

0754

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wagner, Charles

**DATE:**

09/09/91



4156

POOR QUALITY  
ORIGINAL

0755

Witnesses;

Andrew Gradus  
Jacob H. Green  
George R. Smith

Counsel,  
Filed  
Pleas,  
1891

THE PEOPLE  
vs.  
Charles Wagner  
H.D.  
Robbery in the  
(MONEY)  
degree.  
[Sections 224 and 228, Penal Code].

De Lancey Tholl  
District Attorney.

A True Bill.

W. J. Berry  
Foreman.  
Sept 14/91  
Henderson  
Ed. R. Smith

POOR QUALITY  
ORIGINAL

0756

Police Court-- 5 District.

CITY AND COUNTY }  
OF NEW YORK, } ss

Andrew Sedus.  
of No. 100 1/2 Broadway Ave. with Mr. Beach Street, Aged 30 Years  
Occupation Farmer being duly sworn, deposes and says, that on the  
31 day of August 1889, at the 19th Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

Seventy four dollars

of the value of Seventy four dollars DOLLARS,  
the property of Compt. amount

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

Charles Wagner and another  
man who arrested him the  
fact that said man  
man seized violent hold of  
deponent and while deponent  
was in his grasp said  
Wagner thrust his hand  
in deponent's pocket and  
abstracted said amount of  
money and ran away with  
the same.

his deponent  
Andrew Sedus  
mark

day of August 1889  
Sworn to before me, this 31  
Police Justice.

POOR QUALITY  
ORIGINAL

0757

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*Charles Wagner* 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*  
*Charles Wagner*

Taken before me this

day of

Police Justice.

POOR QUALITY  
ORIGINAL

0758

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

Police Court District 3

THE PEOPLE, etc.,

ON THE COMPLAINT OF

Andreas De Luca,  
known as Sebastian

Charles Pasquari

2  
3  
4

Offence

Robbery

Dated

Aug 31 1891

Residence

Street

Residence

Street

Residence

Street

Residence

Street

Residence

Street

Witness

Residence

No. 1606

Street

No. 354

Street

No. 1593

Street

No. 1593

Street

No. 1593

Street

No. 1593

Street

Comptrolleur of the  
Revenue of New York

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

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

Dated \_\_\_\_\_ 1891 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0759

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, DISTRICT.

*Thomas Kufe*  
of No. *272* *Pennock* ~~street~~, ~~aged~~ ~~years~~  
occupation *Boatman* being duly sworn, deposes and says  
that on the *31* day of *August* 189*1*  
at the City of New York, in the County of New York *he arrested*

*Charles Wagner on the complaint*  
*of Andrew Geadis for Robbery*  
*upon which believing that said*  
*Geadis will not appear as*  
*a witness for the people*  
*asks his detention as a*  
*witness as said Geadis*  
*is a non-resident and*  
*an irresponsible person*

*Thomas Kufe*

Sworn to before me, this

of

189

Police Justice.

POOR QUALITY  
ORIGINAL

0760

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Charles Wagner*

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

*Charles Wagner*

of the crime of ROBBERY IN THE *First* DEGREE, committed as follows:

The said *Charles Wagner*,

late of the City of New York, in the County of New York aforesaid, on the *Friday* day of *August*, in the year of our Lord one thousand eight hundred and ~~eighty-nine~~ *in the* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Andrew Regador*, in the peace of the said People then and there being, feloniously did make an assault, and ~~three~~ promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *\$74.- seven* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *seven* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *three* United States Silver Certificates of the denomination and value of twenty dollars *each*; *seven* United States Silver Certificates of the denomination and value of ten dollars *each*; *ten* United States Silver Certificates of the denomination and value of five dollars *each*; *ten* United States Silver Certificates of the denomination and value of two dollars *each*; *ten* United States Silver Certificates of the denomination and value of one dollar *each*;

POOR QUALITY  
ORIGINAL

0761

*Three* United States Gold Certificate<sup>s</sup> of the denomination and value of twenty dollars *each*; ~~seven~~ United States Gold Certificate<sup>s</sup> of the denomination and value of ten dollars *each*; *ten* United States Gold Certificate<sup>s</sup> of the denomination and value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *ten dollars*.

of the goods, chattels and personal property of the said *Andrew Fitzgerald*, from the person of the said *Andrew Fitzgerald*, against the will, and by violence to the person of the said *Andrew Fitzgerald*, — then and there violently and feloniously did rob, steal, take and carry away, *the said Charles Wagner being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid as yet 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.

*Samuel M. Fellows*  
~~JOHN R. FELLOWS,~~

District Attorney.

0762

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wagner, Frederick

**DATE:**

09/24/91



4156

0763

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wagner, Frederick

**DATE:**

09/24/91



4156

0764

Witnesses  
J. H. Schreiner  
Korins Schreiner

Filed 27 day of Feb 189

## Pleads,

# THE PEOPLE

572

Forgery in the Second Degree.  
[Sections 611 and 621, Penal Code.]  
(Endorsement, etc.)

Frederick Wagner

DE LANCEY NICOLL;

*District Attorney.*

# A TRUE BILL,

W. L. Berry

Foreign.

Frank Fryderyk

Ed. Jeff. Jan 29/99

POOR QUALITY  
ORIGINAL

0765

Police Court, 4<sup>th</sup> District.

City and County } ss.  
of New York,

of No. 233 East 26<sup>th</sup> Street, aged 38 years,  
occupation Hotel Keeper being duly sworn, deposes and says,  
that on the 15<sup>th</sup> day of September 1891, at the City of New  
York, in the County of New York, Frederick Wagner (nowhere)

did with intent to defraud, forge and  
utter an instrument or writing, being or  
purporting to be the act of another, for the  
reasons following, to wit:

Deponent says, - on ~~September 11<sup>th</sup>~~ <sup>September 11<sup>th</sup></sup>, de-  
fendant called on deponent, and requested  
deponent to give defendant the sum of  
one hundred (100) Dollars in cash, for  
the check hereto annexed, and which  
check purports to be a check ~~made to~~ <sup>dated</sup>  
New York, Sept 11<sup>th</sup> 1891, and made payable  
to our Louis Fehert, and signed by our  
John C. Abbott, and drawn on the Green-  
wich Bank, for the sum of one hundred Dollars.

Deponent further says, - defendant  
represented to deponent, that he was the  
Louis Fehert mentioned in said check,  
which representation deponent believed,  
and that defendant indorsed said  
check, in deponent's hotel, known as the  
Bulls Head Hotel, at the corner of 24<sup>th</sup>  
Street and 3<sup>rd</sup> Avenue, in said ~~Hotel~~ <sup>neighborhood</sup>.

Deponent further says, - on September  
15<sup>th</sup> he had said check certified at the  
Greenwich Bank, and gave defendant  
the sum of one hundred (100) Dollars, in  
exchange for said check.

Deponent further says, - he is in-  
formed by Louis Fehert of No. 204 East  
18<sup>th</sup> Street, that he is the Louis Fehert  
mentioned in said check, and which  
check deponent is informed by said Louis  
Fehert, defendant received from John C.  
Abbott, of Port Lee, N. J., for money due

POOR QUALITY  
ORIGINAL

0766

and owing said Louis Gehlert and that defendant was informed by said Louis Gehlert that defendant did not return said check to said Louis Gehlert, but presented the same to defendant without the consent of said Louis Gehlert, and that the indorsement on the reverse of said check, which purports to be the writing of said Louis Gehlert, is not his (Gehlert's) handwriting, and is a forgery.

Wherefore, defendant prays, that defendant be held and dealt with as the law directs.

Sworn before me this 11<sup>th</sup> day of Sept 1891

John G. Schupflein

W. M. M. M.  
Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
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 1888  
Police Justice.

I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
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 1888  
Police Justice.

Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1

2

3

4

Offence,

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

POOR QUALITY  
ORIGINAL

0767

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Importer & dealer in furs of No. 204 East 18<sup>th</sup> Street, being duly sworn, deposes and

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

Sworn to before me, this 11<sup>th</sup>  
day of Sept 1890.

Louis G. Ehler

W. W. Mahan

Police Justice.

POOR QUALITY  
ORIGINAL

0768

(1335)

Sec. 198—200.

*Lt*  
District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Fredrick Wagner* 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.

*Fredrick Wagner*

Question. How old are you?

Answer.

*26 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*334 East 14<sup>th</sup> St. in the Bronx*

Question. What is your business or profession?

Answer.

*Clerk*

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

Answer.

*I am not guilty*

*Fred. Wagner*

Taken before me this

day of

1891

Police Justice.

POOR QUALITY  
ORIGINAL

0769

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

Martin Robinson

of No. 18<sup>th</sup> Avenue Street, aged \_\_\_\_\_ years,

occupation officer being duly sworn deposes and says

that on the 9<sup>th</sup> day of September 1891

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

Frederick Wagner (now here) charged  
with forgery or larceny by Louis  
Gehlert. Deponent has been unable  
to procure the attendance of the  
the necessary witnesses and deponent  
asks that the defendant be held a  
reasonable time to enable deponent  
to secure the necessary evidence

Martin Robinson

Sworn to before me, this 10

of September 1891

(day)

H. H. Robinson  
Police Justice.

POOR QUALITY  
ORIGINAL

0770

Police Court 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Frederick Magua*

AFFIDAVIT.

Dated *Sept 10* 18*91*

*W. Mahon* Magistrate.

*Robinson* Officer.

Witness, .....

Disposition, .....  
*2500 bail & Sept 11<sup>th</sup> 2 P.M.*

0771

BALIED,

No. 1, by .....

Residence .....

Street .....

No. 2, by .....

Residence .....

Street .....

No. 3, by .....

Residence .....

Street .....

No. 4, by .....

Residence .....

Street .....

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John G. Schuchman  
vs  
233226  
Frederick Wagner  
Barbery

Offence.....

Date: Feb 11<sup>th</sup> 1887  
 to Mr. Wm. A. Miles

Robertson  
18a  
Precinct

Witnesses: Louis Gellert  
No. 204 Fairfield St.

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

No. 3 Street.

11/20/11  
to answer  
Good

Defendant  
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
 Thirty Hundred Dollars, and be committed to the Warden and Keeper of  
 the City Prison, of the City of New York, until he give such bail.  
 Dated Sept 11<sup>th</sup> 1891 W. D. [Signature] Police Justice.

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

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

POOR QUALITY  
ORIGINAL

0772

# LOUIS GEHLERT

IMPORT.

SOLE AGENT FOR THE U. S. AND CANADAS.

COMMISSION.

DITTERSDORFER FELT AND CARD CLOTH WORKS, Dittersdorf, Saxony.

PIANO AND EMBROIDERY FELTS. CARD CLOTH.

DOLLFUS DETTWILLER & CO., Mulhouse (Alsace).

PRINTERS' BLANKETS. PAPER MAKERS' FELTS & JACKETS. MACHINE CLOTHS. LITHOGRAPHERS' FLANNELS. ETC.

204 EAST 18th STREET.

CABLE: GEHLERT, NEWYORK.

New York, 189

Collected by Fred. Wagner

Forged Endorsement to following Checks:

Jas. Abbott & Sons	—	\$100.00
Est. of Geo. Lange	—	\$16.85
Pratt & Hamann	—	\$15.00
Hamilton Bk. Note Co.	—	\$18.00
		<u>\$149.85</u>

Also collected in Cash  
and appropriated to his own use  
the following moneys:

From Estate of Geo. Lange	\$12.00
Adolph Bollnits	\$30.00
Wm. Ford & Bro.	\$8.00
	<u>\$50.00</u>

Loaned Money from Customers:

Chas. Pfeiffer	\$18.—
Geo. Rothner	5.—

Note of Dittersdorf  
Louis Gehlert

\$199.85

Total \$244.85

\$45.—

POOR QUALITY  
ORIGINAL

0773

1890 Fried Wagner  
August 24<sup>th</sup>  
1891 January 10<sup>th</sup>

POOR QUALITY  
ORIGINAL

0774

521

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frederick Wagner*

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

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

The said

*Frederick Wagner*

late of the City of New York, in the County of New York aforesaid, on the *fifth*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety- *one*, at the City and County aforesaid, having in *his* custody a  
certain instrument and writing, in the words and figures following, that is to say:

*No 1874*

*New York, Sept 4<sup>th</sup> 1891*

*Greenwich Bank*

*402 Hudson Street.*

*Pay to the order of Louis Gehlert*  
*One hundred* *Dollars*

*\$100~~00~~*

*John C. Abbatt*

The said

*Frederick Wagner*

afterwards, to wit: on the day and in the year  
aforesaid, with intent to defraud, at the City and County aforesaid, feloniously did forge, on the  
*back* of the said ~~instrument and writing~~  
a certain instrument and writing commonly called an ~~endorsement~~ which said forged  
instrument and writing commonly called an ~~endorsement~~ is as follows, that is to say:

*Louis Gehlert*

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

POOR QUALITY  
ORIGINAL

0775

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said *Frederick Wagner* of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Frederick Wagner* late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, having in *his* possession a certain instrument and writing, in the words and figures following, that is to say:

*No 184 New York Sept 4<sup>th</sup> 1891*  
*Greenwich Bank*  
*407 Hudson Street*  
*Pay to the order of Louis Gehlert*  
*One hundred ————— Dollars*  
*\$100.00 John C. Abbott*

on the *back* of which said instrument ~~the~~ writing there was then and there written a certain forged instrument and writing commonly called an ~~endorsement~~ which said forged instrument and writing, commonly called an ~~endorsement~~, is as follows, that is to say:

*Louis Gehlert*

with force and arms, the said forged instrument and writing then and there feloniously did utter, dispose of and put off as true, with intent to defraud, *he* the said *Frederick Wagner* then and there well knowing the same to be forged, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*

0776

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Watson, George

**DATE:**

09/14/91



4156

POOR QUALITY  
ORIGINAL

07777

Witnesses:

Mary Ross  
Roseville  
John H. Stiles  
Roseville  
A. J.

Served 2 1/2 years  
in S. P. Prison  
for - for King  
County, Pa. (Bey  
Krechy)

Counsel,

Filed

Pleads,

14 Sept 1891

THE PEOPLE

vs.

George Watson

Grand Larceny,  
(From the Person)  
[Sections 528, 537, Penal Code.]

De LANCEY NICOLL,

District Attorney.

*De Lancey Nicoll*

A TRUE BILL.

