

0057

BOX:

397

FOLDER:

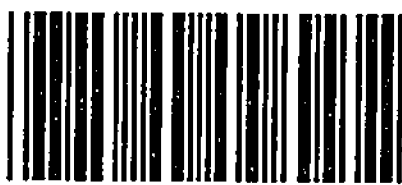
3694

DESCRIPTION:

Wagner, Henry

DATE:

05/14/90



3694

POOR QUALITY
ORIGINAL

0058

I have personally
examined the
case and am
thoroughly of the
opinion that no
conviction can
be had. The
defenses are
the amplest of the
law. I have shown
in
the civil courts
where a suit is
now pending.
De la Cruz Moore
Respectfully

June 26 1891

535

64. *John E. Fellows*
Counsel,
14 day of May 1891
Filed
Pleads, *May 19*

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

B

Henry Wagner

Grand Larceny 1st degree.
[Sections 528, 530 - Penal Code].

JOHN E. FELLOWS,

District Attorney.

Indictment
Quashed

A True Bill.

Chas. B. De la Cruz

Sept 10

Foreman.

Off for June Term
J. B. D.

Witnesses;

Scarpio Arraga

In this case I don't think

*the indictment should ever have been
found against the defendant.
Upon an examination of the
whole case I find that the
law is on the party of the
indictment & should be dropped
in a civil court.*

June 7 1891

Wm. J. McHugh
District Attorney

*after an investigation
of this case I
fully concur with
Mr. McHugh & ask
that the indictment
be dismissed
June 18 91 J. B. D.
a.s.a*

On

POOR QUALITY
ORIGINAL

0059

Hol. 1

Supreme Court: County of New York.

----- x
Serapio Arteaga :
against :
Henry Wagner and :
M. Everett Sandford. :
----- x

The defendants above named by Theall & Beam, their Attorneys, make the following answer to the complaint in this action.

First: For a first defense.

I. The defendants admit the allegations contained in the first paragraph of the said complaint, and they also admit the allegation "that on or about the 26th day of December, 1889, the property mentioned in the second paragraph of the complaint, was in the premises No. 352 Eighth Avenue in the City of New York," contained in the fourth paragraph of the said complaint.

II. The defendants deny any knowledge or information sufficient to form a belief as to any of the allegations contained in the Eighth, Ninth, Tenth and Eleventh paragraphs of the said complaint, and they also deny any knowledge or information sufficient to form a belief as to the allegation "that the plaintiff was the lessee of said premises No. 352 Eighth Avenue" contained in said Fourth paragraph of said complaint.

III. The defendants deny each and every other allegation

**POOR QUALITY
ORIGINAL**

0060

in said complaint contained.

Second: For a second defense.

I. The defendants allege that heretofore at the City of New York, and on or about the sixth day of September, 1888, by an agreement in writing executed by these defendants, as owners, and the said plaintiff as lessee, the plaintiff hired and took from these defendants, and the defendants let and rented to the plaintiff, One billiard table with fixtures as follows: One set, consisting of four Ivory Billiard balls, one set of markers on wire, one cue rack, one set consisting of twelve cues, two bridges, and one table cover; and that in and by the said instruments these defendants agreed that if the said plaintiff should pay to them the sum of One hundred and twenty-five dollars, as follows: Twenty-five dollars thereof on the execution of the said agreement, and ten dollars monthly thereafter, until said sum was fully paid, viz: On the first day of each of the then following months of October, November, and December in the year 1888, and January, February, March, April, May, June and July in the year, 1889, then the said billiard table and fixtures above mentioned, should become the property of the said plaintiff, otherwise the same should remain the property of these defendants; and that the said defendants should have the right to take the said billiard table and fixtures, at any time upon default being made in the payments above specified; and that in and by the said agreement it was further fully understood and mutually agreed between the said parties that no title to the property above mentioned, should pass to the plaintiff from the said defendants, until all of the

POOR QUALITY
ORIGINAL

0051

above stipulated payments should have been made, and a bill of sale therefor given.

6 II. That the defendants duly complied with all the conditions of the said agreement on their part to be kept and performed, and they duly delivered to the said plaintiff the property mentioned therein, pursuant to and subject to all the conditions therein mentioned.

7 III. That thereafter and on or about the 21st day of February, 1889, and with the consent of these defendants, the said plaintiff returned to these defendants, who accepted the same, the property mentioned in the said agreement, and that thereupon these defendants by an agreement in writing executed by the said parties and bearing date the day last above mentioned, these defendants let and rented to the plaintiff and the plaintiff hired and took from these defendants, a certain pool table and fixtures connected therewith consisting of a set of cues and bridges, sixteen composition pool balls, one ball rack, one leather bottle and small balls, one cover, one triangle and one cue rack, upon the same terms and conditions mentioned and contained in the said written agreement of the 6th day of September, 1888.

8 IV. The defendants further allege that they have duly complied with all the conditions of the said agreement of February 21, 1889, on their part to be kept and performed, and that they duly delivered to the said plaintiff, the said pool table and fixtures connected therewith pursuant to and subject to all the provisos and conditions contained in the said agreements of the 21st day of February, 1889, and of September 6, 1888; and the defendants allege that the said

**POOR QUALITY
ORIGINAL**

0062

pool table and fixtures are part of the chattels mentioned and described in the 2d paragraph of the complaint herein.

V. The defendants further allege that the plaintiff failed to comply with the terms and conditions of the said agreements, under which the said pool table and fixtures connected therewith, were leased to him as aforesaid, and failed to make the payments therefor, at the times and in the manner in said agreement required, and thereafter and on the 26th day of December, 1889, the plaintiff having made default in the said payments or some of them and being indebted to these defendants under said agreement in the sum of Thirty (\$30) dollars exclusive of interest, and being so indebted, having refused to pay the same upon demand; these defendants under and in pursuance of the terms of said agreements, took possession of the said pool table and fixtures connected therewith, and that thereupon the same became and now is the property of these defendants.

VI. The defendants further allege that heretofore, at the City of New York, and on the 3d day of January, 1888, the plaintiff and one Rafael Varona, being indebted to these defendants in the sum of Five hundred and sixty-four (\$564) dollars, being the purchase price of the goods and chattels hereinafter mentioned, as collateral security for the payment of the said indebtedness, executed and delivered to these defendants a mortgage, bearing date on said last mentioned day, whereby they granted, bargained and sold to these defendants, three billiard tables, one pool table, twelve ivory billiard balls, sixteen ivory pool balls, fifty-six cues, eight bridges, four cue racks, one Ball rack

**POOR QUALITY
ORIGINAL**

0063

four india rubber covers, one brush and cue cutter, four cue clamps, one billiard rules framed, one small basket, three imitation ebony shelves, four strings with wire and counters one triangle and one set of small balls and bottles, upon condition, that if the said mortgagors should and did well and truly pay unto the said defendants the said sum of Five
✓ hundred and sixty-four (\$564) dollars as follows: One hundred dollars upon the signing of the said mortgage, and Forty dollars thereafter monthly on the 28th day of each of the then following months of January, February, March, April, May, June, July, August, September in the year 1886 and the remaining Sixty-four dollars on the 28th day of November, 1888, then the said presents should be void, and that the said mortgagors did therein and thereby covenant and agree to and with these defendants, that in case default should be made in the payment of the said sum above mentioned, or any
/ part thereof, then it should and might be lawful for, and the said mortgagors did authorize and empower these defendants, with the aid and assistance of any person or persons to enter their dwelling house, store and other premises, and such other place or places as the said goods and chattels are or might be placed, and to take and carry away the said goods and chattels, and to sell and dispose of the same for the best price they could obtain, and out of the moneys arising therefrom to retain and pay the said sum above mentioned and all charges touching the same, rendering the
14. overplus, if any, to the said mortgagors.

VII. The defendants further allege that thereafter the said plaintiff returned to these defendants, who accepted

**POOR QUALITY
ORIGINAL**

0064

the same, the said three billiard tables, in said mortgage mentioned and the fixtures connected therewith at certain prices therefor agreed upon between the parties, which said prices were credited to the plaintiff on the amount to secure which the said mortgage was given, and that at the time of the foreclosure of the said mortgage, next hereinafter mentioned, the said mortgage only covered the pool table
15 therein mentioned and fixtures connected therewith, and that the said pool table and fixtures connected therewith are part of the chattels mentioned in the second paragraph of the complaint herein.

VIII. And the defendants further allege that heretofore at the City of New York and on the 10th day of March in the year One thousand eight hundred and eighty-eight, the plaintiff and the said Rafael Varona, being indebted to these defendants in the sum of One hundred and forty (\$140) dollars, being the purchase price for the goods and chattels
16 hereinafter mentioned, executed and delivered to these defendants a mortgage dated on that day, whereby they granted and sold unto these defendants one pool table, one cue rack, one ball rack, one set consisting of sixteen Hyatt balls, one set consisting of twelve cues, two bridges, one triangle, one set of markers on wire, and one table cover, upon condition that if the mortgagors should and did well and truly pay unto these defendants the full and just sum of One hundred and forty (\$140) dollars payable as follows: Forty-two dollars and fifty cents payable on the execution of the said
17 mortgage, and Ten dollars monthly thereafter until the full sum is paid, except the last payment which is to be Seventeen

**POOR QUALITY
ORIGINAL**

0065

dollars and fifty cents, namely: On the 28th day of each of the then following months of March, April, May, June, July, August, September, October and November, 1888, then the said mortgage should be void, and that the mortgagors did therein and thereby covenant and agree to and with these defendants that in case default should be made in the payment of the said sum above mentioned or any part thereof, then it should and might be lawful and the said mortgagors did authorize and empower these defendants with the aid and assistance of any person or persons to enter their dwelling house, store and other premises and such other place or places as the said goods and chattels are or might be placed and to take and carry away the said goods and chattels and to sell and dispose of the same for the best price they could obtain, and out of the moneys arising therefrom to retain and pay the said sum above mentioned and all charges touching the same rendering the overplus if any, to the said mortgagors.

18. IX. The defendant further allege that the said pool table and fixtures connected therewith, are part of the goods and chattels mentioned and described in the said 2d paragraph of the complaint herein.

X. The defendants further allege that the said mortgagors failed to comply with the conditions of the said two mortgages hereinbefore set forth, by omitting to make the payments at the time and in the manner therein mentioned, and at the times next hereinafter mentioned there was justly due these defendants upon the said two mortgages, the sum of Eighty-three (\$83) dollars, exclusive of interest, no part

20.

**POOR QUALITY
ORIGINAL**

0066

of which had been paid, although the same had been duly demanded, and thereupon these defendants on the 26th day of December, 1888, and in the pursuance of the terms of the said mortgages, took and carried away the said two pool table and fixtures connected therewith and sold and disposed of the same at public auction according to law for the best prices they could obtain for the same, which said prices were insufficient to pay the debt secured by the said mortgages.

XI. The defendants further allege that heretofore at
21. the City of New York, and on the 3d day of January, 1888, the plaintiff being indebted to these defendants in the sum of Two hundred and fifty (\$250) dollars, the purchase price of the goods and chattels hereinafter mentioned, as collateral security for the payment of the said indebtedness, executed and delivered to these defendants a mortgage, whereby they granted and sold unto these defendants two pool tables two sets of pool balls, two cue racks, two ball racks, two strings of wire and counters, twenty-four cues, four bridges two triangles and two small bottles with balls, two india
✓ rubber covers and two small baskets, upon condition that if the said plaintiff should and did well and truly pay unto these defendants the sum of Two hundred and fifty (\$250) dollars, payable as follows: One hundred and five (\$105) dollars on the execution of the said mortgage, and Twenty (\$20) dollars thereafter monthly until the said sum was fully paid, namely: On the 28th days of each of the then following months of January, February, March, April, May and June 1888, and the remaining twenty-five (\$25) dollars on the

POOR QUALITY
ORIGINAL

0067

28th day of July, 1888, then the said mortgage should be void, and that the said mortgagor therein and thereby did covenant and agree, to and with these defendants, that in case default should be made in the payment of the said sum above mentioned or any part thereof, then it should and might be lawful for, and the said mortgagor did authorize and empower these defendants with the aid and assistance of any person or persons to enter the dwelling house, store and other premises, and such other place or places as the said goods, and chattels are or might be placed and to take and carry away the said goods, and chattels and to sell and dispose of the same for the best price they could obtain, and out of the moneys arising therefrom, to retain and pay the said sum above mentioned, and all charges touching the same, rendering the overplus, if any, to the said mortgagor.

XII. The defendants further allege that the said two pool tables and fixtures connected therewith are the remainder of the goods and chattels mentioned and described in the 2d paragraph or subdivision of the said complaint herein.

XIII. The defendants further allege that the said mortgagor failed to comply with the condition of the said mortgage by omitting to make the payments at the time and in the manner therein mentioned, and at the time next hereinafter mentioned, there was justly due these defendants upon the said mortgage, the sum of One hundred and ten (\$110) dollars exclusive of interest, no part of which had been paid, although the same had been duly demanded, and thereupon these defendants on the 26th day of December, 1889, in pursuance of the terms of the said mortgage, took and carried away the

0068

H. C. Kennedy,
Notary Public, Kings Co.
Cert. filed N. Y. Co.

POOR QUALITY
ORIGINAL

0069

Supreme Court of New York.

Serapio Arteaga

against

Henry Wagner and

M. Everett Sandford.

(copy)

A N S W E R .

THEALL & BEAM,
COUNSELLORS AT LAW,
Room 400 of Wall Street, N. Y.

Defts' Attys.

POOR QUALITY
ORIGINAL

0070

S U P R E M E C O U R T ,
County of New York.

.....X
S E R A P I O A R T E A G A ,
Plaintiff,
against
HENRY WAGNER and M. EVERETT:
SANDFORD,
Defendants.
.....X

C O M P L A I N T .

Plaintiff complains of the defendants and alleges,
upon information and belief, as follows:

I. That at the times hereinafter mentioned the de-
fendants were copartners, carrying on business as such in
the City of New York under the firm name of H. Wagner & Co.
and now are copartners.

II. That at such times this plaintiff was the true,
sole and lawful owner of the following described personal
property, to wit:

- (5) Five Pool Tables,
- (6) Six Combination Blocks,
- (4) Four Ivory Billiard Balls,
- (80) Eighty Composition Pool Balls,
- (5) Five Oil Cloth Covers,
- (5) Five Cue Racks,
- (5) Five Ball Racks,
- (59) Fifty-nine Cues,
- (5) Five Triangles,
- (3) Three Block Glass Stands,

**POOR QUALITY
ORIGINAL**

0071

- (3) Three Cue Clasps,
- (1) Cue Cutter,
- (10) Cue Bridges.

III. That this plaintiff now is the true, sole and lawful owner of said property.

IV. That on or about the 26th day of December, 1888, the said property being at the time in the premises known as Number 352 8th Avenue, in the said City of New York, (of which premises this plaintiff was the lessee as hereinafter is more particularly set forth,) the said defendants illegally, wrongfully and without any warrant or right whatsoever, entered upon the basement of the said premises and illegally wrongfully and without any warrant or right whatsoever, took possession of the said property, and have wrongfully detained and converted said property to their own use, and still wrongfully detain the same.

V. That the value of the said property is the sum of (\$721.00) Seven hundred and twenty-one dollars.

VI. That by reason of the premises and the said wrongful acts of the said defendants, this plaintiff has been damaged in the said sum of (\$721.00) which is due to this plaintiff from said defendants.

VII That by reason of the said wrongful acts of the said defendants, this plaintiff has suffered and sustained further damages in the sum of Five hundred and seventy dollars, in which behalf this plaintiff alleges as follows:

VIII. That on or about the 26th day of December, 1888, the plaintiff and one Theodore Kaliske, entered into a certain agreement of lease, whereby this plaintiff leased from

POOR QUALITY
ORIGINAL

0072

said Theodore Kaliske the said premises, No. 352 8th Avenue, in said City for a term of five years and four months, from the 1st day of January, 1889 to the 1st day of May, 1894, under which lease plaintiff duly went into possession of said premises, and which lease still remains in full force and effect.

IX. That on or about the 9th day of October, 1889, at the City of New York, this plaintiff and one Charles E. Clark, entered into a certain agreement, whereby this plaintiff agreed to rent to the said Clark, the basement of said premises, for the purpose of said Clark's continuing and carrying on the business of a Billiard Saloon or Pool Room, theretofore carried on by plaintiff, together with the use of the Pool Tables, appurtenances and other property then in said basement, and theretofore used by plaintiff, in the said business, being the same property hereinbefore described in Paragraph II of this complaint, for the term of one year from October 9th, 1889, and whereby said Clark agreed to pay in consideration therefor, the sum of \$60.00 per month, during the said term of one year.

X. That in pursuance to said agreement the said Clark entered into possession of said basement, and remained in such possession ^{up} to December 26th, 1889, and duly performed all the conditions of said agreement, between him said Clark, and this plaintiff, or his, said Clark's part.

XI. That up to the 26th day of December, 1889, the plaintiff duly performed all the conditions of said agreement, on his part.

XII. That by reason of the wrongful acts of said defend-

**POOR QUALITY
ORIGINAL**

0073

ants in taking, and converting and detaining said property, as hereinbefore set forth, this plaintiff was, from and after said December 26th, 1889, rendered unable to longer carry out and perform his part of the said agreement, between him, plaintiff, and said Clark, by reason whereof, said Clark thereupon rescinded said agreement, and vacated and abandoned said premises, leased to him as aforesaid, and compelled this plaintiff to, and this plaintiff did, return to said Clark, the sum of Thirty dollars, being one-half of the rent of said basement, on the month of from December 9th, 1889, to January 9th, 1890, paid to plaintiff by said Clark, under said agreement in advance, which sum of thirty dollars, plaintiff sets up as special damages, against these defendants.

XIII. That in addition to the said sum of thirty dollars this plaintiff alleges, that by reason of the premises, he was further damaged in the sum of Five hundred and forty dollars, the amount this plaintiff would have been entitled to receive, under his said contract, with said Clark, for the balance of the term thereof, to wit: From January 9th, 1890 to October 9th, 1890, which sum of Five hundred and forth dollars, this plaintiff sets up as further special damages, sustained by plaintiff, by reason of the defendants' wrongful acts, hereinbefore complained of.

XIV. That by reason of the premises, this plaintiff has suffered damages in the sum of Twelve hundred and ninety-one dollars, which is due to plaintiff from defendants, with interest from the 26th day of December, 1889,

**POOR QUALITY
ORIGINAL**

0074

W H E R E F O R E, plaintiff demands judgment
against the said defendants, for the sum of Twelve hundred
and ninety-one dollars, and interest from December 26th,
1889, besides costs.

Leavitt & Leavitt,
Plaintiff's Attorneys,
No. 280 Broadway,
New York City.

(The usual verification)

POOR QUALITY
ORIGINAL

0075

Supreme Court.

Serapio Arteaga, Plff.

against

Henry Wagner,
et al.

Copy

SUMMONS AND COMPLAINT.

People etc {
as
Hogues. } Reports

In this case I don't think
an indictment should ever have been found
against the defendant.
Upon an examination of the whole case
I find that the controversy is one purely of
a civil nature and should be dropped of
in the Civil Courts. It looks as if the ~~civil~~
Criminal Courts have been used simply to
enforce a private arrangement and one
that the People have no concern in whatever
I suggest that the indictment be dismissed.

Wm L. White
Deputy Dist. Atty.

POOR QUALITY
ORIGINAL

0077

People etc

Wagner

Report

POOR QUALITY
ORIGINAL

0078

THEALL & BEAM,
ATTORNEYS AND COUNSELLORS AT LAW,
UNITED STATES TRUST CO. BUILDING,
NOS. 45 & 47 WALL STREET.

JOHN THEALL,
WM. H. BEAM.

New York, January 5th 1894

Hon. DeLancey Nicoll,

District Attorney, New York County,

Dear Sir,-

In May, 1890, one of our clients, Henry Wagner, was indicted by the Grand Jury under the following circumstances:

A long time prior to that time, the firm of Wagner & Sandford, Dealers in Billiard Tables, had sold four tables and leased one to the keeper of a Billiard Saloon, one Arteaga.

Chattel mortgages were taken on the four tables sold for nearly the entire purchase price.

The mortgages were not paid nor was the rent of the leased table paid, as provided.

In December, 1889 we believe Wagner & Sandford through a Constable or Marshal, seized the tables and sold them under their mortgages as they legally had a right to do, by reason of the mortgagees default.

Arteaga then commenced an action in the Supreme Court against Wagner & Sandford for conversion of these five tables.

This action is at issue: not yet reached on the calendar.

In order, we think, to compel us to disclose our defense and virtually to examine our client, before trial, as to whatever payments had been made on the mortgages, Mr. Arteaga made a complaint to a Police Magistrate, of grand larceny of the five tables, a-

POOR QUALITY
ORIGINAL

0079

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THEALL & BEAM,
ATTORNEYS AND COUNSELLORS AT LAW,
UNITED STATES TRUST CO. BUILDING,
NOS. 45 & 47 WALL STREET.

JOHN THEALL,
WM. H. BEAM.

New York,189

gainst Wagner, who was arested and on his appearance the hearing was adjourned and he was allowed to go without bail, to enable him to consult his counsel. Several subsequent adjournments were had by reason of the absence of stenographer, etc. and finally we advised our client to give bail and waive examination. We then sent copies of the pleadings in the Supreme Court case and of the mortgages to Mr. Fellows, the District Attorney, with an explanatory letter. Very unexpectedly the Grand Jury indicted Wagner and the case was set down for pleading the next morning. You very kindly, at the request of Mr. Austen G. Fox, gave the writer a letter of introduction to Mr. Bedford, in whose part of the Court the case came up and it was put off the term. Later the case again came up in charge of Mr. Jerome, who stated that he did not see why our client was indicted and that he would read over the papers and would consent to a dismissal. We wrote and called upon Mr. Jerome several times who said he had had no opportunity to read over the papers and nothing would be done until we had an opportunity to explain the case to him if necessary.

Mr. Jerome wrote us late in December, that he had been to busy to examine the papers which he regretted, as he thought if he had done so it would have saved us some trouble.

POOR QUALITY
ORIGINAL

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THEALL & BEAM,
ATTORNEYS AND COUNSELLORS AT LAW,
UNITED STATES TRUST CO. BUILDING,
NOS. 45 & 47 WALL STREET.

JOHN THEALL,
WM. H. BEAM.

New York, 189

Our client is a respectable business man in this City and of course does not want an untried indictment hanging over him. A trial would only put him to expense and we think that you can very properly and justly consent to a dismissal as the facts are, as above stated, as by reference to the papers will appear.

Trusting that this will meet your approval, we are,

Sincerely yours,

Theall & Beam
Atty for Henry Wagner

POOR QUALITY
ORIGINAL

00001

For
Meyner

Referred to
Mr W C Johnson
Chambers & Co
1100 Broadway
New York City

POOR QUALITY
ORIGINAL

0082

Mortgage on Goods or Chattels.—1 or 17b.

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Beekman, and 120 Broadway, N. Y.

