

0009

BOX:

493

FOLDER:

4497

DESCRIPTION:

Walker, Annie

DATE:

08/17/92



4497

POOR QUALITY
ORIGINAL

0010

Witnesses:

Geo McCann
Capt. J. M. Sullivan
Sergeant M. W. 130-10

Counsel,

Filed

189

Pleas,

THE PEOPLE

vs.

Annie Walker

Penal Code, 189

Grand Larceny, Sections 828, 829

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen D. Bryant

Foreman.

Aug 25/92

Filed & requested

POOR QUALITY
ORIGINAL

0011

Police Court

2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

James McCullough
of No. 120 10th Avenue
occupation Laborer Street, aged 32 years,

being duly sworn,
deposes and says, that on the 28 day of July 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 silver
silver ware, and other household
property of the value of about two
hundred and fifty dollars

\$250

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 Annie Walker now here

The said property was contained in the
deponent's rooms at 120 10th Avenue in the
city of New York. Defendant now left
in charge of said property while the
deponent's wife was in the hospital and
deponent was imprisoned, and said property
was stolen from said premises during
deponent's absence. Deponent is
informed by Lawrence Muller now
here, that on July 21 1892 he saw
the defendant in the act of
taking away a part of deponent's
wife's clothing, and that the de-
fendant admitted that she was
about to remove said property.
James McCullough

Sworn to before me this

19

day

of

August 1892

1892

Police Justice.

POOR QUALITY
ORIGINAL

00 12

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Lawrence Muller
aged 50 years, occupation Landlord of No.

120 10 Avenue Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Jas Mc Callagh*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 19
day of August 1892

Lawrence Muller

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0013

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Annie Walker

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

Question. What is your name?

Answer.

Annie Walker

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

No home

Question. What is your business or profession?

Answer.

Housekeeper

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.

*There were three persons
besides myself living in the
house and they all had
access to the property. I did
take away some things to pawn
them but I was authorized
to do so by the complainant
and the proceeds were used for
his benefit* *Annie Walker.*

Taken before me this

day of

1907

Police Justice.

POOR QUALITY
ORIGINAL

0014

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

Police Court,

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John M. Calkins
vs
Annie Walker
Carney
felony

2 _____
3 _____
4 _____
Offense _____

Dated Aug 13 1892

White
Magistrate.
Bullman
Officer.

Witnesses
James Muller
Precinct
No. 120 10 fr.
Street

No. _____
Street

No. _____
Street

No. _____
Street

No. _____
Street

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

Annie Walker

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, Aug 19 1892 _____ 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.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Annie Walker

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

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

The said

Annie Walker

late of the City of New York, in the County of New York aforesaid, on the 28th
day of July in the year of our Lord one thousand eight hundred and
ninety-two, at the City and County aforesaid, with force and arms,

divers articles of clothing and
wearing apparel, of a number
and description to the Grand Jury
aforesaid unknown, of the value
of one hundred dollars, divers articles
of silverware of a number and description
to the Grand Jury aforesaid unknown, of
the value of one hundred dollars, and
divers other goods, chattels and personal
property (a more particular description whereof
is to the Grand Jury aforesaid unknown)
of the value of one hundred dollars
of the goods, chattels and personal property of one James McCallough

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.

Reuben H. Coll
District Attorney

00 16

BOX:

493

FOLDER:

4497

DESCRIPTION:

Walker, Charles

DATE:

08/18/92



4497

POOR QUALITY
ORIGINAL

0017

Witnesses:

Wm. H. Hensen

Counsel,

Filed

18 day of Aug. 1892

Pleads,

by *Wm. H. Hensen*

22 THE PEOPLE

vs. *Charles Walker*

Charles Walker

Grand Larceny, second Degree.
[Sections 828, 829, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen D. Apgar

Sat 2 - Aug 24, 1892 Foreman.

Pleads Guilty Larceny

City Prison

30 days.

C O U R T O F G E N E R A L S E S S I O N S .

-----X
: THE PEOPLE &c., :
: :
: -against- :
: :
: CHARLES WALKER. :
: :
: :
-----X

City and County of New York; ss:-

Charles Walker, being duly sworn, says I am the de-
fendant in the above action, and am a married man, and
have been married since the month of April last. I
have been in the employ of H. A. Deckmater, a paper box
manufacturer, of 196 Elm Street, this city for more than
six years, as a driver of his horse and wagon, used in
conveying his goods and merchandise. That on the day
that I am charged with having committed a larceny, I
was directed by my employer to drive my wagon to a place
to remove a quantity of empty boxes from the place of
business then used and occupied by Mr. French, the com-
plainant, who was then removing his place of business.
That I spent about three days in the performance of such
duty, and that on the first day there was thrown to me
by fellow-workmen, who had also been engaged in the same
labor that I was, a box which they informed me contained
neck-ties, and that believing that they were not of im-
mediate use, but stock worn, and articles which had
been manufactured for a season past, I accepted them and
did not look for indulgence in the way of money, or
~~fine~~ ^{a refreshment} drinks for the services rendered *as is customary*
That while busily engaged, deponent on the next

day did remove a quantity of empty boxes and during the time that he received said empty boxes there was handed to him several other boxes, containing neck-ties. That deponent at that time did suspect that they had been stolen, but owing to the fact that he was urged to receive them by his fellow-workmen in consequences of the fact that during the frequent visits to the place of business of the complainant by deponent, he met these people ~~actually~~ wearing new neck-ties, he actually did believe that there was something wrong about the receipt of said property, and did take them, and that after he did take them, he took them back to the place where he worked with Mr. Decknater, and told the man that had charge of the printing, the place where he had got them, and that he did make a present of the contents of ~~the contents of~~ said boxes to the working girls around the place, and that he did not realize one single dollar in consequences of the receipt of said property by him in the manner indicated. Deponent further says that while his conduct indicated that of larceny, to which he pleads in this case, it was charged without the professional intent to commit crime. He received the property, disposed of it among his fellow-workmen and working-girls without any desire to hurt and injure the complainant in the possession of his property, and that he was tempted to take and receive the same because it was offered to him by his fellow-workmen.

Depenent further says that during all his lifetime, he has been a decent, industrious and sober man, that he has never been accused with the commission of any crime, that he has been in the employ of Mr. Decknater, the owner of the horse and wagon for the past six years, that he has worked daily, that his employer previous to Mr. Decknater, is now dead, that he has never lost a day ~~the~~ through misconduct or otherwise on his part, and that he is now a married man, and been married ~~six months~~ since the month of April last, that his wife a girl of humble origin such as himself now is in a delicate condition and about to become a mother, and that his only explanation for his misconduct has been the temptation to receive these articles, when he should not have done so, yet so far as criminal intent is concerned, past them off as hereinbefore stated to his fellow-workmen and work-women to use as they choose.

Charles Walker

Sworn to before me this :
:
23rd day of August, 1892.:

*Wm. H. Davis -
Mary Parker
Ref. H. H. H.*

POOR QUALITY
ORIGINAL

0021

N. D. General Sessions.

THE PEOPLE &C.,

Plaintiff.

against

CHARLES WALKER,

Defendant.

AFFIDAVIT.

Porter R.
~~HEINZELMAN~~

Attorneys for Defendant

150 NASSAU STREET,

NEW YORK.

Tract Building.

Due service of a copy of the within
is hereby admitted'

Dated, New York

189

Attorney

HYMAN & CO., PRINT. 187 ORCHARD STREET N.Y.

POOR QUALITY
ORIGINAL

0022

Police Court

1 District.

Affidavit—Larceny.

City and County }
of New York. } ss:

James French.
of No. *688 Broadway* Street, aged *43* years,
occupation *Manufacturer of Hosiery* being duly sworn,
deposes and says, that on the *26* day of *July* 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 *day* time, the following property, viz:

A quantity of new-ties
valued at thirty dollars
\$30.00

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by *Charles Walker* working

for the reasons following to wit: on
the said date this deponent
was engaged to remove a quantity
of rackets from 35 Avenue to
1688 Broadway and deponent having
missed the said property he is
informed by John Mitchell and
Joseph O'Brien that they
received from the deponent and
Walter the said new-ties to sell
the same he deponent having
told them that the ties were his
property. Deponent has since seen
the ties found in the possession of

Sworn to before me, this

189

day

Police Justice.

POOR QUALITY
ORIGINAL

0023

said Mitchell and O'Rourke
and idem being the same, Officer
Mitchell and O'Rourke found
the said two in the possession
of the said Mitchell and O'Rourke

Seen & before me
This 12th day of August
1892 } James T. Tully

Thos. H. Eady
Police Justice

POOR QUALITY
ORIGINAL

0024

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 25 years, occupation Printer of No.

161 West Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

August 1882

John Mitchell

Thos H. Brady

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 18 years, occupation Printer of No.

210 West Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

August 1882

Joseph O'Donnell

Thos H. Brady

Police Justice.

POOR QUALITY
ORIGINAL

0025

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Charles Walker

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

Question. What is your name?

Answer.

Charles Walker

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York

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

Answer.

154-E-4th St -

1 week

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
Charles Walker*

Taken before me this

12

day of

Aug

1892

at

Police Justice

POOR QUALITY
ORIGINAL

0026

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

Police Court--
District--

THE PEOPLE &c.,
ON THE COMPLAINT OF

James French
Charles Walker

2
3
4

Offense Larceny

Dated, Aug 12 1892

Magistrate.

Mitchell + O'Rourke Officer.

Witnesses

John Mitchell Precinct.

No. 161 Street.

Joseph O'Donnell

No. 210 Street.

No. _____ Street.

to answer _____

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

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, Aug. 12 1892 Thos. G. Brady 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.

POOR QUALITY
ORIGINAL

0027

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Walker

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

Charles Walker
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Charles Walker
late of the City of New York, in the County of New York aforesaid, on the *26th*
day of *July* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one hundred neckties of the
value of forty cents each*

of the goods, chattels and personal property of one

James French

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*

0028

BOX:

493

FOLDER:

4497

DESCRIPTION:

Washington, William

DATE:

08/04/92



4497

POOR QUALITY
ORIGINAL

0029

Witnesses:

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

William Washington

Burglary in the Third Degree.
Section 488, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

De LANCEY NICOIL,

District Attorney.

A TRUE BILL.

Allen P. apgar

Foreman.

Charles Percy Boley

Sentence suspended

PB. 11

POOR QUALITY
ORIGINAL

0030

Police Court—S. District.

City and County } ss.:
of New York,

of No. 209 W 118th Street, aged 33 years,
occupation Keep home being duly sworn

deposes and says, that the premises No. 209 W 118th Street, Ward

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

flat house and which was occupied by deponent as a dolling home

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

was BURGLARIOUSLY entered by means of forcibly breaking the
door leading from the dumb waiter into
deponent's premises and entering said
apartment with the intent to commit
a crime.

on the 27 day of June 1892 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of silver ware table
linen. Clothing. Lamps. Clocks
pictures. all of the value of
seven hundred and twenty five
dollars.

the property of deponent

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

William Washington (now here)

for the reasons following, to wit: that—on the 11th day of
June 1892. deponent closed her
apartment which is the second flat
in the premises no 209 W 118th St.
and left said apartment alone and
all of said property therein. and
went to the country
and on the 21st day of July 1892 deponent
discovered that—said apartment had

0031

Served before me
this 27th day of July 1892 } Mrs. Lattie Miller
John B. Voorhis
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named _____ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ Hundred Dollars _____ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

Office—BUREAU.

1 _____
2 _____
3 _____
4 _____

Dated _____ 188____

_____ Magistrate.
_____ Officer.
_____ Clerk.

Witnesses, _____
No. _____ Street,
/ _____
No. _____ Street,
_____ Street,
_____ Street,

\$ _____ to answer General Sessions.

/ _____

**POOR QUALITY
ORIGINAL**

0032

Sec. 198-200.

S
District Police Court.

CITY AND COUNTY } ss:
OF NEW YORK, }

William Washington 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.

William Washington

Question. How old are you?

Answer.

14 years old

Question. Where were you born?

Answer

New York

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

Answer.

209 W. 118 St. 1 year

Question. What is your business or profession?

Answer.

School boy

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
Willie Washington*

Taken before me this

day of

July 27
189*4*

John H. Ballantine

Police Justice.

POOR QUALITY
ORIGINAL

0033

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

Police Court, 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Matthi Miller
209 W 118 St
Wm Washington

Offense, Burglary

Dated July 27 1892

John Sullivan
Magistrate.

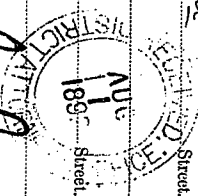
320 Precinct.

Witnesses J. H. Moore

No. 108 E 23rd Street.

No. 189 Street.

No. 2000 to answer.
\$2000
92



Received without issue to July 28 9:30 AM
Barn

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 Park

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

Dated, July 27 1892 John B. Working 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.

**POOR QUALITY
ORIGINAL**

0034

70 ✓

8/92

THE PEOPLE

vs

WILLIAM WASHINGTON.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Monday, November 28, 1892.

Assistant District Attorney Osborne for the People.

Mr. Samuel Hyman for the Defendant.

Indictment for False Registration.

A Jury was empannelled and sworn.

Mr. Osborne: I offer in evidence a copy of the City Record which shows the boundary of the Eighth Assembly District and of the Fifty-third Election District of the city and county of New York.

Counsel: No objection.

The Court: What is the date?

Mr. Osborne: October 11, 1892.

The Court: What are the boundaries?

Mr. Osborne: The boundaries of the Fifty-third Election District which contain all that part of the city bounded by and lying within Bleecker street, Broadway, West Houston street, and Thompson street.

The Court: The polling place was within those boundaries?

Mr. Osborne: The polling place was within that boundary.

The Court: Is that mentioned in the Record?

Mr. Osborne: No, sir, it is not mentioned in the Record, but it will be proved.

EDWARD KELLY, sworn and examined:

By the Court: Q. You were an Inspector of Elections? A. Yes, sir.

Q. Where do you live? A. No. 138 Bleecker street.

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ORIGINAL**

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Q. You were an Inspector of Elections for the Fifty-third Election District of the Eighth Assembly District?

A. Yes, sir.

Q. And the District was within the boundaries just read by the District Attorney?

A. Yes, sir.

By Mr. Osborne: Q. And the polling-place was within those boundaries?

A. Yes, sir.

Q. Where was the polling-place?

Objected to.

A. I think it is No. 49 South Fifth Avenue as well as I can remember.

Q. That is the place of registry also?

A. That was the place of registry.

The Court: It is conceded that it is within those boundaries, I suppose?

Counsel: We concede that.

By Mr. Osborne: Q. On the 19th day of October, 1892, did the Board of Inspectors of Election assemble regularly?

A. Yes, sir.

Q. You were one of the Inspectors?

A. Yes, sir.

Q. Do you remember the defendant, William Washington?

A. I remember the name; it is pretty hard to discern a colored man's face but the officer, I think, will be able to.

Q. You say you do not yourself identify him?

A. No, sir, I do not identify the man.

Q. On that day did a man by the name of William Washington, at least a man that said his name was William Washington, come to your place and offer himself for registration?

A. Yes, sir.

2 Q. He did?

A. Yes, sir.

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Q. Now did you keep one of the books that day?

A. Yes, sir; this is not my book, though, that is the public copy; the other book is the one; that is it. (Pointing to a book.)

Q. That is the Inspector's copy of the registry of voters of the Fifty-third Election District in the Eighth Assembly District, of the City of New York, of the year 1892?

A. Yes, sir.

Q. What page?

A. Page twenty-three.

Q. Look at page twenty-three, I call your attention to an entry marked "William H. Washington," did you make that entry?

A. Yes, sir.

Q. The man who purported to be William H. Washington, was he sworn?

A. Yes, sir.

Q. And after he was sworn what did he say with respect to the length of his residence at No. 80 West Houston street?

Objected to.

The Court: That entry may be marked for identification.

Mr. Osborne: Marked "People's Exhibit No. 1, for identification."

By the Court: Q. That entry was entirely made by you?

A. Yes, sir.

Q. All the questions answered by the person whose name is there?

A. Yes, sir.

Q. And the entries written down in your hand-writing?

A. Yes, sir.

Q. Was it a white or a colored man?

was a colored man.

A. I am sure it

PETER KELLY, sworn and examined:

By Mr. Osborne: Q. You are a police officer?

A. Yes, sir.

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Q. Connected with the Municipal Department of the City of New York?

A. Yes, sir.

Q. On the 19th of October, 1892, were you detailed at the polling-place of the Fifty-third Election District?

A. Yes, sir.

Q. Of the Eighth Assembly District?

A. Yes, sir.

Q. Do you remember about ten o'clock in the morning a colored woman coming to the polling-place -----

Objected to as leading.

By the Court: Q. Do you remember whether a colored woman came there or not?

A. Yes, sir.

By Mr. Osborne: Q. Did you have a talk with her?

A. Yes, sir.

Q. Now, in consequence of what she said to you, were you led to take any notice of any particular kind of men that would register or not?

A. Yes, sir.

Q. What kind of men were you particularly led to take notice of?

Objected to.

Objection sustained.

