

0063

BOX:

337

FOLDER:

3183

DESCRIPTION:

Frank, Alexander

DATE:

01/24/89



3183

0064

276

WITNESSES:

Henry Jersbach

Counsel,

Filed

24th day of June

1887

Pleads

THE PEOPLE,

vs.

B
Alexander Grant
June 24/87

vs. Council A

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and
page 1989, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Geo. B. Boring

Foreman.

0065

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Alexander Frank

The Grand Jury of the City and County of New York, by this indictment, accuse
Alexander Frank
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Alexander Frank

late of the City of New York, in the County of New York aforesaid, on the
sixth day of *January* in the year of our Lord one thousand eight hundred and eighty *nine*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Henry Herlich

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Alexander Frank

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Alexander Frank

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0066

BOX:

337

FOLDER:

3183

DESCRIPTION:

Freeman, Rubin

DATE:

01/11/89



3183

Sunday -

Witnesses;

Rachel Feldman

89
Counsel,

Filed 11 day of August 1884.

Pleaded *Chyquely -*

18. *17th August 1884*

THE PEOPLE

vs.

Rubin Freeman

Grand Larceny in the Second Degree.
(MONEY.)
(Sec. 528 and 537 - Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John J. Woodruff
Foreman.

Wm. J. F. J.
James J. J.

0068

Police Court- 3 District.

Affidavit-Larceny.

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

Rachel Feldman

of No. 391 East Houston Street, aged 18 years,
occupation Tailoring being duly sworn

deposes and says, that on the 31 day of December 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

presence of deponent, in the day time, the following property viz:

one Pocket book containing gold and
silver money of the issue of the United
States of the value of Eighty three dollars.

\$ 83.00

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Rubin Greenman (read here)

From the fact that deponent was walking
along Ridge between Houston & Stanton
Streets when deponent had said pocket book
containing said money in the pocket of
the dress then worn upon deponent person,
deponent was informed by Rosie Falkowitch
of No. 325 East Houston Street that she saw said
defendant walk up to deponent and take said
Pocket book from deponent's pocket and run
away, that deponent then gave an alarm
and person said defendant who was
caught on the Roof of premises No. 125
Pitt Street

Rachel Feldman
Sworn

Sworn to before me, this 31 day of December 1888
of
Police Justice

0069

CITY AND COUNTY }
OF NEW YORK, } ss.

Rosie Falkowitch

aged 40 years, occupation Housekeeper of No.

325 East Houston Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Rachel Feldman

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

Sworn to before me, this 31
day of March 188

Rosie Falkowitch
man

[Signature]
Police Justice.

0070

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Rubin Freeman being duly examined before the under-
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 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. *Rubin Freeman*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *19 Joseph St, 5 years*

Question. What is your business or profession?

Answer. *Lawyer*

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*

Rubin Freeman

Taken before me this *31*
day of *October* 188*8*
John J. Brennan
Police Justice.

0071

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.....

German

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *500* 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 31* 188*8* *John J. ...* Police Justice.

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

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

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

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

0072

Police Court--- 3 District 15

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rachel Feldman
391 E. Houston St.
vs.
Rubin Freeman

Offence *Leaving Home*
Perman

1
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 Dec 31 188 8

Yerman Magistrate.

Joseph Herz Officer.

13 Precinct.

Witnesses *said officer*

No. _____ Street.

Men Room Thal

No. 247 _____ Street.

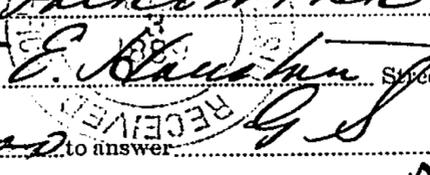
Rosie Feldman

No. 325 E. Houston Street.

\$ _____ to answer

Call

*9 2 2
Person
money*



0073

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Rubin Freeman

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

Rubin Freeman

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

The said

Rubin Freeman

late of the City of New York, in the County of New York, aforesaid, on the *thirty-first* day of *December* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, with force and arms, in the *day* - time of the same day, *four* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *eight* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *sixteen* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars *each*; *forty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of two dollars, and of the value of two dollars *each*; *eighty-three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of one dollar, and of the value of one dollar *each*; *four* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *eight* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *sixteen* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *four* United States Silver Certificate of the

0074

denomination and value of twenty dollars *each*; *eight* United States Silver Certificate of the denomination and value of ten dollars *each*; *sixteen* United States Silver Certificate of the denomination and value of five dollars *each*; *forty* United States Silver Certificate of the denomination and value of two dollars *each*; *eighty-three* United States Silver Certificate of the denomination and value of one dollar *each*; *four* United States Gold Certificate of the denomination and value of twenty dollars *each*; *eight* United States Gold Certificate of the denomination and value of ten dollars *each*; *sixteen* United States Gold Certificate of the denomination and value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *thirty dollars*, and one pocket-book of the value of twenty-five cents.

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

JOHN R. FELLOWS,
District Attorney.

0075

BOX:

337

FOLDER:

3183

DESCRIPTION:

Friend, Olive

DATE:

01/28/89



3183

0076

BOX:

337

FOLDER:

3183

DESCRIPTION:

Howard, William E.

DATE:

01/28/89



3183

0077

BOX:

337

FOLDER:

3183

DESCRIPTION:

Howard, Emily

DATE:

01/28/89



3183

0078

BOX:

337

FOLDER:

3183

DESCRIPTION:

Halstead, George

DATE:

01/28/89



3183

0079

BOX:

337

FOLDER:

3183

DESCRIPTION:

Halstead, Orrin A.

DATE:

01/28/89



3183

0080

Witnesses:

Samuel A. Fuller
W. H. Colwell
Bachel
Mrs. E. Howard, bachel
Prof. Chas. W. Cullen
2019 - 24 Avenue
in (200.500 - Feb 14/89

977 No 24 Ave
Recd Sept 2nd
on their 24th
Dec 5/89

1890
1790

Counsel, H & H
Filed *[Signature]* day of *[Signature]* 1889
Pleads, Not Guilty

with same etc introduced by

THE PEOPLE

vs.
Olive E. Friend
William E. Howard
Emily Howard
George Waldstead
Orin A. Waldstead

(Excess)

Part of the sum of \$100.00
on 1st of Dec 1889

JOHN R. FELLOWS,
District Attorney.

