0847

BOX:
473

FOLDER:
4339

DESCRIPTION:
Welsh, Gerald

DATE:
03/01/92

4339

Witnesses:

David Jacobs

This Case is now more than Six years old - The Complainant was but slightly injured & was a Bar-Room brawl and no further action is deemed necessary now in the interest of Justice. I move for the Recommitment of the Prisoner Discharge upon his own Recognizance.

Robt. Deraney
Asst Dist Atty

June 13th 98.
M. 3.

337

Counsel,

Filed 1 day of March 189 2

Pleads, Not Guilty

ENTERED
T. J. W.

THE PEOPLE

vs.

Gerald Welsh

Assault in the Second Degree.
(Section 218, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry S. Harrison
Foreman.

Part 3, June 13, 1898.
Discharged on his own recog on motion of DA
J. T. Mc
June 13 98

Witnesses:

David Jacobs

This Case is now more than Six years old. The Complainant was not slightly injured. It was a Bar-Room brawl and no further action is deemed necessary nor in the interest of justice. I move for the Dismissal of the Indictment upon this ground.

Robt. Dowling
Asst Dist Atty
June 13th 98.
Pt. 3.

337

Counsel,

Filed 1 day of March 189 2

Pleads, Not Guilty

THE PEOPLE

vs.

Gerald Welsh

Assault in the Second Degree.
(Section 218, Penal Code.)

ENTERED
T. J. W.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry S. Harrison
Foreman.

Part 3, June 13, 1898.
Discharged on his own recog on motion of DA
M T Mc
June 13 98

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Gerard Welsh

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. but I now believe that I may have been mistaken and think that I am so from the fact that at the time of the occurrence I was very much excited and after thinking the matter over and having no desire to injure an innocent man which the defendant Welsh may be, and I have every reason to believe that he is an honest hardworking respectable young man. I desire to withdraw the Complaint for the above reasons

Acknowledged before me
this 25 day of January 1893

David Jacobs

Thos G. Maguire
Commr of Deeds
N.Y. Cty

0851

(1885)

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Gerald Welsh 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. Gerald Welsh

Question. How old are you?

Answer. 25 Years

Question. Where were you born?

Answer. Ireland

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

Answer. 2241 – 2 ave 18 months

Question. What is your business or profession?

Answer. Grocer

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

Gerald Welsh

Taken before me this 23 *day of* February 1892

Police Justice.

0852

Police Court— 2 District.

City and County of New York, } ss.:

David Jacobs

of No. 128 Waverly Place Street, aged 21 years,

occupation Bar-tender being duly sworn

deposes and says, that on the 23 day of February 1892 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Gerald Welsh Michael Carroll and James Burns (all nowhere)

That at about the hour of 5 30 a m the above named defendants entered the store 74-6 avenue where the deponent is employed and called for drink the deponent refused to sell them drinks as they were under the influence of drink at the time. And that one of the defendants Gerald Welsh rushed behind the bar drawing a Knife & threatend to stab the deponent the other two defendants was demming behind the Bar when the officer Roger Donohue of 18 Precinct came in the store and put the defendants under arrest, the defendant Welsh struck deponent under the ear knocking deponent against the bar, deponent recovering himself he got away from the defendants whom he charges

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

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

Sworn to before me, this 23 day of February 1892 } David Jacobs

Police Justice.

0853

CITY AND COUNTY OF NEW YORK, } ss.

Roger Donohue

aged 31 years, occupation Policeman of No. 15 Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of David Jones and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 23 *day of* February 1892 } Roger Donohue

Thos F Gilroy
Police Justice.

(3692)

0854

POOR QUALITY ORIGINAL

BAILED,

No. 1, by August Gloistein

Residence 354 Grand Street.

No. 2, by Joseph Jones

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

Police Court 2 District.

227

THE PEOPLE, &c.,

ON THE COMPLAINT OF

David Jacobs
128 Avenue C

1. Gerald Walsh
2. Michael Carroll
3. James Burns
4. .....

Offence Assault 1 2 3

Dated February 23 1892

Arraigned ..... Magistrate.

Donohue ..... Officer.

15 ..... Precinct.

Witnesses Officer

No. ..... Street.

No. ..... Street.

No. 1 Field ..... Street.

$ 500 to answer $ 1000 to answer

Bail $3 Dickinson

Discharged by P.J.

Bailed

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 Gerald Walsh 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 February 23 1892 Thos. F. Brady Police Justice.

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

Dated February 1892 Police Justice.

There being no sufficient cause to believe the within named Michael Carroll and James Burns guilty of the offence within mentioned. I order them to be discharged.

Dated Feb. 24th 1892 Thos. F. Brady Police Justice.

RECEIVED FEB 25 1892 DISTRICT ATTORNEY'S OFFICE

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Gerald Welsh

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

Gerald Welsh

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

The said Gerald Welsh

late of the City and County of New York, on the twenty-third day of February in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, in and upon one

David Jacobs

in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said Gerald Welsh

with a certain knife which he the said Gerald Welsh in his right hand then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, him, the said David Jacobs, then and there feloniously did wilfully and wrongfully attempt to strike, ~~beat~~ cut, ~~stab~~ ~~bruise~~ and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney

0856

BOX:
473

FOLDER:
4339

DESCRIPTION:
Wentworth, Thomas

DATE:
03/16/92

4339

Witnesses:

Edwin Woolley

Cornelius S. Smith

Deft. says he was running an he & ob ag ob H.14

No. 72

Counsel,

Filed 6 day of March 1892

Pleads,

THE PEOPLE

vs.

Thomas H. Wentworth

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

18

Feb 11th 1892

N & Lent

Lend by the

Barber / Katerning

Brush Mfg Co

E. Woolley

168 Elsinding St

0859

1877.

CITY AND COUNTY OF NEW YORK, } ss.

Cornelius S Smith

aged 52 years, occupation Clerk of No. 390 Broome Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Edwin Woolley and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 21 *day of* February 189 } Cornelius S Smith

Police Justice.

Police Court 1st **District.**

City and County of New York. } ss.

Edwin Woolley

of No. 168 Eldridge Street, aged 33 years, occupation Painter being duly sworn, deposes and says, that on the 11th day of February 1892, at the City of New York, in the County of New York, one Thomas H. Wentworth did wilfully unlawfully and feloniously forge and counterfeit the signature of deponent to a certain order for Ore Salesmen Bundy Supply W & Lent of 390 Broome Street said order being hereto attached. Deponent now says that he has been informed by Cornelius S Smith of W & L. Lent that on said date he delivered to said Wentworth said property upon the order hereto attached believing the same to be signed by said Woolley.

Edwin Woolley

Sworn to before me this 20th day of February 1892

Police Justice

0861

POOR QUALITY ORIGINAL

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Thomas H Wentworth.

Question. How old are you?

Answer. 5 Years

Question. Where were you born?

Answer. US

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

Answer. 63 Bowery

Question. What is your business or profession?

Answer. Painter.

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

Answer. I have nothing to say at present.

Thos H Wentworth

Taken before me this 1st day of May 1895

Police Justice.

0862

POOR QUALITY ORIGINAL

Police Court--- 5 District. 251

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Clarence Moodley
76 A Eldridge St
Mr. H. Weinberg

2.
3.
4.

Offence Larceny

BAILED,

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

Dated February 25 1892
Magistrate.
Officer.
10 Precinct.

Witnesses Bernstein & Smith

No. 590 Street.
No. Street.
No. Street.

RECEIVED FEB 23 1892 DISTRICT ATTORNEY'S OFFICE.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named 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 February 25 1892 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas N. Wentworth

The Grand Jury of the City and County of New York, by this indictment, accuse Thomas N. Wentworth of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Thomas N. Wentworth late of the City of New York, in the County of New York aforesaid, on the eleventh day of February in the year of our Lord one thousand eight hundred and ninety-two, 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:

Feb 11th 1892

W D Lent
Send by the Barrer
1 Kalsomine Brush No 4
E Woolley
168 Elanding St

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

Thomas H. Wentworth

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

The said Thomas H. Wentworth

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:

Feb 11th 1892

W D Lent

Send by the Banner

1 Kalsomine Brush No 4

E Woolley

168 Elridge St

the said Thomas H. Wentworth

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.

0865

BOX:
473

FOLDER:
4339

DESCRIPTION:
Whalen, Michael

DATE:
03/30/92

4339

0866

BOX:
473

FOLDER:
4339

DESCRIPTION:
Donovan, Joseph

DATE:
03/30/92

4339

0867

BOX:
473

FOLDER:
4339

DESCRIPTION:
Mooney, Thomas

DATE:
03/30/92

4339

0868

BOX:
473

FOLDER:
4339

DESCRIPTION:
Moore, Joseph

DATE:
03/30/92

4339

Witnesses:

Michael Whalen
Joseph Donovan
Thomas Mooney
Joseph Moore

Sol. Ch. Henry
Recd A
Pay 4
No 2 + Sent to R.C.P.
on Susp° Sent.
See Sentd. for May 15
1892. -
Part 2 - April 8, 1892.
Kn. 3 Tried and Acquitted.

P.S. Van Tromp
Grand Jury Clerk.
Kn. 3

No 157

Counsel,

Filed 30 day of March 1892

Pleads, Not Guilty

THE PEOPLE

vs.

Michael Whalen
Joseph Donovan
Thomas Mooney
Joseph Moore

Burglary in the Third Degree.
[Section 498, S.C.L.]

DE LANCEY NICOLL,
District Attorney.

(244 on back)
April 5th 1892. U.M.D.
odd Days
April

A TRUE BILL.
Kn. 3. on back

Foreman.

Chief

Thomas Burgess
2 yrs. Comm Pen
April 1/92 Co.

POOR QUALITY ORIGINAL

Witnesses:

Michael Whalen

Joseph Donovan

Thomas Mooney

Joseph Moore

Pol. Ct. Recd

Recd

No 2 Sent to R.C.P.

on Susp. Docket

See Orders, for May 15

1892.

Part 2 – April 8, 1892.

No. 3 Tried and Acquitted

Service

No 3

No 157

Counsel,

Filed 30 day of March 1892

Pleads,

THE PEOPLE

vs.

Michael Whalen

Joseph Donovan

Thomas Mooney

Joseph Moore

Burglary in the Third Degree.

[Section 498, 2 R. S.]

DE LANCEY NICOLL,

District Attorney.

(244 on back)

April 5th 1892. U. M. D.

odd Days April

A TRUE BILL.

No. 3. on back

Foreman.

Not.

Plead Guilty

2 yrs. Onondaga Pen

Ex April 1/92 Co.

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT 3 DISTRICT.

Patrick Burke

of No. 7th Precinct Street, aged 32 years,

occupation Officer being duly sworn, deposes and says

that on the 27 day of March 189 2

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

is a necessary and material witness against Michael Thalen and others, charged with the crime of Burglary, that the said Burns has no home, and deponent believes that he will be unable to find Burns, and therefore asks that said Burns be sent to the House of Detention.

Patrick Burke

Sworn to before me this 27 day of March 1892

Charles Hoffman Jr.

Police Justice.

Police Court— 3 District.

City and County of New York, } ss.:

Daniel Cunningham

of No. 199 Monroe Street, aged 61 years, occupation Nail being duly sworn deposes and says, that the premises No. 185 Cherry Street, 7th Ward in the City and County aforesaid the said being a dwelling and which was ~~occupied by deponent and~~ vacant ~~and in which there was at the time a human being, by name~~ were BURGLARIOUSLY entered by means of forcibly breaking open the door in the basement of said premises on the 25 day of March 188~~5~~ in the day time, and the following property feloniously taken, stolen, and carried away, viz: Plumbing fixtures in said premise which were worth about Seventy five dollars

the property of deponent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by Michael Whalen, Joseph Donovan Thomas Mooney and Joseph Moore for the reasons following, to wit: that said building was vacant and was securely locked and fastened and said property was a part of the plumbing fixtures of said building. Deponent found the building broken and entered and said property removed Deponent is informed by Henry Burns (now here) that he saw the defendants in conspiring with each other

Police Court, _____ District.

THE PEOPLE, &c.,

on the complaint of

_____

vs.

1 _____

2 _____

3 _____

4 _____

Offence—BURGLARY.

Dated _____ 188

_____ Magistrate.

_____ Officer.

_____ Clerk.

Witnesses, _____

No. _____ Street,

_____

No. _____ Street,

_____

No. _____ Street,

$ _____ to answer General Sessions.

_____

_____

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

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.

_____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

_____

_____

_____

0874

CITY AND COUNTY OF NEW YORK, } ss.

Henry Burns

aged 16 years, occupation School-boy of No. 145 Cherry Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Daniel Cunningham and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 27th *day of* March 1896

his
Henry X Burns
mark

Charles N Fainter
Police Justice.

(3692)

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Michael Whalen 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. Michael Whalen

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. (New Haven) Connecticut

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

Answer. 98 Duane St. 8 months

Question. What is your business or profession?

Answer. Labrer

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 sir

Michael Whalen

Mark

Taken before me this 5th day of May 1884

Martin Mottinter Police Justice.

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Donovan 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. Joseph Donovan

Question. How old are you?

Answer. 12 years

Question. Where were you born?

Answer. New York

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

Answer. 148 Henry St. 12 years

Question. What is your business or profession?

