

0000

BOX:

380

FOLDER:

3546

DESCRIPTION:

Dalton, Andrew

DATE:

01/29/90



3546

0009

440
Counsel, *29* day of *Jan'y* 189*0*
Filed
Pleads, *Int'ly 31*

Officer O. K. K.
34. Præm.

THE PEOPLE
vs.
B. V.
Andrew Dalton
VIOLATION OF EXCISE LAW
(Selling on Sunday, etc.)
[Ill. Rev. Stat. (7th Edition), page 1883, Sec. 21 and
page 1889, Sec. 5.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.
G. G. Ham Foreman.

SUPREME COURT PART 1,
December 22 1899
INDICTMENT DISMISSED.

00 10

BOX:

380

FOLDER:

3546

DESCRIPTION:

Daly, Emma

DATE:

01/13/90



3546

Witness;

Wm Seeler

Officer Kelley

11th Precinct

Inasmuch as complaint
making this prosecution
withdrawing & defendant
and also charged &
also because there
are circumstances
in the case justifying
that course of recommending
that defendant be
discharged we have
over recognizing same
Andrew H. Dawson

Did not
John W. Lafferty
Arch. Dist. Atty

Counsel,

Filed

day of

1890

Pleas,

THE PEOPLE

vs.

Emma Daly

Grand Larceny, Third Degree.
[Sections 529, 530 — Penal Code]

JOHN R. FELLOWS,

District Attorney.

If he comes defendant
is very well

A True Bill.

J. H. Lafferty
Foreman.

Pr. Aug 17/90.

Discharged by the Court
upon his own recognizance.

0012

Police Court—

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 206 Clarence Street, aged 32 years,

occupation Stone cutter being duly sworn

deposes and says, that on the 23 day of December 1887 at the City of New

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

of deponent, in the night time, the following property, viz:

Good and lawful money
of the United States of the
amount and value of
thirty dollars

the property of

Refrigerator

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 Emma Rahy (now here)

for the reasons following, to-wit:
On the said date deponent
went to bed with the defendant
in defendant's room, he at the
time having the said money
concealed in his one of the
stockings which he then wore.
Refrigerator fell asleep and
when he awoke he found the
defendant missing, as was
the said money.

William Seeler

Sworn to before me, this
day of December 1887

Police Justice.

0013

Sec. 105-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Emma Daly 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 ~~her~~; that the statement is designed to
enable ~~her~~ if he see fit to answer the charge and explain the facts alleged against ~~her~~
that ~~he~~ is at liberty to waive making a statement, and that ~~her~~ waiver cannot be used
against ~~her~~ on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

her
Emma x Daly
mark

Taken before me this
day of *December* 188*8*

Police Justice

00 14

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

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

Dated *Dec 28 9* 188..... *my 6 w 4* 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.

00 15

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

1889 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm. Sealer
206 vs. *Eldridge*
Emma Ral
Office *Sealer*
Sealer

2

3

4

Dated

188

Magistrate

Officer.

Precinct.

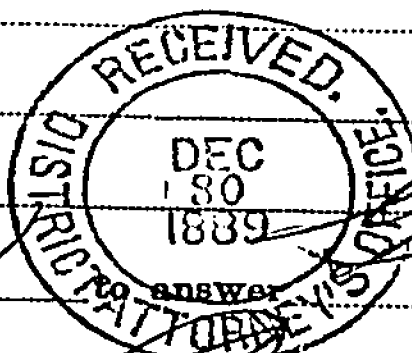
Witnesses

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$



00 16

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Anna Daly

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I am informed that the defendant is in an advanced state of consumption and under all the circumstances I feel justified in waiving all claim against the defendant.

Jan^y 17th 90

William Saaler

0017

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Emma Daly

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Emma Daly*
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,
committed as follows:

The said

Emma Daly

late of the City of New York, in the County of New York aforesaid, on the *Twenty third*
day of *December* in the year of our Lord one thousand eight hundred and
eighty-nine, at the City and County aforesaid, with force and arms, in the
night time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *thirty*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of *thirty*
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *thirty*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *thirty*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *five dollars*

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

JOHN R. FELLOWS, District Attorney.

00 18

BOX:

380

FOLDER:

3546

DESCRIPTION:

Daly, Frank

DATE:

01/13/90



3546

Witnesses:

Elizabeth Cullum
Mabel Sheridan

Counsel,

Filed

Pleads,

day of

1890

THE PEOPLE

vs.

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

Frank Daly

JOHN R. FELLOWS,

District Attorney.

Jan'y 23rd 1890

A True Bill.

G. H. Kavan
Foreman.

P. 2. Feb'y 3. 1890.
Jury & acquitted.

0019

0020

Police Court— 4 District.City and County { ss.:
of New York,of No. 414 E 18 Street, aged 23 years,occupation House Keeper being duly sworndeposes and says, that on the 7th day of January 1890 at the City of New York, in the County of New York,

She was violently and feloniously ASSAULTED ~~and BEATEN~~ by Frank C Daly
who wilfully and maliciously pointed
a armed and discharged
a pistol loaded with
powder and ball at
her while she was
sitting at a window
in premises where she
resides

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

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

Sworn to before me this 8 dayof Jan 1890Lizzie CullumPolice Justice.

0021

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name.

Answer.

Frank Dady

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.

1374 First ave 2 years

Question. What is your business or profession?

Answer.

Confectioner

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 Dady

Taken before me this

day of

1894,

Police Justice.

0022

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

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

Dated Jan 8/1890 188 La J. P. Kelly 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.

0023

Police Court 4 46 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Elizabeth Cullum

Frank Daly

2
3
4

Offence Assault
Filing

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Jan 8 1890

Samuel O'Reilly Magistrate

Ruch Officer.

18th Precinct.

Witnesses Nellie Sheridan

No. 305 East 24th Street.

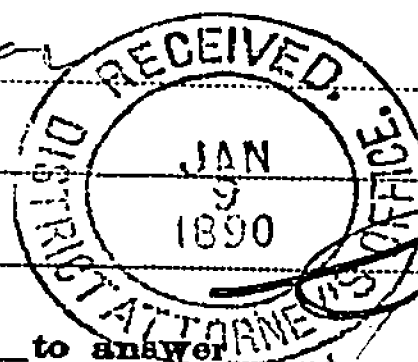
No. Top floor Street.

No. Street.

\$ 1000 to answer

COMM. FILE

Consult
pistol



0024

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 Daly

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

Frank Daly
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Frank Daly

late of the City of New York, in the County of New York aforesaid, on the
seventh day of January, in the year of our Lord
one thousand eight hundred and eighty-nine, with force and arms, at the City and County
aforesaid, in and upon the body of one Elizabeth Cullum
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against her the said Elizabeth Cullum
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said Frank Daly
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent her the said Elizabeth Cullum
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

Frank Daly
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Frank Daly

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said Elizabeth Cullum in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against her the said
Elizabeth Cullum
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said Frank Daly
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

JOHN R. FELLOWS,

District Attorney.

0025

BOX:

380

FOLDER:

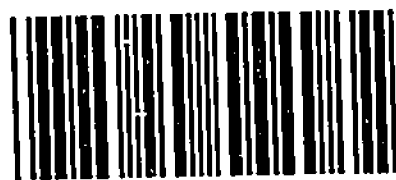
3546

DESCRIPTION:

Darcy, William

DATE:

01/10/90



3546

0026

BOX:

380

FOLDER:

3546

DESCRIPTION:

Burns, Peter

DATE:

01/10/90



3546

0027

Witnesses:

W. F. Wetzel
Officer Schindler
15 Precinct

Grand Juror

Mr. Kew
May 2 Sept. 1890
Washed for by 5
Lawson from forest

Wm. P. Daley
Anti-Tamers
Sawey 30 7/10

601
H. Thompson
106 1/4

Counsel,

Filed 10 day of Jan 18 90

Pleads, *Not guilty*

THE PEOPLE
vs.
William Carey
and
Peter Burns

Purgatory in the Third degree.
Grand Jurors, Robert
degree 498, 102 & 3102.

JOHN R. FELLOWS,

Jan-14 P. 1 District Attorney.

A True Bill

Gustav
Foreman.
Jan 14. 1890
Both plead Burg. 3dg
Both 340 5/10. 1/10
Jan 17/90

0028

Police Court—2 District.City and County } ss.:
of New York,

Charles F. Wetzel
 of No. 30 and 32 East 14th Street, aged 29 years,
 occupation Merchant Tailor being duly sworn
 deposes and says, that the premises No. 30 and 32 East 14th Street, Ward
 in the City and County aforesaid the said being a five story brick
iron front building and which was occupied by deponent as a tailor shop
 and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
plate glass in the door leading from
the hallway on second floor front into
deponent's tailor shop and removing the bars
at the office of said door.
 on the 15th day of December 1889 in the day time, and the
 following property feloniously taken, stolen, and carried away, viz:

two pairs of pantaloons and
two coats together of the value of
seventy five dollars.

the property of deponent and deponent's father 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 Darcy and Peter Davis
(both here)

for the reasons following, to wit: that at the hour of 4 o'clock
P. M. December 14th 1889 deponent
locked and securely fastened the doors
and windows of said premises and
left said premises in good condition
and said robust therein.
deponent is informed by Officer Charles
Schneider of the 15th Precinct
Police that at the hour of 9.40

0029

At about 9 PM said date he found the said defendants together and in company with each other in the hall way of said premises and discovered that said pane of glass had been broken as aforesaid and that the said defendants were near said broken glass and at that time the defendant Dacey had two coats in his possession and the defendant Parris had a bundle containing two pairs of pants in his possession which he dropped in the officers approach.

Defendant further says that he has since seen said pants so found in the possession of the said defendant and fully identifies said pants as his and in the property aforesaid.

Wherefore defendant charges the said defendants with being together and acting in concert with each other and burglariously entering and premises as aforesaid and feloniously taking and stealing and carrying away said property.

Given before me }
Police Justice } guilty of the offense within mentioned, I order it to be discharged.

the 10th day of Dec 188 }
Police Justice } There being no sufficient cause to believe the within named

John J. Morrison }
Police Justice } I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 188 }
Police Justice } of the City of New York, until he give such bail.

and be committed to the Warden and Keeper of the City Prison

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

Hundred Dollars

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 Court, District

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

1

2

3

4

Dated

188

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0030

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 25 years, occupation Police Officer of No. 15th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Charles F. Wetzel
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 16 day of Dec 1888 } Charles F. Schneider

John J. Herman
Police Justice.

0031

Sec. 103-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

William Darcy 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.

William Darcy

Question. How old are you?

Answer.

49 years old

Question. Where were you born?

Answer.

Ireland

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

Answer.

No home

Question. What is your business or profession?

Answer.

Machinist

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

Answer.

I am guilty of having the coat on my person but did not break the glass.

W. Darcy

Taken before me this

day of

188

Police Justice.

0032

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Peter Burns

Question. How old are you?

Answer.

21 years old

Question. Where were you born?

Answer.

England

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

Answer.

197 109; Barry Berets

Question. What is your business or profession?

Answer.

Shoe cutter

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

Peter Burns

Taken before me this

day of *Dec* 1885

John J. Sullivan Police Justice.

0033

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

Darcy and Peter Burns

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

Dated Dec 16 1897 John Thomas Police Justice.

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

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 18 _____ Police Justice.

0034

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1839 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles F. Wetzel

vs Earl S. Dancy

Peter Burnett

3.

4.

Dated Dec 16 1889

Gorman Magistrate.

Chas S. Schneider Officer.

151 Precinct.

Witnesses Said Officer

No. _____ Street.

No. _____ Street.

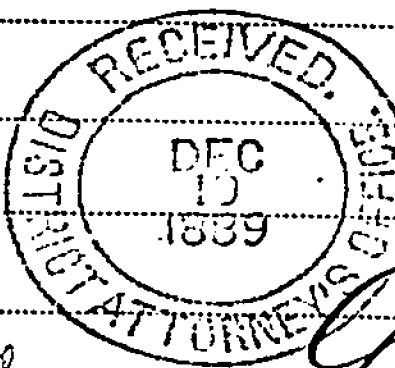
No. _____ Street.

