

0704

BOX:

507

FOLDER:

4628

DESCRIPTION:

Baginelli, Joseph

DATE:

01/20/93



4628

Witnesses:

Joe Dow

Officer Reizer

Counsel,

Filed *20* day of *May* 1893

Pleads,

THE PEOPLE

21 Park St. vs. Defendant

Joseph Baginelli

Sections 528, 582 Penal Code.

PEIT LARCENY.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. Cathie

Townman.

Sub 2 - Jan. 31, 1893

Pleads Guilty

Pen 1 mo. P.M.

0706

Police Court 1 - District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Joe Sow

of No. 11 Mott Street, aged 57 years,
occupation: Restaurant Keeper being duly sworn,

deposes and says, that on the 15 day of January 1893 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the night time, the following property, viz:

One overcoat valued at
Ten dollars

the property of Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by Joseph Baginelli (now here)
for the following reasons to wit: about the hour
of 12.30 o'clock A.M. on said date deponent
saw the defendant run out of deponent's
place of business with said overcoat in his
possession. Deponent pursued him and
caused his arrest with the said coat in his
possession.

西本

Joe Sow
his
mark

Sworn to before me, this 15 day
of January 1893
W. M. ...
Police Justice.

0707

City and County of New York, ss:

Joseph Baginelli 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 Baginelli*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *23 Park St 13 years*

Question. What is your business or profession?

Answer. *Candy maker*

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 Baginelli

Taken before me this

15

date of *May 1893*

H. M. ...

Police Justice.

0708

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

Alfred

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

Dated, *June 15* 189*3*

[Signature] Police Justice.

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

Dated, 189

..... Police Justice.

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

Dated, 189

..... Police Justice.

070

Police Court--- 1 69 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joe Sore
vs. J. Mott
Joseph Baginelli

Offense
Larceny

2
3
4

BAILED,

No. 1, by.....
Residence Street.

No. 2, by.....
Residence Street.

No. 3, by.....
Residence Street.

No. 4, by.....
Residence Street.

Dated, Jan 15 1893
The Mahon Magistrate.
Riggs Officer.
6 Precinct.

Witnesses Officer

No. Street.

No. Street.

No. Street.
\$ 5.00 to answer G.S.

C

pk

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Baginelli

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

Joseph Baginelli

of the CRIME of PETIT LARCENY, committed as follows:

The said

Joseph Baginelli

late of the City of New York, in the County of New York aforesaid, on the 15th day of January in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

one overcoat of the value of ten dollars

of the goods, chattels and personal property of one

Joe Saw

then and there being found, then and there unlawfully 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

0711

BOX:

507

FOLDER:

4628

DESCRIPTION:

Baker, Michael

DATE:

01/06/93



4628

0712

BOX:

507

FOLDER:

4628

DESCRIPTION:

Sullivan, Michael

DATE:

01/06/93



4628

Witnesses:

Alfred W. Cochran

January 23 1893

On the within affidavit
and with knowledge of the
contents, in which he
swears he can witness
that the depth reached
him, I accompanied
that the instrument be
diminished

Ad Madona

Apprentice

De Lancey Nicoll

Dist Atty

73

Counsel,

Filed

1893

day of *any*
Pleads *M. G. Kelly*

THE PEOPLE

vs.

B
Michael Baker
and
Michael Sullivan

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

L. C. C. C.

Foreman.

in recem. of Dist. Atty.
indict. dis. P.B.M.
Jan. 31 1893

New York General Sessions.

PEOPLE ON MY COMPLAINT,

VERSUS

Michael Sullivan
and
Michael Baker

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

I signed the affidavit in the Police Court against these men under the excitement of a moment and now I could not conscientiously swear that these were the men who assaulted me, as there was a great crowd around me at the time I have known both defendants for years, and have been always friendly with them, and do not think they would serve me in that manner.

His
John Schokler
mark

Sworn to me before me
this 23rd day of January 1893

Lawrence Heavitt
Notary Public 162 N.Y.C.

0715

POLICE COURT— 1 DISTRICT. No. 1 RECOGNIZANCE TO TESTIFY.
CITY AND COUNTY }
OF NEW YORK, } ss.

BE IT REMEMBERED, That on the 27-~~26~~⁵ day of December in the year of our Lord 1892

of No. John Schokler
42 Bayter Street, in the City of New York,
and Patrick Moore

of No. 39 1/2 Bayter Street, in the said City,
personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

John Schokler
the sum of one Hundred Dollars,
and the said Patrick Moore

the sum of one Hundred Dollars,
separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally appear at the next COURT OF General SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there *Testify* and give such evidence, in behalf of the People of the State of New York, as he may know concerning an Offence or said to have been lately committed in the City of New York aforesaid by

Michael Baker and
Michael Sullivan

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the } John Schokler
day and year first above written. } Patrick Moore
John Schokler
Patrick Moore
John Schokler Police Justice.

0716

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Moore

the within-named Bail, being duly sworn, says that he is a House holder in said City, and is worth Two Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

stock & fixtures of Liquor Store at no 39 1/2 Baxter Street - worth one thousand Dollars for & clear

his
Patrick X Moore
(mark)

Mag of
Sworn before me this
1881

Police Justice

New York Sessions.

THE PEOPLE, &c.

Recognizance to Testify.

Magistrate

Filed

day of

188

0717

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT / DISTRICT.

CITY AND COUNTY }
OF NEW YORK, } ss.

Jennie McCrehan

of the *6* Precinct Police, being duly sworn, deposes
and says that *John Shlaky*

(now here) is a material witness for the people against
Michael Gahan & Michael Sullivan charged
with *Voluntary Assault*.

As deponent has
cause to fear that the said *John Shlaky*
will not appear in court to testify when wanted, deponent prays
that the said *John Shlaky* be
committed to the House of Detention in default of bail for his
appearance.

Quinn H. Cook

Sworn to before me, this *23*
day of *Dec* 189*1*

Wm. J. Brady
Police Justice.

0718

Police Court _____ District.

1981

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

of No. 42 Baxter John Schokler
Street, aged 52 years,
occupation Seaman being duly sworn,

deposes and says, that on the 20 day of December 1892 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by
Michael Baker and Michael Sullivan
both now here, acting in concert with each other
The defendant Baker struck him a violent
blow on the head with a slung shot -
which he, Baker, then and there held in his hand
knocking him (deponent) down and while he
was down the defendant Sullivan kicked
him

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 20 day }
of Dec 1892 } John X Schokler
Mark
Police Justice.

0719

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

Michael Baker

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 Baker*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *39 1/2 Baxter St - 4 years*

Question. What is your business or profession?

Answer. *Steam boat man*

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

M. Baker

Taken before me this

day of *Dec*

1891

1891

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1891

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1891

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1891

1891

1891

Police Justice.

0720

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Michael Sullivan 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 Sullivan*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *88 Mulberry St - 5 months*

Question. What is your business or profession?

Answer. *Paper cutter*

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

Answer. *I am not guilty -
Michael Sullivan*

Taken before me this *25* day of *Dec* 189*2*
W. J. [Signature]
Police Justice.

0721

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

defendant

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

Dated, Dec. 25 189 72

[Signature]
Police Justice.

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

Dated, _____ 189 _____

Police Justice.

There being no sufficient cause to believe the within named

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

Dated, _____ 189 _____

Police Justice.

0720

1623
1894

Police Court- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John Schokler
42 vs. *Baker*

1 *Michael Baker*
2 *Michael Sullivan*

Offense *Felony Assault*

Dated, *Dec 20* 189*2*

Grady McCrohan Magistrate. Officer.

6 Precinct.

Witnesses *Officer*

No. Street.

No. Street.

No. *Each* Street.

\$ *2000* to answer *Feb 11*

\$2000 ex. dec. 23. 2/11
" " 25 10 2/11

BAILED,

No. 1, by *Journal Cronin*
Residence *296 West St* Street *Bellevue 114*

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Baker and
Michael Sullivan

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

The said Michael Baker and Michael Sullivan
late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *December* 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 *John Schokler* in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
John Schokler with a certain *slung-shot*

which the said Michael Baker and Michael Sullivan
in *their* right hands 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 *John Schokler*
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
Michael Baker and Michael Sullivan
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:
The said Michael Baker and Michael Sullivan

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
John Schokler in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *John Schokler*
with a certain *slung-shot*

which the said Michael Baker and Michael Sullivan
in *their* right hands 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.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Michael Baker and Michael Sullivan

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

The said *Michael Baker and Michael Sullivan*

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 said *John*
Schokler in the peace of the said People then and there being, feloniously
did wilfully and wrongfully make another assault, and *him* the said

with a certain *slung-shot* *John Schokler*

which *they* the said *Michael Baker and Michael Sullivan*

in *their* right hand, then and there had and held, in and upon the
head of *him* the said *John Schokler*

then and there feloniously did wilfully and wrongfully strike, beat, ~~and~~, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said

John Schokler
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.

0725

BOX:

507

FOLDER:

4628

DESCRIPTION:

Ballard, Harry E.

DATE:

01/05/93



4628

0726

Witnesses:

Charles Higman

10

Counsel, *5*
Filed *5*
Pleads, *Amuly*

THE PEOPLE

34th vs.
27th Clerk

Harry E. Ballard

Grand Larceny, Second Degree,
[Sections 828, 88,
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

L. L. Lathin

Foreman.

Phil B. Lamy 9/93
Pleas do Attorney *E. L. L. L. L.*

179776 mos

[Signature]

0727

Police Court District. Affidavit—Larceny.

City and County }
of New York, } ss:

Charles Sigman

of No. 23 Maiden Lane Street, aged 27 years,

occupation Assistant Manager being duly sworn,

deposes and says, that on the 23 day of December 1892 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:

Four silver-ice cream plates
Four silver salts
all of the value of fifty one dollars
(\$51.00)

the property of Gorham Manufacturing Company
of which deponent is assistant manager

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

HARRY E. BALLARD (now here) for the following reasons to wit:

Deponent saw the defendant take and steal from a show case in the store of the Gorham Manufacturing Company at No 23 Maiden Lane, silver ware and secrete it in his pockets deponent caused his arrest and found in his possession the said property which deponent fully identified as property that was stolen from the Gorham Manufacturing Company

Chas Sigman

Sworn to before me, this 24 day of December 1892
of New York
Police Justice.

0728

Sec. 198-200.

1888
District Police Court.

City and County of New York, ss:

Harry E. Ballard 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. *Harry E. Ballard*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *274 E-102 St - 1 year*

Question. What is your business or profession?

Answer. *clerk*

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
Harry E. Ballard*

Taken before me this *24*
day of *June* 189*7*
Walter Brady
Police Justice.

0729

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

Defendant

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

Dated, *Dec 24* 1892 *[Signature]* Police Justice.

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

Dated, 189 _____ Police Justice.

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

Dated, 189 _____ Police Justice.

Police Court--- / District. 1624

THE PEOPLE, &c.
ON THE COMPLAINT OF

Charles Siegmund
20 Broadway Lane
Harry E. Ballard

Offense *Armed*

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Dated, December 24 1892

Grady Magistrate.
McNaught Officer.

C.O. Precinct.

Witnesses Jas. Byrnes.
No. 20 19th Precinct. Street.

No. Street.

No. Street.

\$ 1000 to answer G.S.

\$1000 ex. Dec. 27, 1892

BAILABLE,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

0731

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Harry E. Ballard

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

Harry E. Ballard

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

The said Harry E. Ballard

late of the City of New York, in the County of New York aforesaid, on the *23rd* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms,

four ice-cream plates of the value of nine dollars each, and four salt cellars of the value of seven dollars each

of the goods, chattels and personal property of ~~one~~ *a certain corporation known as the Gorham Manufacturing Company*

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 Lacey Nicoll,
District Attorney*

0732

BOX:

507

FOLDER:

4628

DESCRIPTION:

Bambrick, William

DATE:

01/05/93



4628

0733

BOX:

507

FOLDER:

4628

DESCRIPTION:

Rogers, Paul

DATE:

01/05/93



4628

0734

POOR QUALITY ORIGINAL

Witnesses

Michael Doyle

Officer O'Connor

Patrick Kelly

John J. Kelly

Richard Mitchell

William J. Kelly

James J. Kelly

13th St

247

Counsel,

Filed 5 day of Jan 1893

Pleads,

Murder

THE PEOPLE

vs.

William Bambrick

Supervisor

Paul Rogers

Englary in the Third Degree, Section 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. C. Catlin

Foreman.

Part 3. January 9/93 -
Botts plead Petit Larceny

Jan 2 Pm 1 fr
40 1 Pm 4 Mrs J.

0735

POOR QUALITY ORIGINAL

(47)

Witnesses:

Michael Doyle

Officer O'Connor

Henry Stone
108 West 100th

Richard ...
123rd St
73rd Ave

Counsel,
Filed 25 day of 189
Pleads,

THE PEOPLE

vs.

William Bernhardt
and
Paul Rogers

Burglary in the Third Degree.
Section 498, of the Penal Law of 1909.

DE LANCEY NICOLI,
District Attorney.

A TRUE BILL.

J. Catani

Foreman.

2 Pm 1 fr
40 1 Pm 4 Mrs

0736

Police Court 5th District.

City and County } ss.:
of New York, }
of No. 221 East 110th Street, aged 31 years,
occupation horse-shoer

Michael J. Doyle

deposes and says, that the premises No. 125 East 109th Street, 12 Ward
in the City and County aforesaid the said being a one story frame
building

and which was occupied by deponent as a shoe-smith shop
~~and in which there was at the time a human being, by name~~

~~was~~ **BURGLARIOUSLY** entered by means of forcibly opening
the door, leading into said premises

on the 23rd day of December 1887 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Four boxes of nails, and one
hammer, together of the value of
thirty-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

William Tambriek & Paul Briggs

for the reasons following, to wit: that at the hour of 3.30
A.M. on said date, officer John J. Connor
of the 27th Precinct Police, saw three def-
endants, near said place with the said
property in their possession, the said
officer immediately arrested these defendants
on suspicion of having stolen said goods.
The officer informed this deponent that
the said property had been taken from

0737

The above premises, which property -
Department identifies as that belonging
to him.

Department charges the
said defendants with acting in concert,
and taking and stealing said property,
and prays that they may be dealt
with according to law.

Sworn to before me } Michael J. Doyle
this 23 day of December 1892 }

[Handwritten signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
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 1892
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 1892
There being no sufficient cause to believe the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated 1892
Police Justice

Police Court, District,
THE PEOPLE, vs.,
on the complaint of
vs.
1
2
3
4
Dated 1892
Magistrate.
Officer.
Clerk.
Witness,
No. Street,
No. Street,
No. Street,
\$ to answer General Sessions.

0738

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

John J. O'Connor
aged 24 years, occupation Police Officer of No. 27 Greenwich Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Michael Boyle 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 December 1897 *John J. O'Connor*

W. J. O'Connor
Police Justice.

0739

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

District Police Court.

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

Question. What is your name?

Answer. *William Bambrick*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *103 East 110 St. 6 years*

Question. What is your business or profession?

Answer. *none*

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 -
Wm Bambrick*

Taken before me this

1913

day of *March*

189

W. M. Carroll
Police Justice

0740

5

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

District Police Court.

Paul Rogers

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

Question. What is your name?

Answer.

Paul Rogers

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer

New York

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

Answer.

121 1/2 St - 3rd, New York

Question. What is your business or profession?

Answer.

Computer Copy

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.

Paul Rogers.

Taken before me this

day of
189
Justice

0741

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

Defendants -

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

Dated, *July 11th* 189 *[Signature]* Police Justice

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

074

Police Court---

5

District.

1607
1892

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael J Doyle

William Banerick

Paul Royer

[Signature]
of the

Dated, December 23 1892

Meade Magistrate.

O'Connor Officer.

27 Precinct.

Call the Officer
No. Wm Hayden Street.

27 to Bremer

No. Street.

No. 1000 each to answer G.S. Street.

Peny 3
Lent 2
4

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Bambrick and Paul Rogers.

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

William Bambrick and Paul Rogers

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

The said

William Bambrick and Paul Rogers, both

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on the 23rd day of December 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, a certain building there situate, to wit, the shop of one Michael J. Doyle

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

SECOND COUNT—

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

William Bambrick and Paul Rogers

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *William Bambrick and Paul Rogers, both* —

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

four boxes of nails of the value of seven dollars each box and one hammer of the value of three dollars

of the goods, chattels and personal property of one

Michael J. Doyle

in the

shop —

of the said

Michael J. Doyle

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

shop —

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
William Bambrick and Paul Rogers
 of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *William Bambrick and Paul Rogers, both*

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,

four boxes of nails of the value of seven dollars each box and one hammer of the value of three dollars

of the goods, chattels and personal property of

Michael J. Doyle &

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

Michael J. Doyle

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

William Bambrick and Paul Rogers

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.

0746

BOX:

507

FOLDER:

4628

DESCRIPTION:

Banks, Thomas H.

DATE:

01/30/93



4628

0747

POOR QUALITY ORIGINAL

Witnesses:

Allen Charters

34
Counsel, *Le Ferris*
Filed *30* day of *May* 1893
Plends, *My duty 31*

THE PEOPLE

vs.

Thomas H. Banks

vs
Jasmond
Quincy

DE LANCEY NICOLL,
District Attorney.

Grand Larceny, 1st Degree,
(Sections 533, 540, Penal Code.)

A TRUE BILL

John Francis
James
J. Cattin

Foreman.

April 17/93

True & convicted
S.P. 7ms 6 mo,
April 21 1893

21

0748

POOR QUALITY ORIGINAL

Witnesses:

Allen Charters

341
Counsel, *le Ferris*
Filed *30* day of *aug* 1893
Pleads, *guilty*

THE PEOPLE

vs.

Thomas H. Banks

vs. James B. [unclear]

DE LANCEY NICOLL,
District Attorney.

Grand Larceny, 1st Degree,
(Sections 523, 530, Penal Code.)

A TRUE BILL

John J. Cattin
Foreman.
April 17/93

Found & convicted
S. P. 7 yrs & 6 mo,
April 21 1893

21

0749

742

THE PEOPLE,
VS.
THOMAS H. BANKS.

COURT OF GENERAL SESSIONS, PART 1.
BEFORE JUDGE MARTLER.

New York, Thursday, April 15, 1899

Indictment for Grand Larceny in the First Degree.

A Jury was empaneled as follows.