Q. What did you notice?

A. After she came to me in the morning?

Q. Yes?

A. She spoke to me about her husband.

Q. In consequence of what she said to you did you take notice of anything, and if so, what?

A. Yes, sir.

Q. Now what?

A. This defendant here came to register in the afternoon.

Q. You noticed the defendant came to register?

A. Yes, sir.

Counsel: We move to strike out "came to register."

The Court: Strike out "came to register."

By the Court: Q. He came to the polling-place?

A. Yes, sir.

By Mr. Osborne: Q. State -----

A. I had two reasons--

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Objected to.

By the Court: Q. What time of day? A. In the afternoon.

Q. What time? A. I think between two and three o'clock.

By Mr. Osborne: Q. On the 19th day of October, 1892.

A. Yes, sir.

By the Court: Q. At that time did you see the last witness, Mr. Kelly, the Inspector of Elections?

A. Yes, sir.

Q. He was there at the time? A. Yes, sir.

Q. Now what did the defendant do when he came into the place, the colored man? A. He went up to the table where the Board was sitting.

By Mr. Osborne: Q. Where did you go? A. I followed him in.

Q. Followed him right in behind? A. Yes, sir.

Q. What did you hear the colored man say his name was, what did you see him do? A. He went up to the Board; they asked him where he lived? He said, "No. 80 West Houston street," and they went to that page on the books.

Q. Did he give his name? A. Yes, sir.

Q. And what name did he give? A. William H. Washington.

By the Court: Q. Anything else? A. Then they came to the part ----

Q. Did you notice whether he was sworn or not?

A. Yes, sir, he was sworn.

Q. Before any questions were put?

A. Before any questions was put at all; when he came to the part, one of them asked him how long he lived in 80 West Houston street? He hesitated and he looked up at the ceiling and he said that he lived there since the twelfth of August;

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then he registered; then there was no objections, he was then registered August 12th.

Counsel: I move to strike that out.

The Court: Motion denied.

Counsel: We except.

Witness: They put that down that he lived there.

By Mr. Osborne: Q. What did you do to the defendant then?

A. I did not do anything, I reported the circumstances of that case to the station house and subsequently he was arrested.

Q. When did you see him after that?

A. I did not see him at all, I saw him here in court.

By Mr. Osborne: Q. That is all you know about the case? A. That is all I know, only I went to verify the registry down to 80 West Houston street.

Q. You went to 80 West Houston Street? A. Yes, sir.

Q. And did not find him there? A. No, sir.

Q. You are sure that that is the man who came in and gave his name as William H. Washington? A. Yes, sir.

Q. And that you say the Inspectors after he did that swear him and write in the book? A. Yes, sir.

By Counsel: Q. You say you saw the Inspectors write something in the book? A. Yes, sir, I saw them write.

Q. You did not see what they wrote, did you? A. No, sir.

Mr. Osborne: I offer in evidence the writing, which is marked "People's Exhibit No. 2."

Counsel: We object on the ground that it is incompetent, as there is no evidence connecting the entry in that book with this defendant or with the testimony of the last witness.

The Court: Objection overruled.

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Counsel: We except.

Mr. Osborne (reads): "Residence, No. 80 West Houston street; top floor; Washington, William H.. Sworn, "Yes." Nativity, United States. Color, "C". Election District, 2M. Assembly District, 2 M., county, thirty-nine and a half. State 39 years."

EDWARD KELLY, recalled:

By Mr. Osborne: Q. Mr. Kelly, after the William H. Washington was sworn, you asked him where did he reside? and what did he say?

A. No. 80 West Houston street.

Q. What do you mean by saying "residence?"

A. That is where he lives.

Q. That is where the man who offers to register lives?

A. Yes, sir.

Q. That purports to be a record of that? (Pointing to a column in the book.)

A. Yes, sir.

Q. And the next is the room number, that is the column for writing in the room number?

A. Yes, sir.

Q. And the next is the column for his name and the next is the column to answer the question whether he was sworn or not, and the next is what is his nativity and his color, and the next how long he has resided in the Election District?

A. Yes, sir.

By the Court: Q. What do you mean by the letter "M?"

A. That is two months.

By Mr. Osborne: Q. And the next column is how long he has resided in the Assembly District?

A. Yes, sir.

By the Court: Q. "M" stands for month?

A. Yes, sir.

By Mr. Osborne: Q. County 39 1/2?

A. It should be 39 years,

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that Y stands for years.

Q. And the State? A. The same, 39 years.

CROSS EXAMINATION:

By Counsel: Q. Did you write that? A. Yes, sir.

Q. After it had been called to you by some one?

A. Called out by the chairman.

Q. By the chairman? A. Yes, sir.

Q. How far were you from the defendant when he stated whatever he did say to the chairman? A. About three feet.

Q. Did you hear the defendant say anything to the chairman?

A. Yes, sir.

By the Court: Q. Did you see the man who made this statement?

A. The defendant gave his name.

By Counsel: Q. Did you hear the defendant say anything to the man you call the chairman?

A. He gave his name to the chairman of course.

By the Court: Q. Did you hear him give it? A. Yes, sir.

By Counsel: Q. Is that chairman here? A. He is not here.

Q. What you wrote down you wrote after the chairman had called it out? A. I wrote it as fast as the chairman wrote it.

By the Court: Q. You were both writing? A. Both writing.

By Counsel: Q. The chairman called out and you wrote down, is that it? A. Yes, sir.

Q. You wrote down what the chairman called out? A. Yes, sir.

Q. That is all you wrote down? A. That was all I wrote down.

By Mr. Osborne: Q. You wrote it in the presence and hearing of the defendant? A. Yes, sir.

By Counsel: Q. Did this defendant see what you were writing?

A. He could have, I do not know.

Q. Did he see it? A. I do not know.

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- Q. How far were you sitting? A. About a yard.
- Q. Was there a railing? A. No railing.
- Q. Was anybody sitting between you and him? A. No, sir.
- Q. Where was the chairman? A. He was sitting on the other side.
- Q. Where was the defendant? A. Right at the end of the board ---- the table where we sat.
- Q. How was the defendant, standing there?
- A. He was standing upright.
- Q. Do you know whether the defendant can read or write?
- A. I do not know.

By the Court: Q. You heard these answers to the chairman, I understand you?

A. Yes, sir.

Counsel: We move to strike out so much of the last witness's testimony as to an entry being made after it had been called out by the chairman and not an entry made in consequence of anything that the defendant had said.

The Court: Motion denied.

Counsel: We except.

SARAH JOHNSON, sworn, and examined:

- By Mr. Osborne: Q. Where do you live? A. No. 80 West Houston street.
- Q. Do you know the defendant, Washington?
- A. No, sir, I do not know him.
- Q. You know him when you see him, don't you? A. Yes, sir.
- Q. You recognize him, do you? A. Yes, sir.
- Q. You keep the house 80 West Houston street?
- A. I am house-keeper there.
- Q. You are a house-keeper, you have charge of the place?

A. Yes, sir.

Q. Do you remember the defendant coming to your house, No. 80 West Houston street?

A. Yes, sir.

Q. What day did he come there?

A. The 18th day of October.

Q. Tuesday, the 18th day of October, 1892, in the city of New York?

A. Yes, sir.

Q. And what did he say to you when he came there?

A. He asked me if I had a furnished room and I told him that I had.

Q. You told him you had a furnished room?

A. Yes, sir.

Q. And what did he do?

A. I took him up stairs and showed him room No. 2 on the top floor and he asked me the price of the room and I told him \$2.50 a week; we came down stairs and he gave me \$2.50 for his room and he told me he would return that evening for the key.

Q. Did he return that evening for the key?

A. Yes, sir, he came that evening and got his key.

Q. Did you give him a key?

A. Yes, the key of his room.

Q. You did not see him again until what time?

A. I saw him again on the 22nd.

Q. Whereabouts?

A. In the house.

Q. What did he do?

A. He came in and came and knocked at my door and said good-evening and handed my husband two cans, a can of corn and a can of lima beans, Saturday night, the 22nd.

Q. Do you know whether he passed the night in the house or not?

Objected to.

A. I could not say that, I saw him go out, I did not see him return again.

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Q. And when was it you saw him again after that?

A. I saw him again on the 25th, on Tuesday.

Q. Whereabouts?

A. In our house, he paid another week's rent.

Q. That is Tuesday the 25th?

A. He paid on the 18th and he paid on the 25th.

Q. And then when was the third time that you saw him?

A. That was the third time, he came in again on the 22nd and the next time on the 25th.

Q. And the evening of the 18th when he got the key?

A. Yes, sir.

Q. And did you see him any more until you saw him in the Police Court?

A. No, sir, I did not.

Q. How long have you lived at 80 West Houston street?

A. Since the 26th of June.

Q. You know every resident in your house since the 26th of June?

A. Yes, sir, since that time.

Q. You are familiar with the whole house, you are the house-keeper?

A. Yes, sir.

Q. Do you know whether Washington resided there prior to the 18th of October, 1892?

A. No, sir, he did not

By the Court: Q. Did he live there August 12th?

A. No, sir.

By Mr. Osborne: Q. Do you keep a book of the lodgers in your house?

A. Yes, sir.

Q. Is that the book? (Showing book)

A. Yes, sir.

Q. Now look at the entry marked "No. 2, Washington, Tuesday;" is that in your hand-writing?

A. Yes, sir.

Q. Did you write that down when Washington came there?

A. No, sir; I signed it on another day on account of my being sick.

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Q. What day did you sign it? A. On the 18th of October, that belongs on the 18th of October but I did not fill it out on account of being sick.

Q. Not until the 22nd? A. Yes, sir.

Mr. Osborne: I offer it in evidence.

CROSS EXAMINATION:

By Counsel: Q. When was it that he came to you and asked you to hire the room? A. On the 18th of October.

Q. How many people were living in that house?

A. The house can accommodate nineteen but at that time ---

Q. How many did live there in that house at that time?

A. Sixteen, I judge.

Q. At that time did you keep an entry of all the people who lived in that house? A. Yes, sir.

Q. Do those sixteen live there now? A. No, sir.

Q. How many people lived there before that on the 18th, before the 18th? A. I could not tell you that.

Q. Did you keep an entry? A. I keep an entry --- they are moving out sometimes every other day.

Q. Does the entry show in that book? A. Yes, sir.

Q. Look in that book and tell us how many people lived there before the 18th? A. There was fourteen in the house at that time.

Q. You were mistaken when you said there were sixteen there?

A. I told you I could not tell you what it was at the present time.

Q. Didn't you say there was sixteen in the house?

A. I do not remember ----- did I?

Q. Is your memory bad? A. Being sick I could not tell you whether it is or not.

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Q. Then you have a failing memory, is that it?

A. No, sir, I have not a failing memory.

Q. You do not remember whether a few moments ago you said there were sixteen people in the house?

A. After I can look at my book I can tell; I could not tell at that time.

Q. Do you know remember whether or not you did say there were sixteen in the house?

Objected to as immaterial.

By the Court: Q. Do you remember being asked that question?

A. No, sir.

By Counsel: Q. Do you remember whether you answered that question or not?

A. No, sir.

Q. Now a moment ago you did say there were sixteen in that house, and your book, now you see, shows but fourteen; which is correct, your memory of the number of people or the book?

No answer.

By the Court: Q. Is the book correct? that is the question he is asking you, as to the number of boarders is your book correct?

A. Yes, sir.

By Counsel: Q. The people in that house were coming and going?

A. Yes, sir.

Q. Some would be there two weeks and some a month?

A. Some was there a year.

Q. You say he hired this room on the 19th?

A. I hired the room to him on the 18th.

Q. Is this book correct as to the time, does it show the time that people hire rooms from you?

A. Yes, sir, supposed to be correct.

Q. Is it correct?

A. Yes, sir.

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Q. I now show you the book and show you the top line, "October 15th to October 22, 1892;" under that line is the name "William Washington," is there not? A. Yes, sir.

Q. That book shows that Washington was a tenant on the 15th, does it not? A. No, sir; I was sick at the time and I entered his name in the book on the 18th day of October, I put his name in the book when he came there and got the room.

Q. When did you take sick? A. I have been sick now for the last four months.

Q. You were sick on the 15th, were you? A. Yes, sir, I was.

Q. You were sick on the 18th? A. Yes, sir.

Q. Will you explain why you said it was the 15th when it was the 18th?

Objected to.

By the Court: Q. What do these entries mean, do they mean that they were there on the 15th? A. No, sir, between the 15th and the 22nd.

By Counsel: Q. You mean to be understood that he pays for a week in advance? A. Yes, sir.

Q. And the week commences from the time that he pays, I suppose, does it not? A. Yes, sir.

Q. If the book shows that he was there between the 15th and the 22nd, he was there? A. He was there from the 18th to the 22nd, he was there in that week.

By the Court: Q. What did he pay for on the 22nd?

A. On the 18th he paid me \$2.50 for a week, up until the 25th, the following Tuesday.

Q. From the 18th to the 25th? A. Yes, sir.

By Counsel: Q. Look at the next name and tell us when that person

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came there or when the week commenced and when it ended, look at that entry alone, do not look at any other?

No answer.

By the Court: Q. Can you tell from that entry?

A. His week comences on Monday.

Q. Can you tell us when he came there from tha entry?

A. No, sir.

By Counsel: Q. Did the person whose name appears under there----

did their week commence on the 15th or on the 18th?

The Court: She says she can't tell from that entry.

By Counsel: Q. You say he paid you \$2.50 for the week?

A. Yes, sir.

Q. And his week was up on the 22nd?

A. His week was

up on the 25th.

Q. Will you explain to us ~~how~~ it is you have the date the 15th on top there when the week commenced on the 18th and not on the 15th?

The Court: Has she not stated that that includes the persons who come between those dates? I do not desire to limit you in your cross-examination.

By Counsel: Q. There is a leaf torn out there?

A. Yes, sir.

Q. Who tore out that leaf?

A. I do not know.

Q. Do you know whether any entries were made by anybody but you?

A. No, sir, by myself.

By the Court: Q. Did you tear out the leaf?

A. No, sir.

By Counsel: With whom do you live?

A. With my husband

and child.

Q. Does he ever let out any rooms in your absence? A. No, sir.

Q. You had Mr. Brown there did you not? A. Mr. Edwin Browh.

Q. You only make one entry when they first come in?
15 No answer.

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Counsel: I will have the page marked for identification "Defendant's Exhibit No. 1."

By Counsel: Q. I now show you the book and the page before the one you have just been testifying about-----

The Court: Exhibit one of the page that has the name of Washington on?

Counsel: Yes, sir.

By Counsel: Q. Does the name of Brown appear on Exhibit No. 2 for identification?

A. Yes, sir.

Q. Does the name of Washington appear there?

A. I marked it there.

Q. What is the date on the top of that page?

A. From the 8th to the 15th.

Q. You made that entry, did you not?

No answer.

By the Court: Q. That entry was made by you? A. Yes, sir.

By Counsel: Q. And the sum of \$2.50 is written alongside of it?

A. Yes, sir.

Q. That shows you received \$2.50 as rent? A. Yes, sir.

Q. I now show you Exhibit 3 for identification, who made the entry "William Washington" on that page? A. I did.

Q. What week does that show he was there? A. From the 22nd to the 29th.

Q. In all you have three weeks, when did you make the entry on Exhibit 2 that of October 8th to 15th?

A. I made it when he came in.

Q. When he came in? A. Yes, sir and I put it down the 18th day of October, on a Tuesday; it was my mistake in being sick, I should have put it on the other page.

Counsel: I move to strike out what she should have done.

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0050

The Court: Yes, strike that out.

By Counsel: Q. You had Mr. Brown in that house?

A. I had two at one time.

Q. You had Mr. Brown in the basement, did you not?

A. No, sir, not at that time with me, not the time that gentleman (the defendant) registered.

Q. Before that time you had Mr. Brown there? A. Yes, sir.

Q. And he left there about the 8th of October, didn't he?

A. No, sir.

Q. When did he leave? A. He left there in the latter part of September.

Q. He had quite a large room, hadn't he? A. The latter part of September he lived there.

Q. What floor do you live on? A. The first floor.

Q. Above the basement? A. Yes, sir.

Q. Above the room Brown had? A. Brown had the back room.

Q. It is above the room, the floor above? A. Yes, sir.

Q. Did you see Brown come and go every day? A. Yes, sir.

Q. What hour did he come every day? A. He came in at night, when he got through his work.

Q. You say you saw him come every day? A. Every night.

The Court: What has Brown to do with the case?

Counsel: We do not wish to disclose out defence, we shall connect him with the case. We are going to show that this defendant roomed with Brown before Brown left. From the time that Brown left he hired direct from this woman.

Witness: No, sir, he did not.

By Counsel: Q. What day was it that Brown left there?

A. Brown left there in September.

Q. What hour of the day was it when you saw him come in?

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A. I could not tell what hour it was.

Q. What day of the month was it when Brown left?

A. It was in September, I could not tell you.

Q. Will your books show?

A. Yes, sir.

By the Court: Q. When did he leave, refresh your memory by looking at the book?

A. He left between the 25th of September and the first of October.

By Counsel: Will you kindly look at these keys and say whether those are the keys to the house? (Keys shown). A. Yes, sir.

