0443

BOX:
504

FOLDER:
4598

DESCRIPTION:
Christie, James

DATE:
12/01/92

4598

Witnesses:

Offe Watt 26th

Counsel,

Filed, 1st day of Dec 1893

Pleads, Guilty 14

THE PEOPLE

vs.

B

James Christie

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32].

DE LANCEY NICOLL.

District Attorney.

Filed Dec. 8. 93

A TRUE BILL.

John E. Simms
Pabt 3. Dec. 8/93.

Foreman.

Forfeited

0945

Excise Violation—Selling on Sunday. POLICE COURT, 5 DISTRICT. 1916

CITY AND COUNTY OF NEW YORK, } ss:

Robert B Watt

of ~~No.~~ 26th Precinct Police ~~Street~~, of the City of New York, being duly sworn, deposes and says, that on SUNDAY, the 25th day of September 189 2, in the City of New York, in the County of New York, at premises No. 861 Columbus Avenue ~~Street~~, James Christie (now here) did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his direction or authority, strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said James Christie may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 26th day of September 189 2 } Robert B Watt

[illegible] ~~Police Justice.~~

0946

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

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

Question. What is your name?

Answer. James Christie

Question. How old are you?

Answer. 33 years old

Question. Where were you born?

Answer. Scotland

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

Answer. 861 Columbus Ave one year

Question. What is your business or profession?

Answer. Saloon Keeper

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
If held demand trial by Jury
James Christie

Taken before me this 26 *day of* September *189* 4

Police Justice.

0997

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, Sept 26 189 2 [illegible] Police Justice.

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

Dated, Sept 26 189 2 [illegible] Police Justice.

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

Dated, ... 189 ..... Police Justice.

Selling on Sunday. 1219
1334

Police Court--- 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Robert B Watt
1 James Christie
2
3
4

Offense Vs Excise Law

BAILED,
No. 1, by Bernard Schwerin
Residence 158 West 97 Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, September 26 1892
Mender Magistrate.
Watt Officer.
26 Precinct.

Witnesses
No. Street.

No. Street.

No. Street.

$ 100 to answer J S

Bailed

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 C. Kristie

The Grand Jury of the City and County of New York, by this indictment, accuse James C. Kristie of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said James C. Kristie

late of the City of New York, in the County of New York aforesaid, on the 25th day of September in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said James C. Kristie of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said James C. Kristie

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

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

Robert B. Watt

DE LANCEY NICOLL
District Attorney.

0450

BOX:
504

FOLDER:
4598

DESCRIPTION:
Christof, Maurice

DATE:
12/23/92

4598

Witnesses:

Off James J. O'Connor

291

Counsel,

Filed, 23 day of Dec 189 2

Pleads, Nulli Jury 3/93

THE PEOPLE

vs.

B

Maurice Christof

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

Part 2 ...Jany 15.....189 3

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Abraham Oelbaum

Foreman.

0952

2967

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Maurice Christof

The Grand Jury of the City and County of New York, by this indictment, accuse Maurice Christof of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Maurice Christof, late of the City of New York, in the County of New York aforesaid, on the 26th day of August in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Maurice Christof of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Maurice Christof, late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one James J. O'Connor

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

DE LANCEY NICOLL,
District Attorney.

0953

BOX:
504
FOLDER:
4598
DESCRIPTION:
Ciocioca, Luca
DATE:
12/21/92

4598

283

Witnesses:

Off Daniel Dugan

Counsel,

Filed, 21st day of Dec 1892

Pleads, Guilty, May 4/93

THE PEOPLE

vs.

B

Lucca Cioccioca

May 13 93

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Herman Oelrichs

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Lucy Crocicca

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

Lucy Crocicca

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Lucy Crocicca

late of the City of New York, in the County of New York aforesaid, on the fourth day of December in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

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

Lucy Crocicca

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Lucy Crocicca

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Daniel Dougan

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

DE LANCEY NICOLL,
District Attorney.

0456

BOX:
504

FOLDER:
4598

DESCRIPTION:
Cirsigilla, Joseph

DATE:
12/14/92

4598

0957

BOX:
504

FOLDER:
4598

DESCRIPTION:
Albertoni, Andrew

DATE:
12/14/92

4598

111

Counsel,

Filed 14 day of Dec 1892

Pleads, Guilty 15

THE PEOPLE

17 51 So filed and entered

vs.

Joseph Cirigilla

15 filed and entered 73 So.

Andrew Alberton

Burglary in the Third Degree.
[Section 498, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Herman Oelrichs

Foreman.

Part 3. Dec 20/92
Both plead. Petit Larceny.
City Prison one day
July 10/93

Witnesses: Off
James A. Duncan
15 Precct

Than Examined
this case and
would recommend
the acceptance
of a plea of Petit
Larceny.
Robert Emmet
Assistant Atty
Dec. 20th 92

Both defts denied
as witnesses against
the Receiver RRC
John & Angelo Tomello. Dec. 14

To whom it may concern :—

I hereby certify to know personally Alberto Albottoni for more than twenty years, also his son Andrew; the latter was in my employ for several months, and during his stay with me I was entirely satisfied with him for his honesty, character and habits.

In testimony whereof I sign this present on this 27th day of December 1892.

133, South 5th Ave.,
Grocer's Store
New York City.

Kingsbridge New York City

Kingsbridge Oct 10th 1892

To whome it may Concern

the bearer Joseph Caskela Has worked for me for 3. Months Past and I found him to be Honest and trustworthy in Every Respect he had the Handling off a good Deal of Money at times and I allways found him Correct in his Returns and for Honesty I Can Cheerfully Recomend him to Enny Body

Yours Respectfully
Daniel D. Lyons

0962

Joseph Casella

0963

Police Court— 2 District.

City and County of New York, } ss.:

William Schaefer

of No. 53 Bond Street, aged 24 years, occupation Real Estate being duly sworn deposes and says, that the premises No. 440 West 4th Street, in the City and County aforesaid, the said being a Three Story and basement brick house and which was ~~occupied by deponent as a~~ unoccupied ~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly bursting open the front basement door and forcing open said door which was nailed and fastened by a lock

on the 6th day of December 188[illegible] in the day time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of lead pipe of the value of Twenty-five cents

the property of Emilio Porcelli in care and control 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 Grisafi and Andrew Alberton (both now here)

for the reasons following, to wit: deponent securely locked and fastened said premises on the 2 of November and on the 4th day of Dec deponent discovered said premises had been broken into and said property was missed from the wall and deponent found said defendants in said premises and deponent saw the defendants leaving said building and

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

Burglary ..... Degree.

Dated 188

..... *Magistrate.*

..... *Officer.*

..... *Clerk.*

Witnesses: .....

.....

.....

.....

.....

.....

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

Bailed by .....

No. ..... *Street.*

Defendants pleaded guilty to burglary in the second degree, and to petit larceny.

Recd.

Mullinnebacker

Police Justice

Henry Kingman

949

0965

Sec. 198—200. 1882

District Police Court.

City and County of New York, ss:

Joseph Cirigila being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h right to make a statement in relation to a 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. Joseph Cirigila

Question. How old are you?

Answer. 17

Question. Where were you born?

Answer. ~~Italy~~ U S

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

Answer. 51 North 5 St. 2 year

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 stole the lead and sold it

Jos. Cirigila

Taken before me this 9 *day of* 189

Police Justice.

Sec. 198—200.

2 District Police Court. 1882

City and County of New York, ss:

Andrea Albertoni being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h right to make a statement in relation to a 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. Andrea Albertoni

Question. How old are you?

Answer. 16

Question. Where were you born?

Answer. U. S.

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

Answer. 53 South 5 Av. 4 months

Question. What is your business or profession?

Answer. Looking glass

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

Answer. I am guilty

Andrea Albertoni

Taken before me this 5 *day of* June 189 2

Police Justice.

0967

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

.....

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

Dated, ... *189* ..... *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated, ... *189* ..... *Police Justice.*

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

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

Dated, ... *189* ..... *Police Justice.*

1544

Police Court--- 2 **District**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Schaefer

53 Bond

Joseph Cirsiglia

Jackson Albertson

2.

3.

4.

Offense.

Dated, 189

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

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 Cirsigilla and Andrew Albertoni

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

Joseph Cirsigilla and Andrew Albertoni

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

The said Joseph Cirsigilla and Andrew Albertoni, both

late of the 15th Ward of the City of New York, in the County of New York aforesaid, on the ninth day of December in the year of our Lord one thousand eight hundred and ninety-two in the day-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the building of one Finello Borrell

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

SECOND COUNT—

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

Joseph Cirsigilla and Andrew Albertoni

of the CRIME OF Petit LARCENY committed as follows:

The said Joseph Cirsigilla and Andrew Albertoni, 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 day time of said day, with force and arms,

fifteen pounds of lead pipe of the value of five cents each pound

of the goods, chattels and personal property of one ~~William~~ Finella Borrell

in the building of the said Finella Borrell

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

De Lancey Nicoll
District Attorney

0971

BOX:
504

FOLDER:
4598

DESCRIPTION:
Clark, Lizzie

DATE:
12/12/92

4598

Witnesses:

Robert Heywood
Charles Wells

This case is off at request of Mr Howe & next understanding that the case being in then when called & when Mr H. permit engagement cases

FM

Jany 13/93

Counsel,

Filed 12th day of Dec 1893

Pleads, Not guilty

THE PEOPLE

vs.

Lizzie Clarke

Grand Larceny, First Degree.
(From the Person.)
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Hermann Oelrichs
Part 3 Jany 93
Foreman.

Indicted Acquitted
Jany 12th 1893
Wright

0973

1352

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 3rd DISTRICT.

Louis J. Sherry

of No. 14th Precinct Street, aged years,

occupation Police Officer being duly sworn, deposes and says

that on the 4th day of December 1897

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

Robert Hamilton is a material witness for the people against Lizzie Clark charged with Larceny. Deponent prays that said Robert be committed to the House of detention

Louis J. Sherry

Sworn to before me, this 4th day of December 1897

Police Justice.

0974

Police Court 3 District. Affidavit—Larceny.

City and County of New York, } ss:

(Geo. Kornstedt

of No. 625 East 135th Street, aged 28 years, occupation Machinist being duly sworn, deposes and says, that on the 4th day of December 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

and person

Good and lawful money to the amount of sixty dollars

$60 00

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 Wm. Clark

Corroborated from the fact that deponent caught the defendant in the act of feloniously taking stealing and carrying away the said property from the inside pocket of a vest that he was ship and then wearing in his person

Robert Helmstedt

Sworn to before me, this 4th day 1892

Police Justice.

4750

0415

3

Sec. 198—200.

.....District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

Lizzie Black .....being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is h right to make a statement in relation to the charge against h ; that the statement is designed to enable h if he sees 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. Lizzie Black

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer New York

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

Answer. 190 Rivington St. 10 mos.

Question. What is your business or profession?

Answer. Dressmaker

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. Law not guilty

Lizzie Black
Witness

Taken before me this 4th
day of Feb 189 1

.....*Police Justice.*

0416

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 June 9 18 72 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.

Dec 5th 1892
2 30 P.M.

Dec 5th 1892
2 30 P.M.

BAILED

No. 1, by

Residence Street.

No. 2, by Sigmund Schaul

Residence ~~1412 Fifth~~ Street.

No. 3, by 142 Christie st

Residence Street.

No. 4, by

Residence Street

21 Police Court--- 3 District. 1535

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Colin Campbell
Complainant Bailed
625 9155

1 Lizzie Clark
2 B
3
4

Offence Vag Vagrant

Dated Dec 4 1892

Magistrate.

Officer.

14 Precinct.

Witnesses Complainant Bailed by Chas Mattes 89 - 1st Ave

No. Street.

Charles Witte

No. 7 Third avenue Street.

No. Street.

$ 1000 to answer

Mur

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lizzie Clark

The Grand Jury of the City and County of New York, by this indictment, accuse Lizzie Clark of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Lizzie Clark

late of the City of New York, in the County of New York aforesaid, on the fourth day of December in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the said day, at the City and County aforesaid, with force and arms,

the sum of sixty dollars in money, lawful money of the United States of America, and of the value of sixty dollars

of the goods, chattels and personal property of one Robert Hemstead on the person of the said Robert Hemstead then and there being found, from the person of the said Robert Hemstead 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.

0979

BOX:
504
FOLDER:
4598
DESCRIPTION:
Clarkin, Christopher P.
DATE:
12/10/92

4598

190

Witnesses:

Counsel,

Filed, 19th day of Dec 1892

Pleads, Wgently m

THE PEOPLE

vs.

B

Christopher P. Clarkin

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

Part 2. Jan. 23 1893

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Hamann Oelrich

Foreman.

0981

22667

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Christopher P. Clarkin

The Grand Jury of the City and County of New York, by this indictment, accuse Christopher P. Clarkin of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Christopher P. Clarkin

late of the City of New York, in the County of New York aforesaid, on the 4th day of September in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Christopher P. Clarkin of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Christopher P. Clarkin

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

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

John F. Clarkin

DE LANCEY NICOLL,
District Attorney.

0482

BOX:
504

FOLDER:
4598

DESCRIPTION:
Cohen, John

DATE:
12/20/92

4598

Witnesses:

Peter Smith

Part I
Feb 20 1893

From the affidavit hereto annexed and from an examination of Mr Samuel Cohen, the principal witness to prove the forgery herein, I am convinced that no conviction could be had and I therefore recommend that this indictment be dismissed

H D Macdona
Asst

236

Counsel,

Filed 20th day of Dec 1892

Pleads, Wrongly 1/

THE PEOPLE

vs.

John Cohen
(2 cases)

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Hanson Oilbert
Feb 20/93
Foreman.

Indictment
Dismissed

THE PEOPLE, COURT OF GENERAL SESSIONS, PART 1.

vs.

JOHN COHEN. BEFORE JUDGE MARTINE.

Wednesday, January 31, 1894.

Indictment for Forgery, in the second degree.

A Jury was empannelled and sworn.

Assistant District Attorney MacDona, for the People:

Mr. J. Grattan McMahon, for the Defendant.

WILLIAM H. REMSEN, sworn and examined, testified:

By Mr. MacDona:

Q Mr. Remsen, where do you live? A. I live in the country, but I do business at 15 Catherine street.

Q In this city? A. Yes, sir.

Q What business do you carry on?

A. In the baking business.

Q Did you carry on a baking business there in September last, the 30th of September? A. Yes, sir.

Q Do you know this defendant at the bar? A. He came into our store and had that check cashed.

Q Do you know him? A. I seen him before.

Q On the 30th day of September, did he come to your store?

(Form of the question objected to) (Objection sustained)

Q You say you know this defendant? A. I saw him at the store at that time.

Q Did you see him on the 30th of September last?

A. Yes, sir.

Q Where? A. At 15 Catherine street.

Q In your store? A. Yes, sir.

Q What time of day? A. In the morning, I think.

Q Tell us what conversation -- what did you say to him when he

came in? A. He came in with a check, to get it cashed; it was brought back to my desk, and I cashed the check for him.

Q What did you say to him when you saw him, or what did he say to you? A. He came back to the desk and presented that check.

By the Court:

Q What was the first thing he said, when he came in?

A. I don't know what he said.

Q You didn't hear it? A. No, sir.

By Mr. MacDona:

Q He was brought back to you by one of your clerks?

A. Yes, sir.

Q And he had the check in his hand? A. Yes, sir.

Q What did he say to you, or what did the clerk say, in his presence, about the check? A. He wanted the check cashed.

Q Who said it? A. The clerk said so.

Q In Cohen's presence? A. Yes, sir.

By the Court:

Q The clerk said, in his presence, what? A. That he wanted the check cashed, Mr. Cohen did.

Q Is that what he said? A. Yes, sir.

By Mr. MacDona:

Q What did you say to that? Did you ask him for the check?

A. I took the check and cashed it.

By the Court:

Q You did not say anything? A. No, sir.

By Mr. MacDona:

Q Is that the check you took (showing check)?

A. Yes, sir; that is the identical check.

By the Court:

Q You knew Cohen before? A. I knew of him, yes, sir.

By Mr. MacDona:

Q You cashed it. What did you give him in return for that check? A. I gave him money.

Q You gave him $22.? A. Yes, sir.

Mr. MacDona: I offer that check in evidence, and will have it marked People's exhibit 1.

By the Court:

Q I understand you to say that you received this check from the defendant at the bar? A. Yes, sir.

Q Upon the receipt of it, what did you say?

A. I gave him money, $22.

By Mr. MacDona:

Q What did you do with the check? A. I sent it to the bank for deposit, and it came back, as you see on the corner, marked, "No good," I think.

Q It came back with some more writing on it than when it went to the bank; is that right? A. Yes, sir.

MR. McMAHON: No questions.

By Mr. MacDona: I will read this check:

"New York, September 30, 1892.

The Chatham National Bank, pay to the order of John Cohen, $22. Samuel Cohen."

Marked on the face, "In correct." Endorsed on the reverse, Samuel Cohen. John Cohen. For deposit by Frank White."

SAMUEL COHEN, sworn and examined, testified as follows:

By Mr. MacDona:

3 Q Mr. Cohen, where do you live? A. 46 East 80th street.

By the Court:

Q In this city? A. Yes, sir; the City of New York.

By Mr. MacDona:

Q What is your business? A. Well, removal of damaged goods after a fire.

Q A wrecker? A. Yes, sir.

Q The defendant at the bar is your brother? A. Yes, sir.

Q Have you an account in the Chatham National Bank?

A. Yes, sir.

Q Did you ever give your brother authority to sign your name?

(Objected to) (Objection sustained)

Q I show you People's Exhibit 1. Did you make that check?

A. No, sir.

Q Is that your signature to that check? A. No, sir.

Q You say the defendant is your brother?

A. Yes, sir.

Q Have you ever seen any other checks similar to this check?

A. Yes, sir.

Q Signed the same as that?

(Objected to, on the ground that the other checks are the best evidence.)

A. Yes, sir.

Q Have you seen such? A. Yes, sir.

Q How many?