EMMA LAWRENCE, a sworn juror, testified:

What is your name? Emma Lawrence, New York City.
Did you, about the 14th of April, 1899, go to the store of Jewell
and Sons, 14 John Street, New York City? Yes. How much jewelry
did you buy? I cannot tell, exactly; over a thousand
dollars worth; I have the list of the articles I purchased.
They were gold rings and gold pins, there were fifty-six
pins, link buttons and gold pins, and is link
and the other is gold. The total amount of goods I bought
was about eleven hundred dollars. You have never seen, in
Stein Brothers, any of the property I purchased that day?
No. Look at this lot of jewelry; do you identify any or all
of this as part of the things you bought or sample there?
(Showing jewelry to the witness) Yes, I do. About what
proportion of your whole purchase is now exposed to your view
there on that table? That would be a hard question to an-
swer. Will you take that list, and point out to me, for
instance, the baby pins? Those are the baby pins (picking
them out); there is twelve pairs here, and I purchased fifty-
four pairs. The next item is pins; there are five here, and
ten are called for on the bill. The next item is link but-
tons; there are sixty pairs here, and eighty-four pairs call-

ed for on the order. The next are buttons; twenty-one pairs are here, and ninety-eight are called for on the order. The next item is rings; the order calls for sixteen and three-quarter dozen, and the rings are all here. Will you explain the method of receiving goods of Stern Brothers, purchased by agents, in the capacity that you occupy? They are supposed to be left at the door; when received from the wholesaler, they are packed and placed on the table, and the man over them. Did you receive any of the goods of Stern Brothers from Glorieux? No, I did not.

FRANK A. THOMPSON, also a witness, testified:

I am a salesman for Mr. Glorieux, of Newark, New Jersey, who is located in 14 John Street in Newark. I know the last witness, Miss Lawrence. I remember, on the 11th of November last, selling her a fifty-dollar watch and a pair of diamond earrings. Did you keep a list of the goods that she had selected, and what was the price of each? Yes; the price was \$100.00 for the watch and \$10.00 for the earrings. I made out that list and sent it to Miss Lawrence's address in Newark. Did you keep out any other list of goods? No; she had a list of other goods in her notebook, and I subsequently sent her that list and forwarded it to her; I forwarded it to her to the factory, at Newark, New Jersey. Will you look at these articles of jewelry, and tell me if you identify them as of the manufacture of Mr. Glorieux? Yes. The rings are about right. As to the link buttons, there are fifty-eight pair on the order and I find fifty-four pair here. There was ninety-four pair of sleeve buttons on the order, and I find twenty-one pair here. There were fifty-four pairs of bib pins on the origin-

0751

al order, and I find twelve pairs more. There were ten fancy lace pins ordered for by the owner, and six more. These goods are the style of manufacture which she ordered. Those goods were not presented to her at that time; they were sold to her by samples? Do you not say so?

EMILE GLORIEUX, sworn and examined, testified:

I live in Newark, New Jersey, and am employed by my father, as book-keeper and shipper. I receive orders, and pass them in the afternoon, and in the morning, from the store and put them in boxes for shipment. I also make out the bills. Do you remember exactly the order you made for Stern Brothers, about the 15th or 16th of November? Yes, the 31st of November. The order was in Mr. Thompson's handwriting, with which I am familiar; it was a bill for the goods to be sent. I packed it in the evening, it was a bill (I packed the order book). I took the goods from the store and put them in a box -- not all of them, some of them -- to be sent. I put the goods in the boxes, and in the boxes were the bills or the order received from Mr. Thompson for Stern Brothers. The order was taken on the 31st and sent on the 28th. In the meantime, some of the goods had to be manufactured. I made out a bill and tied it on the top of the box, and tied the boxes in stiff white paper and addressed it "Stern Brothers, 22 West 23rd Street, New York," and sealed it. I gave it to a young man in our employ of the name of Peter Motzenbecker. He was to take it to the Consolidated Express office. He got a receipt, and gave it to Mr. Glorieux, at the office, in Newark. Do you identify these goods as the goods that you packed in the box? Yes, I recognize them.

0752

PRIER MOTZENBECKER, sworn and examined, testified:

I live at 140 West Street, Newark, New Jersey. I am a jeweler and work for Mr. Glorieux. Do you remember receiving a box from Edith Glorieux, directed to Stern Brothers, in this city? Yes, I do; I got the boxes, one directed to Spink, on Broadway, and the other directed to Stern, on Third Street. Mr. Glorieux gave me the boxes. I took the box I got the Stern part to the Consolidated Express Company's office, on Third Street. I got two receipts for each box. I got a receipt for the Stern box. Do you remember that receipt is now? It is probably in Mr. Glorieux's office, in Newark, but I cannot be positive. How do you know what that box contained? I could not see it because it was sealed. But I do not know. I delivered the box for Stern Brothers to the person in charge of the office.

GEORGE H. RADDON, sworn and examined, testified:

I am a clerk in the Consolidated Express office in Newark, and was in that office on the 27th of November last. Do you remember receiving from Mr. Motzenbecker a package addressed to Stern Brothers, in this city, on that day? Yes, I do. Do you remember signing a receipt for it? Yes. What did you do with that package after you signed a receipt for it? I took the package and laid it down where we normally lay our freight. I took an account of it on the tally slip. How long did it remain in your possession? I should judge about half or three-quarters of an hour. It was sealed when you got it? Yes. After the half hour what did you do with it? Our wagon came to our office, and it was put on it. Did you see it put on the wagon? No; I saw it leave the office--

that you do not know you have received? Yes, it is the custom to do it; the only way we know when he has the goods is by him signing for them, and we signing out when I check off my tally, the next morning. You get a receipt for all goods you deliver? Yes. But when goods are delivered you do not care whether they are receipted for or not? Yes, we do, we find out by our check, the next morning. I do not remember the Glorieux coming in, but I checked off that brown slip, People's Exhibit 2, and I wrote on it the item, "H. Glorieux, one box, to Stern Brothers," in the tally book, Mr. Charters' book. After that had occurred in we had to take packages, after you wrote it out in this book? Then it is turned over to the driver of Mr. Charters' express; it is left there, and he calls you if you have orders. It is turned over to Mr. Stadmuller, Mr. Charters' driver, and you get the freight receipt on it, is that right? Do you know that mark in ink there on the back of People's Exhibit No. 3? Yes; that is Mr. Stadmuller's signature; I recognize his handwriting.

STEPHEN STADMULLER, sworn and examined, testifies:

I am a driver for Charters' Express, 48 Church street, in this city. I recognize the last item on that slip, People's Exhibit 3; it reads, "Stern Brothers, 52 West 23rd street; Ex. 15." My name is signed on the upper end of the corner, "Stadmuller." After filling this book with this item in it, and receipting for it, did you get a box for Stern Brothers? I had one box, about 5 o'clock in the afternoon; I way-billed it; that is the tally slip shown me, it is not the way-bill. I turned the way-bill over to Mr. Banks. This tally sheet

that you made out, boxes that contain an item for Stern Bros., at 32 West 23rd street, in this city? Yes. Is that the same box that you received for? Yes, the same box. When you gave Banks this box, did you not get a receipt from him or just give him the way-bill? I gave him the receipt. I also checked the receipt on the way-bill. Where is the way-bill that you gave him that night? I believe Mr. Charter has it. Is this the way-bill that you gave out that night for the goods received from the store of Mr. Charter? (Maguire showed) Yes, it is the way-bill. I gave it to him and the way-bill to Banks. Did you not get a receipt from him for an amount of the way-bill that you gave him that night? It was not in the way-bill. Yes, it was not in the way-bill. Is that all you know about the way-bill, Stern Bros. at 32 West 23rd street, Stern Bros.? Yes, and it is known as "Thomas Banks." Does that refer to the box that you saw in the Charles-Edel Express Company, that was in the receipt in this book, that belonged to Stern Brothers? Yes. Do you know in what way it was taken out of the store that night? Yes, I do not know. Was it taken out of the store? I do not know whether it was taken out or not. You remember it was in good order, and apparently whole? Yes. Who was the driver of the wagon that time when it was taken out of Church street in? Thomas Banks; he was in the employ of Mr. Charter, and in charge of the wagon. Was there anybody else with him, on the wagon? A boy by the name of Donohue, not very small, I should judge about twenty-two years old. You saw Banks go off that night from your place? Yes. About what time did he go? About 8 o'clock. With this package on the wagon? With that on the wagon.

0756

WILLIAM H. BETZ, sworn and examined, testified:

What was your business on the 28th of November? I had charge of Mr. Charters' stable, in 130th Street, about five doors from Second Avenue. I know the defendant, Braks. He was a driver for one of Mr. Charters' wagons. Do you remember seeing him on the night of the 28th of November? Yes, I saw him, certainly; I saw him that night. You saw him that night? He put up his wagon there, and he left the place? Yes. Do you know where he left it? No. What did you next see him do that night? I saw him the following morning, I think, about half-past 7 or a quarter to 8; he was in the stable. Did he take out his wagon then? Yes. Where did he go? He went over the Third Avenue bridge. He returned to the stable, did he? Yes. What time did he get back to the stable? As far as my memory, it might have been half-past 7, I cannot say that for certain. Do you remember seeing any conversation with him that morning, about that time? I think he was, you met him? Yes; he was there, and he asked me for a pair of shoes. I said, "Braks, you got pairs of shoes? maybe Mr. Charters will." I looked down at his feet; it was a nasty morning, it had been snowing. I said, "You want a pair of shoes, to be on the wagon this kind of weather; I advise you to ask Mr. Charters, and I think he will let you have the money." That was after he came back from over the bridge; nothing further happened at that time. Do you remember giving him any instructions that morning? Yes; I asked him to help, as far as possible, to deliver the orders, for Mr. Charters had a lot of freight left over, and he told me that he

would. What did he do then; did he remain in the stable, or did he go out? He changed horses, and when he came back from over the bridge he mounted up and left the stable. About ten minutes after, I looked in the stable and went over to 129th street. Was he left in the stable with the horse, or was the boy, Demetrius, with him? I don't know. I don't know where the wagon was closed up the stable. Did you see the wagon in the stable probably any longer after you closed it up? A while after that. Did you see that after that time when he went out? He went towards Third street, and I don't know where he went after that. About 10:15, I don't know what time he came out about 10:15 or 10:20. You said he came out about 10:15 or 10:20, and I don't know? About 10:15 or 10:20, I don't know. Then you went, as I understand it, through the stable and over the stable? Yes, that's right, that's right. Was he out to 129th street, and did you see him there? About 10:15 or 10:20, I don't know. I don't know what time he came out about 10:15 or 10:20. When you got to the corner of 129th street and Third street, up over the stable, did you see anybody? No, I did not. Did you see the light-race house? Yes, I did. How long did you stay there? About five or six minutes. You said some inquiry, and then came on the street again? Yes, concerning Mr. Charters' business. I stayed on the corner a few minutes, and it was raining kind of fine -- I remained there maybe three or four minutes, and returned to the stable. Did you see anybody then? Yes, I did, I saw Mr. Banks, the defendant. In what direction was he going? He was walking toward 130th street; he was on foot. Any sign of the wagon of Mr. Charters about there? No. Did you hail him? I did; I asked him if

anything was the matter with the horse; he said no, there was not; he left a package back in the stable, and he would like to have it. I says, "All right," and I went around with him to the stable. He walked into the stable and looked around. He put his hand on his head and he said, "I don't see it, the package that he is talking about, what is the matter with my head, or the matter with it out. He went in the same minute and he went out. I lost it out of him, and I don't know what thing it is after he walked out of the stable. You would be surprised to hear that he is the same man that is talking about it; that is all I know about it."

CROSS EXAMINATION:

About what time did you hear it was that horse that was in the stable in the morning? Well, he was there, but I think it was about 9. About what time did you think he started out? You can imagine, he saddled his horses, and hitched up again and went out; he was very quick. It may have been 12 o'clock when he went out? It took him about twenty or twenty-five minutes to saddle and leave the stable. That would make it about 10 o'clock? Something around there. Did you stay in the stable until you heard the twelve o'clock whistle that morning, as usual? That is hard for me to say, I cannot answer that question, because I left the stable most any time after Banks left; I had no special time to leave. Is it not the custom for two men to go with the wagon downtown? Yes; I cannot tell whether there was two men on the wagon that morning or not; it was Mr. Charters' business to see that there was a man on the back of the wagon; that is the custom. You would be surprised to find only one man on the

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wagon? Yes, I would be; it is unusual; all expressions have two. Didn't Banks explain to you that he came back to the stable because the harness broke, when he came walking from Lexington avenue? No. Didn't he say he went back to the house and Banks returned to his stable to get the harness? The harness was broken when he was on the bridge; was it a complaint to the police? Yes. What time about 2 or 3 o'clock.

DAVID HOAR, driver and conductor, testified:

I am an officer of the New York Central Railroad, and on the 20th of November last I was on duty on 39th street, Third Avenue to Park Avenue; on the 20th I was on duty from 6 at night till 10 at night. Did you ever see anything out of the way on the line? Yes; about 10 o'clock in the evening I found a wagon on the line, and the name of it was Charters' New York and Brooklyn Express. I believe there was an address on it, but I do not remember it, when the office was in New York, but that I do not remember. I took the wagon to the station house. There was a lot of goods on the wagon. I informed the Sergeant that I had found a wagon in the street, abandoned. Did you see Mr. Charters afterwards, when he came to the station house? I saw somebody in the house at 10 o'clock at night, when I came in, after getting through that tour, checking off the goods that were there; I would not swear if that was the man, I did not take much notice. There was nobody on the wagon when you got it? No. Where was the wagon, did you say? On 39th street, that is down town. You found it on 39th street; tell us where? About twenty-five feet east of Third Avenue;

that is, between Third and Second Avenue. Was it tied? No. Standing by the curb? Yes, standing by the curb. Did you find any one with it? No; the car was very slow, snowing and raining; it had been raining very heavy, and the horse was covered all the time. I do not know the contents of the wagon, but I know that the goods into the station house; I do not know what it is. I have a barrel there, and I do not know what it contains; some kind of liquor, or something, and I do not know what it contains. So I do not know what it is, and I do not know what it is. I do not know what it is, and I do not know what it is. I do not know what it is, and I do not know what it is. That is all that I can say.

ENO BARRETTEN. Question: How is it, I understand: I understand of the goods that come out of the store. What is the method of checking goods in that establishment? They are first checked at the store, and then at the goods and the bill at the store, and then at the night; then they are sent to the State Electric and Special Elevator which is only for the receipt of goods, and for goods that they are there and checked, and if they have been found correct, they are passed over to the buyer to be checked again, to be compared with the bill. So they really are twice compared with the bill, once by the checker and once by the buyer. Then what becomes of the goods? Then they are sent to the reserve, or sent to the store to be sold. It is your business to receive all goods that come there; is it? Yes. Were you employed there during last November? Yes.

Did you, at any time subsequent to November 28th, receive any goods from Mr. Gleason, of Newark, New Jersey? No, I did not. I knew of no other things being sent, but there was no goods received; I know of no other being sent. The lawyer was waiting for the goods; I do not know the name of the lawyer who was waiting for the goods.

ALBERT CHARTERS, Sheriff and ex-officio, testified:

I am an ex-officio Sheriff of Newark, New Jersey, and my office is at 48 Garden Street, Newark. I know the defendant, Banks; and I know the defendant, Gleason, and I know the defendant, driver of a motor vehicle in Newark. When did you see the defendant, Gleason? I do not know the defendant, Gleason, until the 28th of November, 1934, at Newark, New Jersey, when I was told by the defendant, Gleason, that he was the driver of a motor vehicle, and that he was at 48 Garden Street, and about going away. I next saw him in the Central Office, Police Headquarters, about six weeks afterwards. Did you, at the time you saw him, see any identification card on him? No. Did you make a search for him? No. Did you find him? No. Did you go to the place where he was living, the Watson house? Yes, I was there, the next night, Thursday night. I was there afterwards, and did not find him, and the next time I saw him he was in the custody of the police. When he was in the custody of the police did you have any conversation with him about Sternbrothers? Very little; I went to the Central Office; Detective Price met me, and he brought Banks out of the cell; the detective said to him, "Now, tell Mr. Charters where that jewelry is, so that he can recover it, and it will be easier for you." Banks said that he did not

know where the jewelry was; that is about all he said; then he was put in a cell. After that, I was in the Police Court when I saw a witness before the Judge. Did you overhear a conversation between him and Officer Price, in the presence of Officer Houghton, up in the court? I did. What did Price say to him, I was asked by the witness and he says he made? Officer Price said they were going to Boston; and he said to Price that he was going to give to him. Price said, "How did you know he was going to give you that? You didn't have money enough to buy a pair of shoes?" Banks said it was given to him. Price said, "I am a policeman, I am not a thief, how would I know that?" Banks said, "I saw him go up." "Stand up and tell me?" Price said, "It was a conversation with you, I don't know what a pair of shoes?" Price said a conversation with you, I don't know what a pair of shoes? Price said, "Is not that the man that was with Mr. C.?" And Banks said that he didn't know the man, "I don't know the man to go to Boston and I don't know Mr. C. either." Did you see how or where? Not then Price said, "I saw him go up in the jewelry." Price said to Banks, "What did you do with the jewelry?" Banks said he would not have anything to say about that. That is about all the conversation that I can remember. You saw there at the time making the complaint and swearing to it? and this man was at the bar? Yes. And the officers were right alongside of you? One was on one side, and I think the other was on the other side. When did you next see the wagon that you saw go out of 45 Church street on the night of the 28th? I saw it about midnight, on Tuesday night, in 25th street; there is a station house right near Third avenue; it was standing in front of the door. Did

ed with her from Boston; I asked him who I was to believe,
 his mother or him. He hesitated a while and then he told me
 that he had been to Boston, and went to Boston immediately
 after this hearing. I think it was in the morning of the
 next day that the affidavit was drawn and that I
 entered in court, in the presence of Mr. Charters and Detec-
 tive Montgomery. I asked the name of Mr. Barry. I asked
 Barry what he had done in Boston, and he said,
 "I moved it up." I said, "How did you move it? You was not
 working." He said, "Mr. Charters was the one who was
 working." I then said, "If that is the way, didn't you
 say you were a partner in the business?" He said it
 wasn't that. I then asked him if he was sure that it was
 Mr. Charters' money that he took to Boston. He hesi-
 tated, and finally said, "Yes." I asked if now with money
 he took, if all, from Mr. Charters. He said he didn't know,
 he thought about \$15.00. I asked him if it was also true
 that he gave the boy, Bonoue, five dollars of Charters'
 money; he said it was. I then asked him what he done
 with the jewelry and other things. He said he knew nothing
 about the jewelry or the other property. He asked for an
 examination, not having counsel. On the way down stairs to
 the prison he said that when he consulted counsel he might
 tell me more. I didn't see him again until he was taken
 up for the final disposition of his case, in the Police Court.
 I asked him then if he was ready to complete his story and
 let us know what had become of the property. He said he had
 not seen counsel as yet, and had nothing further to say.
 That is all I can recollect just now. Do you recollect com-
 ing down from Tremont with him, on the elevated cars, and

saying anything to him about a conversation Donohue had with you, to the effect that he, Banks, left him in the wagon and went back towards the Melrose House? Yes. Tell us about that? I told him that Donohue had said that, when they drove in this side street and robbed open this package of jewelry-- Donohue could not recollect the street, only that it was a few streets down Grosvenor-- I told him that the boy had said when they found out at the package contained you said. "You wait here with the wagon until I get back. I know a fellow up in the Melrose House that can handle this stuff for us, and get rid of it," that Donohue then remained there, and when he returned I told him he had not let get out and came back he had stumbled to, that he could not see his man; that was the boy's expression. That answer do you have to that. They then took the property.

