

0144

BOX:

57

FOLDER:

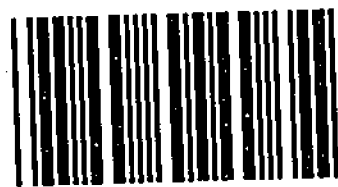
646

DESCRIPTION:

Belden, William

DATE:

01/17/82



646

0145

UNITED STATES DISTRICT COURT

IN SENATE OF THE UNITED STATES
REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1882

Handwritten notes and signatures in the left margin.

Day of Trial
Counsel
Filed 17 day of Jan 1882
Pleads

THE PEOPLE

vs.

BURGLARY—THIRD DEGREE.
NOTHING STOLEN.

William C. Eldred
John M. McHenry
John M. McHenry

District Attorney.

Amber

A True Bill

John M. McHenry
Foreman

Feb 2, 1882.

Spicer & Co.

6

Handwritten signatures and notes at the bottom of the page.

76
The People
vs.
William Bolden

Court of General Sessions. Part 7
Before Recorder Smyth. February 2, 1892.
Indictment for burglary in the third degree.
Frank W. Drake sworn and examined. I am
employed by my father in the hardware business
at 77 Fourth Avenue; on the 5th of last month we
had in that store a general assortment of
hardware and house furnishing goods worth from
fifteen to twenty thousand dollars. I was called
up at half past three on Thursday morning, I
reside over the store. Officer Klein called me;
on coming down stairs I saw that the screen
had been forced from its socket that sur-
rounds the show window an iron screen,
which covers the whole of the front window, I
should think it was about four feet - only one
piece of the wire was forced off; the window
was as perfect as when we left it. I should
imagine that the iron wire had been remov-
ed by main strength for there were no
marks of violence upon the screen. I did
not see the prisoner that night at all.
Julius J. Klein sworn and examined. I am
a police officer and was so on the 5th of last
January. I saw the prisoner on the morning
of the 6th. I saw him twice before this occurred.
I saw him first it must be between twelve
and two o'clock; he passed me on Fourth Ave.

between Twelfth and Thirteenth sts. Then I saw him again about 3 o'clock between Twelfth and Thirteenth sts. I was going towards Fourteenth st and he went down towards Twelfth st and as he passed me, it occurred to me that I saw him twice before that morning. So I watched him and saw him stop between Eleventh and Twelfth sts. and looked back; he went on again and I followed him down between Tenth and Eleventh sts. and then he walked towards Mr. Drake's window. I walked down alongside the building and got within 25 feet of him and got on the stoop of 79 Fourth ave. the building next door to Mr. Drake's. I stepped back in the door so that I could not be seen. I saw the prisoner standing at this window. He struck three matches, and it seemed to me as if he lived up stairs and was looking for the keyhole; then I saw it was the screen he was smashing. I then stepped back again and I heard a noise and I looked and I saw his arms moving at the screen. I waited a few minutes, then he stepped out on the sidewalk and walked towards the stoop; he stood at the bottom and looked around and then walked back again, and as a freight car was just coming down Fourth ave. I heard

a noise where he stood looking I heard the breaking of the glass. Then he stepped on the sidewalk and walked to the corner; then I came off the stoop to go round after him. As I got off the stoop passing I saw the screen removed, and as I got down to the bottom of the step he came back again. I stood still until he got within about a foot of Drake's; he was going towards Drake's window again and I arrested him. It seemed to me as if he had something in his hand. I said, "What have you got there?" He said, "Nothing." He tried to hide something. I put my hand upon him, pulled his arm around and saw that he had a stone about a foot in length. I asked him what he was going to do with that? He mumbled something about men. I said, "Drop it;" so he dropped it on the sidewalk right at the curb stone. So I rapped then and got another officer, and I said, "Come here, I want to show you something." and I stepped towards the window having hold of the prisoner, who turned his back up against the window where he had removed this screen so as to hide it. He asked me what I had him for? I gave him in charge of the other officer while I took down the name of the firm and examined the glass; the prisoner broke away

from the other officer, who had to upset him. I don't know whether he knocked him down. In the morning when I took him down to Court he says to me, "You can square this if you want to," and he attempted to put something into my hand - money into my hand. Cross Examined. It is not true that the prisoner on the way to the station house said, "Here is two dollars, come in and have a drink, you can pay for it when you get in there." He pretended to be under the influence of liquor when I arrested him but he was not. He mumbled something about men but I did not see any men around. He was searched in the station house and had about six dollars and a small pen knife but no burglar's implements.

William Belden sworn in his own behalf. I had been drinking very heavily this night, so much so that I did not know what I was arrested for. I took up a stone, I bore the marks of where I had been thrown out somewhere between one and two o'clock. I never offered the officer any money except money to go in and pay for a drink. Cross Examined. The officer arrested me mumbling "I would look out for myself, that I would get square on these men if I could find

the place where I was thrown out. I did not know what I was arrested for until next morning. I live in Brooklyn, I am a cask and blind maker by trade. I believe I refused to give my name and residence at the station house; they told me so the next morning.

The jury rendered a verdict of guilty of an attempt at burglary.

0151

Testimony in the case
of
Wm. Ballou
filed Jan 1882.

0152

Police Office. Third District.

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

No. of No 77 St Avenue Street, being duly sworn,

deposes and says, that the premises No first floor of the

Street, 17th Ward, in the City and County aforesaid, the said being a Store

and which was occupied by deponent as a Hardware Store

were **BURGLARIOUSLY** at.

tempted ^{he} entered by means of removing the iron screen
attached to the show window, and
attempting to break the glass.

on the night of the 5 day of January 1889.

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

with intent to steal tools and
skates of the value of One
Hundred Dollars.

the property of James H Drake, and in de
ponent's charge.

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

William Belden now present.

for the reasons following, to-wit:

That deponent was
informed by Officer Klein, that
he detected said Belden in the
act.

from before me Frank W. Drake
this 6 January 1889
Amir
Police Justice

City & County of New York ss. Julius Klein of the
 170 Precinct Police being sworn says. That about 3 o'clock on the
 morning of the 6 Jan'y 1882. he saw
 William Belden, now present, detach
 and remove the iron screen from the
 show window of the within mentioned
 premises. and strike and attempt
 to break the window with his fist.
 That deponent then saw said
 Belden take a stone from the street.
 and again approach the window
 when deponent arrested him.
 From before me
 this 6 Jan'y 1882 } Julius Klein
 Arthur White }
 Police Justice }

0154

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 DISTRICT POLICE COURT.

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

Question. What is your name?

Answer.

William Belden

Question. How old are you?

Answer.

30 years

Question. Where were you born?

Answer.

Salem Mass

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

Answer.

refuse to say

Question. What is your business or profession?

Answer.

Sash & Blinds painter

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

Answer.

I am not guilty of committing
an attempt of burglary

Taken before me, this

6

day of

January 1883

Wm Belden

Andrew Smith

Police Justice.

0155

BAILED,

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

Sec. 208, 209, 210 & 212.

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank H. Spence

William Belden

Offence, *Attempt at Burglary*

Dated

6 January 1882

H. Magistrate.

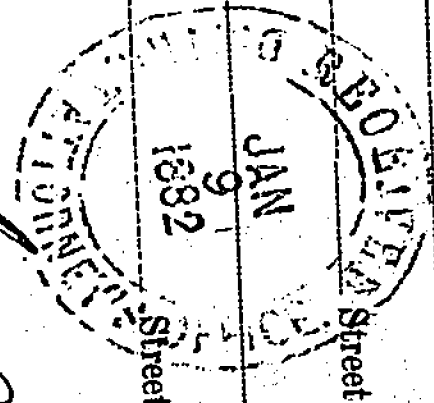
Alexis H. Clerk.

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____



Geo H. Belden
Clerk.

