

0134

BOX:

224

FOLDER:

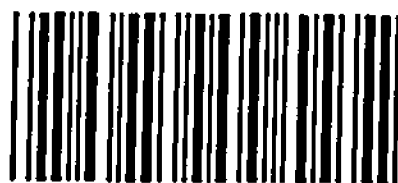
2194

DESCRIPTION:

Nachtwry, Frank

DATE:

06/10/86



2194

POOR QUALITY  
ORIGINAL

0135

100-56

Witnesses:

Counsel,

Filed 10 day of June 1886

Pleads

THE PEOPLE

08.

Frank Machinery

Violation of Excise Laws  
(Sunday)  
[III Rev. Stat., 7th Edition, page 1083 Sec. 21, and  
page 1089, Sec. 3].

RANDOLPH B. MARTINE,

District Attorney,  
SUPREME COURT PART 1,

December 22 1899  
BINGHAMMENT DEPT  
Lawrence W. Keen

Foreman.

FILED 1-0-15

1031

0136

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, {ss}

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the charge and demand a trial at the Court of General Sessions.  
Frank Nachmay*

Taken before me this

day of

188

Police Justice.

0137

Excise Violation—Selling on Sunday.

POLICE COURT—

DISTRICT.

City and County } ss.  
of New York, }

George F. Lewis  
of the 1<sup>st</sup> Inspection District 300 Mulberry Street,  
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 22<sup>d</sup> day  
of March 1888, in the City of New York, in the County of New York, at  
premises No. 78 Leonard Street,  
Frank Macchewey (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Frank Macchewey  
may be ~~dealt with~~ dealt with according to law.

Sworn to before me, this 23<sup>d</sup> day  
of March 1888

George F. Lewis

Wm. H. Haddock Police Justice.



0138

Police Court, District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Geo. F. Lewis

James Mackney

EXCISE VIOLATION.  
SELLING ON SUNDAY.

Dated 23 day of March 1885

W. Lewis Magistrate.

Lewis Officer.

Witness,

A. Prach

Bailed \$ 100 to Answer General Sessions.

By Cordt Segenhand

371 Greenwich Street.

It appearing to me by the within depositions and statements that the person 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 March 23 1885 Police Justice.

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

Dated March 23 1885 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 March 23 1885 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

*Frank Matthews*

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

*Frank Matthews*

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE  
ON SUNDAY, committed as follows:

The said *Frank Matthews*

late of the First Ward 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 eighty-~~three~~, at the Ward, City and County aforesaid, the same  
being the first day of the week, commonly called and known as Sunday, with force and arms,  
certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one  
gill of rum, one gill of gin, one gill of whisky, 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  
intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

*George F. Lewis, and to*

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

## SECOND COUNT:

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

*Frank Matthews*

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY,  
committed as follows:

The said *Frank Matthews*

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, the same being the first day of the week,

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

*George B. Lewis, and to*

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

THIRD COUNT:

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

*- Frank Madhury -*

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

*Frank Madhury*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

*148 Canal Street, -*

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

RANDOLPH B. MARTINE,  
District Attorney.

0141

BOX:

224

FOLDER:

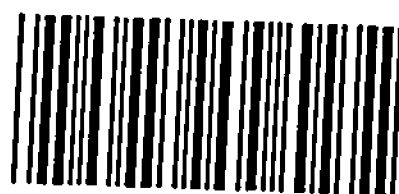
2194

DESCRIPTION:

Neben, Emil

DATE:

06/23/86



2194

0142

Recommended by report of  
Belmont stated that within 15  
days of the discharge and  
any 16. 1887

James B. Martine  
District Attorney

From an examination  
of the facts herein stated  
appears to have been  
no felonious intent on  
the defendant's part. The  
trouble grew out of a  
contentious controversy and  
the defendant's actions in  
such an effort to protect  
his rights under and by  
advice of counsel. In my  
opinion he should be  
relieved from this whole  
matter and the paper herein  
of Complaints Grand  
in Civil Proceedings. His  
same subject matter  
indicates that he is of the  
same opinion  
James B. Martine

11  
J. M. Sanford  
3 day of January 1886  
Indictment

Grand Larceny, 2nd degree  
[Sections 528, 531 Penal Code]

THE PEOPLE

vs.  
J. T. Neven

RANDOLPH B. MARTINE,  
District Attorney.

W. J. Off  
J. T. Neven  
August 16, 1887  
Indictment  
James B. Martine

Court of General Sessions of the Peace,  
County of New York.

---

The People

vs.

Emil J. Nebel

}

Sir: Please take notice that the  
defendant demands of you the production on  
the trial of the above entitled cause the following  
named papers in original:

The articles of copartnership of the  
Nebel Label Co., dated on or about April  
12<sup>th</sup> 1886 and signed by H. Colell Jr., Ernest  
A. Nebel and the defendant herein.

Also a memorandum indorsed on said  
articles of copartnership, relating to dissolu-  
tion of said firm and signed by the same  
parties on or about May 28<sup>th</sup> 1886.

Also a certain paper in the form of  
a bill of sale, absolute on its face, of the  
assets of the said Nebel Label Co., wherein  
the complaining witness herein is party of the  
second part and the persons above mentioned  
are parties of the first, and dated on or  
about the 28<sup>th</sup> day of May 1886.

Also a certain paper signed by the

0144

said complaining witness, dated May 27<sup>th</sup>  
1886, relating to the employment of the  
defendant and Ernest L. Reese and to  
a defence of the said bill of sale,  
and that in event of your failure  
to produce the same, secondary evidence  
will be offered of their contents.

Yours Truly,

Oliver Wendell Sanford,

Deft. City

1<sup>st</sup> of Wall St.,

N.Y. City.

N.Y.

To  
Randolph B. Martin  
District Attorney

Court of General Sessions  
of the Peace -  
County of New York.

The People

vs.

Emil J. Kben

Copy  
Notice to Produce.

Arthur M. Mordkoff, Esq.,

125 W. 4th St.,

New York City,

141 W. 4th St.,

New York City.

To

Randolph L. B. Martine

District Attorney



0146

*Demurres to be*

*Agreed*  
ORLIN MEAD SANFORD

ATTORNEY AND COUNSELLOR AT LAW

69 WALL STREET, ROOM 65

*New York Aug. 17<sup>th</sup> 1886.*

*Dr Lacey Nicoll, Esq.*

*Assistant District Attorney of  
the City & County of New York.*

*Dear Sir:*

*The indictment for  
grand larceny in the second degree  
was found against one Emil J.  
Kebur & filed June 23<sup>rd</sup> 1886.*

*On June 24<sup>th</sup> Kebur appeared for  
pleading, with myself as counsel,  
and a plea of Not Guilty, was  
entered with leave to withdraw  
the same any time in a week  
and submitted a special plea  
or demur.*

*On July 8<sup>th</sup> I filed for Kebur  
a demur to the indictment  
on the ground that it presented  
a case of misjoinder of crimes.*

0147

same date. Therefore ~~the~~ demurrer  
~~will not~~ come up before that time

I expect to be absent from  
the City (in a few days) until  
the 6<sup>th</sup>, & possibly the 15<sup>th</sup>,  
but as soon as I return  
I will communicate with  
your office in respect  
to the demurrer etc., and  
I therefore ask that notice  
that time you will favor  
me with not calling up  
the demurrer, and that the  
criminal action be fastened  
to the civil suit, as to the  
ending of which you will  
be duly informed.

I have the honor to remain,  
Yours Very Respectfully,  
Orlin M. Sanford.

the trial has been set down for the 10<sup>th</sup> of September, when, I am informed there will be inevitably a little more delay. I understand it is to be quite thoroughly tried on the part of the plaintiff.

I saw Mr. Davis, of your office, some weeks ago, & he informed me that it was a custom of your office (of which I am glad to learn) to postpone a criminal trial in such a case to the civil trial. So I infer that the criminal trial will hardly come off, if at all, until October.

Part II is now adjourned until September 6<sup>th</sup>, & I am informed that Part I will also adjourn today to the

I have seen the District Attorney in respect to the merits of the case, and he said that from what he knew of the case it <sup>(was his opinion that)</sup> was one that never ought to have been brought before him in the form of a criminal action.

Immediately upon the indictment a civil suit was begun by the said Sten (as was contemplated before) to test his rights <sup>as a partner,</sup> to the property alleged by the indictment to have been the subject of the larceny by him. That action was brought by Sten in Kings County Supreme Court, and a reference therein was ordered before Wm L. Snyder Esq. of 7 Buxman St, N.Y. on July 30<sup>th</sup> 1886. Owing to engagements & absences of Counsel & Referee

Court of General Sessions

-----X

The People on the com-  
plaint of Herman Colell

agst.

N e b e n

-----X

This is not one of the ordinary cases. The defendant has hitherto borne an unblemished character and is no criminal in the ordinary sense of the word. He is of more than average intelligence and is a skilled artisan. His family is a highly respected one and has been on terms of intimate personal friendship with that of the complainant.

A loss of three thousand dollars cash which happened to the complainant in the transactions out of which this charge grew attests that friendship.

But a course of malicious mischief and interference with the complainant in his business and in the effort to save as much as he could out of that loss, culminating in the reckless act which constitutes the crime charged has forced the complainant to take the matter into Court for his own protection and for the peace of the People.

STATEMENT OF FACTS

Prior to April 12th 1886, the defendant and his brother were engaged in the lithographic business in the city of New York. Finding themselves cramped for money they invited the complainant, who was a warm personal friend of the family, to advance them some money in return for an interest in their venture: Mr. B. Lewinson was called in

0151

STATE OF NEW YORK  
IN SENATE  
JANUARY 1, 1886

CONF. OF SENATE JOURNAL

and was directed by all parties to prepare a partnership agreement.

The business being new to Mr. Colell and he being a responsible merchant and not desiring to risk more than five thousand Dollars in the venture, all hands agreed that his son, Herman Colell Jr., should be the new member in the firm.

This partnership agreement is dated April 12th 1886 and it is important to call attention to two of its features;  
1. That Colell Jr. alone was to have ~~and~~ ~~the~~ charge of the finances of the firm EXCLUSIVELY.

2. That on the dissolution of the firm, the outstandings should be assigned to said Colell Jr.

Things went along pleasantly for a little while, and then the Neben Brothers began to quarrel among themselves, to the detriment of the business.

So on May 27-th 1886 all met in the office of B. Lewinson Esq. and there executed a formal dissolution of the partnership, and an assignment of all the assets of the firm (Bill of sale) to Herman Colell Senior, the complainant, in consideration of advances made to the firm.

