that the western physicians had been mistaken in their diagnosis of his case and that DeKRAFT could cure him.

On Jan. 27, 1890 said HUNT died and defendant having no authority to make the death certificate required by the Board of Health procured one to be made by his nephew FREDK DeKRAFT, a licensed physician and member of the County Society, in which the cause of death was stated to be "pulmonary phthisis" of two years standing, a direct contradiction of defendant's diagnosis.

WITNESSES FOR THE PEOPLE:

D I R E C T.

I.

AUGUSTE MOREL, will testify that he was employed to translate defendant's pamphlets and will exhibit,

(1) Said Pamphlets.

(2) Envelopes addressed to him and bearing the

name WM. R. DeKRAFT, M. D.

I I.

The People can then rest and the burden of proving authority to use the letters, shifts to Defendant.

PEOPLE vs. NYCE 3 N.Y. Crim.R. 150
PEOPLE vs. FULDA 52 Hun. 65.

To do this he must prove that the institution conferring his alleged authority, if he pleads any, was incorporated with power to confer it.

HILL vs. BODDIE 2 Stew.& Port(Ala)56.
HUNTER vs. BLOUNT 27 Ga. 76.
MOISES vs. THORNTON 87 7. R. 303.
CHADWICK vs. BANNING 2 C. & P. 106.
ANDREWS vs. STYRAP 26 L. T. R. 704.

The document does not prove itself, even after incorporation is proved, but the seal must be proved and the affixing of it by proper authority.

Cases Cited Supra.

I I I.

If Defendant takes the stand he can be cross-examined:

(1) On the contradiction between his affidavits. (a) before the county clerk, (b) before the police magistrate.

(2) On his testimony in DeKRAFT vs.HUDSON & al

(3) On his diagnosis of HUNT'S case and its difference from the death certificate.

(4) On his pamphlets and MOREL'S testimony. Memoranda will be furnished for this.

I V.

WITNESSES FOR PEOPLE IN REBUTTAL:

F. S. LEE, a friend of HUNT to whom in DeKRAFTS presence HUNT told DeKRAFT'S diagnosis.

DR. SHAMP, formerly an assistant of DeKRAFT, who knows the defendant gives medicine and has purchased it under his directions.

JENNY MILLER, a former employee has had medicine.

ISAAC WEBSTER, also a former employee has had medicine.

****

COURT OF GENERAL SESSIONS.

****

T H E P E O P L E

vs.

WILLIAM R. DeKRAFT.

****

MEMORANDUM FOR TRIAL.

****

0335

Sec. 192.

/ District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Samuel F. McMahon a Police Justice of the City of New York, charging William R. De Kraft Defendant with the offence of Illegal Practice of Physic

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, William R. De Kraft Defendant of No. 30 West 31st Street; by occupation a Physician and William D. Drake of No. 416 2d Avenue Street, by occupation a None Surety, hereby jointly and severally undertake that the above named De Kraft Defendant shall personally appear before the said Justice, at the / District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this 18 *day of* June 1892

William R. De Kraft
William D. Drake

S F McMahon Police Justice.

0336

CITY AND COUNTY OF NEW YORK, } ss.

William D Meeks

the within named Bail and Surety being duly sworn, says, that he is a resident and free holder within the said County and State, and is worth Ten Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and Lot No 416 2d Avenue. worth Ten thousand dollars Clear of all encumbrances

William D. Meeks

Sworn to before me, this 1 day of March 1882

H D Purnell Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 188

Justice.

0337

W. A. Purrington. R. C. Shannon.

Offices of
Purrington & Shannon,
Counsellors at Law,
63 Wall Street,
New York.

April 15 1890

People
v
Dr Kraft

My dear Jerome: This case was set down peremptorily for trial tomorrow, Defts counsel agreed to go on & I hope will not object to so doing. The witnesses have been found with some trouble & not being in the Society's employ are not always to be had. The enclosed memorandum will explain the simple case, & did Deft. use "M. D"? Has he authority so to do.

Will you have brought in from the Co-Clk. & Mr. Sparks (1) Defts affidavit on resisting adjt. 14 1889 (2) his affidavit before Police Justice Morgan on July 2d 1889. I will get the witnesses. If I shd be detained in the morning Henry Lomig, the Society's agent will have all in readiness

Very sincerely yours
W. A. Purrington

Wm Jerome Esq

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

The People of the State of New York against William R. de Kraft	Demurrer

The defendant William R. de Kraft, above named, demurs to the Indictment presented by the last Grand Jury, on or about the 3rd day of April, 1890 charging him with a crime having committed a Misdemeanor on the following grounds:

That more than one Crime is charged in the indictment within the meaning of Sections 278 and 279 of the Code of Criminal Procedure.

Wherefore this defendant asks judgment of the Court that he be dismissed and discharged from the said premises specified in the said indictment.

Dated New York April 16th 1890.

John O. Mott
Attorney for defendant
38 Park Row

Court of General
Sessions of the City
of New York

The People of the State
of New York
against
William R. de Kraft

Demurrer to the
Indictment

John C. Mott
Attorney for Defendant
38 Park Row
N. Y. City

filed April 10 90

§. 244 In General. Provisions in the alternative are common in legislation, and the rule is, that whatever is within any one of the disjunctively connected clauses is within the statutes. Thus –

Alternative Offences – If, as is common in legislation, a statute makes it punishable to do a particular thing specified, "or" another thing, "or" another, one commits the offence who does any one of the things, or any two, or more, or all of them. And the indictment may charge him with any one, or with any larger number, at the election of the pleader, employing, if the allegation is of more than one, the conjunction "and" where "or" occurs in the statute. "The rule", "it was once observed," is undoubtedly limited in its application to cases where the offences created in a statute are not repugnant". And, whatever be the form of the allegation, the proofs need sustain only so much of it as constitutes a complete offence.

Bishop On Statutory Crimes.

(over)

§. 437. In indictments upon statutes. It is common for a statute to declare, that, if a person does this, or this, or this, he shall be punished in a way pointed out. Now if in a single transaction, he does all the things, he violates the statute but once, and incurs only one penalty. Yet he violates it equally by doing one of the things. Therefore an indictment upon a statute of this kind may allege, in a single count, that the defendant did as many of the forbidden things as the pleader chooses, employing the conjunction "and" where the statute has "or", and it will not be double, and it will be established at the trial by proof of any one of them.

1 Bishop Criminal Procedure.

See also §. 585 and §. 586 of 1 Bish. Crim Pro.

and [illegible]

Court of General
Sessions –

People &c
vs.
Wm R. DeKraft

Memorandum
of
Authorities
on
Demurrer

John R. Fellows,
District Attorney

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

William R. De Kraft 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. William R. De Kraft.