(Objected to) (Question withdrawn)

C R O S S E X A M I N A T I O N

By Mr. McMahon:

Q Your name is Samuel Cohen? A. Yes, sir.

Q You are the brother of the defendant?

4 A. Yes, sir.

Q You are engaged in the under-writing business?

A. Yes, sir.

Q You carry on business at 521 Pearl street?

A. Yes, sir.

Q Your brother has been heretofore a partner in the firm?

A. No, sir.

Q When did his partnership cease? A. He never had any interest at all.

Q Is it not a fact, Mr. Cohen, that your brother, in your presence, called you into the office, less than a year and a half ago, and told you, in the presence of this defendant, that for the future the firm would be Samuel Cohen & Sons, and that this defendant would have an equal interest with yourself? A. No, sir; he has not been in the office in four years.

Q Is it not a fact that this defendant, less than two years ago, was put out of the office by yourself?

A. Because he had no business there.

Q What is the answer, Mr. Witness? A. Yes, sir.

Q It is a fact that you put him out of the office?

A. I told him to go out of the place.

Q Is it not a fact that you, a few days ago, sent your brother, Morris Cohen, to the jail, to see this man, to inform him that if he would leave his wife, that you would not press the charge, because you know he had authority to sign the check, but you did not want him to live with the woman with whom he is living? A. No, sir.

Q Do you know whether your brother made such a declaration, in your name? A. No, sir.

Q If he did so, was it without your authority? A. Yes, sir.

Q Have you not, on various occasions, said that you would rather see this man in the Penitentiary than living with his wife? A. No, sir.

Q Is it not a fact that, less than a year ago, you brought him into your office, and, opening your drawer, you presented him a number of checks which you exhibited, telling him that those checks had been returned to you?

A. No, sir.

Q Is it not a fact that you then said to him, "I have paid these checks; and, if you will leave the State of New York, and go West, I will give you money to bring you and your wife there?" A. No, sir.

Q Again, sir, I propound the question. Do you deny that fact?

(Objected to) (Objection over-ruled)

A. No, sir; I did not.

Q Did you give him money, $75., currency, that he might leave the State, about the time your mother's interest was settled up? A. No, sir.

Q Did he not have an interest in your mother's estate which you were to give him, you having assumed the administration of the estate?

A. The question again, please.

Q Did you take upon yourself, or were you appointed by an order of the Probate Court to the administration of the affairs of your late mother, with reference to his interest?

A. No, sir.

Q Did you do so without authority of court?

A. I didn't treat with him at all.

Q Did you do so without the authority of the court?

A? I didn't treat with him at all.

6 Q Did you do so? A. Did I do so? No, sir.

Q With anybody? A. What do you mean? Do you wish me to relate the circumstances?

Q Again I will propound the question. Did you take upon yourself, either with or without judicial authority, to the administration of the affairs of your mother, the estate of your mother? A. No, sir.

Q Did you act in that capacity with anybody?

(No answer)

By the Court:

Q As Administrator, or in any way, in settling up the estate of your mother? A. No, sir.

By Mr. McMahon:

Q Was not this defendant entitled to more than eighty thousand dollars out of that estate?

A. Say that again, please.

By the Court:

Q Was he, or was he not; or don't you know?

A. I don't know what he is getting at, your Honor.

Q Answer the question. I don't care if you know.

A. The property is only worth about twenty-eight thousand dollars.

Q Then the answer is, no? A. Yes, sir.

By Mr. McMahon:

Q What did the inventory show? A. I don't know, sir.

Q Then how do you answer the question?

A. I think the valuation is, it would realize about twenty-eight thousand dollars.

By the Court:

Q The whole of it? A. This one house only.

By Mr. McMahon:

7 Q One house? A. One house.

Q What revenue does that yield? A. It yields $1,600 a year.

Q What did he sell his interest in that house for?

A. I don't know, sir.

Q Do you say that you do not know, Mr. Witness?

A. Yes, sir.

Q Did he not sell, at your suggestion, to a man of the name of Wells, his interest, for $1,200, from whom you subsequently purchased?

A. No, sir.

Q That is not true? A. He sold his interest to a man by the name of Wells, down at the New York Life Insurance Company.

Q Did you afterwards purchase, from Mr. Wells, the same interest? A. My father bought it for me.

Q Did you, if you please? A. My father bought it for me.

Q Did you make the contract, and put yourself surety on that bond, if you please? A. No, sir.

Q Is it not a fact that his interest in that estate was more than $5,000, that particular transaction?

A. No, sir.

Q Did you tell him that, being a man without a business, that he had better leave in your hands the amount of money between $1,200 and $4,800? A. No, sir.

Mr. MacDona: And this is not on the subject of forgery, and is irrelevant.

The Court: We will let it stay in.

By Mr. McMahon:

Q Did you, in February last, say to this defendant, your

8 brother, that you had paid all the checks that he had forged

or signed your name to?

A. No, sir.

Q Last October?

A. No, sir.

Q Did you not, when he was last on trial for forgery, agree or cause the humane side of the law to permit a withdrawal of all the counts against him for forgery, on the groundif he would plead to larceny?

(Objected to) (Objection sustained)

Mr. MacDona: There is his withdrawal. I won't objectm if you will put it before the Jury. That contains all you want. I will offer it, if you do not object.

Mr. McMahon: This is not what I want.

By Mr. McMahon:

Q Did you write a letter to anyperson connected with this case, at that time, wherein you stated that the checks which your brother had signed your name to was with your permission?

A. No, sir.

By the Court:

Q What was that date?

A. The date of the check in question is September 20, 1892.

By Mr. McMahon:

Q Now, when your brother was last arraigned for forgery, is it not a fact, Mr. Cohen, that the checks for which he is now being tried were in existence and in your possession?

A. I don't know, sir -- not in my possession.

Q Well, you knew they were in existence?

A. No, sir.

Q When did you know it?

A. Not until I was subpoenaed to go to the Police Court, to testify to my signature.

Q Well, didn't you have your book balanced with your banker?

A. Yes, sir.

Q This check was drawn September, 1892, and now we are in January, 1894? A. What has the bank got to do with that check? The bank returned that check.

Q Be candid. You had this check in your possession previous to the last indictment; didn't you?

A. No, sir.

Q Previous to this indictment? A. I had the check, yes, sir, in the Police Court.

By the Court:

Q When was that, what date, as near as you can fix it?

A. That I do not remember. I guess may be it was a month or two ago.

Q A month or two ago? A. Yes, sir.

By Mr. McMahon:

Q The check for which he was indicted and arraigned and presented for trial, before Judge Cowing, a year ago, were they not checks drawn anterior to the one now in question?

A. I don't remember; I could not say.

Mr. McMahon: If your Honor please, I ask for the checks in the possession of the District Attorney.

Mr. MacDona: They are attached to these Police Court papers.

By Mr. McMahon:

Q The check I hold in my hand, will you be kind enough to look at it and see if that check is properly dated?

A. I do not know.

Q What date is it? A. October 3, 1892.

Q This is one of the checks upon which your brother was indicted, over a year ago, and which you deny knowing that it existed previous to that one; isn't it? (People's Exhibit 1)

10

The Court: Please remodel the question.

By Mr. McMahon:

Q The question is: The check which you just looked at (People's Exhibit 1)-- will you say now which of the two are the oldest, the one in your hand or this?

A. I couldn't say, sir. He may have sat down and wrote a dozen on these checks in one night.

Q You are familiar with the calendar? A. Yes, sir. He may have written a dozen.

Q When you caused the indictment if your brother before, on the check here dated October, which appears to have been issued in 1892, did you not know that that check in September, 1892, was in existence? A. No, sir.

Q You did not know it? A. I did not know it.

Q Why did you hold that check in your hands since?

A. Because I was called to the Police Court, to testify to my signature.

Q Now, Mr. Cohen, your answer to the last question was, "I do not know," I think; was that it?

A. I don't remember now.

Q Will you please explain to his Honow and this jury why this check has remained in your hand, in your possession, for more than a year, and that you have caused the second indictment to be found against him, after your having agreed that, if he pleaded guilty to petty larceny, that all these checks would be wiped out?

(Objected to) (Objection sustained)

Q Did you agree before his Honor, Judge Cowing, and this same gentleman who represents the People, that, if your brother pleaded guilty to petty larceny, that you would forego all

11 these other checks, and this one for which he is now on trial?

A. No, sir.

Q You did not? A. No, sir.

Mr. MacDona: There is the gentleman's statement. It is what is called a withdrawal in a case. That saved this man from going to the Penitentiary. (Exhibiting the withdrawal paper)

Mr. McMahon: I object to these side issues.

By Mr. McMahon:

Q How often do you balance your bank account?

A. May be two or three times a year.

Q Why did you not call your brother's attention to this fact, on your first observation that he had used your name illegally? A. I had no interest in the young man at that time at all. I let him go ahead and do as he pleased, as far as that was concerned.

Q Is it not a fact that you had funds in your hands to the extent of $2,800, belonging to this man?

A. No, sir.

Q And you still have? A. No, sir.

Q Is it not a fact that it was because he declined to sign certain documents that you wanted him to sign, that you brought this accusation against him, first and last?

A. No, sir.

Q Is it not because he threatened to expose your father and you in your business relations or transactions, if you caused his indictment? A. No, sir.

Q During the year 1889 did your brother not claim an interest in a big brokerage which resulted to the firm from a carpet fire there was here, the headquarters or the syndicate being in Chicago, for which you people acted?

A. No, sir.

Q Did you ever act in such a case? A. No, sir.

Q You did not act as appraisers for any carpet house in Chicago? A. No, sir.

Q In Buffalo, I should have said?

A. No, sir.

Q You did not? A. Never in this place; no, sir.

Q Did you act as underwriters? A. No, sir.

Q For any house having its headquarters in Buffalo, a big carpet house? A. No, sir.

Q A dry goods and carpet house? A. No, sir.

Q You did not? A. No, sir.

Q Is it not a fact that that was about the time that you and your father kicked him out?

A. We never kicked him out.

Q Didn't you run him from the place? A. Never.

Q Didn't you deny him his interest in the firm?

A. He never had any interest.

Q Is it not because he threatened to expose the way in which you dealt in that house you had him indicted?

A No, sir.

Q Are you acquainted with your brother's wife?

A. No, sir.

Q Don't know her? A. By sight.

Q Have you ever spoken to her? A. No, sir.

Q Why?

(Objected to) (Objection sustained)

Q Have you ever had any conversation with her?

A. No.

Q Has your brother got all his interest out of the firm?

13 A. He never had any interest in the firm.

Q Is he a legitimate son? A. I believe he is.

Q Who constitutes the firm now? A. Now and always, J. Cohen & Son; Jacob and Samuel Cohen.

By the Court:

Q That is, yourself and your father? A. And my father.

Q Anybody else? A. That is all.

Q Was anybody else ever a member of that firm?

A. Never.

Q When was that firm organized, as near as you can tell?

A. About twelve years ago.

By Mr. McMahon:

Q Do you occupy a sub-cellar oa a basement, or is there a basement under the place where you do business?

(Objected to) (Question withdrawn)

R E D I R E C T E X A M I N A T I O N.

By Mr. MacDona:

Q Now, Mr. Cohen, were you ever, at any time, and are you now, a complainant against your brother?

A. No, sir.

Q You have appeared in the Police Court in this case on the two previous cases of forgery referred to by counsel, under a subpoena, to identify your signature to checks; is that right? A. Yes, sir.

Q The complainants in the cases of forgery before, and in this case, are the people who got the money on these checks, is that right -- who paid the money on these checks?

A. Yes, sir.

Q Now, you have paid the complainants in these various forgery cases the amount of money that gave upon these forged

14 checks; have you not? A. Yes, sir.

Q Mr. Cohen, I hand you two checks, and I ask you if those two checks were not the subjects of the complaints in the two indictments referred to by the learned counsel, that were dismissed in December last, in this court?

A. They were attached to those complaint papers -- I don't remember.

Q Do you remember paying those two checks?

A. No, sir; I do not remember paying those checks.

Mr. MacDona: I withdraw the offer of those two checks. I am going to offer some other checks, which I will allow counsel to look at; there is a series of forgeries.

The Court: We have not any proof in this case that they are forgeries.

Mr. MacDona: Not yet.

Mr. McMahon: I shall object, unless the Court rules that in my examination that I myself opened the door.

The Court: I do not know what it is yet. I cannot tell. Frame some question upon them, and then I can tell something.

By Mr. MacDona:

Q Did you, subsequently to the two indictments referred to by counsel, for forgery, against your brother, which were dismissed in this court, pay a number of checks similar to People's Exhibit 1 in this case?

(Objected to, for the reason that it is res judicata.)

(Objection sustained)

Q I hand you seven checks. Look them over. I ask you are any of those checks in your hand-writing?

A. No, sir.

By the Court:

Q Any portion of them? A. No, sir.

Q Or anything that is written upon them, in your hand-writing?

A. No, sir.

Q Mr. MacDona: Now, I offer those checks, if your Honor please.

Mr. McMahon: I object to their introduction, unless it is shown by counsel that the checks in question are part of the res gestae.

The Court: If it is shown that these checks were the subject of indictment in this court, then the District Attorney is at liberty to inquire as to them.

Mr. McMahon: I may supplement my objection by asking your Honor to rule that the checks offered are only admissible to prove the system, but not proof of a present offence.

The Court: I will allow it, on the ground suggested by counsel.

Mr. MacDona: I offer these seven checks in evidence, marked People's Exhibit 2 to 8.

(The District Attorney read the checks to the Jury.)

Q I understand you to say that no portion of those checks is in your hand-writing? A. No, sir.

Q Did you pay those checks? A. Yes, sir.

Q I hand you a paper, and ask you if your signature is attached to it; is that your signature? A. Yes, sir.

Mr. MacDona: I offer this in evidence.

Mr. McMahon: I object.

16 The Court: As a piece of testimony on

the part of the People, I should not have allowed it to be received in evidence; but in view of the fact that the line of the cross-examination of counsel suggests to the witness an inquiry as to whether or not he did not make such and such a statement--------

Mr. McMahon: I withdraw my objection.

(The District Attorney read People's Exhibit 9)

By Mr. McMahon:

Q When your brother, against his will, as you stated a few minutes ago, left the firm, you had put him out?

A. He never was in the firm.

Q Well, he left the business?

By the Court:

Q There was an occasion when he was put out of those premises?

A. Yes, sir.

Q You told him -- you assisted him out? A. Yes, sir, I told him to leave the place.

By Mr. McMahon:

Q Is it not a fact that he demanded what he had in that house belonging to him, before he would go, and you pushed him out?

A. No, sir.

Q Is it not a fact that, later on, you told him if he would not draw more than $25. per week against the amount of money belonging to him, his mother's interest in the Chatham National Bank, it will be all right?

A. No, sir.

The Court adjourned for the day.

February 1, 1894.

17 EDWARD H. VANNESS, sworn and examined, testified:

By Mr. MacDona:

Q What is your business, Mr. Vanness? A. Book-keeper.

Q Book-keeper, where? A. The Chatham National Bank.

Q Have you charge of the first series of ledgers, running from A to C? A. It is not the first series; the second series.

Q The books that you have in your charge are the books containing the names of the Depositors of the bank; is that right? A. Yes, sir.

Q Your ledger includes the whole of the letter C?

A. Yes, sir.

Q Now, do you know Mr. Samuel Cohen? Do you know that gentlemen? A. Yes, sir.

Q Is that gentleman a depositor in your bank? A. Yes, sir.

Q Is there any other Samuel Cohen having an account in the Chatham National Bank than this Samuel Cohen?

A. Yes, sir.

Q How is his name spelt? A. Cohn.

Q And this is Cohen? A. Yes, sir, Cohen.

CHARLES HEIDELBERG, sworn and examined, testified:

By Mr. MacDona:

Q Officer Heidelberg, you are attached to the Central Office; are you? A. Yes, sir.

Q You have been how long? A. About twenty-five years.

Q Did you arrest this defendant, John Cohen? A. Yes, sir.

Q Whendid you first arrest him? A. About a year ago last October, I think.

Q And he was brought here on three indictments; was he not?

A. Yes, sir; two forgeries and one petty larceny.

By the Court: All pending at the same time? A. Yes, sir.

By Mr. MacDona:

Q Do you remember what disposition was made of those cases?

(Objected to) (Objection sustained)

Q After he was brought here, and while these cases were pending, did you have conversations with this defendant?

A. Yes, sir; several times.

Q Begin with the first conversation you had with him, after the time these three indictments were brought into court against him?

(Counsel objected to any conversation touching any indictment other than that at bar.)

THE COURT: You will have to locate this time.

Q When did you have this conversation? A. At the time------

By Mr. MacDona:

Q When was the first conversation you had with him?

A. I really can't tell------

By the Court:

Q Five years ago? A. Oh, no; it is about a year ago.

Q Can you tellthe month? A. I think it was October or September; I am not sure.

Q September or October, 1892? A. Yes, sir, I think it was about that time; I am almost sure.

Q How long after you took him in custody? A.That is after he had been in custody.

Q How long, about? A. About three, or four, or five days.

By Mr. MacDona:

Q Now, let us have that conversation. Where was this conversation, Sergeant? A. In the Tombs.

Q Now, let us have it. What was it? What did you say to him, and what did he say to you?

A. I asked him how he came to make so many checks on his brother's name.

Mr. McMahon: Has the Court ruled that this is admissible as to the indictment now in issue?

The Court: The check in question appears to be dated September 30, 1892. This witness testifies that he had a conversation with the defendant shortly after he had been taken in custody, and the witness Samuel Cohen testified that this check-----

Mr. McMahon: I will waive my objection at present.

By Mr. MacDona:

Q Go, Sergeant. You asked him how it was that he had made so many checks on his brother?

A. That he made so many checks.

Q What answer did he make? A. He said he couldn't help it, that he was short, he was doing nothing, and he had to support his wife. I asked him then how many checks altogether. He says, "I thought my brother would call those checks paid, and then I would be a good man hereafter." I said, "About how many?" He said there was about nine or ten; not more.

Q Did he state to you, or did you inquire of him, the aggregate amount? A. He said they averaged from $10, $25, $28 and so on; none larger than that.