Q. Do you know whether you gave one of those keys to Brown?

A. No, sir; my husband gave one to that gentleman there, Washington, on Tuesday night, sold it to him for twenty-five cents.

Q. Did your husband give any keys to anybody else?

A. Yes, sir; Mr. Brown has the key at the present time, I saw his keys in my house.

Q. When?

A. Here a couple of weeks ago.

Q. When did you see it last?

A. A couple of weeks ago, I have not got that key, Mr. Brown was there to see us and he had the keys with him.

Q. Mr. Brown had no room there any more?

A. No, sir.

Q. You say that Mr. Brown had a key to this although he had no room?

A. The night latch-key we give them for twenty-five cents and if they return it we give them twenty-five cents back, and if they do not we do not give it to them.

By Mr. Osborne: Q. Now look at Defendant's Exhibit No. 2 for identification and read out the entire entry with regard to Washington?

Counsel: I object to the reading of anything in a book not in
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evidence.

The Court: Objection overruled.

Counsel: Note an exception.

By Mr. Osborne: Q. Read that?

A. "Washington, October

18, 1892, Tuesday, \$2.50."

Q. Now you stated in answer to the Counsel's questions here that you had made a mistake in writing that entry on the page of your book which was between the 8th and the 15th?

A. Yes, sir.

Q. Whereas it should have been written on that page of the book between the 15th and the 22nd?

A. Yes, sir.

Q. State the circumstances under which you wrote that on that page?

A. Because I was sick and I knew I would have to make an entry of every name when any one comes in the house and being sick, I just carelessly wrote this down, knowing I could correct it when I got better.

Q. Did you make the entry on Defendant's Exhibit 1 for identification, starting "Washington?"

A. Yes, sir.

Q. Read the whole of that entry?

Objected to.

Objection overruled.

Exception.

A. "Washington, Tuesday."

Q. Now I show you Defendant's Exhibit 3 for identification, headed "from October 22nd to 29th," read the whole of that entry beginning "Washington."

A. "Washington,

Tuesday, \$2.50."

Q. That Tuesday was the 25th?

A. Yes, sir.

By Counsel: Q. His week then expired on the 29th, did it?

A. No, sir, on the 25th

Q. You have another here the 29th, the 29th that was the end of the week wasn't it?

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A. That was the end of the week but his week was up on the Tuesday, on the 25th.

By the Court: Q. You call the end of the week Saturday night, is that it?

A. Yes, sir, those that come in ----

By Counsel: Q. This book shows that it was on Tuesday that the week commenced?

A. Yes, his week commenced on Tuesday.

Q. He had paid you \$2.50 for the week?

A. Yes, sir.

Q. You want this Jury to understand that that week ended on Saturday night?

A. No, sir, it ended on Tuesday, the 25th.

Q. On the next Tuesday, whatever date that was?

A. On the Tuesday, the 25th, from the 18th to the 25th.

By the Court: She states that those entries are of weeks ending on Saturday and then she explains his week did not begin on Saturday, it began on Tuesday.

Witness: On Tuesday the 18th.

By Counsel: Q. It was by mistake you entered the name Washington?

A. Yes, sir.

By Mr. Osborne: Q. You say by mistake the name Washington got on Exhibit No. 2?

A. Yes, sir.

By the Court: Q. On account of your sickness?

A. Yes, sir.

By Counsel: Q. The numbers on the left hand side of the page show the rooms that ~~they~~ were occupied, do they?

A. Yes, sir.

Q. How many people occupy those rooms or occupy any rooms in your house?

A. I will have to look in my book to tell you that.

Q. Look at that book and say how many people occupied the rooms in that house that day commencing the 8th, how many room were

**POOR QUALITY
ORIGINAL**

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occupied in that house on that day?

No answer.

By the Court: Q. Does the book show the number of rooms that were occupied?

A. No, sir, not all of them.

Q. Then that page does not show what was occupied that day?

A. There was about fourteen in the house at that time.

I can't answer that.

By Counsel: Q. When you were first cross-examined by me you said you remember there was sixteen in the house on that day and then you said by reference to this book it was fourteen and now you say by referring to this book you can't tell, which if those answers are true?

The Court: By reference to that page she says.

Witness: To that page.

The Court: You called her attention to Exhibit No. 2, the examination was about that.

By Counsel: Q. When did you first discover the mistake that you made on Exhibit 2?

No answer.

By the Court: Q. When did you find you made a mistake?

A. I found out I made a mistake when that gentleman showed it to me.

By Counsel: Q. What gentleman?

A. That gentleman there

(Pointing to Mr. Bradley of the District Attorney's office.)

Q. When you were examined by him as to what testimony you would give, is that it?

A. Yes, sir.

Q. And didn't you first tell him this book was a correct account of all the people that stopped at your house and the dates when they stopped there?

A. I told him that I can give a correct account but had made a mistake then.

**POOR QUALITY
ORIGINAL**

0055

- Q. When did you tell him that? A. The day I was there.
- Q. He drew your attention to it? A. Yes, sir.
- Q. Up to that time you believed your book was a book showing the correct entries and dates of the people living in your house? A. Yes, sir.
- Q. If it were not for that you never would have known you had made a mistake? A. No, sir.
- Q. Were you also told under the law a person should live in the Election District thirty days prior -----

By the Court: Q. Did Mr. Bradley tell you anything about that?

A. I do not remember.

By Counsel: Q. You knew the character of the charge you made against this defendant when you were called down to Mr. Bradley's office to be examined? A. Yes, sir.

- Q. You had attended at the Police Court, did you not? A. Yes, sir.
- Q. Don't you remember answering the question that you did not know who came in and came out of your place, and had no means of telling? A. No, sir, I did not say so because I do know who does come in and out except it is very late at night when I am asleep.
- Q. Do you know Officer Peter Kelly, the police officer that was here to-day? A. I saw him, yes, sir.
- Q. Did he come round to your house any day and make some inquiries about a man of the name of Washington? A. Yes, sir.
- Q. That fixes something in your memory, does it not, the fact of his calling on you? A. Yes, sir, he called.
- Q. How long before that time was it that this man (the defendant) came to your house? A. He came there that Tuesday.

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- Q. What day was it that he called on you? A. Saturday.
- Q. What day was the officer at your house? A. Saturday.
- Q. And the Tuesday before that, was that the day the defendant came to your house, Washington? A. Yes, sir.
- Q. Are you sure about that, do you remember the officer coming to see you? A. Yes, sir. That was right after Washington had been there.
- Q. What day of the week did he come, was it Friday or Saturday, either one of those days? A. It was either one of them.
- Q. How many days before that was it that Washington had come to stop at your house? A. He came on the Tuesday before that.
- Q. The Tuesday before that Friday or Saturday? A. Yes, sir.
- By Mr. Osborne: Q. Are you sure of that? A. Yes, sir.
- Q. Have you got any other way of fixing in your mind that Washington came there on the 18th day of October?
- The Court: She has answered that.

ANDREW JOHNSON, sworn, and examined:

By Mr. Osborne: Q. You live at 80 West Houston street?

A. Yes, sir.

Q. You are the husband of Sarah Johnson who just testified?

A. Yes, sir.

Q. Look at the defendant and tell the Court and Jury whether you ever saw him before? A. Yes, sir.

Q. Tell the Jury where was it you saw him the first time?

A. 80 West Houston street, on the 18th of October in the evening.

Q. What did you do that day, anything? A. I was down

town looking for some work.

Q. What did you do with respect to the defendant, what did you do with respect to him? A. I was sitting in the house and he came in and asked for the keys of his room, my wife gave him the keys.

Q. In your presence? A. Yes, sir.

Q. The key of room No. 2 on the top floor? A. Yes, sir.

Q. And that was on the 18th of October?

A. Yes, sir, in the evening.

Q. How do you fix that date in your mind? A. I know it was on the 18th because on the 19th was the registering day and I went to register on the day after, the 19th.

Q. Anybody come to your house to see you on any day with respect to Washington?

Objected to.

A. No, sir.

Q. When was the next time you saw Washington, to the best of your recollection, after the 18th? A. I saw him on Saturday evening, on the 22nd.

Q. Saturday evening, the 22nd? A. Yes, sir.

Q. When did you see him next? A. I did not see him any more until I saw him ----I do not know the date of it---- I did not see him any more after that until I saw him in Jefferson Market.

Q. When he came to see you the first time after the 18th, did he leave anything with you? A. Yes, sir.

Q. What did he leave? A. He gave me two cans, a can of lima beans and a can of corn.

Q. Do you know the residents of that house 80 West Houston street, do you know who lived there?

A. I know some of the families.

Q. Do you know who does and who does not live in that house?

A. I do not know all the families, I never bother with the book to see the names, only a few old acquaintances of mine, that is all.

MICHAEL J. CAREY, sworn, and examined:

By Mr. Osborne: Q. Officer Carey, you are connected with the police force of this city?

A. Yes, sir.

Q. You know the defendant, William H. Washington?

A. Yes, sir.

Q. Did you arrest him?

A. Yes, sir.

Q. If so, upon what date?

A. The 28th of October.

Q. Did you have any talk with him at that time?

A. Yes, sir.

Q. You state just what he said in detail?

A. Officer Dorrigan and I went to Station P, Produce Building, Post-office branch; we inquired for William H. Washington. They sent William H. Washington; we took him out in the lobby of the Produce Building and I questioned him and asked him was his name William H. Washington, did he live at 80 West Houston street? He said, yes. I then asked him whether he had registered from No. 80 West Houston street? He said, yes. Then I told him I had a warrant for him, for his arrest, I read it to him. He wanted to go back and change his -----

Q. What did he say?

A. Then he says, "I don't know about this, I can't understand it." I says, "That lady there stated to us that you did not live there." He says, "Why, I live there since the 7th or 8th of October." I says, "Both the lady and gentleman there states that you first came there on the 18th of October." He said, "Then it must have been a mistake."

**POOR QUALITY
ORIGINAL**

0059

Q. Who said it must be a mistake? A. Washington.

Q. He said what? A. That that must have been a mistake.

By The Court: Q. What they said must have been am mistake, that he was there on the 7th or 8th, that is what he said?

A. Yes, sir, that is what he said.

By Mr. Osborne: Q. Did you ever hear him make any statement of any kind after that? A. Yes, sir.

Q. When? A. Well, he stated going over to Jefferson Market, that he had lived there since August.

Q. Since August? A. Yes, sir.

Q. Did he state that to you? A. Yes, sir.

Q. What did he say to you, what were his words?

A. He says, "Now these people are making a mistake with me."

Q. That was going to the station house? A. No, going to Jefferson Market from the station house.

Q. Did you hear any further statement made by him at any time?

A. Only he told me that he lived there in August. I asked him then why he told Officer Dorrigan and I that he first went there on the 7th or 8th of October? He became excited and fumbled and mumbled and said it must have been a mistake.

Q. Did you have any further talk with him or hear any further statement made by him? A. That is all.

Counsel: We haven't any questions.

The Court: It will be conceded I presume that No. 80 West Houston street is in the Fifty-third Election District, and that Election day was the 8th of November, and that the 19th of October was a regular day of registration.

Counsel: Yes, sir.

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ORIGINAL**

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Mr. Osborne: That is the case for the People.

THE CASE FOR THE DEFENCE:

Counsel: We now move your Honor to direct the Jury to acquit, first upon the ground that there is a failure of proof that this defendant did not live in the Election District for the required period of time ----- there is no proof that he did not live in the district for a period sufficient to bring it within the requirement of the law.

The Court: Motion denied ---- it is a question of fact.

Counsel: I make the point that there is ~~xxxxxxxxxx~~ an absolute failure of proof.

The Court: Yes, I understand the point.

Counsel: We rest.

Counsel for the Defendant summed up to the Jury.

Mr. Osborne summed up for the People. He read the law defining the charge in the indictment.

Counsel: I object to the District Attorney reading the law.

The Court: Objection overruled.

Counsel: We except.

The Jury rendered a verdict of GUILTY.

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SA

THE DATA HEREIN IS A SUMMARY OF THE FACTS.

CONTRACT: NO. 100-100.

THE CONTRACT: NO. 100-100.

CONTRACT: NO. 100-100.

CONTRACT: NO. 100-100.

THE CONTRACT: NO. 100-100.

CONTRACT: NO. 100-100.

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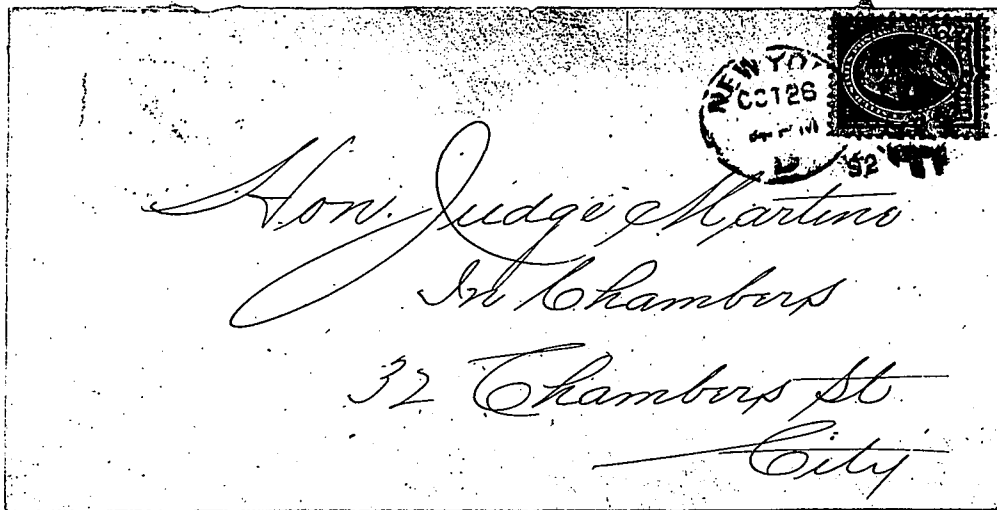
CONTRACT: NO. 100-100.

*Testimony in the
case of
JPM v. Washington*

*Filed
Sept 1/54*

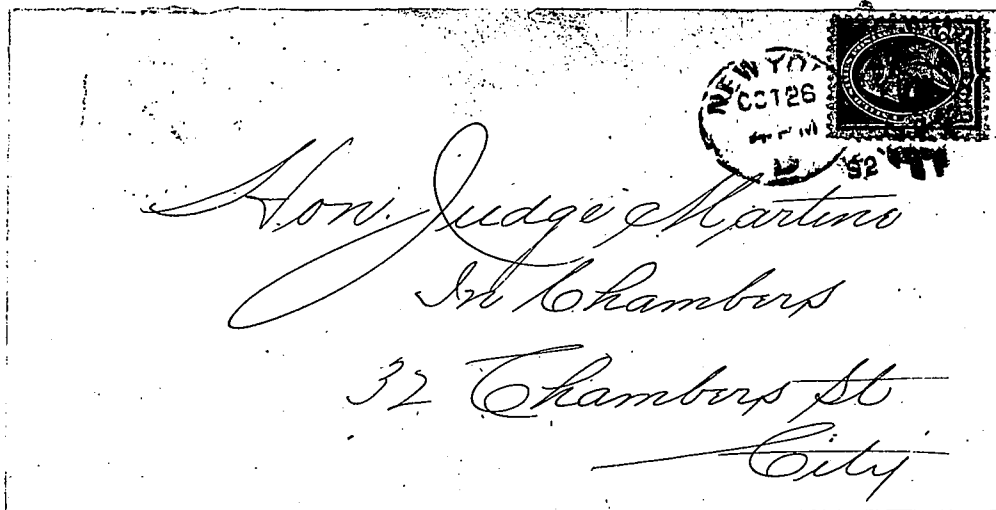
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PARIS, France.
MANCHESTER, England.

BOSTON,
PHILADELPHIA,
BALTIMORE,
SAN FRANCISCO,
CHICAGO.

OFFICE OF
B. L. Solomon's Sons,

UNION SQUARE & 16TH STREET.

SELLING AGENTS OF THE **Orinoka Mills.**

New York Oct 26th 1892

Hon Judge Martino,
Sir,

Since my last interview with you I called upon Mr & Mrs Miller and had an interview with them. Their lawyer, a Mr Miller of 120 Broadway was present. I offered to pay Mr Miller \$5⁰⁰ pr Month for 12 Months. which they did not seem inclined to accept, and I have not as yet heard anything from them.

I beg to submit that, knowing my position financially, my obligations to my family, and countless expenses pertaining to household expenses. Life Ins., about \$250+ pr Year and now my boy's yearly tuition & incidental expenses I find that it takes all my salary to make both ends meet.

I feel that if the two boys who actually took away & pawned their goods when

**POOR QUALITY
ORIGINAL**

0065

apprehended (which is no doubt only a question of time) they would disclose where the goods were disposed of and could be recovered. I have done my utmost in the matter and shall be glad at any time to further assist. I remain Sir,

Yours very respectfully
Geo Washington

POOR QUALITY
ORIGINAL

0066

PARIS, France.
MANCHESTER, England.

BOSTON,
PHILADELPHIA,
BALTIMORE,
SAN FRANCISCO,
CHICAGO.