Question. How old are you?

Answer. 51 years

Question. Where were you born?

Answer. Germany

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

Answer. 30 West 30 Street. 16 years

Question. What is your business or profession?

Answer. Electropathic Physician

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 demand an examination

William R. De Kraft

Taken before me this 18 *day of* March 1889

Thos. G. Crane

Police Justice.

Sec. 151.

Police Court, First District.

CITY AND COUNTY OF NEW YORK. } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

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 THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK, upon the affidavits of Auguste S. Morel of No. 129 W 10 St., and ~~of No. St.,~~ that on the day of 18 at the City of New York, in the County of New York, William R De Kraft assumed and is assuming the title of doctor of medicine and appended and is appending the letters M.D. to his name without having received the degree of doctor of medicine from any school, college or board empowered by law to confer said degree or title ~~then and there, not being lawfully authorized to practice Physic and Surgery and registered as a Physician and Surgeon in the office of the Clerk of this County, did medically treat, examine and prescribe for one and did practice physic and surgery~~ contrary to the form of the Statute in such case provided.

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 each and every of you, to apprehend the said defendant and bring him forthwith before me, at the FIRST 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 11th *day of* March 1890

W M Mc Donald POLICE JUSTICE.

0345

POLICE COURT, FIRST DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK,
vs.
William R. De Kraft.
30 W. 30th St.

Warrant—General.

Dated March 11 1890

McMahon *Magistrate.*

O'Reilly *Officer.*

The Defendant Wm R. DeKraft taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Bernard O'Reilly *Officer.*

Dated March 12 1890.

This Warrant may be executed on Sunday or at night.

Police Justice.

5 1/2 yrs
to
Gen.
Physician
m
yrs
30 W 30 - St

Police Justice.

The within named

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

Dated 18

0346

March 17/90
The service of this warrant is returned with the following endorsement:
Arrested by Officer Patrick Kilduff
Arraigned March 18 1890
Adjourned for one week
Adjourned March 28, 1890
J.J.O'C.

BAILED,
No. 1, by William Patrick
Residence 414 Clermont Ave. Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Order to re-admit case to the Grand Jury
March 28, 1890
J.J.O'C.

Police Court 1 District 442

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Augusta J. Marel
129 Ward 10 St
William A. Kraft
2
3
4
Offence Grand Lar. Mid

Dated March 12 1890
Magistrate.
O'Reilly
Officer.
Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
No. Street.
$ to answer

Bail
Brooklyn, March 18th 1890
Thos. Kiernan
Brooklyn Knots

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 Five *Hundred Dollars,* *and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

Dated March 18 *18*90 John J. O'Connor *Police Justice.*

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

Dated March 18th *18*90 John J. O'Connor *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 ..... *18* ..... *Police Justice.*

FIRST DISTRICT POLICE COURT.

The People ON THE COMPLAINT OF THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK, against WILLIAM R. De KRAFT alias WILLIAM R. De KRAFFT.	Violation of ch. 647 §6 Laws of 1887 improper use of Title of M.D.

The Medical Society of the County of New York upon the annexed affidavit of AUGUSTE S. MOREL complain that WILLIAM R. De KRAFT alias WILLIAM R. De KRAFFT residing at number 30 West 30th Street in the City and County of New York, assumes the title of Doctor of Medicine, and appends the letters "M.D." to his name without having received the degree of Doctor of Medicine from any school, college or board empowered by law to confer said degree or title.

THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK, by
W. A. PURRINGTON, Counsel,
63 Wall Street.

CITY AND COUNTY OF NEW YORK:

AUGUSTE S. MOREL, of No 129 West 10th street in said City being duly sworn says that WILLIAM R. De KRAFT alias WILLIAM R. De KRAFFT residing at number 30 West 30th Street in the City and County of New York, has assumed and is assuming the title of Doctor of Medicine, and has appended the letters "M.D." to his name without having received the degree of Doctor of Medicine from any school, college or board empowered by law to confer said degree or title; that said offence was committed on or about October 1st 1889 and still continues

Sworn to before me this :
11th day of March, 1890.:

A. S. Morel

W. F. McMahon
Police Justice

~~Deputy Justice~~.

Police Court, First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK,

vs.

1 William R. McKaft

2

3

4

Offence, Vio Med. Act

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Complainant's Counsel M. A. Cunningham

No. 63 Wall Street.

Witnesses, Augustus S. Merrell

No. 70 & 63 Wall Street.

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ ..... to answer ..... Sessions.

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 ..... 18 ..... *Police Justice.*

I have admitted the above named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... 18 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

..... *guilty of the offence within mentioned, I order h to be discharged.*

Dated ..... 18 ..... *Police Justice.*

The complainant Society, having reason to think that the ends of justice will be subserved by a discharge of defendant, agree thereto, and in consideration thereof the defendant agrees to bring no action against said Society, its officers, agents or counsel, by reason of his arrest upon this information.

Dated, New York City 18

The Court of General Sessions
in the City & County of New York

The People of the State of New York.
against
William R. de Kraft

Points for defendant on argument of demurrer

The indictment in this case is founded upon the 6th Section of Chapter 647 of the laws of 1887, which defines three distinct felonies and twelve distinct misdemeanors.

The portion referred to in the indictment reads as follows, viz:

"And any person who shall assume the title of doctor of Medicine, or affixed the letters "M.D." to his or her name, without having received the degree of doctor of Medicine from some School, College or board Empowered by law to confer said degree ~~of doctor of Medicine from~~ & or title, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or imprisonment for six months for the first offense," &c

The indictment alleges that the defendant

"On the first day of October 1889, at the City & County aforesaid, did unlawfully assume the title of doctor of Medicine, and appended the letters "M.D." to his name without having received the degree of doctor of Medicine from any School, College or board Empowered by law to confer said degree or title: against the form of the statute" &c —

It cannot be denied that by the provisions of the statute of 1887, any person who assumes the title of doctor of Medicine, without having the qualifications required by that act is guilty of a misdemeanor. Nothing more is required than to assume the title — No other act is necessary, nor can any other act be done to complete the crime — The crime is completed by the act of assumption — Evidence that he practiced Medicine would be the outward Evidence that he had assumed the ~~the~~ title, provided it was alleged in the indictment, giving the name of the person to whom he administered as required in the case of The People vs Burns, reported in 25 N.Y. State Rep. 98 & in 7 N.Y. Crim. Rep. 92 — And in the case of People vs Demar 106

N. Y. Rep. 502-509.

The former case was for selling impure Milk, and the Court say that to comply with the provisions of the penal code the indictment should have named the person to whom the defendant sold, or the allegation should have been made that the sale was to some person to the grand jurors unknown.