Discharged by the
Court on their own recognizance
all debts cancelled

A True Bill
Mech 8/89 - Park II.

[Signature]

Man for the People
Foreman
Meeting & realizing
the Revenue - voluntarily
The People
4/10/89

LARCENY,
(Section 528, and 530, Penal Code)

0082

full investigation of the case, to establish the guilt at least of Mrs Friend and of Mrs Howard of direct complicity in this plot, from its inception to its consummation.

Professor Friend, who claimed to be the discoverer of this process by which sugar was to be refined, before the matter underwent investigation in the courts, died, and passed from our jurisdiction. I will first submit to your Honor the case of the two men-- George Halstead and Orrin A. Halstead-- about whom there is little to be said. They are principals by the operation of our Statute, because they were connected in some way, directly or remotely, with the commission of this fraud. But, they were not principals in respect of either, in the first place, originating this conspiracy, or in sharing its profits. They had nothing to do with concocting this design, nor did they realize any real, substantial benefit, pecuniarily, from its consummation. In other words, they were employes, on a small salary, and did the work which was given to them to do.

The women, Olive E. Friend and Mrs Howard, are, respectively, the wives of Professor Friend, now dead, and Howard. Mrs Howard is the wife of Howard, who was convicted, and is the mother ~~inxxx~~ of Mrs Friend. The family were related by marriage. I have said that they were guilty. The originator of this fraud was Friend. It was he who first put on foot, of his own motion, this conspiracy, which led to the obtaining of some three or four hundred thousand dollars, before he had finished it. In that, after he had started it, his wife cooperated with him, and I presume received some of the moneys that were improperly obtained. She has been nine months in prison. She has suffered to some

0083

extent at least for her fraud, although probably not commensurate with her crime. I am not here to say one word by way of extenuation of her act, and what I have to say will address itself to the discretion of the Court, with regard to mitigation of punishment. This woman, I suppose, may be presumed to have acted to some extent under the coercion of her husband, and, while that is not an excuse for the crime, and would not relieve her of its consequences, it does and should address itself with great force, I think, to the ~~authority~~^{Court}, in the consideration of the question of punishment. A wife may naturally be supposed to abide by the efforts of her husband, and, if he engages in an enterprise of this sort, to be under his influence and control to such an extent as to become his willing associate and hearty co-operator in the consummation of the scheme. And yet, she is acting but as a creature moved by his direction and controlled by his will very largely.

It is possible that there will be another investigation--a further one-- into certain facts connected with this sugar fraud. One of the parties, who raised the sum of money, for the appropriation of which Howard was convicted, and who was one of the principal prosecutors or complainants in this case, has brought to my attention facts which seem to indicate that we may have to go further and deeper in probing this matter than we have yet gone. That will be a subject of future inquiry. I present now to your Honor the simple fact that the People are not in a position to try --would not have been in a position to try--these parties for some little time yet. They have come into Court and pleaded

0084

guilty. Friend is dead. He was the principal offender. Howard, whom he called into active co-operation with him, and who was prominent in all the phases of this fraud, has been brought to punishment, and is suffering the consequences of his crime. The two women, the wives of these two men, the mother and daughter, are yet in prison, and they have pleaded guilty on this indictment, as these two women ^{have} had, and I now ask your Honor, in view of the facts, that these people be discharged upon their own recognizance, to await the judgment of the Court at some future time. I believe that substantial justice will be met by pursuing that course. If, hereafter, it is deemed necessary to impose the extreme penalties of the law, the law has a strong arm which can be reached out to take them and bring them back to this bar.

The Court: Is there any provision of the statute by which bail may be taken by the Court? Can you refer me to any section on that subject?

Mr Fellows: I think not-- after plea and awaiting judgment. And yet, I don't know,-- As your Honor suggests it-- why it may not be done, the same as the bail of a party may be taken awaiting examination.

The Court: Do you know of any provision, Mr Howe, of that kind?

Mr Howe: No, sir; but I have no doubt that the Court--

Mr Fellows: I do not know of any direct provision in the statute, but is it not an inherent power in the Court

0085

to take bail-- just exactly as it has power to take bail from a party to await the results of an examination-- pending a hearing?

The Court: Then, may not bail be taken to require a person to appear whenever called upon for judgment? I will look into it. Have you anything to say upon this subject, Mr Howe?

Mr Howe: I cannot but say, regarding this woman Mrs Friend, that I echo the remarks of the District Attorney. I venture submissively to say, that she has certainly been punished more than she should have been. Whilst it is true that she fell in with the actions of her husband, certainly at first under his coercion, he was to blame. He is dead, and, as the Colonel has well said, is beyond the jurisdiction of this Court. The prime mover in it was tried before your Honor. You must have a lively recollection of the case.

The Court: I have a most lively recollection.

Mr Howe: Yes, sir. I think the case lasted five or six weeks. This woman will be forthcoming whenever called. She has a little home at Milan, Michigan, and she has been pretty well punished. I am not one of the inflictors, except in a very mild way--in an extremely mild way. There was a gentleman who appeared before your Honor who has depleted--well, to a very great extent,-- her means, rendering her present position, of which I am advised, one of almost absolute poverty. I tax rich clients, when I can, and make them pay pretty heavily, but I have never, thank God, old as I am, and with not many years to live--I cannot reproach myself with ever having done any great injustice to a poor per-

0086

son. That is not one of the sins in my conscience today.
I have ^{had} scarcely a remunerative fee from her--the amount of which I can furnish to the District Attorney.

Mr Fellows: I cannot see that that furnishes any adequate motive or ground for the motion-- ~~basix~~ the size of Mr Howe's fee.

Mr Howe: No. I am simply stating my position. She is a sick woman, and, although she has not died in the Tombs, though she has been there nine months, she is a sick woman. Her appearance is very deceptive.