To all to whom these Presents shall come, KNOW YE THAT

We, Varona and Arteaga of the City and County of

New York, Parties

of the first part, for securing the payment of the money hereinafter mentioned, and in consideration of the sum of one dollar to US duly paid by H. Wagner & Co

of the same place, parties

of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the said parties of the second part, One Pool table

with all appurtenances complete

and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the

Building No. 600 Sixth Ave., N. Y. City

To have and to hold, all and singular the goods and chattels above bargained and sold, or intended so to be, unto the said parties of the second part, their executors, administrators and assigns for ever. And We the said parties of the first part, for ourselves our heirs, executors and administrators, all and singular the said goods and chattels above bargained and sold unto the said parties of the second part, their heirs, executors, administrators and assigns, against ourselves the said parties of the first part, and against all and every person or persons whomsoever, shall and will warrant, and for ever defend. Upon Condition, that if We the said parties of the first part, shall and do well and truly pay unto the said parties of the second part, their executors, administrators or assigns,

The full and just sum of One hundred and forty dollars,

payable as follows: Forty-two and 50/100 dollars payable on signing this agreement, and Ten dollars monthly thereafter till full sum is paid except last payment, which is to be Seventeen and 50/100 dollars, viz. On the Twenty eighth day of each of the following months, March, April, May, June, July August, September, October, November, One thousand eight hundred and eighty eight.

then these presents shall be void. And We the said parties of the first part, for ourselves, our executors, administrators and assigns, do covenant and agree to and with the said parties of the second part, their executors, administrators and assigns, that in case default shall be made in the payment of the said sum above mentioned, or any part thereof,

then it shall and may be lawful for, and We the said parties of the first part, do hereby authorize and empower the said parties of the second part their executors, administrators and assigns, with the aid and assistance of any person or persons, to enter our dwelling-house, store, and other premises, and such other place or places as the said goods or chattels are or may be placed, and take and carry away the said goods or chattels, and to sell and dispose of the same for the best price they can obtain; and out of the money arising therefrom, to retain and pay the said sum above mentioned,

and all charges touching the same; rendering the overplus (if any) unto ourselves or to our executors, administrators or assigns. And until default be made in the payment of the said sum of money We are to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full and free enjoyment of the same.

In Witness whereof, We the said parties of the first part, have hereunto set over hand and seal the tenth day of March one thousand eight hundred and Eighty-eight.

Scaled and delivered in the presence of

F. Arteaga.

Richd. Runk

Varona

POOR QUALITY
ORIGINAL

0000

No. 2

Mortgage on Personal Property.

Varona & Arteaga

to

H. Wagner & Co.

Dated March 10, 1888

Filed March 14, 1888

This Mortgage, or a true Copy thereof, must be filed,

If in the City of New York, in the Office of the Register.
If in any other City or County Town, in the Clerk's office therein.
If in any other Town in this State, in the Town Clerk's office.

Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

POOR QUALITY
ORIGINAL

0084

Mortgage on Goods or Chattels.—1 or 17a.

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Beckman, and 120 Broadway, N. Y.

To all to whom these Presents shall come, KNOW YE THAT
We, Varona & Arteaga of the City and County of New York,

parties,

of the first part, for securing the payment of the money hereinafter mentioned, and in consideration of
the sum of one dollar to us duly paid by H. Wagner & Co.,
of same place, parties

of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is here-
by acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the
said parties of the second part, One Pool Table

with all appurtenances complete

and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the
Building No. 600 Sixth Ave., N. Y. City.

To have and to hold, all and singular the goods and chattels above bargained and sold, or intended
so to be, unto the said parties of the second part, their executors, administrators
and assigns for ever. And we the said parties of the first part, for ourselves
our heirs, executors and administrators, all and singular the said goods and chattels above
bargained and sold unto the said parties of the second part, their heirs, executors,
administrators and assigns, against ourselves the said parties of the first part,
and against all and every person or persons whomsoever, shall and will warrant, and for ever defend.
Upon Condition, that if we the said parties of the first part, shall and do well and
truly pay unto the said parties of the second part, their executors, administrators or assigns,

The sum of One hundred and Twenty-five dollars, payable as
follows: Thirty-five dollars upon signing this document and Ten
dollars monthly thereafter till full sum is paid, viz: on twenty-
eight day of each of the following months February, March, April,
May, June, July, August, September, October, One thousand eight
hundred and eighty-eight.

then these presents shall be void. And we the said parties of the first part, for our-
selves, our executors, administrators and assigns, do covenant and agree to and with the
said parties of the second part, their executors, administrators and assigns, that in case default
shall be made in the payment of the said sum above mentioned, or any part thereof

then it shall and may be lawful for, and we the said parties of the first part, do
hereby authorize and empower the said parties of the second part their executors, ad-
ministrators and assigns, with the aid and assistance of any person or persons, to enter our
dwelling-house, store, and other premises, and such other place or places as the said goods or chattels
are or may be placed, and take and carry away the said goods or chattels, and to sell and dispose of the
same for the best price they can obtain; and out of the money arising therefrom, to retain and pay
the said sum above mentioned,

and all charges touching the same; rendering the overplus (if any) unto ourselves
or to our executors, administrators or assigns. And until default be made in the
payment of the said sum of money we are
to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full
and free enjoyment of the same.

In Witness whereof, we the said parties of the first part, have hereunto set our
hand and seal the Thirty-first day of January one thousand eight hundred
and eighty-eight.

Scaled and delivered in the presence of

Varona & Arteaga.

**POOR QUALITY
ORIGINAL**

0085

SCHEDULE REFERRED TO IN THE FOREGOING MORTGAGE:

- (1) One Pool table, Round leg (No. 16) Schleuter maker.
- (2) One cue rack,
- (3) One ball rack,
- (4) One set (16) composition balls,
- (5) One set cues (12) and bridges (2)
- (6) One triangle,
- (7) One bottle and small balls,
- (8) One rubber cover,
- (9) One set markers on wire.

POOR QUALITY
ORIGINAL

0086

an. _____

Mortgage on Personal Property.

Varona and Arteaga

TO

H. Wagner & Co.

Dated Jan. 31, 1888.

Filed 18

This Mortgage, or a true Copy thereof, must be filed,

If in the City of New York, in the Office of the Register.

If in any other City or County Town, in the Clerk's office therein.

If in any other Town in this State, in the Town Clerk's office.

Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

POOR QUALITY
ORIGINAL

0087

Mortgage on Goods or Chattels. — 1 or 17a.

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Beekman, and 129 Broadway, N. Y.

To all to whom these Presents shall come, KNOW YE THAT

We, Varona and Arteaga of the City and County of

New York, Parties

of the first part, for securing the payment of the money hereinafter mentioned, and in consideration of the sum of one dollar to US duly paid by H. Wagner & Co

of the same place, parties

of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the said parties of the second part, One Pool table

with all appurtenances complete

and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the

Building No. 600 Sixth Ave., N. Y. City

To have and to hold, all and singular the goods and chattels above bargained and sold, or intended so to be, unto the said parties of the second part, their executors, administrators and assigns for ever. And We the said parties of the first part, for ourselves our heirs, executors and administrators, all and singular the said goods and chattels above bargained and sold unto the said parties of the second part, their heirs, executors, administrators and assigns, against ourselves the said parties of the first part, and against all and every person or persons whomsoever, shall and will warrant, and for ever defend. Upon Condition, that if We the said parties of the first part, shall and do well and truly pay unto the said parties of the second part, their executors, administrators or assigns,

The full and just sum of One hundred and forty dollars,

payable as follows: Forty-two and 50/100 dollars payable on

signing this agreement, and Ten dollars monthly thereafter

till full sum is paid except last payment, which is to be

Seventeen and 50/100 dollars, viz. On the Twenty eighth day

of each of the following months, March, April, May, June, July

August, September, October, November, One thousand eight hundred

and eighty eight.

then these presents shall be void. And We the said parties of the first part, for ourselves, our executors, administrators and assigns, do covenant and agree to and with the said parties of the second part, their executors, administrators and assigns, that in case default shall be made in the payment of the said sum above mentioned, or any part thereof,

then it shall and may be lawful for, and We the said parties of the first part, do hereby authorize and empower the said parties of the second part their executors, administrators and assigns, with the aid and assistance of any person or persons, to enter our dwelling-house, store, and other premises, and such other place or places as the said goods or chattels are or may be placed, and take and carry away the said goods or chattels, and to sell and dispose of the same for the best price they can obtain; and out of the money arising therefrom, to retain and pay the said sum above mentioned,

and all charges touching the same; rendering the overplus (if any) unto ourselves or to our executors, administrators or assigns. And until default be made in the payment of the said sum of money We are to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full and free enjoyment of the same.

In Witness whereof, We the said parties of the first part, have hereunto set OVER hand and seal the tenth day of March one thousand eight hundred and Eighty-eight.

Sealed and delivered in the presence of

F. Arteaga.

Richd. Rink

Varona

**POOR QUALITY
ORIGINAL**

0000

SCHEDULE REFERRED TO IN THE FOREGOING MORTGAGE:

- (1) One Pool table, (No 505) Rothermel Make, Brunswick Plate
- (2) One Cue Rack,
- (3) One Ball Rack,
- (4) One set (10) Hyatt Balls.
- (5) One set Cues (1) and bridges (2)
- (6) One Triangle.
- (7) One set markers on wire.
- (8) One table cover.

POOR QUALITY
ORIGINAL

0089

No. 2

Mortgage on Personal Property.

Varona & Arteaga

TO

H. Wagner & Co.

Dated March 10, 1888

Filed March 14, 1888

This Mortgage, or a true Copy thereof, must be filed,

If in the City of New York, in the Office of the Register.
If in any other City or County Town, in the Clerk's office therein.
If in any other Town in this State, in the Town Clerk's office.

Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

POOR QUALITY
ORIGINAL

0090

Mortgage on Goods or Chattels.—1 or 17a.

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Beekman, and 120 Broadway, N. Y.

To all to whom these Presents shall come, KNOW YE THAT

I, Serapio Arteaga of the City and County of New York,

of the first part, for securing the payment of the money hereinafter mentioned, and in consideration of the sum of one dollar to me..... duly paid by H. Warner & Co.,.....

of the same place, parties

of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the said parties..... of the second part, Two Pool Tables with all appurtenances complete

and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the Building No. 600 Sixth Ave. N. Y. City.

To have and to hold, all and singular the goods and chattels above bargained and sold, or intended so to be, unto the said parties..... of the second part, their..... executors, administrators and assigns for ever. And I..... the said party..... of the first part, for myself..... my..... heirs, executors and administrators, all and singular the said goods and chattels above bargained and sold unto the said parties..... of the second part, their..... heirs, executors, administrators and assigns, against myself..... the said party..... of the first part, and against all and every person or persons whomsoever, shall and will warrant, and for ever defend. Upon Condition, that if I..... the said party..... of the first part, shall and do well and truly pay unto the said parties..... of the second part, their..... executors, administrators or assigns,

The sum of Two hundred and fifty Dollars, payable as follows: One hundred and five dollars on signing this document and Twenty Dollars thereafter monthly until full sum is paid, viz: On the Twentieth-eighth day of each of the following months, January, February, March, April, May, June, One thousand eight hundred and eighty-eight, and the remaining

Twenty-five dollars on the Twenty-eighth day of July, one thousand eight hundred and eighty-eight then these presents shall be void. And I..... the said party..... of the first part, for myself..... self..... executors, administrators and assigns, do covenant and agree to and with the said party..... of the second part, their..... executors, administrators and assigns, that in case default shall be made in the payment of the said sum above mentioned, or any part thereof

then it shall and may be lawful for, and I..... the said party..... of the first part, do hereby authorize and empower the said parties..... of the second part their..... executors, administrators and assigns, with the aid and assistance of any person or persons, to enter my dwelling-house, store, and other premises, and such other place or places as the said goods or chattels are or may be placed, and take and carry away the said goods or chattels, and to sell and dispose of the same for the best price they can obtain; and out of the money arising therefrom, to retain and pay the said sum above mentioned,

and all charges touching the same; rendering the overplus (if any) unto myself..... or to my..... executors, administrators or assigns. And until default be made in the payment of the said sum of money I am to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full and free enjoyment of the same.

In Witness whereof, I..... the said party..... of the first part, have hereunto set my hand and seal the third..... day of January..... one thousand eight hundred and eighty-eight

Scaled and delivered in the presence of

Richd. Rink.

Serapio Arteaga

**POOR QUALITY
ORIGINAL**

0091

SCHEDULE REFERRED TO IN THE FOREGOING MORTGAGE:

- (1) Two Pool Tables, one Collender and one Brunkwick Balke. No 327 & No 13169
- (2) Two sets Pool balls, one of Ivory and one of composition 32 balls
- (3) Two Cue Racks,
- (4) Two ball Racks,
- (5) Two strings of wire and counters
- (6) Twenty-four Cues. 4 bridges.
- (7) Two Triangles and small bottles with balls.
- (8) Two India Rubber covers.
- (9) Two small baskets.

State of _____

of _____

County of _____

On the _____
one thousand eight hundred _____

to me known, and known
executed the foregoing instrument
that he executed the same

I, _____

do certify and state that there remains

and this copy and statement are filed
for the renewal of chattel mortgages.

Dated this _____ day

POOR QUALITY
ORIGINAL

0092

No. 1

Mortgage on Personal Property.

Serapio Arteaga

TO

H. Wagner & Co.

Dated Jan. 3, 1888

Filed 18

This Mortgage, or a true Copy thereof, must be filed,

If in the City of New York, in the Office of the Register.

If in any other City or County Town, in the Clerk's office therein.

If in any other Town in this State, in the Town Clerk's office.

Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

POOR QUALITY
ORIGINAL

0093

H. Wagner,

H. WAGNER & CO.,
Dealers in

M. E. Sandford.

BILLIARD AND POOL TABLES ,
And all kinds of billiard material.

Ivory and Composition Billiard and Pool balls, Cues, Tips,
Cloth, Pockets, Etc.
Balls Recolored. Repairing a Specialty. Prices Reasonable. Terms Easy.

No. 359 Bowery, (Near Fourth Street.)

New York Sept. 6, 1888.

This agreement between H. Wagner & Co., of the City and County of New York, and Serapio Arteaga of the same place, witnesseth that the said Serapio Arteaga hath this day hired and taken from H. Wagner & Co., and H. Wagner & Co., have let and demised to said Serapio Arteaga, One billiard Table with fixtures as follows. One set (4) Ivory billiard balls, one set markers on wire, one cue rack, one set (12) cues and bridges (2) One table cover, and the said H. Wagner & Co., hereby agree that if the said Serapio Arteaga shall pay to them the sum of One hundred and twenty-five dollars, as follows: Twenty-five dollars upon signing the Lease, and Ten dollars monthly thereafter till full sum is paid, viz: On the first day of each of the following months, October, November, December, 1888, and January, February, March, April, May, June, July, 1889. Then the said Billiard Table and fixtures shall become the property of said Serapio Arteaga, otherwise same shall remain the property of H. Wagner & Co., and they shall have the right to take the table and fixtures any time upon default in payment as specified. It is further fully understood and hereby mutually agreed that no title to said property shall

POOR QUALITY
ORIGINAL

0094

pass to said Serapio Arteaga from H. Wagner & Co., until all the stipulated payments have been made and bill of sale given. The said Arteaga further agrees not to remove the said table and fixtures (without H. Wagner & Co's consent) from premises occupied by ^{him} them 311 3rd Ave or other place afterward. Receipt of stuff mentioned is hereby acknowledged and Serapio Arteaga becomes responsible for safe keeping of same.

In witness whereof, the parties to this agreement have hereunto set their hands and seals this sixth day of Sept. 1888.

H. Wagner & Co. L.S.

Serapio Arteaga. L.S.

Witness,

Richd. Runk.

Written across the face of the foregoing agreement is the following.

This table has been returned to H. Wagner & Co., and a 4x8 pool table taken in exchange upon same conditions. Fixtures of Pool table are as follows: Set of cues and ~~bridges~~ ^{bridges}, set (16) composition pool balls, ball rack, leather bottle and small balls, cover, triangle, cue rack, receipt of which I hereby acknowledge.

N. Y. Feb. 21, 1889.

Serapio Arteaga.

POOR QUALITY
ORIGINAL

0095

J. Wagner Co.
with
J. Artagon
Leane

POOR QUALITY
ORIGINAL

0096

Mortgage on Goods or Chattels.—1 or 17s.

W. Reid Gould, Law Blank Publisher and Stationer,
130 Nassau Street, cor. of Beekman, and 120 Broadway, N. Y.

To all to whom these Presents shall come, KNOW YE THAT

We, Rafael Varona and Serapio Arteaga of the City and
County of New York, parties
of the first part, for securing the payment of the money hereinafter mentioned, and in consideration of
the sum of one dollar to US..... duly paid by Henry Wagner & Co., of
the same place, parties

of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is here-
by acknowledged, have bargained and sold, and by these presents do grant, bargain and sell unto the
said parties..... of the second part, One Pool Table and

Three Billiard Tables with outfits complete
and all other goods and chattels mentioned in the schedule hereunto annexed, and now in the
Building No. 600 Sixth Ave., N. Y. City.

To have and to hold, all and singular the goods and chattels above bargained and sold, or intended
so to be, unto the said parties..... of the second part, their..... executors, administrators
and assigns for ever. And we..... the said parties..... of the first part, for ourselves
our..... heirs, executors and administrators, all and singular the said goods and chattels above
bargained and sold unto the said parties..... of the second part, their..... heirs, executors,
administrators and assigns, against ourselves..... the said parties..... of the first part,
and against all and every person or persons whomsoever, shall and will warrant, and for ever defend.
Upon Condition, that if we..... the said parties..... of the first part, shall and do well and
truly pay unto the said parties..... of the second part, their..... executors, administrators or assigns,
The sum of Five hundred and sixty-four dollars payable as

follows: One hundred Dollars upon signing this document
and forty dollars thereafter monthly on the twenty-eighth day
of each of the following months, January, February, March,
April, May, June, July, August, September, and October, One
thousand eight hundred and eighty-eight, and the remaining
sixty-four dollars on the twenty-eighth day of November, One
thousand eight hundred and eighty-eight.

then these presents shall be void. And we..... the said parties..... of the first part, for our-
selves, our..... executors, administrators and assigns, do covenant and agree to and with the
said parties..... of the second part their..... executors, administrators and assigns, that in case default
shall be made in the payment of the said sum above mentioned, or any
part thereof.....

then it shall and may be lawful for, and we..... the said parties..... of the first part, do
hereby authorize and empower the said parties..... of the second part their..... executors, ad-
ministrators and assigns, with the aid and assistance of any person or persons, to enter our
dwelling-house, store, and other premises, and such other place or places as the said goods or chattels
are or may be placed, and take and carry away the said goods or chattels, and to sell and dispose of the
same for the best price they can obtain; and out of the money arising therefrom, to retain and pay
the said sum above mentioned,.....

and all charges touching the same; rendering the overplus (if any) unto ourselves.....
or to our..... executors, administrators or assigns. And until default be made in the
payment of the said sum of money, we are
to remain and continue in the quiet and peaceable possession of the said goods and chattels, and the full
and free enjoyment of the same.

In Witness whereof, we..... the said parties..... of the first part, have hereunto set our
hand and seal the third..... day of January..... one thousand eight hundred
and eighty-eight.

Sealed and delivered in the presence of
Richd. Rink.

Rafael Varona,
S. Arteaga.

POOR QUALITY
ORIGINAL

0097

SCHEDULE REFERRED TO IN THE FOREGOING MORTGAGE:

- (1) Three billiard Tables, Brunswick Balke Plates. *(No 59) (No 193) (No 1048)*
- (2) One Pool Table, (Brunswick Balke plate, maple ^{wood} ~~maple~~ inlaid No. 1040.
- (3) Three sets (12) Ivory billiard balls.
- (4) One set (16) Ivory balls.
- (5) Fifty -six cues.
- (6) 8 Bridges,
- (7) Four cue racks,
- (8) One ball racks,
- (9) Four India Rubber covers
- (10) One brush, One cue cutter, 4 cue clamps.
- (11) One billiard Rules framed,
- (12) One small basket
- (13) Three Imitation ebony shelves,
- (14) Four strings with wire and counters
- (15) One Trainle
- (16) One set small balls & bottle.

State of _____

of _____

County of _____

On the _____
one thousand eight hundred _____

to me known, and known
executed the foregoing
that he executed the

I,

do certify and state that there are

and this copy and statement are
for the renewal of chattel mortgage

Dated this _____

POOR QUALITY
ORIGINAL

0098

Am. 3

Mortgage on Personal Property.

Rafael Verona,

Serapio Arteaga

TO

H. Wagner & Co.

Dated Jan. 3 1888

Filed 18

This Mortgage, or a true Copy thereof, must be filed,

If in the City of New York, in the Office of the Register.

If in any other City or County Town, in the Clerk's office therein.

If in any other Town in this State, in the Town Clerk's office.

Invalid if not renewed within 30 days next preceding expiration of each and every term of one year after filing thereof.

POOR QUALITY
ORIGINAL

0099

THEALL & BEAM,
ATTORNEYS AND COUNSELLORS AT LAW,
UNITED STATES TRUST CO. BUILDING,
NOS. 45 & 47 WALL STREET.

JOHN THEALL,
WM. H. BEAM.

New York, April 5 1890.

Hon. John R. Fellows
District Attorney.

Dear Sir

In
March last one Serafia Arteaga attended
before Mr Justice Fird in the Yorkville Police
Court. and made a charge of grand
larceny against Mr Henry Wagner a
respectable Merchant of many years stand-
ing in this City: claiming that Wagner
took from him five pool Tables & the appur-
tenances connected therewith - The defendant
Wagner waived examination & elected to
be tried at the General Sessions - Wagner
justifies his action in taking the property
claimed, under section 548 of the Penal Code
that he took the property openly and avowedly
under a claim of title preferred in good faith.
His claim of title to the property in question
rests upon a conditional bill of sale or lease
and four chattel mortgages. copies of
which I enclose - default was made

POOR QUALITY
ORIGINAL

0 100

in the conditions of these instrument. The property covered by the lease was taken by Wagner - and the chattel mortgages were foreclosed regularly in the usual manner the proceedings conducted in a legal manner. The proceeds of the sale were insufficient to pay the mortgaged debts.

In February 1890 Arteaga commenced an action against Mr Wagner and his partner to recover damages for the conversion of this property. in the Supreme Court. The defendants answered in that action and it is now at issue. & the plaintiff can have a speedy trial as I think the action is one that ought to be referred.

I enclose the papers - so that when the proceedings come to your hands from ~~the Court~~ ~~the Court~~ ~~the Court~~ full information concerning it. See whether the matter should go any further.

Yours &c.
John Theall

Recd. April 7/90. J. T.

POOR QUALITY
ORIGINAL

0 10 1

45 + 47 Wall St

New York May 7th, 1890.

Hon. John R. Fellows,
District Attorney for New York County.

Dear Sir. -- In March last, Henry Wagner, one of our clients, was arrested on complaint of S. Arteaga, upon a charge of grand larceny, and taken before Police Justice Smith, who paroled him, and subsequently he appeared before Justice Ford, and after several adjournments caused by absence of the stenographer, we finally advised him to waive examination and give bail to await the action of the grand jury.

The basis of the charge against him was that in December last, he took from the possession of the complainant, certain billiard tables, balls &c.

The circumstances were, that Mr. Wagner, who is a member of the firm of Wagner & Sandford, of this city, dealers in billiard tables, had sold several tables to Arteaga, and chattel mortgages given for their purchase price, and the mortgages not having been paid, the firm of Wagner & Sandford, foreclosed their mortgages, and took possession of the tables and sold them at public auction.

In February last, an action was begun

against Wagner & Sandford, for the conversion of these tables, in which action we appeared for the defendants, and the case is now upon the calendar for trial in the Supreme Court.

No action has yet been taken by the grand jury upon this matter so far as we know.

Mr. Wagner had made arrangements to spend the summer in Europe, if expecting to sail early in June, and, as is quite necessary, at this time of the year, his tickets must be purchased sometime in advance.

The object of this letter is to request you, if you can conveniently do so, to submit the matter to the grand jury at an early day. By doing so you will greatly oblige us.

We have heretofore sent you copies of the chattel mortgages and the pleadings in the case in the Supreme Court.

The only question, of course, is whether or not the mortgages were paid, and in addition the fact is, and can readily be shown, that the goods were taken openly by the defendants from and under claim of title.

