

0009

BOX:

88

FOLDER:

959

DESCRIPTION:

Adams, John C.

DATE:

01/29/83



959

00 10

260

(11)

Day of Trial,

Counsel,

Filed

day of

1883

heads

Not guilty (30)

THE PEOPLE

vs.

B

John C. Adams

or

John C. Adams

JOHN McKEON,

District Attorney.

A True Bill.

E. H. H. H.

Foreman.

Recd Feb 19-187

0011

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

2nd District Police Court.

John Clausnitzer, impleaded as *John C. Adams*

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

Question. What is your name?

Answer.

John Clausnitzer

Question. How old are you?

Answer.

29 years.

Question. Where were you born?

Answer.

Germany

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

Answer.

#29 Bleeker Street; since December 1881.

Question. What is your business or profession?

Answer.

Physician - Registered.

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.

My name is John Clausnitzer by right of birth - Doctor J. C. Adams gave me the permission to add the name of Adams to my name in consideration of a certain monthly payment to practice medicine on my own responsibility at the above named premises. I have done no wrong and intended none. I waive further examination at this Court.
John Clausnitzer
registered physician.

Taken before me this 27th day of December 1881

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

0012

Sec. 151.

Police Court 2nd District.

CITY AND COUNTY }
OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by David Webster of No. 266 Madison Avenue Street, that on the 22 day of November 1882 at the City of New York, in the County of New York,

John C. Adams of No. 29 Bleeker Street did unlawfully practice medicine in said city and did professionally attend, treat and prescribe for one Alexander Cameron of said city without having registered as required by law and without a license as see

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 2nd DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 6th day of December 1882

J. Henry Bond POLICE JUSTICE.

00 13

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

David Webster

vs.

John C. Adams

Warrant-General.

Dated *Dec 6* 188*2*

Ford Magistrate

Campbell Officer.

The Defendant *John F. McLannan*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Har Campbell Officer.

Dated *Dec 8th* 188*2*

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *Dec 8:1882*

Native of *Germany*

Age, *29*

Sex

Complexion,

Color *White*

Profession, *Doctor*

Married *Yes*

Single,

Read, *Yes*

Write, *Yes*

29 Bleeker st

00 14

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

Dated Dec 22^d 1882 J. Henry Ford Police Justice.

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

Dated Decr. 23^d 1882 J. Henry Ford Police Justice.

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

Dated _____ 188 _____ Police Justice.

0015

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

2

3

4

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

00 16

City and County of New York, ss:

THE PEOPLE,

POLICE COURT, SECOND DISTRICT.

On Complaint of

David Webster

For

Misdemeanor

John Clausenitzer
impeached as
John C. Clausen

After being informed of my rights under the law, I hereby *demand* a trial by Jury, on this complaint, and demand a trial at the COURT OF *general* SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated *November 22* 187*2*

J. Henry [illegible]

Police Justice.

John Clausenitzer
registered physician

0017

Police Court, - Second District.

State of New York,
City & County of New York, } ss.:

David Webster of No. ^{266 Madison Avenue} ~~157 West 57th St.~~

Shant, being duly sworn says he is president of the Medical Society of the County of New York: That John C. Adams of No. 29 Bleecker Street, in violation of the provisions of Chapter 513 of the laws of 1880, did unlawfully practice physic in said City & did professionally attend & treat & prescribe for one Alexander Cameron of said City on or about November 22, 1887, without having registered as required by ^{said} act & without license as therein provided, viz now & has been for a long time practicing physic in said City contrary to the provisions of said act known as Chapter 513 of the laws of 1880 & the acts amending the same.

Subscribed before me
December 6 1887.

David Webster

J. Henry Ford
Notary Public

Edward C. Ripley,

Counsel for N.Y. County Medical Society
39 Park Row, N.Y. City.

Second District

Police Courts

David Webster

"

John C. Adams.

Practising Medicine without License.

Witnesses:-

E. C. Ripley, 39 Park Road,

Dr. D. Webster, ~~266 Woodlawn Avenue~~

Ed. J. 266 Woodlawn Avenue

Emphell. 177 Pine

Dr. H. address

29 Bleeker St.

Edward C. Ripley,
Council for N.Y. County Medical Society,
39 Park Road,
N. Y.

0019

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 C. Adams,
otherwise called
John Clausnitzer

The Grand Jury of the City and County of New York, by this indictment, accuse
John C. Adams, otherwise called John
Clausnitzer

of the CRIME OF Practising Medicine without a License
committed as follows:

The said John C. Adams, otherwise called
John Clausnitzer

late of the City and County of New York, on the 22nd day of November
in the year of our Lord one thousand eight hundred and eighty-two, at
the City and County aforesaid, with force and arms without being author-

ized by a license or diploma from the State Board of
medical examiners, or from any chartered medical
school or medical society, unlawfully did practice
physic, and on said day unlawfully ^{did} extend, treat
and prescribe for as a physician one Alexander
Cameron, against the form of the Statute in such
case made and provided, and against the Peace of
the People of the State of New York, and their dignity.

John McKeon

District Attorney

0020

BOX:

88

FOLDER:

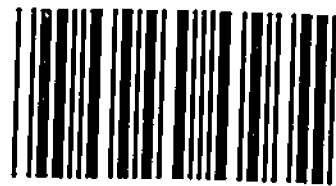
959

DESCRIPTION:

Allen, Martin

DATE:

01/10/83



959

Mc Clelland

737

73

Counsel

Filed 10 day of

1883

Pleads

per Guilty (11)

THE PEOPLE

vs.

Maxin Allen

(in case)

BURGLARY - Grand Larceny, and
False Degree, and

JOHN McKEON,

District Attorney.

Read 15/83

Speedy & Expeditious

A True Bill.

Edwards

Foreman.

Foreman

Verdict of Guilty should specify of which count.

Wm. J. ...
2/25

re
Sept. 1883
Ella A. Allen
of Clinton Place

The above mentioned
May 1883. J. H. T.

W. J. ...

W. J. ...



TORN PAGE

0022

Court of General Sessions Court.

Part II.

The People of the
State of New York

agst.

Martin Allen.

Before Hon.

Rufus B. Cowing

Judge Part II.

March 9th 1883

STENOGRAPHER'S MINUTES.

INDEX.

WITNESSES	Direct Ex.	Cross Ex.	R. D. Ex.	R. C. Ex.
Permelia W. Lyke	12	14	15	18
Wm. Cairns	15	19		18
Robt. F. Campbell	20	21		
Jno. M. Elvaine	22	39		37
(deposed)				
Elizabeth Allen	24	26 - 35	31	31 - 34
Mary Allen	29			
Walter Allen	29	30		36
Edward F. Byrne	32	33	34	
Charged 40 - 44	1			
Verdict 44				

FRANK S. BEARD,

Stenographer,

47 & 49 Centre St., N.Y.

0023

The People of the
State of New York,
vs.
Martin Allen.

Empanelment of the Jury.

George W. Smith, called and sworn,

By Mr. Fellows, Q. Where do you reside?

A. 544 Greenwich St.

Q. What is your business?

A. Hotel business. Rockaway Beach.

Q. The case at issue is that of Martin Allen, charged with burglary and receiving stolen goods. Have you ever read or heard any conversation about the case, and could you conscientiously and without prejudice or bias decide according to the testimony?

A. Yes, sir.

By Mr. Fellows, --We accept him.

Q. By Mr. Brooks, -- Q. You could go into the jury-box and decide the case entirely on the evidence and that alone without prejudice or feeling of any sort?

A. Yes, sir.

BY Mr. Brooks, -- We withdraw our challenge.

--oo--

John H. Meyer, called and sworn.

By Mr. Fellows, Q. What is your business?

A. Grocer.

Q. Where do you carry it on?

A. 2234 Second Avenue.

Q. Do you know the parties to this trial, the complainant, Parmelia W. Lyle and Martin Allen, the defendants?

0024

A. I know nothing of the facts and can try the case solely on its merits?

By Mr. Fellows, --We accept him .

By Mr. Brooks,-- You have no bias or prejudice in the case, you could decide the case from what the witnesses swear to, and nothing else?

A. Yes, sir.

Q. You are a man free from any interest in the case?

A. Yes, sir.

Q. Where did you say you resided?

A. 2, 234 Second Ave.

Q. About where is that?

A. At 115th. St.

(By Mr. Brooks,) We withdraw our challenge.

--CO--

Charles F. Tilly, called and sworn.

Q. (By Mr. Fellows.) Where do you reside?

A. 100 Ninth Ave. My business is ice. I do business at the same place where I reside.

Q. Do you know anything of the case of the People against Martin Allen?

A. No, sir.

Q. Did you ever read about the case?

A. No, sir.

Q. Or ever hear it conversed about?

A. No, sir.

Q. Do you know any of the parties to the action, Parmelia W. Lyle or Martin Allen or any of the Counsel?

A. No, sir.

(2)

0025

Q. Are you conscious of any fact that would prevent you from listening to the evidence as it shall be given and rendering a verdict solely in accordance therewith?

A. No, sir.

By Mr. Bellows--We accept him.

By Mr. Brooks,--You have no bias or prejudice in the case, you could decide the case from what the witnesses swear to and nothing else?

A. Yes, sir.

(By Mr. Brooks.) We withdraw our challenge

--oo--

Isaac E. Wright, called and sworn.

Q. (By Mr. Fellows) Do you know anything of this case now called?

A. No, sir.

Q. Have you read of it in the papers?

A. I may have, but I have forgotten it. I may have heard it spoken of.

Q. Are you conscious of any reason why you could not try this case impartially, as between the prisoner and the people?

A. No, sir.

Q. (By Mr. Fellows) We accept him.

By Mr. Brookes,--What is your business?

A. Builder,--1,983 Madison Ave.

Q. You know nothing about the case whatever?

A. Not that I can bring to my mind.

By Mr. Brooks,--We will excuse the gentleman.

--oo--

Charles C. Bradhurst, called and sworn.

Q. (By Mr. Fellows.) Do you know anything of the case on trial?

(3)

0026

A. No, sir.

Q. You have heard the title of the case?

A. Yes, sir.

Q. You know of no reason that would prevent your giving the case a fair consideration on the testimony?

A. No, sir.

We accept the gentleman.

QQ (By Mr. Brooks.) You have no knowledge of the circumstances of the case? Have read nothing about it?

A. No, sir.

Q. Where do you live?

A. 142 East 44th. St.

We will excuse the gentleman.

--oo--

Robert A. Graecen, called and sworn.

Q. (By Mr. Fellows) Where is your residence?

A. 445 West 31st. St.

Q. What is your business?

A. Liquor dealer. 443 West 31st. St. I know nothing of the case, nor have I read anything of the facts.

Q. Are you conscious of any fact that would prevent you from listening to the evidence as it shall be given, and rendering a verdict solely in accordance therewith?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks,) You don't remember of having read or talked about it? Your mind is free from any bias or prejudice? You could try this case solely on its merits?

A. Yes, sir.

Q. What verdict you would arrive at would be solely from the

(4)

0027

evidence in the case?

A. Yes, sir.

We withdraw our challenge.

--oo--

Isidor Elber , called and sworn.

Q. (By Mr. Fellows.) The indictment in this case charges Martin Allen with the commission of a burglary and of receiving stolen goods knowing them to be stolen, Do you know anything of the facts in this case?

A. No, sir.

Q. You have no bias or prejudice in the case?

A. No, sir.

Q. And you can decide it on the evidence as you hear it from the lips of the witnesses uninfluenced by any other consideration?

A. Yes.

We accept the gentleman.

Q. (By Mr. Brooks.) You are not conscious of any prejudice or bias that would interfere with your deciding this case in any other way than on the evidence?

A. No, sir.

We withdraw our challenge.

--oo--

Ebenezer L. Ferry , called and sworn,

Q. (By Mr. Fellows.) Do you know anything about the facts of the case at issue?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks.) What is your business.)