In the latter case the Court of Appeals say that the indictment should have alleged which one of the "four distinct and separate acts or ways by which a person may commit or be guilty of larceny." And the Court further say that "the indictment, therefore, must charge the crime, and it must also state the act constituting the crime. The omission to do either of these things would necessarily be fatal to the indictment. If there was no accusation of a crime, the paper, however formal in other respects would not be an indictment, and so there would be no criminal action"!

This last mentioned decision is based upon an appeal from a judgment upon a verdict of a jury — There was no demurrer in that case —

Nor can it be denied, that under the statute of 1887, he or she, who appends the letters "M. D." to his or her name without

having the qualifications &c as prescribed in the 6th Section is guilty of a misdemeanor—

They are two distinct misdemeanors. They are not similar acts— They have no more relation to each other than the provisions of the same section, preceding those mentioned in this indictment, prohibiting the purchase of a diploma, or fraudulently obtaining a diploma, or the provision of this section following those mentioned in this indictment which make it unlawful for any person not authorized and registered to practice after the first day of October 1889, without the license and registration provided for in the act—

These provisions are not like those in relation to selling liquor, or selling or exposing for sale certain prohibited articles— One could not very well sell without exposing for sale— But he or she could assume title of doctor of Medicine without affending the letters "M.D." to his or her name—

Administering Medicine and affending the letters "M.D." are not, nor can they be, one transaction, or parts of one transaction—

It was no part of the act to "Assume the title of doctor of Medicine"

to append the letters "M.D." to his name. It did not in any way complete the assumption of the title of doctor of Medicine". The assumption was complete without the addition of those letters. The appending of the letters "M.D." in no way indicated such assumption. It is not like unto the case of assault and battery coupled with a count for assault where it relates to the same transaction and is included in the former, and where the evidence might show that the latter, and not the former crime, only had been committed by the act complained of. That is a crime of different degrees and may be charged in separate counts.

It is not alleged that the defendant "assumed the title of doctor of Medicine" by the act of appending the letters "M.D." to his name".

Section 278 of the Code of Criminal Procedure provides that the indictment must charge but one crime and in one form, except as provided in Section 279; and that Section provides that the Crime may be charged in separate counts to have been committed in a different manner or by different means; and where the acts complained of may constitute different crimes may be charged in separate counts.

Here there is but one count. Two crimes are charged, but no facts except in

the bare statement of the fact that he commited the two crimes conjointly stated. There is no statement in the indictment to show that the two crimes are of the same nature, and that they were necessarily so connected that they may, and when both were committed by the same act, must, constitute but one legal offence, not showing that they should not be included in one charge.

In the case of the People vs Chardineau, 115 N.Y. 133, the indictment contained two counts each alleging a sale of liquor on the same day, at the same place and to the same person without a license. The only difference between the counts was that in the first the defendant was charged with selling liquor in quantities less than five gallons; and in the second he was charged with selling to be drank upon his premises.

The Court say at page 137, that "the indictment charges but one act, and that is a sale without a license at a specified time and place to a person named. If there was a sale of less than five gallons of liquor to be drank upon the premises of the defendant, there it was a crime under both sections 13 and 14 of the act of 1857 and hence, under section 279 of the Code, the act complained of may constitute different crimes, and, therefore may

be charged in separate counts."

In this case there are two acts, each a crime, charged in one count; each act disconnected from the other. Where the acts complained of may constitute different crimes, such crimes must be charged in separate counts. Section 279.

It is now provided by statute what the pleadings must be. The Court in the Dumar case, 106 N.Y. at page 579 of that case, say that the Statute of Criminal Procedure "Abolishes all the forms of pleading before existing in criminal actions, and Enacts that the forms of pleading and the rules by which their sufficiency shall be determined, are those prescribed therein." And the learned Court proceeds to say at page 510 of same case, in speaking of the provisions of the Code in regard to the form of pleading: It provides in one sentence for a statement of the name of the crime as murder, larceny, etc, whereof the grand jury accuse the defendant, or, if it be a misdemeanor having no general name, such as libel, assault, etc, requires an insertion of a brief description of it as given by statute, and then adds, "here set forth the act charged as an offense." It provides also that "the indictment must charge but one crime and in one form, except where it may

be committed by different means (§ 278,) in which case the crime may be charged in separate counts to have been committed by different means (§ 279), and declares "the indictment sufficient if it can be understood therefrom that the act or omission charged as the crime is plainly and concisely set forth."

The two misdemeanors set out or stated in this indictment have no general name, nor is there any description given of them in the indictment. The description of the one is the same as of the other.

We see by this decision that all the old forms have passed away and we must conform to the provisions of the Code of Criminal Procedure.

In the case of People vs Emerson, 53 Hun 437, the Court held that the three Counts charging keeping room for gambling purposes — selling lottery policies — selling paper or writings in the nature of bets or wagers upon the drawing of numbers in a lottery although constituting different crimes could be charged in separate counts in one indictment. But the Court put it upon the ground that all the counts related to the same transaction &c. That he kept a room did not prove him guilty of any offense or tend to do so, but the further

proof that he did the acts charged in the third and fourth counts of the indictment tended to prove him guilty of the crime charged in the first Count – This proof related (the Court say) to one series of transactions culminating in the crimes charged in the first, third and fourth Counts –

In the Case of People vs Rose 22 N.Y. State Reports 390, it was held that an indictment which contained two Counts – one for robbery in the first degree, and the other for larceny in the first degree was good because they arose out of the same transaction – "That the defendant was plainly advised by the indictment that he was not charged with two separate offenses, but that his single offense was charged as robbery and larceny meaning that it was either the one or the other" –

In the Case of People vs Harmon 6. N.Y. Crim. Rep. 169, an indictment containing two counts, the first charging deft. with selling intoxicating liquors on Sunday, Feb. 26th, 1888 to a person named, and to divers citizens and persons unknown and a second Count charging the giving away on Sunday March 18th 1888, of intoxicating liquors to divers citizens of this State and to divers persons whose names are to the

grand jurors unknown, - is bad on demurrer, as charging two different misdemeanors -

In the case of Boland vs People, 25 Hun 423, an indictment against an inspector of elections, it was objected that the indictment was bad for duplicity - The Court held "that although each of the acts alleged was by the Statute made criminal, yet when taken together they constituted but one complete act - (Consequently if they were not one complete act the objection would have been fatal -)

At page 425 - Mr Justice Daniels says "It is insisted that each count sets forth more than one offense, and for that reason the defendant was improperly tried - It is certainly true that the Statute prohibits each act as a distinct offense, but it does not follow from that circumstance that they are to be held to be separate crimes when they characterize and are connected with one continuous transaction - The statements and certificate are shown to have been falsely made, and having been so made, were then delivered to the officers to whom they were respectively to be sent - These being one but different stages in one event - They each constituted a portion of one continuous duty."