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 _____

_____ *William Belden* _____
guilty thereof, I order that he be admitted to bail in the sum of *One* Hundred Dollars _____ and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *6 Jan* 1882 *Andrew White* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

9510

Sec. 208, 209, 210 & 212.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank M. Drake
77-12th and
William De la Cruz

BAILED.

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

Offence, _____

Dated *January 1882*

Magistrate.

Officer.

Clerk.

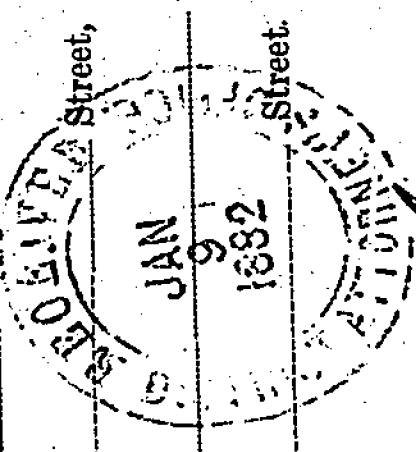
Witnesses.

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____



Wm. De la Cruz
Corn.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed,

and that there is sufficient cause to believe the within named

guilty thereof, I order that he be admitted to bail in the sum of *One* Hundred Dollars and be com-

mitted to the Warden or Keeper of the City Prison until he give such bail.

Dated *January 1882*

Charles Smith
Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188

Police Justice.

0157

Court of General Sessions of the ~~Remo~~ of
the City and County of New York.

THE PEOPLE OF THE STATE OF
NEW YORK

William Belden against

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

William Belden

of the crime of

committed as follows

The said

Burglary
William Belden

late of the *seventeenth* Ward of the City of New York, in the County of
New York, aforesaid,

on the *fifth* day of *January* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty two* with force and arms,
at the Ward, City and County aforesaid, the *store* of

James H. Drake
there situate, feloniously and burglariously did break into and enter, the said *store*
being then and there a building in which divers goods, merchandise, and valuable things
were then and there kept for use, sale and deposit; the same being the goods, chattels,
and personal property of.

James H. Drake

goods, merchandise and valuable things in the said *store* with intent the said
being then and there feloniously and burglariously to steal, take, and carry away
then and there

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 M. Keown

~~BENJ. K. PHELPS~~, District Attorney.

0158

BOX:

57

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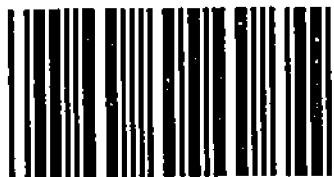
646

DESCRIPTION:

Berg, Adolph

DATE:

01/05/82



646

0159

33

Counsel,
filed 5 day of Jan 1882
leads

THE PEOPLE

vs.

Mr D. S. Berg.

INDICTMENT.
LARCHENY.

DANIEL CROLLING

~~JOHN M. WILSON~~

John M. Wilson.
District Attorney.

True Bill.

G. H. Ham

Foreman.

Dec 28/81
This diff was allowed to go
by Court on and complete
now
int to be in Reimburse
D. J. Ham, Jan. 9

0160

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK,

of No.

being duly sworn, deposes and says, that on the

day of

188

at the

City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent.

the following property, viz:

One Electrical
Battery of the value
of fifty dollars

the property of

Deponent who is 50
years of age and of
occupation a physician

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

Adolph Berg
(now known) who admits his
guilt and says he
purchased the same at
Simpson's Hardware Shop
in Chatham Square
in said City

Martin L. Holbrook

Sworn before me this

day of

188

Police Justice.

0161

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK } SS

DISTRICT POLICE COURT.

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

Question. What is your name?

Answer.

Adolph Berg

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York City

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

Answer.

Waboughy St Brooklyn 3 Months

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

I am guilty

Adolph Berg

Taken before me, this

day of

1887

J. Williams Police Justice.

0162

Sec. 206, 209, 210 & 212.

Police Court 1st District 1216

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Hollman
13 Barclay - St

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

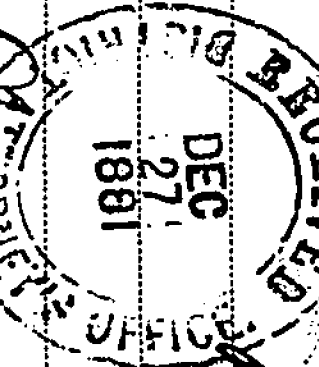
Residence

No. 4, by

Residence

Dated

Dec 24 1881



Offence, Grand Larceny

W. J. Hollman
Magistrate.

Henry J. Hollman
Clerk.

Witnesses de officio

No.

Street,

No.

Street,

No.

Street,

W. J. Hollman

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 Robert Henry

guilty thereof, I order that he be admitted to bail in the sum of 10 Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated Dec 24 1881 J. W. Hollman Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0910

Sec. 208, 209, 210 & 212.

Police Court Sub District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin L. Holborn
13 Laight - St

Allophyl Perry

BAILED,

No. 1, by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

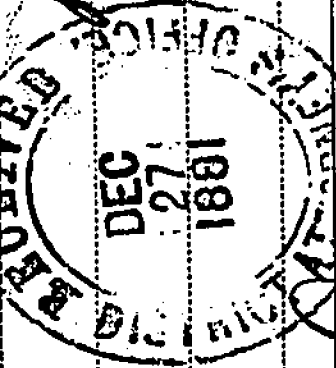
Residence

Street,

No. 4, by

Residence

Street,



Dated

188

Magistrate.

Officer.

Clerk.

Witnesses

No.

Street,

No.

Street,

No.

Street.

Copy

Police Justice.

Police Justice.

Police Justice.

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

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

guilty thereof, I order that he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he gives such bail.

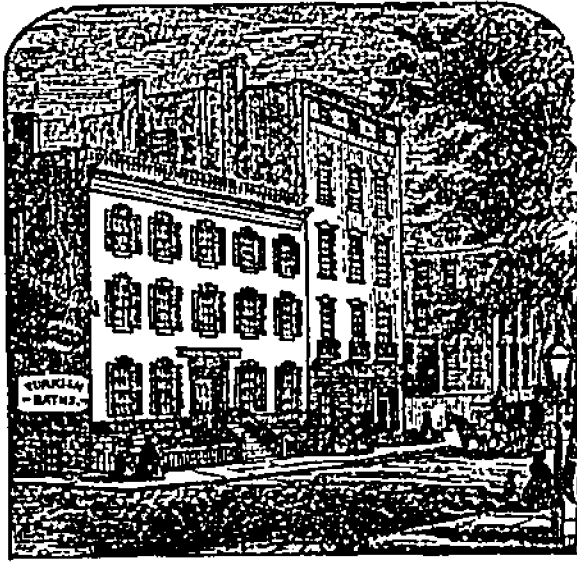
It appearing to me by the within depositions and statements that the crime therein mentioned has been committed and that there is sufficient cause to believe the within named

Police Justice.

Police Justice.

Police Justice.

0164



HYGIENIC HOTEL, AND TURKISH BATH INSTITUTE,

13 & 15 Laight Street, New York.

Two blocks from the Grand Street Station of the Elevated Railroad. There are Six Lines of Horse-cars passing near the Door.

This well-known house is convenient of access from all parts of the city. The table is supplied with the best kinds of food, healthfully prepared. The house is noted for its pleasant parlors, and the cheerful, home-like feeling that prevails. It has just been refitted, and the prices are moderate. It is a temperance house and the home of temperance people. We hope our friends all over the country who desire to spend a few months in New York, and enjoy its social and intellectual advantages, will come and spend the Fall, Winter, and Spring with us. The Hotel Department is always open for the reception of transient or permanent guests. Connected with the Hotel are Turkish Baths, Electric Baths, Health Lift, etc. Circulars free. Terms reasonable.

M. L. HOLBROOK, M. D., Proprietor.

New York,

Jan 14 1892

Mr. Puller.