Answer. School-boy.

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.

Joseph Donovan

Taken before me this 2 *day of* July *188*

Mathew Worster *Police Justice.*

3

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name.

Answer. Thomas Mooney

Question. How old are you?

Answer. 15 years

Question. Where were you born?

Answer. New Jersey

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

Answer. 36 1/2 Cedar St. one year.

Question. What is your business or profession?

Answer. School-boy

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

Answer. I am not guilty

Thomas Mooney

Taken before me this 17 *day of* May *1892*

Charles A. Flammer *Police Justice.*

0878

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Moore 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. Joseph Moore

Question. How old are you?

Answer. 13 years

Question. Where were you born?

Answer. New York

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

Answer. 31 Catherine St. 4 months

Question. What is your business or profession?

Answer. School-boy.

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

Joseph Moore

Taken before me this 9 day of Nov 1894

Charles Naunton Police Justice.

Court of Oyer and Terminer

Police Court 1 2 3 4 District.

HOUSE OF DETENTION CASE

ON THE COMPLAINT OF

Patrick Cunningham
194 Lexington Ave

1. Michael Flaherty
2. Joseph Donovan
3. Thomas Mooney
4. Joseph Moore

Offence Burglary

Dated March 27th 1892

Charles Scott
Officer Fifth Ward

Magistrate.

Officer.

Henry B. Morris
Precinct.

Witnesses
Patrick Cunningham
No. [redacted] Street.
Bartholomew Osterberg
415 3 avenue
No. John H. Rush Street.
100 E 23rd Street
Joseph Greenfield - Hotel Victoria
No. Street.

Police Court No. 947

$ to answer

RECEIVED MAR 28 1892 DISTRICT ATTORNEY'S OFFICE

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendants *guilty thereof, I order that* they *be held to answer the same and* they *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* they *give such bail.*

Dated March 27th *188*92 Charles N Smith *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

Court of General Sessions

The People vs Joseph Moore

REPORT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN.
100 EAST 23D STREET,
New York, March 28/1892

CASE NO. 63587 OFFICER Dietz
DATE OF ARREST March 28/92
CHARGE Burglary
AGE OF CHILD 13 years
RELIGION Catholic
FATHER Thomas
MOTHER Mary
RESIDENCE 31 Catharine Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy was arrested July 18th 1890 on complaint of his father for Juvenile Delinquency and next day committed by Justice White to the Auburn Catholic Protectory. On May 14th 1891 boy was arrested for Burglariously entering premises number 380 Water Street, and stealing $500.00 worth lead pipe. On June 5th 1891 he was tried and convicted in the Court of General Sessions and sentence was suspended.

All which is respectfully submitted,
E. Fellows Lawrence
Supt

To Dist. Atty

Court of General Sessions

The People

vs

Joseph Moore

Burg larcy

PENAL CODE, §§

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

New York City.

Court of General Sessions

The People
vs
Thomas Mooney

REPORT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN.
100 EAST 23D STREET,

New York, March 28th 1892

CASE NO. 65587 OFFICER Dietz
DATE OF ARREST March 26/92
CHARGE Burglary

AGE OF CHILD 15 years
RELIGION Catholic
FATHER Thomas Dead

MOTHER Mary

RESIDENCE 36½ Oak Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy was never arrested before, he does not go to work and associates with loafers. His home is poorly furnished. Boy's father is dead and his mother is a respectable hard working woman.

All which is respectfully submitted

D. Fellows Sullivan
Supt

To Dist. Atty

Court of General Sessions

The People

vs

Thomas Mooney

Burg

PENAL CODE, "

Grand Larceny

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

Court of General Sessions

The People vs Joseph Donovan

REPORT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN.
100 EAST 23D STREET,

New York, March 28th 1892

CASE NO. 63587 OFFICER Dietz
DATE OF ARREST March 28/92
CHARGE Burglary

AGE OF CHILD 12 years
RELIGION Catholic
FATHER Patrick
MOTHER Mary
RESIDENCE 148 Cherry Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy on July 16/1889 was committed to the New York Catholic Protectory. On May 4th 1891 boy was arrested for Burglariously entering premises number 380 Water Str with two other boys, and stealing $500.00 worth lead pipe. On June 15th 1891 he was tried and convicted in the Court of General Sessions and sentence was suspended.

All which is respectfully submitted,

E. Hallowes Lockwood
Supt

To The Dist Atty

Court of General Sessions

The People vs Joseph Donovan

REPORT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN.
100 EAST 23D STREET,

New York, March 28th 1892

CASE NO. 63587 OFFICER Dietz
DATE OF ARREST March 28/92
CHARGE Burglary

AGE OF CHILD 12 years
RELIGION Catholic
FATHER Patrick
MOTHER Mary
RESIDENCE 148 Cherry Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT The boy on July 16/1889 was committed to the New York Catholic Protectory. On May 4th 1891 boy was arrested for Burglariously entering premises number 380 Water Str with two other boys, and stealing $500.00 worth lead pipe. On June 5th 1891 he was tried and convicted in the Court of General Sessions and sentence was suspended.

All which is respectfully submitted,

E. Fellows Jenkins
Supt

To The Dist Atty

Court of General Sessions

The People

vs

Joseph Donovan

Burglary

PENAL CODE, §§

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

New York City.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore

The Grand Jury of the City and County of New York, by this indictment, accuse Michael Whalen, Joseph Donovan Thomas Mooney and Joseph Moore —

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

The said Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore, all

late of the 7th Ward of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of March in the year of our Lord one thousand eight hundred and ninety-two in the day time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the building of one Daniel Cunningham

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 Daniel Cunningham in the said building 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 Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore of the CRIME OF Grand LARCENY in the second degree, committed as follows: The said Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the day - time of said day, with force and arms, two sinks of the value of ten dollars each, three stop-cocks of the value of five dollars each, and five hundred pounds of lead pipe of the value of ten cents each pound

of the goods, chattels and personal property of one Daniel Cunningham in the building of the said Daniel Cunningham there situate, then and there being found, in the building 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 Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore, all 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 sinks of the value of ten dollars each, three stop-cocks of the value of five dollars each, and five hundred pounds of lead pipe of the value of ten cents each pound

of the goods, chattels and personal property of Daniel Cunningham

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

unlawfully and unjustly did feloniously receive and have; (the said Michael Whalen, Joseph Donovan, Thomas Mooney and Joseph Moore 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.

0890

BOX:
473

FOLDER:
4339

DESCRIPTION:
White, Cumberland G

DATE:
03/18/92

4339

Witnesses:

Emily W. Silva

Jennie Shaw

Counsel,

Filed, 18 day of March 1892

Pleads,

THE PEOPLE

vs.

63 Antonio Baker

4

Cumberland G. White

Sept 21/92

Pleads G. Guilty

Grand LARCENY, first degree.
(MISAPPROPRIATION.)
(Sections 528 and 530 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

24 yrs Sent

Dec 4/92

for Pleading

Witnesses:

Emily M. Silva

Jennie Shaw

No 95 328

Counsel,

Filed, 18 day of March 1892

Pleads,

THE PEOPLE

vs.

63 Antonio Perez

Cumberland Cy. White

Grand LARCENY, first degree
(MISAPPROPRIATION.)
(Sections 528 and 530 of the Penal Code.)

Sept 21/92

Pleads Guilty 2 day

DE LANCEY NICOLL,

District Attorney.

Nolle

A TRUE BILL.

Foreman.

Plea Dec 2/92

for Pleading

W. Reid Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

Superior Court of the City of New York

Emily Hle Silver *Plaintiff*

against

Cumberland G. White *Defendant*

Order to Arrest and hold to Bail.

To the Sheriff of the County of New York

It having been made to appear to me by the affidavit of the plaintiff and Thomas E. Rochfort complaint herein and that a sufficient cause of action exists against the defendant Cumberland G. White and that the case is one of those mentioned in Article 1st, Chapter 7, Title 1, of the New York Code of Civil Procedure, and that the ground of arrest is conversion of property received by defendant in a fiduciary capacity

You are required forthwith to arrest Cumberland G. White the *defendant* in this action, if he is found within your county, and to hold him to bail in the sum of Three thousand, five hundred dollars and to return this order, with your proceedings thereunder, as prescribed by law.

Dated New York April 3rd 1891

Thomas E. Rochfort *Plaintiff's Attorney.*
67 Wall St New York

Dan McAdam
J.S.C.

N.Y. Superior Court

Emily Ale Silver

Plaintiff

against

Cumberland G. White

Defendant

ORDER OF ARREST.

Thomas E. Rochfort

Plaintiff's Att'y

67 Wall St

New York

"RULE 6.—The Sheriff shall file with the Clerk, the order or process, and original affidavits on which an arrest is made, within ten days after the arrest. *A Copy of this rule shall be endorsed on the order of arrest, before its delivery to the Sheriff.*"

1 SUPERIOR COURT OF THE CITY OF NEW YORK.

Emily De Silver,

Plaintiff,

against,

Cumberland G. White,

Defendant.

CITY AND COUNTY OF NEW YORK, SS:

2 Emily De Silver, being duly sworn, says:-

I. I am the plaintiff herein. The defendant, Cumberland G. White, was at the times hereinafter mentioned a stock broker doing business in the City of New York. During the times hereinafter mentioned and for several years prior thereto (during part of which time the defendant was a member of the New York Stock Exchnage), I lived in the same house with the defendant and was well acquainted with him and his family, and reposed confidence in him.

3 II. On or about December 24,1888, defendant urged and advised me to purchase through him, said defendant, certain stock, stating that the market price thereof was about to advance. Defendant at that time knew that I was the owner and was possessed of two certain bonds known as Chicago, Burlington & Quincy Railroad bonds, bearing interest at seven per cent per annum. Defendant informed me that it

would not be necessary for me to deposit any money upon the purchase of said stock if I would would deliver said bonds to him to be deposited as collateral for said purchase, and he urged and advised me to deliver to him said bonds to be used as such collateral security.

4 III. Reposing confidence in the statements and advice of the defendant, I directed him to purchase for me one hundred shares of such stock at the prevailing market price thereof, and on the 24th day of December, 1888, delivered to him said bond to be deposited as collateral to secure the payment of said price.

IV. Thereafter and on or about May 18, 1889, defendant again advised me that the market price of certain other stock was about to advance, and he urged me to buy one hundred shares thereof, and to deposit the other of my two said

5 bonds as collateral security. Again reposing confidence in his statements and advice I directed him to buy one hundred shares of said stock at the prevailing market price, and on or about said May 18, 1889, I delivered to him another of said bonds t o be deposited as security for the payment of said price. I delivered this said bond also to the defendant for this purpose and for none other whatsoever.

V. After the delivery of said bonds as aforesaid, the market price of each of said stocks advanced, and when it had so advanced, I directed the defendant to sell the shares thereof which I had directed him to purchase for my account

6 and, after deducting the amount due him as commissions, to pay to me the profits realized upon such sales and to return to me my said two bonds.

VI. Defendant failed to return to me said bonds or to pay me the said profits and I demanded again and again that defendant shouldreturn said bonds. Finally defendant admitted to me that the stock had been sold, and that he had converted said bonds or the proceeds thereof to his own use. He said that he had got into difficulties and had to have money; so he made use of my ~~xxxx~~ bonds but he promis-
7 ed to return them to me or the value thereof. This, however he has utterly neglected and failed to do.

VII. The above entitled action is hereupon commenced for said conversion of my bonds, and the annexed summons therein has been issued.

VIII. Defendant has been informed that I was about to commence legal proceedings against him on account of his said conversion of the bonds. Up to the time that such information was given to the defendant he and his family took their meals in my house, and resided at No. 142 West 45th Street, this City. Thereafter, as I am informed and believe, defendant and his family moved from said No. 142 West 45th Street, and the defendant has departed from the State and now resides in New Jersey. The source of my information and grounds of my belief as to the departure aforesaid from said No 142 West 45th Street, are statements made by the people

Who reside in said No. 142 West 45th Street.

Sworn to before me this)
1st day of April, 1891.)

Emily Ale Silver

Alex^r Hlonegan.
Notary Public (#142)
N.Y. County

1 Superior Court of the City of New York

Emily De Silver.

against,

Cumberland G. White.

City and County of New York, ss:-

2 THOMAS E. ROCHFORT, being duly sworn, says:- I am an attorney at law; my office is at No. 67 Wall Street, New York City, and I reside at No. 40 East 25th Street, in said City.

As attorney for the plaintiff in this action, I wrote to the defendant, who thereupon called upon me at my office. I asked him what he proposed to do with regard to the claim of the plaintiff for the two bonds which he had taken from her and which he had not returned. Defendant replied that

3 he intended to get two bonds of the same kind and give them to plaintiff, or pay over their value to her, and that he was then making efforts to raise the money necessary for such purpose.

He said furthermore that the two bonds were-bonds of the Chicago, Burlington & Quincy Railroad Company and that he got them from the plaintiff to be deposited as collateral security for one hundred shares of stock which he had bought for Mrs De Silver; that he purchased one hundred shares of said stock from one broker, and deposited one bond as collateral security therefor; that afterwards he purchased another one

4 hundred shares of stock from another broker, and deposited the other of said bonds as security; that afterwards he caused all of said stock to be sold, and he again obtained possession of Mrs De Silver's two bonds which he had deposited as collateral security as aforesaid; that thereupon he sold said bonds or caused the same to be sold and used the proceeds thereof for his own ~~exexit~~ benefit and purposes; that he knew that he had no right to do it and that he was converting the property of the plaintiff but that he needed money and had to do so.

