

0253

**BOX:**

3

**FOLDER:**

39

**DESCRIPTION:**

Agine, Henry

**DATE:**

01/14/80



39

0254

Filed *11* day of *July* 187*0*

Pleas, *Indictment*

THE PEOPLE

vs.

*P*  
*Henry & Agnes*

ROBBERY - First Degree.

BENJ. K. PHELPS,

*District Attorney.*

A TRUE BILL

*W. H. Keagy*

*July 23 1870* Foreman.

*Frederick J. Bennett*

*Chairman of Jury*

0255

Form 123.

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

Police Court - Second District.

*George H. Witschif*

of No. *1016* *3<sup>d</sup>* *Avenue* Street, being duly sworn, deposes and says,

that on the *2<sup>nd</sup>* day of *January* 18*80*,

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the person of deponent, by force and violence, and against the will of

deponent, the following property, viz.: *One gold watch with chain attached & keys*

of the value of *One hundred and thirty* *2 Dollars*  
the property of *this deponent* Dollars,

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away, by force and violence, and against his will, by *Henry E. Agin* (now here), and two others whose names are unknown to this deponent. For the reason that on or about *One o'clock* on the morning of the *2<sup>d</sup>* of *January*, deponent was passing along *Ridge St* West when opposite the premises *12<sup>3</sup>/29* in said street, deponent was approached by three men who attacked this deponent knocked this deponent down on a basement steps. This deponent identifies *the accused* by one of the party who attacked him. *The accused* struck deponent a violent blow with his fist and then seized the watch and chain and attempted to run away.

*Geo. H. Witschif*

Sworn to before me this

day of

*January*

18*80*

*Charles Spencer*  
Police Justice.

0256

State and County of New York } S S  
City of New York }  
11<sup>th</sup> Precinct Police being duly sworn deposes and says that  
on or about one o'clock on the morning of the 2<sup>d</sup> of January  
he arrested in Ridge street Henry E. Agin. that the said  
Agin and one other individual whose name is unknown to him, this  
deponent was unable to arrest, were standing near the <sup>Complainant's</sup> ~~residence~~  
George H. Wittschick who was in a sitting position. Deponent  
heard one of the parties say to <sup>the</sup> Complainant give me that or I'll  
kill you! When this deponent approached in reply to query as  
to what they were doing they replied that they were friends of the Complainant  
the accused and the other party then endeavored to escape by running away  
Deponent endeavored in effecting the arrest of the accused Henry  
E. Agin

Done & taken on this  
2<sup>d</sup> day January 1880

Charles H. H. H.  
Police Justice

Francis Donnelly

0257

Police Court—Third District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Henry E. Agin being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was  
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.— Henry E. Agin

Question.—How old are you?

Answer.— 25 years

Question.—Where were you born?

Answer.— N.Y. State

Question.—Where do you live?

Answer.— 2 Dry Dock St.

Question.—What is your occupation?

Answer.— Cigar maker

Question.—Have you anything to say, and if so, what—relative to the  
charge here preferred against you?

Answer.— I am not guilty  
H. E. Agin

Taken before me, this

3

day of

July 1880

Charles J. Thomas  
Police Justice

0258

Form 123

POLICE COURT—SECOND DISTRICT.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

*George A. Wlachuk*  
~~*John J. Taylor*~~  
*Henry E. Agins*  
8  
1880

Affidavit—Robbery.

Dated *January 3* 1880

*Flannery* Magistrate.  
*11/1*  
*Donnelly* Officer.

Witness, *Andrew Winterger*

*Supt. Webb*  
*11 - Precinct*



\$ *15.00* to ans.

Bailed by *Committed*

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

4146

The People  
vs.  
Henry E. AgineCourt of General Sessions. Before Judge  
Gilbert Gilbert Friday, January 23, 1880.

Indictment for robbery in the first degree.