Best Atty for I wish to
get the Electric Battery kept by
the Court in the Case of A. Berg-
who was discharged by the Court
on my withdrawal of the Case
against him. He was discharged
last Monday I think - You will see
from the Complaint that he confessed
the stealing. Please inform me
how I shall recover the instrument

0165

as I need it every day,

Trus.

W. J. Hollbrook M.D.

0166

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

THE PEOPLE OF THE STATE OF
NEW YORK,

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

Adolph Berg
of the crime of
Larceny
committed as follows:
The said *Adolph Berg*

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

*One instrument (of the kind commonly
called an electrical battery of the value of
fifty dollars.*

of the goods, chattels, and personal property of one

Martin L Holbrook

then and
there being found, 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 M. Keon ~~DANIEL C. ROLLINS,~~ *Arthur G. Collins*
~~RENEE H. THOMPSON~~ District Attorney.

0167

BOX:

57

FOLDER:

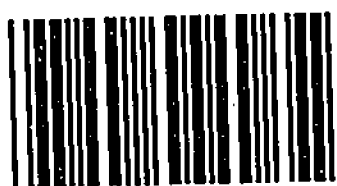
646

DESCRIPTION:

Bergen, Ellen

DATE:

01/17/82



646

108

Counsel
Trapp

Trial,

Filed 17 day of June 1882

Pleads

Guilty

THE PEOPLE

vs.

Ellen Bergen

Boasting—Homicide of the degree of Man-
slaughter in the first Degree.

Blumhoff
DANIEL C. ROLLINS,

District Attorney

Put two days 27th & 28th

trial & verdict of Man-

A TRUE BILL.

slughter in the second

degree.

W. H. Kavin
Foreman

Pen 7 years.

0169

State of New York.

Jan 1/89

Executive Chamber,

Albany, Dec. 10 1884.

Sir: Application having been made to the Governor for the pardon of *Alfred Bergen*, who was sentenced on *Jan. 20* 188*4*, in your County, for the crime of *Measles, red* for the term of *7* years and *to the State Prison* *Receptory* you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a pardon. Be pleased, also, to state the previous character of the convict. *All Prison is respectfully*

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

Very respectfully yours,

James Cleveland
Goodewin
Executive
Att. Gen. Olney
 District Attorney, &c.

0170

Answered
July 19th 1886
R. B. Co.

0171

Department of
Public Charities and Correction.
Penitentiary, B. I.

John M. Fox
Warden.

New York, Jan'y 8. 1885.

At the request of Warden Fox I have -
examined Ellen Drogen and find that she
is suffering from nothing that should cause
any anxiety to her friends.

Signed

Geo. Banks. M.D.
House Physician Penn. Hosp.
Blackwells Isl.
N. Y.

~~Court of General Sessions~~

The People vs }
 Apt } Deft points on applica-
 Ellen Bergen } tion for pardon

II

The evidence at the trial though uncontradicted fails to show any of the features of manslaughter in either the 2^d or 3^d degrees as the law in force at the time defined those offenses

III

The deceased, Hugh Bergen, a child of ten months and son of the prisoner was left in the prisoners apartments with her on the morning of his death. Her adult daughter knew the prisoner had been indulging in liquor that day - yet left deceased in her custody and keeping until late in the afternoon when she came in and searched for the deceased he was found ^{lying} under her the prisoner who was asleep upon the floor - he was dead -

Copy Evidence p 3

(This copy is from the original official notes of Stenographer Mr. Kemmy - which were forwarded to His Excellency the Governor

with the petition herein.)

And there were no marks of violence upon his person

Ibid p 6

The evident solicitude of the prisoner for her child, upon regaining her senses, would overcome any testimony tending to show malice & passion or wilful carelessness - if such testimony were offered, but there is none such in the case

Ibid p 6 & 8

III

There can be no doubt from the evidence that the prisoner had been drinking on the day of her child's death - that this was well known to her daughter - Catherine

Bergen - who nevertheless went out leaving the deceased, an infant of ten months, with the prisoner in her apartments. That they were there together for five hours uninterrupted, during that time the mother fell into a tipsy sleep instinctively holding her child in her arms and while so sleeping rolled over and smothered him

IV

This was no killing "in the heat of passion" ~~or~~ an essential element of the 2^d degree of manslaughter under such circumstances as are here disclosed.

Part 4 Chap 1 Title 2 Sec 16 (11)

Rev. Stat.

Nor was it cruel; for cruelty must be wilful malice and a pleasure in contemplating the pain inflicted being one of its component parts.

V

Nor does this case come within the provisions or definitions of manslaughter in the 3^d degree.

It Sec 18 (13) 19 (14) 20 (15) &c.

VI

Nor within the express provisions of Section 23 (18) there being no "heat of passion" on the prisoners part as above shown.

VII

Section 24 (19) however provides that a killing by the "act, procurement or culpable negligence of another"

where such killing is not justifiable or excusable or is not "murder or manslaughter of some other degree" shall be deemed manslaughter in the fourth degree"

VIII

Conceding that the prisoner was fully liable for the effect of an accident brought about by her own intoxication - that she was intoxicated and rolling over her child smothered it - we have the very worst case against the prisoner which can reasonably or in fact which can at all be deduced from the evidence and this comes within the provisions of the section last above quoted making her offense manslaughter in the fourth degree for which the punishment at the time of its commission and of the trial was imprisonment in a State prison for two years or in a county jail not exceeding one year, or by a fine or by fine and such imprisonment. The unfortunate prisoner has now borne her imprisonment nearly three years, away from her family and suffering from remorse for the intemperate habit which led to her child's death - her health has

given way. Her poverty prevented her
 from employing counsel upon the trial and
~~she was represented upon the trial~~
~~with the aid~~ a lawyer who was assigned
 by the court to defend her (and ^{who} had no
 opportunity to consult with her or deliberate
 upon her defence save the brief interval before
 the trial upon the day of her conviction)
 Of course no disparagement of her counsel is
 meant. but in view of the evidence does it
 not seem certain that if the gentleman
 had an opportunity of conferring with her
 at greater length and of deliberating upon
 the circumstances of the case and
 the law applicable to them he would
 have demonstrated to the court & jury
 the actual grade & character of her
 offense? She had not the means nor the
 heart to appeal. Her remorse was great

IX

A petition has been forwarded
 to His Excellency the Governor for a pardon
 in this case. In the usual course
 the matter has been referred to the
 Hon. the District Attorney for this
 City and County. If the views
 of the law above set forth are coincided
 in by the learned District Attorney he
 should earnestly recommend a full

Gardos - for inquiry at the Penitentiary
 will reveal the facts that the unfortunate
 prisoners conduct while there, has been
 most exemplary and her health has
 been completely undermined and broken
 down. Release from imprisonment and
 restoration to her family for the brief period
 she has had to live will confirm the
 reformation in her habits in my opinion.
 This petition is made by her husband
 and is signed in addition by County Clerk
 Keenan Ex Assemblyman Higgins - Mr
 John Howard proprietor of the
 Sunwood House and other highly repu-
 table citizens

All which is respectfully
 Submitted

Lewis A. Spellman
 of Counsel for petitioners
 154 Nassau St
 New York

Count of law lessons

the people or

Appl

Ellen Cargen

Pamphlet on application
for prisoners pardon

Ellen Aspelher

Comms for petition

184 increased @

new work

0179

Copy petition

To His Excellency

Grover Cleveland,

Governor of the State of New York.

The petition of Patrick Bergen husband of Ellen Bergen hereinafter mentioned and of the others whose names are hereto subscribed, respectfully shows:

That on the 30th of January, 1882, Ellen Bergen was sentenced by his Honor, Judge Cowing in the Court of General Sessions of the Peace, at the City of New York to seven years in the Penitentiary on a conviction of manslaughter in the second degree and is now and ever since has been undergoing said sentence at the Penitentiary on Blackwell's Island in said City.