0028

A. Produce business.

Q. Have you read anything about the case?

A. I may have read something about it.

Q. Whatever you have read has passed from your memory now, has it not?

A. Yes.

Q. And you are conscious of no bias or prejudice that would in any way influence your judgment in deciding on the testimony or matter in hand?

A. No, sir.

We withdraw our challenge.

--oo--

Solomon Unger, called and sworn.

Q. (By Mr. Fellows.) What is your business?

A. I have none at present.

Q. Where do you reside?

A. 152 East 52nd. St.

Q. Do you know Martin Allen?

A. I do not.

Q. Do you know anything of the facts in this case?

A. I do not.

Q. Have you read about them?

A. May be, but I haven't heard it talked about.

Q. You can decide this case on the evidence of the witnesses uninfluenced by any and every other consideration?

A. Yes, sir.

We accept the gentleman.

Q. (By Mr. Brooks) Where do you reside.

A. 152 East 52nd. St.

(6)

0029

Q. How long have you resided there?

A. About 2 years.

Q. Where did you live before that?

A. 345 East 52nd. St.

Q. You say you are in no business?

A. Yes, sir. I used to be in the hat business on Third Ave. between 34th. and 35th. Sts.

Q. You are not conscious of any prejudice or any bias in this case?

A. No, sir.

Q. You would not permit anything to interfere with your judgment in the case except from what you heard of the evidence?

A. No, sir.

Q. Do you know anything of Parmelia W. Lyle or William Lyle?

A. No, sir.

WE withdraw our challenge.

--oo--

Isaac Knapp, called and sworn.

Q. (By Mr. Fellows,) Where do you reside?

A. 135 Second St. I am a dealer in real-estate.

Q. Have you thought of or expressed any opinion regarding the guilt or innocence of the prisoner?

A. I don't know anything about the case.

We accept the gentleman.

Q. (By Mr. Brooks) Where do you say lived.

A. 135 Second St.

We excuse the gentleman.

--oo--

Adolp Rees called and sworn.

Q. (By Mr. Fellows,) What is your business?

A. Dealer in trimmings, 39 White St. Residence 4 Mitchell
(7)

0030

Place.

Q. Have you formed any opinion or expressed ^{any} ~~an~~ regarding the guilt or innocence of the accused?

A. No, sir.

Q. Do you know anything of the case?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks,) Where is 4 Mitchell Place?

A. It is a continuation of East 49th. St.

Q. You don't remember reading about this case?

A. No, sir.

Q. You have no bias or prejudice in regard to, this case?

A. No, sir.

We withdraw our challenge.

--oo--

Isidor Lewison called and sworn.

Q. (By Mr. Fellows.) Where do you reside?

A. I reside at 271 Madison St. and do business at 570 Grand St. My business is the manufacture of dyes and colors.

Q. Do you know anything of this case?

A. No, sir.

Q. Have you formed any opinion regarding the guilt or innocence of the accused?

A. No, sir.

Q. Are you prepared to try this case impartially?

A. Yes, sir.

We accept the gentleman.

Q. (By Mr. Brooks.) Are you conscious of any bias or prejudice or feeling that would interfere with your deciding this case upon the evidence alone?

A. No, sir.

(8)

0031

We withdraw our challenge.

--oo--

Albert L. Conklin , called and sworn.

Q. (By Mr. Fellows.) The people in this indictment accuse Martin Allen of burglary and of receiving stolen goods. Do you know anything of the case?

A. I don't remember having read about it.

Q. Do you know any of the parties to the case?

A. No, sir.

Q. Do you know of any reason why you cannot try this case fairly?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks.) Where do you reside?

A. 230 West 49th. St.

Q. How long have you resided there?

A. For over two years.

Q. Where did you reside before that time?

A. 810 Greenwich St.

Q. What is your business?

A. Agent in real-estate.

Q. You say you don't remember anything about this case?

A. I don't recollect about it.

We will excuse the gentleman.

--oo--

Henry V. Parsell, called and sworn.

Q. (By Mr. Fellows.) Have you formed or expressed any opinion regarding the guilt or innocence of Martin Allen, the prisoner at the bar?

A. no, sir.

We accept the gentleman.

)9)

0032

Q. (By Mr. Brooks.) Where do you reside?

A. 31 East 21st. St.

Q. Have you read about the case?

A. No, sir.

Q. Is your mind perfectly free from any prejudice or bias that would affect your judgment?

A. Yes, sir.

Q. Is it entirely free?

A. Yes, sir.

We will excuse the gentleman.

--oo--

Simon Epstein, called and sworn.

Q. (By Mr. Fellows.) Where do you reside?

A. 40 Attorney St.

Q. What is your business?

A. Manufacturer of trimmings.

Q. Have you formed any opinion in regard to this case?

A. No, sir.

Q. Do you know the parties to this action?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks.) You have no prejudice or bias against this man?

A. No, sir.

Q. You could decide the case from what the witnesses swear to and on that and nothing else?

A. Yes, sir.

We accept the gentleman.

--oo--

Joseph L. Liscomb, called and sworn.

0033

Q. (By Mr. Fellows.) Have you formed or expressed any opinion relative to the guilt or innocence of the prisoner at the bar?

A. No, sir.

Q. Have you read anything about the case?

A. No, sir. It has passed from my memory if I have.

We accept the gentleman.

Q. (By Mr. Brooks.) You are conscious of no bias or prejudice that would prevent you from deciding this case on the evidence alone?

A. No, sir.

We withdraw our challenge.

Simon Lipman, called and sworn.

Q. (By Mr. Fellows.) Have you formed or expressed any opinion regarding the guilt or innocence of the accused?

A. No, sir.

We accept the gentleman.

Q. (By Mr. Brooks.) Where do you reside?

A. 22 Essex St.

Q. Do you know anything about this case at all?

A. No, sir.

Q. You don't remember of having read or talked about it?

A. No, sir.

Q. Your mind is free from any bias or prejudice against the defendant?

A. Yes, sir.

Q. You could try the case solely on the evidence and merits?

A. Yes, sir.

We withdraw our challenge.

0034

By Mr. Fellows,-- I move , your Honor, to dismiss the count of burglary and proceed on the count of receiving stolen goods alone. The people will not ask a conviction on the first two counts of the indictment. So I shall have to ask your Honor to dismiss the first and second count in the indictment. (Motion granted.)

By the Court--That leaves you only the third count charging the prisoner with receiving feloniously stolen goods, knowing at the time that they were stolen.

By Mr. Brooks,--I challenge the sixth juror, Mr. Ferry.

By Mr. Fellows,--We object. The people have relinquished the first and second counts of the indictment, and I claim defendant's counsel is not entitled to any more challenges..

By Mr. Brooks,--I have challenged before the case has proceeded, your Honor, and before the District Attorney made his motion to dismiss the first and second counts in the indictment, and besides the panel was drawn before the relinquishment of the first and second counts in the indictment. On those grounds I claim I have a right to more challenges if I desire it. (Motion denied.) (Exception.)

Permelia W. Lyle, a witness, being duly sworn, testified as follows:

Q. (By Mr. Fellows,) Where do you reside?

A. 367 W. 20th. St.

Q. You are a married lady, I believe?

A. Yes, sir.

Q. At some time prior to last November was any property stolen from your house or possession?

A. Yes, sir.

Q. What property? Describe it, please.

A. There was a pair of diamond earrings and a curtain, a

0035

set of spoons and forks, napkin-rings of different kinds and varieties; a number of different articles of table use of silver and gold, which were taken from the house.

Q. You say napkin-rings? How many?

A. Four rings.

Q. What was the value of them?

A. They were worth about \$5. each.

Q. Were there any forks?

A. Yes. There were. I don't know really, how many.

Q.. What was the value of the forks?

A. They were plated silver, worth about 50 cents, perhaps. I think there were a dozen of them; there were spoons also. I can't say howmany; some solid and some plated. There were three or more plated ones of the small value of 30 cents.

Q. You say there was one pair of diamond earrings, how much were they worth?

A. Yes. They were valued at \$600. They were the property of William Lyle, my husband.

Q. What time was this property taken?

A. In August last year, 1882.

Q. About what time in August?

A. About the 9th. of August.

Q. Where was this property at the time of its taking?

A. Most of the table silver was in the hall-bed-room on the second floor front. I was not residing in the house at the time. I was in the country.

Q. Have you since seen any of the property that was stolen?

A. Yes, at the police Station. I know Officer Cairns

Q. Is that the officer? (indicating.)

A. Yes, he was present when I saw this property.

0036

Q. What property did you see there? Was it the property stolen from you?

A. Yes. Napkin rings and forks, plated forks and a few plated spoons, and a plated saltcellar.

Q. The earrings you did not see?

A. No, sir.

Q. And that property you saw at the station house, and that you saw in the presence of Officer Cairns was part of the property, stolen from your house?

A. Yes, sir.

Q. What time was it that you saw this property at Police Headquarters?

A. I think it was in December, 1882.

--00--

Cross-examination.

--00--

Q. (By Mr. Brooks.) To whom did the earrings belong?

A. To the former Mrs. William Lyle.

Q. And not to William Lyle described in the indictment?

A. No, sir.

Q. Mr. William Lyle is your husband, and these articles belonged to him?

A. Not all of them.

Q. What portion of them?

A. Some of them and some to other members of the family.

Q. Who did the napkin rings belong to?

A. The children and Mr. Lyle and myself.

Q. Who did the forks belong to?

A. Mr. William Lyle.

Q. And the salt-cellars?

A. To myself.

(14) Q. Then the napkin rings and the forks were the only articles

0037

inquired about that belonged to M r. Lyle?

A. Yes, and the spoons.

Q. When did you first miss this property, madaam?

A. On the 10th. of August or the next day after they were taken from the house.

Q. How soon thereafter did you see any portion of them?

A. I think it was in December.

Q. Several months afterwards?

A. Two or three months afterwards.

--oo--

Re-direct.

--oo--

Q. I understand you to say that the earrings belonged to the former Mrs. William Lyle.

A. Yes, sir.

Q. Then you are the second wife of Mr. Lyle?

A. Yes, sir.

Q. And this property was the property of his first wife?

A. Yes, sir.

Q. These various articles of silver-ware,--were they purchased by Mr. Lyle for the use of the family?

A. Yes.

Q. I mean the napkin-rings and forks and so forth?

A. Yes, sir.

--oo--

Officer William Cairns, a witness, being duly sworn, testified as follows:

Q. Are you attached to the Detective Force of the city?

A. Yes, I am a Police Officer.

Q. On special duty?

A. Yes.

(15)

0038

Q. To what precinct do you belong?

A. The 16th. Precinct.

Q. Do you know the prisoner at the bar?

A. Yes, sir.

Q. Did you arrest him on the offending charge?

A. Yes, between 9 and 10 o'clock on the 3rd. of January of this year.

Q. Where was the prisoner residing when you made the arrest?

A. 400 West 20th. St.

Q. Did you make a search of that house?

A. Yes, with my Assistants.

Q. What part of the house did Allen occupy?

A. One flight up, residing there with his family.

Q. You made a search of the apartments in which he resided?

A. Yes.

Q. What did you find there?

A. We found silver-ware which was identified by Mrs. Lyle.

Q. What silver ware did you find?

A. I have got some samples here, (witnesses produces them.)
Four napkin rings and two forks and two spoons.

Q. You produce these articles as part of the property found there in the defendant's home?

A. Yes.

Q. Did you afterwards show that property to anybody?

A. Yes, I did. To the lady, and she identified them as part of the property stolen from her house on the night of the 12th of August, 1882.

Q. What other property was found there?

A. A large number of burglar's tools, also a pair of curtains.

Q. State what property you found there.

(16)

0039

A. Burglar's tools, this property identified by Mrs. Lyle, and also property identified by Mr. Marsh, of 19th. St.

Q. What occurred when you first went to the house,--did you go with a search warrant?

A. No, sir.

Q. State what occurred?

A. I went in, and Mr. Allen was eating his supper at the time; his wife was there, and the family, consisting of a couple of children. He was put under arrest and taken to the station-house.