OFFICE OF
B. L. Solomon's Sons,
UNION SQUARE & 16TH STREET.
SELLING AGENTS OF THE **Orinoka Mills.**

New York Oct 26th 1892

Hon Judge Martino,
St. Div.

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**POOR QUALITY
ORIGINAL**

0067

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Yours very respectfully
Geo Washington

POOR QUALITY
ORIGINAL

0068



*Court of General Sessions,
Judges Chambers,
32 Chambers Street.*

New York _____ *189* _____

Rev E. Meekam

Rev E. Meekam -

Lectec Sullivan.

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ORIGINAL**

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Address all letters &c. to Union Sq. & 16th St.

PARIS, France.
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BOSTON,
PHILADELPHIA,
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SAN FRANCISCO,
CHICAGO.

OFFICE OF
B. L. Solomon's Sons,

UNION SQUARE & 16TH STREET.

SELLING AGENTS OF THE **Orinoka Mills.**

New York, Sept. 30th 1892

Hon Judge Marlino.
Dr. Sir.

*I have seen
detective Sullivan. He did
recover some goods for Mrs Miller
and promised to make a further
effort and advise me.*

*I will see him again and
learn the result and will
call upon you at recess on
Wednesday next.*

Very respectfully
Geo Washington

0070

William Washington

100 EAST 23D STREET,

New York, July 29th 1891

OFFICER M. J. [Signature]

OFFICER 1410
July 27/95

July 21/93
Burglary

Fourteen

St. Catharine

George

Ellen (dead)

209 West 118th Street

March 12/92. Washington was arrested with one Walter Clark age 18 years charged by his sister with stealing \$250.00 worth of clothing and silverware. Was held for the action of the Grand Jury who dismissed indictment on condition that Mr Washington would place him under restraint.

March 11, 1891. Justice Duvier at
5th Dist Court on the father's Affidavit committed
son William Washington to the Catholic Rectory.

May 10/92 Washington was arrested on complaint of his father for stealing one pair of trousers, father refused to prosecute and Justice Meade discharged boy.

Parents respectable. Home comfortable.

All which is respectfully submitted,

G. Dick Atty.

is respectfully submitted,
 O. Lowell Jenkins
 Supt

POOR QUALITY
ORIGINAL

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Report of
General Cassano

Edw. T. Cerry

William Washington

PENAL CODE, §

Cory

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. CERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

POOR QUALITY
ORIGINAL

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462

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 Washington

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

William Washington

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

The said

William Washington

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the
twenty seventh day of *June* in the year of our Lord one
thousand eight hundred and ninety-*two*, with force and arms, in the *day* time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Hattie Miller

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

SECOND COUNT—

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

William Washington
of the CRIME OF *Grand* LARCENY in the first degree, committed as follows:
The said *William Washington*

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,
*one seal coat of the value of one hundred and
seventy-five dollars, one overcoat of the value
of forty dollars, five dresses of the value of
thirty dollars each, two chains of the value of
twenty-five dollars each, four curtains of the
value of ten dollars each, two cake baskets of
the value of ten dollars each, two lamps
of the value of thirty dollars each, three
pictures of the value of ten dollars each,
two clocks of the value of ten dollars each,
twenty-five forks of the value of two dollars
each, twenty-five spoons of the value of one
dollar each, one jewel case of the value of
ten dollars and divers other goods, chattels
and personal property, (a more particular
description whereof is to the Grand Jury aforesaid
unknown) of the value of *two hundred dollars*
of the goods, chattels and personal property of one *Hattie Miller**

in the dwelling house of the said

Hattie Miller

there situate, then and there being found, from the dwelling house aforesaid, then and there felon-
iously did steal, take and carry away, against the form of the statute in such case made and pro-
vided, and against the peace of the People of the State of New York and their dignity.

De Lancey McCall,
District Attorney

0074

BOX:

493

FOLDER:

4497

DESCRIPTION:

Watkins, James O.

DATE:

08/04/92



4497

POOR QUALITY
ORIGINAL

0075

Witnesses:

deft before came of
G.P. 2nd June 1/85. 1st
v.s. 2 - June 1/85. 1st

sentenced 24/8/84 S.P.
R.B.M.

after an examination of
the evidence in this case,
I recommend the
acceptance of plea of
Petit Larceny.

Dec 16/92.

Foran M. Davis

Dist.

Counsel,

Filed,

Pleas,

THE PEOPLE

vs.

2

James O. Watkins

DE LANCEY NICOLL,

District Attorney.

Grand LARCENY, 2nd degree
(False Pretenses)
[Section 528, and 581, Penal Code.]

A TRUE BILL.

Dec. 16. 1892. V. M. D.

Allen D. Applegate

Foreman.

Dec 16/92

Dec. 16/92

R.B.M.

Fol. 1

At a Trial Term of the Court of
General Sessions for the County of
New York, held at the Court House
in and for said County, on the
August
day of ~~April~~, 1892.

PRESENT,

HON. RANDOLPH B. MARTINE,

JUDGE.

-----x
T h e P e o p l e)

 --vs-- :

James O. Watkins.)

-----x
On reading and filing the affidavit of Henry T. Terry,
the defendant's attorney, verified the 18th day of August,
1892, it is

"2
O R D E R E D that a commission herein issue
from this Court to W. R. Wilson, Esq., and Edward S. Atwa-
ter, Esq., attorneys at law of the City of Elizabeth in the
State of New Jersey, authorizing them or either of them to
examine H. C. Stilwell under oath, as a witness on behalf of
the defendant herein, upon interrogatories to be settled
and annexed to this commission, and that the People be at
liberty to join in the said commission and to examine wit-
nesses in support of the indictment; and it is

F U R T H E R O R D E R E D that said com-
mission be returned by mail, postage paid, directed to

POOR QUALITY
ORIGINAL

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" 3

J. Carroll
John ~~Sparks~~, Esq., Clerk of the Court of General Sessions
of the Peace, 32 Chambers Street, New York City; and it is

FURTHER ORDERED that the trial
of the said action be stayed until the ^{2nd Monday} 12th day of *September*
1892.

Enter
R.B.M.
"

Fol.1

COURT OF GENERAL SESSIONS, NEW YORK COUNTY.

-----x
The People)

--VS--)

James O. Watkins.)
-----x

City and County of New York, ss:

Henry T. Terry, being duly sworn, says: He is the attorney for the defendant in the above entitled proceeding.

" 2 The crime charged against the defendant in said proceeding is the crime of grand larceny in the second degree for stealing Fifty Dollars from one William Scholze, by procuring the said Scholze to cash a check for \$50 drawn by one H. C. Stilwell to the order of the defendant, James O. Watkins, upon a bank in the City of New York, and endorsed by the said Watkins. The said Watkins was indicted for the said crime by the Grand Jury of the County of New York on the 3rd or 4th day of August, 1892, and on the 8th day of August, 1892, pleaded not guilty before this Court, and an issue of fact has been ~~drawn~~ ^{joined} in the said proceeding. The names of the witnesses to examine whom a commission is desired are H. C. Stilwell, who was the drawer of the said check, and *another whose name I have not yet been able to find out, for whom a commission will be asked later.* The testimony of both of the said witnesses is material and necessary to the defendant for the defense of the action for reasons hereinafter stated. The said witnesses both

- " 3 reside out of this State. The said Stilwell resides in the City of Elizabeth in the State of New Jersey, and the said *Mr. intus* resides, as deponent is informed and believes, in or near the City of Newark in the State of New Jersey. The defendant has made to me a statement of the facts in this case, which he declares to me and which I verily believe, both from his statement and from information that I have had from other sources, to be a full and fair statement of the facts in this case, and on such statement and information I verily believe the testimony of the said witnesses to be material as aforesaid for the following reasons:
- " 4

- The defendant does not deny that he procured the said check to be cashed from the said Stilwell and received the money on it and that the check turned out bad, and the defense which he intends to make in this action is that he received and had the check cashed in good faith, believing it to be good. The said Stilwell is the maker of the said check, and, as the defendant informed me, was in Chicago, Illinois, at the time of the defendant's arrest. On Friday
- " 5 last the defendant informed me and I verily believe that he had just received a message from the said Stilwell, saying that said Stilwell was afraid to come over to this State and testify in this matter, but that he would give his testimony upon commission; and the defendant expects to prove by the testimony of the said Stilwell that he received the check in question and some other checks from the said Stilwell in payment for services which he had rendered to the

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said Stilwell, and on the said Stilwell's assurance that the said checks were good, and that the first of said checks was good and was duly paid on presentation at the bank on which it was drawn.

And the said Stilwell farther says that he can testify to certain facts, which he did not state to the defendant, tending to explain why the other checks turned out bad, which will go to show that the defendant acted in good faith in receiving said checks. The witness *insurance* is the

an officer of the *Co* Bank in Newark, New Jersey, at which said first check was presented and paid, and the defendant expects to prove by his testimony that the said Stilwell had an account at said

" 7

bank and that said check was duly presented and paid there the defendant got

before the check in this proceeding cashed. *I have not yet learned, after diligent inquiry, what bank.*

The reason why this application has not been made before is that it was not until Friday, ^{of} last week, the 12th inst., that the defendant heard from said Stilwell or knew that the said Stilwell had returned from Chicago, and the defendant has always informed me that he did not know where

the said Stilwell lived in Elizabeth. Previously to that time I had written several letters to Elizabeth to attorneys there, requesting them to find the said Stilwell for

" 8

me, and they had replied to me that they were entirely unable to find him, although they had made diligent search.

When the defendant informed me on Friday last that Stilwell had returned from Chicago and that he had received a mes-

**POOR QUALITY
ORIGINAL**

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- " 9 sage from him, it was then after five o'clock in the afternoon and too late for me to go to Elizabeth that day. I inquired of the defendant with care as to how I could find said Stilwell in Elizabeth, and he gave me certain information which he said was all that he was able to give. I then went to Elizabeth on Saturday, the 13th of August, and spent a considerable time in searching for said Stilwell, inquiring at all of the places to which the defendant had directed me and a number of others, and inquiring of all
- " 10 the persons I could find in Elizabeth of the same business as the said Stilwell, and at the Post Office, and I was entirely unable to find the said Stilwell or any trace of him. Since Friday the defendant informs me that he has had two messages from the said Stilwell, and I have written to the said Stilwell, and the defendant informs me that he has sent word to him by the messenger requesting said Stilwell to make an appointment for me to meet him or inform me when and where I can take his testimony on commission in New Jersey. Up to *the present time* I have got no reply from said Stilwell, and I do not at present know exactly where I can find him, but verily believe that I can find him in a few days. I do not know said Stilwell by sight, but the defendant does, and if the defendant can be released on bail, he assures me, and I have no doubt in my own mind, that he can find said Stilwell readily.. The defendant for some weeks before he was arrested and at the time when he procured the first of said Stilwell's checks to be cashed at the bank on which it was drawn, was, as he then
- " 11

" 12 told me many times, suffering great anxiety and worry of mind because of his pecuniary embarrassments and of the serious illness of his wife, who was expected to die., and during all of said time I was doing business for him and found it almost impossible to get any information from him or any accurate recollection from him of where he went and what he did during that time. He over and over again informed, both before his arrest and since, that he had very little recollection of that time, for which reason, although

" 13 I inquired diligently and urged him to search his memory, he always informed me that he could not recollect the bank at which he got the said first check of Stilwell's cashed. But on Friday last he informed me that he had been able to recollect to a considerable extent. He told me what he thought was the name of the bank, and he told me what he said was certainly the location of the bank in Newark. That was too late for me to go out that day, and the next day I was detained in my office until after banking hours.

Therefore I had not been able to find out the name of said witness until *now; I have not yet found it out.*

for which reasons I was not able to make this application soon as any sooner; otherwise I should have made it at once as

" 14

the defendant was arrested. *I have waited to find out the true witnesses name so as to make best application of same.*

There is also another witness, one S. P. Curtis, who is a material and necessary witness for the defendant in this case. The facts which make him a material and necessary witness are within my own knowledge, and some of them are not within the knowledge of the defendant. The defend-

**POOR QUALITY
ORIGINAL**

0083

" 15 ant has often informed me that he does not know where the said Curtis lives and that he has no place of business in New York, and I myself do not know him by sight and do not know his residence or place of business. For a number of weeks past, long before the defendant was arrested, I had been trying for reasons of my own, to find the said Curtis, but without success. The defendant has informed me that he has been most of the time for the last six months in Baltimore and Philadelphia, but that when he is in New York, which he occasionally is, he can be found at a certain hotel in this city, and that he receives letters there. I

" 16 have been several times to the said hotel within the past week and have inquired for him there but have not been able to find him, but the clerk of the hotel told me that he received letters there and had been there within a few days. I have several times written to him, requesting him to call upon me, but thus far I have not been able to find him. The defendant assures me, and I verily believe, that he will be able to find the said Curtis, if he is in town, if he can get released on bail. I have not been able to procure bail for the defendant ~~until~~ al- though I have used my utmost efforts to do so.

17 It is therefore my opinion, as the defendant's counsel, that it will be necessary for the defendant to have a considerable postponement of the trial of this case, in order to enable the defendant or myself to find the said Curtis and summon him as a witness, and to take the testimony of the said Stilwell and of the said *imposed*

" 18 and that if the defendant is forced to go to trial without those said witnesses, he will be placed in an unjust disadvantage and will not be able to make his defense as fully and effectually as he otherwise would be able to make it.

WHEREFORE the defendant asks for an order for commissions for the examination of the said Stilwell ~~and the~~
~~said~~ and an adjournment of his trial at least until

This case has been twice upon the calendar for trial, namely, on the 10th and 15th of August, 1892, and the
" 19 Assistant District Attorney having the matter in charge has kindly granted me a postponement for the purpose of making this application.

No previous application for a commission has been made.

Sworn to before me this)

18 day of August, 1892.)

Amos M. Mudge

Notary Public,)

New York County.)

POOR QUALITY
ORIGINAL

0085

Court of General Sessions

The People

vs

James O'Watkins

Original

Affidavit and Order

Henry D. Perry

Deputy City

280 Broadway

N.Y. City

Filed Aug 23/92

Fol. 1

At a Term of the Court of General
Sessions for the County of New York
held at the Court House in and for
said County, on the 13th day of
September, 1892.

PRESENT,

HON. *Randolph B. Martine*

JUDGE *of General Sessions*

-----x

The People)

--VS--)

James O. Watkins.)

-----x

On reading an order made and entered in this
Court on the 23rd day of August, 1892, ordering that a com-
mission issue herein to W. R. Wilson, Esq., and Edward S.
Atwater, Esq., of Elizabeth, N. J., authorizing them to ex-
amine H. C. Stilwell under oath as a witness on behalf of
the defendant herein, and that the trial of this case be
stayed till the 12th day of September, 1892, and the af-
fidavit of Henry T. Terry verified the 18th day of August,
1892, on which said order was made, and on reading and fil-
ing the additional affidavit of the said Henry T. Terry ver-
ified the 29th day of August, 1892, and

ON MOTION of Henry T. Terry, Esq., attorney for the
defendant, it is

O R D E R E D that the said order of August 23, 1892,

" 2

be and it hereby is vacated.

" 3

O R D E R E D that a commission herein issue from this Court to William A. Sheridan, Esq., and Henry V. Freeman, Esq., attorneys at law, of Chicago, Illinois, authorizing them or either of them to examine H. C. Stilwell under oath as a witness on behalf of the defendant herein upon interrogatories to be settled and annexed to this commission, and that the people be at liberty to join in the said commission and to examine witnesses in support of the indictment;

" 4

O R D E R E D that said commission be returned by mail, postage paid, directed to John^H Carroll, Esq., Clerk of the Court of General Sessions of the Peace, No. 32 Chambers Street, New York City;

O R D E R E D that the trial of the said action be stayed until the 10th day of October, 1892.

Enter
R.S. M.
L

POOR QUALITY
ORIGINAL

0000

Court of General Sessions

The People

vs.

James Watkins

Order

Henry J. Perry
Deft's Atty.

280 Broadway

N. Y. City
I consent to the entry of
the within order.
Sept 13. 1892.

Verum M. Davis
Asst.

Fol. 1

COURT OF GENERAL SESSIONS,
NEW YORK COUNTY.

-----x
T h e P e o p l e)
 --vs--)
J a m e s O . W a t k i n s .)
-----x

PLEASE TAKE NOTICE that on the annexed affidavit of Henry T. Terry verified the 29th day of August, 1892, and on the order entered herein on the 23rd day of August, 1892, for a commission, and the affidavit of Henry T. Terry verified the 18th day of August, 1892, on which said order was made, which order and said last mentioned affidavit are filed in the Clerk's Office of this Court, the defendant will move this Court at a Term thereof to be held in the Court Room at No. 32 Chambers Street, in the City and County of New York, on the 12th day of September, 1892, at the opening of Court on said day or as soon thereafter as counsel can be heard, (The defendant will make said motion before Part I of said Court) for an order vacating the said order of August 23, 1892, ordering that a commission issue herein to W. A. Sheridan, Esq., and Henry V. Freeman, Esq., of Chicago, Illinois, to examine H. C. Stilwell under oath, as a witness on behalf of the defendant herein, and that the trial of this case be stayed till the 10th day of October, 1892, and for such other and further relief as may be just.

