

0009

BOX:

80

FOLDER:

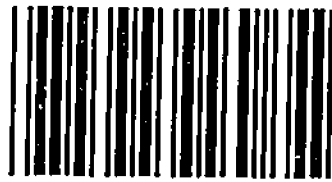
885

DESCRIPTION:

Ide, William

DATE:

10/19/82



885

0010

Filed 19 day of *Oct* 188*2*
Pleads

THE PEOPLE

vs.

William Doe

Obtaining Goods by False Pretences.

JOHN MCKEON,

District Attorney.

A True Bill,

Leah B. K.

Foreman.

Oct 20 for
Pleas guilty
S. P. A. year.

0011

Form 99.

Second Sixth District Police Court.

STATE OF NEW YORK.

City and County of New York.

ss.

Antonio Garcia.
 Aged 52 years. Clerk
 of No. 425 Canal Street
 Street.

being duly Sworn, deposes and says, that on the 7th day of September 1882, at the City of New York in the County of New York, William Ide (now here) did feloniously and designedly and by false pretence and fraudulent representation obtain from this deponent one box containing fifty cigars of the value of three ⁵⁰/₁₀₀ dollars, the property of Antonio Bernauer in the manner following, to wit:

That on the day aforesaid the said Ide came to the said Bernauer's Store, of which this deponent was in charge, and stated and represented to this deponent that he, Ide, was sent and authorized by William N. Hathaway to obtain and receive a box of fifty cigars, the same as he, said Hathaway, had received from said Bernauer's Store a few days ago.

Deponent having a short time previous sent a box of cigars to the said Hathaway by the said Ide and believing the story of said Ide this deponent gave him the said property, and has since been informed by said William N. Hathaway that the representations made by the said

of
 sworn to before me, this
 187

Police Justice

Ide to this deponent, so far as he, said Nathanael, is concerned, were untrue and false.

This deponent therefore charges that such representations and pretences were made with evilfull intent to cheat and defraud the said Antonio Benaen, and that he, said Benaen was so cheated and defrauded by the said William Ide, as aforesaid. Known to before me this

11th day of October 1882

J. Murray Bondy Atty. Gen.
This Justice

0013

CITY AND COUNTY }
OF NEW YORK, } ss.

William K. Hathaway
aged 60 years, occupation Drorman of New
York City Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Antonio Garcia
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 10th
day of March 188 2 } William K. Hathaway

J. Henry Bond
Police Justice.

0014

Sec. 98-200.

CITY AND COUNTY }
OF NEW YORK } ss.

2nd District Police Court.

William Ide 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.

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.

Taken before me this
day of March 1887

Police Justice.

BAILED,

No. 1 by _____
Residence _____
Street, _____

No. 2, by _____
Residence _____
Street, _____

No. 3, by _____
Residence _____
Street, _____

No. 4, by _____
Residence _____
Street, _____

Police Court 2 District 1

~~THE PEOPLE, &c.
ON THE COMPLAINT OF~~

1 William Lee
2
3
4
Offence, *John*

Dated

100

11/11/2011 11:11:11 AM

2

[illegible]

2

Street

[Handwritten signature]

10

—

ST. LOUIS, MO. 63101
 1955
 OFFICE OF THE
 CITY CLERK

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

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 June 10 1882 Henry Wood Police Justice.

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

Dated.....188.....*Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

9100

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 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 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.

Police Court, 2nd District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Thomas Garza
#249 Canal St
William Code

BAILED,

No. 1 by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street,

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

Street,

No.

Street,

No.

Street,

\$

to answer

OFFICE OF THE DISTRICT CLERK
CITY OF NEW YORK
1888

0017

DIRECTIONS.

The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park.

When you arrive at the witness-room, hand this Subpoena to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To

of No.

Antonio Parica
479 Canal Street, *Does not live there*

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the *17* day of *Oct.* inst, at the hour of *10 1/2* in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall in our said City, the first Monday of *Oct* in the year of Lord 188*2*.

JOHN McKEON, *District Attorney.*

0018

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 Doe

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

William Doe

of the crime of OBTAINING GOODS BY MEANS OF FALSE PRETENCES,
committed as follows:

The said

William Doe

late of the First Ward of the City of New York, in the County of New York aforesaid,
on the seventh day of September in the year of our Lord
one thousand eight hundred and eighty two at the Ward, City and County
aforesaid, with force and arms, with intent feloniously to cheat and defraud one

Antonio Baran

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

Antonio Garcia, being
then and there the clerk and salesman
of the said Antonio Baran
That he had been sent and was

authorized by one William N. Hall.
away to receive from the said An-
tonio Baran a box of cigars for and on
account of the said William N.
Hallaway

JOHN MCKEON, District Attorney.

State of New York, and their dignity.

of the Statute in such case made and provided, and against the peace of the People of the

with intent feloniously to cheat and defraud Antonia Garcia of the same, against the form
the said Antonia Garcia of the proper moneys, valuable things, goods, chattels, personal property, and effects of

receive and obtain from the said Antonia Garcia one box of cigars of the
value of three dollars and
fifty cents

and County aforesaid, feloniously, unlawfully, falsely, knowingly and designally, did
and representations aforesaid, on the day and year last aforesaid, at the Ward, City and
by means of the false pretences

John Doe And so the Grand Jury aforesaid, do say, that the said John Doe

to be utterly false and untrue at the time of making the same.

the said Antonia Garcia well knew the said pretences and representations so by John Doe made as aforesaid to

And whereas, in fact and in truth the said John Doe

Ward, City, and County aforesaid.

in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the

to the said Antonia Garcia was and were

aforesaid, by the said John Doe And whereas, in fact and in truth, the pretences and representations so made as

And the said

Antonio Garcia

then and their believing the said false pretences and representations

so made as aforesaid by the said

William De

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

William De one box of
cigars of the value of nine
dollars and fifty cents

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

Antonio Garcia

and the said

did then
and there designedly receive and obtain the said
box of cigars

of the said Antonio Garcia

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

Antonio Garcia

by means

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

and defraud the said

Antonio Garcia

of the same. And whereas, in truth and in fact, the said

William De did not receive any the said
William De. Stated that the said William De
not aforesaid by the said William De
N. Stated that the said William De
paid Antonio Garcia the said
box of cigars for and on account of
the said William N. Stated that

0021

BOX:

80

FOLDER:

885

DESCRIPTION:

Impson, John

DATE:

10/19/82



885

0022

213

(1)

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

INDICTMENT.
Lawfully from the Person.

JOHN McKEON,

District Attorney.

A True Bill.

Robert Borenman
Heads of Jury
S. P. Two years & 6 mos

WITNESSES.

0023

2nd

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY)
OF NEW YORK,) ss

of No. 118 East 46th Street,

being duly sworn, deposes and says, that on the 14th day of October 1882

at the _____ City of New York,

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

the following property, viz:

One open face nickel
case Watch of the value of five
dollars

Sworn before me this

day of

the property of this deponent and her father
Jonathan Dillon

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by John Simpson (now
here) for the reasons following, to wit:

That about the hour of 12.30 o'clock
P.M. of the day aforesaid deponent was
standing looking in the show window
of a store in Broadway between Murphy
Place and Clinton Place and that at
the said time and place the above
described property was contained in a
packet on the left side of the dress
then and there worn on the person

Police Justice.

188

0024

of this deponent as a part of her bodily clothing.

And this deponent also says that while standing at the place aforesaid she felt a movement near the said pocket and immediately missed the said watch and upon turning around saw the said Susper walking from her side, and starting to run for him, said Susper ran away, and as he did so he placed the said watch in his pocket.

This deponent further says that the said Susper was caught by some gentlemen and when brought to this deponent, he handed to this deponent the said watch.