*W. J. L. Lerry*  
Foreman.  
Sept 13/91

*W. J. L. Lerry*

*S. J. L. Lerry*  
Sept 17/91

POOR QUALITY  
ORIGINAL

0778

(1305)

Police Court—14 District—

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. Forest Avenue Rosendale N.Y. Street, aged 25 years,  
occupation Domestic being duly sworn,

deposes and says, that on the 27 day of August 1899 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

One leather pocket book containing  
good and lawful money of  
the United States consisting of a  
bank note and of the value of

Five dollars and a silver coin  
of the value of ten cents  
Being together of the value of  
Five Dollars and ten cents

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 George Watson (now here)

for the purpose following to wit: That  
on said day, deponent was said  
pocket book containing said money in  
the right hand and pocket of the dress  
she had on and was on the Ferry boat  
New Brunswick, when defendant  
patted up against deponent and she  
immediately missed the said  
pocket book and saw said defen  
dant running towards the upper  
deck of said boat. Deponent is  
informed by John H. Stiles of Rosville  
N.Y. that he followed said defendant  
and saw him break a pane of glass

of  
Sworn to before me this  
day  
189

Police Justice.

POOR QUALITY  
ORIGINAL

0779

in the upper cabin of said boat  
and drew a pocket book out of said  
window and after this (the witness  
with defendant said about said pocket  
book said defendant put his hand  
out of the said cabin window  
and got said stick the said  
pocket book containing said money  
which defendant fully identified  
as being his and she therefore  
charged said defendant with  
the larceny of the property of said

I swear to before me  
this 31 day of August 11. J. W. Bell  
J. W. Bell  
Notary Public

POOR QUALITY  
ORIGINAL

0780

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation Machinist of No.

Roseville St Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Mary Raff  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 31  
day of August 1890.

John H. Steen  
Police Justice.

POOR QUALITY  
ORIGINAL

0781

Sec. 198, 200

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *George Watson*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *67 Baxter Street 2 years*

Question. What is your business or profession?

Answer. *None*

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

Answer. *I am not guilty*  
*George Watson*

Taken before me this

*31*

day of

*Oct*

*1889*

Police Justice

POOR QUALITY  
ORIGINAL

0782

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District

THE PEOPLE, &c.,  
vs. THE COMPLAINANT OF

Office

Date Aug 31 1891

Seaver Magistrate

Ward Officer

24 Precinct

Witnesses

Albion St. St.

No. St.

No. St.

No. St.

No. St.

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

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

Dated Aug 31 1891 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY  
ORIGINAL

0783

504

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Watson*

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

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

The said

*George Watson*

late of the City of New York, in the County of New York aforesaid, on the *29th* day of *August* in the year of our Lord one thousand eight hundred and ninety-*one*, in the day-time of the said day, at the City and County aforesaid, with force and arms,

*\$5.10* *one* promissory note for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of *five* dollar *s*; *one* promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of *five* dollar *s*; *one* United States Gold Certificate, of the denomination and value of *five* dollar *s*; *one* United States Silver Certificate, of the denomination and value of *five* dollar *s*;

*one* pocketbook of the value of twenty-five cents and *one* silver coin of the kind called dimes, of the value of ten cents

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

*De Lancey Nicoll,*  
District Attorney.

0784

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Webster, Burton C.

**DATE:**

09/23/91



4156

POOR QUALITY  
ORIGINAL

0785

Due 6/2 for trial  
W. J. Howe

Witnesses

Anna Wade

George Wade

John H. Goodwin

Boyd's Minn - Minn

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

Burton C. Webster

Murder in the First Degree.  
(Section 183, Penal Code.)

P

DE RANCEY NICOLL,

District Attorney.

March 5/92

Filed and jury discharged.  
8 for and  
1 for and  
3 for murder plea

A TRUE BILL

W. J. Berry

Foreman.

September 26 - 1892

Tried and convicted

Manhasset - 1st degree

Oct. 3. 1892

State Prison 19 years

POOR QUALITY  
ORIGINAL

0786

Time 6 1/2 for trial  
W. H. Howe Esq

Witnesses

Anna Wade

George Wade

Arthur H. Goddard

Box 140 Union - Minn

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Burton C. Webster

Murder in the First Degree.  
(Section 188, Penal Code.)

DE RANCEY NICOLL,

District Attorney.

Sept. 3 - March 5/92 -

and jury disagree -

8 for acquittal

1 for conviction

3 for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

for murder

POOR QUALITY  
ORIGINAL

0787

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroner's Office.

No. 124 Second Avenue, Street, in the 17<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 12<sup>th</sup> day of August

in the year of our Lord one thousand eight hundred and 91 before Louis W.

Schultz MICHAEL J. B. MESSEMER, Coroner.

of the City and County aforesaid, on view of the body of Charles E. Goodwin Jr.  
now lying dead at

Upon the Oaths and Affirmations of  
True and good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the  
said Charles E. Goodwin Jr. came to his death, do upon  
their Oaths and Affirmations, say: That the said Charles E. Goodwin Jr.  
came to his death by

From a pistol shot wound of the abdomen  
inflicted on August 2<sup>d</sup> 1891, by Burton C.  
Webster, at No 230 West 42<sup>d</sup> Street, New York City.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition  
set our hands and seals, on the day and place aforesaid.

W. Campbell JURORS. 574 W. 42<sup>d</sup> St.

Joseph Hill 44 Gr. Jones St.

John Wilschusen 59-8<sup>th</sup> St.

Joseph Langman 38 Bond St.

L. Harris 89 Liberty St.

Ben Kahn 47 Bond St.

Benjamin Timony 12 Bond St.

Julius Bieber 667 Broadway

Michael A. Hoffmann 20 East 4<sup>th</sup> St.

John Reismann 300 W. 5<sup>th</sup> St.

Clifford E. Smith 19 Bond St.

Jacob Simmons 20 Bond St.

Coroner. L. S.

**POOR QUALITY  
ORIGINAL**

0788

Nov. 2, 1959

Burton C. Webster  
filed Sept 23 1891.

Mrs. Vivian Roth,  
428 South Spalding Drive, Apt A,  
Beverly Hills, Calif.

Dear Madam:

In reply to your letter of Oct. 24, 1959, enclosed herewith our Certificate setting forth the conviction and sentence of one Burton C. Webster. The information furnished by you appears to be erroneous.

As to William Griffin, a diligent search of our records from 1863 to 1870 discloses no record of such a case. However, you mention the name of Recorder Hackett, who was a Recorder appointed to this Court in 1866 and you mention the date of 1863.

We recall that within the last year a Mr. Slaughter, an Attorney, who practices law in Virginia, did a great deal of research on cases tried by Mr. Howe. He spent at least a week here and in other Courts of this City on the same subject. It is suggested that you write to the Bar Association of the State of Virginia who might furnish you with the address of said Mr. Slaughter.

We have several old printed records of cases tried by Mr. Howe that went up on appeal and are quite voluminous and which would require personal survey or research of considerable time.

If you desire a copy of the Webster indictment, our fee is \$1.50. There is a copy of proceedings of an Inquisition consisting of 25 pages, and a fee of \$12.50 is required for a copy of same.

Your \$1. received covers the cost of Certificate and search.

Very truly yours,

F. Howard Barrett  
Clerk of Court.

Encl.  
G.

POOR QUALITY  
ORIGINAL

0789

428 South Spalding Drive Apt.A  
Beverly Hills, Calif.

Oct.24, 1959

Dear Mr. Barrett,

I am appreciative of your reply to my letter of Oct.13 in which I requested transcripts or certificates of certain criminal trials. Two of the four cases I mentioned I have referred to the Bronx County Court. <sup>as you suggested.</sup> The other two I judge from your letter can be obtained through your office if I supply the dates.

Therefore I have listed the full information below and hope that it is sufficient to permit you to send the transcripts. Incidentally, if you will refer to your letter of Oct.8, you will note there was no instruction to include trial dates even though you claim this in your letter of Oct.19.

The cases I am seeking information about through the transcripts are those in which my great grandfather, William F. Howe the famous criminal lawyer, <sup>of the firm, Howe and Hummel</sup> was attorney for the defense. He practised in New York from 1861 through 1901 <sup>or</sup> until his death in 1902.

<u>Defendent</u>	<u>Crime</u>	<u>Trial Judge</u>	<u>Date of Trial or Crime</u>	<u>Disposition</u>
William Griffin-Murder		Recorder Hackett	<u>1863</u>	Acquittal
✓ Burton C. Webster	Murder	Judge Noah Davis (First trial)  Judge Ingraham (Second trial)	<u>1892</u>	Electrocuted

In the case of the latter trials I should like to have the record of the appeal or second trial. If you cannot supply this then the first one will serve. Would appreciate

**POOR QUALITY  
ORIGINAL**

0790

2

advice as to where I would address inquiries for cases tried by the Superior Court in the latter half of the 19th century.

If you have any thoughts on how I might obtain a complete record of cases tried by my ancestor other than by this present method, I would be grateful for any suggestions.

Enclosed is \$1.00 to defray cost of above.

Cordially,

*Mrs. Vivian Rath*

**POOR QUALITY  
ORIGINAL**

0791

1959 CO.  
13  
OFFICE  
OF THE  
GENERAL SESSIONS

be changed, and will appear.

It seems that the office of the General Sessions is now in the hands of the

the General Sessions is now in the hands of the

subsequent to the first of the year 1959.

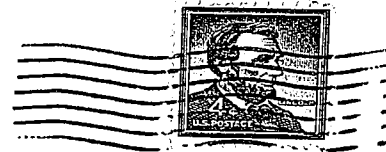
again we are aware of many sessions which are now being held.

POOR QUALITY  
ORIGINAL

0792

AFTER 5 DAYS RETURN TO

*Mrs. Vivian Roth apt a*  
*428 So. Spalding Dr.*  
*Beverly Hills, Calif.*



*Mr. J. Howard Barrett*  
*Clerk of the Court*  
*Court of General Sessions*  
*100 Centre Street*  
*New York 13, N. Y.*

POOR QUALITY  
ORIGINAL

0793

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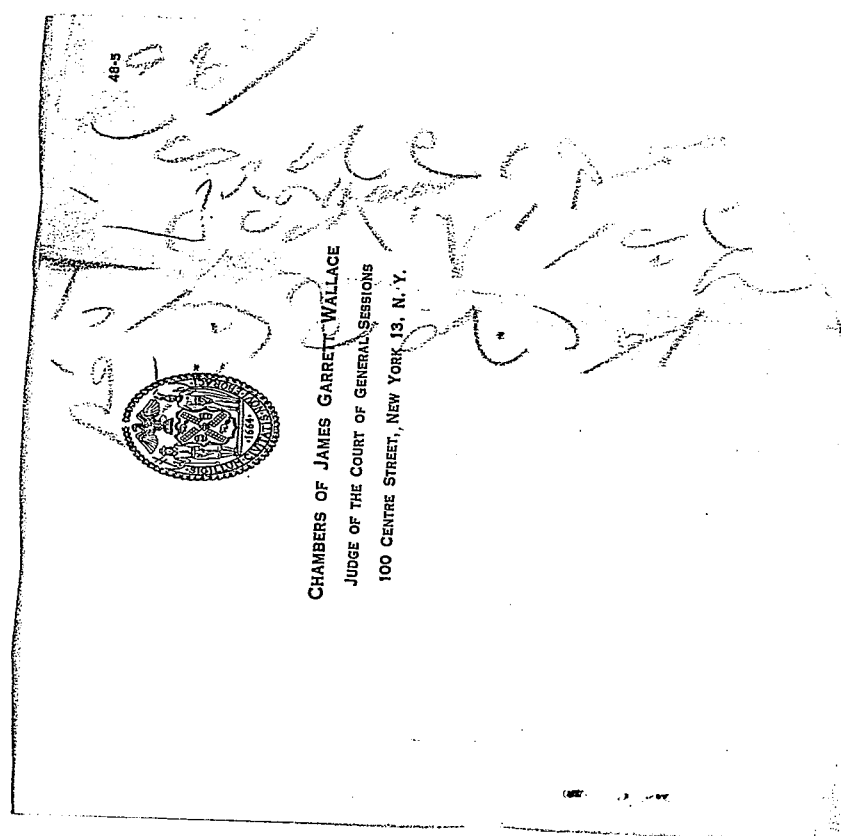
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**POOR QUALITY  
ORIGINAL**

0794



POOR QUALITY  
ORIGINAL

0795

Police Court V District.

City and County of New York ss.

of No. The 22nd Precinct Police Street, aged, Alban Hay years,  
occupation Officer being duly sworn, deposes and says,  
that on the 3rd day of August 1891 at the City of New  
York, in the County of New York, one Burton C. Webster,

born here, did then and there on said date feloniously, willfully and intentionally, and from a premeditated and deliberate design to effect the death of one Charles E. Goodwin, kill the said Charles E. Goodwin, by then and there shooting and wounding said Goodwin with a revolving pistol loaded with powder and ball, and the said ball struck said Goodwin in the body thereby causing death. Depo. says further says that he was sent to the Foreign Apartment House at No 230 West 42nd Street in the 5th day of August 1891 at about the hour of 8:15 o'clock P.M. and from there in one of the apartments of the said house, said Goodwin and Goodwin then and there informed deponent that he had been shot by one Burton C. Webster, (now here). That at that time said Goodwin was suffering from a bullet wound. That on the 3rd day of August deponent was informed that said Goodwin was dead and on the 5th day of August deponent saw the body of Charles E. Goodwin, at an undertaker's store at No 35 of Fourth Avenue. Wherefore deponent charges the defendant with the crime of homicide and prays that he be held and dealt with as the law directs.

Given & before me  
this 5th day of August 1891,

Alban Hay

J. M. Kelly

Justice of the Peace

POOR QUALITY  
ORIGINAL

0796

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2<sup>nd</sup> DISTRICT.

of No. 20<sup>th</sup> Precinct Street, aged \_\_\_\_\_ years,  
occupation Officer being duly sworn deposes and says,  
that on the 3<sup>rd</sup> day of August 1891  
at the City of New York, in the County of New York, he arrested

Eveline B Webster and Francis  
Romaine from the fact that deponent  
is informed that said defendants are  
material witnesses for the people against  
Bertram Webster charged with Homicide.  
That said Bertram is now a fugitive from  
justice. Deponent therefore prays that  
said defendants be committed to the  
House of detention.

Allan Hay

Sworn to before me, this

of

August

1891

day)

Police Justice.

POOR QUALITY  
ORIGINAL

0797

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alban Hay

vs.

Eveline C. Webster

Frances Remond

AFFIDAVIT.

Dated

August 4 1891

at

Hog Magistrate.

20 Officer.

Witness,

Position,

Paroled in the  
Custody of  
J. M. Dittmer

96 Broadway

Aug 4 1891

Defendant bailed

by Louis H. Muller

res. 15 King St. New  
Aug 5 1891

\$500 bail to appear.