At the same time Mr. Colell Sr. executed an agreement on his part engaging the two Neben brothers for a probationary period of four weeks to assist him in conducting the business, and agreeing to reengage <sup>or one of them,</sup> them <sup>thereafter</sup> if he should continue the said business, ~~or either of them~~, if their services should prove to be desirable.

Shortly thereafter Colell Sr. was obliged to discharge Emil Neben (the defendant) <sup>for misconduct.</sup>

Then began a series of annoyances, such as breaking open the letter-box, stopping urgently needed supplies of materials,

0152

interfering with customers, all of them very irritating and tending to the breach of the peace, and finally culminating in the act for which he is now called upon to answer.

On June 1st. defendant, after said dissolution etc., went to a party who owed the late firm of Neben Label Company ( The S H. Wetmore Co.)

Concealing the fact that the firm had dissolved and assigned to Mr. Colell, defendant demanded the amount then due the firm, and stated to Mr. Wetmore and to the Secretary of the Wetmore Co. that the Neben Label Company needed the money to pay their employees and offered to allow ten per cent of the bill for cash.

By this false statement and allowance he obtained a check for \$150. on the Park Bank payable to "Neben Label Co.", cashed it at the Bank and appropriated the proceeds, having indorsed the check in the name of the "Neben Label Co."; thus committing both larceny and forgery.

— Points. —

The defence will be that Neben acted in good faith, on the advice of counsel that he had a right to collect the money. Cross examination will show that he did not make a correct statement of the facts to his counsel, and it is believed especially, that he did not tell his counsel the provision of the partnership agreement that Colell Jr. was to have the sole charge and control OF FINANCIAL MATTERS, and that defendant had no right to collect a cent.

Counsel it is believed had not seen ~~the~~ <sup>at all</sup> the partnership agreement, at the time he gave the advice, Neben having surrendered it up to Mr. Lewinson at the time of the execution of the dissolution on May twenty seventh 1886; and could not

0153

Defendant also owned the late firm of Nepean Paper Company ( the  
On June 1st. defendant's firm said dissolution etc. went to a  
in the act for which he is now called upon to answer.  
founded to the place of the books and finally engineering  
investigation with the company.

know the fact that even if the partnership was alive, the  
defendant had no right under any circumstances ( in view of  
the provisions of the partnership agreement) to receive any  
money.

#### DEMURRER

Under Section. 279 of the Code of Criminal Procedure the in-  
dictment is good .

The money was obtained by both forgery and larceny  
and therefore the " acts complained of " do "constitute dif-  
ferent crimes" and therefore may be charged in separate  
counts.



0154

The People's

— apth —

Emile T. Nebes

Break

for the District Att.

0155

The Reben Label Company having sold their business and assets to Herman Collet Senior of New York City, said Collet hereby engages Ernest A. Reben and Emil J. Reben for four weeks at a weekly salary of ten dollars to each of them, the said Emil and Ernest Reben to perform for him, in consideration of said salary, the same duties which they were required to perform in the copartnership business of said The Reben Label Company (to which partnership agreement reference is hereunto had)

Said Collet has the option at the end of said four weeks, to wit; on June 26<sup>th</sup> 1886 to stop said business or to continue it with either of the said Rebens as a partner with a one third interest. After having realized the sum of \$15.00. which represents the present investment of his son in the Reben Label Company and having paid himself that sum, he shall and will pay to such or both of them

said Hebers' as shall not continue in his service or in the said business the respective sums of \$383.87 to Ernest A. Heber and \$70.38 to Emil T. Heber, provided said sums or either of them shall have been realized.

In witness whereof the parties hereto have hereunto set their hands and seals this 27<sup>th</sup> day of May 1886

H. Colcl.

copyd.

## Court of General Sessions

The People  
v.  
Emil J. Heber }

Besides the persons who appeared before the Police Magistrate and Grand Jury, the following are material and necessary witnesses for the prosecution

Wm A. Snyder Esq<sup>r</sup> of Beckman St. who, as referee in the Civil action between the accused & Complainant holds all the documentary evidence.

Benno Lewinson of Beckman St., who was the notary and attorney before whom the various documents were executed, and who can prove that their contents were fully explained to and understood by the accused, before he executed them.

0158

The People

v

Emil J. Weber

Witnessed:

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

The People of the State of New York  
against  
Emil J. Nohon

The defendant Emil J. Nohon, above named, demurs to the Indictment presented by the Grand Jury on the 23<sup>rd</sup> day of June, 1856, charging him with Grand Larceny in the second degree.

The grounds of the defendant's objection and demurer to the said indictment are specified as follows:

That said indictment presents a case of misjoinder of crimes, it appearing upon the face thereof that more than one crime is charged in the indictment within the meaning of sections two hundred and seventy-eight and two hundred and seventy-nine of the Code of Criminal Procedure of the State of New York.

That in the first count of said indictment the ownership of personal property therein alleged to have been the subject of the crime of grand larceny is laid in one "Herman Colell"; and in the second count thereof the ownership of personal property therein

alleged to have been the subject of the crime of grand larceny is laid in "a certain corporation called the S. H. Wilson Company."

That it does not appear from the averments in the second count of said indictment and there is no allegation therein that the personal property described in the first count thereof is the same personal property as that described in the second count, but, on the contrary, it is apparent that it is distinct and the property of distinct persons.

That it does not appear from the averments in the second count of said indictment and there is no allegation therein that the crime of grand larceny therein set forth is the same crime as that charged and described in the first count thereof, but, on the contrary, it is apparent that it is distinct and separate crimes affecting the rights and property of different persons.

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 City, }  
July 1st 1856. }

Orlin Mead Sanford,  
Attorney for the Defendant,  
No 69 Wall Street,  
N.Y. City,  
N.Y.

County General Sessions of the Peace  
of the City & County of New York

The People of the State of New York

against

Emil J. Neben.

Return to Indictment  
for Larceny  
(2nd degree)

Orlin Wood Sanford,  
Attorney for Defendant,  
1269 Maci Street,  
N.Y. City.  
Wf

filed Sept. 1. 1886

0161



Supreme Court  
Kings County

Emil A. Neben  
vs  
Herman Kolbel,  
Herman Kolbel Jr.  
Ernest A. Neben and  
Henry G. Neben

Judgment  
May 21<sup>st</sup> 1887

The summons in this action having been personally served on all the defendants and they all having appeared herein and they all having answered the complaint except the defendant Henry G. Neben and

The issues herein having been referred to William L. Snyder Esq., as Referee to hear and determine and

The parties herein having all appeared before the said referee by their respective attorneys and submitted their proofs and,

The report of the said Referee having been filed whereby he finds the facts and conclusions of law which entitles

this plaintiff to this interlocutory judgment

Now on motion of Daniel Rensen plaintiff, attorney

It is Adjudged and decreed as follows:

That the instruments executed on the 28<sup>th</sup> day of May 1886 viz: a certain agreement signed by the plaintiff and the defendants Ernest A. Neben and Herman Kolbel Jr. purporting to dissolve the firm of the Neben Kolbel Company and mentioned in the complaint; a certain bill of sale signed by the same persons bearing date the 28<sup>th</sup> day of May 1886 and purporting to convey to the defendant Herman Kolbel the property and assets of the said firm, which bill of sale is mentioned in the complaint; and also a certain other agreement purporting among other things to employ the plaintiff to serve the defendant Herman Kolbel; bearing date the 27<sup>th</sup> day of May 1886 which agreement is mentioned and set forth at length in the complaint and referee's findings of fact herein, are void as to the plaintiff and of no legal force and effect.

That the copartnership between the plaintiff

and the defendants Ernest A. Neben and Herman Kolbel Jr known as the Neben Label Company be and the same hereby is dissolved.

That an account be taken of all the copartnership dealings and transactions of the plaintiff and the defendants Ernest A. Neben and Herman Kolbel Jr. from the commencement of their copartnership relation.

That the defendant Herman Kolbel account for the assets and property of the said firm which came into his hands.

That the property, good will and business of the said firm be sold and the copartnership debts and liabilities be paid off and the surplus, if any, be divided in the proportion of one fourth to the plaintiff and three fourths to the defendant Herman Kolbel or his assigns.

That in the meantime the defendant Herman Kolbel be enjoined from collecting or receiving or in any manner interfering or intermeddling with or disposing of the said partnership assets, money or property.

That a receiver of the said partnership moneys, property and assets be appointed

with the usual powers and duties of receivers.

That the plaintiff is entitled to recover from the defendants Herman Kober and Ernest A. Neben the costs of this action with an extra allowance of fifty dollars.

That the complaint be dismissed as to defendant Henry G. Neben without costs.

That the plaintiff is entitled to be restored to the same possession in which he was prior to the execution of the aforesaid bill of sale and accompanying papers.

*Attest*  
John M. Lankford

Due and timely service of a copy  
of the within

is hereby admitted.

Dated, New York, 188

Attorney for

Supreme Court.  
King County  
Emil A. Weber

Plaintiff,  
against

Herman Golell  
et al

Defendant

Certified Copy  
Judgment setting aside  
Bill of Sale &c

DANIEL S. REMSEN,  
Attorney for Plaintiff.

60 WALL STREET,  
NEW YORK CITY.

To

0167

DANIEL S. REMSEN,  
Attorney and Counsellor at Law,  
69 Wall St., N. Y.

People v. Emil P. Neben.

May 23 1887

Hon Randolph B. Martin  
District Attorney N.Y.

Dear Sir: Enclosed herewith please find  
the petition for dismissal of indictment  
also complaint and certified copy of  
judgment setting aside the bill of  
sale through which the complaining  
witness, Herman Colell, claims  
title to the property alleged to be stolen.

This Neben shows by a judgment  
of the Supreme Court that he had a  
right to collect the money for the  
taking of which he is charged with  
larceny.

I think this indictment has been  
hanging over Neben long enough.  
It has prevented him from taking employ-  
ment out of the state and otherwise  
keeps him under a cloud and has  
prevented him from getting employment  
in otherwise might have obtained in  
this city. It is now being used by  
Colell, the complaining witness, to force  
a favorable settlement of the civil  
suit above referred to.

Colell has boasted that he has  
sufficient influence with your  
office to keep this indictment hanging  
over Neben until he comes to terms.  
This I do not believe, and therefore  
call it to your attention.

Colell, through his attorneys, has offered

0168

DANIEL S. RENSEN.

2- Attorney and Counsellor at Law.

69 Wall St., N. Y.

Reber \$700. Reber, in order to get rid of the indictment, was willing to accept this sum but as soon as he signified his willingness, Collier straightway backed down to \$500.