Shown to before me this }
15th day of October 1882 } Isabel Hill

J. Henry Rod
Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0025

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

2nd District Police Court.

John Impson 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.

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.

Taken before me this 14th day of October 1884

Police Justice.

John Impson

0026

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

Police Court, 213 2nd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William A. Thompson
John A. Thompson

2 _____
3 _____
4 _____

Offence, *theft*

Dated *October 15* 1882

John A. Thompson Magistrate.

William A. Thompson Officer.

John A. Thompson Clerk.

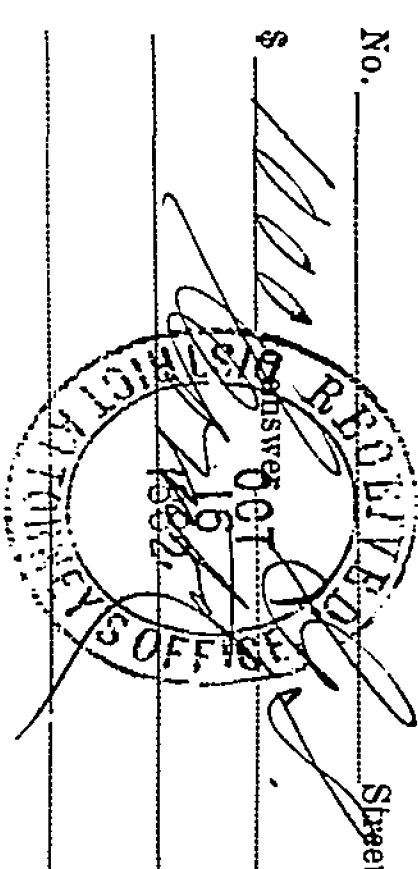
Witnesses, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

\$ *1000* _____



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *1000* 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 *October 15* 1882 *John A. Thompson* Police Justice.

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

Dated _____ 1882 _____ Police Justice.

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

Dated _____ 1882 _____ Police Justice.

1200

213
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles E. Shaw
148 69 246
John Simpson

BAILED,

No. 1 by

Residence

Street,

No. 2, by

Residence

Street,

No. 3, by

Residence

Street,

No. 4, by

Residence

Street.

Dated

188 2

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

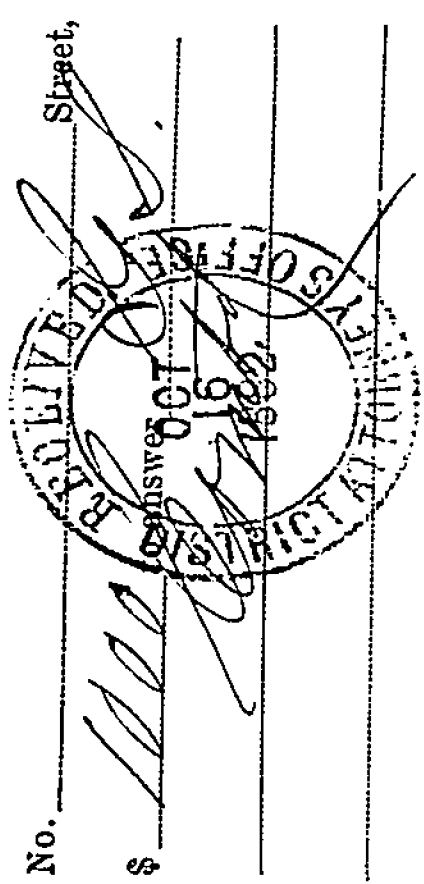
No.

Street,

No.

Street,

\$



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

and that there is sufficient cause to believe the within named

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

Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated

188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated

188

Police Justice.

0028

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Simpson

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

John Simpson

of the CRIME OF LARCENY (from the person)

committed as follows:

The said

John Simpson

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

*one watch of the
value of five dollars*

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

JOHN McKEON, District Attorney.

0029

BOX:

80

FOLDER:

885

DESCRIPTION:

Infeld, Charles

DATE:

10/25/82



885

Bail \$1000.
Dec 8/82

Def. sailed
Heyman Rubensstone
10 Street Street
Dec 8/82

Mason & Gruech
or outside market
Rec'd in Dec. indictment
by grace of Prof. vi. F.
Rec'd in Dec. indictment
manuscript, allusions
Dec. specimen

7/1
Nov 21/82

250 Bill ordered
BW Oct 24,

Counsel, C. W. Brooke
Filed 25th day of Dec 1882

Pleads North Valley Dec 20/82

THE PEOPLE

vs. ~~John D. B.~~

Charles D. B.

INDICTMENT.
LARCENY AND RECEIVING STOLEN GOODS.

returned to the indk
disallowed by Court,
motion to set aside denied - Dec 11/82

JOHN McKEON,

District Attorney.

A True Bill.

Robert B. L. Foreman.

Rec'd Feb 11/87

0030

FOURTH DISTRICT POLICE COURT,

THE PEOPLE ON THE COMPLAINT OF

J O S E P H W A X E L B A U M,

vs.

C H A R L E S I N F E L D.

:
:
:
:
:
:

B e f o r e

: HON. MARCUS OTTERBOURG,

: Police Justice.

July 11th, 1882.

Mr. BENJ. F. EINSTEIN, appears for the People.

Mr. Chas. W. BROOKE, appears for the Defendant.

Index to testimony.

	Direct.	Cross-Exm.
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Alexander Lyon,	8	22
Moses Einstein,	27	29
Henry Oser	31.	

-----X-----

0032

FOURTH DISTRICT POLICE COURT.

THE PEOPLE ON THE COMPLAINT OF,	:	
J O S E P H W A X E L B A U M,	:	
	:	B E F O R E
vs.	:	
	:	HON. MARCUS OTTERBOURG,
C H A R L E S I N F E L D.	:	
	:	POLICE JUSTICE.
	:	

July 11th, 1882.

Mr. Benjamin F. Einstein, appears for the people.

Mr. Charles W. Brooke appears for the defendant.

Mr. Brooke, now moved for the dismissal of the complaint and the discharge of the defendant Infeld, for the reason that the complaint sets forth no offence, and that if the facts stated in the complaint shall be proven they simply demonstrate that the defendant's possession of the property alleged to have been stolen was with the consent of the persons nominated in the complaint as the owners.

The Court denied the motion to discharge the prisoner, to which defendant's counsel excepts.

0033

JOSEPH WAXELBAUM, was now called to the stand and cross-examined by Mr. Brooke.

Q. You are the complainant in this case?

A. I believe so.

Q. And in your complaint you charge specifically that on or about the 11th day of April, the circumstances occurred detailed in your affidavit?

A. Yes, sir, from information.

Q. Were you present on that day or on or about that day at the time of the occurrence of the circumstances referred to in this complaint?

A. I got this from information.

Q. All that you have testified to in your complaint is from what you have derived from information from others?

A. Some from others.

Q. State what you know of your own personal knowledge in regard to the 11th day of April or thereabouts?

A. Well, I cannot say anything positive to my knowledge.

Q. Do you know anything of your own knowledge of the occurrence detailed in this complaint as relating to what is described as happening on or about the 11th of April?

A. There is so much there (in the complaint) that I cannot tell.

0034

JOSEPH WAXELBAUM, was now called to the stand and cross-examined by Mr. Brooke.

Q. You are the complainant in this case?

A. I believe so.

Q. And in your complaint you charge specifically that on or about the 11th day of April, the circumstances occurred detailed in your affidavit?

A. Yes, sir, from information.

Q. Were you present on that day or on or about that day at the time of the occurrence of the circumstances referred to in this complaint?