Q. What did he say to you, if anything?

A. He said, "I suppose you want me." I said, "Yes." Then Officer Campbell and I walked him to the station-house, and I told him on what charge he was arrested.

A. At the house did you tell him on what charge he was arrested?

A. To the best of my knowledge I think I did. I am not positive.

Q. Did you have any conversation with him respecting the stolen property?

A. Yes, I believe we had.

Q. At the house?

A. Yes, I think it was in regard to the property stolen.

Q. Did he ask you what he was arrested for?

A. No, sir.

Q. Was there any conversation there respecting the stolen property?

A. Yes, we told him we had evidence that would justify us in arresting him; and he said, "All right." That is what he said, I think. We took him to the station-house, and then

0040

we returned to the house and made the search. We left the Captain in charge of the house with two other officers. Mrs. Allen was there, with the two children.

Q. At that time when you went back to the house did you have any conversation respecting the stolen property with anybody?

A. Yes, sir.

Q. You made the search did you?

A. Yes, sir.

Q. Where did you find this property?

A. The forks and the spoons, some of them I found. My partner found the napkin-rings in a closet. I found the curtains. They were in a closet, which was in the centre of the hall.

Q. What other property was in the closet?

A. A great deal of soiled clothing; several articles of dress; the spoons and forks were in the kitchen closet,-- and some were on the table,--the dining room table.

--oo--

Mrs. Lyle re-called.

Q. Take the property now handed you, (witness shown four napkin rings, two spoons and forks produced by Officer Cairns.) and state whether that is part of the property stolen from your house in August last.

A. Yes, sir.

Q. Part of the property you describe belonging to your husband?

A. Yes, sir.

--oo--

Officer Cairns re-called.

Q. Did you have any conversation with the prisoner after

0041

this arrest and search?

A. On that night?

Q. Yes, or at any time since?

A. On our way to court we had some conversation respecting the crime he was accused of. We told him that we had two parties that identified the property that was found in the place as the property that was stolen from them.

Q. Did he say anything to that?

A. He was very reticent. My partner was with me. I don't know the exact words that were spoken.

Q. Do you know anything more of the case than you have told us?

A. I can't say as I do.

--oo--

Cross-examination.

--oo--

Q. When you went to Allen's house on the occasion of Allen's arrest Allen was there and his wife and his two children, you say?

A. I was not familiar with his family; whether it was his wife or some other lady, I don't know. I have understood since that it was his wife

Q. And you say that this property was found in a closet in the place?

A. Yes, and some was found on the table.

Q. Some of it was on the table in use?

A. Yes.

Q. What other portions were in the closet?

A. My partner did the finding of the other goods, while I was taking him to the station-house. I only speak of what I know.

(19)

--oo--

0042

Officer Robert F. Campbell, a witness, being duly sworn, testified as follows:

Q. You are an Officer on the police force of the city?

A. Yes.

Q. And are a detective on special duty?

A. Yes.

Q. In what precinct?

A. The 16th. I assisted in the arrest of Allen, and in the search of his house.

Q. State what occurred within your knowledge.

A. Captain+Sergeant Youngs and Officer Cairns and myself went to Allen's house on the 3rd. of January last. The Captain told Allen that he wanted him, and handed him over to Cairns and myself, and sent him to the station-house with me.

Q. What did you do after taking him to the station-house?

A. We went back and searched the house. I had a conversation on the way to the house (station house,)

Q. Tell us what it was.

A. He wanted to know what he was arrested for. He asked if it was for anything done in the city. We told him we could not tell him. He said if it was for anything done in the Ward he didn't care. That he was not guilty of it.

Q. Anything else?

A. He said, "If you hadn't got me tonight you would not have got me tomorrow." I returned to the house, and assisted in the search. I found some napkin-rings and a box of feathers and a lot of burglars' tools in a closet off the parlor.

Q. Do you know anything of the larceny of the property from the residence of William Lyle?

A. It was reported last August that there was a burglary committed there, and there was an examination made.

0043

Q. What was done,--was there a burglary perpetrated at that house?

(Objected to.) (Sustained.) (Exception.)

Q. Did you show any of this property to Mr. or Mrs. Lyle?

A. Yes, to both of them. It was identified by them as part of the property taken from the house.

Q. Is this any of the property produced here? Please examine it.

(Witness examines property.) A. Yes, that is some of it.

Q. Where is the rest of this property?

A. It is at the station-house. These are merely samples. This is the property part of which I found in Allen's house.

Q. Where was this box of burglars' tools?

A. It was in a basket; in the style of a market-basket; it was in the bottom part of the closet in the front room used as a parlor. Other of the articles were standing up. They were too large to get in the basket. The basket was a foot and two inches in length, and 5 or 6 inches high. The other goods were wrapped up in papers, or standing in the corners of the closet.

Q. Do you know anything more of the case?

A. No, sir.

--oo--

Cross-examination.

--oo--

Q. You went there with Officer Cairns, you say?

A. Yes.

Q. And you participated in the search of the house?

A. Yes.

Q. And you found some of the property yourself?

(21)

0044

A. Yes, I found the napkin-rings. I found them on the top-shelf of the closet of the parlor wrapped up in tissue paper.

Q. You have referred to Allen's suggesting to you that if you had not got him that night you would not have got him the next day?

A. Yes, sir.

Q. You recall that conversation, do you?

A. Yes.

Q. Didn't he say to you that he was going to business the next day at 12 o'clock?

A. No, sir. He said something about luck being down on him.

Q. Didn't he say he had business at 12 o'clock?

A. No, sir. He said he always got into trouble. He said if he had got the money promised him he would have gone that night.

--oo--

Captain John Mc. Elvaine, a witness, being duly sworn, testified as follows:

Q. You are a captain of the police force in this city?

A. Yes, sir. I belong to the 16th. Precinct. I arrested Allen and made a search of the house.

Q. State all you did, Captain?

A. I went to the prisoner's house at about 9.30, January 3rd. in the evening. I found the prisoner eating a dish of soup, his wife beside him and two children, and a servant. I spoke to him, and said, "It is a long time since you and me have met." His wife said, "Why don't you ask the gentleman into the room." He said, "That is all right. I understand it. It is an arrest." He then said, "Don't give me away to my wife and

0045

children and servant." I said, "All right." and passed into the front room. He there asked me, "What is this arrest for? Is it for business in the precinct or out of it?" I said, "For both." He then said if it was for business in the precinct that he didn't care. He then dressed himself, and I sent him to the station house.

Q. Who was with you at the time of the arrest?

A. Sergeant Youngs, Detectives Campbell and Cairns, and several other officers that surrounded the house when we first entered. I sent Allen to the station-house with Cairns and Campbell, and I remained at the house. I made a search while the officers were absent. I found some silver-ware. I am not positive what I found during their absence.

Q. How far was it from his house to the station-house?

A. Well, his house was the corner of 20th. St. and 9th. Ave and the station-house was near 20th. St. and 8th. Ave. The officers were absent 12 or 15 minutes. The silver-ware that was found was taken to the station-house.

Q. Did anybody see it there?

A. Yes, a large number of persons, and Mrs. Lyle identified it as part of her property.

Q. Is this part of the property?

(Witness examines it.) A. Yes.

Q. And the rest of the property you have in charge yet?

A. Yes.

--oo--

The people rest.

--oo--

By Mr. Brooks,--I ask your Honor to advise the jury to acquit the prisoner. The evidence is that the property was stolen

TORN PAGE

0046

on the 9th. of August, 1882, and that 5 months afterwards the property was found in the possession of the defendant. There is no suggestion here in any part of the evidence of a guilty knowledge. The time is too remote for the claim of recent possession. (Motion denied.) (Exception taken.)

I ask your Honor to charge the jury that in the absence of any independent proof of guilty intention or knowledge that they must acquit the prisoner, and I ask your Honor so to advise them. (Motion denied.) (Exception.)

I also desire to add that there is no evidence at all in the case that the defendant ever received any of the property.

By the Court,--I will submit that question to the jury. (Motion denied.) (Exception taken.)

By Mr. Brooks,--Unless there be an actual reception of the goods proved upon the prisoner, or that the goods were taken by another party the mere finding of these things in the house of the defendant is not proof of a reception by him. It must be proved that he took them.

By the Court,--I will protect the defendant in all his rights, but I prefer that the jury should settle the question.

(Motion. Denied.) (Exception taken.)

--oo--

Defence.

--oo--

Mrs. Eliza Allen, a witness, being duly sworn, testified as follows:

Q. By Mr. Brooks,) You are the wife of the defendant?

A. Yes.

Q. You were present at the time your husband was

A. Yes.

Q. Where was that?

0047

Q. That is the house you were living in then?

A. Yes.

Q. Do you recognize the articles presented here by the officer?
(Witness Looked at the articles.) A. Yes.

Q. Will you be kind enough to state the circumstances of your possession of those articles? Did your husband ever receive them from anybody?

A. No, sir. I received them.

Q. Whom did you receive them from?

A. From Mr. Dunn.

Q. Who was Mr. Dunn?

A. A man who boarded with me.

Q. State the circumstances under which you received them.

A. He owed me some money and he brought them there to me and said he would give them in part payment of board that he owed me. That was in September. 1882

Q. Was your husband present at the time?

A. No, sir.

Q. Dunn had formerly occupied a ~~bed~~ room in your house which he rented of you?

A. Yes.

Q. On how many occasions had he lived there?

A. On four different occasions.

Q. And he was indebted to you for some money which accrued by reason of his stopping there?

A. Yes, sir.

Q. Who was present when he brought these things there to your house?

A. My son, sir. My husband was not present at all.

--oo--

0048

Cross-examination.

--oo--

Q. What did he bring to you , Mrs. Allen?

A. Some spoons and napkin-rings.

--oo--

Re-direct.

--oo--

Q. Those have initials on them. Be kind enough to state what, if anything, occurred between you in regard to those initials?

A. I told him they were not my initials, and he said he could alter them. He said he had got them from his home in the country from his step-father. He said his step-father had died and that he expected some money from him, and that when he received the money he would take the things back, and that he only gave the things to me until he got the money.

--oo--

Re-cross-examination.

--oo--

Q. What was Dunn's first name?

A. Charles.

Q. Have you seen him since he left the property with you?

A. Yes, sir.

Q. How recently?

A. I saw him some weeks ago.

Q. Do you know where he lives?

A. No, sir. He was on the other side of the river in Jersey when I saw him.

Q. At what place?

A. At prison.

Q. Where, In Trenton?

0049

- A. No, sir. In Jersey City.
- Q. Did you go there to see him?
- A. I did. Yes, sir.
- Q. In reference to his arrest?
- A. No, sir. Not in reference to his arrest.
- Q. In reference to your husband's arrest?
- A. Yes, sir.
- Q. Do you know what has become of him?
- A. Yes. He has gone to prison.
- Q. He was tried in Jersey City, was he?
- A. Yes, sir.
- Q. Convicted and sent to prison?
- A. Yes.
- Q. And you went to see him about his having brought these things to you?
- A. Yes.
- Q. What did he bring? How many spoons?
- A. Half a dozen.
- Q. How many napkin rings?
- A. Four napkin rings. He brought me six dessert spoons and three or four small spoons and about four napkin rings.
- Q. How many forks?
- A. About a dozen forks, I think.
- Q. How much did he owe you?
- A. About 10 weeks board. At the rate of \$6. a week. He owed me about \$60.
- Q. Did he bring you any curtains?
- A. Yes, he brought me some forks and a clothes-basket and some curtains,--a pair of curtains and some napkin rings.
- Q. You have described a dozen forks, six dessert spoons and a

0050

pair of napkin rings. What else did he bring?