POOR QUALITY  
ORIGINAL

0798

POLICE COURT

2<sup>nd</sup> DISTRICT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on  
the 5<sup>th</sup> day of August in the year of our Lord 1891

of No. 230 West 42<sup>nd</sup> Street, in the City of New York,  
and Louis H. Muller

of No. 15 Rue Street, in the said City,  
personally came before the undersigned, one of the Police Justices in and for the City of New York, and  
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

Enelijn B. Webster  
the sum of 250 Hundred Dollars,  
and the said Louis H. Muller

the sum of 250 Hundred Dollars,  
separately, of good and lawful money of the State of New York, to be levied and made of their respective  
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-  
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the next COURT OF General SESSIONS of the Peace, to be holden in and  
for the City and County of New York, and then there Testify and give such evidence, in behalf of  
the People of the State of New York, as he may know concerning an Offence or  
said to have been lately committed in the City of New York aforesaid by

Bertram B. Webster  
Charged with Homicide

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to  
remain in full force and virtue.

Taken and acknowledged before me, the }  
day and year first above written.

Enelijn B. Webster  
Louis H. Muller

John E. Keef  
Police Justice.

POOR QUALITY  
ORIGINAL

0799

CITY AND COUNTY } ss.  
OF NEW YORK, }

the within-named Bail, being duly sworn, says that he is a Free holder in  
said City, and is worth Ten Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

House and lot of land situated at  
number 25 West 35<sup>th</sup> Street in this  
city valued at fourteen thousand  
dollars free and clear

Louis H. Muller

Sessions.

New York

THE PEOPLE, &c.

Recognition to Testify.

Magistrate

188

day of

Filed

POOR QUALITY  
ORIGINAL

0000

POLICE COURT—  
CITY AND COUNTY }  
OF NEW YORK, } ss.

2 DISTRICT.

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That on  
the 5<sup>th</sup> day of August in the year of our Lord 1891

of No. 230 West 42<sup>nd</sup> Street, in the City of New York,  
and Louis H. Muller  
of No. 15 Rue de la Paix Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and  
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

the sum of Five Hundred Dollars,  
and the said Louis H. Muller

the sum of Five Hundred Dollars,  
separately, of good and lawful money of the State of New York, to be levied and made of their respective

goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the next COURT OF General SESSIONS of the Peace, to be holden in and  
for the City and County of New York, and then and there Testify and give such evidence, in behalf of  
the People of the State of New York, as he may know concerning an Offence or  
said to have been lately committed in the City of New York aforesaid by

Bertram C. Webster  
Charged with Murder

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to  
remain in full force and virtue.

Taken and acknowledged before me, the }  
day and year first above written. }

John S. Keefe  
Police Justice.

Frances Romaine  
Louis H. Muller

POOR QUALITY  
ORIGINAL

0001

CITY AND COUNTY } ss.  
OF NEW YORK,

*Louis H. Muller*  
*Free* holder in

the within-named Bail, being duly sworn, says that he is a *Ten* Hundred Dollars,  
said City, and is worth

over and above the amount of all his debts and liabilities; and that his property consists of  
*House and lot of land situated at*  
*number 225 West 35<sup>th</sup> Street in this*  
*City and valued at Fourteen Thousand*  
*dollars free and clear*

*Louis H. Muller*

Subscribed and sworn to before me, this *5* day of *August*, 1891  
*John J. Hill*  
Police Justice.

Sessions.  
New York

THE PEOPLE, &c.

Recognition to Testify.

Magistrate

1891

day of

Filed

POOR QUALITY  
ORIGINAL

0002

1.

STENOGRAPHER'S MINUTES.

2.

District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

*Allan Hay*

*Bertiam Webster*

VS.

BEFORE HON.

*Edward Hogan*

POLICE JUSTICE,

*My*

188

APPEARANCES:

*Srs Webster a witness*  
For the People, *Mr Dittschaffer*  
For the Defence, *Mr H. Chelland*

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INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

*W.L.*

Official Stenographer.

POOR QUALITY  
ORIGINAL

0003

Before Justice Hogan Aug 3 1891

Francis Romaine being duly sworn before and says: My name is Fannie Romaine. I am living at present at the Percival 230 West 42nd Street; I am 38 years old. I am a widow. I live at Kingston N.Y. and am at the Percival earning my living. I have been working at the Percival two months as a chambermaid.

2 State in as loud a tone and as distinctly as you can all you know about the shooting that took place there yesterday. State all you know.

A I do not know just at what time Mr Webster came in. I think it was between five and six O'clock: probably nearest six. He came in and asked his wife how she felt and sat down. He commenced talking pleasantly; made some joking remark to her. As we sat there talking this rap came at

the door. I started to go to the door. Mr Webster got up at the same time. and he reached the door ahead of me. Of course as the door was open I saw him there. I said nothing.

Q Who was there?

A Mr Goodwin was there. He looked at Mr Webster and as he spoke raised his arm. This man said "Oh! its you is it?"

Q Who said that?

A Mr Goodwin said that. He made a motion ~~and~~ ~~strike~~ to strike. but I did not see whether it hit Mr Webster. It made Mr Webster very angry. Mr Goodwin turned and ran back to his own room. Then Mr Webster followed him. Mrs Webster called to me and said "What is the matter?" I said Mr Webster Goodwin has

POOR QUALITY  
ORIGINAL

0005

run off and Mr Webster, I  
followed him to his own room &  
she sprang off the sofa and  
she said "Oh! he will get  
killed" she ran after her  
husband and I ran after  
her, because I was then taking  
care of her, as she was sick.  
As we reached the door - we  
were behind Mr. Webster.  
I saw Mr Goodwin take a  
cushion and throw it at  
Mr Webster and of course it  
broke the cushion in pieces.  
Mr Webster screamed and  
I took her back to her room  
and took care of her and  
laid her on the lounge. I do  
not know what else happened  
after I got into the room.  
My attention was occupied  
with assisting her. I heard  
no pistol shot whatever. Mr.  
Webster came back into the  
room and put on his hat and

POOR QUALITY  
ORIGINAL

0006

coat. He was in his shirt  
sleeves previous to this. He  
started to go ~~off~~ out of the  
door. Mr. Webster called  
"Where are you going?" He  
came back and spoke to her  
I did not understand all of  
it. any way he said "Goodwin  
threw a cuspidor at me and I  
shot him. Then she said "Go"  
got out of the way" and  
that is all. He went away  
and the Detectives came.

Advised to Aug 4/1891

POLICE COURT,  
SECOND DISTRICT,  
W. L. ORMSBY, JR.  
CLERK

0007

**PAGE(S) ARE  
MISSING**

**DOCUMENTS  
FILMED AS  
FOUND**

0000

Examination Continued Aug 4

3

THOMAS MAC FARLIE, being duly sworn and examined by the Court deposes and says:

- Q. Where do you live? A. 240 Broadway, Brooklyn.
- Q. What is your business? A. Engineer.
- Q. Where are you employed? A. At the Percival, Flat 230 East 42nd St.
- Q. Do you know anything about this shooting of Mr. Goodwin?
- A. No sir, nothing about the shooting.
- Q. Do you know anything about Mr. Webster leaving your place of business from where you are employed. A. He asked me to get a doctor.
- Q. When was that? A. Shortly after-- when he came down stairs.
- Q. Tell what he said,-- give the exact words as near as you recollect? A. "Look for a doctor" he said.
- Q. What else? A. That is all he said to me.
- Q. Did he say anything to anyone else in your presence?
- A. Mr. or Mrs. Simpson said "Do you want Mrs. Webster's doctor." He said "Any doctor." I immediately went and got a doctor.
- Q. Did he say who the doctor was for? A. No, not as I know of.
- Q. That is all y-u know about it? A. Yes.
- Q. What day was that? A. Well, about half past seven or quarter to eight.
- Q. Last Sunday? A. Last Sunday morning. I do not know the exact minute.
- Q. That was Sunday August 2, 1891? A. Yes.

GEORGE WADE being duly sworn and examined by the court deposes and says:

- Q. Where do you reside? A. 230 East 42nd Street.
- Q. What is your business? A. I play the part of Challe Sury In Wang at the Broadway theatre, with the DeWolf Hopper Opera Company.
- Q. Tell all you know about the reported shooting of Goodwin at the Percival Flat last Sunday, the 2nd day of August
- A. I occupy apartment 11, in the Percival apartment hotel. About quarter to eight o'clock last Sunday night just after retiring to my apartments I heard a crash. As my wife is housekeeper, on hearing that crash I felt it my duty--
- Q. What did you do? A. I did my duty.
- Q. What did you do? A. I rushed immediately to the elevator and I asked Mac Farlie, the man there "What is the matter" "What is this crash".
- Q. What did you do? A. I went as soon as I possibly could to the apartment where I heard the crash and saw Goodwin on his back shot in the abdomen.
- Q. Well what then? A. The doctor came in and the doctor and I lifted him on the lounge. I sent for the police and also for the ambulance of the Roosevelt Hospital.
- Q. Do you know what was the result of the shooting, how it resulted. A. No sir.
- Q. Don't you know that Goodwin is dead from the effect of the shot
- A. Yes sir. I went up to the hospital and found out.

0010

5

DOCTOR SEBASTIAN J. WINNER being duly sworn and examined by the Court deposes and says:

- Q. You are a practising physician? A. Yes.
- Q. Your place of business is where? A. 236 West 47th Street.
- Q. On Sunday last the 2nd day of August were you called to the Percival flats? A. I was called about eight o'clock.
- Q. When you got there what did you find? A. I found Goodwin on the floor near the desk, Mr. Wade was there. I examined the wound and found a bullet hole in the abdomen a little above a d naval to the right side. Then we sent for the ambulance.
- Q. Have you seen Goodwin since then? A. I have not, sir.
- Q. What followed, you do not know? A. I know what was the result. He died.

MRS. GEORGE WADE being duly sworn and examined by the court deposes and says:

- Q. You reside at that place? A. Yes sir.

THE COURT: I do not know that it is necessary to take the testimony of Mrs. Wade.

ALLAN HAY being duly sworn deposes and says, and examined by the Court.

- Q. You are a police officer in this case? A. Yes.
- Q. Have you any other witnesses? A. No sir. These are all

0011

6

the witnesses that I have.

Q. Have you any other evidence of any kind that you can give the Court bearing on this case? A. Nothing. These are the only two witnesses, sir. I have here Mrs. Webster and Mrs. Romaine. These are the only two that I know of.

Q. Did you get a letter? A. Yes sir. I got a letter this Mrs. Wade took possession of it the night of the shooting. I believe it was. She came in. She closed the desk and when I arrived at the scene he was lying on the lounge. These two women were sitting in the room. I said "How did it happen". He said "I was sitting writing at my desk, a man came to the door I had never seen before by the name of Webster and shot me." That is about all that he was able to tell me at all then. When I went to the scene of the shooting this gentlemen I met I believe was there, the doctor and Mr. Wade and Mrs. Wade were there. I announced myself who I was. I asked them to explain to me to the best of their knowledge how the thing happened. They explained to me the position of the desk and the door. I asked what position the man was lying at first. They said his head was towards 41st Street entrance and I saw this cuspidor was smashed to pieces. I asked about that how it happened. They said we don't know he must have fallen on it. I asked how he was lying. He was lying away from the door. The man was not able to give any further statement except what he had given. All he would say was "I am going boys, I am going." I inquired if there was any witnesses saw or heard the shooting but I could not find any. Mr. Wade said he heard a heavy fall. He did not know what it was. The man was taken to the hospital and he was in a dangerous condition and Doctor Schulte

08 12

7

drew the certificate and said he would notify the coroner.

THE COURT: That is all the evidence I have to take in this matter.

Mr. DITTENHOEFFER: I appear here for Mrs. Webster and I would like to know if she is detained here.

THE COURT: The lady is to be held as a witness.

Mr. DITTENHOEFFER: For what purpose, sir. She cant be a witness for the prosecution in any event, could not be.

THE COURT: That is a question. We cant say now.

Mr. DITTENHOEFFER: She is the wife of Webster and could not testify against him.

THE COURT: Where is the marriage?

Mr. DITTENHOEFFER: She claims to be the wife of Mr. Webster.

THE COURT: It is not necessary for me to pass upon that question.

Mr. DITTENHOEFFER: Even if a man was charged with murder she could not be a witness.

THE COURT: I asked her yesterday if she was the husband of Webster and the lady said there was no marriage ceremony performed but there was a marriage by contract.

Mr. DITTENHOEFFER: That is perfectly valid by the laws of this state, sir.

THE COURT: *being called as* For the purpose of avoiding a witness for the people any woman might come in here and say "I am this man's wife."

Mr. DITTENHOEFFER: But your Honor cannot assume that that is the case here.

THE COURT: I shall ask this lady to give bail for her appearance as a witness. and if she fail to do that I will commit her as a witness. I will fix the bail at \$500.

Mr. McCLELLAND: With all due respect your Honor, on the evi-

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dence taken here Mrs. Romaine might be held as a witness but I do not see that there is anything to show that Mrs. Webster is a witness. She did not see anything of the transaction.

THE COURT: I do not know that it is necessary or proper for me to say just how it is proper to hold her as a witness. I do not think I would have any trouble to show it to you. I think it is very evident from the testimony before me that this lady is a material witness in this matter.

Mr. DITTENHOEFFER: They will appear at any time when wanted.

THE COURT: They must furnish \$500 bail and I will parol them in the custody of the officer.

Adjourned.

POLICE COURT,  
SECOND DISTRICT,  
W. H. HANCOCK, JR.  
CLERK

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Sec. 198-200.

2 District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*Burton C. Webster* 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.

*Burton C. Webster*

Question. How old are you?

Answer.

*31 years*

Question. Where were you born?

Answer.

*Richmond, Va.*

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

Answer.

*New York City*

Question. What is your business or profession?

Answer.

*Bookmaker*

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*  
*Burton C. Webster.*

Taken before me this

day of

1881

at

Police Justice

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B.114  
P.2  
S.C.

Coroners Office, New York County.

In the Matter of the Inquest into  
the Death

- of -

CHARLES E. GOODWIN, Jr.

Before  
HON. LOUIS W. SCHULTZ,  
and a Jury.

New York, August 12th, 1891,  
10.30, A. M.

APPEARANCES: Hon. Peter Mitchell, William F. Howe and  
Louis Allen appear for the prisoner; Mr. John F.  
McIntyre, appears for the District Attorney's Of-  
fice, representing the people.

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THE CORONER: This case I will call your attention to is  
that of Charles E. Goodwin, Jr., 35 years old, born in Mass-  
achusetts, whose dead body was found at Roosevelt  
Hospital, August 3rd, 1891. He died from a pistol  
shot wound of the abdomen, inflicted by Burton C.  
Webster, at 8 P. M. on August 2nd, 1891.

oOo

OFFICER JOHN DALY, being called as a witness by the  
Coroner, was duly sworn, and testified as follows:-  
By the Coroner:-

Q You are Roundsman connected with what Precinct?