That said Ellen Bergen was not defended skilfully upon the trial of her case as your petitioners are informed and believe, but being entirely penniless and unable to pay counsel was represented thereon by counsel assigned to her by the Court with whom she had no opportunity to confer.

That her conviction was not warranted by the evidence offered upon her trial which in no event, as your petitioners have been advised by Denis A. Spellissy, Esq., counselor at law of 154 Nassau Street in said City and verily believe, would uphold a higher verdict than one of manslaughter in the fourth degree for which the punishment was at the time of the alleged offence and of the conviction aforesaid, imprisonment for not more than two years, or by

fine or by both such fine and imprisonment.

That as your petitioners are further advised by said counsel a verdict of excusable homicide would have been fully warranted by said evidence.

That owing to the poverty of said Ellen Bergen and her consequent utter inability to retain counsel and defray the necessary expenses no appeal was taken from said conviction.

That since her imprisonment under said sentence the conduct of said Ellen Bergen has been exemplary in the extreme but her health has given way and she is not likely to survive the term of the sentence imposed upon her as aforesaid and that your petitioners verily believe she is entirely cured of her appetite for intoxicating beverages.

WHEREFORE, your petitioners pray that your Excellency will in pursuance of the prerogatives vested in you grant to send Ellen Bergen a pardon or remission of her sentence.

Signed by Patrick Bergen
Patrick Ruman
or others

Court of General Sessions
Part 2. January Term 1882

The People } Before Hon.
vs. } Rufus B. Cowing
Ellen Bergen } City Judge

Indictment. — Murder in the first degree.

Assistant District Attorney Fellows, for the prosecution. —

Theodore Swift for the defendant.

Testimony for the prosecution.

Catherine Bergen, being duly sworn testified.

Q Are You the daughter of the prisoner at the bar?

A Yes Sir.

Q Where were you living at the time of this occurrence?

A At 7th street, between 8th and 9th avenues on the 9th of December?

A Yes Sir.

Q Who composed the family at that time who were the members of the family?

1

Q Father, Mother, two sisters and one brother.

Q Give me the name of the sisters?

A Ellen, Patrick and Hugh.

Q Which was the youngest?

A Hugh.

Q How old was he?

A Ten months.

Q When did you see him last alive?

A Between half past seven and eight o'clock on the morning of the 2nd of December.

Q And in your house?

A Yes sir.

Q Who had the child at that time?

A My sister held it in her arms. — she held it in her arms.

Q Was your little brother to all appearances well?

A Yes sir.

Q When did you leave the house?

A About eight o'clock.

Q Under what circumstances did you leave the house?

A I was standing at the stove and putting on clothing; mother said "go to hell out of here," and she took a can of baked tea and threw it at me.

Q What did you do?

A I went out; she followed after me with the stove lifter.

Q Where did you go?

A I went ~~up~~ the street and walked up and down.

Q Who was with you?

A No one.

Q Where was your brother Patrick?

A He was playing with the neighbors children up the street.

Q Where was the other sister?

A With my brother Patrick.

Q You walked up and down until when?

A Until after four o'clock in the afternoon.

Q When you came back what did you find?

A The door and window were open; I saw mother lying opposite the sewing machine; I could not find the baby.

Q When you went back at four o'clock the door was opened and your mother was lying upon the floor?

A Yes Sir.

Q You could not find the baby?

A No Sir.

Q Where did you look?

A In the two beds and bedrooms; she woke up; she could hardly speak; she said "where is the baby?" I pushed her one side and the baby was lying under her.

4) Q. Lead?

A. Yes sir.

Cross Examination:

Q. What were you doing from half past eight o'clock until four o'clock?

A. I was not doing anything sir.

Q. Where were you?

A. Walking up and down the street, I came back two or three times; every time I came back she "hollered" names for me.

Q. How long after you went out, did you come back the first time?

A. Twenty minutes to ten minutes.

Q. Where was she?

A. At the window.

Q. Did you see the baby then?

A. She had it in her arms.

Q. What did she say?

A. "You are back again, you are back again"

Q. Anything else?

A. She called me bad names.

Q. You and this woman had had a little trouble this morning?

A. Yes.

Q. That trouble arose about what?

What was it about the trouble?

A. Well, we had no trouble at all, she told me to get out.

4)

5

Q Was there not a feeling about your being out at night?

A No sir.

Q Did you go away after you came at ten o'clock?

A Yes sir.

Q Did you see your mother drinking?

A No sir, I did not see her.

Q Do you know whether there was any liquor around there?

A I don't know.

Q What time did you come back next?

A I don't know, in about fifteen minutes.

Q What was she doing?

A Sitting at the stove.

Q When did you come back again?

A In about an hour after that.

Q What was she doing then?

A Sitting on the side of the bed.

Q Did you see the baby?

A The baby was playing on the floor.

By the Court! —

Q What time was this?

A Eleven o'clock.

By Mr. Swift —

Q Were you back after that until four o'clock?

6

A No sir.

Q You did not come back between eleven and four o'clock?

A No sir.

Q The last thing you saw was the baby playing on the floor?

A Yes sir.

Q Did she have the appearance of being drunk then?

A She looked as if she was half light.

Q Did you hear her say anything?

A She was talking to herself.

Q Did you know of her having bad fits?

A No sir.

Q Do you know of her having been drunk before this?

A Yes, she has been drunk ever since the baby was born.

Q Ten months?

A Yes sir.

Q You say there was no trouble between you and your mother?

A No sir.

Q Where there any marks on the baby?

A No sir.

Q It could not have been ^{pounded} ~~framed~~?

A No sir.

Q Any marks on it?

6 A No sir, only that he was dead.

Q Had he been sick before that?

A No sir, he was perfectly well.

Q You came back at four o'clock?

A Yes.

Q Your mother was lying on the floor near the stove?

A Yes sir.

Q Did you know at that time she was under the influence of liquor?

A Yes sir.

Q What was the first thing she said after waking her up?

A She said "Patrick give me the baby," he was not in the house.

Q How old is he?

A Eight years old.

Q She called him by name and asked him for the baby?

A Yes sir.

Q What else did you or did you say anything to her?

A Not a word to her.

Q What was the next thing she said?

A She did not say anything.

Q After she asked Patrick to give her the baby?

A No sir, she said nothing.

Q What was the next thing done?

A I picked the baby up.

8 Q Did you ask her anything?

A I said "where is the baby the baby?" she did not answer me all she said was "Patrick give me the baby"

Q Was Patrick there?

A No sir only me.

Q She called on him and he was not there?

A Yes sir.

Q Did you discover the baby before she knew where it was?

A Yes sir.

Q How long before somebody came?

A Yes.

Q Who came?

A Mr. Lanta.

Q Where does she live?

A Near us.

By the Court

Q Your mother was lying on the floor and the baby was under her?

A Yes.

By Mr. Fellows —

Q She is drunk almost every day?

A Yes.

Q And was ugly and cross?

A Yes.

Q And abusive?

8

a Yes sir.

Q To the children?

a Yes Sir.

By the Court!—

Q Did you see her do anything to the baby?

a No sir.

Q You saw it well at eleven o'clock?

a Yes sir.

Q At four o'clock you found the baby dead?

a She hid it from sight.

Mary Mettles being duly sworn testified

Q Where do you live?

a 6th Street between 8th and 9th avenues.

Q Do you know the prisoner at the bar, ~~Wm~~ ^{Wm} Berger?

a Yes sir.

Q How long have you known the family?

a Since she lived there.

Q How long has that been?

a Nine years.

Q Do you know the children?

a Yes sir.

Q Do you know of her having this baby?

a Yes.

Q Did you see the baby frequently during its lifetime?

a Nearly every day.

Q Did you see it Saturday the 2nd of December?

10

a No sir, not that day.

2 When did you see the child — after it was dead?

a I saw it every day; I could see it from the window.

2 You heard something this day?

a Everything.

2 Did you go over there?

a I ran over; everybody ran over; when I came over the officers were there; the first woman I saw was Mrs. Ganto.