THE JURY returned verdict.

JOHN AMER, sworn and examined, testified:

I reside at 510 West 12th Street, New York City, New York. Banks has worked for me, on and on, for over four years. He is a good mechanic. I always found him working steady when he was working for me. I always found him honest in my dealings with him. I never heard anything against his character. I know other people who know him, and his general reputation for honesty is good, as far as I know.

THOMAS H. BANKS, THE DEFENDANT, sworn and examined, testified:

Do you recollect the morning of the 29th of November last?

Yes, I recollect it distinctly. On that morning, you and

the boy, Donohue, started down-town from 136th street, about what time? We started from the stable on the 29th of November last, Thomas Donohue and myself, we hitched up the horses and wagon and started over the ridge about a quarter or half-past 8, as near as I can judge. The first place we went to was 135th street and Third Avenue, Sahr's express. I made a delivery there of some stuff going up to Morris Avenue, twenty-hundred and no bills, and collected a dollar and a half; and in return gave Mr. Sahr a receipt at that place, the stable a considerable time to be delivered in Fifth Avenue, and paid me twenty-five cents for the delivery of it. This was not on the way-bill, and Mr. Sahr put it on the way-bill himself; his signature is on the top of the way-bill; if it is in court, and you want it to be, you can get it out to you -- there it is on the top of the two willows, in lead pencil. I next went to 143rd or 144th street and Third Avenue, the number was twenty-nine hundred and something, and delivered two or three bundles of weather strips. I next went to 144th street, near Myler Avenue, to deliver a grinding stone; I received one dollar for same. I had the misfortune to have the horse pull out of the harness, and break it all up, and pull me out of the wagon with him. I had to return to the stable for another set of harness, from that place. I left the wagon, and returned for more harness. I rode down on the electric cars, and went to the stable. I looked around for the gentleman supposed to be the stable-boss, I think his name is Betz, and he was not in the stable. I went then to Sullivan's restaurant, looking for him. The stable was not locked, it was open; there was another man there, that stables there, hitching up the team. I went to

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bundle that went to thirty-five hundred and something third
avenue. I did not find it, and then went back to the wagon
again. I found the wagon and Donohue there, and then went
down to the corner of 122nd or 123rd street and Lexington
avenue, and delivered a box, C. O. No. 2.48. I received the
money, and then went to 122nd street, if I am not mistaken,
and Lexington avenue to a saloon. I had a drink in there.
I then went next to 114th street. I think it is 103 East, two
or three floors from court house; I delivered a file; there
was thirty-five or so on it. I went to 114th
street and court house for a file, and had another drink
in there. I then turned toward Lexington avenue
again, and 114th street, and went to corner 114th street and
stopped there to have a drink. I had hot whiskies, and
light, all the time. Donohue and I had a drink in there. I
turned around and told Thomas Donohue that I was not feeling
well. I did not tell Donohue I was sick, I told him I had
a touch of the chills, which I did have at the time. I said,
"Tom, I think the best thing you can do is to take my place
and take the wagon down to Mr. Stewart's office, and, in the
meantime, deliver what you can, on the way down." I stayed
in that saloon, in 114th street, from a quarter to 1
in the afternoon up until a quarter past 5 in the evening.
I went from there over to 122nd street and 8th avenue, and took
the 110th street cars to St. Nicholas avenue. I then walked
up 8th avenue, and stopped at a few more saloons that were
on the way. And had more whiskies? I should judge it was
all the same thing; I never change my drink. I then went to
125th street, to Dodd's Express office. You went to some
saloon on 8th avenue? Yes, I went up to 125th street, and

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Seventh and Eighth avenue, to Lord's transfer office. I was not acquainted there. I waited about half an hour, for the clerk to come back from his supper. I bought a ticket off him for Boston, which I paid five dollars for. I asked him if he would come and have a drink, and he did, and we came back to the office again. I paid five dollars for the ticket. I had never known or seen this man before. I saw his money and you in your pocket of the ticket, and I saw the card, about as near as I could see. I bought a ticket for \$22.00, in fact that evening. I would like to see that ticket to : gave that to Thomas Colonne, and all the receipts, to take to Mr. Quarters' office. I got the receipt for a ticket of nine, Thomas Colonne: he has since joined the army: I have not seen him since that time. He resided in a hotel in Harlem, under an assumed name: I don't know the name he used to stop under. How did he come to get a lot of money? On the Monday before election I gave him \$20.00 to play a game for me: it was a ten to one shot, and he didn't win it, it returned to me \$22.00. Where did you go to get your trunk? Between Seventh and Eighth avenue, in 125th street. I then left this gentleman, after he came up to the saloon, and went across to the Harlem Opera House. I was at the Opera House just after the doors were open; I couldn't say exactly what time. I stayed in the opera house, I should judge, until about a quarter past 10; the play was not over, it was in the "church scene" in the Old Homestead; that was on the 29th of November last. I went from there to the north-west corner of Eighth avenue and 125th street, to a saloon, and had another drink in there, alone. I then took the elevated train

to 42nd street. I should judge that I left up-town at about half-past 10. I went to 42nd street, to the Grand Central Depot. I caught the train about five minutes before it went out, 11:10 or 11:15. I met a few young fellows on the train; they were strangers to me. We started to play cards, and they opened a few bottles of whiskey. We drank the whiskey between us. I suppose one bottle was quite sufficient. I got to Boston. I should say about 7 o'clock, and then went to East Roxbury. Did you know any old treacher's; I lived there for a good many years; I lived there about a year, in a place called Bradley Court. I went to a friend of mine, Mrs. Connolly; she lives in 19 Bradley Court, East Roxbury. I then crossed the street, to see another old acquaintance of mine, named Mackley. I was there about an hour, I suppose, with Mackley. I then left them to go to the Lowell Depot, and took a train to Mount Vale, some 2 or 2 1/2 miles in the outskirts of the city. I went there to visit a cousin of my wife. I must have reached there somewhere around noon. I was intoxicated at the time. I found my friend in a saloon, but I don't know the name of the street. I stayed with him all that afternoon, in the same saloon, drinking. I left the saloon with him, and went to his brother-in-law's house, about two blocks from there. I stayed there all that night with him, in Mount Vale. I never left the house until the next afternoon. I was sick from that Thursday on until Monday. I had written a letter that same Thursday, to my mother, thanking her for three dollars. I came back to New York on the following morning, on the 5th day of December, I think it was. My mother sent me three dollars, and I borrowed \$1.25, off Mrs. Connolly. That would be sufficient to cover

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to New York; you came from there on the boat for \$3.00. How long did you stay around Boston? I should judge from about the 30th of November until about the 5th of December. Where did you go to when you came back? I went direct to my mother's house. When did you first learn that a crime had been committed, that Mr. Duff's goods had been stolen? I should say on the night of the 25th of December. I learned it from a gentleman in the employ of Mr. Duffers, by the name of McGuire. He told me that there were jewelry values at eleven hundred dollars stolen, and was supposed to be implicated in the crime; or, in other words, he had stolen the stuff himself. He told me the first time Mr. Donohue had been convicted, and sentenced to three years. I saw Donohue in the State Prison, in the month of February or March of this year. He was brought down from Sing Sing. I was in the Works as a prisoner. I have seen Donohue write; I know his hand-writing. Can you say whether or not this was written by Donohue? (Showing paper) Yes, I can. Did he send it to you? He did not send it to us; he threw it to me. You saw the motion of throwing, in the cell he threw it to me, and I caught it. Where did you stay when the time you reached home, in Fremont, after coming from Boston, until the time you were arrested? I stayed on 102nd street. What places did you frequent, did you go all over the city? Back and forth, all over the city. Did you go down to the Police Department? Yes; I was in the Central office, not in the Police Department, I was in the office of the Board of Health, for a transfer burial permit for Mr. Duffy, better known as Alderman Duffy, in the undertaking business. I stayed in 102nd street with a friend of mine by the name of Ford. Some

nights you would stand at your mother's house, and some night you would stand down there? Yes, at times; just as I had always done, for some time back.

CROSS EXAMINATION:

When I went to Boston I did not write to my employer, to tell him where I had gone. When you came back, on Christmas eve, you heard that Bonchus had stolen several hundred dollars worth of property; did you go in contact with your employer at all? No, I did not. Mr. Clutter's employer did not inquire. When were you married? In 1887. Did you do it by mistake? I married a young lady by the name of Miss Harbitt, on the 27th of October, at 119th street and Third avenue; I do not think you there heard all the persons who were present; my father and mother were not there, or anybody belonging to me. I lived in several places after I was married, and lived in 115th street and Third avenue in 1888, and from there I moved to 115th street and First avenue. I should judge I lived there about four months. I lived from 118th street to 117th street, between Third and Second avenues, the sister of the Wizard; that was in 1888 or 1889. I lived there I should judge about six months. My wife was taken sick, and she took up her home with her sister; she is not able to take care of herself; I paid board for her sister and herself at 413 East 106th street; I lived there over a month, until the 21st of December, 1889, and from there I moved to Fremont. My wife died in 1889, when she was with her sister. What was the name of this cousin of your wife's whom you visited when you went to Massachusetts? Marlow. Can you tell how the weather was in the morning of the 29th of November, when you left the stable? Yes; it was snowing at that time kind

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street and Third Avenue, to my mother's house. I must have
got there about half-past 8 in the morning. My mother and
sister were home. Did your mother make inquiry of you why
you went away to Boston? No; I didn't tell her before I went
that I was going; I stayed at her house until noon-time,
and then went down to Harlem. Where were you living from
the time you got here to New York until your arrest? I was
living in 152 3rd street, in the room of one Mr. Donohue; he had no
sleep there; I had to go out every night to get a dollar I
got from home. I stayed at Donohue's until the 24th of December,
and then went up to my mother's and stayed there a night or
two and slept there Christmas night and until I was ar-
rested. I was arrested on the 18th of January, by officers
Melville and Mitchell. You reached New York when? On the
6th of December. You worked for your employer until the 18th of
January, when you were arrested, is that right? Yes, you reported any-
thing to your employer during all that period? No. Did you
hear of the loss of the wagon or anything of the sort
of your employer? On the night of the 25th of December.
From the 25th of December, up to the day of your arrest, did
you make a report to anybody? No. You heard you were sus-
pected? The men said the goods were stolen. And that you
were the thief? Something like that. Was anything said to
you about the abandonment of the wagon? No. I met Officer
Price; he does pretty near all the talking; he told me what
Donohue had said; he told me Donohue said that Donohue and I
had gone to a wide street and broken up the packages, and
divided the property. He told me also that Donohue said I
had taken the collections. I denied what Donohue said, and
I do still deny it. I say any statement that Donohue made

to that effect is false. I recollect asking Price what he arrested me for. He told me it was on account of robbing Mr. Charters of jewelry and other packages, and also for taking the collections of money. I heard what Betz stated about me on the witness-stand, about my asking him if, in substance, if he thought Mr. Charters would pay me some money to get shoes, that my shoes were in a bad condition at that time. The shoes were not in a bad condition; but, considering the weather, the shoes were light, and a heavy pair would have been better. Did you state what he said about the shoes? No, I do not remember anything about that; but I say of my own accord at that time, when I started to get the money, Judge I had about \$22.00. I recollect Price telling me about Donohue's arrest, and that he had a wife and children, and returned all the property that he had; and he said he would like to get the other portion, to get some of it; but I did not say that I had an equal division with Donohue. He did say that the only money Donohue got was \$5.00. I remember his asking me if I gave Donohue five dollars, and he said I did not give him any money. I do not recollect in any way saying anything about Donohue going to Boston. I never said to Donohue, that when I got a good day's collection, I would forget to come back; I never said those words in my life; I am not one of that kind. On the morning of the larceny, having held the money from the day before, I did not say to Donohue, "This is as good as any time;" there was only fifty cents over from the day before. Mr. Price told me that Donohue told him that I took this stuff into a side street, that I stole this stuff and divided equally into half with Thomas Donohue; I told him it was nothing of the sort, I never handled it. I told Price,

"I stole none of them goods," that I was not guilty of the crime. I do not remember saying to Price that I went home after I left the wagon; I don't think I did say that; I can't answer that question. I told him I was at the Harlem Opera House; I did not say I went to Boston. Price says, "if you turn around and go back -- this crime calls for from two to twelve years -- I will let you go to Alford, and give Char- ters a good story, like detectives will look for information." But he didn't give me any information as regards stealing the stuff; he couldn't get it off me. Didn't you say, "I went home?" No. Did he tell you to go to you, if you were sick why didn't you go home instead of going to the theatre, and you answered, "I felt blue; I wanted to cheer up?" I could not say whether it was so or not, it is so long ago, I cannot remember. He told you you might as well tell what you did with the property? I told him I was not stealing anything. And you say so now? Yes, I say so now. Do you remember the occasion when Officer Price met you at the station house in Harlem, and told you about having seen your mother? That was in the Central Office. Is he right about saying that "Charlton is a poor man," and that he would have to make it good, and that you answered, "I know nothing about it"? Yes; that is right. He said to you, "I saw your mother to-day, and she told me that you corresponded with her from Boston"? Yes; that is right. You said, "I fled to Boston, but I stole nothing"? I did not tell Mr. Price that I fled to Boston, because I did not have any reason to flee to Boston at all; none whatsoever. Did he tell you that he had seen your mother, and did he say that she told him that you corresponded with her from Boston? Yes, he told me.

And he says that you hesitated then "for a moment, and then that was the first time you ever admitted to him you had been to Boston; before that, you denied it; is that right? I admitted to Price going to Boston on my way to the elevated train and to the Central office. He is incorrect about it? Yes. Did he ask you were you at home to go to Boston? Yes; he asked me that. What did you tell him? I did not tell him anything, or know of. He says you told him that you saved it up? Not to my knowledge. How did you tell him now did you save it up, you were not married; did he ask you that? Yes; he said it was said that, and that you responded "My mother gave me a dollar or two every week." So my mother did not give me a dollar or two every week. And then he said to you, "Why, if you had that money, did it you buy yourself a pair of shoes out of it," and that you made answer to that, and that then he said, "This is a story?" Yes, I understand that. Was it not a fact that it was Mr. Charters money you stole to go to Boston, and that you hesitated and answered, "Yes"; is that correct? No; I did not tell him I stole Mr. Charters money. Did you say yes when he asked you that question? No; I will tell you what Price said. "How much money is all," Price says he said to you, "Did you take from Mr. Charters," and you answered that you did not know but thought about \$15.00; did you say that? No, I did not; I could not say that, when I told him that I did not steal any of Mr. Charters money; I don't know whether exactly that happened or not; I do not believe I told him that. You did not tell him that you thought you took about \$15.00? No. Is it also true you gave Donohue \$5.00; is Price right about that? No, he is not. And then he further inquired about

the other jewelry, and you answered, "I know nothing about the jewelry and the other property;" is that correct? That is right, yes; I do not know anything about it, from that day to this. When he says that, on the way down stairs, that you told him that was you so called counsel you just tell him something more: did you say that? No, I did not. And that is how you said you requested assistance, or counsel, you said you were ready to go a little further, and that you answered, "I have not seen counsel yet, and I am willing to further to say?" Did he tell you anything to say: did he not tell him? Did not see counsel; I told him I was willing to say. Did he tell you, also, that he had seen you when you had said to him for him to wait for him until he came back, and that you knew people in the hallway whom that you would sell and get rid of that stuff? Mr. Price told me that. He told you? Yes, he did. And that Donohue had said that you had told him, Donohue, to wait, and you came back and you said you got betz? I get betz. Are that betz come near "tumbling to you," and you could not see your feet; did he tell you that? Mr. Price did not tell me that betz had "tumbled to me;" I could not see the man; he said that betz retre on the way to the stable; he did not say that betz had "tumbled." Or that you could not see the other man, anything about that, did you tell Donohue such a thing? No, I never did; I never told him anything of the sort.

BY DISTRICT ATTORNEY: When you were in Boston, didn't you write a letter to Donohue? No, I did not. Didn't you receive a letter from him? No, I did not. When you got back about Christmas time didn't you write him then? I got back on the 6th of December. Did you write him then? No, I did not. You

went to the Tombs to see him? No. I did not; I was never in the Tombs before I was brought there. I was arrested on the 18th of January, in the evening. Between the 25th of December and the 18th of January, you sent a note to this man, in the Tombs? No. You did a letter from him? No. You had some communication with him? No, I did not; I never told any communication with Thomas Donohue, at any time. And the first time you saw him was at the... ever talk to him? Sing; the... for... took... I saw him on the 20th of December. Was it you sent... after that? I saw him the latter part of January, in the... prison; he was down in the hallway of the... on the third tier. You could not talk to him at that time? Hardly talk to him; sometimes you... Did you? Yes, sometimes. Did you have any communication other than that communication as wrote you? No. You never spoke to him from the day you left the wagon until he sent you that letter? I never spoke to Thomas Donohue until I saw him in the... prison. He was down in the... that... note, after he was in the... prison.