A. I got this from information.

Q. All that you have testified to in your complaint is from what you have derived from information from others?

A. Some from others.

Q. State what you know of your own personal knowledge in regard to the 11th day of April or thereabouts?

A. Well, I cannot say anything positive to my knowledge.

Q. Do you know anything of your own knowledge of the occurrence detailed in this complaint as relating to what is described as happening on or about the 11th of April?

A. There is so much there (in the complaint) that I cannot tell.

0035

Q Take the complaint and read it.

(Witness was now handed the complaint and told to read it through.)

A I know that he received the rags from Alexander Lyon.

Q! Do you know the fact that he received rags from Alexander Lyon and James Cantwell?

A Yes, sir.

Q Were you present when the rags were weighed?

A I was not.

Q All that you know is that upon that day or at the time referred to in the complaint the defendant received rags from Alexander Lyon and Cantwell?

A Yes, sir; or from the elevator man. — I will take that back — from my own knowledge I know Alexander Lyon and James Cantwell were deputed to weigh rags and give them to Infeld.

Q Do you know of your own knowledge that on or about the 11th of April, Alexander Lyon and James Cantwell weighed the rags and delivered them to Infeld?

A. Yes, sir, because they always weighed rags.

Q From any other circumstance except the fact that it was their ordinary duty so to do do you know anything about the transaction on or about the 11th of April?

0036

A No, sir.

Q Then you simply in your complaint purport to recite in accordance with what their duty was, what you believed occurred on the 11th of April?

A Yes, sir.

Q Was James Cantwell in your employment?

A Yes, sir.

Q How long had he been in your employment?

A I think he was in my employment on or about 18 months or more.

Q Was Alexander Lyon in your employment?

A Yes, sir.

Q How long had he been in your employment?

A I suppose about two or three years.

Q And these rags were weighed on your premises?

A Yes, sir.

Q And delivered to whomsoever purchased them from your premises?

A We had only one purchaser and that was Mr. Infeld.

Q They were delivered from your premises?

A Yes, sir.

Q You have already said that Mr. Cantwell and Lyon were deputized generally to weigh these rags?

A They generally did it.

0037

Q They did it with your authority didn't they?

A Yes, sir.

Q And they weighed them with your authority and delivered them with your authority to Mr. Infeld?

A Yes, sir.

Q And they returned the records of the weights of those rags to your book-keeper or who ever had charge of the record?

A I do not know.

Q (RE-DIRECT.) Were they authorized to deliver any rags which they did not report to the office?

(This question was objected to by defendant's counsel on the ground that it is incompetent.)

Q (BY THE COURT.) Have you since this transaction received any information or do you know whether they had reported all the rags which they delivered from your premises?

(Defendant's counsel objected to this question first, because it is leading and the witness is now under cross-examination, second it assumes something which the witness has not testified to. Third, it presupposes knowledge and information which the witness has not testified to in his examination in chief.)

The Court. The witness in his affidavit states that fact.

0038

Mr. Brooke: I submit to your Honor that the course of examination today is the same as that under an indictment.

The Court: My object is to find out whether an offence has been committed. We might just as well close the case with your examination as far as that is concerned. The witness himself knows little or nothing.

Mr. Brooke. Then call a witness who does know something. Your Honor cannot supply that. If this witness had any information or did anything in consequence of that information which affected this case, he has a right to state it.

The Court. I asked the witness whether in answer to your question he knew anything-- you asked him whether the defendants were authorized to weigh and deliver the rags, in consequence of their failing to account for a portion of the rags which they delivered, not which they weighed but which they delivered, and in consequence of that the witness came here and made this complaint.

Mr. Brooke. I know your Honor does not intend to prejudge the case-- let them call some independent testimony to show that the arrangement was corruptly carried on on

0039

the part of Cantwell and Lyon and then they will come within the rule.

The Court. Let the witness leave the stand.

Mr. Einstein. What has become of my question?

The Court. I will rule it out.

(The question asked a few moments ago by Mr. Einstein, was now read to the witness; it is as follows: "Were they authorized to deliver any rags which they did not report to the office?")

(Mr. Brooke now objected to the question on the ground that the extent of the authority has been stated; the court overruled the objection; the witness was directed to answer.)

A No, sir; they were to give a correct report--

Sworn to before me this

day of July, 1932.

Michael J. O'Sullivan
Police Justice.

0040

City and County of New York, ss:--

ALEXANDER LYON, a witness called by
the people and sworn, deposes and says:

(BY MR. WINSTON.)

Q Where do you reside?

A 87 W. 27th Street.

Q Mr. Lyon, were you in the employ of Stringfield, Lumley
& CO.?

A Yes, sir.

Q For how long?

A Three or four years.

Q From what time until what time?

A Up until about June the 10th.

Q Of this year?

A Yes, sir-- 3 or 4 years I think.

Q You were continuously from 3 or 4 years ago until the 10th
of June last?

A! Yes, sir.

Q Do you know James Cantwell?

A Yes.

Q Was he also in the employ of that firm?

A Yes, sir.

Q During the time that you were there?

0041

A No, sir; he came there afterwards.

Q During a portion of that time?

A Yes, sir.

Q Was he in their employ on April the 11th?

A Yes, sir.

Q 1882?

A Yes, sir.

Qb You were in their employ also on that day?

A Yes, sir.

Q Do you know how long he was in their employ before that?

A For about two years.

Q What were your duties there on April 11th and for six months prior to that time?

A Assistant shipping clerk, and my duty was to assist in weighing the rags.

Q What was Cantwell's duty?

A As packer and making himself generally useful and to assist in weighing the rags.

Q To whom were the rags delivered?

A To Mr. Infeld.

Q During what period of time?

A During the whole time I was there.

Q Where were the rags weighed?

0042

- A In one building they were weighed on the top floor; in the building they now occupy they were weighed on the top floor also.
- Q Both on the top floor?
- A Yes, sir.
- Q Who were generally present at the time the rags were weighed?
- A Myself, Cantwell and a young man named Ridgely?
- Q Was he there always?
- A Mostly.
- Q What part did you take in weighing the rags?
- A I assisted in pulling the rope and lifting the bags off the scale.
- Q In pulling the rope, what do you mean?
- A Hoisting the rags up on the pulley and lowering them on the scale.
- Q What portion of it did Cantwell do?
- A He weighed them and put the weights on paper.
- Q He took the weights from the scale?
- A Yes sir.
- Q And transcribed them on a piece of paper?
- A Yes, sir; and brought them to the office and reported it.
- Q Was there any arrangement between you and Cantwell as to

0043

what reports should be made at the office and as to how the weights should be taken?

(Defendant's counsel objects to this question; the court said the objection is well taken as to the form of the question; counsel for the people said he would not press it).

Q In weighing the bags how were the weights put down in relation to the actual weight?

(The defence object to this question, on the ground that the presumption is that the actual weights were put down).

Mr. Einstein. That would be true if they were acting honestly.

Mr. Brooke. The record of the weights was in writing and should be produced.

Mr. The Court. I will allow the objection as to the form of the question; strike out the word "actual." Ask him how the weight was taken down? There was only one thing to be done, the actual weight was to be put down.

Mr. Einstein. Answer the question of the court? "How was the weight put down?"

A Bags were weighed separately.

(Mr. Brooke objected to this except it refers to the specific case which occurred on the 11th of April).

0044

(Answer continued.) The weights were put down as each bag was weighed; there was an amount of 300 pounds reported less to the office which was not put on the paper at all.

(This answer was objected to by the defence as not being responsive to the question, and also on the ground that the question has been already answered by the witness.)

Q Well state how that was done?

Q (By Mr. Brooke.) Was Mr. Infeld present when the report was made to the office?

A I do not know.

Mr. Brooke. Then I object. Mr. Brooke now moved that the testimony in relation to the excess of 300 pounds be struck from the record as not responsive to the question of the counsel.