5 He furthermore said that he admitted his error, but did not wish to be arrested; that he had been arrested once before on a like charge, but got off; if Mrs De Silver sued him he would not deny that he took and converted her property to his own use, and that he had no authority or right to use the bonds as he had done; all he wanted was time in which to make things right; and he asked me as attorney for Mrs De Silver to allow him time in which to raise the money necessary to settle her claim, and requested me to advise her to accept his life insurance policy as collateral security for the amount of Mrs De Silver's claim. This, deponent refused to do. The above interview took place on the 9th day of March, 1891.

Sworn to before me this) Thomas E. Rochfort
2nd day of April, 1891.)

Michael Maguire
Notary Public
N.Y. Co.

0901

Summons.

TUCKER & CO., Printers and Mf'g Stationers, 51 Nassau St., N. Y.

Superior Court of the City of New York

Emily DeSilver
against
Cumberland G. White

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 twenty 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 N.Y. April 1st 1891

Thomas E. Cochran
Plaintiff's Attorney

Office and Post Office Address,
No. 67 Wall Street
New York City, N.Y.

0902

N.Y. Superior Court

Emily H. Silver

against

Cumberland G. White

Summons.

Thomas E. Rochfort

Plaintiff's Attorney

67 Wall St.

N.Y.

Fol. 1 SUPERIOR COURT OF THE CITY OF NEW YORK.

Emily De Silver,
Plaintiff,

against,

Cumberland G. White,
Defendant.

Plaintiff complaining of the defendant alleges:-

2 For a first cause of action.

I. On or about December 24,1888, the plaintiff was lawfully possessed of a bond known and described as a Chicago, Burlington & Quincy Railroad Bond for $1,000, ~~bearing interest~~ being a Registered Bond, Numbered 5,291, and bearing interest at seven per cent per annum. Said bond was the property of the plaintiff and was of the value of fifteen hundred dollars.

3 II. On said date plaintiff employed defendant who was a stock broker, in the City of New York, as her agent for the purpose of buying one hundred shares of certain stock, at the market price thereof then prevailing, and delivered said bond to defendant as such agent, to be deposited as collateral to secure the payment of the purchase price of such stock.

4 III. Said bond was received by such agent in a fiduciary capacity for the purpose set forth in Paragraph II of this complaint and for no other purpose.

IV. Thereafter the defendant being in possession of said bond in such fiduciary capacity for the purpose aforesaid, converted said bond to his own use.

V. Plaintiff has duly demanded from the defendant said bond or the value thereof; but defendant, although admitt-
5 ing that he had converted said bond to his own use, has failed and refused to return said bond or the value thereof or any part of the value ~~ex~~ thereof to the plaintiff's demage one thousand five hundred dollars.

For a second cause of action:-

I. On or about May 18th, 1889, the plaintiff was lawfully possessed of a bond known and described as a Chicago, Burlington & Quincy Railroad Bond for $1,000, being a Registered Bond and Numbered 5,290 and bearing interest at seven
6 per cent per annum. Said bond was the property of the plaintiff and was of the value of fifteen hundred dollars.

II. On said date, plaintiff employed the defendant, who was a stock broker in the City of New York, as her agent for the purpose of buying one hundred shares of certain stock at the market price thereof then prevailing and delivered said bond to the defendant as such agent to be deposited as collateral to secure the purchase price of such stock.

0905

7 III. Said bond was received by such agent in a fiduciary capacity for the purpose set forth in Paragraph II of this Complaint and for no other purpose.

IV. Thereafter the defendant being in possession of said bond in such fiduciary capacity for the purpose aforesaid converted said bond to his own use.

V. Plaintiff has duly demanded from the defendant said bond or the value thereof; but defendant, although admitting that he had converted said bond to his own use, has
8 failed and refused to return said bond or the value thereof or any part of the value thereof to the plaintiff's damage one thousand five hundred dollars.

W H E R E F O R E plaintiff demands as damages for the conversion of said bonds the sum of Three thousand dollars.together with the costs of this action.

Thomas E. Rochfort,
Plaintiff's attorney,
67 Wall St., N. Y.

City and County of New York,ss:-

Emily De Silver,being duly sworn,says: that she is the plaintiff above named; that the foregoing complaint is true to her own knowledge except as to the matters therein stated to be alleged upon information and belief and as to those matters she believes it to be true.

Sworn to before methis)
1st day of April,1891.)

Emily De Silver

Alex. Monegan
Notary Public (#142)
N.Y. County

0906

POOR QUALITY ORIGINAL

John Polhemus, Printer and Mf'g Stationer, 102 Nassau St., N.Y.

Superior Court of the City of New York

Code of Civil Procedure. § 559

Emily De Silver
against
Cumberland G. White

Undertaking on Order of Arrest.

Whereas Emily De Silver, the *plaintiff* above named, is about to make application to one of the Judges of the above named Court for an order for the arrest of the above named *defendant* Cumberland G. White in the above entitled action for the conversion of property received by said defendant in a fiduciary capacity —

Now, Therefore, we, Charles W. Clinton of No. 545 Madison Avenue, in the City of New York and ~~[illegible]~~ of No. ~~[illegible]~~ and Alexander J. Clinton in said City of No. 5 East 120 Street in said City of New York do hereby, pursuant to the Statute in such case made and provided, jointly and severally undertake, that if the *defendant* in the said action recover judgment therein, or if it is finally decided that the *plaintiff* is not entitled to the Order of Arrest, the said *plaintiff* in said action will pay all costs which may be awarded to the said *defendant*, and all damages which *he* may sustain by reason of the arrest in said action, not exceeding the sum of Three hundred and fifty dollars,

Dated, April 2 1891

Chas. W. Clinton

City & County of New York, ss: Charles W. Clinton

one of the subscribers and sureties above named, being duly sworn, says, that he is a resident of, and a freeholder within the State of New York, and is worth the sum of ~~Seven hundred and fifty~~ Dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

Sworn to before me this 2 *day of* April 1891.

Chas. W. Clinton

~~Alex. H. Lingard~~ ~~Notary Public~~ ~~N.Y. Co.~~ Michael Magenis Notary Public

City & County of New York, ss: Alexander J. Clinton

one of the subscribers and sureties above named, being duly sworn, says, that he is a resident of and a freeholder within the State of New York, and is worth the sum of ~~Seven hundred and fifty~~ Dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

Sworn to before me, this 2 *day of* April 1891.

Alexander J. Clinton

Michael Magenis
Notary Public
N.Y.C.

0907

City & County of New York, ss:

I Certify, that on this Second day of April 1891 before me personally appeared Charles W. Clinton and ~~William A. Clinton~~ Alexander Clinton to me known, and known to me to be the same persons described in and who executed the above undertaking, and they severally acknowledged to me that they had executed the same.

(27)

In the City Court

Lainy DeSilver

against

Emmeline R. White

Undertaking

On Order of Arrest.

Dennis L. Rockford,
Plaintiff's Attorney
Walsh St.

I approve of the within Undertaking, both as to form and as to the sufficiency of the sureties therein named.

April 3 1891.

David McAdam
J.S.C.

New York Superior Court.

Please take notice that the within

is a copy of

this day entered herein in the office of

the Clerk of the Court.

Dated New York, 18

Attorney for

To

Attorney for

S

Emily De Silver,

against,

Cumberland G. White.

Copy.

SUMMONS, COMPLAINT and affidavits, and undertaking and order of arrest.

THOMAS E. ROCHFORT,

Attorney for plaintiff,

67 WALL STREET.

NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted.

Original bond approved + order of arrest signed 189 April 3, 1891. Bond filed in Atty's in Clk Super. Ct; and orig. order of arrest, summons, complt, + affts given to Sheriff April 3, 1891; also a copy of all the within papers. Fees paid $4.75

New York Superior Court.

Please take notice that the within

is a copy of

this day entered herein in the office of

the Clerk of the Court.

Dated New York, 18

Attorney for

To

Attorney for

Emily De Silver,

against,

Cumberland G. White.

Offer Ca,

S

SUMMONS, COMPLAINT and affidavits, undertaking and order of arrest.

THOMAS E. ROCHFORT,

Attorney for plaintiff,

67 WALL STREET.

NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted.

Original bond approved & order of arrest signed April 3, 1891. Bond filed in Albany Cl. Super. Ct; and orig. order of arrest, summons, complt, & affts given to Sheriff April 3, 1891; also a copy of all the within papers. Fees paid $4.75

ordered 226

DISTRICT ATTORNEY'S OFFICE,

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Emily De Silver
758 W. 45th St.

vs.

Cumberland G. White

Offence Grand Larceny
in the first degree

Dated September 17 1891.

Witnesses,

No. Street,

No. Street,

No. Street,

0911

Put on in Part I for pleading for Wed. Sept 21/92 B.S.W.

0912

John Moore Perry
William Bailey

0913

No. 2. 1691

~~TO THE CHIEF CLERK.~~

Please send me the Papers in the Case of

PEOPLE

vs.

Cumberland G. White

Larceny.

Put this Case on Part III Calendar for Friday. 16

D. Lancey McCall

District Attorney.

0914

158 W. 45th St.,
New York, Jan. 4, 1892.

This is to certify that Mrs. E. D. Silver is under my medical care, and that she is suffering from the effects of chronic influenza, which will seriously confine her to the house for a week to come. She cannot go out at present without serious risk.

Geo. M. Gillespie

0915

158 W. 45th St.,
Dec. 23rd, 1891.

This is to certify that Mrs. Emily De Silva is under my medical care, that she is now ill in bed, and that she will be too ill to-morrow to make it possible for her to leave her room without danger; and that it will be probably two weeks before she will be fully recovered.

Jas. W. Dillow M.D.,
102 W. 43rd St.

0916

1660

District Attorney's Office.

Part Not
all served
personally
except
Erhart attach
ment issued
Sep 21

No. 3. 410

GRAND JURY ROOM.

G.J. Sept 21

PEOPLE

vs.

Cumberland G. White

To the District attorney -

These affidavits make out a case of larceny against the defendant in having appropriated to his own use two $1000. Chicago B. & Q. RR. bonds deposited with him as collateral security.

Defendant is now a fugitive from justice & is supposed to be in Chicago Ill.

I think the case ought to be submitted to the Grand Jury.

Respy

Jno D Lindsay

Sept 17/91

U. S. CIRCUIT COURT.

Southern District of New York.

James Boyce vs. John White.	Memorandum Brief on behalf of Defendant.

The foregoing Action is for the Conversion of 5900 shares of Montauk Gas Coal Company stock delivered to the Defendant by the Plaintiff under the terms of an agreement of October 25th, 1880 (Exhibit 99 Equity proceedings page 216).

The Complaint alleges:--

1st:--That on or about the 12th February, 1881 the Plaintiff was the owner and entitled to the immediate possession of 5900 shares of the Capital Stock of the Montauk Gas Coal Company of the aggregate value of $59,000.

2nd:--That on or about said 12th February, the Defendant then being in possession and custody of said stock, fraudulently and wrongfully converted and appropriated the same to his own use to Plaintiff's damage $75,000.

FIRST:--Conversion is not the proper remedy, and will not lie under the terms and conditions of the agreement referred to.

Even if under the said agreement the absolute title were not passed to the Defendant conjointly with his co-possessor, if the incidents of the agreement re-

specting the things to be done by the Defendant with reference to such stock remained. Conversion would not lie in the event of a refusal to re-deliver.

When the original possession is lawfully acquired by the Defendant, and the right of possession is voluntarily and freely parted with by the Plaintiff, the agreement to re-deliver must extend to the specific, and identical article or property given into the Defendant's custody and possession. In other words the positive relations of bailer and bailee must exist between the parties, in order to entitle the Plaintiff to maintain trover and Conversion.

Here no such incident existed in the agreement; there was no provision which looked to or required at any time the re-delivery of the specific shares to the Plaintiff.

It was not a mere pledge of the stock to be specificially restored at any subsequent time.

Story on Bailm S. 286.

Sims vs. Canfield 2 Ala. 555.

Corbelyon vs. Lansing 2 Caines Cao. 200.

Eastman vs. Avery 23 Me. 248.

"Plaintiff's Complaint alleged in substance that "
"Plaintiff's firm deposited with Defendants, as "
"their bankers and agents various sums of money, "
"also United States bonds and bank stock as special "
"deposits under an agreement that they should at all"
"times be subject to the order and control of said "
"firm, and that no interest should be paid therefor;"
"that Defendants delivered specified portions of "
"said deposits but demand being made, refused to de-"
"liver over the balance of said deposits, and wrong-"
"fully and unlawfully detained the same, and for the"
"balance Plaintiff demanded Judgment.

HELD:--That the "
"averments were to the effect that the deposits were"
"with the Defendants as bankers, subject to the de- "
"positor's order or draft, under an agreement which "
"did not contemplate the return of the specific "
"money or thing deposited, but that Defendants could"
"use it in their business without interest; that "
"therefore the facts alleged constituted an Action "
"for breach of contract, and not one in tort. "

Vilmar vs. Schall 61 N. Y. 564.