2 What did you see?

a I saw nothing; only the people were there.

2 Did you see the baby?

a No sir.

2 When did you see the baby?

a When it was well and when it was buried.

2 What day of the week was this?

a On the 2nd.

2 When had you seen it before that?

a I thought I saw it the day before.

2 Was the baby well?

a Yes.

2 When did you next see the baby?

a The Sunday, the day it was buried.

2 Do you know whether she was accustomed to get drunk?

a She often was drunk.

2 Was she quarrelsome?

a Nobody had anything to do with her; she was quarrelling with everybody.

10

By Mr. Smith

11 2 Unless they had something to do with her?

a Nobody wanted to do anything with her: everybody knew her character.

Officer Joseph Abell, being duly sworn testified

2 Did you visit the house occupied by the Bergens?

a Yes sir.

2 Did you see the dead child?

a Yes sir, between four and five o'clock.

2 When was your attention called to this affair?

a I was on post and the little boy came running towards me and said "there is a little child dead down in the room". When I got there I told her I was an officer. I found the child lying dead on the bed.

2 Where was the prisoner?

a She was walking the room confused, she was crazy.

2 Do you know whether she was intoxicated?

a She seemed intoxicated.

2 Did she make any statement?

a None to me at all.

Cross Examination:—

2 What time did you get to the house?

a Between four and five o'clock about a quarter to five o'clock.

2 Did you hear the woman saying anything while she was walking about the room?

11

0192

12/

a she did not say a word.
Q what did she say, if anything?
a she kind of felt bad that the child was dead.

Delade Santa, long and grown testified

Q Where do you live?
a 67th street near 8th avenue.
Q Is that near the place occupied by the Bergens?
a yes sir.
Q How long have you known her?
a as long as she lived there - nine or ten years.
Q Do you know whether she was accustomed to get drunk?
a I saw her four times that way.
Q Did you go to her house on the 8th of December?
a yes sir.
Q Friday?
a yes sir.
Q What took you there?
a The girl ran behind me with the dead baby in her arms.
Q and from the statement she made to you you went to the house?
a Yes sir, I wanted to see some thing around its little mouth.
Q When you got to the house what did you find?

12/

a Mrs Bergen came out of the bedroom staggering drunk

24

13

Q What did she say or do?

A "Mamma" the baby is dead" she stood at the corner of the bed. Mrs. Bergen came out took the stove lighter and sent us in the devil's name out of the house.

Q after you and Catherine had gone to see the dead child?

A yes sir.

Q What occurred

A we went out

Q Where did you leave the baby?

A The baby was taken up in front of the door; people came running to the house.

Cross Examination

Q How did you say you had known the prisoner?

A As long as she lived there.

Q You saw her drunk four times?

A yes

Catherine Bergen Recalled:

Q When you first found the baby dead what did you do with it?

A I picked it off the floor and brought it in the street; I left mother crying on the floor and I ran to a neighboring woman.

Q Who was that?

A Mrs. Timney

0194

Q Did you go after this last witness?

A No sir.

Q Did you see her?

A Yes sir.

Q When you first found the baby you ran into the street leaving your mother on the floor?

A Yes sir.

Q And called the attention of this woman to it?

A Yes sir.

Q What did your mother do when you went back?

A She was standing in the bedroom with the stove lighter; Oh Mrs. Bergen said Mrs. Gaster; 'In the Devil's name get out of here' and she took up the lighter;

Q You both went out?

A Yes sir.

Q How old are you?

A Fifteen

Assistant District Attorney Fellows here read the physicians Post Mortem Examination. Mr. Swift move that the court direct a verdict of acquittal on the ground that the facts as proved did not constitute the crime alleged.

Motion denied - Exceptions

End of Testimony

0195

County of General
Sessions

The People vs

Appl -
Ellen Burger

Copy Evidence

0196

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the ~~honorable~~ *Coroner's Office*
No. *5* *Chatham* Street, in the *1* Ward of the City of

New York, in the County of New York, this *19* day of *Dec*
in the year of our Lord one thousand eight hundred and *81*, before
Henry H. Herrman Coroner,

of the City and County aforesaid, on view of the Body of
Hugh Bergin, lying dead at

Seven good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Hugh Bergin came to his death, do
upon their Oaths and Affirmations, say: That the said *Hugh Bergin*
came to his death by

Asphyxia, and we consider and
find that the death was caused by
the criminal carelessness of his mother
Ellen Bergin; December 9, 1881.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
set our hands and seals, on the day and place aforesaid.

JURORS.

John F. Pollock

J. C. Cahoon

W. H. Schlaf

Phil. Braun

Martin Lahn

Samuel Bernbaum

Samuel Bernbaum

CORONER, E. S.

0197

The People of the State of New York, on the
Complaint of

vs.

List of Witnesses.

Ellen Bergen

NAMES.

RESIDENCE.

John Citrill
Udelheid Gusther
Patrick Gordon
Mary Metzger
Off. Able
Patrick Bergen
Berthine Bergen
Ellen Tierney
Mr. Wathmann

100th St police Station 31st
67 St near 8th Av.
68 St bet 8 & 9th Av.
31. Preinct
67 St bet 8 & 9th Av.
" " "
" " "
Coroner's Office

0198

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK. } ss.

Ellen Bergin being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

Ellen Bergin

Question.—How old are you?

Answer.—

33 years old

Question.—Where were you born?

Answer.—

Scotland

Question.—Where do you live?

Answer.—

67th St between 84th & 85th St

Question.—What is your occupation?

Answer.—

House Keeper - & Sewing Machine Rep.

Question.—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I am not guilty
Ellen Bergin

Taken before me, this

1 day of *Dec* 188*8*

[Signature]
CORONER.

0199

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
Years. 10 Months. 1 Days.	Newport	by gift but 849 a	Dec 10. 87.

Vol 761 1887
HOMICIDE.

No 108
AN INQUISITION

On the VIEW of the BODY of

Frank Morgan

whereby it is found that he came to
his death by the hand of

Josephine Morgan

criminal & assassinated

of his mother Ellen

Morgan.

Wanted for death

Inquest taken on the 19 day

of December 1887

by

John A. Morgan Coroner.

Commenced December 19. 1887

Ordeal

Discharged

Date of death December 9. 1887

0200

4th 761

1881

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Wm. D. Bergen

whereby it is found that he came to
a Death by ~~the hand of~~

Asphyxia: through
criminal carelessness
of his mother Ellen
Bergen.

Wm. D. Bergen

Inquest taken on the 19 day
of December 1881

by

Wm. D. Bergen

Committed December 19, 1881

Wm. D. Bergen

Wm. D. Bergen

Date of death December 19, 1881

Printed and Published by

AGE.	PLACE OF NATIVITY	WHERE FOUND.	DATE WHEN REPORTED.
Years. 10 Months. 1 Days.	<i>New York</i>	<i>Wm. D. Bergen</i>	<i>Dec 19, 1881</i>

MEMORANDUM.

0201

Coroner's Office.

TESTIMONY.

Mrs Adelheid Günther 69: ft near
 I am being sworn ago I know
 Mr Bergen as a neighbor; A
 woman named Mrs Gordon told
 me that Mrs Bergen had her
 other little child killed; I went
 out and saw Catherine Bergen walk-
 ing around with the dead child
 in her arms; this was Friday
 Dec 9. 87. I went with her to the house
 and Mrs Bergen came out of the
 room and drove us both out -
 I then left and went home; she
 told me in the Devil's name to get
 out so I did not stay longer. I
 know the Bergens as long as they live
 there; she gets drunk so I heard;
 I see Mr Bergen almost every mor-
 ning on his way to work;

Adelheid Günther

Taken before me

this 1 day of Dec 1881.

CORONER.

0202

Coroner's Office.

TESTIMONY.

2.