VENNON R. DAVIS, sworn and examined:

You are an assistant District Attorney of this county; are you not? I am. You had principal charge of the preparation of this case for the prosecution? That I cannot answer. I did make some preparation of the case, but it afterwards went into the hands of Mr. MacDona, and what preparation he made in the case I cannot say; as he is trying it I presume he made the principal preparation. You know why Thomas Donohue, who was convicted and sent to prison, was brought down to the

Tombs, for the sake of getting a statement from him that Banks took the jewelry which forms the subject of this indictment? I would like to see the indictment against Doroque; if you will allow me to state, this indictment which I hold in my hand is an indictment against Thomas Doroque; I suppose it is the one that you mean. All it states is that the boy, Thomas Doroque, mentioned in this indictment, was arrested from Providence for the purpose of obtaining a series of items in regard to the case against Banks. Why he was not taken because he could not give you any information that Banks took the jewelry? No, it is not so. You see that because there was no need to take the prosecution? No. Why was he not taken? He was sent back because, at an interview with him, with him in my office, I directed him to be brought from the County to my office -- because in that interview he refused to talk with me about the case. He didn't know anything about it? No.

BY DISTRICT ATTORNEY: He didn't say that? No. I will tell you what he said, if that will.

COUNSEL: That will do.

BY THE COURT: I understand he was returned to Providence because he refused to tell you anything about the case? Yes.

ALLEN CARTERS, recalled for further cross-examination, testified:

After the loss of the jewelry from that wagon, did you take any means yourself to find it? Yes; I went right to the Central Office. Did you go to Boston and Providence? I went on after three or four days or a week. Did you go where you learned that Banks had been? I understood he went to Boston,

and I went to Boston. You did not find the jewelry? No.
 You went to Boston, in search of the jewelry, and did not find
 it? No. Did you get any trace of your goods there? No.
 Who employed Thomas Donohue? Mr. Banks had a boy on his
 wagon, when he first came to my employ, and either he sent
 him away or the boy left him, I do not know which, and Banks
 hired this boy, Donohue, of his own accord, and brought him to
 the office; he told me that his boy left him, and he put this
 Donohue on the wagon. Did you ever see him before Banks
 brought him to you? No; I never saw him.

THOMAS DONOHUE, sworn and examined, testified:
 I reside at 1,677 Lexington avenue. I recollect the date of
 November last; it was a wet day. Where were you on the
 morning of that day, about half-past 12 or 1 o'clock? I was
 in a saloon the corner of Lexington and 140th street.
 I knew the defendant, Banks, and he came in there that day
 about 1 o'clock, and drank a couple of glasses of beer; another
 man came in with him; they had a drink of beer. The defendant
 invited me to come and drink. I had seen the others, but never
 spoke to him, though. I was throwing dice with the proprie-
 tor of the place. I did not notice when the other man went
 out; I paid no attention to him. How long did Banks stay?
 He stayed until 5 o'clock, as far as I could judge; it was
 dark. I was throwing dice and drinking; he was not any the
 worse of it, I don't think; I thought the man knew what he
 was doing. How many glasses of beer did Banks drink that
 afternoon while he was with you? It is pretty hard to tell;
 I guess we had six or seven, anyhow.

BY THE COURT: You were in there with him from 1 o'clock until 5?
 36

Yes; I did not see him drinking hot whisky; I saw no effect of liquor on him. Burns might have ordered hot whiskey, but I was drinking beer, and I thought everybody else was drinking the same.

OWEN S. MCKENNA, sworn and examined, testified: I live at 1751 Dixie to Avenue. I know the defendant from the last of his trial. I do not exactly remember the date, because I have no note of it; I should judge I saw him about 1 o'clock. I am in the liquor business, and I see many places about 1 or 2 o'clock. He stayed there from that time until between 5 and 6, I believe. My place is at the north-west corner of 14th Street and West 106th Avenue. The defendant was in company with Mr. DeLaney. I think I know Mr. DeLaney for about a year. What was the defendant doing at the time he was in your place? He had a plate of soup, I think, and several drinks; and they threw several hard core dice. There was a young man, I think, came in along with him, when they came in first. Was he sober when he came in? He was pretty sober when he came in. Was he sober when he went out? He was not drunk, and was not sober; he was full, and pretty jolly. He had some whiskies but I could not tell how many, and he had several glasses of beer. I don't know who he went out with; it was a pretty wet evening; I think he went out alone. The young man who came in with him left soon after. I am positive the defendant is the man who came into my place.

WILLIAM BURNS, sworn and examined, testified: I live at 154 East 106th street, and am a bricklayer. I have

seen the defendant, Thomas Parks, in the Harlem Opera house, 125th street, about 7:30, on a Tuesday evening in November, as near as I can remember. The play that night was the old Homestead; I saw the defendant there. How long did he remain, if you remember? As near as I can remember, about a quarter after ten. Do you know him very well? Had you seen him recently before that? No, not for four or five months, I should judge. Is that the only evening you attended the Harlem Opera House, about that time? Yes, that is about all within a month or two of that time. Are you not mistaken about that? No, I am not mistaken; I saw him there 7:30 till 10:30.

*Thomas Parks
is the
defendant*

*12/13/33
12/13/33*

The Jury rendered a verdict of GUILTY.

0787

Testimony in the
case of
Thomas H. Banks

January
1893

1405a

7300a



COURT OF GENERAL SESSIONS
IN THE CITY AND COUNTY OF NEW YORK.

-----x
T h e P e o p l e e t c . ,
 a g a i n s t
T h o m a s H . B a n k s
-----x

A F F I D A V I T

CITY AND COUNTY OF NEW YORK, ss:

THOMAS H. BANKS, being duly sworn, deposes and says:

I am the defendant herein. I was born in Manches-
ter, England, on the 13th day of May, 1869, and came to the
United States with my parents in my early infancy. When
I was nine years of age they moved from Boston, Mass., to
New York City, where I have ever since resided. I attend-
ed the public schools until I was twelve years old. At
the age of thirteen I became my father's apprentice as a
bricklayer. My father was then working for Messrs. Rob-
inson & Wallace, builders and contractors. I served with
my father for four years, till I was seventeen years of age
when I became a journeyman in my trade and married Miss
Anna McGrath of this City. We were happy in our married
life, and my conduct toward my wife has always received
the approval of all who knew us; but she was afflicted
with consumption and died about two and a half years after
our marriage. Since then I have worked steadily at my

trade, and have always had work at bricklaying when the season permitted, and have only taken up other work when the weather was such as to seriously interfere with building operations. I worked for nearly four years for John Allan, builder, who resides at No. 510 Manhattan Avenue, New York City, and I also worked for a considerable period for Michael J. Dowd, builder, who resides at No. 325 West 124th Street, New York City. Since the death of my wife I have lived almost continually at the home of my parents, No. 1934 Prospect Avenue, New York City. Previous to the charge made herein, I have never been accused of any crime nor arrested for any offense.

Sworn to before me this) *Thomas K. Gaults.*
20 day of April, 1893.)

James V. Brinck
Commissioner of Arsed
Rifles

0790

COURT OF GENERAL SESSIONS

The People etc.

against

Thomas H. Banks

AFFIDAVIT

of

THOMAS H. BANKS, the defendant

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

-----:
The People etc. :
against : AFFIDAVIT.
Thomas H. Banks. :
-----:

City and County of New York, ss.:

Michael J. Dowd being duly sworn deposes and says that he is a mason and contractor, and resides at No. 325 West 124th St., New York City; that he has known Thomas H. Banks, defendant herein, for *six* years; that he has employed the said defendant as a bricklayer; that said defendant was an excellent mechanic, and steady and regular in his work, and never gave deponent cause for complaint. Deponent believes that the defendant is an honest and upright man, and has never heard anything derogatory to his character before he learned of the charge made herein. Deponent cannot believe that the defendant is guilty of the crime with which he is charged, nor can deponent believe that defendant had any guilty knowledge or criminal connection with the circumstances upon which the charge made herein is predicated. I

If the defendant succeeds in securing his release, deponent will immediately provide employment for him, and deponent respectfully prays the Court to extend to the defendant, Thomas H. Banks, all the clemency that the court can.

Sworn to before me this
20th day of March, 1893.

Frank M. Bryan,
Notary Public
New York County

Michael J. Dowd

0792

Court of General Sessions

The People etc.

against

Thomas H. Banks

AFFIDAVIT

of

Michael J. Dowd.

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

----- :
The People etc. :
 against : AFFIDAVIT.
Thomas H. Banks. :
----- :

City and County of New York, ss.:

John Allan being duly sworn, deposes and says that he is a builder and contractor and resides at No. 510 Manhattan Ave., in the City of New York; that he has known the defendant, Thomas H. Banks, for more than three years; that for a considerable portion of that time said defendant has been employed by this deponent, as a bricklayer, and that deponent has always found him to be an excellent mechanic and a faithful employe, and has known him all this time as a steady and hardworking man, and said defendant was always upright and honest in all his dealings with deponent; and with all other persons, to the best of deponent's knowledge and belief. Deponent never heard even a suspicion regarding his character for honesty and integrity and general good conduct; and deponent was greatly surprised to learn that the defendant was charged with a crime. Deponent is well acquainted with the ^{father} family, ~~and knows the antecedents~~ of the defendant, and is glad to state that ^{the said father is of the character} ~~they are~~ excellent, and it is impossible for deponent to believe that the defendant has had any guilty knowledge or any connection with the matters upon which this charge of crime has been predicted.

F.M. - B.

0794

A duplicate receipt given to the man ~~(Peter)~~
Peter Mortzenbecker 140 West St, Newark
Bundle was packed by Emily Gloriny
5-3 Johnson Ave, Newark

A Miss Florman of Steam Bros went
to Newark & ordered the goods
to be packed & receipts for by Geo H.
Raddin Bros Express Co of Newark
15 Fair St

It was loaded on brown ship by
Raddin or Geo Volker
The bill, etc. ~~with the goods~~ is
put in mail bag & sent
to 115 Church St, N.Y. Office
of Conv. Express

G. W. Benson went at 10 PM
Monday gets the bill & ^{affidavit}
copies it into Charles ^{affidavit} book
Benson must have seen this package
& given to Charles man (Stadtmuller)
When Stadtmuller gets the
goods he signs off in the office
of Smith Bank

Then Stadtmuller takes it to
Jervis Delany Street - gives sheet
to Banks (also remembers giving him the package)
Stadtmuller handed him package & he checked
it off.

10 PM East
Policeman Davis How ~~at 3rd station~~
found wagon & brought it to 3rd St.

Receiving Clerk at Steam

0795

LAW OFFICE OF
CLARENCE C. FERRIS.
TELEPHONE 1425 CORTLANDT.

MILLS BUILDING,
35 WALL STREET,
NEW YORK,

April 20th, 1893

The People etc.
The People etc.
vs.
Thomas H. Banks.

Hon. Randolph B. Martine,
Judge, etc.

Dear Sir:

The enclosed affidavits are submitted with a view to mitigation of sentence. The affidavits of Messrs. Dowd and Allan were prepared during the earlier proceedings in the case, but it was intended that I should make such use of them as I saw fit.

Yours most respectfully,

Clarence C. Ferris
Counsel for Defendant.

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

-----:
People etc. :
 against : AFFIDAVIT.
Thomas H. Banks :
-----:

City and County of New York, ss.:

Clarence G. Ferris, being duly sworn, deposes and says that he is the counsel for the defendant herein; that said defendant was indicted on a charge of grand larceny in the January Term, 1893, to wit, on the 23th day of January, 1893; that no disposition has been made of his case; that the said defendant has made no application for delay in any proceedings, or for postponement of his trial; and deponent, therefore, as counsel for the defendant, asks that an order may be made, dismissing the indictment herein, as provided by the Code of Criminal Procedure, § 203, and that the defendant be discharged from custody; or if said indictment be not dismissed in the discretion of the Court, and defendant discharged, that the District Attorney be required to show cause before the Honorable Randolph B. Martine, Judge etc., in Part 1 of General Sessions, on the 7th day of April, 1893, at 11 o'clock in the forenoon or as soon thereafter as counsel can be heard, why some day in the week beginning April 9, 1893, shall not be fixed for the trial of the defendant Thomas H. Banks. *Clarence G. Ferris.*

Sworn to before me this
5th day of April, 1893.

Frank McBaron, Notary Public, New York County.

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

-----:
People etc. :
against : ORDER.
Thomas H. Banks :
----- :

Upon all the papers, pleadings and proceedings
herein and upon the affidavit of Clarence C. Ferris, made
the 5th day of April, 1893,

IT IS ORDERED that DeLancey Nicoll, Esq., District
Attorney of the City and County of New York, show cause
before me or one of the Judges of the Court of General
Sessions, in Part 1 of said Court, on the 7th day of
April, 1893, at 11 o'clock in the forenoon, or as soon
thereafter as counsel can be heard, why an order should
not be made, dismissing the indictment herein; or, if
this case, in the discretion of the Court, be directed to
be continued, why some day during the week beginning
April 9, 1893, should not be fixed for the trial of said
defendant. Service of a copy of this order and the
affidavit herein referred to upon the District Attorney,
on the 5th day of April, 1893, shall be sufficient.

Dated April 5, 1893.

Randolph B. Martin
J. G. S.

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

The People etc.

agst.

Thomas H. Banks,

AFFIDAVIT AND

ORDER.

Copy

copy of Monday 10/1/93

1690

District Attorney's Office.

People

- is
- Henry Bunker
- ↓ Emile Florieny
53 Johnson Ave. Newark,
Packed the goods -
- ↓ Miss Florence of Stein
Brothers went to Newark
& ordered the goods.
- ↓ Peter Mortzenbecker,
140 West St. Newark.
took package to Express Co.
& got duplicate receipt.
- ↓ Geo. H. Raddin, Cons. Exp. Co.
of Newark 15 Fair St.
received the package &
gave receipt.
- Geo. Volker or Raddin
tallied the package on brown
slip.
- ↓ C. W. Benson Ayt at 45
Church St. N.Y. & carried it
into Charles Office Receipt
Book. Benson gave package
to Charles Man whose name

0800

HARLEM LAW LIBRARY,
109 WEST 125TH STREET, NEW YORK.

April 6, 1893.

To the Members of the

HARLEM LAW LIBRARY.

It gives us great pleasure to announce that Hon. RASTUS S. RANSOM has kindly consented to deliver an address upon the subject, "Recollections of the Bench and Bar," at the Annual Meeting of the Library next Monday evening at 9 o'clock.

We regret that this important announcement could not have been made earlier, but it is earnestly hoped that all members will attend and bring their friends without formal invitation from the Trustees, thereby expressing our appreciation of the kindness of the speaker and our loyalty to the Library on an occasion which promises to be of more than ordinary interest.

EZRA A TUTTLE,

President.

GEORGE C. LAY,

Secretary.

0801

Pro. vs Herman
45 Hun 176
Code Cr. Pro. § 293

0802

Police Court _____ District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 45 Church Allen Charters
occupation Carpenter Charles E. Jones
Street, aged 37 years,
deposes and says, that on the 28th day of November 1892 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the daytime, the following property, viz:

Jewelry of the value of over
Eleven Hundred dollars
and other property together
of the value of Thirteen
Hundred dollars
the property of deponent's customers in
deponent's care

Sworn to before me, this 30 day

Samuel Jones
Police Justice.

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by Thomas Banks
and Thomas Donohue arrested
tried and convicted (see law)
from the fact that on said
date deponent entrusted said
property to Banks (who was a
driver in deponent's employ) for
delivery, that said Banks after
leaving deponent's office with said
property, abandoned his horse
and wagon at 39th Street and
gave some appropriated the said
property to his own use and
absconded with the same
Allen Charters

0803

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Thomas Banks 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 a 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 Banks

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

England.

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

Answer.

1934. Prospect Ave.

Question. What is your business or profession?

Answer.

Bricklayer

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

Answer.

I have nothing to say at present

Thomas H Banks.

Taken before me this

22

day of *February* 1880

W. H. Marks

Police Justice.

0804

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
Thomas Parks.

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

Dated, May 20 1893 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

080

~~C. A. Bacon~~
Sleper Stadtmüller, 456 Church St.

341 orders
Police Court--- District. 112

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Allen Garters,
45 Church
Thomas Banks
(Thomas Donohue
arrested Dec
and arrested)

Offense
Larceny

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

Dated, January 20, 1893

White Magistrate.

Pierce & Hartigan, Officer.

20 Precinct.

Witnesses Tho. Donohue - arrested Dec 2/92
Indicted Dec. 9/92.

No. Pleaded guilty Part 3 Dec 20/92
S.P. 340. Dec 22/92. Court J.

the above case of complaint
No. Street.

Order for the purpose

No. Street.

\$ 2000 to answer

at J.P. 203. 9.30

at J.P. 205. 9.30

at J.P. 203. 9.30

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. Banks

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

Thomas N. Banks

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

The said Thomas N. Banks

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

seventy-two bibb-pins of the value of one dollar each, thirty-six other bibb-pins of the value of one dollar and fifty-cents each, one hundred and sixteen link cuff-buttons of the value of one dollar and twenty-five cents each, forty-eight other link cuff buttons of the value of three dollars each, one hundred and sixty-four diamond buttons of the value of four dollars each, twelve finger rings of the value of five dollars each, and two hundred other finger rings of the value of one dollar each -

of the goods, chattels and personal property of one

Henry Glorieux

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.

Second COUNT:—

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

Thomas N. Banks

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

first

The said *Thomas N. Banks*

late of the City of New York, in the County of New York aforesaid, on the *28th*
day of *November* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms,

*the same goods, chattels and
personal property describes in
the first count of this indictment*

of the goods, chattels and personal property of one *Allen Charters*

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 Launcey Nicoll,
District Attorney.*

0808

BOX:

507

FOLDER:

4628

DESCRIPTION:

Barry, William

DATE:

01/27/93



4628

Witnesses:

Adolph Berman

Wm. J. ...

Joseph Bagnacelli

Boyd Kester

Deputy Sheriff
for of ...

John ...

John ...

Ch. ...

332

Counsel,

Filed 27

Pleads,

day of May 1893

THE PEOPLE

vs.

William Barry

Section 49 of the ... degree

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. ... Foreman.

May 27/93

Henry ...

57 ...

Feb. 10/93

0810

Police Court— / District.

