

078

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Heller, Mary

**DATE:**

12/19/93



4944

Witnesses:

officer Michael J. Riady  
15th Precinct

Part I June 9 1893

On the within affidavit  
that he cannot be  
found I move that  
he be discharged on  
his own recognizance  
R.D. Macdonald  
att

202  
20th Dec 1893

Counsel,

Filed 19 day of Dec 1893.

Pleads, *Iniquity*

THE PEOPLE

vs.

*Mary Heller*

*born deaf*

Grand Juror, *with* Degree  
From the Person.  
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

*Dec 9 1893*

*Discharged on her own*

A TRUE BILL.

*Recognizance*

*R. Loewood*

Foreman.

Part III - Jan 1894

0789

Court of General Sessions.

1714

THE PEOPLE

vs.

Mary Heller

City and County of New York, ss:

John H. Reilly

being duly

sworn, deposes and says: I reside at No. 706 Washington Street, in the City of New York. I am a Subpoena server in the office of the District Attorney

of the City and County of New York. On the sixth day of June 1894

I called at # 780. Eight Ave

the alleged residence

of Joseph Doyle

the complainant herein, to serve him with the annexed subpoena, and was informed by

The lady with whom he had boarded that the said Joseph Doyle, had left her house, about one week ago taking his trunk with him & saying he was going to reside in Chicago

Sworn to before me, this

8th day

1894

of

Jermany

J. H. McGuire

Clerk of Court

John H. Reilly

Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the complaint of

Joseph Doyle

vs.

Mary Heller

Offense

~~DE LANCEY NICOLL,~~

John R. Fellows District Attorney.

Affidavit of

John H. Reilly

Subpoena Server.

FAILURE TO FIND WITNESS.

Police Court District.

Affidavit—Larceny.

City and County of New York, ss:

of No. 780 *St Ann* Street, aged 73 years, occupation *Conductor*

deposes and says, that on the 11<sup>th</sup> day of *December* 1893 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 *last* time, the following property, viz:

*One watch and chain valued at about fifteen dollars \$16.00*

the property of *deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by *Mary Haller* (another) from the fact that deponent had said property in his dress pocket that defendant was in the company of deponent and when she left deponent missed said property. Deponent is informed by *Spec. Reilly* that he arrested the defendant and found said property in her possession.

*Joseph Doyle*

Sworn to before me, this 11<sup>th</sup> day of *December* 1893, at *St Ann* Police Justice.

078A

Sec. 198-200.

*2* District Police Court. 1892

City and County of New York, ss:

*Mary Heller* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h<sup>r</sup>* right to make a statement in relation to a charge against *her*; that the statement is designed to enable *h<sup>r</sup>*, if he see fit, to answer the charge and explain the facts alleged against *h<sup>r</sup>*, that he is at liberty to waive making a statement, and that *h<sup>r</sup>* waiver cannot be used against *h<sup>r</sup>* on the trial.

Question. What is your name?

Answer. *Mary Heller*

Question. How old are you?

Answer. *48 years*

Question. Where were you born?

Answer. *N.S.*

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

Answer. *64 West 3<sup>rd</sup> Street 3 years*

Question. What is your business or profession?

Answer. *Married and keep house*

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  
Mary Heller*

Taken before me this *11* day of *March* 189*2*

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.....

*Stevens*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ten 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 11 1893 *Sheldon* 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 he to be discharged.

Dated.....18.....Police Justice.

1331

Police Court--- District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Jos Doyle*  
*180-8<sup>th</sup> Ave*  
*Mary Hall*

*Offence Larceny*  
*from the person*

- 1
- 2
- 3
- 4

Dated *Dec 11* 18*93*

*Kron* Magistrate.

*Railly* Officer.  
*15<sup>th</sup>* Precinct.

Witnesses *Call the office*

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.



\$ *1000* to *pay* *G.S.*

*Com* *9<sup>th</sup>* *M<sup>on</sup>*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

0791

**NON-RESIDENT.**

**PART**

If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Joseph Doyle  
of No. 780 - 8th Ave Street.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 8th day of **JANUARY**, 1894 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Mary Heller  
Dated at the City of New York, the first Monday of **JANUARY**,  
in the year of our Lord, 1894

**JOHN R FELLOWS,**  
~~District Attorney~~ District Attorney.

0792

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

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Mary Heller*

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

*Mary Heller*

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

The said

*Mary Heller*

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *December*, in the year of our Lord, one thousand eight hundred and ninety-*three*, in the *night*-time of the said day, at the City and County aforesaid, with force and arms,

*one watch of the value of ten dollars, and one chain of the value of six dollars*

of the goods, chattels and personal property of one *Joseph Doyle* on the person of the said *Joseph Doyle* then and there being found, from the person of the said *Joseph Doyle* 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.

SECOND COUNT—

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

*Mary Heller*

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Mary Heller*

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,

*one watch of the value of ten dollars and one chain of the value of six dollars*

*[Large decorative flourish]*

of the goods, chattels and personal property of one

*Joseph Doyle*

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 Doyle*

unlawfully and unjustly did feloniously receive and have; the said

*Mary Heller*

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.

DE LANCEY NICOLL,

*District Attorney.*

0794

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Henchy, John

**DATE:**

12/08/93



4944

Witnesses:

*Officer*

*Thos F Kehoe*  
*vs the Procureur*

Counsel,

Filed

day of

1893

Pleats,

77  
~~THE PEOPLE~~

vs.

*John Henchy*  
*Dec 13/93*  
*Henry J. Key*

Grand Larceny, second Degree.  
[Sections 525, 527, Pennl Code.]

DE LANCEY NICOLL,

District Attorney.

*Elvira Def.*

A TRUE BILL.

*Thos Harris*  
*et*

Foreman.

0798

Police Court / District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No. 18 White Street, aged 26 years,  
occupation Salesman being duly sworn,

John Wilson Blair

deposes and says, that on the 3 day of December 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of the deponent, in the day time, the following property, viz:

A quantity of linen samples of the value of about seventy five dollars

the property of William Libbell and Company by which firm deponent is employed

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 Hinshy (now here)

for the reason that on the said date the aforesaid property was in a trunk in the Dressing Room of the Henry House. Deponent missed the said property from said trunk and is informed by Thomas H. Kehoe of the 5th Precinct that the defendant admitted to him that he stole said property and sold the same. Deponent has since said property that defendant admits he stole and identifies the same as the property stolen from him. Wherefore deponent charges the defendant with Grand Larceny.