We are, very respectfully yours
Theall & Bearn.

POOR QUALITY
ORIGINAL

0103

Police Court—4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

West Gerapio Arteaga
of No. 56 East 35th Street, aged 50 years,
occupation None

being duly sworn
deposes and says, that on the 26 day of December 1899 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

Four Pool Tables, Six Combination Blocks,
Four Ivory Billiard Balls, Forty Eight
Composition Pool Balls, all
together of the value of Six
Hundred dollars (\$600.00)

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Henry Wagner

from the fact that deponent is
informed by Ever Scripture of
that at about the
hour of two O'clock PM of said
date said defendant came to
the basement floor of premises
No 352 Eighth Avenue in which
said property was located, the
same being occupied by deponent
as a Billiard Saloon, and by
said defendant's orders and
direction said property was
taken therefrom without deponent's
knowledge or consent. Deponent

Sworn to before me, this

day

Police Justice.

POOR QUALITY
ORIGINAL

0104

prother says that he has since
seen said property in said
defendants possession and
has made demand for the
return of same and defendant
has refused to return it.
Although defendant has admitted
and confessed to defendant in
the presence of witnesses that
he took said property from
said premises No 352 Eighth
Avenue. Wherefore defendant
prays that defendant be
apprehended and be dealt
with as the law directs.

Given to before me
this 13 day of Oct 1890 J. Scapio Artega
Justice of Peace
Police Justice

POOR QUALITY
ORIGINAL

0105

Sec. 198-200.

44 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Wagner 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. Henry Wagner

Question. How old are you?

Answer. 41 years

Question. Where were you born?

Answer. Germany

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

Answer. 333 East 6 St 2 years

Question. What is your business or profession?

Answer. Merchant

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

Answer.

I am not guilty and demand a trial by jury, having waived examination at this Court.

Henry Wagner

Taken before me this

day of April

1890

J. M. [Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0 106

Sec. 151.

Police Court H District.

CITY AND COUNTY } ss. In the name of the People of the State of New York; To the Sheriff of the County
OF NEW YORK, } of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Arasio Artraga 9 Ave
of No. 56 Essex St Street, that on the 26 day of Dec

1889 at the City of New York, in the County of New York, the following article to wit:
Four Pool Tables Six Combination Pools Four
Iron Billiard Balls Forty Eight Com-
pensation Pool Balls.

the property of Complainant
w no taken, stolen, or carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Henry Wagner 359 Broadway

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

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

Dated at the City of New York, this 13 day of Oct 1890
J. Henry Bond POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0 107

Age 41 German Res 333-C, St

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated..... 188

Police Justice.

56. 35th Ave

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated..... 188

Magistrate

Officer.

The Defendant Henry Wagner
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated March 15 1890

This Warrant may be executed on Sunday or at
night.

Police Justice.

POOR QUALITY
ORIGINAL

0 1 0 0

William
Simpson's Assignment

March 20

10 am

Starbuck

April 20 - 2, 1890

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

#64. 539
Police Court District 20

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Simpson's Assignment
1st of April 1890

Henry Maguire
Offence

Dated March 15 1890
S. B. Smith Magistrate

Officer

Witnesses
Edwin Smith
Precinct

No. 281 B. Way Street

No. 14. Ave. Street

No. 300 to answer

Office

Office

Let Campbell & Smith
Simpson's Assignment

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

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

Dated April 2^d 1890 J. Henry Smith Police Justice.

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

Dated Apr 2 1890 J. Henry Smith Police Justice.

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

Dated Apr 2 1890 J. Henry Smith Police Justice.

POOR QUALITY
ORIGINAL

0109

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Henry Wagner

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

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

The said *Henry Wagner*,

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth*
day of *December*, in the year of our Lord one thousand eight hundred and *eighty-*
nine — , at the City and County aforesaid, with force and arms,

four gold Watches of the value of \$100 and
four hundred dollars each, six gold watch
chains of the value of \$10 dollars
each, four silver watches of the value
of \$10 dollars each, forty eight
gold balls of the value of \$100, dollars
each,

of the goods, chattels and personal property of one *Sergio Antea,*

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 R. Bellows,
District Attorney

0110

BOX:

397

FOLDER:

3694

DESCRIPTION:

Wallace, Hugh

DATE:

05/16/90



3694

POOR QUALITY
ORIGINAL

charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, the same being within one quarter of a mile from a certain polling-place there, where the said election was then being held, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day, the said place, so licensed as aforesaid, unlawfully did then and there open, and cause and procure and suffer and permit to be open, and to remain open, 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 R. Fellows,
District Attorney.

71 # 146. 982

Counsel,
74 H

Filed 16 days of May 1890

Reads, Myself, U

The People

vs.

Hugh Wallace

243 & Co

Violation of Excise Law
(Belling on Election Day)
(III N. S. (184) + 1935 S. 21 and
N. 1989, S. 5)

John R. Fellows,
District Attorney

A True Bill

Charles B. Boshart

Foreman

Witnesses
George W. Miller
R. J. Callaway

FILED DEC 10

Paired by
James K. Keadon
308 E. 21st St.

POOR QUALITY
ORIGINAL

0112

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

The People of the State of New York
— against —

Hugh Wallace

The Grand Jury of the City and County of New York, by this indictment accuse Hugh Wallace of the crime of Selling Intoxicating Liquors and Wines as a Beverage on Election Day, committed as follows:

The said Hugh Wallace, late of the City of New York, in the County of New York aforesaid, on the 5th day of November, in the year of our Lord One thousand, eight hundred and eighty nine, the same being a day on which a general election was held throughout the State of New York and in the said City and County, of the City and County aforesaid, and within one-quarter of a mile from a certain polling-place there, where the said election was then being held, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor, to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to George W. Miller and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Second Count.

And the Grand Jury aforesaid by this indictment further accuse the said Hugh Wallace of the crime of Keeping Open on Election Day, a place licensed for the Sale of Strong and Spirituous Liquors, Wines, Ale and Beer, committed as follows:

The said Hugh Wallace, late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being a day on which a general election was held throughout the State of New York, and in the said City and County, being then and there in

0113

BOX:

397

FOLDER:

3694

DESCRIPTION:

Wallace, Robert L.

DATE:

05/19/90



3694

0114

BOX:

397

FOLDER:

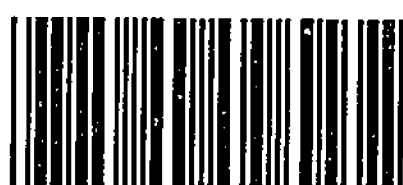
3694

DESCRIPTION:

Lowitz, Ignatius B.

DATE:

05/19/90



3694

POOR QUALITY
ORIGINAL

0115

in recom. of Dist. Ct.
bail fixed at \$5000. In
each of 4 on R.B.M.

John H Wallace

Off. Sec. of Adams Cent. Office

Des. 5 Holendennes

Sergeant Robert M. McCaughey

Wrote you refusing pardon
as to Wallace - that
Wallace committed by

Gov.
and you wrote refusing
pardon for Lowitz - R.B.M.

#191
1877 July 10 Greenleaf

Counsel,

Filed

19 day of May 1890

Pleads,

Chittenden, Greenleaf

THE PEOPLE

vs.

7

Robert L. Wallace

and 7

Ignatius B. Lowitz

(2 cases)

Grand Larceny 1st degree.

[Sections 528, 530 - Penal Code]

JOHN R. FELLOWS,

District Attorney.

June 18/90

Robert L. Wallace

and 7

Ignatius B. Lowitz

(2 cases)

A True Bill

June 27/90

John R. Fellows

District Attorney.

Man.

Man.

Man.

Man.

Man.

Man.

Man.

Man.

Man.

0116

The People &c.,

--V3--

Ignatius B. Lovitz.

Charles Zoncada, being duly sworn, says that he is the manager of the Astor House Men's Furnishing Store, located at No. 8 and 9 Astor House, on Broadway, in the City of New York, and has been for 7 years last past.

Bryant City - in the ^{State} City of New Jersey

That said Lowitz has always been just, honest and honorable in his dealings with deponent and deponent's said store/ and from what deponent has seen of the conduct of said Lowitz he has been of the opinion that said Lowitz was an honest, straightforward and fair dealing person.

Chris Rowcady

Reginald H Williams
Wren Public
Worcester County
Cert filed in N. Y. Co

POOR QUALITY
ORIGINAL

0117

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

----- X
The People &c.,
--vs--
Ignatius B. Lowitz.
----- X

City and County of New York, ss:-

Henry J. Quinn, being duly sworn, says that he lives at No. 673 Butler Street, in the City of Brooklyn, with his mother, his father being dead. That he is well acquainted with Ignatius B. Lowitz, the defendant above named, and has known him intimately for about three years. That on or about the 1st day of December 1887, deponent went into the employ of said Lowitz, who was then carrying on the business of selling dress-trimmings and buttons &c., at #96 Spring Street in the City of New York, and deponent remained in his employ until in or about the month of May, 1890. That deponent was in the company of said Lowitz almost continually during business hours, and was well acquainted with said Lowitz's methods of doing business and of dealing with customers. That said Lowitz was always fair and honorable in his dealings with his customers, and conducted his business in a just and honorable manner. That in or about the month of January, 1890, said Lowitz gave up the business of selling trimmings &c., and became a book-maker at the races. That deponent continued in his employ, and accompanied him to the races,

**POOR QUALITY
ORIGINAL**

0 1 18

and saw the way in which said Lowitz conducted his business as book-maker. That said Lowitz was always fair and honorable in his conduct of said business. That said Lowitz had in his employ, while carrying on business as book-maker, four people,, to wit, three men and deponent. That said Lowitz always paid his said employees promptly, and was very just and honest in his dealings with them. That while in the trimming business, at 93 Spring Street, and afterwards at 529 Broadway, New York City, said Lowitz employed two persons, to wit, one John O'Connor and deponent. That said Lowitz always paid said O'Connor and deponent promptly their wages, and was always very fair, honest and just in his dealings with his said employees.

Sworn to before me this 19th day of
June, 1890.

Henry J. Quinn

Reginald H. Williams

Notary Public,
Westchester County,
Cert. filed in N.Y.Co.

POOR QUALITY
ORIGINAL

0119

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

----- X
The people &c.,
-vs-
Ignatius B. Lowitz.
----- X

City and County of New York, ss:-

Edward W. Wooler, being duly sworn, says: That he is of the age of thirty-eight years. That he is at present, and has been for eight years last past, a resident of Jersey City, N.J., living at No. 70 Monticello Avenue. That he is at present, and has been for eighteen years last past, in the employ of Hall's Safe & Lock Company, and that the place of business of said company is at present at 324 Broadway in the City of New York. That during eight years last past, he has been the Business manager of said company for the New York House, and is still such business manager.

Deponent further says that he has known Ignatius B. Lowitz, the defendant above named, for about four years last past. That in July 1888, the said Lowitz applied to the company of which deponent is the manager, asking credit for a safe which he desired to purchase. That deponent investigated the reputation of said Lowitz for the purpose of determining whether he would sell him the safe upon the credit asked for by said Lowitz. That after making such investigations, and acquainting himself with the

POOR QUALITY
ORIGINAL

0120

reports of Commercial Agencies, deponent determined to sell said safe upon credit, and did sell the same upon the agreement and understanding that it should be paid for by instalments. That said Lowitz made all the instalment payments agreed upon promptly, and without default of any kind. That in the early part of 1889, one J.T. Hamilton applied to the company of which deponent is the manager, asking that credit be extended to him for the purchase of a safe, and gave Ignatius B. Lowitz as reference. That deponent saw said Lowitz, and was by him informed that said Hamilton was all right. That on the strength of that assertion, deponent sold the said Hamilton a safe to be paid for by instalments. That a part of the payment was made by the said Hamilton, but as to the remainder of said payments said Hamilton defaulted. That after such default, deponent again saw said Lowitz and informed him of such default, whereupon said Lowitz paid the full amount of the balance due from said Hamilton.

Deponent further says that from the numerous interviews that he has had with said Lowitz and from information he acquired at the time he investigated his reputation for honesty, and from the conduct of said Lowitz hereinbefore set forth, deponent has been of the opinion that said Lowitz's character for honesty, straightforwardness and ~~fair~~ ^{fair} dealing was all, that could be desired.

Sworn to before me, this

19th day of June, 1890.

Reginald H. Williams
Notary Public,

Westchester County,

Cert. filed in N.Y.Co.

Edward W. Woolley

General Sessions,
City and County of New York.

The People vs.

Ignatius B. Lutz

City and County of New York:

Samuel P. Dewardest,
of Nyack, in the County of Rockland, being duly
sworn, says, that he is a practicing attorney at
Nyack aforesaid and has been acquainted with
Ignatius B. Lutz, the defendant above named,
for about six years past. That said Lutz re-
sided at Nyack aforesaid with his father, who
died there about five years since. That while
the said Lutz, defendant above named, re-
sided at Nyack he was an upright, honest
and sober young man and ^{he} bore the reputation
in such village. Deponent further says that
he has had business transactions with the said
Ignatius B. Lutz at divers times, in all of
which this deponent found him to be a straight
forward, truthful and upright young man.

Subscribed and sworn to before
me this 18th day of June, 1890

Reginald H. Williams

Notary Public
Westchester County
New York

Samuel P. Dewardest

POOR QUALITY
ORIGINAL

0 122

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

-----X

The People of the State of New York, :

--agst-- :

Robert L. Wallace and Ignatius B. :

Lowitz. :

-----X

City and County of New York, ss:-

John W. Block, being duly sworn deposes
and says that he resides in the City of Brooklyn and is an
importer and dealer in diamonds and jewelry having a
place of business at No. 9 Maiden Lane in this City where
he carries on said business with his brother under the
firm name of John W. Block & Bro. That he has been
for several years acquainted with the above named defend-
ant Ignatius B. Lowitz and has had many business transac-
tions with him, and that at present said defendant is
indebted to deponent's firm in about the sum of *ten*
hundred and ~~Dollars.~~ *Twenty Three Dollars*

That deponent became thoroughly acquainted with the
transactions that resulted in the said defendant Lowitz
being accused of grand larceny in the first degree by one
Herbert W. Clapp, and of the said defendant's indictment
by a grand jury of the County of Kings. That immediately
upon the arrest of said defendant by reason of said indict-
ment deponent became bondsman for said defendant Lowitz in
the sum of \$2500, and was present at the trial of said
Lowitz in the Court of Oyer and Terminer in the said City

POOR QUALITY
ORIGINAL

0123

of Brooklyn. That deponent heard most of the evidence, both for the people and in behalf of the accused, upon said trial, and became thoroughly convinced therefrom that said defendant was perfectly innocent of the crime charged, and that the verdict of the jury rendered on said trial, whereby the defendant was found "not guilty" was, in the opinion of deponent, a fair and righteous verdict. That deponent was called as a witness at said trial to testify to the good character of the said defendant Lowitz. That deponent then believed that said defendant's character for honesty was good. That from deponent's personal knowledge of said defendant, and what he has learned of his previous history and his associations, deponent is of the opinion that, up to the commission of the crime with which said defendant now stands charged, the said defendant's worst faults have been associations with fast people, betting, and sometimes gambling, all of which call for expenditures for which the resources of said defendant could not readily provide. That said defendant's father and mother are both dead and that for many years the young man has not had the benefit of home influences to restrain him when tempted to evil associations. That deponent is of the opinion that said defendant is not too old to mend his ways, thoroughly reform and enter upon a new and honorable life if he is given an opportunity so to do.

Sworn to before me, this

19th day of June, 1890.

Reginald H. Williams

Notary Public

Westchester County New York

John W. Black

POOR QUALITY
ORIGINAL

0124

Supreme Court.

The People -

PLAINTIFF.

against.
Ignatius Beatty.
et al

DEFENDANT.

Plaintiffs as to
Good Character of
Beatty.

Gildersleeve, Palmer & Boothby,

Attorneys for

(STEWART BUILDING.)

No. 280 BROADWAY,

NEW YORK CITY.

To

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

Dated New York,

189

POOR QUALITY
ORIGINAL

0 125

COURT OF GENERAL SESSIONS.

City and County of New York.

THE PEOPLE & C.,
vs.
ROBERT L. WALLACE
and
IGNATIUS B. LOWITZ.

City and County of New York, ss:

ROBERT L. WALLACE, being duly sworn, says as follows, to wit:

I am one of the defendants in this action. After I was arrested, in the City of Havana, I made a statement before the American Consul, exonerating my co-defendant Lowitz from the charge of larceny contained in this indictment. After making this statement, I received letters from New York from which I was led to believe that my uncle, the complainant, was kindly disposed to me, and was anxious to prosecute Lowitz and would do every thing in his power to relieve me from criminal prosecution, if I would aid him in prosecuting Lowitz. In this believe, and for the purpose of relieving myself from criminal prosecution, I withdrew my statement made before the Consul, and on my return to New York made a statement to Inspector Byrnes in which I accused Lowitz

**POOR QUALITY
ORIGINAL**

0 126

2

of having led me into crime, and charged him with full knowledge of and complicity in the crime charged against us. The case having now been disposed of, and judgment having been rendered against us, I have no longer any motive to conceal the truth, and before going to prison, to serve my sentence, I desire to confess the entire truth concerning this matter. I am unwilling to see an innocent man suffer in consequence of a mis-statement heretofore made by me.

The truth is, that the crime charged in this indictment was committed by me alone, without aid, advice or assistance from Lowitz or any one else. My only connection or association with Lowitz was as a partner in making books on the races. The money which I contributed to this business was received by Lowitz without any knowledge of the source from which it came. After I had taken securities from my uncle's safe, in the safe deposit company's vault, I told Lowitz that I was going to leave my business and take a trip to Cuba and invited him to accompany me, which he did. He did not know that I was going to take the securities from the safe, nor did he counsel me to do so, nor did he know that I had taken them, until after we left New York. Some of the securities I sold in New York, and Lowitz was cognizant of their sale, but he had no knowledge of the manner in which they were procured, or that my possession of them was in any way dishonest or unlawful. Nothing was said or done between us, at any time prior to our leaving New

POOR QUALITY
ORIGINAL

0 127

3

York, from which Lowitz could know or infer that I had in any manner defrauded my uncle or any other person.

After we were arrested in Havana, Lowitz being short of funds, and having been arrested in consequence of his association with me, I loaned him two one thousand dollar bills, and advised him to put them in his match box, which he did; and I afterwards informed the officer of this fact. This money was loaned to Lowitz for his own personal use and to provide for any expenses which he might incur in legal proceedings consequent upon his arrest. I desire, as a matter of simple justice, and for the satisfaction of my own conscience to fully exonerate Lowitz from all complicity in this crime of which I have pleaded guilty, I alone am guilty, and I do not want him to bear any part of the punishment which I alone deserve.

Subscribed and sworn to :
before me this 7th day : Robt. L. Wallace.
of July, 1890. :

August C. Vanz,
Notary Public,
N. Y. Co.

POOR QUALITY
ORIGINAL

0 128

4

COURT OF GENERAL SESSIONS.

City and County of New York.

THE PEOPLE & C.

VS.

ROBERT L. WALLACE

and

IGNATIUS B. LOWITZ.

City and County of New York, ss :

IGNATIUS B. LOWITZ, being
duly sworn, says as follows, to wit:

I am one of the above-named defendants. When I was arrested in Havana, I telegraphed to the District Attorney in New York, to the effect that I desired to come to New York at once, to meet the charge against me, and this dispatch contained a true expression of my desire. I did in fact demand to be sent here, knowing that I was innocent and could successfully defend the action. After coming here, however, I was informed that my co-defendant Wallace, had made a statement charging me with complicity in the crime, and that he would become a witness for The People, and testify that I was cognizant of his crime and participated in it. My counsel, believing that such testimony from Wallace would convict me, advised me to plead guilty, believing that no other course was open to me, and I did so plead by his

POOR QUALITY
ORIGINAL

0129

5

advice and against my own judgment. I am now informed that Wallace is willing to tell the whole truth, and I know that if he does so, his testimony will completely exonerate me. I am innocent of any complicity in the crime, and I desire to withdraw my plea of guilty and defend this action.

Subscribed and sworn to :
before me this 7th day : Ignatius B. Lowitz.
of July, 1890. :

August C. Vanz,
Notary Public,
N. Y. Co.

POOR QUALITY
ORIGINAL

0130

THE PEOPLE OF THE STATE OF
NEW YORK

against

Robert L. Wallace

Ignatius Bonady

Copy Affidavit

JOHN R. FELLOWS,
DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

**POOR QUALITY
ORIGINAL**

0131

New York General Sessions.

The People,

-vs.-

William F. Dickey

Forney

Please Take Notice that we shall move this Honorable Court before Hon. Judge Cowling, holding Part III thereof, on Monday the 15th day of June, 1890, at eleven o'clock in the forenoon for the discharge of the above named defendant, upon the ground that he has been locked up for nearly two terms, and defendant has been always ready for trial, but the case has been repeatedly adjourned at the request of the District Attorney; and for such other and further relief as may be just.

Your s etc.,

Howe & Hummel,

Defendant's Attys.

To Hon. John B. Follows,

District Attorney.

POOR QUALITY
ORIGINAL

0132

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

.....being duly
sworn, says that he resides at No.Street, in the City of
New York; that he isyears of age; that on theday of
1890, at Numberin the City of
New York, he served the withinon
theby leaving a copy thereof with

Sworn to before me this
day of

1890. }

H. General Sessions

The People -

Plaintiff,

against

William F. Dickey

Defendant.

Notice of Motion.

HOWE & HUMMEL,

Attorneys for *def.*

87 & 89 CENTRE ST., New York City.

Due and timely service *received* by the within
this day of
hereby admitted
JUN 14 1890
DISTRICT ATTORNEY.

To *Wm Geo A Williams -*

District Atty

Bar City Co. of N.Y.

5-16-90 5

LOWITZ LURED OR DROVE 'BOB' WALLACE TO RUN.

Shady Record of the Bookmaker Who Shared
the \$50,000 Plunder and Fled to
Guba with the Young Thief.

HAD BEEN TRIED FOR LARCENY.

Son of a Wealthy Importer, but Addicted
to Gambling—Sadie Adams, 'Bob's'
Sweetheart, May Know More
than She Has Told.

All doubt that young "Bob" Wallace, and not Zeelio E. Macleod, was the thief who rifled "Zilio" John H. Wallace's safe deposit box at No. 4 Wall street of \$35,000 in stocks and bonds after having \$100,000 in cash on checks drawn against Ed. Wallace's name, was removed yesterday when Macleod was arraigned in the Tombs Police Court for lack of evidence to show that he had been near the safe deposit box recently.

From what Macleod said out yesterday about I. E. Lowitz alias I. D. Adams, who accompanied young Wallace in his flight to Cuba, and the manner in which he had been arrested, it is probable that, as told in yesterday's Herald, planned the robbery and persuaded, if he did not instigate, the lad to commit it.

OLD IN CROOKS.

Lowitz is no new hand at shady transactions with money. Last year he was arrested in Brooklyn charged with swindling, and was indicted for grand larceny. He was acquitted, but the trial brought out very many damaging facts against him.

Agnes B. Lowitz is about thirty years old. He is a son of John H. Lowitz, a well known importer of sea trimmings in Spring street, this city, who died some years ago. Young Lowitz was administrator of his father's estate and to have been worth \$100,000 or more. He administered it mostly into the hands of gamblers.

He was a frequenter of race tracks and pool rooms, but nothing "crooked" was charged against him until last summer, although he spent money so freely at times when it was known he had lost heavily on the races that some suspicious wags accused. In June, 1889, he was accused by Herbert W. Clapp, of Clapp Brothers, grocers at No. 979 Fulton street, Brooklyn, of swindling him out of \$5,765 by worthless checks. S. B. Jones, a retired dry goods merchant of Brooklyn, also claimed to have been swindled out of \$3,000 in cash and nearly \$5,000 in goods by Lowitz.