Mr Fellows: Just one word more. The position that I assume in the case is just this: I think, your Honor, your intimate knowledge of the facts, obtained upon this long and exhaustive trial, will convince you that, as to the two men, the Halsteads, a suspension of judgment, after this ^{term} ~~time~~ of imprisonment, will be proper, because they were simply menials, if I may so term them, to do the manual labor, and were not participants in the original fraud or sharers in its benefits. And my suggestion as to the women is the simple fact that they were the wives of the two confessedly guilty parties, the men who built up and fashioned, and carried to completion this scheme; and I think, upon the question of a mitigation of punishment, or upon the degree of punishment to be awarded, the fact of the relationship of the parties may well be taken into consideration. These women must be presumed by all fair thinking men to have acted

0087

under the control of their husbands will and direction,---
not primarily the guilty parties themselves, although they
are guilty in law. And for that reason, after the term of
imprisonment they have suffered, it seems to me that substan-
tial justice would be accomplished, in view of what has trans-
pired in reference to Howard, if these parties were now dis-
charged upon their own recognizance, to await the future ac-
tion of the Court, and in that view alone I present it to the
consideration of your Honor.

0000

My dear Deposition
The Cash

✓

Oliver E. Smith

to Messrs.

Wm. A. R. Smith

with acceptance

on condition to

Respendentence

Wm. A. R. Smith

Deposition
taken

7/10

Given Dec 16, 1889.

0089

District Attorney's Office.

City & County of

New York Dec'r 16 1889

To the Hon. Frederick W. Smyth,
Recorder of the City and County
of New York;

Dear Sir,

In compliance with your directions, I have examined the question as to the power of the Court of General Sessions of the Peace in and for the City and County of New York to admit a defendant to bail after conviction and before sentence and I beg to submit the following:

In the absence of any special statutory limitation the Court could by virtue of its inherent powers admit to bail

0090

✓

District Attorney's Office,

City & County of

New York.

188

after conviction and
before sentence ~~is~~ made
a power would seem
to be a necessary incident
to the power of the Court
to defer sentence pending
consideration of a motion
for a new trial, or
in arrest of judgment.
It would also seem to
be a necessary incident
of the and recognized
power of the Court to
suspend sentence and
discharge a ^{convicted} defendant
during good behavior
(People v. Graves 2 N.Y. Cr. R.
1235 No. Harrington 15
Abb. N.Y. 161, both decided
since the adoption of the Code.)

0091

3

District Attorney's Office.

City & County of

New York.

1888

Such a power would seem to be almost an indispensable incident to the power of the Court to conduct such inquiring as might be necessary or proper to enable it to decide wisely and justly what punishment to inflict. But it seems, and I am reluctantly of opinion that, despite all considerations of what ought to be, the Legislature of this State has by the terms of section 555 of the Code of Criminal Procedure deprived the Court

0092

4

District Attorney's Office.

City & County of
New York

188

of all power to admit
to bail after conviction
and before sentence.

This section defines
when a defendant may
be admitted to bail
after conviction, either
as matter of right or
as matter of discretion
on the part of the Court,
thus treating the subject
in the aspect of the
defendant's right to
be admitted to bail
and in the aspect of
the power of the Court
in the exercise of its
discretion to admit to
bail.

The language of the

0093

5

District Attorney's Office,

City & County of

New York

188

petition is: "After the
"conviction of a crime
"+++ a defendant who
"has appealed and when
"there is a stay of pro-
"ceedings, but not otherwise,
"may be admitted to bail".

This language
seems to admit of but
one meaning, namely,
that after conviction
the Court cannot either
as matter of right or
in the exercise of its
discretion, admit a
defendant to bail until
he shall have taken
an appeal and procured
a stay of proceedings.

0094

6

District Attorney's Office.

City & County of

New York

1888

A defendant cannot
therefore be admitted
to bail under any
circumstances after
conviction and before
sentence, for an appeal
cannot be taken nor
a stay be had until
after sentence.

Respectfully Submitted

McKenzie Leupp

Asst. Dist. Atty.

0095

Rekas

Arin

0096

STATE OF NEW YORK.

I n t h e M a t t e r
of

Olive E. Friend, William E Howard
Emily Howard, Orin Augustus Halstead,
Fugitives from the justice of the
State of New York.

City and County of New York, ss:

WILLIAM H. COTTERILL, being duly sworn deposes and says: I reside in the Village of Brick Church, in the County of Orange, in the State of New Jersey, and have an office at No. 69 Wall Street, in the City of New York. I am personally acquainted with said Olive E. Friend, William E. Howard Emily Howard, and Orin Augustus Halstead. Said Olive E Friend and her late husband, who is now deceased, Henry C. Friend, at the said City of New York, in the year 1884, represented to me that they possessed and were the owners of a certain process invented by said Henry C. Friend, now deceased, for refining sugar from raw sugar at prices far below the market prices of refined sugars and that by said process large profits could be made in the refining of sugar, and that said process was known equally by and only by said Olive E. Friend and her said husband Henry C. Friend, who is now deceased, and that to operate such process, novel, costly and complicated machinery was required. To obtain the necessary capital for the construction of such machinery and the operation of

0097

such process, the Electric Sugar Refining Company, a corporation created and existing under the laws of the State of New York, was formed, as expressed in the Articles of Incorporation, for "the manufacture or refining of different grades of sugar under the process or processes discovered or invented or which may be hereafter discovered or invented by Henry C. Friend," which Company was incorporated on or about the ninth day of July, 1884; A contract was entered into between said Sugar Refining Company and said Olive E. Friend and her said husband, Henry C. Friend, who is now deceased, by the terms of which said Olive E. Friend and Henry C. Friend, received and held jointly six thousand of the ten thousand shares of said Company, as consideration for the use of said pretended process for the benefit of said Company, and the remaining four thousand of said ten thousand shares of said company were placed in the hands of said William E Howard, as Trustee, for the use and benefit of said company, that sufficient moneys might be obtained out of the sale of said four thousand shares to construct the aforesaid novel, costly and complicated machinery, for the operation of said process of refining sugar. At the organization of said Company I became its Secretary and one of its Stockholders and Directors, and am now the President and a stockholder in and a Director of said Electric Sugar Refining Company. Under the terms of said contract between said Electric Sugar Refining Company and said Olive E. Friend, and her said Husband Henry C. Friend, now deceased, which contract bears date July 9, 1884, and induced by the representations made as aforesaid, by said Olive E. Friend and said Henry C Friend, the said Electric Sugar