George H. Witschick, sworn and examined, testified through the interpreter, Rev. John Chamberlain, the complainant being a deaf mute. I live 116 Third Ave. on the night of the 2<sup>nd</sup> of January about one o'clock I was in Ridge St. Mr. Weinberger was with me, I was walking on the street. Two men, one of whom was the prisoner, caught me and pushed me down a stairway; my head was cut, I think it was cut on a stone; the prisoner was one who caught hold of me and tried to push me down the stairway. I had a gold watch and chain and locket and had some money in my pocket; the watch and chain was torn out of my pocket. I don't know who took it out of my pocket; the three men of whom the prisoner was one took the watch as far as I can tell. I distinctly felt the watch taken away; that was when I was first attacked; I made an outcry the best I could for police; the men who attacked me ran away. I positively identify the prisoner as one of the three men who attacked me. I have never found my watch; the prisoner was immediately arrested after I made the outcry; an officer <sup>followed</sup> and arrested him about two blocks, I think, from where the attack took place. Cross Examined. This was on New

0260

Years night, I never had seen either of these three men before. I left my house about 11 o'clock in the morning. Mr. Weinberger went with me; we made several New Year's calls upon several friends. I drank at these several friends houses where I called. I got supper at my sisters; she lives in West Eleventh St; I should think about twenty five blocks. I left my sisters house about half past five: I visited four or five places after I left my sisters before this encounter took place. I did not drink in any bar rooms, but I did at the four or five places we visited. I had no friend living in Ridge a Houston St; where we met these three men we were walking toward East Houston St. There was no one with me when I first saw the man whom I identify as the prisoner but Mr. Weinberger. I saw the prisoner running; he was arrested two blocks from the scene of the occurrence. I was first struck and then my watch was seized. I was excited after I was struck, but not very much. Have you ever in your life been mistaken as to the identity of a person? No. I am 25 years old and never made a mistake. Andrew Weinberger, also a deaf mute was examined through an interpreter. I was with the complainant on the night of the 1<sup>st</sup> or morning of the 2<sup>nd</sup> of January; we went to see a friend

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at 113 Essex St.; we were going down Thurston St. when we were attacked. Three men struck me and the complainant, but I could not recognize them. I was struck and knocked down a cellar way and the complainant came right behind me and when he went to help me he was struck and a watch and chain taken from him. I did not see the watch taken from him, but I saw it just before I got to that place. I was knocked down the cellar way first and the complainant was knocked down after me on top of me. The three men ran away and one of them was caught by officer Donnelly. I believe it was the prisoner. I did not see the officer take him. Francis Donnelly, sworn and examined testified. I am a police officer and was on duty in Ridge St. on the night of the 1<sup>st</sup> of January after 12 o'clock. I was trying my doors on Ridge St., and my attention was attracted by a young man passing up and down the sidewalk on the opposite side from where I was, and he says, "Cheese it, here comes a copper." I let go the door I was trying, I stepped across <sup>towards</sup> where he was and he ran away. I could not see anybody as I got on the sidewalk where he was. I heard somebody moaning down the steps of the basement. I looked down and I saw the complainant, the dumb man, sitting down on the steps of this basement and I

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seen two young men having hold of him by the tree sleeves of the coat. I says, "Boys, what are you on the doing with that man down there?" He says, "This de is a friend of ours; we are going to take him home!" "Where does he live?" "Close by." "What street?" se I. They did not say nothing to that. "Bring up yours in friend till I see him." The young man who was enty with the prisoner at the bar came up and let 'alf go of the complainant. As soon as he got up I to the top step he ran away. I ran after him "Haw ten a twelve paces, I could not catch him. 'did I seen the other one, <sup>(the prisoner)</sup> I ran him up Boston street, near Attorney St., and finally he fell on the sidewalk. As he was getting up I caught him by the corner. "That is the matter," he said "I have been doing nothing." "I was helping to take him home!" "Come back till I see what the is the matter. The dumb man could not say anything; he was covered with blood. "Come on, I will bring you down to the Station house to investigate this matter. The first man I chased collared me by the neck, I had returned my stick to my belt. He said, "Where are you going with that man?" "I am going to the station house." I had the prisoner. The other man said, "You son of a b h, if you take another step forward, I will blow your head off." "That is the use of a sensible young man talking