A BETTING PARTNERSHIP.

Lowitz was then living in a fashionable boarding house at No. 7 Lotters street, Brooklyn. He was arrested and held in jail to answer Mr. Clapp's charge. Lowitz explained that he and Clapp had been partners in betting on the races, and that the transactions had aggregated \$125,000 during the season. He offered to produce the cashing checks, he said, and Clapp had made the charge out of spite, because they had disagreed over the share of the money in dispute was Clapp's share of their mutual losses.

One Grand Jury failed to indict Lowitz, but another did. He was indicted for grand larceny of the same kind as he was indicted for by John W. & Wesley L. Black, diamond dealers of 100 Nassau street, who claimed that he had swindled them out of \$12,000. Clapp said he had more than \$100,000, but a jury rendered judgment against him.

His next known home was at 100 Nassau street, between Nassau and Broadway, kept in by John L. I. I. where he reported a fine rig, which he said belonged to him. He was short of funds and was looking for a partner. He was introduced to a guest at the hotel who lived in Brooklyn. A day later a man appeared and claimed the rig as his property and also threatened to have Lowitz arrested. Friends of the applicant sought the matter.

Lowitz was tried for grand larceny on Clapp's charge. Judge Cullen in the Probation Court of Queens County rendered judgment that he be released on his own recognizance. He told the story of his race betting partnership with Clapp and was acquitted. No case was made against him.

About this time it was reported that Lowitz had been filled by a young lady of good family on the streets of Brooklyn. The amounts obtained from him were considerable. He was introduced to a man afterward Lowitz was examined in supplementary proceedings and swore he had no property. He was then introduced to a woman at the small bookmaking concern called "Widow's Corner."

His name is Sadie Adams. She lives in Ninth street, Manhattan. Lowitz is thought to have been introduced to her by a man who had been the money stolen from Edith Wallace, the lady's great-uncle. They certainly "played the races" in partnership.

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Lowitz is thought to have been introduced to her by a man who had been the money stolen from Edith Wallace, the lady's great-uncle. They certainly "played the races" in partnership.

POOR QUALITY
ORIGINAL

0134

For late episodes of Ignatius. B. Lowitz see the following.

Brooklyn Daily EAGLE of June 18th, 20th, and 21st 1889. showing disclosure of swindle of Herbert W. Clapp No 979 Fulton Street Brooklyn out of \$4892.80

Brooklyn Daily EAGLE of June 22nd, showing disclosure of swindle of Samuel B. Jones No 186 Lincoln Place Brooklyn out of \$3900.00 in cash and stock of goods about \$7000.00.

Brooklyn Daily EAGLE of September 5th 1889. Sold another's horse and wagon

Brooklyn Daily EAGLE of September 24th 1889. Justice Tighe turns the Clapp matter over to the Grand Jury.

Brooklyn Daily EAGLE of January 22nd 1890. Clapp finds \$2400.00 more to pay on account of above named by swindle.

Brooklyn Daily EAGLE of February 7th 1890. Clapp denies the signature.

Brooklyn Daily EAGLE of February 26th 1890. Arraigned before a jury and tried for Grand Larceny.

JUSTICE.

**POOR QUALITY
ORIGINAL**

0135

Cash believed to be in the possession of Wallace and Lowitz when they sailed for Cuba:

Bonds cashed	\$10,000
" "	5,000
Check (Tuesday)	900
" (Wednesday)	1,000
Coupons cashed	800
	\$17,700

Paid lawyer in Havana	\$3500
" Tarraffa	700
" Lowitz	250
Returned to J. H. Wallace	2200
On Lowitz	2000
In cash on them which they kept	300
Cash to Am. Consul	3000
	<u>11,950</u>
	\$ 5,750

They also drew a check, April 29th for \$3500, eight days before sailing which is not ^{included} ~~enclosed~~ in above.

I will suggest that the prisoners be questioned separately as to how they account for this unexplained balance.

JH Wallace

**POOR QUALITY
ORIGINAL**

0136

[illegible]

POOR QUALITY
ORIGINAL

0137

~~Forgery~~ not to
be considered.

Amount: not im-
portant.

Flight: a natural
incident & does not
magnify the offense.

If given a chance
to reform can restore
to Wallace the money
he has lost.

Scowley. No parents.

Wallace. Soldier's father.

GILDERSLEEVE, PALMER & BOOTHBY,
(STEWART BUILDING)
280 BROADWAY,
NEW YORK.

POOR QUALITY
ORIGINAL

0138

J. W. BLOCK & BRO.,
DIAMONDS,
NO. 9 MAIDEN LANE,
NEW YORK.

N.Y. 5/16/90

5-17-90/1187

Chief Inspector Byrnes

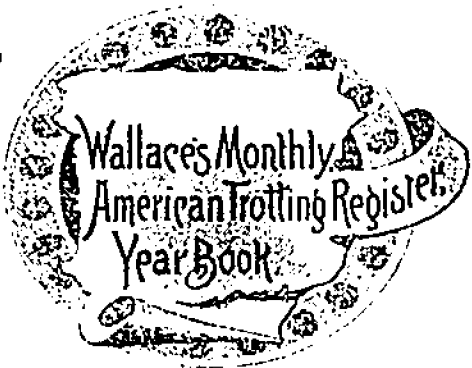
We see
by the paper that I. B. Lowitz
is wanted back in the
Wallace affair, he has
goods of ours on Memo.
which we have demanded
several times & if we
can be of any service
to you in bringing him
back, by getting out
a warrant for him,
send McNaught down
and we will give him
all the particulars.

Yours

J. W. Block & Bro.

POOR QUALITY
ORIGINAL

0139



Wallace Trotting Register Co.

230 Broadway

P.O. BOX 2990.

STEWART BUILDING.

J. H. WALLACE, President & Treasurer
LESLIE E. MACLEOD, Secretary
ROBT. L. WALLACE, Asst. Treasurer

DICTION

New York, June 19, 1890.

Hon. John R. Fellows,
District Attorney,
New York City and County.

Dear Sir,- The plea of guilty entered by Robert L. Wallace and I. R. Lowitz seems to have cut off the Court from all knowledge of the methods and conditions under which this somewhat sensational robbery was committed. I will, therefore, try to supply such information as may help to a just and righteous judgment. In fulfilling my promise I will be as brief and pointed as possible.

I have no personal knowledge of Lowitz, and never saw him till he appeared in Court for sentence on Wednesday. From very many sources I learn he is a gambler and a swindler of a very shrewd and successful type.

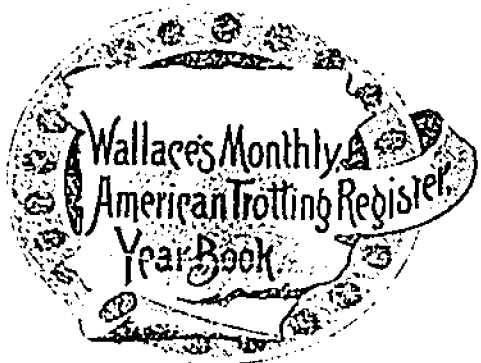
In the autumn of 1886, in conversation with a distant kinsman of mine he told me of a nephew of his, Robert L. Wallace, whom he represented as a remarkably bright, intelligent and well-educated young man. I told him I needed such a young man in my office and in due time Robert applied for a situation. This resulted in his coming to me in July, 1887, then just eighteen years of age. He had been carefully reared under the best religious and moral training, he was a good scholar, had a pleasing and popular address and soon became a valuable assistant. In due time, I placed him in charge of the accounts and cash, placing implicit confidence in his honesty, and never doubting him till the night of May 8th last. On his coming to the city he connected himself with a Presbyterian Church and became very active and prominent in all Church work. He had so completely won my confidence that I had made provision in my Will for placing the controlling interest in my Publishing business in the hands of him and another nearer relative who was still at school. I had told Robert, myself, of these plans for the future.

In October last, I organized my business into a Joint Stock Company, and Robert, as I then thought, had done so well, that I made him Assistant Treasurer of the Corporation which gave him authority to endorse and make checks. It is now very evident that prior to this he had been using my money dishonestly in fast living, presents to his friends, etc., but no rigid investigation of that period has been made and I will drop it.

POOR QUALITY
ORIGINAL

0140

2.



Wallace Trotting Register Co.

230 Broadway

P.O. BOX 2990.

STEWART BUILDING.

J. H. WALLACE, President & Treasurer.
LESLIE E. MACLEOD, Secretary.
ROBT. L. WALLACE, Asst. Treasurer.

DICTATED

New York

189

With his share of Stock in his pocket, which I had presented to him, with his name on the door as Assistant Treasurer of the Wallace Trotting Register Company, with his authority to sign checks, and with a good healthy balance in the Park Bank, he seems to have lost his head entirely and before the first month had elapsed he commenced to distribute the "surplus" as though it were all his own. The first considerable distribution of favors of which we have any positive knowledge was made on October 22nd when he gave a check for Fifty Dollars and another for Twenty-five Dollars to his friend Lowitz, and the same day one of One Hundred Dollars to himself. Three days afterward he gave another check to Lowitz for Fifty Dollars, and took one for himself for Fifty Dollars. The next day he made another check for Fifty Dollars and collected it himself. There is no way in which any of the items here given can be connected with the business of the office. These checks were made payable to "Cash", there is no endorsement upon them, hence they were paid to Robert, himself.

This completely disposes of the theory that Robert was the victim of Lowitz and that his "fall" may be dated from the "bogus" check he took from that worthy. He first drew the check for One Hundred Dollars himself, and then one for Fifty and another for Twenty-five in favor of Lowitz. The checks are in this order and the numbers are 1013, 1014, and 1015.

The checks drawn in favor of Lowitz and collected by him are as follows:

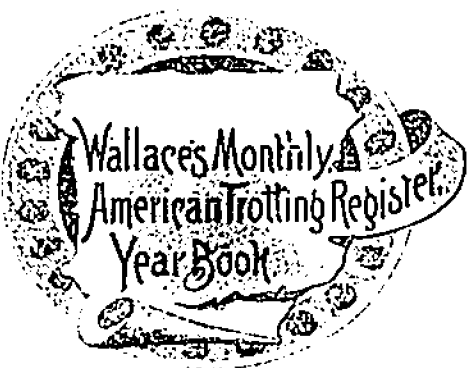
October 22, 1889,	* 1014.....	\$ 50
October 22, 1889,	1015.....	25
October 25, 1889,	1020.....	50
December 30, 1889,	1995.....	2500
January 24, 1890,	1996.....	1000
January 30, 1890,	1997.....	1025
February 10, 1890,	1998.....	430
February 11, 1890,	1990.....	1310
March 29, 1890,	1991.....	3000
		<u>\$9440</u>

In the Check Book of the Wallace Trotting Register Company the numbers are printed on the checks, commencing with 1000 and ending with 1999. It will be observed that part of the checks

POOR QUALITY
ORIGINAL

0141

3



Wallace Trotting Register Co.

280 Broadway

P.O. BOX 2990.

STEWART BUILDING.

J. H. WALLACE, President & Treasurer.
LESLIE E. MACLEOD, Secretary.
ROBT. L. WALLACE, Asst. Treasurer.

DICTATED

New York

1889

are taken from the early part of the book, but that the large ones are taken from the back part of the book from which ten checks are missing and no stubs filled out.

The checks drawn in favor of "Cash" and collected by Robert L. Wallace are as follows:

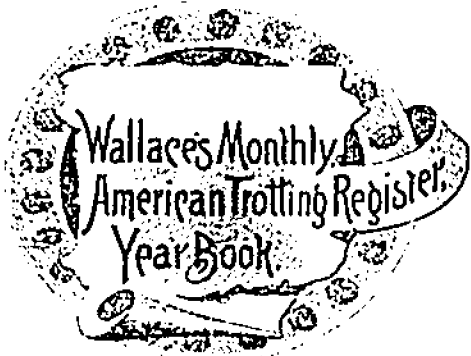
Oct. 22, 1889,	*1013.....	100.	Tuesday.
Oct. 25, 1889,	1019.....	50.	Friday.
Oct. 26, 1889,	1021.....	50.	Saturday.
Dec. 6, 1889,	1075.....	40.	Friday.
Dec. 6, 1889,	1076.....	150.	Friday.
Dec. 7, 1889,	1080.....	50.	Saturday.
Dec. 9, 1889,	1081.....	150.	Monday.
Dec. 20, 1889,	1094.....	70.	Friday.
Dec. 24, 1889,	1095.....	58.	Tuesday.
Dec. 26, 1889,	1100.....	50.	Thursday.
Dec. 26, 1889,	1101.....	25.	Thursday.
Mch. 18, 1890,	1170.....	1620.	
Apr. 29, 1890,	1231.....	3500.	
May 5, 1890,	1992.....	900.	
May 7, 1890,	1993.....	1000.	
		<u>\$7813.</u>	

At the organization of the Wallace Trotting Register Company, October 1st, 1889, I still continued a personal account at the Park Bank upon which no one could check but myself. When an animal came for registration with the fee of Two Dollars, if the evidence of the pedigree was insufficient, the fee was returned in the form of a check. Fees received before the formation of the Company were returned by me. On or about the 25th of January Robert came into my room with two checks, one in favor of R. M. Hinde calling for Three Dollars, and another in favor of I. B. Lowitz, calling for Two Dollars. He remarked that "Here were a couple of old things we had better clean up and get out of the was." I observed the amounts and particularly the stub marked "Recording

POOR QUALITY
ORIGINAL

0142

4.



Wallace Trotting Register Co.

280 Broadway

P.O. BOX 2990.

STEWART BUILDING.

J. H. WALLACE, President & Treasurer.
LESLIE E. MACLEOD, Secretary.
ROBT. L. WALLACE, Asst. Treasurer.

DICTATED

New York

189

"Fee Returned" and was somewhat surprised that they had been hung up so long. The check purporting to be in favor of Mr. Hinde for Three Dollars never has come back till this day and was doubtless a fiction intended as a cloak to the Lowitz check. The check for Mr. Lowitz's "Recording Fee Returned" for Two Dollars came back raised to Two Thousand Five Hundred Dollars. This check and stub are with the papers in your office. This check increased the amount received by Lowitz to \$11,940, to which may be added \$7020 to Robert, making in all the amount of the robbery through the Bank of \$18,960.

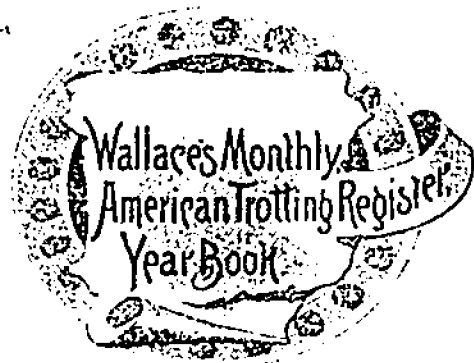
But, the Company did not have that much money there and how could it be checked out if not there? I had been receiving considerable amounts from the sale of Stocks in the Company and from other sources, amounting to say \$5,000 or more, which I supposed, as a matter of course, Robert had deposited to my personal account. But instead of doing so, he deposited those funds to the credit of the Company where they were at his mercy. Since his capture I asked him why he had done this and his answer was, that Lowitz demanded all the money possible to carry on his book-making scheme on the races. When asked how much money he supposed he had left in the Bank, he said he had lost his reckoning, but he thought there might have been \$800 left there. Fortunately, the loss of "the reckoning" saved me about \$4,000. Thus the young rascal supposed he had stripped me of everything within his reach except-possibly, about \$800.

Before leaving this part of the case it is but just to say that Robert claims to have put back \$605, but when or how he did it he is not able to remember. It has not been found yet. I must say, also, that some of the smaller items enumerated above as drawn and used by him for his own purposes, might have been used to pay off the employees of the office, if drawn on Saturday, but it is a very unusual thing to do so for the Postal Currency is nearly always sufficient. If not dated on Saturday, it is safe to say that the check was dishonest. All bills and claims against the office are paid in checks and not in currency.

The rifling of my Box in the Banker's Safe Deposit Company is certainly one of the most daring things that I know of. Lowitz

POOR QUALITY
ORIGINAL

0143



Wallace Trotting Register Co.

280 Broadway

P.O. BOX 2990.

STEWART BUILDING.

J. H. WALLACE, President & Treasurer.
LESLIE E. MACLEOD, Secretary.
ROBT. L. WALLACE, Asst. Treasurer.

DICTED

New York

1899

may have cunning, but Robert has courage. Still it has been urged that these misguided lads should be sent for a few months to the Reformatory where they would learn to be good boys. About six weeks before the robbery of the Vault, Robert remarked to me one day; "Uncle hadn't we better go down to the Safe Deposit Company some of these days and get your Bonds together and cut off the coupons?" He knew that I had some \$8,000 in bonds still in the hands of my Brokers and he was anxious to "get them together." Judging by the scheme through which the forged check was secured for \$2500, and the method adopted to check against my private funds by placing them to the credit of the Company instead of my personal credit, it is not a very violent presumption that the raid of the Bonds was then maturing in the mind of this misguided and very innocent boy. The Bonds that were stolen cost me \$36,475 and the interest due on coupons at the time they were stolen amounted to \$875, making the loss there \$37,350. Now, if we add to this the loss through the Bank that we are able to determine, we find that the aggregate loss is \$56,310.

In conclusion allow me to say that this is not a robbery of impulse committed in a moment of special temptation. It runs through a period of seven months and at every step the plan appears to have been to strip me of the labor of more than thirty years, and to leave me in my old age as naked as the day I was born. And this, too, by a young ingrate whom I had lifted from poverty, and had provided that he should be one of the principal heirs of my name, my business, and my estate. He has shown me no mercy, and I cannot ask mercy for him. Let him reap as he has sown.

Your obedient servant,

J. H. Wallace

POOR QUALITY
ORIGINAL

0-144

New York City, June 25, 1890.

Hon. John R. Fellows,

District Attorney of New York City and County.

Dear Sir,- Further examination has developed some facts that are very important to me as the victim of the robbery, and I doubt not will be considered of weight in determining the severity of the punishment to be inflicted on Wallace and Lowitz.

A large amount of the cash taken to Cuba has not been accounted for, as I will here show. The figures embrace the period of eight days before the flight.

April 29, Check for	\$3500
May 6, " "	900
May 7, " "	1000
May 7, Bonds sold by V. & Co.	10000
May 7, Bonds sold at 42 Wall St.	5000
Coupons cashed	800
	<u>\$21200</u>

Accounted for in Cuba, as stated by the officers:

Paid lawyer,	\$ 3500
Paid Tarraffa,	700
Paid Lowitz's lawyer,	250
Found on Lowitz's person,	2000
Returned to J. H. Wallace,	2200
Cash in hands of American Consul	3000
Cash on their persons, kept,	300
	<u>\$11950</u>

Balance not accounted for..... \$9250

Here is a large amount of money that the prisoners seem to have secreted, too large to be passed over without a thorough and diligent search for it. To sentence the prisoners now, would close the door to all search for this sum of \$9,000 and it would remain in the keeping of the friends of the prisoners. I will, therefore, take the liberty of asking that they be remanded for sentence at some future time, and after they shall have had abundant opportunity to surrender this large sum now secreted.

The only item of the foregoing statement ^{of cash} taken to Cuba that can be questioned at all is the check of April 29, for \$3500. The stereotyped reply that the prisoners make to all questions concerning these large amounts of money is, that they went into the book-making business on the race course. I have made quite an exhaustive search for this book-making business and I find they made no "books" as late as the 29th of April. Indeed, this whole matter of gambling on the races is very much of a sham, in my best judgment, and has been, and is still used by the prisoners as a con-

**POOR QUALITY
ORIGINAL**

0145

venience to cover up funds that are securely hidden away. This conviction has been greatly strengthened by recent facts that have come to my knowledge in connection with their "book-making" sham.

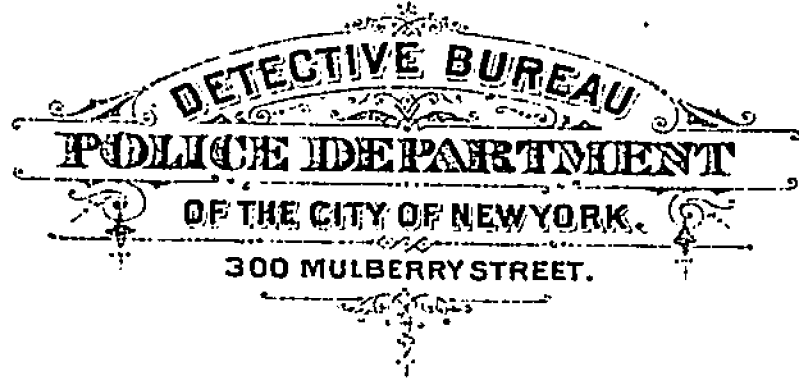
After the arrest in Havana, Robert wrote me a long letter full of repentance, good resolutions, and all that, but at the close of the letter he brings out a fact that is of the greatest interest just at this moment. He says, "I will yet be a man although I serve my time. I will yet show the world that I can be something. Of you, Mr. Wallace, I can scarcely think or hope for anything but prosecution. I have securely placed some thousands of the money, and, if you will in your heart weigh carefully what I have here said, and in your heart forgive me, I will return you every dollar remaining, about \$30,000 and at once come to New York to be at the disposal of justice. What I wish is to put in the right light and have you say that in your heart you forgive me. Will you, Mr. Wallace, upon receipt and careful perusal of this letter, cable or write me at once, that I may act accordingly? Of course, I can be detained here in a Spanish prison for a length of time regulated by the amount of money invested, but I don't want to spend a dollar more of your money if I can arrange otherwise. My lawyer is the shrewdest in Cuba and can almost do as he wishes with the Spanish Government. I want to come back, but will wait here long enough for your reply."

Yours truly,

JH Wallace

POOR QUALITY
ORIGINAL

0146



Private

New York,

May 14th, 1890. 18

John R. Fellows, Esq.,

District Attorney, N.Y. County.

Dear Sir:-

Please have the State Department at Washington to communicate with the American Consul at Havana, and request that gentleman to cause the arrest of two (2) Americans who arrived there last Sunday on the steamer "Saratoga". They are charged with forgery, and grand larceny, and stole nearly \$50000.

J.B. Lowitz, who sailed under the name of J.B. Lewis, is 30 years of age, 5 feet 6 or 7 inches high, weighs 140 pounds, small dark moustache, dark complexion, very neat in appearance.

His companion who sailed under the name of E.A. Collins, is one Robert L. Wallace, and is the principal in the robbery. He is 21 yrs of age, 5 feet 8 inches high, of solid build, well ~~formed~~ ^{formed}, fair complexion, light hair, light brown moustache, good looking, dresses neat, and has fine features. *These men were the only Americans on board.* ~~He~~ Notify Consul, in the event of arrest of these persons, to have police authorities there hold all money and bonds that may be found upon them.

Very Respectfully,

Thos Byrnes
Chief Inspector of Police.

