

08 11

BOX:

136

FOLDER:

1412

DESCRIPTION:

Padulu, Anthony

DATE:

04/10/84



1412

Witnesses:
James Lee
2399 1st Av.

37

Racey

Day of Trial,

Counsel,

Filed, 10 day of April 1884

Pleads *Not guilty*

THE PEOPLE

vs.

P

Anthony Padula

15, 10 - 109

Assault in the First Degree, C.

PETER B. OLNEY,

JOHN McKEON,

District Attorney.

Pr Apr 16/84

me. w removed Book 4 Edg.

A TRUE BILL.

House of Refuge.

John M. Olney Foreman.

08 12

08 13

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Anthony Padula

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

of the CRIME OF *Assault in the first degree*, committed as follows:

The said *Anthony Padula*

M.C.C. late of the City of New York, in the County of New York, aforesaid, on the *26th* day of *March* in the year of our Lord one thousand eight hundred and eighty *88* with force of arms, at the City and County aforesaid, in and upon the body of *James Lee* in the peace of the said people then and there being, feloniously did make an assault and *injure* the said *James Lee* with a certain *knife* which the said *Anthony Padula*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *injure* the said *James Lee* then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

Anthony Padula

of the CRIME OF Assault in the Second Degree, committed as follows:

The said *Anthony Padula* late of *the City and County of New York* aforesaid afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *James Lee* then and there being, feloniously did, willfully and wrongfully, make an assault and *injure* the said *James Lee* with a certain *knife* which the said *Anthony Padula*

Padula in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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.

PETER B. OLNEY,

JOHN McKEON, District Attorney.

0014

37
Police Court- District. 1245

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James Lee
2399 25th St
Anthony Padula

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

Dated *April 4* 188 *4*
William J. Miller Magistrate.
William J. Miller Officer.
William J. Miller Precinct.
Witnesses: *William J. Miller*
No. *2399* 25th St. Precinct. Street.

No. _____
Street _____
to answer *to answer* *to answer*
No. _____
Street _____

Offence: *Telegraphic Assault*

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

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

Dated *April 4* 188 *4* *Wm J Miller* 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.

08 15

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK }

District Police Court.

Anthony Padula 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. *Anthony Padula*

Question. How old are you?

Answer. *16 Years.*

Question. Where were you born?

Answer. *Italy*

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

Answer. *109 East 110 Street 1 Year.*

Question. What is your business or profession?

Answer. *Rag. Picker.*

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. I struck the Complainant in self defense*

His D
Anthony T. Padula
maist.

Taken before me this

day of *April* 1938
Police Justice.

08 16

Police Court— 5 District.

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

of No. 2399 First Avenue Street,

April 34 Driver, being duly sworn, deposes and says, that
on Monday the 31st day of April

in the year 1884 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Anthony Tadulu.

(Now here) who wilfully and
maliciously cut and stabbed
deponent in the left hip, with
a knife. Then and there held
in the hands of the said Tadulu.
Causing a painful wound.
in deponent's hip

with the felonious intent to take the life of deponent, or to do him bodily harm; and without any
justification on the part of the said assailant : Grievous.

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 31st day

of April 1884

1884

James Lee

H. M. Helde

POLICE JUSTICE.

0017

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

100
Police Court 12th District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Philip Henry
vs.
Richard Schafar
Dated April 16th 1884
Offence Violation Section 196
of the Penal Code
Bill dismissed
John N. Schafar
22d Precinct.
APR 16 1884
RECEIVED
CLERK'S OFFICE
to answer Sessions.

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

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

Dated April 15th 1884. John N. Schafar Police Justice.

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

Dated _____ 1884 _____ 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 _____ 1884 _____ Police Justice.

0018

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

Smith District Police Court.

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

Question. What is your name?

Answer. *Richard Shaffer*

Question. How old are you?

Answer. *Nineteen Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *758 Tenth Ave three years*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I came out of the yard
with the horse and left him
standing outside by the office
and while I was fixing my
wagon the horse walked off
a boy hit him with a stick
and he kicked up*

Richard Shaffer

Taken before me this *15th*
day of *April* 188*4*
Edmund Bond
Police Justice.

0819

Police Court, Fourth District.City and County } ss.
of New York,The 22^d Precinct Police

Police officer

that on the 14th day of April

York, in the County of New York

Philip Harvey

Street, aged 29 years,

being duly sworn, deposes and says,

1884, at the City of New

York, in the County of New York

at about the hour of 4.45

o'clock P.M. Richard Shaffer (nowhere)

did willfully and unlawfully permit a mischievous

animal to go at large to wit; a horse knowing its

propensities, to be vicious and dangerous, that said

said defendant did not use ordinary

care and that the animal while at large

and not confined kicked Andrew Wilson

aged 8 years, residing at 349 West 46th Street

in said city thereby causing the death of

said Wilson.

Dependent further says that the information received was given by the defendant voluntarily and that he acknowledged that he let the horse loose on West 46th Street to go to the Watering Trough and that after while on his way to the Trough he kicked said Boy.

He dependent from

the facts stated above asks that he said

defendant be held to answer and dealt with

according to law he having violated section

196 of the Penal Code of the State of

New York.

Sworn to before me at:

15th day of April 1884J. Henry M. Philip Harvey
Police Justice.

Philip Harvey

0020

BOX:

136

FOLDER:

1412

DESCRIPTION:

Partridge, Thomas H.

DATE:

04/28/84



1412

Witnesses:

William Douglas

185 Church St.

130

Counsel,
J. B. Burlingame

Filed 28 day of April 1884

Pleads
W. J. Quilly (19)

[Sections 528, 531, — Penal Code].
Grand Larceny degree

THE PEOPLE

vs.

T

Thomas H. Partridge

PETER B. OLNEY,

District Attorney.

A True Bill.

John H. O'Leary Foreman.

May 2/84

Heads J. J.

Pen one year.

0021

0022

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Thomas M. Partridge

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

Thomas M. Partridge
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Thomas M. Partridge

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

two silver handkerchiefs of
the value of twenty-five cents
each, and four towels of the
value of thirty cents each

of the goods, chattels and personal property of one William

Douglas

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.

Peter B. C. C. C.

District Clerk

0023

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

Police Court - 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William H. Smith
185 Church St.

Thomas A. Partidge

2 _____
3 _____
4 _____

Offence *Grand Larceny*

Dated *April 24* 188 *4*

Henry J. Bradley Magistrate.

John J. Bradley Officer.

6 Precinct.

Witnesses *John J. Bradley*

John J. Bradley Street _____

No. _____ Street _____

No. _____ Street _____

\$ *500* to answer *General Sessions*

Ans

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 *Thomas A. Partidge*

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

Dated *April 24* 188 *4* *Henry J. Bradley* 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.

0024

Sec. 198-200.

First District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Thomas H. Partridge

Question. How old are you?

Answer 32 years

Question. Where were you born?

Answer. Ireland

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

Answer. 91 Centre street, and about two months

Question What is your business or profession?

Answer Salesman

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 acknowledge to have pawned
one dozen of handkerchiefs, and have
lost the balance of said property.
for the purpose of paying my travelling expenses

Thos H. Partridge.

day of

taken before me this

24

1881

Police Justice.

0825

Police Court—

First District.

Affidavit—Larceny.

City and County } ss.:
of New York, }of No. 185 Church Street, aged 56 years,occupation Merchant being duly sworndeposes and says, that on the 29 day of March 1884 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

A quantity of Cotton handkerchiefs,
 linen handkerchiefs and linen embroidered
 handkerchiefs of the value of about
 fifty two dollars - four Buckle & bows
 of the value of one dollar and fifteen
 cents in all of the value and amounting
 to fifty three dollars and fifteen cents
 (\$53.15)

the property of David Douglas by William Douglas
and doing business under the firm name of David
Douglas & Company, and in care and charge 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 Thomas H. Partridge (now

here) from the fact that on or about the
 above date deponent gave the aforesaid
 property to the said Partridge as samples
 from which he was to sell - That the

said Partridge failed to make a return
 of said sample to deponent - That
 deponent has not seen him since till he
 was arrested ^{on the 23rd April} by officer John J. Bradley of the
 6th precinct Police when he found the aforesaid
 pawn ticket in the person of said defendant
 which he the said defendant acknowledges
 and confesses to deponent in presence of said officer
 to represent a portion of said property

Wm Douglas
 185 Church St

Sworn to before me, this 24 day of March 1884
John J. Bradley
 Police Justice.