If the indictment is not dismissed, Reber will be forced to accept that sum, as he is very anxious to be relieved from the indictment and the consequent unjust imputation.

I am specially interested in this case as Reber collected the money, he is charged with stealing, in my advice as a professional man, which advice the said judgment sustains.

Of course the other side will say when aware of this application "we intend to appeal."

Suppose this judgment should be reversed on appeal. Reber has shown a reasonable and bona fide claim to the property in question that in all a criminal court will require.

If this application should be approved, I should like to be heard and submit certain letters from Collier's attorney, which I do not now but at liberty to submit.

Yours truly,  
Daniel S. Rensen.



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

The People of the State of New York,  
against  
Ernest J. Reben.

To Hon. Randolph B. Martine,  
District Attorney.

The defendant respectfully asks that the indictment against him be dismissed, there being no criminal intent, and respectfully submits:

The complaining witness Herman Colell, claims the property which is the subject of the alleged larceny, through an alleged bill of sale to him, made by the defendant and his two partners ~~from a person in your office~~ and dated May 28<sup>th</sup> / 1886. now on file in your office.

II On the day of the alleged larceny the defendant, as he then claimed and still claims, was wrongfully deprived of the possession of the assets, mentioned in the alleged bill of sale:

III That as soon as the defendant was thus deprived of his property he went to the office of his Counsel D.



Remsen at 69 Wall St. and ~~fully~~ fairly stated the facts to him.

IV That thereupon defendant's said counsel advised defendant that in his opinion the said alleged bill of sale, was without consideration, fraudulent and void.

V That defendant's said counsel further advised defendant to collect all outstandings he could and otherwise get possession of all property he could purporting to be covered by said alleged bill of sale.

VI That defendant acting on that advice went directly from the office of his said counsel and collected the money or check in question and thereafter deposited the money collected on said check in the Seamen's Bank for Savings where the same still is on deposit in the name of this defendant.

VII That this defendant brought a suit in the Supreme Court Kings County to have said alleged bill of sale set aside.

VIII That the same was referred to Wm L. Snyder, Esq. as Referee to hear and determine.

IX That after hearing all parties concerned the said referee as will appear by the annexed papers in that suit has decided that the said alleged bill of sale was and is void.

City and County of New York, ss; Orlin Mead Sanford  
Deft Attney.

Emil T. Weber being duly sworn says that he is the above named defendant, that he has read the foregoing statement and that the same is true.

Sworn to before me }  
this 30<sup>th</sup> day of March 1887. } Emil T. Weber  
Frank J. Hanson

Notary Public, Kings Co.  
COMMISSION EXPIRES 1891.

City and County of New York, ss;

Daniel S. Remsen being duly sworn says that he has read the foregoing statement and that the same is true.

Sworn to before me }  
this 30<sup>th</sup> day of March 1887. } Daniel S. Remsen  
Frank J. Hanson

Notary Public, Kings Co.  
COMMISSION EXPIRES 1891.

0172

City<sup>and</sup> County of New York;

William L. Snyder  
being duly sworn says that he is  
the referee referred to in the forego-  
ing statement and that the facts  
therein stated as to deponent and  
his decision are true.

Due and timely service of a copy  
of the within

is hereby admitted.

Dated, New York, ..... 188

Attorney for .....

General Sessions Court.

*The People vs*

Plaintiff,

against

*Emil A. Nebel*

Defendant.

*Petition to have  
Indictment Dismissed*

~~JOHN H. S. RICHES~~  
*Orin M. B. Bingham*  
Attorney for *Defendant*

69 WALL STREET,  
NEW YORK CITY.

To

39154

0173

0174

DANIEL S. REMSEN,  
Attorney and Counsellor at Law,  
69 Wall St., N. Y.

Aug 12 1887

Randolph B. Martin Esq.      People }  
Dist. Ct.      Nelson }

Dear Sir: Enclosed please  
find mem. concerning dismissal  
of the indictment in the above  
case, sent to you as you desired.

Please let the matter be  
disposed of this coming week  
as was understood to-day  
it should be.

The papers in this case  
are not in the possession  
of the clerk but in yours.

Yours truly,  
Daniel S. Rensen

0175

Court of General Sessions of Peace

People.

Emil P. Weber

} Grand Larceny  
2<sup>d</sup> degree

To Randolph B. Martin Esq  
Dist Atty.

This is to certify you of the  
conversation between the unders  
signed and yourself in the above  
case had this day in which  
Mr. Luwison as Counsel for  
the complaining witnesses joins Mr.  
Rumsey representing the defendant  
(O.M. Sanford Atty) in requesting  
that the indictment be dismissed  
and the defendant honorably  
discharged as it appears  
~~that the defendant~~ by a judgment  
of the Supreme Court that the  
defendant had a right to take  
the property - being a partner -  
N.Y. Aug 12<sup>th</sup> 1887

B. Feigelson  
for Counsel.

David Rumsey

Dear Mother  
I have just received your letter of the 12th and was  
glad to hear from you. I am well and hope this  
letter finds you the same. I have been thinking  
of you very much lately and wondering how you  
are getting on. I have been very busy lately  
but I have managed to find some time to write  
you. I have been thinking of you very much  
lately and wondering how you are getting on.  
I have been very busy lately but I have  
managed to find some time to write you.  
I have been thinking of you very much lately  
and wondering how you are getting on. I have  
been very busy lately but I have managed to  
find some time to write you.

Love  
Your affectionate son  
John



Due and timely service of a copy  
of the within

is hereby admitted.

Dated, New York, 188

Attorney for

General Sessions Court.

People

Plaintiff,  
against

Emil J. Nabeu

Defendant.

Consent of Counsel for Comp.  
to discontinue indictment

DANIEL S. REMSEN,

Counsel  
Attorney for deft.

69 WALL STREET,

NEW YORK CITY.

Orlin Mead Sanford  
deft - atty



0178

Supreme Court, Kings County

R. R. Watson, Law Stationer, 81 Nassau St., N. Y.

Emil A. Neben

Plaintiff

against

Herman Collett, Herman Collett Jr.  
Ernest A. Neben and Henry  
G. Neben

Defendants

Summons.

To the above named Defendant

**You are hereby Summoned**

to answer the complaint in this action, and to serve a copy of your answer on the Plaintiff's Attorney within twenty days after the service of this summons, exclusive of the day of service, and in case of your failure to appear, or answer, Judgment will be taken against you by default, for the relief demanded in the complaint.

Dated New York June 22<sup>nd</sup> 1886

David S. Rensen

Plaintiff's Attorney

Office, No. 69 Wall St.

New York City.

P. O. Address,

Collett Jr. and Ernest A. Neben formed a partnership under the firm name of the Neben Label Company for the manufacture and printing of labels.

II That the said copartners now own a valuable stock of goods, tools, material, machinery and other property also a large amount of debts due them for work delivered and about to be delivered, and a large and valuable number of orders for work yet to be executed, which it will require several months to fill, and a valuable good will, which are of far greater value when taken together than if separated; and that no equitable division of the assets and good will of said partnership can be made without great loss to all parties, except by a sale thereof together, and a division of the proceeds thereof.

III That on and prior to the 28<sup>th</sup> day of May 1886 the defendant Herman Collett fraudulently taking advantage of certain difficulties then existing between said copartners fermented strife between them and wrongfully and with intent to deceive and defraud this plaintiff fraudulently induced and

0179

Vol 1

Supreme Court  
King's County

Emil J. Neben

—against—

Herman Colell, Herman Colell Jr.,  
Ernest A. Neben and Henry G.  
Neben

*Amended  
Complaint*

The plaintiff complains, <sup>by this amended complaint</sup> of the defendants and alleges

I That heretofore and on or about the 12<sup>th</sup> day of April 1886 the plaintiff and the defendants Herman Colell Jr. and Ernest A. Neben formed a partnership under the firm name of the Neben Label Company for the manufacture and printing of labels.

II That the said copartners now own a valuable stock of goods, tools, material, machinery and other property also a large amount of debts due them for work delivered and about to be delivered, and a large and valuable number of orders for work yet to be executed which it will require several months to fill, and a valuable good will, which are of far greater value when taken together than if separated; and that no equitable division of the assets and good will of said partnership can be made without great loss to all parties, except by a sale thereof together, and a division of the proceeds thereof.

III That on and prior to the 28<sup>th</sup> day of May 1886 the defendant Herman Colell fraudulently taking advantage of certain difficulties then existing between said copartners fermented strife between them and wrongfully and with intent to deceive and defraud this plaintiff fraudulently induced and

procured this plaintiff without any consideration  
 therefore to execute a certain bill of sale absolute in  
 form of the outstandings, fixtures, claims, equity in  
 machines and other rights and assets of the said co-  
 partnership, and also a certain agreement of dissolution  
 and a certain other paper of which the plaintiff is  
 informed and believes the following is a copy.

The Neben Label Company having sold their  
 business and assets to Herman Collet Senior of New  
 York City, said Collet hereby engages Ernest A.  
 Neben and Emil J. Neben for four weeks at a week-  
 ly salary of ten dollars to each of them, the said  
 Emil and Ernest Neben to perform for him, in con-  
 sideration of said salary, the same duties which  
 they were required to perform in the copartnership  
 business of said The Neben Label Company (to which  
 partnership agreement reference is herunto had).  
 Said Collet has the option at the end of said  
 four weeks, to wit: On June 26<sup>th</sup> 1886, to stop  
 said business or to continue it with either of the  
 said Nebens' as a partner with one third interest.  
 After having realized the sum of \$1,500, which  
 represents the present investment of his son in  
 the Neben Label Company, and having paid  
 himself that sum, he shall and will pay to such  
 or both of the said Nebens' as shall not continue  
 in his service or in the said business the respective  
 sums of \$383. 87 to Ernest A. Neben and \$70<sup>00</sup>  
 to Emil J. Neben, provided said sums or either  
 of them shall have been realized.

In Witness whereof the parties hereto have  
 herunto set their hands and seals this 27<sup>th</sup>  
 day of May 1886

H. Collet

7

by means of the following false and fraudulent representations, inducements and promises <sup>which were made by the defendant Herman Colell</sup> which the plaintiff believed to be true and on which he relied, viz. that he, the said Herman Colell, desired to have the defendant Ernest A. Nelson out of the firm, that he desired plaintiff to remain in the business with him or his son as partners, that although said defendant Ernest A. Nelson was a good workman, he was no good man and a damage to the business as a member of the firm, that he, said defendant Herman Colell, could not get along with said defendant Ernest

8

<sup>that he, said defendant Herman Colell had arranged with the defendant Ernest A. Nelson</sup> on terms satisfactory to him, to retire from the firm and give up the business, that in order to bring about this reorganization of the firm it was necessary to have certain papers signed, which his, said Colell's lawyers would prepare, that the signing of the papers aforesaid was to be simply a matter of form and that their contents were of no importance to plaintiff as the defendant Ernest A. Nelson was to retire and he the plaintiff was to be the partner of the said defendant Colell or his son with one third or one half interest however the papers should read.