**POOR QUALITY
ORIGINAL**

0147

*District Attorneys Office,
City & County of
New York.*

*June 1, 1900
John H. Lounsbury
and
Robert L. Wallace
vs. E. A. Collins*

Complainant - John H. Lounsbury -

Date of Decree - about May 6/90

Property sold - 2 tracts on W. 11th St. - 1000 sq. ft. each

5000	Small's tract W. 11th St.	110	5500
5000	Cont. RR. W. 11th St.	101 1/2	5056.25
5000	Tr. & R. Co. Tr.	112 1/2	5625
5000	Ch. R. D. & Pacific	105 1/2	5275
5000	W. U. Tel.	97 3/4	4857.50
5000	W. U. Tel.	100	5000
5000	W. U. Tel.	102 1/2	5131.25

*Circumstances - saw them in Nov. 1899 in a box in the
west at 13 Avenue B, City Co. at 14 Wall St.*

*Worked in 1897 & 1898. saw 11 Ave.
Wallace was a doctor relation with Collins, who had been
in employ since July 89, and had given a check to
collins in Jan. 1899 for 1000.*

*Wallace knew that Collins was a doctor & could had an
one or two more children but the doctor had had his
marriage annulled by Collins, on deposit of 1000. who was had authority
to take property.*

*early in afternoon
abt 2:15 PM
on May 7 Wallace came to court in office & said
he was sick & could not go to court. He had told go home &
go to bed & take some medicine. I looked at him &
heaven on a table & said I said I thought you had
better go on with it. I did not see him after that.
on Thursday, called at home for inquiry & found
maximil of man's change. old man said he was sick there*

*Source of information -
she said he was not sick - but had left the day
before saying he was going to Boston for 3 or 4 days,
physician claims a business was heard of this & consequently
understand as, returned to explain that might mean to*

POOR QUALITY
ORIGINAL

0148

State of New York }
County of Kings }
City of Brooklyn } ss.

Wm. H. Alderson residing
at 420 Lewis Ave in the City of Brook-
lyn being duly sworn deposes and
says, he knows Ignatius B. Lowitz
to be a swindler and a confidence
man, and is not to be believed
under oath

Wm. H. Alderson

Sworn to before me
this 26th day of June 1890

John J. Gaffney
Commissioner of Deeds
City of Brooklyn.

POOR QUALITY
ORIGINAL

0149

City of Brooklyn }
County of Kings } ss

A. D. Berner

Being first duly sworn says that
he resides at 454 Greene Ave in the
City of Brooklyn & has known personally
one Ignatius B. Lowitz for thirty years
past.

That deponent knows the
reputation of the said Ignatius B
Lowitz for truth & veracity & that the
reputation of the said Ignatius B
Lowitz for the same is bad & de-
ponent from his knowledge of
of the reputation of said Ignatius
B Lowitz would not believe him
under oath.

Sworn to before me } A. D. Berner.
this 26th day of June 1890 }

John Fitzgerald
Commissioner of Deeds
City of Brooklyn.

POOR QUALITY
ORIGINAL

0150

City of Brooklyn 3
County of Kings 3

Wm J. Jackson.

Being duly sworn says that he
resides in the City of Passaic N.J.
& that he is personally acquainted with
Ignatius B. Lortz & has known him
for the past 30 years That deponent
knows the reputation of the said Ignatius
B. Lortz for truth & veracity & that
the reputation of the said Ignatius
B. Lortz for the same is good & the
deponent from his knowledge of the
reputation of said Ignatius B. Lortz
would not believe him under oath
Sworn to before me

this 26th day of June 1890

Wm J. Jackson

John J. Jagers
Commissioner of Deeds
City of Brooklyn.

POOR QUALITY
ORIGINAL

0151

City of Brooklyn }
County of Kings } ss

Mrs Mary W

Earle being sworn says she knows
one Ignatius B. Lovitz for the past
two years, & from hearsay & his general
reputation I would not under
any circumstance have any
transactions with him

Sworn to before me
this 26th day of June 1890

Mary W. Earle

John J. G. G.
Commissioner of Deeds
City of Brooklyn

POOR QUALITY
ORIGINAL

0152

UNITED STATES OF AMERICA,
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any peace officer in
the State of New York:

Information upon oath having been this day laid before me, that
the crime of *Forgery in the second degree*, has been committed and
accusing *Robert L. Wallace alias E. A. Collins* thereof and *Ignatius*
B. Lowitz alias J. B. Lewis, thereof:

You are therefore Commanded forthwith to arrest the above-named *Robert L. Wallace alias E. A. Collins* and *Ignatius B. Lowitz alias J. B. Lewis* and bring *them* before me at *my chambers in the*
Sessions Building in the City Hall Park in the City of New York,
or in case of my absence or inability to act, before the nearest or most accessible Magistrate
in this County.

Dated at the City of New York, in the County of New York aforesaid, this *21st* day of
May 1890.

[Signature]
Recorder of the City of New York

POOR QUALITY
ORIGINAL

0153

UNITED STATES OF AMERICA,
State of New York.

THE PEOPLE

OF THE STATE OF NEW YORK.

against

Robert L. Wallace, alias
E. A. Collins, and
Ignatius B. Lowitz, alias
J. B. Lewis

WARRANT OF ARREST.

Issued

May 21 1896

Recorder of the City of New York.

Thomas F. Adams, Officer.

To Frederick Smyth, Esquire.
Recorder of the City of New York.

CITY AND COUNTY OF NEW YORK, ss.

The return of Thomas F. Adams

a Detective Sergeant of the Municipal Police of the City of New
York respectfully shows that the within named Robert L. Wallace alias E. A. Collins and Ignatius

B. Lowitz alias J. B. Lewis can not with due diligence be found within
the State of New York.

Dated at the City of New York, in the County of New York
aforesaid, this 21st day of May 1896.

Thomas F. Adams.
Detective Sergeant.

POOR QUALITY
ORIGINAL

0154

UNITED STATES OF AMERICA,
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any peace officer in
the State of New York:

Information upon oath having been this day laid before me, that
the crime of Grand Larceny in the first degree has been committed and
accusing Robert L. Wallace alias E. A. Collins thereof and Ignatius
B. Lowitz alias J. B. Lewis, thereof:

You are therefore Commanded forthwith to arrest the above-named Robert L. Wallace alias E. A.
Collins and Ignatius B. Lowitz alias J. B. Lewis and bring them before me at my chambers in the
Sessions Building in the City Hall Park in the City of New York,
or in case of my absence or inability to act, before the nearest, or most accessible Magistrate
in this County.

Dated at the City of New York, in the County of New York aforesaid, this 21 day of
May 1890.

Thos. H. Smith
Recorder of the City of New York.

POOR QUALITY
ORIGINAL

0 155

UNITED STATES OF AMERICA,
State of New York.

THE PEOPLE

OF THE STATE OF NEW YORK,

against

Robert L. Wallace, alias
E. A. Collins, and
Ignatius J. County, alias
J. D. Lewis.

WARRANT OF ARREST.

Issued

May 21 1890

Recorder of the City of New York.

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aforesaid, this 21st day of May 1890

Thomas F. Adams.

Detective Sergeant.

City of Brooklyn 3.
County of Kings 3.

Wm J. Jackson.

Being duly sworn says that he
resides in the City of Passaic N.J.
& that he is personally acquainted with
Ignatius B Lortz & has known him
for the past 3 years That deponent
knows the reputation of the said Ignatius
B Lortz for truth & veracity & that
the reputation of the said Ignatius
B Lortz for the same is good & the
deponent from his knowledge of the
reputation of said Ignatius B Lortz
would not believe him under oath
Sworn to before me

this 26th day of June 1890

Wm J. Jackson

John J. Jaggard
Commissioner of Deeds
City of Brooklyn.

POOR QUALITY
ORIGINAL

0157

City of Brooklyn }
County of Kings } ss

Mrs Mary M
Earle being sworn says she knows
one Ignatius B. Lowitz for the past
two years, & from hearsay & his general
reputation I would not under
any circumstance have any
transactions with him

Sworn to before me } Mary M. Earle
this 26th day of June 1890 }

John J. J. J.
Commissioner of Deeds
City of Brooklyn

POOR QUALITY
ORIGINAL

0158

UNITED STATES OF AMERICA.

STATE OF NEW YORK.

In the Matter)

o f)

ROBERT L. WALLACE, alias E.A. COLLINS, &)

IGNATIUS B. LOWITZ, alias J.B. LEWIS,)

Fugitives from the justice of)

the State of New York in Cuba.)

CITY AND COUNTY OF NEW YORK, SS:

The Information of JOHN H. WALLACE,
residing at Smith & McNell's Hotel, Washington Street, in
the City of New York, and carrying on business as an editor
and publisher, having an office in the Stewart Building, in
the said City, laid before Frederick Smyth, Esquire, Record-
er of the City of New York, and a magistrate and officer
having power to issue a warrant for the arrest of a person
charged with a crime, the twenty-first day of May, in the
year of our Lord one thousand eight hundred and ninety, who,
being duly sworn, deposes, alleges and says, as follows,
to wit:

T h a t on the twenty-fifth day of January, in
the year aforesaid, the above-named ROBERT L. WALLACE, alias
E. A. COLLINS, and IGNATIUS B. LOWITZ, alias J. B. LEWIS,

**POOR QUALITY
ORIGINAL**

0159

2

both late of the City of New York, in the County of New York aforesaid, at the City and County aforesaid, with force and arms, did feloniously forge, and cause and procure to be forged, and willingly act and assist in the forging, a certain instrument and writing in the words and figures following, to wit:

"No. 2423.

New York 1-25 1890.

"The National Park Bank,

"Of New York,

"Pay to the order of I. B. Lowitz,

"Two thousand, five hundred dollars,

"\$2500 00/100.

"J. H. Wallace."

with intent to defraud; and that afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, with force and arms did feloniously utter, dispose of and put off as true, and cause and procure to be feloniously uttered, disposed of and put off as true, and willingly act and assist in the felonious utterance, disposition of, and putting off as true, the said forged instrument and writing with intent to defraud they, the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, then and there well knowing the same to be forged, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

2

**POOR QUALITY
ORIGINAL**

0 160

3

W H E R E F O R E, informant prays that a warrant may issue for the arrest of the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, and that they be dealt with according to law.

Taken, subscribed and sworn to)
before me, at the City and)
County aforesaid, this Twenty-)
first day of May, in the year)
of our Lord one thousand eight)
hundred and ninety.)

J. H. Wallace

J. H. Wallace

R e c o r d e r

Of the City of New York.

POOR QUALITY
ORIGINAL

0 16 1

UNITED STATES OF AMERICA.

STATE OF NEW YORK.

In the Matter

o f

ROBERT L. WALLACE, alias E.A. COLLINS, &
IGNATIUS B. LOWITZ, alias J.B. LEWIS,
Fugitives from the justice of
the State of New York, in Cuba.

CITY AND COUNTY OF NEW YORK, SS:

The Information of JOHN H. WALLACE,
residing at Smith & McNeill's Hotel, Washington Street, in
the City of New York, and carrying on business as an editor
and publisher, having an office in the Stewart Building, in
the said City, laid before Frederick Smyth, Esquire, Record-
er of the City of New York, and a magistrate and officer hav-
ing power to issue a warrant for the arrest of a person
charged with a crime, the twenty-first day of May, in the
year of our Lord one thousand eight hundred and ninety, who,
being duly sworn, deposes, alleges and says; as follows,
to wit;

T h a t on the 3th day of May, in the year afore-

**POOR QUALITY
ORIGINAL**

0162

2

said, the above-named ROBERT L. WALLACE, alias E. A. COLLINS, and IGNATIUS B. LOWITZ, alias J. E. LEWIS, both late of the City of New York, in the County of New York aforesaid, at the City and County aforesaid, with force and arms,

Ten(10) bonds and written obligations of the Louisville, & Nashville Railroad Company, of the denomination and value of One Thousand Dollars, each;

Five(5) bonds and written obligations of the Central Railroad of New Jersey, of the denomination and value of One Thousand Dollars, each,

Five(5) bonds and written obligations of the Chicago, Rock Island & Pacific Railroad Company, of the denomination and value of One Thousand Dollars, each;

Ten(10) bonds and written obligations of the Western Union Telegraph Company, of the denomination and value of One Thousand Dollars, each, and

Five(5) bonds and written obligations of the Wabash, St. Louis & Pacific Railroad Company, of the denomination and value of One Thousand Dollars, each,

of the effects and personal property of the informant, 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.

W h e r e f o r e, informant prays that a warrant may issue for the arrest of the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. E. Lewis, and that they be dealt with according to law.

**POOR QUALITY
ORIGINAL**

0 163

3

Taken, subscribed and sworn to
before me, at the City and
County aforesaid, this 21st
day of May, in the year of
our Lord one thousand eight
hundred and ninety.

J. H. Walker

A. H. Smith

R e c o r d e r

OF the City of New York.

POOR QUALITY
ORIGINAL

0 154

UNITED STATES OF AMERICA.

STATE OF NEW YORK.

In the Matter

of

ROBERT L. WALLACE, alias E.A. COLLINS, &

IGNATIUS B. LOWITZ, alias J.B. LEWIS,

Fugitives from the justice of
the State of New York, in Cuba.

CITY AND COUNTY OF NEW YORK, SS:

The Deposition of JOHN H. WALLACE, taken
on oath at the City and County aforesaid, this twenty-first
day of May, in the year of our Lord one thousand, eight
hundred and ninety, before Frederick Smyth, Esquire, Record-
er of the City of New York, and a magistrate and officer
having power to issue a warrant for the arrest of a person
charged with a crime, in support of the foregoing Informa-
tions, who, being duly sworn, deposes and says as follows:

I am the same person who made and verified the
said informations. The above-named Robert L. Wallace,
alias E. A. Collins, is a man between twenty and twenty-one
years of age; he is about five(5) feet, eight(8) inches in
height, of solid build, well formed, of fair complexion,

**POOR QUALITY
ORIGINAL**

0 165

2

has light hair and light brown mustache; is good looking, and has fine features, and dresses neatly. His real name is Robert L. Wallace, and he is a distant relative of mine. He has been in my employ as a clerk, cashier and bookkeeper, since July, one thousand, eight hundred and eighty-seven. I had known him from his childhood, and also know his family, and I had absolute confidence in his honesty up to the time of the discovery of the offenses hereinafter described.

The above-named Ignatius B. Lowitz, alias J. B. Lewis, I do not know, but I am informed by Thomas F. Adams, George T. Clendenning, George Trowbridge Hollister and Sadie J. Adams, whose depositions are hereto annexed, and who are familiar with his appearance, that he is a man of about thirty(30) years of age, of about five(5) feet, six(6) or seven(7) inches in height. He weighs about one hundred and forty(140) pounds, has a small dark mustache, is of dark complexion and very neat in appearance.

On or about the twenty-fifth day of January, one thousand, eight hundred and ninety, the said Robert L. Wallace, alias W. A. Collins, came to me in my office and presented to me for my signature a bank check, drawn on The National Park Bank of New York, filled in in his own handwriting, for the payment of the sum of two(2) dollars, to the order of I. B. Lowitz, at the same time stating to me that there was due to I. B. Lowitz, from me, the sum of two(2) dollars.

B e l i e v i n g this to be the case, I signed

**POOR QUALITY
ORIGINAL**

0 155

3

said check, and delivered the same to him, for the purpose of having him forward the same to the said Lowitz.

The said bank check was afterwards returned to me from the said National Park Bank, but I never examined the same until after the discovery by me of the larceny hereinafter described. At that time I looked through all my checks, and discovered that this one had been fraudulently altered, the words, "thousand five hundred," having been inserted therein, after the word, "two," which had appeared therein at the time I signed it, and the figures, "500 00/100" had also been inserted after the figure, "two," therein occurring after the dollar mark. All these alterations are in the handwriting of the said Robert L. Wallace, alias E. A. Collins, and, on the back thereof, there appeared the following endorsements, to wit:

"I. B. Lowitz." and

"R. L. Wallace."

The latter endorsement is in the handwriting of the said Robert L. Wallace, alias E. A. Collins.

I am informed by Frederick Worth, the Paying Teller of the said National Park Bank, whose deposition is annexed hereto, that on or about the said twenty-fifth day of January, one thousand, eight hundred and ninety, the said check was presented to him for payment at the said National Park Bank, and that he delivered to the person presenting same, the sum of two(2)thousand, five(5)hundred dollars, in money.

9

**POOR QUALITY
ORIGINAL**

0 157

4

I n the month of November, one thousand, eight hundred and eighty-nine I was, and at all times thereafter I have been, the owner of the certain bonds and valuable securities described in the last of the Informations hereto annexed. These securities I kept on deposit in the vaults of the Bankers' Safe Deposit Company, at number four (4) Wall Street, in this city. I last saw them in the said month of November, one thousand, eight hundred and eighty-nine. The said Robert L. Wallace, alias M. A. Collins, knew that I had this property, and that it was contained in the said box, and he had on one or two occasions accompanied me to the vaults of the said safe deposit company, and he had made out for me a list of the contents of the said box in my presence. He never at any time, however, had any authority to visit the said vaults, or to examine, or in any manner to interfere with, the said box.

T h e safe or box in which the property was contained could only be opened by means of two keys, and by two persons, one of which keys I kept in my safe in my office, and the other of which was in the custody of the officers of the said safe deposit company. The said Robert L. Wallace, alias M. A. Collins, had access to my safe, where I kept the said key.

E a r l y in the afternoon of Wednesday, May 7th, one thousand, eight hundred and ninety, the said Robert L. Wallace, alias M. A. Collins, came to me in my office and said that he was sick, and that his doctor had told him he

10

**POOR QUALITY
ORIGINAL**

0 158

5

had better go home and go to bed and take some medicine. I saw that he was looking badly, and told him that he had better go home. He thereupon left my office, and I have not seen him since.

On the following day, being Thursday, May 8th, at about seven o'clock in the evening, I called at the premises, number four hundred and eighty-seven West Twenty-second Street, in this City, where he has been boarding for nearly two(2) years, for the purpose of inquiring about his health. I was there informed by Louisa Gumbart, the landlady of the said house, that about half past eight o'clock in the morning of the previous day, the said Robert L. Wallace, alias W. A. Collins, had left the house, stating to her that he was going to Boston, so he gone four(4) days, and perhaps longer, and that he took away with him a small trunk, containing his baggage and everything which belonged to him, except a few articles which were subsequently taken away by his father. I am informed by the said Louisa Gumbart that he has not since that time returned to her house. My suspicions were aroused by this intelligence, and I thereupon immediately returned to my office, and there going to the desk which had been occupied by the said Robert L. Wallace, alias W. A. Collins, I found a note addressed to him by the firm of Vornilys & Company, bankers and brokers, of number sixteen(16) and eighteen(18) Nassau Street, in the City of New York, in which it was stated that the said firm had, on the sixth day of May, sold on his account, certain bonds of the Western Union Telegraph Company. I am now informed //

**POOR QUALITY
ORIGINAL**

0 159

6

by the said George Trowbridge Hollister, who is a clerk in the employ of the said firm of Vermilye & Company, that on or about the said sixth day of May, eighteen hundred and ninety, a person representing himself as Ignatius B. Lowitz, and whose description answers that of the said Ignatius B. Lowitz, alias J. B. Lewis, hereinabove given, called upon the said firm with a letter of introduction from a certain Philip Babcock, a clerk employed in the Central Trust Company, in this City; that the said firm caused inquiries to be made of the said Babcock concerning the respectability and responsibility of the said Lowitz; that thereafter, and on the same day, the said person introduced another person as Robert L. Wallace; that said last-mentioned person was of the same appearance and answered the description of the said Robert L. Wallace, alias R. A. Collins, hereinabove given. That upon the assurance of the said Philip Babcock as to the respectability and responsibility of the said Lowitz, and upon the said Lowitz's introduction of said Wallace, the said firm undertook to transact certain financial business for the said Wallace. That the said Wallace then delivered to the said firm ten(10) bonds and written obligations of the Western Union Telegraph Company, and requested the said firm to sell the same for and on his account, and that the said firm thereupon did sell for the said Wallace the said bonds and written obligations, at public sale in the New York Stock Exchange, and afterwards, ~~on the same day~~, delivered to him two checks, payable to the order of the said Wallace, for the sums of Six thousand

12

POOR QUALITY
ORIGINAL

0170

7

dollars and Four thousand dollars, respectively.

On Friday, the ninth day of May, one thousand, eight hundred and ninety, I called at the vaults of the said safe deposit company, and there, in company with Evander H. Schley, the Secretary of the said Bankers' Safe Deposit Company, whose deposition is hereto annexed, went to the vault in which my box was contained, and, in his presence, and by the aid of a person in the employ of the said safe deposit company, opened the said box, and then and there discovered that its contents had been entirely abstracted,, and that the said box was empty.

I had never authorized any person to take away any of the contents of the said box, and the same had been removed therefrom without my knowledge or consent.

On the same day, to wit: on the ninth day of May, one thousand, eight hundred and ninety, I reported my loss at Police Headquarters, in this City, and Thomas Byrnes, Chief Inspector, of the Police Department, of this City, thereupon detailed Robert M. McNaught, ^{and} Thomas P. Adams ~~and~~ ~~Thomas Hickey~~, detective sergeants of the Municipal Police, and whose depositions are hereto annexed, for the purpose of ascertaining the guilty party or parties, and of procuring the evidence necessary for their apprehension and conviction.

I am informed by the said Thomas P. Adams that he has known the said Ignatius B. Lowitz, alias J. B. Lewis, for

13

**POOR QUALITY
ORIGINAL**

0 171

8

the past three(3) or four(4) months; that during that time he has been boarding at the Grand Central Hotel, in this City; that he is a bookmaker, and is supposed to make his living on the race track; that he is reported to be a member of a firm known as "Window & Company;" that said firm has no office in New York, so far as he can ascertain; that the reputation of the said Ignatius B. Lowitz, alias J. B. Lewis, is bad; that in the period during which he has known him, he has, on numerous occasions, seen a young man answering the foregoing description of the said Robert L. Wallace, alias E. A. Collins, in his company.

I am informed by the said Sadie J. Adams that she has known the said Robert L. Wallace, alias E. A. Collins, since November, one thousand, eight hundred and eighty-seven; that she has known the said Ignatius B. Lowitz, alias J. B. Lewis, for about a month, and was introduced to him by the said Robert L. Wallace, alias E. A. Collins. That a little over a month ago, and shortly before she was introduced to the said Ignatius B. Lowitz, alias J. B. Lewis, the said Robert L. Wallace, alias E. A. Collins, told her that he was in trouble, that it was about money matters. That about nine o'clock on the night of May sixth, one thousand, eight hundred and ninety, the said Robert L. Wallace, alias E. A. Collins, called at her house, and that she went with him to the Grand Central Hotel; that there they met said Ignatius B. Lowitz, alias J. B. Lewis; that the two men left her in the parlor and went up stairs, and afterwards returned to

14

**POOR QUALITY
ORIGINAL**

0172

9

the parlor. That the said Ignatius B. Lowitz, alias J. B. Lewis, on that occasion stated to the said Robert L. Wallace, alias E. A. Collins, that if he intended to confess to his uncle (meaning the said informant), he did not want him to mention his (the said Lowitz, alias Lewis) name; and that if he did confess, he (Lowitz, alias Lewis), would say that he got the money, but did not know where it came from; that if he, Robert L. Wallace, alias E. A. Collins, did confess, he would be behind the bars by ten o'clock the next day; that the said Ignatius B. Lowitz, alias J. B. Lewis, advised the said Robert L. Wallace, alias E. A. Collins, to go away and write to his uncle, and that the letter would reach his uncle the following Monday; that the said Ignatius B. Lowitz, alias J. B. Lewis, continued to urge the said Robert L. Wallace, alias E. A. Collins, to go away, and that the said Robert L. Wallace, alias E. A. Collins, finally consented to go, but that at that time, she, the said Sadie J. Adams, did not know where they intended to go; that on that night she agreed to meet the said Robert L. Wallace, alias E. A. Collins, at half past twelve o'clock, the next day, May seventh, at the Post Office, in this City; that she went there, but that he was not there, but the said Ignatius B. Lowitz, alias J. B. Lewis, was; that a short time afterwards she met the said Robert L. Wallace, alias E. A. Collins, at the Astor House, in said City; that the said Lowitz, alias J. B. Lewis, was also present, and, in the presence of her, the said Sadie J. Adams, the said Robert L. Wallace, alias E. A. Collins, handed the said Ignatius B.