" 2

**POOR QUALITY
ORIGINAL**

0090

" 3

Dated, New York, September 9, 1892.

Henry T. Terry,

Defendant's Attorney,

280 Broadway,

N. Y. City.

To,

Delancey Nicoll, Esq.,

District Attorney for New York County,

and to,

Vernon M. Davis, Esq.,

Assistant District Attorney.

Fol. 1

COURT OF GENERAL SESSIONS,
New York County.

----- x
The People)
vs.)
James O. Watkins.)
----- x

City and County of New York, ss:

Henry T. Terry, being duly sworn, says: He is the
attorney for the defendant herein.

On the 23rd day of August, 1892, an order was made and
entered in this Court in the above entitled action that a
commission issue herein from this Court to W. R. Wilson, Esq.
and Edward S. Atwater, Esq., attorneys at law in the City
of Elizabeth in the State of New Jersey, authorizing them
or either of them to examine H. C. Stilwell under oath, as
a witness on behalf of the defendant herein. Said order
was made on the affidavit of the present deponent, verified
the 18th day of August, 1892, and was made with the consent
of Vernon M. Davis, Esq., the Assistant District Attorney
who has this matter in charge on behalf of the District At-
torney.

The deponent has since learned that a few days ago
the said Stilwell removed from Elizabeth, N. J. to the City
of Chicago, Illinois, where he now lives, and that there-
fore it will be impossible to examine him under such a com-

" 2

**POOR QUALITY
ORIGINAL**

0092

" 3

mission as said order provided for.

Sworn to before me this)

29th day of August, 1892.)

Henry T. Tug.

Louis Mendel
Notary Public,)

New York County.)

**POOR QUALITY
ORIGINAL**

0093

City and County of New York, ss:

Jacob Doran, being duly sworn, says: He is sixteen years of age and resides at No. 222 Cornelia Street in the City of Brooklyn, N. Y.

That on the 9th day of September, 1892, between the hours of three and four in the afternoon of said day, he personally served the annexed affidavit and notice of motion upon Delancey Nicoll, Esq., District Attorney for the County of New York, by delivering a copy of the same to and leaving said copy with the clerk in said District Attorney's office at No. 52 Chambers Street, in the City of New York, appointed by said District Attorney to receive service of papers.

Sworn to before me this)

9th day of September, 1892.)

Saml. Mendelsohn
Notary Public,

Jacob Doran

New York County.)

POOR QUALITY
ORIGINAL

0094

Court of General Sessions

The People

vs

James O'Watkins

Affidavit and
Notice of Motion

Henry T. Perry
Sgt's Office
28 Broadway
N.Y.C.

Due service of copy
of the within is hereby
admitted.
Dated New York Sept 19/92.

**POOR QUALITY
ORIGINAL**

0095

POLICE DEPARTMENT OF THE CITY OF NEW YORK,

Precinct No.

*Pawn Ticket -
taken from James O. Watkins*

POOR QUALITY
ORIGINAL

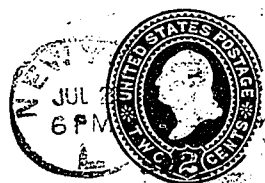
0096

Letter from
James O'Walsh
Held as Evidence
by Order of Ass. Dist.
Alonzo Davis

**POOR QUALITY
ORIGINAL**

0097

Return to
MOUNT MORRIS BANK OF NEW YORK,
Corner 125th St. & Park Ave., NEW YORK, N. Y.,
If not delivered within 3 days.



J. E. Schuyler, Jr.
3345-3 (1)

POOR QUALITY
ORIGINAL

0098

July 21. H. B. Stillwell 150 Nassau St. N.Y.
" 23 " 10. Nassau "

Simon Sultan

John H. Robertson
164 W. 36 St
City.



POOR QUALITY
ORIGINAL

0099

No.	Brooklyn, N.Y.	189
NASSAU NATIONAL BANK		
OF BROOKLYN		
Pay to the order of		Dollars
<small>Milton C. Johnson, 30 Wall Street, N.Y.</small>		

POOR QUALITY
ORIGINAL

0 100

No. 327 Brooklyn, N.Y. July 23 '1892

NASSAU NATIONAL BANK
OF BROOKLYN

Pay to the order of Cash

Ten Dollars

\$10 ⁰⁰/₁₀₀

H. B. Stillwell

Milton C. Johnson, Jr. Manager, N.Y.

**POOR QUALITY
ORIGINAL**

0 10 1

J. O. Hatten's
11

POOR QUALITY
ORIGINAL

0102

People
vs
J. Watkins } District Attorney's Office,
City & County of
New York January 11th 1893.

Hon. Randolph B. Martine.

Dear Sir:

At the time this
defendant pleaded guilty of Petit Larceny,
I informed his attorney, Mr. Terry, that
I believed him guilty, & would object
to the acceptance of the plea of guilty
unless the defendant would say
that he was guilty without qualification.
Defendant pleaded in that way -
It was left entirely with him -

May I suggest that your
Honor take no action upon defendant's
present application until it reaches
you through the regular channels
from the Governor, after application
for pardon.

Respectfully
Vernon M. Davis.

**POOR QUALITY
ORIGINAL**

0 103

*Perfect Received
Jan 20/93*

280 Broadway, Room 88.

New York, Jan. 20, 1893.

William N. Penney, Esq.,
Clerk of Part II,
Court of General Sessions.

Dear Sir:

I have your favor of January 19 in reply to my communication to Judge Martine about the case of James O. Watkins. I supposed that the usual course was to obtain the recommendation of a Judge before applying to the Governor. If I had not supposed so I should not have troubled Judge Martine about the matter. I will now apply directly to the Governor.

Will you have the kindness to return to me ^{by hand} all the affidavits and papers which you have in your hands of mine? And oblige,

Yours very truly,

*Henry T. Terry
at for J. O. Watkins.*

**POOR QUALITY
ORIGINAL**

0 104

OFFICE OF
PAUL P. TODD,
COUNSELLOR AT-LAW,
REAL ESTATE BOUGHT AND SOLD
AND LOANS OBTAINED.

EDWARD FARNHAM TODD,
Rooms 39 & 40, No. 145 BROADWAY.

New York, Dec. 6 1892

To the
Judge of Court of General Sessions

Dear Sir

I have been acquainted
with Mr. J. O. Watkins for the past seven
or eight years and during that time
he has always been straight forward
and honest in his dealings with me.

Yours Resly

Paul P. Todd

POOR QUALITY
ORIGINAL

0105

1690
District Attorney's Office.

Dec^r 10. 1892.

Rec^d this day
from Vernon M. Davis
nine pawn tickets
taken from possession
of James O. Watkins,
Amy G. Watkins

S. B. ROGERS,
REAL ESTATE,
60 LIBERTY STREET,

ROOMS 14 & 15.

New York, Dec 10th 1892,

Mr H. T. Terry,

Dear Sir
your letter at hand.

What you say surprises me very much. I have known Mr J. A. Watkins 5 or 6 years and have had many transactions in Real Estate with him and always found him square and honest with me, he has had money paid to him for me and promptly turned me over my share.

I cannot believe Mr Watkins would be guilty of theft, and am very sorry to hear that such an accusation is made against him.

Very truly
S. B. Rogers.

POOR QUALITY
ORIGINAL

0 107

7-91-2500.

Jos. M. DEVEAT, President.

THOS. W. ROBINSON, Cashier.

MOUNT MORRIS BANK,

125TH STREET & PARK AVENUE.

New York, 7/28 189 2

A Check for \$ 50

Drawn by N. P. Stillwell

Payable at Nath. Bury

Bank, and deposited by you has been returned.....

No ac no charge

Please give the same your immediate attention.

Respectfully yours,

J. M. DeVeau Teller.

To M. E. Scholz Co.

33115-3

POOR QUALITY
ORIGINAL

0 108

280 Broadway

N.Y. Aug. 6. 1892

Mr. Davis

Asst. Dist. Atty.

Dear Sir:

I was not able to get
the affidavits in the case of
James O. Watkins ready in
time to hand them to you
yesterday, Friday. I have
left them for you this AM,
being told at your office that
you will not probably be
down today. I think the
case is one where the dis-
cretion to vote the prose-
cution may rightly be ex-
ercised. I believe Mr. Wat-
kins to have acted without
due caution, but without

any actual fraudulent in-
terest. And it seems to me
that the circumstances of
himself and his family
and the man's distracted
state of mind may be pro-
perly taken into account.
He has now suffered one
a week's imprisonment,
and has had, I hope, a
rough of a scare to make
him more careful in
the future.

It is of course proper that
the prosecution should not
be discontinued except
upon the terms of his
repaying what he re-
ceived from Scholze. I am
assured this Act. that
money for that purpose
will be placed in my
hands Monday by some

POOR QUALITY
ORIGINAL

0 1 1 0

of his friends. I will try
and see you about the
matter Monday early.

If you should decide not
to discontinue but to pro-
ceed with the trial, I
hope, considering that
I have not had the op-
portunity to see you to-
day and that I have
not seen the indictment
yet, nor known what
it would be necessary
to summon witnesses, that
you will not force me to
trial on Monday.

Very truly yours
Henry T. Tamm
Sept 5, 1937.

**POOR QUALITY
ORIGINAL**

280 Broadway, Room 88.

New York, Jan. 19, 1893.

HON. RANDOLPH B. MARTINE,

Judge of the Court of General Sessions.

S i r:

About a week ago I sent you a letter and some affidavits in regard to the case of J. O. Watkins, who was convicted before you in December of petty larceny and sent to Blackwell's Island. I am not quite certain that my boy, by whom I sent the papers, delivered them properly, and therefore, not having heard from you, I write simply to ask you whether you received them. If you did receive them, I do not intend or desire to hurry you in the matter, because, of course, I know that you will attend to them in due time; but I will take it as a favor if you will kindly let me know whether you did receive them.

Very truly yours,

H. T. Terry.

**POOR QUALITY
ORIGINAL**

0112

280 Broadway, Room 88.

New York, Jan. 10, 1893.

HON. RANDOLPH E. MARTINE,

Judge of the Court of General Sessions.

S i r :

You will perhaps recollect that James O. Watkins, for whom I appeared as counsel, pleaded guilty of petty larceny in the General Sessions before you ^{*early in December last*} and was sentenced by you to Flackwell's Island for ten months. His offense was obtaining money from one William Schulz on a bad check. I have always believed, and still do believe, that he was innocent of the crime with which he was charged. But he had, as you will probably recollect, been convicted about eight years ago for a similar offense, and the circumstantial evidence against him was so strong that I did not dare to proceed to trial unless we could obtain the evidence of Stillwell, the maker of the said check. By the kindness of the District Attorney, Mr. Davis, whose kindness and consideration to me in all this matter I wish to acknowledge, and by the consent of the Court, I procured the trial to be postponed from

2

August until December, in the hope of getting Stillwell's testimony. I made every possible effort to get the testimony; but for reasons that I need not now explain I was not able to do so, although Stillwell sent to me a written confession of his guilt in the matter, which I have annexed to the affidavit which I hand you herewith. Not being able to get Stillwell's evidence, and believing that on the imperfect presentation of the case which must be made without that evidence, my client would be convicted of grand larceny; and, as it would be a second offense, he would be sent to State Prison for at least five years, I advised him to accept the offer of the District Attorney and plead guilty to petty larceny, which he did.

At the time when he so pleaded guilty I had prepared the affidavits which I send herewith for the purpose of presenting them to you as bearing on the question of the amount of punishment which ought to be inflicted. But Mr. Davis said to me that he would not accept a plea of guilty if it was accompanied by affidavits amounting to a claim of innocence, and that the Court would not accept the plea either, and that if we wished to plead guilty we must do it without qualification and without any claim of innocence. Accordingly, I did not present the affidavits to you.

**POOR QUALITY
ORIGINAL**

0114

3

I desire to apply to Governor Flower for a pardon for Watkins on the ground that it was impossible to present the full facts of the case before the Court, and therefore impossible to obtain what would really have been a fair trial, and that there is really a reasonable doubt of the man's guilt, and that he has already suffered over six months' imprisonment. I suppose that it would be useless to make any application of that sort to the Governor unless it was approved by you. I have spoken to Mr. Davis about the matter, and he still is of the opinion that Mr. Watkins was guilty, but has no objection to my making this application to you. I therefore send you the enclosed affidavits, and ask you to do me the favor to read them, and after reading them to let me know whether you are willing to make any recommendation or suggestion to the Governor, or to approve some recommendation or suggestion to be made by me. Of course, if the statements in the affidavit are true, Mr. Watkins is innocent; if the statements in Stillwell's letters are true, Mr. Watkins is innocent, although, I understand, they will be received with suspicion by you as coming from the accused man himself. I myself believe the statements to be substantially true. I have reason, as I have stated in my own affidavit, to believe that there was such a man as Stillwell,

**POOR QUALITY
ORIGINAL**

0115

4

and that Watkins really did have the transactions with him which he says he had, and did have a debt owing to him from Stillwell, because he consulted me about all of those matters long before the checks were given.

Yours very respectfully,

Henry T. Terry

Attorney at Law.

POOR QUALITY
ORIGINAL

0116

People
James O. Watkins
from
Henry T. Perry
answered Jan 19/92

indicated
filed
Aug 1892

GLUED PAGE

POOR QUALITY
ORIGINAL

0117

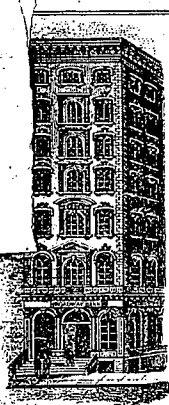
FROM
NATIONAL BROADWAY BANK.

Return to *Am. Exp.*
For *no apc.*

GLUED PAGE

POOR QUALITY
ORIGINAL

0118



No. 726 *Exhibit A* New York July 21' 1892
National Broadway Bank
Pay to the order of J. C. Watkins
Fifty Dollars
\$50.00 50- *W. D. Stewart*
EDWIN J. KEHR, STATIONER & PARK PLACE, N.Y.

on the ~~under~~ same, the following property, viz:

GLUED PAGE

POOR QUALITY
ORIGINAL

0 1 1

J. C. Matthews

FOR DEPOSIT IN
Mount Morris Bank,
TO THE CREDIT OF
WM. F. SCHOLZ.

W F Scholz

GLUED PAGE

POOR QUALITY
ORIGINAL

0 120

Police Court 6th District.

Affidavit—Larceny.

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

of No. 1199 Rail Road Avenue Street, aged 24 years,
occupation Green being duly sworn
deposes and says, that on the 21st day of July 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:

Some one hundred money of the United
States to the amount and value
of Fifty dollars

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by James O. Watkins (now free)
from the fact that on same day defendant
came to deponent and asked him to
cash the annexed check marked "Exhibit A"
representing that same check was paid and
deponent thereupon gave defendant said
amount of money - and since same time deponent
has ascertained that same check was worthless
deponent therefore charges and alleges
that the said defendant did feloniously
take et al and carry away said
property as aforesaid

William C. Scholz

Sworn to before me, this 29 day of July 1892
John H. McArthur Police Justice.

POOR QUALITY
ORIGINAL

0 12 1

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

Cotte

District Police Court.

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

Question. What is your name?

Answer.

James O. Watkins

Question. How old are you?

Answer.

53 years -

Question. Where were you born?

Answer.

New York

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

Answer.

834 E 163rd St. 2 months

Question. What is your business or profession?

Answer.

Broken

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

Answer.

I am not guilty of the charge

J. O. Watkins

Taken before me this

day of

July

1892

at

New York

City

Police Justice.

POOR QUALITY
ORIGINAL

0122

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

Police Court--- *17th* District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William E. Schuch
1149 Macdonald Ave

James O. Matthews

Offence *Larceny -*
Robbery

Dated *July 29* 1892

Carroll Magistrate.

Edman Hunt Officer.

33rd Precinct.

Witnesses

No. *Robert* *Residence* *Bank*

No. *Seymour* *1400* *8th* *St*

No. *Brooklyn* *1892* *Living* *Brooklyn*

No. *Brooklyn* *1892* *Living* *Brooklyn*

No. *4000* *to* *inspect* *St*

Carroll

Carroll

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 *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 *July 29th* 1892 *John R. ...* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0123

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 O. Watkins

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

James O. Watkins —

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

The said *James O. Watkins*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty first* day of *July* — in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one William E. Schuch*

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said*

William E. Schuch —

That a certain paper writing in the words and figures following, to wit:

"No. 726 New York July 21, 1892

The National Broadway Bank

Pay to the order of J. O. Watkins

Fifty ————— *Dollars*

\$50.00

W. B. Stillwell

and endorsed as follows, to wit: "J. O. Watkins," which the said James O. Watkins then and there produced and delivered

To the said William E. Scholz, was
then and there a good and valid
order for the payment of money
and of the value of fifty dollars

By color and by aid of which said false and fraudulent pretenses and representations, the said

James O. Watkins —

did then and there feloniously and fraudulently obtain from the possession of the said

William E. Scholz the sum of fifty
dollars in money, lawful money of
the United States of America and
of the value of fifty dollars,

of the proper moneys, goods, chattels and personal property of the said

William E. Scholz —

with intent to deprive and defraud the said *William E. Scholz*,

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said *paper writing* which
the said *James O. Watkins* so as
aforesaid then and there produced and
delivered to the said *William E. Scholz*
was not then and there a good and
valid order for the payment of ~~money~~

**POOR QUALITY
ORIGINAL**

0 125

money and was not of the value of
fifty dollars, or of any value, but
was wholly void and worthless.