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that way? if this man has not done anything. let me take him down to the house, you can also come down and get your friend clear." I recognized him right away as the man who was talking to me. He said, "If you take another step, I will blow your brains out." The prisoner got hold of the stick and took it round to the front part of the belt; the other fellow had hold of me, I could not see his two hands; he said he would blow my damned head off. I hit the prisoner on the nose a couple of times to let my stick go. I looked around and the other fellow ran away. When the dumb man got to the station house he wrote down on a piece of paper what was done to him. I saw the prisoner run out of the cellar way where the complainant was. I saw the complainant's coat open. At the time I brought the prisoner back to him I could not tell what happened, he could not explain; when he got to the station house he wrote it down. I asked the prisoner who the other man was? He told me he did not know him by name. I described him to a couple of officers. They told me there was a man of that description up at the upper end of the ward. Cross Examined. I never to my knowledge saw the prisoner before that night. I never had any trouble with him before. I did not go down in the basement, I only stood

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on the sidewalk, I ran about ten paces as quick as I possibly could. I found he was too far ahead of me and I returned back; when I returned the prisoner was putting his head out of the basement and away he ran too; when I first saw him he was at the bottom of the basement four steps down. I made up my mind to get both of them if I could. New Year's night was kind of dark, it was muggy and heavy. What did the prisoner say going to the station house about the robbery? He said he was only assisting him to take him home. I believe he said that to Sergeant Wall at the desk; the Sergeant is not here. Henry E. Agins, sworn and examined, testified. I live No 2 Dry Dock St. for the past six months with my mother and little brother. I have been employed by Levy Bros, cigar makers for four or five years off and on; the last time I was employed there I was employed a year and a half. I was working there three days before I was arrested; we laid off a little before New Year's I was out New Year's night. I left my house at 2 o'clock in the afternoon and returned to supper at six o'clock. I went out again, and on this morning I was in the neighborhood of Ridge and Houston Sts. I was on my way down through Ridge St. and I stopped to urinate up against a wagon there. I saw three forms coming up

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from  
~~through~~ Houston St. up through Ridge St.; they stopped  
and began to pull themselves around and  
all at once I saw two of them disappear down  
a cellar way. I was watching them very close  
I ran down in the cellar; as I run in the  
cellar one of the men rushed up. I did not  
see any more of him. I asked what was the  
matter, I don't know whether the party had hold  
of him or not; it was so dark you could not  
scarcely see your hand; he was either kneeling  
down or sitting down and the other man was  
standing over him. I asked what was the  
matter? He said, "his son of a b--- has got  
my overcoat," he said, "Take off your coat," he  
~~hit~~ hit in the face three or four times with his  
fist. I says, "Don't hit him; bring him up  
stairs. He pushed me and said, "Mind your  
own business or I will give you a punch in the  
nose," the complainant was the man that was  
being hit; he was making the remark, "Take off  
that coat." An officer came to the top of the stairs,  
he pushed me, I stayed there, I did not know  
whether it was best to fight with him. Some  
party came to the top of the stairs and hallooed,  
"Cheese it, cheese it," and ran away; the officer  
appeared on the top of the stairs and said, "What  
is the matter? This fellow that was down there  
he rushes up stairs. He says, "We are trying

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to take a friend of mine out. He started and ran away; the officer ran out, I ran up stairs immediately right after him and started to run. I slipped and fell down behind a wagon. I was running after the fellow that was in the basement and I slipped and fell down and the officer arrested me. I do not remember making any remark at all. When he grabbed me and took me in I know the dumb man came up and pointed to me, made several motions I had been drinking myself and I never should have gone down to the cellar. I did not say to the officer that the complainant was a friend of mine. I am positive I did not say so to Sergeant Webb. I did not know these men who were down in the basement; they were strangers to me. I said at the Police Court I was innocent of the crime and have denied it ever since. I merely held the officer's hand that he might not draw his club. Frederick Lange sworn I know the prisoner, lived in the same house with him over a year and a half. Sigmund Levy sworn. I manufacture cigars corner of Tenth St. and Ave. B, the prisoner has been in my employ for a five years and always found him to be a steady workman; he was at work the Wednesday before newspapers. Daniel O'Brien, Henry Kahl and Wm. Albert testified to the prisoner's good character. The jury rendered a verdict of guilty. He was sent to the State Reformatory.