(1)

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A. The 20th.

Q Tell the Jury what you know about this case? A. About 8 P. M. on Sunday evening August 2nd, 1891, I was standing at the corner of 42nd Street and 8th Avenue; Officer Hogan passed through and told me a man had been shot at No. 230 West 42nd Street, and he was going for an ambulance. I went to Mr. Goodwin's room and saw him lying on the sofa with a pistol shot wound in his right side. I asked him who shot him, and he said, "That man Webster". Those are about all there is to it.

By Mr. McIntyre:-

Q Was there anybody else in the room at the time?

A. Dr. Wimmer was in the room.

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OFFICER PETER HOGAN, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q You are connected with the 20th Precinct? A. Yes, sir.

Q Tell the Jury what you know of the case? A. On the night of August 2nd, I was detailed on special duty to the free library in West 42nd Street, next to 230;; Mr. MacFarlane came out and called my attention about eight o'clock and said, "You better come in here; I think you're needed; there is a man shot." On the way up to Mr. Goodwin's rooms I asked him (MacFarlane) who shot him; he said he didn't know whether he shot himself or somebody else shot him. I went up and got into Mr. Goodwin's room; he was lying on the

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the sofa. I asked him who had shot him and he said Webster.

MR. HOWE: That is not competent; it is not evidence.  
Witness (continuing) I asked where Webster was and they said he had gone out; the man who runs the elevator said he went out about 10 minutes before.

MR. HOWE: I move to strike that out.

THE CORONER: That is immaterial.

Q Is there anything else? A. That is all.

By Mr. McIntyre:-

Q Who else did you see there in the room besides Goodwin and the doctor? A. The janitor and his wife.

Q Where were they? A. In the room - Goodwin's room.

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OFFICER ALLEN HAY, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q You are an officer attached to the 20th Precinct?

A. Yes, sir.

Q Tell the Jury what you know of the case? A. About 8.15 Sunday night, August 2nd, I was sent out to the Percival Flats to investigate the shooting affair that Officer Hogan reported at the station. I went there and went to the rooms of Goodwin and saw him lying on a lounge. I immediately asked him "Who done this and how did it happen?" He said, "I was sitting at my desk writing ----"

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MR. HOWE: We object.

BY MR. HOWE:-

Q Was Webster present? A. No, sir.

MR. HOWE: We object as incompetent and immaterial; what is not evidence in a Court of Record is not evidence here, and it cannot be made so. It is a statement made in the absence of the prisoner.

By Mr. McIntyre: He can present his objections in due form at the Court of General Sessions.

The Coroner: I am willing to hear argument.

Mr. HOWE: I ask you if you are prepared to say in the presence of the reporters that you would put that question in the presence of the Recorder; will you assert that it is competent?

MR. McINTYRE: Let the Coroner determine.

THE CORONER: I will admit it.

MR. MITCHELL: Do you want to weigh down the record with immaterial and unimportant evidence? Your honor is bound by the competent evidence and you know the rule of law on this subject; do you want to have evidence go forth that is not competent?

THE CORONER: I think it is competent.

MR. HOWE: This man Webster was not present. The only way it could be admissible would be if it were a dying declaration; then it would be admissible; that is the reason that you go to a person that is dying - that you administer those questions.

MR. McINTYRE: It may be that subsequently a statement was made to a person to which he made some reply.

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which would make it competent evidence.

THE CORONER: I will admit it.

MR. HOWE: All we can do is to object.

BY MR. HOWE:-

Q You saw a broken cuspidor on the floor? A. Yes, sir.

Q That had been shattered to pieces? A. Yes, sir.

Q That was on the floor of Goodwin's room near the doorway? A. Yes, sir; to the left of the doorway.

BY MR. MCINTYRE:-

Q Were the fragmentary pieces lying together or were they scattered? A. They were scattered about.

Q At how great a distance? A. A foot and a half.

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THOMAS MACFARLANE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. 298 Broadway, Brooklyn.

Q What is your occupation? A. Engineer.

Q Where? A. Percival Flats.

Q Tell the Jury what you know of this case? A. On the night of the 2nd of August the elevator boy had his half day off and I was running the elevator for him, and at eight o'clock Mr. Webster walked down the stairs. He didn't call the elevator. He said, "Call a doctor." In the meantime the housekeeper and her husband had run down from the second floor. They thought there was some accident. They said,

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"What is the matter." I said it was upstairs. In about two minutes and Mr. Webster walked down and said, "Call in a doctor." I immediately ran, thinking it was his wife, knowing she was under a doctor's care, to see Dr. Wimmer, two doors below. He said, "What is it?" I said, "It is the lady." I took him up the elevator and Mr. Wade called "Bring him in here," and I took him to the room door. Somebody said, "Call the police." I immediately went down and found an officer next door to the library; I told him and brought him up there; brought him to the room door; I didn't go into the room. Then they told me to call an ambulance. I said, "I can't do it; the officer can." And the officer went off to call an ambulance.

By Mr. McIntyre:-

Q. What time was it when you saw the defendant, Mr. Webster? A. I suppose about half past seven o'clock, I went on at seven o'clock. I was taking guests up and down the elevator.

Q. Did Webster get on the elevator? A. No, sir.

Q. He went down the stairs? A. Yes, sir.

Q. Going slowly or rapidly? A. Slowly, at his usual gait.

Q. And then he spoke to you? A. He said, "Call in a doctor."

Q. Did he say why to call a doctor? A. I didn't hear why; that is all I heard. Mrs. Simpson said, "Do you wish Mrs. Webster's doctor?" He said, "Any doctor."

BY MR. HOWE:-

Q You knew Goodwin? A. Yes, sir; by sight, as I do the other guests.

Q You remember a little while before ~~xxxxxxxx~~ ~~Goodwin~~ this shooting that you saw Goodwin put his arms around this lady? (Mrs. Webster) and act indecently towards her? A. I do.

Q Did you say anything to Goodwin and remonstrate with him about it? A. No, sir.

Q Tell us what that was, in your own way - how it occurred?

MR. McINTYRE: Where does it appear that it occurred, - I object as characterizing.

Q Detail this lecherous fellow's act?

Q About a month previous to this shooting Goodwin came in one night with a friend, very much under the influence of liquor. Webster's room is nearly opposite the elevator. It was either a little ajar or off the latch; he went in there -

Q Who went in there? A. Goodwin; and Mrs. Webster ran out, and while she was running out he attempted to put his arm around her, or did put his arm around her. He had a friend with him who was pulling him away; he said, "No, let me alone; I want to love this little woman;" and his friend all the time was trying to get him away, and finally succeeded. Mrs. Webster came out and said, "Is the house-keeper down stairs?" I said, "Yes," "Take me down", she says. I took her down and she claimed to have protection.

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DR. SEBASTIAN J. WIMMER, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. No. 236 West 42nd Street, two doors below the Percival.

Q Will you tell the Jury just what you know about this case? A. I was called there Sunday night, the 2nd of August, by the janitor, and I went in and went to Mr. Goodwin's room, and found him lying on the floor near his desk, and with the assistance of Mr. Wade, we carried him to the couch, where I examined his wound, and pronounced it fatal.

I asked him to tell me the whole thing. He said, "Webster shot me; he must have had a grudge against me." He complained about his pain and then he told me about sitting at the writing desk writing a letter and there was a knock at the door and he got up and went to the door and was immediately shot.

By Mr. Howe:-

Q Where was Goodwin when you went to the room? A. Lying on the floor with his head towards the window.

Q And was it in that position and condition that you spoke to him? A. No, sir; he told me when I was looking at him and attempted to pick him up; he told me when I was looking at him and attempted to pick him up, he said, "Oh, Doctor, doctor, save me, save me."

Q Then you picked him up? A. Yes, sir.

Q Who helped you? A. Wade and his wife.

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Q You carried him to the couch? A. Yes, sir.

Q And when you put him on the couch you said to him, "Tell me all about this, for your wound is fatal." A. I did after I examined his wound; I told him it was fatal.

Q You examined it and you said, "I think your wound is fatal?" A. Yes, sir, I think I did.

Q You said, is it so, "I think your wound is fatal." You think that is the language you used? A. Yes, sir, something like that.

Q Can you think of anything else you said; I want no mistake about this hereafter; that is the reason I am putting these questions? A. He was complaining a great deal about the pain.

Q Did you say anything more than that? We want a fair detailed account of what occurred? A. I asked him about the cuspidor, and he said he fell over it.

Q After you said, "I think your wound is fatal," your next question was, "Your recollection is, that after you said that you asked about the cuspidor?" A. I couldn't recollect whether it was just after that.

Q Do you think of anything else in the interval? A. Have I to give everything right here?

THE CORONER: That is what we want you to do.

MR. HOWE: Tell us everything he said and that you said to him.

THE CORONER: You told him you thought he was about to die?

MR. HOWE: No, sir.

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WITNESS: I say that now. I told him his wound was fatal and he was about to die.

Q Didn't you say just now in the presence of the Coroner and this Jury that you didn't say that at first?

A. I didn't say at first; I didn't say that he was about to die at first.

Q Now you say that you said, "Your wound is fatal and you are about to die?" A. Yes, sir.

Q Do you swear to that? A. Yes, sir; I do.

Q I ask you to think, because you did not think of it at first; your memory has shown itself treacherous? A. Not at all.

Q Then you said, "Your wound is fatal, and you are about to die?" A. Yes, sir; and then I repeatedly asked him to tell me the cause of his trouble.

Q And he wouldn't answer that? A. He wouldn't answer that.

Q And he wouldn't tell you the cause of his trouble?

A. He merely said Mr. Webster shot him.

Q That was the reply he made after you said to him "Your wound is fatal;" that was a reply? A. It came in some time after that.

By the Coroner:-

Q Ask the question.

By Mr. Howe:-

Q You said your wound is fatal and you are about to die?

A. He made no reply to that. I asked him then to tell me the cause of it.

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Q Exactly; that was because he made no reply to that question? A. Yes, sir.

Q In plain English, you said to him, "Your wound is fatal and you are about to die" and he made no reply to that?

A. No.

Q You are sure of it? A. Not right away he didn't.

Q Did he at any time? A. He told me this story I relate.

Q To that information you imparted to him that "your wound is fatal and you are about to die," he told you a story, is that it? A. Yes, sir; he wouldn't tell me the cause of it.

Q And that is the reply he made to that information you gave him? A. It was about near that.

Q Now go on and tell us what he said? A. He said he was sitting at his desk writing a letter; that there was a knock at the door and he got up and went and opened the door and saw Mr. Webster and he shot him; then he stumbled back. Then I asked him about the cuspidor, and he said he fell over it.

Q And so broke it? A. Yes, sir.

Q Is that all? A. That is what he told me.

Q Is that all? A. That is all.

Q Is that all he said to you that you can remember, doctor? A. In reference to that, yes, sir.

Q In reference to anything; we want you to tell us here everything that was said; we don't want anything supplied hereafter; take your time and think over it; can you think now of anything else that ~~was~~ was said or done by the de-

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ceased or by you at that interview? A. He said, "Oh, God" - let me see - "this is cruel, oh, so cruel; I never meant him harm," or something like that.

Q Go on, anything else? A. I asked him several questions.

Q Tell us what they were? A. I asked him if he wanted a clergyman, and he said ~~no~~ no.

Q You said do you want a clergyman? A. He said no.

Q Go on? A. He would complain every now and then of his agony he was in, and there was a twitching in his feet or legs and he called - I wanted to get some liquor for him, and I asked if there was any liquor, and he said yes, and he wanted Mrs. Wade to go to the cup-board I think, and she got this liquor; I don't know whether it was whiskey or brandy, anyhow I gave him some of that, but before giving it to him I made it a point to know whether he was under the influence of liquor.

The Coroner: Goodwin?

A. Yes, sir, and I came to the conclusion that he was not; he had as clear a head as I have at this time.

By Mr. Howe:-

We will take it in this way, that he was not under the influence of liquor; go on; we want everything; the Coroner wants everything, the Jury want<sup>it</sup>, the people want it, and everybody wants it? A. He said he wanted to die, afterwards. First he said, "Oh, doctor, save me, save me."

Q That was at the beginning? A. Yes, sir; it was at the end he wanted to die.

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Q Confine yourself to that, and don't go back? A. Yes, sir; he said, "I want to die."

Q Are they the exact words? A. He said, "Let me die." That is all.

Q Have you to the best of your recollection stated everything that was said there, as near as you can remember; if you have not supply it now? A. Yes, sir; I have.

By Mr. McIntyre:-

Q Did you see lying on the table in the room letter paper upon which was writing? A. Yes, sir.

Q Did you examine it? A. No, sir.

Q How near were you to it? A. About six feet away.

Q There was sabbottle also containing ink? A. That I don't know.

Q Didn't you see a pen on the table? A. I don't know.

Q Did you examine the paper? A. No, sir.

Q In respect to the cuspidor, how far away was that from the deceased when you went into the room? A. It was a little in front of his feet.

Q What relation or position did it bear to the door through which you went? A. It was close to the door; well, about four feet.

Q Directly in front of the door? A. No, towards the side.

Q Were the parts broken scattered about the room or bunched together? A. They were not scattered.

Q Bunched together? A. Not exactly bunched together.

Q How near? A. Two or three feet probably.

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MRS. ANNA JANET WADE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. No. 230 West 42nd Street.

Q Mrs. Wade, tell the gentlemen of the Jury just what you know of this case? A. On the night of August 2nd, about half past seven - the house was particularly quiet in every way - my husband and myself were in the office until that time, and my husband said, "We have been here all day, it is time we had a rest;" we walked very slowly to the second floor Room 11; we had no sooner entered the room when I heard a crash, as a body falling, <sup>with</sup> the crash simultaneously; I couldn't locate the noise; so I rushed down stairs as quickly as I could go to the hall ~~floor~~, there I saw our elevator conductor, the night engineer, MacFarlane, and I said, "Did you hear that noise; what is it." He said, "Something upstairs." I said, you had better go and see what it is. With that I happened to turn around and I saw Mr. Webster coming slowly down the stairs. He came to the head of the marble staircase and said to me, "You had better send for a doctor." I said, "Mrs. Webster's doctor?" And he said, "no, any doctor; the nearest; that man Webster is hurt." <sup>(meant Goodwin)</sup> I said "MacFarlane go for the doctor, the one we had in the house the other day;" he knew which one I meant, he went directly; he didn't hear the last conversation; he walked down the stairs with Mr. Webster at the same time, leaving him in the street. Then I turned and

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went directly upstairs. Before that my husband came around from the office and said, "Do you see" and with that went upstairs to Mr. Goodwin's room, before I got there.