The Court. Strike out the words of the testimony relating to the 300 pounds less that were not reported to the office.

Q (Mr. Einstein.) Who was present on this occasion?

A Mr. Infeld, Mr. Cantwell and myself.

Q And what did you do on this special occasion?

A I hoisted the bag up so that it could be weighed, and by assisting in putting the bag on the elevator.

Q You assisted in raising the bag with the rope on the pulley

and then put it on the scale.

A Yes, sir.

Q What did Cantwell do?

A He weighed them and put the weights on paper.

Q He took the weight from the scale and wrote it on a piece of paper?

A Yes, sir.

Q Where were you standing?

A Alongside of him.

Q Did you see him do it?

A I saw him write; I saw him put the weights down.

Q Where was Infeld?

A He was alongside of us also.

Q Well how near to you?

A About two or three feet.

Q And he was looking on? (Objected to by the defence.)

A Yes, sir.

Q Was he looking on? (Objected to by the defence.)

Q What was he doing?

A He was looking on to see they were weighing right I suppose.

The Court. We do not want you to suppose anything.

(Mr. Brooke now moved that the entire answer be struck from the record, on the ground that it is an answer or supposition and not of knowledge.)

The Court. The latter portion where the witness supposes will be struck from the record.

Q Do you know what report was made to the office of the firm in relation to the weights? Do you know who made the report?

A Mr. Cantwell.

Q And when did he make it?

A Just as soon as the last bag went down, was weighed.

Q Now in weighing the bags will you state precisely what was done in relation to the weights?

Mr. Brooke. He has just stated that already.

Mr. Einstein. I haven't asked him that precise question.

Mr. Brooke. The question has been fully answered already.

Mr. Einstein. I will withdraw it.

Q Were the actual weights on that occasion reported to the office?

(This question was objected to by the defence, on the ground that the witness has already stated that the man Cantwell reported the weights; the presumption is that the true weights were reported.

The Court. The proposition of the counsel for the defendant is correct. I will ask you a question.

0047

do you know of your own knowledge whether the weight of the
rags weighed on that day was reported to the office?

A No sir!; they were not all reported.

Q I ask you whether you know, yes or no, of your own knowledge

A I know they were reported.

Q (Mr. Einstein) You know that weights were reported to the of-
fice on that day-- was that a correct report?

(question objected to by the defense.)

Q (The Court) How did you know that the weight was reported?

A I went down stairs and I saw Mr. Cantwell coming up from the
office and he told me they were reported.

Q Did he say anything else?

A Yes! sir.

Q What was it?

(This question was objected to by defendant's counsel, on
the ground that it is not competent testimony unless it be
shown that Infeld was present when Cantfield told the witness

Q Were you in this court on the 16th of June?

A Yes, sir.

Q When Mr. Waxelbaum made a complaint?

A Yes, sir.

Q Charging Mr. Infeld with having bought stolen property?

A Yes, sir.

Q You remember that?

A Yes, sir.

Q It was on that day that you , in my presence, if you recollect it, gave information that three hundred pounds of woolen and cotton rags and cuttings were received by Mr. Infeld-- did you give that information to Mr. Waxelbaum?

A Yes, sir.

Q Now, just state to me how you got that information? How you know that this was a fact? From whom did you get the information?

A From Mr. Cantwell.

Q State under what circumstances you got the information?

A Mr. Cantwell was coming up stairs after telling the weights in the office--

(Counsel for the defense objects to any conversation being now given that Mr. Cantwell had with this witness; they are co-defendants on a charge of larceny-- unless it is proved ~~to them~~ that at the time of the conversation the defendant Infeld was present).

The Court. Infeld was present at the weighing of the rags. Infeld was present when the report was carried in.

Mr. Brooke. No, sir; the witness says he was not.

The Court. When the man went to report it he was present; that is the way I understand it.

Mr. Brooke . There is not a particle of proof that this man saw the figures put down on the paper.

0049

The Court. If it goes for nothing your client can not suffer thereby. Get from this witness the way and manner in which he was prompted to report certain facts to Mr. Waxelbaum, which induced Mr. Waxelbaum to make that complaint.

Mr. Brooke. The objection goes to the answer as to whether there can be any effect upon the defendant; of course there can not be any if the evidence is conducted properly. Now this witness has testified simply that he derived certain information from Mr. Cantwell. I object to any communication between Cantwell and this witness in the absence of this defendant, and what he communicated to Mr. Waxelbaum certainly can not affect this investigation. He may have told him the truth or he may not have told the truth. Conversations between Mr. Waxelbaum and persons in his employ can not affect this defendant; I think it would be improper to let it go on the record even as against the defendant.

The Court. It is my own question and I will allow it (to the witness) answer the question?

Mr. Brooke. I do not object to the question, but I object to the answer which the question does not call for--
(the witness was now directed to give the remainder of the answer which he was about to do on the 10th page of this report when he was interrupted:--

" And told me that there was

0050

three hundred pounds reported less."

(Defendant's counsel now moved to strike out this part of the witnesses' answer; the Court said to let it remain on the record for the present).

Q(Mr. Einstein.) Now in what manner were the three hundred pounds deducted from the actual weight, if you know?

(This question was objected to by defendant's counsel, on the ground that all the information the witness received was from Cantwell; objection over-ruled.)

A Bags were taken off, enough pounds to make the required three hundred; take a bag of the weight of one hundred and twenty pounds, divide it into two so as to make it appear for a bag which was taken off--

Q Do you mean that a bag was omitted altogether?

The Court. He has not finished his explanation.

The witness continued. ~~sa~~

and there was to the amount of two or three bags taken off not reported, it was omitted entirely on the apper, and two or as many bags were taken off and split in half to make the number of bags that there really is delivered.

Q Do I understand then that if a bag weighing one hundred pounds was omitted entirely not reported and another bag weighing two hundred pounds that that was reported as two bags weighing two hundred pounds each"

0051

(Defendant's counsel objected to this question, on the ground that it is an illustrative question.)

The Court. The witness illustrated it in his answer. There is one question to be asked which will cover the whole ground.

Q Now when this was done were you present?

A Yes, sir.

Q Was that done while the rags were weighed?

A Yes, sir.

Q Was Mr. Infeld there then?

A Yes, sir.

Q (Mr. Einstein.) How many bags were omitted on April 11th?

(Question objected to by the defence.)

Q If you know. (Objection by the defence.)

Q (The Court.) Do you know of your own knowledge how many bags, if there were any omitted on April 11th?

A Yes, sir.

Q How many?

A About two or three.

Q You are not sure whether it was three?

A I am not positive whether it was three or two.

Q You are sure it was either two or three?

A Yes, sir.

0052

- Q Did you at the time when you saw those bags omitted know the weight that was not reported?
- A No, sir.
- Q And when did you first know what the weight of those omitted bags amounted to?
- A After Mr. Cantwell came up stairs from the office; after telling them in the office he told me.
- Q (Mr. Einstein.) Did you see Mr. Infeld again after that?
- A Yes, sir.
- Q When did you next see Mr. Infeld?
- A On the following day or after.
- Q Where?
- A At his place of business.
- Q Where is that?
- A West Broadway, near York Street.
- Q About what time?
- A About 12 o'clock.
- Q You went around there?
- A Yes, sir.
- Q For what purpose? (Question objected to by the defence.)
- Q What did you do when you got there?
- A I asked Mr. Infeld for some money, and he gave it to me.
- Q How much did he give you?

0053

A \$8.

Q Did he say what it was for?

A Yes, sir.

Q What did he say it was for?

A He said that was a certain portion of the amount which was not reported in the office for myself.

Q That was your share of the deficiency on that occasion?

A Yes, sir.