0098

Refining Company, agreed to pay to said Olive E. Friend and Henry C. Friend, jointly, the sum of Fifty thousand dollars which moneys were to be expended by said Olive E. Friend and said Henry C. Friend solely and exclusively for the construction of the necessary machinery and apparatus for the operation of said process for the benefit of said Electric Sugar Refining Company. Prior to the 14th day of July 1885, said Olive E. Friend and said Henry C. Friend, had had and made a number of pretended demonstrations of the working of said process, at each and every of which times they pretended to refine raw sugars which were furnished for the occasion into refined sugars, which were after each demonstration exhibited by said Olive E. Friend and Henry C. Friend, as the product of said raw sugar through said process. On said 14th of July, 1885, a pretended demonstration was had, at the house of said Henry C. Friend, now deceased, and Olive E. Friend, in said City of New York. I have read the affidavit hereto attached, of Lawson N. Fuller, and the ~~xxxxxxx~~ statements therein made as to the persons present and participating therein, ~~xxx~~ and the false and fraudulent representations therein made and what transpired, the said affidavit of Lawson N. Fuller is true . Said Olive E. Friend said William E. Howard, said Emily Howard, and said Augustus Halstead, all took an active part and participated in said last mentioned demonstration Under the false and fraudulent representations that they, said Olive E. Friend and said Henry C. Friend, now deceased, possessed and were the owners of said secret process for refining sugar as stated aforesaid, and that they were honestly expending the same in the construction of the necessary

0099

machinery to successfully operate said process, up to and prior to the 26th day of October, 1885, the said Electric Sugar Refining Company had paid to said Olive E. Friend and said Henry C. Friend, now deceased, jointly, a sum exceeding \$28,000.; and on the 26th day of October, 1885, being led and induced by said false and fraudulent representations, as aforesaid, and believing that said process was true, and that said moneys had been expended upon the construction of said machinery, and being deceived and misled by the aforesaid demonstrations, participated in as aforesaid, by said Olive E. Friend, William E. Howard, Emily Howard, and Orin Augustus Halstead, and being deceived thereby, the said Electric Sugar Refining Company, through its President and Treasurer, at the City of New York in said County of New York, paid to said Henry C. Friend and Olive E. Friend the sum of \$3900. upon account of the construction as aforesaid of said machinery for the purposes aforesaid. The said affidavit of Lawson N. Fuller correctly states the false and fraudulent character of said process, and the character of all the machinery which was constructed by said Henry C. Friend, Olive E. Friend, or William E. Howard. At the date of said payment of \$3900 as aforesaid, to said Henry C. Friend, now deceased, and said Olive E. Friend, they, said Henry C. Friend and Olive E. Friend, had not expended \$28,000., as it now appears, nor any appreciable amount, upon the construction of said machinery, but had ~~expended~~ fraudulently and unlawfully appropriated to their own use, the moneys received by them as aforesaid. The only machinery or apparatus constructed by them, if any, cost but an insignificant amount, and was only so much as would enable

0100

them to deceive the officers of said Company, and obtain by false and fraudulent representation large sums of money unlawfully for their own use.

I therefore charge the said Olive E. Friend, William E. Howard, Emily Howard and Orin Augustus Halstead with having on the said 26th day of October, 1885, feloniously obtained from the possession of said Electric Sugar Refining Company, by color and aid of false and fraudulent pretences and representations the said sum of \$3900. with intent to defraud said Electric Sugar Refining Company of the same, and of the use and benefit thereof, and to appropriate the same to their own use.

Said Olive E. Friend, William E. Howard, Emily Howard and Orin Augustus Halstead, live at Milan, in the County of Washtenaw, State of Michigan.

This application is made in good faith, and for the sole purpose of punishing the said accused. I do not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly or indirectly use the same for any of said purposes.

In support of the charge aforesaid, against said accused, the following named witnesses, Lawson N. Fuller, and H. C. Hyatt, and I, myself, have appeared before the Grand Jury in said City and County of New York.

Sworn to before me this 28th day of January, A. D. 1889.

William H. C. [Signature]
County of [Signature]

W. H. C. [Signature]

0101

A 327
DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c., ON THE COMPLAINT OF	Offence <i>Grand Larceny</i> <i>in the first degree</i>
<i>Edw. M. Coburn</i>	
vs.	
<i>Oliver E. Friend</i>	
<i>Wm. E. Howard</i>	
<i>Emily Howard</i>	
<i>Geo. H. H. H. H.</i>	
<i>Orin A. H. H.</i>	

Dated *January 28th* 188*9*

Witnesses,

No. Street,

No. Street,

No. Street,

.....

.....

.....

0102

Ex A

The Electric Sugar Refining Co. of New York.

Copies of the Report of the Demonstration given by the Inventor, on 14th July, 1885, and the Documents relating thereto.

We, Lawson N. Fuller, of the City of New York, Merchant; Alfred D. Snow, of the same place, of the firm of Snow and Burgess, Ship Brokers; Frederick Felton, of the City of Boston, Merchant; Robert N. Woodworth, President, and W. H. Cotterill, Vice-President of the Electric Sugar Refining Company of the said City, hereby certify as follows:—

That, on the 14th of July, 1885, we attended at the house of Professor H. C. Friend, in the City of New York, for the purpose of witnessing a demonstration of his process of refining sugar. That we arrived at his house about six o'clock in the morning, and were admitted into the basement. In the inner passage we found packed in a pile a large number of bags of raw sugar numbering eighty-four, and which I, the said Fuller, from an examination of some of the said eighty-four bags, certify were part of a parcel of one hundred and twenty bags which I had on the previous day examined with Mr. W. R. Leviness at the warehouse where they were stored.

We were shown into the dining-room in the front of the basement, and were there introduced to Professor Friend and his wife, and also to the latter's stepfather, Mr. Howard, and another young man, who, we understood, was a relative; the two latter being there to put the raw sugar into the hopper and turn the crank, which was the motive power by which the machinery was run.

Before going to said demonstration we were informed that whilst Professor Friend wished to afford every facility to make such examination of the premises as was necessary, it must be distinctly understood that we were not in any way to touch or interfere with the refining apparatus.