\$ 1500 to answer

Call

Burgess

P. H. Power



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
William Wacey
and Peter Burns

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

William Wacey and Peter Burns

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

The said

William Wacey and
Peter Burns, both

late of the *Fifteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *fifteenth* day of *December* in the year of
our Lord one thousand eight hundred and *eighty-nine*, with force and arms, at the
Ward, City and County aforesaid, a certain building there situate, to wit: the *shop* of one

Charles F. Hetzel

feloniously and burglariously did break into and enter, with intent to commit some crime therein,
to wit: with intent, the goods, chattels and personal property of the said

Charles F. Hetzel

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

0036

SECOND COUNT—

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

William Darcy and Peter Burns
of the CRIME OF ~~Grand~~ LARCENY in the second degree, committed as follows:

The said

William Darcy and Peter Burns, both

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

*two pair of trousers of the
value of twelve dollars each
pair, and two coats of the
value of twenty-five dollars
each*

of the goods, chattels and personal property of one

in the

shop of the said *Charles F. Hetzel*

there situate, then and there being found, *in the shop* aforesaid, then and there
feloniously did steal, take and carry away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

0037

THIRD COUNT—

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

William Darcy and Peter Burns
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

William Darcy and Peter Burns, both

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

*two pair of trousers of the value
of twelve dollars each pair and
two coats of the value of twenty-
five dollars Each*

of the goods, chattels and personal property of one

Charles F. Wetzel

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

Charles F. Wetzel

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

Darcy and Peter Burns

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0038

BOX:

380

FOLDER:

3546

DESCRIPTION:

Davis, Lew E.

DATE:

01/21/90



3546

Bill & clerk
\$2000 on motion of
D. A. Stein

Office Oct 1890
The man of the year that the
free man of color, has been
paid in the case out of which
this bank grew, my people &
George Johnson, I recommend
that this money be returned to
him. The defendant was under
the paying in qualifying a
man in Johnson &
officers to him and his
property, value is about
\$10000
discreet

Paired by
Morris Wedgers
76 East 111 St.

27 Q. & W. 97
150
Counsel
Filed
Pleads
day of Jan 1891
Monthly 23

THE PEOPLE
vs.
Law E. Davis
Grand Jury 23/90
John R. Fellows,
District Attorney

A TRUE BILL.
G. J. Starnes
June 10 1892
Judges at \$5000
Foreman
James M. J. J. J.
James M. J. J. J.
James M. J. J. J.

I have examined into the above
case and do not think a com-
-pition can be obtained for
the reason that the defendant,
at the time of becoming surety
for Geo. Johnson, and answering
to the facts out of which
this indictment grew, appeared
upon the records as the owner
of the house at 52 East 133rd
Street, in the City of New York,
free and clear of all encumbrances
and that the defendant was, in
fact, the owner of said property,
with the exception of a purchase
money mortgage of \$2000, in the
form of a deed, which had not
been recorded, the total value
of said property being about
\$10,000.

The recognizing has been perfect
judgment entered, execution issued,
and returned satisfied, and
the sheriff is paid \$2030 to
the district attorney on the 31st
of March, 1891, and the district
attorney is paid over the said

See to the 1891
Geo. M. Osborne
for full
I concur in the above
recommendation.
Dec 30/92

Remon M. Paul
Cost

0039

Perple

vs:

Genl E. Davis

City and County of New York, ss.

Richard A. E. Laubler now residing at No 263 Broome Street in the City of New York being first duly sworn deposes and says:

That within the past five or six days he has been to the Registers Office of the City and County of New York, and there inspected the records pertaining to the transfers of Real Estate in said City and County, and finds and that a certain property known as No 52 East 133rd Street, was transferred by one Charles A. Stein to the above named Genl E. Davis on the 1st day of August 1889 at 10 O'Clock and 18 minutes in the forenoon in Libers 2229 page 451, and finds there a deed for record from said Davis to said Stein dated 1st day of August 1889 transferring the same property back to said Stein, the said deed having been lodged in said office for record on the 12th day of December

0041

1889.

That within the past few days he has inspected the records in the office of the District Attorney of said City and County, and finds that in a certain recognizance, entered in-
to by said Davis as surety for one George Johnston charged with the offence of Grand Larceny by the People of this State, taken by ~~James W. Patterson~~ Justice, in the sum of \$2000, he the said Davis justified in the aforementioned property on the 22nd day of November 1889. and that said recognizance was forfeited on the 20th day of December 1889.

Richard M. E. Guebler

Subscribed and sworn
to before me this 7th day of
January 1890
William H. Tenny
Notary Public
New York Co.

0042

Purple

vs:

Law E. Davis

—
Affidavit of
Richard E. Snodgrass
—

0043

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

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William H. Penney

v.s.

Levi E. Davis

Office *Perjury*

Dated *January 11th 1890*

Witnesses, *Richard A. E. Gaebler*

No. *346* *Broome* Street,
Carl H. Bauer

Charles A. Stein
22 West 59 *22 W 59*
No. *211 West 58th* Street.

John Mc Gowan
Judge O'Reilly's Clerk
No. *A. J. Sire* Street,
99 Nassau St

0044

County Office
County of
New York.

January 22 1890.

To any Police officer in the County of New York,
This is to certify that the bearer
Richard A. E. Gaebler is authorized by the
District Attorney to arrest Sam E. Davis for
the crime of Perjury for which he the said
Davis stands indicted by the Grand Jury of
this County.

And you are required to render
such assistance to said Gaebler as shall be
necessary to secure the apprehension of said
Davis.

Said Davis when arrested is to be
brought before the Court of General Sessions, or if
that court be not in session to be delivered over
to the custody of Chief Inspector Thomas Byrnes.

John R. Fellows.

District Attorney
by John Lindsay
Deputy

0045

At a Court of General Sessions of the Peace,

Holden in and for the City and County of New York,
at the City Hall of the said City, on Friday
the 20 day of December in the year of
our Lord one thousand eight hundred and eighty nine.

Present

The Honorable

Henry A. Sildersleeve

Justice
of the
Sessions.

Judge said Court of the City of New York.

THE PEOPLE OF THE STATE OF NEW YORK,

against

On Indictment for

Grand Larceny in
first degree - goods of Richard
Gaellet (Filed Dec 10/89)

The Defendant not appearing, and Geo. J. Davis
his surety not bringing him forth to answer to this Indictment, pursuant
to the condition of their recognizance: On motion of the District Attorney,
It is Ordered by the Court, that the said Recognizance be and the same
is hereby forfeited: And it is further Ordered, that the said Recogni-
zance, together with a certified copy of this Order, be filed in the office
of the Clerk of the City and County of New York, and that Judg-
ment be entered thereon, according to law against the said

George Thurston the
Defendant above named, and the said
Geo. J. Davis his surety, for the several sums set forth in
said Recognizance.

A true Extract from the Minutes.

John Banks
CLERK OF COURT.

N. Y. General Sessions of the Peace.

THE PEOPLE OF THE STATE OF
NEW YORK,

against

George Buchanan

Principal in the sum of \$2000 -

and

Geo. P. Davis

Surety in the sum of \$2000 -

Dated

Dec. 20 1889

Recognizance to answer and copy order
forfeiting the same.

JOHN R. FELLOWS.

District Attorney,
City and County of New York.

Filed

27 day of *Dec* 1889

22574

R. H. L.

0046

0047

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

vs.

George Johnson D.
Lew E. Davis S.
Grand Larceny 1st Deg.

Judg. Dec. 27, 1889
1890 Mar. 31. Shff. Pays
\$20.30.
April 90 Dist. Atty. Pays
over to City Chamberlain.

District Attorney.

0048

Sec 53

Third

District Police Court.

UNDERTAKING TO ANSWER

General

SESSIONS.

CITY AND COUNTY } ss.
OF NEW YORK,

An order having been made on the 20 day of December 1889 by

Edward Hogan

a Police Justice of the City of New York. That

George Johnston

be held to answer upon a charge of

Larceny

upon which he has been duly admitted to bail, in the sum of Twenty Hundred Dollars.

We, George Johnston

Defendant of No. 228 E

48

Street; Occupation

Bartender

, and

Law E Davis

of No. 15 or 26th

Street;

Occupation Not a Brother

Surety, hereby undertake jointly and severally,

that the above named George Johnston shall appear and answer the charge above-mentioned, in whatever Court it may be prosecuted: and shall at all times render himself amenable to the orders and process of the Court; and if convicted, shall appear for judgment, and render himself in execution thereof, or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum of Twenty Hundred Dollars.

Taken and acknowledged before me, this 27

day of Jan

1889

George Johnston
Law E Davis

POLICE JUSTICE

0049

CITY AND COUNTY }
OF NEW YORK } ss

Police Justice.

Sworn to before me, this
day of Nov 1889

Levi E. Davis

the within named Bail and Surety being duly sworn, says that he is a resident and free
holder within the said County and State, and is worth Forty Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of a house and lot
of land situated No. 52 E 133rd
Street of the value of \$10,000 free
and clear of all incumbrance
Levi E. Davis

New York 9 Sessions.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to Answer.

ss.

George Johnson

Taken the 27 day of Nov 1889

Justice.

Filed 3 day of Dec 1889

Surety identified

by John Francis Meyer

93 Nassau St.

0050

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

An indictment having been found on the 4th day of June 1889, in the Court of General Sessions of the City and County of New York, charging Cornelius D. Weaver with the crime of Grand Larceny, and he having been duly admitted to bail in the sum of Ten hundred dollars:

We, Cornelius D. Weaver defendant, residing at No. 18 Broadway Street, and Lew E. Davis residing at No. 129 West 13th Street, surety, hereby jointly and severally undertake that the above-named Cornelius D. Weaver shall appear and answer the indictment above mentioned, in whatever Court it may be prosecuted, and shall at all times render himself amenable to the orders and process of the Court; and, if convicted, shall appear for judgment, and render himself in execution thereof; or, if he fail to perform either of these conditions, that we will pay to the people of the State of New York, the sum of Ten hundred dollars.

Taken and acknowledged before me this 27th day of August 1889.

W. C. Larch

Justice Supreme Court

Lew E. Davis Principal
Lew E. Davis Surety

0052

And we, the undersigned, Principal and Surety in the annexed Recognizance, do hereby Stipulate, Agree and Consent, That in case said Recognizance shall be forfeited, that a copy of the order of the Court forfeiting the same, together with this Recognizance, be filed in the office of the Clerk of the City and County of New York, and that judgment may be entered for the several sums set forth in said Recognizance, and that execution issue forthwith thereon according to law.

Witness David Anderson

W. P. Weaver Principal.
Lev. E. Davis Surety.

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

Lev. E. Davis

The above-named surety, being duly sworn, deposes and says, that he is a resident, and a free-holder within the said City, County and State; that he is worth the sum of Seven thousand ~~hundred~~ dollars, exclusive of property exempt from execution.

Sworn to before me, this

27th day
 of August 1889.

Lev. E. Davis

W. C. Marshall

Justice Supreme Court

0053

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

Lew E. Davis
of No. 129 West 13th Street, the Surety named in the annexed
Recognizance, being duly sworn, deposes and says that he owns in his own right real estate in the
County of New York, consisting of the House
and Lot known as No. 68 East
133^d Street in the City of New York,
and on record in the Registers Office
in New York County under deponents
own name.

and that the same is of the value of not less than Seventeen thousand
Dollars, and is subject to no incumbrance except a mortgage of Ten thousand
Dollars.

~~and that he owns personal estate in the~~
~~and that its value is not less than~~
~~that it consists of~~

~~Dollars.~~

~~and that it is subject to no incumbrance~~

and that there are no unsatisfied judgments or executions against him, and that he is under no recog-
nizance

and that he is worth in good property not less than Seven thousand
Dollars over and above all debts, liabilities and lawful claims against him, and all liens, incumbrances
and lawful claims upon his property.

Sworn to before me this

24th day
of August 1889.

Lew E. Davis
Surety.

W. C. Harrell
Justice Supreme Court

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Cornelius L. Weaver

Recognition to Answer.

Taken the 27th day of Aug. 1889.

Approved as to Form and Sufficiency.

Dated August 27th 1889.

Gunning S. Bedford
Acting District Attorney.

Identified by John H. Atkinson - 1293 Broadway
by John P. Crawford - Surrogate's Office

Filed 27 day of August 1889

Law. J. Davis.

15 Court Street

New York City.