City and County { ss.:
of New York,

of No. 146 Prince Street, aged 21 years,
occupation Barber being duly sworn

deposes and says, that the premises No. 146 Spring Street, 8 Ward
in the City and County aforesaid the said being a four story building
a room on the top floor of
which was occupied by deponent as a Dwelling Bed room
and in which there was at the time a man being by name

were BURGLARIOUSLY entered by means of forcibly opening the door
of said room with false keys

on the 16 day of January 1883 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

a coat - vest and pants - one pair of shoes
and one pair of gloves all of the value
of twenty 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
William Barry, now here

for the reasons following, to wit: on said date deponent
securely locked and fastened the door of his
room - and went to work about 7 o'clock a.m. on
said date about ~~7~~ half past twelve
on same day he returned to said room
and discovered that the room had been
entered and the said property had been
stolen - the defendant occupied a room
on the same floor with deponent - and on said

disappeared and deponent did not again see him until to day (January 25/92) in court. Deponent is informed by Officer Holland of the Central Office that when he arrested defendant he (Holland) found in the possession of defendant a note book - and a written receipt which deponent fully identified as his property and which was in the pocket of his coat that was stolen -

Deponent therefore charged defendant with Burglary and prays that he be dealt with according to law

Adolph Herrmann

Sworn to before me this 25th day of January 1893

[Signature]

Police Justice

Dated _____ ISS _____ Police Justice

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

Dated _____ ISS _____ Police Justice

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

Dated _____ ISS _____ Police Justice

of the City of New York, until he give such bail.

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

committed, and that there is sufficient cause to believe the within named

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

Police Court, _____ District, _____

THE PEOPLE, &c.,
on the complaint of _____ vs. _____

Offence—BURGLARY.

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

Dated _____ ISS _____

Magistrate. _____
Officer. _____
Clerk. _____

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

§ _____ to answer General Sessions.

08 12

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

John H. Holland
aged _____ years, occupation Police Officer of No. _____
300 Mulberry Street, being duly sworn, deposes and

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

Sworn to before me, this 25 day of January 1893 } John H. Holland

A. J. White Police Justice.

0813

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

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

Question. What is your name?

Answer.

William Barry

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Brooklyn N. Y.

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

Answer.

refused

Question. What is your business or profession?

Answer.

engraver

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
W. Barry

Taken before me this

day of

1893

Police Justice.

0814

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 200 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, June 10 1890 [Signature] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated, _____ 189 _____ Police Justice.

There being no sufficient cause to believe the within named

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

Dated, _____ 189 _____ Police Justice.

[Handwritten signature]

Police Court--- District. ¹¹²

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adolph Herman
William Barry

[Handwritten signature]
Offense

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *Jan 25* 1893

White Magistrate.

Holland & Reap Officer.

C. O. Precinct.

Witnesses *Officer Holland*

No. Street.

No. Street.

No. Street.

§ *1000* to answer *Feb*

[Handwritten signature]

[Handwritten initials]

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

THE PEOPLE OF THE STATE OF NEW YORK

against

William Barry

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

William Barry

of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said *William Barry*

late of the *Eighth* Ward of the City of New York, in the County of New York aforesaid, on the *sixteenth* day of *January* - in the year of our Lord one thousand eight hundred and ninety-*three* in the *day* - time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Adolph Herrmann*

there situate, feloniously and burglariously did 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 *Adolph Herrmann*

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.

SECOND COUNT—

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

William Barry
of the CRIME OF *Petit* LARCENY committed as follows:

The said *William Barry*

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

one coat of the value of eight dollars, one vest of the value of four dollars, one pair of trousers of the value of four dollars, one pair of shoes of the value of three dollars, and one pair of gloves of the value of one dollar, one blank book of the value of twenty-five cents, and one piece of paper of the value of one cent -

of the goods, chattels and personal property of one *Adolph Herrmann*

in the dwelling house of the said *Adolph Herrmann*

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

De Lancey Nicoll,
District Attorney

08 18

BOX:

507

FOLDER:

4628

DESCRIPTION:

Baynes, Henry M.

DATE:

01/12/93



4628

Witnesses:

Anthony Patterson
J. Boyer

(12)
A. J. ...
Counsel,
Filed day of ... 1893
Pleads, ...

THE PEOPLE

33 ...
800 ...

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]
(Endorsement, etc.)

Henry M. Boyer

DE LANCEY NICOLI,

District Attorney.

(Handwritten signature)

A TRUE BILL.

(Handwritten signature)

Foreman.

Mr. P. ...
Pleas ...

Pen 1928/10ms
March 17 93 RB.M

0820

OLIN, RIVES & MONTGOMERY,
ATTORNEYS AND COUNSELLORS AT LAW,
32 NASSAU STREET,

NEW YORK.....189

unhappy fellow a man again. We will
take him into our house where with the
aid of "Him who does all things well" Henry
Baynes will be able to redeem himself
and become a good law abiding, christian
citizen

Therefore I beg of you to exercise your
extreme mercy in sentencing him on Wed-
nesday next and I sincerely hope and
trust the time will present itself when
you may be able to see that your mercy
and clemency was not exercised in vain

Believe me

Very Respectfully yours.

Philip S. Subschmitt
Secretary of the Brotherhood of
St. Andrew of St. Thomas
Chapel.

P.S. Mr L. S. Chauler, Esq
16 Exchange Pl.
Baynes counsel.

0821

OLIN, RIVES & MONTGOMERY,

ATTORNEYS AND COUNSELLORS AT LAW,

32 NASSAU STREET,

NEW YORK,

March 11th 1893.

Hon. Randolph B. Martine:

Dear sir,

In behalf of Henry M. Baynes I beg to write to you, an explanation of his case and begging you to be as lenient as the circumstances in his case will permit.

I first met Henry M. Baynes in the fall of 1891 at the club, and since then have seen a great deal of him.

He became a member of our Chapter of the Brotherhood of St. Andrew and I can say without hesitation that he served us well, and made himself liked by his friends for his sincerity and faithfulness.

Unfortunately he secured a situation in a firm where intoxicating liquors flowed freely. Unable to withstand the temptation this foolish young man acquired the habit which has caused the downfall of many.

0822

POOR QUALITY ORIGINAL

It was with this condition that he
 committed the crime for which he must
 suffer.
 There his most of these great law
 almost daily and from what I can see
 and hear, he is thoroughly fixated in
 the highest moral grade.
 Of these few words I have from friends
 of his who know him well and who are
 writing and saying to me from me leading me
 toward such a horrible life.
 The fact that he is morally returning
 the money returned on the forged checks, to
 righter even, seems to confirm me that
 my information is correct. I have come to
 me daily upon me concerning his mental
 state. The (10) weeks he has spent in the
 "State" has taught him a very severe lesson
 and I assure you he has learned it
 well.
 On his recent visit with the aid of
 friends of both Rogers and myself to make
 more than an ordinary effort to know the

0023

231 E 57 St
March 5/93

Hon. Judge Martin

Sir in behalf of
H M Baynes who will
come before ^{you} Wednesday
for sentence I would ~~ask~~
ask for mercy he is a
Member of Our Brotherhood
and we still retain his
Name on our books
Believing if released
we can put him on
good footing again

0824

Therefore I ask for
Clemency which I hope
Sir you will grant
Believe me Yours
very Respectfully

John B. Gay
Vice President of the
Brotherhood of St. Andrew
St Thomas P. E. Chapel

0825

37 - East 52^d St.

New York March 4 - 93.

Hon. Judge Martine,

I write this letter
begging clemency, in behalf
of the prisoner H. W. Baynes,
who comes up for sentence on
Wednesday.

If you exercise mercy
in this case, I think no bad
results will accrue from it;
it will give a young man,
who has already been severely
punished, a chance to redeem
himself; which will be

lost I think, if he goes
to prison.

He is a member of
our chapter of the Brotherhood
of St. Andrew, and has done
much good work in the
chapter.

I will say for
myself as one who is
interested in his welfare
that I will do all in my
power to help him to
lead an honest and useful
life.

Hoping that you will
deal kindly with this
unfortunate young man
I remain,

Your obedient servant
H. Fairclough.

0827

The New York Protestant Episcopal City Mission Society.

Rt. Rev. H. C. POTTER, D.D., LL.D., D.C.L. (ex-officio) President.
 Rev. T. M. PETERS, S.T.D., Vice-President.
 Rev. MORGAN DIN, S.T.D., D.C.L., Vice-President. Mr. THOMAS EGLISTON, Vice-President.
 Mr. Wm. ALEX. SMITH, Vice-President. Mr. CHAS. P. BULL, Secretary.
~~REV. ALEXANDER MACKAY SMITH, D.D., D.C.L., Vice-President.~~
~~SUBSTITUTED BY~~
 REV. BROCKHOLST MORGAN, Assistant Superintendent.
 MR. JOHN H. BOYNTON, Treasurer and General Agent.
 OFFICE, 38 Bleecker Street.

New York, March 4 1893

Hon Judge Martine,

Dear Sir,

I would ask you
 to exercise that mercy, which
 I know you always feel
 impelled to show, in the
 case of Henry Baynes, who
 will come up for sentence
 on Wednesday next. He
 has served the Court the
 trouble of a trial, is pleading
 guilty, and is most penitent.

For my knowledge, there
 are so many good people
 interested in his reform,
 that you be assured, he
 would have more than
 ordinary opportunities of reform.

Believe me,

Yours faithfully,

Brookholme, Maryland

Sept. 5th - 1865. Yours truly

It gives me pleasure to say that
 Mr Morgan would not write such
 a letter unless he knew all about
 it - and I therefore beg to endorse
 the above
 Wm. V. Boylston
 June

0829

St Thomas Chapel
Mass^{ts} 7/93

Judge Martineau,

Your Honor:

I would make
appeal for clemency in behalf of
the prisoner H. W. Baines. I trust
you will pardon my so doing when
I add that the prisoner is well
known to me & though there is
no doubt of his having fallen, I
believe he has not fallen hopelessly
& that it is possible still to make
a man of him. I sincerely be-
lieve that you yourself upon close
knowledge of the prisoner would
reach the same conclusion. A man
who goes to State-prison is almost

0830

invariably a doomed man; therefore

I plead for clemency -

Yours very respectfully

W. H. Pott

Minister in Charge of

St Thomas Chapel

0831

137 E. 50 St.
Mar. 5 1893
Hon. Judge Martine;-
Dear Sir;-

I will encroach
upon your valuable time
for a moment to ask for
leniency in sentencing
Henry M. Barnes, who
will come before you on
Wednesday on a conviction
of forgery.

I understand that you
are aware of the facts
of the case, so I will
say that, while drunk-

thoroughly repentant & his desire and determination to be a "teetotaler" is sincere.

Knowing that you will consider everything in passing sentence, I hope that the above will not pass unnoticed.

Yours sincerely,
Case Gibbons
"139 East 50 St."

ness under the law is no excuse, it certainly is morally speaking, a good excuse in his case. For I am convinced that Baynes could not have been aware of the enormity of his crime at the time of its commission.

He is still an honored friend of mine, and I am not alone in feeling that way, for many others are only awaiting a chance to help him to recover from the predicament in which his unfortunate taste for drink has placed him. He is, to my knowledge,

0033

District Attorneys Office.
City & County of
New York.

18

Dear Judge Manton

The employees
before you for substance business
are wholesale perfumers and
liquor dealers. I saw Mr. [unclear]
in this afternoon (his father
was ill but if it was the son's
name that was judged) and
he says he had no part in
ill feeling towards Bayne, it's
he thinks he did a very wrong
act in a very mean way.
He says he's just felt some
sorrow than he does.
He himself, will consider
any thing you do in the premises
well done & right. If you could
send Bayne for a short time to
the Penitentiary instead of

Thinking it would be a
useful & full he could act.
Thanking you for your generous
kindness to me & hoping you
will believe I don't need to
be a letter to you

I am

Most cordially yours
Louise Foster

Louise Foster
March 16. 1893
People vs Payne

Judge Hartman

0835

DEPARTMENT OF
PUBLIC CHARITIES AND CORRECTION,

OFFICE OF CITY PRISON, COR. OF FRANKLIN AND CENTRE STREETS.

HENRY H. PORTER, Pres't.,
CHARLES E. SIMMONS, M. D., } Commissioners.
EDWARD C. SHEEHY.

JOHN FALLON, Warden. New York, March 3 - 1893

To the Honorable

Judge Martini

Honorable & Dear Sir

I have seen much
of Henry M. Raynes, who is to come
before you next week for sentence.

I feel that he is worthy of our
confidence & trust that he will
meet extreme clemency at your
hands. I am sure he will
redeem the past, as far as man can,
as he realizes deeply the folly of
what he has done.

I would also speak a word for
Andrew J. Clarke, of whom, however,
I do not know as much. I never
write, unless I feel quite sure -

With much regard, Believe me -

Very Faithfully Yours -

Arthur W. Proffitt

Chaplain of Tombs & City Prison.

0036

No. 9241

Providence, R.I. Jan 3 1893

National Bank of North America

183 Water Street

Pay to the order of F. Tatum & Co

Forty six

BLANDING & BLANDING Dollars

\$46 00/100



Standing Bankers

Brown, Green & Adams 40 Beaver St. N.Y.

0837

Police Court, 1st District.

(1852)

City and County }
of New York, } ss.

Frederic Paternal
of No 54 1/2 56 Duane Street, aged 71 years,
occupation Merchant being duly sworn, deposes and says,
that on the 4 day of January 1893, at the City of New
York, in the County of New York.

Henry W. Baynes (nowhere) who
did with intent to defraud did
make forge and counterfeit documents
namely the endorsement of a
check for the sum of \$46⁰⁰/₁₀₀ dollars
and receive the money therefore
for the reasons following to wit
on said day deponent first received
a check signed by Blandine and Blandine
and deponent is informed by another
Paternal deponent, son of said
day he gave said defendant 4 checks
to place them on the cashbook of
deponent first and he received the
check herein referred to and said defen-
dant admitted and confessed to him
that he had taken the said check and
endorsed the same and cashed it
at Beyer Brothers at Duane & Elm Sts
and he returned to deponent \$45⁰⁰/₁₀₀ out
of the 46⁰⁰/₁₀₀ dollars he received those
for deponent therefore charges
said defendant with Forgery

Sworn to before me 1893 }
this 4th day of January } F. Paternal
Thos. S. Brady }
Police Justice

0030

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

Henry M Baynes 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. *Henry M Baynes*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *England*

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

Answer. *300 Lexington Avenue New York*

Question. What is your business or profession?

Answer. *Bookkeeper*

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 M Baynes

Taken before me this
day of *January*
189*3*

Police Justice.

0839

1921

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Merchant of No.

54 1/2 St. Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Frederick Paterson

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

Sworn to before me, this 21st day } A. G. Paterson
of January 1893 }

..... Police Justice.

0840

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 Saut

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

Dated, June 6 1897 *W. W. ...* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

The presiding magistrate is authorized to hear and determine this case in my absence, and to accept bail.

W. H. P. [Signature]
Police Justice

Police Court--- District. ³⁷

THE PEOPLE &c.,
ON THE COMPLAINT OF

Seaveri Palmer
541 E. 56 St. [Signature]
Henry M. Rogers

2 _____
3 _____
4 _____

Offense

Dated *Jan 4* 189 ³

Magistrate.

Officer.

Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *[Signature]*

\$1000 by [Signature]

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry M. Baynes

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

Henry M. Baynes

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

The said

Henry M. Baynes

late of the City of New York, in the County of New York aforesaid, on the fourth day of January in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, having in his custody a certain instrument and writing, in the words and figures following, that is to say:

No. 9241 Providence, R.I. July 3 1893

National Bank of North America vs. My Cross Street

Pay to the order of H. Paturo & Co

Forty six 00/100 Dollars

\$46 00/100 Blandung & Blandung

The said

Henry M. Baynes

afterwards, to wit: on the day and in the year

aforesaid, with intent to defraud, at the City and County aforesaid, feloniously did forge, on the back of the said instrument and writing a certain instrument and writing commonly called an endorsement which said forged instrument and writing commonly called an endorsement is as follows, that is to say:

H. Paturo & Co. A. H. Paturo Jr. Atty.

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 M. Baynes* of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Henry M. Baynes* late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, having in *his* possession a certain instrument and writing, in the words and figures following, that is to say:

No. 92411 Providence, R.I. Jan 3 1893
National Bank of North America
118 Weybosset Street
Pay to the order of J. Salual, & Co
Forty six 100/100 Dollars
\$4600/100 Blandung & Blandung

on the *back* of which said ~~instrument and writing~~ there was then and there written a certain forged instrument and writing commonly called an *Endorsement* which said forged instrument and writing, commonly called an *Endorsement* is as follows, that is to say:

J. Salual & Co
A. J. Salual J. Alby

with force and arms, the said forged instrument and writing then and there feloniously did utter, dispose of and put off as true, with intent to defraud, *he* the said *Henry M. Baynes* 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.

0844

BOX:

507

FOLDER:

4628

DESCRIPTION:

Beckley, Harry A.

DATE:

01/12/93



4628

0846

N 2429 **COMMISSION**
8 1/2 BARCLAY ST.
NO BETTING DONE
 OR PERMITTED HERE

New York, 1892

RECEIVED _____ dollars, to be sent on Commission
 to Race Track at _____ and there placed on

Horse _____
 1st or 2d _____

at track quotations, if such can there be obtained.

It is understood and agreed that the undersigned as the premises as Common Carrier
 only, for the purpose of carrying the money at the place designated to the place designated

CHARGE FOR COMMISSION, 10 CENTS.

Notice.—Amount of Order returned, less Commission, when a
 failure to execute due to accidental or other non-liable
 delay in transmission.

Police Court / District.

Affidavit—Larceny.

City and County of New York, ss:

Clarence W. Pickerson

of No. 54 Mariani Street, aged 20 years, occupation Produce being duly sworn,

deposes and says, that on the 23 day of Dec 1892 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:

Twenty six dollars good and lawful money of the United States \$26-

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 Harry A. Beckley

for the reason that on said date defendant entered deponents place of business and requested deponent to cash the attached ticket, as defendant represented to deponent that the ticket described was on the horse St. Patrick and was good for twenty six dollars at the commission office at 811 1/2 Bowling street. Deponent believing defendants statement to be true gave to defendant twenty six dollars. Later when deponent presented the said ticket at the aforesaid commission office he was informed that the said ticket was worthless, that it was on the horse called Sibana and not on the horse St. Patrick. Wherefore deponent charges the defendant with grand larceny and prays that he be apprehended and dealt with as the law may direct.

Clarence W. Pickerson

Sworn to before me, this 23 day of Dec 1892

John H. [Signature] Police Justice.

0848

Police Court / District. Affidavit—Larceny.