Q Have you given all the conversation?

A. No, not yet. I asked him to give me a list of all the checks which he knew were out, that he had made, and that his brother somewhat gave me the idea that he would make them good, provided that he would go out of the country and be a good man and take care of his wife, as he ought to. I

received the list of nine checks, and he said there and then that was all the checks in existence, and those checks were paid -- at least, I don't know, but I was told they were paid; he gave a list of the checks. "Now," I said, "be sure and give me all, because, if there is any more turns up, if the complaint comes to Headquarters, I will re-arrest you." He said, "You can rest assured there is no more checks."

Q In consequence of that conversation, and with the list that he gave you, did you have a conversation with Samuel Cohen?

A. I did.

Q After you had a conversation with Samuel Cohen-----

(Objected to)

Q After you had that conversation with Samuel Cohen, did you have a conversation with --- after you spoke to John Cohen, the prisoner, did you have a conversation with Samuel Cohen, his brother; yes or no? A. Yes, sir.

Q Well, how long after that first conversation was it?

A. I think the next day; I sent for him to come to Police Headquarters, and he came to Police Headquarters.

Q There you had a conversation with him? A. I did.

Q Can you fix the day of that conversation?

A. No, I can't. I know it was some time before the leading.

Q Did you display this list of checks that had been given to you?

(Objected to)

Q Did you show the list of checks that you swear was given to you by the defendant, Cohen, to Samuel Cohen, at this interview? A. Yes, sir.

Mr. McMahon: I ask that that question and answer be stricken out.

The Court: The question as to whether or not he showed it, will be allowed.

By Mr. MacDona:

Q Did you show it to him? A. I did. I gave it to him.

Mr. McMahon: I urge the further objection that the best evidence of the check shown is---

The Court: It is in evidence that he gave it to him. He is not asked for the conversation.

By the Court:

Q "This defendant gave me a list, and I gave it to Samuel Cohen." That is right; is it, Sergeant? A. Yes, sir.

By Mr. MacDona:

Q Well, now, subsequently to that interview did yougo to the District Attorney's office with Samuel Cohen------

(Objected to)

By the Court:

Q After you gave thatlist to Samuel Cohen, what further did you do? A. I didn't do nothing further.

Q Did you ever see Samuel Cohen after you gave it to him.

By Mr. MacDona:

Q I hand you People's Exhibit 7. A. I see that paper headed with------

Q You have People's Exhibit 7 in your hand? A. Yes, sir.

Q Do you know where it was drawn? A. I do not.

Q Do you notice the date on it, at the bottom?

A. Yes, sir.

Q Were you present when it was signed? A. Yes, sir.

Q Where was that signed? A. I think in the District Attorney's office.

By the Court: Q. Are you clear about that? A. I think so.

By Mr. MacDona:

Q Was the date on which you saw that paper signed subsequent to the time that you went to Samuel Cohen with the list?

A. That was before this.

Q When did you next see Samuel Cohen, after this interview

By the Court John Cohen?

Q You received and gave the list to Samuel Cohen the day this was signed? A. Yes, sir.

Q And you didn't see John Cohen until when? A. I didn't see him until the day that he pleaded guilty, in this court.

Q Then you saw him? A. Yes, sir.

Q Did you have any conversation with him that day?

A. Yes, sir.

Q What was it? A. I think it was in that box there, when he was brought up. I told him that his brother has made up his mind to pay those checks, and I hoped it would be a lesson to him not to be caught again. I said, "Be sure; is that list you gave me correct?" He said, "Yes, there is no more checks in existence." That was in the box, before he pleaded. Then I went away about my business; I didn't see him then again not until after he was arrested this time.

Q When you saw him, after he was arrested this time, what conversation did you have with him?

A. I said, "If you had told me the truth, you wouldn't be in this trouble to-day; there is six other checks out against you now." He said, "I have made no more since I was out." This was on the arrest the second time.

Q The arrest in this case? A. Yes, sir; he said, "I never made no checks before." I said, "You told me there

23 was no more checks in existence, but after you had been ar-

rested on the warrant, one came to light." He said, "Well, I thought that was on the list." He said that was nine out of sixteen. He wanted me to see his brother, and ask him to pay these. I told him I wouldn't have anything to do with it, but let the law take its course. That was all the conversation I had with him. The defendant came to Police Headquarters one day, to urge me again to see if I couldn't fix it up with his brother; that he could get a good situation. I refused to have anything to do with it.

Cross Examination.

By Mr. McMahon:

Q What is your name? A. Charles Heidelberg.

Q You are in what capacity connected with the Police Department? A. Detective Sergeant.

Q When did you first make the acquaintance of this defendant?

A. On his first arrest.

Q Will you say now when that was? A. I cannot tell the exact date; I don't keep it in my mind. I have got a record of it at home; my mind is pretty clear, but not to dates now.

Q What do you say as to the last question?

A. What question do you mean? I can't tell the exact date.

Q Was it in 1880? A. No; I don't think it was.

Q Was it in '81, or '82, or '89?

THE COURT: Approximate the date.

A. I think it was in 1892.

By Mr. McMahon:

Q Will you state what month in 1892? A. I couldn't say.

Q That is your answer? A. That is my answer.

24 Q Your memory is no closer than that? A. Oh, yes; but

I didn't pay no attention to these dates.

By the Court:

Q According to your best judgment, give the date?

A. I think it was in November; I am not sure; but my best judgment is it might be before or after.

By Mr. McMahon:

Q In November, 1892? A. I think so; I am not sure as to the month.

Q How did you come to be charged with the arrest of this man?

A. By a warrant being issued by a Police Judge.

Q Will you say what Police Justice issued that warrant?

A. I think it was Judge McMahon; I am not sure. I am not certain of that either, but the warrant was issued -- there is a record of it.

Q Will you say what the charge was? A. Forgery; two forgeries, and one petty larceny.

Q Who made the affidavit? A. The names is on the affidavit; I don't keep records of it, only home; not in my head or in my pocket. The papers show.

Q How long did you visit the house of this defendant after the issuance of that warrant? A. Until I got him.

By the Court:

Q The original warrant, or the last warrant, upon this accusation, which you are testifying to?

A. I am speaking of the last warrant.

Q About the last warrant, the counsel is inquiring. Keep your mind to that. Do you know what Magistrate issued that? If you don't know, say so. A. I think it was Judge Martin, the last one.

By Mr. McMahon:

25 Q Now, you say that was issued some time in November?

A. I think so, this last warrant.

Q You, armed with the warrant, went to the house of the defendant?

A. I did.

Q Where washe then residing?

A. In 116th street.

Q Do you remember the number?

A. Ithink it is 125.

Q With whom did you converse on that day, on that occasion?

A. With his wife.

Q Do you remember your conversation with the lady?

A. I do; pretty near it.

Q Did you not, on going into her domicile, take your seat upon the settee and ask her to be seated beside you?

A. No, I don't think I did. I was in the parlor; not in her domicile -- whatever you call it.

Q I am not responsible for your education.

A. No; nor I am not responsible for your French.

Q Did you go into her parlor, which is part of her domicile?

A. No, it ain't her part.

Q You found her there; did you?

A. no, I did not.

Q Wheredid you find her?

A. I found the lady-----

Q Did you find Madam Cohen?

A. Yes, sir; after I asked her, she came down stairs.

Q Then you saw her?

A. I did.

Q Was it then that you sat down on the sofa?

A. I sat down on something; I don't remember exactly whether it was a sofa or settee.

Q Did you ask her to sit beside you until you would tell her your business?

A. Yes, sir.

Q Did you then open up your mind and say to her that, although you came there to arrest her husband, that your charity went so far as to permit her to authorize her husband to quit the juriddiction of the warrant?

A. No, I did not. She said that she would put him out of the jurisidiction.

Q Did you say to her, while there, that you did not want her husband, but that the brother and father wanted him to quit the State of New York, and go West? A. No.

Q You did not? A. No, sir.

Q Did you execute the warrant on that evening?

A. No; because he was hid away.

Q When did you again return? A. I never returned to the house after that. I was on the outside for about two weeks, trying to get him coming in or out.

Q Are you acquainted with Madam Schaffner? A. No; I am not; she is in court here; I saw her. I know the lady by sight.

Q Do you remember having a conversation with Madam Schaffner, with reference to this defendant? A. I do.

Q Did you, during any part of that conversation, advise Madam Schaffner not to go on his bail?

A. I said that she would get stuck some time, going bail for forgers and thieves.

Mr. McMahon: I ask that that be stricken out.

The Court: No; I will let him state what the answer to her was.

By Mr. McMahon:

Q That was your suggestion to this lady? A. I said she was too good a woman to waste her time on a man of that kind, going bail for him.

Q How many occasions, will you now recollect, for the benefit of these gentlemen who are trying this case -- will you please remember the various offences he has committed?

A. Well, about sixteen.

Q You are under oath now? A. Seventeen checks, small amounts on the face of it.

Q I want to call your attention to the fact that you are testifying now in a matter which seriously affects this man's liberty. A. You needn't tell me that. I know that.

Q You will be held to it, later.

A. Don't you worry about me.

Q You say you know him to be under sixteen indictments?

A. No, I didn't. I didn't say that.

Q You say you know him to have committed sixteen offences?

A. Yes, sir -- there is nine here.

By the Court:

Q Can you repeat them from memory? A. I can't reppat the names.

Q Can you repeat any of them A. Yes, sir.

Q Repeat those that you can remember?

A. Gluck, in Grand street; Berney, on Third avenue; Lumberg, the jewelry dealer, is another; and there is a liquor dealer corner of 85th street and Third avenue, I forget the name; there is another one in 116th street or 117th street and Third avenue; there is one in Fulton street, and those that is here in court.

Q You do not recollect any other names? A. No, sir.

By Mr. McMahon:

Q Those are the checks said to have been forged that you are enumerating? A. Yes, sir.

Q Will you mention any other offence, to your knowledge, that you know this man to have committed? A. He received some money to go and buy a railroad ticket from a gentleman

28 in 280 Broadway, the offence is there, and he took that money

and run away with it. It is in the affidavit where he plead-
ed guilty on.

Q Didn't you advise him to plead guilty to that very thing?

A. I never spoke to him in my life; he had a counsellor.

Q Did you not tell him that, unless he employed Mr. Price, that he could not get out? A. You know better than that.

Q Yes or no? A. No.

Q Did you not tell him that, unless he went to the office of a man named Price, a gentleman practising law here, and employed Mr. price, that you would wash your hands out of the case? A. No, sir.

Q Did you tell himthat, if he would plead guilty to the petty larceny of the $10.,that you would advise his brother to ask this court to nolle pros all the cases pending against him?

A. May I ask the counsel one question?

Mr. McMahon: Yes.

The Court: If necessary:

THE WITNESS: I would like to know where he got his information from?

By the Court:

Q Did you do so? A. No, sir; I never spoke to himof any pleading or anything of the kind, either one way or the other, for I wouldn't trust him to speak to him alone.

The Court: The latter part I will strike out. Do not volunteer. Just answer the questions.

THE WITNESS: I am only telling the truth.

By Mr. McMahon:

Q How long have you known this defendant? A. Since the first arrest.

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Q Only? A. That is all.

Q Don't you know that this defendant has lived, since his birth in the City of New York? A. I don't know anything about him.

Q Don't you know that he was thirteenyears a member of the firm of Cohen & Cohen? A. I don't think he ever was a member of it; I know he was not.

Q Did you not say to somebody that, if it cost a thousand dollars, that he would be sent away? A. No.

Q Did you not, in the station house, when this man was being charged and placed in custody, volunteer the advise that he might go away, that you didn't want him?

A. When do you refer to, counsellor?

By the Court:

Q At any time? A. No.

By Mr. McMahon:

Q You did not? A. No, sir; I didn't see him.

Q Are you acquainted with Counsellor Heinzleman?

A. The same as any other lawyer here, yes.

Q Did you at any time tell Counsellor Heinzleman that this defendant, if he had gone West, that would have settled the whole business? A. Yes, sir; I said that in my testimony.

Q Did you not go to his house with a view, Officer--to Cohen's, this defendant's house-- and while there, declare to his wife that, unless he left the State and went away, that you had been paid by his father and brother to send him to the Penitentiary? A. That I said that I was paid?

By the Court:

Q Yes or no? A. No.

By Mr. McMahon:

Q Do you know Mrs. Robinson? A. Robinson? No, sir; I don't know anybody of that name.

Q She is the proprietress----- A. I don't know her.

Q Of the house where he has been living for two or three years; is that true? A. I don't know; I don't know the lady.

Q You had no other motive, then, officer, than a charitable motive, I presume, in advising the lady not to go on his bond had you? A. I don't know what motive I had. I would advise any good woman not to go on a bond for any criminal offence.

Q You don't know the motive that prompted it?

A. Whenever I see a charitable woman like Mrs.Scharfner go bail for criminals, she is making a mistake. I told her, "Your business is charity; not to bring thieves on the street, to do it over again." She is right in court; she knows whether I am telling the truth or not.

Q A moment ago, in your direct-examination, did you not say to the learned gentleman representing the People, that this man had made a clean breast to you, and that you had advised him to go West------

A. I advised nothing; no, sir.

By the Court:

Q You testified, a while ago, that the brother had told you---

A. The brother? yes. Not my suggestion; the brother's suggestion.

Q You had communicated what the brother had said? A. Yes, sir.

By Mr. McMahon:

Q To return back again to the date of your first going to

31 the house where Cohen resided; how long after that date,

which you say was in November, did you arrest Cohen on this charge? A. I think it was about three weeks, perhaps a month. He wasn't arrested by me, at that.

Q When Cohen was on his way to the station house, did you not tell him you did not want him at all, that the warrant was only used to induce him to quit?

A. No; I was not there at all. How could I say it?

Q What did you mean, Officer, when you said that the nine checks were all of his forgeries that he then possessed?

A. At the time of his first arrest?

Q What did you mean by that? Do you mean to say now or the other indictment? Will you explain to the gentlemen and his Honor? A. I can explain. At that time his brother agreed to pay the forged checks that were in existence at that time.

Q What time did his brother agree to pay them?

A. At the time he was in the Tombs, on the first three indictments.

Q Was that before he pleaded guilty to petty larceny or since?

A. I think it was before he pleaded to petty larceny at all that the list was given of those checks.

Mr. McMahon: I want to call your Honor's attention to the point I raised yesterday. I said yesterday that I would have a motion which I intended to make to your Honor on yesterday, that I intended to ask your Honor to consider the check now in issue and that it was merged in the other checks.

The Court: Upon the part of the People, I understand from this line of testimony that they claim, while some other of these checks might have been in existence, that there was no present know-

ledge, and that the knowledge came to them thereafter.

Mr. McMahon: It would seem, if your Honor please, from the face of the check, that it was of even an earlier date than the checks upon which he was tried and a nolle pros entered.

THE COURT: That is so. There can be no question upon this record that this check in question here bears date the 30th of September, 1892, and there can be no question but that the cases which were pending, upon which the Court suspended sentence, bore date some time in October, 1892. Of course, we all know October is subsequent to September; but it does not necessarily follow that because a check bears a particular date, that it bears the true date, or that it was issued upon the day of its date.

By Mr. McMahon:

Q Now, then, the nine checks which you had reference to, will you please furnish us with a copy, if you can?

A. I gave the copy to Mr. Cohen; the list of the checks and the amounts.

The Court: Mr. MacDona: Have you that list?

Mr. MacDona: I have not; it is not in my possession.

The Court: Is Samuel Cohen in court? If he is here, I direct him to furnish it.

(Samuel Cohen arose in court and said; "I haven't got it; I don't know where it is; I must have destroyed it.")

By Mr. McMahon:

Q You could not now recollect from your memory, Mr. Officer, could you? A. I know there was nine checks; nine names, and the amounts.

By the Court:

Q Can you tell whether they, or any of them, were on that list of checks that was in court? A. I think I can.

By Mr. McMahon:

Q The date which you went to Cohen's house was in 1892, or was it '91? A. No.

Q Was it in 1893? A. Yes, sir.

Q November, 1893? A. Yes, sir;I think so.

Q And the check upon which the warrant issued is dated the 30th of September, 1892?

A. I think so; the affidavit shows.

Q Now, Mr. Officer, did you ever again seek to find the defendant, Cohen? A. I did.

Q Did you ever again seek to find him, after the first time?

A. I never did, until the warrant was issued.

Q How many times did you go to his house? A. Once.

Q Did you, at any other time, go to any other place, with a view of finding him, in order to execute that warrant?

A. Yes, sir.

By the Court

Q Where did you go? A. I went over in a liquor store, 116th street and Lexington avenue, and I waited there two or three hours for a week, trying to see him coming in and out. I made up my mind to go in some morning early, to catch him in bed. I didn't find him myself.

DAVID M. CARVALHO, sworn and examined, testified:

By Mr. MacDona:

Q Mr. Carvalho, what is your business?

A. Examiner of questioned hand-writing, inks and photographer.

Q You have been in that profession for a long time;have you?

A. Yes, sir.

Q How long? A. Nearly twenty years.

Q I hand you People's Exhibit 7, Mr. Carvalho, and ask you to please look at the signature to that, which has been identified by Samuel Cohen as his hand-writing, and I hand you People's Exhibit No. 1, the check.

Mr. McMahon: We will relieve this gentleman from introducing this proof. Our defense is we had a right to sign it.

The Court: It is conceded that the signature of Samuel Cohen was signed by the defendant at the bar?

Mr. McMahon: Yes, sir.

SAMUEL COHEN, recalled by District Attorney:

By Mr. MacDona:

Q Mr. Cohen, did you ever, at any time, give your brother, John Cohen, the defendant here, the privilege to sign your name to a check? A. No,sir.

Q Or to any paper? A. No, sir.

BY MR. McMAHON:

Q Did your mother, at the time of her death, Mr. Cohen, leave a will? A. No, sir.

Q Was the house in Pearl street owned at the time of your

35 mother's death, was the house in her name, in Pearl street,

where you now carry on business?

A. No, sir.

Q Was the house in Madison avenue near 86th street, in her name?