I went up and walked into Mr. Goodwin's room just as they were in the act of lifting him, and I assisted to lift him in the couch, and I took a pillow from the bed to rest his head; then the doctor asked me if I had any whiskey; I looked around the room and I didn't see any; Mr. Goodwin, said, "In the top drawer"; he meant the key was there; I opened the ~~box~~ and got the whiskey, and with that he said, "Mrs. Simpson," I used my maiden name first -

Q You are the housekeeper? A. Yes, sir; I am known in the house as Mrs. Simpson, I have been there over five years; Mr. Goodwin said, "Mrs. Simpson, I want you to take charge of that letter ~~box~~ - all those letters, and he saw me just close the desk, I closed the desk, locked it, and put the key in the same drawer where I took the key from he saw me do it; I said, "I fear you are suffering, Mr. Goodwin." He said, "Agony, Oh, God, this is cruel, too cruel I didn't deserve this" - no - "I didn't deserve this, you know," and then after he had the whiskey he said, "I was sitting writing at my desk; a knock came to the door, I said, 'come', and Webster -

By Mr. Howe:-

Q Was the doctor present at this time? A. Yes, sir; they all heard it. He said, "A knock came to the door; I said 'come'; I got up and Webster came in and shot me." That is all.

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Q Your husband was there, and the doctor was there, when Goodwin said to take care of the letter? A. Yes, sir, the doctor heard him saying that.

By Mr. McIntyre:-

Q Where were you standing when you heard the fall?

A. I had just got into my room as far as the table; my room is on the second floor, on the opposite side of the house from where his room is.

Q What floor did Webster live on? A. The third floor.

Q What floor did Goodwin live on? A. Webster lived on the third and Goodwin lived on the third floor.

Q How far was Webster's room from Goodwin's room?

A Webster's is directly opposite the elevator.

Q Can't you estimate it in feet? A. I can; it is right around a passage; there is a small hall to Mr. Goodwin's room, Webster is in the main hall, Goodwin's is on the side.

Q Goodwin's room was not at one end of the hall and Webster's at another? A. Webster's room is opposite the elevator and Goodwin's is around the corner; it might be where this book is (indicating).

Q Webster would have to go up through his hallway and then turn around to reach Goodwin's room? A. Yes, sir.

Q You stated you were directed to bundle up some letters in Goodwin's room? A. No; he said "take charge of that letter - all those letters".

Q You saw a letter on the table? A. Yes, sir.

Q Was there an ink-bottle there? A. Yes, sir; and the pen, and the pipe; he had been smoking.

Q Did you pick up the letter? A. Yes, sir.

Q Did you observe the condition of the ink? A. No, sir; I saw an ink-stand there.

Q I mean the ink on the letter? A. I didn't look at it.

Q Did you look at the pen? A. No, sir.

Q Did you look at the pipe? A. No, sir; I simply saw them there and closed the desk.

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GEORGE WADE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. No. 230 West 42nd Street.

Q Tell the gentlemen of the Jury just what you know of this case? A. I was in the office of the Percival; I had been there nearly all day. About half past eleven my wife came up from down stairs and I said, "I am tired of this; let us go up to our apartments and have a read and rest;" and told MacFarlane to call us if we were wanted. He said, "Very well", and we walked slowly up the stairs to the apartments. I can't say a moment or a minute, but it seemed a very, very little while before we heard a crash; I can't say what it was, but it was a terrible crash;

my wife being the housekeeper wanted to find out what it was; I thought first it was the elevator broke down, and I rushed to the window in such a hurry that I bunched my head against the window - not to make a bruise. My wife

went down previous to me - and I said, "Mac, did you hear that noise?" He said, "Yes, but I couldn't locate it." Just about that time Mr. Webster appeared on the scene. I didn't see him till I went down stairs, because I am very nearsighted. I saw Mr. Webster in the marble hall, and he told my wife in a very quiet collected manner to send for a doctor. He was always very quiet in fact. I immediately thought there had been a scuffle, because I knew about this affair a month ago, and I thought Mr. Webster went and punched him and knocked him down. I quite anticipated that, and of course I rushed upstairs, and found poor Goodwin lying dead - not dead, but shot; I thought he was dying when I saw him, because his face was livid and white; he was suffering with agony; intense agony and I said, "What is the matter, Goodwin," and he told me he had been shot, that Webster shot him; and of course my anxiety was to get a doctor and I went out and I met the doctor and I said, "This way, doctor," because MacFarlane was taking the doctor to Webster's room; he thought she (Mrs. Webster) was sick; I escorted the doctor to the room and assisted to lift Goodwin on the couch; when he was examining the wound I thought to get a policeman and an ambulance there. I heard him several times say it was cruel, and he didn't deserve it, and he meant no harm, and he didn't deserve it. But that remains. I saw that the police were there and the ambulance; that was my duty then, I assisted my wife in housekeeping.

By Mr. Howe:-

Q Do you think you have told us all you can remember?

A. Yes, sir; I kissed the book just now.

Q You are not infallible; memories are treacherous; I ask you to refresh your memory? A. I have given you a detailed statement as far as I can; I have no prejudice whatever, not in the least. Mr. Webster always conducted himself as a gentleman and Mr. Goodwin is a decided stranger to me.

Q You remember that episode when Goodwin said that he loved this little woman and tried to assault her?

Mr. McIntyre: There is no evidence of that.

A. No, there is no evidence of that. I remember the circumstance very well. Mrs. Webster came down and got my assistance, and I gave it to her to the best of my ability.

Q You saw him make this attempt to put his arms around Mrs. Webster's neck? A. No, sir; I didn't see it. Mrs. Webster came for my protection and I went up with her.

Q She came and complained to you and asked for your protection? A. Yes, sir.

Q Then you went up there? A. Yes, sir.

Q Did you see Goodwin then? A. No, sir.

Q But you went up to protect her from Goodwin at her request? A. Yes, sir.

Q Do you know that Goodwin at that time had a friend there with him? A. Yes, sir; I heard him in the room; he was very boisterous; he was drunk.

Q He was trying to get out of his room to get at Mrs. Webster? A. Rickard locked the door to prevent his com-

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ing out again.

Q He was locked in to prevent him repeating his act?

A. He was beastly drunk, Rickard told me so.

By Mr. McIntyre:-

Q You were on the floor below when you heard the crash?

A. Yes, sir.

Q Did you hear anything else? A. I didn't notice anything else, but a loud noise.

Q Did you hear a pistol shot? A. I didn't notice the pistol shot.

It is admitted that Dr. Conway's statement as to the cause of death is correct.

The Coroner: According to Dr. Conway's report Mr. Goodwin died from a pistol shot wound of the abdomen. It now remains for the gentlemen of the Jury to find a verdict how Goodwin came to his death, and who is responsible for his death.

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VERDICT: We, the Jury, find that Charles E. Goodwin, Jr., came to his death from a pistol shot wound of the abdomen, inflicted on August 2nd, 1891, by Burton C. Webster, at No. 230 West 42nd Street, New York City.

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0035

Aug. 2, 1891.

The man Chas. E. Goodwin, Jr., being aware that he is about to die, accuses one man named Webster, of 230 West 42nd Street of having shot him. This man Goodwin says that Webster struck him, and then he Goodwin grappled with him and then Webster shot him.

-----c0o-----

0036

Department of  
PUBLIC CHARITIES AND CORRECTION,

Office of City Prison, Corner of Franklin and Centre Streets,

HENRY H. PORTER, Pres't.  
CHARLES E. SIMMONS, M. D., } Commissioners.  
EDWARD C. SHEEHY,

JOHN FALLON, Warden.

New York, June 20 1892

This is to certify to whom it  
may concern that I have  
seen & examined Burton  
C. Webster & from my  
examination I believe it  
would be detrimental  
to his health & perhaps  
endanger his life  
to be taken to Court  
for several days among

C. H. Chewood (M.D.)

Physician for "The Tombs".

STATE OF NEW YORK  
Executive Chamber  
ALBANY

Dec 27 1898

Dear Sir:

Application for Executive clemency having been made on behalf of Durton C. Webster who was convicted of manslaughter in the County of New York and sentenced October 3 1892 to imprisonment in the State Prison for the term of 14 years. I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

William M. Griffith

Private Secretary.

Hon. Asa Bird Gardiner  
District Attorney  
New York

0030

Nov. 18, 1959

Mrs. William Roth,  
428 South Spalding Drive, Apt A,  
Beverly Hills, Calif.

Dear Madam:

Receipt is acknowledged of your letter of Nov. 5, 1959,  
enclosing \$1.50 for copy of the Webster indictment. Enclosed herewith  
certified copy of said indictment re Burton C. Webster, filed Sept. 23,

About the other printed records of cases on appeal by Mr.  
Howe, you are advised that these are bound volumes which cannot be  
photostated as we have not the facilities for so doing.

As to the indictments in the other cases of Mr. Howe,  
they are so numerous and we do not have the personnel available to  
search for these other records. Some of them would be of small con-  
sequence for any research on your part.

There have been books written about the firm of Hummel and  
Howe, and it is suggested that you communicate with the New York  
Public Library, 42nd St. and Fifth Ave., New York, N. Y., who might  
search their general index and come up with some interesting information.  
We regret to inform you that we have exhausted all the possibilities  
of obtaining further information.

Very truly yours,

F. Howard Barrett  
Clerk of Court.

Encl.  
S.  
JK:G.

00839

Nov. 18, 1959

Mrs. William Roth,  
428 South Spalding Drive, Apt A,  
Beverly Hills, Calif.

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Very truly yours,

F. Howard Barrett  
Clerk of Court.

Encl.  
Q.  
JK:G.

20/10/95  
 20/10/95 T.B.W.  
 H.C.P. 20/10/95 10816/5  
 20/10/95 70/10/95  
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429-5411  
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 19

sample of

**BOND**  
MADE IN U. S. A.

Buff Substance 16

LAST MONTH		1958 MAY 1958							NEXT MONTH											
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27	28	29	30				25	26	27	28	29	30	31							

## Wednesday

**MAY 7**

1958

0041

*[Handwritten signature]*

2560-54

Wahneema Lubiano

14-00000

0042

428 South Spalding Drive Apt.A  
Beverly Hills, Calif.  
Nov.5, 1959

Dear Mr. Barrett,

I am most appreciative of your cooperation in my research on my greatgrandfather, William F. Howe, and am delighted to learn from you of Mr. Slaughter, the Virginia attorney who has been reviewing the Howe cases. I have written the Bar Asso. of Va. as you suggested and am hopeful of hearing from him.

You write of "several old printed records of cases tried by Mr. Howe that went up on appeal." You say these would require personal survey or research of considerable time. Since it is impossible for me to make a personal survey is it possible that these records could be photostated or copied in some way so that I might have a record and if so what would be the cost involved?

I am enclosing \$1.50 to cover a copy of the Webster indictment as per your letter of Nov. 2.

I am willing to send fees to cover other copies of indictments of other cases of Howe's that you might have in your records. Can you advise me of what might be available?

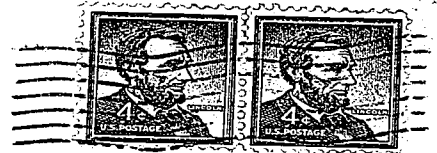
Incidentally I referred two of the cases about which I made inquiry of you to the County Court of the Bronx and have been advised by them that they have no records prior to 1914 and that I should communicate with you.

I regret that some of the dates I gave you were not accurate. It isn't easy to determine these exactly when the data I have lists several dates.

Again, may I thank you for being thoughtful enough to pass on to me the name of Mr. Slaughter.

*Sincerely,*  
*W. W. R. Rath*

0043



VIA AIR MAIL

Mr.F.Howard Barrett  
Clerk of Court of General Sessions  
100 Centre Street  
New York,13,N.Y.

0044

Mrs. William Roth 428 South Spalding Drive Beverly Hills Calif.  
Apt. A

0045

New York Oyer & Terminer.

----- X  
The People etc., :  
-against- :  
Burton C. Webster. :  
----- X

City and County of New York, ss:

I, Henry Robinson, being duly sworn, do  
depose and say:

I am a physician, residing at 402 West 58th St.  
and have been engaged in practice in the City of New York  
for the past five years.

I know Burton C. Webster, now confined in  
the City Prison to answer an indictment for murder.

I was called to treat said Webster, who com-  
plained of illness, on the 15th day of June, 1892, and  
Webster has, since said day, been confined to his bed,  
his ailment being that of dysentery, and his condition is  
such that there is danger of peritonitis setting in,  
which might prove fatal.

I have this day examined said Webster, and his  
symptoms do not show any improvement in his condition  
of health.

At the present time, to remove said Webster  
from his bed would be to endanger his life, and in my  
opinion said Webster cannot be safely permitted to leave  
his bed.

From present indications it is my belief  
that said Webster will not be able to leave his bed, by

0046

reason of his dangerous illness, for 14 days to  
come.

Sworn to before me this  
20<sup>th</sup> day of June, 1892.

*Reynald D. Durant*

Commissioner of Deeds  
in and for the City and  
County of NEW YORK.

*Henry Robinson MD*



0048

COURT OF GENERAL SESSIONS  
OF THE  
COUNTY OF NEW YORK

Clerk's Office, November 2, 1959

THE PEOPLE OF THE STATE OF  
NEW YORK

against

BURTON C. WEBSTER

Defendant

On Indictment for  
Murder in the First Degree.

No.

Filed September 23, 1891 19

I DO CERTIFY that it appears from an examination of the Records on file in this office, that  
on ..... 19..... the defendant was bailed in the amount  
of ..... dollars, said bail was provided  
by the ..... Surety

That on September 26, 1892 19..... the defendant was convicted of the  
crime of Manslaughter in the First Degree.

That on October 3, 1892 19..... upon the aforesaid conviction by  
Verdict, the Honorable George L. Ingraham, then  
a Judge of this Court, sentenced the defendant to State Prison for the term of  
Nineteen (19) years.

F. HOWARD BARRETT  
Clerk of Court

0049

## MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
35 Years — Months — Days	Massachusetts	Rosine -	Aug. 31
		Worcester	

Jul 31  
Aug 1  
Admitted  
House of General  
on 7-1-1

## AN INQUISITION

On the VIEW of the BODY of

Charles E. Fordham Jr.,

whereby it is found that he came to

his death by

Hester Street

Ward of, the

Albany and

by Robert E. White

at 230 N. 42nd St.

about 8 P.M. Aug. 24

1891



Original taken on the

of August 1891

MICHAEL J. J. JENSEN, Doctor.