0054

71

N.Y. General Sessions

The People

vs
Lewis E. Davis

City and County of New York ss: Chauncey Shaffer
being duly sworn as ^{saying} follows;
Some six weeks since I was applied to, to
assist the defendant in his trouble
growing out of his indictment here-
in, and at once set about to ascer-
tain the facts of the case and of the
character of Mr. Davis, and have been
informed by several persons and
dearly believe, that prior to giving
bail for Johnston they were entire-
ly strangers; and that Davis was in-
duced by erroneous or false repre-
sentations to become bail for Johnston,
the representations being that
Johnston was indicted for connection
with a gambling establishment
only; that the giving of bail was a
mere matter of ceremony, and that
from a trial he had nothing to
fear, That Johnston would surely
go through the ceremony of a
trial if one should be had and.

0056

be acquitted, and these representations were made by respectable people of Davis' acquaintance. That at the time of going bail Davis was the owner of the property, the subject of controversy herein. But that on August 1st 1889 ^{or thereabouts} he executed a deed to one Stein of this City as and for a mortgage to be held by said Stein for the security for the sum of Two thousand dollars or thereabouts, which deed the said Stein has ever since held as a mortgage security for said indebtedness; and that before becoming bail he was advised by his then counsel, that he was the owner of said property, and that said Stein agreed to hold said deed as a mortgage indefinitely, and not to record it, but he did record it unknown to Mr. Davis, which I believe led to this indictment. I find that Mr. Davis always has been and is a member of a most respectable family in

0057

Indianapolis Indiana, and does
assure that his character
is good and that he has always
been an easy going man of
an obliging disposition, and
better to other people than to
himself

Sworn to before me this } Chauncey Skaffer
29th day of March 1890 }
Walter C. Dupignac
Notary Public
Wyo.

0058

W. General Sessions

The People

against

J. E. Davis

Attendant of

Channing Thayer.

Fol.1

The People

against

Lew E. Davis.

City and County of New York, ss:

John F. Meyer, being duly sworn, deposes and says: I am an Attorney and Counsellor at Law, and have been in active practice as such since my admission in 1876. I have my offices at 93 Nassau Street, New York City.

2 Lew E. Davis above named has been my client and I have known him intimately during five years last past. To the best of my belief, based upon a close acquaintance with Mr. Davis' affairs and surroundings, I have transacted all his law business during nearly all of that time and certainly during the past two years. During all this time Mr. Davis has to my knowledge been a man of responsibility and character and of good reputation with all the persons with whom he has had business relations, and there has not been any judgment entered against him except upon the forfeited recognizance, in respect to which Mr. Davis was indicted herein. The facts concerning the property 52 and 58 E. 133d Street, New York City, are these: Mr. Davis took title to said premises by purchase for a valuable consideration and received a deed of conveyance from Charles A. Stein. This deed was executed and recorded August 1st, 1889, and Mr. Davis became the lawful owner of the said premises and so remained until the recording of the deed on or about

0060

2

December 12th, 1889, as hereinafter explained. At the
time Mr. Davis took title to said premises, he owed to
4 Mr. Stein a part of the consideration price of the convey-
ance, about \$2,000. and, as I have recently learned,
Mr. Davis executed a deed of the premises to said Charles A.
Stein to be held by him as security and not otherwise for
the payment of the said unpaid balance and not otherwise,
and during the said interval between August 1st, and Decem-
ber 12th, I searched the title to said premises and found
the same to be in said Davis and said Davis' title was not
questioned. On or about said 12th day of December, 1889,
said Stein having learned from Mr. Davis or some other
5 source that there was danger of judgment being entered
against said Davis, recorded said deed. Ever since the re-
cording of the same said Stein has expressed his willingness
to re-convey the said premises to said Davis upon receiving
payment of the said balance, and this, to my knowledge,
Mr. Davis is able to do and I have about concluded arrange-
ments for the payment of the said balance and the re-taking
of the said title. I have had active experience in real
estate matters during the past fifteen years, and consider
the equity in the said premises to be from \$5,000. to
6 \$10,000.

Sworn to before me this :
29th day of March, 1890. :

Geo A Fielding
Notary Public
N. Y. C.

John F. Meyer

0061

The People

against

Lew E. Davis.

AFFIDAVIT.

0062

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Levi E. Davis

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

Indictment accuse *Levi E. Davis*

of the crime of *Perjury,*

committed as follows:

Heretofore, to wit: *on the 20th day of November, 1889,*
at the City and County of New York, aforesaid, one
George Johnston was brought before Edward Hogan,
Esquire, then and yet being a magistrate, to wit, one
of the Police Justices of the said City of New York, upon
an arrest on a charge of Grand Larceny in the first
degree in having on the 1st day of November, 1889,
at the City and County aforesaid, feloniously taken,
stolen and carried away the sum of fifteen hundred
and fifty dollars in money, lawful money of the United States
of America and of the value of fifteen hundred and
fifty dollars, of the proper moneys and personal property
of one Richard A. E. Gaebler; whereupon the said
Edward Hogan Esquire, Police Justice as aforesaid, did
then and there in due form of law proceed to
examine the case and into the said charge, and it
appearing to the said Edward Hogan Esquire, Police

Justice as aforesaid, from the said examination, that the said crime and larceny had been committed, and that there was sufficient cause to believe the said George Johnston guilty thereof, he the said Edward Hogan Esquire, Police Justice as aforesaid, did then and there, to wit: on the said 20th day of November, 1889, in due form of law order that the said George Johnston be held to answer the same, and be admitted to bail in the sum of twenty hundred dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he gave such bail.

And afterwards, to wit: on the 22nd day of November, 1889, at the said City and County, the said Lew E. Davis, late of the City and County aforesaid, did personally go and appear before Jacob M. Patterson Esquire, then and yet being one of the Police Justices of the said City of New York, and as such Police Justice then and there having full power and authority to admit the said George Johnston to bail, and to take and accept a proper undertaking for the appearance of the said George Johnston to answer the said charge, and did then and there offer himself to be and become a surety for such appearance of the said George Johnston, and did then and there produce and exhibit to the said Jacob M. Patterson Esquire, such Police Justice as aforesaid, a certain written undertaking executed by the said George Johnston

as principal and himself the said Sew E. Davis as surety, wherein and whereby they the said George Johnston and Sew E. Davis did undertake jointly and severally that the said George Johnston should appear and answer the said charge in whatever Court it might be prosecuted; and should at all times render himself amenable to the orders and process of the Court; and if convicted should appear for judgment, and render himself in execution thereof, or if he failed to perform either of those conditions that they would pay to the People of the State of New York, the sum of twenty hundred dollars; — together with a certain affidavit in writing of him the said Sew E. Davis, then and there signed and subscribed by him in his own proper handwriting, and containing certain allegations of and concerning his means and property and his sufficiency and responsibility as such surety upon the said undertaking.

And the said Sew E. Davis was then and there in due form of law sworn, and did take his corporal oath, by and before the said Jacob M. Patterson Esquire, such Police Justice as aforesaid, touching and concerning the truth and of the matters so contained in his said affidavit in writing, the the said Jacob M. Patterson Esquire, such Police Justice as aforesaid, then and there having full and competent power and authority to administer the said oath to the said

Sew E. Davis in that behalf.

And she said Sew E. Davis, being so sworn as aforesaid, then and there, to wit: on the said 22nd day of November, 1889, at the City and County aforesaid, before the said Jacob M. Patterson Esquire, such Police Justice as aforesaid, it being then and there necessary and material that he the said Jacob M. Patterson Esquire, Police Justice as aforesaid, should know the true means and property of the said Sew E. Davis, and his sufficiency and responsibility as such surety upon the said undertaking in order that he might and could determine whether he should and would accept and approve the said Sew E. Davis as such surety and admit the said George Johnston to bail by the said undertaking, upon his oath aforesaid, in and by his said affidavit in writing, and of and concerning his means and property and his sufficiency and responsibility as such surety upon the said undertaking, feloniously, wilfully, knowingly and corruptly, did falsely swear, depose and say, amongst other things, in substance and to the effect following, that is to say:

That he the said Sew E. Davis was then a resident and free holder within the said County and State of New York, and was then worth Forty hundred dollars exclusive of property exempt from execution, and over and above the

amount of all his debts and liabilities, and that his property then consisted of a house and lot of land situated at number 52 East 133rd Street in the said City of New York, of the value of ten thousand dollars, free and clear of all incumbrance.

Whereas in truth and fact he the said Sew E. Davis was not then a free holder within the said County of New York, and was not then worth forty hundred dollars exclusive of property exempt from execution and over and above the amount of all his debts and liabilities, and his property did not then consist of the said house and lot of land situated at number 52 East 133rd Street in the said City of New York, of the value of ten thousand dollars, free and clear of all incumbrance: all of which he the said Sew E. Davis then and there well knew.

And so the Grand Jury aforesaid do say, that the said Sew E. Davis, in manner and form aforesaid, feloniously, wilfully, knowingly, corruptly and falsely did commit wilful and corrupt perjury, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows,

District Attorney.

0067

BOX:

380

FOLDER:

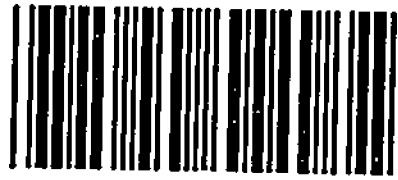
3546

DESCRIPTION:

Daw, Thomas

DATE:

01/13/90



3546

0068

Witnesses;

Mar. Rogers

John W. Brown

Officer Capt
2-3 March

Counsel,

Filed *13* day of *Jan* 1890

Pleads,

THE PEOPLE

M. J. W. 14
336
ind. w. 17
ind. w. 17

Thomas Law

23

Grand Larceny Second Degree.
[Sections 628, 637, Penal Code.]

JOHN R. FELLOWS,

72 Day 17/90.

District Attorney.

Pleads guilty.

Jan 17. Page 2
covered

A True Bill.

G. J. Farn Foreman.

off
Chas. R. P.

0069

Police Court—H District.

Affidavit—Larceny.

City and County } ss.:
of New York,of No. 17 West 57th Street, aged 30 years,
occupation Domestic being duly sworndeposes and says, that on the 25 day of December 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the daytime, the following property viz:

Three packages. One containing
Jewelry and wearing apparel and
each of the other two containing
ladies and gentlemen's wearing
apparel respectively all together
of the value of thirty three
dollars & 53 ^{cents}/₁₀₀

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Thomas Lawton here,

from the fact that deponent took
each of said packages to the
American District Telegraph
Office No 990— 6th Avenue on the
above date at about 12³⁰ O'clock
PM on each of said packages
to be delivered to the following
persons and addresses. Miss Lizzie
McKinn, 144 East 25th St. Miss Hilma
Aburn— 201 East 32nd Street
Mr John Robinson 207 8 Park
Avenue. Deponent is informed
by Frank J. Barron of No
201 East 32nd Street that the wearing

Sworn to before me, this

188

Police Justice.

0070

the said described packages from
deponent and handed the same
to defendant for delivery to each
of said Addressee's - Deponent
is informed by said Miss McKim that
she did not receive said package.
Also by Miss Abram and Mr.
Robinson that they did not
receive said packages addressed
to them. Deponent is informed
by John G. Carter of No. 313 East
45th Street that he received the
accompanying ticket from defendant
representing that each of said packages
had been delivered as directed.
Wherefore deponent prays that
defendant be held to answer
and be dealt with as the law
directs.
Subscribed before me
this 30th day of Dec 1889 Mary Berge

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars
of the City of New York, until he give such bail.
Dated 1889
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1889
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1889
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1.	vs.
2.	
3.	
4.	
Dated	1889
Magistrate.	
Officer.	
Clerk.	
Witness,	
No.	Street,
No.	Street,
No.	Street,
No.	Street,
No.	to answer
No.	Sessions.

0071

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 17 years, occupation Clerk of No. 20 Hudson
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Mary Pingen
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

Dec 188 9

Frank J. Bannon

Police Justice.

0072

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation John Robinson of No. 78 Park Ave

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Mary Ringer
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me this 30

day of Dec 188 8

John Robinson
Police Justice.

0073

CITY AND COUNTY }
OF NEW YORK, } ss.

Milza Abram
aged *30* years, occupation *Laundress* of No. *1 East 3rd*
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Mary Dwyer*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *30*

day of *Dec* 188*9*

Milza Abram
Police Justice.

0074

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation Lizzie McKinn
Waitress of No.

HH East 75 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Ray Bager

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

Sworn to before me, this 30

day of Dec 1889

L. McPherson

Wm. Brown

Police Justice.

0075

CITY AND COUNTY }
OF NEW YORK, } ss.