It is submitted with all due respect that the indictment in this action does, if it states any crime at all, which objection, that it does not, may be taken on the trial, state more than one crime and that therefore the demurrer should be sustained —

John O. Mott
Counsel for Defendant
38 Park Row
Potter Building

Court of General Sessions

The People of the State of New York
against

William R. de Kraft

Points for defendant on argument of demurrer

John V. Mott
Counsel for Deft
38 Park Row
Potter Building

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William R. de Kraft

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse William R. de Kraft of a Misdemeanor, — ~~of the crime of~~

committed as follows:

The said William R. de Kraft,

late of the City of New York, in the County of New York aforesaid, on the — first — day of October, in the year of our Lord one thousand eight hundred and ~~ninety~~ eighty-nine, at the City and County aforesaid, did unlawfully assume the title of doctor of medicine, and append the letters "M.D." to his name, without having received the degree of doctor of medicine from any

school, college or board empowered by law
to confer said degree or title; 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.

[illegible]
District Attorney

0363

BOX:
391

FOLDER:
3642

DESCRIPTION:
Desel, Ferdinand

DATE:
04/10/90

3642

366.

Counsel

Filed 10 day of April 1890

Pleads, Not guilty

THE PEOPLE

vs.

Ferdinand Desel

VIOLATION OF EXCISE LAW.
(Selling to Minor).
[Section 290, Penal Code, sub. 3.]

JOHN R. FELLOWS,
District Attorney.

Transferred to the Court of Special Sessions for trial and final disposition.

Part 2 May 20th 1890

A True Bill.

W. J. O'Berry
Foreman.

Witnesses:

C. N. Gardner

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Ferdinand Desel

The Grand Jury of the City and County of New York, by this indictment accuse Ferdinand Desel of a MISDEMEANOR, committed as follows:

The said Ferdinand Desel late of the City of New York, in the County of New York aforesaid, on the twenty-second day of March in the year of our Lord one thousand eight hundred and ninety ——, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one Sophie Ossner —— who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of six years, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

District Attorney.

0366

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dinsmore, Charles
DATE:
04/30/90

3642

Witnesses;

Hiram C Kool

Henry Offermeier
Both Residents of
Canton
Left her Wagon
off + drs for Grocs
2 1/2 days & groceries
arriving after time
supposedly taken
by
Witness Defendant

No 318

Counsel,

Filed 30 day of April 1890

Pleads, Not Guilty (May 5)

THE PEOPLE

vs.

24 Windowshades
" Clothes

Charles Dinsmore

Burglary in the Third degree.

[Section 498, Penal Code].

May 5/90 JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. C. Berry

Part III May 5/90 Foreman.

pleads guilty.

14:2 Mos Ben

Fm

POOR QUALITY ORIGINAL

0351

Police Court— 2 —District.

City and County of New York, } ss.:

Hiram C. Kroh

of No. 678 Broadway Street, aged 47 years, occupation Window shades Manufacturer being duly sworn deposes and says, that the premises No 678 Broadway Street, in the City and County aforesaid, the said being a five story brick and iron store

and which was occupied by deponent as a store on the ground floor and basement and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly removing the cover of the coal hole on the sidewalk in front of said premises

on the 25 day of April 1880 in the night time, and the following property feloniously taken, stolen, and carried away, viz: attempted to be

a quantity of window shades of the value of one hundred dollars.

the property of the firm of H. C. Kroh & Co

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

Charles Dinsmore

for the reasons following, to wit: The defendant had been employed and discharged by deponent and is thus familiar with said premises. Deponent is informed by Policeman Charles Schneider now here that on the night of April 25 1880 he saw the defendant in the act of removing the cover of the coal hole on the sidewalk of the said premises, and enter the cellar and the defendant now arrested

in said premises, having no right to be on the night of April 25 1890, defendant therefore charges defendants with the crime of burglary

Sworn to before me this 26 day of April 1890

Hiram C Todd

A J White

Police Justice.

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary ..... Degree

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of $ ..... Bail.

Bailed by

No. ..... Street.

0370

CITY AND COUNTY
OF NEW YORK, } ss.

Charles Schneider

aged 26 years, occupation Foreman of No.

15th Second Ave Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Horace C Krol

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 26

day of April 188[illegible]

Charles T Schneider

Police Justice.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Dinsmore being duly examined before the undersigned 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. Charles Dinsmore

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. U.S.

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

Answer. 22 Clarkson St 2 years

Question. What is your business or profession?

Answer. Window shifter.

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 did not mean to steal

Charles Dinsmore

Taken before me this 26 *day of* Aug 1888

Police Justice.

0372

Ar. 318 629.

Police Court— District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Hram C. Rod 638 Pearl

Charles Drummond

2.

3.

4.

Offence Burglary

Dated Nov 26 188 80

White Magistrate.

Schneider Officer.

15th Precinct.

Witnesses Carl H. Meier

No. Rich's Lockkeeper, Office Street.

No. Street.

No. Street.

to answer

BAILED,

No. 1, by Street.

Residence

No. 2, by Street.

Residence

No. 3, by Street.

Residence

No. 4, by Street.

Residence

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 Charles Drummond *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* One *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 26 *18*80 *Police Justice.*

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

Dated *18* *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 *18* *Police Justice.*

0373

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Charles Dinsmore

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

Charles Dinsmore

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

The said Charles Dinsmore

late of the Fifteenth Ward of the City of New York, in the County of New York, aforesaid, on the twenty fifth day of April in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the store of one

Hiram C. Kroh

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

Hiram C. Kroh

in the said store then and there being, then and there feloniously ond 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.

John R. Fellows,
District Attorney.

0374

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dobbins, James
DATE:
04/17/90

3642

No 165

Witnesses;

William H Hastings

Thos F Hampton

Counsel,

Filed 17 day of April 1890

Pleads,

THE PEOPLE

vs.

James Dobbins

PETIT LARCENY.

[Sections 528, 532 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. H. Berry

Foreman.