A. A salt- cellar.

Q. How many?

A. One salt-cellar.

Q. Was that all?

A. Yes.

Q. That was all he brought you?

A. Yes.

Q. The police have spoken of a set of burglars' tools in a closet. Where did you get those?

A. Mr. Dunn brought them in a basket, I think a week before Christmas.

Q. Was that before he brought these goods?

A. After he had brought the goods.

Q. What did he say about those tools?

A. He said they were tools that he used in his business and he asked if he could put them in the closet. They were in a basket in the bottom of it. All of them were in the basket.

Q. The police say that some were too large to get in the basket. When did he bring those?

A. I don't know about that. The heavy articles were in the basket. I gave him a closet to put them in. The closet was directly opposite his room. It was the nearest closet in the house for him.

Q. Where was the defendant, Martin Allen, at that time?

A. He was not at home. I don't know where he was. He was about somewhere in the city at the time these articles were brought. Dunn brought the articles in the evening. I did not show my husband the articles that night. The next day he saw them, and I said Dunn had given them to me, that he said

0051

he had been in the country and that he gave them to me for board. I didn't show my husband the tools he brought in the basket. I had no reason for not showing them. He didn't bring me any earrings. I did not see him with any.

Q. Are you quite sure about that?

A. Yes.

--oo--

Maudy Allen, a witness, being duly sworn, testified as follows

Q. Your mother was just on the stand, wasn't she?

A. Yes.

Q. And this is your father? (indicating.)

A. Yes.

Q. Do you know a man named Dunn who lived in your house?

A. Yes.

Q. Were you present when he brought anything there?

A. One night he brought some things in a basket.

Q. What was in the basket, little girl?

A. He went up to mother's room and said, "Mrs. Allen, here is some things for you for board money that I owe you."

Q. Did you see what he took out of the basket?

A. I saw a pair of lace curtains, that is all.

Q. Was your father at home at that time?

A. No, sir.

Q. He was not there at all?

A. No, sir.

--oo--

Walter Allen, a witness, being duly sworn, testified as follows:

Q. This is your father? (indicating)

A. Yes.

0052

Q. How old are you?

A. 18 years of age.

Q. Are you employed anywhere?

A. I have been employed. I have been driving a delivery wagon for Rogers, Peet & Co.

Q. You lived at home with your father and mother?

A. Yes.

Q. Do you know Charles Dunn?

A. Yes.

Q. You have heard of some articles of silver-ware and other things referred to here in this case?

A. Yes.

Q. What did you know about Dunn's bringing such articles to the house?

ft A. One night in September, 1882, as I came home from a walk Mr. Dunn came in. He had a basket, and he had a tin-cake box, and he said, "Mrs. Allen, here are some things I give you in payment of board that I owe you if you will accept it." Mother looked at them. There were some forks and spoons and a little salt-cellar and some napkin rings. Mother looked at them, and said, "Mr. Dunn, why! those are not my initials on those articles?" and Mr. Dunn said, "I can easily alter them." He said, "These are the initials of my step-father; he died in the country." He took out his knife and altered some of them, and after that he went away.

Q. Is that about all that took place in reference to them?

A. Yes, sir.

---oo---

Cross-examination.

---oo---

Q. How much did your mother agree with Mr. Dunn that these ar-
(30)

0053

ticles should stand for in the bill?

A. She didn't agree to any price. There was no value put on them. It was not understood how much they should stand for in the bill.

--oo--

Mrs. Allen recalled.

Q. What, if anything, was said inreference to the value of these things, as to how much you should receive for them?

A. He said I should see how much was coming to me, and see what they were worth to me.

--oo--

Cross-examination.

--oo--

Q. Was your son present at the time?

A. Yes. The last time when he brought the basket.

Q. And that is when he brought the napkin-rings?

A. No, sir. He didn't bring the napkin-rings then. He brought the lace-curtains in the basket. There was a pair of lace-curtains that he brought in a clothes basket, and it was then he had the conversation.

--oo--

Re-direct.

--oo--

Q. Did you know that these were burglars' tools that he brought

A. No, sir.

Q. He merely brought them in a basket, and said they were his tools, is that it?

A. Yes. He said they were tools he used in his business.

Q. And the basket wasn't opened till the officer came there?

A. No, sir.

Q. And so you didn't see what was in the basket until the of-
(31)

perjury
See
page
27

0054

ficer told you?

A. Yes, except what Dunn himself said when he left the basket.

--oo--

Edward F. Byrne, a witness, being duly sworn, testified as follows:

Q. Where do you reside?

A. 318 West 47th. St. and 19 West Houston St. That is my place of business. I am in the liquor business.

Q. Do you know the man referred to here, Charles Dunn?

A. Yes, sir..

Q. Did you at any time see him in your place of business?

A. Yes, sir.

Q. Did he offer you at any time anything in the way of silver ware?

A. Yes, sir.

Q. When was it?

A. Sometime in August.

Q. Just state the circumstances and what occurred..

A. He was in my store and was about half full and had been drinking. He got a glass of beer, and he wanted to sell me some spoons, and a salt-cellar. I didn't want to buy any silverware. He said they were silverware. He then had three beers. I made him put the things up. I said I didn't want them, and he started to go out, and I said, "Charles, you owe me 15 cents." and so he came back, and he says, "Well, I will give you these knives." I suppose they are worth 50 cents " I took them, and lent him 35 cents. He gave me the knives. I have got them here. (Witness produces them) They were in a separate package from the forks that he had.

0055

Cross-examination.

--oo--

Q. Did you ever tell anybody about having those knives?

A. Yes.

Q. Who.

A. Mr. Allen.

Q. When?

A. Some time ago. He came and asked me if I had a package from Dunn. He said he was told that I had them there. I said yes.

Q. Since Allen was arrested you know that Dunn has been in prison, don't you?

A. I don't know.

A. Where are those knives?

A. I have got them here.

Q. What other property did he have at the time he brought these things to you?

A. Some spoons and forks and a salt-cellar. That was last August.

Q. Was this marked on the paper before it was opened? (indicating)

A. Yes. "Charles Dunn, 50 cents due." That was put on last August.

A. And it has been wrapped up in paper ever since?

A. Yes, sir.

Q. Were there ten knives in the original package?

A. There might be 12, I don't know. I knew there was enough for 50 cents. There might be only 8 I can't say about that.

Q. Can you give a description of Dunn?

A. Yes. He is a man about 5 feet, 10 I should think, of

0056

slim build. He had whiskers, light whiskers all the way round, and hair about the same color.

Q. Did he have a full head of hair?

A. I think he was a little bald.

Q. Any mark on him of any kind?

A. Not as I know.

Q. Anything that you would distinguish him by particularly-- what was the color of his eyes if you know.

A. I can't say about that.

Q. How was he dressed when he came to you if you noticed him or if you remember?

A. He had dark clothes on, full pants, and a cut-away coat and vest. They were of a dark color. I have known him before that.

Q. Had you known him long?

A. He has been coming into my store I should say about 2 years

--oo--

Re-direct.

--oo--

Q. When did you see him last, on this night or afterwards?

A. Once afterwards.

Q. How long afterwards?

A. Two months afterwards, I guess.

Q. The last time you saw him didn't he have side-whiskers?

A. I think he did. I never saw him without hair on his face.

--oo--

Mrs. Allen re-called.

Q. Describe the general appearance of Dunn.

A. A very tall, slender man. The color of his hair was black.

Q. Do you mean black or dark brown?

A. He had dark hair.

(34)

0057

Q. How about his beard?

A. He had no beard, none at all.

Q. No hair on his face at all?

A. None at all, but a slight moustache.

Q. When did he leave your house?

A. He left it the day after New Year's Day, on a Tuesday.

Q. How long had he been then at your house when he left?

A. About 3 weeks at that time.

Q. That was in January he left there?

A. Yes.

Q. How long before that was it that he lived at your house?

A. Last winter.

Q. Then you saw him in January?

A. Yes.

Q. And then he had no beard, except a slight moustache, you say?

A? Yes. A slight moustache.

--oo--

Cross-examination.

--oo--

Q. You saw him in September of last year?

A? Yes.

Q. And it was then that he brought these ^{first} ~~last~~ articles to you?

A. Yes.

Q. Then he had no beard?

A. NO, sir. I don't think he had a beard then.

--oo--

Redirect.

--oo--

Q. Do you think he had no more on his face than a moustache?

A. I think he wore a moustache.

(35) Q. And in September he had no moustache?

0058

Q. And in September he had no moustache?

A. No, sir.

Q. Did you see him in August at all?

A. No, not in August.

--oo--

Re-cross-examination.

--oo--

Q. State how Dunn compared in size with this gentleman? (indicating the clerk of the court.)

A. He was a very much taller man

--oo--

Walter Allen recalled.

Q. Describe Dunn. How tall a man was he?

A. Very tall.

Q. Unusually tall?

A. Yes. Over 6 feet I think.

Q. What was the color of his whiskers?

A. I think they were brown.

Q. Did he wear whiskers all around his face or just side-whiskers?

A. He wore a large goatee. He was just beginning to let it grow.

Q. What kind of a moustache did he have?

A. It was the same color as the goatee. He had no side-whiskers. When I first saw him he had none.

Q. In September when he came with the property how about his side-whiskers then?

A. I don't know. He never let his beard grow far.

Q. This was about the 1st. of September wasn't it?

A. I think about the middle of September.

--oo--

0059

Defendants rest.

--oo--

Rebuttal.

--oo--

Captain Mc. Elvain recalled.

Q. Did you have any conversation with the defendant at the time of his arrest?

A. Yes.

Q. In reference to this property?

A. Yes.

Q. State to the court and jury what the prisoner said, if anything.

(Objected to, as not in rebuttal. He must only speak of the property that was found there. Only the property as found in the indictment.)

By the Court.--I so rule. (Objection sustained.)

(Exception taken.)

Q. What conversation did you have with him in reference to the property charged in the indictment? Did he talk about that, and if so, state what occurred.

A. He asked me if I claimed that to be solid silver-ware. I told him I had not at the time examined them. He said they were nothing but bum stock," you can bet your life that if they had been good you would never have got a hold of them. If you had left me alone to-night you would not have got me tomorrow"

Q. What else did he say?

A. Nothing.

Q. Did he say anything about when and how he received this property at all,-- the silver ware?

A. He did talk about it.

Q. (By the Court.) What did he say about the receipt of the

0060

silver ware?

A. He did not say he stole them.

Q. (By counsel.) What did he say about the property of which this was a part? About the silverware?

(Objected to.) (Overruled.) (Exception.)

A. He asked me if the party that it belonged to could identify it. I said they could. That they had described it. I cautioned him once or twice about saying anything to me that might criminate himself. He said, "Oh Hell! what's the odds? Mart Allen, that's enough! My reputation is such I know what the result of this will be." I was then charging him with burglary.

Q. Did you have any further conversation with relation to the subject matter of this indictment?

A. I can't answer that question without going out-side the subject of the trial.

Q. (By Mr. Brooks.) I object to any conversation that he had with the defendant with relation to the alleged burglary of which this silverware is claimed to be part of the fruits.

(Objection overruled.) (Exception taken.)

Q. Give any conversation you had with Allen respecting this property. You had some conversations with reference to the burglary. Give all he said in that conversation had with the defendant with reference to the burglary of which these articles now produced are the fruits.

(Objected to.) (Overruled.) (Exception.)

A. I said, "You ought to be ashamed of yourself to break into a house right on the opposite corner from where you live." He said, "That is well enough for you to talk about. If you had a family as I have, would you go and see them starve?" What would you do? You would turn around and steal as quick as I

0061

would." I said "May be I might."

Q. Was this opposite from where he lived that the burglary took place?

A. Yes, it was. He said to me, "what value do they place on that stuff?" I told him I could not recollect then. I would have to refer to the records. I believe that was all that I can recollect in connection with this burglary.

--oo--

Cross-examination.

--oo--

Q. When you spoke to him about the Lyle matter didn't he say he had nothing to do with it?

A. No, sir.

Q. Did he say he had?

A. No, sir.

Q. This was the next day after you had been at the police court.

A. No, sir. The same night. The night of his arrest.

Q. And when you were upbraiding him he made the reply that you have suggested, did he?

A. Yes, sir.

Q. Was that all that he said in reference to that matter?

A. Yes.

Q. (By the eighth juror.) Did he acknowledge that he committed the burglary?

A. Not directly.

Both sides rest.