9 IV That the said papers were executed under the fraudulent advice of the said defendant Herman Colell for the purpose of authorizing and empowering the said Herman Colell to proceed to wind up the affairs of the said Copartnership as the agent of the said firm and not for the purpose of consummating a sale or transfer of the property and assets of the said copartnership.

10 V That thereupon the said Colell assumed the control of the business of the said Copartnership and after the lapse of a few days began to claim and now claims the property and assets of the said firm and with the consent of the plaintiffs' said partners turned this plaintiff out of the place of business of the said firm where this plaintiff had continued to perform the same duties he had theretofore performed and the said agent threatened this plaintiff with bodily harm in case he returned and the said agent and partners have prevented this plaintiff from having access to the books, place of business and assets of said firm.

11 VI That the said defendant Herman Colell is the father of the defendant Herman Colell Jr. and is collecting and otherwise appropriating the assets of the said firm to his own use and the use of his said son and the defendant Ernest A. Nelson in fraud of the rights of this plaintiff.

VII That the defendant Henry G. Nelson has or claims to have some interest in the assets of the firm aforesaid.

Wherefore the plaintiff demands judgment <sup>that</sup> That the said partnership be adjudged dissolved and an account taken of all the said copartnership dealings and transactions from the commence-



10 ment thereof, and of the moneys and property received and paid out and disposed of by the plaintiff and the defendants respectively in relation to the premises.

2<sup>nd</sup>. That the said bill of sale and the papers above referred to be adjudged to be fraudulent and void.

3<sup>rd</sup> That the property, good will and business of the said firm be sold and the copartnership debts and liabilities be paid off, and the surplus, if any, divided between the plaintiff and defendants according to their respective interests.

11 4<sup>th</sup>. That in the meantime the defendant Herman Colell, may be enjoined from collecting or receiving, or in any manner interfering or intermeddling with or disposing of the partnership debts or money or other property or effects of said partnership.

5<sup>th</sup>. That a receiver of the partnership moneys, property and effects may be appointed, with the usual powers and duties.

6<sup>th</sup>. And for such other and further relief as may be just

Daniel S. Remsen  
Plffs Atty.

12 City and County of New York s.s.

Emil J. Neben the plaintiff above named being duly sworn says that the foregoing complaint is true to his own knowledge except as to those matters which are therein stated to be alleged on information and belief and that as to those matters he believes it to be true.

Sworn to before me this } Emil J. Neben  
13<sup>th</sup> day of June 1886 }  
John A. Webster  
Notary Public Kings Co  
Cert. filed in N.Y. Co.

Papers in Civil Suit

Supreme Court  
Kings County

Emil J. Naben

— vs —

Herman Gold  
et al.

<sup>copy</sup> Attached  
Summons and Complaint

Daniel S. Hansen  
Peeps Alley  
69 Wall St. N.Y.

ARTICLE OF AGREEMENT made: the 12th. day of April one thousand eight hundred and eighty six, BETWEEN HERMAN COLEMAN of the State of New York party of the first part and EMIL T. NEHEN and ERNEST A. NEHEN, together constituting the party of the second part WITNESSETH as follows:

I. The said parties above named have agreed to become co-partners in business and by these presents do agree to be copartners together under and by the name or firm of "THE NEHEN LABEL COMPANY" in the manufacture of labels, show cards, chromos, prints and the business of printing and engraving, and in the buying, selling and vending of all sorts of goods, wares and merchandise to the said business belonging, in the City of New York; their co-partnership to commence herewith and to continue for the term of five years and thereafter for successive periods of three years unless terminated by six months written notice given before the expiration of any such term.

II. And to that end and purpose the said parties of the second part contribute the assets and good will of their present business (The New York Chromatographic Company) together with their services at the nominal salary of ten dollars per week each.

And the party of the first part contributes the capital necessary ~~for~~ to successfully carry on the business, not to exceed however, the sum of five thousand dollars; to be used and employed in common between them for the support and management of said business to their mutual benefit and advantage.



III. And it is agreed by and between the parties to these presents that at all times during the continuance of their co-partnership each of the parties of the second part will give their attendance and do their and each of their best endeavors and to the utmost of their skill and power exert themselves for their joint interest, profit, benefit and advantage; and truly employ, buy, sell and merchandise with their joint stock and the increase thereof in the business aforesaid; and also that the parties hereto shall and will at all times during the said co-partnership bear, pay and discharge equally between them all the rents and other expenses that may be required for the support and management of the said business; and that all gains, profit and increase that shall come, grow or arise from or by means of their said business shall be divided between them, after the payment of the salary hereinbefore referred to, one half to the party of the first part and the other one half to the parties of the second part; and all loss that shall happen to their said joint business by ill commodities, bad debts or otherwise shall be borne and paid between them in like proportion..

IV. And it is agreed by and between the said parties that there shall be had and kept by said Emil T. Neben at all times during the continuance of their co-partnership perfect, just and true books of account wherein each of the said co-partners shall enter and set down as well all money by them or either of them received, paid, laid out and expended in and about the said business as also all goods,

0187

wares, commodities and merchandise by them or either of them bought or sold by reason or on account of the said business and all other matters and things whatsoever to the said business and the management thereof in anywise belonging; which said books shall be used in common between the said co-partners so that either of them may have access thereto without any interruption or hindrance of the other.

AND ALSO the said co-partners once in each year, to wit: on January the 1st. or oftener if necessary shall make yield and render each to the other a true, just and perfect inventory and account of all profits and increase by them or either of them made and of all losses by them or either of them sustained and also all payments, receipts, disbursements and all other things by them made, received, disbursed, acted, done or suffered in this said co-partnership and business and the same account so made shall and will clear, adjust, pay and deliver each to the other at the time their just share of the profits so made as aforesaid.

1887. V. The parties of the second part shall draw none of the profits earned for them by the business before January 1st. ~~1888~~ <sup>1887</sup> Thereafter they may draw such portions thereof, in addition to the salary heretofore mentioned as shall be agreed upon between the parties.

All such drawings shall be charged to the respective capital accounts of the parties.

VI. It is agreed that the parties of the second part may at any time after two years admit their brother Henry to an equal participation in their one half interest

0188

herein on the basis of the same terms.

VII. And the said parties hereby mutually covenant and agree to and with each other that during the continuance of the said co-partnership none of the parties of the second part shall nor will endorse any notes or otherwise become surety for any person or persons whatsoever without the consent of the party of the first part; and at the end or sooner termination of their co-partnership the said co-partners each to the other shall and will make a true, just and final account of all things relating to their said business and in all things truly adjust the same and all and every the stock and stocks as well as the gains and increase thereof which shall appear to be remaining either in money, goods, wares, fixtures, debts or otherwise shall be divided between them.

VIII. The party of the first part shall have charge of the finances of the firm and shall alone have the right and power to sign or endorse checks, drafts, and notes and to deposit and draw all monies and securities and he shall not be required to give any further attendance to the business of the firm that shall be necessary for the purposes of this paragraph.

None of the parties of the second part shall be permitted to engage in any other business or occupation.

IX. It is however agreed between the parties that notwithstanding the provisions hereinbefore contained the party of the first part may at his option by ten days written notice to be given on the 1st. of August 1883 cancel and re-

voked this agreement.

In that case his interest in the firm shall thereupon  
 immediately cease, and shall at once be determined, and the  
 portion of the second part shall now will execute to him, as  
 collateral security for the payment to him of the interest so  
 determined, or assignment of all those subsisting outstand-  
 ings now or hereinafter in all machines hereafter acquired  
 by the business.

THE PARTIES HERETO HAVE  
hereunto set their hands and seals the 22nd day of First  
above written.

In presence of.

H. Colver Jr  
Emil L. Norton  
Ernest A. Ruben

City and County of New York ss:-

On this 16<sup>th</sup> day of April one thousand eight hundred and eighty six before me personally came and appeared Herman Golzell, Emil F. Ketch and Ernest A. Ketch and to me known and known to me to be the individuals mentioned and described in and who executed the foregoing agreement and they solemnly acknowledged to me that they executed the same.

[illegible]

~~C. J. J.~~ Good and valuable consideration is  
 thereto moving we hereby cancel and  
 revoke this co-partnership to take  
 effect forthwith, and hereby authorize  
 Mr. Collett to sign in liquidation. Said  
 Collett alone is authorized to settle  
 up the business.

W. H. Macy

1880

W. Collett Jr.

E. J. Neben

Ernest A. Neben

NOTICE OF ENTRY.

*Partnership Agreement*

*Please to take notice  
that the within is a copy of*

this day duly entered and filed  
herein in the office of the Clerk  
of

*The Weber  
Label Co.*

of New York,

Dated New York, 188

CONNORLY, LEHUGO S. MACK,

Attorney.

*Dated Apr. 12. 1886*

CONNORLY, LEHUGO S. MACK,

Attorney.

TEMPLE COURT,  
3-9 BEEKMAN STREET,  
NEW YORK CITY.

Due service of a copy of within is hereby  
admitted.

DATED 188

To

0191

0192

First District Police Court.

THE PEOPLE,  
ON COMPLAINT OF  
Herman C. Cress } Examination had June 16th 1886  
Emil J. Mebel } Before Saml. O'Reilly Police Justice.

Saml. O'Reilly Stenographer of the 1st District Police  
Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of Herman Cress  
Stanley H. Watson Emil J. Mebel  
as taken by me on the above examination before said Justice.

Dated June 16th 1886

Saml. O'Reilly  
Police Justice.

Saml. O'Reilly  
Stenographer.

0193

Thos. L. L. L.  
Police Court

Thos. L. L. L.  
Comptrolr of  
Sherman Colwell  
vs  
Emil J. Hellen

(Hellen and  
Loring Deposition  
T. L. L. L.  
June 16th 1886

Appearance  
From Hellen for Hellen

Sherman Colwell reads over and  
his affidavit

Q. You just read and affidavit in  
what case against the defendant  
and you made another affidavit, now  
in what respects do they differ?  
A. About which there is any difference  
and it must be instead of Sherman  
Colwell Jr it was Sherman Sr. he is  
my son and the lawyer didn't know  
it

Q. Mr. Colwell doesn't mean to say that  
you perjured to the original complaint  
that was made but against the  
defendant in your own name?  
A. I don't know to it

Q. And that the name of your son Sherman  
Colwell Jr was used in that complaint  
in what respect does it now differ



0194

A The lawyer said I must do it before  
if it was for me.