Donald L. Schuch

428

10361

0050

## TESTIMONY.

William A. Conway M. D., being duly sworn, says;  
I have made an examination of the body of  
Charles E. Goodwin Jr now lying dead at  
Roosevelt Hospital, and from such examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is Pistol Shot Wound of the  
Abdomen.

W. A. Conway  
M. D.

Sworn to before me

this

30

day of

August

1891

Louis M. Kelly,

CORONER.

0051

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

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

Sworn to before me this  
day of

189 }

*A. B. Overton*

*The Peoples*

Plaintiff,

against

*Donald C. Miller*

Defendant.

*Michael J. O'Connell*  
*Henry J. Thompson*

**HOWE & HUMMEL,**

Attorneys for Defendant.

87 & 89 Centre St., New York City.

Due and timely service of copy of the within

hereby admitted

day of

189

Attorney.

To

*9/14/9*  
*Howe & Hummel*  
*Donald C. Miller*  
*Henry J. Thompson*  
*11/14/9*

0052

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

1957

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Burton C. Webster*

City and County of New York, ss.

*Nelson B. Record* being duly sworn, deposes and says: I reside at *Chicago* in the State of *Illinois*. On the *20<sup>th</sup>* day of *September* 1897, I attended before the *Court of App. and Termine* of the City and County of New York, as a witness on behalf of the People, upon a subpoena, and in order to so attend I came from *Chicago Illinois*, a place out of the said county, to wit, from *Chicago* aforesaid, and *as such witness attended said Court until the day* My expenses necessarily incurred by reason of such attendance, consisting of *railroad fares, sleeping car, meals, hotel bills etc* as per annexed vouchers

amount to the sum of *One hundred and thirteen* *or 100 dollars*  
Sworn to before me this *26* } *Nelson B. Record*  
day of *September* 1897, }

*Henry W. Wanger*  
*Henry B. Butler*  
*W. B.*  
I Hereby Certify, that the above named *Nelson B. Record* attended before the *Court of App. and Termine* as a witness on behalf of the People, upon a subpoena, and came from a place out of the County of New York.

I FURTHER CERTIFY, that it is reasonable that the said witness be paid the sum of *One hundred and thirteen* *600* *1000* Dollars for his necessary expenses.

DATED NEW YORK, *Sept. 26* 1897

*DeLancey Scott*  
District Attorney.

New York General Sessions.

THE PEOPLE

vs.

*Aurora Webster*

It appearing by the within Affidavit and Certificate,

that *Nelson D. Record*

a witness who attended before *the Court*

*afterwards* on behalf of the People, upon a subpoena,

came from a place out of the County, let an order be

entered directing the County Treasurer to pay to the

said *Nelson D. Record*

the sum of *One hundred and fifteen Dollars*

(which sum seems reasonable) for his expenses.

New York *May 26*, 189 *7*

*Wm. M. Allen*

*George H. the Clerk of  
Court and Sheriff*

0053

0054

POOR QUALITY  
ORIGINAL

OCT 1891.

*James  
New York Central System*

THE PEOPLE

VS.

*Newton C. Cheekster*

It appearing by the within Affidavit and Certificate,  
that *Arthur H. Davidson*  
a witness who attended before the *James*  
*of the* on behalf of the People, upon a subpoena,  
came from a place out of the County, let an order be  
entered directing the County Treasurer to pay to the  
said *Arthur H. Davidson*  
the sum of *One hundred and twenty Dollars*  
(which sum seems reasonable) for his expenses.

New York, *October 16*, 1891.

*James H. Davidson*

*James H. Davidson*  
of the County of *Orange*

Section 616, Code of Crim. Proc.

POOR QUALITY  
ORIGINAL

0055

Court of ~~General Sessions of the Peace~~ *Per and Term*  
OF THE CITY AND COUNTY OF NEW YORK.

1957

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Burton Webster*

City and County of New York, ss.

*Arthur H. Goodwin* being duly  
sworn, deposes and says: I reside at *Minneapolis* in the State  
of *Minnesota*. On the *26th* day of *September* 189*2*, I attended  
before the *fourth of the Term* of the City and County of New York, as a  
witness on behalf of the People, upon a subpoena, and in order to so attend I came from *Minneapolis*  
a place out of the said county, to wit, from *Minneapolis* aforesaid.

My expenses necessarily incurred by reason of such attendance, consisting of *Carfare*  
*sleepers, meals and hotel bills* amount to  
the sum of

amount to the sum of *One hundred and Twenty Dollars*

Sworn to before me this

day of *Sept* 189*2*

*Arthur H. Goodwin*

*Henry W. W. W. W.*  
*Chas. W. W. W.*  
*NYC*

I Hereby Certify, that the above named *Arthur H. Goodwin*  
attended before the *fourth of the Term* as a witness on behalf of the  
People, upon a subpoena, and came from a place out of the County of New York.

I FURTHER CERTIFY, that it is reasonable that the said witness be paid the sum  
of *One hundred and Twenty* Dollars for his necessary expenses.

DATED NEW YORK, *Sept. 26* 189*2*

*Delaney Meade*

District Attorney.

POOR QUALITY  
ORIGINAL

0056

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

*Burton C. Webster* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—

*Burton C. Webster*

Question—How old are you?

Answer—

*31*

Question—Where were you born?

Answer—

*West Richmond - Long*

Question—Where do you live?

Answer—

*N.Y. City*

Question—What is your occupation?

Answer—

*Boat - mender*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*Reserved Defence*

*Burton C. Webster*

Taken before me, this 12 day of Aug 1881

*Louis W. Schuly*

CORONER.

POOR QUALITY ORIGINAL

0857

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

Police Court--- 1036  
District.

THE PEOPLE, &c.  
vs. *William Henry*

*William Henry*

Offence *Homicide*

Dated *August 91*

*John E. Connelley* Magistrate.

*James J. Connelley* Officer.

*William Henry* Precinct.

*William Henry* Precinct.

*James J. Connelley* Street.

*James J. Connelley* Street.

*James J. Connelley* Street.

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

*Defendants*

guilty thereof. Order that *Paul* be held to answer the same, and *she* be admitted to bail for the sum of *one hundred dollars* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *he* give such bail.

Dated *Aug 91* *John E. Connelley* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0050

409

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Samuel R. Webster*

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

*Samuel R. Webster*

of the CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said *Samuel R. Webster*,

late of the City of New York, in County of New York aforesaid, on the *second*  
day of *August*, in the year of our Lord one thousand eight hundred and  
ninety- *one*, at the City and County aforesaid, with force and arms, in and upon one  
*Charles R. Goodman*, in the peace of the said People then and there being,  
wilfully, feloniously and of *his* malice aforethought did make an assault; and the said  
*Samuel R. Webster*, a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *Samuel*  
*R. Webster* in *his* right hand then and there had and held,  
to, at, against, and upon the said *Charles R. Goodman*,  
then and there feloniously, wilfully and of *his* malice aforethought, did shoot off and  
~~discharge, and the said~~ *Samuel R. Webster*,  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the  
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *him* the said  
*Charles R. Goodman*, in and upon the ~~head~~ *head* of *him*  
the said *Charles R. Goodman*, then and there feloniously, wilfully and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *him*  
the said *Charles R. Goodman*, then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY  
ORIGINAL

0059

said *Clinton R. Webster*, in and upon the ~~abdomen~~ of  
the said *Charles R. Goodwin*, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound, ~~the~~ the  
said *Charles R. Goodwin*, at the City and County aforesaid,  
from the said second day of August, in the  
year aforesaid, until the third day of August in the same year  
aforesaid did languish and languishing did live, on which said third  
~~day of August~~ in the year aforesaid, the said *Charles R.*  
*Goodwin*, at the City and County aforesaid, of the said mortal  
wound did die.

AND SO THE GRAND JURY AFORESAID do say: That the said  
*Clinton R. Webster*, ~~son~~  
the said *Charles R. Goodwin*, in the manner and form, and by  
the means aforesaid, wilfully, feloniously and of ~~his~~ malice aforethought, did kill  
and murder against the form of the statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0060

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Weiss, Marcus

**DATE:**

09/22/91



4156

POOR QUALITY  
ORIGINAL

0061

Witnesses:

Edward Luck  
Off Foye 10 st

220  
Counsel,  
Filed 22 day of Sept 1891  
Pleads, *Alquely*

1891

THE PEOPLE

vs.

Marcus Weiss

Grand Larceny,  
[Sections 628, 58/  
Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*W. J. Berry*  
Foreman.

Part 3. October 26/91.  
Tried and Acquitted

POOR QUALITY  
ORIGINAL

0062

(1385)

Police Court—1st District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 320 Mott Street, aged 34 years,  
occupation Furrier being duly sworn,  
deposes and says, that on the 5 day of SEPTEMBER 1891 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

one gold watch with gold chain attached  
of the value of Sixty dollars

\$60-

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 Marcus Weiss (name)

Deponent says that said defendant was in  
a room alongside of office in premises No  
320 Mott Street when he hung up his  
vest containing said property. That deponent  
went to said office adjoining said room  
where said property was contained said  
defendant being there at the time

Sworn to before me, this  
day of  
189

Police Justice.

POOR QUALITY  
ORIGINAL

0063

that said defendant came out thereafter

Defendant says he remained in the  
office adjoining said room and no  
person entered the same from the  
time he saw said property until  
he missed the same

Wherefore defendant charges  
said defendant with feloniously  
taking the same

Edward Link

Sworn to before me  
this 8 day of Sept 1891

Do not doubt Police Justice

POOR QUALITY  
ORIGINAL

0064

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Marcus Weiss*

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

Question. What is your name?

Answer. *Marcus Weiss*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *222 Second St 7 mos*

Question. What is your business or profession?

Answer. *None*

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*

*Marcus Weiss*

Taken before me this

day of

*Sept*

1911

Police Justice.

POOR QUALITY  
ORIGINAL

0065

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

Police Court---

District: 1184

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Edward Smith  
328 1st St  
Marcus Weiss

Offence

Dated SEPTEMBER 8 1891

Bail O'Kelly Magistrate

Henry P. Fitch Officer

Witnesses

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

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

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

\$1000 to answer

COMMITTED

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

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

Dated SEPTEMBER 8 1891 Ed. P. Fitch Police Justice.

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

Dated SEPTEMBER 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0066

1. Oct. 22 1891.

District ~~Attorney's~~ Office

~~City~~

Dear Sir!

Respectfully undersigned  
Marcus Weiss begs to call  
your attention to the fact, that  
I am now detained in the  
Tombs, under the charge of  
Grand Larceny for 45 days  
without having been called  
for trial, I also give you in-  
formation, that I was taken  
sick from the Tombs to  
Bellevue Hospital and was  
there for two weeks, came  
back October 1, and waiting  
still for trial. I have been  
accused of stealing a  
watch from my employer  
Edward Linck 326 Mott St and

2.

I don't know nothing what  
ever about it and there  
cannot be any suspicious  
circumstances to connect  
me with the loss of the  
man's watch, with a  
few words I cut my story  
short. I am positive sure  
that I am innocent in this  
case, as it will be proved  
before those Honors, and  
also call attention to  
those Honors to give  
justice to a friendless  
boy (age 19. German), who  
is trying to make an  
honest living, and make  
make amends for past  
folley. Story! Three years  
ago when I was young  
and foolish, I allowed  
myself to be let astray

3.

by bad company, and  
therefore I was sent to  
the Elmira Reformatory  
and remained there  
for 28 months, where  
by good behavior, and  
meriting the good will  
of the Trustees I was let  
out 7 months ago on  
Parole, and then in  
6 months got my ab-  
solute Release, to become  
an honest, useful, respec-  
ted Citizen. I got a good  
character from Mr. Brock-  
way Gen'l Supt. of the N.Y. S.  
Reformatory, and a good  
reputation from my  
first employer, and from  
my neighborhood. I want  
to show that Mr. Brockway made  
an honest boy out of me, and I

4.

want to show in <sup>the</sup> same time, that  
I did not break any Law against  
the Public, and in <sup>the</sup> same time against  
God, after going out of the Reformatory.  
Please and do me the favor ask  
you now, to have the case inves-  
tigated, and have me called  
for trial tomorrow, and in  
<sup>the</sup> same time be at my trial, as you  
will be interested, as I will fight  
for liberty as an innocent boy. I don't  
need no Lawyer. God shall be my Counsel  
or I will act <sup>as</sup> one, talk loud in a clear  
voice. My best regards to you.

I remain, with great respect  
Your Obedient Servant,  
Marcus Weiss  
at Tomb.

POOR QUALITY  
ORIGINAL

0069

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Marcus Weiss*

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

*Marcus Weiss*  
of the CRIME OF GRAND LARCENY IN THE *second*

as follows:

DEGREE, committed

The said

*Marcus Weiss*

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

*one watch of the value of  
forty dollars and one chain of  
the value of twenty dollars*

of the goods, chattels and personal property of one

*Edward Linck*

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.

*De Lancey Nicoll*  
*District Attorney*

0870

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Welsh, James

**DATE:**

09/17/91



4156

POOR QUALITY  
ORIGINAL

0071

Witnesses:

James Welch

Counsel,

Filed

day of

189

Pleas,

THE PEOPLE

vs.

James Welch

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. LeBerry

Foreman.

Part 1

Subscribed

Deceased

In the within case  
of assault the com-  
plainant files a  
statement of with-  
drawal of his com-  
plaint and he  
being the only witness  
for the people I am  
of opinion on all  
the facts that no  
conviction can be  
had. I therefore  
recommend that the  
indictment herein  
be dismissed  
Sept 2/91 W. A. LeBerry

POOR QUALITY  
ORIGINAL

0072

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

James Welsh

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

And I further certify that I am now of the opinion that I was as much at fault in reference to the assault as the defendant. That all the wounds received by me have entirely healed. That the defendant has in my judgment suffered by his arrest.

his  
James F. Twining  
Mort

POOR QUALITY  
ORIGINAL

0073

Police Court— District.

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

of No. Bulward + 147 St Street, aged 32 years,  
occupation Laborer being duly sworn  
deposes and says, that on the 3 day of Sept 1888 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Allen  
(now here) who did willfully  
and feloniously cut and  
stab dependent under  
the right eye with a  
knife thick and then  
held in the hand of  
said defendant.

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

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

Sworn to before me this 4th day  
of September 1888

James Allen  
maie  
Police Justice.

POOR QUALITY  
ORIGINAL

0074

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

✓ District Police Court.

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

Question. What is your name?

Answer. *James Welsh*

Question. How old are you?

Answer. *24 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *Boulevard and 147 Street*

Question. What is your business or profession?

Answer. *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 not guilty*

*James Welsh*

Taken before me this

day of

Police Justice.