John W. Blair

Sworn to before me, this

December 1893

Thomas H. Kehoe  
Police Justice

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 33 years, occupation Police man of No. 5<sup>th</sup> Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John Wilson Blair

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

Sworn to before me, this 3<sup>rd</sup> day of December 1893 } Thomas F. Kelce

[Signature]  
Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

John Hinchey 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. John Hinchey

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. New York

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

Answer. 34 Dehusser Street

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 guilty

John Hinchey

Taken before me this

day of

March  
1888

Police Justice.

0794

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 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 5 1893 [Signature] Police Justice.

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

Dated, Dec 5 1893 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0800

21  
Police Court--- / 1307 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Charles Wilson Blair*  
*John H. Mochy*

Offense *Larceny*  
*Felony*

2  
3  
4  
Dated, *Dec 5* 189 *3*  
*Macle* Magistrate.  
*Kehoe* Officer.  
*J* Precinct.

Witnesses *Thomas F. Kehoe*  
No. *5<sup>th</sup> Precinct* Street.



No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
\$ *1000* to answer *G.S.*

*committed*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

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 Henchy*

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

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

The said

*John Henchy*

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

*nine table-cloths of the value of five dollars each, three hundred and twelve napkins of the value of ten cents each, and divers other goods, chattels and personal property, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of thirty dollars*

of the goods, chattels and personal property of one

*William Libbell*

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.

*Dehancey Nicoll*  
*District Attorney*

0000

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Henderson, Jane

**DATE:**

12/22/93



4944

Witnesses:

Booked Jan 19 1894

The money alleged to have been misappropriated in this indictment was the subject of a civil suit, and the complainant recovered. (Set discharge of J. J. [unclear] receipt) The deft used the cash to purchase a house which has been turned over to the couple. It is would be impossible under the circumstances to prove notice. I recommend that this indictment be dismissed

H. D. Macdonald  
Distt

Court of Oyer and Terminer  
for the County of New York

Counsel.

Filed,

27 day of Dec 1893

Pleas,

Not guilty - Jan 12/94  
with secrets intended to be

THE PEOPLE

vs.

Jane Henderson

B

Grand Larceny, 1st degree  
(MISAPPROPRIATION)  
(Sections 528 and 530 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL

Foreman.  
Jan 19/94  
Dismissed

Subscribed to the COURT of  
the COUNTY of NEW YORK  
in open Court at the City of New York  
this 19th day of January 1894  
J. J. [unclear]

08004

Police Court 2<sup>nd</sup> District.

Affidavit—Larceny.

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

of No. 606 Broadway Street, aged 45 years,  
occupation locomotive engineer being duly sworn,

William J. Mc Murray

deposes and says, that on the 6<sup>th</sup> day of February 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of the deponent, in the day time, the following property, viz:

Eighteen Hundred and Fifty (\$1,850) Dollars lawful money of the United States

the property of Wm. J. Mc Murray

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 Jane Henderson (now her)

Under the following circumstances:

On June 2, 1888 this deponent deposited with the defendant for safe keeping, to be returned to him, the sum of Nineteen Hundred (\$1,900) Dollars, and March 8<sup>th</sup> 1890, he deposited and entrusted to her for safe keeping One Hundred (\$100) Dollars, making a total sum so deposited with her for safe keeping of Two Thousand (\$2,000) Dollars. That she has returned to him the sum of Fifty (\$50) Dollars on July 15, 1888 and the further sum of One Hundred (\$100) Dollars on August 15<sup>th</sup> 1888, but she has feloniously withheld, stolen and appropriated to her own use the balance of \$1,850, so entrusted to her care for safe keeping, and has refused to return or deliver.

Sworn to before me, this 189 day of February 1891  
Police Justice.

The same or any part thereof to deponent after  
due demand made upon her by deponent to  
return the same on December 1890 and again on  
or about February 6<sup>th</sup> 1891

Sworn to before me this }  
5<sup>th</sup> day December 1893

Wm. J. Murray

Police Justice

0808

Sec. 151.

Police Court 2<sup>d</sup> 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 any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by William J. Mc Murray of No. 606 Broadway Street, that on the 6<sup>th</sup> day of February 1891 at the City of New York, in the County of New York, the following article to wit:

Eighteen Hundred and Fifty (\$1,850) Dollars lawful money of the United States

of the value of \$1,850 Dollars,

the property of William J. Mc Murray was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Jane Henderson

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring her before me, at the First 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 5<sup>th</sup> day of December 1893

Charles R. [Signature] POLICE JUSTICE.

080

Police Court \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William J. M. Murray*

vs

*Jane Henderson*  
*123 Chambers*

Warrant-Larceny.

Dated *December 24<sup>th</sup>* 1883

Magistrate

Officer.

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

*Crowley & M. Christy* Officer &c.

Dated \_\_\_\_\_ 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

The within named

City and County of New York, ss:

Jane Henderson 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 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 his waiver cannot be used against her on the trial.

Question. What is your name?

Answer.

Jane Henderson

Question. How old are you?

Answer.

45 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

123 Charles St. 3 years

Question. What is your business or profession?

Answer.

Key house

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

Jane Henderson

Taken before me this

day of

[Signature]

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

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 Dec 8 1893 [Signature] Police Justice.

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

Dated Dec 8 1893 [Signature] 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

081

**POOR QUALITY ORIGINAL**

Ex. adj. to C. here. at 2 Pm  
Left Paroled in custody of Cens.  
Hemilton  
" " " 8 Dec. at 9 Pm

BAILED,  
No. 1 by Jane Holmes  
Residence 679 Greenwich Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

W  
Police Court 2 1320 District.

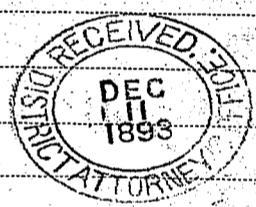
THE PEOPLE, &c.  
ON THE COMPLAINT OF

~~And~~ McMurray  
606 Bway  
1 Jane Hodgson  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

*Handwritten signature*

Dated Dec 6 1893  
Koch Magistrate.  
Smiley and W. Cluskey Officer.  
Central Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.  
No. \_\_\_\_\_ Street.