By Mr. Brookes,--I ask your Honor to advise the jury that there is no sufficient evidence under this count of the indictment to go to them.

(39) (Motion denied) (Exception taken.)

0062

THE CHARGE.

--oo--

Gentlemen of the jury,--The defendant, Martin Allen, is charged in the indictment with the crime of burglary; but there has been a motion made to the Court which I have granted, dismissing the two counts of the indictment which set out that offence, so that is not before you for consideration. Nor is the prisoner before you for such offence. But in the indictment there is a count charging the defendant on the 12th. of August, 1882, of having received certain stolen property feloniously, knowing at the time he received it, that it was stolen.

There are certain elements that are essential, if you find him guilty of this charge, before you can convict him, and these you ought to consider. First, you are obliged to find, that the articles mentioned in the count, were stolen by some person other than the defendant on trial. Second, you must find that he received them feloniously, with a wicked intent, and that at the time he received them, he knew that they were stolen property.

Now, for a long time the common law was that an offence of this kind was accessory after the fact; but now the crime of larceny our Legislature has made a substantive offence,--that is, an offence in and of itself.

In this case there is no dispute that on the 12th. of August, 1882, or thereabouts, a burglary or larceny was perpetrated; and that certain property was feloniously stolen and taken away; and there is no question on the evidence in this case, for there is no conflict or dispute but that a portion of this property was burglariously taken, and that it found its way into the possession of this defendant,-- that is,

0063

if not in his physical possession, at least, in his home.

If you come to the conclusion from the evidence that it was in his possession there are certain things that you must determine first before you can convict. One is, was it a guilty possession on his part. Of course, there is no direct testimony in this case, so far as the crime of larceny or burglary is concerned. The evidence shows that the discovery of this reception was some five months after the principal offence charged in the indictment was committed.

Now, the law says that when a person is in possession of the fruits of a crime that is of recent occurrence, he must explain how he has got them, or how they have come into his possession; and if he refuses to give such satisfactory explanation as twelve men can agree to, the jury have a right to infer a guilty possession. But the possession must be a recent one after the crime is committed. I submit it to you if this possession is sufficiently recent after a crime of burglary as for you to convict for that offence. A recent possession is a question of fact. In the determination of the question you must consider the character of the business of the receiver and the character of the property in his possession. It would be unreasonable to ask a person to explain how he received certain things under one set of circumstances, where it could be easily explained under another set of circumstances. To illustrate, it might be unreasonable to ask me to explain where I got a \$10 gold piece half a year after I received it; because I, being in the habit of receiving and paying out constantly such amounts, would not of necessity be obliged to answer under certain circumstances. It would be unreasonable for a man to tell you where he received a (41) thing ten months after he received it, under certain circum-

0064

stances. If a person in the common walks of life should have an elephant in his possession it might not be unreasonable to ask him where he got it after six years had elapsed. That is, perhaps, a far fetched example, but it illustrates my meaning. It makes a great difference as to the character of the property and the nature of the business a person is engaged in.

In this case if you come to the conclusion from the evidence that these napkin rings and knives were in the possession of the defendant, you can take into consideration the circumstances under which they came there. You can also consider this; ^{fact} they were not concealed, they were articles used in his house-hold, in his family, and found in his possession six months after they were stolen. Is it reasonable that he should be called upon to say how he came to get them? I leave that for you to decide. You must take into consideration the lapse of time when the burglary was committed, and when they were first discovered to be in his possession. Also, the nature of the articles and the nature of his business. Consider whether or not he ought to be called upon to give an explanation, and whether he ought to be convicted on that evidence.

The prisoner has given an explanation and his wife has taken the stand, and she says that she received these articles from a Mr. Dunn. Two of her children also state the same thing. And they corroborate the mother to this extent at least, that such a person was living there at the time; and some one of the children say that some portion of the property was left with the mother. If that testimony is true an explanation is given. In other words, the mere fact of your having in your possession stolen property is not in and of itself a crime.

(42)

0065

You must have the articles in your possession and receive them feloniously, knowing at the time, that they were stolen.

Now, if you believe the testimony, there is an explanation given which exonerates the defendant. All I can say to you is that you are obliged to decide on the evidence, and to say whether the different stories can be made to tally. It is not for you or me to speculate in regard to the matter. That is not your province. You have no right to decide upon speculation.

There is some evidence on the part of the Captain which shows, I believe, that the Captain charged the defendant at one time with going across the street and breaking open a house. It seems from his evidence that the prisoner apologized for that, by saying that the Captain would have done the same thing if he had been in like condition or circumstances. But that is not the charge he is on trial here for today. But I think on the evidence, as it is before you, that it would not be safe for you to convict this defendant. My opinion is predicated on the evidence here before you, but whatever I think I shall leave it for you to determine. If you believe from the evidence in this case that these articles shown you and identified as a portion of the fruits of a burglary or larceny, and you find that the defendant is not the person that stole them or received them then you must acquit him; but if you find that he received them feloniously, knowing at the time he received them, that they were stolen, you must consider first, was the property stolen. Second, did the defendant feloniously receive them; and third, did he know at the time he received them that they were stolen property.

0066

3-

All the evidence you have heard, I have merely stated some of the points for your consideration. You must weigh it all, either for or against him, and come to a just conclusion from all the facts stated.

If you believe the offence is made out the prisoner is guilty under the third count in the indictment. If you believe he is not guilty then you must acquit him. You must give him the benefit of any reasonable doubt that may arise from the evidence; and if you come to the conclusion that he is guilty you can convict him only under the third count of the indictment, as the other two have been dismissed.

Gentlemen, I leave the case with you.

--oo--

Verdict, Not Guilty.

0067

Supreme Court

*The People of the
State of New York*

vs.

Martin Allen

TESTIMONY.

Before Hon.

R. B. Allen

Mar 9th 1883

FRANK S. BEARD,

Stenographer,

47 & 49 Centre Street,

N. Y.

0068

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Martin Allen

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

Martin Allen

of the CRIME OF BURGLARY in the First Degree, committed as follows:

The said

Martin Allen

late of the Sixteenth Ward of the City of New York, in the County of New York, aforesaid, on the twelfth day of August in the year of our Lord one thousand eight hundred and eighty-two with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of

William Syall

there situate, feloniously and burglariously did break into and enter, by means of forcing open an outer door thereof whilst there was then and there some human being, to wit, one

W. Syall

Pamelia

Martin Allen

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

William Syall

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

Martin Allen

of the CRIME OF GRAND LARCENY IN A DWELLING HOUSE, committed as follows:

The said

Martin Allen

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, about the hour of twelve

o'clock in the night time of said day, four napkins of the value of three dollars each, four handkerchiefs of the value of fifty cents each, three pieces of the value of forty cents each, one pair of shoes of the value of three dollars, one pair of earrings of the value of six hundred dollars

of the goods, chattels, and personal property of

William Syall

in the said dwelling house of one

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

JOHN MCKEON, District Attorney

0069

~~COURT OF GENERAL SESSIONS OF THE PEACE~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~against~~

Third Count:

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

Martin Allen
of the CRIME OF *Receiving Stolen Goods*

committed as follows:

The said *Martin Allen*

late of the First Ward of the City of New York, in the County of New York aforesaid, on
the *twelfth* day of *August* in the year of our Lord one thousand
eight hundred and eighty *two* at the City and County aforesaid, with force and arms,

four napkins of the value
of *five dollars each*, *fourteen*
forks of the value of *fifty cents*
each, *three spoons* of the value
of *forty cents each*, *one salt-*
cellar of the value of *three*
dollars, and *one pair* of
earrings of the value of
six hundred dollars

of the goods, chattels and personal property of

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

William Syall
unlawfully and unjustly, did feloniously receive and have he the said

Martin Allen
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.

JOHN McKEON, District Attorney.

0070

McKee

Counsel

Filed

day of

1883

Pleads

Not Guilty (11)

THE PEOPLE

vs.

Martin Allen
(Carson)

BURGLARY—First Degree, and
Grand Larceny.

JOHN McKEON,

District Attorney.

I & my co. 1883
ind & acquitted

A True Bill.

E. H. Hall

Foreman.

Twisted up

Verdict of Guilty should specify of which count.

May 11 1883
May 11 1883

0071

In the Court of General Sessions
of the Peace in and for the
City and County of New York
The People vs
Against

Martin Allen

Edward J. Janeway being duly
sworn, saith,

He is and has been a practicing
Physician in the City of New York
for the last nineteen years, and
resides at No 51 East 25th Street in
this city.

That on the 29th day of April,
last past, deponent visited the above
named defendant, Martin Allen,
at No 1886 Third Avenue, for the
purpose of making a professional ex-
amination of said defendant as
to his bodily condition.

The deponent found the said
Martin Allen, free from fever,
as a result of examination by thermometer;
and with no sign of heart
or pericardial disease, and with
no dropsy of the pericardium.

The deponent made a careful
examination of said Martin Allen
in order to arrive at the above

0072

mentioned conclusions.

Edward G. Janeway

Sworn to before me
this 30 day of April 1883

J. L. Barnes

Notary Public (85)
N. Y. Co

0073

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

The People

vs

Martin Allen

Affiant of
E. G. Janeway M.D.

0074

In the Court of General
Sessions of the Peace in and
for the City and County of New
York

The People vs.

against

Martin Allen

William W. Stew being
duly sworn, saith,

1. He is and has been a prac-
tising Physician in the City
of New York for the last thirty
years, and resides at no. 218
East 77th Street in this City.
2. He is acquainted with the
defendant herein, having
known him personally for
many years, and has been
called upon to make a pro-
fessional examination of the
said defendant.
3. He visited the defendant in
the evening of the 26th April
instant, in consultation with
Doctor Kaemmerer of this City,
and made a thorough
physical examination of the
said defendant, and

0075

found him suffering from
symptoms of acute Pericarditis,
with dropsical effusion of
the Pericardium, in consequence
of which he is at present
unable to be removed from
his room for at least some
weeks to come, without serious
consequences, and imminent
danger to his life.

4. Defendant has in consultation
with doctor Kaemmerer sug-
gested that the patient shall
in no way be unnecessarily
disturbed, but shall be kept
perfectly quiet from any
excitement either physical or
mental.

Done before me

this 27th April 1883

W. S. Barwick

Notary Public No 69

N. Y. Co.

Wm. W. Strickland
213 E. 7th St

0076

In the Court of General
Sessions of the Peace in and
for the City and County of
New York

The People vs.
against

Walter Allen
City and County of New York SS.
Charles Kaemmerer

being duly sworn and
1. He is and has been a
practising Physician in the
City of New York for the
last thirty years, since 1853,
and was a member of the
New York Medical Society since
1875.

2. He knows the defendant herein
and has lately attended him
professionally.

3. He is suffering from Nephritis
Pericarditis, and in consequence
thereof it would be extremely
dangerous to remove him
from his house. He has
advised the said defendant
to be kept perfectly quiet and
undisturbed, and verily believes

0077

the defendant's life need
be endangered by any
removal from his house.

4. Deponent called in Doctor
Hew in consultation with
him in connection with
said defendant's condition,
and ~~last~~ evening had a con-
sultation with him over
the patient.

Shown before me
this 27th April 1883

Wolbarwick

Notary Public No 69
J N Y Co

R. H. Hammer

0078

In the Court of General
Sessions of the Peace in
and for the City and
County of New York

The People &c

agst.