15

**POOR QUALITY
ORIGINAL**

0173

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Lowitz, alias J. B. Lewis, at his request, a package. Shortly after this the said Robert L. Wallace, alias E. A. Collins, left, and during his absence the said Ignatius B. Lowitz, alias J. B. Lewis, asked her, the said Sadie J. Adams, to take care of it while he was away; that the said Ignatius B. Lowitz, alias J. B. Lewis, went away for a few moments, and, upon his return, discovered that she had laid the package aside, and said to her that she ought to be more careful, and that the package was worth thousands of dollars. The said Robert L. Wallace, alias E. A. Collins, afterward returned to said Astor House, and that she remained with him there till about half past two, and then went with him to Pier sixteen(16), East River, and there saw him go aboard the Steamship "Saratoga," of the New York & Cuba Mail Steamship Company, and saw him sail on board of the said vessel. That the said Ignatius B. Lowitz, alias J. B. Lewis, went away from the Astor House an hour or more before she left in company with the said Robert L. Wallace, alias E. A. Collins, but that she saw him on the said vessel when it sailed.

I am informed by the said George T. Clendenning, who is a barkeeper at the said Grand Central Hotel, that he has known the said Ignatius B. Lowitz, alias J. B. Lewis, since January, of the present year; that the said Ignatius B. Lowitz, alias J. B. Lewis, had a room in the said Hotel during all that time; that he had seen the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, together in the said Hotel, and in the barroom

16

**POOR QUALITY
ORIGINAL**

0174

11

there, on numerous occasions during that time, and that the said Robert L. Wallace, alias E. A. Collins, stopped over night at the said Hotel on one occasion just prior to his departure for Cuba. That the said Ignatius B. Lowitz, alias J. B. Lewis, told him and other people at the said Hotel, a week before leaving, that he was going to Atlantic City, in the State of New Jersey; that upon two o'clock in the afternoon of May seventh, the said Ignatius B. Lowitz, alias J. B. Lewis, left the Hotel, and has not been there since.

~~I am informed by the said Thomas Hickey that on or about the twelfth day of May, one thousand eight hundred and ninety, he made inquiries at the office of the said New York & Cuba Mail Steamship Company, in this City, and there learned that persons giving the names of "J. B. Lewis," and "E. A. Collins," had sailed by the said steamship, "Saratoga," for Havana, on the said seventh day of May, one thousand, eight hundred and ninety.~~

I am informed by John R. Fellows, District Attorney of the County of New York, that on the fifteenth day of May, one thousand eight hundred and ninety, he caused a telegraphic dispatch to be sent to the HON. JAMES C. BLAINE, Secretary of State, at Washington, in which he communicated to the said Secretary of State a description of the above-named Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, and requested him, the said Secretary of State, to instruct the proper American diplom-

17

**POOR QUALITY
ORIGINAL**

0175

12

atic agent in Cuba to secure the provisional detention of the said Robert L. Wallace, alias E. A. Collins, and Ignatius E. Lowitz, alias J. B. Lewis, as fugitives from justice; that on the sixteenth day of May, one thousand eight hundred and ninety, he, the said John R. Fellows, District Attorney as aforesaid, received a telegraphic dispatch from William F. Wharton, Esquire, Assistant Secretary of State, informing him that the American Consul General at Havana had been cabled to apply for the detention of the said fugitives, and of the property found on them; that afterwards, and on the seventeenth day of May, one thousand eight hundred and ninety, he, the said John R. Fellows, District Attorney as aforesaid, received another dispatch from John B. Moore, Esquire, Third Assistant Secretary of State, informing him that the American Consul General at Havana had cabled that both of the said fugitives had been arrested; that thereafter, and on the nineteenth day of May, one thousand eight hundred and ninety, he, the said John R. Fellows, District Attorney, as aforesaid, received another dispatch from the said William F. Wharton, Esquire, Assistant Secretary of State, informing him that the American Consul General at Havana had telegraphed as follows:

"Governor General advises me that the parties arrested
"to-day will be placed at the disposition of the judge
"who will pass upon proofs of criminality to be pre-
"sented by the U. S. Gov't within the terms of Extradition Treaty of Jan. 7th, 1877."

18

POOR QUALITY
ORIGINAL

0176

13

By reason of the facts and matters herein alleged, I charge that after the commission of the crimes aforesaid, the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, for the purpose of avoiding prosecution for the said crimes, fled from the jurisdiction of this State, and are now in Cuba, a colonial possession of the Kingdom of Spain, fugitives from the justice of this State.

I desire that proper proceedings be taken for their extradition and return to this State for trial and punishment. This application is made in good faith, for the sole purpose of punishing the accused, and I do not desire or expect to use the prosecution for the purpose of collecting a debt or for any private purpose, and will not, directly or indirectly, use the same for any of said purposes.

Taken, subscribed and sworn to)
before me, at the City and)
County aforesaid, this twen-)
ty first day of May, in the)
year of our Lord on thous-)
and eight hundred and ninety.)

RECORDER

Of the City of New York.

19

POOR QUALITY
ORIGINAL

0177

STATE OF NEW YORK,)
City and County of New York,) SS:

THE DEPOSITION of FREDERICK WORTH,
residing at Orange, in the State of New Jersey, paying teller of the National Park Bank in the City of New York, taken upon oath at the City and County aforesaid, this twenty-first day of May, in the year of our Lord one thousand eight hundred and ninety, before Frederick Smyth, Esquire, Recorder of the City of New York, and a Magistrate and Officer having power to issue a warrant for the arrest of a person charged with a crime, in support of the foregoing information, who being duly sworn, deposes and says:

I have read the foregoing deposition of John H. Wallace and am familiar with the contents thereof. I am the person therein referred to as Frederick Worth.

The matters therein alleged on my information are in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and
County aforesaid, this twenty-
first day of May, in the
year of our Lord one thousand
eight hundred and ninety.

Frederick Worth

Frederick Smyth

R E C O R D E R

Of the City of New York.

POOR QUALITY
ORIGINAL

0178

STATE OF NEW YORK,)
 : SS:
City and County of New York,)

THE DEPOSITION of ROBERT M. MCNAUGHT,
a Detective Sergeant of the Municipal Police of the City of
New York, taken upon oath at the City and County aforesaid,
this twenty-first day of May, in the year of our Lord one
thousand eight hundred and ninety, before Frederick Smyth,
Esquire, Recorder of the City of New York, and a Magistrate
and Officer having power to issue a warrant for the arrest
of a person charged with a crime, in support of the forego-
ing information, who being duly sworn, deposes and says:

I have read the foregoing deposition of John H. Wal-
lace and am familiar with the contents thereof. I am the
person therein referred to as Robert M. McNaught.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to

before me, at the City and
County aforesaid, this twen-
ty first day of May, in the
year of our Lord one thous-
and eight hundred and ninety.

Robert M. McNaught

Frederick Smyth

R E C O R D E R

Of the City of New York.

POOR QUALITY
ORIGINAL

0179

STATE OF NEW YORK,)
City and County of New York,) SS:

T H E D E P O S I T I O N of THOMAS F. ADAMS,
a Detective Sergeant of the Municipal Police of the City of
New York, taken upon oath, at the City and County aforesaid,
this twenty-first day of May, in the year of our Lord one
thousand eight hundred and ninety, before Frederick Smyth,
Esquire, Recorder of the City of New York, and a Magistrate
and Officer having power to issue a warrant for the arrest
of a person charged with a crime, in support of the forego-
ing information, who being duly sworn, deposes and says:

I have read the foregoing deposition of John H. Wal-
lace and am familiar with the contents thereof. I am the
person therein referred to as Thomas F. Adams.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to

before me, at the City and
County aforesaid, this twen-

ty first day of May, in the

year of our Lord one thous-

and eight hundred and ninety.

Thomas F. Adams

Frederick Smyth

RECORDED

Of the City of New York.

POOR QUALITY
ORIGINAL

0 180

STATE OF NEW YORK.)
) SS:
City and County of New York,)

T H E D E P O S I T I O N of GEORGE TROW-
BRIDGE HOLLISTER, residing at Rutherford, in the State of
New Jersey, a clerk in the employ of Vermilye and Company,
Bankers and Brokers, doing business at numbers 16 and 18
Nassau Street, in the said City of New York, taken upon
oath, at the City and County aforesaid, this twenty-first
day of May, in the year of our Lord one thousand eight hund-
red and ninety, before Frederick Smyth, Esquire, Recorder of
the City of New York, and a Magistrate and Officer having
power to issue a warrant for the arrest of a person charged
with a crime, in support of the foregoing information, who
being duly sworn, deposes and says:

I have read the foregoing deposition of John H.
Wallace and am familiar with the contents thereof. I am
the person therein referred to as George Trowbridge Hollis-
ter.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and County
aforesaid, this twenty-first day
of May, in the year of our Lord
one thousand eight hundred and
ninety.

George Trowbridge Hollister

R E C O R D E R

Of the City of New York.

POOR QUALITY
ORIGINAL

0 18 1

STATE OF NEW YORK,)
) SS:
City and County of New York,)

THE DEPOSITION of EVANDER H. SCHLEY,
residing at Bernardsville, in the State of New Jersey, Sec-
retary of the Bankers' Safe Deposit Company at number 4 Wall
Street, in the said City of New York, taken upon oath, at
the City and County aforesaid, this twenty-first day of May,
in the year of our Lord one thousand eight hundred and nine-
ty, before Frederick Smyth, Esquire, Recorder of the City of
New York, and a Magistrate and Officer having power to is-
sue a warrant for the arrest of a person charged with a
crime, in support of the foregoing information, who being
duly sworn, deposes and says:

I have read the foregoing deposition of John H. Wal-
lace and am familiar with the contents thereof. I am the
person therein referred to as Evander H. Schley.

The matters therein alleged ~~on my information are~~
~~concerning the opening of the box of the said John~~
~~H. Wallace and finding the same empty, are~~
in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and Coun-
ty aforesaid, this twenty-first
day of May, in the year of our
Lord one thousand eight hundred
and ninety.

Evander H. Schley

RECORDER

Of the City of New York.

POOR QUALITY
ORIGINAL

0182

STATE OF NEW YORK,)
City and County of New York,) SS:

THE DEPOSITION of LOUISA GUMBART,
boarding-house keeper, residing and carrying on business at
number 487 West 22nd Street, in the said City of New York,
taken upon oath, at the City and County aforesaid, this
twenty-first day of May, in the year of our Lord one thous-
and eight hundred and ninety, before Frederick Smyth, Esquire
Recorder of the City of New York, and a Magistrate and Offic-
er having power to issue a warrant for the arrest of a per-
son charged with a crime, in support of the foregoing informa-
tion, who being duly sworn, deposes and says:

I have read the foregoing deposition of John H.
Wallace and am familiar with the contents thereof. I am the
person therein referred to as Louisa Gumbart.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and
County aforesaid, this twen-
ty first day of May, in the
year of our Lord one thous-
and eight hundred and ninety

F. W. Smyth

Louisa Gumbart

RECORDER

Of the City of New York.

POOR QUALITY
ORIGINAL

0 183

STATE OF NEW YORK, }
City and County of New York, } SS:

THE DEPOSITION of GEORGE T. GLEN-
DENNING, residing at 171 West 133rd Street, in the said
City of New York, and employed as a barkeeper in the Grand
Central Hotel in the said City, taken upon oath, at the City
and County aforesaid, this twenty-first day of May, in the
year of our Lord one thousand eight hundred and ninety, be-
fore Frederick Smyth, Esquire, Recorder of the City of New
York, and a Magistrate and Officer having power to issue
a warrant for the arrest of a person charged with a crime,
in support of the foregoing information, who being duly
sworn, deposes and says:

I have read the foregoing deposition of John H.
Wallace and am familiar with the contents thereof. I am the
person therein referred to as George T. Glendenning.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and
County aforesaid, this twen-
ty first day of May, in the
year of our Lord one thous-
and eight hundred and ninety?

Geo. T. Glendenning

F. Smyth

RECORDER

Of the City of New York.

POOR QUALITY
ORIGINAL

0 184

STATE OF NEW YORK,)
City and County of New York,) SS:

T H E D E P O S I T I O N of SADIE J. ADAMS,
residing at 446 West 58th Street, in the said City of New
York, taken upon oath, at the City and County aforesaid,
this twenty-first day of May, in the year of our Lord one
thousand eight hundred and ninety, before Frederick Smyth,
Esquire, Recorder of the City of New York, and a Magistrate
and Officer having power to issue a warrant for the arrest
of a person charged with a crime, in support of the forego-
ing information, who being duly sworn, deposes and says:

I have read the foregoing deposition of John H. Wal-
lace and am familiar with the contents thereof. I am the
person therein referred to as Sadie J. Adams.

The matters therein alleged on my information are
in all respects true of my own knowledge.

Taken, subscribed and sworn to
before me, at the City and
County aforesaid, this twen-
ty first day of May, in the
year of our Lord one thous-
and eight hundred and ninety.)

Sadie J. Adams

Frederick Smyth

R E C O R D E R

Of the City of New York.

Stop

POOR QUALITY
ORIGINAL

0185

United States of America.

S T A T E O F N E W Y O R K .

To all to whom these Presents shall come, GREETING:

THIS IS TO CERTIFY, that heretofore, to wit: on the twenty-first day of May, in the year of our Lord one thousand eight hundred and ninety, at the City and County of New York, before me, the undersigned, Recorder of the City of New York, personally appeared John H. Wallace and laid before me the information hereunto annexed, charging ROBERT L. WALLACE, alias E. A. Collins, and IGNATIUS B. LOWITZ, alias J. B. Lewis, with having at the times and place therein mentioned committed the crimes of FORGERY in the Second Degree, and GRAND LARCENY in the First Degree, in manner and form as therein alleged; Whereupon, I, pursuant to the statute in such case made and provided, did duly proceed to examine on oath the said informant, and also the witnesses, Frederick Worth, Robert M. McNaught, Thomas T. Adams, ~~Thomas Hickey~~, George Trowbridge Hollister, Evander H. Schley, Louisa Gumbart, George T. Clendenning and Sadie J. Adams, by him, then produced before me, and did then and there duly take their depositions in writing, and cause the same to be by them duly subscribed, which said de-

28

POOR QUALITY
ORIGINAL

0 186

2

positions are herunto annexed, and set forth the facts stated by the said informant and his witnesses tending to establish the commission of the crimes charged in the said informations and the guilt of the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, thereof; And I, being satisfied thereof that the said crimes had been committed as so alleged, and that there was reasonable ground to believe that the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, had committed the same, did thereupon then and there in due form of law issue two certain warrants in writing commanding the arrest of the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, which said warrants were immediately placed for execution in the hands and possession of the said Thomas F. Adams, a Detective Sergeant of the Municipal Police of the City of New York, and a peace officer authorized by law to execute the same, who thereafter, to wit: on the same twenty-first day of May, made his return to me as follows: that the said Robert L. Wallace, alias E. A. Collins, and Ignatius B. Lowitz, alias J. B. Lewis, the persons therein named, could not with due diligence be found within the State of New York; which said warrants and the returns thereto aforesaid are herunto annexed.

IN TESTIMONY WHEREOF, I have to this certificate set my hand, at the said City of New York, the twenty-first day of May, in the year of our Lord one thousand eight

29

POOR QUALITY
ORIGINAL

0187

3

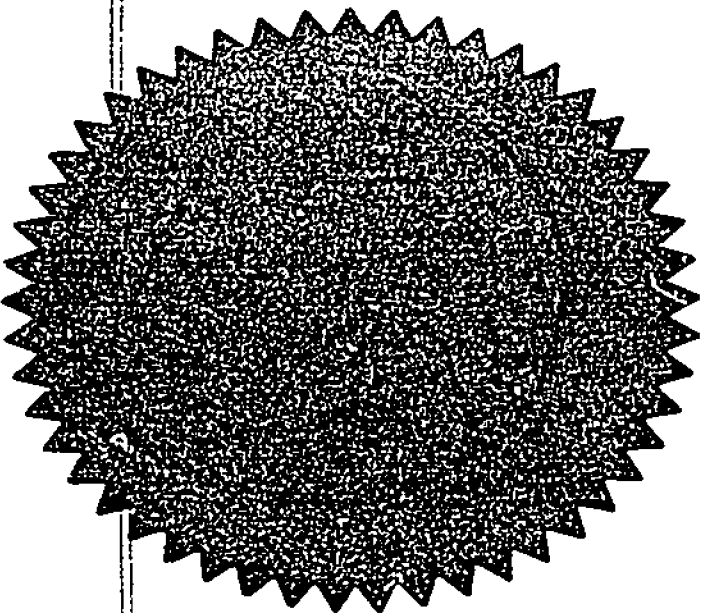
hundred and ninety.

Frederick Smyth

RECORDER

of the City of New York.

I, EDWARD F. REILLY, Clerk of the City and County
of New York, DO HEREBY CERTIFY, that Frederick Smyth,



whose name is signed to the foregoing
certificate, was at the time of signing
the same, Recorder of the said City of
New York, duly elected and sworn, and a
Magistrate and officer having full power
and authority under the laws of this State
to issue a warrant for the arrest of a
person charged with crime; that I am
well acquainted with the handwriting of
the said Frederick Smyth, and that his
signature hereto is genuine, as I verily
believe.

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the seal of the said County of New York,
the twenty-first day of May, in the year of our Lord on thous
and eight hundred and ninety.

Edward F. Reilly

Clerk.

30

POOR QUALITY
ORIGINAL

0188

District Attorney's Office,
City and County of New York.

City and County }
of New York, } ss.

of No. _____ Street, aged _____ years,
occupation _____ being duly sworn, deposes and says,
that on the _____ day of _____ 18 _____, at the City of New
York, in the County of New York, _____

POOR QUALITY
ORIGINAL

0189

DISTRICT ATTORNEY'S OFFICE.
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. Wallace

vs.

Robert S. Wallace

Edgar B. Sweeney

Dated

May 12th

1890

Witnesses,

No.

Street,

No.

Street,

No.

Street,

4

Offence committed in the 12th district
of the County of New York in the 12th district

0190

Cady

トキハナ

County of Westchester S. S.

A Robert Wallace being duly sworn deposes and says:-

On or about the seventh day of July 1890, while under sentence in the Tombs (New York City Prison) I was presented with a document by a person representing himself to be a notary public and a representation from the office of my Counsel Ex-Judge Henry A. Gildeleeve. I was asked to sign the paper, after having been given to understand that its contents were simply of a formal nature as regards the conclusion of my case. Without reading the paper or knowing its contents, I affixed my signature and when asked by this notary public if I would make oath to the signature I replied in the affirmative and at once dismissed the occurrence from my mind.

I have just accidentally learned the transaction above mentioned was an infamous deception, in which I was unknowingly made to be the

POOR QUALITY
ORIGINAL

0191

victim of a designing scheme. It now appears that this paper which I signed purports to be a statement or "confession" in which I am said to have assumed the entire responsibility of the crime for which on the second day of July 1890, Ignatius B. Lowitz and myself were sentenced to State Prison for the term of eight years and eleven months and that I exonerated the said Lowitz from being in any way implicated in the crime mentioned above.

I wish to here state that any such statement as the one just referred to is absolutely false and without foundation. It was an abominable scheme and the probable nucleus of a later plan to defraud the ends of justice. I made a full and complete statement of my case before Inspector Byrnes and any later statement I would have made would have been a counterpart of this one, as it contained the facts of the case in detail, to establish the truth of which needs only investigation.

Although I am said to be obliged to do so, yet I feel that in justice to myself and friends I am justified in making this statement above, and requesting the District Attorney to file it with the papers relating to

POOR QUALITY
ORIGINAL

0 192

my case in his office, to whom I
respectfully submit this paper.

Subscribed and sworn to before me this 29th day of December 1890-
R. H. Wallace

Signed, H. C. Westlake

Notary Public in & for Westchester Co. N.Y.

POOR QUALITY
ORIGINAL

0193

Count of James O'Higgins
The People etc
75.

Robert J. Wallace
and
Legation County

Applicant
W

Robert J. Wallace

POOR QUALITY
ORIGINAL

0194

Name & Cell No. of Writer.

Robert Wallace *Hon. Randolph B. Martine*
-533- *Court of General Sessions*

Full Address of Letter.

Rules for the guidance of the friends of Prisoners N.Y.C.

Letters should be confined to family or business matters. Put name and date of sentence on envelope. Daily papers, weekly political and sensational papers, immoral or sensational books not allowed. Visits allowed once in two months. No visiting on Sundays or Holidays. Articles of food not required to be cooked here, allowed once in two months. Tea, Coffee, and Chocolate not allowed. Tobacco, Underclothes etc. may be sent at any time. Boxes and Packages by Express must be plainly marked with name and date of sentence of prisoner, and prepaid.

SING SING PRISON, Dec. 29th 1890.

Hon. Randolph B. Martine
Dear Sir:-

I herewith
enclose you a copy of a
statement which I have just
forwarded to the District Attorney
requesting that it be filed with
the papers relation to my case.

It will explain itself.

Yours Respectfully

Robert Wallace

**POOR QUALITY
ORIGINAL**

0195

Office of

THE DISTRICT ATTORNEY

Of the County of New York.

HIS EXCELLENCY, DAVID B. HILL,

Governor of the State of New York,

A l b a n y.

Sir:

In accordance with your rules and the instructions of the Department of State at Washington, I have the honor herewith to make application for a request to the Secretary of the Department of State for the institution of proceedings for the extradition from the island of Cuba, a colonial possession of the Kingdom of Spain, of Ignatius B. Lowitz, alias J. B. Lewis, and Robert L. Wallace, alias E. A. Collins, who stand charged in this County with the crimes of Larceny, and Forgery and the Utterance of Forged Paper, and who, as appears from the annexed deposition of John H. Wallace, who is a responsible person, and entitled to credit, are fugitives from the justice of this State, and are now held in custody at the City of Havana, in the said island of Cuba, awaiting the production of the evidence of criminality required by the existing treaty stipulations between the United States and the Kingdom of Spain.

I HEREBY CERTIFY:

POOR QUALITY
ORIGINAL

0 196

2

(a). That the full names of the persons for whom extradition is asked are,

ROBERT L. WALLACE, alias E. A. Collins, &

IGNATIUS B. LOWITZ, alias J. B. Lewis,

and the names of the persons whom I hereby present for designation by the President, as the Agents of this State, herein, are,

THOMAS F. ADAMS, and

ROBERT M. MCNAUGHT.

(b). That in my opinion the ends of public justice require that the fugitives be brought to this State for trial.

(c). That I have, as I believe, sufficient evidence to insure a conviction of the fugitives.

(d). That the persons proposed for designation above, as Agents, are Detective Sergeants of the Municipal Police of the City of New York, public officers, and proper persons to be so designated, and that they have no private interest in the arrest of the fugitives.

(e). No other application has been made for a requisition for these fugitives growing out of the transactions from which the charges herein set forth originated.

(f). That the fugitives are now under arrest, as I am

POOR QUALITY
ORIGINAL

0 197

3

informed by telegraphic information communicated to me through the Department of State at Washington, as set forth in the accompanying deposition of John H. Wallace.

(g). That this application is not made for the purpose of enforcing the collection of a debt, nor for any private purpose whatever, and that if the request applied for be granted, and the extradition of the fugitives be had, pursuant thereto, the criminal proceedings shall not be used for any of said objects.

(h). That all the papers in triplicate herein have been compared with each other, and are in all respects exact counterparts.

(i). That the fugitives are charged with the commission of,--

(1). FORGERY IN THE SECOND DEGREE, under the provisions of Sections 511 and 521 of the Penal Code of this State, which provide that a person who forges an instrument of the character set forth in the information for forgery hereto annexed, with intent to defraud, or who utters, disposes of or puts off as true any such forged instrument with intent to defraud, knowing the

**POOR QUALITY
ORIGINAL**

0198

4

same to be forged, is guilty of forgery in the second degree, and is punishable by imprisonment for not less than five(5) nor more than ten(10) years. This offense is enumerated in paragraph 9, of article 2, of the Treaty between the United States and Spain, concluded January 5, 1877.