John F. Carter
aged 15 years, occupation Telegraph Messenger of No. 320
East Street, being duly sworn deposes and

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

Sworn to before me this 30 day of Dec 1883 by John F. Carter

Mary Dwyer
Police Justice.

0076

Sec. 100-200

CITY AND COUNTY } ss.
OF NEW YORK, }

H District Police Court.

Thomas Daw 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* in the trial.

Question. What is your name?

Answer.

Thomas Daw

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 33 West 49 St. 4 weeks

Question. What is your business or profession?

Answer.

Messenger

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

Thomas Daw

Taken before me this

day of

1884

Police Justice.

0077

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

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 Dec 20 188 7 Wm. M. M. M. 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.

0078

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Witness for the
People
Frank J. Bauman
201 East 52nd St
John F. Kearney
313 East 5th St

Police Court 4 District. 3

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Berger

vs.
Thomas Van

1 _____

2 _____

3 _____

4 _____

Dated Dec 30 1889

Murray Magistrate

Cross Officer.

73 Precinct.

Witnesses Lizzie McKim

No. 444 East 25 Street.

Helma Abram

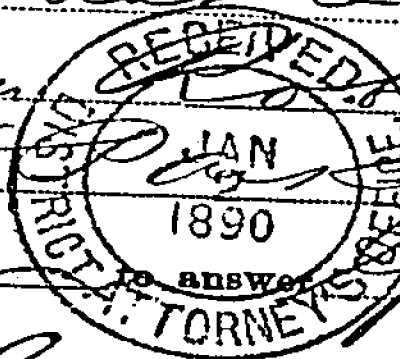
No. 1 East 34 Street.

John F. Bauman

No. 78 East 52 Street.

\$ 1000

Korn



0079

No. 91044 American District Telegraph Co. No. 370
District 18 89
Deliver answer to (Shore)
Messenger. Out. Returned. Expenses. Total. The service on this ticket must be paid for in advance at tariff rates.
Sent to 163 W 78 St New York 4/16/26
- 402 257
Received by 78 Park Ave
Please sign your Name J. E. B. K.

0080

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 Daw

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

Thomas Daw

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

The said

Thomas Daw

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

divers articles of jewelry, of a number
and description to the Grand Jury
aforesaid unknown of the value of
fifteen dollars, and divers articles
of wearing apparel, of a number and
description to the Grand Jury aforesaid
unknown, of the value of *eighteen*
dollars

of the goods, chattels and personal property of one

Mary Berge

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

John P. Bellows,
District Attorney.

0081

BOX:

380

FOLDER:

3546

DESCRIPTION:

Dee, Bernard

DATE:

01/15/90



3546

0082

BOX:

380

FOLDER:

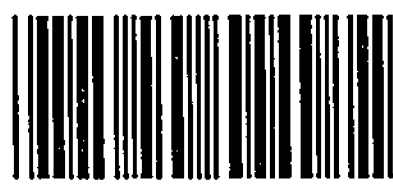
3546

DESCRIPTION:

McMahon, James

DATE:

01/15/90



3546

Mr. Raimund
Indany

Witnesses;

Lucy Cangiani
Officer J. J. Jannus
18 Dec 1890

Swatford
Indany. Dec.
362 W 149th.
Officer J. Jannus
Sanitary Square

Mr. J. Jannus
Indany. Dec.
362 W 149th.
Officer J. Jannus
Sanitary Square

Mr. Jannus
Indany. Dec.
362 W 149th.
Officer J. Jannus
Sanitary Square

168

Counsel,
Filed 15 day of Jan 1890
Pleads, Indany

THE PEOPLE
vs.
Bernard D. Indany
James Mc Mahon

JOHN R. FELLOWS,
District Attorney.

A True Bill.
Indany. Dec.
362 W 149th.

Indany. Dec.
362 W 149th.

Indany. Dec.
362 W 149th.

Burglary in the second degree.
and Robbery

[Section 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100]

0084

Police Court—4 District.City and County } ss.:
of New York, }of No. 146 East 18th Street, aged 32 years,occupation Housekeeper being duly sworndeposes and says, that the premises No. aforesaid Street, 18 Wardin the City and County aforesaid the said being a four story brickbuilding and which was occupied by deponent as a dwellling

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

were **BURGLARIOUSLY** entered by means of forcibly Opening the door
leading into the front hall bedroom
of the 2d floor of said premises and
entering therein with intent to
commit a felony
 on the 8 day of January 1898 in the day time, and the
 following property feloniously taken, stolen, and carried away, viz:

One Silver Collar and One
clock with together of the value
of seven dollars and fifty cents

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

Bernard Lee and James McMahon
both now here.

for the reasons following, to wit:

That deponent deponent
securely locked said door leading
into said room at about 1:30
O'clock PM of said date, that
at about fifteen minutes thereafter
she heard a noise in said room
and when she attempted to open
said door she found that it was
bolted from the inside, that she

0085

attempted to enter said room
through another door and before
getting in, said defendants each
made their escape through said
hall door and ran out of said
premises. That defendant saw
each of said defendants when
they had reached the sidewalk
and she positively identifies each
of said defendants as said persons.
Wherefore defendant prays
that each of said defendants
be held to answer and be
dealt with as the law directs

Sworn to before me
this 9th day of Jan'y 1890 J. Lucy C. Ingram
Deputy Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 188
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

vs.

Offence—BURGLARY.

1
2
3
4

Dated

188

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

to answer General Sessions.

0086

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

H District Police Court.

Bernard De 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. Bernard De

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York City 362 West 49

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

Answer. No 362 West 49th St. 4 years

Question. What is your business or profession?

Answer. Bricklayer

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

Bernard De

Taken before me this
day of January 1890

Doyle Police Justice.

0087

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James McMahon 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. *James McMahon*

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. *No 465 West 54th St. One year*

Question. What is your business or profession?

Answer. *Bricklayer*

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**James Mc Man*

Taken before me this

day of

1894

Police Justice.

0088

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

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

Dated *January 9* 188*9* *Samuel C. Bell* 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.

0089

Police Court

69 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Lina Canziani
146 vs. *East 18th*
James M. Mahoney
Offence *Canziani*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Witness for the
People
John Mason
311 East 20th St.

Dated *Jan 9* 1890

R. Kelly Magistrate

Fitzsimmons Officer.

18 Precinct.

Witnesses *Alfonso Santoni*

No. *146 East 18th* Street.

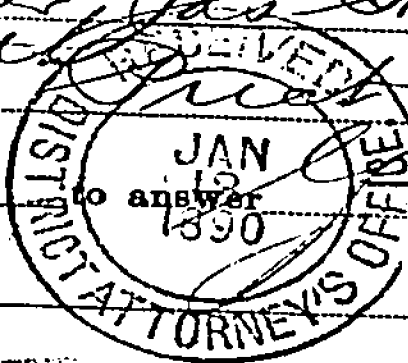
Officer Petty

No. *18th Precinct* Street.

Officer James May

No. *18th Precinct* Street.

\$ *15.00* to answer



FORWARDED

0090

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Bernard Dee and
James Mc Mahon*

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

Bernard Dee and James Mc Mahon

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

The said *Bernard Dee and James
Mc Mahon, both*

late of the *Eighteenth* Ward of the City of New York, in the County of New York
aforesaid, on the *eighteenth* day of *January*, in the year
of our Lord one thousand eight hundred and *eighty ninety*, with force and arms, about the
hour of *two* o'clock in the *day* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Suey Canziani,*

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit:

within the said dwelling house, with intent to commit some crime therein, to wit: the goods
chattels and personal property of the said *Suey Canziani,*

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

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

0091

SECOND COUNT—

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

Bernard Dee and James McMahon
of the CRIME OF *Per* LARCENY, _____ committed as follows:

The said *Bernard Dee and James McMahon, both* _____
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *day* time of the said day, with force and arms,

one collar of the value of fifty cents,
and one vest of the value of seven
dollars,

of the goods, chattels and personal property of one *Suey Canziani*, _____

in the dwelling house of the said *Suey Canziani*, _____

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

John R. Fellows
Attorney

0092

BOX:

380

FOLDER:

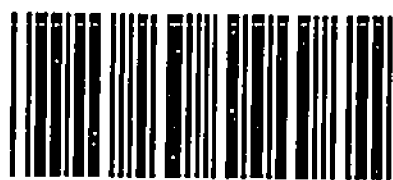
3546

DESCRIPTION:

Degnan, James

DATE:

01/24/90



3546

0093

BOX:

380

FOLDER:

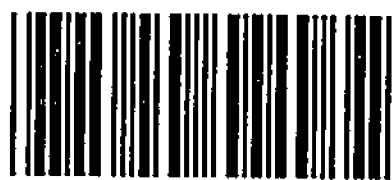
3546

DESCRIPTION:

Dwyer, William

DATE:

01/24/90



3546

0094

246

Witness;

H. Ellis

Counsel,

Filed 24 day of Jan 1890
Pleads, Not guilty

THE PEOPLE

vs.

James Degnan
and
William Dwyer

ASSAULT IN THE THIRD DEGREE.

(Section 219, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill

G. J. Farnham
Jan 31/90 Foreman.
Court
True Bill
J. H. Farnham
J. H. Farnham

0095

2
The People
vs.
James Degnan
and
William Dwyer.

Court of General Sessions, Part I.

Before Recorder Smyth.

Thursday, January 30, 1890.

Indictment for assault in the third degree.

Henry Ellis sworn and examined.

I live at 142 West 52nd Street and am a marble cutter; on the 18th of January I saw these Defendants, I went into a liquor store accompanied by a friend, corner of 52nd St. and Second Avenue, about four o'clock in the afternoon, the defendants were in there at the time, Sullivan one of the witnesses here was with me; I saw a man named Kelly with the defendants. I called for a drink for Sullivan and myself at the bar and Dwyer came up and says, "you had better treat." I said, "I am in my company and you stop in yours; with that he made a strike at me with his fist, the bartender ran from behind the bar and went between us and the other man Degnan made a blow at me over the bartender's arm; so I got struck and said nothing, I walked out on 7th Avenue, I was about ten feet from the store when I heard steps after me and I saw Dwyer following me. I says to him, "what do you want with me". Dwyer kind of turned back and he made a blow at me, he collared me as if he would pull me in the cellar, I had to hit him, I walked on and said, "I have nothing to do with you, I never insulted you or anybody else in the street." When I got as far as 50th Street I thought I was all right, I looked back and saw Degnan following me up with Dwyer with a bull dog; I went into the horse-car stables for protection and they followed me in there, I got no protection there, I ran

0096

outside where the horses come in and Degnan set the dog on me, he commenced to bark at me, I was kicking at him to get away and Degnan dealt me a blow on the right side of the head with something very hard, the cut is a very good one, I got excited and was knocked down, I remember no more till the officers took me away; Degnan struck me a blow and I fell on this side and was all black, I got two kicks while I was down and they were both over me when I fell, I could not say which of them kicked me, I was senseless and bled much, the officers took me to the Station House, West 47th Street. The officer asked me if I knew the men, I said I did not know them by name, I described them and they were arrested from the description; I saw them in the Police Court and identified them as the men who hit me. I was bleeding at my head when I went to the Station House, I was taken to the Roosevelt Hospital and my wound was dressed by the physicians; Sunday morning I felt so bad I sent for a private doctor, he called three times at the house and I called once at his place, I was laid up for a week and I went to work last Monday. I must have bled immediately when I received the blow on the side of my head from Degnan because I got a kick afterwards and was unconscious and when I came to I found I was bleeding all down my back, my body was black and I suffered pain. I did not do anything to these men in the saloon when the bar-keeper came between us, I had not struck or threatened to strike them. When Dwyer got hold of me in the street by the coat and made a blow for me I dodged and pulled away from him and then it was that I saw Degnan following with this bull dog.

0097

Cross Examined.

This occurred on Saturday, the 18th, about four o'clock; I was not working that week because I was sick, I left my house that day about twenty minutes to twelve and went down and had a drink where this affair occurred, I met a friend there named Livingston and Mr. Kelly and Mr. Sullivan was there in company with him, Kelly and Sullivan are witnesses, there were other people there but I did not know them, I remained there about an hour talking, Mr. Livingston asked me to have a drink with him and I took a little brandy, I afterward treated and we parted then; I left the store and had a walk for about an hour and a half, I then went back to the store with Sullivan, I treated Sullivan and he treated me, we had not finished the drink when this affair occurred.