0826

BOX:

136

FOLDER:

1412

DESCRIPTION:

Pierce, Frank

DATE:

04/01/84



1412

Witness:
- off Wm. Stut

325

Counsel,

Filed

day of

1884

Pleas

July 2

THE PEOPLE

vs.

P

Frank Pierce

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PETER B. OLNEY,

JOHN MCKEON,

District Attorney

A True Bill.

Carroll D. Kneass

Foreman.

Att. Gen.

april 14/84

Frederick J. Skaggs

0027

0028

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Frank Pierce

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

— — — Frank Pierce — — —
of the CRIME OF ROBBERY IN THE — — — DEGREE, committed as follows:

The said Frank Pierce — — —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
thirtieth day of March — in the year of our Lord one
thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force
and arms, in and upon one James McAvoy — — —
in the peace of the said People then and there being, feloniously did make an assault (and

the said Frank Pierce being
then and there aided and
an accomplice actually
present whose name is to
the Grand Jury aforesaid
unknown) and one box
of the value of one dollar
one violin of the value of
nine dollars, and one violin
box of the value of two
dollars — — —

of the goods, chattels and personal property of the said
James McAvoy
from the person of said James McAvoy and against
the will and by violence to the person of the said James McAvoy
then and there violently and feloniously did rob, 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,

PETER B. OLNEY,

~~JOHN McKEON~~ District Attorney.

0829

Police Court 9th 12 17 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Anna Mary
his Saturday
Shuttle Service

1 Shuttle Service
2
3
4

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

Dated March 30th 1888

W. H. Tuttle Magistrate.
W. H. Tuttle Officer.
John Precinct.

No. _____
Street _____
No. _____
Street _____
No. _____
Street _____
to answer 4.00
Court

Offence Robbery

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

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

Dated March 30th 1888 J. Andrew J. White Police Justice.

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

Dated _____ 1888 _____ 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 _____ 1888 _____ Police Justice.

0830

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

9d District Police Court.

Frank Pierce 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.

Frank Pierce

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

New York

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

Answer.

14 Coxsack St. 4 Months

Question. What is your business or profession?

Answer.

Ins Smith

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

Answer.

I am not guilty
Frank Pierce

Taken before me this
day of March 1888

Charles Smith
Police Justice.

0031

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Police Officer of No.

10th Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James McEvoy
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

March 1887

William Stett

Andrew J. Mills
Police Justice.

POOR QUALITY
ORIGINAL

0032

Police Court

District.

CITY AND COUNTY }
OF NEW YORK. } ss.

of No

being duly sworn, deposes and saith, that on the

188

at the Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

One Box containing a Violin & Bow
of the value of Ten Dollars

of the value of

the property of

DOLLARS,

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

Frank Pierce, as deponent is informed by Officer William Stott of the 10th Precinct Police, that he Stott, being several persons' surround Deponent, and one unknown person seized hold of Deponent's arm, while the Defendant forcibly took from under Deponent's arm the property above described, which was found in the possession of said Defendant by said Officer Stott.

James M. Crox
Mark

Sworn before me, this
day of March 1888

POLICE JUSTICE.

0033

BOX:

136

FOLDER:

1412

DESCRIPTION:

Popper, Simon

DATE:

04/15/84



1412

Witnesses:

Josee L. Merrill

201 E. 72nd St.

L. Field

36 New St.

Bail fixed at
\$10000⁰⁰ R13C

Bailed by
Joseph Lott, 65 GreenestSt
and
Mark Fickel

55 Bay Street
I think it will not be possible on
the facts in our possession to make
out a criminal intent and that on
all the facts it is extremely doubtful
if a conviction could be had -
and the complainant states his
belief in defendant's honesty in these
transactions. I recommend
that this indictment be dismissed.
Sd. Mich. 25.1885
Candolphus B. Maguire
Dist. Ct.

97

19th

Counsel,

Filed 5th day of April 1884

Pleads
Not guilty with leave
(to withdraw & replead)

THE PEOPLE
vs.
Simon Popper
(2 cases)
Grand Larceny - 1st degree
[Sections 528, 537 - Penal Code]

PETER B. OLNEY,

District Attorney.

In New York
Ind. dismissed. Bail docket.
A True Bill.

Foreman.

John H. O'Leary

All on me of
Olney & me,
77.

POOR QUALITY
ORIGINAL

0834

0035

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Simon Popper

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

Simon Popper
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Simon Popper

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Sue 21 day of March in the year of our Lord one thousand
eight hundred and eighty-three, in the day time of the said day, at the Ward, City and
County aforesaid, with force and arms,

twenty two instruments
and writings, and evidences of debt
to wit: twenty two written obligations
and bonds of the Texas, Rio Grand and Pacific
Railway Company, known as first
mortgage six per cent gold construction
bonds, the same being then and
there unsatisfied, each of which
said bonds, secured the payment of
the sum of one thousand dollars
in money, and being then and
there of the value of one thousand
dollars each,

of the goods, chattels and personal property of one

Jesse L. Morrill

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.

Peter O. May.

District Attorney

Witnesses:

Jose L. Merviel

201 E 72nd St

E. Ford

36 near St.

I think it will not be possible on the facts in our possession to make out a criminal intent and that on all the facts it is extremely doubtful if a conviction could be had and the complainant states his belief in defendant's honesty in these transactions.

I recommend that this indictment be dismissed.

N.Y. March 25, 1885
Randolph S. Appertine
District Attorney

79

Counsel,

Filed 30 day of April 1885

Pleas

THE PEOPLE

vs.

B

Simon Popper

(2 cases)

Grand Larceny
[Sections 528, 530, Penal Code.]

PETER B. OLNEY,

District Attorney.

Pr Mch 26/85
Ind. dismissed & bail doct!

A True Bill.

John M. O'Leary Foreman.

Wd. on Mch. 26
Olney D. Merviel

70

0036

0030

The People ^{vs}

vs

Lucas. Popper

Affidavit of Geo
L. Mumford

25th April 1874,

The People of the State of New
York

against
Lucius Popper

City and County of New York ss:

~~James~~ L. Morrill of full
age, being duly ~~sworn~~ deposes and says:
I am a practicing physician having an
office at No. 201 East 72nd St. New York
City. I became acquainted with Lucius
Popper, the defendant above named, about
four years ago, when he came to me for
treatment, he living then on the same block
as my office above stated, and I have ever
since that time down to the present seen his
physician frequently attending him and his fam-
ily during that period. I have frequently during
that period visited his home and he has often
called at my office, in a social way, and un-
connected with our professional or business re-
lations. I had my first dealings with him
as a broker about two years ago and from
that time down to the Spring and summer of
1883, operated on Wall Street under his advice
and through him as a broker in a number
of transactions. My confidence in his integrity

during all that period and down to the institution of these proceedings was perfect, and I had never at any time seen or heard anything of him which gave me any cause to suspect ill of him. On two occasions that I now recall he bought stock for my account and for the purpose of promoting my interests without any authorization on my part and I have never called in question his good faith in so doing.

The loan by the Bank of the State of New York of \$30,000, on the N.Y. Chicago & St. Louis, for obtaining ^{funds} for the purchase of the Oregon Transcontinental, (mentioned in my affidavit of April 15th 1884,) was a call loan and was, as is customary, in the name of Simon Popper. When the substituted collateral (viz. the Texas, Rio Grande & Pacific) were withdrawn by Popper from the Bank of the State of New York, it was so withdrawn by him because the Bank called the loan, and that was the only course open to him. The money with which to pay the loan and secure the release of the collateral was advanced by Strunberger, Fuld & Co., and the collateral, when released by the Bank, was at once deposited with them as collateral to their paid advance, which facts last stated I have learned by

month inquiry as to the facts.

From statements made to and by said Popper since his arrest, and from inquiries procured by me personally I now believe that Popper sold the securities mentioned in my former affidavit because they were declining in value, and were, as he believed, likely to result in a larger loss to me if held than if sold then. The proceeds of such sales were, as I truly believe, used by Popper for my account, in speculation, with a view of realizing such profits as would make me whole in the various transactions he had advised and conducted for me. I am satisfied that ^{neither} Popper nor any other person in privacy with him planned or intended to gain any advantage or profit from the sales of the bonds mentioned in the indictment, and I now believe that Popper had no design or intention to defraud me or to embezzle the bonds or proceeds thereof, in question, and that his dealings above mentioned were without any criminal intent.