A. No, sir.

Q 74th street in her name?

A. Yes, sir.

Q Was there any property on 89th street, near Park avenue, in her name?

A. No, sir.

Q Was there any property there owned by you people, by your father?

A. Father and myself; yes, sir.

Q Was there a house on 50th street near Second avenue that was in your mother's name, previous to her death?

A. No, sir.

MR. MACDONA: That is the People's case.

THE CASE FOR THE DEFENCE:

Mr. McMahon: I will not make the formal motion to dismiss, as I believe it is the custom in this jurisdiction, but I will ask your Honor to rule upon the question now whether or not the check at issue is not merged in the formal dismissal of the general indictment on the nine checks.

THE COURT: The Court will hold that it was not in the transaction then before the Court. The whole question must go to this jury. I cannot take it from the jury.

Associate counsel opened the case for the defence.

CARRIE COHEN, sworn and examined, testified:

By Mr. McMahon:

Q You are the wife, Madam, of this defendant, John Cohen?

A. Yes, sir.

Q How long have you been married to Mr. Cohen?

A. Since 1889; February 3rd.

Q When you married your husband where was he employed?

A. With his father.

Q How long since is it your husband ceased towork in his father's place? A. Two weeks after we was married.

By the Court:

Q When did you say you were married? A. 1889.

By Mr. McMahon:

Q Do you know, if your own knowledge, why he ceased to work there? A. I always understood-------

By the Court:

Q Do you know, of your own knowledge? If you have knowledge-- not what somebody told you?

A. He was a partner in the business.

Q You were not asked that. Do you know, of your own knowledge, why he ceased to work there? Not what anybody told you. A. Yes, sir.

By Mr. McMahon:

Q Now, answer, if you please, madam, how did you become possessed of information as to his cause of leaving the store?

A. One morning in August, the latter part of August, 1892, I met Mr. Cohen's father on the steps, and went to him.

Q What steps? A. 84th street and Third avenue -- and asked him to give Mr. Cohen employment, for he was really in need of money and in need of work. He said to me that

my husband had been going around saying that he was going to expose how the business was conducted; he said, "If your husband don't keep still, I will send him to State prison."

By the Court:

Q That is, the father said so? A. That is the father.

By Mr. McMahon:

Q That was in 1892; what time of the year?

A. The latter part of August.

Q Now, proceed, if there is anything further you can say.

A. We, at that time, lived inthe same flat with his father, in 133 east 84th street.

Q Did his father live there? A. Yes, sir.

Q Do you know whether Mr. Cohen, Sr., the father, I mean, of this defendant, ever agreed that your husband should have any means of support?

The Court: Answer yes or no to that.

A. Yes, sir.

By Mr. McMahon:

Q Now, you can state how you know it? A. Because he has said-----

By the Court:

Q Who has said? A. Mr. Cohen.

Q To you? A. To me. Mr. Cohen said, when I went down at the store, some time ago, that Mr. Cohen was to have so much money, that he had to keep his tongue still of what he knew about 321 pearl street, or they would send him to prison. He then said, either he will go or I will go.

By Mr. McMahon:

Q Was Samuel Cohen present? A. No, sir.

Q All you have stated is with reference to the conversation

38 that you had with Mr. Cohen, senior, about your husband?

A. Yes, sir; exactly.

Q Did he at that time agree to give to your husband any salary or means-----

The Court: Ask what he said, without leading the witness.

By Mr. McMahon:

Q Madam, a moment ago, I thought I had asked you the question. At your first or second conversation with your father-in-law do you know now, of your own knowledge, whether he then made any statement to you as to whether your husband should have money or not? A. No, more than what I just said.

Q What was that? A. He said that Mr. Cohen-- I asked him to give Mr. Cohen work, and he said he had been giving Mr. Cohen money straight along, and asked me was I aware of the amount of money my husband had got. I told him yes. He then said, "The best thing for him to do is to hold his tongue, or I will send him to the State Prison. He is going around telling people how the business is conducted at 321 Pearl street."

The Court: What bearing has this upon the question we are trying?

By Mr. McMahon:

Q Did Mr. Cohen at that time say to you in what way he had given him money, or in what manner he had received the money?

A. No, sir.

Q That was in what year? A. In 1892, August.

Q Are you acquainted with this gentleman, Officer Heidelberg?

A. I am, sir.

Q When did you first make his acquaintance?

39 A. On the 15th day of December, 1892.

Q Sure? A. Positive.

By the Court:

Q December? A. December, '92; the 15th.

By Mr. McMahon:

Q It was in November? A. No, sir; it was the 15th day of December.

Q Go on in your own way and recite to these gentlemen here what transpired between you and this man, on his coming to your house? A. The 15th day of December, 1892, that was the first time that Cohen was charged with forgery, but they stated it was on the 27th day of October.

By the Court:

Q Tell us what first transpired bedtween you and Heidelberg?

A. That was the 27th day of October. Mr. Heidelberg called to the house, and asked me to sit next to him; he then said, "I have a warrant for your husband." I said to him that I thought all those checks had been settled; and he said no, there was two more. He says, "Where is Mr. Cohen?" I said, "I couldn't tell you; he is down-town." He said, "When could Isee him?" I said, "Well, some time to morrow." He said, "Well, I have got a warrant; you might as well tell me." He gave me the warrant in my hand; I read where the warrant was issued, in September; he then said, "You might as well tell me where Cohen is, because we will get him first or last." I says, "Very well; but we are going to an entertainment on Sunday; would you leave Mr. Cohen stay until Monday?" This was on a Tuesday; he said to me, "Yes." The following Monday, Mr. Heidelberg didn't come to the house, but another detective called, in the morning, on the following Tuesday morning. When the gentleman came to the door, I said to him, "I suppose you are a

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detective, from Headquarters?"

The Court: You cannot give that conversation.

By Mr. McMahon:

Q Just state what took place? A. Mr. Heidelberg said Cohen could stay over until the following week.

By the Court:

Q This was later? A. Yes, sir; a week later.

By Mr. McMahon:

Q Was that the last time you saw Officer Heidelberg?

A. Until I got to Police Headquarters.

Q When did you get to Police Headquarters?

A. The following week; I think it was on a Wednesday.

Q Was there any person with you A. Mrs. Schaffner, Mr. Heinzleman, Mr. Cohen and I.

Q Did you see this officer then? A. I did.

Q Did you have any conversation with him?

A. Not a word at the time.

Q Did you have at any time, that day or any other?

A. No; not after that.

Q When did you last have a conversation with him with reference to this case? A. The day that he came to the house.

Q That was the last conversation? A. That was the last conversation.

Q Do you know when you did have with Samuel Cohen, except the last time; have you ever spoken to him since the last trouble? A. No, sir.

Q Do you know how much money your husband received of this interest in the estate of his mother?

(Objected to) (Objection sustained)

CROSS EXAMINATION:

By Mr. MacDona:

Q Mrs. Cohen, when were you married; September, 1891?

A. February, 1889.

Q Where did you live when you were married first?

A. 237 East 79th street.

Q With your husband? A. Yes, sir.

Q When was he discharged by his father, do you remember?

A. Two weeks previous to our marriage.

Q Then you were wrong in stating that he was in his--------

A. Two weeks after we was married.

Q When did this conversation that you allege took place between yourself and Mr. Cohen, when did it occur? A. August, 1892, at the 84th street station.

Q That is, with Jacob Cohen? A. With Mr. Jacob Cohen.

Q August, 1892? Well, now, what did you say to him, about money? A. I asked him to give Mr. Cohen work, and told himthat Cohen was in need of work and in need of money; and asked him, if he employed strangers, why not his son. He then said Cohen had been going around talking about how the business was conducted.

By the Court:

Q You did not have a conversation in 1889?

A. Oh, no; in 1892.

By Mr. MacDona:

Q Was that the first time you had spoken to the old gentleman about John? A. No; I was down to the store in 1888, before we was married, to see his father and see Samuel Cohen.

Q Has your husband ever had any employment? A. Yes, sir.

42 Q Except the employment that he had two weeks after you were

married? A. Yes, sir; he was working last Summer.

Q Working the race-track? A. No, sir; he was working in an underwear place, as a drummer.

Q Any other place that you recollect? A. Yes, sir; he was working in 48 East Broadway, drumming underwear.

Q Any place else? A. No, sir.

Q How long did he workin either of those places?

A. He worked all Summer for Mr. Robinson. As soon as the place lost, it was closed, because he didn't have any money to go on.

Q How long did he work in this underwear place?

A. From May to July, and the place was closed.

Q From May to July; what year? A. 1893.

Q Before that, he was employed where? A. After that, he was employed at 48 East Broadway.

Q How long did he work there? A. He was arrested; he worked there three days.

Q And whereelse was he employed? A. Nowhere else.

R e D i r e c t E x a m i n a t i o n.

By Mr. McMahon:

Q Was there any other conversation, at any time, betweenyourself and your father-in-law as to your husband leaving the State of New York? A. His brother, Morris, came to the house----

By the Court:

Q Between you and your father-in-law? A. Never, not between my father-in-law; but the brother and I.

By Mr. McMahon:

Q Now, was it your brother-in-law then?

43 A. Yes, sir; Morris Cohen.

Q Will you state what he said? A. He came to the house on May 2nd.

Mr. McMahon: He is a brother of the defendant, and a member of the firm.

The Court: You need not take that. That is no proof whatever. There is no proof whatever in this case that any such situation exists.

By Mr. McMahon:

Q Was either Samuel Cohen or Jacob Cohen present at the conversation which took place between yourself and Morris?

A. No, sir.

Q Was your husband present? A. Yes, sir.

Q State what was said?

(Objected to) (Objection sustained)

Q Did you have any conversation with Officer Heidelberg, as to your husband's leaving the State of New York?

A. Yes, sir.

Q Now, will you state what that was?

A. He said when we got money why didn't we leave the State; and I told Officer Heidelberg that I didn't see why we should be exiled on $50. to go toCalifornia. I told him then that my husband and I had never committed a crime, and that I wouldn't go on that money.

Q That is your recollection? A. Yes, sir.

BY MR. MACDONA:

Q You did not finally go; you started off for Chicago or some place? A. No; we went as far as Newark and returned on $50.

Q Alleging when you went away, that you were going to Chicago? What became of the tickets to Chicago that were furnished to you? A. We sold them.

Q And returned back to New York? A. Certainly.

Q Were you privy to this letter which your husband sent on with somebody on the train, to have posted in Chicago, so that Morris might think you were in Chicago?

(Objected to)

The Court: I will tell the jury to disregard that.

By Mr. MacDona:

Q Were you present when your husband wrote a letter, and did you get off the train at Newark, and send it on to Chicago?

A. I was not.

Q You don't know anything about that letter? A. No.

Q When did you come back to see either Jacob or Samuel Cohen? When you got back to town, where did you go?

A. A week previous to that, my husband went down and told him I wouldn't go.

Q When you came back did you go and see the Cohens?

A. Yes, sir; a week after.

FRUESTINE SCHAEFER, sworn and examined, testified:

By Mr. McMahon:

Q Madam, your connection inthis case results from your own good nature and charity; does it not? A. Yes, sir.

Q Yourmotives in taking any interest in this man were the results of humanity?

(Objected to, as immaterial.)

A. Yes sir.

Q When this man was in prison, you went his bail; did you, Madam? A. Yes, sir.

Q Did any person tryx to prevent you from going his bail?

A. Mr. Heidelberg thought I ought not to go his bail.

By the Court:

Q He said so? Not what he thought; what he said?

A. Yes, sir.

By Mr. McMahon:

Q Do you remember what his excuse was for your not going bail?

A. Mr. Cohen was not deserving.

Q Did he say anything further, Madam?

A. He said that he knows a great many charitable women, but none of them go on bail-bonds.

Q He knew a great many persons with charitable inclinations, but they did not go on bail-bonds?

A. Yes, sir; and I ought not to go.

Q Did he, in your presence, ask the Justice not to accept your bind? A. I was too far away to hear the words, but I know he did.

The Court: What you heard? You can't tell unless you have knowledge. What was communicated to you, you must not tell.

By Mr. McMahon:

Q Did the Judge say anything, in your presence, to Heidelberg, with reference to your going his bail?

A. He said he would take my bail.

By the Vourt:

Q Your bail was taken? A. Yes, sir.

~~Xxxxxxxxxxxxxxxx~~:

By Mr. MacDona:

Q You never knew Cohen, the defendant, until this case arrived around here; did you? A. Not before.

Q You never saw him, and you are not acquainted with him?

A. No, sir.

46 Q You were induced to go his bail by the counsel in the case

before, Heinzleman; is that right?

By the Court:

Q Was that the inducement? A. Yes, sir; Mr. Heinzleman.

JOHN COHEN, THE DEFENDANT, sworn and examined, testified:

By Mr. McMahon:

Q Mr. Cohen, you have been sitting here listening to the proof that has been brought against you on the charge of forgery. Will you please xplain to this Jury, and to his Honor, the Judge, all you know about this transaction?

A. My mother died the 27th of August--------

The Court: Bring yourself down to something connected with this case, in relation to this check in question.

By Mr. McMahon:

Q Is Samuel Cohen? your brother? A. Yes, sir.

Q Is Jacob Cohen, Sr., 321 Pearl street, your father?

A. Yes, sir.

Q Were you ever connected with the firm of Jacob Cohen & Son?

A. Yes, sir.

Q In what capacity were you connected with that firm?

A. In the year 1887------

Q When did your interest cease in that firm?

A. Two years from that time; 1889.

Q Was there ever any agreement between your father and yourself as to your being a partner?

A. Yes, sir; also my brother at the time.

Q What caused you, if you know, to leave the business?

A. On account of marrying a Christian young lady.

Q On account of your marrying a Christian woman?

47 A. Yes, sir.

Q Now, do you state the truth? A. Yes, sir.

Q That was in what year? A. 1889.

Q Will you please explain why it was that these checks which are laid to your charge were signed by you?

A. Yes, sir.

Q Well, now, do that, for these gentlemen and his Honor.

A. In the year 1891, I came down to my brother one day and I says to him, "Sam, there is interest lying in my mother's property in the bank, and I don't see why I haven't a right to draw some out." He said, "John, you can draw $25. a week, and I will give you that, if you keep away from the store." I said to him, "How am I going to get it?" He said, "You turn around and draw up a check, 'Pay to the order of John Cohen,' and sign my name, and I will notify the bank." I even gave my signature to the bank, and let these people know that I was drawing my check on my brother.

Q Did you, at any time during your connection with the firm, draw money for the firm?

A. I signed bills.

Mr. MacDona: Answer the question.

By the Court:

Q Did you ever draw any money for the firm? A. No, sir.

Q Did your brother, in 1891, agree to let you draw interest in your mother's property then in bank to his credit?

(Objected to)

Q State it again?

A. In the year 1891, I came down to the store one day, and I met my brother, Samuel Cohen, and Mr. George L. Carleton was there at the time I spoke to my brother. I says, "Sam, there is money lying in the bank, interest in my

48 mother's property. Suppose I want to draw some out, how

am I to get it?" He said, "I will give you $25. a week, if you keep away from the store. You go to work and draw up a check in your name, and sign my name, and I will notify the bank to that effect." I drew the checks in 1892. I never heard any reply up to date, until I was arrested.

By Mr. McMahon:

Q State to the gentlemen of this Jury, and to the Court, how you came to be arrested. Was there any misunderstanding between your brother, your father and yourself, as to the mode of transacting business at that store?

A. Yes, sir.

Q You need not state what the business was, but was there a misunderstanding?

A. Yes, sir; they told me that, if I didn't keep-----

The Court: You have answered the question. You say yes.

By Mr. McMahon:

Q Was it owing to that misunderstanding that you left the store? A. No, sir; it was about marrying this Christian young lady.

Q That was the commencement of it? A. Yes, sir.

Q When did your brother, Samuel, your father and you have a misunderstanding, if you had any?

A. About the business affair?

Q Explain it in your own way?

A. Do you mean in referance to 321 Pearl street?

Q I do not want you to state what you quarrelled about, but was there a quarrel between yourself and Samuel as to the mode of transacting business?

A. Yes, sir; about marrying this young lady. They came

49 to me----------

The Court: If there was, say so.

Q Was there any misunderstanding between your father and Samuel on the one hand and you upon the other, in relation to the business affairs in Pearl street? If there was not, say so; and, if there was, say yes?

A. You mean about that concern down there?

Q Did you ever have a misunderstanding with your brother and father on the one hand, and yourself on the other, in relation to any subject matter except that which you have stated, that is, your marriage?

A. Yes, sir; about the business, concerning 321 Pearl street.

By Mr. McMahon:

Q There was? A. Yes, sir.

Q Was that the reason you were forced from the business?

(Objected to)

Q Was that the reason you left the business? Was there a reason; and, if so, what was the cause? The time your brother put you out of the place, when was it?

A. That was in 1892. I was a partner in the business in 1887. I don't know whether they put me out in 1892 or not; I couldn't say.

Q You were not there in 1889; were you? A No, sir.

Q Then, if I understand you, Mr. Cohen, the checks which you drew was with your brother's consent? A. Yes, sir.

Q He was to permit you to draw $25 per week, provided you kept away from the store; is that true?

A. Yes, sir; that is the truth.

Q Now, you began to draw the checks when, do you remember, about? A. Yes, sir; in September, 1892.

50 Q And you continued until when? A. Until October, 1892,

the following month.

Q And you were arrested when? A. I was arrested in December -- do you mean on the last checks here?

Q Yes? A. I was arrested in October, 1893. The first arrest was December 18, 1892; and I was arrested in 1893, I think it was in October.

Q How long did you work for your father in that store, and in what capacity were you, during that time employed?

A. I worked for my father a good deal more than what the people have said. I have been with my father since the Chicago fire, I think it is 1871 or '72.

Q Did you receive a salary from him during that time?

A. Yes, sir.

Q You were with your father, then, from 1872 to 1890?

A. Up to 1889.

Q When was it your father told you you would commence to be a member of the firm? A. In the year 1887.

Q Was there any change made in the bill-heads of that firm?