I was not in that saloon that day with a woman and only drank three times there, I had two drinks during my walk with Sullivan, I had no drink before twelve o'clock that day, I drank whiskey and brandy during the five times that I drank liquor that day, I got up that morning about twenty minutes past eleven and went out at a quarter to twelve, I am quite positive that I did not meet a female in that store, I knew Dwyer to see him before this day and knew the other by sight. The bar-tender's name is George, I went out of the saloon because I did not want to get into trouble, my two friends must have remained in the store for I did not see them afterwards. When I appeared in the Police Court my head was bandaged as it is now. I worked for the firm of Batterson & Isler. The liquor store is about a block away from the car stables.

0098

James Kelly sworn and examined.

I live at 52 West 52nd Street and am a plasterer, on the 18th of January I was in the saloon corner of 52nd St. and 7th Avenue with Henry Ellis and Tom Sullivan, I saw the Defendants in there and that was about four o'clock, I was speaking to two other friends, I did not see very much but I saw the bar-tender coming from behind the bar and whatever altercation occurred between Henry Ellis and William Dwyer I could not relate it, I saw the bar-tender come between them, Dwyer made a blow at Ellis and I saw Degnan striking over the bar-tender's arm at Ellis, Ellis went out of the door, Dwyer went out of the side door and the other man went out by the front door and I saw no more of it, I did not leave the store.

Cross Examined. I was in the store when Ellis came in, I saw Sullivan and a Mr. Dougherty and William Dugan came in after, Mr. Livingston was not in at that time; we all drank together, I drank a glass of ale and the rest took brandy and whiskey and seltzer water, I was talking to Tom Sullivan at the end of the bar and did not see the beginning of the occurrence. Ellis walked out of the front door and did not run out; I saw Ellis previous to that in the saloon and had a drink with him, I will swear that Ellis was sober.

Thomas Sullivan sworn:

I live at 323 7th Avenue and am a plasterer, I know the complainant and the defendants and Kelly, I was in the saloon on the day in question and saw the defendants there, Ellis and I went in together, I had a glass of mixed ale and he had a little brandy; one of these Defendants,

0099

I don't know who it was, and asked Mr. Ellis to treat them he said, "you are not in my company", and that is all I know about it; that is all I saw; I did not see the assault outside, I did not see any blow made at Ellis inside by anybody, I did not see the bar-keeper get between Ellis because I was behind the screen taking my ale, I saw Ellis go out and saw the Defendants following him, I remained in the store. I saw Mr. Ellis before that and had a drink with him corner of 53rd Street and Sixth Avenue, I think it must have been between ten and eleven o'clock and I remained with him until four o'clock.

William Dwyer sworn and examined in his own behalf, testified:

I reside at 372 Eighth Avenue and am a truck driver, I was engaged in the ice business in the summer for the Mutual Benefit Company and at the time of this occurrence was working for James Carey, an expressman corner of 52nd Street and Seventh Avenue. I only know the Complainant by taking a trunk for him one day; Degnan and I and three other men were in this saloon drinking on the day in question, Ellis and Sullivan and Kelly came in drunk, the bar was pretty well crowded and Ellis pushed me, I asked him if he could not wait for a minute, he kicked me in the shin, I walked out of the side door and Ellis came out, he was drunk and was dancing on the sidewalk, I asked him if he was crazy, he made a blow and I slipped on the ice and fell he made a kick at me, I got out of the way and somebody said Ellis was coming, we ran as far as the stable, we renewed the fight, we clinched and I fell near the railroad

0100

3

track, I got up and walked away; Degnan had nothing to do with it; I came out of the side door of the saloon first, I did not make any attempt to strike anybody in the saloon and Degnan did not, he stood at the bar. The witnesses who have been on the stand here are hard drinkers, Kelly was under the doctor's care every month and Sullivan is never right from Saturday night to Tuesday morning, I don't know much about Ellis. I was arrested for disorderly conduct on Washington's birthday two years ago, I was arrested once for reckless driving and fined five dollars and Officer Reilly had me arrested once on suspicion of stealing a watch but I was discharged because I was the wrong person.

Johanna Ryan sworn.

I am the mother of the defendant Dwyer, he will be twenty-four years old next March, he is a peaceable, good boy and always lived with me.

James Degnan sworn.

I am one of the defendants and was at the liquor store in 52nd Street on the day in question, Dwyer asked me to have a drink, the bar was pretty crowded, I saw Ellis, Kelly and another man come in under the influence of liquor and Ellis shoved Dwyer and gave him a kick in the shin. Dwyer said to me, "I have got an awful pain in the shin", he went out of the side door and Ellis went out of the front door, I remained in the liquor store. I was convicted once and sent to the Penitentiary for six months for assaulting an officer, that was on Washington's birthday three years

0101

ago, I was driving a car on the Belt road at that time;
I have known George, the bar-keeper of this saloon, about
four months.

William Dwyer recalled.

I saw Ellis on the day of this affair about a quarter
past ten in the morning in the back room of this saloon
with a woman, she is called "Horrible Duffy."

The Jury rendered a verdict of guilty and the
Defendants were sent to the Penitentiary for one year.

Handwritten notes:
The
penitentiary
was
11/10
1910

0102

Testimony in the case
of
Jas. Degnan and
Wm. Dwyer
filed
Jan 1890

0103

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

James H. Riley
of No. 22a Precinct Street, aged years,
occupation Police officer being duly sworn deposes and says,
that on the 19 day of January 1890

at the City of New York, in the County of New York, he arrested
James Deegan and William Dryer both
(married) on complaint of Henry
Ellis for assault.

Deponent says that said
Complainant is unable to appear on
account of injuries received.

Wherefore deponent asks that
said defendants be committed
for examination.

James H. Riley

Sworn to before me, this 22 day

of

January 1890

day

John McLaughlin
Police Justice,

0104

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

James Begnan
William Snyder

AFFIDAVIT.

Dated Jan 20 1890

Magistrate.

Officer.

Witness,

Disposition,

Rem for Ex
Jan 22 2 PM

0105

Police Court— 4 District.

CITY AND COUNTY } ss,
OF NEW YORK,

Henry Ellis
of No. 142 W 54 Street, aged 30 years,
occupation Marble cutter being duly sworn, deposes and says, that
on the 18 day of January 1890 at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by James Degran & William
Dwyer (both marblers) who struck deponent
several blows on the head and body with
their fists knocking him down and while
down kicked him on the head and body
cutting and injuring him severely
without any justification on the part of the said assailant.

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

Sworn to before me, this 22 day of Jan 1890 } Henry Ellis
G. Thompson Police Justice.

0106

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Dryer 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.

William Dryer

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

872 8th Ave 7 mos

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty and demand a jury trial

Wm Dryer

Taken before me this

day of

1894

Police Justice.

0107

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

James Regan 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.

James Regan

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

N. S.

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

Answer.

258 W 53 St

5 mos

Question. What is your business or profession?

Answer.

Conductor

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

Answer.

I am not guilty and demand a jury trial

James Regan

Taken before me this

24

day of

1898

John J. [Signature]

Police Justice.

0108

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

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

Dated Jan 22 1890 Bethune Bond Police Justice.

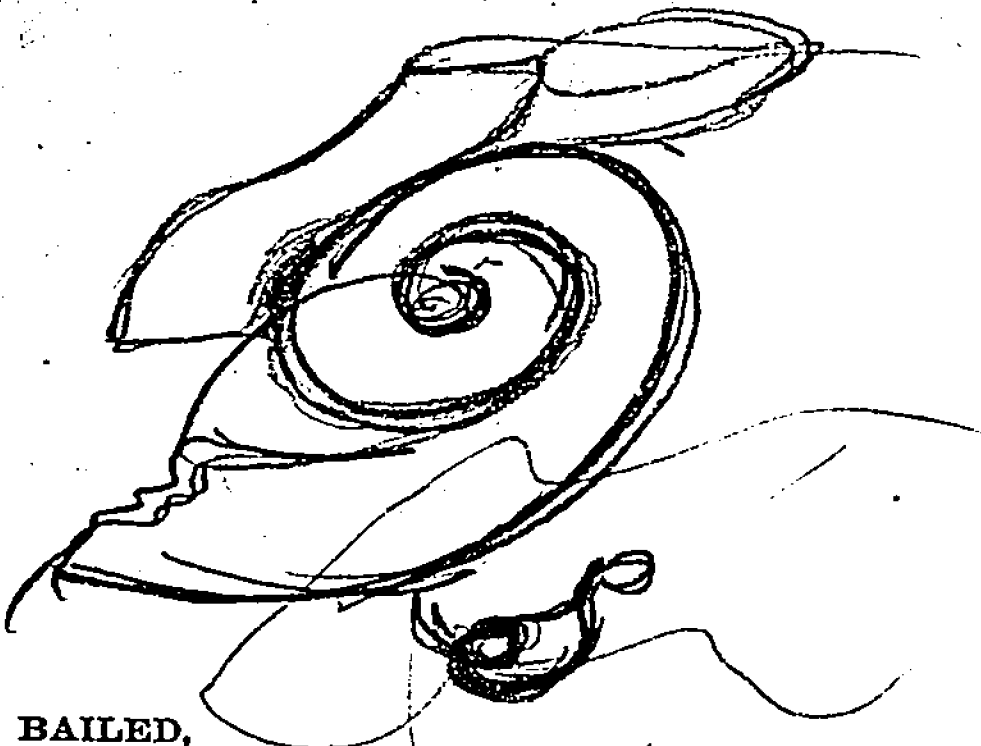
I have admitted the above-named _____
to bail to answer by the undertaking hereto annexed.

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.

0109



BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court

132 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Ellis
342 West 32nd St

1 James Dequan

2 William Dryer

3

4

Offence Assault

Dated 22 Jan 1890



Ford Magistrate

Reilly Officer.

22 Precinct.

Witnesses James O'Kelly

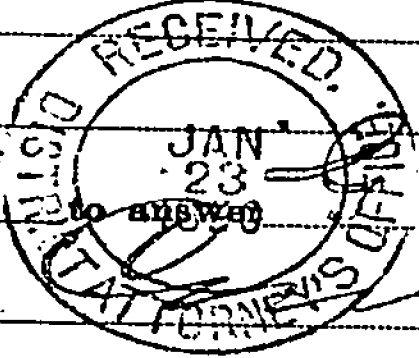
No. 150 W 52nd Street.

Thomas Sullivan

No. 823 Swarth Ave. Street.

No. 300 Street.

\$ to attorney



Ansatt 31

0110

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*James Degnan
and William Dwyer*

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

James Degnan and William Dwyer

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows.

The said

James Degnan and William Dwyer, both

late of the City of New York, in the County of New York, aforesaid, on the *eighteenth*
day of *January* in the year of our Lord one thousand eight hundred and
ninety at the City and County aforesaid, in and upon the body of one *Henry*
Ellis in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *him* the said *Henry*
Ellis did then and there unlawfully beat, wound and ill-treat, to the great damage
of the said *Henry Ellis* against the form of the
statute in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0111

BOX:

380

FOLDER:

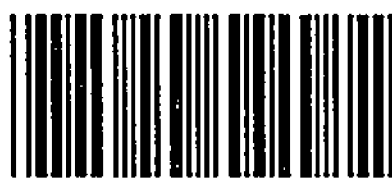
3546

DESCRIPTION:

Dexheimer, Charles

DATE:

01/28/90



3546

Witnesses:

*Officer [Signature]
Central Office*

FILED DEC 15

1896

405

Counsel,

Filed

Pleds

day of Jan'y 1897

Proably July 1890

THE PEOPLE

vs.

Charles B. Bexheimer

VIIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
III Rev. Stat. (7th Edition), page 1983, Sec. 21 and
page 1989, Sec. 23

JOHN R. FELLOWS,

District Attorney.

A True Bill.

E. J. [Signature]
Foreman.

0112

0113

19 Form H.

NEW YORK, Dec. 14, 1893

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

22729

I hereby certify that I attended deceased from June 24 1892, to June 26 1892, that I last saw him alive on the 26th day of June 1892, that he died on the 26th day of June 1892, about 10:15 o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, Acute Parainfectious Enteritis
 Contributing Cause, General Paresis

Duration of Disease.

Sanitary Observations.