Martin Allen

Affidavits on applica-
tion for adjourn-
ment

0079

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

-----X
The People of the State of New-York :
- against -
Martin Allen. :
-----X

City and County of New-York, SS.:

Martin A. Mc'Govern, being
duly sworn, deposes and says: That he is a practicing physician
of seven years standing, and resides at No. 866 Lexington Avenue,
in the City of New-York; that on the 29' day of April, 1883, de-
ponent visited the above named defendant, Martin Allen, at No.
1886 Third Avenue, for the purpose of making a professional exam-
ination of said defendant as to his bodily condition; that the
deponent found the said Martin Allen free from fever, the result
of examination by thermometer, and with no sign of heart or peri-
cardial disease and with no dropsy of the pericardium, nor disease
of the kidney; that deponent made a careful examination of said
Martin Allen in order to arrive at the above conclusions.

Sworn to before me, this :
30' day of April, 1883. :

Hugh Donnelly
Notary Public
N.Y.C.

M. A. McGovern

Court of General Sessions.

The People

vs.

Martin Allen.

Defendant of

Martin A. McGovern.

0082

In the Court of General Session
of the Peace in and for the City -
and County of New York.

The People vs
against -

Martin Allen
City - and County of New York. S. S.
Charles Kaemmerer of the
City of New York, being duly
sworn says;

1. I am and have been a
practising Physician in the
City of New York, since 1853,
and am a member of the
New York Medical Society, and
have been so since 1875.
2. My office is situated at No. 20
East Thirteenth Street in the City
of New York.
3. I know the defendant - Martin
Allen herein. He is now under
my medical care, and is
confined to his bed in his
house No 1886 Third Avenue
in this City.
4. He is suffering from Hydro
Pericarditis primarily, &
inflammation of the heart in

0083

consequence ~~the~~ lower por-
tion of his legs and feet -
are swollen and enlarged.
He cannot walk, and will
be confined to his bed in all
probability - for several days,
and certainly to his house
from ten days to a fortnight.
Shown to before me (P. Y. Hammer
this 23rd April 1883

Jas. L. McCabe
Covr. Deeds N.Y.C.

10.1.1883
20.1.1883
21.1.1883
22.1.1883
23.1.1883
24.1.1883
25.1.1883
26.1.1883
27.1.1883
28.1.1883
29.1.1883
30.1.1883
31.1.1883
1.2.1883
2.2.1883
3.2.1883
4.2.1883
5.2.1883
6.2.1883
7.2.1883
8.2.1883
9.2.1883
10.2.1883
11.2.1883
12.2.1883
13.2.1883
14.2.1883
15.2.1883
16.2.1883
17.2.1883
18.2.1883
19.2.1883
20.2.1883
21.2.1883
22.2.1883
23.2.1883
24.2.1883
25.2.1883
26.2.1883
27.2.1883
28.2.1883
29.2.1883
30.2.1883
31.2.1883
1.3.1883
2.3.1883
3.3.1883
4.3.1883
5.3.1883
6.3.1883
7.3.1883
8.3.1883
9.3.1883
10.3.1883
11.3.1883
12.3.1883
13.3.1883
14.3.1883
15.3.1883
16.3.1883
17.3.1883
18.3.1883
19.3.1883
20.3.1883
21.3.1883
22.3.1883
23.3.1883
24.3.1883
25.3.1883
26.3.1883
27.3.1883
28.3.1883
29.3.1883
30.3.1883
31.3.1883
1.4.1883
2.4.1883
3.4.1883
4.4.1883
5.4.1883
6.4.1883
7.4.1883
8.4.1883
9.4.1883
10.4.1883
11.4.1883
12.4.1883
13.4.1883
14.4.1883
15.4.1883
16.4.1883
17.4.1883
18.4.1883
19.4.1883
20.4.1883
21.4.1883
22.4.1883
23.4.1883
24.4.1883
25.4.1883
26.4.1883
27.4.1883
28.4.1883
29.4.1883
30.4.1883
31.4.1883
1.5.1883
2.5.1883
3.5.1883
4.5.1883
5.5.1883
6.5.1883
7.5.1883
8.5.1883
9.5.1883
10.5.1883
11.5.1883
12.5.1883
13.5.1883
14.5.1883
15.5.1883
16.5.1883
17.5.1883
18.5.1883
19.5.1883
20.5.1883
21.5.1883
22.5.1883
23.5.1883
24.5.1883
25.5.1883
26.5.1883
27.5.1883
28.5.1883
29.5.1883
30.5.1883
31.5.1883
1.6.1883
2.6.1883
3.6.1883
4.6.1883
5.6.1883
6.6.1883
7.6.1883
8.6.1883
9.6.1883
10.6.1883
11.6.1883
12.6.1883
13.6.1883
14.6.1883
15.6.1883
16.6.1883
17.6.1883
18.6.1883
19.6.1883
20.6.1883
21.6.1883
22.6.1883
23.6.1883
24.6.1883
25.6.1883
26.6.1883
27.6.1883
28.6.1883
29.6.1883
30.6.1883
31.6.1883
1.7.1883
2.7.1883
3.7.1883
4.7.1883
5.7.1883
6.7.1883
7.7.1883
8.7.1883
9.7.1883
10.7.1883
11.7.1883
12.7.1883
13.7.1883
14.7.1883
15.7.1883
16.7.1883
17.7.1883
18.7.1883
19.7.1883
20.7.1883
21.7.1883
22.7.1883
23.7.1883
24.7.1883
25.7.1883
26.7.1883
27.7.1883
28.7.1883
29.7.1883
30.7.1883
31.7.1883
1.8.1883
2.8.1883
3.8.1883
4.8.1883
5.8.1883
6.8.1883
7.8.1883
8.8.1883
9.8.1883
10.8.1883
11.8.1883
12.8.1883
13.8.1883
14.8.1883
15.8.1883
16.8.1883
17.8.1883
18.8.1883
19.8.1883
20.8.1883
21.8.1883
22.8.1883
23.8.1883
24.8.1883
25.8.1883
26.8.1883
27.8.1883
28.8.1883
29.8.1883
30.8.1883
31.8.1883
1.9.1883
2.9.1883
3.9.1883
4.9.1883
5.9.1883
6.9.1883
7.9.1883
8.9.1883
9.9.1883
10.9.1883
11.9.1883
12.9.1883
13.9.1883
14.9.1883
15.9.1883
16.9.1883
17.9.1883
18.9.1883
19.9.1883
20.9.1883
21.9.1883
22.9.1883
23.9.1883
24.9.1883
25.9.1883
26.9.1883
27.9.1883
28.9.1883
29.9.1883
30.9.1883
31.9.1883
1.10.1883
2.10.1883
3.10.1883
4.10.1883
5.10.1883
6.10.1883
7.10.1883
8.10.1883
9.10.1883
10.10.1883
11.10.1883
12.10.1883
13.10.1883
14.10.1883
15.10.1883
16.10.1883
17.10.1883
18.10.1883
19.10.1883
20.10.1883
21.10.1883
22.10.1883
23.10.1883
24.10.1883
25.10.1883
26.10.1883
27.10.1883
28.10.1883
29.10.1883
30.10.1883
31.10.1883
1.11.1883
2.11.1883
3.11.1883
4.11.1883
5.11.1883
6.11.1883
7.11.1883
8.11.1883
9.11.1883
10.11.1883
11.11.1883
12.11.1883
13.11.1883
14.11.1883
15.11.1883
16.11.1883
17.11.1883
18.11.1883
19.11.1883
20.11.1883
21.11.1883
22.11.1883
23.11.1883
24.11.1883
25.11.1883
26.11.1883
27.11.1883
28.11.1883
29.11.1883
30.11.1883
31.11.1883
1.12.1883
2.12.1883
3.12.1883
4.12.1883
5.12.1883
6.12.1883
7.12.1883
8.12.1883
9.12.1883
10.12.1883
11.12.1883
12.12.1883
13.12.1883
14.12.1883
15.12.1883
16.12.1883
17.12.1883
18.12.1883
19.12.1883
20.12.1883
21.12.1883
22.12.1883
23.12.1883
24.12.1883
25.12.1883
26.12.1883
27.12.1883
28.12.1883
29.12.1883
30.12.1883
31.12.1883

0084

City & County of New York.

William Cairns of the 16th Precinct being duly sworn deposes and says.

That deponent with other policemen searched the Home of Martin Allen on the night of the 3^d day of January and he said Allen being in said Home when deponent entered to search said premises.

That they found in said Home four silver napkin rings fourteen plated forks. Three spoons. One silver plated tall Cellar which are marked as set forth in the annexed Affidavit of Pamela Wyall and are identified as having been stolen from 367 West 20th Street on the night of the 12th day of August 1882.

That we found in said premises a number of burglar tools false keys. dark lantern & other implements used by Burglars.

William Cairns

Sworn to before me

this 6th day of Jan'y. 1883

J. J. Murphy / Police Justice

0085

CITY AND COUNTY }
OF NEW YORK, } ss.

William Cairns
aged _____ years, occupation Police Officer of No. 16th Grand Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Samuel W. Lyall
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 4th } William Cairns
day of Jan 1883 }

[Signature]
Police Justice.

0086

Police Court— 2 — District.

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

I, Pamela W. Lyall
of No. 367 West 20th Street, aged 38 years,
occupation Married woman being duly sworn

deposes and says, that the premises No. 367 West 20th
Street, 16th Ward, in the City and County aforesaid, the said being a Dwelling
House

and which was occupied by deponent as a Dwelling House for herself, husband
and family were BURGLARIOUSLY
entered by means of forcibly breaking open the front
hall door leading into said premises
with a jimmy

on the night of the 12th day of August 1882
and the following property feloniously taken, stolen, and carried away, viz:

Four silver napkin rings marked with initials
W. L. D. L. E. C. L. dated 1873 of the value
of Twenty dollars. Fourteen plated forks marked
L of the value of Seven dollars. Three spoons marked
L of the value of One dollar. One silver plated
cellar of the value of Three dollars. One
pair cluster diamond Earrings of the value of
Six hundred dollars and other property consis-
ting of jewelry and silverware all of said
property being of the value of Eight hundred
dollars

the property of deponent and husband William Lyall
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by
Martin Allen (now here)

for the reasons following, to wit; That deponent is informed
by officer William Cairns that he
arrested said Allen at his residence
at 49 West 20th Street in said City
and found part of said property viz
napkin rings forks spoons and one cell-
cellar (in said premises occupied by
said Allen)

Pamela W. Lyall

Given to before me this 14th day of January 1883 at New York Police Justice

0087

Sec. 108—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2d

District Police Court.

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

Question What is your name?

Answer. Martin Allen

Question. How old are you?

Answer. 41 years

Question. Where were you born?

Answer. New York

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

Answer. 400 W 20th St five or six mo's

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty

Martin Allen

Taken before me this

6th

day of

June 1883

Police Justice.

0088

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 Martin Allen

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 Jan'y 6th 1883

B. H. Briggs Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0089

72nd Avenue
Police Court - 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel W. Lyall
367 W 20th

1 Martin Allen

2

3

4

see line
Martin Allen

Offence, Burglary

BAILED,

No. 1 by

Residence Street,

No. 2, by

Residence Street,

No. 3, by

Residence Street,

No. 4, by

Residence Street.

Dated Jan 4 1883

B O B Bly Magistrate.

William Cairns 16th Officer. ✓

& Jan 6. 10 a m Clerk.

Witnesses, office Cairns ✓

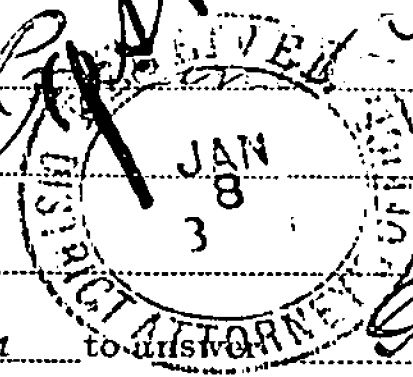
No. 16th Precinct Street,

Robert F. Campbell ✓

16th Precinct Street,

No. Street,

\$ Ann to answer



0090

CITY AND COUNTY }
OF NEW YORK, } ss.

William Cairns

aged _____ years, occupation _____ of No.