\$ 2000 to answer G.S.  
Bailed

0811

*Booram, Hamilton, Beckett & Ransom.*

*Counsellors at Law.*

*Louis W. Booram.*

*William H. Hamilton.*

*Charles H. Beckett.*

*Porte V. Ransom.*

*160 Broadway.*

*New York.*

Wm J. Mc Murray } Dec 6<sup>th</sup> 1893 -  
 vs }  
 Mrs. Henderson } Larceny

Handy case & criminal by Wm J. Henderson  
 I have read the affidavits on to me  
 and I commenced civil action of  
 which this is the cause. I got  
 judgment in said action on the 16<sup>th</sup> day  
 of November 1893. At this B. in Erlan  
 copy of civil judgment and have not  
 issued execution on said judgment.  
 I don't remember commencing civil  
 suit against Mrs Henderson -  
 she was proceeding commenced in  
 Philadelphia Pa. about two weeks  
 ago - I testified at civil court that  
 she placed money in bank about the  
 middle of June in the Greenock bank  
 in this city I saw the outside of  
 bank book don't remember whether  
 money had been drawn from said bank  
 or not. The money was left with  
 defendant June 2<sup>nd</sup> 1898 - I demanded  
 the money on Dec 9<sup>th</sup> she refused to  
 give me the money - It is admitted  
 that answer in the civil suit was  
 a general denial.

(2)

The bank never received any money that was in the bank. I have never received any money arising from the civil suit. I brought the criminal action to obtain Justice - Counsel for the defendant moved to dismiss the complaint - Motion denied for the present -

James Henderson in her own defence. I know the complainant about 5 years I lived at that time at 675 Grand Street had a store and kept the stock for 18 years at that place. my brother kept the same store since 1839 - I am married and keep a boarding house. I have a daughter she was engaged to be married to the complainant's daughter - he was a visitor for about three years off and on. the engagement was broken ~~shortly~~ about 3 years ago - she has had nothing to do with him since said time. Mr. Henny came to the house and was considered almost a member of the family and after the engagement

was broken - and after that he commenced  
the civil action and also the Criminal  
action I never received any  
money from Mr Murray. He never  
loaned me any money. He left  
\$200.00 to buy a seal skin bag  
for my daughter

**New York General Sessions.**PEOPLE ON MY COMPLAINT,  
VERSUS

James Henderson

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.

The house in which the defendant invested the funds she held in trust for me, has been conveyed by her to me and she has made a full account of her trust

Dated New York  
January 17, 1894

H. J. Murray

People to.

o

Jane Henderson

Request of Compliment  
to disburse Indictment

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.

*Morris Jackson*  
*et al*

*Indicted*  
*Dec 14 1933*

*W. H. [Signature]*

District Attorney.



00 10

EDWARD SWANN,  
ATTORNEY AND COUNSELLOR AT LAW,  
71 BROADWAY.

TELEPHONE

NEW YORK, Dec. 18th, 1893

TO THE DISTRICT ATTORNEY,

Dear Sir:-

*Mr. Braden*

I inclose herewith a statement of the facts in the case of the People against Jane Henderson, a larceny case which will soon come before the Grand Jury.

If there is any question in your mind as to whether the facts charged, constitute larceny, I would be much obliged if you will let me know, so that I might submit a memorandum of authorities on that point, although I hardly think it probable that you will have the least doubt upon the subject.

Respectfully yours,

*Edward Swann*

Statement of facts connected with the embezzlement of One thousand eight hundred and fifty (\$1,850) dollars by Jane Henderson.

The complainant Mc Murray is a locomotive engineer in the employ of the Panama Railroad Company where he has been employed for upwards of twenty (20) years.

He met the defendant's husband William Henderson in Panama. Arriving in New York in the Spring of 1888, he at the request of Henderson called on the Henderson family.

Soon thereafter and on June 2nd 1888, he cashed a bill of exchange which he brought from Colon, Panama for Two thousand (\$2,000) dollars and having occasion to call at the Henderson house that afternoon he took the money along with him. By that time he had come to know the family very well indeed, or thought he did, and on leaving the house that afternoon Mrs. Henderson spoke to him about the money which he had in his pocket and warned him about a green-horn from Panama carrying so much money with him in going about New York and induced him to let her keep it until he returned, it being then after banking hours. On his return to the Henderson house the day after, he asked for the money and Mrs. Henderson again persuaded him to let her keep it for him until he wanted it. Shortly after this, when Mc Murray asked the defendant to return his money she told him that she had deposited it for him in a Savings Bank so that he could have it when he wanted it. By this time Mc Murray had become engaged to Mrs. Henderson's daughter and

did not suspect Mrs. Henderson of wrong doing.

Soon thereafter the daughter got \$400., out of Mc Murray being all of the balance of the money he had, and when mother and daughter had obtained all of Mc Murray's money and Mc Murray became clamorous for the return of the money that Mrs. Henderson was keeping for him the daughter broke off the engagement.

When Mc Murray discovered in February 1891, that Mrs. Henderson had used the money for her own purposes without his knowledge or consent he placed the case in the hands of his attorney, who proceeded forthwith to demand the return of the money from Mrs. Henderson.

She denied ever having the money, and rather than have her arrested immediately the attorney decided to have a jury first decide the facts in a Civil action in tort for the conversion of moneys.

The case was reached and tried in Part 11 of the City Court before Judge Mc Gown and a jury, on Nov. 16th 1893, and jury after remaining out only five minutes returned a verdict for the plaintiff for the amount named and such decision was arrived at on the first ballot. Immediately after the jury was discharged three members of the jury requested the plaintiff's counsel to submit the case to the Grand Jury.

It was proved on the trial that the defendant did receive the money notwithstanding her denial of that fact.

The witness Kate Blackman whose address is care of

110 Bedford Street, Cor. Christopher Street, New York City, was present when the money was delivered to Mrs. Henderson. Fred. M. Fosdick 408 Madison Street, New York City testified that the defendant told him that she held the money as custodian for Mc Murray. The information clerk of Greenwich Savings Bank produced the bank book showing the deposit by Mrs. Henderson of the money "in trust for John Mc Murray" and also Mrs. Henderson bank book showing that she at that time had an individual account in the same bank. On the trial Mrs. Henderson testified that she had not received the money at all and she did not claim there that the money was received as a loan but testified that she had not received it at all. Since lodging the complaint in the 2nd District Police Court it appears that the defendant has shifted her ground and now claims that she did receive the money but that it was received as a loan. The action in tort was for the sole purpose of establishing her guilt before causing her arrest in a criminal prosecution.