0267

Testimony in the case of  
Henry E. Agine  
filed Jan. 1880.

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CITY AND COUNTY }  
OF NEW YORK, } NR.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York.*  
*upon their Oath, present:*

That *Henry J Agine*

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *second* — day of *January* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *Eighty*, at the Ward, City, and County  
aforesaid, with force and arms, in the night time of said day, in and upon one  
*George H Witschiefs* —  
in the peace of the said People then and there being, feloniously did make an assault and

*one watch of the value of one hundred dollars,*  
*one chain of the value of thirty dollars,*

of the goods, chattels and personal property of the said *George H Witschief*  
from the person of said *George H Witschief* and against  
the will and by violence to the person of the said *George H Witschief*,  
then and there violently and feloniously did rob, 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.

**BENJ. K. PHELPS, District Attorney.**

0269

BOX:

3

FOLDER:

39

DESCRIPTION:

Anderson, James

DATE:

01/26/80



39

0270

254

Counsel,

Filed

day of

July 1870

Pleads

38 Elizabeth

THE PEOPLE

vs.

James Anderson

Larceny, and Receiving Stolen Goods.

BENJ. K. PHELPS,

District Attorney.

A TRUE BILL.

W. King

Foreman.

Part two Jan. 27, 1880

Pleads guilty & f

14. S.P.

0271

Form 112.

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

Police Court—First District.

of No. 1 Lispenard Street, being duly sworn, deposes  
and says, that on the 20 day of January 1880  
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent,

the following property, viz:

a roll of cassimere containing about  
forty yards

all of the value of Fifty Dollars,  
the property of James Gilmarter and

a Mr Dryle, doing business under the  
firm name of Gilmarter & Dryle at No  
1 Lispenard Street and in complainant's care and charge,  
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 James Anderson  
(now present) from the fact that  
deponent saw - said Anderson  
take the property as above described  
from the store No 1 Lispenard Street and  
followed him out of the store and  
caught him in West Broadway  
with the property in his possession  
Michael Gilmarter

Subscribed before me, this  
20 day  
of January 1880  
Police Justice.

0272

**Police Court—First District.**

CITY AND COUNTY }  
OF NEW YORK. } ss.

*James Anderson* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *James Anderson*

Question. How old are you?

Answer. *Thirty Eight Years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *8 Elizabeth Street*

Question. What is your occupation?

Answer. *Truckman*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not guilty—  
James Anderson*

Taken before me, this *24* day of *January* 18 *80*  
*[Signature]*  
Police Justice.

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ag. 28 Ann U.S. 42 Elizabeth 81-

Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael Gilman  
11, Despard St.

vs.  
James Anderson

Affidavit—Larceny.

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,



Dated January 20 1880

Six by — Magistrate.

Wm. O'Malley, Officer.  
Stewart Syme, Clerk.

Witness:

\$ 1000 to answer

at General Sessions

Retired at Dist. Atty's office

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

0274

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That

*James Anderson*

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

*Thirty yards of cassimere of the value of One dollar  
and twenty five cents each yard*

of the goods, chattels, and personal property of one *James Schermer*

then and  
there being found, 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.

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And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

*James Anderson*

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,

*Twenty yards of massimere of the value of one dollar and twenty five cents each yard*

of the goods, chattels, and personal property of the said

*James Selmarth*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

*James Selmarth*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*James Anderson*

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.

**BENJAMIN K. PHELPS, District Attorney.**

0276

**BOX:**

3

**FOLDER:**

39

**DESCRIPTION:**

Andrews, Charles

**DATE:**

01/08/80



39

0277

**BOX:**

3

**FOLDER:**

39

**DESCRIPTION:**

Heuze, Enil

**DATE:**

01/08/80



39

0278

Counsel,

Filed *12* day of *June* 187*8*

Pleas ~~to~~

THE PEOPLE

vs.

<sup>MA.</sup>  
1 Charles Andrews

2 Emil Plunz

3<sup>rd</sup> *Wm. ...*  
4<sup>th</sup> *...*

BENJ. K. PHELPS,

District Attorney.