"The retention by a Commission Merchant of the pro- "
"ceeds of goods sold by him as such is not a conver-"
"sion, as he is not bound to retain and pay over the"
"identical money received and no Action will lie "
"against him save one on Contract. "

Greentree vs. Rosenstock 61 N. Y. 583.

In the line of the principle decided in the foregoing case, are the authorities considerable in number and all concurrent, in which Actions of tort have been brought against those alleged to have misapplied and appropriated to their own uses monies received in fiduciary relations. The following are cogently illustrative of such principle.--

"The Complaint avers that the Plaintiffs authorized "
"and empowered the Defendant, as their confidential agent "
"to sell for them the bills of exchange; that the Defend- "
"ant did sell them and receive the proceeds, but refused to"
"pay upon a demand by Plaintiffs. It is manifest that "
"nothing to sustain the power to arrest is stated except "
"it be that Defendant was authorized and empowered to sell"
"for Plaintiffs as their agent."

"The mere fact that Defendant is an agent to sell "
"and to receive the proceeds does not make him liable for "
"a tort in case he does not pay over the proceeds on demand;"
"after those proceeds have passed from the specific form "
"in which they were received and have been commingled with"
"the agent's own money."

Robbins vs. Falconer 43 Sup Ct. 371

In the present case the contemplation of the agreement was that the 5900 shares should be commingled with the other shares in the pool, and as has been already suggested, there was no intention whatever that the identical shares shouldbe re-delivered to the Plaintiff at any subsequent time.

"If a creditor ~~interests~~ invests property debts and demands with "
"the partners to sell and collect the same as his agents "
"and factors and pay over the proceeds to him, they do not"
"become liable upon a sale of the property by them, as tort"
"feasors as upon an unauthorized disposal thereof, so as to"
"authorize an Action of trover against any one of them alone."
"Their liability rests upon contract, and not in tort and "
"is necessarily joint not several."

Harris vs. Schultz 40 Barb 316.

SECOND:--Under the agreement referred to, the Plaintiff herein entirely parted with his title at the time of the delivery of the shares; the language being as follows:

"Which stock so received by us is transferred to us "
"absolutely, and is to be sold, used, operated with "
"and in and manipulated by us, at such prices and in"
"such manner and through such brokers as we may deem"
"proper or advisable. The same being a portion of a"
"number of shares or pool of the said stock held by "
"us for such purposes."

It never was intended or contemplated that the specific shares "transferred absolutely" to the Defendant and Hotchkiss should at any time thereafter be re-delivered to the Plaintiff; they were given to the Defendant with the express agreement that he should sell them, or part with them in any manner which accorded with his judgment as to what would be for the best interests of the "pool."

The language of the agreement is explicit and direct upon the subject:

"At the closing of such transactions we will "
"pay over to the said James Boyce of the net "
"money or profits to the credit of such pool an"
"amount of money which shall bear the same pro-"
"portion to the net amount to the credit of "
"said pool as the 5900 shares of stock afore- "
"said shall bear to the whole amount of stock "
"included or used in said pool, and we will "

"transfer and deliver to said James Boyce "
"of the stock of said pool remaining un- "
"sold an amount of stock which shall bear "
"the same proportion to the whole amount "
"of stock remaining unsold as the 5900 "
"shares of stock aforesaid shall bear to "
"the whole amount of stock included or "
"used in said pool."

The Plaintiff therefore in the first instance, at the time of the delivery of the stock having absolutely parted with his title; and it not being intended that at any time there after the specified 5900 shares or any part thereof should be re-delivered to the Plaintiff; he cannot assuredly maintain his present Action; his remedy if he has any must be by Action ex-contractu.

The authorities seem to be so conclusive upon this proposition, that their new citation is the most exhaustive of arguments.

In Hull vs. Cannley, Denio J. in discussing the questions involved quotes Gordon vs. Harper 7 I. R. 9 and applies the principle in the language of Ashurst J. in that case "that to maintain trover the Plaintiff must have prop-" "erty in the thing and a right of possession and that un- " "less both these rights concurred the Action would not lie."

Hull vs. Cannley 11 N. Y. 510.

The definition of a conversion in trover, as given by Mr. Gwillim, the Editor of Bacon is as follows;

"The action is founded upon a conjunct right of "property and possession."

6 Bac. Abr. 677.

In trover the legal title in the Plaintiff must always co-exist with the alleged Conversion.

9 Bacons Abr. "Title trover" page 640.

Carr vs. Gale 3 Wood and M. 38.

Jevria vs. Holliday 1 Hemp 160.

Jones vs. Bryant 13 N. H. 53.

Garbrett vs. Smith 40 Barb. 22.

Garland vs. Carlisle 4 Clark and F. 493.

Sheldon vs. Soper, 14 Johns 352.

The case of Harris vs. Schultz heretofore quoted is quite as potent in this connection as in that in which it is cited.

40 Barb. 316.

"The Complaint states two causes of action, each of which"
"is a claim to recover personal property, with damages for"
"its wrongful detention. Upon the trial the Plaintiff en-"
deavored to make out a wrongful Conversion by his agent "
"of a draft or bill of exchange, and was held by the Court"
"who tried the cause to have failed in so doing. The De- "
"fendant was the agent of the Plaintiff to make the sale "
"and collect the proceeds, and when he received from the "
"purchaser a bank draft payable to his own order he was not "
"acting in violation of his duty in reducing it into money"
or having it passed to his own credit in bank."

"The duty of an agent for sale is to account for the"
"proceeds of his principal's property, but he is not guil-"
"ty of a Conversion if he does not deliver the specific "
proceeds to his principal. That he afterwards equivocated"
"about the fact of payment, and misconducted himself as "
"the case discloses, will not render his previous lawful "
"conduct unlawful. The Plaintiff was therefore correctly "
held to have failed in the proof of his case as alleged. "

Walter vs. Bennett 16 N. Y. 253.

"The obligations of the contract should be to return the "
"identical shares pledged."

Wilson vs. Little 2 N. Y. 448, 449.

"An agent or a person acting in a fiduciary capacity is "
"not subject to an action of tort for mere acts of omis-"
"sion, such as not paying over money due, but only for acts"
"ofmisfeasance; and in an Action against an agent or attor-"
"ney for not accounting, or not paying over a balance "
"found due on an accounting, the Plaintiff does not by add"
"ing to the allegation that the Defendant has refused to "
"pay over the money due an assertion that he has converted "
"it to his own use, convert the Action into one for tort."

Segelken vs. Meyer 94 N. Y. 484.

Indeed so unequivocal and decided has been the declaration of the Court and Commission of Appeals with relation to Contracts of the character presented by the one in this Action and the law of the right of recovery and the proper form of Action where ~~breakers~~ breaches of such contracts are alleged that there is scarcely room for doubt upon the inability of the Plaintiff to maintain this Action. Indicative of the certainty of decision is the following case:--

"A Complaint which alleges a joint agreement to de- "
"liver up special securities, demand therefor and that the"
"the Defendants wrongfully refused to deliver them and have"
"wrongfully disposed of and converted them to their own "
"use, to the great damage of the Plaintiff, and paying "
"Judgment for the valus of the securities, with interest "
"as the damages sustained by the Plaintiff by means of the"
"premises states a cause of Action on contract and not "
"ex-delicto."

"The allegation of a wrongful refusal by the Defend-"
"ants to deliver the securities and a wrongful disposition"
"and conversion thereof by them to their own use must be "
"construed as an averment of a breach of the agreement and"
"not as the gist of the Action."

Austin vs. Rawdon 44 N. Y. 63.

THIRD:--The Plaintiff having declared in tort, must fail in his Action absolutely. He cannot be permitted to change its nature and pursue under his pleadings here an Action upon Contract.

The authorities are conclusive and overwhelming upon this proposition.

"Whatever responsibility attaches to the Defendant from "
"his relation of agent, is upon the contract, and the "
"Plaintiff cannot by changing the form of his Action, "
"change the nature of the Defendant's obligation and con- "
"vert that into a tort which the law declares to be a sim-"
"ple breach of an agreement. The form of the Plaintiff's "
"Action is ex-delicto; and before he can recover he must "
"show that the Defendant committed a wrong."

Walter vs. Bennett 16 N. Y. 252 Brown J.

"It is contended he (the Plaintiff) should not have been "
"nonsuited, but should have had Judgment for the debt "
"which the Defendant upon the proof appeared to owe him."
"It is of course clear that no such thing was possible un-"

"der the old system of procedure and it is equally clear "
"that the right which alone could sustain a recovery as "
"upon contract is distinct from and even inconsistent with"
"the right upon which the Action for a wrongful conversion"
"could be maintained although each relates to or grows out"
"of the same personal property."

Ib. 253, 254 Johnson J.

"If the idea of waiving the tort and claiming the value "
"of the property in assumpsit or upon an implied contract "
"to pay therefor be maintained, then the Case of Walter vs."
"Bennett (16 N. Y. 250) is a direct authority established "
"by the Court of Appeals, that when the cause of Action is"
"alleged as a tort, there can be no recovery as upon con- "
"tract although the facts alleged would have sustained "
"such an Action."

Mayor &c. vs. Parker Steamship Co. 21 How. 291
Woodruff. J.

"Where the gravamen of an Action is fraud, the Court can- "
"not change its form and allow a recovery as in contract "
"although facts may be stated in the Complaint by way of "
"inducement which might sustain such an Action."

Baines vs. Quigley 59 N. Y. 265.

"While the Code is liberal in disregarding technical de- "
"fects and omissions in pleadings, and in allowing amend- "
ments it does not permit a cause of Action to be changed, "
"either because the Plaintiff fails to prove the facts ne-"

"cessary to sustain it, or because he has mistaken his "
"remedy and the force and effect of the allegation of his "
"Complaint."

Ibid 288.

Sec. 549 of the "Code of Civil Procedure" Subdivision 4 provides as follows:--

"In an Action upon Contract, express or implied, "
"other than a promise to marry, where it is alleged in the"
"Complaint that the Defendant was guilty of a fraud in "
"contracting or incurring the liability. Where such an "
"allegation is made the Plaintiff cannot recover unless he "
"proves the fraud; and a Judgment for the Defendant is not"
"a bar to a new Action to recover upon the contract only."

1 Bliss's Code 438, 439.

Charles W. Brooke
of Counsel for
Defendant.

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"remedy and the force and effect of the allegation of his "
"Complaint."

Ibid 208.

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"Complaint that the Defendant was guilty of a fraud in "
"contracting or incurring the liability. Where such an "
"allegation is made the Plaintiff cannot recover unless he "
"proves the fraud; and a Judgment for the Defendant is not"
"a bar to a new Action to recover upon the contract only."

1 Bliss's Code 468, 469.

Charles W. Brooke
of Counsel for
Defendant.

U.S. Circuit Court

James Boyce

— agst —

John White

Defendant's Brief.

0932

POOR QUALITY ORIGINAL

ROCHFORT & STAYTON
COUNSELLORS AT LAW
STOKES BUILDING, 45 CEDAR STREET,

THOMAS E. ROCHFORT
WILLIAM H. STAYTON

NEW YORK 25 Jany 1892

Barkus Weeks Esq

Dear Sir: Have just received subpoena in State ca. while. This is a case wh. involves questions of law as well as of fact. I do not know whether the few minutes bef. from the opening of Court is sufficient time for you to prepare the case in. I will be there at 10 to see you.

Yours truly
Thomas E. Rochfort.

0933

"On authority of
"the Stock Exchange
"informs me (and he
"should know about these
"matters) that they only
"pay Otrace the bonds
"is by getting an order
"from the Court to compel
"Mr. Hilde to produce
"his books —

0934

"In authority of
"the Stock Exchange
"informs me (and he
"should know about these
"matters) that they only
"lay to trace the bonds
"is by getting his seal
"from the Court to compel
"Mr. White to produce
"his books

0935

4 acts
Copy from Douglas
& Jones statement

" C B & Q Bond No 5291
" was transferred to bearer
" March 15th 1889 —
" the 2d que cannot
be traced

over

0936

158 West 45th Street.

Mr Hooks,

Dear Sir,

Since being interviewed by you this morning I recall the fact that Mr C. G. White paid me money (Nat Coupons) the interest coming due on my Bonds up to Jan 1st 1891

0937

POOR QUALITY ORIGINAL

158 West 45th Street.

W. Hooks,
Dear Sir,
Since seeing
interviewed by Jack
this morning I recall
the fact that Mr
C. G. White paid in
money (Nat Coupons)
the interest coming
due on said Bonds
up to Jan 1st 1891

Messrs Douglas, and Jones (the Brokers) promise to have the sale of the Bonds, and will let me know with what success as early as possible, but thought it would take them several days. I should feel greatly obliged if I could have from you a Check for £100 to be applied on Bonds if the sale succeeds, but if not a Cheque for that amount to be applied on account of Bonds.

Respectfully Yours
Henry Bessemer

Geo. Gilliatt Esq.

0939

January 26th 1892

0940

District Attorney's Office.

C B & Q Reg. $1000 #5291
" 1000 #5290

PEOPLE

vs.