No execution on the judgment has been issued and no execution will be.

Dated N.Y.  
Dec 18 1913

Edward Swann  
71 Broadway  
New York

CITY COURT OF NEW YORK.

-----X  
William J. Mc Murray,  
Plaintiff,

----- against -----

Jane Henderson,  
Defendant,  
-----X

This action having been brought on regularly to be tried at Part 11 of the City Court of New York before Hon. Henry P. Mc Gown, Justice, and a jury on the 18th day of November 1893, and the said jury having rendered a verdict in favor of the plaintiff and against the defendant for the sum of Eighteen hundred and fifty (\$1,850) dollars, now on motion of Edward Swann, plaintiff's attorney it is

A D J U D G E D that the plaintiff recover of the defendant Jane Henderson the sum of Eighteen hundred and fifty (\$1,850) dollars, damages and \$20<sup>62</sup>/<sub>100</sub> costs of this action, making in all the sum of \$205<sup>62</sup>/<sub>100</sub>.

and that the plaintiff have execution therefor.

082

Gentlemen:-

Please take notice that the within is a copy of a judgment in the within entitled action this day entered in the office of the clerk of the City Court of New York. Dated New York, November 17th 1893.

*Edward Swann*

Plaintiff's attorney,  
Office and P. O. Address, 71 Broadway,  
New York City.

To:-

Booraem, Hamilton & Beckett,  
Defendant's attorneys,  
160 Broadway, New York City.

*City Court of New York.*

*William J. Murray,*

Plaintiff

against

*Jane Henderson,*

Defendant

*Copy Judgment  
and Notice of Entry.*

*Edward Swann,*

Attorney for Plaintiff

71 BROADWAY,

NEW YORK CITY.

*To Booraem, Hamilton & Beckett Esqs*

Attorney for Defendant

*160 Broadway N.Y.*

Due service of a copy of the within

is hereby admitted.

Dated, New York,

189

*Nov 17 1893*  
Attorney

*W. J. Murray*  
*Nov 17 1893*

082

ACCOUNT No. 218738

Dr. *Jane Henderson* in trust for *John Mc Murray*  
 In Account with  
 THE GREENWICH SAVINGS BANK, Cr.

1888		1888			
Aug 31	To Draft.	150	June 29	By Deposit.	1500
Sep 13	" "	200	Jan 1	" Interest	12 25
Oct 13	" "	150	July 1	" "	21
Nov 10	" "	300	Jan 1	" "	21
Apr 20	" "	200	July 1	" "	21
June 6	" "	500	Jan 1	" "	21
Jan 19	" "	13 09			
		1513 09			1513 09

(Residence of Depositor.)  
 695. Greenwich St.

yo. of birth. 1847  
 married *Wm.*  
 Parents *John Stewart, etc?*  
*Jane*  
 next of kin. *Elizabeth, Wm.*

(beneficiary) no relation  
 to depositor.  
 " Locomotive Engineer.

EDWARD SWANN,  
ATTORNEY AND COUNSELLOR AT LAW,  
71 BROADWAY.

TELEPHONE

NEW YORK, Jan. 4th, 1894.

Col. John R. Fellows,

Dear Sir:-

The bearer Mr. W. J. Mc Murray who is the complainant in the larceny case against Jane Henderson (indictment found by Oyer & Terminer Grand Jury Dec. 20th 1893) has come from the Isthmus of Panama as a witness in the case and he has no other business to keep him here and I would be much obliged if you will have the case set down for trial on Monday or Tuesday of next week as Mr. Mc Murray is a Locomotive Engineer and is wanted at his post.

Respectfully Yours  
Edward Swann

Dist. Attny Fellows  
directs this note to be  
filed with the papers  
of that the attention  
of the Assistant in  
the Oyer & Terminer  
be called thereto, and  
also to the necessity  
of speedy action  
being taken thereon.

Edward Flynn  
Chf Clerk

Jan 4 1944

ASSOCIATION OF THE BAR.  
7 WEST 29TH STREET.

Dec. 20/93

John O. Rindsey Esq

Dear Sir

I mailed today a full statement of the facts in the larceny case against Jane Henderson, together with a list of the names and addresses of the witnesses. My envelope was addressed to "The District attorney" - and I did not know until tonight that the case would be presented to the Grand Jury tomorrow.

Please send in to the District attorney's office and get that statement and read it over before you go before the Grand Jury.

Yours Truly  
Edward Swann

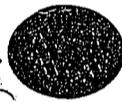
KNOW ALL MEN BY THESE PRESENTS:, that I, William J. Mac Murray for and in consideration of the Sum of One Dollar to me in hand paid by Jane Henderson, do hereby release and forever discharge the said Jane Henderson her heirs, executors, and administrators, of and from all actions causes of action, suits, claims, and demands whatsoever, for or by reason of any matter cause or thing, from the beginning of the world, down to the date of these Presents

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of January 1894.

In Presence of

*Mary M. Ward*

*Wm J. Mac Murray*



CITY AND COUNTY OF NEW YORK, ss:-

On this 17th day of January 1894, before me a Commissioner of Deeds duly commissioned and sworn, personally appeared, William J. Mac Murray to me known, and known to me to be the individual described in and who executed the foregoing instrument and acknowledge to me that he executed the same.

*Mary M. Ward*  
*Commissioner of Deeds*  
*Jan 17 1894*

0829

Satisfaction.—710.

John Polhemus, Printer and Mfg Stationer, 102 Nassau Street, N. Y

City Court of New York

William J. Murray  
Plaintiff

Jam Henderson  
Defendant

Satisfaction of Judgment.

City of New York  
County of New York ss: Satisfaction is Acknowledged,  
between William J. Murray  
plaintiff and Jam Henderson  
defendant for the sum of \$2051.<sup>62</sup>

Judgment entered in the Judgment Book of the City Court of New York  
the 17<sup>th</sup> day of  
December one thousand eight hundred and ninety three

Wm J. Murray

City of New York  
County of New York } ss:

On this 17<sup>th</sup> day of January 1894  
before me personally appeared William J. Murray

to me known to be the plaintiff described in the foregoing  
satisfaction piece, and the same person who executed the same, and acknowledged that he executed  
the same.