Larceny, and Receiving Stolen Goods.

A. T. ...

*Wm. ...*

*June 12 1878* Foreman.

*S. P. ...*  
*Chas. ...*

0279

3 DISTRICT POLICE COURT—

AFFIDAVIT—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

of No. 67 Welcott

Benjamin Pfifferling  
Street.

being duly sworn, deposes and says, that on the  
at the

16 day of December 1879  
City of New York,

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

the following property, viz.:

Forty four gallons whiskey value one hundred  
dollars

Twelve bottles rhine wine value Six dollars

Nine bottles red wine value two dollars

Two bottles California wine value three dollars

One Cap value one dollar

Sworn before me this

day of

all of the value of one hundred and ten dollars  
the property of Complainant

Patrol Justice.

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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 Charles Andrus and Emil George

Said Andrus was in deponent's employ and  
had the key of the store where the goods as  
above described were kept. Said Andrus slept  
in the store, all the property was in the  
store on Monday evening Dec 15. when deponent  
left, on Tuesday morning Dec 16 1879  
on deponent's going into the store deponent  
found the property missing, and Andrus  
had fled. Deponent is informed by Cornelius

0280

Bade who keeps a saloon at No 114 allen street that on the morning of December 16, said audrus called at deponents store and sold said Bade a bill of goods, and said Emil Henry (now present) delivered the goods to said Bade on Tuesday Evening Dec 16 1879 Deponent fully identifies the goods sold by said audrus to Bade as his property and a portion of the property taken from his store, and further the Lab taken from deponents store said Henry is now meaning Benjamin Pfefferling

Sum to refer me this 18 day of December 1879  
J. M. Patterson  
Allen Justice  
City and County of New York 3rd

Cornelius Bade residing No 114 allen street being sworn states that on Charles audrus came to deponents store on Tuesday morning Dec 16 and sold deponent some liquors, paying at the time that it was his property, and stated that he would deliver the goods that night, deponent paid for said property five dollars on Tuesday Evg Dec 16 1879 Emil Henry (now present) delivered to deponent at his store No 114 allen street a bill quantity of liquor which has since been identified by Benjamin Pfefferling as a portion of the property taken from his store.

Sum to refer me this 18 day of December 1879  
J. M. Patterson  
ALLEN JUSTICE

Cornelius Bade

DISTRICT POLICE COURT

THE PEOPLE, &c.  
ON THE COMPLAINT OF

vs.

DATED 18

MAGISTRATE

OFFICER

WITNESSES:

DISPOSITION

0281

Police Court—Third District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Emil Heuze* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was  
at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—*Emil Heuze*

Question.—How old are you?

Answer.—*Thirty two years*

Question.—Where were you born?

Answer.—*Germany*

Question.—Where do you live?

Answer.—*28 Kingston Street*

Question.—What is your occupation?

Answer.—*Clerk*

Question.—Have you anything to say, and if so, what—relative to the  
charge here preferred against you?

Answer.—*I am not guilty*

*Emil Heuze*

Taken before me, this  
*St. M. Patterson*  
day of *December* 187*9*  
Police Justice.

0282

Form 115.

**POLICE COURT--THIRD DISTRICT.**

**THE PEOPLE, & C.,**  
ON THE COMPLAINT OF

*Benjamin B. ...*  
*283 D ...*  
*Charles Andrew*  
*Ernie Henry*



Dated *December 9* 1979

Magistrate.

Officer.

*Duff*  
*Davis W. Bate*  
*Wol - not arrested*

Witness, *Cornelius Bode*

No. *114* Street.

No. Street.

No. *2* Street.  
*1000 Cecil* to answer Committed.

Received in Dist. Atty's Office.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

0283

CITY AND COUNTY }  
OF NEW YORK, } RR.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That *Charles Andrews and Emil Henge*  
*Each.*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
*One tenth* day of *December* in the year of our Lord  
one thousand eight hundred and seventy-*nine* at the Ward, City and County aforesaid,  
with force and arms,

*Forty four gallons of liquor [of the kind commonly  
called whiskey] of the value of two dollars and  
fifty cents each gallon -  
Twenty seven bottles of wine of the value of  
fifty cents each bottle -*

of the goods, chattels, and personal property of one *Benjamin Pfefferling*  
then and  
there being found, 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.