City and County of New York, ss:

Clarence W. Rickerson

of No. 54 Marston Street, aged 20 years, occupation Produce being duly sworn,

deposes and says, that on the 23 day of Dec 1892 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:

Twenty six dollars good and lawful money of the United States \$26

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 Harry A. Beckley for the reason that on said date deponent entered deponent's place of business and requested deponent to cash the attached ticket, as deponent represented to deponent that the ticket hereto annexed was on the horse St. Patrick and was good for twenty six dollars at the commission office at 8 1/2 Buelary street. Deponent believing deponent's statement to be true gave to deponent twenty six dollars. Later when deponent presented the said ticket at the said commission office he was informed that the said ticket was worthless, that it was on the horse called Silvana and not on the horse St. Patrick. Whereupon deponent charges the defendant with grand larceny and prays that he be apprehended and dealt with as the law may direct.

Clarence W. Rickerson

Sworn to before me, this 23 day of Dec 1892
John H. Ryan Police Justice

0849

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss: .

Harry A. Beasley 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. *Harry A. Beasley*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New Jersey*

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

Answer. *425 W 27th St. New York*

Question. What is your business or profession?

Answer. *Collector*

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*
Harry A. Beasley

Taken before me this 29 day of December 1894

Police Justice.

0850

sec. 151.

Police Court District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Clarence W. Richardson of No. 54 Harrison Street, that on the 23 day of Dec 1892 at the City of New York, in the County of New York,

Twenty six dollars good and lawful money of the United States or was feloniously stolen taken and carried away by Harry A. Buckley

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

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

Dated at the City of New York, this 20 day of Dec 1892
Tom Ryan Police Justice.

Police Court..... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant—General.

Dated..... 189

Magistrate.

Mulholland & Cary Officers.

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

Officer.

Dated..... 189

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dated..... 189

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

The within named

Police Justice.

0852

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

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

Dated, *May 27* 189*2* *W. M. Buchanan* Police Justice.

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

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

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

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

085

The presiding magistrate
is authorized to receive
depositions and to
administer oaths.
John Ryan
Police District.

W
Police Court---*1* District. *34*

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Carrie W. Pickens
54 Harrison
Henry A. Buckley
2
3
4

Offense
4
Carrying
Ball

BAILED,

No. 1, by *Julia G. Chapp*
Residence *120 W. 40th St.*

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, *Dec 29* 189*2*
W. Ryan Magistrate.
Mulholland Officer.
C. C. Precinct.

Witnesses _____
No. _____ Street.
No. _____ Street.
No. _____ Street.
No. _____ Street.
\$ *1000* to answer *G.S.*

1000 Ex Dec 30 - 230
July 6. 2 P.M.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Harry A. Berderson

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

Harry A. Berderson

of the CRIME OF *General* LARCENY in the second degree, committed as follows:

The said *Harry A. Berderson*

late of the City of New York, in the County of New York aforesaid, on the *Twenty Third* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one Clarence W. Anderson*,

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said*

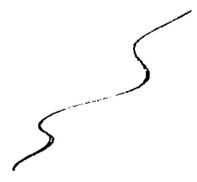
Clarence W. Anderson,

That *the* *the* said *Harry A. Berderson* had on the *22nd* day of *December* in the year aforesaid, made a bet on a certain horse race, that is to say on bet of *ten* dollars against *sixteen* dollars that *the* said horse race would be won by a horse called "St. Patrick." That *he* had deposited the said sum of *ten* dollars at a commission office

at 8 1/2 Barclay Street in said City, and had received at the said office, as an evidence that the said horse had been duly received and was there payable to the said Harry A. Bodley in case he won the same, a certain paper written of as follows to wit: "St. Patrick 16/10 Silverton," which paper writing of the above and there produced and delivered to the said Clarence W. Bodley, that the said horse "St. Patrick" had won the said race, and that thereby he had won the said horse, and that there was then payable to him at the said office at 8 1/2 Barclay Street upon the said horse the sum of twenty six dollars, which sum was payable to the said Harry A. Bodley, which said paper writing at the said office. By color and by aid of which said false and fraudulent pretenses and representations, the said

— Harry A. Bodley —

did then and there feloniously and fraudulently obtain from the possession of the said Clarence W. Bodley, the sum in of twenty six dollars in money, lawful money of the United States of America, and of the value of twenty six dollars,



of the proper moneys, goods, chattels and personal property of the said Clarence W. Bodley, with intent to deprive and defraud the said Clarence W. Bodley of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Harry A. Bodley had not made the said horse, but had made an entirely different horse upon the said horse race, and had not received the said paper writing at the said commission office as an evidence that the said horse had been made duly received and that there was

then payable to the said Harry a
Berkeley in case he was the same, but
had received a paper written at the said
office which he had afterwards falsely
altered so as to read as above set
forth; and he the said Harry a. Berkeley
had not nor the said Det, and there was
not then payable to him thereon at the
said office the sum of twenty six dollars,
and the said sum was not payable to
whosoever presented the said paper
written at the said office.

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said Harry a. Berkeley
to the said Larance W. Gilderson was and were
then and there in all respects utterly false and untrue, as ~~the~~ the said

Harry a. Berkeley

at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said

Harry a. Berkeley

in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Larance W. Gilderson

then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0857

BOX:

507

FOLDER:

4628

DESCRIPTION:

Benton, John

DATE:

01/09/93



4628

Witnesses:

Alb. Verhagen

Alfred Godley

The defendant in
the case as appears
by annexed affidavits
cannot be found
& without her testimony
the people cannot
go to trial. I
recommend defend-
ant's discharge in
his own recognizance
April 27 97

Raymond
DePasqually

Samuel
L.S. Van Over
A.D.A.

86

Counsel,

Filed

1897

Pleas,

of May 11/97

THE PEOPLE

vs.

John Benton

Grand Larceny,
(From the Person,
Sections 528, 529,
Penal Code.)

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

J. K. Lattin

Tormentor.

April 27 97
Paul DePasqually

Police Court—South District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Hunigunda Welling
of No. 923 President Street Street, aged 36 years,
occupation Car being duly sworn,
deposes and says, that on the 30 day of November 1894 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the night time, the following property, viz:

One leather pocketbook containing goods and lawful moneys of the United States of the amount and value of about One dollar

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 Beaton Criminal for

the reasons following, to wit: That deponent about the hour of 9 o'clock P.M. in said date was in the Elevated Rail Road platform at 59th St & 3rd Avenue. That the said pocketbook was in the pocket of deponent's dress. That deponent felt a hand in the pocket and put his hands to the pocket and caught hold of the defendant's hand as he was taking the pocket book from the pocket. That the defendant then ran and deponent followed and caused his arrest and deponent prays that he be dealt with according to law. Hunigunda Welling

Sworn to before me, this 1st day of December 1894
of South District.

0860

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Benton 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 Benton*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *139 Carmine St. 15 years*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am not guilty*

John Benton

Taken before me this

day of *June* 1935

John P. ...
188

Police Justice.

0861

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:

Supradant

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, *11/11/189* 189 *J. M. Ryan* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

1000 for Ex
Nov 21 2 PM
- 23 2 PM
on consent of Sgt atty.
bed fixed at \$500 P.M.
L

1872
Police Court--- H District.
1384
1470

THE PEOPLE, &c.
ON THE COMPLAINT OF

L. Mulvaney
John Deaton

Officer
M. Deaton

BAILED, acceptor
No. 1, by B. McLaughlin
Residence 1250 Bowen Street
No. 2, by
Residence Street
No. 3, by
Residence Street
No. 4, by
Residence Street

2
3
4
Dated, Nov 27 189
Smith Magistrate.
Gardley Officer.
733 Precinct.

Witnesses
No. Street
No. Street
No. Street
No. Street
\$500 to answer

The Justice presiding in
my absence will please
hear and determine the
matter
Solomon Scrib
Police Justice

0863

C. R. 3003

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

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

To W. H. [unclear]
of No. 419 1/2 [unclear] Street [unclear]

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the _____ day of _____ 1897, at 10 o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

[unclear]

Dated at the City of New York, the first Monday of April

in the year of our Lord 1897

WILLIAM M. K. OLCOTT, District Attorney.

PART I.

THE COURT ROOM IS IN THE SECOND STORY
If this Subpcena is disobeyed, an attachment will immediately issue.
Bring this Subpcena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Court of General Sessions.

THE PEOPLE

vs.

John Barker

City and County of New York, ss:

Frank Darling being duly

sworn, deposes and says: I reside at No. *257 9th Avenue*
~~Street~~, in the City of New York. I am a Subpoena Server in the office of the District Attorney of
the City and County of New York. On the *1st* day of *April* 189*7*
I called at *423 President Street, Brooklyn*

the alleged *residence* of *K. Weibinger*
the complainant herein, to serve her with the annexed subpoena, and was informed by *the lady*
residing at the above address that no such person as
K. Weibinger lived there and that she did not know
any person by that name. I also inquired
in the neighborhood but failed to find anyone that
know the said witness.

Sworn to before me, this

2nd day }
of *April* 189*7*, }

Frank Darling
Subpoena Server.

Thomas F. Maguire
Commut of *Deeds* *et cetera*

assigned in Court, please not be called on for trial, and no reason
Office about it, and you may save time.
If inconvenient to remain, and you prefer another day,
state this early to the District Attorney, in the District
Attorney's Office.
If you know of more testimony than was produced be
fore the Magistrate, or if a fact which you think material
was not there brought out, please state the same to the
District Attorney or one of his Assistants.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

John J. Quinn

Offense: *Harassment*

WILLIAM K. DEWELL,
JOHN R. FELLOWS,

District Attorney.

Affidavit of

Frank Downing

Subpoena Server.

Failure to Find Witness.

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 Benton

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

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

The said

John Benton,

late of the City of New York, in the County of New York aforesaid, on the 20th day of November in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the said day, at the City and County aforesaid, with force and arms,

the sum of one dollar in money, lawful money of the United States of America, and of the value of one dollar

of the goods, chattels and personal property of one Kunigunda Weidinger on the person of the said Kunigunda Weidinger then and there being found, from the person of the said Kunigunda Weidinger 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

0067

BOX:

507

FOLDER:

4628

DESCRIPTION:

Beon, John

DATE:

01/12/93



4628

Witnesses:

Rachel Vorn

Christopher Poppert

Part I

Feb 6 1893

The deff within case
are considerable work
for the couple, who
refused to pay him, & he
thereupon took from her
chimneys the materials
he had contributed to
their repairs, & so no
corroboration could be
had on the evidence
I examined that
the washmen he
discussed

H. P. Macdonna
deff.

(10)

Counsel,

Filed

day of

1893

Pleads,

disputably

THE PEOPLE

vs.

P

John Deon

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. C. C. C.

Foreman.

J. J. J. J.

J. J. J. J.

D. W. W. W.

Injuring to real property
Section 654, Penal Code

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John Beon 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 Beon*

Question. How old are you?

Answer. *24 1/2 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *221 East 47th St. 3 months*

Question. What is your business or profession?

Answer. *Shoe Cutter*

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

Answer. *I am not guilty.*
John Beon

Taken before me this
day of *March* 19*17*
Charles H. ...
Police Justice.

0870

Sec. 151.

Police Court H District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK. } *of New York, or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Rachel Korn
of No. 157 East 65 Street, that on the 13 day of Dec.
1892, at the City of New York, in the County of New York,

John Reon, did wilfully and maliciously
destroy four chimneys in the premises N^o.
250 West 117 Street, the property of said Rachel
Korn, of the value of Fifty Dollars
221 E 117 St

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

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

Dated at the City of New York, this 19 day of Dec 1892
Charles A. Linton POLICE JUSTICE.

0871

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 W. J. Gaudin

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, Jan 10 1897 Charles H. Lammie Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

W
July 5th 1892. 2 P.M.

W Police Court--- *4* District. *34*
1892

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Rachel Korn
vs. John Dean

Officer Malcom Mischke

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

Dated, *July 5* 1892
Winter Magistrate.
Trail Officer.
e Precinct.

Witnesses *Joseph Campbell*
No. *730 W. 47* Street.
Sylvester Polpert
No. ~~*275 East 12th Street*~~
882.6 Ave
No. _____ Street.
\$ *500* to answer *25*
G

0873

Part 4
1978

1978-1979

0874

1852

CITY AND COUNTY }
OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

Rachel Korn

of No. 157 East 60th Street, aged 52 years,

occupation Widow being duly sworn, deposes and says

that on the 13 day of December 1892

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

did wilfully and maliciously break
four chimneys on top of depon-
ent's house, throwing the bricks
upon the roof and down the flue,
causing a damage of fifty
dollars, said house being
situate at 950 West 47th
St. City

Rachel Korn.

Sworn to before me, this

of 1892

1892

day

Charles W. Stewart Police Justice.

0075

(155)

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 Brown

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

of the crime of *intentionally and willfully*
injuring real property -
committed as follows:

The said *John Brown*, -

late of the City of New York, in the County of New York aforesaid, on the
thirteenth day of *December*, in the year of our Lord one thousand
eight hundred and ninety-*two* . . . at the City and County aforesaid,
a certain building of one *Edward*
Worm, three *patents*, *John*
did *intentionally* and *willfully*
injure to the amount of *the value*
of *eight* *dollars*, *by* *them* and *there*
intentionally and *willfully* *breaking*
down *parts* and *otherwise* *damaging*
the *building* *and* *parts* *of* *the*
same *and* *removing* *parts* *of* *the*

which of which the said chimney was
 composed, and also by means of unlawfully
 and illegally entering and throwing & depositing
 of the said bricks upon the roof, or
 the said ~~the~~ building, and down the
 sides of the said chimney, against
 the form of the Statute in such case
 made and provided, and against the
 force of the Code of the State of
 New York, and the same declared:

Detention of the same.

...

0877

BOX:

507

FOLDER:

4628

DESCRIPTION:

Bernstein, Isaac

DATE:

01/19/92



4628

Witnesses:

Joseph Selinko
Officer Corcoran

January 27

Port II

I do not think either testimony available in this case a conviction could be had. I therefore recommend that the Dept be discharged on his own recognizance

St. Mark
A.S.

(177) Andy

Counsel,
Filed 19 day of *Jan* 1893
Pleads, *Not guilty*

THE PEOPLE

vs.

Isaac Bernstein

Burglary in the Third Degree.
[Section 498, s. 0. 6, 3 x 8, 50]

DE LANCEY NICOLL,

District Attorney.

Jan 27 1893

A TRUE BILL.

J. Cathin

Foreman.

Part 3, January 27/93
Tried and jury disagreed
Def. discharged on his own recognizance

> 43

THE PEOPLE, COURT OF GENERAL SESSIONS, PART III.
vs. BEFORE JUDGE FITZGARALD.
ISAAC BERNSTEIN.

Friday, January 27, 1893.

Assistant District Attorney Macdonna for the People;
Mr. Purdy, for the Defence.

Indictment for BURGLARY, in the THIRD DEGREE.

PATRICK CORCORAN, sworn, and examined, testified:

By Mr. Macdonna:

Q. What precinct are you attached to, Officer Corcoran?

A. The Sixth precinct.

Q. Were you in the Sixth precinct on the night of the 14th of
January, about nine o'clock?

A. Yes, sir, in the morning.

Q. In the morning, was it? A. Yes, sir.

Q. Where were you? A. On Canal street, between
Mott and Elizabeth.

Q. Did you at that time and at that place see this defendant
at the bar? A. Yes, sir.

Q. What was he doing, when you first saw him?
A. Carrying a roll of dress-goods on his shoulder.

Q. Where did you follow him to?
A. I followed him to Chrystie street, between Hester and
Grand.

Q. How far was that from where you first seen him?
A. Nearly four blocks.

Q. How far is that from 215 Madison street, or from 68 Bayard
street? A. About six or seven blocks.

Q. You arrested him? A. Yes, sir.

Q. Did you ask him where he got the goods? A. Yes, sir.

0000

Q. What did he say? A. He told me --- he gave me three different answers.

Objected to.

Q. What was the first one?

A. The first answer was -- I asked him, "Where did you get the goods?" He said, "No place."

Q. What the second time? A. He said a young man gave them to him; and the third time he said he bought them off a young man.

Q. You took him to the station house; you searched him and examined him there?

A. Yes, sir.

Q. Did you find anything on his person?

A. Yes, sir; in his hip pocket I found a small pair of scissors, and a pair of shears about two feet long.

Q. Did you lock him down? A. Yes, sir; I took him to the Tombs and had him remanded until I got an owner for the property.

Q. Was the property subsequently identified by Mr. Solencko, in the station house, which you found in his possession?

A. Yes, sir, that evening, a little after six, he came and reported his place was burglarized; he said a pair of stock shears and a roll of dress goods were taken.

Q. Was this man present, was he brought up?

A. No, sir, he was in the cell.

Q. Did you go to Mr. Solencko's place in Bayard street?

A. Yes, sir.

Q. Were you shown the place where the breaking had occurred?

A. Yes, sir.

Q. Just describe it to the jury?

By the Court:

2 Q. What number in Bayard street?

A. 68 Bayard street.

By Mr. Macdonna:

Q. What ward is that in? A. The Sixth ward.

Q. Describe in what condition you found the premises, the door and window? A. The hasp had been pulled from the door; there is a screen on the side of the window and the staple was hanging on the screen, the hasp had been torn off. He has got a loft, the third floor, and there had been lying on the floor a piece like iron gas pipe, used in the force pump ---that was lying on the floor; it did not belong in this house.

Q. Were any marks on the wood around this hasp?

A. Yes, sir; there was marks on the hasp, on the hasp of another pantry in the rear; on this one the wood had been torn away, and the hasp had been scratched with some instrument.

CROSS EXAMINATION:

By Mr. Purdy:

Q. You saw some gas pipe that didn't belong in the huse?

A. Like a piece of gas pipe, it is used as the handle of a pump. Nobody claimed it.

Q. Are you swearing to what people told you, or to what you know yourself? A. I don't know where it belonged; from what I was told it didn't belong in that house.

Q. How long have you been on the force?

A. Seven years, or nearly eight.

Q. You saw this man walking along the street?

A. Yes, sir.

Q. And he had this roll of cloth on his shoulder; didn't he, openly and above board? A. Yes, sir.

Q. No concealment about it whatever; you arrested him?

A. Yes, sir.

- Q. What was the first word that he said -- that you said to him, when you walked up to him?
- A. "Where did you get that roll of cloth?"
- Q. What did he say? A. "No place."
- Q. He is a German? A. He is a Hebrew.
- Q. What is your nationality? A. I am a native.
- Q. You don't talk Dutch nor Hebrew?
- A. No, sir.
- Q. What was the next thing you said to him?
- A. I brought it along, and I asked him where he got it again; he told me on Canal street.
- Q. What is the very next word you said to him?
- A. I asked him where he was going with it. He said he was going to meet another young man up Stanton street.
- Q. What was the next thing you said to him?
- A. I didn't have much further conversation until he got to the station house.
- Q. Did you have any further conversation with him?
- A. Yes, sir.
- Q. What was it, we want it?
- A. When we got to the station house I asked him again where he got it.
- Q. What did he say? A. He said he got it from a young man on Canal street.
- Q. Didn't he tell you that he got it from a man who hired him to carry it for him, and who met him at the place where he said he was going to?
- A. That was the third time. He made three different statements.
- Q. You had no further conversation at all with him until you got him to the station house? A. No, sir.