The house is one of a row of the usual brownstone front houses, in a street between two of the main avenues of the City, the houses being separated by brick party walls. We first examined the basement which consisted of the following rooms. In the front is the dining-room, which had been cleared out for the purpose of the demonstration. The room is about twelve feet wide and eighteen feet long. In this room were placed forty empty barrels lined with blue paper. At the back end of this room was part of the refining apparatus, consisting of a hopper and manipulator, in which the raw sugar was to be placed. From the hopper and manipulator was a funnel, which went through an aperture in the floor into the machine in the cellar below, and through which funnel the sugar passed into the machine,

This part of the machine was almost entirely exposed to view. From the dining room we went into the kitchen. Beyond the kitchen is a glass extension the whole width of the house, opening into an open yard, about twenty feet square, enclosed all round with a high wooden fence without any opening, separating the house from the adjoining houses in the rear and on each side, and which yard is completely overlooked by the adjoining houses. We then went down into the cellar, which runs the whole depth and width of the house, from front to rear, and from party wall to party wall, and being immediately under the

0103

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dining-room and kitchen. In the cellar we were shown the apparatus for refining sugar. It was all enclosed in wooden casing, except an opening at the side from which the refined sugar was to run, and the running gear. The entire length was about twelve feet, and the width, which was irregular, averaged about three feet. The first two sections were about one and a half feet deep, supported by iron stanchions about two feet from the ground, the last section was about three feet deep, coming to within about six inches of the ground, so as we could see completely thereunder. One end, or what may be termed the head of the apparatus, stood immediately under the aperture in the ceiling above mentioned, and through which the funnel above mentioned passed, and entering the apparatus conveyed the raw sugar thereto. We were informed that the refined sugar, after coming out of the machine, had to be taken or carried up stairs to the dining-room, there to be put into the empty barrels, and for which purpose three large galvanized iron pails, lined with sheet copper had been provided. The cellar was otherwise entirely clear, except some loose boards. We made a careful examination of the entire cellar and basement, and are thoroughly satisfied that there was no sugar on the aforesaid premises other than the aforesaid eighty-four bags of raw sugar. It was then arranged that Professor Friend should give us such an assortment of the different sizes of refined sugar which his apparatus made as would give the best idea of the capabilities of his process. We were then informed by Professor Friend that owing to the severe labor attending the handling of such a large parcel of raw and refined sugar in such small rooms, and especially conveying the sugar from the cellar to the floor above, the process would occupy several hours, and it was arranged that we should return later in the day to see the results of the process, and that we should be notified the time to return as soon as the process was finished. We left the house about seven o'clock. Mr. Cotterill called at the house during the afternoon, and at five o'clock was informed that the process was about through, but as they had to clear up and put things in order, it was arranged that all parties should be at the house at half-past seven to see the refined sugar. As this hour was too late for Messrs. Fuller and Snow to remain in the City, it was arranged that Messrs. Felton, Woodworth, and Cotterill should go there at that hour, and that all parties should meet there the following morning at half-past nine.

We, the said Felton, Woodworth, and Cotterill, accordingly went to the house at half-past seven, and there saw the aforesaid 40 barrels filled with Refined Sugar of 12 different sizes, from the finest granulated up to about the size of small bird's egg, and that all the aforesaid 84 bags except four had been refined. We were informed by Professor Friend that it took till half-past eight in the morning to strip the casing off the apparatus and get ready to commence the running. That the work was continued to one o'clock when he left off till three to rest and take refreshments. That work was resumed at three, and that the whole process was through at half-past five, and that the actual time occupied in Refining the Sugar did not exceed in the whole seven hours.

We have no reason whatever to doubt that the aforesaid Refined Sugar was produced by the said Friend, by his said process, on the said 14th July, from the aforesaid Raw Sugar.

Dated, New York, this 15th day of July, 1885.

(Signed) LAWSON N. FULLER.
 " ALFRED D. SNOW.
 " FRED L. FELTON.
 " R. N. WOODWORTH.
 " W. H. COTTERILL.

0104

No. 2.

WE, W. H. COTTERILL, ELISHA SNIFFENS, and W. S. LEVINESS, all of the City of New York, hereby certify:—

And first I, the said Cotterill, certify that after leaving Professor Friend's house, about seven o'clock on the morning of the 14th inst., I stationed myself at the corner of Sixtieth Street and Third Avenue, a point about one hundred yards distant from said house, and commanding a full view thereof. That I remained there and in the immediate vicinity watching said house the whole day till I went there at half-past seven in the afternoon with Messrs. Felton & Woodworth to see the Refined Sugar. That at frequent intervals during said 14th July, I walked past said house, and could hear the machine running in the cellar, the cellar windows being open but covered with a strong close wire netting, and on one occasion I saw the young relative of Professor Friend, drawing up through an opening under the stoop and inside of the iron gate leading into the basement, and which opening leads into the cellar, one of the galvanized iron buckets nearly full of Refined Sugar.

And we, the said Sniffens and Leviness, certify that we joined said Cotterill at the corner of Sixtieth Street and Third Avenue, about nine o'clock on the morning of the 14th July, and together we kept watch upon said house the whole day. And I, the said Leviness say, that I walked past the said house several times during the day, and heard the noise of a machine running in the cellar of said house.

And we, the said Cotterill, Sniffens, and Leviness, certify that the only movement we saw about the said house was a few minutes after one o'clock when we saw Mr. Howard, who is well-known to us, come out of the house with a large jug, and come down to and walk up the Avenue two or three blocks and go into three stores, evidently to get something. That he came out of the third store, which was a restaurant, with the jug apparently filled, and came back down the Avenue and went into a grocery store, and came out thereof with a large paper bag of what we took to be biscuits, and he then went to the house, arriving there about a quarter to two.

And I, the said Cotterill, certify that I called at the said house about half-past two p.m. of said 14th July, and said Howard came to the gate in response to my ringing the bell. He was eating at the time, and in reply to my enquiries how they were getting on, he said they were having some refreshments, and would shortly resume work, and expected to be through about five o'clock, and that I had better call about that time, which I did, and was then informed by said Howard that they were just through, but had to clear up and get things into order, and that all parties had better come to the house about half-past seven.