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And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

*Charles Andrews and Emil Henze*  
*each*

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.

*Forty four gallons of liquor (of the kind commonly called Whiskey) of the value of two dollars and fifty cents each gallon*

*Twenty seven ~~bottles~~ of wine of the value of fifty cents each bottle*

of the goods, chattels, and personal property of the said

*Benjamin Pfefferling*  
by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

*Benjamin Pfefferling*  
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*Charles Andrews and Emil Henze*  
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.

**BENJAMIN K. PHELPS, District Attorney.**

0285

**BOX:**

3

**FOLDER:**

39

**DESCRIPTION:**

Austin, Charles

**DATE:**

01/30/80



39

0286

273

*Ballman*

Day of Trial

Counsel,

Filed *9<sup>th</sup>* day of *July* 187*8*

Pleads,

THE PEOPLE

vs.

*Charles Austin*

*21<sup>st</sup> 1874*

*Charge*  
Burglary—*with* Degree, and Receiving  
Stolen Goods.  
(DWELLING HOUSE.)

BENJ. K. PHELPS,

*District Attorney*

A TRUE BILL.

*W. King*

*July 31 1878* Foreman

*S. P. Ingersoll*

*Sherrill*



0288

City & County  
of New York Ps. Henry F. Cornish being  
sworn says that on the 22<sup>d</sup> Jan'y 1880  
in company with Officer Samuel J.  
Campbell, he arrested Charles Austin  
& James Welsh now present, in a  
store in Chatham Street, where they  
were offering for sale the two pawn  
tickets claimed by Michael Lawler  
as his property. That the suit of  
clothes mentioned herein were found  
in a second hand clothing store in  
Raxter Street.

Given before me } Henry F. Cornish  
this 23<sup>d</sup> Jan'y 1880 }  
Police Justice

M. 1. 2000  
2051  
7

0289

Police Court, Fourth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles Austin* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to *him*, states as follows, viz:

Question. What is your name?

Answer. *Charles Austin.*

Question. How old are you?

Answer. *Twenty one.*

Question. Where were you born?

Answer. *In Washington D. C.*

Question. Where do you live?

Answer. *431 East 74 Street. near*

Question. What is your occupation?

Answer. *Truck Driver.*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer. *I am not guilty.*

*Charles Austin*

Taken before me this

23<sup>rd</sup> day of *June* 1877

Police Justice.

*[Signature]*

0290

Police Court, Fourth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

James Melsh being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him states as follows, viz:

Question. What is your name?

Answer.

*James Melsh*

Question. How old are you?

Answer.

*Twenty two years.*

Question. Where were you born?

Answer.

*In New York*

Question. Where do you live?

Answer.

*16 Broadway Street.*

Question. What is your occupation?

Answer.

*Carrie for my broker in Washington Market.*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer.

*I just met Austin in Baxter Street, yesterday— and never saw him or knew him before— Austin at the time was offering at the store for sale a suit of clothes. I went with him at his request and saw him sell the tickets for fifty cents. I knew nothing of the tickets found on Austin, never saw them or knew that he had them. I don't know where the house is that was entered, or was never up town in my life, with him*

*James Melsh  
Mark*

*Examined before me this 23 day of June 1870  
Police Justice*

0291

Police Court—Fourth District.

THE PEOPLE &c.

OR THE COMPLAINT OF

Michael Lavelle

1431 E. 1st St.

1 Charles Austin

2 James Melick

3

4

5

6

Dated 15 January 1880

Magistrate.

Officer.

Clerk.

Witness

Henry D. Conish

5 Precinct

1000

2. 1500

Received in District Atty's Office

130

Offence, Burglary

BAILABLE:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,



0292

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

*Charles Austin*

late of the *Nineteenth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty first* day of *January* in the year of our Lord one thousand eight hundred and ~~seventy~~ *eighty* with force and arms, about the hour of *nine* o'clock in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of *Michael Lawler*

there situate, feloniously and burglariously, did break into and enter by means of forcibly *unlocking an outer door of said dwelling house* he the said *Charles Austin*

then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of *Michael Lawler* 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.