Q. Then he told you that he had been hired by a young man to take it and meet him with the cloth?

A. He got it from a young man on Canal street; and on the way to the Tombs he made another statement; he said he bought it, and he was going to try to sell it.

Q. When was that?

A. Going from the Tombs, about

ten o'clock.

Q. The next day?

A. No, sir; that same morning.

Q. What time was it you arrested this man, the night-time or morning?

A. Morning, about nine o'clock.

Q. In the public streets, was it, in the morning, at nine o'clock, with this roll of cloth over his shoulder?

A. Yes, sir.

JOSEPH SOLENCKO, sworn, and examined, testified:

By Mr. Macdonna:

Q. Where do you live?

A. I live 215 Madison street.

Q. What is your business?

A. I am manufacturer of missis and childrens' cloaks.

Q. Where do you carry on your business, where is your shop?

A. My shop is 68 Bayard street.

Q. Did you lock up your shop on the morning of the 14th of January, at 68 Bayard street?

A. No, sir, I didn't lock it up, I have got a watchman sleeping there.

Q. What is his name?

A. Joseph Smorack.

Q. When were you there on the 14th, if you were there at all?

A. I didn't work there, I had business down town and I came back; my wife told me that somebody broke open the

shop, and I went to my place.

Q. When you came back from attending to this business that you were at, you heard something about the shop; didn't you?

A. Yes, sir.

Q. In consequence of that you went around to the shop?

A. Yes, sir.

Q. You went up stairs?

A. I went up stairs.

Q. Describe to the jury what you found when you got up stairs--- the entrance to the shop, what did it look like, was it locked or open or how?

A. It was open when I came over.

Q. Were there any marks alongside where the hasp was?

A. Yes, sir.

Q. Was there any tools in the hall?

A. A piece of gas pipe.

Q. Where is it?

A. It is in the station house.

Q. That was on the floor, in front of the door?

A. Yes, sir, on the floor.

Q. Was the hasp pulled out?

A. Yes, sir.

Q. And the staple?

A. No, only the hasp, it was pulled out and the lock fell down; I didn't see the lock because some people came over there and they took everything in.

Q. Who was there when you got to 68 Bayard street?

A. When I came over there the watchman was there, and my partner was there, and some people what keep the shop up stairs.

Mr. Purdy: I will concede that the allegations in the indictment, as to the burglary, are correct.

The Court: That there was a burglary committed, as charged in
6 the first count of this indictment?

Mr. Purdy: Yes, sir. To save time, I will now concede that there was a breaking --that there was a burglary, and that this particular cloth was taken.

By Mr. Macdonna:

Q. Did you find that any of your property, from your shop, was missing?

A. Yes, sir.

Q. What was it -- just answer the questions?

A. It was a couple of samples, and one piece of cloth.

Q. Did the cloth have any value, worth how much?

A. Twenty-two dollars it cost me.

Q. Did you miss anything else?

A. Bug cutting shears.

Q. How much were they worth?

A. Six dollars.

Q. Having looked at the premises, you went to the station house; did you?

A. Yes, sir.

Q. Did you there see a piece of cloth and a pair of shears?

A. Yes, sir.

Q. Did you identify that cloth and those shears as your property?

A. Yes, sir.

The Court: Is it conceded that this property came out of that place?

Mr. Purdy: Yes, sir; and found in the possession of the prisoner.

JOSEPH SMORACK, called:

By the Court: Q. Do you understand English?

A. No, Dutch.

Mr. Macdonna: Will you make the further concession that this shop was locked up at eight o'clock, and that the property was found in the possession of the prisoner, one hour after?

Mr. Purdy: I will concede that.

By the Court:

Q. What time did you lock the place up?

A. Eight o'clock in the morning.

The Court: This witness states that he locked up the shop at eight o'clock in the morning. (To the Interpreter: You ask him, at the time he locked up, did he leave any one in the place, or were all the hands gone away?

A. Nobody was inside.

Mr. Macdonna: That is the case.

The Court: Strike out that witness's evidence.

THE CASE FOR THE DEFENCE.

Mr. Purdy: I would ask your Honor to direct the District Attorney to elect on which count of the indictment he will ask for a conviction --- whether on the count for burglary or receiving stolen goods, it cannot be the same.

The Court: No, he cannot be guilty of both offences.

Mr. Purdy: What do you elect on?

Mr. Macdonna: Burglary -- the first count.

ISAAC BERNSTEIN, sworn, and examined, testified:

By Mr. Purdy:

Q. How old are you, Bernstein? A. I am nineteen years old.

Q. When did you come to America?

A. Five years in June.

Q. Who came with you?

A. My mother came with me.

Q. Where do you live? A. No. 86 Hester street.

Q. Who do you live with? A. With my mother.

Q. Is your mother here in court?

A. My sister is here.

- Q. When you landed in America what did you go to do?
A. Tailoring -- my father took me to the shop to work with him.
- Q. Where is your father? A. He is working to-day.
- Q. Was he here this morning? A. No, sir.
- Q. Where did your father take you to work?
A. Isaac Levi.
- Q. How long did you work for Levi?
A. Two years.
- Q. What did you do, what did you work at?
A. I have been a tailor.
- Q. Then what is the next thing you did, after you left Levi?
A. He put me on a machine, for an operator.
- Q. Who, your father? A. Yes, sir.
- Q. Who did you work for on the machine?
A. On the machine, I have been working ---I had different jobs.
- Q. You worked on the machine as an operator?
A. Yes, sir; he kept a shop, it is a small block, I don't know the name of the street, it is between Henry and Madison.
- Q. Birmingham street, is that it? A. Yes, sir.
- Q. Have you worked ever since you came to America?
A. Yes, sir.
- Q. In some employment? A. Yes, sir.
- Q. Have you lived home, with your father and mother and sisters, all that time? A. Yes, sir.
- Q. Have you ever been arrested before? A. No.
- Q. Never have been convicted of any crime?
A. No, sir.

0000

By the Court:

Q. You never were arrested? A. No, sir.

Q. Do you know what a police station is?

A. Yes, sir.

Q. Have you ever been taken there?

A. No, sir.

By Mr. Purdy:

Q. what did you do with the wages that you made during this time? A. I gave it to my father.

Q. On this Saturday that you had this roll of cloth, were you working at that time? A. No, sir, I was off

that time. I had been working till Friday night, Friday night I went home.

Q. You were working that Friday night for whom?

A. A man at 222 East Broadway.

Q. How long had you been working for him?

A. I had been working for him two weeks.

Q. Is he here in court -- was he here this morning?

A. I don't know if he was here this morning, I didn't see him.

Q. what was the name of the man you were working for?

A. I can't tell you, I was working two weeks for him.

By the Court:

Q. what number? A. 222 East Broadway.

By Mr. Purdy:

A. Thomas Tasker? A. I never heard the name, because he is within.

Q. You worked on a machine? A. Yes, sir; Singer's sewing machine.

Q. You are one of these men that work over on the East side, making all sorts of clothing; is that it?

A. Yes, sir.

Q. Sweating houses? A. Clothing houses.

Q. You make clothing for those people; and you worked Friday night?
A. Yes, sir.

Q. Were you paid off on Friday night?

A. No, he laid me off, he said he had no more work, I should come over Thursday to get my pay, and I was arrested on Saturday.

Q. A large roll of cloth was it? A. Yes, sir.

Q. How did you get in possession of that roll of cloth?

A. A man came over to me, I was walking down Canal street, me and another man.

Q. What time did you get up this morning, Saturday?

A. I got up half-past seven, if I recollect.

Q. Did you get your breakfast at home? A. Yes, sir.

Q. Where did you go then? A. I went down to go to church.

Q. A Hebrew church?

A. Yes, sir; and I seen a fellow, a friend of mine, and he asked me if I am working; I said, "No, my boss laid me off for two weeks;" and he said, "Come around and look for work with me." I came up stairs again and called my mother, and I went with him. And a man came past me and he asked me if I wanted to carry a bundle of clothing for him, in Canal street, between Mott and Mulberry. I said yes; I asked him how much would he give me. He says twenty-five cents; I took the bundle of clothing, and carried it.

Q. What kind of a looking man was that --- and he gave it to you, and what did he tell you? A. I should carry

it from Canal street to the corner of Stanton street; and

11 I said all right, I will carry it for him; he was walking

along with me past the corner of Chrystie -----

Q. How big a bundle was this, as large as my overcoat?

A. It was about as large as that, I guess.

Q. You threw it over your shoulder?

A. Yes, sir.

Q. You walked along with this man, did you?

A. Yes, sir. On the corner of Hester and Chrystie I went over on the other side, and the man got hold of me.

Q. You mean the detective got hold of you?

A. Yes, sir, he got hold of me, and he asked me, "Where are you going?" I told him a man gave me a quarter to carry it, and he locked me up.

Q. What about the shears? A. He gave me the shears, the shears was in the bundle, it was cold in my hand, and I couldn't carry it and I put it in my pocket.

Q. Large shears, were they? A. Yes, sir.

Q. All in a bundle, werethey? A. Yes, sir.

Q. Are you telling us the truth? A. Yes, sir.

Q. Then you were arrested; what did you say to the officer when he arrested you? A. I told him a man wanted me to carry it and he would give me a quarter, and I carried it for him; and he punched me for nothing, and he started to hit me. I told him the truth. I said a man gave it to me to carry it, that's what I told him.

Q. Did he hit you? A. Yes, sir, he hit me, he licked me.

Q. This detective? A. Yes, sir.

Q. Was he in uniform at all?

A. What does that mean? I don't understand that.

By the Court:

12 Q. Had the policeman brass buttons on his coat?

A. No, sir.

By Mr. Purdy:

Q. He walked up to you and asked you where you got those things, and he grabbed you?

A. Yes, sir. He asked me who was that fellow walking along, and I said, "That is the man who gave me the bundle to carry," and he got away. I didn't see him no more.

Q. He ran away?

A. I didn't see him run away, he got over on the other side.

CROSS EXAMINATION:

By Mr. Macdonna:

Q. What time was it you came down out of your house, and met your friend?

A. About half-past seven or a quarter to eight, about that time.

Q. You left your friend standing, and went upstairs to tell your mother you were going to look for work with him; is that right?

A. Yes, sir.

Q. Before that time you had been to church, had you?

A. No, sir; I did want to go.

Q. Tell the jury what you were going to do, were you going to go to church or were you going to look for work?

A. I was going to look for work, it was a quarter to eight.

Q. You did come down, you found your friend still waiting there, didn't you -- you came down to the street and found him and went on with him?

A. Whose friend? I don't understand that.

Q. Do you know what you have sworn to here?

A. Yes, sir.

Q. Didn't you swear that you saw a friend of yours at half-past seven?

A. Yes, sir. His name is Sam, I

don't know the other name.

Q. You haven't seen him since?

A. I didn't see him, a fellow was working in the shop, I can't tell his second name.

Q. Have you seen him since that time?

A. No, sir.

Q. You saw him when you got down stairs, and he and you went away together to look for work; is that right?

A. Yes, sir.

Q. And he was with you when this man came up to you and asked you to carry this bundle?

A. No, he was not with me, he went to look for a job and I carried the bundle for the man.

Q. Then he left you? A. He left me.

Q. Do you know where he lives? A. No, sir.

Q. Your sister is in court, isn't she?

A. Yes, sir.

Q. She has been to see you in the Tombs; has she not?

A. Yes, sir.

Q. you were arrested on the 15th of January; is that right?

A. Yes, sir.

Q. She has been to see you since?

A. She went up in the Tombs that Wednesday, I wrote a letter to her.

Q. Your counsel is here; he saw you, too, didn't he?

A. Yes, sir.

Q. Did you tell your sister or your counsel to go and look for Sam?

A. No, sir.

Q. Did you tell him what shop he worked in, or where he could be found?

A. I didn't tell them that.

14 Q. Where is Sam?

A. He ain't here.

Q. How long have you been in this country?

A. Five years.

Q. You are sure you have been here five years?

A. Yes, sir.

Q. No doubt about that?

A. About June it is going to be five years.

Q. Why did you tell the Police Magistrate you had only been here three years?

A. I didn't tell him that.

Q. What is your mark on that paper (paper shown)? Did you sign that?

A. I couldn't sign it.

Q. You put your mark on there?

A. Yes, sir.

Q. Do you remember his asking you what your name was, and you said, "Isaac Bernstein;" how old you were, and you said you were nineteen; and where you were born, and you said in Russia; and "How long have you resided in your last place?" And you said, "Three years?"

A. I didn't tell him that.

Q. Will you tell me what you did with the quarter the man gave you?

A. He didn't give me the quarter, he was going to give me it when I should carry it, and he left me on the way.

Q. Explain to the jury how it was these shears was in the bundle?

A. It was tied to the bundle, tied together.

Q. Will you explain to the jury how, if it was tied to the bundle, it was cold in your hand and you had to put it in your pocket?

A. It was cold in my hand, and I took the shears off, and I put it in my pocket, and I carried the bundle.

By Mr. Purdy:

15 Q. Was the shears outside or in?

A. Outside the bundle.

Q. You know my associate, Mr. Levy, this lawyer here?

A. Yes, sir.

Q. You saw him in the prison, did you not?

A. No, I never was in prison.

Q. Didn't you see this lawyer in the Tombs?

A. Yes, sir.

Q. Didn't you tell him where Sam worked, at 17 Clinton street?

A. Yes, sir.

Q. You told him so? A. I didn't tell him the number, I told him the name, my mother knows where he lives, he used to be up in my house sometimes, he used to come up there.

Q. You told Mr. Levy about Sam?

A. I told him about Sam.

Q. You told him your mother knew where he lived?

A. Yes, sir.

Q. In the Tombs prison?

A. Yes, sir.

ABRAHAM D. LEVY, sworn, and examined, testified:

By Mr. Purdy:

Q. Mr. Levy, you are counsellor-at-law?

A. I am.

Q. You are the attorney for this defendant?

A. Yes, I am.

Q. In consequence of what he told you in the prison, did you make investigations to find out about this man Sam, that we have heard of here?

A. I did; I went to see him (the defendant) in the counsel room in the Tombs, last Friday afternoon, and I took his statement of his story, and I asked him about the boy who

was with him. He told me all he knows his name was Sam, but he used to come up to his house, I should see his mother and she may tell me where he is. I went up to his mother's house, Saturday afternoon about four o'clock; I spoke to his mother, and she said, she didn't know his last name --- all they know they call him Sam and he used to work in 17 Clinton street, in the rear house, Mr. Cohen. I called Monday night at Cohen's place, and I asked him if he knows Isaac Bernstein; he didn't know Isaack Bernstein; I reminded him of the boy Ike; he said yes, he had a little boy working by the name of Ike; I says, "I want to see Sam, the boy that works with Ike, together." He was his boss; he said, "Yes, he left here a week ago."

Q. You made an investigation?

A. I made an investigation.

Q. You made investigations purs. an. to his instructions, and you found the e was such a man as Sam, too?

A. Yes, sir.

Q. Why is he not here to-day?

Objected to.

Q. Did you look further?

A. I never saw Sam.

CROSS-EXAMINATION:

By Mr. Maedonna:

Q. Is this defandant a friend of yours?

A. No, sir, I never knew him in my life.

Q. You never knew him until you came into this case?

A. Never did.

Q. Your only interest in the case is that of attorney?

A. Yes, sir.

17 Q. You are very much interested in having him discharged,

ain't you?

A. No more than to try to prove his case, to put before the jury his statements.

Q. you have been regularly retained and paid to defend him; is that right?

A. I have.

Q. Before you got the money you took to defend him or knew anything about him?

A. Yes, sir, I did, when his friend, a client of mine--- I want to tell you how I come to, if you want me to explain it -- through a client of mine, a gentleman, called up to see me; he said he heard about me before, I always try a case well, and so on, he said, "I will like you to try to take care of the case." I told him I couldn't tell any price until I saw the prisoner, and knew what the case was about. I called at the prison and took his statement, and he told me his whole story; that is the time I asked him about the boy Sam; he told me he didn't know nothing about him, but to go to his father's and they would tell me where I could find him.

Q. Your interest in this case is merely the interest of getting him off, as his attorney?

A. As his attorney.

By Mr. Purdy:

Q. You are in my office, associated with me?

A. Yes, I am.

LENA SALOWISKY, sworn, and examined, testified:

By Mr. Purdy:

Q. Madam, you are a married woman, are you?

A. I can't talk English.

Q. Are you a married woman?

A. Yes, sir.

18 Q. How long have you been in the country?

A. Seven years.

Q. This boy is your brother?

A. My brother.

Q. Does he live home with you?

A. Yes, sir, with the father.

Q. Where is his mother?

A. She is so sick she can't come to-day.

Q. And the father of this boy, is he working?

A. Working.

Q. How many is in the family?

A. I have got four sisters married, and two brothers.

Q. Is he the youngest?

A. He is the youngest.

Q. Has he always lived with you since he came from Russia or from Germany --- he has always been a good boy, living home?

A. A good boy, yes, sir.

ISADOR BLOCK, sworn, and examined, testified:

By Mr. Purdy:

Q. What is your business?

A. Wholesale liquor.

Q. Do you know this boy?

A. Yes, sir.

Q. How long have you known this defendant?

A. I know the family for the last three years.

Q. How long have you known this particular boy?

A. They lived in my house for the last three years.

Q. They live in your house?

A. Yes, sir.

Q. What is his character, can you speak about his character?

A. He is a very good boy, he is working very hard to support his parents, an honest, good boy.

Q. Not a burglar, you don't think?

A. I don't think.

SAMUEL KAUTROWITZ, sworn, and examined, testified; through
the Interpreter:

By Mr. Purdy:

Q. Ask him what is his business?

A. I am working on ladies' cloaks.

Q. How long has he been in this country?

A. Five years.

Q. Don't he speak English at all?

A. No -- working for three years among his own country-
people, so he can't learn English.

Q. Does he know this boy, this defendant?

A. Yes, sir.

Q. How long does he know him?

A. One year.

Q. Did he work in the same shop with him?

A. He didn't work with him, in the same shop.

Q. What does he know about him, how does he come to know him?

A. I lodged with his father for about five or six months,
so I got acquainted.

Q. Can he speak about his character for honesty?

A. I never heard anything wrong about him.

Q. He always appeared to be right?

A. He always worked for a living.

Q. A hard-working boy, was he?

A. Always worked for a living.

Mr. Purdy: I will rest the case for the Defence.