Dated, New York, 18th July, 1885.

W. H. COTTERILL,
W. S. LEVINESS,
E. SNIFFENS.

0105

No. 3.

SYNOPSIS OF THE REPORT made by Mr. Wm. S. Leviness on the weights of the Sugar treated at the demonstration of the process on the 14th July, and of the analysis of the Raw Sugar used.

1. He certifies the purchase of the Sugar as—six tons Jamaica Sugar from Messrs. Wanzer, Tobias & Co., on the 3rd June, which he had put into 120 bags averaging 100 lbs. each for the convenience of handling. The description is known as Muscavado.

2. On the 9th July, 1885, he accompanied Mr. H. J. Abbot, United States Government Appraiser of Sugars for the Port of New York, and examined the said 120 bags of Sugar, while Abbot took therefrom a fair average sample for analysis.

3. The sample analysed as follows:—

Cane Sugar	88.70
Invert Sugar	3.30
Soluble Ash	0.55
Insoluble Ash	0.30
Organic Matter.. .. .	1.45
Water	5.70
	<hr/>
	100.00

1769¹⁰
7+

4. On the 13th July he took 84 bags of the 120, and delivered them at the house of Professor H. C. Friend. Prior to their being removed from store they were weighed by a sworn weigher in lots of 10 each, and their total weight was 8,030 lbs.

5. That after the demonstration he attended at the house of the said Friend and weighed the contents of 40 barrels of Refined Sugar which stood in his dining-room, and found that the aggregate net weight of the same was 6,565 lbs.

6. That at the same time he weighed the bags of Raw Sugar which had not been used, and also the empty bags, the contents of which had been refined, and he found the aggregate weight of all to be 880 lbs.

From the foregoing statement it will be observed that the weight of the raw sugar taken to Friend's house was	8030 lbs.
From which deduct the amount left in bags and the weight of the empty bags	880 "
Leaves, as the amount treated	7150 lbs.
The weight of the refined returned was	6565 "
Difference	595 lbs.

The analysis it will be seen shews, Cane Sugar 88.70 per cent., and Invert Sugar 3.30 per cent., or in all 92 per cent. saccharine matter. The return in Refined Sugar was about 91 $\frac{1}{4}$ of the whole saccharine matter, thus again confirming all previous demonstrations, viz., that Professor Friend's process returns in Refined Sugar of the highest grade the whole saccharine matter (including Invert) within the merest trifle.

5, BALTIC BUILDINGS, REDCROSS STREET,
LIVERPOOL, January, 1886.

JAMES U. ROBERTSON,
Agent for the Electric Sugar Refining Co. in Europe.

0106

EXHIBIT B.

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

I, WILLIAM E. HOWARD, of Milan, Michigan, at present in the City of New York, make oath and say as follows:

1. I resided with Professor H. C. Friend in the City of New York, from about the month of August 1883, to the month of October 1885. I came to New York at the request of Professor Friend to assist him in matters connected with a sugar refining process, he requiring some one in whom he had confidence to assist him, and I being a near relative by marriage, having married the mother of Professor Friend's wife.

2. During the time I so resided with Professor Friend, I amongst other things actively assisted in preparing for, and I was present at, all the demonstrations of his process for refining sugar which have been giving during the aforesaid time, consisting of several barrel demonstrations, also a demonstration of thirteen barrels in December 1, 1884, and the last demonstration of forty barrels on the 15th July, 1885. I know of my own knowledge as an actual fact that the refined sugar produced on each and every such demonstration, was produced from the raw sugar which was brought to be refined on each of said demonstrations.

3. And with reference to the aforesaid forty barrel demonstration, I say that I took an active part in assisting Professor Friend to get the machine ready therefor. That I actively assisted in working said demonstration, and I am in a position to say and do say of my own knowledge that the whole of the refined sugar in the aforesaid forty bar-

0107

rels was the refined product of the raw sugar which was brought to the house to be refined, and that the time occupied in producing said forty barrels of refined sugar including the refining process and carrying the refined sugar from the cellar where it was refined to the basement above where it was put into barrels did not exceed seven hours.

4. In my opinion from my knowledge of the capability of the machine, by which the said forty barrels were refined it is capable if placed in a suitable building and worked by power to every advantage of refining not less than 250 barrels of sugar in twenty four working hours, and I am in a position to say and do say that the cost of the process is small, and certainly less than 80 cents per ton.

5. I left New York in the early part of October last, for the West, to assume my ministerial duties, and I came on to New York last week and am about returning West.

Sworn at the City of New York

this 3rd day of September, 1886,

Wm. H. Howard.

before me

Edmund D. Hennessy,

Notary Public,

Kings County.

0108

EXHIBIT C.

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

I, William E. Howard, of the City of New York, do say as follows:

1. I am the husband of the mother of Professor H. C. Friend's wife.

2. I have with the exception of about 9 months absence, from New York, lived with Professor H. C. Friend and have been his confidential assistant in a variety of matters relating to his process of refining sugar mix for the past four years, and I have for more than twelve months past been more particularly occupied in assisting Professor Friend in the building and superintending the building of the machinery for operating said process under his agreement with the Electric Sugar Refining Company.

3. I have personally superintended and assisted in the filling of the several cases which have been taken into and are now in the factory of the said Company on Hamilton Avenue, Brooklyn, with the machinery which has been so built as aforesaid, and I say that all the cases which have been so taken into said factory and are now stored on the upper floor thereof contain parts or sections of said machinery so as aforesaid built, for operating said process.

Sworn in the City of New York
this 26th day of August, 1887,

W. E. Howard.

before me

Wm H. Craig, Jr.,
Notary Public,
N. Y. Co.

0109

B 326

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sanson M. Fuller
vs.
Orville T. Friend
Wm R. Leonard
Emily Leonard
George H. Leonard
Orville T. Friend

Office of District Attorney
in District No. 1

Dated *January 27th* 188*9*

Witnesses,

No. *117* Street,

No. *1100* Street,

No. Street,

0110

STATE OF NEW YORK,

In the Matter of

Olive E. Friend, William E. Howard, Emily Howard, Orin Augustus Halstead, and George Halstead, Fugitives from the justice of the State of New York.