A. No, sir; there was an agreement drawn up to that effect.

By the Court:

Q A written agreement? A. Yes, sir; a written agreement.

C r o s s E x a m i n a t i o n.

By Mr. MacDona:

Q Now, Cohen, isn't it the truth that you not only left your father's employment but left his house, without warning to him or a suggestion as to what you were going to do, and went off and got married? A. No, sir.

Q That is not true? A. No, sir.

51 Q Is it not true that the reason you were requested not to go

to the store in Pearl street was because that you had been caught till-tapping? A. I don't understand that language -- that is Bowery language to me.

By the Court:

Q You may answer it? A. I don't understand that language at all.

By Mr. MacDona:

Q You do not understand what I mean? A. No, sir.

Q Isn't it true that you were requested not to go around the store by your father and your brother for the reason that you had been detected in certain petty larcenies?

A. No, sir.

Q Isn't it true that your brother, Samuel, said to you, on the occasion when you started to California, "Now, John, all I want of you is to be an honest, decent man and support your wife. I will give you money to go to California, $75, to get there, and here is a letter of introduction to a man who will give you employment when you get there?"

A. He told me he sent a letter there; but I never seen it, no, sir.

Q You did not get as far as San Francisco? A. I didn't have the letter to go with; that is the size of it.

Q What were you discharged from Wechsler & Abraham's, in Brooklyn, for; what was the reason?

A. Because there was no proof there to hold me; that is the reason I was discharged; nobody came forward to say a word.

Q Don't you know, as matter of fact, what is the firm title of your father's and brother's concern?

A. What do you mean, "title?"

52 Q What is the name of the firm? A. Before I was in the bus-

iness?

Q No, no. At any time? A. Before I was in the business, it was Jacob Cohen & Son.

Q Don't you know that there is in existence an agreement between your brother and your father, dated in March, 1885, between Jacob Cohen and Samuel Cohen, agreeing to continue in business for five years, under the firm name of J. Cohen & Son? A. I was there when it was drawn up.

Q J. Cohen & Son, an agreement made between them?

A. Is that the agreement drawn in 1885?

Q Do you know it? A. No, sir.

Q You don't know that that was renewed? A. I know there was a renewed agreement in 1887; yes, sir.

Q Who was that between? A. That was between Jacob Cohen and Samuel Cohen and John Cohen.

Q Where is the paper? A. I suppose they have spirited it away; I suppose they had them in the safe. I didn't have the combination of the safe.

Q Where have you worked, and how much money have you earned since you left your father's employ?

A. How much money have I earned?

Q Yes? A. I earned considerable little; and I was bribed by a little, too, by my father.

Q So that all the money he gave you to help you along, you regarded in the light of bribery; is that right?

A. Yes, sir; he gave me money to keep my mouth shut concerning 321 Pearl street; he told me, if I mind my own business, and keep the affairs to myself-------

By the Court:

53 Q You have not answered how much? A. How much money?

By Mr. MacDona:

Q I asked you how much money you had earned since you left your father's employ?

A. I worked different times; I never kept tally of it; I couldn't exactly say.

By the Court:

Q How much per year? Give an estimate.

A. I would work may be two months, and lay off a month.

Q You cannot give any idea in figures about how much you earned?

A. No, sir; not exactly.

By Mr. MacDona:

Q Is it not the truth that nearly all the money you spent in your life, since you left yourfather's home andhis business, has beenprovided for you by your brother and father, whom you are now trying to traduce?

A. No, sir; my brother never gave me a cent.

Q The only thing he gave you was this magnificent privilege of signing his name to checks on his bank-account?

A. On my interest in the property belonging to me.

JACOB STEINET, sworn and examined, testified:

By Mr. McMahon:

Q Mr. Steinet, you reside in the city of New York?

A. Yes, sir.

Q Are you personally acquainted with this gentleman, Mr. Cohen?

A. I am.

Q Do you know where he has been residing previously?

A. Yes, sir.

Q Do you know what his reputation is in the community where he lives for honesty and good character?

THE COURT: Answer yes or no.

A. I don't know his character.

By the Court:

Q Do you know his reputation in the community in which he resides? A. No, sir.

By Mr. McMahon:

Q Do you know whether he has a good or bad character?

The Court: Answer yes or no.

A. As far as I know, it is good.

By the Court:

Q Do you know? A. Yes, sir.

By Mr. McMahon:

Q What is it? A. Good.

Q How long have you known him, Mr. Steinet?

A. Fifteenyears.

Q During that period of time have you ever known him to be charged with any offence, other than that which he seems now to be charged with and that of a year ago?

A. No, sir.

LABBIE PERRY, sworn and examined, testified:

By Mr. McMahon:

Q Are you the wife, madam, of Counsellor Lloyd Perry of this city? A. Yes, sir.

Q Are you acquainted with John Cohen? A. Yes, sir.

Q How long, madam, have you known him? A. I think about three years.

Q What has been your advantage in seeing and meeting him; what has been your impression as to his good or bad character?

(Objected to)

A. Good.

The Court: You may ask this witness if

she knows the defendant, if she knows other persons who know him, if she is acquainted with his character; and, if she says yes, you have laid a foundation to ask her what that character is.

By Mr. McMahon:

Q Madam, are you acquainted with this defendant?

A. Yes, sir.

Q Do you know what his character is for honesty and uprightness in the community where heresides?

The Court: Yes, or no?

A. Yes, sir.

By the Court:

Q Do you know other persons who know him? A. Yes, sir.

Q What is his character; good or bad? A. Good.

By Mr. McMahon:

Q You have heard his character discussed? A. Yes, sir.

Q What was the result of that discussion?

By the Court:

Q That is, upon your mind, as to his character being good or bad? A. Well, in relation to this trouble------

Q I do not want you to tell me what the trouble was. You tell us you heard a discussion. Did it leave an impression upon your mind that the defendant's character was good?

A. Yes, sir.

EMILY ROBINSON, sworn and examined, testified:

By Mr. McMahon:

Q Where do you live, Madam Robinson?

A. 123 East 116th street.

56 Q Are you acquainted with this defendant, John Cohen?

A. Yes, sir.

Q How long have you known John Cohen?

A. About three years.

Q What is his reputation, if you know it, in the community where he resides, for honesty and uprightness?

A. Very good, sir.

Q Does he reside in your house?

A. Yes, sir;he has.

Q I mean, did he reside there previous to his arrest?

A. Yes, sir.

Q How many years? A. Previous to his arrest, altogether about three years.

Q Then you had an opportunity, Madam, of seeing him daily?

A. I had.

Q Did that opportunity impress you with the uprightness of his character? A. Yes, sir; I couldn't be otherwise.

JOHN COHEN, THE DEFENDANT,being recalled by his counsel:

By Mr. McMahon:

Q I want to ask this defendant if he was ever arrested, if he was ever charged with a crime previous to his being charged with forgery in this connection?

A. You mean this last time?

By the Court:

Q Were you ever arrested or chargedwith any crime, counsel asks you, prior to this accusation in relation to these checks and that petty larceny to which you pleaded?

A. No, sir.

(The case closed.)

THE COURT'S CHARGE.

Judge Martine charged the Jury as follows:

Gentlemen of the Jury:

In this case, the last which it will be my duty to present to you during this term, the testimony has, perhaps, taken somewhat of a wide range, but, in discharging my sworn duty as the Presiding Judge of this Court, I have felt that it would be better so, in order that, whatever the outcome might be, we should all be satisfied that every opportunity had been afforded the respective sides of presenting their case as they best understood it, and to the end that we might reach a fair and just conclusion.

Now, gentlemen, you approach the final discharge of your duty in this court, and it is fair that I should say to you that this defendant is to be tried under the same rules and regulations which have governed the trial of every other defendant who has been brought to this bar. This inquiry has been set on foot to the end that you might

58 ascertain whether or not this defendant has been guilty of

a crime. If your conclusion shall honestly be that he has beenguilty of no crime, all must be satisfied that he should be discharged. But if, upon the other hand, your conclusion should be that there has been a willful and intentional infraction of law, to the extent of the crime of forgery, thenit would be a great strain of justice to tax your honest and just conclusion that any verdict should be rendered but that which your judgment dictated.

This defendant, gentlemen, as I have said, is tried under the same rules under which any other defendant should be tried. Because there is a brother upon the one hand, and a brother upon the other, the rule should not be different. The defendant comes here with the presumptions of law that attend every other defendant. He starts with the presumption of innocence, and that presumption continues with him until you shall say that it is over-borne by the evidence and stripped from him. He has also with him, at every stage of the case and in every question pertaining to the case, that doctrine of law which you have so often heard referred to, known as the doctrine of reason-

able doubt. Of course, where a reasonable doubt is entertained by the Jury, it is the defendant's property; and, when entertained, it should be promptly and cheerfully afforded him. But what is the doctrine of reasonable doubt? It is a doubt for which a jury can give a good and sufficient reason. It must be based on reason, and it must not be a factious doubt. It is a doubt which twelve men have a right to entertain, upon any given subject, after a full, fair, and impartial consideration of the evidence; and it is a doubt which exists in every case when the jury shall say that the evidence is not sufficient . If the evidence be satisfactory; that is, if the evidence has brought home to the minds of the jury a firm, honest conclusion and abiding faith that the case is made out by a preponderance of evidence, then the reasonable doubt has been swept out of the case, by reason of the fact that you have come to that other conclusion; because the two states of mind cannot exist at the same time, upon the same evidence. It is your duty to say whether or not this case has been made out to

60 your satisfaction, by a preponderance of evidence, and beyond

reasonable doubt, as I have defined reasonable doubt to you.

It is a fact in this case that the defendant has had the benefit of every privilege to which a defendant is entitled. He has had the benefit of counsel of his own choice, who has fairly and properly, and in a manner which has met the full approbation of the Court, contended at every step for the interest of his client. This is the first time that I have had the pleasure of meeting the gentleman who represents this defendant at the bar, but I think no one can justly say but that he has performed his duty in a manner which makes him an ornament of the profession of which he is a member; so that, coming as he does, new certainly to me, to this bar, it is only but just that I should welcome him to this court-room, and I shall say that it is my judgment that one who commits his case to his hands makes no error.

But counsels' belief and statement, as to what conclusion they have arrived at from the evidence, is not to govern you at all. What is to govern you is your belief, and the conclusion that you may arrive at fromthe

61 evidence in the case.

With what is this defendant charged? Of what is he accused? He is accused of forging a check for the payment of money, bearing date the 30th day of September, 1892, amounting to the sum of $22; and I care not if you come to the conclusion that he forged nine or twenty-nine other checks, if it be your conclusion, upon the evidence, that he did not forge this check in question, your duty would be a clear one, and that would be to acquit the defendant. He is not on trial here for forging anything whatever except the instrument named in the indictment. Yet there may have been some proof of some other checks which were claimed to have been forged; but they have come in only to aid and assist you in determining the main question, and as part of the entire transaction. So that you are to determine, Did John Cohen, by the making of this written instrument, dated the 30th of September, 1892, for the sum of $22., violate and infract the law. Did he, with intent to defraud -- because that is the essential element of forgery; it is not every false writing that is a forgery, but every false writing made with the intent to defraud, and that must be the underlying object in the mind of the person accused

before you can say, on the entire evidence, that crime has been committed. There must have been present in doing the act, the intention to defraud some human being.

What is forgery? A person is guilty of forgery in the second degree, which is the grade of crime charged against this defendant, who, with intent to defraud— and I say to you again, keep that in mind, for that must be proved, or there is no forgery--"forges an instrument or writing, being or purporting to be the act of another, by which a pecuniary demand or obligation is, or purports to be or to have been created, increased, discharged, or diminished, or in any way affected, or by which any rights or property whatever are, or purport to be or to have been created, transferred or conveyed, discharged, increased, or diminished or in any manner affected, by which false making, forging, letter or counterfeiting any person may be bound, affected or in any way injured in his person or property." That is the definition of forgery in the second degree, so far as it affects the case at bar.

In this case, the defendant is charged
63 with the forgery of a check, and I say to you that a check

is an instrument or writing, being or purporting to be, by which a pecuniary demand or obligation is, or purports to be or to have been created. So that is you shall say that the instrument was a check --it is for you to say, the instrument is there for your inspection--that it was the subject of a forgery, and that it was done with intent to defraud, the crime that has been committed, if you shall say that a crime has been committed, upon the whole evidence, would be the crime of forgery in the second degree.

The term "forgery" in late years, has come to have a very wide significance. Every person is guilty of forgery who makes a document purporting to be what in fact it is not, or who alters a document, without a uthority, in such a manner that, if the alteration had beenuthorized, it would have altered the effect of the document, who who introduces into a document, whileit is being drawn up, without authority, a matter which, so authorized, would have altered the effect of the document, or who signs the name of another, without authority. It is claimed here, upon the part of the Prosecution, that that is what this defendant did; and that is denied, upon the part of the defendant. It

is claimed that he signed this check, without authority. There is not any question made but that he signed it; nor is there any dispute that, after signing it, he made use of the document which he had so signed to obtain money. It is claimed that the act this defendant did was an infraction of the lawof this State, and was forgery in the second degree, it being claimed that it was done without authority.

The essence of the crime of forgery is the intent to defraud. Fraud and the intention to deceive constitute the chief ingredients of this crime. There must be an intention to defraud some person or some firm, and, of course, the firm includes every member of it; and I say to you in that connection that it is not necessary that any person should actually be defrauded. If a person prepared and issued a document with a bad heart, and with a wrongful intent, and actually accomplishes it, then the crime would be committed, even without having obtained money thereon.

Upon what is it that, on the one hand, the People claim that a clear case of forgery has been made out, and upon what is it that, on the other hand, with like firmness,

65 it is claimed before you that this defendant is guilty of

no crime, has done no wrong, is improperly accused, and should be discharged from the further burden of this accusation? That this is not the signature of Samuel Cohen, by his own hand, is conceded; you need have no trouble upon that point. That it is the signature of Samuel Cohen, by authorization, is claimed. One man can write a signature--I do not mean merely manually write the signature--of a person and it is as much his signature, if it be an authorized signature, as if it were made by himself. There is no question in the law about that; and if you shall say that, when this defendant wrote the name of Samuel Cohen at the bottom of this check, and if he did that authorized by his brother, Samuel Cohen, to do it, which was just as much the act of Samuel Cohen as if he had written it himself, the defendant is guilty of no crime, because no person can commit crime who would write a signature under those circumstances. If you come to that conclusion, you need not consider the case any further. But it is claimed that there is no proof in that respect; that it is a manufactured and made up defence, something brought in here to make a situation, and it is

66 for you to say just what you believe respecting the testi-

mony upon the part of the People, and the testimony upon the part of the defence.

There has been much testimony in relation to the estate of the deceased mother, and also as to an alleged claim--and it is for you to say whether justly or not--of the connection of this defendant with the firm of Jacob Cohen and Son; and it is claimed that this defendant had money coming to him from his mother's estate. All that has been placed before you, and you may give it such weight as you, in your own wisdom, think it is entitled to.

Samuel Cohen says that there was no authorization by him at any time for this defendant to sign his name. The defendant maintains that there was. You have a right to consider what people say; you cannot always be sure that what people say is correct, because they sometimes, unfortunately, do not tell the truth. You are the persons to determine where the truth lies. Samuel Cohen says that he never gave the defendant any authority to sign that which he says he signed, the name of Samuel; and when asking yourselves whether you believe what Samuel says in that regard,

67 you have a right to consider the entire testimony in the

case, and also the reasonableness and probability of such statement-- whether it is reasonable or probable that this man, Samuel Cohen, whom you have seen here in court, being desirous that this defendant should have money, $25 per week or any other sum--whether he said to him, "You, John Cohen," or however he may have addressed him, "When you need money, may draw to the extent of $25 a week, and you may sign my name to my check, which will be honored at my bank, because I will go there and tell them to payit when it comes." I do not know that I give, word for word, the actual language, but the effect of the language; and I say to you, gentlemen, correct me upon any question touching the testimony in the case that does not fully accord with your memory. You are bound to take what I say upon the law; but on questions of fact, no matter what I say, you will determine for yourselves.

As to whether that is reasonable and probable, you have a right to inquire, "Did sucha thing ever happen?" Strange things do happen, if you deem it strange or improbable or queer. You have a right to keep that in

68 mind. People do extraordinary things, sometimes. Was there

any such situation betweenthe two brothers? The defendant tells you that the authority was to draw checks for the amount of $25 per week. I say to you, as matter of law, if A shall authorize B to draw and sign a document in his name to the extent of $10, and he shall draw that document for $9, with the intention to defraud, he commits a forgery. For instance if you authorize a person to fill out a check for a hundred dollars, and he fills it out for ninety-nine dollars, and found afterward that he would not need the other dollar, that would not be any intent to defraud, and that would not make it a forgery; but if the authority had been given, and he determined to make it $105, and so procured the signature and added the other five dollars, with intent to defraud, that would be forgery within the law.

This defendant testifies that he had specific authority to do certain acts, to-wit, to draw checks at $25 per week. I will leave you to say whether he testified to any other authority to sign the name of Samuel Cohen; if he did, of course it is your duty to recollect and consider it. I have already told you that, if he had that

69 authority and drew those checks, there was no forgery in

drawing them. But if he had that authority and drew other checks, not included in the authority given, forgery was committed. You have a right to consider the check in question. It is for the sum of $22. You have a right to ask yourselves whether this check of $22 comes within the authority which the defendant testifies to having.

As I have said, there was much testimony in regard to the mother's estate, and some testimony in regard to the religion of the wife of this defendant; and I say to you that that testimony was admitted by me by reason of the fact that it appeared to me it would be fair to admit it on the question of motive which might actuate one of the witnesses for the prosecution, the defendant's brother. You need not consider it, if you do not believe it. Was this young man a member of the firm? That you can determine for yourselves, as a question of fact. If he was a member of the firm down to the year 1887 or 1889, what the time was that he testified to, and was not a member of the firm in 1892, when this check bears date, or at the time he drew it, that would not have any pertinency or bearing, except as a part of the whole story, on the question of motive.