Q How did defendant pay another and your  
for Herman? I was in partnership  
together with they said?  
A Yes sir

Q How can you ever obtain any more  
of the details of the partnership?  
A I do not know.

Q How can you get them then?  
A Yes sir (producing the papers.)

Q Did you not give them up in any  
business which these two men under  
the name of Nelson & Co?

A Yes sir

Q You advanced him the money?  
A Yes sir

Q How much?  
A \$500 dollars and I advanced him more  
money after wards.

Q Did you have any conversation with  
him on the subject of this firm  
about the firm running behind  
objected to

Q The Court Sustained

Q Did you go down to the firm's office  
and examine the books at any time  
before this alleged bill of sale was  
given to you?

A I had a power of attorney

Q From whom?

Q Now you read a power of attorney.  
 J Howard was your son at the time  
 he went in this firm?

A I never asked to get in it  
 Q Did you examine the books under  
 a power of attorney from him?

A Yes sir  
 Q And from your examination of the books  
 did you find that this firm was  
 carrying losses?

A Yes sir  
 Q By the first I understood  
 J you swear in your affidavit that  
 the article of partnership were  
 dissolved on the 24th of May?

A Yes sir  
 Q You also swear that the bill of sale  
 was signed on the 28th of May?

A Yes sir  
 Q This dissolution of partnership and the  
 bill of sale were signed on the  
 same day were they not?

A Yes sir on the same day  
 Q And while you were together?

A Yes sir  
 Q Now the bill of sale and the dissolution  
 are you signed together and they are to  
 be read together for understood  
 together?

A Yes sir  
 Q How much consideration was there

if any paid by you to the firm for  
the assets of the firm?  
A I was paid for the same days  
and dates.

Q Did you pay one dollar to the firm  
for the day being a dollar?

A I didn't lend anybody a dollar.

Q Did anybody lend you one dollar  
and give you by you?  
Answer:

Q How to settle up the other people?  
Answer:

Q When you place in your affidavit in this  
case that one of the papers was signed  
on the 25th by the other on the 28th.  
And you also placed in cross examination  
that they were both signed at the  
same time on the 28th.

A Maybe there is a mis take.

Q Did you accept this kind of sale simply  
for the purpose of collecting  
perpetrator money to pay your  
own share and then give the balance  
to the other defendant?  
Answer: no such thing.

Q What agreement did you make with this  
defendant, your son included?

A I engaged him for ten dollars a week  
Paper offered for identification  
and marked Exhibit one.

Q You made this agreement the same day

5

By your bill of sale, on the same day as  
the dissolution of Partnership?  
A That was the Bazaar day.

Q They saw you swear abetter, this was signed  
on that same day its date, yes or no?  
A That was signed on the same day the  
other paper was signed.

Q Did you see all of the papers that you gave them  
at the time of the dissolution, that bill  
of sale?

A That was the last paper. They signed one  
and gave it to me. I signed one and gave  
it to them.

Q How long after the signing of the bill  
of sale did this paper and remain in  
your employ before he was discharged?

A That was the last paper. He was discharged  
that day. He had the keys of the house and  
he went to some lawyers. He was treated  
with the books. He was treated the  
letter box and took the letters, and counted  
the money. He was treated to  
just one the keys. He got out this to do  
no more business there.

Q How long did you all remain in business  
together after this?

A Half an hour.

Q And did you shut up and go away?  
A They went to a lawyers office.

Q Did you go back to the business?  
A He did not. His brother did.

6.

If you don't know whether he can't have to  
 this place under this new agreement or  
 not?

Altogether not.

If he is to enter upon the discharge of any  
 duties the day after tomorrow?

He will not. He will attend to matters  
 during the week for the present. He is put  
 in the way of trouble.

If you can this department to make a  
 note ordering some paper or other material  
 in the name of the New York Company  
 on a Saturday?

Altogether.

If any time after these papers are signed  
 Altogether.

(C. B.)



Quil I told the defendant  
deposed my eyes being examined.  
Local Examination.

Q were you a member of the firm of  
Webb & Co?

A yes sir

Q When was the man Russell Sr.  
A yes sir

Q How was the business then placed  
at the time of the signing of the paper  
the dissolution of partnership. As the  
two of you were then, are signed at one  
time?

A We went to a lawyer's office and signed  
this paper. We went and got through  
and signed the said paper.

Q In fact you signed two papers?

A Yes sir. As the lawyer said the first paper  
didn't amount to anything. As when we  
got through signing the second. Then  
Russell and I went down in the elevator  
As my brother was sick As he was not  
able to go down to the elevator As we  
are bound down to the office at 12  
Jacob Street As after we got there  
I say to Russell my brother looks so  
bad As I think of to take a walk  
he would be better As he went and took  
a walk with him As in the meantime  
I was up in the office detailing the  
general supervision of the business

On a day in June after some time I went  
 home back. On the way I saw a man looking  
 at the house. He was a large man  
 and I saw he was looking at the house and  
 I went over and bought some paper and  
 then he said it was 20¢. He asked  
 the man name I didn't know any  
 money. He stood here to take it back.  
 He said the paper was very bad. He came  
 around me to say to him the paper  
 was worse than he had it. He was a living  
 man. He stopped. He went to the  
 Champion Paper Company in Minneapolis  
 and after it was when I came down  
 I took the paper out of the box and opened  
 them and a copy was in my hand and so  
 I was still a better. He stood to some  
 business of mine. He came back, and  
 on the night of the 28th after reading  
 these letters he was coming to my wife  
 and she says you have a terrible  
 thing. How could you sign the paper  
 and then I showed them to another friend  
 and he told me I was a damned out of  
 my business and at that time I got  
 very much scared. He went over to  
 see my counsel. He looked the  
 papers over. He said how can you  
 sign such a paper. I told him that  
 my brother was in the business  
 and if we get him over perhaps



he can explain the same thing to him  
 well as our case we must not  
 appear but that same afternoon  
 incident was taken away the 29th, and  
 my counsel advised me the best  
 thing that we could do is to see my  
 brother. My brother the matter was  
 to I went to his house on the following  
 day I went there, but to avoid making  
 trouble to anything, he told me  
 to come in morning, for me that  
 I must go out and look about I know  
 and discuss in indoor place. At this  
 business man in a good condition  
 of his anything done in this day?  
 I began to see that Mr. Calcutt was in the  
 office. He had sent a boy to have a  
 look put on the door to prevent me  
 from coming in. Mr. I got in and  
 the first thing he demanded of me  
 was the keys of the door which I gave  
 him under the door and in the  
 then I sat down on the chair at my  
 desk. He was fixing up some accounts  
 when he says to me if you don't give  
 me the keys of the door I will kick  
 you out of here, you have no right  
 here but I says I am a partner in this  
 concern and I have a right. He you want  
 kick me out. He then he says you  
 have no business here. get out of here

11

I have the deeds with me so jumped  
 up and was just going to hit me  
 and I ran to the back of the table. And  
 I remained there a little while until  
 he got cooled off and then I went to my  
 brother and told him the whole cir-  
 cumstances but no action should be  
 taken against out of town. Mr. Collett told  
 me to tell you you must get out.  
 And by the advice of my brother I collected  
 all the money I could and put it in  
 the bank and have got the books to show  
 when and what amounts I collected, and  
 I kept them there until this matter  
 in seemed to see who has a right to  
 them, I am I still claim a portion.  
 If you collected this where?

Yes sir

If the land will be worth as much to  
 day as it was before?

Yes sir, there is 500 thousand dollars  
 worth.

If that one dollar bill of sale represents  
 how much?

A 500 thousand dollars,

*[Signature]*

0205

*Thur*  
District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Defendant to appear during the Examination

An information having been laid before *James J. O'Reilly* a Police Justice  
of the City of New York, charging *William Heben* Defendant with  
the offence of *Carrying in the Second Degree*

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 hear-  
ing thereof having been adjourned.

We, *William Heben* Defendant of No. *125*  
*Hooper* Street; by occupation a *W. Heben*  
and *Joseph M. Heben* of No. *125 Hooper*  
Street, by occupation a *Manufacturing Factory* Surety, hereby jointly and severally undertake that  
the above named *William Heben* Defendant  
shall personally appear before the said Justice at the *Thirteenth* 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 *Twenty*  
Hundred Dollars.

Taken and acknowledged before me, this *11th*  
day of *June*, 188*6*

*Samuel C. Beall* POLICE JUSTICE

*Samuel J. Heben*  
*Joseph M. Heben*

0206

CITY AND COUNTY  
OF NEW YORK, } ss.

day of June 1896  
Sealed to before me, this  
Paul H. McDowell  
Police Justice.

the within named Paul and Surety being duly sworn, says, that he is a resident and house  
holder within the said County and State, and is worth \$25,000 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

Stock and free ten of  
Carriage Factory at No. 195 Grand Street New  
York City of the value of \$30,000  
Without any lien or incumbrance thereon

Joseph McKee

District Police Court.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Alman G. Bell

vs,

Samuel Leber

Under taking to appear during  
the Examination.

Taken the 11th day of June 1896

Justice,

0207

Police Court—

District.

Allday &amp; Larceny.

City and County }  
of New York, } ss.

Herman Colell

of No. 171 1/2 North

occupation merchant

Street aged 54 years,

being duly sworn

deposes and says, that on the first day of June 1886 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

time, the following property viz: the S. H. Wetmore Company the following property to-wit: one check of the value and of the amount of one hundred and fifty - nine <sup>30</sup>/<sub>100</sub> dollars, the drawer of the National Park Bank of the City of New York, to the order of the Weber Label Co.

the property of deponent and that 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 me Emil T. Weber under the following circumstances.

That said Emil T. Weber together with Ernest A. Weber and Herman Colell executed on or about the 24th day of May 1886 a bill of sale to deponent of all the "outstandings, fixtures, claims, equity in machines and other rights and assets" of the Weber Label Company of said city which was the name of the partnership under which the said three persons did business. That said firm was dissolved on the 27th day of May 1886.

That on the 1st day of June 1886 Emil T. Weber went to the S. H. Wetmore Company at 14 North Street in the City of New York and demanded from them in the name of the Weber

Sworn to before me, this

1886

day

Police Justice.