116th Grand Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Samuel Marsh

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

Sworn to before me, this 4th
day of January 1883

William Cairns

B. M. Brady
Police Justice.

0091

Police Court— 2 District.

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

Samuel Marsh

of No. 345 West- 19th Street, aged 36 years,
occupation Lawyer being duly sworndeposes and says, that the premises No. 345 West- 19th
Street, 16th Ward, in the City and County aforesaid, the said being a Dwelling
Houseand which was occupied by deponent as a Dwelling house for himself
and family . were BURGLARIOUSLY
entered by means of forcibly breaking open the front
hall door leading into said premises
with a jimmy

on the night of the 7th day of December 1882

and the following property feloniously taken, stolen, and carried away, viz:

One marble clock of the value of Forty dollars
Two lace curtains of the value of thirty
seven dollars. One overcoat of the value of
Ten dollars one silk dress of the value of
one hundred dollars & one willow basket
of the value of Two dollars

the property of deponent-

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

Martin Allen (now here)

for the reasons following, to wit; That deponent is informed by
officer William Cairns that he found the
lace curtains, and a basket answering to
the description of the one that was taken
stolen and carried away as aforesaid
in the premises No 400 West- 20th Street
occupied by said AllenSubscribed and sworn to
this 4th day of July 1883Attest my right
Police Justice

Samuel Marsh

0092

Sec. 188-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2d

District Police Court.

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

Question What is your name?

Answer. Martin Allen

Question. How old are you?

Answer. 41 years

Question. Where were you born?

Answer. New York

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

Answer. 400 West 20th St five or six months

Question. What is your business or profession?

Answer. Clork

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

Martin Allen

Taken before me this

day of

Jan

1883

W. H. Murphy

Police Justice.

0093

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 Martin Allen

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 good bail.~~

Dated Jan'y 6th 1883 B. A. Murphy Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0094

BAILED,

No. 1 by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

73 ordered
Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Marsh
34 5th Street
1 Martin Allen

2
3 see care
4 by all
Allen

Offence, 2nd Degree

Dated Jan 4 1883

73 St. Br. by Magistrate.
William Carris 16 Officer.

4 Jan 6. 1883 10 a.m.

Witnesses, Officer Carris

No. 16, 1st Precinct

Robert F. Campbell

16 1st Precinct Police Street,

No. _____ Street,

\$ Carris to answer

Gamelia H. Hyall

367 7th Street



0095

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Martin Allen

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

Martin Allen

of the CRIME OF BURGLARY in the second Degree, committed as follows:

The said Martin Allen

late of the Sixteenth Ward of the City of New York, in the County of New York, aforesaid, on the seventh day of December in the year of our Lord one thousand eight hundred and eighty-two with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Samuel Marsh

there situate, feloniously and burglariously did break into and enter, ~~by means of~~

whilst there was then and there some human being, to wit, one Samuel Marsh within the said dwelling-house, the said

Martin Allen

then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of Samuel Marsh

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

Martin Allen

of the CRIME OF GRAND LARCENY IN ~~A DWELLING HOUSE~~ the first degree, committed as follows:

The said Martin Allen

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, about the hour of twelve

o'clock in the night time of said day, one lock of the value of forty dollars, two curtains of the value of twenty dollars each, and overcoat of the value of ten dollars, one dress of the value of one hundred dollars, and one basket of the value of two dollars

of the goods, chattels, and personal property of Samuel Marsh

Samuel Marsh

in the said dwelling house of one then and there being found

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

JOHN McBRIDE, District Attorney

0096

~~COURT OF GENERAL SESSIONS OF THE PEACE~~

~~OF THE CITY AND COUNTY OF NEW YORK~~

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~against~~

Third Count.

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

Martin Allen

of the CRIME OF Receiving Stolen Goods

committed as follows:

The said Martin Allen

late of the First Ward of the City of New York, in the County of New York aforesaid, on the seventh day of December in the year of our Lord one thousand eight hundred and eighty two at the City and County aforesaid, with force and arms.

one stock of the value of forty dollars, two curtains of the value of twenty dollars each, one overcoat of the value of ten dollars, one dress of the value of one hundred dollars and one basket of the value of two dollars

of the goods, chattels and personal property of

Samuel Marsh

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

Samuel Marsh

unlawfully and unjustly, did feloniously receive and have he the said

Martin Allen

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.

JOHN McKEON, District Attorney.

0097

BOX:

88

FOLDER:

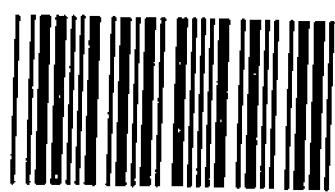
959

DESCRIPTION:

Andrews, John

DATE:

01/04/83



959

0098

BOX:

88

FOLDER:

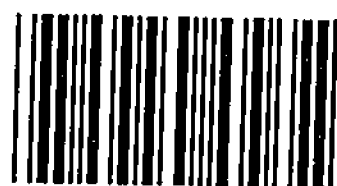
959

DESCRIPTION:

Stewart, Thomas

DATE:

01/04/83



959

Connected Bony
& Luncney. =
He is a Attorney
Thayer

[Signature]

WITNESSES:

Counsel, *W.H.L.*
Filed *4* day of *Jan* 188*3*
Pleads *Not Guilty (5)*

THE PEOPLE

18 April vs.
John Andrews
Shamrock

INDICTMENT.
LARGELY FROM THE PERSON

JOHN McKEON,
District Attorney.

A True Bill.

E. J. Hull

Part 2 Jan 12. 1883
Foreman.
Both tried #1 convicted
#2 acquitted
Jan 14. 1883

No. 1. *5747*
[Signature]

0100

2. District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. *339 West 11th* Street.

being duly sworn, deposes and says, that on the *25* day of *December* 188*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, *and from his person.*
the following property, viz:

*One gold single case watch
of the value of fifty dollars... with a
galvanized chain attached thereto.*

Sworn before me this

the property of *Deponent.*

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by *John Andrews. And Thomas*
Stewart. now present. That while
deponent was standing on the corner
of Washington & West 11th Street, with said
watch in his vest pocket, said Andrews
seized the chain and stole said watch.
That deponent pursued said Andrews
when said Stewart tripped deponent
causing him to fall and injure himself.
John Smith

Police Justice.

1882

0101

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

POLICE COURT, 2^d DISTRICT.

Charles F. Smith
of No. *341 West 11th* Street, being duly sworn, deposes and
says that on the *28th* day of *December* 188*2*
at the City of New York, in the County of New York, *he went in pursuit*
of John Andrews and Thomas Stewart.
Now present, and found them secreted
behind a truck in West St. in conversation with each other and arrested the defendant Stewart.
That prior to the pursuit deponent
was informed by his father John
Smith that defendants had
stolen his John Smith's watch.
Charles F. Smith

Sworn to before me, this

December 188*2*

& at day

Police Justice.

0102

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Thomas Stewart.

Question. How old are you?

Answer.

19 years.

Question. Where were you born?

Answer.

In Brooklyn

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

Answer.

593. Greenwich St. 3 years.

Question. What is your business or profession?

Answer.

I work in a laundry

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 had been drinking beer with Andrews. I had no intention that he was going to shoot the match until I saw him take it and run away. and I ran after him.
Thomas Stewart

Taken before me this

26

day of November 1884

Police Justice.

0103

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

John Andrews 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 Andrews.*

Question. How old are you?

Answer. *18 years.*

Question. Where were you born?

Answer. *In New York.*

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

Answer. *157 Spring St. 8 months.*

Question. What is your business or profession?

Answer. *Drive a N. Y. Mail Wagon.*

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

Answer. *I am not guilty.*

John Andrews

Taken before me this

day of *December* 188*8*

13 11 1888

Police Justice.

0 104

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

John Andrews & Thomas Stewart

guilty thereof, I order that ~~he~~ ^{they} be held to answer the same and ~~he~~ ^{they} 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~~ ^{until they} give such bail.

Dated 26 Dec 1882 R. J. Phipps Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0105

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Smith
339 1st St.
John Andrews.
Thomas Stewart.

Offence Larceny

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

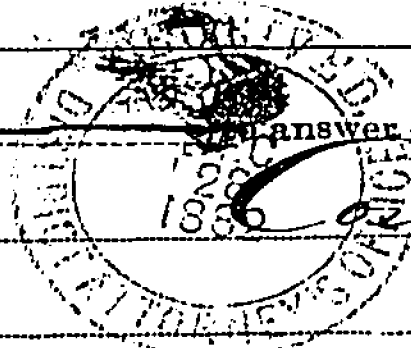
No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated 26 December 1887
Bisby Magistrate.
Haugan Clerk Officer.
9 Precinct.

Witnesses Charles Smith
No. _____ Street.
Rusell
No. _____ Street.

No. _____ Street,
Answer
1886



0106

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 Andrews
Thomas Stewart

The Grand Jury of the City and County of New York, by this indictment, accuse
John Andrews and Thomas Stewart
of the CRIME OF ~~Larceny from the person~~ Grand Larceny in the first degree
committed as follows:

The said John Andrews and
Thomas Stewart

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the ~~twenty fifth~~ day of December in the year of our Lord
one thousand eight hundred and eighty- two, at the Ward, City and County
aforesaid, with force and arms, in the night time of
said day, one watch of the value
of fifty dollars, and one chain
of the value of five dollars

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

JOHN McKEON, District Attorney.

0107

BOX:

88

FOLDER:

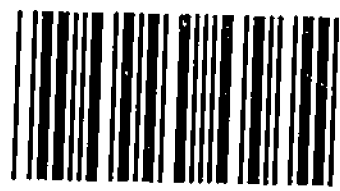
959

DESCRIPTION:

Armstrong, Kate

DATE:

01/19/83



959

0100

194

(11)

Day of Trial,

Counsel,

- Filed

19 day of June - 1883

Pleadings

THE PEOPLE

vs.

P

State of New York

194

JOHN McKEON,

District Attorney.

A True Bill.

Edwards

Foreman.

May 27/83

By leads of City

James J. Sullivan

James J. Sullivan

0109

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.POLICE COURT, 3rd

DISTRICT.

of the 14th Precinct Police

Street, being duly sworn, deposes and

says that on the

15

day of

January

1883

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

Kate Armstrong (now here) was a prisoner in the 14th Precinct Station House, that she was making a great noise while in a cell and then and there threatened to take her life if she was not let go, that about five minutes after said Kate made said threat of destroying her life, deponent opened said cell and there found said Kate lying upon the floor, in an unconscious condition, with a scarf fastened about her neck, and in such condition that deponent was unable to untie said scarf, and was obliged to cut said scarf, that said Kate had to be sent to the Hospital and was there confined for two days on account of the injury inflicted upon herself.

Deponent therefore charges that said Kate did inflict said injuries upon her person with the intent to commit suicide, and in violation of Section 174 of the Penal Code

Sworn to before me this
14th day of Jan'y 1883

Louis Schleissner

Hugh J. Farmer
Police Justice

0110

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

3 District Police Court.

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

Question. What is your name?

Answer. *Kate Armstrong*

Question. How old are you?

Answer. *38 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *520 East 13 Street and about three weeks*

Question. What is your business or profession?

Answer. *Domestic*

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 don't know anything about
it, I drank some liquor and
I suppose I was under the influence
of it at the time*

*Kate ^{her} Armstrong
Mark*

Taken before me this

day of

January

188*9*

Frank Chapman

Police Justice.

0111

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 Kate Armstrong

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100
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 January 17 1883

Hughes Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0112

Police Court 3 District. 4.5

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Schleimer
17 St. St.

1 Kate Armstrong
2
3
4

Attempted Suicide

Dated January 17 1893
Gardner Magistrate.
Charles Mayer Officer.
17 Prof. St. Clerk.