Secondly, is it true when the defendant, or the wife, or both of them, I am not sure which, say that there was some feeling concerning the fact that this defendant had married a person not of his own faith? That is in dispute inthis case. If I recollect the testimony of Samuel Cohen, he denies it, while, upon the other hand, it is affirmed by the defendant or his wife, or both.

The main issue in this case is between the two people who are brothers. So far as the disputes between Samuel Cohen and this defendant are concerned, you have seen these people upon the witness-stand; and, while it is unfortunate that people of the same blood should be pitted against each other, that makes no difference. A brother has no right to commit a crime against a brother; and when you come to consider the testimony, while it is manifestly just that you should keep in mind the fact of the relationship that they bear to each other, you should at the same time keep in mind the fact that in all other respects they are to be judged simply as witnesses, and not because of any consanguinity between them. Look at the two men, their manner of telling the story, and the story that

they tell, and ask yourselves which one has impressed you with the belief that he told the truth; because there are these sharp conflicts in testimony, and you have to determine where the truth lies. You have a right to bring to your aid the way the story is told, and its inherent probability. Of course, if you shall say that perjury has been committed by anybody in this case, then you will have the right to reject the entire story that such a witness may tell -- because, if a person shall have willfully and knowingly sworn falsely before you, you have a right to say, "I would not believe anything he says." A person who commits perjury may tell the truth in part, and it is for you to say where the truthlies. You have seen Samuel Cohen on the witness-stand. Do you believe he is the character of person who would come into this court and willfully, intentionally and knowingly make a false statement upon this witness-stand, to the end that you might arrive at a false conclusion, and that he might pervert your judgment? If he did that, no word of counsel in accusation or in criticism could be too severe; if you believe that that is the situation,

72 no condemnation upon the part of the jury could be too

severe. If you think that is the situation, you have the right to look for the motive for his act? It is claimed by the learned counsel that the reason is that he may possess the property of this defendant by inheritance; that is the reason ascribed, and you shall say whether or not that is so.

That same rule applies to all the witnesses in the case. You saw John Cohen on the witness-stand. Do you believe that he, by reason of this accusation and the knowledge of its consequences, may have stated anything but the truth? Do you believe that he seeks to impress upon your mind that something is true which never was true? Did he do that knowingly and intentionally, to the end that he might escape the consequences of wrongful acts. If he testified to material facts in this case, knowing them to be false, then he is guilty of perjury and not Samuel. It is for you to say, and not for me.

There has been some testimony in this case of the previous good character of this defendant, and there has also been testimony of a previous conviction of

73 crime of this defendant, upon his own plea of guilty to-wit,

the crimeof petty larceny, a misdemeanor. Good character is a question of fact for the jury. A person has not a good character simply because somebody says so; it is for the jury, upon the whole case, to say whether they believe the character to be good or not. If they believe his character has heretofore been good, that may have and should have some weight in determining the question of reasonable doubt, because good character will sometimes allow a jury to say, certainly in doubtful cases will allow a jury to say, a doubt may exist.

In considering the story told by the defendant, and in considering his credibility, you have the right to take into consideration the fact that he has heretofore been convicted of crime. That comes under this rule: "A person of good reputation who may have his testimony pitted against that of a person who has been fairly and honestly convicted ofcrime, stands in a somewhat different position than the one who has been convicted." You are not to reject the story of a person who has been heretofore convicted, simply because he was convicted, but you have a right to consider that, in considering his credibility.

Gentlemen, I am going to allow this case to pass out of my hands into yours. Whatever the outcome of this case may be, I am satisfied from my acquaintance in this court with you, during the past two weeks, that you will perform your duty as you understand it. If thecase has not been made out, you will not have any hesitation in saying so, if that is your judgment. If there is a reasonable doubt in the case, I am will not hesitate to accord it to this defendant; and if, when you come finally to consider the evidence in the case, it leaves in your minds that firm, honest, and abiding faith that wrong has been done, and that the defendant at the bar did it, you will not hesitate to do that which you said you would do when you took your oaths in the jury box, to determine the case upon the evidence. If you are satisfied that this defendant did a wrongful act when he signed this name to this $42 check, you will have upon the entire evidence to say whether you believe him to be guilty or not of forgery in the second degree.

You will find the defendant guilty or not guilty of forgery in the second degree.

75 The Jury rendered a verdict of GUILTY.

Friday, February 2, 1894.

JOHN COHEN was arraigned at the bar for sentence:

THE DEFENDANT: I have been convicted on an innocent charge, your Honor.

THE COURT: You state that to me now, and I do not believe you; your own testimony convicted you. Any man who will come into court and tell the jury that he had authority to sign checks for $25 a week, and then sign another, and say he is innocent -- it is ridiculous. You must have very little regard for the truth.

MR. McMAHON: I think that the most sincere advocate of justice could not find fault with what transpired between the People of New York and the defendant at the bar. There is a wide and expansive power given, as there should be and must always be, in a court such as that over which your Honor presides. I have had some experience, in an humble way, in my profession, and I must say that in connection with this case your Honor has ruled accurately and decided questions of law in accordance with the strictest principle of human justice. Had your Honor refused to set aside the plea, when application was made, there might have remained a doubt, perhaps, in both your Honor's mind and in the minds of those who heard the application pushed forward; but your Honor, granting the motion, removed forever the question of doubt.

This case has been fairly and squarely and honestly tried. In my humble way, I have done what I

could with the weapons in my power, to exculpate this man from the accusation under which he then and now labors, every legal remedy having failed in my weak hands. Perhaps, had they been in the hands of a better and more experienced advocate, this man might not now be standing for judgment. There is no rule of law that I am familiar with that I could invoke to either set aside or in any way soften the accusation under which this defendant labors, and I am pushed to the last remedy; that is, appealing to the eternal of everlasting justice, that which the law in its wisdom has declared may exist in those into whose hands they give the chalice of mercy.

I now appeal to your Honor in a noble way, not in a sycophant way, but in that way to appeal to your Honor in the spirit of our laws, the genius of our institutions, and ask you to decide between the People and this man in that merciful way in which your Honor has always decided matters of like character. I trust, when you come to review the case again, you will make a fair, honest, equitable, and merciful deliverance between this man and the People of New York.

THE COURT: If there ever was a case in which there was no escape, even if there had been a desire on the part of the jury to escape from the conclusion that guilt was present, yours was the one. If there had been any doubt upon the main testimony, your evidence supplied that which was lacking. There was not any question but that you signed the name of your brother, because you conceded that; and there was no question but that

77 you did it wrongfully, and to the end that you might

profit thereby. You did profit by it; you got that check cashed.

Since you left your father's place, where you were employed -- I do not believe there ever was a co-partnership or agreement, I do not believe you were ever a member of that firm; you lied, and you knew you did when you said so -- your family has had a very great deal of trouble with you. Whileit is not very often we see, in this court, brother arrayed against brother, there does come a time when every brotherly affection, which is supposed to exist in every human breast, must cease; when the one to whom that brotherly feeling should go out naturally, by his conduct, compels them to withdraw their help. Your family thought, in view of all the circumstances, in view of what you had been doing, that a new life, new scenes, might be well for you, and I have no doubt they endeavored to get you to go to another city and start anew; and, if I am correctly informed, they furnished you with money. They got you a ticket for Chicago, and made some arrangement for you living there-- I do not know exactly what it was. You got as far as Newark, and returned to New York, and you realised some money on that ticket. They made arrangements for you to go to San Francisco, and got tickets for yourself and wife, gave you $75 in cash, and sent a letter forward to enable you to get employment. You got as far as Chicago, went to the Fair, saw the sights and came back. You have been constantly annoying your father -- that old gentleman was annoyed by you, his off-spring. When you made the statement upon the stand that the money you receiv-

ed from your father was bribe money, I made up my mind that a fellow who would talk that way of his father was pretty bad at heart.

I am very glad I allowed this motion to prevail to set aside your plea. I made up my mind, when you pleaded, to send you for a short time to the Penitentiary. You have taken yourself from the Penitentiary by your own act. I saw what transpired at this bar when you pleaded guilty. You knew you had not any right to sign that check; you are intelligent enough to know it. You came to the conclusion that you would rather hear the evidence. Although your application was not made in good faith, I felt in the interest of fairness and justice it ought to be granted, and it was. So far as I believe, you were rightly advised by Mr. Heinzleman, who then represented you. He advised you correctly, and this result shows that he did. He is the one who procured Mrs. Schaffner to go bail. Mrs. Schaffner is a woman for whom I have the highest regard. I have not a doubt about her integrity and good heart. Her good heart sometimes allows her to take up cases which, in my judgment, she is not justified in taking up.

You are a son of decent parents, and have been convicted of forgery in the second degree. I am going to keep in mind that the forgery was a small one. I am not going to punish you for those other forgeries; I am going to punish you for this one.

The sentence of the Court is that you be confined in the State Prison for the period of two years and eleven months.

Testimony in the
Case of
John Cohen
filed
Dec
1893

1063

1064

No. Era New York, Sept 30 1892

Signature Incorrect

The Chatham National Bank,

Pay to the order of _____ Dollars,

$ _____

1065

Transcript [illegible]

[illegible]

Mr D E [illegible]

By

Frank [illegible]

Frank [illegible]

1066

No. [illegible]

New York, October 8 1892

The Chatham National Bank,

Pay to the order of [illegible] Dollars,

[illegible]

$ [illegible]

Signature required!

Samuel Ford
D
Morrisville Vtt.

1068

No. [illegible] New York, October [illegible] 189[illegible]

Signature correct!

The Chatham National Bank,

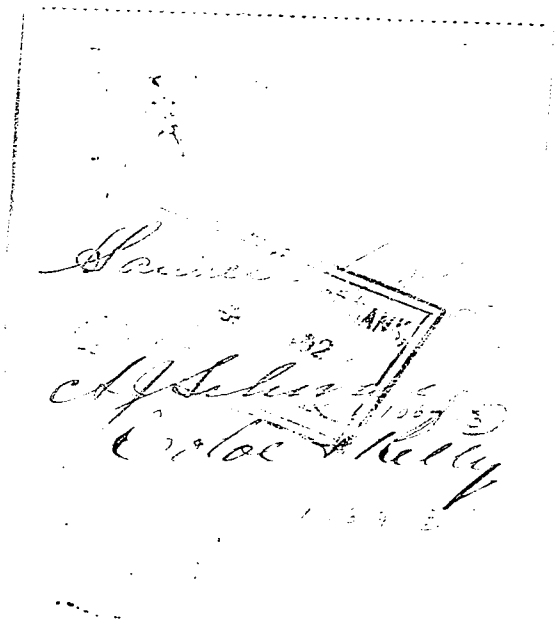
Pay to the order of [illegible] Dollars,

[illegible]

$ [illegible]

[illegible] Savings

1069



No. [illegible] New York, October 6 1895

The Chatham National Bank,

Pay to the order of [illegible]

[illegible] Dollars,

$ [illegible]

Signature required

[illegible]

1071

Oliver Fletcher

P. E. 7

People

vs

John Cohen

City and County of New York ss.

Samuel Cohen being duly sworn deposes and says: Prior to the transactions upon which the indictments herein took place, I had paid checks of like character made by my brother, and as he informs me and as I believe it was in reliance thereon and upon our family relations that he issued those checks. As this case stands, the responsibility for the prosecution rests upon my repudiation of checks similar to ones I had previously honored, and for the sake of my father and family and the pain I would ever afterwards feel if I should be the cause of my brother's imprisonment I request leniency in this case.

Sworn to before me this 14 day of February 1893

Samuel Cohen

Henry W. Unger
Notary Public N.Y.C.

Geo

John Cohen

Affdt of Samuel Cohen

1014

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS
John Cohen

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.

The checks given to me by the defendant were in the course of a business transaction, and I had like business with the defendant before where I received payment by check which was made good, it being understood that Samuel Cohen whose name was used would pay the same, and the defendant is respectably connected, has never before, as I am informed, been convicted of any offense.

Chas. Flack

1075

United States of America, State of New York, City and County of New York. } ss:

On the 5th day of Oct 189 2

at the request of the NINETEENTH WARD BANK, I, LOUIS H. HOLLOWAY, a Notary Public of the State of New York, duly commissioned and sworn, did present the original Check hereunto annexed, to Chatham National Bank and demanded payment who refused to pay the same signature incorrect

Whereupon I, the said Notary, at the request aforesaid, did Protest, and by these presents do publicly and solemnly Protest, as well against the Drawer and Endorsers of the said Check as against all others whom it doth or may concern for exchange, re-exchange and all costs, damages and interest already incurred, and to be hereafter incurred for want of payment of the same.

Thus done and Protested in the City of New York, aforesaid, in the presence of John Doe and Richard Roe, witnesses.

IN TESTIMONIUM VERITATIS,

L H Holloway

Notary Public.

United States of America, State New York, City and County of New York, } ss.

I, LOUIS H. HOLLOWAY, a Notary Public of the State of New York, duly commissioned and sworn, do hereby certify that on the 5th day of Oct 189 2 Notice of the Protest of the above mentioned Check was served upon

Saml Cohen	addressed:	321 Pearl St
John Cohen	"	1067 3 ave
A J Schram	"	1067 3 ave
Chas Kelly	"	1069 3 ave
G Mundorbach	"	Neb
	"	
	"	

by putting the same into the post-office, or letter box, each of said places being the reputed residence or offices of the persons above mentioned, and postage prepaid.

L H Holloway

Samuel Cohen

FOR

1st Ward Bank

New York, Oct 18th 1892

Protest, $ 10.

Fee, 1.31

11.31

Holloway

LOUIS H. HOLLOWAY,

Notary.

1077

Police Court, 1 **District.** (1353)

City and County of New York, } ss.

Adolph Glick

of No. 223 Grand Street, aged 29 years,

occupation Gent's Furnishing being duly sworn, deposes and says,

that on the first 6 day of October 1892 at the City of New York, in the County of New York John Cohen did with intent to defraud, gave to deponent the annexed check representing the same to be good and received therefore eighteen dollars good and lawful money of the United States. Deponent further says that he presented the said check which is signed "Samuel Cohen" to his bank and it was returned to him marked "Signature forged". Deponent is further informed by Samuel Cohen that the signature Samuel Cohen on said check is a forgery. Wherefore deponent charges the said John Cohen with feloniously making forging and uttering said check with intent to defraud -

Adolf Glick

Sworn to before me this 20th day of October 1892 }

W. Mitchell

Police Justice

1078

Sec. 198—200.

1882

1 District Police Court.

City and County of New York, ss:

John Cohen 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 a charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. John Cohen

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. United States

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

Answer. 509 East 89th Street 6 mos

Question. What is your business or profession?

Answer. Speculator

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

Taken before me this 15 *day of* October 1882

W. D. Wanhen

Police Justice.

COURT OF GENERAL SESSIONS

FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

- against -

J O H N C O H E N

PLEASE TAKE NOTICE that upon two affidavits, copies of which are herewith served upon you, the undersigned will move this Court, in Part I of said Court, at 11 o' clock in the forenoon of the 26th day of January, 1894, or as soon thereafter as counsel can be heard, for an order arresting judgment in the above entitled action, and that defendant be allowed to withdraw his plea of guilty, and plead not guilty to the charges made against him, and for such other and further relief and orders as the Court may deem necessary in the premises.

Lovin Andrews
Attorney for Defendant

COURT OF GENERAL SESSIONS

FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK - against - J O H N C O H E N	

CITY, COUNTY AND STATE OF NEW YORK : SS .

JOHN COHEN, being duly sworn, deposes and says: that on the 22nd day of January, 1904, he was arraigned before the Hon. Randolph B. Martine, Judge of this Court on a charge of Forgery.

I. That at the time of his arraignment on the charge aforesaid, deponent was represented by one John R. Heinzelman, attorney-at-law, and that although he had on several occasions previous to said arraignment, and at that time, declared to the said Heinzelman his innocence, nevertheless the said Heinzelman advised deponent to plead guilty, declaring to deponent in the presence of deponent's wife, (a copy of whose affidavit is annexed hereto) that if he (deponent) should plead, he would be convicted and sent to prison for a number of years; but that if he (deponent) did as he (Heinzelman) advised him, to wit: plead guilty, he (Heinzelman) would have deponent paroled on his own recognizance. That owing to the representations of the said Heinzelman, deponent, though innocent, plead guilty.

II. That deponent is not guilty either in fact or in law for at the time deponent is charged with having committed the crime of larceny, he was then and now is a member of the co-partnership of Jacob Cohen & Sons, and had full authority to sign the firm's name on all checks, and that he has a good and valid defence to the charges made against him.

WHEREFORE, deponent prays that this his motion in arrest of judgment be sustained, and that he be permitted to withdraw his plea of "guilty" and plead to said indictment "not guilty"; and prays for all such other and further relief and orders as the Court may deem necessary in the premises.

Sworn to before me, this :
25th day of January, 1894 :

John Cohen

Lorrin Andrews
Notary Public Kings Co.
Cert. filed in New York Co.

COURT OF GENERAL SESSIONS

FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

- against -

J O H N C O H E N

CITY AND COUNTY OF NEW YORK : ss.

CARRIE COHEN, being duly sworn, deposes and says: that she is the wife of the defendant mentioned in the fore going affidavit, that she has read the said affidavit and knows the contents thereof; that the same is true to her knowledge, except as to those matters declared to be alleged on information and belief, and as to those matters she believes it to be true.

Sworn to before me, this
25th day of January 1894

Carrie Cohen

Lorin Andrews
Notary Public Kings Co.
Cert. filed in New York Co.

Court of General Sessions

The People

against

John Cohen

Notice of Motion and Affidavits

LORRIN ANDREWS,

Attorney for Deft.

44 BROADWAY,

NEW YORK.

4759 John Polhemus Printing Co., 121 Fulton St., N. Y.

1084

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS
John Cohen

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.

This defendant is respectably connected, and, I am informed, has never before been convicted of any offense.

Peter Smith

1085

CITY AND COUNTY OF NEW YORK, } ss.

Samuel Cohen

aged 40 years, occupation Insurance of No. 321 Pearl Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Adolph Glick and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 20 *day of* Oct 1892 } Samuel Cohen

W. J. Mitchell

Police Justice.