And the jurors aforesaid, upon their oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, the said

*Charles Austin*

late of the Ward, City and County aforesaid;

*Two coats of the value of fourteen dollars each - One vest of the value of ten dollars - one pair of pantaloons of the value of ten dollars - Five rings of the value of two dollars and fifty cents each - One chain of the value of two dollars and fifty cents each - one watch of the value of two dollars and fifty cents -*

*One instrument and writing of the kind commonly called a pawn ticket the same being an instrument by which a right and title to me watch of the value of twenty five dollars was acknowledged in me Michael Lawler the same being the value of the property affected by the said instrument -*

*One other instrument and writing of the kind commonly called a pawn ticket, the same being an instrument by which a right and title to two rings of the value of five dollars each was acknowledged in me Michael Lawler, the same being the value of the property affected by the said instrument -*

of the goods, chattels, and personal property of the said *Michael Lawler* in the said dwelling house then and there being, 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.

0293

And the Jurors aforesaid, upon their oath aforesaid, do further present

That

Charles Austin

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, at the Ward, City, and County aforesaid,

Two coats of the value of fourteen dollars each - One vest of the value of ten dollars - One pair of pantaloons of the value of ten dollars - Two rings of the value of two dollars and fifty cents each - one chain of the value of two dollars and fifty cents - one locket of the value of two dollars and fifty cents -

One instrument and writing of the kind commonly called a pawn ticket, the same being an instrument by which a right and title to one watch of the value of twenty five dollars was acknowledged in one Michael Lawler the same being the value of the property affected by the said instrument -

One other instrument and writing of the kind commonly called a pawn ticket the same being an instrument by which a right and title to two rings of the value of five dollars each was acknowledged in one Michael Lawler, the same being the value of the property affected by the said instrument -

of the goods, chattels, and personal property of

Michael Lawler

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Michael Lawler

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

Charles Austin

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.

BENJAMIN K. PHELPS, District Attorney.

0294

**BOX:**

3

**FOLDER:**

39

**DESCRIPTION:**

Allen, William

**DATE:**

01/29/80



39

0295

288

Counsel,

Filed 29 day of Jan 1850

Pleads

THE PEOPLE

vs.

William Allen

2 cases

BENJ. K. PHELPS,

District Attorney.

Having himself in his hands  
July 2 1850

A True Bill.

W. H. King

Foreman.

John P. ...

...

Larceny, and Receiving Stolen Goods.

0296

2<sup>nd</sup> FIRST DISTRICT POLICE COURT.

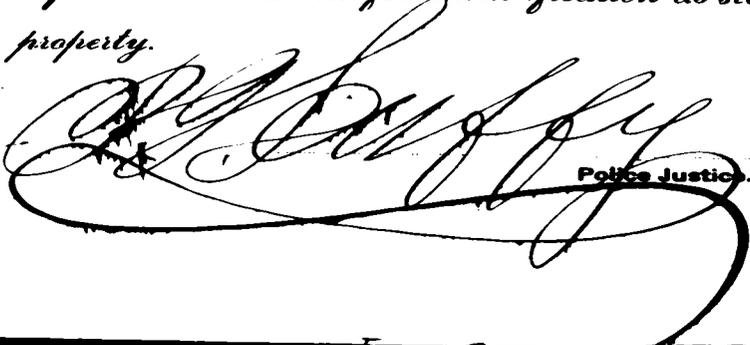
New York, January 28 1890

At.

Grand Street Pawnbroker.

Sir:

Please deliver to the bearer the property pledged in your Establishment, and ~~represent~~ ~~stolen~~ ~~from~~ ~~the~~ ~~Bearer~~ ~~Wm. D.~~ ~~Carroll~~ ~~by~~ ~~the~~ ~~annexed~~ ~~Ticket~~, the same being required at this Court for identification as stolen property.

  
Police Justice.

0297

DEPARTMENT OF  
Public Charities and Correction.

OFFICE OF CITY PRISON,

(Corner of Franklin and Centre Streets.)