C. G. Weiss

Dec 88, 1st bond for Pullman
Aug 89 2d " " C B & Q Stock
~~since June 89~~ -
In Jan 89 - directed him to sell Pullmans
In June 89 demanded accounting.
In July 90 - he confessed in presence of Miss Jenings Shaw
158 W. 45, + affianced profess of $3000. + his Dec'd agreed to take 500 + the bonds
Paid divided up ~~to~~
July '91
Mr Chas W Clinton 32 Nassau interviewed him

0941

POOR QUALITY ORIGINAL

R Rowland

Dos Passos on Stock Brokers

p 143 665 Broker loaning stocks of a client on margin is not bound to keep on hand identical shares, he answers all duties by having shares of same description on hand.

Hurlburt v Morgan 19 Wis. 170
46 Wis. 449
58 " 425
85 " 365

p 148 But when money was borrowed for st. broker on collateral, broker cannot part w. collateral during pendency of the loan

147 Broker must have on hand stock suffic. to deliver to his client on payment of balance due on loan. When broker denudes himself of stock when cl. demands it – he is guilty of conversion

Langton v Waite. 6 Blk Eq. 165

Lawrence v Maxwell 53 Wis. 18

663-4 Error to so dispose of stock that pledgor is deprived of right to redeem his prop. on payment of loan. Pledgor can tender the amount due – if stocks not turned over – he has action of conversion

Re Rowland

Crewe Law as to
Hypothecation of Stocks

0943

POOR QUALITY ORIGINAL

Yours respectfully
E. Dickson

158 West 45th St.
Feby 14th 1892

Mr Hecht,
Dear Sir,
I have in receipt
of a note from
Your Lawyer (Mr
Hochfeld) in which
he tells me you
complain of not
having received any

information regarding the C B & Q Bonds Mr. White disposed of belonging to me. I wrote Mr. Rockfort as soon as I heard from the Broker, and supposed he had seen, or written you regarding the matter, but I found his absence from "Z Jock" caused the delay - I enclose the only information I can get. I will call at your office and have you reconsider & forwarding Conveyance for White as Trustee for me & his Wife. Hoping I escape the Law Courts

Respectfully Yours

Form 2.

POSTAL TELEGRAPH-CABLE COMPANY — IN CONNECTION WITH THE COMMERCIAL (MACKAY-BENNETT) CABLES

TELEGRAM

6 75

This Company TRANSMITS and DELIVERS messages subject to conditions printed on back of this Blank.

ALBERT B. CHANDLER, President and General Manager. JOHN O. STEVENS, Secretary.

NUMBER	SENT BY	REC'D BY	CHECK
26	Ch a		

Dated Sparke Ind. 18 Rec'd at MAIN OFFICE, 187 BROADWAY, NEW YORK. Nov 15 189 1

To Thos Byrnes
Chief Inspector Police
300 Mulberry St N.Y.

White left Chicago Police there refused to re-arrest had him arrested here notify Sheriff here at once to hold him for requisition papers.

Answered.

J. O. Trainer

Rec'd 3.15 a.m.

ROCHFORT & STAYTON
COUNSELLORS AT LAW
STOKES BUILDING, 45 CEDAR STREET

THOMAS E. ROCHFORT
WILLIAM H. STAYTON

NEW YORK January 27, 189 2.

Bartow S. Weeks, Esq.,
Assistant District Attorney.

Dear Sir:-

Referring to our conversation of yesterday with regard to the case of the State against White, and in response to your request that I should furnish you a memorandum of such law as I had looked up in a similar case, I beg leave to submit to you a few authorities.

It is doubtful whether the authorities submitted have any application to the case in hand. One does not know what position Mr. White will take upon the trial. If, as he has said, he deposited the bonds as collateral security for the stock, then one of two things must have happened. The stock must have been sold at a profit or a loss; if at a profit, then he must have got back the bonds and the profit. He admitted to Mrs. Shaw and Mrs. DeSilver that there was a profit. If, however, he now claims that there was a loss, surely the loss could not have been as much as the value of the bonds; in that case then, he must have converted the surplus. Another one of his statements is this; that he sold the stock and got back the bonds; that he then used the bonds by raising money upon them or by selling them. In this last case there is no question of hypothecation, unless he had bought the stock himself and had paid for the same, which is something he has never claimed and probably will not claim. Of course, in this latter case the question of hypothecation would come in. I see no other way in which it would come in. The authorities which I send are only a few, for I find the rest of the law which I looked up has no application whatever to this case.

Very truly yours,

Thomas E. Rochfort

CHARLES W. BROOKE. GEORGE H. IRWIN. CHARLES LEX BROOKE.

Law Offices

BROOKE, IRWIN & BROOKE,

111 BROADWAY,

(TRINITY BUILDING.)

New York, Feb 12th, 1892. 189

Bartow S. Weeks, Esq.,

Asst. District Attorney,

New York City.

My Dear Sir:-

The reason that you have not heard from Mr. Brooke in relation to the Cumberland G. White matter, is owing entirely to the fact that since the first day of February he has been confined to his bed seriously ill. He is, however, on the road to recovery and will be out in about a weeks time. As soon as he is able to attend to any matter, I will see that the matter of your communication of the 11th inst receives prompt and immediate compliance with.

Yours very truly,

(Dictated)

Charles Lex Brooke

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Rumbold and Fig White

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

The said Rumbold and Fig White,

late of the City of New York, in the County of New York aforesaid, on the first day of June, in the year of our Lord one thousand eight hundred and ninety- , at the City and County aforesaid, being then and there the bailee of one Emily Dobbins,

and as such bailee then and there having in his possession, custody and control certain goods, chattels and personal property of the said Emily Dobbins

the true owner thereof, to wit: two written instruments and evidences of debt, viz: to wit: two certain bonds and written obligations of the kind known as Chicago, Burlington and Quincy Railroad bonds, of the denomination and value of one thousand dollars each, (or more particular description of which said bonds and written obligations is to the Grand Jury aforesaid unknown),

the said Rumbold and Fig White 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 bonds and written obligations

to his own use, with intent to deprive and defraud the said Emily Dobbins

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Emily Dobbins,

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.*~~

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Hundred and Eighteen of the same CRIME OF Grand LARCENY, in the first degree, committed as follows:

The said Hundred and Eighteen,

late of the City of New York, in the County of New York aforesaid, on the Eighth — day of August, — in the year of our Lord one thousand eight hundred and ninety- ——, at the City and County aforesaid, being then and there the — agent — of one Emily De Dietrich,

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

— Emily De Dietrich, —

the true owner thereof, to wit: two written instruments and evidences of debt, that is to say: two certain bonds and written obligations of the kind known as Chicago, Rock Island and Pacific Railroad bonds, of the denomination and value of one thousand dollars each (or more particular description of which said bonds and written obligations is to the Grand Jury aforesaid unknown), —

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said bonds and written obligations —

to his own use, with intent to deprive and defraud the said Emily De Dietrich —

of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Emily De Dietrich, —

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.~~

Ninety-fourth COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Rutherford G. White of the same CRIME OF Grand LARCENY, in the ninth degree, committed as follows:

The said Rutherford G. White,

late of the City of New York, in the County of New York aforesaid, on the ninth day of June, in the year of our Lord one thousand eight hundred and ninety- , at the City and County aforesaid, being then and there the trustee of one Emily DeBidner,

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

the true owner thereof, to wit: two written instruments and evidences of debt, that is to say: two certain bonds and written obligations of the Illinois known as Chicago, Burlington and Quincy Railroad bonds, of the denomination and value of one thousand dollars each (a more particular description of which said bonds and written obligations is to the Grand Jury aforesaid unknown),

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said bonds and written obligations to his own use, with intent to deprive and defraud the said Emily DeBidner of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Emily DeBidner,

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.~~

Fourth COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Rudolphus Fairchild of the same CRIME OF Grand LARCENY, in the first degree, committed as follows:

The said Rudolphus Fairchild,

late of the City of New York, in the County of New York aforesaid, on the first day of June, in the year of our Lord one thousand eight hundred and ninety-, at the City and County aforesaid, being then and there ~~the~~ authorized by agreement with one Emily Robinson then and there to hold and ~~[illegible]~~ in his possession the goods, chattels and personal property of the said Emily Robinson hereinbefore described, for and on her behalf,

and ~~as such~~ having or authorized then and there having in his possession, custody and control certain goods, chattels and personal property of the said Emily Robinson

the true owner thereof, to wit: two written instruments and evidences of debt, that is to say: two certain bonds and written obligations of the Paint Company of Chicago, Burlington and Quincy Railroad Bonds, of the denomination and value of one thousand dollars each (or more particular description of which said bonds and written obligations is to the Grand Jury aforesaid unknown),

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said bonds and written obligations to his own use, with intent to deprive and defraud the said Emily Robinson of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said Emily Robinson,

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.

0952

BOX:
473
FOLDER:
4339
DESCRIPTION:
White, Henry
DATE:
03/01/92

4339

Witnesses:

Wm H White

Officer Gilergan

George H Hargraves

347 Grand

331

Filter 20 X

Counsel,

Filed 1 day of March 189 2

Pleads, Not guilty

30 204½ Thompson

Oklahoma

THE PEOPLE

vs.

Henry White

Assault in the First Degree, Et.:
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Henry S Harrison
Foreman.

Part 3. March 15/92

Pleads - Assault 2nd deg

28 yrs

(Ed Mch)

F.S.P. 2 yrs 18 mos

City and County } s.s.
of New York

J. S. Cox of said city being duly sworn deposes and says—

That he resides at No. 142 Clarkson Street N.Y. City—

That he has known William H. White for 30 years. That to deponents knowledge said William H. White has been in Sing Sing Prison for two terms of 2 years and 6 months and 3 years, respectively for Grand Larceny. That deponent is positive that said William H. White is the same person who was complainant in an action against Thury White, for assault.

Sworn to before me this 19th day of March 1892

J. S. Cox

Jack Alex
Notary Public
N.Y. Co.

City and County of New York } ss.

J. H. Smith of said city, being duly sworn doth depose and say.

That he has been acquainted with William H. White, for the past 20. years - That deponent knows of his own knowledge that said William H. White, was convicted on two occasions of the charges of Grand Larceny and that he served 2 years and 6 months on one and 3 years on the 2nd charge in the State Prison.

That deponent knows the said William H. White, to be the same person who charged Henry White, with Assault.

Sworn to before me this 19th day of March 1892 } J. H. Smith

Jacob Alto
Notary Public
N.Y. Co.

0956

People re
no
White -

No. 1 Second Term

People of the
State of New York
ept
Henry White

Affidavits

Affidavit of Leonard Lewis

People of the State of New York

ag'st

Henry White

Affidavit

ALTER & WIP
PRINTERS & PUBLISHERS
TRACY BUILDING
BROADWAY

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York, against Henry White.	Before Hon. James Fitzgerald and a Jury.

Indictment filed March 1, 1892.

Indicted for assault in the first degree.

New York, March 15, 1892.

A P P E A R A N C E S:

For the People,

Asst. District-Attorney James W. Osborn;

For the Defendant,

Mark Alter, Esq.

WILLIAM H. WHITE, a witness for the People, sworn, testified:

I live at No. 12 Minetta Street in this city. My occupation is that of Inspector of the Jack Frost Ice Cream Freezer. I have been all over the country canvassing for business for that concern. I was in the saloon No. 204 1/2 Thomson Street on the morning of the 26th. of February 1892 between the hours of 11 and 12 o'clock. Four of us were sitting at a table playing cards. The game was called Smudge. It was for five cents a man. It came down to the question whether this man lost and they asked me for a decision. I told them he had lost. He was not satisfied with that and he said that I was trying to give him the worst of it, and he jumped up and, as I

made an effort to hit him, he pulled a knife from his pocket and cut me on the side of the face with it. I had eighteen stitches put in my face as a result of this cutting. I made an effort to strike the man before he struck me. I had no weapon in my hand. It was on account of the decision I gave that he jumped up and cut me. It was in a corner of the room that I was cut. After he cut me he ran out of the door, but an officer arrested him on the corner.

Cross-examination:

I am no relation to the defendant. I became acquainted with him in that very saloon. I was not on bad terms with the defendant at any time. I had nothing to drink on that day in the saloon. I have never been arrested in my life. I do not drink. The quarrel was all about five cents that the defendant had lost in a game called Smudge. I didn't strike this man, but only was preparing to strike him when he jumped up and ran towards me. He cut me before I had any opportunity to strike him. When I struck at him he started at me again and cut me with the knife.

JOHN C. GILLIGAN, a witness for the People, sworn, testified:

I am a police officer attached to the Fifteenth Precinct. My attentionwas drawn to the defendant running through

Charles Street towards Bleecker Street. I ran after him, stopped him and arrested him. He acknowledged having cut the complainant.

The defendant pleaded guilty to assault in the second degree.

Indictment filed Mar.1-1892

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

HENRY WHITE.

Abstract o testimony on trial, New York March 15th 1892.

City and County of New York } S.S.

John Lewis, of said city being duly sworn doth depose and say -

That he resides at No. 134 West 27th Street, between 6th and 7th Avenues N.Y. City

That he has known William White, for about (20) twenty years - that he had during that part of or nearly all of said time been in his company.