Patrick Gordon 67: ft near
 I am being sworn up I know
 the Bergin family; they are my
 neighbors; I often speak to Mr Bergin
 I have seen her under the influence
 of liquor and doing queer things -
 see her do peculiar things; kiss
 a goat and trying to drive off witches
 &c -

Patrick Gordon

Taken before me
 this 17 day of Dec 1881.

CORONER.

0203

Coroner's Office.

TESTIMONY.

3.

Mary Metzger 64 " fr 8 & 9
 Ave; being sworn says I know
 Bergin family; last Friday a week
 long one was saying Mrs Bergin's child
 is dead; I went over and I said
 to Mrs. Buntin, there were several
 children die suddenly, and
 she has killed this one too; I see
 her more ground than other; the
 1st baby was a nurse baby; the
 2nd was a boy 3 years old; I
 then went over. I did not know
 he was sick; his mother said the
 neighbors must have given the child
 drink and it took a fit and
 fell; the 3rd child, this one, died
 3 weeks after; it was only a little
 baby - from 3 to 6 weeks old; I then
 said it was something wrong about
 it; she was an ugly, bad woman;
 Mrs Bergin works very day; so this makes
 4 children that have died;

Mary Metzger
 in W. H. H.

Taken before me
 this 19 day of Dec 1881.

CORONER.

0204

Coroner's Office.

TESTIMONY.

4

John Abel affirms 31 precinct being
 poor state - I was on patrol
 duty about 5 o'clock - 67th St bet
 8th & 9th Ave - when I was informed
 that a child was dead & that a young
 girl had the child in her arms -
 I went to the house & found the child
 lying dead on the bed -
 I arrested Ellen Breen the
 mother of the child.

John Abel

Patrick Breen being sworn - says
 I am the mother of the child.
 I left for my work yesterday morning
 the child was then deceased.
 When I came home I found
 the child dead.

The affair was then in the house
 my wife had been arrested.
 Three years ago, I lost a child
 in the same manner, the mother
 killing it in her drunkenness & care
 lessness - My ~~present~~ wife is a
 hard drinker - she has & goes
 to Blk Rock & House for her Caudach

Taken before me
 this 10 day of Dec 1881


CORONER.

Coroner's Office.

TESTIMONY.

Catherine Bryn Bryn won states, I reside at 67th St between 8 & 9 ave with my Parents.

Yesterday Morning between 7 & 8 o'clock while we were dressing ourselves - ~~she~~ ^{my mother} took a Kettle of hot tea & threw it after me & said go to - & she closed me out door, she won the door to my sister Ellen age 13 & to my Brother Patrick 8 years old & closed them all out.

She at the same time had the babe named Hugh - 10 months old - in her arm - while she was crying & screaming.

I then walked up & down the street until the afternoon about 4 o'clock, when I went in an hour & found my mother lying asleep on the floor, she was drunk - my little brother Hugh was lying under her crap ways - I took up the child, but it was dead.

I then woke up my mother - she got up & staggered - A Neighbor my mother came in - but my mother took a lift of the stove & drove her out.

My mother gets drunk often. My Father is a good man, is sober in every way.

Taken before me
this 10 day of Dec 1881

Catherine Bryn
CORONER.

0206

Coroner's Office.

TESTIMONY.

Drunk for 2 months about 2
 years ago -
 I work regular every day -
 I gave my wife 10 dollars twice
 last Saturday night, I gave her
 enough money for the family.
 But she used it up for drink.
 She pawned every thing she can
 lay hands on - she pawned the
 shoes of my 8 years old boy -
 and a few of weeks ago & also
 the shoes of my girl 13 years old.
 I think that she killed the
 child yesterday, while drunk.
 We are married for the past
 16 years.

For the past 7 years she has
 been drinking hard & often

Patrik Bergen

Taken before me
 this 10th day of Dec 1881

[Signature]

CORONER.

0207

Coroner's Office.

TESTIMONY.

7.

Ellen Tierney 67" fr her 8 + 9
 Are being sworn as I know the
 Bergins for 8 years; I saw the
 child, Nathaniel, with the dead baby
 in her arms; I saw her try to go
 in the house, and heard Mrs
 Bergin say what the bloody Hell
 did you want to take the baby for;
 after that she let the child pass
 in the room; Mrs Bergin remains
 such a dangerous character, I said
 not want anything to do with her;
 I know Mr Bergin is a sober man,
 working hard every day, while
 she is a drunkard; in 8 years
 this is her third Coroner's Inquest.

Ellen Tierney
 in mark

Taken before me
 this 19 day of Dec 1881.

CORONER.

0208

Coroner's Office.

TESTIMONY.

8.

Dr. W. W. Waterman being sworn says
 I have made an Autopsy on body
 of deceased and from the results
 of the same I am of opinion
 Death was caused by Asphyxia;
 Congestion of the Lungs

W. W. Waterman M.D.

Taken before me
 this 1st day of Dec 1881.

CORONER.

0209

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

THE PEOPLE OF THE STATE OF
NEW YORK,

against
Ellen Bergen
The Grand Jury of the City and County of New York by this indictment accuse
Ellen Bergen
of the crime of *manslaughter*
committed as follows:
The said *Ellen Bergen*

late of the City of New York, in the County of New York, aforesaid, on the
ninth day of *December* in the year of our Lord
one thousand eight hundred and ~~seventy~~ *eighty one* with force and arms, at the City and
County aforesaid, in and upon the body of *Hugh Bergen*
in the peace of the said people then and there being, feloniously and wilfully did make
an assault, and that *she* the said

Ellen Bergen

then and there feloniously and wilfully did with great force and violence pull, push,
cast and throw *him* the said *Hugh Bergen*
down unto and upon the ground then and there, and that *she* the said *Ellen*

Bergen

with both the hands and feet of *her* the said

Ellen Bergen

then and there, and whilst *he* the
said *Hugh Bergen* was so lying and being upon the ground,
she the said *Ellen Bergen* in and upon the neck,
head, stomach, breast, belly, back, and sides of *him* the said *Hugh Bergen*
then and there feloniously and wilfully, divers times, with great force and violence, did
choke, strike, beat, kick, and wound, and that *she* the said *Ellen Bergen*

with both the hands, feet, and knees of
her the said *Ellen Bergen*

and whilst *he* the said *Hugh Bergen* was so lying
and being upon the ground as aforesaid, *him* the said *Hugh Bergen*
in and upon the neck, breast, belly, head, stomach, back, and
sides of *him* the said *Hugh Bergen* then and there
feloniously and wilfully did, with great force and violence, choke, strike, push, press,
and squeeze, giving to *him* the said *Hugh Bergen*
then and there, as well by the choking, pulling, pushing, casting, and throwing of

him the said *Hugh Bergen* down
unto and upon the ground as aforesaid, and by the choking, striking, beating, and
pressing *him* the said *Hugh Bergen* whilst *he* was so
lying and being upon the ground as aforesaid, in and upon the neck, head, stomach,
breast, belly, back and sides of *him* the said *Hugh Bergen*

02 10

as aforesaid, and also by the choking, striking, pushing, pressing, and squeezing of
him the said *Hugh Bergen* whilst *he* the said
Hugh Bergen was so lying and being upon the ground as aforesaid,
in and upon the neck, head, belly, breast, back, stomach, and sides of *him*
the said *Hugh Bergen* with the hands, knees, and feet of *her*
the said *Ellen Bergen*

in manner aforesaid, several mortal bruises, lacerations, and wounds in and upon the
neck, head, belly, breast, stomach, and sides of *him* the said *Hugh*
Bergen of which said several mortal bruises, lacerations, and
wounds, *he* the said *Hugh Bergen* from the said
day of until the
day of in the same year, at the said Ward,
City and County last mentioned, did languish, and languishing did live, on which last
mentioned day the said
of the said several mortal bruises, lacerations, and wounds, did
then and there die

Grand Jury
And so the Jurors aforesaid, upon their Oath aforesaid, do say: THAT
the said

Ellen Bergen

him the said *Hugh Bergen*
in manner and form and by the means aforesaid, feloniously
and wilfully did kill and slay, 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.