August A. Ward  
Notary Public  
Commissioner of Deeds  
in and for City & County of New York

City Court of New York

William M. Murray  
Plaintiff

vs  
James Henderson  
Defendant

Satisfaction of Judgment.

James Henderson

Attorney for

Henderson

160 Broadway

New York City

003

City Court of New York.

William J Mc Murray

against

Dane Anderson

Summons.

To the above named Defendant

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer on the Plaintiff's Attorney within six days after the service of this summons, exclusive of the day of service; and in case of your failure to appear, or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated Feby 14<sup>th</sup> 1891

Chas R. Allison Plaintiff's Attorney

Office and Post Office Address:

No. 38 Park Row  
New York City.

Fol.1 CITY COURT OF NEW YORK.

-----  
 WILLIAM J. McMURRAY, )  
                                   Plaintiff, )  
                                   vs.            )  
 JANE HENDERSON,            )  
                                   Defendant. )  
 -----

The above named plaintiff by Charles R. Allison, his attorney, for a complaint herein, respectfully shows to this Court and alleges.

That at the city of New York at the various times between June 4th, 1888 and March 15th, 1890, this plaintiff entrusted to and deposited with the defendant for safe keeping sums of money amounting in all to \$1850., of which said sum plaintiff was on March 15th, 1890 and now is entitled to the immediate possession.

That on February 6th, 1891, at the City of New York, the defendant then being in possession of said money unlawfully converted the same to her own use to plaintiff's damage in the sum of \$1850.

That though payment has been repeatedly demanded defendant refuses and neglects to pay the same.

WHEREFORE plaintiff demands judgment against defendant in the sum of \$1850., with interest besides costs.

Charles R. Allison,  
Plaintiff's Attorney,  
38 Park Row, N.Y. City.

2

3

" 4

New York County, ss:-

WILLIAM J. McMURRAY, being duly sworn, says that he is the plaintiff mentioned and described in the foregoing complaint; that he has read the same and knows the contents thereof; that the same is true to the knowledge of deponent.

Subscribed and sworn to before me :  
this 16th day of February, 1891. : W. J. McMurray.

Michael J. Brosnan,  
Commissioner of Deeds,  
N.Y. City & County.

Plffs vs. D. in ev.  
Exec. Co. 1897

N.Y. City Court.

Wm J. McMurray

Jane Anderson

Summons & Complaint

CHAS. R. ALLISON,

PLP

ATTORNEY

POTTER BUILDING, -38 PARK ROW,  
NEW YORK CITY

To

Mrs Jane Anderson  
By feedback

693 Greenwich St

Dated Feb 17/91

*Open and Sealed*  
**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
*against*

*Jane Henderson*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Jane Henderson*  
of the CRIME OF *Grand* LARCENY, *in the first degree*, committed  
as follows:

The said *Jane Henderson*,

late of the City of New York, in the County of New York aforesaid, on the *sixth*  
day of *February*, in the year of our Lord one thousand eight hundred and  
ninety-*one*, at the City and County aforesaid, being then and there the *agent*  
*and trustee* of *William J. McMurray*.

and as such *agent and trustee* then and there having in *his*  
possession, custody and control certain goods, chattels and personal property of the said

*William J. McMurray*  
the true owner thereof, to wit: *the sum of eighteen*  
*hundred and fifty dollars in*  
*money, lawful money of the*  
*United States of America, and*  
*of the value of eighteen hundred*  
*and fifty dollars.*

the said *Jane Henderson* afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *sum of money*

*for*  
to his own use, with intent to deprive and defraud the said  
*William J. McMurray*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *William J. McMurray*

did then and there and thereby feloniously steal, 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.

DE LANCEY NICOLL,  
*District Attorney.*

0030

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Henning, Henry J.

**DATE:**

12/08/93



4944

197

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COURT OF OYER AND TERMINER.

Counsel,

Filed, 8 day of Dec 1893

Pleads,

THE PEOPLE

vs.

Henry J. Henning

transferred to the Court of Sessions for trial and final disposition

Dec 11 1893

VIOLATION OF THE EXCISE LAW. [Chap. 401, Laws of 1892, § 32.]

General Deane  
Dec 11 1893

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

R. J. Cross Foreman.

0031

# Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Henry J. Henning*

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

*Henry J. Henning*

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Henry J. Henning*.

late of the City of New York, in the County of New York aforesaid, on the *23rd* day of *July* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

*Thomas W. Hallanan*

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 New York and their dignity.

## SECOND COUNT—

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

*Henry J. Henning*

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Henry J. Henning*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one *Thomas W. Hallanan*

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.

DE LANCEY NICOLL,

*District Attorney.*

0834

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Henry, Edward

**DATE:**

12/19/93



4944



District Attorney's Office.

Make copy  
for Chief Clerk  
file original  
with Mr. Cannall

W.H.  
10/11/95

—  
—  
—  
—  
—

0042

# CORRECTION

084

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Henry, Edward

**DATE:**

12/19/93



4944

0844

1903

Witnesses:

officer *Geo E Hansen*  
21<sup>st</sup> Precinct

Counsel,

Filed

19

day of

~~Dec~~

1893

Pleas,

THE PEOPLE

vs.

*Edward Henry*

*By*  
*Hansen*

*Book in the Third Degree*  
*Section 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*B. Doorewood*  
Foreman.

*Dec 19/03*  
*Pleas Guilty*  
*5. 1. 3 years.*

0849

Police Court 4 District.

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

Christian Schuck

of No. 579 2<sup>d</sup> Avenue Street, aged \_\_\_\_\_ years,

occupation Butcher being duly sworn

deposes and says, that the premises No. 579 2<sup>d</sup> Ave Street, 21 Ward

in the City and County aforesaid the said being a four story brick building

the ground floor

and which was occupied by deponent as a Butcher Store

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

were **BURGLARIOUSLY** entered by means of forcibly opening fan light  
over store door leading from the street to the  
said premises

on the 12<sup>th</sup> day of December 1893 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

Two hams of the value of two dollars  
\$2.00

the property of Christian Schuck

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by

Edward Henry

for the reasons following, to wit: that about the hour of 7<sup>30</sup>  
deponent left the above premises & surely  
lock and fastened about the hour of 11<sup>30</sup>  
deponent returned to said store and  
missed said property. Deponent is  
informed by Officer George E. Hauser of  
the 21<sup>st</sup> precinct that he arrested said defendant  
with said property in said defendant's possession  
deponent has since seen said property and

fully and positively identified said property as the property stolen and carried away from the aforesaid premises

sworn to before me } Christian Schnock. this 13<sup>th</sup> day of December 1893

John H. Burke  
Justice

BIBLIOTHECA

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

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.