Witness my hand this 26 day of June 1892Place of Burial, City of New York (SIGNATURE), H. L. Stebbins, M. D.Date of Burial, June 28Undertaker, Charities & Co. RESIDENCE, Ward's IslandResidence, Ward's Island

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death	Full Name	Age in years, mos. and days	Color	Single, Married or Widowed	Occupation	Birthplace	How long in U. S. if foreign born	How long resident in New York City	Father's Name	Father's Birthplace	Mother's Name	Mother's Birthplace	Place of Death	Last place of Residence	Class of Dwelling (A tenement being a house occupied by more than two families)	Direct cause of Death	Indirect cause of Death	Date of Record
June 26, 1892	Charles Deyheimer	30 years	White	Married	Master	United States		10	Frank	Germany	Margaret	Germany	U. S. A. (New York for many years)	U. S. A. (New York for many years)	U. S. A. (New York for many years)	Acute Parainfectious Enteritis		June 28, 1892

A True Copy.



Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcripts, and no inquiry as to the facts reported has been provided for by law.

0114

19 Form H.

NEW YORK, Dec. 14,1893

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

Charles L. Geyherman22729

I hereby certify that I attended deceased from June 24, 1892, to June 26, 1892, that I last saw him alive on the 26th day of June, 1892, that he died on the 26th day of June, 1892, about 10.15 o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, Acute Transmigratory Septicemia
Contributing Cause, General Paresis

Duration of Disease.

Sanitary Observations.

Witness my hand this 26 day of June, 1892Place of Burial, Cath. Cem. (SIGNATURE), H. G. McQuinn, M. D.Date of Burial, June 26, 1892Undertaker, Charles & Co. RESIDENCE, Ward's Island

Burial permits issued at 301 Mott Street, Room 38. Work days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death	Full Name	Age, in years, months and days	Color	Single, Married or Widowed	Occupation	Birthplace	How long in U. S. If foreign born	How long resident in New York City	Father's Name	Father's Birthplace	Mother's Name	Mother's Birthplace	Place of Birth	Last place of residence	Class of Dwelling (If tenement building, state by how many families)	Direct cause of Death	Indirect cause of Death	Date of Record
June 26, 1892	Charles L. Geyherman	30 years	White	Married	Teacher	United States			Wife	Germany	Wassenaar	Germany	Germany	Wassenaar	Household	Acute Transmigratory Septicemia		June 26, 1892

A True Copy.

C. Geyherman

Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcripts, and no inquiry as to the facts reported has been provided for by law.

0115

Mr. Regan

City and County of New York.

John J. Regan being duly sworn deposes and says that he personally knew Charles B. Debehnier who was arrested on June 18th 1888 for alleged violation of the license law, and that said Debehnier has since died, and defendant knows that he is the same person as is mentioned in the within Certificate of death.

Sworn to before me this 18th day of December 1893

Wm. V. Nagle
Clerk of New York

0116

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County of New York, ss.

of No. Levee Street Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 17 day
of June 1888 in the City of New York, in the County of New York,

at premises No. Levee Street Street,

Charles B. Stephens (now here)
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Charles B. Stephens
may be arrested and dealt with according to law.

Sworn to before me, this 18 day
of June 1888

John A. Lappe
Police Justice.

0117

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Charles B. Weyhe 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty and
I demand a trial
by jury
C.B. Weyhe*

Taken before me this

day of

Police Justice.

0118

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

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

Dated June 8 188 *Police Justice.*

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

Dated June 22 188 *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.*

0119

BAILED,

No. 1, by *James Ryan*
Residence *67 E 124* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

by James Ryan
2.30 o'clock

266
Police Court

952
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John F. Lappin
vs.
Charles B. Perhine

2
8
4

Dated *June 18* 1888

Weyford Magistrate.
Lappin Officer.
~~XXXXXX~~ Precinct.

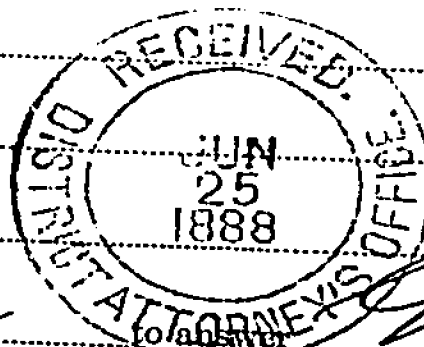
Witnesses *Michael M. Bernice*
No. *XXXXXX* Street.

No. _____ Street.

No. _____ Street.

\$ *1.00*

Banner



0120

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles B. Dexheimer

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

Charles B. Dexheimer
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows :

The said

Charles B. Dexheimer

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *June* in the year of our Lord one thousand eight hundred and *eighty eight* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

John F. Tappan

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Charles B. Dexheimer
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Charles B. Dexheimer

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0121

BOX:

380

FOLDER:

3546

DESCRIPTION:

Diederichs, Anton

DATE:

01/15/90



3546

Witnesses:

W. W. Gardner
Coica Smith

1890
W. W. Gardner
4467

Counsel,

Filed *15* day of *Jan* 1890

Pleads,

Not guilty

THE PEOPLE

vs.

2

Anton Friedrichs

JOHN R. FELLOWS,

District Attorney.

*Part 2 Feb 3 by order of ch
Counsel Friedrichs*
A TRUE BILL. *W. W.*

John R. Fellows

Part 2 Feb 6
W. W.
Foreman.

Feb 10. 1890.
Friedrichs acquitted.

0122

0123

STENOGRAPHER'S MINUTES.

Mid District Police Court.

THE PEOPLE, &c. IN COMPLAINT OF
Lillie Bendixson
 vs
Anthony Dietrich
Rape.

BEFORE HON.

Chas. N. Sinton
 POLICE JUSTICE,
Jan 3 1890

APPEARANCES:

For the People,

For the Defence,

Mr. Hooking
Mr. Lavine
Jan 3 1890

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
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<i>Rose Smith</i>	14	31	44	45
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<i>Wm H. Snow</i>	39	44		
<i>Dr. Arlier</i>	46	55		
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<i>Counsel</i>	60	62		
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H. J. Cready
 Official Stenographer.

0124

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Bendixon
Neitrich

Examination had

Before

Sam J. @
Charles H. Taintor 1890
Police Justice.

I, *M. J. Treacy* Stenographer of the *Third* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of *Lillie Bendix-*

-son and all herein

as taken by me on the above examination before said Justice.

Dated

January 7 1890

M. J. Treacy
Stenographer.

Charles H. Taintor
Police Justice.

0125

New York Jan 3rd 1890
Third District Police
Court.

Hon Charles E. Fairton
Presiding.

Lillie Bendison }
vs. } Rape.
Anthony Deitrich }

Lillie Bendison being
duly sworn deposes and
says

Q. Where do you live?

A. No 222 Chrystie St. I
am married and I have
one child. This is my
child "Lillie"

Court Has your child
assaulted in any
way that you know of
on Dec 24th?

A. I cannot swear
only by her own words

Mr Stocking - If you allow me Judge, I will bring the evidence out.

Q. (By Mr Stocking) What is your name?

A. Lillie Bendison,
I live at 2222 Chrystie St,
my child was three
years old on Dec 12th.

Q. Do you know Rose
Smith?

A. Yes Sir.

Q. Did you leave your
child in her custody?

A. Yes Sir, about
four (4) weeks.

Q. How long before
Dec 24th was she with
her?

A. About two weeks,
I was sick and I
could not give the
child the right care,

3

Q. and through friendship
 she (Rose Smith) took her.
 You say the child was
 there two weeks before the
 24th of Dec?

A. Yes Sir. Rose
 brought her to my house
 to see her.

Q. When did she
 bring her the last time?

A. Friday night after
 Christmas, she came to
 my house and told
 me of her condition.

Q. When the child
 was brought, you
 received her?

A. Yes Sir.
 Q. What did you find
 on the child?

A. All inflammation
 on her privates, her
 drawers were stained

3

with something green ^{and}
 yellow

Q. There were green ^{and}
 yellow stains on her
 drawers?

A. Yes Sir,
 Q. When you found the
 condition of the Child
 what did you do?

A. She (Smith) gave me
 a prescription for the
 Child that the Doctor
 gave her, and I said
 I would not give it,
 till I saw my Doctor.

Q. Did you visit the
 Defendant, Dietrich?

A. Yes Sir, in 34
 Bond St.

Q. What conver-
 =sation did you have
 with him?

A. I said "What

5

Have you been doing
 to Lullie, she (Lullie) said
 you did something to
 her, he said Rose knew
 I was diseased and if
 she got anything she got
 it off the sheets, I said
 I am not able to pay
 Doctors Bills, and he
 said, I will pay the
 Doctors bills, I can my
 Doctor (Mangold)

Q. Did you receive any
 prescription from the
 Defendant?

A. Yes - from Rose,
 she gave it to me, I
 showed it to my Doctor,
 I did not use it.

Q. After you saw the
 Defendant that time,
 what did you do?

A. Went home, I did

6

not do anything, I said I could not stand it, he said I could not do anything to him, then I said I would get a warrant, I went to the 5th Station house and I saw the Sergeant behind the desk, he asked me if I knew where he (Defendant) worked and I said Yes Sir; the lady up stairs went with the Officer where he (Defendant) worked. I am married, but not living with my husband since the 8th of August, I was married in the City Hall in 1889, and I lived with my husband till last May or August

4

Q. Here is my marriage
Certificate (Paper shown)
This Child has always
been in your care?

A. Yes sir, I had
her boarding up town
in Second St.

Q. How long had the
Child been up town
when you sent her to
Rose Smith?

A. About two weeks
previous to that

Q. Did you have any
conversation with him,
about his having
Gonorrhea?

A. He said he
had it ^{my} if the Child
got it, she must have
got it from the Sheets.
Cross Examination

Q.

Q. Do you live at 222
Cuyote Street now?

A. Yes sir,
Q. It is a furnished
room house?

A. No sir,
Q. Whom do you live with
A. Mr. Reanick.

Q. What is your occupation

A. When I was working,
a Mill hand, in Canal
St, I worked in 260
Canal St, three weeks.

Q. When did you work,
how long ago?

A. I was never there
since the 8th of August,
since then I did not
work.

Q. Since then what
means have you
had of supporting
yourself?

9

A A woman of the Street up to five weeks ago, I am living with a man who supports me, he is not my husband.

Q. Is it not a fact that while you were a woman of the Street, you were in the habit of leaving your child at Rose Smith's?

A. Yes Sir.

Q. Did you know that Rose Smith and the Defendant were living together at 23rd St, at the time you gave her your child?

A. I did know
Q. At any time did you know it?

A. No, when I was sick I left my

12

Q. Child there. When have
you been since the 24
of Dec?

A. I was not a
woman of the town
then.

Q. When did you
give your child to
her (Rose Smith)?
A. The first week I
was taken sick four
weeks ago, but this
man was taking
care of me.

Q. Counsel— Is that the
first time you let the
child go to Rose Smith?

A. Yes sir,

Q. Who are you living
with now?

A. Charles Stegman,
he lives with me.

Q. Where does he live with you?

A. 222 Chuyote St. ~~Mr. Shocking~~ I object to your bringing outside matter in here - this man has nothing to do with the case - it is wrong for counsel to try and bring this man in - Counselor Lavine that is an unfair remark - I am advised by Physicians that we may account for this affair in a way which will absolve my client -

Q. Where is his business address?

A. Holmes & Brooks Cracker factory, he is an Engineer -

Q. He is a married man?

12

Q. No Sir,

Q. You called on this Defendant prior to his arrest?

A. Yes Sir,
Q. And you asked him for money?

A. No Sir,

Q. Have you demanded money from him since his arrest?

A. No, but people called on me and offered me money, I called on him before his arrest.

Q. What was said about money then?

A. I said I do not know what I am going to do, I can not pay doctor's bills

12

13

myself - and he said
if she was in that con-
=dition, she got it from
the sheets - I was not,
never was diseased

Q. Were you ever under
treatment for any ven-
=real disease?

A. No Sir.

Q. How old is that child?

A. Three years the
12th of Dec last

Q. Who is your Dr?

A. Dr Lyons of Main St
Peekskill. I lived
there with my husband
till the 29th of July
last

Sworn to before me }
this 3rd day of Jan 1890 }

Police Justice

Rose Smith, being duly sworn deposes and says.

Q. Where do you live?

A. 42 20 East 3rd St

Q. Do you know the Com-plainant?

A. Yes Sir,

Q. Do you know her child?

A. Yes Sir,

Q. Were you in any way employed by her?

A. Yes Sir, when she (the mother) was sick to take care of her child

Q. When was that?

A. About two or three weeks ago now.

Q. About what time was it?

A. About Eight

Q. O'clock

About what time

were you employed by her?