0208

Label buying payment of certain bills then  
due from said Wilmore Co. to said Weber Label  
Co. and by such demand obtained from the said  
Wilmore Co. in payment of said bills the check  
above mentioned.

That said Weber having obtained  
said check did so deposit in informant and believe  
endorse the same in the name of the Weber Label  
Co. and did present and obtain payment  
thereof at said First National York Bank  
in the amount thereof lawful money of the United  
States.

That the said check and its proceeds  
thereof were obtained by said Weber without  
the knowledge consent or authority of defendant, and  
were taken by him with the intent to deprive  
defendant the true owner of his property <sup>in</sup> and use  
and benefit of thereof to the use of said Weber  
the latter thereof.

That said Weber has appropriated  
the said check and its proceeds to his own use  
and has not given or paid the same or any part thereof  
to defendant.

That the check was given in  
payment of an indebtedness due the Weber Label  
Co. and was the property of this defendant by  
virtue of said bill of sale hereto annexed and  
made part hereof.

Herman Collett

Sworn to before me  
this 16<sup>th</sup> day of June

Samuel C. Butler  
Police Justice



0209

**Know all Men by these Presents,**  
 THAT we, Herman Colbell Jr., Ernest A. Nebel  
 and Emil T. Nebel, constituting the firm of  
 The Nebel Label Co. of New York City, in City  
 of the first part, for and in consideration of the sum of one dollar —

lawful money of the United States,  
 to it in hand paid, at or before the ensembling and delivery of these presents, by Herman  
 Colbell Jr. of the City of Brooklyn, party  
 of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, and by  
 these presents do grant and convey unto the said party of the second part his executors,  
 administrators and assigns, the outstanding, fixtures, claims,  
 Equity in machines and other rights and  
 assets of the party of the first part —

**To have and to hold** the same unto the said party of the second part, his  
 executors, administrators and assigns for ever. And we do, for ~~ourselves~~<sup>our</sup> heirs, executors and  
 administrators, covenant and agree to and with the said party of the second part, to warrant  
 and defend the sale of the said ~~party of the second part~~ things  
 hereby sold unto the said party of the second part, his executors, administrators and assigns,  
 against all and every person and persons whomsoever.

**In Witness Whereof,** we have hereunto set our hand and seal the  
28<sup>th</sup> day of May in the year one thousand eight hundred  
 and eighty six.

Signed, Sealed and delivered in the presence of

W. H. Anderson

H. Colbell Jr.

Ernest A. Nebel

E. T. Nebel

0210

Neben Label an

k

Herman Lovell.

Bill of Sale.

Dated 18

CONNOLLY, LEWINSON & MACK,  
Attorneys and Counselors,  
7 Beekman St., Temple Court, New York.



0211

<b>SHEPHERDSON &amp; CO.</b> <b>DRUGGISTS' SUNDRIES.</b>	No. 1059	New York, June 1 <sup>st</sup> 1886
	<b>National Park Bank</b>	
	Pay to the order of <i>The Niter Label Co</i>	
	<i>One Hundred &amp; fifty-nine<sup>30</sup> /100</i> Dollars	
	<i>\$159.<sup>30</sup></i>	<i>Henry Rothman</i> Treasurer
		<i>Stanley H. Mettman</i> President

02 12

Arthur Labare & Co  
Indemnity Surety  
Henry Poston, Secy

0213

District Police Court

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

Herman Colell

against

Emil T. Neben  
-----x

City and County of New York ss:-

Stanley H. Wetmore being duly sworn, says: That he is the President of the S. H. Wetmore Co. manufacturers of Druggists sundries in the City of New York doing business at 14 Platt Street in said City

4.8.  
W.F.  
That on the 1st day of June 1886, Emil T. Neben came to <sup>at 14 Platt Street New York City</sup> deponent, and requested him to pay him the amount of several bills then due from the Wetmore Co. to The Neben Label Co. of No. 12 Jacob Street in the City of New York.

" That deponent knew that said Neben had been a partner in the firm doing business under the name of the Neben Label Co. and supposed he was still such partner not having heard of the dissolution of said firm.

4.8.  
W.F.  
That deponent at his request as aforesaid <sup>at said No. 14 Platt Street New York City</sup> paid to said Neben for said amounts owing to The Neben Label Co. by the Wetmore Co. the sum of \$159.30 in a check on the National Park Bank to the order of the Neben Label Co.

That said check was drawn to the order of the Neben Label Co. and signed by deponent as President of said Corporation and also by the Treasurer of said corporation.

That said Neben then endorsed said check in the name of the Neben Label Co. and ~~then~~ requested <sup>Henry Ockert</sup> Treasurer of the Wetmore Co. to mark his endorsement as cor-

0214

rect, that this was done and said Neben carried off said check which deponent believes was duly paid, as it has been duly received from said National Park Bank with the other paid checks drawn by deponent's corporation.

That said check was delivered to said Neben for the sole reason that deponent believed said Neben was still a member of the partnership of the Neben Label Company.

Sworn to before me this

<sup>16th</sup>  
day of June 1883

Stanley H. Wetmore!  
James C. Keith  
Police Justice  
~~Thos. Brown~~  
~~Wm. F. Smith~~  
~~Raymond J. Smith~~

0215

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK.

*Emil T. Nebur* 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. *Emil T. Nebur*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *City*

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

Answer. *125 Stuyvesant St. Brooklyn, since May*

Question. What is your business or profession?

Answer. *Artist*

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.*

*Emil T. Nebur*

Taken before me this *16*

day of *June*

188*8*

*Samuel C. Kelly*  
Police Justice.

02 16

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

Nelson  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 50 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 June 16 1886 Samuel O. Reilly Police Justice.

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

Dated June 16 1886 Samuel O. Reilly Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0217

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1 *Norman Collett Jr.*  
*171 S. 9th St.*  
2 *Emil Nielsen*  
3  
4

Dated *June 16* 188 *6*  
*O'Reilly* Magistrate.

*Sturges* Officer.  
*Conr* Precinct.

Witnesses *Norman Collett Jr.*  
No. *171 S. 9th St.* Street.

*Stanley H. Wetmore*  
No. *14 Platt St.* Street.

No. \_\_\_\_\_ Street.  
\$ *5.00* to answer *AS*

*Bailey*

BAILED,

No. 1, by *Joseph McKee*

Residence *125 Stroper* Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

0218

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Ernest S. Nelson*

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

*- Ernest S. Nelson -*

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

The said *Ernest S. Nelson,*

late of the First Ward of the City of New York, in the County of New York aforesaid on the *third* day of *June*, in the year of our Lord one thousand eight hundred and eighty-*eight*, at the Ward, City and County aforesaid, with force and arms, *one written instrument and evidence of debt, to wit: an order for the payment of money, of the kind commonly called bank checks, being due and due wholly unsatisfied, for the payment of and of the value of one hundred and fifty nine dollars and thirty cents,*

of the goods, chattels and personal property of one

*Herman Rodell,*

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.



0219

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said  
Ernest S. Nelson of the crime of Extortion  
Larceny in the second degree.

~~of the County of New York~~ committed as follows:

The said Ernest S. Nelson,

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, ~~one other~~  
~~written instrument and evidence of~~  
~~debt, to wit: a certain other order~~  
~~for the payment of money of~~  
~~the said company called Bank-~~  
~~desques, being then and there~~  
~~wholly unsatisfied, for the payment~~  
~~of and of the value of one hundred~~  
~~and fifty nine dollars and thirty cents.~~

of the goods, chattels and personal property of ~~one a certain corporation~~  
~~called the S. M. Wetmore Company,~~

~~by certain persons to the Grand Jury aforesaid unknown, then lately before~~  
~~feloniously stolen, taken and carried away from the said~~

~~then and there being found, then and~~  
~~unlawfully and unjustly, did feloniously receive and have, the said~~

~~then feloniously did take, steal and carry~~

~~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.

**RANDOLPH B. MARTINE,**  
District Attorney.

0220

BOX:

224

FOLDER:

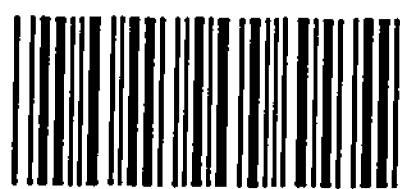
2194

DESCRIPTION:

Nemo, Henry

DATE:

06/30/86



2194

0221

BOX:

224

FOLDER:

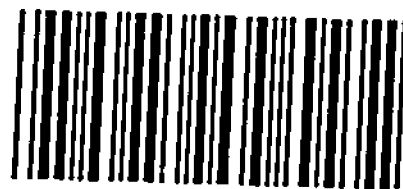
2194

DESCRIPTION:

Ryan, Thomas

DATE:

06/30/86



2194

0222

BOX:

224

FOLDER:

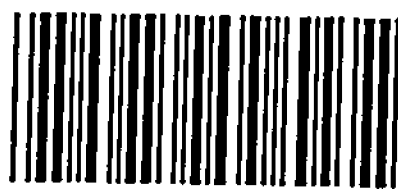
2194

DESCRIPTION:

Noll, John

DATE:

06/30/86



2194

259

Witnesses:

Counsel,

Filed 30 day of June 1886

Pleas,

Chas. A. Kelly

THE PEOPLE

vs.

Henry News

Thomas Ryan

John Will

BRANDOLPH B. MARTINE,

District Attorney.

May 13/86

No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Grand Larceny, 2nd Degree.  
(From the Person.)  
[Sections 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

A True Bill taken & returned.

Agnes McKee

Foreman.

John H.

Charles Gully

S. A. L. 100 27-10 1886

0224

Police Court—First District.

Affidavit—Larceny.

City and County }  
of New York, } ss.of No. 13 + 14 South Street, aged 17 years,  
occupation Bar tender being duly sworndeposes and says, that on the 26 day of June 1886 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possessionperson of deponent, in the day time, the following property viz:One Brass Watch of the value  
of Seven 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 Henry Nemo Thomas Ryan  
+ John Noll (all now here) from the  
fact that while deponent was standing  
was standing in a crowd in the Battery  
Park at about the hour of five o'clock  
and thirty minutes P.M. on said date  
deponent missed the aforesaid watch and  
deponent is informed by Louis Block  
Sergeant of the Park Police that he saw  
the said defendants Ryan + Noll pushing  
against said deponent in company with  
the defendant Nemo and said officer  
saw the said defendant Nemo take said  
and carry away the aforesaid watch from  
deponent left hand side vest pocket

0225

by deponent as a portion of deponents  
trading clothing and said officer flock  
immediately caught hold of said defendants  
Hem's pants and said defendants Hem's  
passed said watch to some other person  
wherefore deponent & the said defendants  
with acting in concert with each other in  
taking stealing and carrying away the aforesaid  
watch from possession and person of deponent

Sworn to before me this

27<sup>th</sup> day of June 1886

Wm. J. Tappan

J. M. Patterson

Police Justice

0226

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 40 years, occupation Sept Park Officer of No  
Park Police Street, being duly sworn deposes and

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

Sworn to before me, this 27<sup>th</sup> day of June, 1836 Louis Flock

AM Patterson  
Police Justice.



