

0278

BOX:

114

FOLDER:

1210

DESCRIPTION:

Tupper, John

DATE:

09/07/83



1210

No 85

Counsel,

Filed

7 day of

1883

Pleas

vs. THE PEOPLE

Albany, N.Y.

Murder in 1st

John

Emper

CLERK OF THE DISTRICT COURT, ALBANY, N.Y.

JOHN McKEON,

District Attorney.

In Sept 10/82

pleads guilty to

A True Bill.

Wm. H. Harty

Foreman.

Verdict of Guilty should specify of which count.

0279

0280

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 Supper

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

John Supper

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

The said John Supper

late of the Sixteenth Ward 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 eighty three with force and arms, about the hour of eleven o'clock in the day time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Robert Dunlap

there situate, feloniously and burglariously did break into and enter, ~~by means of force~~ he the said

John Supper

then and there intending to commit some crime therein, to wit : the goods, chattels and personal property of the said Robert Dunlap

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

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

John Supper

of the CRIME OF Petit LARCENY

committed as follows :

The said John Supper

late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, one coin of a kind and description to the Grand Jury aforesaid unknown, of the value of twenty five cents, one other coin of a kind and description to the Grand Jury aforesaid unknown, of the value of one dollar, one watch of the value of ten dollars, one pencil of the value of two dollars and one breast pin of the value of three dollars

of the goods, chattels, and personal property of the said Robert Dunlap

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

JOHN McKEON, District Attorney.

0281

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

No. 852, 68th
Police Court— District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John D. Mead

56 Charles St.

John Dupper

2 _____

3 _____

4 _____

Offence Burglary

Dated _____

188 _____

Magistrate.

David M. Munn

16 _____

Precinct.

Witnesses _____

Street.

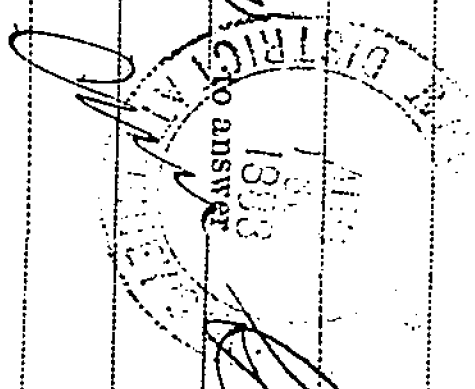
No. 136 10th Avenue

Street.

No. _____

Street.

1000 10th Avenue



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

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

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Sec. 198-200

CITY AND COUNTY }
OF NEW YORK } ss.

2 District Police Court.

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

Question. What is your name?

Answer. *John Tupper*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *48 Mulberry Street Albany 15 years*

Question. What is your business or profession?

Answer. *Moulder*

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

Answer. *I am not guilty of the Charge*

John Tupper

Taken before me this

1888
Police Justice.

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CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation Rosie Engerhausen
Housekeeper of No. 136 10th Avenue Street, being duly sworn deposes and

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

Sworn to before me, this 29

day of Aug 1888

Rosie Engerhausen

J. D. Duffy
Police Justice.

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Police Court—2 District.City and County } ss.:
of New York.

of No. 56 Charles Street Street, aged 37 years,
 occupation Superintendent for R. Dunlap being duly sworn
 deposes and says, that the premises No. 314 West 23rd Street,
 in the City and County aforesaid, the said being a Dwelling house in the
Sixteenth Ward
 and which was occupied by Robert Dunlap as a Dwelling house
 and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking a
Chain fastened to a grating in the front of
said premises

on the 29 day of August 1883 in the day time, and the
 following property feloniously taken, stolen, and carried away, viz:

One piece of foreign coin of the value of seventy
five cents and one foreign ~~German~~ coin
of the value of one dollar one silver
watch one gold mounted lead pencil
one silver bracelet and some trinkets
in all of the value of fifteen dollars

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

John Pupper
 for the reasons following, to wit: from the fact that deponent
was informed by Rosie Engerhausen that
she went into the said premises to clean
at about the hour of 11 thirty A.M. on the 29th
day of August and found the said John
Pupper in the hall of said premises and
closed the front door and called an officer
and caused the arrest of the said Pupper and
the said Rosie noticed the place had been

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disturbed and defendant was also informed by Officer Daniel Murray of the 16th Precinct that he found the chain attached to the grating in the front of said premises had been forcibly broken off of said grating and the premises forcibly entered by the removal of said grating and the aforesaid property taken stolen and carried away

Sworn to before me }
this 29 day of August 1883 }
J. B. [Signature]
Police Justice

Police Court District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Struck.