(2). GRAND LARCENY IN THE FIRST DEGREE, under the provision of Sections 528 and 530 of the Penal Code of this State, which provide that a person who in any manner steals property of the value of more than \$500.00, is punishable by imprisonment for not less than five (5) nor more than ten(10) years. This offense is enumerated in paragraph 16, of article 2, of the Treaty aforesaid, and is one of the paragraphs added in continuation of, and as forming part of, the said article 2, by the supplemental Treaty between the United States and Spain, proclaimed April 19, 1883.

Both of these offenses are felonies under the laws of this State.

(j). That not more than one year has elapsed since the commission of the offenses charged.

POOR QUALITY
ORIGINAL

0 199

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In support of the application I enclose herewith,
in triplicate, ^{copies of} ~~an original~~ information and depositions taken
before a Magistrate of this County, setting forth the evi-
dence of the fugitives' criminality, together with ~~triplicate~~
^{copies of} ~~original~~ warrants of arrest, duly issued thereon, and re-
turns thereto, and also copies of indictments found against
the said fugitives by the Grand Jury of this County, on the
19th day of May, of the present year, all properly certifi-
ed and authenticated (so far as may be at the present time)
for use as evidence under the treaty provisions between the
United States and Spain.

I am, Sir,

Very respectfully,

Your obedient servant,

J. R. McCune

DISTRICT ATTORNEY

Of the County of New York.

New York City,

May 21st, 1890.

POOR QUALITY
ORIGINAL

0200

THE UNITED STATES

OF AMERICA

DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

1954

IN RE: [illegible]

[illegible text]

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Department of Justice at Washington, D.C., this [illegible] day of [illegible] 1954.

POOR QUALITY
ORIGINAL

0201

Western Union Telegraph Co.

CABLE MESSAGE.

No.

2334

Copy

John R. Fellows
32 Chamber St

POOR QUALITY
ORIGINAL

0202

District Attorney's Office,

Charles Dineen 85 Pike St.

PEOPLE
vs.
L. J.

4 M

8-24-83 1108-21/2
- 5 N. 100 0 00000
24-61-21-4 1/2 21
108 7 7 8 0 0 100
0 100 4 x
2 2 1 0 0 0
1 1 1 1 1 1 1

0 10 10 10 10 10
6 20 210 41 10 2
1 2 2 1 4 5 10 2 1
2 1 2 1 2 1 2 1 2
7 7 4 10 10 10 10 10
- 1 2 1 1 1 1 1 1 1 1
1 1 1 1 1 1 1 1 1 1

**POOR QUALITY
ORIGINAL**

0203

[illegible]

POOR QUALITY
ORIGINAL

0204

Henry A. Gildersleeve.

Arthur C. Palmer.

John W. Boothby.

Law Offices

Gildersleeve, Palmer & Boothby.

Howart Building, 280 Broadway.

Telephone Murray 702.

New York, June 26, 1890.

Dear Judge:

Wallace's
Father has handed
me two communi-
cations, which I inclose
herewith, and beg to
submit in addition
to the recommendations
now before Your Honor.
Yours very truly,

Henry A. Gildersleeve.
Counsel for Wallace.

POOR QUALITY
ORIGINAL

0205

203 We are
John R. Fellows
I have been arrested in Havana on claim of extradition
to be sent to New York. I am innocent of demand
protest against my being kept here a moment after having
made this demand.
Louis

POOR QUALITY
ORIGINAL

0206

Mr
Wallace
&
Lundy

District Attorney's Office,
City & County of
New York.

POOR QUALITY
ORIGINAL

0207

COURT OF GENERAL SESSIONS,

P a r t I I I .

The People of the State of New York, :

-against

James Mahoney, impleaded with ~~John~~ *John* ~~Wilson~~ and ~~Peter~~ Olsen. :

: Before
: HON. FREDERICK SMYTH
: and a jury.

Indictment filed May 23rd, 1890.

Indicted for grand larceny in the second degree.

New York, March 2nd, 1891.

A p p e a r a n c e s :

For the People Assistant District Attorney
V. N. Davis,

For the defendant, Mr. A. H. Purdy.

J O H N O L S E N, a witness for the People,
sworn, testified:

I live where at No. 346 Van Brunt street, Brooklyn.
I am employed by C. H. Mallory & Company on the lighter
P. C. Coulter. During the month of May, 1890, I was
employed in the same capacity. On the 17th of May, 1890,
I had charge of the lighter; she had a cargo of cotton on
board in bales. My brother Richard Olsen was also em-
ployed there with me. I had a talk at 12 o'clock that day
with John Wilson, Peter Olsen and the defendant Mahoney.
We agreed to meet on the lighter on that night. I heard
Richard Olsen tell Mahoney that he was going to make some-
thing. Mahoney said he would meet us down at the lighter

**POOR QUALITY
ORIGINAL**

0208

at 9mo'clock in a small boat. Mahoney was to bring the bags into which we would put the cotton when we took it from the lighter. . We all met on the lighter that evening and I went down in the hold and began taking the cotton out of the bales and putting it in bags which Mahoney brought; he brought twenty bags. When I would fill a bag I would pass it up to one of the other men, and they handed it over to Mahoney, who placed it in his boat. This cotton was the property of Mallory & Company, and we men had no right to it. I have not seen Richard Olsen since that night. We were frightened away by a watchman named John Seymour, who had a pistol. We were arrested by an officer but Mahoney got away in his small boat and was not found that night.

CROSS EXAMINATION:

- Q What is your age? A 33.
- Q Have you ever been convicted of crime? A No, sir.
- Q Is this the first transaction of this kind you ever entered into? A Yes, sir.
- Q You admit that you were guilty of this offense ? A Yes, sir.
- Q And this is the first time you have made a statement implicating Mahoney or anybody else? A Yes, sir.
- Q Your brother was also implicated in this? A Yes, sir.
I have not seen Richard Olsen since.
- Q Who was the first one that spoke to Mahoney about robbing this boat? A Richard Olsen.

**POOR QUALITY
ORIGINAL**

0209

3

Q You have been in prison for about a year and fourteen days?

A Yes, sir.

Q Did you receive any promise from the District Attorney for telling this story? A No, sir.

P E T E R W I L S O N, a witness for the people, sworn, testified.

I live at No. 407 Van Brunt Street, Brooklyn.
In May, 1890, I was employed on the lighter Sherwood, owned by Mallory & Company. I know John Olsen, Richard Olsen, and the defendant Mahoney. I saw Mahoney at about half past seven on the night of the 17th of May, 1890, between Pier 26 and 27. We had a conversation together and I agreed to meet him and others at 9 o'clock down on the lighter P. C. Coulter. At 9 o'clock we all met there, and Mahoney came along in a small boat. One of the men got down in the old and filled the bags which Mahoney brought with cotton, and they were handed from one to another until they reached Mahoney, who placed them in his small boat. We were at this for about half an hour when we heard the report of a pistol and ran up the dock. We were all arrested with the exception of Mahoney who got away in the small boat. This cotton did not belong to any of us, but belonged to the firm of Mallory & Company.

CROSS EXAMINATION:

Q Who was with you when you saw Mahoney first on this evening?

A Nobody was with me. We went in and had a drink in a public house, and we all talked over the matter; Mahoney,

POOR QUALITY
ORIGINAL

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Richard Olsen, John Olsen and myself.

Q Did you know that they were going to rob that boat on that night? A yes, Richard Olsen told me.

Q And you agreed to it? A Yes, sir.

Q Did you ever rob any other boat? A No, sir.

J O H N S E Y M O U R; a witness for the People, sworn, testified:

I live in 41st Street, South Brooklyn, No. 287. I was employed as a watchman by Charles H. Mallory & Company in May of last year. Among other boats that I watched on the night of the 17th of May, was the lighter P. C. bCoulter. About half past 12 o'clock my attention was attracted by seeing some men down on the stringpiece, I should judge about 150 feet from the end of the dock. I called to them to come back and then I fired off my pistol at them. three of the men came up the dock and were taken into custody by an officer. I saw Detective Lawlor there on the dock; he is the officer who took the men into custody. I recognized the two witnesses who have testified as two of the men. I am not able to recognize the defendant. I did not see the defendant at all on that night.

P A T R I C K L A W L O R, a witness for the people, sworn, testified:

I am a police officer attached to the Central Office I arrested this defendant about a week after the 17th of May, 1890. I also arrested Charles Johnson, John Olsen and Peter Wilson on the 17th of May. On the night of this occurrence, I was on special duty along the river front.

**POOR QUALITY
ORIGINAL**

0211

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About midnight, I spoke to the watchman who last testified; after speaking to him I went down on the end of the pier. I saw Johnson on the lighter, standing in the companion-way, with something in his hand. I got behind the shed and in a few moments I saw a man come and look around in a manner that I thought was suspicious. I waited for a few moments until he went away and I again turned my attention to the lighter. I saw a pair of legs going up a ladder which leads from the cabin to the upper deck. I saw Jim Mahoney get on board of his boat and row away from the lighter. I arrested the three other men, but had no means of catching Mahoney. I have known Mahoney for 15 or 16 years. I was looking for him for about a week after that, and finally I met him on Roosevelt Street, and placed him under arrest. When I arrested him, he said, "It was lucky that I didn't wait a longer, or I would have had him all right." I told him I had been looking for him on account of his stealing the cotton.

CROSS EXAMINATION:

- Q When did you arrest the defendant? A On the 24th of May, 1890.
- Q Had you been at his home in the meantime? A I had been around his home, but I did not inquire at his residence.
- Q The 17th of May, 1890, was a dark night? A Yes, sir, but not so dark that you could see.
- Q How far were you from this lighter? A About four feet on the stringpiece; she was right alongside of the stringpiece. When the defendant saw me he jumped overboard and

**POOR QUALITY
ORIGINAL**

02 12

6

then I saw him get into his boat. I was not in uniform.

P E T E R C. G O L D E R, a witness for the people, sworn, testified:

I live at 22 Willow Street, Brooklyn. I am employed as delivery clerk for the Mallory Steamship Line; that company is composed of H. R. Mallory and William Mason. Charles Mallory is a member of the firm. On the 17th of May, 1890, I saw the lighter P. C. Coulter; that lighter belonged to Mallory & Company; it was loaded with cotton in bales at that time and C. H. Mallory & Company had the custody of that cotton for delivery. When I saw the cotton on board of the lighter it was intact. I examined the bales on the following day and found that the bands had been loosened and that cotton had been taken from a number of bales.

D E F E N C E.

J A M E S M A H O N E Y, the defedant, sworn, testified:

I am 25 years of age; I have never been convicted of any crime. I do not know John Olsen or Wilson. I was not with them on the night of the 17th of May. I had nothing whatever to do with the robbery of this lighter on that date. I never entered into any agreement with the witnesses who have testified to steal the cotton from this lighter. I am employed as a truckman and worked on that day. I got home that night at half past ten o'clock and stayed home the entire night. I was arrested on the 24th of May by Officer Lawlor. I did not make the statement to him which he testifies I did. My father is engaged in the junk busi-

POOR QUALITY
ORIGINAL

0213

7

ness and keeps boats on the river.

CROSS EXAMINATION:

- Q Isn't it a fact that on the 25th of February, 1891, you were committed by a Police Justice in this city for being drunk and disorderly? A I was arrested once for being drunk, but I never was convicted of any other crime.
- Q Did you see Officer Lawlor between the 17th and the 24th of May? A Yes, sir, a couple of times on the street; I have known him for 15 years.
- Q How many boats did your father own in May last? A Three.
- Q Where were they? A Between Pier 26 and 27.
- Q Who has control of these boats? A My father.
- Q Did you say to the officer when he arrested you that you were just getting over a drunk? A No, sir.
- Q Did you say to him that if he had waited a little longer, he would have had you all right? A No, sir.
- Q Is there anybody else here who testified that you were home that night at half past 10 and stayed home all night? A No, sir; my wife is sick at home and she cannot come.

The jury returned a verdict of guilty of grand larceny in the second degree.

POOR QUALITY
ORIGINAL

0214

January in the second quarter.

The first quarter of 1931 was a very dry one.

Q Now what is the story of the first quarter?

A The first quarter was a very dry one.

Q Is there anything else here which is not mentioned?

A No, I have not seen anything else.

Q Did you say to him that he was not a very dry one?

A Yes, that is what I said.

Q Did you say to the officer when he asked you that you

and was not a very dry one?

Q Where were they? A Between Peter and John.

Q How many people did you see on the street?

A I saw about ten people.

Q Was there a couple of people on the street?

A Yes, there was a couple of people on the street.

Q Did you see any other people on the street?

A Yes, I saw a couple of people on the street.

Q Were committed by a Police Justice in this city for being

Q I am not a Police Justice in this city for being

CROSS EXAMINATION:

Q Now what is the story of the first quarter?

Indictment filed May 23-1890

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE

vs.

JAMES MAHONEY, impleaded

with Peter Wilson and John

Olsen.

Abstract of testimony on

trial New York March 2nd

1890.

0215

$\frac{1}{\sqrt{2}} \begin{pmatrix} 1 & i \\ 0 & 1 \end{pmatrix}$

[illegible][illegible]

$\frac{1}{x} = x^{-1}$

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POOR QUALITY
ORIGINAL

0216

Handwritten notes in a cursive script, likely a shorthand or code. The text is organized into several paragraphs, with some lines starting with a large 'P' or 'H'. The handwriting is dense and difficult to decipher, but appears to be a form of shorthand or a code used for record-keeping or communication. The notes are written on a piece of paper that is slightly aged and has some creases.

Handwritten notes in a cursive script, likely a shorthand or code. The text is organized into several paragraphs, with some lines starting with a large 'P' or 'H'. The handwriting is dense and difficult to decipher, but appears to be a form of shorthand or a code used for record-keeping or communication. The notes are written on a piece of paper that is slightly aged and has some creases.

0217

$C_{11} \rightarrow 1 \text{ rpr}$ $C_{22} \rightarrow 2 \text{ rpr}$
 $C_{12} \rightarrow 1 \text{ rpr}$ $C_{21} \rightarrow 1 \text{ rpr}$

**POOR QUALITY
ORIGINAL**

02 18

in the ... of the ...
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**POOR QUALITY
ORIGINAL**

0219

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POOR QUALITY
ORIGINAL

0220

John H. Wallace	Smith & Eells, Washington St.
Frederick Worth	National Park Bank
Evander H. Schley	Secretary ^{41 Wall St} Bankers Safe Deposit Co.
Robert M. McLaughlin	C. O.
Thos. J. Adams	" "
Dadie J. Adams	446 W 55th
George J. Blendenbury	Banker Grand Central Hotel
George J. Hollister	of Vermilye & Co.
Louisa Gumbart	487 W 22

POOR QUALITY
ORIGINAL

0221

H.R.
Washington D.C.
June 23. 90

Dr Sir: A son of an old
neighbor, constitutional
and friend of mine has
pleaded guilty to
the charge of grand
larceny, as I learn
from the father Mr
John Wallace. The
boy I understood is
not yet twenty years
of age. I know nothing

POOR QUALITY
ORIGINAL

0222

of the details of this particular
affair, but I know the
Wallace family for over forty
years. It has a long
connection, and never before
has even the breath of
suspicion of crime been
heard against any one
of them.

If this boy can be
sent to a reformatory institution
instead of a penitentiary, he
will in all probability
come out a good man.
While on the other hand
his association with the
criminals who habitually
live in the penitentiary
will in all probability ruin
him.

Yours sincerely
Wm. J. Judge

Very sincerely yours
Wm. J. Judge

POOR QUALITY
ORIGINAL

0223

Form G. 4

Subject,

New York, Ontario & Western Railway Company.

P. O. Address,
Foot 42d St., N.Y.
New York City.

Weehawken, N.J.

6/25/880.

To The Honorable Judge Martine:-

May it please your Honor, I have a few words to say in favor of the prisoner (Robt. L. Wallace) whose sentence has been suspended until next Friday.

I have known him for nearly three years, we have lived in the same house almost two years, and for some time past he was my room-mate and it gives me much pleasure to testify to his honesty and uniform good character previous to the present trouble.

I would also say that, should he desire it, I would be pleased to share the same room with

POOR QUALITY
ORIGINAL

0224

Form G. 4

Subject,.....

New York, Ontario & Western Railway Company.

P. O. Address.
Foot 42d St., N.R.
New York City.

188

him again, as my friendship has
not diminished on account of this
error, which I have every reason
to believe he was drawn into.

I beg to remain,

Your Very Resp^t

Geo. J. Elliott
Cashier
N.Y. & W.R. Office
Newark
N.J.

POOR QUALITY
ORIGINAL

0225

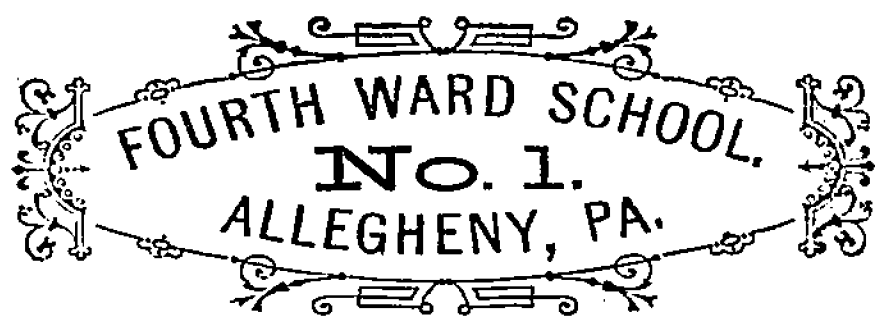
Pittsburgh June 7th 1890
This is to certify that Mr John
Wallace is well known to me.
I have known the Wallace
family for a long time. It is
one of the old families of
our county, and one of the
most respectable and worthy.

Mr Wallace, is an officer of
our Court, and was a faith-
ful soldier, and is an
upright man.

Sincerely
J. M. Collier

POOR QUALITY
ORIGINAL

0226



June 9, 1890.

To Whom it may Concern.

It gives me
pleasure to testify to
the diligence and
high moral char-
acter of Seth L. Hollan
during the entire
time of his con-
nection with our school
from Sept 1888 to April
1890.

I had ample oppor-
tunity to observe him
closely, and I must
report him to do a
man or a dishonest
action. He had the

POOR QUALITY
ORIGINAL

0227

respect and entire
confidence of his teachers
and schoolmates;
and we all regard
him as a young man
who had a fair chance
to become an honor
to our school and
a blessing to the
community.

While we deplore
his removal, we
feel sure that he
has been led astray
by evil companions.

S. A. Coley,

Trinidad

I heartily endorse the above.

Samuel A. Coley

POOR QUALITY
ORIGINAL

0228

To all whom it may concern
I hereby certify that I am
pastor of the church in
which Robert L. Wallace
was baptized and brought
up, and with which he
united and became a
faithful and consistent
member.

He was a young man
of excellent habits and
was greatly beloved and
respected by all who knew
him.

He is a member of one
of the oldest and most
reliable families in
our community.
I have been personally

POOR QUALITY
ORIGINAL

0229

acquainted with three generations of the Wallace family and I think that I have never known a more honest and upright family than they are. This misguided act of Robert's is the first time in the whole history of the family that any man has ever lost a dollar by an dishonest or dishonorable transaction of theirs. We all sincerely sympathize with the young man and with his parents for we know how keenly they feel this sad misfortune that has overtaken them. Trusting that in due

time the Lord will bring light out of darkness and show clearly that the young man's error was an error of the judgment and not of the heart or purpose.

Very respectfully yours,
J. J. Graham, pastor
of Highland Presbyterian
Church.

Given under my hand at
Farrarville Pa. this 29th day
of May 1890.

POOR QUALITY
ORIGINAL

0230

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message. This is an UNREPEATED MESSAGE, and is delivered by request of the sender under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
107	Hy	9/107 paid GR	251

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 29 1890

Dated Washington DC 29
John R Fellows Esqr
Dist attorney

New York

Consul General at Havana telegraphs that Wallace & Lowitz sent for him today at the office of the Chief of Police where they are detained and voluntarily delivered to him the Consul General. Eighteen thousand dollars Railroad bonds and three thousand dollars in currency which they state belong to John A. Wallace. Two hundred eighty Broadway New York they both expressed a wish to return to New York without formality of extradition.

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THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
107	Hy	9/107 paid GR	

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 29 1890

Dated Washn DC 29
John R Fellows - (Disty atty)

demand-Consul General wishes instructions as to disposition of the Valuable's delivered to him the department desires to know your wishes Telegram of yesterday received William F Wharton asst secy

POOR QUALITY
ORIGINAL

0231

Form No. 1

THE WESTERN UNION TELEGRAPH COMPANY.

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NUMBER

SENT BY

REC'D BY

CHECK

a row km gfe 44 paid GR

222

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y.

5/20

1890

Dated Washington D.C.

To Jno R Fellows Esqr

Dist atty

NY

Consul: Genl at Havana cables that Lowitz wishes to return to new York without papers but Walker has refused, the Consul Genl wishes to know whether you accept the offer of Lowitz -

J B Moore

Third asst secy

POOR QUALITY
ORIGINAL

0232

My dear Judge, I beg
this favor! If for
any reason you
feel you cannot
send Mallard & Lewis
& Lewis please
postpone sentence
a few days.
Sincerely,
H. H. [Signature]

**POOR QUALITY
ORIGINAL**

0233

ING REGISTER CO.,
ADWAY, N. Y.

Hon. John R. Fellows,
District Attorney,
New York City.

POOR QUALITY
ORIGINAL

0234

Form No. 1.

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This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVEN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
114	W. C. E. C.	114 Paid	Goat

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 27 1890

Washn Dc 27

no. R. Fellows Esq. Dist Atty.

Consul general at Havana cables that Wallace and Lawitz request from the court possession of their baggage leaving in the hands of the consul general whatever the court thinks it would not be convenient to give them before instructing the consul general the department would be glad to have your views. It should be observed that article ten of the treaty with Spain of 1877 provides in respect to property found on a fugitive that everything material as evidence in making proof of the crime shall be delivered up with his person. The rights of third parties being respected

William F Wharton
Asst Secy

POOR QUALITY
ORIGINAL

0235

Mayor's Office,
Pittsburgh,
H.I. Gourley.

Pgh. June 6, 1890.

To Whom it may concern-

An intimate acquaintance with the brave Mr John Wallace, for a period of thirty years enables me to speak from personal knowledge regarding him - He is a man of irreproachable character, honest and honorable in all his dealings. He is hardworking and industrious and possesses the esteem of all the people in whose midst he has lived from his childhood. His wife is a most estimable lady with whom and whose family I have been intimately acquainted from my childhood. These people - Husband and Wife are numbered among the best people in the neighborhood in which they live thus

**POOR QUALITY
ORIGINAL**

0236

*Mayor's Office,
Pittsburgh,
H.I. Gourley.*

*far have been spent, and they are worthy
of all confidence and esteem.*

*Respectfully,
H. I. Gourley -*

POOR QUALITY
ORIGINAL

0237

New York City
June 18th 1890

To The Hon. Judge Martine:

If your honor please, will you read this and, oblige your most humble servant.

When I was before you today, my heart was so full and I wanted to say so much, that I don't think that I said anything to the point.

I will just say here that sometime over three years ago, old Mr. Wallace found out that I had a good bright boy, just such a boy as he wanted in his office, so he wrote to him, and the two corresponded, and old Mr. Wallace set a time for him to meet him in Pittsburgh.