0227

Sec. 109-200.

152

District Police Court.

CITY AND COUNTY  
OF NEW YORK.

*Henry Nemo* 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 Nemo*

Question How old are you?

Answer *27 years*

Question Where were you born?

Answer *New York State*

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

Answer *26 Essex Street two weeks*

Question What is your business or profession?

Answer *Mattress Maker*

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 Nemo*

Taken before me this

day of

188

Police Justice.

0228

Sec. 199-200.

122 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Thomas Ryan 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, upon the trial.

Question What is your name?

Answer

Thomas Ryan

Question How old are you?

Answer

26 years

Question. Where were you born?

Answer

New York City

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

Answer.

164 Division St Oregon

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

Thomas Ryan

Taken before me this

day of April 1888

William J. Carson Police Justice.

0229

Sec. 193-200

CITY AND COUNTY  
OF NEW YORK.

102 District Police Court.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

I taken before me this

day of *June* 188*7*

*John Roll*  
Police Justice.

0230

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

Thomas Ryan & John Noel  
guilty thereof, I order that ~~they~~ be held to answer the same and ~~they~~ be admitted to bail in the sum of fifteen Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison of the City of New York, until ~~they~~ give such bail.

Dated June 27 1888 Wm. Patterson Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0231

Police Court

152 930 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Richard Fajin  
1344 Hyatt  
Henry Morris  
Thomas Ryan  
John Wall

opence  
from the Person

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

June 27 1886

Patterson Magistrate.

Sept Louis Flock Officer.

6 P Precinct.

Witnesses

Call the Officer  
William Koss 90 Kanier Street.

100 Pearl Street

No. William Koss Street.

35 West 44 Street

No. John Clarke Street.

15 Broad St

\$ to answer

\$1500. Cash to Ans.

Gen. Secs. Comm.

0232

The People  
vs.  
Thomas Ryan and  
John Noll.

Court of General Sessions, Part I.  
Before Judge Giltersleeve.

July 13, 1886.

Jointly indicted with Henry Nemo for Grand larceny in the second degree.

Richard Rajan sworn. I remember the 26th of June last, I was in the Battery park of this city that day at half past five in the evening, I had a brass watch worth about ten dollars in my left vest pocket fastened with a chain and the chain fastened on a ring. I was looking at Buffalo Bill, there was a big crowd and I lost my watch but do not know how, I missed it when the Sergeant came up to me and hit me on the shoulder, he saw the chain hanging down and the watch was gone, I have never seen it since, I saw the defendants after they were arrested, I saw Nemo, the man who pleaded guilty there; that is all I know about it. I know I had the watch in my pocket ten minutes before I saw it hanging down, I did not take it out but I saw the chain.

Lewis Flock sworn. I am a member of the Park Police of the City of New York and rank as Sergeant, I remember the 26th of June when I was detailed in the Battery Park, I saw the last witness there about 5.30 and saw the defendants at the same time. That day it was the parade of the Buffalo Bill show and quite a number of people were following it up; they stopped at the Staten Island ferry and several gentlemen hallooed, stop thief, thieves in the crowd. One witness who is here also lost his watch and called my attention to where the crowd was

0233

working. I ran in that direction alongside a tree and saw the man Nemo who pleaded guilty taking the watch out of Fagin's pocket while Ryan was pushing him on one side and Noll on the other side - there was about six of them together. I tried to get the watch and in the act of trying to get the watch and to hold Nemo the rest of them got away from me. One of the other witnesses here who also lost his watch during the struggle grabbed on to Ryan and we arrested Noll afterwards in the crowd. I identified them as the two men that I saw working with Nemo around the person of Fagin. I saw Ryan and Noll pushing against Fagin while Nemo was holding his arm over Fagin's vest and with the other hand was taking his watch and had passed it to another one, I think he passed it to Noll.

William Hass sworn. I live in Hoboken and was in the Battery Park the day of the Buffalo Bill parade, I lost my watch in the crowd but I did not see Fagin until after we got the prisoners. I saw the two defendants there, I saw Nemo and he was standing in the crowd where there was a stout gentleman, Nemo was standing in front, Ryan was standing at the side and Noll behind Ryan, they were pushing this man from the side while Nemo was working with his hands to take the stout gentleman's watch and chain. I could not see whether he got the watch because they walked away from this man and I walked around with the intention of finding a policeman when I spoke to Sergeant Flock, I recognized three of them there in the crowd and the Sergeant caught Nemo, it was fifteen or twenty minutes after I learned that Fagin lost his watch.

0234

Thomas Ryan sworn and examined in his own behalf, testified: I was in the Battery Park on the 26th of June last but nobody was with me, I don't know Nemo, I work on the dock, I heard music and I followed on just to see what was the excitement, I saw Nemo in the Station House after he was arrested, I did not steal the complainant's watch or help anybody to steal it, I did not know Noll until he was arrested.

Gross Examined. I worked on the docks for the Old Dominion and I worked for a year on docks for Mr Kennedy, I don't know the number of his office in West Street, Mr Fitzgerald was the foreman, he is not in Court. I live 184 Division Street and had a furnished room there for six months, I don't know the woman's name, she is a Jew, there was a man named Murphy lived in the house, he is not in Court, I was born and raised in New York but I do not pay attention to the streets. I was not talking to Nemo in the Park that day or to Noll and never saw Noll until he came in the Station House. Over nine years ago I was in trouble for an assault and got one year for it, I think I was before Judge Patterson in the Tombs but I was not before him a week before this arrest.

John Noll sworn. I came from Chicago about three months ago and was in the Battery Park on the 26th of June by myself, I saw nobody there that I knew, I never saw Ryan before that day, I was arrested on Saturday in front of the Station House of the first ward, I was not with Nemo and Ryan and had nothing to do with stealing the complainant's watch.

The Jury rendered a verdict of guilty.



0235

Testimony in the case  
of Thos. Ryan and  
John Hall.

Filed June  
1886

0236

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 Hemo, Thomas  
Rugan and John Hall*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Henry Hemo, Thomas Rugan and John Hall*  
of the Crime of GRAND LARCENY in the *second* degree, committed as follows:

The said *Henry Hemo, Thomas Rugan  
and John Hall, all —*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*Twenty fifth* day of *June*. — in the year of our Lord one thousand  
eight hundred and eighty- *five*, in the *day* time of the said day, at the Ward, City and  
County aforesaid, with force and arms.

*one watch of the value of seven  
dollars,*

of the goods, chattels and personal property of one *Richard Baizer*. —  
on the person of the said *Richard Baizer*. —  
then and there being found, from the person of the said *Richard Baizer*. —  
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.

*Richard Baizer*  
*Attorney*

0237

BOX:

224

FOLDER:

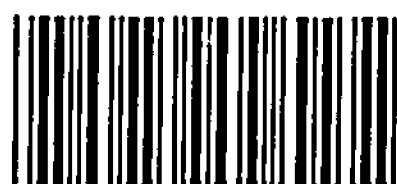
2194

DESCRIPTION:

Neumann, Lawrence

DATE:

06/20/86



2194

0238

381 -

Witnesses:

Officer Frank J. Braun  
23<sup>rd</sup> Dec

Counsel, *[Signature]*  
Filed *[Signature]* day of *June* 188*6*  
Pleads *Unlawful*

THE PEOPLE  
vs.  
*[Signature]*  
[Section 635, p. 2, Pennl Code].

*Lawrence Henman*  
*[Signature]*  
RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*William H. Connelley*  
Foreman  
*[Signature]*  
Heads Jury  
*[Signature]*  
Ret: June 1886

0239

Sec. 189-200.

CITY AND COUNTY  
OF NEW YORK.

District Police Court.

*Lawrence Neuman* 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

*Lawrence Neuman*

Question How old are you?

Answer

*22 years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*No 303 East 99<sup>th</sup> St 11 months*

Question What is your business or profession?

Answer

*Car driver*

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 guilty of putting  
the stone upon the track of*

*J Neuman*

Taken before me this

day of

1886

*Admission Book*

Police Justice.

0240

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 5 DISTRICT.

Frank J. Braune

of No. 40 23<sup>d</sup> Precinct Street, aged 28 years,  
occupation Police Officer being duly sworn deposes and says  
that on the 28 day of May 1888

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

(nowhere) did maliciously place  
an obstruction upon the track  
of the 3<sup>d</sup> Avenue Surface Railway  
at about 10 o'clock P.M. of the  
above date, on 3<sup>d</sup> Avenue between  
9<sup>th</sup> and 99<sup>th</sup> Streets, to wit a stone  
weighing not less than fifteen pounds  
thereby endangering the safety of  
persons riding in said 3<sup>d</sup> Avenue  
Surface Railway Co., in violation  
of section 635 of the Penal Code of the State  
of New York

Frank J. Braune

Sworn to before me, this

of

1888

day

Edmond Ford

Police Justice.

0241

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

Samuel Steiner

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 May 22 1888 J. J. J. J. J. Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named

\_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0242

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Frank J. Reame  
93rd Street  
Lawrence M. Munn

Office of the  
District Attorney

BAILED,

No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

2  
3  
4

Dated Nov. 29 1886

Magistrate

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 500 to answer



0243

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lawrence Neumann

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

Lawrence Neumann  
of the CRIME OF Placing an obstruction upon  
a railway track,

committed as follows:

The said Lawrence Neumann,

late of the Twelfth Ward of the City of New York, in the County of New York afore-  
said, on the Twenty-fifth day of May, in the year of our Lord  
one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid,

with force and arms, did feloniously  
place upon the track of a certain  
railway operated by horses, and then  
and there used and maintained the  
a certain corporation called the Third  
Avenue Railroad Company, a certain  
obstruction, to wit: one large stone,  
whereby the passing of many and  
many persons, travelling on said  
railway, whose names are to the  
Grand Jury aforesaid unknown, were  
then and there endangered, against  
the form of the Statute in such  
case made and provided, and  
against the peace of the People

0244

of the State of New York, and  
their signature

Randolph B. Martin,

District Attorney

0245

BOX:

224

FOLDER:

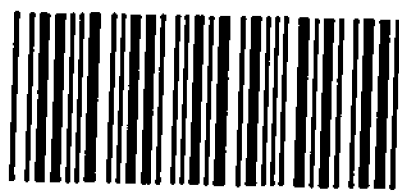
2194

DESCRIPTION:

Newman, Frank

DATE:

06/21/86



2194

Witnesses:

And for:

*Joseph C. ...*

*Stephen S. ...*

*Deputies:*

*107 New ...*

Counsel,

Filed *21*

day of

*June 1886*

Pleads,

*unlawfully*

THE PEOPLE

vs.