That deponent knows of his own knowledge, that prior to the year 1876, William White, was convicted of and sentenced to the State Prison at Sing Sing for two terms. One for two yrs and one half years and the other term of 3 years. That to deponents best knowledge said William White was sentenced on a charge of Grand Larceny, for one of the two charges - the deponents best belief is that it was the last term he served, that he was convicted of

Larceny - That up to the year of 1876, deponent had good eyesight but during said year deponent began to ~~lose~~ lose his sight - That to deponent's best knowledge said William White, was sentenced to the Penitentiary, but for how long said deponent is not aware.

Sworn to before me this 18 day of March 1892 } John Lewis

[illegible]
Notary Public
Wy Co Tx.

N.Y. Court of Gen. Session

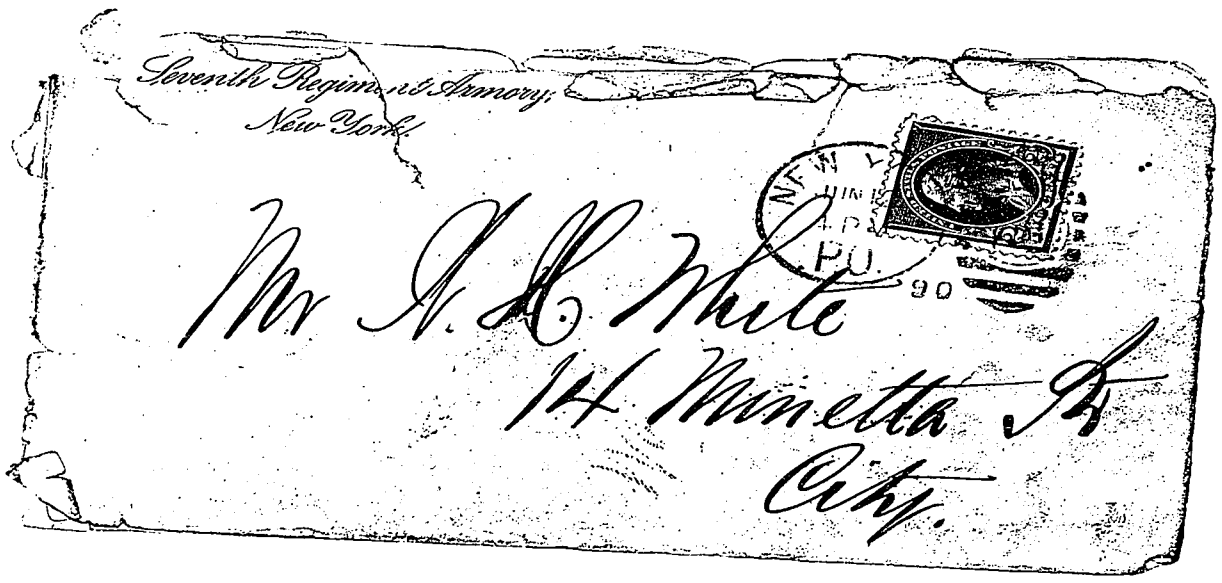
People, etc.

against

Henry White

0966

0967


Seventh Regiment Armory,
New York.

Mr. A. L. White
14 Minetta St.
City.

STATE OF NEW YORK.

Department of Rifle Practice

No. 2 COENTIES SLIP.

New York Sept 8th 1888

Mr William White

Sir

I am desirous to have you with me at Creedmoor from Sunday night Sept 9th to Saturday night Sept 15th

Please report sure

Yours

Chas H Robbins

On trial of Henry White
March 15th 1892,

Wm. H. White, testified on
Cross Examination -
Q. Were you ever
arrested before in
your life
A. No sir.
Q. Never arrested for
assault, two years
ago, were you?
A. No sir.

FORM 483 9-89-3 M. 9471 X

MANHATTAN RAILWAY COMPANY,

GENERAL MANAGER'S OFFICE,

No. 71 BROADWAY.

F. K. HAIN, General Manager.

New York, January 27th. 1890.

J. C. Yager, Esq.,

Div. Supt. Wagner Palace Car Co.

Opposite Grand Central Depot,

City.

Dear Sir;

Replying to your inquiry of 23rd. inst., William H. White was employed as porter by this Company March 14th. 1888 and resigned May 25th., same year, with a clear record.

Respectfully Yours,

F. K. Hain

General Manager.

Office of CHARLES F. ROBBINS,

NO. 2 COENTIES SLIP, NEW YORK,

Aug 16th 1886

Mr W.H. White
No 70 E Houston St

William. can you get off from you duties on the RR and come with me to Creedmoor Sept 13th to 18th inclusive — if not can you send me the man we had last year

Yours
C F Robbins

W. B. FREEMAN.
DRUGGIST & APOTHECARY
Ninth Ave. cor. 24th St. N.Y.

New York June 8/84

My William

We will have Your services on our trip, on the 18th & 19 day of June to Hartford & New Haven also find enclosed a note to General Robbins who offers to engage Your in Camp — this Summer, take the enclosed letter to the General and see if You will write him and can make arrangements with him — but dont engage Your self till after the 28 so as to go with us, after You have seen the General come up and see me — always home about noon on Wednesday Afternoon & Evening

Yours Truly
W. B. Freeman

N.Y. & Sea Beach Railway Co.
56 Wall Street, New York.
(Telephone 580 John.)
James T. Nelson,
Auditor.

N.Y. Apl. 27. 1889

William.

You must be at Armory on Friday morning 7 o'clock. for Non Commissioned Staff.

Assembly at 8. Do not fail to be there at 7.

J. A. Green

N.Y. & Sea Beach Railway Co.
56 Wall Street, New York
(Telephone 580 John.)
James T. Nelson,
Auditor.

April 27th 1889

My dear Bill.

The Bearer Wm. H. White - our servant at Armory for years - has lost his position on the Elevated, in consequence of going to Washington with the Regiment. I have given him work here for a few days but have nothing more for him to do — Could you do anything for him, either down town or at the Fair. I can recommend him & know him to be trustworthy & honest

Yours Sincerely
John R. Green

Wm. Hayes Esq

0975

Barbara Ann Leach
Collection
Homestead
1918-25

COMMERCIAL UNION ASSURANCE CO. LIMITED, OF LONDON,

COR. PINE AND WILLIAM STREETS.

NEW YORK, Apl 14th 1889

My dear Mr Hughes

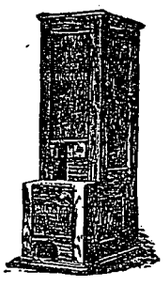
This will be handed you by Wm. White, the letter addressed to me will explain matters

Can you find any thing for him to do either at the Club or on your cars -

Anyone Mr Green recommends you can rely upon

Yours

W. J. Swan



CAPITAL STOCK, $100,000 FULL PAID.

Organized under the Manf. Laws of the State of New York.

THOMAS RUSSELL, Pres.
FREDERIC B. COCHRAN, Treas.

AMERICAN AUTOMATIC VENDING MACHINE M'F'G CO.

505 PEARL ST.,
~~NEW PARK ST.~~ COR. OF PEARL,

TELEPHONE CALL, 4575 CORTLANDT.

NEW YORK, Dec 12 189 1

Wm White has been in our employ for over a year, and we have found him honest and capable. We are glad to recommend him to any one needing his services.

Am. Auto. Vend.
Mach. Mfg Co.
F B Cochran Treas.

Police Court— 2nd District.

City and County of New York, } ss.:

William H. White

of No. 12 Minetta Street, aged 37 years,

occupation Exhibitor being duly sworn

deposes and says, that on the 26 day of February 1882 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED [redacted] by

Henry White (now here) who did wilfully and maliciously cut and stab deponent on the face and ear with a Knife then and there held in his hand

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

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

Sworn to before me, this 26 day of February 1882. } W. H. White

[illegible] Police Justice.

(1335)

2

Sec. 198—200.

District Police Cor

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Henry White

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. U. S.

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

Answer. Thompson Street.

Question. What is your business or profession?

Answer. Show Business -

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

Henry White

Taken before me this 2 *day of* May *189*9

Police Justice.

239

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
William G. White
Homer White

1
2
3
4

Offence Assault
Felony

Date January 26 1892

Magistrate.

Officer.

15 Precinct.

Witnesses.

No. Street.

No. Street.

No. Street.

No. Street.

$ 1000 to answer

BAILED,

No. 1, by Residence Street.

No. 2, by Residence Street.

No. 3, by Residence Street.

No. 4, by Residence 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 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 January 26 *18*92 Thos. E. Crady *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated *18* *Police Justice.*

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.

THE PEOPLE, &c., ON THE COMPLAINT OF William J. White, Thomas White

1. _____ 2. _____ 3. _____ 4. _____

Offence Assault, felony

Dated May 26 1892

Witness _____ Magistrate.

Officer Sullivan, 15 Precinct.

Witnesses: No. _____ Street. No. _____ Street. No. _____ Street. No. _____ Street.

$ 100 to answer

230

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 Two 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 May 26 1892 Thos. F. Brady Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Henry White

The Grand Jury of the City and County of New York, by this indictment, accuse Henry White of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said Henry White late of the City of New York, in the County of New York aforesaid, on the Twenty-sixth day of February in the year of our Lord one thousand eight hundred and ninety-two, with force and arms, at the City and County aforesaid, in and upon the body of one William H. White in the peace of the said People then and there being, feloniously did make an assault and him the said William H. White with a certain knife

which the said Henry White in his right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent him the said William H. White thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Henry White of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Henry White late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said William H. White in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and him the said William H. White with a certain knife

which the said Henry White in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DeLancey Nicoll
District Attorney

0983

BOX:
473

FOLDER:
4339

DESCRIPTION:
White, John

DATE:
03/01/92

4339

336

Witnesses:

Michael O'Donoghue

Counsel:

Filed day of March 1892

Pleads

THE PEOPLE

vs.

John White

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Pen 2 yrs & 8 mos

P.B.M.

(1365)

Police Court— 5 District. **Affidavit—Larceny.**

City and County of New York, } ss.

Michael O'Donoghue

of No. 507 E. 83d Street, aged 31 years,

occupation Plasterer being duly sworn,

deposes and says, that on the 26 day of August 189/ 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 Day time, the following property, viz:

Good and Lawful money of the United States to the amount and value of seven hundred dollars

the property of Deponent and Operative Plasterers Society and all in deponents care and custody

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 White (Convict) from the fact that at about the hour of 8 O'clock A.M. on said date the said defendant was in deponents house at said address and after he left deponent discovered that said property was missing and after this defendants arrest and in open court. this defendant admitted and confessed in the hearing of deponent and officer Edward Perter that he did feloniously take steal and carry away said sum of money whereupon deponent prays the defendant be held and dealt with according to law.

Michael O'Donoghue

Sworn to before me this 26 day of August 189/

[illegible] Police Justice.

Sec. 198—200.

S2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

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

Question. What is your name?

Answer. John White

Question. How old are you?

Answer. 18 years old

Question. Where were you born?

Answer. New York

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

Answer. 1656. Ave B. one week

Question. What is your business or profession?

Answer. Nothing

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 White

Taken before me this 26 *day of* July 189 9

[illegible] *Police Justice.*

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

244

Police Court--- 5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael O'Donoghue

507 E. 83 St

1 John White

2 .....

3 .....

4 .....

Offence Larceny Felony

Dated July 26 1892

Welde Magistrate.

Ed Pertell Officer.

27 Precinct.

Witnesses Ed Pertell

No. 27. Pct Street.

No. ..... Street.

No. ..... Street.

$ 2500 to answer

Comm

RECEIVED FEB 23 1892 DISTRICT ATTORNEY'S OFFICE

money

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 Park

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two 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 26 *18* 92 Welde *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.*

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 White

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse John White

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

The said John White

late of the City of New York in the County of New York aforesaid, on the 16th day of August in the year of our Lord one thousand eight hundred and ninety-one at the City and County aforesaid, with force and arms, in the day — time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of three hundred dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of three hundred dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of three hundred dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of three hundred dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one hundred dollars

$300.00

of the goods, chattels and personal property of one Michael N. O'Donoghue 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.

DE LANCEY NICOLL,
District Attorney.

0989

BOX:
473

FOLDER:
4339

DESCRIPTION:
Williams, Peter

DATE:
03/09/92

4339

0990

BOX:
473

FOLDER:
4339

DESCRIPTION:
Meyers, John

DATE:
03/09/92

4339

0991

BOX:
473

FOLDER:
4339

DESCRIPTION:
Reilly, Edward

DATE:
03/09/92

4339

Witnesses
Joseph Robinson
Charles Becker Jr

Send for
Mr Clark C. O. Detective
Mr Delaney publisher
Park Row near Chambers St
Thos. Cunningham.
liquor dealer
Ave B. & 15th St.

No 29

Counsel,

Filed 9 day of March 189 2

Pleads, Guilty, 70

THE PEOPLE

vs.

23 Ave B.
246 counterfeit

No 1 Peter Williams I

No 2 John Meyers I

10 plumber helper
10 Stanton

No 3 Edward Reilly I

Burglary in the degree.
[Section 498 Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Part 3. March 21/92
Nos 2 & 3, Plead Guilty
1. No 1 Tried & found Convicted
25/500 Ma
Nos 1. 2 & 3 El. Ref
Mch 25/92

CITY AND COUNTY OF NEW YORK, } ss.

Charles Becker Jr

aged 29 years, occupation Window dresser of No. 83 - 1st Avenue Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Joseph Rothman and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 28th *day of* May 1890.