On the day appointed, my boy and his mother met old Mr. Wallace, and he and the boy had a talk, then old Mr. Wallace came to where the mother was, and told her that he was going to take her boy - she choked with emotion and said that could not be, but he insisted that if we did not let him have him, that we were standing very much in our own light.

After many prayers & tears and promises from the old gentleman that he would be a Father to our boy we consented to let him go.

In view of the above facts and to the previous good standing of my boy, prior to his present trouble I would pray you to deal as leniently with him as lay in your power -

Very Resp. Yours
Jno Wallace.

POOR QUALITY
ORIGINAL

0238

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.
Lovitt

Mr. A.B. Cohn of Central
Park Riding Academy
can give whoever tries
this case information
as to a suicide operation
by the defendant.

James W. Lindsay
District Attorney.

POOR QUALITY
ORIGINAL

0239

Pittsburgh, Pa., Post Office,

June 24th., 1890 .

Hon. Judge Martine,

New York, N.Y.

Dear Sir:-

I take the liberty to write you for the exercise of leniency to Robert Wallace who is under a charge of larceny before Your Honor. I have known the Wallace family for many years and can say that no family stands higher in the estimation of their neighbors and acquaintances than they do; I hope you will deal mercifully and leniently with the boy for the sake of his friends.

Very Truly Yours,

James McKean

POOR QUALITY
ORIGINAL

0240

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
a19 w	hy	En	67 Paid

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 19 1890

Dated Washn DC 19

To John R. Fellows Esq No. 3.
Dist Atty New York

Consul General at Havana under date Seventh inst telegraphs as follows "Governor General advises me that the parties arrested today will be placed at the disposition of the Judge who will pass upon proofs of Criminality to be presented by the govt within the terms of extradition treaty of Jan seventh 1891" William F. Wharton. Asst Secy

Form No. 1.

THE WESTERN UNION TELEGRAPH COMPANY.

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THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	RECD BY	CHECK
a21 w	hy	En	48 Paid

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. May 19 1890

Dated Washn DC 19

To Jno D. Lindsay Esq Asst Dist Atty
New York

Evidence in Sinclair and Halliday case consisted of an indictment an affidavit of a member of the firm against which the crime was committed & an affidavit as to flight see telegram just sent to district attorney - J.B. Moore.

POOR QUALITY
ORIGINAL

0241

District Attorneys Office.
City & County of
New York.

no. 2 - May 17, 1900

Washington D.C. May 11th Geo. A. Kellogg.
Esq. Dir. Atty. New York. The Consul General
at Havana cables that both the fugitives are
arrived. J.B. Moore. David Ant. Secy.

no. 2. May 16 - 1900

Washington D.C. May 15th Geo. A. Kellogg. Dir.
Atty. New York. The Consul General at Havana has
been called to apply for the detention of
Gentry and Wallace and of the property found
on them. William X. Wharton.

POOR QUALITY
ORIGINAL

0242

J. M. Lane. - N.Y. C. R. R. -

Prof. Elliott - ^{Auditors office} - O. & N. R. R. -

Reuben Jones - R. R. Branch Y.M.C.A.

C. J. Smith - Sec. Unit of
Lighthouse Fuel Co

Wilson.

POOR QUALITY
ORIGINAL

0243

New York City, June 23' 1890

To The Hon. Judge Martine

If it pleases your honor I would like to say a word in behalf of Robert L. Wallace, who has pleaded guilty to a criminal offense, and now stands before you for sentence.

I am formerly from Pittsburgh Pa, the home of this young man, and I have known of the Wallace family for years; they are one of the oldest and most respected families in their community, and this error of young Robert is the very first misdeed that can be traced to any of their connection.

I have been a citizen of New York City for some five years. Some three years ago young Robert Wallace came to this city to accept a position in the office of his Uncle John H. Wallace, 280 Broadway; at the request of his folks I looked the boy up, placed him with a good Christian family, and introduced him into the West 51st St Presby. Church, where he became an active and respected member.

From the time of his coming to New York until last November, he and I were firm friends and companions (I living in the country did not see much of him from November/89 to March 1890. A portion of the time he and I were room-mates, and during the rest of the time we were in each others company more or less as friends would be, and I was placed in a position to have a thorough knowledge of his habits faults, &c., and for him I have to say that I never knew him to be in a disreputable house, or to be in the company of disreputable women; I never knew him to be drunk, or intoxicated, I never knew him to be guilty of a mean or dis-

POOR QUALITY
ORIGINAL

0244

honest act: he was not a dissipated boy in any respect; he was modest, moral & gentlemanly in every way, and had the respect and confidence of all who knew him. I feel confident that whatever wrong doing he is guilty of, has transpired since he made the acquaintance of his present associate in crime, which dates back to somewhere about the first of the present year.

Very respectfully yours
Jos. M. Lane

Auditor of Disbursements Office
Grand Central Depot
New York City

State of New York
City and County of New York

On the twenty fourth day of June 1890 before me personally appeared Joseph M. Lane to me known and known to me to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same

Attest
Clerk of Court

POOR QUALITY
ORIGINAL

0245

District Attorneys Office.
City & County of
New York.

Louisa Tugendhaft - 487 W 22nd

Wallace had been rounder and
gone to the city this morning.

Wednesday morning at about half
past eight - said he was going to
Boston to be gone four days
perhaps longer.

From his apartments at 402
down a small trunk ~~and~~ including
some of the things that belonged to him except
a few articles -

POOR QUALITY
ORIGINAL

0246

District Attorneys Office.
City & County of
New York.

^{Ala Mail SS.}
At \$5.00 Ward Line - 143 Wall St -

Vermilyea & Co. -

- 487 N 22nd St.

POOR QUALITY
ORIGINAL

0247

District Attorneys Office.
City & County of
New York.

Shirley Adams - Det. Lough -

Has been working for 3 or 4 months. Has
been boarding at QC Hotel during that time. & that is
when she is getting her lunch.

She is a very nice woman. She has no
occupies and no one knows of her. & she has no

Office at NY. Has no other work.

I have seen her in court, in jail, in this
company, during that month.

Geo. Glendinning Bartle. G. Bartle was given to me. Wallace
H. Smith, together during for three months.

Sadie Adams - Has known Wallace & ~~for~~ for
— told her he was going to Cuba - was
on dock and saw him sail. —

McNaught -

— Park Bank.

Hackman

POOR QUALITY
ORIGINAL

0248

District Attorney's Office.
City & County of
New York.

3

and
Wall was a very treacherous man. He was
flirting with me with authority
to draw checks - etc.
Found check was for \$1000 had
been drawn to order of County of X

The bond was not made by the County of X - but he had no
key to the County of X.

I had key to safe all the time - Wallace had
access to - etc. -

Subsequent on 15 my mother told me she
had seen Van order book and had identified him as being there.

Sadie Adams - lives at -

saw Wallace & Bond, etc. on Long Island
May 7 -

Paralegal Association. See & Hana - Ward's list.

Long Island County -

County - copy in 54/89 -

POOR QUALITY
ORIGINAL

0249

2/
District Attorney's Office.
City & County of
New York.

Wash. D. C.,

Combr. Smith & Threlk's Hotel 4 176 W. 11th St. N. Y. C.
Editor & Publisher of "Wallace's Monthly Magazine" (1875)
"Wallace's Am. Trotter Reg." & "Wallace's Year
Book" — published annually, — published vol. 5
and 2 described my better horses.

Wallace's desk & there found a note from Samuels & Co
Baltimore — stating that they had sold that dragon his
of 9000 N. Y. bonds @ 101, —

next day (Friday) called at Sahley's Co. & saw Mr.
Sahley supervisor there, gave him box with Sahley's —

(System is 2 keys. I have one & the Agent people
have the other. Box cannot be opened except by 2 keys)

Box was opened with the keys, — and it was
entirely empty. —

who was associated with my hotel & made a note of it as that to
me and the Agent.

Said he heard was there. I used to go & heard him the

several times, later. — was order with my lawyer,

but when man came at depot house

POOR QUALITY
ORIGINAL

0250

District Attorneys Office.
City & County of
New York.

Thomas Hooker -

Wallace hired cab at 10 o'clock told him
to go to 33 St Ferry.

He then went to the cab and told him
to go to 33 St Ferry.

He then told him to drive to Court House

then he told him to go to the bank from

there to leave him at the office
of Messrs. ...

Then he hired another cabman to
take him to the office at Pier 17 E.R.

H. Then went to 33 St Ferry ...

He then left hotel and half hour after
Wallace. Had another cab and drove
the ...

POOR QUALITY
ORIGINAL

0251

District Attorneys Office.
City & County of
New York.

Robert^{Mr.} McNaught

Wallace reported case at headquarters
Friday the 9th May. — and case was put
in hands of Mr. W. J. Adams. —

POOR QUALITY
ORIGINAL

0252

District Attorneys Office.
City & County of
New York.

George T. ~~Clendenning~~ — 171 W 133rd St.
Barkeeper G.C.H. — Known both known family
since Jan. Had room dinner — 100000 dollars
& family together in the hotel at bar & after
dinner that time. — Hallam & family
with them in the hotel.

Told the people at hotel that he was
leaving that morning for the city.

Left the hotel on 7th (Wednesday) at 11th St.

He ~~to~~ got into Waller the night before
last got into South County Light House.

**POOR QUALITY
ORIGINAL**

0253

J. H. WALLACE, President and Treasurer.
LESLIE E. MACLEOD, Secretary.
ROBT L. WALLACE, Ass't Treasurer.

OFFICE OF WALLACE TROTTER REGISTER CO.,

STEWART BUILDING,

280 BROADWAY, NEW YORK.

June 27, 1890.

Hon. Randolph B. Martine,

Dear Sir,- I am under very many obligations for your kindness in suggesting through Mr. McBride that I should give you some further items bearing upon the character of Robert L. Wallace.

He was reared on a farm five or six miles from Allegheny, Pa. and was educated at the public schools in that city. He was unusually bright and stood well in his studies. Since his fall, I understand, many bad traits in his character have been recalled by his schoolmates, but this naturally follows in all such cases. In my correspondence with him I was struck with a little too much show of piety in his letters, but I attributed it to the manner of his rearing rather than to hypocrisy.

He came to me in July, 1887, and his wages were fixed at \$8.00 a week, then advanced to \$12.00, on October 1st, 1887, to \$14.00, April 20, 1889, to \$16.00 on July 6, 1889, until October 1st, 1889 when he commenced receiving \$18.00 a week. In charge of the books and the cash he soon grew into an efficient assistant showing a measure of capacity that was quite unusual in a young man of his age. He soon became a general favorite in the office, and I was really quite proud of his ability, his pleasant address and excellent manners.

Soon after his arrival in the city he became an inmate of a good Christian family up town, and placed his certificate of Church Membership in the 51st Street Presbyterian Church. He was a regular attendant there and talked with me many times about his church duties and relations. He was prominent in all church entertainments by the young people, and was made President of the Society of "Christian Endeavour" when first organized. Of all this I had a laudable feeling of pride, satisfaction, and safety; but I was shocked when his pastor, Dr. Harshaw, told me, after his flight, that at one time the Session of the Church had seriously entertained the notion to make this young man, not yet twenty-one, a ruling Elder in a Presbyterian Church. The office, as I understood the pastor was not tendered to him, but they had seriously considered the question of conferring it upon him. This was the livery he wore before his church and before me. If, on the evening of May 8th, I had been called upon for a certificate of his character I could have given one that would have been worth all the Schoolmasters' and Clergymen's that he ever knew, for I would have said that I had trusted all I had in his hands and that his honesty was far above all question. But, two hours later, I would have been compelled to denounce him as the most cruel, heartless, and ungrateful of all thieves.

**POOR QUALITY
ORIGINAL**

0254

2

While he was wearing the livery of Heaven in his church, he was using it for the purpose of debauching the ewe lambs of the flock. Two young men in my office had pursued the study of medicine and Robert consulted them about the best plan to get an abortion produced on one of his young lady associates in the church. This state of affairs was well understood by nearly, if not quite all of the young men in the office.

I have no positive knowledge as to when he commenced gambling and betting on horse races, but he was certainly so engaged at Monmouth Park on the 4th of July, 1889, right in the very heyday of his church popularity and supposed fitness for the office of ruling elder in the church.

The first acquaintance, so far as it can be determined, between Robert and Lowitz, was formed at a Poker party in a room in the Astor House some time in September or October of last year. They played late and considerable money changed hands. This fact I have from one of the gentlemen making the party. Another of the players was from my office, and, from the effect of too much drink, he lost heavily and Robert kept "putting up" for him. I have intimations from other sources that these poker parties were quite frequent, and that Robert was a well-known attendant.

Robert and Lowitz seem to have been constant companions, as well as partners, in business, and the theory that the former was the victim and slave of the latter is, to my mind, extremely preposterous. Robert is a brainy fellow and his act in taking the Bonds from the Safety Deposit Vault is sufficient evidence of his courage. If permitted to run at large, he would soon make a most accomplished "cracksman." Lowitz never would rise above the level of an everyday swindler. Wherever Robert is, or in whatever engaged, he is naturally a leader.

There is one trait in Robert's character that I have always greatly admired, and that is, his strong attachment to his parents. Assuming and believing that his parents were honest people, this trait, which I don't believe had any hypocrisy about it, gave me increased confidence and admiration for the character of the boy, as I supposed it to be.

His father had inherited a little farm, the remaining sixty acres of the old homestead, but from lack of thrift and industry the farm was soon mortgaged for all it was worth to an old man of wealth, by the name of Rynd, who had married one of the sisters of John, the father of Robert. When the mortgages were foreclosed it seems that Rynd had promised John to reconvey the farm to him as soon as he could pay the amount of the indebtedness. Oil had been struck in that vicinity and John became exceedingly anxious to get back the farm.

A few days before the last of April, Robert asked permission to go home on the night of April 30th, and return the following

**POOR QUALITY
ORIGINAL**

0255

3

Monday, May 5th. He explained that the object of his visit was to renew the memory of Mr. Rynd as to the promise he had made about the return of the farm. Mr. Rynd is now a paralytic and his estate in the hands of a trustee. I asked him how they were going to raise the money, and he replied that his aunt, Mrs. Rynd, had been laying up some money and that she could raise \$4,000, and then the land could be leased for \$3,00 for oil, which would cover the indebtedness. I could understand how Mrs. Rynd could scrape some money together without the knowledge of her physically and mentally helpless husband, but I could not understand why she should wish to give it away to an impecunious brother. Still, I thought no more about the matter till Robert's return when he told me they had made a tender of the money to the trustee. On the moment of the development of the robbery, my first impression was, that at least \$4,000 of my money had gone to Pittsburgh. A detective was sent there and he reported that Mrs. Rynd had deposited some bonds as the basis upon which the \$4,000 was raised. Now had Mrs. Rynd something back of these bonds, and did Robert furnish that something?

I have learned from his family and associates in Allegheny that he has been in the habit of making presents for more than a year past, and it is certainly true that his friends there thought he was growing rich. His habits have been expensive in the matter of dress, and with no income but his weekly salary it is evident he has been stealing for full or more than a year, but never boldly till the 22nd of October last.

Just as I commenced writing this letter, Judge Gildersleeve came into my office and said he came at the request of his client, Lowitz, for the purpose of delivering to me the papers, telegrams, etc. contained in the envelope accompanying this. These papers show the intimate personal and professional relations between these two men, and the telegrams throw some light on the old farm matter.

April 29, Robert drew and cashed a check for \$3500. April 30, he telegraphed Lowitz to meet him at the Cortland Street ferry as he was starting to Pittsburgh. At Trenton he wired back the condition of his sick sister. Next day at Pittsburgh he wired Lowitz to send him by telegraph \$500. This made the \$4,000 needed for the purchase, and Mrs. Rynd's bonds, if used at all, were used as a foil. I think this is the correct theory of the transaction and if correct, we must subtract \$3500 from the amount stated as in their hands and not accounted for in Cuba.

The original letter from Robert, which I herewith inclose, is the stereotyped excuse of a scoundrel, claiming that he was made a victim of "a bold bad man". It is cunningly worded, full of penitential sorrow, but thoroughly careful not to disclose anything that I did not already know.

**POOR QUALITY
ORIGINAL**

0256

4

But, I must beg your pardon for having claimed your attention so long. The marked feature of the case is, that nothing has been disclosed by the prisoners that would lead to the discovery of a single cent of the money in this country.

Yours very truly,

JH Waller

POOR QUALITY
ORIGINAL

0257

District Attorneys Office.
City & County of
New York.

Sadie J. Adams 446 W. 53rd St
New Wallace Ave. New York 84

Has known Lounsbury - since the old days.

Interdined. by Wallace.

" 11th 1944 P.M. - met G.H. & the son & Lounsbury -
May 6, said he was going away, about
midnight, didn't know Lounsbury said he was in
trouble. "Get back" about some money.

Sept 1944 Lounsbury & Lounsbury & Lounsbury were in Lounsbury
Lounsbury said if Rob says to him that he didn't
want to know his name, & that Lounsbury said say
that that he got away, but didn't know where to
go. Lounsbury said if he did say that he would
be in the bars by the 10th or 11th the next morning.

He advised him to go away & stay in the
bars, & that little would get him the next morning.

He urged him to go. Sadie thought it was for
her own interest. Lounsbury said he was not
going anywhere.

At 12:30 Sadie thought that Rob or PC
he was in the bar. Lounsbury was said to have seen
Rob there. Lounsbury said he was with S. & Lounsbury
Lounsbury & Rob came in together.

They had some talk - Rob was seen
on another errand. Rob at his apartment made 11
Lounsbury this & said it was the same time that he

POOR QUALITY
ORIGINAL

0258

District Attorneys Office.
City & County of
New York.

afternoon while R was away I asked Mr. C
if he would see you about the matter
which you said you ought to see
concerning that is was with Mr. C
I left about half past one & I remain
the 2nd 2nd with W. when I returned
at three o'clock I saw them leave by
the "Saratoga" - from P.R.

My friend - Mail P.M. to F.H.

POOR QUALITY
ORIGINAL

0259

District Attorney's Office.
City & County of
New York.

Geo. Browning, Hollister, Rutledge & N.Y.
Class with Verindye & Co. Parsons &
Bushman 16 & 18 Nassau St. —

Oct 8th Mary Stomitz - called with
introduction from a clerk in call to find out
Mr. Read meeting from ask to see what bonds
wanted to sell. He called from 1966
wanted to replace (d) & to change so he
was all right, afterward Stomitz introduced Wallace.

on strength of this acted as broker & sold
Wallace ^{ten} shares of stock & gave him a
cheque \$6,000. — 4,000. — cheque made
to Wallace as order.

Class on merchants' bank B.A. N.Y.

POOR QUALITY
ORIGINAL

0260

District Attorney's Office:
City & County of
New York.

Evander H Schley - Bernardsville N.J. -
Sec. of B&D Co & Wall - It.

each box in separate paper package
in mail. - can only open in return or
dep. - & also by the ~~firm~~
regard this ~~box~~ - person to open it. -

was present when box was
opened & found box empty. -

POOR QUALITY
ORIGINAL

0261

District Attorneys Office.
City & County of
New York.

Fredricks North - owner of - paying toll;
- all Bank Bonds, -

for. with liability -

fully - any Co share paid -

POOR QUALITY
ORIGINAL

0262

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*Robert L. Wallace and
Ignatius B. Lowitz*

The Grand Jury of the City and County of New York, by this indictment, accuse
Robert L. Wallace and Ignatius B. Lowitz
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Robert L. Wallace and Ignatius B. Lowitz* both
late of the City of New York, in the County of New York aforesaid, on the
twenty-fifth day of *January* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly
act and assist in the forging a certain instrument and writing, *to wit: an*
order for the payment of money,
of the kind called bank cheques,
which said forged *bank cheque*
is as follows, that is to say:

No 2426

New York.

1/25 1890

*The National Park Bank
of New York.*

*Pay to the order of I. B. Lowitz
Two Thousand Five Hundred Dollars*

\$2500 ⁰⁰/₁₀₀

J. H. Wallace

with intent to defraud, against the form of the Statute in such case made and provided, and
against the peace of the People of the State of New York and their dignity.

POOR QUALITY
ORIGINAL

0263

SECOND COUNT—

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

Robert L. Wallace and Ignatius B. Lowitz
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Robert L. Wallace and Ignatius B. Lowitz, both

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, did feloniously utter,
dispose of and put off as true, a certain forged instrument and writing, *to wit:*
an order for the payment of money,
of the kind called bank cheques—
which said forged bank cheque
is as follows, that is to say:

No. 2426

New York. 7/25 1890

The National Park Bank
of New York

Pay to the order of I. B. Lowitz
Two Thousand Five Hundred Dollars
\$2500⁰⁰/₁₀₀

J. L. Wallace

with intent to defraud

they
Ignatius B. Lowitz

the said

Robert L. Wallace and

then and there well knowing the same to be

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

JOHN R. FELLOWS,

District Attorney.

0264

Samuel Robt of Wrentham Conn

Foreman:

POOR QUALITY
ORIGINAL

0265

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert D. Wallace and
Sigmund G. Sauter

The Grand Jury of the City and County of New York, by this indictment, accuse Robert D. Wallace and Sigmund G. Sauter

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

The said Robert D. Wallace and Sigmund G. Sauter, both

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

*ten bonds and written obligations of the
Savannah and Nashville Railroad Company
of the denomination and value of one thousand
dollars each, five bonds and written
obligations of the Central Railroad of New Jersey,
of the denomination and value of one thousand
dollars each, five bonds and written obligations of
the Chicago, Rock Island and Pacific Railroad
Company, of the denomination and value of one
thousand dollars each, ten bonds and written
obligations of the Western Union Telegraph Company,
of the denomination and value of one thousand
dollars each, and five bonds and written obligations
of the Missouri, St. Louis and Pacific Railroad Company,
of the denomination and value of one thousand dollars each,
(a more particular description of which said bonds and
written obligations is to the Grand Jury aforesaid unknown)*
of the goods, chattels and personal property of one *John D. Wallace,*

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.

POOR QUALITY
ORIGINAL

0266

SECOND COUNT—

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

Signature R. D. Dainty

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Signature R. D. Dainty*

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

goods, chattels and personal property
described in the first count of this
indictment,

of the goods, chattels and personal property of one *John M. Wallace,*

and one Robert S. Wallace, and

by a certain ~~person or~~ *other* persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *John M. Wallace,*

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

Signature R. D. Dainty

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 R. FELLOWS,
District Attorney.

0267

BOX:

397

FOLDER:

3694

DESCRIPTION:

Walsh, Maurice

DATE:

05/08/90



3694

POOR QUALITY
ORIGINAL

0268

35.

Witnesses:

Officer Schwartz

Counsel,
Filed, *day of May 1890*
Pleads, *Myself*

THE PEOPLE,

vs.

B

Maurice Walsh

Mar 23/93

Sent to the Court of Special
Sessions for trial, by request
of Counsel for Defendant.

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday)
[III Rev. Stat. (7th Edition), Page 1989, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

Def dead

A True Bill.

Chas. B. Roberts

Foreman.

POOR QUALITY
ORIGINAL

0269

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Maurice Walsh

The Grand Jury of the City and County of New York, by this indictment,
accuse Maurice Walsh
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said Maurice Walsh
late of the City of New York, in the County of New York aforesaid, on the
twenty-third day of February in the year of our Lord one
thousand eight hundred and eighty-ninety, the same being the first day of the
week, commonly called and known as Sunday, being then and there in charge of, and
having the control of a certain place there situate, which was then duly licensed as a
place for the sale of strong and spirituous liquors, wines, ale and beer, with force and
arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully
did not close and keep closed, and on the said day the said place so licensed as aforesaid
unlawfully did open and cause and procure, and suffer and permit to be open, and to
remain open, 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 R. FELLOWS,

District Attorney.