In the month of December last having immediate use for money I called on Popper and asked him to close out my securities and turn over to me the proceeds which he agreed to do. Failing to hear from him I made inquiries and learned

that he had been in Philadelphia for a few days on business, but he promised to adjust matters with me on the day following. On the day following I failed to find him and on inquiry learned that he had gone West, and being unable to learn of his whereabouts with any definiteness I made inquiries, my suspicions being aroused and then for the first time learned of his unauthorized sale of my securities. I then felt justified in the conclusion that he had made use of the proceeds of the securities for his own benefit, and was intentionally wronging me, and that my only recourse was to bring him to justice in criminal proceedings, being advised that his conduct, if it was as I supposed, amounted under the present law to larceny.

My intention has not at any time been to make use of criminal proceedings for the purpose of forcing a settlement of any claim against him, nor to bring him within the jurisdiction of our civil courts for the purpose of suit. I felt wronged and aggrieved by his treatment of me and desired to see him punished for it.

I have learned, since his arrest, that the defendant since his departure from this

City has been in Chicago openly and publicly engaged in financial negotiations in connection with his brother, with many prominent business men and capitalists, using his own name and carrying letters of introduction to banks and other persons with whom he dealt.

I desire further to state that I have instituted against him a civil action to recover my property and its proceeds, but have not taken any steps, nor shall I do so, to procure his arrest in such action. I am convinced that any remedy in the premises is in Civil Courts, and that the defendant has earnestly endeavored before his arrest, and will hereafter use every effort to repay to me the sum due.

I further solemnly declare that my purpose in making this affidavit is to secure the release from custody of the defendant, and his re-instatement in society and business circles, and thus to undo what in good faith I have done in these proceedings, believing as I do that his acts have not been criminal and that a trial of the indictment would unnecessarily publish this proceeding and cause him damage in many ways (though it should result in an acquittal). I have not received any promise or reward or

0044

other consideration of any kind for making this
affidavit or securing the defendant's release,
nor have I made or negotiated, nor caused
to be made or negotiated any settlement or
adjustment of my claim on him

Witness my hand
this 4th day of April 1884 J. L. Morrill.
Miss C. C. C. C.

Notary Public
New York County

0045

The People vs

v.

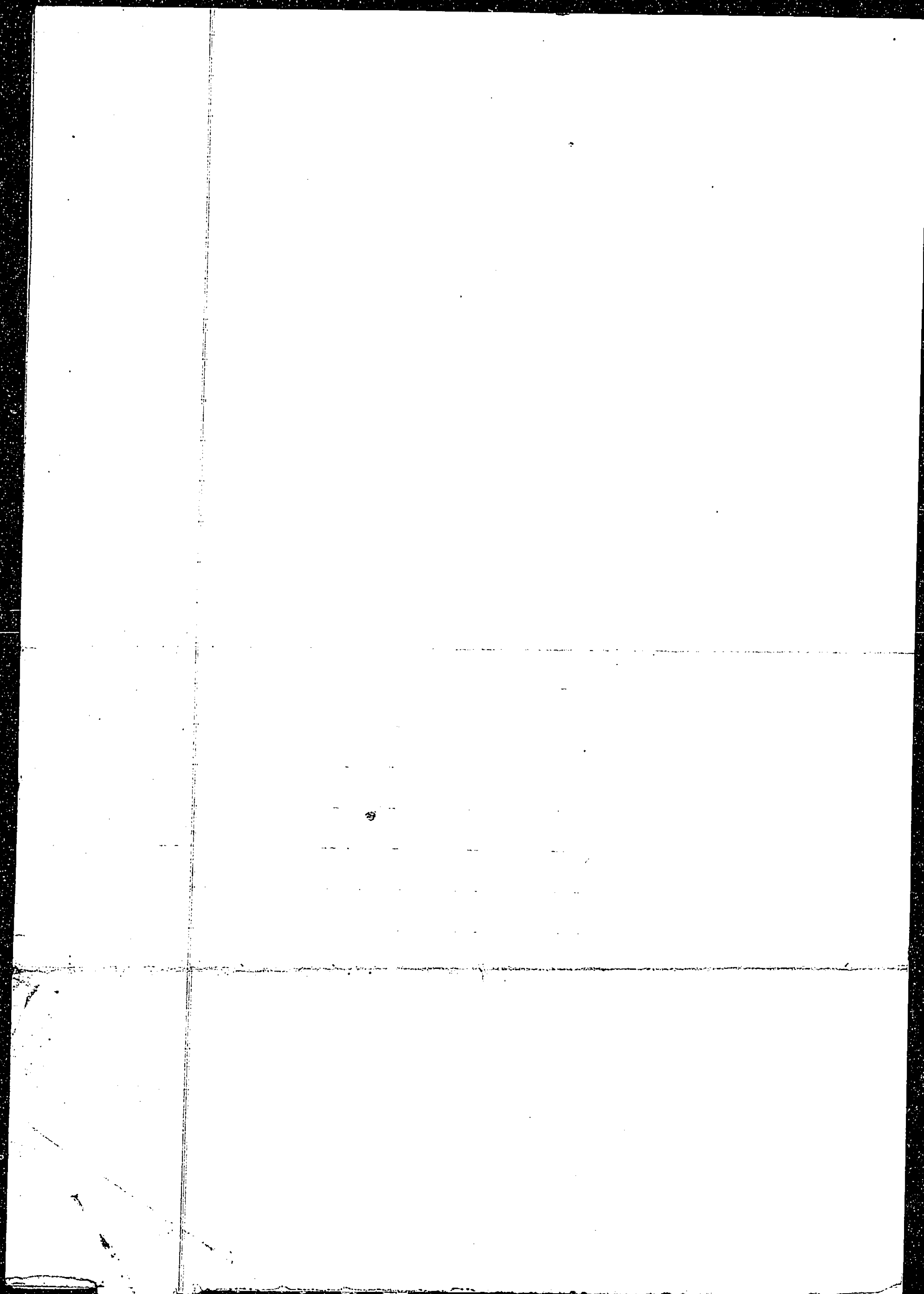
Simon. Popper

Attendants of Jew
L. Murrell

25th June 1884,

POOR QUALITY
ORIGINAL

0046



POOR QUALITY
ORIGINAL

00477

General Session.

People

Simon Papper



I do not think a conviction
can be obtained in this matter.

The deft. was carrying securities
for the complainant and borrowing
money for that purpose to the know-
ledge of compt. The securities
under this loan belonged to the
complainant, but were from time to
time sold by the deft, and the
proceeds invested by him in other
stocks which were substituted under
the loan; this went on until all the
securities changed as taken by deft
were disposed of, but there is no
evidence available to show that in
any instance the proceeds were
appropriated by deft otherwise than
by reinvestment in other stocks.

The account of Compt was speculation,
and there had been great confidence
between the Compt & deft, such that
on other occasions deft had sold

POOR QUALITY
ORIGINAL

0048

other securities & removed without
express order from Compt, who had
afterwards approved that action.

I do not think it wd. be possible
with the facts in our possession to make
out a criminal intent; and in all
probability deft could explain away
any circumstances of suspicion,
as for example his running away.

I am convinced that Compt was
sincere in his opinion at the time
of the Complaint that the deft had
criminally defrauded him; all
his explanations I have not set
forth in his affidavit, but I think
he acted then and is acting now
in good faith.

Ny. July 8th 1884

Respectfully

Wm. H. Adams.

0049

People etc.

vi.
Simon. Popper.

Report
On Division of Indictment

Am

Feb. 12/85.

0850

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New-York.

-----x
The People of the State of New-York :
- against - :
Simon Popper. :
-----x

Application has been made to the District Attorney by defendant's counsel, H. A. Kingsbury, Esq., for his consent to the dismissal of the indictment in the above entitled action.

The defendant was indicted for Grand Larceny in the First Degree April 15', 1884, and subsequently on account of a wrong description in the indictment of the property alleged to have been stolen a new indictment was found on the 30' of April, 1884.

The defendant is charged with the larceny of twenty two bonds of the denomination of \$1,000 each of the Texas and Pacific Railway Company, the property of the complainant, Jesse L. Morrill.

The defendant was a broker and the complainant was a customer. This relation was sustained for upwards of two years. In the early part of January, 1883, the defendant bought for the account of the complainant thirty bonds of the Oregon and Transcontinental Railway Company. As security and margin for the purchase price of these bonds the complainant deposited with the defendant on the 19' of January, 1883, twenty one bonds of the New-York, Chicago and St. Louis Railroad Company; and thereupon defendant purchased the aforesaid thirty Oregon and Transconti-

0851

mental Railway Company bonds for \$27,900, which amount the defendant was authorized to borrow upon the security of the said Oregon and Transcontinental bonds and the New-York, Chicago and St. Louis bonds.