April 18/90

Pleads Guilty

Pen 30 days

Police Court— 1st ——District.

Affidavit—Larceny.

City and County of New York, } ss.:

William H. Hastings

of No. 167 Maiden Lane Street, aged 38 years, occupation Liquors, being duly sworn deposes and says, that on the 8th day of April 1890 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:

a quantity of rope of the value of ten (10) 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 James Dobbins, now here, from the fact that on said date deponent missed said property from said premises

Deponent is informed by Thomas F. Harrington that on said date he saw the said Dobbins enter deponents premises 167 Maiden Lane without having any rope in his possession, that a short time afterwards the said Dobbins left deponents premises with a quantity of rope in his possession

Deponent further says that the said Dobbins had no lawful right to enter said premises.

W. H. Hastings

Sworn to before me, this 9th day of April 1890

Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas F. Harrington

aged 30 years, occupation Laborer of No. 65 Cherry Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of William C. Hastings and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 9th *day of* April 1887 } Thomas F. Harrington

A. T. McMahon

Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Dobbins 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. James Dobbins

Question. How old are you?

Answer. 39 years

Question. Where were you born?

Answer. New York

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

Answer. 100 Allen St. 2 months

Question. What is your business or profession?

Answer. 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 & demand a jury trial.
James Dobbins

Taken before me this 9th *day of* April 1890

Mandeville

Police Justice.

0379

No 165 556

Police Court 1 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William K. Hastings
16 Maiden Lane
Jesse Dobbins

2.
3.
4.

Offence Petit Larceny

BAILED,

No. 1, by ..... Street.
Residence .....

No. 2, by ..... Street.
Residence .....

No. 3, by ..... Street.
Residence .....

No. 4, by ..... Street.
Residence .....

Dated April 9 1890

Nathan Magistrate.

Oath Officer.

Precinct.

Witnesses Thos. A. Hanning
No. 65 Division Street.

No. ..... Street.

No. ..... Street.

$ 500 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 defendant *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* two *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 April 9 *18*90 N. Nathan *Police Justice.*

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

Dated ..... *18* ..... *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 ..... *18* ..... *Police Justice.*

0380

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 Dobbins

The Grand Jury of the City and County of New York, by this indictment, accuse James Dobbins of the CRIME OF PETIT LARCENY committed as follows:

The said James Dobbins late of the City of New York, in the County of New York aforesaid, on the eighth day of April in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, with force and arms, one hundred feet of rope of the value of ten cents each foot of the goods, chattels and personal property of one William H. Hastings then and there being found, then and there unlawfully 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 James Dobbins

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said James Dobbins

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

one hundred feet of rope of the value of ten cents each foot

of the goods, chattels and personal property of one William H. Hastings

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before unlawfully stolen, taken and carried away from the said William H. Hastings

unlawfully and unjustly, did feloniously receive and have; the said James Dobbins

then and there well knowing the said goods, chattels and personal property to have been unlawfully 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.

JOHN R. FELLOWS,
District Attorney.

0382

BOX:
391

FOLDER:
3642

DESCRIPTION:
Donnelly, Patrick

DATE:
04/15/90

3642

Witnesses:

Ed. Becker

No 108

266

Counsel

Filed 15 day of April 1892

Pleads Not guilty

THE PEOPLE

vs.

B

Patrick Donnelly

VIOLATION OF EXCISE LAW.
(SELLING TO MINOR).
[Section 290, Penal Code, sub. 3.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. J. B. Berry
Foreman.

Tried April 17, 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

Patrick Donnelly

The Grand Jury of the City and County of New York, by this indictment accuse Patrick Donnelly of a MISDEMEANOR, committed as follows:

The said Patrick Donnelly late of the City of New York, in the County of New York aforesaid, on the Seventh day of April in the year of our Lord one thousand eight hundred and ninety , at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one Edward Brooks who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of nine years, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

District Attorney.

0385

BOX:
391
FOLDER:
3642
DESCRIPTION:
Donovan, George
DATE:
04/16/90

3642

No 134

Witnesses;

Nathan Kammer

Counsel,

Filed 16 day of April 1890

Pleads Not Guilty

THE PEOPLE

vs.

George Donovan
alias
John Farley
(2 cases)

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

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. J. O'Berry
April 21/90 *Foreman.*

Pr Plead Assault 2 deg
Elmira R.J.

Police Court— 3 District.

City and County of New York, } ss.:

Nathan Kammer

of No. 8 Hester Street, aged 35 years,

occupation Expressman being duly sworn

deposes and says, that on the 11 day of April 188 9 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by George Clancy (now here) who cut and stabbed deponent on both hands with the blade of a knife which he then held in his hand. Said assault was committed as defendant was endeavoring to escape after committing a forgery and

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 12th day of April 1889. } N Kammer

Charles N Tomlinson Police Justice.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George Donovan 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. George Donovan

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York.

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

Answer. 222 Madison St. 2 years

Question. What is your business or profession?

Answer. Work in a rubber factory

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

Geo. Donovan

Taken before me this 12 *day of* March 1895

Charles N. Tainter

Police Justice.

0389

Police Court---.....District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1. [illegible]
2. [illegible]
3.
4.

Offence [illegible]

BAILED,

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

Dated [illegible] 18 [illegible]

[illegible] Magistrate.

[illegible] Officer.

[illegible] Precinct.

Witnesses [illegible]

No. [illegible] Street.

[illegible]

No. [illegible] Street.

[illegible]

No. ..... Street.

$ 1000 [illegible]

[illegible]

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 [illegible]

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of [illegible] *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 [illegible] *18* [illegible] *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

0390

Police Court— 3d District.

City and County of New York, } ss.:

Samuel Leibacher

of No. 210 Division Street, aged 36 years, occupation Keep a variety store being duly sworn deposes and says, that the premises No. 210 Division Street, 13 Ward in the City and County aforesaid the said being a five story tenement the ground floor of ~~and~~ which was occupied by deponent as a variety store ~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly prying open a door leading into said store

on the 11 day of April 188[illegible] in the night time, and the following property feloniously ~~taken~~ attempted to be, stolen, and carried away, viz:

A quantity of cigars musical instruments and other articles the whole being valued at forty dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was ~~committed~~ attempted to be and the aforesaid property taken, stolen ~~and~~ carried away by John Farley (and two) and another man who yet assisted

for the reasons following, to wit: at about the hour of six o'clock P.M. on said date deponent securely locked and fastened the doors and windows of said premises the said property being therein and he having found the said doors broken open he was informed by Benjamin Saffe (here persons

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

.....

vs.