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	1	Dated	1888	Magistrate.	Officer.	Clerk.	Witness.	No.	Street.	Street.	Street.	to answer General Sessions.
Police Court	District	2											
Police Court	District	3											
Police Court	District	4											

THE PEOPLE, Co.,  
on the complaint of

Offence—BURGLARY.

00477

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Edward Henry 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. Edward Henry

Question. How old are you?

Answer. 37

Question. Where were you born?

Answer. NS

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

Answer. no home

Question. What is your business or profession?

Answer. Laborer

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  
Edward Henry

Taken before me this 10<sup>th</sup> day of April 1893  
[Signature]  
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 Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Ten 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 13 1897 Amos Burke Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

004

1335  
1894

Police Court--- 4 --- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Christian Schuch*  
579 vs. - 2 asp  
*Edward Henry*

*Offense: Burglary*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated, *Dec 13* 1894

*Burke* Magistrate.

*Hanser* Officer.

*21* Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

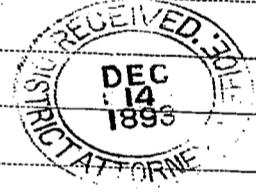
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer *G.S.*

*born*

*Burglary*



BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Edward Henry*

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

*Edward Henry*

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

The said

*Edward Henry*

late of the *21st* Ward of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *December* in the year of our Lord one thousand eight hundred and ninety-*three* in the *night*-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one

*Christian Schuck*

there situate, 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

*Christian Schuck* in the said *store*

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.

SECOND COUNT.—

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

*Edward Henry*  
of the CRIME OF *Petit* LARCENY \_\_\_\_\_ committed as follows:

The said *Edward Henry*

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 *right*-time of said day, with force and arms,

*two* Lams of the value of  
*one* dollar each

*[Large handwritten flourish]*

of the goods, chattels and personal property of one *Christian Schuck*  
in the *store* of the said *Christian Schuck*

there situate, then and there being found, in the *store*  
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.

THIRD COUNT.—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*Edward Henry*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Edward Henry*

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

*two hams of the value of  
one dollar each*

*[Large decorative flourish]*

of the goods, chattels and personal property of

*Christian Schuck*

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

*Christian Schuck*

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

*Edward Henry*

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

DE LANCEY NICOLL,

*District Attorney.*

085

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Hensing, Henrietta

**DATE:**

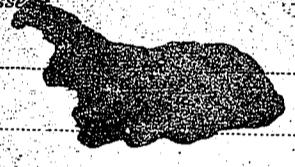
12/13/93



4944

0054

Witness



Count of over <sup>255</sup> and term <sup>1759</sup>

Counsel,

Filed, 13 day of Dec 1893

Pleads,

THE PEOPLE  
Transferred to the Court of Special  
Sessions for trial and final disposal  
Part 2 Dec 13 1893

Henrietta Hensing

Transferred to the COURT of  
General Sessions  
CITY of NEW YORK  
Dec 13 1893

DE LANCEY NICOLL,  
District Attorney

and argued  
in open court  
R. S. Cross Foreman

*[Handwritten signature]*

KEEPING A HOUSE OF ILL-FAME  
(Sections 392 and 395, Penal Code)

District Attorney's Office.

Make copy  
for Chief Clerk  
file original  
with Mr. Connell

WJH  
10/11/95

—  
—  
—  
—  
—

*Over and Termen*  
**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*Henrietta Manning*

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

*Henrietta Manning*

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said *Henrietta Manning*

late of the *17th* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*three*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

*Henrietta Manning*

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

*Henrietta Manning*

(Sec. 287, Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Henrietta Manning*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *fourth* day of *December*, in the year of our Lord one thousand eight hundred and

ninety- ~~three~~ *three*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in ~~the~~ *her* said house for ~~her~~ *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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.

THIRD COUNT :

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

*Henrietta Henning*

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows :

The said *Henrietta Henning*

late of the Ward, City and County aforesaid, afterwards, to wit : on the ~~fourth~~ *fourth* day of ~~December~~ *December*, in the year of our Lord one thousand eight hundred and ninety-~~three~~ *three*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for ~~her~~ *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in ~~the~~ *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, 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.

DE LANCEY NICOLL,  
*District Attorney.*

0851

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Heoffman, John H.

**DATE:**

12/08/93



4944

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court of Oyer and Terminer

Counsel,

162

Filed,

8

day of

Dec

1893

Pleads,

THE PEOPLE

vs.

D

John H. Hoffman.

Transferred to the Court of Special Sessions for trial and final disposition

Dec 15 1893

VIOLATION OF THE EXCISE LAW.

selling etc., on Sunday.

[Chap. 401, Laws of 1892, § 32.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Cross

Foreman.

General Sessions

Dec 15 1893

086

*Clyde and Ferriman*  
**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 H. Hoffman*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*John H. Hoffman*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND  
BEER ON SUNDAY, committed as follows:

The said *John H. Hoffman*

late of the City of New York, in the County of New York aforesaid, on the 23  
day of July in the year of our Lord one thousand eight hundred and  
1880 ninety-two, at the City and County aforesaid, the same being Sunday, certain strong  
and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill  
of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spiritu-  
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

~~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  
New York and their dignity.

SECOND COUNT—

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

*John H. Hoffman*

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,  
WINES, ALE AND BEER, committed as follows:

The said *John H. Hoffman*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the  
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one  
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of  
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and  
expose for sale to one

*Thomas J. Gilbooly*

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.

DE LANCEY NICOLL,  
District Attorney.

086

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Herr, John

**DATE:**

12/06/93



4944

28

1895

Witnesses:

Frederick Gold  
Phillip C. Stabe  
Stab

Counsel,

Filed

day of

1895

Pleads,

THE PEOPLE

vs.