This money was thereupon borrowed from the Bank of the State of New-York upon the pledge of the twenty one bonds of the New-York, Chicago and St. Louis Railroad Company. This security was afterwards withdrawn by the complainant, and in its stead was substituted the bonds alleged in the indictment to have been stolen, namely, the twenty two bonds of the Texas and Pacific R. R. Co.

Subsequently the Bank of the State of New-York called their loan to the defendant, who thereupon went to Sternberger and Field, brokers, and obtained the money to pay the loan and release the collaterals from the Bank of the State of New-York. This was evidently the only course open to the defendant. As soon as these collaterals were thus released they were deposited with Sternberger and Field as collateral security for their advance. Thus Sternberger and Field occupied the position which the bank had occupied in the transaction.

Subsequently, and between the 8' of March, 1883, and the 15' of August, 1883, the thirty shares of the ^{Oregon & Transcontinental} ~~O. and P.~~ Railway bonds, which Sternberger and Field were now carrying on the margin of the collaterals alleged to have been stolen by the defendant, were sold at a loss by order of the defendant.

Between the 8' of August, 1883, and the 13' of August, 1883, the twenty two bonds of the Texas and Pacific Railway Company were also sold by Sternberger and Field by order of the defendant.

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deponent was authorized to follow from the records of the
New York Mining, Stock and Petroleum Exchange

Complainant in his affidavit of the 15' of April, 1884, states that he has never received the proceeds of this last sale of his collaterals; but in his affidavit of the 25' of April, 1884, he states it as his belief that such proceeds were used in speculation by the defendant for his (complainant's) account and benefit.

From the affidavits of the complainant it appears that the most confidential relation existed between him and defendant - that defendant as complainant's broker bought and sold stocks and bonds for him many times without consulting the complainant, but with complainant's full consent and reliance upon the defendant's good judgment, and after the sale of the bonds alleged in the indictment to have been stolen.

The whole matter seems to have been a stock speculation in which the complainant's margin of Texas and Pacific bonds were legitimately exhausted for his account while under control of the defendant as broker.

In his affidavit of the 25' of April, 1883, the complainant declares his present belief in the defendant's honesty in all these transactions, and that he has received no reward or settlement of his alleged claim, or other consideration, for making the affidavit.

The defendant in his affidavit of the 22nd. of January, 1885, states that he is a member of the N. Y. Mining, Stock and Petroleum Exchange and is residing with his family at No. 438 Lewis Avenue, Brooklyn.

I am informed by the defendant's counsel that the defendant will voluntarily submit himself to the jurisdiction of the Court whenever the District Attorney will summon him.

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OF HIS COUNTERPARTS FOR IN HIS STATEMENTS OF THE 30 OF MARCH
STATED THAT IN THE MEAN TIME, THE ACCOUNTS OF THE INVESTMENT
WAS IN THE STATE OF THE 10 OF MARCH 1915.

To prove their case against the defendant the People
will have to show (1) that the margins in defendant's hands for
account of the complainant were not legitimately exhausted by
the depreciation in the price of the securities held by the
defendant for the complainant; (2) that the defendant has failed
to account for these margins to the complainant: and this must
be done in face of the fact that the complainant himself swears
they he believes they were so exhausted.

In my opinion it would be difficult to get a conviction.

N. Y. February 12th 1915,

Respectfully,

Urmund Davis,
Dep. Ass. Dist. Atty.

Honorable Randolph B. Martine,
District Attorney.

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79

People &c
(as
Popper.)

Affidavit of Jose L. Murrel.

15th Apr. 1884

0855

The People of the State of
New York

against
Simon Popper

State of New York

City and County of New York ss:

Jesse L. Monill of said City being duly sworn says that on or about the 19th day of January 1883 the defendant Simon Popper represented to deponent that certain Securities ^{commonly known} as First Mortgage Bonds of the Oregon, Transcontinental Railroad Company were selling on the Market at a low price, to wit at about Ninety three percent of the par value thereof, and at that price were a good purchase, and deponent was induced by such representations to authorize said Popper to purchase thirty of said Bonds of the par or face value of \$1000. each.

That then or prior thereto, and as deponent now believes and charges, for the purpose of Cheating & defrauding deponent, said Popper represented to deponent that to carry out such purchase, that it would be necessary for deponent to deposit or furnish to him, said Popper, to deposit, ^{Collateral} as security for the price of the said Bonds to be purchased as aforesaid, certain Bonds then held by deponent, and acting upon the statements made by said

0856

Popper to deponent, deponent did on or about the 19th day of January 1883 deliver to said Popper twenty one Coupon Bonds, Commonly Known as New York ^{Chicago} & St. Louis R.R. Co. First Mortgage Bonds, of the par value of \$1000 ^{each} to be used as Collateral security for the purchase price of said thirty Bonds to be purchased as aforesaid. That said Popper as deponents broker & agent thereupon purchased said thirty Bonds of the Oregon Transcontinental R.R. Co. at 93 cents on the dollar, amounting for the thirty bonds to the sum of \$27,900, which sum ^{and no more} the said Popper was duly authorized by deponent to borrow upon said last mentioned bonds & said Collaterals, ~~and the~~ ^{same}, but as deponent alleges upon information and belief, and charges the fact to be, the said Popper fraudulently & wrongfully and without the knowledge or consent of this deponent, obtained from the Bank of the State of New York, in addition to the said sum of \$27,900, authorized by deponent as aforesaid, the further sum of \$2,100. Making altogether the sum of \$30,000, for which sum of \$30,000 he pledged deponents said Securities, and deponent believes and charges the fact to be that said Popper did at the time and place aforesaid, unlawfully, and with intent to defraud deponent, embezzle and convert said sum of \$2,100. to his own use.

Deponent further says that on or about January 26, 1883, he withdrew or caused to be withdrawn, twelve of the said Collateral Bonds from said Bank, and replaced them with a like number of Bonds of the Texas, Rio Grand & Pacific Railway Company, and subsequently on or about March 10, 1883 deponent desired to withdraw & sell the remainder of said Bonds of the N. Y. Chicago & St. Louis R. R. Co. held as collateral as aforesaid, and for that purpose delivered to said Popper ten like Bonds of the Texas Rio Grand & Pacific R. R. Company, deponent then and for a long time thereafter supposing, from the repeated statements of said Popper, that said Securities were still in the custody of said Bank. Upon information and belief deponent alleges that said Texas Rio Grand & Pacific Railway Company was & is a Corporation duly organized and incorporated under act of Congress passed March 3, 1871 and under subsequent & other Legislative Authority, and the said Bonds appropriated & embezzled by the defendant as herein charged, were twenty two Bonds of the face or par value of \$1000. each and Morally & Collectively Known and designated as First Mortgage six per cent Gold Construction Bonds of the ^{Rio Grand} Texas and Pacific Railway Company - Rio Grand Division - authorized by acts of Congress March 3, 1871 - May 2, 1872 - March 3, 1873. June 22, 1874, and by other Legislative Authority

secured by sinking fund and First Mortgage of twenty five thousand dollars per mile on the Company's lines of Railway from Fort Worth, Texas to the Rio Grande at or near El Paso, and upon any land rent and lands, which may be acquired from the State of Texas, by the construction of said Division.

And that said Bonds were each payable to Russell Sage or bearer, on the 1st day of February 1930, and are of a series of 15,400 in number each of like tenor.

That as deponent has been informed, by Ludwig Fuld of the firm of Sternberger & Fuld, stock brokers doing business at No 36 New Street in the City of New York, said Simon Popper did on or about the 7th day of March 1883 obtain their check for \$30,000. (thirty thousand & thirty dollars) & paid same to said Bank of the State of New York in full for the amount of their said loan & interest, and took up said Bonds & Collaterals, and on that day, ~~deposited~~ but without the knowledge or consent of deponent, and as deponent believes and charges, with the intent to cheat & defraud deponent, deposited with said Sternberger & Fuld said thirty Oregon Transcontinental Bonds, together with twelve Texas Rio Grande & Pacific Railway Bonds above described, and nine New York Chicago & St. Louis Railway Bonds aforesaid, to his own credit.