POOR QUALITY  
ORIGINAL

0075

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 5, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1. *William H. H. H.*  
2. *James H. H.*  
3. *John H. H.*  
4. *Thomas H. H.*

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

*L. H. H.*  
Magistrate

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



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

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 *Sept 11* 188 \_\_\_\_\_ Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0076

474

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

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*James Welsh*

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

*James Welsh*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*James Welsh*  
late of the City of New York, in the County of New York aforesaid, on the *third*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety-*one*, with force and arms, at the City and County aforesaid, in and upon  
the body of one *James Devlin* in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*James Devlin* with a certain *knife*

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

with intent *him* the said *James Devlin*  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

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

The said

*James Welsh*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon the body of the said  
*James Devlin* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *James Devlin*

with a certain

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

*Re Lancelotti Ricoll*  
*District Attorney*

0877

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Welsh, Luke

**DATE:**

09/25/91



4156

POOR QUALITY  
ORIGINAL

0070

Witnesses:

*Elnor Welch*

Counsel,

Filed

25<sup>th</sup> day of

1891

Pleads,

THE PEOPLE

vs.

*Elnor Welch*

Assault in the Second Degree.  
(Section 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. J. Berry*

Foreman.

*J. D. Welch*

*Head of Household*

*Pen 1 yr 1 yr*

POOR QUALITY  
ORIGINAL

0079

Police Court—W District.

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

of No. 454 West 35 Street, aged 45 years,

occupation Keep House being duly sworn

deposes and says, that on the 13 day of September 1889 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Luke  
Welsh, sworn here, who cut and  
stabbed a deputy on the  
head with a knife which he  
displayed, then another held  
in his hand.

Deputy further says that  
such assault was committed

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

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

Sworn to before me, this 13 day

of September 1889

John S. Kelly Police Justice.

POOR QUALITY  
ORIGINAL

0000

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss.

2 District Police Court.

*Luke Welsh* 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.*  
*Luke Welsh*  
*Shoemaker*

Read before me this

9/5

*John J. Welch*  
1889

Police Justice.

POOR QUALITY  
ORIGINAL

00001

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  
VS THE DEFENDANT

*William H. Smith*  
4th St. No. 35

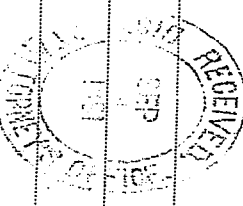
*John H. Smith*  
4th St. No. 35

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence \_\_\_\_\_

Date \_\_\_\_\_ 18\_\_

*William H. Smith*  
Magistrate,  
Officer,

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



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

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

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

Dated \_\_\_\_\_ 18\_\_ *John H. Smith* Police Justice.

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

Dated \_\_\_\_\_ 18\_\_ \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18\_\_ \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

00002

400

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Luke Welsh*

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

*Luke Welsh*

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

The said

*Luke Welsh*

late of the City and County of New York, on the *thirteenth* day of  
*September* in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, in and upon one

*Ellen Welsh*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully  
did make an assault; and the said

*Luke Welsh*

with a certain

*knife*

which

*he*

the said

in

*his*

right hand

then and there had and held, the same being then and there

a weapon and an instrument likely to produce grievous bodily harm,

*her*

, the said

*Ellen Welsh* then and there feloniously did wilfully and

wrongfully strike, beat, *cut, stab* -bruise and wound, against the form of the statute

in such case made and provided, and against the peace of the People of the State of New York

and their dignity.

*De Lancey Neale,*  
*District Attorney.*

0003

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wendel, John

**DATE:**

09/21/91



4156

POOR QUALITY  
ORIGINAL

0004

Witnesses:

Edw Barry  
Wm McCarthy  
2, 23

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

21 vs.

207-2-10-

peddler.

John Wendel

R A P H.  
(Sections 278 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry

Part 3. Sept. 28/91 Foreman.

Jury and Convicted of

Oct 2, 1911

Rape-

14.4/1911 P. 2, 23

POOR QUALITY  
ORIGINAL

0005

POLICE COURT— 4th DISTRICT,  
CITY AND COUNTY OF NEW YORK, } ss.

Recognizance to Testify.

the 8 day of September BE IT REMEMBERED, That on  
in the year of our Lord 1891

of No. George Knodel  
3rd 8th E 13 Street, in the City of New York,

and Thomas Conlan  
of No. 457 E 13 Street, in said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and  
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

George Knodel  
the sum of One Hundred Dollars,

and the said Thomas  
the sum of One Hundred Dollars,

separately, of good and lawful money of the State of New York, to be levied and made of their respective  
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-  
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally  
appear at the next COURT OF 4th Dist. Police Court SESSIONS of the Peace, to be holden in and  
for the City and County of New York, and then and there Testify and give such evidence, in behalf of  
the People of the State of New York, as he may know concerning an Offence or  
said to have been lately committed in the City of New York aforesaid by

John Wendle

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to  
remain in full force and virtue.

Taken and acknowledged before me, the } George Knodel  
day and year first above written. } Thomas Conlan

W. Wendle POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

00005

CITY AND COUNTY } ss.  
OF NEW YORK,

Sworn before me this  
11th day of September 1891  
Police Justice.

Thomas Coulon

the within-named Bail, being duly sworn, says that he is a House holder in  
said City, and is worth Two Hundred Dollars

over and above the amount of all his debts and liabilities; and that his property consists of  
Stock and fixtures of liquor store  
situated at No. 211 Duane St.  
and valued at \$10000 over and above  
all debts and encumbrances

Thomas Coulon

New York Sessions.

THE PEOPLE, &c.,

Recognition to Testify.

ss.

Magistrate

Filed

day of

188

POOR QUALITY  
ORIGINAL

00007

CITY AND COUNTY } ss.  
OF NEW YORK,

aged 26 years, occupation George Knoden of No. Peddler

348 East 13<sup>th</sup> Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Ellen Barry  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 10  
day of Sept 1891

George Knoden

Wm. Malon

Police Justice.

CITY AND COUNTY } ss.  
OF NEW YORK,

aged \_\_\_\_\_ years, occupation Dennis M. Carthy of No. officer

21<sup>st</sup> Ave Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Ellen Barry  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 10<sup>th</sup>  
day of Sept 1891

Dennis M. Carthy

Wm. Malon

Police Justice.

POOR QUALITY  
ORIGINAL

00000

Police Court, 4<sup>th</sup> District.

City and County } ss.  
of New York,

House of Good Shepherd, Ellen Barry  
of No. 589-1<sup>st</sup> Avenue Street, aged 16 years,

occupation being duly sworn, deposes and says,  
that on the 9<sup>th</sup> day of September 1899, at the City of New  
York, in the County of New York, John Wendel (nowhere) did

perpetrate an act of sexual intercourse  
with a female not the wife of the perpetra-  
tor, committed against her will or  
without her consent; for the reasons  
following, to wit: Dependent says,  
at about 3 PM. of said date, she was  
in a room of her home at No 589-1<sup>st</sup>  
Avenue, and that defendant called there  
to vend peaches, and that defendant  
forcibly and violently seized hold of  
deponent, and threw her upon a  
bed, that deponent was held power-  
less by defendant, that he violently  
raised her garments, took her drawers,  
and had sexual intercourse with  
deponent.

Dependent further says,  
she screamed, and is informed by George  
Knoden of No. 348 East 13<sup>th</sup> Street, that  
he heard screams from said apartment,  
said Knoden having been employed by  
defendant to vend peaches, and is further  
informed by said Knoden that de-  
fendant admitted to said Knoden, <sup>deponent being so informed</sup> in  
the presence of Officer Dennis Mc Carthy  
and Captain Ryan of the 21<sup>st</sup> Precinct,  
that defendant had been in said room  
with deponent and had "got there".

Wherefore, deponent charges de-  
fendant, with violating section 278 of  
the Penal Code of the State of New York,  
and prays that defendant be held and  
dealt with as the law directs.

Subscribed and sworn to  
this 10<sup>th</sup> day of September 1899

A. J. M. M. M.  
Police Justice.

Ellen Barry  
mark

POOR QUALITY  
ORIGINAL

00009

(1335)

Sec. 198—200.

11<sup>th</sup>

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*John Wendell*

being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h<sup>is</sup> 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 h<sup>is</sup> waiver cannot be used  
against *him* on the trial.

Question. What is your name?

Answer.

*John Wendel*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*Newport City*

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

Answer.

*270 East 10<sup>th</sup> St. in 4 months*

Question. What is your business or profession?

Answer.

*Redder*

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

Answer.

*I am not guilty.*

*John Wendel*

Taken before me this

10<sup>th</sup>

day of *July* 1891

Police Justice.

POOR QUALITY  
ORIGINAL

0090

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

Police Court--- 14th District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Murray  
Jesse of 1000 1st Ave  
John Mendel

Offence

Rape

Dated Sept 10 1891

McMahon Magistrate.

David McCreedy, Officer.

21st Precinct.

Witnesses: Squad Officer

No. 100 Jan 123

Captain Ryan

No. 21st Precinct

George Throckmold

No. 345 East 13th

No. 3070 to answer

John Lewis Sept 11 1891

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

Defendant

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

Dated Sept 10 1891 W. McMahon Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY  
ORIGINAL

0091

Court of General Sessions--Part III.

-----X  
The People of the State of New York

against

J O H N W E N D E L.

:  
: Before  
: Hon. Frederick Smyth,  
: and a Jury.  
:  
:-----X

Indictment filed, September 21st, 1891; indicted  
for rape.

New York, September 25th, 1891.

A P P E A R A N C E S:

For the People, Assistant District Attorney Henry  
B. B. Stapler;

For the Defense, Mr. Maurice Meyer.

E L L E N B A R R Y, a witness for the People,  
being sworn, testified:

I live on First Avenue; I don't know the number.  
I lived there on the 3d of September, 1891, with my father.  
My mother is dead. I think the number is 589 First Av-  
enue. I lived on the first floor, up two flights. I  
saw the prisoner at the bar in my house on the 2d of Septem-  
ber this year. He came into the room and set down five  
peaches on the table. It was before supper in the after-  
noon, I don't know exactly the time. My father is a  
stone cutter. He was out and my brothers were all at work  
The peaches which he had were in a pail. I told him I  
had no money. He forced me to take them and I told him

**POOR QUALITY  
ORIGINAL**

0092

I didn't want them. Then he took me in the next room, which was a bed room, and laid me on the bed and tore my drawers off. He got on top of me, he opened his pants and then he put his private part into me. I hollered. He put his hand over my mouth. I was on my back and he laid over me. We laid there for half an hour. I didn't do anything. I was too weak to follow him. After a time he got up and went out in the hall. He was gone. I made a complaint of this to my father when he came home in the evening, and also spoke of it to a woman named Mrs. Mosich, who lives upstairs. I had never seen this man before that afternoon. Mrs. Mosich came in to me right after he went out.

CROSS EXAMINATION.

I have two brothers and one sister. I can positively swear I never saw the defendant before and I did not know the man. My sister is in a lunatic asylum. I have had a doctor attending me at different times. He did not give me any medicine. When this man came in with the peaches nobody was in the room.

J O H N B A R R Y, a witness called for the People, being sworn, testified:

I am a stone cutter, living at 589 First Avenue. I have been living there for about twelve years. On the 2d of September last when I came home in the evening my daughter complained to me of what had happened. I found her sitting in a chair crying, and I asked her what was the matter. It was then that she made the complaint of this

**POOR QUALITY  
ORIGINAL**

0093

assault upon her. Her mother died about ten years ago. When she made the complaint to me I sent for the doctor right away. I do not know his address, it is somewhere in 34th Street. On the next day my daughter went to the station house and made a complaint and we had the defendant arrested.

CROSS EXAMINATION.

I have another daughter who is in the lunatic asylum on Blackwell's Island. She has been there two months. I had a doctor attending the complainant in this case. The doctor says she is pretty solid but kind of off. She has always been delicate and weak minded. She was unable to do any housework on this account.

GEORGE KNODEN, a witness for the People, being sworn, testified:

I am a pedlar. I was working on the 3d of September last. On the afternoon of that day I was on my wagon in front of 589 First Avenue. The prisoner was in company with me. He went up into the house to sell a pail of peaches. After he had been gone for some time I heard screams. I could not tell where it was. I heard a noise and then the girl called me up. The girl who called me up is the same girl who was on the witness stand. This was before I heard the screams. When I got upstairs I knocked on the door and could not get in. The door was locked. I ran downstairs and it was while I was running down that I heard the girl scream. I stayed on the wagon, and when the defendant came down he told me he got there.

**POOR QUALITY  
ORIGINAL**

0094

He is my boss. I could not exactly state how long the defendant was in the house. I had no further conversation with him when he came downstairs except his saying that he got there. I have seen this girl on different occasions ~~xx~~ when we passed the house 589 First Avenue. She would knock on the window for us to come upstairs.

CROSS EXAMINATION.

I have been in this house before. We have peddled in that neighborhood for about four years and know the different people pretty well. I am positive that I have seen this girl frequently at the window, and I know that the defendant has seen her. He had gone upstairs about ten minutes before I went up.

D E N I S M <sup>c</sup> C A R T H Y, a witness for the People, being sworn, testified:

I am a police officer assigned to duty in the Twenty-first Precinct. On the 3d of September last I went to the residence of Mr. Barry in the afternoon. I saw the complainant and had a few words of conversation with her. She made a complaint to me of this assault. I made inquiries in the house and found Mrs. Mosich who lived upstairs on the floor above. In consequence of what I learned I went around looking for the defendant for two or three days. On the 7th day I found him on the corner of 13th Street and Avenue A. He asked me what he was arrested for and I told him he knew all about it. When we were getting near to the station house I said, "You might as well tell me the whole business; I have heard it before from Knoden." (4) He was another man I had arrested, and the defendant said,

**POOR QUALITY  
ORIGINAL**

0095

"I don't know anything about it; it wasn't me." I said, "were you up in that direction at all on last Thursday?" and he says "No, I was not; I have not been up as far as that peddling in some time. I don't know anything about it at all; it was not me. I hadn't anything to do with it." He denied all knowledge of it. The Captain then took charge of the case when I brought the man to the station house, and the Captain got some statement from Knoden in reference to the case afterwards. I was present while Captain Ryan was questioning Knoden.

T H O M A S M. R Y A N, a witness for the People, being sworn, testified:

I was in the station house when the prisoner was brought there on the 7th of September by Detective McCarthy. Knoden had been arrested about an hour previous to the arrest of Wendel. I had a conversation with Knoden in reference to what occurred in Barry's house. I took Knoden's statement down in writing. Afterwards I had a conversation with Wendel, and I read the statement of Knoden to him word for word. The statement was as follows:

"September 7th, 1891.