REBUTTING EVIDENCE.

PATRICK CORCORAN, recalled by Mr. Macdonna:

Q. When this boy was arrested and went to the station house,
did you ask him where he lived, get his pedigree?

A. Yes, sir.

Q. what did he tell you?

A. 85 Bowery, in a lodging house.

Q. What is the name of the lodging house?

A. "The Mascot."

By Mr. Purdy:

Q. Were you present when he was arraigned in court?

A. Yes, sir.

Q. Did you hear him answering the questions?

A. Yes, sir.

Q. Did you hear the questions put to him by the Magistrate?

A. Yes, sir.

Q. The Magistrate asked, "What is your name? A. Isaac Bern-

stein." A. That was Sunday morning --- Satur-
day morning, this was, in the station house.

Q. I am asking you what he said before the Magistrate?

A. All right.

Q. Didn't the Magistrate put the following questions, and weren't
the following answers given: "What is your name? A. Isaac
Bernstein." Q. How old are you? A. 19 years. Q. Where

were you born? A. Russia. Q. Where do you live and how
long have you resided there? A. 86 Hester street, three

years. Q. What is your business or occupation? A. Porter.

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

A. I am not guilty." Didn't the defendant say that?

A. He did.

Q. you know that he lives, and has lived, at 86 Hester street,
for three years?

A. No, sir.

Q. Have you investigated it?

A. Yes, sir.

Q. You are a detective?

A. Yes, sir.

Mr. Macdonna: That is the case for the People.

The Jury DISAGREED.

Handwritten notes:
The defendant is
represented by
counsel
whose name is
not known to
me
1/23/33
1/23/33

0901

Testimony in the
case of
Lease Bernstein

filed

Jan. 1943

501%

0902

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 31 years, occupation Police Officer of No. 10th Precinct Street, being duly sworn, deposes and

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

Sworn to before me, this 10 day of January 1893 Patrick Corcoran

[Signature] Police Justice.

0903

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 35 years, occupation Inspector of No. 68 Bayard Street, being duly sworn, deposes and

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

Sworn to before me, this 15 day of January 1893

Joseph L. Moran
Police Justice.

0904

Police Court— District.

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

of No. 215 Madison Street, aged 30 years,
occupation Manufacturer of Cloaks being duly sworn
deposes and says, that the premises No. 68 Bayard Street, Sixth Ward
in the City and County aforesaid the said being a Shop on the 4th floor
front room of the 6 story brick building
and which was occupied by defendant as a Cloak factory
and in which there was at the time ^{no} human being, ~~was~~

were ~~illegally~~ **ILLEGALLY** entered by means of forcibly prying off the
staples and hasps to which was
attached a pad lock

on the 14th day of January 1893 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

- One roll of cloth
- One pair of shears.
- Being together of the value of
Twenty eight dollars.

the property of Deponent. And Saw Edelman Co posturers
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
Isaac Bernstein (now where)

for the reasons following, to wit: That deponent is informed
by Joseph Amoroso that he said Amoroso
said about the hour of eight a.m.
on the morning of said day secretly
open and fasten the door leading into
said premises by means of staples
hasps and pad locks and when deponent
returned about the hour of 9 o'clock
he found said premises broken into and

0905

Said property gone, deponent is further informed by Patricen Corcoran a Detective of the 6th precinct police that on the morning of the 14th day of January 1893 he saw said deponent in possession of a ring in a suspicious manner and arrested him and deponent fully identifies said property as being this and charges said deponent with the burglary of a jewelry

Sum before me 1893 }
this 15th day of January } Joseph J. DeLeo
J. J. DeLeo
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars of the City of New York, until he give such bail.
Dated _____ 1893
I have admitted the above named to bail to answer by the undertaking hereto annexed.
Dated _____ 1893
There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.
Dated _____ 1893
Police Justice

Police Court, District

THE PEOPLE, &c.,
on the complaint of
vs.
1
2
3
4
Offence—BURGLARY.

Dated _____ 1893

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ _____ to answer General Sessions.

0906

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

Isaac Perustera 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. *Isaac Perustera*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *36 Hester Street, 3 years.*

Question. What is your business or profession?

Answer. *Operator*

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.*

Isaac Perustera

Taken before me this

day of *January* 189*3*

Police Justice.

0907

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

.....
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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 1893..... [Signature] Police Justice.

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

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

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

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

0900

Police Court--- 1st 71 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Delaney
vs. *Mae Demuth*

Offense
Drunk

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *January 15* 189*3*

Magistrate
Officer
Precinct

Witnesses *Joseph ...*
St ... Street.

No. Street.

No. Street.

to answer *G.S.*

C *Burt*
9K

0909

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

483

THE PEOPLE OF THE STATE OF NEW YORK

against

Isaac Bernstein

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

Isaac Bernstein

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

The said

Isaac Bernstein

late of the *sixth* Ward of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three* in the *day* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *factory* of one *Joseph Selenko*

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 *Joseph Selenko* in the said *factory* 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

Isaac Bernstein

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *Isaac Bernstein*

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,

*one piece of cloth of the
value of twenty-six dollars
and one shears of the value
of two dollars*

[Large flourish]

of the goods, chattels and personal property of one *Joseph Selenko*

in the *factory store* of the said *Joseph Selenko*

there situate, then and there being found, in the *factory*
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

Isaac Bernstein

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

The said *Isaac Bernstein*

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,

one piece of cloth of the value of twenty-six dollars, and one shears of the value of two dollars

of the goods, chattels and personal property of

Joseph Selinks

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

Joseph Selinks

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

Isaac Bernstein

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.

09 12

BOX:

507

FOLDER:

4629

DESCRIPTION:

Besterman, Max

DATE:

01/24/93



4629

Witnesses:

Officer Smith

Port I

Feb 6 1893

I have examined this
cards and find that
there is not sufficient
evidence on which
to convict the deft
I therefore recommend
that he be discharged
with our recognizance
H. M. Adams
Asst

258

Counsel,
Filed *[Signature]* day of *May* 1893
Pleads *Mizell*

THE PEOPLE

vs.

Max Beesterman

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. Cattin

Foreman.

J. J. [Signature]
Discharged on his
own recognizance

Registry in the
Section 407, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

09 14

1921

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation Police Officer of No. 11

Allen St Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Frank Goldstein

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

Sworn to before me, this 1 day
of Dec 1921

John Foley

James

Police Justice.

0915

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 W. J. Clark

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 100 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 he to be discharged.

Dated, 189 Police Justice.

091

89

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm Goldstrom
137 Clinton
Wm Ressemer

Offense
Indy law

2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, Jan 21 1893
K. K. K. Magistrate.
Officer.
Precinct.

Witnesses
J. P. Rendel
37 Clinton Street.
Benjamin Ellis
No. 185 Kew-Forest Street.
Edwin Kew-Forest
No. Street.
\$ 1000 to answer

Handwritten signature and notes at the bottom of the document.

Police Court - 3 District.

City and County } ss.:
of New York,

of No. 37 Clinton Sarah Goldstony
Street, aged 24 years,
occupation Keep House being duly sworn

deposes and says, that the premises No 37 Clinton Street, 13th Ward
in the City and County aforesaid the said being a four story brick
Dwelling the top floor of
and which was occupied by deponent as a living apartment
and in which there was at the time a human being, by name Sarah Goldstony

were **BURGLARIOUSLY** entered by means of forcibly observed
she don leading from the Hall into
the Hall bed room

on the 10 day of January 1888 in the City time, and the
following property feloniously taken, stolen, and carried away, viz:

One silk Watch Chain & Jewelry
Apparel, all of the value
of two hundred dollars

the property of Miss Anna Goldstony
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

Max Resmer, William
for the reasons following, to wit: that part of the
property was found in the
possession of the defendant
by Officer Jerry Foley.

Sworn before me }
21st day of July 1893 } Sarah Goldstony
Chap. Clerk }
Police Justice

0918

(1235)

Sec. 198-200.

3

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

Max Besserman

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. *Max Besserman*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *89 Suffolk St 4 1/2 years*

Question. What is your business or profession?

Answer. *Fireman*

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 was not present
Max Besserman*

Taken before me this
day of *Sept* 189*9*

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

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

one watch chain of the value of five dollars and divers articles of clothing and wearing apparel of a number and description to the Grand Jury aforesaid unknown, of the value of two hundred dollars

of the goods, chattels and personal property of one

Sarah Gal

Louis Rensel

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

Louis Rensel

unlawfully and unjustly did feloniously receive and have; the said

Max Besterman

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

DE LANCEY NICOLL,

District Attorney.

0920

BOX:

507

FOLDER:

4629

DESCRIPTION:

Bigge, Arthur

DATE:

01/03/93



4629

Witnesses:

Oliver Sambo

Counsel,

Filed

day of

1893

Pleas,

THE PEOPLE

vs.

Arthur Biggs

Grand Larceny, Second Degree,
[Sections 225, 227, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Forfeited.

James J. [Signature]
Henry [Signature]
James [Signature]

9
J. [Signature]
day of Aug 1893

0922



HUNT & EATON,
AGENTS.

METHODIST BOOK CONCERN,
150 FIFTH AVENUE,
CORNER OF TWENTIETH STREET.

Frederick Smyth, Esq.

Recorder of Court of General Sessions, New York.

NEW YORK.

Jan'y 10

1892

Dear Sir.

Permit me to solicit your clemency for Arthur D. Biggs now confined in the tombs to be sentenced on Friday under an indictment for larceny. I became acquainted with this man during my occasional visits to Mr. Patton's Bible class at H. S. St. Methodist Church. He impressed me as a man of good intentions, but possessing only a moderate amount of backbone. Somewhat weak but not vicious. I am moved to call your attention to his case, because the result of my observations in your court, while serving as a juror during the month of February 1891, is a fixed belief, frequently expressed, that you preside with "the impartiality of an angel," a criticism applied to a famous new paper many years ago.

Hoping for your favorable consideration.
I am resp'y. Wm. Graham

0922

Boyer

Boyer

✓

0924

Police Court 1st District.

Affidavit—Larceny.

City and County of New York, ss:

Algeron H. Blackwood

of No. 19 Tappan place Street, aged 23 years, occupation Reporter being duly sworn, deposes and says, that on the 1st day of November 1897 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 consisting of Bank notes and bills of the value of Thirty two 00 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 Arthur G. Biggs

(wherever for the purpose to wit

On said day said deponent and deponent accompanied a woman together at the apartment of said deponent had said papers in a bureau drawer in said room and she examined the same and said deponent admitted and confessed to deponent that he had taken the said property and appropriated the same to his own use and deponent further says no other person was in said room except deponent and he would be charged said deponent with the larceny aforesaid

Algeron H. Blackwood.

Sworn to before me, this 2nd day of

Dec 1897

Police Justice.

0925

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

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

100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Dec 27 189 Wm. Ryan Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

092

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Magistrate N. P. ...
19 Lafayette Pl. ...
Shirley G. ...

2
3
4

Offense

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *Dec 28* 189*2*

Ryan Magistrate.

Lawlor Officer.

C. C. Precinct.

Witnesses *Lynwood Palmer*

No. *252-5th Ave* Street.

No. Street.

No. *1000* Street.

* *1000* to answer *G.S.*

[Handwritten signature]

0927

STANDARD BANK OF CANADA
CORPORATED IN CANADA
215 WEST 4TH STREET TORONTO

People

Beggs

Jan 12/93

Hon. Mr. Justice Smyth

Dear Sir

I am pleased to
state that Beggs has
paid back \$13.00 of
the \$32.00 sent to
him as to the \$19.00
amount, with the
claimant, it is paid
Beggs arrested, because
he (Beggs) chimed
with some other find.
I am nearly blind today,
- hard to write, etc

Very Sincerely
O. H. [Signature]

0928

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION
OF THE UNITED STATES OF AMERICA

OFFICE OF PRESIDENT, 245 West 46th Street,

NEW YORK CITY.

January 6, 1893.
Hon. Fred. Smyth, Recorder
15 W. 46 St. City.

Dear Sir:-

The fact that I have been confined to the house for nearly three weeks with Erysipela in my foot, is my excuse for writing you. I may be recalled to your memory as the gentleman who met you on a fourth Ave. car, after your election and congratulated you, and said, I was a type of very many Republicans who took pleasure in voting for you. Now this prelude is not that I may ask a personal favor from you, but simply that you may know who I am, so that some little attention may be given to my suggestions. During this past summer a young man, Arthur S. Biggs, was engaged to sing tenor in our quartet at forty-third St. M. E. Church, and I being the leader of the Bible Class, interesting myself in the youth so as to give you as little business down town as possible, invited him to my class. I saw that while he was well educated and polished he was weak, but let me say to his credit, that

0929

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION
OF THE UNITED STATES OF AMERICA

OFFICE OF PRESIDENT, 245 West 46th Street,

NEW YORK CITY.

(2)

although out of employment, and I gave him permission to draw on me until something would turn up, he did not abuse my confidence. I received a letter from him stating that he was in the Tombs, awaiting trial before you, for larceny. Some friends, in talking over his case last evening in my home, when it was mentioned that he was to be tried before you, said that you were severe and expressed pity for him. I then recounted my conversation with you in which you said, you had so many times given a man a chance, and they would scarcely credit it. The young man expressed regret and a desire to reform, and said that what I told him as his teacher he believed to be true, that is that he must have God to help him. Now I believe, that you would do just as I would do if positions were reversed and you appealed to me. I would not degrade you or myself by trying to reach you through political methods or others. I have no interest in it except that, after careful thought I believe there is a possibility of a reformation and you and I know there will be none if

0930

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION
OF THE UNITED STATES OF AMERICA

OFFICE OF PRESIDENT, 245 West 46th Street,

NEW YORK CITY.

(3)

once a fellow. Will you investigate and be as lenient as you can consistently with your position and the claims upon you. If you have any desire to investigate the matter I would refer you to D. W. Cornell; Chas. M. Marsh, 118th St. Hunt & Eaton 150 5th Ave. and as many more of the same stamp as you require. If it is your pleasure to see me, my physician says, I will be able to go out about Tuesday next and I would be pleased to await your orders.

Hoping that this may be received in the spirit that it is written, I am,

Very truly yours,
John Beattie.

0931

MASTER HOUSE PAINTERS' AND DECORATORS' ASSOCIATION
OF THE UNITED STATES OF AMERICA

OFFICE OF PRESIDENT, 245 West 46th Street,

(3)

NEW YORK CITY.

once a fellow. Will you investigate and be as lenient as you can consistently with your position and the claims upon you. If you have any desire to investigate the matter I would refer you to J. W. Cornell; Chas. W. Marsh, 1116 1/2nd Ave. and as many more of the same stamp as you require. If it is your pleasure to see me, my physician says, I will be able to go out about Tuesday next and I would be pleased to await your orders.

Hoping that this may be received in the spirit that it is written, I am,

Very truly yours,
John Beattie.

0933

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

Arthur F. Bigge 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 a 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. *Arthur Bigge*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *England*

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

Answer. *19 Lafayette Place 1 week*

Question. What is your business or profession?

Answer. *Actor*

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

Arthur Bigge

Taken before me this

day of

1892

Police Justice.

0934

Sec. 151.

Police Court _____ District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by *Agnes M. Blackwood*
of No. *19 Lafayette* Street, that on the *1st* day of *November*
188*9* at the City of New York, in the County of New York, the following article to wit:

Good and lawful money of the
United States consisting of
Bank notes and bills
of the value of *thirty two* Dollars,
the property of *Complainant*
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *Arthur J. Dege*

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

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

Dated at the City of New York, this *30* day of *December* 188*9*
Thos. J. Brady
POLICE JUSTICE.

0935

FORTY-THIRD STREET,
METHODIST EPISCOPAL CHURCH,
Near 8th Avenue.
FRANK L. WILSON, Pastor.

336 West 45th Street,
NEW YORK.

January 9th, 1892.

To the Honorable Frederick Smyth,
Recorder of the City of New York.
Respected and Dear Sir:-

In making a call upon Mr John Beattie of 345 West 46th Street, who is confined to his home by sickness, I learned of the unfortunate position of Mr Arthur S. Biggs, who is in the Tombs, under conviction for forgery. It pains me beyond measure that a young man, the son of highly respectable parents, well connected, well educated, and possessing so many good qualities should have been led to commit a crime that has brought such sad disgrace upon himself and all that belong to him. But at the same time I am led to speak a word in behalf of this misguided man who has a felon's life with its lasting blight and bitterness before him unless in some way he is saved the penalty of the law.

I have met Mr Biggs a few times, but know more of him through Mr John Beattie, one of my parishioners, who for many years has been the teacher of a very large and influential Bible Class, ~~and~~ which Mr Biggs occasionally attended. Mr Beattie has had a large experience with young people, has a keen insight to character, and is a good judge of the possibilities that may lie in a young man. I have great confidence in his judgment and know that he is not likely to be deceived in his estimate. From what he and others say and from what I know personally I have reason to believe Mr Biggs to be genuinely penitent, that he feels the enormity of this his first offense, and is truly anxious to lead a different life.

Through the kindly exercise of your prerogatives may he not have this one chance to redeem the past and make a record alike creditable to himself and the friends who are anxious to save him from the lasting disgrace that must follow in the wake of his crime?

I feel quite confident that you will never have occasion to regret that in the administration of justice in this case you exercised the greatest mercy, and I therefore implore you to do whatever in your wise and just judgment you can to save this young man from the convict's cell and infamy.

Thanking you in advance for the kindly consideration I am sure you will show, believe me, Honorable Sir,
Yours most respectfully,

Frank L. Wilson
Pastor

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Arthur Bigge

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

Arthur Bigge

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

The said Arthur Bigge

late of the City of New York, in the County of New York aforesaid, on the 1st day of November in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

the sum of thirty-two dollars in money, lawful money of the United States of America, and of the value of thirty-two dollars

of the goods, chattels and personal property of one Algernon N. Blackwood

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