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said James O. Watkins
to the said William A. Scholz was and were
then and there in all respects utterly false and untrue, as the the said
James O. Watkins
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
James O. Watkins
in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said William A. Scholz
then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0 126

BOX:

493

FOLDER:

4497

DESCRIPTION:

Webber, Henry

DATE:

08/02/92



4497

Witnesses:

Counsel,

Filed

189

Pleas,

THE PEOPLE

vs.

Henry Webber

Sept 7/92

The defendant
was tried - jury
disagreed - 9 pm
acquitted 13 pm

Conviction - Complaint
Newspapers -
with newspaper -
Lark that the deft
be discharged on his
own recognizance
in my opinion
there never can be a
conviction
Sept 27 1892

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

District Attorney.

Book II Sept. 12 1892
A TRUE BILL

Allen O. Ayer
Foreman.

#30 Park St. Sept. 27/92.
Deft. discharged on his
own recognizance
J. B.

4-92

THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE RECORDER SMYTH.

HENRY WEBBER

Wednesday, September 7, 1892.

Indictment for assault in the first degree.

A Jury was empannelled and sworn.

GEORGE ROSSLER, sworn and examined:

Where is your place of business? 185 Avenue A, I keep a liquor saloon. Were you in business there on the 3rd day of July? Yes. On that occasion did you know this defendant at the bar? Yes. How long had you known him? About six months. He lived in your place? He did. He boarded there? Yes. Did he come into your saloon on that 3rd day of July? Yes, about one o'clock in the morning. Who else was in the saloon when he went there? There was five in the saloon; Pete Killien, Goetz, and the defendant was there, and there was another man named Scheivler, he was there. They were in the saloon at the time he (the defendant) came in? Yes. When he came in had he been drinking evidently? He was drunk when he came in. What did he say to you? He did not say anything, he came in the saloon and when he was in about 12 feet he took the revolver out of his pocket. After he took the revolver out what did he say? He went back in the rear part of the saloon and handed that revolver around. I told him, Henry, put this thing away, it is no thing to play with; he gave me no answer but to kiss his backside. I told him, Henry, put that revolver away, if you do not put it away I will get somebody to make you. So he sent me to hell. I went out and called an officer; he went out of the back door and went up stairs on the first floor. He walked back again and I went around the side door to let the policeman in. When I got out.

**POOR QUALITY
ORIGINAL**

0129

on the first step he says, keep away, and he fired off. He aimed at you? Yes, he was about 12 feet away from me. Was he facing you? Yes. Did you see where the point of the revolver was aimed? Yes. At what part of your body was it pointed? Right here, right alongside the nipple here and the ball came out on the back. Have you got the bullet? Yes. Where did you get the bullet from? From the doctor. Is that the bullet (showing)? Yes. This bullet was taken from your body by Doctor Hubbard and by the doctor given to you? Yes. Where was it taken from? Out of the back. Where were you when it was taken from your body? Bellevue Hospital. After you were shot, down to the hospital? Yes, Bellevue Hospital, I was two weeks there. When was the defendant arrested, when the policeman came? Yes. What did he say? He did not say nothing, I was sitting on the chair, I could not listen any more, all I seen was that the policeman knocked the revolver out of his hand.

CROSS EXAMINATION:

Were you drunk that night? No, I am sure of that. Who came into the saloon with him? Another young man, which I do not know. Where was Scheivler sitting at the time? He was sitting on the third table; Webber came over to the table where Scheivler was. The defendant had been boarding with you how long? He was boarding with me, I guess it is 2 months, since he was working, in that place. Hadn't he been boarding with you six months? Not steady, he only had a room after that. He had a room for about six months? Yes. About two months he had been getting his meals there? Yes. You saw him at 7 O'clock that evening, didn't you? Yes. And he asked you for some money? Yes. To loan to his friend? Yes. You gave it to him? Yes. You were friendly at that time, then? I never had anything against him and I do not know why he should

**POOR QUALITY
ORIGINAL**

0130

have. There was no cause of a quarrel between you? We had no quarrel, never. So far as you are concerned, so far as you know, there was no reason why he should wound you? No reason, I do not know why he should shoot me. Whereabouts were you when the shot was fired? I was in the hall. Do you recollect that you turned to take the pistol from him just before he fired? No, I was not near him, not 12 feet. Who else was in the hallway the time the shooting took place? That young man he brought in with him, he was standing between the stairs and the hall, Mr. Webber was standing on the stairs. When you were shot where were those men standing, at the counter? No, the other fellows were sitting in the room. Didn't you go out when you first called for the police? I was so excited I did not see them any more, I do not know, I could not tell.

HERMAN GOETZ, sworn and examined:

Where do you live? 185 Avenue A. Do you know Mr. Rossler the complainant? Yes. Were you in his saloon on the morning of the third of July? Yes. What time were you there? The whole evening. Did you see Mr. Rossler there? Yes, he was there. Did you see this defendant come in? Yes, I saw him come into the saloon. What time was it? About half past twelve or a quarter to one o'clock in the night time. When he went in there what did he say? He came into the saloon, and he went to the center of the saloon and he took out his revolver. He was swinging his revolver around and he held it against Rossler; then Rossler warned him; he said, take that revolver away, put that revolver away. Then Webber told Rossler to go to hell. Rossler said again that he should put the revolver away; then Webber said, kiss my backside. Rossler then went through the front door and open the front door to the street.

POOR QUALITY
ORIGINAL

0131

Then he turned back, he did not open the front door and went to the rear door to go through the rear door. Rossler went two or three paces in the hall and then at once there was a report and he came in and said, I am shot. Did you see the defendant afterwards? The policeman brought this man in. Did you see the revolver with the man when he came in? Yes.

PETER KILLIEN, sworn and examined:

Where do you live? 668 Washington Street. Do you know Mr. Rossler? Yes. Do you know the defendant? Yes. You were in Rossler's saloon on the morning of the third of July? Yes. What time did you get there? I got there about half past ten. You stayed there how long? Until about one o'clock. Did you see this defendant come in? Yes. What time did he come in? I guess he came in about one o'clock. What did he do when he did come in? He knockee on the door, Rossler's wife opened the door and he came in, he said nothing at all. I wanted to go home. He felt in this pocket and he took the revolver out and he says, "I want to shoot somebody to-night, anyhow." When he did that I came over and said to Webber, "don't make so much noise around playing with a revolver." He turned around and pointed the revolver at my breast, I was still. Rossler's wife cried out, what are you doing, what for do you want to shoot that man, he did not do nothing to you. He went around. I thought I would get out myself. I turned around and went and looked after him. I saw him when he comes round with the revolver after Rossler; Rossler runs around and he calls for the police; then he runs up stairs, he had a room up stairs; we thought he stayed there for the night. Then Rossler says, I would not have that man in the house to-night and he goes out, he wanted to go out of the back door, he
4 went to call for the police; when he was out may be three step

then the shot was fired; the man comes in and says, now I had my share, Rossler said that, then he had the bullet in his breast here. That is all I know.

GODFREY HEIDENRICH, sworn and examined:

You are a police officer connected with the 14th precinct? Yes. That precinct embraces 185 Avenue A? Yes. Were you on duty on the morning of the third of July? Yes. Where? Avenue A, from 7th to 14th Streets. Did you go to 185 Avenue A? Yes. Your attention was attracted by something? My attention was attracted by the complainant crying out for police. I went and asked what the trouble was. What time did you go there? To the best of my knowledge about 15 minutes to one. When you got there who did you see? I saw the complainant. What was he doing? He was calling for the police. Was he shot? No. I went on the outside, I told him I would get my side-partner, I went to the corner to get my side-partner, and as I got within about 12 feet of the hall door I heard a shot fired; then I tried to get in the hall, the hall door was locked, I tried the saloon door, that was locked, I tried to force my way in the hall, I could not do that, we had to force an entrance to the saloon by breaking the window. What did you see when you got inside? I saw the defendant with a revolver in his hand. Is this the revolver (shown)? Yes Did you take that revolver from him at that time? I knocked it out of his hand with my night-stick. What did he say to you? I says, who is shot? Rossler says, I am, I says, who shot you? He says, Henry, pointing to the defendant. I said, what did you shoot the man for? He did not answer, he was under the influence of liquor. In the meantime my side-partner had come in. I says, Eddie, you take this man right down to the station house, send another officer for an ambu-

POOR QUALITY
ORIGINAL

0133

lance. The ambulance came and the complainant was taken away in the ambulance; he was taken to Bellevue Hospital. You saw where he was shot? Yes, I tore the shirt off his back, he was shot on the left side of his right nipple.

DANA HUBBARD, sworn and examined:

You are a physician? Yes. Connected with what hospital?

Bellevue Hospital: Were you connected with that hospital on or about the third day of July? I was. On the morning of July 3rd did you see the complainant in the hospital? 1:15 at Bellevue Hospital. Did you examine his person and body on the occasion? I did. State to the Court and Jury what you found him suffering with? I found him sitting up in what we call a coma, suffering from difficulty in breathing; he was very blue in the face and I asked ^{an attendant} what had been done? He said the man had been shot. I asked him where he was in pain? I asked the patient where he had been shot and he just pointed to his right breast. I then removed the under-shirt and saw the wound. The wound was a little to the inner side of the right nipple on the line between the two nipples. He had been dressed by the ambulance surgeon, I removed the dressings in order to see the wound. Did you probe for the bullet? The wound was a circular wound, somewhat lacerated. I did nothing further, except ordering the patient to bed and to be put under the influence of anodynes. I did that for four days. On the fourth day his pneumonia had convalesced, I was able then to make an examination, I found that the bullet had penetrated a lung and had lodged in the back on a line with the lower shoulder blade, about the eighth rib, about three inches from the spinal column, just beneath the skin the bullet rested. You saw the ball? I removed the bullet on the 14th. Is that the ball (showing)? That is the appearance of

the bullet, it is about 38 calibre, I think. Did this bullet or a bullet resembling it, pierce the right lung? Yes, it went through the lung.

CROSS EXAMINATION:

How long was he in the hospital? Entered July 3, discharged July 16. Was that wound such a wound as would be likely to produce death? The wound was a serious one, I could only give statistics of the mortality, which is about 75% deaths, about 25% cured.

THE CASE FOR THE DEFENCE:

FREDERICK NINEBERG, sworn and examined:

Where do you reside? 70 Washington Street, Hoboken. What is your business? Bar-tender. Were you born in this country or Germany? Germany. How long have you been in this country? 13 years. Do you know the defendant, Webber? Yes, I have known him eight years. Do you know other people that know him? Yes. Do you know what his general character is for peace and quietness, is it good or bad? It is good, I worked alongside of the gentleman for two years. Did you ever hear of his being in trouble before? No. Did he ever carry a revolver before to your knowledge? No.

JOHN A SONTAG, sworn and examined:

Where do you live? 40 East Houston Street. What is your business? I am a saloon-keeper. How long have you resided in this city? For the last year and a half. Do you know this defendant Webber? The gentleman worked for me. How long did he work for you? About five or six months. Do you know other people that know him? Yes, several people. Do you know his general character for peace and quietness, and if so
7 is it good or bad? His character is very good to my knowledge

GEORGE MILLER, sworn and examined:

Where do you live? 237 East 100th Street, I am a foreman in the beer bottling business. How long have you been in this city? I have been here about five years. How long have you known the defendant? I have known him two years and a half. Do you know other people that know him? Yes. Do you know his general character for peace and quietness and if so is it good or bad? It is good.

MATHIAS WEISER, sworn and examined:

Where do you reside? 29 Stanton Street. How long have you resided in the City of New York? About 24 years. Do you know the defendant, Webber? Yes, over two years, I know other people that know him, his general character is good.

HENRY WEBBER, sworn and examined:

Where were you born? In Switzerland. How old are you? 32 years. How long have you been in this country? About 8 years. Were you ever arrested before this time charged with the commission of any crime? Not for crime, I was arrested for excise. How many times? Once. What was done with you? I got off, I got free, I was discharged. With the exception of having been once arrested for violation of the excise law, you have never been charged with the commission of any crime or put under arrest until this present time? No. What is your business or profession? My profession is a machinist, but I have been working for the last five or six years as bar-keeper. At the time this happened where were you working? I was employed by Mr. Diekman at 18th Street and Irving Place as bar-keeper; I was living with Mr. Rossler at 185 Avenue A, I have been living with him five or six months, I have a room with him, I have known Mr. Rossler about nine or ten months.

**POOR QUALITY
ORIGINAL**

0 136

Have you ever had any quarrel with him? Never. Did not have any quarrel with him on this day that he was shot? Not the night. No reason for any quarrel? No. No reason why you should want to injure him? No. You have seen this revolver before have you? Yes, it is the same revolver. You had that revolver in your hand at the time that Mr. Rossler was shot? Yes. To whom did that revolver belong? To my employer, Mr. Diekman, it was not my revolver. Did you ever own one? No. Were you in the habit of carrying a pistol? No. Did you have one with you on the night in question? Yes. Where did you see Mr. Rossler last before the shooting? At 7 o'clock, in his saloon behind the bar. What had you been doing in the premises at that time? I generally went through the saloon when I went home to dinner or supper. Had you been up stairs to get your supper before you saw him or did you see him after you had your supper? When I came home for supper I went through the saloon and went up stairs and took my supper. I went down stairs and went through the saloon again. Did you have any conversation with Rossler then? Yes, I came into the saloon, a friend of mine was there. He said, Henry, have you got any money on you? I said, I have got a few dollars with me, how much do you want? He says, I want about five dollars, I want to go somewheres tonight, I will give it back to you to-morrow. I said to Rossler, George, will you be kind enough to give this gentleman five dollars I will give it back to you when I come home at 12 o'clock. Rossler gave the gentleman five dollars and he asked me to have a drink. I said, you must excuse me, I must go to work, I went out, took a car and went to work. What time did you stop work that night? I stopped work just at 12 o'clock, it was Saturday night. You were about going home then? Yes. Just before going home do you recollect any fact which caused you to take the pistol?

Yes, the hired girl of Mr. Diekman and one of his boys by the name of Charlie Hook came from up stairs into the saloon and said Mr. Diekman--- Did Mr. Diekman say something to you? Yes. In consequence of what he said did you get the pistol? Yes. Where did you get the pistol? Behind the bar. Was tha a pistol that belonged there? Yes, belonged to Mr. Diekman. After you got that pistol from behind the bar in consequence of what Mr. Diekman said, what did you do? I put it in this pocket. Then where did you go? I went down in the cellar,, and looked around. Did you find anybody there? No. And then you came up again did you? Yes; then I stood in the hall way talking to the hired girl and I seen Mr. Diekman and then somebody rapped at the outside door, Mr. Diekman closed the front doors in the saloon, and I wanted to see who it was that rapped; it was Charles Hook, he is here. Just then Charlie said, Henry, I would like to have a drink, I gave him a drink. Then he says he is going home, I do not know where he lived, I said, wait a little while and I will be through right away and we will go out together. We went down to 14th Street and took a green car both together, we stood on the front platform right down to 135 Avenue A between 11th and 12th Streets. Wha we came to the saloon of George Rossler it was closed, I rapped at the door, Mrs. Rpssler opened the door. I says, how do you do, we came in. I said, Charlie, there is Mr. Scheivler, he was sitting at the last table in the saloon;---there was only four tables in the place---he was sitting on the last table. So I walked right over; Mr. Rossler was on the third table, I passed George and said to Scheivler, how do you know George Rossler and I went back on the last table and says, How do you do, Mr. Scheivler; I shook hands with him. I said, George, give us a drink. I carried the revolver in my pocket.

10 In this pocket, this way (illustrating), I took it out and put

it in this pocket, that is the way I had my hand. I went down in the saloon, and when I came back I talked to Mr. Diekman's children. You got down to the saloon? Yes, when I said, "George, give us a drink," I took the pistol out in this hand to get my money out. Rossler said, you don't go flourishing any pistol around here. I said, are you getting crazy? He said, wait, I will fix you and he turned around and opened the door and ran out of the door and yelled "Police". I stood a little while and looked. I saw two policemen on the other door, when I saw the police open the door I turned around and went through the side door. First I went in the back yard, then I went back again, running through the hallway I thought by means of the hallway to go out in front, and when I opened the front door I saw no policemen standing there and I shut the door again and I went back and when I came out on the steps to go up stairs Mr. Rossler came running out from the saloon, and I stood one step on the stairs, it is only a small hallway, I had my pistol in my hand. He says, take that damn pistol away and he made a grab with his left hand to get it and the pistol exploded. Did you point the pistol at him and shoot it yourself? No. At any time did you attempt to shoot Mr. Rossler? No. You say that the pistol went off accidentally when he grabbed it? Yes. You did not have any intention of shooting him with it did you? No. Who was in the hallway at the time the pistol went off? I could not tell you, I was too excited at that moment. Did you have any scuffle with him before the pistol went off? Yes. When you started away from Mr. Diekman's place to go home did you know that this pistol was in your pocket? No, I had forgotten all about it. It was not until you put your hand in your pocket to get some money to pay for the drinks you had ordered that

you found that the pistol was there? Yes. Mr. Rossler, Mr. Killien, and Mr. Goetz have testified when you went into the saloon you took the pistol out and was flourishing it around, is that true? No. Did you say you would not be satisfied until you had shot somebody? No. Do you remember telling Mr. Rossler when he told you to put the pistol away to go to hell? No. Did you say to him, you kiss my backside? No.