That as deponent is informed by said Fuld & believes, said Popper through said Sternburger & Fuld sold said Bonds of the Oregon Trans-Continental Railway Company upon the dates & at the rates following, namely -

On March 8, 1883,	5	-	of said Bonds at 93 percent.
On March 14, 1883,	5	"	" " " " 93 1/8 " "
On August 13, 1883	1	"	" " " " 93 " "
On August 13, 1883	2	"	" " " " 92 " "
& On August 14, 1883	10	"	" " " " 92 " "
& On August 15, 1883	7	"	" " " " 90 " "

which last sale as deponent believes and Charges the fact to be, closed out the entire number of said Bonds purchased for deponent's account as aforesaid, upon which deponent had deposited said Collateral, and at an average loss of less than one percent.

That when said last mentioned Bonds were sold as aforesaid, deponent was justly entitled to have the said Collateral Bonds to wit, the 22 Bonds of the Texas Rio Grand & Pacific Railway Co. then constituting such Collateral, duly returned to him with a just and true statement of account from said Popper of the entire transaction, but said Popper wholly failed so to do, and wholly failed to return said Collaterals, but on the contrary, as deponent is informed and believes, and therefore Charges the fact to be, the said Popper did with intent to feloniously convert the same to his own use

deposit said Collateral securities with said Sternburger & Fuld, to his own credit and without the knowledge or consent of this deponent did feloniously convert the same to his own use, and did then and there, to wit on or about the 7th day of March 1883, fraudulently and feloniously, and with the intent to commit such felony appropriate apply and make use of deponent's said securities, consisting of 20 Bonds ~~aforesaid~~ of the Texas Rio Grand & Pacific Railway Co. as aforesaid, and did unlawfully and feloniously embezzle the same.

Deponent further says that he is informed by said Fuld that the aforesaid twenty two Bonds of the Texas Rio Grand & Pacific Railway Company were converted into cash by or pursuant to the directions of said Simon Popper, and the proceeds thereof paid to him or upon his order, and deponent believes and charges that said Simon Popper feloniously and with intent to cheat and defraud deponent, did embezzle the said proceeds and the whole thereof.

That as deponent is informed by said Fuld the said last named Bonds were severally converted into cash by said Popper on or about the following dates and at the following named rates or prices, to wit.

On August 8, 1883 5 of said Bonds were sold at 77 ³/₄ per cent.

On August 8, 1883 5 of said Bonds were sold at $77 \frac{5}{8}$ per cent.
 On August 11, 1883 10 of said Bonds were sold at $76 \frac{1}{8}$ per cent.
 On August 13, 1883 2 of said Bonds were sold at $76 \frac{1}{8}$ per cent.
 Deponent further says that said Popper has never paid over to deponent, ~~and~~ in any manner accounted to him for said proceeds of said Bonds or any part thereof - and that such sales were severally and collectively made as aforesaid wholly without the knowledge or consent of this deponent.

Subscribed & sworn to } Joseph L. Merrill
 before me this 13 day
 of April, 1884.

John A. Greenman
 Notary Public ~~272~~ (272.)
 City of New York

0062

1752

*My friend
Morris*

*as
I have paper
deposition*

Attest

24 March 1884.



City & County of New York; ss:
 Jesse L. Morrell being
 duly sworn deposes and says
 That on the 19th of January, 1883
 he placed in the custody of
 Simon Pappas, a street, house
 rooming business in the City of
 New York, twenty one ~~first~~ ^{first} mortgage
 bonds issued by the New York, New
 Chicago and Hudson R.R. Company
 of the par value of \$100000, one
 thousand dollars each, with
 instructions to use said bonds as
 collateral security for the
 purchase of thirty ~~first~~ ^{first} mortgage bonds
 of New York & New Jersey R.R.
 That on the 26th of January, 1883,
^{said bonds were} ~~there were~~ ^{delivered} ~~at~~ ^{of} their deponent,
 twelve of the said first mentioned
 bonds. And these were purchased by
 order of their deponent twelve ~~first~~ ^{first} mortgage
 bonds of the New York & New Jersey
 Railroad Division, which said bonds
 were by order of deponent, retained
 by said Pappas. & That, on the 10th
 day of March 1883, by order of deponent
 the said Pappas sold the remaining
 nine bonds of the New York & New Jersey R.R.

0064

Rail Road Company, On the 10th of March with the money received from the sale of said last mentioned bonds said Popper by order of defendant purchased (\$5000.) Five 1st Mortgage bonds of the said Texas Pacific Railroad Division. And on the 12th of the same month by order of defendant he purchased five more of the said bonds last mentioned.

That on or about the 20th of December 1883, defendant advised of the said Popper, that he return to him ~~30000~~. That one thousand dollar bonds of the Texas Pacific Railroad Co. also the 2nd bonds of the Texas Pacific R.R. Railroad Co. and the said Popper told defendant that the said bonds were in the hands of the State of Texas pledged for a loan of money amounting to about \$28000. That he wanted get them and return them to defendant. But defendant is informed and believes that all of said bonds have been sold by the said Popper, some months before and that he had converted the said bonds and their proceeds to his own use.

Sworn to before me
This 24th day of March 1884

clerk
John J. Smith

John L. Monill

POOR QUALITY
ORIGINAL

0865

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

*Profer
Copper*

Petty | *R. Blum, Jr.*
Deputy | *District Atty.*

0066

OFFICE OF
STERN & MYERS,
ATTORNEYS & COUNSELLORS,
18 WALL ST. NEW YORK.
SIMON H. STERN. NATHAN MYERS.

March 27th 1885

Dear Sir, I beg to acknowledge receipt of certified copy order discharging indictments against Simon Lapper and thank you for your courtesy in sending same. I am very confident that you will never regret the act of justice done in the dismissal of these indictments.

Very truly yours
Simon H. Stern

Hon. Randolph B. Martin
District Attorney
City & County of New York

POOR QUALITY
ORIGINAL

0067

W. B. H.
as
Popper

ap 5-1894

Ind April 5-1894

W. B. H.
in 1894 of 1894

POOR QUALITY
ORIGINAL

0060

DISTRICT ATTORNEY'S OFFICE,

New York, *30 June* 1884

Prople v. Rappin

Dear Sir:

I have been delayed
in communicating with Dept
because of having mislaid his
Chicago address. I have now
written asking when he can
come back to plead to new
indictment, and will see you
in a day or two to settle on
a day.

Very respectfully

A. M. Williams
Peter B. Quinn, Jr. District Attorney

0069

Sec. 151.

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

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

Whereas, Complaint on oath, has been made before the undersigned one of the Police Justices in and for the said City, by Jessie L. Morrill

of No. 201 East 72nd Street, that on the 19 day of January 1888 at the City of New York, in the County of New York, the following article to wit:

Thirty one thousand dollars bonds of the Oregon Transcontinental R.R. also the twenty two bonds of the Texas R.R. (Rio Grand division) in all of the value of
of the value of Twenty Eight thousand Dollars, more
the property of Complainant
w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Simon Papper

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 bod 4 of the said Defendant and forthwith bring him before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 24 day of March 1888

my own POLICE JUSTICE.

POLICE COURT

1st DISTRICT

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jessie L. Morrill

vs.

Simon Papper

Warrant-Larceny.

Dated

March 24

1888

McKean

Magistrate

The Defendant

John Eric Tetley
Owner of

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated

188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

General Sessions

People

or

Simon Popper

City & County of New York ss:

Joseph L. Morris

being duly sworn says

I am the complainant in this proceeding against above named defendant for Grand Larceny.

Prior to the transactions herein mentioned I had known defendant for a number of years, and had been his family physician.

In January 1883 I was the owner of twenty one \$1000 bonds of the New York, Chicago & St. Louis R.R. Co. known as Nickel Plates; there at about that time I deposited with the defendant as manager a purchase made for me by him of a certain number of the bonds of the Oregon & Transcontinental Company; in this and other other matters herein mentioned defendant was acting as a broker for me.

The Nickel Plates were afterwards

sold by defendant at my direction and the proceeds a portion of the proceeds invested in the purchase by him of twenty two \$1000 bonds of the Texas & Pacific R.R. Co. Rio Grande Division known commonly as Rios; and these Rios then about February 1883 were held by defendant as margin for the O.T. Co. purchase in substitution of the said ticked Rios. With my concurrence the defendant was at this time borrowing money to carry said O.T. bonds for me, and as security for the loan had put up the said O.T. bonds and said Rios.

Some time prior to August 1883 the said O.T. bonds were sold out without a loss; at the time of this sale I did not know they were disposed of but I afterwards agreed to it.