BAILED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

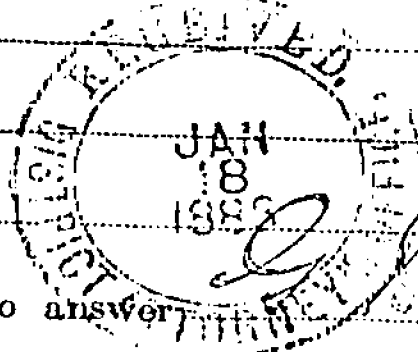
Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ 1000 to answer _____



Corn

0113

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Kate Armstrong

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

Kate Armstrong

of the CRIME OF Attempting Suicide
committed as follows:

The said Kate Armstrong

late of the City and County of New York, on the 15th day of January
in the year of our Lord one thousand eight hundred and eighty-three, at
the City and County aforesaid, with force and arms

with intent to take
her own life did then and there feloniously
commit upon herself an act dangerous to
human life, to wit: she said Kate Armstrong
then and there a certain scarf about the neck
of her said Kate Armstrong feloniously
did then and there forcibly bind and tie
and, her neck then and there forcibly and
violently did strangle, 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.

John McKeon

District Attorney

0114

BOX:

88

FOLDER:

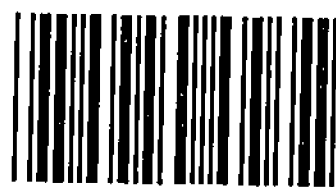
959

DESCRIPTION:

Ashmore, Frank

DATE:

01/03/83



959

0115

BOX:

88

FOLDER:

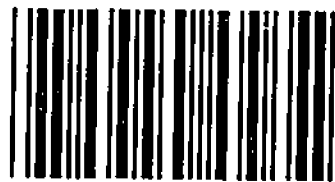
959

DESCRIPTION:

Crandall, William

DATE:

01/03/83



959

0116

14/2/1883
Counsel, *R. Jones*
Filed *3* day of *January* 1883

Pleads *Not Guilty* (4)

vs.
THE PEOPLE
Frank Robinson
John Talbot
and
William Brander
(2 Cases)

John McKeon
JOHN McKEON,
District Attorney

A True Bill.
Edward
Foreman.

Chas. R. Gill
James
Chas. J. Head
Ex-officio State Referee

0117

2a

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 901 73 roadway

Samuel Lord Jr

being duly sworn, deposes and says, that on the

27 day of December 1887

at the

City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of ~~deponent~~ Complainant and his copartners in the day time

the following property, viz:

Fifty yards of velvet of the value of five dollars per yard, in all of the value of Two Hundred and fifty dollars.

the property of deponent and his copartners Edward P Hatch and George W J Lord

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 Milburn M. Crandell and Frank Ashmore now present.

That Crandell who was a clerk in the employ of deponent's firm, admitted taking and giving said velvet to said Ashmore to sell for their joint benefit and was informed by Officer Neideberg that he arrested said Ashmore with the property in his possession in the hall of the house where both defendants live

Samuel Lord Jr

Sworn before me this

27 day of December 1887

Police Justice.

0118

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Heideberg
aged 43 years, occupation Detective Sergeant of No. Central Office Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Samuel Lord Jr
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 29
day of December 1888 } Robert Heideberg

R. J. Murphy
Police Justice.

0119

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2

District Police Court.

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

Question What is your name?

Answer. Melburn V. Crandall

Question. How old are you?

Answer. I decline to answer

Question. Where were you born?

Answer. I decline to answer

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

Answer. I decline to answer

Question. What is your business or profession?

Answer. I decline to answer

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

Answer. I have nothing to say

Melburn V. Crandall

Taken before me this

day of January

1883

Police Justice.

0120

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question What is your name?

Answer.

Frank Ashmore

Question. How old are you?

Answer.

20 years.

Question. Where were you born?

Answer.

Brooklyn, New York.

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

Answer.

Brooklyn, for 10 years.

Question. What is your business or profession?

Answer.

Student

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 have nothing to say.

Frank Ashmore

Taken before me this

day of *December* 188*8*

W. J. Murphy

Police Justice.

0121

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 _____

Melburn Crandell & Frank Ashmore

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

Dated *29 Dec* 188 *2 B W 1904* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0122

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Lord Jr.
901 Broadway

Melburn V. Gaudet
Frank Ashmore
alias
Frank Talcott

Offence Grand Larceny 1st degree

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *29 Dec* 188*2*

Dirby Magistrate.

Chas V Heidelberg Officer.

C.O. Precinct.

Witnesses *Chas Heidelberg*

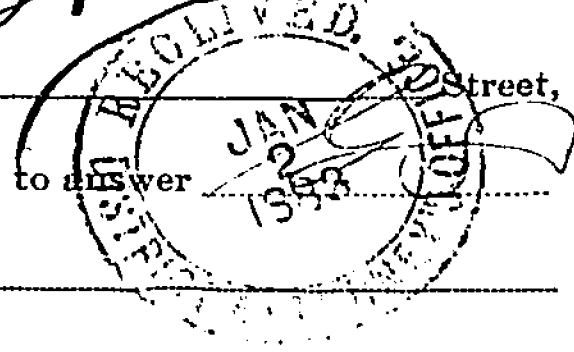
No. *Recruital Office* Street.

John H. Hansen

No. *Latex Taylor* Street.

No. _____ Street.

\$ _____ to answer _____



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

William V. Randall
Frank Ashmore

The Grand Jury of the City and County of New York, by this indictment, accuse
William V. Randall and

Frank Ashmore

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

The said William V. Randall

and Frank Ashmore

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
27th day of December in the year of our Lord one thousand eight hundred and
eighty- two, at the Ward, City and County aforesaid, with force and arms

fifty yards of velvet of the value of
five dollars each yard

of the goods, chattels and personal property of one

the younger

Samuel Sord

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.

04124

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

Frank Ashmore

of the CRIME OF RECEIVING STOLEN GOODS,

committed as follows:

The said

Frank Ashmore

late of the First Ward of the City of New York, in the County of New York
aforesaid, on the ~~twenty seventh~~ day of *December* in the year of our Lord
one thousand eight hundred and eighty-*two*, at the Ward, City and County
aforesaid, with force and arms

fifty yards of velvet
of the value of five dollars
each yard

of the goods, chattels and personal property of *Samuel Sord the*
younger by William V. Randall and
by ~~a certain person~~ *other* persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said

Samuel Sord the younger

unlawfully and unjustly, did feloniously receive and have; he the said

Frank Ashmore

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.

JOHN McKEON, District Attorney.

0125

14

Counsel, *James*
Filed *3* day of *May* 188*3*
Pleads *W. H. C. (4)*

THE PEOPLE
(2 Cases) *P*
Wm. D. Chandler
And *P*
Frank D. Moore
vs
Frank Sadock

Grand Larceny, second degree, and
Receiving Stolen Goods.

JOHN McKEON,
District Attorney

A True Bill.

Chapman
Foreman.

0126

LAW OFFICES
OF
JAS. K. HILL, WING & SHOUDY,
45-49 William Street.

JAMES K. HILL,
HENRY T. WING,
JOSEPH A. SHOUDY.

New York, Jan. 10, 1883.

Hon. A. J. Requier,

Dear Judge:

Melbourn V. Cramdell, a young man about 23 years of age has been jointly indicted with one Talcott for larceny from Messrs. Lord & Taylor.

The young man is of an excellent family. His brother is a prominent dentist on Brooklyn Heights, and a most excellent gentleman.

The boy came from the country only recently, and got into bad associations and the result is his present predicament.

When he was arraigned under the indictment he had no one present to advise with, and although his purpose was to admit his guilt he was afraid to do so, as he had no friend present.

Messrs. Lord & Taylor are quite willing and desirous even that he should receive as mild a punishment as is possible under the circumstances as this was his first offense, and to send him to State Prison would, of course, ruin him beyond

0127

hope. We understand that the friends of Talcott are endeavoring to cast an undue share of the blame upon Brandell, and that the fact that he plead not guilty is being made use of against him. We believe that Mr. Obyrne has the matter in charge.

We would be very glad if, in view of the good blood which runs in the veins of the boy, and of his previous good character, he could receive such punishment as would not disgrace him for life. If he could be sent to the Reformatory there is a fair chance that he might yet be a law-abiding citizen. We think you will agree with us that no such result would be likely to follow by sending him to State Prison.

If it is possible for you to do anything in his behalf we shall esteem it a great personal favor. His trial is set down for Thursday - 11th inst. We hope you will not consider this obtrusive.

Yours Very Truly,

Jas. K. Hill, Wing & Shoups.

0128

State of New York.

Executive Chamber,

Albany, May 3^d 1883

*Jan 83
and May 14/83.*

Sir: Application having been made to the Governor for the pardon of Frank Sulcott aka Frank Whelan, who was sentenced on Jan 12th 1883, in your County, for the crime of Robbery 1st degree for the term of 5 years and 0 months to the State Prison-Reformatory you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a pardon. Be pleased, also, to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully yours,

James Clinton

To Hon. John McKeon,
District Attorney, &c.

City and County of New York, N.Y.

Samuel Lord Jr. of 901 Broadway, being duly sworn deposes and says that ~~on or about the 6 day of~~
^{Frank Ashmore alias} December 1882, Frank Talcott and William Crandell stole from the store of deponent & firm at the above address (he said ~~Ashmore~~ ^{Crandell} being then and there a clerk in the employ of said firm) thirty yards of velvet of the value of six dollars each yard the property of deponent as a member of said firm.

Deponent has good cause to believe and does believe that said Larceny was committed by said Ashmore and Crandell from the facts that said ~~Ashmore~~ ^{Crandell} at said time was employed in the velvet department of said store; that he at said time resided in the same house with said ~~Crandell~~ Ashmore; that both said Crandell and Ashmore have confessed that they did steal take and carry away the said velvet and disposed of the same to the mother of said Ashmore for the

0.130

sum of one hundred and twenty six dollars and that the said sum of

money was divided between them.
and no money was recovered from the insurance
company. The money was given to the family as a gift.
The money was given to the family as a gift.

Dec 27/1952

This 3 day January 1983

Notary Public
City & County,

Samford

Dever

乙

Wm. H. Burleigh

ॐ

19

And

William Randall

Grand Sonnet

in the year

The People, vs:
 v.
 Frank Tallcat
 and another

City and County of New York, ss:

Charles Hudelber, being duly sworn says that he is a Detention Sergeant attached to the Central Office at No 300 Mulberry Street. That on the 27th day of December 1887 I arrested Frank Tallcat charged with a larceny of goods from the firm of Lord and Taylor.

That said department and said Tallcat were going to Police Headquarters and to the Police Court the said Tallcat told department "I will pay Messrs Lord & Taylor for their loss and get out of the jurisdiction and the country will never see me again."

Done before me this

2nd day of January 1888

Attest
 Volney T. Davis
 City Clerk

Wm. Hudelber

City and County of New York 16th Jo.

William E. Frinke
being duly sworn says
That he is a Det. Supt.,
attached to the Police Central
office,

That on the 28th day of December
1882 whilst enroute was
going to Police Headquarters
with one Frank Talbot
to the Police Court, as the
detachment and said Talbot
passed the corner of 4th
& Wooster Streets the said
Talbot said to his partner
"Can you get me hailed"
"Yes I will," the partner said,
Then the son said "If you
can I will leave this country
and go to Australia right
away."

I went before me this
3rd day of January 1883 }
J. D. Roberts }
Notary Public (5)
City & County.

Wm. E. Frinke

0133

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

THE PEOPLE OF THE STATE OF NEW YORK
against

Frank Ashmore
otherwise called
Frank Talcott and
William Crandell

The Grand Jury of the City and County of New York, by this indictment, accuse
Frank Ashmore otherwise called
Frank Talcott and William Crandell
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Frank Ashmore, otherwise
called Frank Talcott and
William Crandell

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
ninth day of December in the year of our Lord one thousand eight hundred and
eighty- two, at the Ward, City and County aforesaid, with force and arms

thirty yards of velvet of the
value of six dollars each
yard

of the goods, chattels and personal property of one Samuel Bond
the younger 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.

John McKeon
District Attorney