COURT OF GENERAL SESSIONS

FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

- against -

J O H N C O H E N

CITY, COUNTY AND STATE OF NEW YORK : SS.

JOHN COHEN, being duly sworn, deposes and says: that on the 22nd day of January, 1934, he was arraigned before the Hon. Randolph B. Martine, Judge of this Court on a charge of Forgery.

I. That at the time of his arraignment on the charge aforesaid, deponent was represented by one John R. Heinzelman, attorney-at-law, and that although he had on several occasions previous to said arraignment, and at that time, declared to the said Heinzelman his innocence, nevertheless the said Heinzelman advised deponent to plead guilty, declaring to deponent in the presence of deponent's wife, (a copy of whose affidavit is hereto annexed) that if he (deponent) stood trial, he would be convicted and sent to prison for a number of years; but that if he (deponent) did as he (Heinzelman) advised him, to wit: plead guilty, he (Heinzelman) would have deponent paroled on his own recognizance. That owing to the representations of the said Heinzelman, deponent, though innocent, plead guilty.

II. That deponent is not guilty either in fact or in law for at the time deponent is charged with having committed the crime of forgery, he was then and now is a member of the co-partnership of Jacob Cohen & Sons, and had full authority to sign the firm's name on all checks, and that he has a good and valid defence to the charges made against him.

W H E R E F O R E he prays that this his motion in arrest of judgment be maintained, and that he be permitted to withdraw his plea of "guilty" and plead to said indictment "not guilty"; and prays for all such other and further relief and orders as the Court may deem necessary in the premises.

Sworn to before me, this : John Cohen
25th day of January, 1924 :

Lorin Andrews
Notary Public Kings Co.
Cert. filed in New York Co.

COURT OF GENERAL SESSIONS

FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

- against -

J O H N C O H E N

CITY AND COUNTY OF NEW YORK : SS.

CARRIE COHEN, being duly sworn, deposes and says: that she is the wife of the defendant mentioned in the foregoing affidavit, that she has read the said affidavit and knows the contents thereof; that the same is true to her knowledge, except as to those matters declared to be alleged on information and belief, and as to those matters she believes it to be true.

Carrie Cohen

Sworn to before me, this :
25th day of January 1894 :

Louis Andrews
Notary Public Kings Co.
Cert. filed in New York Co.

Court of General Sessions

The People of the State of New York.

against

John Cohen

(Copies)

Affidavits ~~and Affidavits~~

Filed Aug 7 1866

LORRIN ANDREWS,

Attorney for Defendant.

~~[illegible] BROADWAY~~

25 CHAMBERS STREET,

NEW YORK.

4751 John Polhemus Printing Co., 121 Fulton St., N. Y.

1090

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 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, Dec 15 1892 [illegible] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named

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

Dated, 189 Police Justice.

W. 1580.

133

Police Court--1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adolph Glick
305 Grand St

1 John Cohen
2
3
4

Offense Larceny

Dated, Oct 18 1892

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 300 to answer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

1042

Police Court 1 District. Affidavit—Larceny.

City and County of New York, } ss:

Jonathan W. Cram

of No. 280 Broadway Street, aged 48 years, occupation Detective being duly sworn, deposes and says, that on the 2 day of December 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz: Twenty dollars good and lawful money of the United States $20 —

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 John Cohen for the reason that on said date Deponent gave the defendant the said sum of money and defendant was to get a rail road ticket for ~~to~~ Deponent to Chicago and return the said ticket to Deponent together with what money might be left of the twenty dollars. Deponent swears that the defendant never returned to his office, neither did he give Deponent the ticket aforesaid or any part of the aforesaid twenty dollars. Therefore Deponent charges the defendant with larceny and prays that he be arrested and held to answer.

J W Cornwell

Sworn to before me, this 2 day of Dec 1892

Police Justice.

4759

1049

Sec. 198—200.

1882

1 District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. John Cohen

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. United States

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

Answer. 509 East 89th Street. 6 months

Question. What is your business or profession?

Answer. Speculator

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 Cohen

Taken before me this 10 *day of* December *189* 2

D. Wheeler

Police Justice.

1094

1847

Sec. 151.

Police Court 1 **District.**

CITY AND COUNTY OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Jonathan W. Cohen of No. 280 Broadway Street, that on the 3 day of Dec 1892 at the City of New York, in the County of New York, the following article, to wit:

Twenty dollars good and lawful money of the United States

of the value of Twenty Dollars, the property of Jonathan W. Cohen was taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by John Cohen

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen*, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 13 *day of* Dec 1892

D. M. Mathews POLICE JUSTICE.

1095

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

.....

Warrant—Larceny.

Dated Dec 12 *189* 2

McMahon *Magistrate.*

Duglish *Officer.*

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

Patrick Duglin *Officer.*

Dated Dec 15 *189* 2

This Warrant may be executed on Sunday or at night.

W B McMahon *Police Justice.*

35
N
Ne
Canvass
M
Ys
5 09 E 89 '81

08 3 94

1096

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 Three 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, New York 189 . [illegible] Police Justice.

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

Dated, ... 189 ..... Police Justice.

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

Dated, ... 189 ..... Police Justice.

1097

1580
1334

Police Court--- 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jonathan W. Crane
280 Broadway

vs.

1 John Cohen
2
3
4

Offense Larceny

Dated, Dec 15 1892

W. A. Magistrate.

Geoghegan Officer.

Court Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer

$500 bail & Dec 13 - 2 P.M.

C

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

1048

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 Cohen

The Grand Jury of the City and County of New York, by this indictment, accuse John Cohen of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

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

No. 975 New York, October 6 1892

The Chatham National Bank,

Pay to the order of John Cohen

Eighteen ——— Dollars,

$18 00/100 Samuel Cohen

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 Cohen

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

The said John Cohen,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

No. 975 New York, October 6 1892

The Chatham National Bank,

Pay to the order of John Cohen

Eighteen ——— Dollars,

$ x 18 x/100 Samuel Cohen

the said John Cohen

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.

Witnesses:

Adolph Gleich

On consent of Dist. Atty. Bail fixed on 3 indicts. at $2500. RBM

Jan. 10/93

Part I

Feb 20 1893

For the same reasons, endorsed on another indictment, of even date with this, for a similar crime against this deft, I recommend that this indictment be dismissed

H. D. Macdona
Asst

235

Counsel,

Filed 20 day of Dec 1893

Pleads, Not guilty

THE PEOPLE

vs.

John Cohen
(3 cases)

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Herman Oelrichs
Feby 5/93
Foreman.

Indictment
Dismissed

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, [illegible] 189 [illegible] Police Justice.

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

Dated, ... 189 ..... Police Justice.

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

Dated, ... 189 ..... Police Justice.

1102

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

Dated, [illegible] *189* [illegible] *Police Justice.*

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

to bail to answer by the undertaking hereto annexed.

Dated, ... *189* ..... *Police Justice.*

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

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

Dated, ... *189* ..... *Police Justice.*

1103

1580

1334

Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Peter Brandt
451 Bowery

vs.

1 John Cohen

2

3

4

Offense Petit Larceny

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated, March 5 189 2

M. Cohen Magistrate.

Officer.

Precinct.

Witnesses Samuel Cohen

No. 321 Pearl Street.

No. Street.

No. Street.

$ 1000 to answer G. S.

(1365)

Police Court— 1 District. **Affidavit—Larceny.**

City and County of New York, } ss.

Peter Smith

of No. 131 Bowery Street, aged 24 years, occupation Jewelry Peddler being duly sworn, deposes and says, that on the 17th day of September 189 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 Seal Pin of the value of Five Dollars
Gold and Cameo Finger Ring of the value of Twenty Dollars
Together of the value of Twenty five Dollars

the property of in the Care and custody 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 John Doe for the reasons following, on the said day said deponent came to deponent's place of business and purchased of deponent the aforedescribed pin and gave him the check herein mentioned and annexed Exh A in payment thereof and signed by Samuel Cohen and said deponent then he was short of money and that the check Exh A was perfectly good and that said deponent thereupon gave the price of the said pin and of said check and gave him the balance in cash as he wished to purchase some other goods, and

Sworn to before me, this 17th day of September 189

Police Justice.

on the 27th day of September 1892 the said check was returned to deponent as "Signature incorrect." Deponent is informed by Samuel Cohen of 321 Pearl St. that he has an account with the Chatham National Bank and that the signature thereto is a forgery and not his. Deponent is informed by Morton T. Robinson a police officer of 300 Mulberry St. that on the 21st day of September 1892 he went to the Chatham National Bank on which said check was drawn and was informed by the paying teller of said Bank there was a person ~~in said~~ having an account with said bank by the name of S. Mohr but only one person by the name of "Samuel Cohen." Deponent therefore charges said defendant with the larceny of the said property.

21
September
D. Robinson

J. Ver Smith

CITY AND COUNTY OF NEW YORK, } ss.

Samuel Cohen

aged 40 years, occupation Insurance of No. 341 Pearl Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Peter Smith and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 21 *day of* September 1889

Samuel Cohen

D. D. McSweeney

Police Justice.

1107

CITY AND COUNTY OF NEW YORK, } ss.

Martin T Robinson

aged 35 years, occupation Police officer of No. 300 Mulberry Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Peter Smith and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 21 *day of* September 188[illegible]

Martin T Robinson

[illegible]

Police Justice.

1108

Sec. 198—200.

1882

1 District Police Court.

City and County of New York, ss:

John Cohen 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 a charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. John Cohen

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. United States

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

Answer. 509 E 89th Street 6 months

Question. What is your business or profession?

Answer. Speculator

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 Cohen

Taken before me this 15 *day of* December *1882*

[illegible]

Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Cohen

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

The said John Cohen

late of the City of New York, in the County of New York aforesaid, on the 3rd day of December in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

the sum of twenty dollars in money, lawful money of the United States of America, and of the value of twenty dollars

of the goods, chattels and personal property of one Jonathan W. Carson

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

Second COUNT—

AND THE GRAND JURY AFORESAID, by this Indictment, further accuse the said John Cohen of the same CRIME OF Petit LARCENY, committed as follows:

The said John Cohen, late of the City of New York, in the County of New York aforesaid, on the third day of December in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, being then and there the bailee of Jonathan W. Carson and as such bailee then and there having in his possession, custody and control certain goods, chattels and personal property of the said Jonathan W. Carson the true owner thereof, to wit: the sum of twenty dollars in money, lawful money of the United States of America, and of the value of twenty dollars,

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said sum of money to his own use, with intent to deprive and defraud the said Jonathan W. Carson of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Jonathan W. Carson did then and there and thereby feloniously steal, 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.

Police Court, 1 **District.** (1358)

City and County of New York, } ss.

William H. Rouse

of No. 15 Catharine Street, aged 48 years,

occupation Baker being duly sworn, deposes and says,

that on the 30th day of September 1893 at the City of New York, in the County of New York

John Cohen did unlawfully and feloniously utter forge and utter and counterfeit the signature of one Samuel Cohen to a cheque hereto annexed and marked Ex A. for the reasons following to wit On the 30th day of September 1892 said defendant came to deponents place of business aforesaid and stated to deponent that he had a check which was perfectly good and asked deponent to cash the same which he did; relying upon the representation of said defendant that the signature to said check was genuine and said check perfectly good; That said check was deposited to deponents account in the Bowery Bank of New York and the same was returned to deponent as "Signature Incorrect." Deponent further says he is informed by Samuel Cohen whose signature is annexed to said Ex A. that on the aforesaid day he had no account with the Chatham National Bank. and that the signature to said check is not his signature but is a forgery and that he never signed or made the said check, or authorized any person to sign or make said check deponent therefore charges said defendant

with wilfully & feloniously
drawing made, uttered and
counterfeited said Ex A. and
with the forgery thereof

Sworn to before me 1873
this 22d day of September

W. H. Parsons

Justice of the Peace

CITY AND COUNTY OF NEW YORK, } ss.

Samuel Cohen

aged 41 years, occupation Insurance of No. 321 Pearl Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Herman D. Rauren and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me this, 29th day of September 1893 } Samuel Cohen

Herman D. Hunter
Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Cohen

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. United States

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

Answer. 123 E. 116th Street 6 mos

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 and I deny and say I explanation

John Cohen

Taken before me this 3rd *day of* December *1893*

Police Justice.

Sec. 151.

Police Court 1 **District.**

CITY AND COUNTY OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath has been made before the undersigned, one of the *Police Justices* for the City of New York, by William H. Raymond of No. 15 Cathaum Street, that on the 30 day of September 189 2 at the City of New York, in the County of New York,

on John Cohen did commit the Crime of Forgery

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen*, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the DISTRICT POLICE COURT in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 22 *day of* October 189 2

William Meyer *Police Justice.*

1893

Duplicate

1116

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

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

Dated, Nov 17 *189* 3 Commed *Police Justice.*

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

Dated, Nov 17 *189* 3 Commed *Police Justice.*

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

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

Dated, ... *189* ..... *Police Justice.*

1881

Presiding Justice hear and determine the within case in my absence

Police Justice

BAILED,

No. 1, by Ernestine Schaffner

Residence 70-W-50 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

W 300 / 1223

Police Court--- / District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William H. Reynolds
15 Catherine
John Cohen
2
3
4

Offense Larceny

Dated, Oct 8 1893

Meade Magistrate.

Heidelberg Officer.

6 Precinct.

Witnesses Samuel Cohen

No. 321 Pearl St Street.

No. Street.

RECEIVED. NOV 20 1893 DISTRICT ATTORNEY

No. Street.

$ 1000 to answer G.S.

Bailed

B.

1000 Ef Nov 17. 2 Days

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 Cohen

The Grand Jury of the City and County of New York, by this indictment, accuse John Cohen of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said John Cohen

late of the City of New York, in the County of New York aforesaid, on the 17th day of September in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with intent to defraud, feloniously did forge a certain instrument and writing, which said forged instrument and writing is as follows, that is to say:

No. 897 New York, Sept 17 1892

The Chatham National Bank,

Pay to the order of John Cohen

Twenty Two — Dollars,

$ 22.00/100 Samuel Cohen

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 Cohen

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

The said John Cohen,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

No. 897 New York, Sept 17 / 89

The Chatham National Bank,

Pay to the order of John Cohen

Twenty Two — Dollars.

$ x 22 00/100 Samuel Cohen

the said John Cohen

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.

1120

BOX:
504

FOLDER:
4598

DESCRIPTION:
Coleman, John

DATE:
12/02/92

4598

548

Witnesses:

Offe Hesnau 25th

Counsel,

Filed, 2 day of Dec 1892

Pleads, Guilty

THE PEOPLE

vs.

B

John Coleman

VIOLATION OF THE EXCISE LAW, selling, etc., on Sunday, [Chap. 401, Laws of 1892, § 32.]

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

Part 2 Jan 23 1893

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Foreman

Foreman.

1122

2967

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 Coleman

The Grand Jury of the City and County of New York, by this indictment, accuse John Coleman of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said John Coleman

late of the City of New York, in the County of New York aforesaid, on the 14th day of August in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said John Coleman of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said John Coleman

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

and to certain other persons whose ~~names are to the Grand Jury aforesaid unknown~~ Jacob Grand Jury Coleman, 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.

1123

BOX:
504

FOLDER:
4598

DESCRIPTION:
Colgan, James

DATE:
12/01/92

4598

461

Witnesses:

Offe Fraser, 21st

Counsel,

Filed, 1st day of Decr 1893

Pleads, Not guilty 1st

THE PEOPLE

vs.

B

James Colgan

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32].

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

John E. Poillon

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

Foreman.

Paris 8 M. Nov. 7th 1893.

1125

1997

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 Colgan

The Grand Jury of the City and County of New York, by this indictment, accuse James Colgan of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said James Colgan

late of the City of New York, in the County of New York aforesaid, on the 16th day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said James Colgan of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said James Colgan

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

William S. Fraser

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

DE LANCEY NICOLL

District Attorney.

1126

BOX:
504

FOLDER:
4598

DESCRIPTION:
Coling, Benjamin H.

DATE:
12/06/92

4598

#17

Witnesses:

Louisa Labro

Counsel, ...

Filed, 6 day of Dec 1892

Pleads, ...

THE PEOPLE

vs.

Benjamin H. Colins

INJURY TO PROPERTY.
[Section 654, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Hermann Oelrichs
Foreman.

Dec 7/92

Pleads Guilty

Fex 1 mo

RSM,

1128

Police Court, 6th District.

City and County of New York, } ss.

Louise Lalro

of No. Jerome Avenue & 173rd Street, aged 39 years, occupation Saloon being duly sworn, deposes and says, that on the 3rd day of December 1892, at the City of New York, in the County of New York, Benjamin H. Cooling (now here) did wilfully and maliciously destroy two panes of glass of the value of twenty-five dollars each together of the value of Fifty dollars - that prior to the commission of said offense, said panes of glass were contained in the store windows of deponents premises situated on Jerome Avenue & 173rd Street - and deponent saw the said defendant cast and throw from his hands two stones one at each window thereby destroying each pane of glass in each window - deponent therefore prays that the said defendant may be held and dealt with as the law directs

Sworn to before me this 4th day of December 1892

Louise Lalro.

John R. Voorhis
Police Justice

1124

Sec. 198—200.

Ottc District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Benjamin H. Coling 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. Benjamin H. Coling

Question. How old are you?

Answer. 52 years -

Question. Where were you born?

Answer. New York city -

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

Answer. Jerome Ave & 173 St ! 8 years

Question. What is your business or profession?

Answer. Hootler

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

Answer. I am guilty of the charge
Benj. H. Coling

Taken before me this 4th day of December 1892

John R. Woods

Police Justice.

1130

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 December 4th 1892 John [illegible] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 18 Police Justice.

There being no sufficient cause to believe the within named

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

Dated 18 Police Justice.

1515

Police Court--- 6th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louisa Labro
Jerome Ave & 173d St

1 Benjamin H. Colwing
2
3
4

Offence Malicious Mischief
Felony

Dated December 4th 1892

Goodwin Magistrate.

Michael Lobes Officer.