During the same period defendant had also bought for me and was carrying a certain number of Ohio Central Bonds Rio Division which was about August showed a loss to me of some thousands of dollars; this loss a depreciation and the

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The People ^{re}

ceyph

Simon Popper

Appidaver Nacuaed

22nd Jan'y 1875.

0073

Court of General Sessions.

The People &c.,

-agst-

Simon Popper.

City and County of New York, ss:

Simon Popper, being duly sworn, says:

I am the defendant above named: When the Bank of the State of New York called the loan to secure which Dr. Morrill's securities had been pledged, I procured the firm of Sternberger & Fuld of this City to take up the loan by paying to the Bank the amount of its advances, and by taking the ~~xxxxxxx~~ securities as collateral. Thus the firm of Sternberger & Fuld occupied the same position which the Bank had occupied with reference to the transaction.

This was about the month of March, 1884,. At that time a general falling off in the stock market had commenced, and this continued for a number of months thereafter. Being desirous of making some money for Dr. Morrill, and being without any restrictions in the exercise of my discretion on his behalf, I bought and sold from time to time thereafter on Dr. Morrill's behalf various stocks and bonds against the said margin of the collaterals held by Sternberger & Fuld. Those last mentioned transactions were managed by me in the exercise of my best judgment, and with the intent only to advance Dr. Morrill's interests thereby. The condition of

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GOVERNMENT OF NEW YORK

2

the stock market was, and continued to be such, that the transactions last mentioned resulted in losses which gradually exhausted the margin in the hands of Sternberger & Fuld. Of course such margin was of itself constantly diminishing by reason of the decline in the value of the collaterals.

In as much as the transactions above referred to were conducted by me through a broker, I could not and did not ask or receive, or for that matter, expect any pecuniary return for my services. My only commissions were on the original purchase of the bonds.

The disastrous results of my said investments for Dr. Morrill were no different from those suffered at that time by the majority of operators on the street. It is needless for me to comment upon the unwarranted suspicions entertained by Dr. Morrill with reference to said transactions, as I believe that he now fully appreciates the wrong which he has done me.

At the time of the institution of these proceedings, I was actively occupied, in my own name, in connection with my brother, in the City of Chicago, in endeavoring to procure the adoption by the authorities of that City, of a novel system of sewerage controlled by me. That business if successfully carried out, bade fair to be very profitable to me, and it was that which suddenly called me from New York to Chicago at that time.

I have since that time spent most of my time at Chicago and elsewhere in furtherance of that project.

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THE ALSO SCARCELY THAT HADYONQ LEANTING IN TO THE APPROP

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I have been residing for about six months past at No. 211 East 72nd. St. in this City, excepting that for the past two months I have resided with my family at No. 438 Lewis Avenue, in the City of Brooklyn. For about two years last past I have been, and still am, a member of The New York Mining Stock & Petroleum Exchange, of No. 60 Broadway, in this City, and my business is now principally on that Exchange, together with the management of said project in the City of Chicago. I am supporting my wife and six children by my labor. I have never in my life passed or attempted to pass under an assumed name. Until the institution of this proceeding my uprightness and fair dealing have never, to my knowledge, been called in question.

Sworn to before me, this)
22nd. day of January, 1885)

Simon Cooper
Notary Public
N.Y.C.

General Sessions

People

or

Simon Popper

City & County of New York:

Joseph L. Morris

being duly sworn says

I am the complainant in this proceeding against above named defendant for Grand Larceny.

Prior to the transactions herein mentioned I had known defendant for a number of years, and had been his family physician.

In January 1883 I was the owner of twenty one \$1000 bonds of the New York, Chicago & St. Louis R.R. Co. known as Nickel Plates; then at about that time I deposited with the defendant as manager a purchase made for me by him of a certain number of the bonds of the Oregon & Transcontinental Company; in this and the other matters herein mentioned defendant was acting as a broker for me.

The Nickel Plates were afterwards

sold by defendant at my direction and the proceeds a portion of the proceeds invested in the purchase of him of twenty two \$1000 bonds of the Texas & Pacific R.R. Co. Rio Grande Division known commonly as Rios; and these Rios then about February 1883 were held by defendant as margin for the O.T. Co. purchase in substitution of the said ticked Rats. With my concurrence the defendant was at this time borrowing money to carry said O.T. bonds from, and as security for the loan had put up the said O.T. bonds and said Rios.

Some time prior to August 1883 the said O.T. bonds were sold out without a loss; at the time of this sale I did not know they were disposed of but I afterwards agreed to it.

During the same period defendant had also bought for me and was carrying a certain number of Ohio Central Bonds Rio Division which was about August showed a loss to me of some thousands of dollars; this loss a depreciation and the

prospects of making it good was frequently the subject of conversation between defendant and myself.

During this period and down to December ¹⁸⁸³ or January 1884, the said Rio bonds were depreciating in market value.

During this period, the defendant was borrowing money from Stern - buyer & Field of this City, and as I am informed and believe this loan was for the purpose of carrying my said securities, and was separate from other loans, and for a part of the time was secured by said Rio bonds.

After the disappearance of defendant in January 1884, I was informed of this loan, and was informed by said Stern - buyer & Field that on the orders of the defendant between last August and December they had from time to time sold portions of said Rio bonds, and had with the proceeds bought other securities, or that on the sale from time to time of said Rio other securities were bought and substituted in their hands as

0879

Collateral security for said loan; and that this went on until all of said Rios were sold or disposed of.

On three separate occasions in 1883, or there might have been one in 1882, the defendant had made transactions in stocks for my account without previous instructions and I had approved of his actions in that respect. During all this period the relations between defendant and myself were of the greatest confidence and intimacy.

Shortly before the defendant disappeared as aforesaid I had asked him for \$10,000, and to dispose of some of said Rio bonds for that purpose; I now understand that at that time all of the said 22 Rios had been disposed of as aforesaid. The defendant's promise to supply this \$10,000 was not kept by him, but as I now learn failing to raise the amount the defendant left New York

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and disappeared. At this time I sought for information of the whereabouts of defendant, and among others I saw a lawyer of this City ^{to} whom I had been referred by the defendant's friends as one competent to speak as a counsel for the defendant. This lawyer told me that he had advised defendant to run away; that there was no use in seeking for him; and he gave me to understand that the defendant had wilfully defrauded me, and had been "playing me" as the phrase is.

Because of the disappearance of my securities, the concealment of defendant himself when I asked him for money, and the statements made to me by said lawyer apparently with knowledge and authority, I believed that the defendant had made away with my securities or then procured with felonious intent, and that he had wilfully defrauded me.

Since I have seen the de-

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defendant on his return to this
city, and from his explanations
to me of his said transactions
and from other information I
have received, I am now
convinced that the defendant
did not intend to defraud
me, or to deprive me of my
property in any way, and
that he did not act in the
respects mentioned or in any
of said transactions with
a felonious intent.

I now desire to withdraw
the charge made by me in this
matter against defendant, and
that the prosecution of defendant
may be discontinued; and I
declare that this affidavit and withdrawal
is done in good faith, and without
any inducement or profit expected
or given to me because thereof, but
solely because I now believe I was
misled at the time the prosecution was
instituted.

I am to be sworn this *John L. Morrell*
8th day of Feb 1884
by *John H. Adams*
Valley Public
Clerk *Benjamin Murphy*

0002

Pro
" Paper
G. Harvey
Affiant of
Complainant
1
8th July 1894

0003

BOX:

136

FOLDER:

1412

DESCRIPTION:

Porret, Eliza

DATE:

04/02/84



1412

Witnesses:-

John T. Clarke
Henry Richards

Sept 5 6x. 15 of
Nov. 12. 1894
J.M.

249

Day of Trial,
Counsel, J. O. Byrne.
Filed 2 day of April 1884
Pleads July 4 by Compt.

THE PEOPLE
vs.
Elizabeth
Violation of Excise Law.
Selling without License.
J. O. Byrne
1884

PETER B. O'NEIL,
JOHN MCKEON

District Attorney.
Pr. Apr 26. 1884
Ind. & Enriched. 30.
A TRUE BILL.
July 5.

Robert B. Munn

Foreman.
City Thru in 10 days
477 me \$250.00
O. R. 2

POOR QUALITY
ORIGINAL

0004

0005

Court of General Sessions of the Peace

OF THE CITY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Eliza Porter

The Grand Jury of the City and County of New York, by this indictment, accuse *Eliza Porter* -----

of the CRIME of *Selling Spirituous Liquors without a License*, committed as follows:

The said *Eliza Porter* -----

late of the *First* Ward 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 eighty *four* -----, at the Ward, City and County aforesaid, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to *one John T. Clark* -----

and to certain other persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

PETER B. OLNEY,

~~JOHN McKEON~~, District Attorney.