1 .....
2 .....
3 .....
4 .....

Offence—BURGLARY.

Dated 188

..... *Magistrate.*

..... *Officer.*

..... *Clerk.*

Witnesses, _____

No. ..... *Street,*

.....

No. ..... *Street,*

.....

No. ..... *Street,*

$ ..... *to answer General Sessions.*

.....

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 h to be discharged.*

Dated ..... 188 . ..... *Police Justice.*

.....

Held to the Grand Jury on the testimony
given, and bail in the sum of $500
in the form prescribed by law
given.

John J. Delaney
Police Justice

John E. Ryan Esq
Defendant's Attorney

CITY AND COUNTY
OF NEW YORK, } ss.

Benjamin Saffe

aged 19 years, occupation Expressman of No.

8 Hester Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Seibacher

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 11
day of April 188 6. } L. Saffe

Charles N. Tainter
Police Justice.

0393

3.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Farley alias George Klemm being duly examined before the undersigned 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. John Farley. alias George Klemm

Question. How old are you?

Answer. 17 years.

Question. Where were you born?

Answer. New York

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

Answer. 222 Madison St. 2 years

Question. What is your business or profession?

Answer. Work in a rubber factory

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 was with three others who broke open saloon door. Geo. Donovan

Taken before me this 1 day of Dec 1880

Charles W. Tanner

Police Justice.

0394

No. 133 3

Police Court—..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Emmanuel Gutchard, 210 W. 10th St.
William Hartley, 210 W. 10th St.
Charles Chapman, 210 W. 10th St.

1
2
3
4

Offence Assault

BAILED,

No. 1, by .....
Residence ..... Street.

No. 2, by .....
Residence ..... Street.

No. 3, by .....
Residence ..... Street.

No. 4, by .....
Residence ..... Street

Dated April 11 1894

Magistrate Zeigler

Officer Lamont

Precinct 12

Witnesses Clement Lyle
No. ..... Street.
Stephen Lamont
No. ..... Street.

RECEIVED APR 14 1894 10 o'clock A.M.

$ 1000 to answer GJ

Bail Bond Filed

Charge Burglary 3d

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 Alexander Lum

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten *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 April 11 *18*94 Charles N. Zeigler *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

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

Dated ..... *18* ..... *Police Justice.*

0395

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
George Donovan

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

George Donovan

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

The said George Donovan

late of the Thirteenth Ward of the City of New York, in the County of New York, aforesaid, on the eleventh day of April in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the store of one

John Neibart

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

John Neibart

in the said store then and there being, then and there feloniously ond 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.

John R. Fellows,
District Attorney.

No. 133

Witnesses;

Samuel Berbecht

Bernard Laffee

Counsel,

Filed 11 day of April 1890

Pleads,

THE PEOPLE

vs.

George Donovan
alias
John Farley
(2 cases)

Burglary in the Third degree.

[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. B. Berry

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
George Donovan

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

The said George Donovan late of the City of New York, in the County of New York aforesaid, on the eleventh day of April in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the City and County aforesaid, in and upon the body of one Nathan Kominer in the Peace of the said People then and there being, feloniously did make an assault and him the said Nathan Kominer with a certain Knife which the said George Donovan in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound, him the said Nathan Kominer with intent thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said George Donovan of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said George Donovan 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 Nathan Kominer in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Nathan Kominer with a certain Knife which the said George Donovan 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 George Donovan of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said George Donovan, 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 Nathan Kominer in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said Nathan Kominer with a certain Knife which he the said George Donovan in his right hand then and there had and held, in and upon the hands of him the said Nathan Kominer 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 Nathan Kominer against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0399

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dotee, Richard
DATE:
04/11/90

3642

Witnesses:

Cara B. Chase

No 62

216

Harris
v. Paul Rice
Heinzelmann a

Counsel,

Filed 11 day of April 1890

Pleads, Not guilty.

THE PEOPLE

vs.

Richard Doty
on motion of deft, discharged on his own recog. RBM

July 2/90

LARCENY, (*False Pretenses*).
[Section 528, and 539], Penal Code].

JOHN R. FELLOWS,
District Attorney.

April 28/1890 filed

A True Bill.

May 13 Part 2 at Dfts request
by direction of court
W. J. C.

W. J. C. Berry
Foreman.

Off May term at Dfts request
compl'd
W. J.

POOR QUALITY ORIGINAL

0060

Police Court— 2 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Dan B. Chase

of No. 228 West 99th Street, aged 53 years, occupation Physician being duly sworn deposes and says, that on the 11 day of May 1889 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: fifty dollars in good and lawful money of the United States $50 —

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 Richard Dolee — under the following circumstances. The defendant pretends to deponent that he was the inventor of a system of aging liquors, and that he was building a retort for that purpose at Ramsays N. J.; and he obtained the said money from deponent on said date for the purpose of investing the same in the building of the said retort at Ramsays N. J., for deponents account. Deponent has since learned that the defendant did not apply the said fifty dollars as he had agreed to do, and that he had not begun to build any retort at

Sworn to before me, this day of 188

Police Justice.

Ramsay's. Deponent therefore charges that the defendant falsely and fraudulently appropriated the said money from his own use, and that he obtained the said money from deponent while deponent relied upon the said false representations.

Sara B. Chase

Sworn to before me this 17 day of March 1890

Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Richard Dolee being duly examined before the undersigned 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. Richard Dolee

Question. How old are you?

Answer. 54 years

Question. Where were you born?

Answer. Ireland

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

Answer. Hoboken N.J. 2 months

Question. What is your business or profession?

Answer. Distiller

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 Dolee

Taken before me this 20
day of August 188 9

Police Justice.

0404

Sec. 151.

Police Court 2 District.

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County 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 Dana B Chase of No. 22 West 29th Street, that on the 11 day of May 1880 at the City of New York, in the County of New York, the following article to wit: dollars a gold and diamond ring of the United States of the value of fifty dollars Dollars, the property of Dana B Chase was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Richard Doe

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 bod. of the said Defendant and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 17 *day of* May 1880

[signature] Police Justice.

0405

No 62

Police Court— 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Isaac B. Chase
238 W 39 st
Richard Doll

2
3
4

Offence Larceny
felony

Dated March 20 1890

White

Magistrate.

Mulry

Officer.

Jas Mulkerry

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

RECEIVED MAR 27 1890 DISTRICT ATTORNEY'S OFFICE

$ 500 to answer

Bail March 26 1890

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 Five *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

Dated March 26 *18*90 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated *18* *Police Justice.*

N.Y. General Sessions.