John Herr

23  
190  
Wm. C. Kirk

DE LANCEY NICOLL,

District Attorney.

Forgery in the Second Degree,  
(Sections 611 and 621, Penal Code.)

A TRUE BILL.

B. J. Greenwood  
Foreman

Dec 19 1895  
Tried & convicted

S. P. 5 years.

28/93

The People  
vs  
John Hess

Court of General Sessions Part 1  
 Before Judge Cowing, December 8<sup>th</sup> 1893  
 Indictment for forgery in second degree  
 Phillip C. Stait, sworn and examined, testified  
 Where do you live? I live in 343<sup>a</sup> Duiney  
 street, Brooklyn. What is your business?  
 I am manager of the grocery firm of  
 Koenig and Schuster. Doing business in  
 the city of New York. Where do they do business?  
 No. 387 Washington corner of Beach street  
 What is their business? Wholesale groceries.  
 Do you recollect the 15<sup>th</sup> of November? I do.  
 Did you see the defendant at the bar upon  
 that day? I did. What time that day and  
 where? I could not tell you exactly at  
 what time, but in our office. I recollect  
 now it was before dinner in the forenoon.  
 Tell now what happened between you and  
 he, the circumstances what took place?  
 This young man at the bar handed  
 me this paper and asked to get these  
 goods. I doubted the genuineness of the  
 order. I thought from his peculiar appear-  
 ance that he was not ~~it~~ (objected to)  
 What did you do when he asked for  
 the goods, you declined to give them  
 to him? I did. What did he say then?  
 I told him that I would send the goods

up to Mr. Segelke the person purporting to sign the order? Yes; and the defendant went away.

The paper was marked Peoples exhibit A. Do you recollect any other talk that you had with him, anything further that you said to him? I asked him whether he was employed by Mr. Segelke? He said that he was not, but that he was his brother-in-law. He said further that he was doing errands for him. That is all the conversation I had with him. Subsequently you saw the complainant Mr. Segelke? Yes.

Cross Examined. You did not give up any goods upon this order? Those goods are already done up. You did not give them up to this boy? No I did not. Did you deliver them afterwards? I sent them up by our wagon - no, I sent them up by a young man from our office, thinking he was in a hurry for the goods. Did Mr. Segelke accept them? He was not there. On that date I took them back because he did not order them. He sent them back again. It was at our place of business 383 Washington street, New York that the order was presented to me.

Frederick Sejelke, sworn and examined  
I live at 37 Second Avenue and am a grocer  
I am in business for myself the defendant  
is not my partner. I saw him after he  
was arrested. I did not see Peoples' exhibit it  
until I was up in Court. This is not my  
signature. I did not sign it and gave  
no authority to anybody to sign it.

Cross Examined. Had business relations with  
Koenig and Schuster. I did not give this  
order for goods to them. I have only in my  
employ my wife and one boy. I don't know  
a man by the name of Johnson.

District Attorney: I offer the order in evidence:

"Messrs Koenig and Schuster, Please deliver  
to bearer one box of Leib's extract, one  
box of ditto, 8 ounce, and other. Fred Sejelke

John Hess, sworn and examined in his  
own behalf testified. I presented this order  
Peoples exhibit it to Phillip C. Strait. I did  
not sign the name Frederick Sejelke to that  
I got this from Mr. Johnson. I met him the  
night before on the 14th and he asked me  
to meet him the next morning. I got  
up early and got the paper looking for  
work and he says, "Come on down  
town with me. He told me he was  
working in a grocer's on Second Avenue

When we got down town he gave me this order and says, "Go in and get those goods and bring them out. I have got to go and attend to some other business and I will be back and try to meet you. Everything is right," and if they ask you tell them that Mr. Sigelke sent you down and that he was my (Johnson's) brother in law, and that I should say I was and I would get the goods. I knew that was not so, but I did not know the order was false. I acted in perfect good faith.

Cross

Examined I have known Johnson about two weeks I met him up in Fourteenth St. one night at the Academy Bowling Alley. A couple of friends of mine who live in Harlem introduced him to me. I go to the Academy three or four times a week to play pool. I am a cook and worked for James Smith & Greenwich Avenue, he keeps an oyster and chop house. Johnson was sentenced last week to the penitentiary for five months for larceny. We hired a room together and lived on Christie street.

The jury rendered a verdict of guilty.

0067

Testimony in the  
case of  
John Herr

filed  
Dec/93  
108

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*John Herr* 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. *John Herr*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *190 Christie St - 7 weeks*

Question. What is your business or profession?

Answer. *Cook*

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  
John Herr.*

*Subscribed before me this 25th day of 1913*  
*James M. [Signature]*

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

*Alfred...*  
I order that he be held to answer the same and 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, *NOV 25* 189 *3* *Edward Martin* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice. 1891

1254

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Frederick Segelke*  
*vs.*  
*John Herr*

*Forfeiture*  
Offense

2  
3  
4

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated, *Nov 25* 189*3*

*Martin* Magistrate.

*Ketterick* Officer.

*5* Precinct.

Witnesses *Philip C. Starb*

No. *381* *Washington* Street.

No. \_\_\_\_\_ Street.

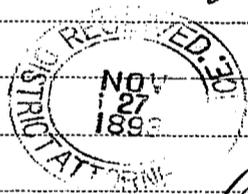
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *500* to answer *95*

*207*

*Committed*



CITY AND COUNTY }  
OF NEW YORK, } ss.

Philip C. Staib

aged 28 years, occupation Manager of No.

381 Washington Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Fred Segelke

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

Sworn to before me this, 25 Philip C. Staib  
day of Nov, 1893

[Signature]  
Police Justice.

Police Court, 1 District.