A. About the 15th of Dec' last. I was there every night in the week and sometimes in the day time

Q. You were employed by her to care her child?

A. Yes Sir,

Q. When was that?

A. When she was sick

Q. What date?

A. I cannot tell.

Q. As near as you can fix the date?

A. About Dec 15th last. I was to take care of the child till she got well, I took it from her to my

16

Q. own room Where did the child sleep?

A. In the bed with me

Q. Where did you reside when you had this child in your care?

A. 42 20 East 3rd St with Jerry Heitrich (the Defendant)

Q. How long had you been living with him there?

A. About two (2) months

Q. This man was arrested on or about the 24th of Dec, how long before that was the child with you?

A. About two or three days, - I was living

17

there with the Defendant
in one room, before
the 24th of Dec

Q.

What furniture

was in the room?

A.

A Sofa, Bed and
a Bureau

Q.

There was a bed
there?

Q.

A.

Yes Sir,
You took the child
to care for it, while its
mother was sick?

Q.

A.

Yes Sir,
Has the Defendant
a working then?

A.

Yes Sir, he went
to work at 7 o'clock in
the morning and he
returned at 7 or half
past seven o'clock in
the evening

Q.

The child

17

18

Slept with you and
the Defendant every
night?

Q. A. Yes Sir,
What did you do for
a living while you
were with him?

A. Nothing. He kept
me

Q. Did you ever go out
evenings?

A. Yes Sir. Not on the street,
I left the child in
the room, when I
went away, with him

Q. Did you undress
the child?

A. Yes Sir. I put
a white night gown,
it was a body all in
one

Q. About two weeks
before this happened

18

Did you have a conversation, about his being diseased; what did he say —

Counselor Lavine. I object

Q. Did you have sexual intercourse with him?

A.

No, we did not have sexual intercourse, he told me he had the disease, that he had the gonorrhea. (Gonorrhea)

Q.

He told you that he had the gonorrhea? (Gonorrhea)

A.

Yes Sir, he told me so, and I objected to his having sexual intercourse on that account with him.

Q.

When did you first discover there was anything wrong with the child?

Q. Q

A. Christmas morning.

Q. What led to it?

A. I happened to see it accidentally when she was uncovered - I saw the matter coming out of her when I put her on the chamber and she said it hurt.

Q. What did you say to her?

Counselor Lavine - I object on the ground that we cannot be bound by hearsay testimony - I do not know what it may lead to and it is incompetent.

Mr. Stocking - He has a right to have her state the conversation on that morning.

Lavine - I object to it -

21

Q. Was the man brought before the Child?

A. Yes Sir,
 Stocking State the conversation that occurred between you and the Child?

Lavine I do not understand you to say that the conversation took place when the Defendant was present —

This is not a case of identification — it is an attempt to detail, and spread on the record a conversation between herself and the Child —; that Child can not be accepted a competent to testify; the conversation between her and the Child we

22

ought not be bound by;
 we ought not risk our
 liberty on testimony of
 a Hear say Character,
 between this Child and
 the Witness - the Child
 is too young and no
 one has any power to
 contradict her state-
 ment - all you have
 to ascertain is, is there
 Probable cause to hold,
 to believe we are guilty
 of a Crime - and if
 you think you have
 Probable cause, you
 must come to that
 conclusion from com-
 petent testimony and
 this testimony is in-
 competent -

Court - I will admit
 the conversation -

22

Lavine - He objects and
takes an exception - I
will cite your Authority
to show that that testimony
is incompetent, Mr
Shocking does not pre-
tend to say that state-
ments of third parties
in the absence of the
accused should be
binding on him. We
are accused of a grave
crime, and one witness
is called on to detail
a conversation in the
absence of the defendant.
It may be competent to
show what she said -
but to testify to any
conversation in the
absence of the accused,
is clearly contrary to
all principles of Law

24

And all rules of evidence, as well as all sense of justice, I have in my mind authorities in reference to hearsay testimony, — and I hope before you allow her to answer, you will let me submit a ~~brief~~ brief —

Court — The question is Withdrawn —

Q. What did you do with the Child then?

A I left the Child, and took the ~~child~~ drawers to him and I said "What have you been doing to Lullie", he said "Nothing" I said there must be something wrong

24

25

with her, she is running like anything, and he said go and get a Doctor; then he brought his Doctor the same evening and prescribed, I did not get anything till I saw her Mother. If he made any remarks, the Doctor spoke German. I left the Child, then and went to her mother the next day and took the Prescription with me. I left the Child there—

Q. Did you have any conversation with the Defendant?

A. No, he left me the next day, or High Court. ~~When you went to see the Defendant~~

(25)

26

Court When you went to see the Defendant and told him the condition of the child, did you tell all the conversation you had at that time?

A. Yes sir, he said "go and get the Doctor and you can prove it; then he got a Doctor before he came home from work."

Q. Have you told all the conversation between you and him at that time?

A. Yes sir.
Counselor Lavine - The Doctor the Defendant brought, is here now?

A. Yes sir.

Cross Examination

Q. You say that he said to you "and he can prove it?"

27

Yes Sir.

Q. Did he deny having anything to do with the child?

A. He denied having anything to do with the child.

Q. Did he say the Doctor would prove that he had nothing to do with the child?

A. Yes Sir,
Q. Did the companionary know you were living with the man, when you left the child there?

A. Yes Sir,
Q. He told you he had a venereal disease?

A. Yes Sir,
Q. Did he refuse to have sexual intercourse with you because of

27

28

his disease?

A.

Yes Sir.

Q.

Did he tell you he would not have sexual intercourse because he was afraid of your contracting that disease?

A.

I told him that, he did not tell me that.

Q.

He told you he would not have intercourse on that account?

A.

Yes, he wanted to have intercourse and I said "No, till you get over it."

Q.

How long have you lived your present life?

A.

I have been living that way two years, I lived with him two

29

months, going on three months.

Q. You went to the mother's house and delivered the child there?

A. Yes Sir.

Q. You went there every night with the child?

A. Yes Sir.

Q. What was the matter with the child's mother?

A. She said she had pneumonia.

Q. You told her the child was in bed with the Defendant?

A. Yes Sir.

Q. You have told all that occurred between you and the Defendant?

A. Yes Sir.

Q. You did not see him hurt the child?

29

30

A. Q. No Sir,
Did you have any
quarrel with him?

A. Q. No Sir,
He left you then and
has not been near
you since?

A. Q. Yes Sir, he
left me the Friday
night, three days before
he was arrested.

A. Q. He supported and
maintained the house
when you lived together.

A. Q. Yes Sir,
He paid the rent?

A. Q. Yes Sir,
You left the child with
him repeatedly?

A. Q. Yes Sir,
When
for the first time,
did you leave the

0155

31

a child in his care?
The first night I
took her there, about
the 15th or 16th of Dec

Sworn to before me }
this 3rd day of Jan 1890 }

Police Justice

31

32

William G. Mangola M.D.,
being duly sworn,
deposes and says, I am
a Physician and live
at 31 East 11th St
New York City.

Q. Did you
examine this child?

A. I did, I questioned
her and I found inflam-
-mation of the external
genitals and also
found the discharge
coming out of the
vagina—a greenish
yellow discharge. She
told me she had great
pain in passing
water.

Q. Did she pass any
water while you were
there?

A. No Sir

32

33

Q. Did you find any evidence of Assault?

A. There was no evidence of tearing, no laceration, there was considerable inflammation of the lips (of the vagina)

Q.

In your opinion Doctor, as a medical man, could that child have been inoculated in any other way ~~may~~, except by sexual connection

A.

She could be affected by her fingers, or sleeping with a person having the disease, or scratching herself, she would have to touch the parts herself.

33

34

Q. Did her mother go to you with a prescription?
 A. She showed me the prescription. I gave it. I told her to use what I prescribed. The prescription was by Dr. Orleian; it was a solution of Bicarbonate of Mercury, to be used as a wash.

Q. What do they use that for?

A. Dr. Hocking & I object to it. In your opinion as a regular Physician, was she (the child) suffering from an attack of Gonorrhoea (Gonorrhea)?

A. She was suffering from an attack of Gonorrhoea (Gonorrhea).
Cross Examination

35

Q. How long have you been practicing?

A. One year and (4) four months

Q. You were a student where?

A. At the College of Physicians and Surgeons New York City.

Q. You have read many books on such diseases?

A. I have
Q. Do you not know that there are many instances where people contracted "Gonorrhea" from lying in bed with someone afflicted with that disease?

A. Yes Sir,
Q. If they come in contact with the goods?

36

A She must have come in contact with the goods affected.

Q. Did you not say that she must come in contact with the part affected, that she must necessarily come in contact with some of the matter that may have escaped on the bed covering the Quilt, or sheet?

A Yes Sir,
Q. The books say so?

A Yes Sir,
Q. As a matter of fact would it not be much easier for a female child to contract such a disease by being in bed with a person having the disease - would

34

not a child be more
easily affected than
an adult?

A. Certainly, all
the parts are more
tender

Q. Those parts that
are so much exposed
would be easy to affect?

A. Yes Sir,

Q. In a woman they are
more sensitive than
in a man, and a
female child more
than either?

A. Yes Sir,

Q. Is that your writing?
(Certificate shown)

A. Yes Sir,

Q. You wrote that letter
on that date?

A. Yes Sir,

Q. Did I understand you

34

38

To say a moment ago
 on your direct examination
 that from the examination
 you made of the child
 when she was first
 submitted to your care
 and inspection, there
 was no laceration of
 the parts, much as
 would lead you to
 infer that the child
 had been criminally
 assaulted?

A

There was no sign
 of any penetration or
 laceration.

Sworn to before me
 this 3rd day of Jan 1890

Police Justice

38

39

Q. H. H. Snow M.D., being duly sworn deposes and says, I am a licensed practicing Physician
For how long?

A. Nine Years in Feb- at 41 East 28th

Q. Did you examine this Child on Dec 30th?

A. I did. What did you find?

A. I found inflammation of the external genitals, or her private parts, intense inflammation and discharging a greenish yellow matter - the discharge was gonorrheal.

Q. Did you examine some drawers?

A. Yes Sir.

40

Q. Did you make a Microscopical examination?

A. Yes Sir.
Q. What did you find?
Answer - The object

Q. Was there a pair of drawers handed to you?

A. Yes Sir.
Q. Was the mother present at the examination?

A. I think not.
Q. Did you put the drawers under the microscope?

A. Yes Sir. The found what we call "Gonorrhea," the Microscopical evidence of Gonorrhea, the germ of it.

Gonorrhea
Q

Is it possible for that child, sleeping in bed with

40

H.1

a person having Gonorr-
= head ^{or the} to take it?

Q. A. Yes sir,
Would it be possible
for her to take it if
she came in contact
with the virus? Or if
she came in contact
with sheets?

A. It might
be possible but not
probable.

Q. You would it
depend altogether on
whether those drawers
were open or closed or
disturbed?

A. It would
depend on the position
they were in.

Q. Anything that
has a tendency to pro-
=tect the vagina would

H.1

42

Keep the disease from
contaminating it?

Q.

A. Yes Sir.

The reason is that these
filvius clothes would
absorb the matter before
it reached the parts to
be affected?

A.

It is a very
easy matter for it to
be absorbed

Q.

You could
put poison on the
end of a pin and
put it through flannel
into the flesh?

Q.

You might
say that it is not
possible for that Child
to have been infected
with the disease from
sleeping with a person

42

43

Who had the disorder,
without having sexual
intercourse?

Q. Possibly.
A. Are not the Books filled
with such cases?

A. There are a few
cases.

Q. Do you know where
whole families were
afflicted?

A. There are such
cases on record.

Q. Do you know
as a matter of fact
that her condition was
such as not to show
evidence of assault?

A. There was no
evidence of penetration,
when I examined her
between six and eight
o'clock in the evening.

44

Q. of Dec 30th

Q. You do not know whether the child always slept with those drawers

A. No Sir.

Q. You do not know how

A. They covered her person

Q. No Sir, they were the ordinary kind of drawers, I think they were buttoned over her private parts

Mr. Stocking. They buttoned up.

Spoke to before me }
this 3rd day of Jan '890 }

Police Justice

Q. Re-call of Rose Smith.

A. Were the drawers open or closed?
One part was

44

45

Open in front, the
one I took off were
closed in front on
that day.