The People on
vs
Richard Dotee

City & County of New York ss.
John R. Heinzelman
being duly sworn says. that he is a practicing Attorney in the City of New York, and that as such Attorney he was assigned by the Recorder as Counsel for Defendant.

That this case appears upon the calendar of this Court today for the third time, and that upon previous occasions the case was not reached upon the calendar.

That among other witnesses one Anthony Comstock the Agent of the Society for the Prevention of vice is a necessary and material witness on behalf of defendant without the benefit of whose evidence it would be unsafe for defendant

to proceed to trial in this action
That deponent has been informed in this court now and verily believes such information to be true that said Comstock is sick and unable to be about and is now confined to his home under medical treatment. that such information is derived from a Brother Attorney having business in said County and with said Comstock.

Deponent therefore prays that the trial of this action be postponed for one week in order that said Comstock may have an opportunity to attend herein.

Sworn to before me this 8th day of May 1890 John R. Heinzelmann

Jas. F. Driscoll
COMMISSIONER OF DEEDS
N. Y. C.

N.Y. General Sessions

The People vs

vs

Richard Lotee

Affidavit to Jurors
Adjournment

John R. Heinzelman
Dep. Atty
23 Chambers St
N.Y.

S. B. CHASE, M. D.,
MANAGER.

~~H. M. HOLDREDGE,~~
TREASURER.

The Chase Medical Co.,

228 WEST 39TH STREET,

New York May 15th 1890

Dist. Atty. Jerome

I am not well to-day. Am suffering from nervous prostration and send this line begging to have you kind enough to postpone the case of Richard Doles until early next week.

Mr. Thompson called on me yesterday and said that in his conference with you it was decided that it would be well to have a witness from Ramsey's to testify that there is no distilling at that place. I will send them to-day and have a witness ready

0410

to be summoned by telegraph whenever the trial is to come off. Also if the Paying Teller of the Bank of New Amsterdam (where my checks were cashed) is required please let me know and I will ascertain all the needed facts. Mr. Thompson suggests this. The teller's name is Mr. Demorest.

Truly Yours
S. B. Chase

0411

No. 4 NEW YORK, May 11 1887

THE BANK OF NEW AMSTERDAM,
BROADWAY, COR. 40TH ST.

PAY TO THE ORDER OF Richard Dater
Fifty ~~00~~ DOLLARS.

$ 50 00 S. B. Chase

Richard Dolee

0413

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Isaac B Chase

of No. 228 W 39 Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 16 day of MAY, ~~1889,~~ 1890 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Richard Ostee

Dated at the City of New York, the first Monday of MAY, in the year of our Lord, ~~1889~~ 1890

JOHN R. FELLOWS, *District Attorney.*

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

0415

Dist. Atty. Jurow

Copy

Court of General Sessions.

The People
vs.
Richard Lotte

Indictment:
Grand Larceny 2d deg.
§ 528 and 531 P. C.

in obtaining on the 17th of May, 1889, from the complainant, Dr. Para B. Chase, the sum of Fifty Dollars, by check on the Bank of New Amsterdam, by means of falsely representing to her that he needed the said money in defraying the expense of a retort, which he was then building at Ramsay, N. J., which representation was false and untrue.

The said check is attached to the Police Court papers.

The complainant is the only witness for the prosecution.

The defendant has been convicted

before in this court.
Ask officer Shirley.

The defendant has ~~advanced~~ obtained from the complainant in all $600 in cash upon the same representation.

Lewis B. Chase, 228 West 39th Street, Physician. On the 11th of May, 1889 the defendant came to me at my residence and told me that he needed $50 to defray the expenses necessary in building a retort which he at the time was building at Ramsay, N. J., ~~for the~~ in Mr. Ramsay's apple jack distillery, for the carrying on his process of aging liquors. Believing and relying upon said representations I advanced him the sum of Fifty Dollars to be applied to the payment of said expenses. In about the middle of September 1889, I went to Ramsay, N. J., to ascertain the condition of the said retort and of defendant's business in general. From conversations I had at Ramsay with the depot master and with the post master, who also keeps a grocery store there, ~~I learned~~ that there is no applejack distillery carried on at Ramsay at all. That subsequent thereto I apprised the defendant of the said

result of my said inquiries, and thereupon he admitted that the said retort was not being built at Ramsay, N.J., and he contended that he never made any such statement, that the said retort was in fact being built at Passaic N.J. He promised to take me to Passaic and show me the said retort, but he delayed the journey from time to time, and when I finally asked him for exact information in regard to the location of said retort, to enable me to go there without him, he stated that the said retort was not situated in Passaic proper, but between Passaic and Patterson, that I could not find it alone, and that if he ~~ok~~ would take me out there, it would destroy the whole thing. He requested me to let the matter rest for a little while, and he would raise money enough to pay me back the

moneys which I had ad-
vanced him. This conver-
sation took place about the
1st of October, 1889. The defend-
ant thereafter, ~~kept~~ put me off
from time to time with pro-
mises of repayment, until
I lost my patience and, on
the 17th of March, 1890, made
the within charge against
him at the Police Court. Bet-
ween the 11th of May, 1889,
until my conversation with
him at about the 1st of October, 1889,
the defendant put me off
from time to time with the
statement that the building
of the said retort was being
delayed through the sickness
of Mr. Ramsay, and until
the said conversation the de-
fendant always ~~[illegible]~~
stated to me that the said re-
tort was being built at Ram-
say, N. J., and ~~to~~ until then
he never mentioned any
other place as the locality of
said retort. I had also been

informed by him that Ramsey was situated on the Erie Railroad, beyond Paterson, near the state line of New York.

Sara B. Chase

Officer Shirley has ~~the record~~ a memorandum of the defendant's former convictions.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Richard Hotice.

BRIEF OF FACTS.

For the District Attorney.

Dated April 14 1880

Edward Gross

Deputy Assistant.

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 Dykes

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

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

The said Richard Dykes,

late of the City of New York, in the County of New York aforesaid, on the seventh day of May in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, with force and arms, with intent to deprive and defraud one Sara D. Shore

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 Sara D. Shore,

That he the said Richard Dykes was the inventor of a process of coining diamonds, and was then building a retort for the purpose of working the said process, at Ramsey in the State of New Jersey, and that he then needed the sum of fifty dollars for the purpose of finishing the said retort.