In the Court of
General Sessions

The People

Plaintiff

against

Eliza Perotti

Defendant

Affidavit vs

Mr O'Byrne ~~& Stewart~~,

Attorney for *Def.*

5 Beekman Street,
TEMPLE COURT.
NEW YORK CITY.

To

Attorney for

Due and timely service of a copy of the within

is hereby admitted.

Dated,

188

Attorney for

0006

The People v.
 ~ agst ~
 Eliza Paret.

State of New York,
 City and County of New York } ss.
 John Friedrich - being duly
 sworn says that he is a resi-
 dent of the City of New York and
 a practicing physician for a
 period of over twenty years and
 resides at N^o. 52 West 4th Street;
 that he has known the Defendant
 for ten years and upwards and has
 been attending to her in his capa-
 city as physician and medical ad-
 viser during this period, that
 he has frequently called at the
 Defendant's residence at N^o. 54 West
 31st Street in this City and knows
 her to be a person of good character
 and has not to his own knowledge
 seen anything at her house that
 might bring her into disrepute or
 heard anything reflecting upon her
 good reputation. That at the Defen-

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out's request he called upon her at
the Tomb where he found her
imprisoned and upon an examina-
tion being made by him upon her
he found her in a great state of
mental excitement which in
Deponent's opinion may ultimately
result in her being confined to an
Insane Asylum should defendant
be deprived of her liberty for any further
or longer term of imprisonment.

Sworn to before me
this 5th day of May 1884

Frederick Back

Notary Public

N. Y. C.

The People

vs
Ely a Porret

James Reynolde being duly sworn according to law deposes and says: I reside at 149 West 15th Street. I have lived there over twenty years I own the house I live in subject to the dower interest of my mother and the right of my sister, who is the wife of Douglas Taylor, Esq., late Commissioner of Jurors. I own other property and am a tax payer in this county. I have known the defendant for about fifteen years. I have had large dealings with her in real estate matters, and have had very many and extended opportunities of knowing her character.

I know her to be thoroughly honest and truthful, never heard an immoral or improper word spoken by her. She is exceedingly temperate and one of the most charitable and kind hearted persons to the poor and needy I ever knew.

0090

I know of my own knowledge that the "Little Sisters of the poor" are the recipients of her charity twice every week, and were it not forbidden by the rules of the order the superior of the Sisters would give a certificate to that effect, and so told me Mrs Ponet has been swindled out of tens of thousands of dollars from 1879 to 1882 in various ways, and about two years ago she asked me to supervise her affairs as she then feared she would be entirely ruined. She then executed to me a power of attorney and I have been acting as her attorney in fact ever since. This necessitated very frequent visits to where she formerly kept and where she continued to frequent until her trial - I have been there at least once every day and from observation I am positive that no immoral conduct or indecent exhibitions ever took place in that house while under the charge of the defendant in fact.

there is no room in the house which is both very small and old where such things could take place. I have seen girls go up stairs out of the restaurant but this can be explained by the fact that the only water closet on or about the place is a small back room on the second story. I am deeply interested in the defendant, because of her large charitable heart, integrity and truthfulness, and I will be personally responsible and execute a bond to the court, that the defendant will absolutely quit all connection of every kind with the house in 31st Street if she be saved from imprisonment. I am of opinion that from her involved position as a large holder of stocks, her imprisonment would work irremediable ruin of her entire fortune, and possibly the worry of all would kill her. I have personal knowledge of the fact of the sale to

0092

to John Srencher and know
it was bona fide in character,
as the defendant had yielded
to the solicitation of myself
and other friends, and had
determined to entirely abandon
the business she had been
engaged in, and live a reputable
private life; this lead her to
make the sale.
Sworn to before me
this 5th day of May
1884

Amos S. Reynolds

Van Meter Salwell

Notary Public Kings Co.

Cert. filed in R.G.C.

The People
 vs
 Eliza Povret

Deemok Garrison being duly sworn says
 I am sixty years of age. I ~~now~~ reside
 at present in Hemmiston New Jersey on a
 farm. I have lived there about one year
 I farm a tract of one hundred and twenty
 acres. I have known the defendant since
 her childhood. I was for many years
 in her employment, in 31st Street and
 also in South Street in this City. The place
 in 31st was a French Restaurant where coffee
 supper and drink was furnished during
 the time the License existed. I never saw
 any immoral conduct in the place while
 I was there. It is true that the habitués
 would sing, joke and laugh with each
 other - but nothing beyond that. I am
 positively certain that no immoral conduct
 or indecent exhibition of any kind ever
 took place in the rooms up stairs. In
 fact the entire property occupied by the de-
 fendant is not more than 20 ft front, by ~~width~~
 including the yard 50 ft. There are only ~~four~~
 rooms in the house over the store or restaurant
~~rooms~~ no one of these is over 14 ft by 18 feet, and

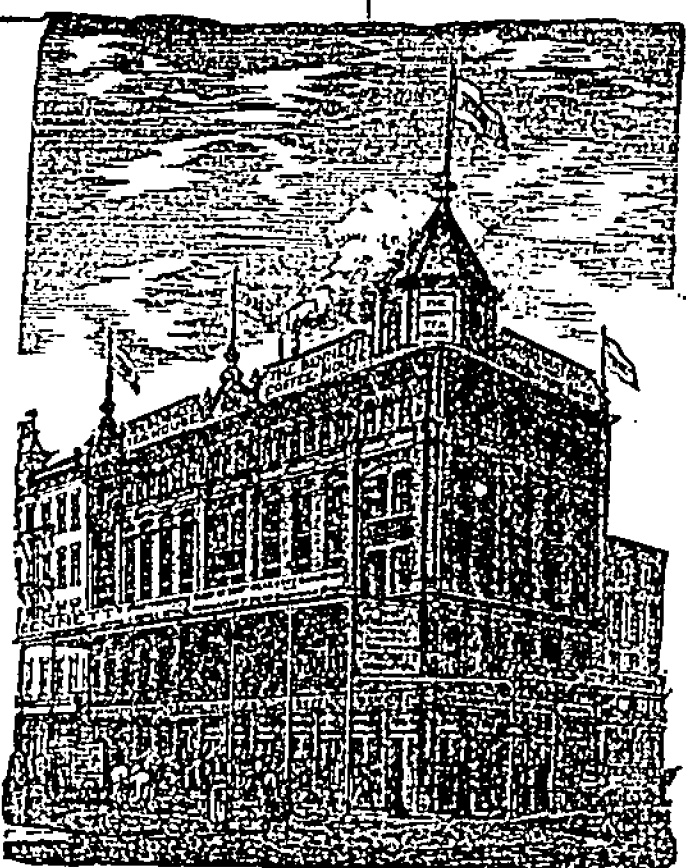
These were occupied by the Defendant - her
 servants and one of the waiter. I attended
 to the outside business for Reft. Made pur-
 chases Collection of debts &c but was in the
 place almost every night while I lived there
 until one year ago. The Defendant is not
 the "French Madame" but unfortunately has
 to bear, and suffer the consequences of the
 woman who was so known; but is a Swiss
 woman. The defendant personally is a
 woman of good personal - and one of the
 most charitable and benevolent ~~persons~~ persons
 to the poor I have ever met with. I
 know John Loertscher, and from my knowledge
 of Mr. Poent business I can positively aver
 that the sale of ~~the~~ the place to him was a
 bona fide one, and that the Defendant intended
 to cease doing there after some money matters
 between John and she had been closed up.

Sworn and Subscribed
 before me this 3rd day
 of May 1884

M. A. Sigerson
 Notary Public
 N.Y.C.

Frederic. Carrady

0896



TELEPHONE CALL MURRAY

*Jobber & Retailer of Teas,
Coffee Roaster and Wholesale Grocer,*

COFFEE ROASTING DEPT.
Vesey & Greenwich St.

SPICE MILLS,
10 Fulton Street.

Condensed Cream Factory,
Orange Ville, Ills.

Buildings Cor. of Vesey & Greenwich St.
63, 65, 67, 69 VESEY,
211 & 213 GREENWICH STREET.

EAST SIDE HOUSE,
10 Fulton Street,
5 Doors from Fulton Ferry.