CROSS EXAMINATION:

You heard Mr. Goetz and Mr. Killien say that they heard you say, go to hell, and that they heard you say to Rossler, kiss my backside, you heard them testify to that to-day? Yes. You say that you did not say that? No, I did not. You have no felling against Mr. Killien or Mr. Goetz? No. Have they any feeling that you know of against you? Not that I know of. You were in Rossler's saloon at 7 o'clock that night? Yes. Did you have any hard words with him then? No. Any trouble at all? No. Had you been drinking about 7 o'clock? No. Drank nothing at all? I was drinking through the day, beer, I could not tell exactly how much, I had about 8 glasses of beer during the day. Didn't have anything more than 8 or 10 glasses during the whole day? Yes. Before you left the saloon you were in, did you drink anything before that? No. You stated that something caused you to go down stairs, and you took this pistol with you? Yes. You put this pistol in this pocket here, did you get hold of it that way (showing)? Yes. You did not take it out when you went down to the cellar? No. When you went up from the cellar you stated to go to Avenue A? Yes. Do you mean to say that you would not know that the pistol was in your pocket from the place where you left work to where you went to? No. You for the first time discovered that this revolver was in your pocket when you attempted to get your money? Yes. Did you ride up from where

you worked? Yes. Who paid the fare? Mr. Hook. Didn't you attempt to pay the fare? No. My money was in this pocket, in my right side pocket. Where was the revolver? In the same pocket. When you took the revolver out of your pocket you were before the counter, were you not? No. Where were you? I walked right in the saloon and I walked back there on the last table at the end of the saloon, Mr. Scheivler was sitting there. Did you attempt to pay for the beer before you got it, he would have to go to the bar to get the beer, wouldn't he? Yes. What was the need of your putting the hand down in your pocket until he served you with the beer? That is what I generally do; I took my money out and said, give us a drink. He said, don't flourish that revolver. How did you hold it? That is the way I had it in my hand (showing). Were you in full possession of your senses? Yes. You kept the pistol from the time you went in the saloon and ordered the drinks until after Rossler went out and got a policeman. Yes. Now about that revolver in your hand, show me how you held it then? I stood this way on the steps (showing), here is the hallway not further than this, and here comes the steps and I stood on the steps. I had the pistol in my hand. He said, take away the damn pistol. You had the pistol pointed at Rossler? No, I was on the ends of the railing, it was pointing towards him? No; there was nobody in the hall, here is the door out from the street, I came through and went up stairs, and I stood on the stairs. When I came out I saw him running toward the door and I stood on the first step on the stairs, and I had the pistol there; he came running out and said "take that damn pistol away," and he made a grab for the pistol and wanted to pull it out of my hands, I was facing George, he came right at me. You were looking toward George? Yes. You must have turned around, didn't you? No. You were

going up stairs? Yes, I stood with one foot on the steps, I did not turn around. That is the hallway, the door is up this way, and he came through the hallway out here, here comes a turn when you go up stairs. Did you have your hand on the trigger? I do not know, George tried to take it away from me; that is the way (showing). Your hand was on the trigger? Yes. What did you have your hand on the trigger for? I do not know. You did have your hand on the trigger? Yes. How did George explode this revolver if your hand was on the trigger? He pulled it out of my hand. Your finger was on the trigger? I do not know. Didn't you snap this trigger? No. George's hand was not on the trigger, was it? I do not think so, I had it in my hand. Do you recollect the officer knocking that pistol out of your hand with a club? Yes. Do you recollect him asking you what you shot the man for? Yes. You did not make any reply to that? No. Why didn't you tell him you shot him accidentally? I fell right over and I says, George, for Heaven's sake, I fell so sorry that it happened I said, it eas not my fault, I did not want to do you any harm, after it was done. I am asking you why you did not tell the officer you shot him accidentally? After it happened I was too excited.

FREDERICK DIEKMAN, sworn and examined:

Where is your place of business? 66 Irving Place. And this defendant work for you? Yes, he did work for me. You remember the night that this transaction happened between Webber and Mr. Rossler, do you, you heard of it? Yes, on the next say in the paper. Look at this pistol and say if you recognize it? It looks like my pistol. Where did it used to be kept? Behind the counter, in the drawer. What was said

1

shortly before the defendant went away on this night, did your servant girl say anything to you? She told me there was thieves---After that servant had said something to you did you speak to the defendant? I did. Do you know what the defendant did? He got a candle and took the pistol and went down stairs and looked for the thief, we thought there was thieves down stairs in the cellar; then he came up stairs; shortly after that he went away; we closed up at 12 o'clock. . I saw nothing of this transaction. The next I heard of it was what I read in the newspapers. How long have you known this defendant? Since the 23rd of April. He has been peaceable and quiet while he was employed by you? Yes. Did you ever know of his carrying a pistol? No, I did not know he had a pistol in his pocket. Before this occasion did he ever carry a pistol? That I could not tell you.

OTTO SHEIVLER, sworn and examined:

Where do you live? 79 East 4th Street. How long have you lived there? Since the first of January last; I am a wine merchant. How long have you been in New York City? One year. You were in this saloon the night this shooting took place? Yes; I was sitting at the table in Rossler's saloon, then Henry Webber came in with a man by the name of Charley Hook, about 12 or 1 o'clock, night-time. Webber came up to me and said, hello, Scheivler, and then he put his hand in his pocket and said, let us have a drink, George. He put his right hand in his pocket and he put the pistol into his left hand and he took some money out of his pocket. Then I heard that they were talking together, Webber and Rossler, and I heard Rossler say, you don't need to flourish a pistol around here; then Webber said, Rossler, are you crazy or what is the matter?

Then Rossler said, wait, I will fix you, and he ran out and called the police. Then the police came into the room and he got frightened and he jumped out, Webber jumped out into the hall, Rossler ran after him like wild. When Webber saw the police come he ran out into the hall, Rossler was running after him. As Rossler and Webber were both outside in the hall I heard a report of a pistol shot. Then I left, I did not want to be in the muddle. You did not go into the hall? No. You did not see the pistol explode? No. You remained in the saloon did you? Yes. You heard the report of the pistol while you were in the saloon? Yes. When you heard the report of the pistol where did you go? Out on the street. You went through the front door? Yes.

CROSS EXAMINATION:

You left Diekman's saloon with the defendant, Webber? Yes, in the afternoon, not in the evening. Had you been drinking that afternoon with Webber? Yes, I think about three or four glasses of beer. You saw him put this revolver in his pocket? No, I saw when he took it out. Weren't you in the saloon with him, in Diekman's saloon? Yes, I was there. What time did you leave Diekman's saloon? I think it was six o'clock in the evening. Did you see Webber again until you saw him come into Mr. Rossler's saloon, did you see him between six o'clock and one o'clock? I saw him between twelve and one o'clock, I did not see him between six and twelve o'clock. The first time after six o'clock that you saw him was in Rossler's saloon? Yes. Did you hear him say to Rossler, go to hell? No. Did he say so or did you not hear it? I did not hear it. Did you hear him say, kiss my backside? No. Did you hear any angry words between them at all? They were angry when Rossler said to him to put away the pistol, then they were talking angrily. Then Rossler ran out through the front door

for a policeman. Webber remained in the saloon, he was waiting until Rossler comes back, he was waiting for the beer. And he held all the time the pistol in this hand and the money in his right hand. He did not put it away at any time that you saw? No, it didn't last long. When you saw the pistol did you keep sitting down all the time? No. Didn't you get up to get out of the way? No. You did not get up from the table at all? No, I remained sitting until I heard the report of the pistol, then I left. Did you see the policemen come in? Yes; I did not see the policeman knock the pistol out of the defendant's hand, I saw the policemen trying to get in the front door and they could not get in, then they tried to get in some other door and they could not get in that way, as far as I could see they came through the front door.

CHARLES HOOK, sworn and examined:

Where are you employed? I am employed in the barber shop corner of 18th Street and Fourth Avenue. I know the defendant Webber. I was with him on the night that Mr. Rossler was shot. We closed up at 9 o'clock. I had a weeks' vacation. I fixed everything up and it took me until a quarter to 12 I went down to Henry's place and I knocked at the side door. Henry came and opened the door and I walked in the hall. They were talking to the servant girl, she was saying something about thieves that were down in the cellar. I says, Henry I will go home if you will give me a drink. We walked inside; Henry closed up, we went right away, Henry induced me to go down Avenue A. We went down 14th Street and took a green car; I paid the car-fare. We stood on the front platform; we went into Rossler's place between 11th and 12th Streets, Henry knocked at the door and a woman opened the place, I do

not know who she was. We went in, I recognized Mr. Scheivler. Henry says, There is Mr. Scheivler. We walked over, I shook hands with him and I sat down at the same table; I think Henry did not sit down, I could not say for sure. Henry called for drinks; he said, George give us a drink. Mr. Rossler came over; he says, what are you going to have? I ordered beer and Mr. Scheivler ordered beer; but we did not get the drinks for in the meantime Henry grabbed in his pocket and he pulled out a pistol, in the right side I huess, he transferred it to his left hand and he grabbed again and he pulled out a roll of bills. At the time he had the pistol in his left hand Mr. Rossler says, do not be flourishing them pistols around here. Henry says, what is the matter with you, are you going crazy? Mr. Rossler, says, I will fix you if you do not put it away; and I ran out of the door. Henry stayed there a little while, he was excited, I could see as much as that and he went out of the side door and waited for a little while; I did not see Henry, I went out of the side door and as I stood in the hallway I saw Henry standing on the stairs, Mr. Rossler was running over to him and he says, put that pistol away and at the same time I heard a shot go off. How near to Henry was Rossler when the shot was fired? About as near as that (showing). It appeared to me that Mr. Rossler had the pistol and the shot was fired.

CROSS EXAMINATION:

You are sure that you paid the car fare? Yes, I says, I will pay the fare, and I grabbed in my pocket, I had lots of change and I paid the conductor. Did you know he had the pistol in his pocket? No, I did not see anything. When you got to the saloon what door was it you went in? We went in the side door through the hall, the front door was locked. Did you
18 hear Webber say, go to hell? No. Did you hear him tell Ross-

ler to kiss his backside? No. Do you know Gustave Goetz? No, there was people in there, I did not recognize them, I think I could not recognize them now. Do you know Killien? No. Both of the gentlemen testified here to-day, did you see either or both of them on that occasion? I saw people, I did not recognize them. When Rossler was running out did he say anything? He said he would fix him; I heard him shout police. All this time Webber had the pistol in his hand? Yes. I saw him on the stair-case as I walked out, he was looking towards Mr. Rossler and Mr. Rossler was standing in front of him. He was looking down the stair-case. Assuming that he went up the stair-case, he had turned around? I could not say that he turned. He had the pistol in his hand? Yes. Which hand did he have it in. I think he had it in his left hand as he walked out of the saloon, he had it in the same hand in the hall, I did not see Mr. Rossler's hand on that pistol.

GEORGE ROSSLER, recalled:

The defendant says that on the night in question he and one other went into that saloon and ordered of you drinks, did he do any such thing as that? No, not to my knowledge. He says that he took his revolver out of his right hand pocket and passed it to his left hand, did he do that? He took it out of his right pocket and put it in his right hand and went back to the saloon. He says that in the hallway he went after you shouted "Police," and that he there had his revolver in his hand and that you attempted to take the revolver away from him. I was not near to the man 12 or 14 feet, I did not have my hand on the revolver at all.

The Jury DISAGREED, standing nine for acquittal, and
19 three for assault in the second degree.

to place for assault in the second degree.

The jury discovered, standing in the door, looking out, and

was going on the revolver at all.

Q. I was not near to the door at that time, I did not hear him say that you attempted to take the revolver away from someone "Police," and that he there had the revolver in his to the station. He says that in the hallway he went after you of his right pocket and put it in his left hand and went back passed it to his left hand, and he do that. He took it out that he took the revolver out of his right hand pocket and do any such thing as that. He had to be knowledgeable. He says other went into that station and ordered of you "Police," and he the defendant says that on the night in question he saw one

GEORGE ROBERTS, testified:

I did not see Mr. Roberts, standing in front of that.

Q. Of the station, he had it in the same hand in the hall, he was in the hall. I think he had it in his left hand as he walked through. He had the pistol in his hands. Yes. Which hand did he hold it in? He had turned around. I could not say that he was looking down the street-case. Assuming that he went up the street. Roberts and Mr. Roberts was standing in front of him. He was on the street-case as I walked out. He was looking towards all this time. Roberts had the pistol in his hands. Yes. I saw nothing. He said he would hit him. I heard him shout "Police." Couldn't hear when Roberts was shouting and did not say anything of both of them on that occasion. I saw people. I did not see both of the gentlemen testified were to-day. Did you see either I could not recognize them now. Do you know KITTEN? No. There was people in there. I did not recognize them. I think let to kiss his backside. No. Do you know GEORGE ROBERTS? No.

*Testimony in the
case of
Henry Miller*

*filed
7/2/48*

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Henry Weber.

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 defendant has been in the City Prison for some time, and has once been tried and the jury disagreed, being largely in favor of the defendant. The defendant and I have been friends for a long time and there was no subject of dispute or disturbance between us on the day that I was injured.

On reflection, I am satisfied that the defendant had no intention to inflict any injury on me, and I am now satisfied, that the injury which I received was not intended on the part of the defendant, and I therefore ask that he may not be further prosecuted.

George Rosler

POOR QUALITY
ORIGINAL

0 149

The People
Henry Weber.

POOR QUALITY
ORIGINAL

0 150

Department of Public Charities and Correction,

BELLEVUE HOSPITAL,

WARDEN'S OFFICE.

W. B. O'ROURKE,
Warden.

New York, July 2 - 1892

This certifies that Geo
Russer is suffering from
a fatal shot wound
of the right Breast -
Condition at present
apparently serious

L. Dana Hubbard
M.D.

Department of Public Charities and Correction.

BELLEVUE HOSPITAL,

WARDEN'S OFFICE,

WM. B. O'ROURKE,
Warden.

New York.

July 6 1892

Dr. Ross is
at present suffering
from violent wound
of Right Breast - Lung
together with traumatic
pleurisy & traumatic
Pneumonia - Condition
is as good as could be
expected under existing
circumstances

S. Danforth Hubbard M.D.

POOR QUALITY
ORIGINAL

0152

Department of Public Charities and Correction,

BELLEVUE HOSPITAL,

WARDEN'S OFFICE,

WM. B. O'ROURKE,
Warden.

New York

1892

July 4th
Dr. Racker is
noting much
improvement - condition
not about the
same - Serious -

S. Dana Hubbard M.D.

July 9-92
Dr. Racker is
concluding his
report on
the improvement
though not out
of danger yet.

S. Dana Hubbard M.D.

Police Court, 3 District.

City and County } ss.
of New York,

of 14th Precinct Street, age years,
occupation Police officer being duly sworn, deposes and says,
that on the 3rd day of July 1892 at the City of New
York, in the County of New York, he arrested Henry
Robber (now here) charged with
felonious assault by pointing
and discharging a pistol at
the body of George Ressler.
That said pistol was loaded
with a leaden ball cartridge
which inflicted a wound in
said Ressler's breast and he
is now confined in Bellvue
has identified the defendant as the assailant
hospital, and deponent asks
that the defendant be held to
await the result of said
Ressler's injuries.

Sworn to before me Godfrey Heidenreich
this 3rd July 1892 Police Justice

POOR QUALITY
ORIGINAL

0154

Police Court-- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

25.
Henry Wetber
2
3
4

Offence, Assault

Dated July 3 1892

Duffy Magistrate.
Heidenreich Officer.

14 Clerk

Witnesses, Peter O'Kelliam

668 Washington Street,

Gustav H. Gutz

No. 185 Avenue A Street.

\$1000. Bail

No. Street.

Committed to Sessions

await the result

of inquest

Ex July 8.

Ex July 9th 1892

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

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

Dated 188

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

Dated 188

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order

Dated 188

Police Justice

Police Justice

Police Justice

Police Court—

3rd District.

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

of No. 185 Avenue A. Street, aged 51 years,

occupation Saloon Keeper being duly sworn

deposes and says, that on the 3rd day of July 1887 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Henry Webber. (now in)

did then and there discharge the
contents of one barrel of a loaded
revolving pistol at deponent
thereby causing a wound in the breast
of deponent

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 26th day

of July 1887

George Ressler
Police Justice.