*R*

*Frank Newman*

*of ...*

Grand Larceny, 2<sup>nd</sup> Degree.  
(From the Person.)  
[Sections 528, 529, 530.] Penal Code.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

*James M. ...*

*June 20/86* Foreman.

*Charles ...*

*Stacy ...*

*June 22/86*

0247

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

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

Gennaro Gentile

of No. 99, 3<sup>rd</sup> Avenue Street,

being duly sworn, deposes and says, that on the 15 day of June 1886

at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent. *On fraud his person in the way time*  
the following property, viz :*One Silver watch of the  
value of seven dollars (7.00)*

Sworn before me this

day of

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 *Frank Mercurio**(now here) that the deponent  
was standing on the south-west  
corner of 3<sup>rd</sup> Avenue and 14<sup>th</sup> street looking  
at the parade at the hour of 11 O'clock  
A.M. on said day, and that he felt  
a hand in his vest pocket and on  
examining he missed his watch  
and the deponent took hold of the  
deponent who was nearest to him)*

Police Justice.

1886

0248

and searched his vest pocket  
and threw up the same. The witness said  
that in the case of a vest pocket  
he never took it from the  
pocket.

Witnessed by  
James Gentile  
before me  
this 15 day of June 1888  
J. J. [Signature]  
Magistrate

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0249

Sec. 199-200.

CITY AND COUNTY  
OF NEW YORK.

34 District Police Court.

*Frank Newman* 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 *Frank Newman*

Question How old are you?

Answer *15 years*

Question Where were you born?

Answer *New York City*

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

Answer *146 West 100th Street New York City*

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*

*Frank Newman*  
*mark*

Taken before me this

day of

*Sept 13 1931*

Police Justice.

0250

BAILED,

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

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

Residence \_\_\_\_\_ Street.

Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Thomas Hart*

*vs. Fred*

*Frank Meier*

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *June 15* 188 *6*

*Deputy* Magistrate.

*Belger* Officer.

*17* Precinct.

Witnesses *Walter Moretto*

No. *98-5 Avenue* Street.

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

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

*1000* to answer *G. L.*

*Com*

Office of *James W. Warden*

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

*Frank Meier* guilty thereof, I order that he be held to answer the same and 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 *June 15* 188 *6* *Police Justice.*

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0251

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Franka Newman*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Franka Newman*  
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Franka Newman*.

late of the First Ward of the City of New York, in the County of New York aforesaid, on the  
*27th* day of *June*, — in the year of our Lord one thousand  
eight hundred and eighty-*six*, in the *day* time of the said day, at the Ward, City and  
County aforesaid, with force and arms,

*one watch of the value of seven*

*dollars,*

of the goods, chattels and personal property of one *Dommasse Agutide*,  
on the person of the said *Dommasse Agutide*, —  
then and there being found, from the person of the said *Dommasse Agutide*,  
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.

*Randolph Brant*

*District Attorney*

0252

BOX:

224

FOLDER:

2194

DESCRIPTION:

Nitzert, Max

DATE:

06/09/86



2194

0253

Witnesses:

It appearing by the within affidavits  
that it is impossible to secure the at-  
tendance of Augusta Vitzert  
a material and necessary witness for  
the People and without whose evidence  
a conviction cannot be had, I there-  
fore respectfully recommend that the  
defendant herein Max  
Vitzert be  
discharged on his own recognizance.

N. Y. April 27 1887

Wm. V. M. Davis  
District Attorney.

No 37

Appayan

Counsel,

Filed

9<sup>th</sup> day of June 1886

Pleas,

Mortality 10.

THE PEOPLE

vs.

Max Vitzert

ASSAULT IN THE THIRD DEGREE.

(Section 219, Pennl Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

William W. Keever

Ph. D. N. Y. 1887

On the 9<sup>th</sup> day of June 1886  
before me  
his own recognizance  
I have received

0254

report to Chief Clerk

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To

Augusta Kietzert  
18 Stanton Street,

WE COMMAND YOU, if all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the 28 day of March instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Max Nitzen  
in a case of Felony, whereof he stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall, in our said City, the first Monday of March, in the year of our Lord 1887

RANDOLPH B. MARTINE, District Attorney.

PART I.

THE COURT ROOM IS IN THE SECOND STORY, AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

0255

GLUED PAGE

Part of General Sessions.

by  
on the  
day of

for the within in a copy, upon

State of New York,  
County of New York,  
Attorney or one of his assistants,  
who, deposes and says he  
has the within in a copy, upon

PEOPLE

Nietzert

County of New York, ss.:

and says: I reside at No.

being duly

Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the 22 day of March 1887, I called at No. 18 Stanton Street

the alleged residence of Auguste Nietzert the complainant herein, to serve her with the annexed subpoena, and was informed by the saloon keeper in the building and by the janitress that no person by that name has ever resided in that house to their knowledge and that the said Auguste Nietzert does not reside there now, and is not known to either of them.

Sworn to before me, this 25 day

of April 1887  
Rudolph L. Schuyler

COMMISSIONER OF DEEDS  
N. Y. CITY & COUNTY.

Jacob Deubert

Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs. *Max Hitzert*  
Offense:

RANDOLPH B. MARTINE,  
District Attorney.

Affidavit of

*Jacob Joubert*  
Subpoena Server.

. Failure to Find Witness.

0256

0257

District Attorney's Office.

PEOPLE

vs.

Max Stigert - c -

Appault.  
Russ

Ch. Scharf,

serve for 28th.  
Let report be made to me  
on 23<sup>d</sup>.

ADD

OK.

0258

DR H. KRAUSE,  
MEDICAL & SURGICAL  
OFFICE,  
319 6TH STREET,  
NEW YORK.

New York June 1<sup>st</sup> 1886.

This is to certify, that bearer of this Mrs. Auguste Thiergart is afflicted with different bruises & blows, which, by her own statement, she received from the hands of her husband Max Thiergart both at 18 Stanton St. in this city, without any provocation or being intoxicated. - After a close examination I found further, that Mrs. A. Thiergart is suffering from severe pain in her left abdominal region, accumulated by footsteps of her husband, leaving the intestines inflamed ever since.

Dr. Hugo Krause  
319 East 6<sup>th</sup> St. N.Y.



0259

Police Court— 2 District.CITY AND COUNTY }  
OF NEW YORK, }of No. 18 Stanton Street, aged 22 years,occupation Married being duly sworn, deposes and says, thaton the 28<sup>th</sup> day of May, 1886 at the City of New York,

in the County of New York, in said premises.

He was violently ASSAULTED and BEATEN by Max Nitzert (nowhere)  
John. Chuck deponent on the face and body  
with his clenched hand. Shoving  
deponent's face and body and discharging  
deponent's eye. When deponent refused  
to prostitute her body for the said Max Nitzert  
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 the above assault, &c, and be dealt with according to law.

Sworn to before me, this

day of

1886
Auguste Nitzert.  
Police Justice.

0260

C860. 195-200.

CITY AND COUNTY  
OF NEW YORK.

District Police Court.

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

Question What is your name?

Answer

Question How old are you?

Answer

Question Where were you born?

Answer

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

Answer

Question What is your business or profession?

Answer

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

Answer

*I am not guilty of the charge  
and I demand a trial at  
the Court of General Sessions*

*Mat Nietzer*

Taken before me this

day of

188

Police Justice.

0261

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

Max Mitzner

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

June 2 1886

Wm. H. H. H. H. Police Justice.

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

Dated

June 9 1886

Wm. H. H. H. H. Police Justice.

There being no sufficient cause to believe the within named

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

Dated

188

Police Justice.

0262

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, et al.,

ON THE COMPLAINT OF

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

1850

0263

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Max Nitzen*

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

*- Max Nitzen -*

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

The said *Max Nitzen*,

late of the First Ward of the City of New York, in the County of New York  
aforesaid, on the *28th* day of *May*, in the year of our Lord  
one thousand eight hundred and eighty-*six*, at the Ward, City and County  
aforesaid, in and upon the body of one *Augusta Nitzen*,  
in the peace of the said people then and there being, with force and arms, unlawfully  
did make an assault and *then* the said *Augusta Nitzen*,  
did then and there unlawfully beat, wound and illtreat, to the great damage of the  
said *Augusta Nitzen*, 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.

RANDOLPH B. MARTINE,

District Attorney.

0264

BOX:

224

FOLDER:

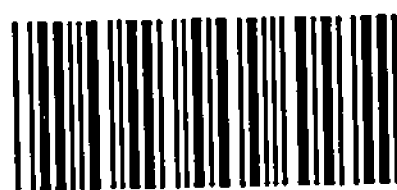
2194

DESCRIPTION:

Noonan, Stephan

DATE:

06/09/86



2194

No 45

Witnesses:

Counsel,  
Filed 9<sup>th</sup> day of June 1886  
Plends *for*

THE PEOPLE  
vs.  
Stephan Noonan  
ASSAULT IN THE THIRD DEGREE.  
(Section 219, Penal Code.)

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*J. Lawrence McKeen*

Mr. M. H. H. <sup>Foreman</sup> *Peace*  
for Sept. 1887  
Commencing the term  
in Remand to the Court  
of the Court of Sessions  
of the County of Cook  
Chicago 12/87 *21*

0266

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Stephen Noonan*

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

*- Stephen Noonan -*

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

The said *Stephen Noonan*.

late of the First Ward of the City of New York, in the County of New York  
aforesaid, on the ~~thirtieth~~ day of *May*, in the year of our Lord  
one thousand eight hundred and eighty-*six*, at the Ward, City and County  
aforesaid, in and upon the body of one *David M. Dindan*,  
in the peace of the said people then and there being, with force and arms, unlawfully  
did make an assault and *him* the said *David M. Dindan*,  
did then and there unlawfully beat, wound and illtreat, to the great damage of the  
said *David M. Dindan*. 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.

RANDOLPH B. MARTINE,

District Attorney.