And the said Sarah B. Chase,

then and their believing the said false and fraudulent pretenses and representations so made as aforesaid by the said Richard Doe

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said Richard Doe, the sum of fifty dollars in money, lawful money of the United States of America and of the value of fifty dollars, and one written instrument and evidence of debt, of the kind known as bank drafts, the same being a written order for the payment of and of the value of fifty dollars,

of the proper moneys, goods, chattels and personal property of the said Sarah B. Chase.

And the said Richard Doe

did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Sarah B. Chase

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Sarah B. Chase

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 Richard Doe was not the inventor of a process of magnifying lenses, and was not then building a network for the purpose of working the said process as

Remuneration aforesaid, and he did not then need the sum of fifty dollars for the purpose of building the said robot.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Richard Doke to the said Sara B. Rhone was and were then and there in all respects utterly false and untrue, as the said Richard Doke at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Richard Doke in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Sara B. Rhone then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

0426

BOX:
391
FOLDER:
3642
DESCRIPTION:
Drummond, James
DATE:
04/29/90

3642

Witnesses;

Ernest Wagner

Offen Hackett

H. P. Smith

No 291

Counsel

Filed 29 day of April 1890

Pleads,

THE PEOPLE

vs.

James Drummond

Burglary in the Third degree. Grand larceny, Second degree & Receiving.

[Section 498,

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. O'Berry

April 30/90 *Foreman.*

Plead Guy 2 deg

S.P. 4 yrs

0428

Police Court— 2 District.

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

of No. 117 Wooster Street, aged 31 years,

occupation Dealer in Furs being duly sworn

deposes and says, that the premises No 117 Wooster Street,

in the City and County aforesaid, the said being a three story and basement brick house

and which was occupied by deponent as a Place of Business

and in which there was at the time no human being, ~~by name~~

were BURGLARIOUSLY entered by means of forcibly forcing

in the rear door.

on the 17 day of Apl 189 0 in the Night time, and the

following property feloniously taken, stolen, and carried away, viz:

Sixteen fox skins and two angora skins of the value of forty dollars

$40.00

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 James O'Brien and Another

for the reasons following, to wit: from the fact that deponent is informed by Henry C. Schmidt of 107 Wooster Street that he saw the said defendant coming out of the said premises with the said property in his possession and which deponent fully identifies as his property

Sworn to before me this 17th day of Apl 1890

F. J. Worth
Police Justice

Ernest Wagner

CITY AND COUNTY OF NEW YORK, } ss.

Guy C. Schmidt

aged 48 years, occupation Saloon Keeper of No. 117 Norfolk Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Ernest Magner and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 14 *day of* April 1888

H. Paul Schmidt

A J Mitchell

Police Justice.

Sec. 198–200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

James Drummond being duly examined before the undersigned 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. James Drummond

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Europe

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

Answer. 218 West 38 St.

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

James H Drummond

Taken before me this 11 *day of* Sept 1888

Police Justice.

0431

No 291 594

Police Court--- 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Omuch Mahmed
117 Forsyth
Sta Armenard

2.
3.
4.

Offence Burglary

BAILED,

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

Dated Apl 11th 1890

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.
No. Street.
No. Street.

$1000 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 Ahmed

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One *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 Apl 11th *18* 90 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated *18* *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
James Drummond

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

The said James Drummond late of the Eighth Ward of the City of New York, in the County of New York, aforesaid, on the twelfth day of April in the year of our Lord one thousand eight hundred and ninety, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the building of one Ernest Wagner 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 Ernest Wagner in the said building then and there being, then and there feloniously ond 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 James Drummond of the CRIME OF Grand LARCENY in the second degree committed as follows:

The said James Drummond 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 the said day, with force and arms, sixteen fox skins of the value of two dollars each and two angora skins of the value of four dollars each

of the goods, chattels and personal property of one Ernest Wagner in the building of the said Ernest Wagner there situate, then and there being found, in the building 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 James Drummond of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said James Drummond 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, with force and arms, sixteen fox skins of the value of two dollars each and two angora skins of the value of fourd dollars each

of the goods, chattels and personal property of one Ernest Wagner by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Ernest Wagner unlawfully and unjustly, did feloniously receive and have; the said James Drummond 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.

JOHN R. FELLOWS,
District Attorney.

0435

BOX:
391
FOLDER:
3642
DESCRIPTION:
Dudley, Charles
DATE:
04/29/90

3642

Witnesses;

James Mahoney

Officer Green

This grand Jury not be Convicted

F

No 286

H. A. Butler

Counsel,

Filed 29 day of April 1890

Pleads, Guilty 30

THE PEOPLE

vs.

Charles Dualy

Grand Larceny Second degree.

[Sections 528, 531, Penal Code].

May 5 Pl. 2 A.D.P.

JOHN R. FELLOWS,

District Attorney.

A True Bill. 9th a m

W. J. C. Berry

Foreman.

Part III May 5/90

Tried and convicted

Pl. Pen 1 yr 1 mo

May 9/90

POOR QUALITY ORIGINAL

9848

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.:

James Mahoney

of No. 216 Duane Street, aged 20 years, occupation driver being duly sworn deposes and says, that on the 9 day of April 188 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 Package Containing Cigars of the Value of Twenty Six 45/100 Dollars

the property of Straighton & Storms and in care and charge of deponent as a Common Carrier

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 Charles Dudley (now here) from the fact that deponent had said property lying in a Express Wagon then in charge of deponent and standing in front of No 31 Rose Street when deponent caught said defendant in the act of taking said property from said Wagon

James Mahoney

Sworn to before me, this 10 day of April 188

Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Dudley 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. Charles Dudley

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York

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

Answer. 16 Monroe Street 18 months

Question. What is your business or profession?

Answer. Bookbinder

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

Chas. Dudley

Taken before me this 10 *day of* August 1885

H. Mansfield

Police Justice.

0439

No 286 581

Police Court ... 1 ... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Lucy McAdam
216 W. Houston St.
Charles Dunlap

1 ... 2 ... 3 ... 4 ...

Offence Larceny

Dated April 10 1890

W. McMahon ... Magistrate.

Green ... Officer.

6 ... Precinct.

Witnesses

No. ... Street.

No. ... Street.

No. ... Street.

No. ... Street.

$ ... 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 Charles Dunlap

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten *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 April 10 *18* 90 W. McMahon *Police Justice.*

I have admitted the above-named ...

to bail to answer by the undertaking hereto annexed.

Dated ... *18* ... *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 ... *18* .. ... *Police Justice.*

0440

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Charles Dudley

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

of the CRIME OF GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said Charles Dudley

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

five hundred and twenty-five cigars of the value of five cents each

of the goods, chattels and personal property of one James Mahoney, the younger

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

John R. Fellows,
District Attorney