~~PAMEL C. COLLINS~~
John M. Keon
BENJAMIN K. PHELPS, District Attorney.

0211

BOX:

57

FOLDER:

646

DESCRIPTION:

Bergh, Adolph

DATE:

01/26/82



646

May 27 1882

In this case the evidence of the false character of the tickets is not sufficient. It rests solely upon the fact that the conductors refused to take it - the defendant stated in the affidavit that he refused the money and that he failed to take it - the defendant stated he discharged the money.

W. H. Brown
Capt. Dist. Atty.

21st of Dec

Filed 26th day of May 1882
Pleas

THE PEOPLE
vs.
Adolph Berg
Obtaining Goods by False Pretences

DANIEL C. ROLLINS,
District Attorney.
John M. McKee
Capt. Dist. Atty.
Bail discharged
A True Bill.

G. H. Lavin
Foreman.

0212

0213

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

Third District Police Court.

of No.

Street,

that on the

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

Patrick Holland

the House of Detention

being duly sworn, deposes and says,

day of

1892

Adolph Bergh (nowhere)
did feloniously obtain from deponent
by means of false and fraudulent pretenses
and with intent to cheat and defraud
deponent good and lawful money the
property of deponent of the value of
one dollar and seventy five cents and
whereby deponent was so cheated and
defrauded of said money
Deponent went in to an office on
No. 1 Livingston Street, and told said
Bergh that deponent desires to buy
a ticket to Philadelphia, that said
Bergh told deponent, the cost was
two dollars, deponent then said that
all the money he has in his pocket
said Bergh then told deponent that he
would sell deponent an immigrant
ticket to Philadelphia for \$1.75, on the
7 o'clock train, and deponent then
said that is all right and deponent
did pay to said Bergh said \$1.75
for said ticket. Deponent did go
to the depot of the Pennsylvania Rail
Road Company and did take passage
on said 7 o'clock train and when
about two miles from the depot and
on the way to Philadelphia he was
informed by the conductor of said
train that the ticket (here shown)
is not good and deponent was
removed from said train and
was obliged to walk back

0214

Deponent therefore charges that Sara Bergh
did ~~knowingly~~ sell said ticket to deponent
he well knowing at the time that it was
of no value and did cheat and
defraud deponent as aforesaid

Sworn to before me this } Patrick Holland
22nd day of June 1882 }

Andrew White Police Justice

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated,

187

Magistrate.

Officer.

0215

Sec. 198-200.

3 DISTRICT POLICE COURT.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Adolph Bergh.*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *191 Matt Street, 8 years*

Question. What is your business or profession?

Answer. *Expressman & ticket agent*

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 sold him the ticket, is a good one, I got it at the office, at Central Garden*

Taken before me, this *22*

day of *January*, 188*8*

[Signature]

[Signature] Police Justice.

02 16

BAILED,

No. 1, by John Reedman
Residence 55 Russell Street,
No. 2, by _____
Residence _____ Street,
No. 3, by _____
Residence _____ Street,
No. 4, by _____
Residence _____ Street,

Sec. 208, 209, 210 & 212.

Police Court 3 District.

211

THE PEOPLE, &c.
ON THE COMPLAINT OF

Robert Williams
vs. Do.

1 Joseph Berg
2 _____
3 _____
4 _____

Offence, Fake pretences

Dated January 22 1882

John White Magistrate.

Reedman 10 Officer.

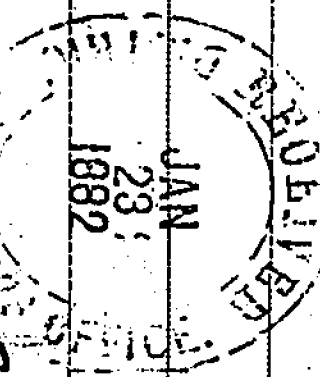
Clerk.

Witnesses Complainant in

the name of detainer Street,
in default of \$300 bail

No. _____ Street,

No. _____ Street.



John Reedman
Do.

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 Joseph Berg

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

Dated January 22 1882

Andrew White Police Justice.

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

Dated _____ 188

Andrew White Police Justice.

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

Dated _____ 188

Police Justice.

0217

Sec. 208, 209, 210 & 212.

211

Police Court - 3 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Robert Appellman
N. D.

Joseph Henry

BAILED,

No. 1, by *John Pearson*
Residence *25 Cornwell* Street,

No. 2, by
Residence _____ Street,

No. 3, by
Residence _____ Street,

No. 4, by
Residence _____ Street,

Dated *January 22* 1882

White

Newman 10

Clerk.

Witnesses *Complainant in*

At the House of Detention Street,
in default of \$300 Bail

No. _____ Street,

No. _____ Street.

Wm. G. Law J.S.
Bailed

John Pearson
Office, _____

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

John Henry
guilty thereof, I order that he be admitted to bail in the sum of *five* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *January 22* 1882
Charles Henry
Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.
Dated _____ 1882
Charles Henry
Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order he to be discharged.
Dated _____ 1882
Police Justice.

0218

3 DISTRICT
POLICE COURT.

Rail Road ticket
Exhibit

0219

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

THE PEOPLE OF THE STATE OF
NEW YORK,

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

Adolph Bergh
of the crime of
obtaining money by false pretences.
committed as follows:
The said *Adolph Bergh*

late of the First Ward of the City of New York, in the County of New York, aforesaid
on the *twenty first* day of *January* in the year of our Lord
one thousand eight hundred and *seventy eight two*, at the Ward, City and County
aforesaid, with force and arms, on the day and year last aforesaid, with intent felon-
ously to cheat and defraud one

Patrick Holland

did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend
and represent to

the said Patrick Holland

That a certain instrument and writing
of the kind usually called a railroad
ticket, which the said Adolph Bergh
then and there presented and delivered
to him the said Patrick Holland, was
a good and valid ticket for a passage
from the City of New York to the City
of Philadelphia -

And that the said railroad ticket
did entitle the owner and holder thereof
to a passage over a certain incorporated
Rail Road Company usually known as
and called the Pennsylvania Rail Road
Company from the City of New York
to the City of Philadelphia

And the said

Patrick Holland

then and there believing the said false pretences and representations
so made as aforesaid by the said

Adolph Bergh

and being deceived thereby, was induced, by reason of the false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said

*Adolph Bergh a certain sum of money to wit:
the sum of one dollar and seventy-five cents
in money and of the value of one dollar and
seventy-five cents.*

of the proper moneys, valuable things, goods, chattels, personal property and effects
of the said

Patrick Holland

and the said

Adolph Bergh

did then

and there designedly receive and obtain the said

*sum of one dollar
and seventy-five cents in money and of
the value of one dollar and seventy-five cents.*

of the said

Patrick Holland

of the proper moneys, valuable things, goods, chattels, personal property and effects
of the said

Patrick Holland

by means

of the false pretences and representations aforesaid, and with intent feloniously to cheat
and defraud the said

Patrick Holland

of the same.

And Whereas, in truth and in fact, the said railroad ticket which he the said Adolph Bergh then and there presented and delivered to him the said Patrick Holland was not a good and valid ticket for a passage from the City of New York to the City of Philadelphia as he the said Adolph Bergh then and there well knew.

And where in truth and in fact the said railroad ticket did not entitle the owner and holder thereof to a passage over the aforesaid incorporated Rail Road Company usually known as the Pennsylvania Rail Road Company from the City of New York to the City of Philadelphia as he the said Adolph Bergh then and there well knew.

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said Adolph Bergh

to the said Patrick Holland was and were in all respects utterly false and untrue, to wit, on the day and year first and last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Adolph Bergh well knew the said pretences and representations so by him made as aforesaid to the said Patrick Holland to be utterly false and untrue at the time of making the same.