0287

BOX:

114

FOLDER:

1211

DESCRIPTION:

Utter, George W.

DATE:

09/11/83



1211

0200

BOX:

114

FOLDER:

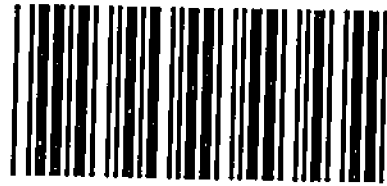
1211

DESCRIPTION:

Utter, John

DATE:

09/11/83



1211

0289

BOX:

114

FOLDER:

1211

DESCRIPTION:

Utter Lyman

DATE:

09/11/83



1211

0290

BOX:

114

FOLDER:

1211

DESCRIPTION:

Utter, Richard

DATE:

09/11/83



1211

0291

Foreman.

0292

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 W. Utter
John Utter
Sylvan Utter, and
Richard Utter

The Grand Jury of the City and County of New York by this indictment accuse
George W. Utter, John Utter, Sylvan
Utter and Richard Utter
of the crime of OBTAINING GOODS BY MEANS OF FALSE PRETENCES,
committed as follows:

The said George W. Utter, John Utter
Sylvan Utter and Richard Utter

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the twenty eighth day of August in the year of our Lord
one thousand eight hundred and eighty at the Ward, City and County
aforesaid, with force and arms, with intent feloniously to cheat and defraud one

John E. Jacobs

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to the said John E. Jacobs

That they the said George W. Utter, John Utter,
Sylvan Utter and Richard Utter were then of
good business standing, and were then and there
able to pay all their liabilities and debts, and
were able to pay for all goods which they might
order, and were then and there wholly solvent; that
the said George W. Utter then owned valuable lands in
Lycoming in the State of Pennsylvania and that the
same were worth five thousand dollars; that the said
George W. Utter also owned other valuable lands in
the State of Kansas; that they the said George W.
Utter, John Utter, Sylvan Utter and Richard Utter
then had on deposit to their credit a large sum of
money, to wit: the sum of six thousand dollars
which said sum of money was in a bank.

And the said John C. Gooder

then and their believing the said false pretences and representations so made as aforesaid by the said George W. Utter, John Utter, Lyman Utter and Richard Utter and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said George W. Utter, John Utter, Lyman Utter and Richard Utter, five hundred pairs of shoes of the value of three dollars each pair

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said John C. Gooder

and the said George W. Utter, John Utter, Lyman Utter and Richard Utter then and there designedly receive and obtain the said goods

of the said John C. Gooder

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said John C. Gooder

by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said John C. Gooder

of the same. And further, in truth and in fact, the said George W. Utter, John Utter, Lyman Utter and Richard Utter were not then of good business standing; and were not then and there able to pay all their liabilities and debts, and were not able to pay for all goods which they might order, and were not then and there properly solvent. But were in truth and in fact nearly insolvent; and whereas in truth and in fact the said George W. Utter did not then own valuable lands in Oregon in the said State of Pennsylvania which were then worth the sum of five thousand dollars; and the said George W. Utter did not also own other valuable lands in the State of Kansas; and whereas in truth and in fact the said George W. Utter, John Utter, Lyman Utter and Richard Utter did not then have an

deposit to their credit in a bank any large sum of money whatever, and did not have the sum of six thousand dollars deposited to their credit in a bank

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And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said George W. Wren, John Wren, Symon Wren and Richard Wren to the said John E. Jacobs was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said George W. Wren, John Wren, Symon Wren and Richard Wren well knew the said pretences and representations so by them made as aforesaid to the said John E. Jacobs to be utterly false and untrue at the time of making the same.

And so the Grand Jury aforesaid, do say, that the said George W. Wren, John Wren, Symon Wren and Richard Wren by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said John E. Jacobs, two hundred pairs of shoes of the value of three dollars each pair

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said John E. Jacobs with intent feloniously to cheat and defraud him of the same, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.

POOR QUALITY
ORIGINAL

0295

In the Matter
of
Geo. W. Utter, John
Utter, Lyman Utter
and Richard Utter.

Witnesses:

John E. Jacobs,
118 + 120 Duane St.