Q Had you on any former occasions received money from Mr. Infeld

(Question objected to by the defence; question withdrawn

The Court. There is a question which is proper and which ought to be asked-- ask him whether this was the only money he received, take his answer and then bar him from going any further, let him answer yes, or no.

The Witness. Yes, sir.

Q How often?

A Between 20 and 25 times.

Q for what?

(Objected to by the defence; objection sustained.)

Q Did he owe you any money?

A No, sir.

0054

CROSS-EXAMINATION BY MR. BROOKE.

- Q You were in the employment of these people, weren't you?
- A Yes, sir.
- Q And you were arrested for stealing, weren't you?
- A Yes, sir.
- Q And you are now in custody for stealing from them, ain't you?
- A Yes, sir.
- Q Where did you come from to-day?
- A From my home.
- Q Have you entered bail?
- A Yes, sir.
- Q Who entered bail for you?
- A Mr. M. Guard and David Springer.
- Q Who got you the bail?
- A My uncle.
- Q What is your uncle's name?
- A Benj. Lumley.
- Q Are you a relative of any of the members of this firm?
- A Yes, sir.
- Q Which one?
- A Mr. Alexander Lumley.
- Q He got you the bail, didn't he?
- A No, sir.

0055

Q His brother got you the bail?

A Yes, sir.

Q Where do you live?

A 37 W. 27th Street.

Q Who with?

A With my mother.

Q Were you charged with stealing anything else besides rags?

The Court. You do not need to answer that question.

The Witness. I decline to answer.

Q Why do you decline to answer?

The Court. There was no charge made here against him.

The Witness. For the reason there was no charge made against me for stealing anything else.

Q Is that the reason you decline to answer?

The Court. Answer that you decline to answer under instructions from the court.

The Witness. I decline to answer.

Q For what reason?

The Court. I gave you the reason because the court instructs him.

Mr. Brooke. Why does the court instruct you?

The Witness. I do not know, sir.

Q Have you any other reason than that the court instructs you?

0056

(Question objected to by the prosecution; objection sustained.)

Mr. Brooke. Would the answer criminate you?

(Question objected to by the prosecution; objection sustained.)

Mr. Brooke. There are but two conditions--

The Court. I understand that. He is under a charge of larceny here.

Mr. Brooke. I will ask you a direct question; were you charged with stealing two pieces of silk?

(Question objected to by the prosecution.)

Mr. Brooke. I press that question, sir.

The Court. I will instruct the witness not to answer.

Mr. Brooke. Did you tell Mr. Lumley or Mr. Waxelbaum or anybody else connected with that firm, or confessed to them your larceny of silk, and rags?

The Witness. I decline to answer.

Q Why?

A For the reason I was not charged with stealing.

Q Did you confess or tell them is my question, that you had stolen silk as well as rags?

(Objection to the question by the prosecution.)

The Court. I instructed him not to answer the question

0057

Mr. Brocke now desired his exception noted to the instructions of the court, that the court has no power to instruct any witness not to answer a question; that the matter is with the witness and his conscience and that he alone can decline after having been instructed as to his rights to answer a question upon the grounds only, that the answer will subject him to crimination, degradation or the contempt of the community in which he lives; and that the witness has not based his declination to any of the answers upon such grounds nor does any evidence appear in the case that the Court had information upon which the existence of such grounds could be assumed.

The Court. Now you are stating something which you do not know.

Mr. Brocke. I am stating it does not appear.

The Court. Note that the witness being 17 years of age, and is now a defendant on the charge of ~~the~~ larceny was instructed by the court not to answer the questions for the reason that the court possesses such information or is in possession of such information as to feel compelled, in its line of duty, to instruct the witness as it has done.

The Brocke. The witness having testified to circumstances making him an accomplice and there appearing no

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evidence in this case that the witness is 17 years of age,
or what the information is that the court possesses the
counsel for the defendant objects.

The Court. There is a part of the information that the
court possesses. (Handing Mr. Brooke a paper.)

Q (By Mr. Einstein.) How were the bags delivered to Mr.
Infeld?

A The elevator man took them and put them on the elevator and
put them on the sidewalk and Mr. Infeld took them away. I de-
livered them to the engineer and the engineer delivered them
to the man of Mr. Infeld on the sidewalk.

Q And he took them away?

A Yes, sir.

Q (The Court.) Was that all the money you got for the trans-
action on the 11th of April?

A Yes, sir.

Sworn to before me this

day of July, 1882.

Mercutio Overburg
Police Justice.

Alexander Lyons

0059

City and County of New York, ss:

MOSES EINSTEIN, a witness called
by the people, sworn and examined by Mr. Einstein deposes
and says:

Q What is your business?

A Book-keeper.

Q For what firm?

A Stringfield, Einstein & Co.

Q How long have you been book-keeper there?

A A little over two years.

Q To whom were the reports made during that time
of the weight of rags sold to Infeld?

A To me.

Q Who made them?

A Mr. Cantwell.

Q Who made the report on April 11th, '32?

A Mr. Cantwell.

Q In what shape was that report?

A On a piece of brown paper to the office.

Q Have you looked ^{for} at that paper?

A Yes, sir, I have.

Q Have you been able to find it?

A No, sir.

0060

Q Have you been able to find it?

A No, sir.

Q Why not? Has it been destroyed?

A Yes, sir.

Q Under what circumstances?

A Well, they were always destroyed after I received a check for them.

Q You kept them until when?

A Until I received a check.

Q Then you destroyed them?

A Yes, sir.

Q Why did you keep them until you received a check?

(Question objected to by the defence.)

Q The Court.) Was that your custom to destroy the slips?

A Yes, sir.

Q (Mr. Einstein.) Were the rags of April 11th, paid for by Mr. Infeld?

A Yes, sir.

Q Were they paid according to the return made by Mr. Cantfield?

A Yes, sir.

0061

CROSS-EXAMINATION BY MR. BROCKE:

Q Who was present when Canfield made the return?

A My assistant.

Q What is his name?

A Mr. Decker.

Q And yourself?

A Yes, sir.

Q Who else?

A No, one else.

Q Was Canfield present?

A No, sir.

Q When Canfield made the return he was present?

A Yes, sir.

Q Who was present then besides yourself and assistant and Mr. Canfield?

A. No, one.

Q On what floor was the report made?

A First floor.

Q On what floor were the rags made?

A On the top floor.

Q How many floors over the ground floor?

A Three.

Q Were you present when the rags were weighed?

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A No, sir.

Q Nor when the weights were taken down?

A No, sir.

Q Mr. Centfield came into your office alone and handed you a piece of brown paper with some figures?

A Yes, sir.

Q Which you took in your course of business as the weight of some rags?

A Yes, sir.

Q Was Mr. Lyon present?

A No, sir.

Q Did you show him the paper?

A No, sir.

Q (Mr. Einstein.) Did you ^{compare} ~~fill~~ the amount of the check with the amount of the rags as reported by Mr. Centfield?

A Yes, sir.

Q They corresponded?

A Yes, sir.

Q (Mr. Brooke.) The check and the weight?

A Yes, sir.

Sworn to before me this

day of July, 1882.

Moses Einstein

Moses Einstein

Police Justice.

0063

City and County of New York, ss:

HENRY OSER, a witness called by the
people and sworn disposes and says:

(BY MR. EINSTEIN.)

Q What is your business?

A Liquor and lager bier saloon.

Q Where?

A 134 W. Broadway.

Q How long have you been there?

A Over three years.

Q Do you know Infeld?

A Yes, sir, I have known him for some time.

Q Where is his store or place of business in relation to yours?

A Next door to me.

Q Do you know James Cantwell?

A I know him by name.

Q Is this he?

A Yes, sir. (Witness indicates.)