Charles Becker Jr

Charles N Tamates
Police Justice.

(3602)

Sec. 198—206. 3rd District Police Court.

CITY AND COUNTY OF NEW YORK,

Peter Williams 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. Peter Williams

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. Germany

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

Answer. Grand st & Mt Bowery, 7 months

Question. What is your business or profession?

Answer. Composer

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

Answer. I am not guilty
Peter Williams

Taken before me this 7 day of March 1887

Charles Matter Police Justice.

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Meyer 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 Meyer

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Jersey City

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

Answer. 11 East 3rd St. 5 years

Question. What is your business or profession?

Answer. Printer

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. I met the defendant Williams while in a pool room at 300 Bowery, in conversation with Reilly. Williams after some remarks accompanied deponent and Reilly to Stanton Street where Williams stopped and pointed to No. 12 Stanton Street and stated to deponent and Reilly that he intended to break into the jewelry store, and took the jimmy which he Williams had concealed on his person and handed it to deponent and at his instruction and direction I went to the door and attempted to break it open. Williams and Reilly were standing opposite watching

John Meyers

Sworn to before me this 1st day of May 1884

Michael Stanton

Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Edward Reilly

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York

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

Answer. 10 Stanton St. 4 years

Question. What is your business or profession?

Answer. Plumbers, helper

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. The statement made by Meyers is substantially correct. William when we reached Stanton Street, said to me that he was going to "touch" that place indicating No. 12 Stanton Street and meaning thereby that he intended to break and enter with intent to steal. I saw Meyers go to the door

Edw Reilly

Sworn to before me this 3 day of April 1884

Charles O'Connor Police Justice.

Police Court, 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 Joseph Robinson
12 Attalon St
2 Peter Williams
3 John Meyer
4 Edward Reilly

Offense: Attempted Burglary

Feby 28th 1892

Dated, ... 189

Fainlie
Magistrate.

Nugent
Officer.

11th
Precinct.

Witnesses: William Mooney
No. 11th Precinct Street.

Charles Becker Jr
No. 83 - 1st Avenue Street.

No. ..... Street.

$ 1000 to answer

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

RECEIVED, DISTRICT ATTORNEY'S OFFICE. FEB 29 1892

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

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

Dated, ... *189* ..... *Police Justice.*

I have 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.*

Police Court 3 District.

City and County of New York, } ss.:

Joseph Robinson of No. 12 Stanton Street, aged 21 years, occupation Jeweler, being duly sworn deposes ~~and~~ says, that the premises No. 12 Stanton Street, 17 Ward in the City and County aforesaid the said being a dwelling house ~~the store of~~ ~~and~~ which was occupied by deponent as a jewelry store ~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY attempted to be entered by means of forcibly attempting to opening the front door leading to said store by inserting an instrument known as a jimmy which is commonally used as a burglars tool, into the said door.

on the 26th day of February 1892 in the night time, ~~and the following property feloniously taken, stolen, and carried away, viz:~~ with intent to commit some crime therein

~~the property of~~

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed attempted to be ~~and the~~ aforesaid ~~property taken, stolen and carried away by~~ with intent to commit some crime Peter Williams John Meyers ~~an~~ Edward Reilly, who were acting in concert

for the reasons following, to wit: that said store at its doors and windows was securely locked and fastened and a large quantity of personall property was therein. That the door leading to the store bear marks which indicate that some instrument has been used to force open the door. Deponent is informed by Charles Becker (now) here, that at about the hour of eleven

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188 _____

Magistrate. _____
Officer. _____
Clerk. _____

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

$ _____ to answer General Sessions.

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

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 it to be discharged.

Dated _____ 188 _____ Police Justice.

Sworn to before me this 28 February, 1894

Charles N. Tainter
Police Justice

Jos. Rolinson

Where upon deponent charges the defendants with acting in concert in attempting to break and enter the premises with intent to commit some crime.

Deponent then found the said door marked Bowery. Deponent then found the said door marked

and then the defendants in company with each other left and walked toward the

watched the movements of the defendants and saw said Meyers leave deponents door and cross over to Williams and Reilly and converse with them and then Meyers returned to the door and again returned to the defendants Williams and Reilly who had remained standing looking about

he is getting there" and Becker thereupon looked about and saw the defendant Meyers at the door of deponent's store opposite where Williams and Reilly were standing. Said Becker then

conversation; he heard Williams say: "he is all right

along Stanton on the south side and saw the defendants Williams and Reilly standing on said south side engaged in con-

o'clock on the night of said day he was passing

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York, against Peter Williams, John Myer and Edward Riley.	Before Hon. Jas. Fitzgerald, and a Jury.

Indictment filed March 9, 1892.

Indicted for an attempt at burglary in the third degree.

New York, March 21, 1892.

A P P E A R A N C E S:

For the People,

Assistant District Attorney James W. Osborn;

For the Defendant,

J. F. Moss, Esq.

JOSEPH ROBINSON, a witness for the People, sworn, testified:

I keep my place of business at No. 12 Stanton Street and have kept it there nearly two years. On the 26th. of February 1892 I went away from my store at 10 o'clock. I locked it up carefully. I left property worth $2,000 in that store when I locked it up. I am positive I turned the key in the door when I went out. All the property, except about $100 worth of goods, were in the safe. I keep a jewelry store. I was awakened by an officer and came to the store and found the door had been damaged. I found keys in the door. I saw the de-

fendant pass my store that evening.

CHARLES BECKER, a witness for the People, sworn, testified:

I am a window-dresser by occupation. On the night of the 26th. of February 1892 I happened to be going through Stanton Street about half past ten and I overheard the defendant Williams say to the boy Riley: "It is all right. He is going in there". That attracted my attention. I looked across the street and I saw the other boy breaking in the jewelry store door. I saw nobody there. I ran over and notified Ward Detective Nugent. The boys ran away. They were afterwards arrested.

Cross-examination:

I was on the same side of the street as Williams and one of the Riley boys. I simply happened to hear this conversation as I passed along the street. One of the boys was at the window of the jewelry store and I heard Williams say: "It is all right. He is getting in". This was about half past 10 o'clock at night. It was Williams speaking that attracted my attention to the boy who was at the jewelry store window.

JOHN MYERS, a witness for the People, sworn, testified:

I am 17 years of age. I am one of the defendants in this case. I have just pleaded guilty. I met the defendant Williams on the night of this occurrence. He, Riley and myself went together to this store in Stanton Street. I was givena jimmy by the defendant Williams

He told me first to go over to the jewelry store and see if there was anybody in it, and if there was not to put the jimmy in between the door and the casing. I went across the street. Riley and he remained on the opposite side. The way I came to go to these premises with Williams and Riley was I met them in the street. Williams said: "You live in Stanton Street?" and Riley says yes. Then he said he would take a walk over there with us. He pointed out No. 12 Stanton Street to us. He said it was a jewelry store and that they kept the stuff in the showcase. He said he would try to get in there. Then he showed me the jimmy. I didn't know what it was until he told me. Afterwards I agreed to help him break in the store and I went across the street with the intention of putting the jimmy in the door.

Cross-examination:

I have not been promised any reward for testifying in this case. I am testifying because I was told to do so. I am telling the truth. I do not expect to receive any lighter punishment because I have testified.

EDWARD RILEY, a witness for the People, sworn, testified:

I am also one of the defendants in this case. I made a statement in the Police Court of my connection with this matter. I met Williams on the night in question. He told me, referring to this jewelry store: "I

am going to touch that place tonight". We went to the place together. Williams and I stayed on the opposite side of the street. Williams gave Myer the jimmy and he went across the street and stuck it in the door. Then we ran away.

Cross-examination:

I didn't see Williams go over to the store at all. It was he that first suggested breaking into the place. We were afterwards arrested in a pool room in the Bowery.

WILLIAM J. MOONEY, a witness for the People, sworn, testified:

I am a police officer of this city. I arrested Williams in a pool room. When he was taken to the Station House he asked me what I wanted him for. I told him he knew well enough what I wanted.

DEFENSE.

PETER WILLIAMS, the defendant, sworn, testified:

I am 23 years of age. I have never been convicted of crime. I know the co-defendant Riley. On the night in question I did not break into this store, nor did I attempt to do so. At half past 9 I left my house and walked towards the Bowery. I went down to the London Pool Room and there I saw Riley with two friends of his playing a game of pool. After several games were played Riley and two other men asked me if I would go for

a walk. I said I might as well. We went towards Stanton Street. We were accosted by three young men. A girl came up to us and said she was looking for her husband. We told her she could find him in the London Pool Room. I took a walk with Riley and Myers, but I didn't give them any jimmy. It was Riley and Myers who suggested breaking into this store, and I had nothing whatever to do with it.

Cross-examination:

I have known Riley and Myers only a short time. I didn't put up the job to break into this store as they have suggested. I have never committed any crime whatever.

The Jury returned a verdict of guilty of an attempt at burglary in the third degree.

Indictment filed March9-1892.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

PETER WILLIAMS, John MYER

and EDWARD RILEY.

Abstract of testimony on

trial New York March 21st

1892.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter Williams, John Mengus and Edward Reilly

The Grand Jury of the City and County of New York, by this indictment, accuse Peter Williams, John Mengus and Edward Reilly as the principals of attempting to commit ~~of~~ the CRIME OF BURGLARY in the third degree, committed as follows:

The said Peter Williams, John Mengus and Edward Reilly, all ——

late of the 17th Ward of the City of New York, in the County of New York aforesaid, on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Joseph Robinson, ——

there situate, feloniously and burglariously did attempt to break into and enter, ~~there being then and there a human being within the said dwelling house~~, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said

Joseph Robinson, ——

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

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

A. Bannerman,
District Attorney

1007

BOX:
473

FOLDER:
4339

DESCRIPTION:
Williams, Samuel

DATE:
03/23/92

4339

Witnesses:

Sing Wah

Off - Price 61,

Det Schuch

Good. Fly

No 119 M.

Counsel,

Filed 23 day of March 1892

Pleads, Mynally

THE PEOPLE

35 Labor.

vs.

154 Thompson I

Samuel Williams

Robbery, Degree. [Sections 224 and 225, Penal Code.]

Part II

April 7

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Part 2 - April 7, 1892.

Tried and convicted of Robbery 2nd deg. with recom. to mercy

Sentenced 9 Mos S.P.

April 8/92

8

Witnesses:

Lieut Walsh

Off - Price 61.

Det Schenck

Goody. Bly

No 119 Hy

Counsel,

Filed 23 day of March 1892

Pleads, Not guilty

THE PEOPLE

35 Laber.

vs.

154 Thompson

Samuel Williams

Degree.

Robbery, [Sections 224 and 225, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Part III

April 7

A TRUE BILL.

Foreman.

Part 2 - April 7, 1892.

Tried and Convicted of

Robbery 2nd deg. with recom.

to mercy

Judgment 9 Mos S.P.

April 8/92

8

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

Police Court—First District.

Sing Wah

of No. 41 Baxter Street, being duly sworn, deposes and says, that on the 12 day of March 1892 at the 6th Ward Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent, by force and violence, without his consent and against his will, *the following property viz:*

Fourteen dollars in money and one razor

of the value of Forty Dollars,

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 force and violence as aforesaid by Samuel Williams and William McMahon and one unknown man who acting in concert assaulted deponent & seized him threw him to the floor and when prostrate cut off a belt containing said money seized the same and made off with it that a razor was taken from said deponent at the time of the robbery which was subsequently found upon the person of said Williams

勝和

Sworn to, before me this 14 day of March 1892

Police Justice.

1011

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Samuel Williams

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. U S

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

Answer. 154 Thomson st

Question. What is your business or profession?

Answer. Porter.

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.
Samuel Williams

Taken before me this 14 *day of* March 1892

D Mahoney

Police Justice.

1012

BAILED,

No. 1, by.....

Residence.....Street.

No. 2, by.....

Residence.....Street.

No. 3, by.....

Residence.....Street.

No. 4, by.....

Residence.....Street.

310

Police Court, 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Sing Wah
241 Baxter St

vs.

Samuel Williams

1

2

3

4

Offense Robbery

Dated, March 14 189 2

McMahon Magistrate.

Price Officer.

6th Precinct.

Witnesses Off Greenwood

No. Street.

No. Street.

No. Street.

$ 3000 to answer G S.

Committed

RECEIVED, MAR 17 1892 DISTRICT ATTORNEY'S OFFICE

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

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, ... *189* ..... *Police Justice.*

I have 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.*

COURT OF GENERAL SESSIONS OF THE PEACE,

City and County of New York.

The People, vs. SAMUEL WILLIAMS.	Before HON. FREDERICK SMYTH, and a Jury.

Tried APRIL 7,1892.

Indictment for ROBBERY, in the first degree.

Indictment filed MARCH 23rd, 1892.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

For THE PEOPLE.

HUGH COLEMAN, ESQUIRE,

For THE DEFENCE.