Q. How long had
she been wearing those
drawers?

A. Q. Two nights
You changed them
often?

A. Q. Yes Sir,
Do you remember the
kind of drawers she
wore when she first
went to you?

A. She had
cotton drawers they
were open in front.
Mr. Steering - the people
next

45

H6

Dr. Queline being duly sworn deposes and says, I am a licensed Physician, I am here since October last year, I came from Wicksburg; I am at the 124 Second St. New,

Q. You have been in active practice how long?

A. I got my Diploma in Germany in 1884, I was a Physician on a Steamer for eight months, then I came to New York.

Q. Did you make an examination of this child?

A. Yes, Sir, I was called by the Referee to see what was the

H6

49

Q. matter with the child.
Did he go with you
to the police?

A. Yes Sir, he came
for me to where I was
at a party, 77 Second
Ave.

Q. What was the con-
dition of the child?

A. I found nothing
but gonorrhea ⁱⁿ the
vagina

Q. Did you find
anything else?

A. There was in-
flammation of the lips,
that is always caused
by the discharging

Q. Was there any
evidence that the
child had been crim-
inally assaulted by
any one?

H8

Q.

Ho Sir,

Q. As a matter of fact is it not true that a person may be infected with the disease, by sleeping with a person having the disease?

A

There are a large number of cases, where you will find parents have affected their children by sleeping with them and using the same clothing, I have found them in the dispensary

Q.

That child had been criminally assaulted, there would have been evidence of it?

A.

Yes Sir, if

There had been a connection between an
man of 23 and a Child
of three there would have
been evidence of it.

Q.

Did you examine
her (Rose Smith)?

A.

I asked her if
she was suffering from
the same disease

Cross Fertilization

Q.

Did you examine her
Yes Sir.

Q.

What did you find?
I did not

Q.

Find anything where
was this child when
you examined her?

A.

No 20 East 3rd

Q.

A.

Who was there?
Both were present

50

Q. You say that in your experience you found people suffering from Gonorrhea, ^(Gonorrhea) whose parents infected their children?

A. Yes, I saw by sleeping in the same bed, sitting on the same pot, or hole they would get it.

Sworn to before me }
this 3rd day of Jan 1890 }

Police Justice

51

Anthony Heidrich
being duly sworn deposes
and says, I am the
Defendant

Q. Where do you
live?

A. No 223 Chiyetie
St

Q. For how long?
A. Since last

Friday

Q. Before that
where did you live?
A. No 20 East 3rd St
with Rose Smith, since
the 15th of Oct I am
a Bartender

Q. You are the
Defendant?

A. Yes Sir.

Q. And charged with
Rape?

A. Yes Sir

52

Q. You have testified that you lived with Rose Smith?

A. Yes Sir,

Q. Did you occupy the same shed?

A. Yes Sir,

Q. Are you suffering from Gonorrhea now?

A. Yes Sir,

Q. For how long have you been suffering from Gonorrhea?

A. Over two (2) months, and I got it again within fourteen (14) days.

Q. Did you have it once before?

A. Yes Sir,

Q. And it returned about three weeks ago — you are not positive as to

time?

Q. A. Yes Sir,
You heard of this child
which is alleged to have
been assaulted, did she
occupy the same bed?

Q. A. Yes Sir,
Did you at any time
assault that child or
attempt to have sexual
intercourse with her?

Q. A. No Sir,
When did the child
first go to your room?

Q. A. About 14 days
before Christmas
that
would be about the 10
of Dec?

Q. A. Yes Sir,
Did she occupy the
bed with you and
Rose Smith?

574

A. Yes Sir, every night

Q. Did Rose Smith leave the child in your care?

A. Nearly every night when she went out.

Q. When did she return at night?

A. About half past twelve or one o'clock.

Q. Do you remember how the child was clothed when she was in bed with you?

A. She had a very poor night dress on.

Q. Was it a drawers?

A. She had drawers

Q. What kind?

A. Open in front of her

Q. privates

When did you

574

55

- first learn of her
being sick?
- A. On Christmas
day.
- Q. How did you learn
it?
- A. Thursday afternoon
I learned it.
- Q. How did you learn
it, how did you know
she was ill?
- A. Rose Smith told
me; she came to my
place and said "What
have you been doing
to that little girl, she
said Papa Money hurt
her." I said you go
right to the doctor and
find out what it is,
she said no, give me
something, I gave her
a little gin, I said

56

I did not do anything to the child, you go for a doctor, if you do not, I will go, when I go home. When I went home I got the doctor before I went in, he examined the child, examined me, I told him I had it for 14 days and I told Rose Smith too.

Q

Then you had the disease about Dec 10th?

A.

Yes Sir.

Q

When the child was left with you evering, was any one else with you?

A.

I cannot tell you, I was with it myself.

Q.

What did you

57

A. Do with the child?
 Some time she went out herself, & only went down stairs; there was a lady living next door, that was all the people there.

Q. Was she the only person went in that room except that one woman?

A. I cannot tell who went in, in the day time.

Q. She lived in front apartment on the same floor?

A. Yes Sir,
 Q. So when Rose Smith was from home, you had entire charge of the child?

A. Yes Sir,

58

Q Did any one else see her in the room except that woman and yourself?

A Not at night.
Q Have you given me all the conversation you had with Rose Smith when she told you of the child's condition?

A I told her to take the child out, I said I will go away if you do not, her night dress was all dirty and I told her to wash the child, then she took off the night drawers and put on a little shirt while she was washing the drawers.

59

Q. How many pairs of drawers did she have?

A. One pair

Mr. Stocking. - Did you see her put the drawers on Mrs. Lavine - Will you swear that she changed them?

A. Yes Sir.

Q. She (Smith) would wash them during the day and put them on at night?

A. Yes Sir.

Mr. Stocking. - Before you close the case I would like to offer the Certificate of Dr. Snow -

Court. - Put it in below -
 Lavine. - It seems to me, if your Honor acts in the interest of justice, you will at once discharge the defendant, Mr. Stocking will not

60

contend that the man
 should be held—
 Mocking—It seems to me
 that there is sufficient
 evidence to prove that
 the child was gonorrheal
 and so has he, as he
 himself admits—there
 was no one there
 but himself and the
 child—I think there
 is probable cause to
 hold him, and that he
 should be held for
 the Grand Jury—

Lavine—I am surprised
 at the position the
 counsel (Mocking)
 takes—he states to
 your Honor—and it
 is a fact—that the
 child is suffering
 from gonorrhea and
 that the defendant

60

61

has it also - that we
 do not deny - my
 client has been the
 frankest, and the
 fairest witness on
 the stand; he says
 the child was with
 him alone while
 Rose Smith went out
 and around to the other
 place - I have heard
 it said and it is a
 matter of Law that
 if a person is found
 with Burglar's tools,
 he is held to be a
 Burglar - Why if you
 Honor please, you
 are simply to find
 out whether there is
 Probable cause to hold,
 and you must see
 a possible chance of

61

62

Conviction - There is
 not a particle of
 testimony to show that
 she was assaulted - that
 if she had been assault-
 ed by a man of this
 age she would have
 shown laceration ^{and}
 it would be a travesty
 on justice to hold this
 man, the doctors tell
 you there is no evidence
 of laceration or penetra-
 tion - I do not justify
 Rose Smith in her
 mode of life, nor do
 I justify him in living
 with her - but the quest-
 =ion for your Honor
 is one of Probable Cause,
 and there is no
 evidence to show she
 was assaulted - Yours

63

adverse decision will
 damn him for life.
 Court. I am inclined to
 believe that there is
 probable cause to hold
 Mr. [unclear] - I think the
 bail should be in-
 creased.

Court. You (Defendant) are
 held in (\$2000) Two
 thousand Dollars & answer
 at General Sessions

0188

POOR QUALITY
ORIGINAL

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

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

Dated *Dec 30* 188 *Charles N. Luntz* 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.

0189

OUR QUALITY
ORIGINAL

1000

See D.L.
occurrence of child Lulu
Pencovich, this
case is assigned to
Mr. Nathan S. P. H. to be
to Jan. 3, 1889. 2:00 PM

Police Court District. 368

THE PEOPLE &c.,
ON THE COMPLAINT OF
Alice Bendickson
vs.
Anthony Bendickson

Offences

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

The President Magistrate
in any case will please hear
and determine the within case.

dujour
The Justice.

Dated _____ 188
Perrin Magistrate
Hagan Officer.
Precinct.
Witnesses
Rosy Smith
2nd Street.
J. J. Gardner
2nd Street.
J. J. Gardner
2nd Street.
J. J. Gardner
2nd Street.
J. J. Gardner
2nd Street.

RECEIVED
JAN 13 1890
DISTRICT OFFICE
to answer

Coram

POOR QUALITY
ORIGINAL

0190

46238 = 1st Jan 1890
H. S. 28

Hon E. J. Gerry
Pres. S. P. C. C.

Dear Sir.

I have made a microscopical
examination of the linen of
Lulu Burdickson and find
on it gonorrhoeal discharges

Yours respectfully
W. H. Snow M.D.

POOR QUALITY
ORIGINAL

0191

#46258

41 E. 28

30th Dec 89

Mr E. J. Gerry,

Dear Sir.

I have examined Lulu
Rendickson aet. 3 years.
I find she is suffering
with gonorrhoea of the
external genitals

Yours respectfully

W. H. Snow M.D.

0192

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

Third District Police Court.

of No.

Street, 222

that on the

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

Lillie Bendickson

being duly sworn, deposes and says,

day of

December 1889

Anthony Niedrich
(being here) did lawfully
have sexual intercourse
with a female child under
the age of sixteen years
to wit: of the age of three
years, the said child being
the daughter of this deponent
in violation of Section 278
of the Penal Code for the
reasons following to wit:
on the said date Lulu
Bendickson whose age is
three years was placed by
deponent in the care of
Rosa Smith (her former
The said Rosa Smith informs
deponent that she left the
said Lulu in bed with the
defendants and on the day
following the said Rosa in-
formed deponent her (said Rosa)
that the defendants had had
connection with her Lulu and
that she felt pains in her
private parts. Deponent says
that she had the said Lulu
examined
as per annexed certificate
and finds that she is suffer-
ing from gonorrheal infection.
The said Rosa further in-
forms deponent that a few
days before said Rape was
committed the said defendants
admitted to her Rosa that

0193

she was suffering from an infectious
disease.

Sworn to before me
This 30th day of December
1889

Edith Benedictson

my true

Police Justice

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated,

187

Magistrate.

Officer.

0194

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 19 years, occupation Seamstress of No. 20 Carr St

Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Lillie Brundage

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

Sworn to before me, this 3

day of March 1888

Rosa Smith

my
Police Justice.

0195

Sec. 188-500,

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Anthony Niedrich 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 Niedrich

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Germany.

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

Answer.

273 Chrystie St. 3 days.

Question. What is your business or profession?

Answer.

Bar tender

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

Answer.

I am not guilty.

Anton Diederichs

Taken before me this

day of *December* 188*5*

Charles W. Smith

Police Justice.

0196

DR. WM. G. MANGOLD,
31 FIRST STREET.

To the Society for
Cruelty to Children:
Dear Sir:

Having been
called to this lady (Mrs Ben. Dickinson)
here to examine and treat her child
Lulu Dickinson Age 3 years. I found
that said child had rape committed on it
and that said child has at present a
gonorrheal infection of the Vagina, due to
a person who has been in contact with said
girl recently, or that he may have
gonorrhea at the present moment.
This case is worthy an careful investigation,
and I hope a person there is heavily punished
deserve enough

Dec. 30. '07.

Respectfully
W. Mangold

0197

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Anton Diederichs

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

Indictment accuse Anton Diederichs

of the crime of Rape,

committed as follows:

The said Anton Diederichs,

late of the City of New York, in the County of New York, aforesaid, on the
twentyfourth day of December, in the year of our Lord one thousand
eight hundred and eighty-nine, at the City and County aforesaid,

with force and arms, in and upon a certain
female not his wife, to wit: one Lulu Bendickson
then and there being, wilfully and feloniously
did make an assault, she the said Lulu
Bendickson being then and there a female
under the age of sixteen years, to wit: of the age
of three years; and she said Anton Diederichs
then and there wilfully and feloniously did
perpetrate an act of sexual intercourse with her
the said Lulu Bendickson: against the form
of the Statute in such case made and
provided, and against the peace of the

0198

People of the State of New York, and
their dignity.

John R. Feltow,

District Attorney.