Q Did you ever see any transaction take place between Cantwell
and Infeld?

(Objection by the defence.)

The Court. Ask him if he knows of any.

Q Do you know of any transaction having taken place between

0064

Infeld and Cantwell.

(Question objected to by the defence; objection overruled.)

A Yes, I saw him pay him money.

Q How often? (Objection by the defence; objection overruled)

A Well I cannot tell how often.

The Court. If you can show that money was paid to Cantwell in consequence of this transaction on the 11th of April you are right.

Mr. Einstein. We can show payments of money on various occasions by Infeld to Cantwell. Now the evidence in the case is that Lyon with Cantwell conspired together to steal rags from the firm and deliver them to Infeld, and that Infeld paid this young Lyon a certain amount of money as his share of the fruits of that theft; now we will follow it up by showing payments of money to Cantwell as well.

The Court. That is proper.

Mr. Brocke. If he can show by this witness that with reference to the transaction of the 11th of April, that this witness was present and saw Infeld pay Cantwell money on account of this transaction, it is competent; but if he paid Cantwell money 100 times your Honor cannot assume that they were payments in regard to this alleged transaction.

The Court. You have not allowed them to show it.

Mr. Brooke. I cannot allow anything!. Your Honor, is to be the arbiter in this case. They have not proven anything of the kind yet.

The Court. I am trying to confine the counsel for the people to the legal proof of this particular case; he cannot do that if I exclude certain evidence which he is endeavoring to bring forth. I think it can be simplified by asking, whether on the 11th of April, the witness saw any money paid to Cantwell.

Mr. Brooke. If he will ask that, I will not object.

(The Court allowed the question, to which the defence objects.)

Q (Mr. Einstein.) About how often?

(Counsel for the defence now objected to this question, for the reason that there is no evidence in the case to show that this was on the 11th of April.)

A May be ten, or fifteen or five times, I do not know; I never took any notice of it.

Q Did you ever pay him any money for Infeld?

A When he gave me the order.

Q How often was that?

A May be a couple of times.

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Q How much?

A From \$10 to \$25; whenever he gave me the order I paid him the money.

Q Now when was this?

A Well, I do not know, I did not notice.

Q Did you only pay him twice?

A I paid him more; I cannot say exactly how many times.

Q I want to know from you, if you can give me the approximate number of times when you paid him money?

A I paid him money during the past two years may be ten times.

Q And on each one of those occasions you paid him from \$10 to \$25?

A Just as he gave me the orders.

Q How did he give you the orders?

A He said, "Give that man so much money".

Q Who was that man?

A Mr. Cantwell.

Q Where?

A In my store.

Q And where did you see Infeld give him money?

A I saw him a couple of times.

Q Where?

A In my store.

0067

Q Did he ever ask you to give him any money to give to Cantwell?

A Sometimes he came in during the day and said, "Give that man so much money when he comes around in the evening"; may be Infeld had left at the time.

Q Did they ever come into your store together?

A Two or three times they came in together.

Q Then you saw Infeld give him money?

A May be I saw him once or twice, and they had a drink and went out.

Q When was the last time you saw this done, about?

A Well, I cannot tell you, it is over four months ago any way.

Q Was it in March or April?

A It is over four months I am sure of that.

Q And that was the last time?

A Yes, sir.

Q You saw these payments of money for two years previous to this?

A Yes, sir.

Q Until about four months ago?

A Yes, sir.

(The Court. Your store is close by to that business?

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A Yes, sir.

Q Can you see from your store when goods are loaded there and carted away?

A I can see it.

Q Have you at any time seen Mr. Infeld receive rags there?

A Yes, sir, I have seen a good many times rags there.

Q Just answer my question which I put to you now without any explanation. If you can answer it say no, and if you cannot, answer it the best you can; do you recollect any day when Infeld received rags there from the firm and that he on the same day came into your store and gave you an order to pay money to Cantwell?

A I remember him getting rags, but I did not know in what business these two parties were.

Q (Mr. Einstein.) You saw rags coming to the store?

A Plenty of times; every day.

Q About the time of the receipt of the rags did you see Infeld pay him any money?

Sworn to before me by
Bejamin Oberbauer & Henry Ober
The Court. That question has been already answered.

Counsel for the defence now moved for the discharge of the defendant, on the ground that there is not the slightest particle of evidence to convict him of this offence, except the evidence given by the accomplice Alexan-

0069

der Lyon.

Counsel now read Section 399 of the Code in support of his motion for the discharge of the defendant.

The Court. In this case this young man who was on the witness stand (Alexander Lyon) is charged with larceny. The defendant, Infeld, is charged with receiving stolen goods with guilty knowledge; Infeld might be charged with the stealing and the receiving besides. Whether this testimony would justify a conviction I am not prepared to say now, but the circumstances are such that I consider it my duty not to dismiss this complaint without asking you to go into the defence.

Mr. Brooke. I decline to go into the defence, sir, and ask your Honor to dispose of the case.

The Court. I cannot finally dispose of it until I have read the testimony which the stenographer must have time to write out. For that purpose I will adjourn the case for a future day.

I will adjourn the case until Monday, the 17th of July, at 10 o'clock A. M., when I will render my decision.

I shall dispose of the larceny case at the same time. The same bail stands until next Monday.

0070

The Council for the Ofl had his attitude
called to the Minutes - when it appears
from the hypothesis the reported that the Western Lyons
was instructed by the Court not to answer
certain question - that the meaning of
the Court's instruction was that
the said Lyons need not answer
certain question - Council for
Ofl - preferred not to have
the minutes corrected and
that the endorsement should
be made

M. D. D.

4th DISTRICT POLICE COURT.

-----X-----
THE PEOPLE ON THE

Complaint of

JOSEPH WAXELBAUM,

vs.

CHARLES INFELD.

-----X-----
Stenographer's notes,

-----X-----

D. S. Veitch,
Stenographer,
101 Centre St.,
N. Y.

0071

0072

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

The People of the State
of New York
versus
Charles Infeld

Sir

You will please take notice that a
motion herein will be made to this Court
at a Session thereof to be held on the
8th day of December at the Court Room
thereof at No 92 Chambers Street in the City
of New York at 11 O'clock in the forenoon
of that day or as soon thereafter as
counsel can be heard to dismiss the
Indictment herein found against ^{the defendant} ~~himself~~,
such indictment not having been found
against him at the next term of the
Court at which he was held to answer, and no
good cause being shown to the contrary.

Yours very truly

Charles W. Brooks

Attorney for Deft.

No 291 Broadway City.

To

John McKean Esq.
Dist Atty.

Court of General Sessions

The People vs

vs

Charles Dwyer

~~written of~~ ~~to~~ ~~be~~ ~~seen~~
to receive

Charles W. Brooks
Atty for defd
No 99 Broadway
N.Y. City

To John W. Keon Esq
Dist Atty

0074

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

The People of the State
of New York
- versus -
Charles Lufeld

Sir

You will please take notice that a motion
herein will be made to this Court at a Session
thereof to be held on the 8th day of December
1882 at the Court Room thereof at No 92 Chambers
Street in the City of New York at 11 O'Clock in the
forenoon of that day or as soon thereafter as counsel
can be heard, to dismiss the indictment herein
found ~~against~~ ^{against} the defendant. Such indictment not
having been found against him at the next
term of the Court at which he ~~was~~ ^{was} held to answer.
and no good cause being shown to the contrary

Yours very truly

Charles W. Brooks

Attorney for Deft

No 79 Broadway N.Y.

To Hon John McKean
Dist Atty -

0075

Court of General Sessions

The People vs.

-vs-

Charles Sufeld

Copy-
Notice of motion
to Denies

Charles W. Howell
Atty for Def.
No 291 Broadway
New York City.