31st Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer GS

Case

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Benjamin N. Coling

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

Benjamin N. Coling

of the CRIME OF UNLAWFULLY AND WILFULLY destroying PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said Benjamin N. Coling

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

two panes of plate glass

of the value of twenty-five dollars each of the goods, chattels and personal property of one Louise Labro then and there being, then and there feloniously did unlawfully and wilfully break and destroy;

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.

1133

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said Benjamin N. Coling of the CRIME OF UNLAWFULLY AND WILFULLY destroying REAL PROPERTY OF ANOTHER, committed as follows:

The said Benjamin N. Coling, 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,

two panes of plate glass

of the value of ~~fifty~~ twenty-five dollars each, in, and forming part and parcel of the realty of a certain building of one Louisa Labro there situate, of the real property of the said Louisa Labro then and there feloniously did unlawfully and wilfully break and destroy;

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.

1134

BOX:
504

FOLDER:
4598

DESCRIPTION:
Collins, James

DATE:
12/13/92

4598

Witnesses:

August Stalb

Counsel, Schneider

Filed 13 day of Dec 1892

Pleads, Mentally ill, not guilty by 14

42 4 Remington 01 Lindsmith

THE PEOPLE

vs.

James Collins

Grand Larceny, Second Degree.
[Sections 528, 531, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

H Hermann Oelrichs

Part 2 – Dec. 19, 1892 *Foreman.*

Plead Petit Larceny

J. Mortimer Ker, Jr.

1136

Police Court 2nd District. Affidavit—Larceny.

City and County of New York, } ss:

August Hultzig

of No. 488 - 9 Avenue Street, aged 31 years, occupation Tin Roofer being duly sworn, deposes and says, that on the 13 day of June 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

A quantity of tin-smiths tools of the amount and value of thirty five dollars ($35.00)

The property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried ~~away~~ by James Collins (now here) from the following facts to wit; that about the hour of nine o'clock A.M. of the aforesaid date deponent saw the said tools on the roof of premises No 350 West 42 Street - and that deponent left said roof leaving said tools in the possession of the defendant and that about the hour of 5 o'clock P.M. of the 14th day of June 1892 deponent missed said tools from said roof of said premises, and the defendant gone, and that the defendant after being advised of his rights - admitted and confessed to deponent in presence of Officer James C Donnigan of the 15 Precinct Police that he had taken the aforesaid property from said roof and left them in a junk shop - deponent therefore asks that said defendant may be held to answer

August Hultzig,

Sworn to before me, this 14 day of June 1892

John Ryan Police Justice.

4759

1137

CITY AND COUNTY OF NEW YORK, } ss.

James A. Donnigan

aged ..... years, occupation Police Officer of No. 15th Precinct Police Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of August Hulbig and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 7 *day of* December 1890 } James A. Donnigan

John Ryan
Police Justice.

(3692)

Sec. 198—200.

2 District Police Court. 1882

City and County of New York, ss:

James Collins being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h— right to make a statement in relation to a 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 Collins

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. England

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

Answer. No 4 Varick Place - 3 weeks

Question. What is your business or profession?

Answer. Smith

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

Answer. I was Intoxicated and I admit I took the tools from a wagon and left them in a Junk Shop

James Collins

Taken before me this 1 day of December 1882

Police Justice.

1134

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 Wendant

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, New York 189 Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named

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

Dated, 189 Police Justice.

1548

Police Court--- 2 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
August Hoelbig
James Collins
2
3
4

Dated, Dec 7th 189 2

Ryan Magistrate.

Officer.

15 Precinct.

Witnesses James Dunseith

No. Street.

No. Street.

No. Street.

$ to answer

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

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 Collins

The Grand Jury of the City and County of New York, by this indictment, accuse James Collins of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said James Collins

late of the City of New York, in the County of New York aforesaid, on the 13th day of June in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

divers tin-smith's tools of a number and description to the Grand Jury aforesaid unknown, of the value of thirty-five dollars

of the goods, chattels and personal property of one August Hulbig

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.

1142

BOX:
504

FOLDER:
4598

DESCRIPTION:
Collins, William J

DATE:
12/20/92

4598

Witnesses:

Daniel J. Bradley
Officer Lawrence P. Powers

Defts name is McCarthy
Sev. times convic & Sta
Pen. – but goods in
this case are not
worth $25; RBM.

Counsel,

Filed 20th day of Dec 189 2

Pleads,

THE PEOPLE

vs.

William J. Collins

Grand Larceny, Second Degree
[Sections 528, 531, N.Y.S. Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Alexander Delbridge
Dec 21 1892 *Foreman.*

Pleads

Penalty RBM
Dec 21/92

1144

Police Court Third District. Affidavit—Larceny.

City and County of New York, } ss:

Daniel J Bradley

of No. 333 Cherry Street, aged 33 years, occupation Foreman, being duly sworn, deposes and says, that on the 15 day of December 189 2 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 night time, the following property, viz:

One chest containing Eighty two pounds of Tea of the value of Thirty dollars

the property of Carter, Hanley & Company

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 William J Collins (previous) from the fact that deponent found said property in the possession of said defendant in Cherry Street in said City

D J Bradley

Sworn to before me, this 16 day of Dec 1892

Police Justice.

4759

1145

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK } ss:

William J. Collins being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is h right to make a statement in relation to the charge against h ; that the statement is designed to enable h if he sees 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. William J. Collins

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer New York City

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

Answer. 34 Rutgers St.

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

Chas. E. Collins

Taken before me this 9 *day of* Feb. 189

Police Justice.

1146

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

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

Dated, *189* *Police Justice.*

I have have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, *189* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated, *189* *Police Justice.*

1578

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Daniel J. Bradley
383 Cherry St.
vs.
William J. Collins

2

3

4

Offense, Murder

BAILED.

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

Dated, Dec 16 1892

Duffy Magistrate.

Powers Officer.

7 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$500 to answer G S

Committed

gt

1148

Police Department of the City of New York.

Precinct No.....

New York, ... 189

Logan McCarthy
arrested June 1892 for
Exp Person and Sentenced
to 6 months penitentiary
by Justice Duffy
Off Benner 12th Ward

bbl

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William J. Collins

The Grand Jury of the City and County of New York, by this indictment, accuse William J. Collins of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said William J. Collins

late of the City of New York, in the County of New York aforesaid, on the 15th day of December in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms,

eighty two pounds of tea of the value of forty cents each pound and one chest of the value of fifty cents

of the goods, chattels and personal property of ~~one~~ Henry E. Hawley

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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

William J. Collins

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

The said William J. Collins

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,

eighty two pounds of tea of the value of forty cents each pound, and one chest of the value of fifty cents

of the goods, chattels and personal property of one Henry E. Hawley

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Henry E. Hawley

unlawfully and unjustly did feloniously receive and have; the said

William J. Collins

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

1152

BOX:
504

FOLDER:
4598

DESCRIPTION:
Colve, John

DATE:
12/02/92

4598

Witnesses:

Offe Porter 52nd

Counsel,

D514

Filed, 2 day of Dec. 1892

Pleads, Nonguilty

THE PEOPLE

vs.

B

John Colve

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

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

Part 2. Dec. 5 1893

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Parsons

Part 3. Dec. 5/93. *Foreman.*

Forfeited

1154

2967

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 Colve

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

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said John Colve

late of the City of New York, in the County of New York aforesaid, on the 28th day of August in the year of our Lord one thousand eight hundred and ninety- two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one George Bobel

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

SECOND COUNT—

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

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said John Colve,

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one George Bobel

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

DE LANCEY NICOLL,
District Attorney.

1155

BOX:
504

FOLDER:
4598

DESCRIPTION:
Connor, Patrick

DATE:
12/01/92

4598

431

Witnesses:

Jeff. Richd Calvin 21st

Counsel,

Filed, 1st day of Dec 1893

Pleads, Not guilty - Davis

THE PEOPLE

vs.

B

Patrick Connor

VIOLATION OF THE EXCISE LAW.
Selling etc., on Sunday.
[Chap. 401, Laws of 1892, § 32].

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

Part 2. May 15 1893

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

John E. Poillon

Foreman.

1151

Court of General Sessions of the Peace

1997

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Connor

The Grand Jury of the City and County of New York, by this indictment, accuse Patrick Connor of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said Patrick Connor

late of the City of New York, in the County of New York aforesaid, on the second day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Patrick Connor of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Patrick Connor

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Richard Cahill

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

DE LANCEY NICOLL

District Attorney.

1158

BOX:
504

FOLDER:
4598

DESCRIPTION:
Conroy, John

DATE:
12/02/92

4598

551

Witnesses:

Offe Donohue . 23rd

Counsel,

Filed, 2 day of Dec 1892

Pleads, Originally

THE PEOPLE

vs.

John Conway

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Freion

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

Pres. Mch 14 1893

1160

2967

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 Conroy

The Grand Jury of the City and County of New York, by this indictment, accuse John Conroy of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said John Conroy

late of the City of New York, in the County of New York aforesaid, on the 2nd day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said John Conroy of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said John Conroy

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

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

DE LANCEY NICOLL,
District Attorney.

1161

BOX:
504

FOLDER:
4598

DESCRIPTION:
Corsiglie, George

DATE:
12/02/92

4598

562

Witnesses:

Offe Corcoran 6th

Counsel,

Filed, 2 day of Dec 1893

Pleads, Not guilty

THE PEOPLE

vs.

B

George Corsiglia

VIOLATION OF THE EXCISE LAW.
(Illegal Sales Without License.)
[Chap. 401, Laws of 1892, § 31].

McInt/93

Sent to the Court of Special Sessions for trial, by request of Counsel for Defendant.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John E. Poulton

Foreman.

1163

2000

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 Corsiglie

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

George Corsiglie

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINE, ALE AND BEER, IN QUANTITIES LESS THAN FIVE GALLONS AT A TIME, WITHOUT HAVING A LICENSE THEREFOR, committed as follows:

The said George Corsiglie

late of the City of New York, in the County of New York aforesaid, on the 19th day of November in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantities less than five gallons at a time, to

certain _____ persons whose names are to the Grand Jury aforesaid unknown, without having a license granted to him in pursuance of any law of this State permitting him to sell either strong or spirituous liquors, wines, ale or beer, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

DE LANCEY NICOLL,
District Attorney.

1164

BOX:
504

FOLDER:
4598

DESCRIPTION:
Crane, Michael J.

DATE:
12/13/92

4598

Before convicted of Burg. Nov. 18, 1884 – 4½ yrs – in S.P. Smyth J. BSM

Witnesses:

Mary Matthesi

Domenic Tomato

Reported agst clemency March 10/94 BSM

84

Counsel,

Filed 13 day of Dec 1892

Pleads,

THE PEOPLE

vs.

Michael J. Crane

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Alexander Dellecta

Foreman.

Dec 14/92

Convicted second day

3 yrs in S.P.

Dec 14/92 BSM J.

1166

Police Court— 2 District.

City and County of New York, } ss.:

Rafael Thomas

of No. 54 Thompson Street, aged 55 years,

occupation Laborer being duly sworn

deposes and says, that on the 7th day of December 1882 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED [redacted] by attempted to be

Michael J. Crane (now here) from the following facts to wit: that about the hour of 10 o'clock A.M. of the aforesaid date. While deponent was in the Legion Store No 56 Thompson Street - the defendant drew a revolving pistol from the hip pocket of the Pants then worn on his person, and pointed and aimed said pistol at deponents person remarking at the time - see me Kill the Gunnea

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 7 day of December 1882

his
Rafael X Thomas
mark

John Ryan Police Justice.

1167

Sec. 198—200. 2 1882

District Police Court.

City and County of New York, ss:

Michael J. Crane being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h ~~right~~ to make a statement in relation to a 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. Michael J. Crane

Question. How old are you?

Answer. 27 year

Question. Where were you born?

Answer. New York

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

Answer. No Residence

Question. What is your business or profession?

Answer. Telegraph Climber

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

M. J. Crane

Taken before me this 2 *day of* October 1882

John Ryan

Police Justice.

1168

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 Alfred [illegible]

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, [illegible] *189* [illegible] *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, 189 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated, 189 *Police Justice.*

1543

Police Court--- 2 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rafael Thomas
54 Washington Place
Michael F. Cram

1
2
3
4

Assault & Battery

Dated, Dec 7 1892

Ryan Magistrate.

Mead Officer.

Precinct.

Witnesses Mary Matthews

No. 541 Thompson Street.

No. Street.

No. Street.

$ 500 to answer

BAILED.

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

District Attorney's Office,
City & County of
New York.

189

Offence [illegible]

Police Department of the City of New York.

Precinct No. .....

New York, ... 189

Nov 7th 1884
Arrested for Burglary
On Hanna & Chas Daly
Indicted Nov 11th 1884
Nov 14th 1884 Sent to State
Prison 4½ years by
Recorder, Smith

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael J. Crane

The Grand Jury of the City and County of New York, by this indictment accuse Michael J. Crane

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

The said Michael J. Crane

late of the City of New York, in the County of New York aforesaid, on the seventh day of December in the year of our Lord one thousand eight hundred and ninety-two, with force and arms, at the City and County aforesaid, in and upon the body of one Rafael Thomas in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Rafael Thomas a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Michael J. Crane in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there aim, point and present with intent to shoot off and discharge the same with intent him the said Rafael Thomas 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 Michael J. Crane

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

The said Michael J. Crane

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 Rafael Thomas in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Rafael Thomas a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Michael J. Crane 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 aim, point and present with intent to shoot off and discharge 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.

DE LANCEY NICOLL,
District Attorney.

1173

BOX:
504

FOLDER:
4598

DESCRIPTION:
Crowley, Joseph

DATE:
12/19/92

4598

Witnesses:

William J. Bell

Charles Schipp

Paroled Dec 20/92 by

P. Cunningham

vs P. Lawrence

Adj by Mr Morris

Counsel for deft

only for 28th

Morris 23 Clarendon B 24 Dec 19/92

Counsel.

Filed, 19th day of Dec 1892

Pleads, Guilty 20

THE PEOPLE

32 218 Brooklyn 2d Brooklyn

vs.

Joseph Crowley

LARCENY,
(MISAPPROPRIATION.)
(Sections 528 and 532 of the Penal Code.)

C.P. 30 days

Feb 28/93

DE LANCEY NICOLL,

District Attorney.

13th Feb postponed by agreement

Feb 20.'93 postponed - U. S. D. Part 2.

A TRUE BILL.

Abraham Oehrle

Part 2 - Feb 23, 1893 *Foreman.*

Tried and convicted with a recommendation to the extreme mercy of the court.

District Attorney's Office,
City and County of New York.

City and County of New York, } ss.

William J. Bell

of ~~No. R. Hamburgers 6th Ave 14th~~ Street, aged ..... years, occupation cashier being duly sworn, deposes and says, that on the 17th day of March 1892 at the City of New York, in the County of New York, one Joseph Crawley

then being an entry-clerk in the employ of R. Hamburgers, a copartnership composed of C. Rosenberg, Nathan Strauss & Isidor Strauss, did feloniously steal the sum of $14.96 belonging to said copartnership, as deponent has good cause to suspect, and does verily believe and charge.

Sworn to before me this 19th day of December 1892 } Wm J. Bell

Jno. D. Lindsay
Court of Sessions
City & Co. of N.Y.

1116

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm T. Bell

vs.

Joseph Crowley

Offence Petit Larceny

Dated December 19 1892

Witnesses, Chas. Schupp,

R H Macy & Co.

No. ..... Street,

No. ..... Street,

No. ..... Street,

COUNTY OF NEW YORK, SS.:

In the Name of the People of the State of New York, To any Sheriff, Constable, Marshal or Policeman in this State, GREETING:

An indictment having been found on the 19th day of December 1892, in the Court of General Sessions of the Peace of the County of New York, charging Joseph Drowley

with the crime of Petit Larceny

You are therefore Commanded forthwith to arrest the above named Joseph Drowley and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 19th *day of* December 1892

By order of the Court,

Geo. E. Barrett

Clerk of Court.

1178

New York General Sessions of the Peace.

THE PEOPLE

OF THE STATE OF NEW YORK,

against

Joseph Crowley

BENCH WARRANT FOR MISDEMEANOR.

Issued [illegible] 189[illegible]

[illegible]

[illegible]

arrested [illegible]

Court of [illegible]

☞ The defendant is to be admitted to bail in the sum of.....dollars.

1689

District Attorney's Office.

PEOPLE

vs.

Mrs. A. Wright — ✓
137 West 53rd
Purchase of Goods

[illegible] ✓
[illegible]

Mr. Hart [illegible]
[illegible]
Check in Book [illegible]

Shirt [illegible]
[illegible]

Mr. [illegible] and Shown
by his book that Miss
was not home [illegible]
Miss Robinson will
[illegible]

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 Crowley

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph Crowley of the CRIME OF Petit LARCENY, committed as follows:

The said Joseph Crowley,

late of the City of New York, in the County of New York aforesaid, on the 11th day of March, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, being then and there the clerk and servant of Charles B. Webster, Nathan Strauss and Isidor Strauss, co-partners

and as such clerk and servant then and there having in his possession, custody and control certain goods, chattels and personal property of the said Charles B. Webster, Nathan Strauss and Isidor Strauss the true owner thereof, to wit:

the sum of fourteen dollars and ninety six cents in money, lawful money of the United States of America, and of the value of fourteen dollars and ninety six cents;

the said Joseph Crowley afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said sum of money

to his own use, with intent to deprive and defraud the said Charles B. Webster, Nathan Strauss and Isidor Strauss of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Charles B. Webster, Nathan Strauss and Isidor Strauss did then and there and thereby feloniously steal, 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.*~~

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said Joseph Crowley —

Petit

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

The said Joseph Crowley late of the City of New York, in the County of New York aforesaid, on the 11th day of March in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

the sum of fourteen dollars and ninety-six cents in money, lawful money of the United States of America, and of the value of fourteen dollars and ninety-six cents

of the goods, chattels and personal property of ~~one~~ Charles B. Webster, Nathan Straus and Isidor S. Straus, Copartners,

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

1182

END OF BOX