New York, May 3rd 1884

*I have known Eliza Poore for the
past three years during which time I have found
her to be. Honest Truthful and entirely
worthy of credit.*

James F. Bennett

0897

To the Honble Judge Sullivan

Sir,

I have known Mrs
Elyza Porret for several
years, and I have
always found her very
honest, and I believe that
her personal moral character
is above reproach - she
is very charitable, and has
relieved many needy people
who would otherwise have
suffered -

Frank Otard

20 May / 84. Mills Building
Room "23"

POOR QUALITY
ORIGINAL

0098

The People

against

Eliza Porter

Statement of
Case

The present
free a better
case for the
people
and by the
people

The People
agst.
Eliza Porret.

City and County of New York SS.

John T. Clark being duly sworn says that he is twenty four years of age, and resides at No 581 - 11th Ave New York City that he knows the dependant above named, Eliza Porret, by sight, and her place, No 54 West 31st Street this City.

That he in company with one Humphreys Richards, No 15 East Broadway, and Henry Heath of No 2360 Eighth Ave this City, entered her said premises on the early Morning of January 25th 1884, and sat at a Table near the Cashiers desk where said Porret was sitting taking the Money brought to her by the waiters, we called for Coffee which was furnished. There were about eight women in the place sitting at other Tables, some of them drinking with Men and smoking. Three of the women came over to where we were sitting and solicited us to "treat" them, we ordered Brandy for ~~the~~ six and it was brought to us by the waiter and drank at the Table.

POOR QUALITY
ORIGINAL

0900

The said Porter took the pay for it. The women then solicited us to "go upstairs" and have "a circus". We asked them what that meant and they said we will strip naked and dance the "Can-Can", and then have sexual intercourse with us. We declined. They said it would only cost one dollar a piece which would include the "Drinks" for all. The conversation was loud enough to be heard, and was heard by said Porter, who was looking at us at the time and listening. She was from eight to ten feet from us. We ~~did~~ heard other women soliciting other Men at the other Tables. The hour was about two o'clock in the Morning. We were there until about three o'clock. The women were coming and going all the time. They were smoking, drinking intoxicating liquors, and exposing their persons sometimes as far as their waist. Said Porter was there all the time taking the Money for the liquor sold. Women and Men went upstairs together and came down again. The place is a resort for prostitutes who gather there nightly to smoke and drink and to solicit Men for carnal intercourse.

POOR QUALITY
ORIGINAL

0901

We went there out of curiosity, seeing the place ~~open~~ after Midnight. We were asked afterwards by a Mr. Thies if we would appear as witnesses. He said there were parties who wanted to close up such places and we consented to testify to the facts if called upon. Said Porret had no license. None was in view. She said she had no license. The place is known as the "French Madame's", where naked women exhibit themselves to Men for hire and perform the most indecent acts with each other. The naked performances take place upstairs ^{as the women told us.} The women said the "Dollar a piece" went to the "Madame", meaning said Porret - she is called the "Madame" - and that we would have to pay them besides.

Sworn to before me John T. Clark
this 10th day of March 1884.

Oliver O. Clark
Notary Public
N.Y. County

City and County of New York S.S.
Henry Heath being duly sworn, says that he has read the foregoing affidavit of John T. Clark, and knows the same to be true.

0902

except that the said Porret did not
tell deponent that she had no license.
All the other statements contained in
said affidavit deponent knows of his
own knowledge to be true as stated
therein

Sworn to before me Henry E. Sleath
this 10th day of March 1884.

Oliver Colby
Notary Public
N.Y. Co.

0903

<i>Men of May</i> <u> </u> <i>Bruce of Green</i>	<i>"</i> <i>Pennett</i>	

0904

Mary Ann

Jacob Hess, Townsend
Cox & Thomas A. Brown
-man as the Board of
Commissioners of Public
Charities & Correction of
the City of New York

after
Eliza Corbett

Jefferson continued in abeyance
for \$173⁶⁴ on Sept 12. 1881

The Pleadings are filed with Jefferson Hall
Settled by 'deft' about 19. Sept 1881

0905

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

~~Eliza Paré~~
the People of the
State of New York
= against =
Eliza Paré

City and County of New York, ss: -
John Gaw, being
duly sworn, deposes and says, that
he is a patrolman of the Munic-
- ipal Police Force of the City of
New York, and has been attached
to the 29th Precinct for ten years
last past.

That for the past two years
and four months, deponent has
patrolled the block from Broad-
- way to Sixth Avenue on Third
- First Street in said City, and
has passed the premises No. 57
West 3rd Street about ten times
a night during said period.
and that deponent never saw
any or heard any disturbance or
disorderly behavior in or about

0906

said premises, and was never called in to the same to make an arrest that in accordance with the instructions of the Commanding Officer of deponent's precinct, deponent has since the month of January, 1884, gone into the premises aforesaid on an average of about five times a night for the purpose of detecting a violation of the Excise law, but has not seen any liquor sold in said premises since last mentioned date, although deponent has gone into said premises secretly, and through both the front and back doors, and on each occasion the only liquids deponent saw on the tables in said premises were soda-water, sarsaparilla, popper, and such temperance drinks, but deponent never saw any intoxicating liquor, although he invariably examined the liquors and glasses which he at such times found on the tables in said premises.

Sworn to before me
this 5th day of May 1884 } John Gaw

Robert G. Rogers
Notary Public
N.Y.C.

0907

Count of General Sessions

The People

agst

Eliza Porrett

Affidavits

0908

Court of General Sessions.

-----X
The People :
- vs. - :
Eliza Porret. :
-----X

City and County of New-York, SS.:

David J. Whitney, of No. 47 Warren street, in the City of New-York, being duly sworn, deposes and says: That he is the Chairman of the Committee for the enforcement of the laws of the Society for the Prevention of Crime of the City of New-York, and as such has control of the operations of the said Society for the detection and prosecution of such violaters of the laws as come within the province of said Society; that for several years last past deponent in his relation as officer of said Society has become familiar with the general reputation and character of the above named defendant, Eliza Porret, and the place kept by her at No. 54 West 31st. street, in the City of New-York; that his knowledge of the defendant and her place of business has been derived, in addition to general reputation, from the reports made to him from time to time by the officers and agents employed by him for said Society, and from actual personal inspection of the premises; that deponent knows from the sources before mentioned that the defendant has been long engaged in the sale of liquors on the said premises without a license, and that the upper part of the premises occupied by the defendant have been for a long time used for immoral purposes, the same being frequented by prostitutes for the purpose of there carrying on their trade. Deponent can produce a reliable witness who not long ago saw an exhibition of model artists on the premises of the defendant. Deponent further says that on the occasions when he visited the said place in his capacity as an officer of the said Society he saw women therein soliciting men for purposes of prostitution in the presence of a person whom deponent believes to be the defendant, Eliza Porret; that the reputation of the premises kept by the defendant is and has been for a long time very bad.

Sworn to before me, this :
29th day of April, 1884. :

John M. Freeman
Notary Public, N. Y. Co.

0909

Court of General Sessions.

-----x :
 The People :
 - vs. - :
 Eliza Porret. :
 -----x

City and County of New-York, SS.:

August Nanz, being duly sworn, deposes and says: That he is 24 years of age and is in the employ of Senator Browning, who has his office in Temple Court, in this City; that on the 17th day of March, 1884, he went to No. 54 West 31st. Street, in the City of New-York, and found defendant there when he entered, sitting at the desk taking pay for ~~intoxicating liquors~~ ^{the drinks} that were being sold there to men and prostitutes who were sitting at the tables drinking and smoking, both men and women, the women soliciting the men to go upstairs for carnal intercourse; that deponent was there solicited to go upstairs for the same purpose by prostitutes there, who said they would give a circus, would strip naked and otherwise exhibit themselves; ^{deponent is now for want of} that it is the custom at the same time to order drinks from the madam (meaning the defendant) at fifty cents a drink; that the said madam, the defendant, also charges for the room and the men pay the women for their services besides; that deponent saw a naked woman at said No. 54 West 31st. street on said ^{night} ~~day~~ in one of the rooms upstairs exhibit herself for hire, and deponent has the name and address of the woman; that prostitutes were coming and going almost constantly while deponent was there; that the place is a resort for prostitutes, and the house is a house of prostitution of the worst sort.

Sworn to before me, this :
 29th day of April, 1884. :

Rudolph L. Scharf
 Commissioner of Deeds
 Notary Public, N. Y. Co.

August Nanz