SING WAH, the COMPLAINANT, being examined through Lee Bing, who was sworn as Interpreter, testified that he lived at 41 Baxter street, and was in the laundry business. He remembered the 12th of March, 1892. He saw the defendant, Samuel Williams, on that day, at about half past eleven in the forenoon. He was with three other men. There were four men together ---- two white men and another colored man besides the defendant. The four men entered his, the complainant's, store at 41 Baxter street. He had a strip of cloth around his, the complainant's, waist, and a bag was attched to the strip containing fourteen dollars. The defendant stole the bag containing the money. The witness had a razor in his drawer in the store at the time. He recognized the razor produced by the District Attorney as his. The other colored man came in first and then the defendant entered and knocked him, the complainant, down. One of the men held his feet, and another his head, and one of them cut the strip of cloth from his body, and the defendant, as he believed, snatched the bag of money and ran away. The defendant had been working for him, the complainant, for two weeks before that. The defend-

ant washed for him, the complainant. The four men ran out together. He, the complainant, found his desk drawer open and missed the razor. The policeman found the razor in the defendant's pocket. After the defendant and his companions ran out, he, the complainant, put on his hat and went to the station house and told the Sergeant, and the Sergeant said all right, and he, the complainant, went back to his laundry. Soon afterwards two police officers came to his laundry and he told them of the robbery.

In cross-examination the witness testified that the fourteen dollars was in dollar bills. He had saved it up. He, the complainant, was at work when the defendant and his companions entered. He had saved up the fourteen dollars towards paying his rent. He paid twenty-five dollars a month rent. He had paid eleven dollars towards that month's rent, and had told the landlord to come for the balance on Saturday afternoon. He put the money in the belt on Friday night, when he went to bed. He did not go out in the street on Friday night or on the following morning. The last time that he saw the money in the belt was on Friday night, but he

felt the money in the belt all the time, because the belt was tied tight upon his body. Nobody slept in his laundry except himself on the preceding night. During that week, he, the complainant, had no employee in his laundry. While the defendant was in his employ, he lost some shirts and discharged the defendant. He did not accuse the defendant of stealing the shirts and did not have a quarrel about them. He did say to the defendant that he had lost some shirts, but he did not know who had stolen them. He had last seen the razor on the preceding Monday afternoon, when he had shaved with it.

OFFICER PATRICK CORCORAN testified that he was attached to the sixth police precinct. The complainant made his complaint at the station house, and he, the witness, first heard of it at one o'clock on that Saturday afternoon. He, the witness, went down to the laundry and the complainant told him of what had occurred. The laundry was wet from water that had been upset and the clothing was scattered around. The complainant told him that the defendant, whom he called "Willie," was one of the four men who had robbed him. He, the witness, returned

to the police station and reported to the Sergeant at the desk, and the witness and Officer Price went out to look for the four men. The complainant had given a description of the four men. Officer Price gave him, the witness, a good description of the defendant, and Officer Price sent him, the witness, up to Bleecker and Thompson streets, where the defendant was in the habit of hanging out. He met the defendant in Bleecker street and arrested him and took him to the laundry, where he was identified by the complainant. He, the witness, asked the defendant, when he arrested him, who the white men were that were with him. He, the witness, told the defendant that he knew that he, the defendant, and a man named Mc Mann were together. The defendant denied being at the laundry at all at first. The arrest was made in the evening, about eight o'clock. The defendant was alone. He put the nippers on the defendant when he arrested him and told him that he arrested him for robbing the complainant, the Chinaman. He took the defendant down town on a car, and they came through Leonard street. The defendant put his hand in his inside vest pocket and he, the witness, made him take his hand out. When they

got to the laundry, as soon as they entered the door, the complainant said, "That's him." Another colored man happened to be standing in the laundry at the time, and the defendant again put his hand in his inside vest pocket and pulled out his pocket-book and the razor together, and he told the colored man to mind his pocket-book. He, the witness, grabbed the defendant's hand, and found the pocket-book and the razor in his hand. The complainant then identified the razor. On the way to the station house, he, the witness, met Officer Price, and he turned the prisoner over to Officer Price with the razor and the pocket-book. Then he got a Chinese interpreter and took the complainant to the station house, and the complainant made his complaint. In the station house the defendant damitted that he was at the laundry and said that McMann was also there. He said that there was also an Italian with them, whom they called Murphy. The defendant did not make any explanation of how he became possessed of the razor. McMann was not arrested because he, the witness, was not able to find him. The Italian named Murphy had not been arrested either, because he had not been found.

OFFICER FRANK S. PRICE testified that he was attached to the sixth police precinct, and was assigned to special duty. He, the witness, went to the laundry, after the robbery was reported, and conversed with the Chinaman, the complainant, who gave him a description of the defendant. The complainant told him, the witness, that the defendant's neck was scarred, and thereupon he, the witness, at once recognized the description as that of the defendant. Thereupon he, the witness, sent the other officer to Bleecker and Thompson streets, where he, the witnees, knew the defendant was in the habit of hanging out. When he, the witness, asked the defendant who was with him at the time of the robbery, the defendant denied at first that he had been concerned in the robbery at all. Then he admitted that McMann and an Italian called Murphy were with him.

FOR THE DEFENCE, ISAAC GRINNELL testified that he lived at Fall River, Massachusetts, and he was a steamboatman, employed on the Fall River line of steamboats, having a landing at Pier 28, North River. He, the witness, was employed

by the Fall River Line as a bow-watchman, and had been so employed for four years. He was employed on the freight steamboat "Fall River." He knew the defendant, and had known him for a little over four years. The defendant had been employed by the company. His reputation, while in the employ of the company, was good. The defendant had the keys of the state-rooms of the captain and all the officers.

In Cross-examination the witness testified that the defendant had worked off and on during the four years. He was last employed about the 1st of December, 1891. The line of steamboats ran all the winter.

SAMUEL WILLIAMS, THE DEFENDANT, testified, in his own behalf, that the razor that had been found in his possession by the police officers belonged to a friend named "Jim." He had had it in his possession about a month. He had never been arrested before in his life. He had been employed on steamboats and steamships. His last employment in that line was on the steamboat "Fall River," of the Fall River line. He was employed there as a porter. He left the city of Fall River to go to the hos-

pital to be treated for his throat. He did not take any part in the robbery of the complainant or the cutting of the money bag from his waist. He did not know of the robbery and was not present at it. He had been employed by the complainant for two weeks. The complainant got angry because some shirts were lost, and there was a quarrel, and the defendant left the complainant's employ. He, the defendant, was passing the complainant's laundry on the forenoon in question, going to shave his friend. The Chinaman threw open his door and attacked him, the defendant, with an iorn bar, about a quarter of an inch thick. The complainant struck him three times upon the arm and once upon the hat, and then he, the defendant, struck the complainant and knocked him down in self-defence. Then Willie McMannpassed by and asked what was the matter. He, the defendant, said that the complainant was attacking him with the iron bar. Then he, the defendant, went away. He, the defendant, did not see McMann do anything. There was a colored man living next door to the complainant, and several other colored people living around there. He, the defendant, did not rob the Chinaman, nor did he see any one else do so.

In cross-examination the defendant testified that he did not know the last name of his friend "Jim," whose razor he had in his possession. He understood that "Jim" rented part of the basement from the complainant. Willie McMann was a colored man. No Italian by the name of Murphy was present at the time of the fight between the complainant and himself. He, the defendant, did not tell Officer Price that the Italian called Murphy had cut the complainant's belt from his body with his knife. He never knew any Italian called Murphy. When he, the defendant was taken back to the laundry by Officer Corcoran, that evening, "Jim" was sitting in the laundry, and he, the defendant, said to "Jim," "Here, Jim, take this razor and this pocket-book," and "Jim" said, "I can't take anything away from you," and just then Officer Corcoran grabbed his, the defendant's, hand. He gave the pocket-book and the razor to "Jim" because he did not want to keep them. There was nothing in the pocket-book except some pawn-tickets. Neither in the police station, not at any time on the night of his arrest, did he charge the complainant with having assaulted him with the iron bar. He did not speak of the matte

because he was not asked about it. When he went to shave "Jim" he knocked at the complainant's door. "Jim" did not appear but the Chinaman did, with the iron bar in his hand.

IN REBUTTAL, OFFICER PRICE, being recalled, testified that at no time after his arrest did the defendant say anything about having been assaulted by the complainant with an iron bar. He, the witness, knew a colored man by the name of "Jim", that worked for the complainant. He had seen him since the robbery. He saw him last on the Monday preceding the trial, in his own apartments, at 41 Baxter street. "Jim" was not the colored man to whom the defendant tried to pass his pocket-book and the razor in the laundry.

1024

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Samuel Williams

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

Samuel Williams

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

The said Samuel Williams,

late of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and ninety-two, ~~in the time of the said day~~, at the City and County aforesaid, with force and arms, in and upon one Ding Wah, in the peace of the said People then and there being, feloniously did make an assault, and divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of fourteen dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of fourteen dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of fourteen dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of fourteen dollars; and divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of fourteen dollars,

of the goods, chattels and personal property of the said Ding Wah, from the person of the said Ding Wah, against the will and by violence to the person of the said Ding Wah, then and there violently and feloniously did rob, steal, take and carry away, the said Samuel Williams being then and there aided by an accomplice, actually present, to wit: by one William Morrison, and by a certain other person whose name is 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.

DeLancey Nicoll,
District Attorney.

1025

BOX:
473

FOLDER:
4339

DESCRIPTION:
Wilson, John

DATE:
03/23/92

4339

Witnesses:

Frederick B Rulfs

No 125 Atty

Counsel,

Filed 28 day of March 1892

Pleads, Guilty

THE PEOPLE

55
110259
cook

vs.

John Willson

Grand Larceny, Second Degree.
[Sections 528, 531, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

Part 3. March 28/92
Pleads. Attempt G.L. 2d deg
apl 8
Sentd
1 Yr 4 mos
May 6/92

1027

POOR QUALITY ORIGINAL

(1365)

Police Court— 2nd District. Affidavit—Larceny.

City and County of New York, } ss.

Frederick B. Rulfs

of Tug Eltoro, lying at Pier 37 North River Street, aged 27 years, occupation Steamboat Pilot being duly sworn, deposes and says, that on the or about 3 day of March 189 2 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 day time, the following property, viz:

A Gold Watch, gold chain, and a gold anchor attached. in all of the amount and value, of one hundred and twenty five dollars ($125)

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 John Nelson (now here) from the following facts to wit. That about the hour of ten o clock P. M. of the aforesaid date deponent missed the aforesaid property from his room on board the Tug Eltoro — and that deponent is informed by Detective Charles Formoso of the Central Office that he found two pawn tickets on the person of the defendant, and that deponent has seen the property represented by said Pawn Tickets found on the defendant and fully recognizes the same as the aforesaid property stolen from him on said date, and also recognizes a Gold Ring represented by one of said Pawn tickets, as a Ring which had been stolen from his room on board of said

Say, sometime previous to the Larceny of the aforesaid property - and that the defendant after being advised of his rights, admitted and confessed in open Court in presence of deponent and said Detective Thomas that he had taken stolen and carried away the aforesaid property - Deponent therefore charges the defendant with having committed a Larceny and asks that he may be held and dealt with as the Law may direct —

Sworn to before me
this 14 day of March 1892

H. B. Rudge

Police Justice

1029

CITY AND COUNTY OF NEW YORK, } ss.

Charles Formoso

aged ..... years, occupation Detective Officer of No. Central Office Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Frederick B Ruff and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 14 *day of* March 1892 } Charles Formoso

Police Justice.

(3692)

1030

(1335)

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Wilson

Question. How old are you?

Answer. 55 years

Question. Where were you born?

Answer. New York

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

Answer. 210 East 98 Street - 2 months

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 guilty

John Willson

Taken before me this 14 day of May 1894

Police Justice.

1031

POOR QUALITY ORIGINAL

Police Court ... District.

THE PEOPLE, &c.
ON THE COMPLAINT OF
Thomas B. Clark
Lived at 37 Clinton St.
John Nelson

Offence: Larceny
Felony

1. 2. 3. 4.

Dated March 14 1892

Thomas Byrnes, Magistrate.
Officer.
26 Precinct.

BAILED,

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

Witnesses.
No. ..... Street.
No. ..... Street.
No. ..... Street.
No. ..... Street.
§ ..... to answer.

RECEIVED MAR 17 1892 DISTRICT ATTORNEY'S OFFICE

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

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

Dated March 14 18 92 ..... Police Justice.

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

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

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

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

1032

LAW OFFICE
SIDNEY V. LOWELL,
44 COURT STREET,
COR. JORALEMON,
2ND STORY FRONT.

BROOKLYN, Mch 30 1892

Hon Jas Fitzgerald
Judge Ct Sessions

Dear Sir I regret to hear that John Wilson - a colored man is to be sentenced in your Court on Friday for Grand Larceny - 2nd degree - he having pleaded guilty

Wilson was in my employ some years ago on a Sloop Yacht owned by me, the Josephine, and his conduct on several occasions was base and devoted in a marked degree, so that I have not forgotten it, neither have my family and friends on board. In his

trouble therefore I write to ask that these good deeds may be set to his credit as against the temptations to his poverty under which he is now fallen

My wife who remembers his conduct gratefully unites in this request.

Very Respectfully
Sidney V. Lowell

1034

505

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 Willson

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

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

The said John Willson

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

one watch of the value of seventy-five dollars, one chain of the value of thirty-five dollars, and one gold anchor of the value of fifteen dollars

of the goods, chattels and personal property of one Frederick B. Rulf,

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.

De Lancey Nicoll,
District Attorney