To John H. McLean Esq.
West City-


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

The People of the State of
New York

versus
Charles Infeld

Sir

You will please take notice that the defendant herein will move before the Court of General Sessions of the Peace in and for the City & County of New York at a Session thereof to be held at the Court Room thereof at No 32 Chambers in said City on the 10th day of November 1892 at the opening of the Court on that day or as soon thereafter as counsel can be heard that the indictment herein found against him on the 26th day of October 1892 be quashed for the following reasons: That on or about the 15th day of June 1892 this defendant was charged by and upon complaint of Joseph Maxelbaum with the offense set forth in the indictment herein before the Honorable Marcus Ottenbourg a Police Magistrate of the City and County of New York, and having competent jurisdiction

over the subject matter of the charge and to examine into and hold the defendant upon such charge. That defendant demanded an examination upon such charge which was granted and on the 11th day of July 1882 said examination was proceeded with before such Justice. That during such examination the complainant therein said Joseph Wexelbaum was duly examined, at length as were also three other witnesses on behalf of the People and no witnesses on behalf of the defendant.

That such Justice thereupon decided to and did hold the defendant to await the action of the Grand Jury whereupon defendant through his attorney sued out a Writ of Certiorari to the Supreme Court from such decision and judgment of such Justice and upon hearing of such Certiorari, said defendant was acquitted of such charge upon the 24th day of ^{July} 1882 by the Honorable Justice Macomber before whom the same was heard and such Complaint dismissed.

That notwithstanding such premises the Grand Jury did on the 25th day of October 1882 on the evidence of said Joseph Wexelbaum alone and such evidence

0078

being the same as that given upon such
examination and upon which said
Justice Macomber upon Citorari dismissed
said complaint, find an indictment herein
against said Defendant for the same offenses
and as set forth in said complaint and
dismissed by such Justice upon Citorari

Yours &c

Charles W. Pross

Attorney for Defendant
No 141 Broadway
New York

To Hon John McKee
Dist Atty.

0079

Motion denied

N.Y. General Sessions

The People vs

1878

Nov. 24, 1872

vs

Charles Ingfeld

My suggestion
Notice to Quash
indictment

Chas. Moore
Atty for Def
No. 77, 1st way
N.Y. City



§ 278 + 9

N.Y. Court of General Sessions of the Peace
in & for the City & County of New York

The People of the State
of New York

Versus
Charles Infeld

And now cometh the defendant into Court
by Charles W. Brook, his attorney and
demurs to the indictment herein against
him for the following reasons

That the indictment herein found
against him charges him with the
commission of more than one crime
contrary to the Code of Criminal Pro-
cedure and to the Section thereof in
such case made and provided.

Charles W. Brook
Atty for Deft
No 29, Broadway
N.Y. City.

To
John McKee Esq
Dist Atty.

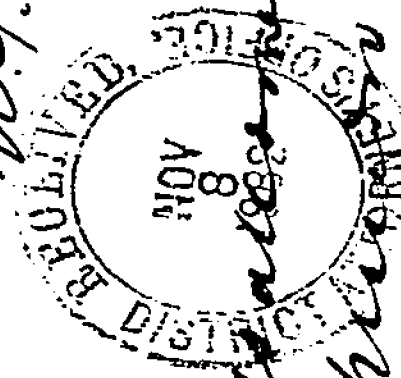
N.Y. General Sessions

The People vs

Charles Ingfeld

Demurres

Charles W. Moore
Atty for Def
No 221 Broadway
N.Y. City



deposited - see,
opinion 41
Nov. 21/02 F.S.

0082

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 25 day of Oct
1882, in the Court of General Sessions of the Peace, of the County of
New York, charging Charles Infeld

with the crime of Grand Larceny

You are therefore Commanded forthwith to arrest the above named Charles
Infeld and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

New York City, the 26 day of Oct 1882.

By order of the Court,

[Signature] Clerk.

0083

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,


against

Charles Infeld

Bench Warrant for Felony.

Issued

October 25th 1882

 The officer executing this process will make his return to the Court forthwith.

The within named
defendant was
this day brought
in by the undersigned
and bailed in \$1000
by Hyman Rubenstein
of no 10 arm st:

Dec. 8. 1882

Det. Sgts McFenighen
& Reilly

0084

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Charles Infeld 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. Charles Infeld

Question. How old are you?

Answer. 50 years.

Question. Where were you born?

Answer. Austria

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

Answer. 198 East Broadway - for about ten years.

Question. What is your business or profession?

Answer. Rag merchant

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

Answer. I am not guilty

Ch Infeld

Taken before me this 19

day of Dec

188

McConnell
Police Justice

0085

Police Court District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Joseph M. Napellbaum

of No. 119 East 69 Street, that on the 11 day of April

1882 at the City of New York, in the County of New York,

Charles Ingfeld did unlawfully keep and receive, paying

therefor in good and lawful money of legal tender

of and of the value of one hundred and fifty dollars

of which one hundred and fifty dollars were the property of said

Joseph M. Napellbaum and the said Charles Ingfeld did unlawfully

keep and receive the same, and the said Charles Ingfeld did

knowingly and unlawfully keep and receive the same, and the said

Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

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and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

and the said Charles Ingfeld did knowingly and unlawfully keep and receive the same,

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Napellbaum

vs.

Charles Ingfeld

Warrant-General

Receiving stolen goods

Dated June 15 1882

Attorney Magistrate

Kaliday Officer.

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

Michael Hartigan Officer.

Dated June 16 1882

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, June 16

Charles Ingfeld

Native of

Austria

Age,

50

Rec 198. E. B. May

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

309 Canal St.

0086

Sec. 151.

Police Court 4 District.CITY AND COUNTY }
OF NEW YORK, } ss

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Joseph Wapellbaum of No. 119 East 69 Street, that on the 11 day of April 1882 at the City of New York, in the County of New York,

Charles Infeld did unlawfully buy and receive, paying therefore in good and lawful money a quantity of not less than three hundred pounds of rags, all of the value of not less than thirty dollars, the property of said complainant and his co-partners; knowing said rags to have been taken and stolen from the said complainant.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 4 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 15 day of June 1882

Michael Oster POLICE JUSTICE.

POLICE COURT 4 DISTRICT.THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Charles Infeld

Warrant General.

Receiving Stolen GoodsDated June 151882Atterbury MagistrateKallday Officer.

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

Michael Nottig an Officer.Dated June 16 1882

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest,

June 16

Native of

Charles Infeld
Quetta

Age,

50Dec 19th to 19th May

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

7800

* Isaac Bernstein
* J. J. Brown
* W. J. Jones

Maxwell
Police Justice
Taken and acknowledged before me, the
day and year aforesaid.

not depart therefrom without leave, then this Recognizance to be void, otherwise to remain in full force.

other times and days as the said examination may be adjourned to, and abide the final decision of said Justice, and

on the 17th day of June 1882 at 10 o'clock, M. and at such

shall personally appear before said Justice at the said Fourth District Police Court in the City of New York,

Now Therefore, the condition of this Recognizance is such, that if the above named

at 10 o'clock, in the forenoon of that day, to answer to said charge.