City and County of New York, ss:

LAWSON N. FULLER, being duly sworn deposes and says: I reside at the corner of 155th Street and ^{Leuth} ~~St. Nicholas~~ Avenue in the City of New York. I am personally acquainted with Olive E. Friend, William E. Howard, Emily Howard, Orin Augustus Halstead and George Halstead and I am acquainted with the Electric Sugar Refining Company of New York, a corporation created and existing under the laws of the State of New York, and I am a Director in and stockholder of said ~~Sugar~~ Electric Sugar Refining Company. The Electric Sugar Refining Company of New York was incorporated on or about the ninth day of July 1884, for the express purpose of "The manufacture or refining of different grades of sugar under the process or processes discovered or invented or which may hereafter be discovered or invented by Henry C. Friend". Said Electric Sugar Refining Company was incorporated by reason of the representations, as I am informed and believe, and charge

0111

the truth to be for the purpose of operating a certain pretended process for the refining of raw sugar, which one Henry C. Friend, now deceased, and his wife, said Olive E. Friend, pretended to know and have, as a secret process. As I am informed and believe and charge the truth to be, upon the incorporation of said Company, six thousand shares of the ten thousand shares of said company which were issued at the par value of \$100 each, were delivered to said Olive E. Friend and to her said husband, Henry C. Friend, now deceased, upon the sole and only consideration, namely, that said Henry C. Friend, now deceased, and said Olive E. Friend, should use and employ said secret process for refining sugar, which process was to be kept secret by them and unknown to other parties, for the use and benefit of said Electric Sugar Refining Company. As I am informed and believe, and charge the truth to be, and as the fact appears by a certain written contract at the date of the incorporation of said company, between said Electric Sugar Refining Company and said Henry C. Friend, now deceased, and said Olive E. Friend, and as appears by a subsequent instrument in writing, between said Electric Sugar Refining Company and said Henry C. Friend, now deceased, and said Olive E. Friend, said William E Howard was selected as Trustee to receive and hold the remaining 4,000 of the 10,000 shares of said Company, in trust, out of which the necessary funds were to be obtained by sale of stock, for building the machinery and for providing and fitting a suitable building for the purpose of operating said pretended secret process of refining sugar. As I am informed and believe and charge the truth to be, the only value that has ever

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0112

attached, or that can ever attach, to the stock of said Electric Sugar Refining Company, must be and is the value of said pretended secret process of refining sugar and coupled with it and dependent upon it the machinery and equipment belonging to said Company for the operation of said process.

Some weeks prior to the 14th day of July 1885, arrangements had been made for giving a demonstration on a large scale at the house of said Henry C Friend, now deceased, and his said wife, Olive E. Friend, of the operation of said process for refining raw sugar. Among others, I was invited to be present for the express purpose of satisfying me of the value and truth of said process, and of its mercantile value. On the 14th day of July, 1885, such demonstration was had at the house of said Henry C. Friend, now deceased, and said Olive E. Friend, in said City of New York. By request, I had purchased and supplied for the occasion the raw sugar which was to be refined, it was claimed by the parties who made this demonstration that by this process refined sugar of different grades could be produced at a cost not exceeding *for the process of refining* 80 cents per ton, *a much greater cost* as against ~~the cost of \$3 to \$5~~ per ton, by any other known process. It was also claimed by these parties that by this process the lowest grade of raw sugar could be taken and returned in refined sugar the whole percentage of saccharine matter in the raw sugar including the invert without any soft sugar or syrup, and the process would not exceed four hours as against twenty four hours under the old process. If these claims were true, the ~~price~~ said process for refining sugar owned by said Henry C Friend now deceased, and said Olive E. Friend, was of enormous value

0113

and the stock of said Electric Sugar Refining Company was worth vastly more than its par value. The paper which is hereto attached, and marked Exhibit A, and which is made part of this affidavit, contains a statement of what I saw in connection with this said demonstration. Upon that day, at the said house of said Henry C Friend, now deceased, and said Olive E Friend, in said City of New York as aforesaid, I met at the said house of the Friends also said Olive E. Friend's stepfather, said William E Howard, and ~~xxxxxxx~~ said Emily Howard, wife of said Wm. E. Howard, and a young man, whom I have since learned is said Orin Augustus Halstead all of whom were engaged in the manipulation and working of said pretended process of said Henry C Friend, now deceased, and said Olive E. Friend, for refining sugar. Before said demonstration was had, said Henry C Friend, now deceased, in the presence and hearing of his said accomplices stated to me that by the machinery then in the house of said Henry C. Friend, now deceased, and said Olive E Friend, they were going to turn this raw sugar which I had purchased and supplied into refined sugar. Before the demonstration was had, it was suggested that two of our Committee, who was there to witness said demonstration, should remain in the parlor of said house while the operations were going on below, and thereupon said Olive E Friend, in the presence and hearing of the rest of said accomplices, objected, stating that they could not trust any one in the house while making the demonstration, but that we could all come toward night and see the result of the work, and that when we returned the raw sugar would all be turned into refined sugar. The said Exhibit A

0114

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hereto attached correctly states what I saw and was made to believe at and after this demonstration. After this demonstration, at said house in the City of New York, said Henry C. Friend, now deceased, in the presence and hearing of said Olive E. Friend, William E. Howard, Emily Howard ^{and} ~~Orin~~ Augustus Halstead ~~and~~ all of whom concurred therein, stated to me, referring to the forty barrels of refined sugar referred to in said Exhibit A, that "there is the refined from the raw sugar," and said William E. Howard then and there stated to me that on account of the shortness of time allowed to them to perfect their machinery, that this demonstration was very unsatisfactory, and that it was nothing compared to what they could do if they had a little more time, and that I could have no conception of the magnitude of this discovery from this imperfect demonstration; that when they completed the machinery upon which they were then engaged, they could turn out three thousand or four thousand barrels of sugar per day like this refined sugar and better. In reliance upon the honesty of this demonstration, and the truth of said statements, and believing that said process for refining sugar was genuine, upon the 30th day of September 1885 I bought from the Treasurer of said Electric Sugar Refining Co 10 shares of stock, paying therefor \$1000 which moneys were required and needed, as I am informed and believe, and charge the truth to be, to be furnished to said Henry C. Friend, now deceased, and said Olive E. Friend, for the construction of machinery by said Henry C. Friend, now deceased, and said Olive E. Friend, for the working of said pretended secret process for refining sugar for the use and benefit of said Electric