POOR QUALITY
ORIGINAL

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City and County of New-York, SS.:

John E. Jacobs, of the firm of Wallace, Elliott and Company, manufacturers and wholesale dealers in shoes and boots, at Nos. 118 and 120 Duane street, in said City, being duly sworn, deposes and says: That on or about the 24th or 25th day of August, 1880, one of deponent's salesmen, Frederick Reed, introduced him to George W. Utter, of the firm of Utter Brothers, general store keepers at Pottsville, Lebanon and Columbia, in the State of Pennsylvania, and that the said George W. Utter then introduced deponent to his brother John Utter; that deponent asked the said George W. Utter if he had found all the goods he needed and he said he had; that deponent told the said Utter that his firm required a financial statement; that the said George W. Utter said he had an appointment and had only a few moments to spare but that he had made a statement to H. B. Claflin and Company just how his firm stood and that the statement was a true one, and if deponent would call at Claflin's he could see that statement and that would save him, the said George W. Utter, time; that deponent called at Claflin's and was there shown a statement showing that the said firm of Utter Brothers had commenced business *on* April, 1880, and that it consisted of George W. Utter, John Utter, Lyman Utter and Richard Utter; that they had then a cash capital of Six thousand dollars in bank; that George W. Utter owned valuable land in Lycoming, Pennsylvania, worth five thousand dollars, and also owned valuable land in Kansas. And deponent further says that the credit clerk of H. B. Claflin and Company for the Middle States told him that the said statement was made by the said George W. Utter, his brother John Utter being present at the time; that on the strength of this statement deponent's firm shipped a bill of goods, amounting to \$668 and some odd cents, to the said firm of Utter Brothers on sixty days' time; that the said bill was not paid when it became due, and in the month of November, 1880, deponent being in Pottsville, he learned that the store of the said Utter Brothers in that place was being sold out at Sheriff's sale; that deponent inquired and tried to find any one of the said Utter Brothers and was told that they had skipped the country; that deponent went to the Post Mistress and asked her if she could not give him their address, or where they had ordered their letters sent, and was told by her that they had ordered their letters sent to Reading, Pennsylvania; that deponent went to Reading and inquired at the Post Office and was told by the Post Master that a young man by the name of Christianson called for the letters; and deponent was also told that one of the Utter Brothers had been arrested for conspiracy to defraud creditors and was in prison at Lancaster, Pennsylvania; that deponent went to Lancaster and there found that it was George W. Utter that had been arrested, and deponent was told by Alderman McCoy that the said George W. Utter was held by him for trial but forfeited his bail and could not be found when the case came up for trial; that deponent was informed that another of the Utter Brothers was arrested at Columbia; that deponent went there and found that it was John Utter, as deponent now thinks, and that he had also been bailed and then run away; that deponent then went to Lycoming, where the said George W. Utter said he owned valuable land, and was informed by the Register and Assessors that the said land was worth from nothing to one hundred and fifty dollars, but that they would not take it for the taxes; and deponent further says that

POOR QUALITY
ORIGINAL

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he was informed by the Sheriff at Pottsville that the store of the said Utter Brothers at Lebanon or Columbia (deponent does not now recollect which) had been sold out, and that at this time they had only two stores, which at this time were sold out at a Sheriff's sale and brought less than three thousand dollars. And deponent further says that he called at all the banks in the three places where the said George W. Utter represented that his firm did business in, and found that the said Utter Brothers had never had as much as six thousand dollars on deposit at any one time but that their deposit was always a small one. And deponent further says that he was informed by Myer and Goodman, of Philadelphia, creditors of the said Utter Brothers, and also by other creditors of the same firm, that they, the said Utter Brothers, owed in the neighbourhood of thirty thousand dollars; and deponent was also informed by the said Myer and Goodman that they had had the said Utter Brothers arrested for fraud and that they had jumped their bail and had not since been arrested; that deponent is reliably informed that the said Utter Brothers have been in business in thirteen different places in two years and had failed in almost every one, and had had five fires, on each occasion ~~being~~ being insured; that deponent is informed by E. M. Ashcraft, of Vandalia, Ill., that the said Utter Brothers were burned out at Carlinville, Ill., in March, 1880, and received twenty six hundred dollars insurance, and that they had been in the habit of sleeping in their store every night until the night of the fire, when they did not sleep there.

Sworn to before me, this:

6th day of Sept., 1883. :

John E. Jacobs

Notary Public, N. Y. Co.