And so the Grand Jurors aforesaid, upon their oath aforesaid, do say, that the said Adolph Bergh by means of the false pretences and representations aforesaid, on the day and year first and last aforesaid, at the Ward, City and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said sum of one dollar and seventy-five cents in money and of the value of one dollar and seventy-five cents.

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said

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

~~DANIEL G. ROLLINS~~
~~JOHN M. KEON~~ District Attorney.

0222

BOX:

57

FOLDER:

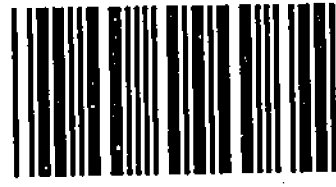
646

DESCRIPTION:

Bolin, Edward

DATE:

01/20/82



646

*Received by
J. H. [unclear]
[unclear] [unclear]
[unclear] [unclear]*

175
Day of Trial, *Monday, February 6*
Counsel,
Filed *20 day of Jan 1882*
Pleads, *at 11 o'clock 23*

THE PEOPLE
23 *vs.*
vs. *for*
for
for
Edward Baker
Burglary—Third Degree.

John M. [unclear]
District Attorney.
Per. [unclear] Feb 6. 1882
pleads guilty.
A True Bill.

[Signature]
Foreman.

2.9.6m. 5P
[Signature]

0224

Police Office, Fourth District.

City and County
of New York, ss.

Richard O'Brien, aged 51 years,
Storekeeper,
of No. 359 1st Avenue, Street, being duly sworn,
deposes and says, that the premises No. 359 1st Avenue,
Street, 1st Ward, in the City and County aforesaid, the said being a frame building
and which was occupied by deponent as a place for the sale of
liquors and cigars, were **BURGLARIOUSLY**
entered by means of forcibly and feloniously breaking
a large pane of glass in the show window
of said premises and leading from the said
avenue into said premises
on the ~~evening~~ of the 1st day of January 1892, and
between the hours of 12. ~~and~~ and 1 o'clock A. M.
and the following property feloniously taken, stolen and carried away, viz:

Six boxes of Segars, three bottles
of liquor, and about one dollar
in small change of the currency
of the United States.
All of the value of ~~the~~ ~~property~~ ~~stolen~~
Eleven dollars \$11.00

the property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that
the aforesaid **BURGLARY** was committed, and the aforesaid property taken, stolen
and carried away by *Edward Polin* (Mauken)

for the reasons following, to wit: that deponent was
informed by William Broderick
(Mauken) that he Broderick saw
saw the said Polin break the said
window leading into said premises
at the time aforesaid.

Richard O'Brien

*Sworn to before me this 1st day of January 1892
Hugh O'Donnell
Police Precinct*

City and County of }
 New York } William Broderick
 of No. 402 East 21st Street, being duly
 sworn deposes and says that on the
 morning of the 1st day of January 1882
 between the hours of 12 and 1 o'clock a.m.
 of said day, deponent saw Edward
 Dolin (nowhere) in the act of breaking
 a pane of glass in the show window
 of premises 359 1st Avenue.

Sworn to before me this } William ^{his} Broderick
 13th day of January 1882 } mark

Clifford G. Aron Police Justice

0226

Sec. 198-200.

DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Bolin 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. *Edward Bolin*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *402 East 21st Street, about seven months*

Question. What is your business or profession?

Answer. *Burnisher*

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

Answer. *I am not guilty of the charge preferred against me.*

Taken before me, this *12th*
day of *January* 188*7*

Edward Bolin

Alfred Garsman Police Justice.

0227

BAILED,

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

Sec. 208, 209, 210 & 212.

Police Court No. 2 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard Blum
359 W. 1st Av.
Edward Blum

Offence, Burglary
Larceny

Dated January 12, 1882

Edw. Blum Magistrate.

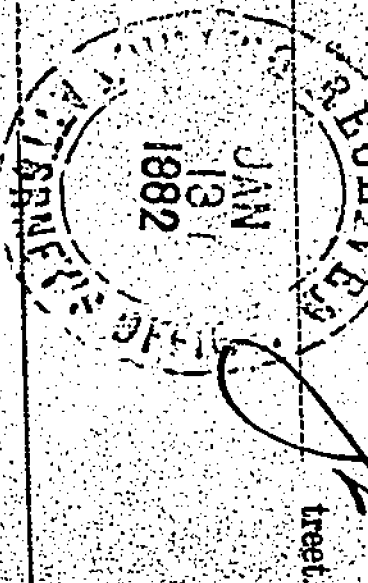
McCarthy Officer.
V18.

Clerk.

Witnesses William Frederick

No. 1402 Canal St.

No. 345 E 21st St.



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 Edward Blum

held to answer at the Court of General Sessions
guilty thereof, I order that he be admitted to bail in the sum of _____ Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail be legally discharged

Dated January 12 1882

Glenn G. Gurney Police Justice.

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

Dated _____ 1882

Police Justice.

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

Dated _____ 1882

Police Justice.

0220

Sec. 200, 209, 210 & 212.

Police Court - 24 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard O'Brien
359 W. 1st Av.
Edward O'Brien

BAILED

No. 1, by
Residence
Street

No. 2, by
Residence
Street

No. 3, by
Residence
Street

No. 4, by
Residence
Street

Dated *January 12* 188*2*

Gardner Magistrate.

M. Carthy Officer.

Clerk.

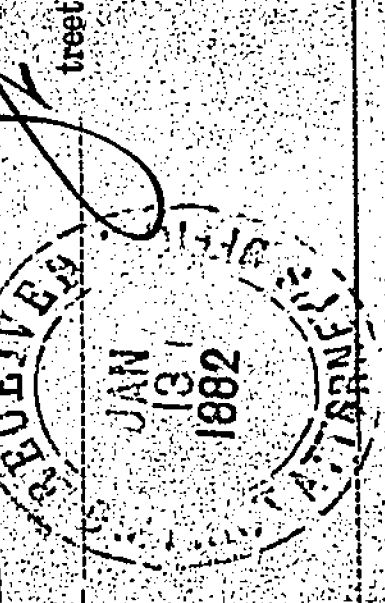
Witnesses *William Frederick*

No. *1402 East 21st* Street.

No. *Amelia Connor* Street.

No. *325 E 21st* Street.

Street.



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

held to answer at the Court of General Sessions
guilty thereof, I order that he be admitted to bail in the sum of *Hundred Dollars* and be committed to the Warden or Keeper of the City Prison until he give such bail as legally discharge

Dated *January 12* 188*2*

Hugh O'Connell
Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0229

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

THE PEOPLE OF THE STATE OF
NEW YORK,

Edward Bolin
against

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

committed as follows:

The said

Edward Bolin
of the crime of
Burglary
Edward Bolin

late of the Eighteenth Ward of the City of New York,
in the County of New York, aforesaid.

on the *first* day of *January* in the year of our Lord
one thousand eight hundred and ~~eighty~~ *eighty two* with force and arms, at the Ward,
City and County aforesaid, the *store* of

Richard O'Brien

there situate, feloniously and burglariously, did break into and enter, the same being a
building in which divers goods, merchandise, and valuable things were then and there kept
for use, sale and deposit, to wit, the goods, chattels, and personal property hereinafter
described, with intent the said goods, chattels, and personal property of the said

Richard O'Brien

then and there therein being, then and there feloniously and burglariously to steal, take,
and carry away, and

Three hundred cigars of the value of two
Cents each.

Three quarts of liquor (a more particular
description of which is to the Grand Jury
aforesaid unknown) of the value of one dollar and
thirty-three Cents each.

divers coins of number kind and denomination to the
Grand Jury aforesaid unknown and a more accurate description
of which cannot be given of the value of one dollar
of the goods, chattels, and personal property of the said

Richard O'Brien

so kept as aforesaid in the said

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.

then and there being, then

John McKee

~~BENJ. K. PHELPS~~, District Attorney.