POOR QUALITY
ORIGINAL

0156

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Henry Webber*

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this
day of *July* 188*9*

26

188*9*

John J. [Signature]
Police Justice

POOR QUALITY
ORIGINAL

0 157

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

Police Court,

District,

THE PEOPLE, &c,
ON THE COMPLAINT OF

1902
185 Avenue C
Henry Webster
Assault
Offense, _____

Dated,

July 26

1892

Magistrate,

Heppner

Officer,

Heppner

Witness,

John J. Williams

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

No. _____

1608 Washington Street

COMMITTED, _____

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Webber

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

Henry Webber
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Henry Webber
late of the City of New York, in the County of New York aforesaid, on the third
day of July 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 George Rossler in the peace of the said
People then and there being, feloniously did make an assault and to, at and against him
the said George Rossler a certain pistol then and there
loaded and charged with gunpowder and one leaden bullet, which the said Henry
Webber in his right hand then and there had and
held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there
shoot off and discharge with intent him the said George Rossler
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

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

The said

Henry Webber
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
George Rossler 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 George Rossler

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the
said Henry Webber

his right hand then and there had and held, the same being a weapon and an instrument
likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot
off and discharge, against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0159

BOX:

493

FOLDER:

4497

DESCRIPTION:

Wendelken, Henry

DATE:

08/19/92



4497

POOR QUALITY
ORIGINAL

0160

See copy of this doct. for
Aug. June 6. p. 2. Scholastic
in his own recy. P.B.M.

Witnesses:

Wm. H. Bost

Counsel,

Filed

Pleads,

day of Aug 1892

THE PEOPLE

vs.

Henry Wendelken

Grand Larceny,
[Sections 88, 89,
Penal Code.]

Grand Larceny,
[Sections 88, 89,
Penal Code.]

De LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Allen Q. Applegate

Foreman.

Aug 23/92

Wm. H. Bost

Elmira, N.Y. P.B.M.

POOR QUALITY
ORIGINAL

0161

(1305)

Police Court—3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

John H Wendelken.
of No. 61 Second Avenue Street, aged 54 years,
occupation Saloon Keeper being duly sworn,

deposes and says, that on the 12 day of August 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:

One Gold Locket and One
Gold Chain of the value
of Fifty Dollars
Dy 200

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by Henry Wendelken (mother)
from the hotel. that deponent
missed the said property
on August 13th 1892 that
deponent caused the arrest
of the said defendant when
he acknowledge and confessed
in open court that he had
~~taken~~ feloniously taken stolen
and carried away the said property
and had pawned it at a
pawn shop on Avenue B

John H Wendelken

Sworn to before me, this

day

Police Justice

POOR QUALITY
ORIGINAL

0162

Sec. 198-200.

CITY AND COUNTY } ss:
OF NEW YORK, }

District Police Court.

Henry Wendelken being duly examined before the under-
signed according to law, on the annexed charge, and being informed that it is *h* right to
make a statement in relation to the charge against *h*; that the statement is designed to
enable *h* if *h* sees fit, to answer the charge and explain the facts alleged against *h*;
that *h* 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.

Henry Wendelken

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer

New York

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

Answer.

67 E. Ave. S. 1 year

Question. What is your business or profession?

Answer.

Bar tender

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
Henry Wendelken

Taken before me this

day of

Aug 17 1903
J. J. [Signature]
Police Justice.

POOR QUALITY ORIGINAL

0163

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

Police Court, District, 1019

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. McVicker
Henry M. M. M.
Lancey Kelly

2 _____
3 _____
4 _____
Offense, _____

Dated, *Aug 17* 189*2*

Abelty Magistrate.
Abelty Officer.

Witnesses *Call Officer* Precinct _____

No. _____ Street _____

No. _____ Street _____



No. _____ Street _____
\$ *500* to answer *H.S.*

Om

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, *Aug 17* 189*2* *[Signature]* 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.

POOR QUALITY
ORIGINAL

0164

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Wendelken

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

Henry Wendelken
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Henry Wendelken

late of the City of New York, in the County of New York aforesaid, on the *15th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one locket of the value of
thirty dollars and one chain
of the value of twenty dollars*

of the goods, chattels and personal property of one

John N. Wendelken

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*

POOR QUALITY
ORIGINAL

0165

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Wendelken

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

Henry Wendelken
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Henry Wendelken

late of the City of New York, in the County of New York aforesaid, on the *15th*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*one locket of the value of
thirty dollars and one chain
of the value of twenty dollars*

of the goods, chattels and personal property of one

John N. Wendelken

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*

0 166

BOX:

493

FOLDER:

4497

DESCRIPTION:

Weniger, Louis

DATE:

08/18/92



4497

POOR QUALITY
ORIGINAL

0 167

#298

Counsel,

Filed,

Pleads,

189

THE PEOPLE

vs.

B
Louis Venzger

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 33.]

DE LANCEY NICOLL.

District Attorney.

Aug 26, 1892, W.D.

A TRUE BILL.

Alfred A. [unclear]

Foreman.

Dec 5th 1893.

Witnesses:

Wm. Ambrose Bishop

**POOR QUALITY
ORIGINAL**

0 158

Court of General Sessions of the Peace

1887

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Wengert

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

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

The said

Louis Wengert

late of the City of New York, in the County of New York aforesaid, on the *fourteenth* 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

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

The said

Louis Wengert

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.

0 169

BOX:

493

FOLDER:

4497

DESCRIPTION:

Wilson, George

DATE:

08/11/92



4497

POOR QUALITY
ORIGINAL

0170

Witnesses:

Thos. Spores

Counsel,

Filed

11 day of Aug, 1892

Pleads,

Magnity Ph

18

THE PEOPLE

vs.

*Carlton & Co
mailers*

George Wilson

Grand Larceny,
(From the Person)
Degree
[Sections 828, 829, 830
Penal Code.]

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

Allen J. Apgar

Foreman.

*Sept 2 - Aug. 25, 1892
Reals & Co. Larceny*

Pen one up

Police Court _____ District. _____ Affidavit—Larceny.

City and County }
of New York, } ss:

Thomas Powers
of No. *2431-8th* Avenue Street, aged *38* years,
occupation *House painter* being duly sworn,
deposes and says, that on the *6* day of *August* 189*2* at the City of

New York, in the County of New York, was feloniously taken, stolen and carried away
and person from the possession of deponent, in the *day* time, the following property, viz:

*a Silver watch valued at
Eight Dollars (\$8⁰⁰)*

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by

George Wilson (nowhere)
for the reasons following to wit:

*On said date deponent had said
watch in left hand pocket of the vest
that he then wore - and he was standing
in a crowd on Park Row - he felt a
tugging at his pocket - and
seized defendants hand and there
found his (deponents) watch - deponent
caused defendants arrest and pray that
he be dealt with according to law*

Thos Powers

Sworn to before me, this _____ day

of *August* 189*2*

John J. [illegible] Police Justice.

POOR QUALITY
ORIGINAL

0172

(1335)

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

George Wilson

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Canada

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

Answer.

Catherine St. 2 months

Question. What is your business or profession?

Answer.

Waiter

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

Answer.

I am not guilty

George Wilson

Taken before me this

day of

August

1897

at New York

City

Police Justice.

POOR QUALITY
ORIGINAL

0173

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

Police Court

District

THE PEOPLE, vs.,
ON THE COMPLAINT OF

Thomas Powers
174 St. 8th Ave
New York

Offense Larceny
from the person

Dated, Aug 7 1892

Magistrate

Officer

Precedent

Witnesses

No. _____ Street _____

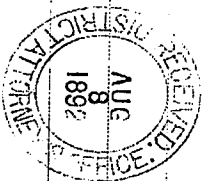
No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



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

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \$200 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Aug 7 1892 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.

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 Wilson

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

George Wilson

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

The said

George Wilson

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

*one watch of the value
of eight dollars*

of the goods, chattels and personal property of one *Thomas Powers*
on the person of the said *Thomas Powers*
then and there being found, from the person of the said *Thomas Powers*
then and there feloniously did steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

**POOR QUALITY
ORIGINAL**

0175

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

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

The said

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

*one watch of the value
of eight dollars*

Thomas Powers
of the goods, chattels and personal property of one

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

Thomas Powers
unlawfully and unjustly, did feloniously receive and have; the said

George Wilson
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.

0176

BOX:

493

FOLDER:

4497

DESCRIPTION:

Woods, John

DATE:

08/11/92



4497

0177

BOX:

493

FOLDER:

4497

DESCRIPTION:

Cromie, Richard

DATE:

08/11/92



4497

POOR QUALITY
ORIGINAL

0178

Witnesses:

Jas J. McNamee

Counsel,

Filed

11 Aug 1892

Pleas,

THE PEOPLE

vs. County
John W. Waddell
Richard Cromie

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Allen D. Appen

Foreman.

Sept 2 - Aug 26, 1892

Both Dead Guilty

Eck

Lawrence

POOR QUALITY
ORIGINAL

0179

Police Court—6th District.

Affidavit—Larceny.

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

George J. Merrin
of 15 Fleetwood Ave + 158th Street, aged 28 years,
occupation Cashmaster being duly sworn
deposes and says, that on the 5th day of August, 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:

Fifty-eight pieces of Car Brasses of
the value of one dollar each - in
all of the value of Fifty-eight dollars

the property of The New York Central & Hudson River
Rail Road Company - in deponent's
care & charge

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 Woods & Richard Cronie
(both like persons) who and each of whom
did together go into the yard of
said Rail Road Company - and deponent
caught and detected the said defendants
in the act of feloniously taking, stealing
and carrying away the above described
property.

Geo. J. Merrin.

Sworn to before me, this

6th day

of August 1892
John J. [Signature]
Police Justice.

**POOR QUALITY
ORIGINAL**

0 180

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK }

ptte
District Police Court.

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

Question. What is your name?

Answer. *John Woods*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *591 Main Ave. 6 weeks*

Question. What is your business or profession?

Answer. *Scrapper*

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*
J Woods

Taken before me this

1892

1892

Justice

**POOR QUALITY
ORIGINAL**

0 18 1

Sec. 198—200.

6th

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Richard Cronie

Question. How old are you?

Answer.

22 years -

Question. Where were you born?

Answer.

New York

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

Answer.

504 Morris Ave -

Question. What is your business or profession?

Answer.

Seamster

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

Richard Cronie

Taken before me this

6th

day of August 1892

W. J. Justice
Police Justice.

POOR QUALITY
ORIGINAL

0 182

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

Police Court--- *10th* District.

946

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George J. Williams
Stetson on 15th
John Ward-
William Loomis

Offence *Larceny -*
Robbery

Dated *August 6th* 1892

Mace Magistrate.

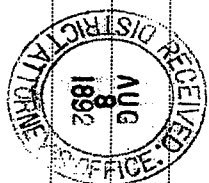
Richard J. Davis Officer.

33rd Precinct.

Witnesses

No. _____ Street _____

No. _____ Street _____



No. _____ Street _____

10th Ward, to answer *Ed.*

Wm

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

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

Dated *August 6th* 1892 *W. J. Williams* Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0 183

805

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 Woods and
Richard Cromie*

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

John Woods and Richard Cromie

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

The said *John Woods and Richard
Cromie, both* —

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

*fifty eight pieces of ear bracers
of the value of two dollars each piece,*

of the goods, chattels and personal property of ~~one~~ a certain corporation
*known as the New York Central and
Hudson River Railroad Company,*
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 McCall
District Attorney*

POOR QUALITY
ORIGINAL

0 184

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Woods and
Richard Cromie*

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

John Woods and Richard Cromie

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

The said *John Woods and Richard
Cromie, both* —

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

*fifty eight pieces of ear bracers
of the value of two dollars each piece,*

of the goods, chattels and personal property of ~~one~~ a certain corporation
*known as the New York Central and
Hudson River Railroad Company,*
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.

*Se Lancey McCall
District Attorney*

0 185

BOX:

493

FOLDER:

4497

DESCRIPTION:

Wren, Hugh

DATE:

08/10/92



4497

0 186

BOX:

493

FOLDER:

4497

DESCRIPTION:

Moody, Lizzie

DATE:

08/10/92



4497

0 187

BOX:

493

FOLDER:

4497

DESCRIPTION:

Costello, Elizabeth

DATE:

08/10/92



4497

POOR QUALITY
ORIGINAL

0188

Witnesses:

Counsel,

Filed

189

Pleas,

THE PEOPLE

vs.

Hugh Wren,
Ezzie Moody,
Elizabeth Costello

DE LANCEY NICOLL,

District Attorney.

Robbery, (Sections 224 and 228, Pennl Code.)
Degree.

A TRUE BILL.

Allen D. Apperson

Foreman.

Sept 2 - August 23, 1892.

All tried and acquitted

POOR QUALITY
ORIGINAL

0189

Police Court-- 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Jacob Jones
of No 46 Humboldt St Brooklyn Street, Aged 45 Years
Occupation Ironer being duly sworn, deposes and says, that on the

4 day of August 1892 at the 16 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

gold and silver money of
the United States, and on sundries
Coin - all of the

\$ 3.

of the value of Three DOLLARS,
the property of Dependent

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

Hygh Wren, Fizzie Moody and
Fizzie Costello now living in the
house No 115 West 25th Street
near. The defendants were all
in a room in said house and
deponent went there to get em-
ployment for his son. The other
defendants acted in concert in
leading deponent by force and
the Defendant Costello with
the said property out of deponent's
possession about the hour of 150 o'clock
in the afternoon of the 4th of August

day of

Sworn to before me this

August 1892
J. J. White Police Justice.

POOR QUALITY
ORIGINAL

0190

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Hugh Wren

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

496 West 174th 5 years

Question. What is your business or profession?

Answer.

Steamboat man

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

Answer.

*I am not guilty - I
know nothing about it.
Hugh Wren
man*

Taken before me this

day of

Sept 17 1901

Police Justice.

POOR QUALITY
ORIGINAL

0191

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0 192

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Lizzie Corletto

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

115 West 25

Question. What is your business or profession?

Answer.

Housework

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

Elizabeth Corletto

Taken before me this

day of

189

Police Justice.

POOR QUALITY
ORIGINAL

0193

We consent to the discharge of
the within named person on his
own recognizance.
Debraughed
Sister Attorney
G. J.

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

Dated August 5 1892
White
Magistrate.
Alvance
Officer.
19
Precinct.
Witnesses
Conferenced
No. 1
Discharged on recognizance
by Judge Commissioner
No. 1
1892
Street
No. 1
Street
No. 1
Street

Police Court, District, 951
THE PEOPLE, &c.,
ON THE COMPLAINT OF
113 Third Street
Jacob J. J. J.
H. J. J. J.
Lizzie Morley
Lizzie Corbett
Offense, _____

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 _____

Hugh Wren, Lizzie Morley, Lizzie Corbett
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, Aug 5 1892 _____ 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.

POOR QUALITY
ORIGINAL

0 194

New York. 8 August 1892.

Dear Sir!

I am a poor woman with 2 children
and are starving from hunger, through
the absence of my husband, who
is locked up in the Mulberry station
house for being / robbed of watch
and chain and his weekly salary. I have
tried to see well prominent people
to assist me in my trouble at least
to release my husband for a time,
until the trial will commence,
so that he could go to work and keep
us from starvation, but everything
was in vain, as he couldnt furnish
bail. Please for my children
sake take some action in the matter
as it partly depends on you and save
us from hunger and trouble. Your obedient

servant M^{rs} Jones
46 Humboldt St.
Brooklyn N.Y.

POOR QUALITY
ORIGINAL

0 195

Police Court, [^] District.

City and County } ss.
of New York,

of No. 19th Street

occupation Physician

that on the 5 day of

York, in the County of New York,

John H. Hume

Street, aged _____ years,

being duly sworn, deposes and says,

1885 at the City of New

York, in the County of New York, Jacob Jones, now
here is a material witness in the
matter of a complaint against
Hugh Wren Figgie Moody and
Figgie Cortello charged with
Robbery and defendant has reason
to believe that the said Jones
will not appear as such witness
defendant asks that the said
Jones be required to furnish
surety for his appearance as
such witness.

Known to appear within
5 days of August 1885

J. H. Hume
Other parties

James A. Sloan

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Hugh Wren, Lizzie
Moody and Elizabeth Costello*

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

Hugh Wren, Lizzie Moody and Elizabeth Costello
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Hugh Wren, Lizzie Moody and Elizabeth Costello*, all
late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *August* in the year of our Lord one thousand eight hundred and
ninety-*two*, in the day time of the said day, at the City and County aforesaid,
with force and arms, in and upon one *Jacob Jonas*,
in the peace of the said People then and there being, feloniously did make an assault; and

*the sum of three dollars in money,
lawful money of the United States
of America, and of the value of
three dollars, and one coin of the
value of one cent.*

of the goods, chattels and personal property of the said *Jacob Jonas*,
from the person of the said *Jacob Jonas*, against the will,
and by violence to the person of the said *Jacob Jonas*,
then and there violently and feloniously did rob, steal, take and carry away, the said
Hugh Wren, Lizzie Moody and Elizabeth Costello, and each of them, being then and
there aided by an accomplice, actually present,
to wit: each by the others:

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 McCall
District Attorney