(1858)

City and County of New York, } ss. Fred Segelke  
of No. 37-2 Avenue Street, aged 26 years,  
occupation Grocer being duly sworn, deposes and says,  
that on the 15 day of November 1893, at the City of New  
York, in the County of New York

John Hess - now here did feloniously  
and unlawfully make, forge and utter  
with intent to defraud - the annexed order  
purporting to be signed by deponent -  
in violation of Section 511 of the Penal Code  
deponent is informed by Philip C. Staib  
of no 381 Washington Street - that on the  
15 day of November the defendant presented the  
annexed paper purporting to be an order from  
deponent to Messrs Koenig and Schuster  
for meat extracts of the value twenty three <sup>45</sup>/<sub>100</sub>  
dollars - and asked that said extracts be  
delivered to him in person - said Staib  
refused to deliver said property to the defendant  
but delivered it at deponents place of  
business - and deponents refused to receive  
the same as he did not order any such  
extracts - deponent further says that he  
did not sign the annexed paper - nor  
authorize the defendant nor any other person  
to sign the same

Fred Segelke

Sworn to before me  
this 25 day of November 1893

James Martin  
Justice

0073

New York, *Poplar St* 198

M *at line*  
Bought of FRED. SEGELKE,

DEALER IN  
*8/95*  
Fancy & Staple Groceries,  
Extra Brands of Family Flour.  
FOREIGN AND DOMESTIC FRUITS.  
37 SECOND AVENUE, Cor. 2nd Street.

*Myson Koenig & Schuster*

*Please deliver to bearer*

*1 bot of Liebig's Extract 4 ounces*  
*to 2 " " " 8 ounces*

*& oblige Fred Segelke*

0074

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

1721

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Kerr*

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

*John Kerr*  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *John Kerr*

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*  
day of *November*, in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, with intent to defraud, feloniously did  
forge a certain instrument and writing, which said forged instrument and writing is as follows, that  
is to say:

*New York* — *198*

*m.*  
*Bought of Fred. Segelke,*  
*dealer in*  
*Fancy & Staple Groceries*  
*Extra Brands of Family Flour*  
*Foreign & Domestic Prints*  
*37 Second Ave, Cor. 2nd Street.*

*Messrs. Koenig & Schuster*

*Please deliver to bearer*  
*1 Box of Ludwig's Extract 4 ounces*  
*1 " " " " 8 ounces*  
*x oblige*

*Fred Segelke*

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

*John Kerr*  
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *John Kerr*

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 intent to defraud, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, which said forged instrument and writing is as follows, that is to say:

New York 198

*m*  
Bought of Fred Segelke,  
Dealer in  
Ganey & Staple Groceries  
Extra Brand of Family Flour.  
Foreign and Domestic Fruits  
37 Second Avenue, Cor. 2nd Street.  
Messrs Koenig & Schuster  
Please deliver to bearer  
1 Box of Lubing's Extract 4 ounces  
" " " " " 8 ounces  
I oblige  
Fred Segelke

the said

*John Kerr*

then and there well knowing the same to be forged, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0871

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Heyman, Gustav

**DATE:**

12/22/93



4944

087

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

DeShousa, William

**DATE:**

12/22/93



4944

0871

**BOX:**

543

**FOLDER:**

4944

**DESCRIPTION:**

Gross, Charles

**DATE:**

12/22/93



4944

Witnesses:

P. J. Sweeney  
Michael Blake  
Hany Hildebrand  
Wesley Patton  
Robt. S. Winburn  
Louis J. Plauders  
 No. 1 Bailed Dec. 23/93 by  
 Mouty Brockmann  
 354 E. 69 St.  
 No. 2 Bailed Dec. 24/93.  
 By Fredk. J. Sellig  
 13. Allen St.  
 No. 3 Bailed Dec. 23/93 by  
 Mouty Brockmann  
 354 E 69 St. City

1404  
Court of Oyer and Terminer

Counsel,

Filed 30 day of Dec 1893

Pleas, Not Guilty (2)

<sup>42</sup>  
<sup>93</sup> Shayles

THE PEOPLE

vs.

Gustav Heyman <sup>B</sup>  
William De Shousia <sup>B</sup>  
Charles Gross <sup>B</sup>  
<sup>48</sup> <sup>173</sup> <sup>Forayth</sup> <sup>Halter</sup>  
<sup>24</sup> <sup>23</sup> <sup>Reverey</sup> <sup>Tanner</sup>

Neglect of duty

[Section 41 §, Penal Code.]

DE LANCEY NICOLL,

2nd of 3rd District Attorney.

A True Bill.

R. J. Cross Foreman.

March 1 1894

All plead Guilty  
Each defendant  
fine \$100 each



1881

Treasurer of the State of New York, the office of Attorney General of the State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the Ninth Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the Peace for the said City of the said City, the office of Surrogate of the said County, the office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County, and the office of Justice of the District Court of the said City for the Fourth Judicial District thereof.

And on the day and in the year aforesaid, and at the said election, the said Gustav Heyman, William De Shousa and Charles Gross,--all late of the City and County aforesaid, were Inspectors of Election of the said Election District, duly appointed, qualified and then and there acting as such.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, and the canvass and estimate of the ballots so cast at the said

election, in the said election district by the electors thereof, then being made by the said Gustav Heyman, William De Shousa and Charles Gross, as such Inspectors of Election as aforesaid, the two poll-lists of the said election district having been first compared with each other, and the mistakes therein corrected, by which poll-lists as so corrected, it was shown that three hundred and seventy-three ballots had been deposited in the ballot box of the said election district provided for the reception of the ballots of the electors of the said election district at the said election, and the said Gustav Heyman, William De Shousa and Charles Gross, as such Inspectors of Election, by counting <sup>the</sup> ballots found in the said ballot box, without unfolding them, except so far as to ascertain that each ballot was single, and by comparing the same with the number so shown by the said poll-lists to have been deposited in the said ballot box, having found in the said ballot box divers ballots, the exact number of which is to the Grand Jury aforesaid unknown, so folded together by twos as to present, and whereby every two of such ballots did present, the appearance of a single ballot, and that the whole number of ballots in the said ballot box exceeded, by at least the number of such ballots folded together as found, the whole number of ballots so shown by the said poll-lists to have been deposited therein, it then and there became and was the duty of them, the said Gustav Heyman, William De Shousa and Charles Gross, as such Inspectors of Election as aforesaid, then and there to destroy the said ballots so folded together as aforesaid, and such duty was then and there required of them by the election law.

Nevertheless, the said Gustav Heyman, William De Shousa and Charles Gross, well knowing the premises, did then and there, feloniously omit, refuse and neglect to perform the duty so by law required of them by the election law as aforesaid, and did then and there feloniously omit, refuse and neglect to destroy such ballots so folded together as aforesaid, 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.

De Lancey Nicoll,

District Attorney.