Fifty-seventh street, on the 17th day of June 1882

Hundred Dollars, for his appearance at the Fourth District Police Court, New York

day, he did thereupon order the said accused to find sufficient bail in the sum of

ing been made to appear to the satisfaction of said Justice that said examination should be continued to some other

he is charged being bailable by said Justice, and he having demanded an examination on said complaint, and it hav-

And Whereas, he has been brought before said Justice to answer said charge and the said offence with which

and his co-defendants, more or less from said complaint

divided into several compartments

left them, that they should be kept in the same

received a quantity of rope of the said officer

in the City and County of New York, aforesaid, and he having demanded an examination on said complaint, and it hav-

with, for having, on the 17th day of June 1882

understood, Police Justice as aforesaid, on the 17th day of June 1882

WHEREAS, the said Charles Jones, was charged before the

lands, and tenements, to the use of said People, if default shall be made in the condition following, viz:

the sum of Hundred Dollars, separately, of

the sum of Hundred Dollars, and the said

the sum of Hundred Dollars, the said

themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

personally came before the undersigned, one of the Police Justices in the City of New York, and acknowledged

of No. 185 Henry Street, in the said City,

and of No. 229 Madison Street, in the said City,

and of No. 198 East Broadway Street, in the City of New York,

the 16th day of June 1882

BE IT REMEMBERED, That on

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

POLICE COURT, -FOURTH DISTRICT.

CITY AND COUNTY OF NEW YORK.

ss.

0088

CITY AND COUNTY }
OF NEW YORK } ss.

day of June 188
Sworn to before me, this
Police Justice.

Jacob Harris one of the within
named Sureties, being duly sworn, says that he is a *haver* holder and resident in
said City, and is worth *three thousand* Dollars,
over and above the amount of all his debts and liabilities; and that his property consists of
stock of jewelry at 221 Madison
street said City of the value of
three thousand dollars over and
above all incumbrances

vs. Glanville

CITY AND COUNTY }
OF NEW YORK } ss.

day of June 188
Sworn to before me, this
Police Justice.

Isaac Bernstein one of the within
named Sureties, being duly sworn, says that he is a *haver* holder and resident in
said City, and is worth *three thousand* Dollars,
over and above the amount of all his debts and liabilities; and that his property consists of
pictures and stock of mixed goods
manufactured at 315 Canal
street said City, of the value of
three thousand dollars over and
above any and all in-
cumbrances

Isaac Bernstein

RECOGNIZANCE FOR TRIAL OR EXAMINATION.

THE PEOPLE &c.,	vs.
ON THE COMPLAINT OF	

Taken the day
of 188

Justice.

Filed day of 188

Sureties identified by

No. Street.

0089

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

FOURTH DISTRICT POLICE COURT.

Joseph Wexelbaum aged 44 years
 of No. a merchant, residing at no 119 East- 69th street
 street, said City of New York being duly sworn, deposes and says,
 that on ~~the~~ or about the 11th day of April 1872
 at the City of New York, in the County of New York, Charles Dufeld;

did unlawfully buy and receive, paying
 therefore in good and lawful money,
 a quantity of not less than three hundred
 pound of woolen and Cotton rags ^{and cuttings} mixed
 all of the value of not less than twenty
 dollars; the property of this deponent
 and his copartners George T. Springfield;
 Elias Einstein; and Alexander Lunley
 doing business at nos. 309 and 311 Canal
 Street, said City. - Knowing that said rags
~~had been~~ quantity of rags, so said
 and delivered to him have been feloniously
 taken away and stolen from this
 deponent and his said copartners;
 in the manner following to-wit:-
 That on said day said Charles Dufeld
 at the said place of business of
 deponent purchased a quantity of
 rags, and did then and there receive
 together in bales and above the
 weights of pounds lawfully bought
 by him; a quantity of not less than
 three hundred pound of woolen and
 Cotton rags and cuttings mixed, each
 pound of said rags being of the value
 of ten cents; that said rags so feloniously
 and unlawfully received by said Dufeld
 were received by him from one Alexander
 Lyon and one James Cantwell, then in
 the employ of deponent and his copartners
 said Dufeld at that said time well knowing
 that said rags had been stolen and carried away
 from the possession of deponent; by said Lyon
 and said Cantwell. - Deponent
 Joseph Wexelbaum

Sworn to before me this
 15th day of June 1872

Notary Public

Michael D. Dufeld

0090

Police Court—Fourth District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Vogelbaum

Charles Ingels

Dated June 15

1892

Attest

Magistrate.

Officer.

J. S. Lee
June 17.

10. am
July 11. 3 PM

Joseph Vogelbaum

Receiving Office Bonds
AFFIDAVIT

0091

BAILED,

No. 1 by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Street,

Street,

Street,

Street,

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offence, Receiving
Stolen Goods

Dated

1882

Magistrate.

Officer.

Clerk.

Witnesses,

No. 31

Street,

No.

Street,

No.

Street,

No.

Street,

No.

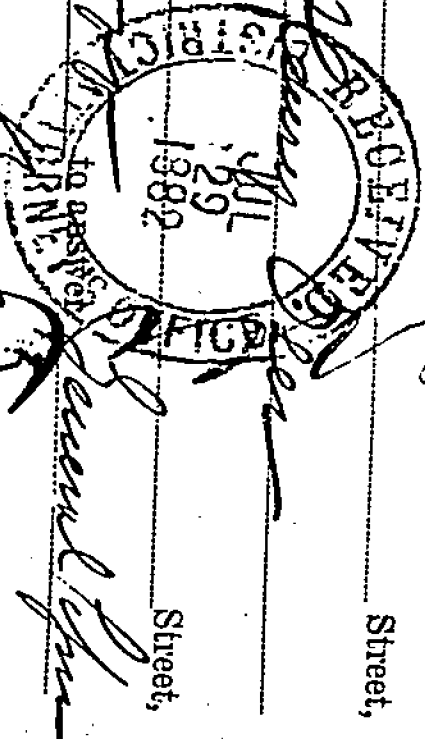
Street,

No.

Street,

No.

Street,



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

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 July 19 1882 Michael A. O'Brien Police Justice.

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

Dated July 19 1882 Michael A. O'Brien Police Justice.

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

Dated July 19 1882 Michael A. O'Brien Police Justice.

Our now only 1400
1872. It not appearing
upon this return of the
Centaine herein - that
any offence is charged against
the relator in this within Complaint
said relator is hereby discharged
therefrom from the foregoing

22900

Warrant 637 230
Police Court 7 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Waples
419 East 69 St.
Charles J. J. J.
2nd Ave. N.Y.C.

BAILED,

No. 1 by Ellen Cantwell

Residence _____ Street _____

No. 2, by

Residence _____ Street _____

No. 3, by

Residence _____ Street _____

No. 4, by

Residence _____ Street _____

And now July 24th
1882. It not appearing
upon the return of the
Certificat herein that
any offence is charged against
the relator in the within Complaint
Said relator is hereby discharged
and removed from the recognizance

Dated June 1882

Magistrate.

James Cantwell
167 Franklin St. Clerk.

Witnesses, Alexander Lyman

No. 37 West 27th Street,

James Cantwell

No. _____ Street,

No. _____ Street,

No. _____ Sheet,

\$ 15.00 to answer General Term

James Cantwell

167 Franklin Street

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

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 July 19 1882

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated July 19 1882

There being no sufficient cause to believe the within named

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

Dated _____ 1882

Police Justice.

0093

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 Ingold

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

Charles Ingold

of the CRIME OF GRAND LARCENY, committed as follows:

The said

Charles Ingold

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

of rags of the value of ten
cents each pound

of the goods, chattels and personal property of one

Joseph

Waxelbaum 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.

0094

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

Charles Ingeld

of the crime of RECEIVING STOLEN GOODS,

committed as follows:

The said

Charles Ingeld

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

*three hundred pounds of
gold of the value of ten
hundred pounds*

of the goods, chattels and personal property of

*Joseph Waxelbaum son
Alexander Lyon and James Cantwell*
~~by a certain person or persons to the Grand Jury aforesaid unknown,~~ then lately before
feloniously stolen, taken and carried away from the said

Joseph Waxelbaum

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

Charles Ingeld

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

JOHN McKEON, District Attorney.