"On Thursday, September 3d, 1891, I went upstairs on the top floor of the tenement house 589 First Avenue. I sold a pail of peaches on the top floor for ten cents. I returned to the street immediately after I received the money for the pail of peaches. Wendel at that time was standing alongside of the wagon, that is to say, Wendel's

**POOR QUALITY  
ORIGINAL**

00896

wagon. Mr. Wendel took my pail full of peaches and then filled up his pail and went upstairs with his pail of peaches. I saw a girl on the second floor two flights up. He said that the girl had knocked on the window and it meant for me to come up. I went upstairs and stopped at the front door of the room, where I saw the girl at the window before I went upstairs. I knocked at the door and I heard the girl scream. I was not admitted. I then ran downstairs and into the street, and in about ten minutes after that time Wendel came downstairs. Wendel told me after he got downstairs on the street, "I was in the room with the girl and not there."

The defendant also made a statement to me. I sent for the girl Ellen Barry and this Mrs. Mosich, and both of them came to the station house. I placed Knoden and Wendel in the sitting room with five or six other citizens, and Ellen Barry picked Wendel out as the man. I told him what he was charged with and he then made this statement to me:

"John Wendel says: I am the man that had sexual connection with the girl Ellen Barry on the afternoon of September <sup>3</sup>~~2~~d, 1891, in the apartments on the second floor in the tenement house No. 589 First Avenue. She screamed, but I continued the assault."

CROSS EXAMINATION.

I am positive the defendant made that statement to me, because I took it down in writing and have it here with me. The defendant was arrested on the 7th of September by Detective McCarthy. He was in the station house and

**POOR QUALITY  
ORIGINAL**

00897

under arrest in my charge when he made the statement. Knoden told me that he was a driver for Wendel and was in his employ. All that Wendel said I did not write down, but simply the substance of what he said. I am positive that he said he was the man who committed the assault.

G U S S I E M O S I C H, a witness for the People, being sworn, testified:

I live at 589 First Avenue, where this girl lives. I remember the afternoon of the 2d of September. I saw the defendant in my premises. I heard a noise coming from the apartment below. I went downstairs and I saw this girl. I asked her where she got the peaches and she said she got them from a young fellow, and that he was going to come back by and by for the money. I asked her if she wasn't going to pay him and she said no, that he loves her. She then told me that he had given her a kiss. I asked her to tell me the truth about it, what that man had done to her, and she told me that he had taken her into the bedroom and did something bad to her. I told her that she must tell her father when he comes home. She also told me that the defendant put his hand over her mouth. I have seen the prisoner in my house on several different occasions.

G E O R G E W. T H O M P S O N, a witness for the People, being sworn, testified:

I am a physician having an office at No. 40 East 34th Street. I know the complainant in this case. I

**POOR QUALITY  
ORIGINAL**

0090

examined her at about half past eight o'clock on the 3d of September last. I found a girl that seemed to be foolish, not bright, idiotic. She gave an incoherent description of an assault. I asked her some questions that she seemed not to be able to comprehend immediately, but after explaining them to her she would be able to comprehend the meaning of the questions. I asked her to let me examine her, which I did, and I found a laceration of what is called the hymen, or what is in plain terms a duplication of the mucous membrane of the private parts. That is no particular indication of virginity, but where it exists we believe that virginity exists. She was covered with blood, all over her privates and down her limbs showing that she had been injured. The parts were bruised somewhat and slightly inflamed showing that the injury was recent. She said she had been hurt by the man.

ELLEN BARRY, recalled, testified:

I did not see the defendant on the sidewalk. I did not beckon to him to come up with his peaches. I did not ask him for ten cents. He left the peaches with me and would not take any money for them. I made an outcry in the bed room when he assaulted me. He unbuttoned his pantaloons, as I have already testified to. He remained in bed with me about fifteen or twenty minutes.

**POOR QUALITY  
ORIGINAL**

0099

T H E   D E F E N S E .

J O H N   W E N D E L,     the Defendant, being  
sworn, testified:

I am a pedlar of vegetables, fruits and things of that sort. On the day in question I was coming along First Avenue selling peaches. I looked up and saw a lady on the top floor of this house and I says to the man Knoden who was working for me, that I would take a pail of peaches and go upstairs and sell them. I went up. I saw this girl Ellen Barry standing at the window. She beckoned to me to come up, and I beckoned back to her as though to say "Do you want any peaches?" showing her the pail I had in my hand. She beckoned again with her finger for me to come up. I went up, and when I got up in the room I says, "What did you call me for," and she began to laugh and pull at me and fool with me and hit me in the chest and in the stomach. She then asked me to come inside with her and I went inside and she shut the door. We went into the room and she said to me "If you give me ten cents and the peaches I will let you do it to me." I says, "What do you mean by that?" and she says, "Oh, you know what I mean. I will let you fool with me." Then she took the pail of peaches off me and put it on the table. Then she escorted me into the bed room and laid on the bed and threw up her clothes, and that is all there is about it. I had connection with her. I never forced the girl, never struck the girl, and did not do anything against her will. It was done of her own free will. I gave her the ten cents sh

**POOR QUALITY  
ORIGINAL**

0900

asked for and the pail of peaches. She did not scream, nor did she make any resistance whatever.

CROSS EXAMINATION.

I stated to Captain Ryan that after she screamed I continued the assault. The statement which I made to Captain Ryan is correct. The door going into the front room was not locked. I am positive that it was open. When I got down to the street Knoden was waiting for me, and he and I went off together. I did say to Knoden that I got there. I found him in the cart waiting for me and I had that conversation with him. When the officer arrested me he did not ask me anything whatever about the assault.

THOMAS CONLIN and JAMES MADDEN testified to the good character of the defendant.

The jury returned a verdict of guilty of rape.

POOR QUALITY  
ORIGINAL

0901

The jury returned a verdict of guilty of rape.

Good character of the defendant.

THOMAS COMPTON and JAMES HADDEN testified to the

Indictment filed Sept. 21, 1891

COURT OF GENERAL SESSIONS  
Page 111.  
He did not ask me anything whatever about the assault.  
that conversation with him in the court waiting for me and I had  
there. I went off against her. I did not know that I was  
and I went to the street door. I was waiting for me, and he  
I got down to the street door. I was waiting for me, and he  
was not looked. I saw both of them. I was waiting for me, and he  
said that he was correct. I saw both of them. I was waiting for me, and he  
continued the assault. The statement which I made to Cap-  
I stated to Captain Ryan that after she screamed I

CROSS EXAMINATION.

not did she make any resistance whatever.  
asked for and the ball of her head. She did not scream.

POOR QUALITY  
ORIGINAL

0902

496

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Wendel*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this  
indictment, accuse *John Wendel* —  
of the CRIME OF RAPE, committed as follows:

The said *John Wendel* —

late of the City of New York, in the County of New York aforesaid, on the *third*  
day of *September*, in the year of our Lord one thousand eight hundred and  
ninety- *one*, at the City and County aforesaid, with force and arms, in and upon  
a certain female not his wife, to wit: one *Ellen Barry* —

then and there being, wilfully and feloniously did make an assault, and her  
the said *Ellen Barry*, then and there, by force and with violence to  
her the said *Ellen Barry*, against her will and with-  
out her consent, did wilfully and feloniously ravish and carnally know, against the form of the  
Statute in such case made and provided, and against the peace of the People of the State of New  
York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *John Wendel* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *John Wendel* —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon a certain female not his  
wife, to wit: her the said *Ellen Barry*, then and there being,  
wilfully and feloniously did make another assault with intent her the said *Ellen*  
*Barry*, against her will and without her consent, by force and violence, to then  
and there wilfully and feloniously ravish and carnally know, against the form of the Statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

POOR QUALITY  
ORIGINAL

0903

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *John Wendel* —  
of the CRIME OF RAPE, committed as follows:

The said *John Wendel*, —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon a certain female not his wife,  
to wit: her the said *Ellen Barry*, then and there being, wilfully and  
feloniously did make another assault, and an act of sexual intercourse with her the said  
*Ellen Barry*, then and there wilfully and feloniously did  
commit and perpetrate, against the will of the said *Ellen Barry*,  
and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *John Wendel* —  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *John Wendel*, —

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon a certain female not his  
wife, to wit: her the said *Ellen Barry* then and there being,  
wilfully and feloniously did make another assault, with intent an act of sexual intercourse with  
her the said *Ellen Barry*, against her will and without her  
consent then and there wilfully and feloniously to commit and perpetrate, against the form of  
the Statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0904

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wenzel, Joseph

**DATE:**

09/11/91



4156

0905

**BOX:**

451

**FOLDER:**

4156

**DESCRIPTION:**

Wenzel, Frank

**DATE:**

09/11/91



4156

0906

James W. Sheridani  
Wm. Baker

Filed

Please

# THE PEOPLE

719.

Joseph Wenzel

and

Frank Wenzel

DE LANCEY NICOLL,

*District Attorney.*

# A TRUE BILL.

W. D. Berry  
Feb 14/91 Foreman

**Foreman.**

94  
 Data  
 Serial 1  
 1872-3  
 1872-3  
 1872-3

POOR QUALITY  
ORIGINAL

0907

Police Court 17<sup>th</sup> District.

City and County } ss.:  
of New York.

of No. 166 East 96<sup>th</sup> Street, aged 26 years,

occupation State mantel, & fenders being duly sworn

deposes and says, that the premises No. 317 East 93<sup>rd</sup> Street, 12<sup>th</sup> Ward

in the City and County aforesaid the said being a one story building

and which was occupied by deponent as a stable

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

were BURGLARIOUSLY entered by means of forcibly bursting a  
door leading to said stable, said  
door having been securely fastened

on the 27<sup>th</sup> day of Aug 1891 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

A horse, bridle and  
line, all of the value of

Fifty (50) Dollars

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Joseph Muehl and Frank  
Muehl (both now here)

for the reasons following, to wit: Deponent says - he missed said

property from said stable No. 317 East 93<sup>rd</sup>  
Street, undisturbed by Officers Miller & Stephenson  
of the 25<sup>th</sup> Precinct, that on said date he arrested  
defendants <sup>Joseph Muehl</sup> on suspicion of having stolen said  
property in the manner aforesaid, and that  
said defendant Joseph Muehl, admitted to  
said officers, that he had stolen said property  
from deponent, and had sold the said <sup>said</sup> property

POOR QUALITY  
ORIGINAL

0900

William Barker (now here) Jan. 1887 Third Avenue  
and that said William Barker informed  
said officers, that he had not bought said  
horse from said defendant Joseph Wenzel,  
but that he had bought said horse from  
said defendant Frank Wenzel, and which  
horse defendant identified as his property.  
Wherefore, defendant charges defendants  
with acting in concert with each other, and  
burglariously entering said premises, and  
feloniously taking, stealing and carrying  
away said property from defendants' possession  
Sworn to before me  
this 28<sup>th</sup> day of Aug 1891

J. N. Sheridan  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
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 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1.	
2.	
3.	
4.	
Dated	1888
Magistrate.	
Officer.	
Clerk.	
Witness,	
No.	Street,
No.	Street,
No.	Street,
No.	Street,
\$ to answer General Sessions.	

POOR QUALITY  
ORIGINAL

0909

CITY AND COUNTY } ss.  
OF NEW YORK, }

Thomas Stephenson  
aged 28 years, occupation Officer of No. 12  
Macius Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of James W. Sheridan  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 28  
day of Aug 1891

Thomas Stephenson

W. A. Beck

Police Justice.

POOR QUALITY  
ORIGINAL

0910

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Mangel 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.

Joseph Mangel

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Bohemia

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

Answer.

404 E 72nd St New York 2 weeks

Question. What is your business or profession?

Answer.

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 not guilty.

Joseph Mangel

Taken before me this 28th day of August 1938

Alfred J. White

Police Justice

0911

POOR QUALITY  
ORIGINAL

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Frank Weigel* 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.

*Frank Weigel*

Question. How old are you?

Answer.

*30 years*

Question. Where were you born?

Answer.

*Bohemia*

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

Answer.

*404 E 72<sup>nd</sup> St - 2 years*

Question. What is your business or profession?

Answer.

*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 not guilty.*

*Frank X Weigel*  
*maist*

Taken before me this

*28*

day of

*August*  
*1911*

Police Justice.

POOR QUALITY  
ORIGINAL

0912

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

Police Court-- 14<sup>th</sup> District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James M. Shureday  
166-23 E 96 St.

South Street  
Francis Melus

3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence

Burglary

Dated August 18<sup>th</sup> 1891

Melade Magistrate.

Melade Magistrate. Office

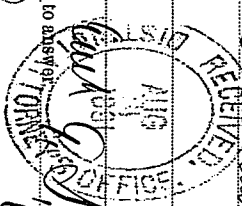
25<sup>th</sup> Precinct.

Witnesses: David Offiers

No. \_\_\_\_\_  
William Porter Street \_\_\_\_\_

No. 1887-3<sup>rd</sup> Avenue Street.

No. \_\_\_\_\_  
2,000 to answer for \_\_\_\_\_ Street \_\_\_\_\_



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

Defendants

guilty thereof, I order that they be held to answer the same and be admitted to bail in the sum of \_\_\_\_\_ 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 Aug 28<sup>th</sup> 1891 \_\_\_\_\_ Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0913

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against  
*Joseph Wenzel*  
and  
*Frank Wenzel*

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

*Joseph Wenzel and Frank Wenzel*

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

The said

*Joseph Wenzel and Frank Wenzel, both*

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the  
*twenty-seventh* day of *August* in the year of our Lord one  
thousand eight hundred and ninety-*one* in the *night*-time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *stable* of  
one *James W. Sheridan*

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said *James*  
*W. Sheridan* in the said *stable*  
then and there being, then and there feloniously and burglariously to steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

POOR QUALITY  
ORIGINAL

09 14

SECOND COUNT—

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

*Joseph Wenzel and Frank Wenzel*  
of the CRIME OF *Grand LARCENY in the second degree*, committed as follows:  
The said *Joseph Wenzel and Frank Wenzel, both*

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

*one horse of the value of  
forty-five dollars, one bridle  
of the value of two dollars and*

of the goods, chattels and personal property of one

in the

*stable*

of the said

*James W. Sheridan*  
*James W. Sheridan*

there situate, then and there being found, in the

*stable*

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

POOR QUALITY  
ORIGINAL

0915

THIRD COUNT:

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

*Joseph Wenzel and Frank Wenzel*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Joseph Wenzel and Frank Wenzel, both*

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

*one horse of the value of forty  
five dollars, one bridle of the  
value of two dollars*

of the goods, chattels and personal property of

*James W. Sheridan*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before felon-  
iously stolen from the said

*James W. Sheridan*

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

*Joseph  
Wenzel and Frank Wenzel*  
then and there well knowing the said goods, chattels and personal property to have been felon-  
iously stolen, against the form of the statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*