STATE OF NEW YORK

New York, Feby 2 1880

Mr. J. K. Phelps  
District Attorney  
New York

William Spillan  
Committed to jail by Justice  
Catterson on a charge of Grand  
Larceny of a watch & coat. He  
was executed by hanging this  
morning. He was found dead in his  
cell at 6.45 A.M. and was seen by  
a keeper at 4.45 A.M. in bed  
apparently asleep with another  
prisoner named John McCarty,  
who shared his cell.

Very Respectfully,  
James Finley  
Warden

0298

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK,

FORM 801

POLICE COURT—SECOND DISTRICT.

of No. 218 West 43<sup>rd</sup> Street, being duly sworn, deposes  
and says, that on the 24<sup>th</sup> day of January 18 80  
at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
away, from the possession of deponent,

the following property, to wit: One black-  
caucourt.

of the value of Twenty Five 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 William Allen  
(can hear from the  
fact - that subsequent  
to the taking of  
said property deponent  
found the said boat  
on the premises and  
in the possession of  
said Allen.

J. W. Wood

Sworn before me, this 25<sup>th</sup> day  
McDonnell  
Police Justice.

0299

Police Court—Second District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Allen*

being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

*William Allen*

Question.—How old are you?

Answer.—

*54 years*

Question.—Where were you born?

Answer.—

*Massachusetts*

Question.—Where do you live?

Answer.—

*No particular Home*

Question.—What is your occupation?

Answer.—

*Dealer*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am guilty*

*Wm Allen*

Taken before me, this

25<sup>th</sup> day of

Jan'y 1880

Police Justice.

*Miriam O'Sullivan*

0300

FORM 894.



142

POLICE COURT - SECOND DISTRICT.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*John W. B. Wood*  
218 W. 43rd St  
*William Allen*

Affidavit - *Grand Jury*

DATED *January 25* 1880

*Allen* MAGISTRATE.

*Conklin* OFFICER.

WITNESS:

*James S. ...*  
291 West 19th

\$ *1000* TO ANS. *S. J. ...*

BAILED BY

NO. STREET.

0301

CITY AND COUNTY )  
OF NEW YORK. } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *William Allen*

late of the First Ward 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 ~~seventy~~ *Eighty* at the Ward, City and County aforesaid,  
with force and arms.

*One coat of the value of fifteen dollars*

of the goods, chattels, and personal property of one *William D Carroll* then and  
there being found, 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.

0302

And the Jurors aforesaid, upon their oath aforesaid. do further present

That the said

*William Allen*

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 Coat of the value of fifteen  
Dollars*

of the goods, chattels, and personal property of the said

*William D Carroll*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said

*William D Carroll*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*William Allen*

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.

**BENJAMIN K. PHELPS, District Attorney.**

0303

William D. Carroll,  
338 N. 21<sup>st</sup> St

M. Wolf,  
Cawthron

Grand St near Elizabeth

309  
1850

Counsel,

Filed 29 day of Jan 1850

Pleads Vol. 10

vs THE PEOPLE

vs.

William Allen

deposes

BENJ. K. PHELPS,

District Attorney.

King himself in the Court  
Feby 24 1850

A TRUE BILL.

D. King

foreman.

Geo. D. King

Anti-Slavery

Apr 1850

Larceny, and Receiving Stolen Goods.

0304

CITY AND COUNTY }  
OF NEW YORK. } MR.

**THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,**  
*in and for the body of the City and County of New York,*  
*upon their Oath, present:*

**That**

*William Allen*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
*twenty fourth* day of *January* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *Eighty* at the Ward, City and County aforesaid,  
with force and arms,

*One coat of the value of forty dollars,*

of the goods, chattels, and personal property of one

*John W B Wood*

then and  
there being found, 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.

0305

*And the Jurors aforesaid, upon their oath aforesaid, do further present*  
**That** the said

*William Allen*

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 coat of the value of forty dollars -*

of the goods, chattels, and personal property of the said

*John W. B. Wood*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said

*John W. B. Wood*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*William Allen*

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.

**BENJAMIN K. PHELPS, District Attorney.**