Sugar Refining Company. As I am informed and believe, and charge the truth to be, said Henry C Friend died on or about the tenth day of March, 1888, and said Olive E Friend and William E Howard, with the assistance of said Emily Howard, Orin Augustus Halstead and George Halstead, assumed and undertook to complete the construction of what they claimed to be ~~the~~ necessary machinery for the operation of said process. On or about the 14th of June 1888, said Wm E Howard represented to me at said City of New York, that all of the machinery needed for the complete and successful operation of said pretended secret process, for refining sugar, had been constructed at some points in the West and that the same was boxed up and ready for shipment to the factory of said Electric Sugar Refining Co in the City of Brooklyn; that there was due and unpaid on said machinery the sum of \$10,000 which must be paid before the same could be moved; prior to this date, there had been exhibited to me the affidavits of said William E Howard, copies of which are hereto attached and marked Exhibits B and C, and made part of this affidavit; that said process was a genuine process and was of enormous value, and that the placing of said machinery was all that was needed to perfect the operation of the factory of said Electric Sugar Refining Co, for the refining of sugar, by said pretended secret process. As I am informed and believe, and charge the truth to be, up to this date said Henry C. Friend, now deceased, and Olive E. Friend, and William E. Howard, had received upwards of one hundred thousand dollars under the pretence that they were in good faith engaged in the construction ~~of~~ of novel, costly and complicated machinery, which was needed for the operation of said

0115

process. At said date, namely the 14th of June 1888, said Henry C. Friend, now deceased, and said Olive E. Friend and said Wm. E. Howard, had caused to be prepared at the said factory of said Electric Sugar Refining Co. at said City of Brooklyn, a secret chamber into which was admitted only Henry C. Friend, now deceased, said Olive E. Friend, said William E. Howard, said Emily Howard, said Orin Augustus Halstead, and into which said George Halstead was also admitted and that all of said pretended machinery for the operation of said process was placed in said secret chamber. That, in reliance upon the truth of said statement, of said affidavits, upon the said 14th day of June 1888, I paid into the treasury of said Electric Sugar Refining Co the sum of \$3500, which was upon the same day paid to said Wm E Howard, at said City of New York, for the purpose aforesaid.

On or about the second day of January, 1889, it became known that said pretended process for refining raw sugar was false, and that neither said Henry C. Friend, now deceased, nor said Olive E. Friend, nor said William E. Howard, had or knew any process for refining raw sugar. On said last mentioned date, said secret room in the factory of said Electric Sugar Refining Co in said City of Brooklyn, was broken into and the fraud was discovered. I have personally visited said room or rooms, in which said pretended machinery was placed. All that they contain is a machine for crushing sugar, which did not cost to exceed a few hundred dollars, and some other apparatus designed for manipulating refined sugar, by a sifting process, all of which could not have cost to exceed Five thousand dollars, and which are perfectly

0117

worthless. The boxes and cases which were shipped into said factory by said Henry C Friend, now deceased, and said Olive E. Friend, and said William E Howard, contained nothing but refined sugar, instead of machinery constructed at great expense, as pretended by said Henry C Friend, now deceased, said Olive E. Friend, and said Wm. E. Howard. And it is now evident, that instead of refining raw sugar said Henry C. Friend, now deceased, said Olive E. Friend, and said Wm E. Howard, and their accomplices only manipulated refined sugar, thus surreptitiously and fraudulently introduced into ^{the} aforesaid secret chamber or chambers of the factory of said Electric Sugar Refining Co. We found the raw sugar which we had purchased and supplied to be refined at said factory concealed behind boxes and cases in said factory.

Said Henry C. Friend, now deceased, said Olive E. Friend and said William E Howard, up to the date of said discovery had received upwards of the sum of \$120,000. which they pretended, as aforesaid, to have expended as aforesaid, in machinery for refining sugar for said Electric Sugar Refining Company, and had appropriated to their own use and to the use of their accomplices all excepting the trifling sum expended, as aforesaid, in the construction of contrivances to deceive and defraud those who purchased the stock of said Company. The stock of said Company is now by reason of the falsity of the aforesaid statements of said Henry C. Friend, now deceased, said Olive E. Friend, and said Wm E Howard, of no value whatever. As I am informed and believe, and charge the truth to be, under the pretence that said process

0118

for refining sugar was genuine, and that the moneys received as aforesaid by Henry C. Friend, now deceased, Olive E. Friend and Wm E. Howard, were being honestly and fully expended, in the construction of machinery as aforesaid, for the operation of said process, said Orin Augustus Halstead and said George Halstead have fraudulently obtained out of the moneys supplied by the stockholders of said company large sums of money for pretended services which were as they, said Orin Augustus Halstead and George Halstead, well knew, of no value whatever; and said Emily Howard, and said Orin Augustus Halstead and said George Halstead, have combined and confederated with said Olive E. Friend, and Wm E. Howard for the perpetration of the aforesaid fraud.

I therefore charge the said Olive E. Friend, William E. Howard, Emily Howard, Orin Augustus Halstead and George Halstead with having on the said *30th* day of *September* *A. D. 1885* feloniously obtained from my possession by color and aid of false and fraudulent pretences and representations the said sum of \$ *1000.* with intent to defraud me of the same and of the use and benefit thereof, and to appropriate the same to their own use, and also of having on the said 14th day of June, 1888, feloniously obtained from my possession by the same means the further sum of \$8500. with like intent

Said Olive E. Friend, Wm. E. Howard, Emily Howard Orin Augustus Halstead, and George Halstead, live at Milan at the County of Washtenaw, and State of Michigan. I received a letter on the 25th day of January, instant, from said William E. Howard, postmarked at Detroit, written by said

0119

Howard, though signed by a fictitious name, and I am informed and charge the truth to be that said Olive E. Friend, Emily Howard Orin Augustus Halstead, and George Halstead, are in said State of Michigan.

This application is made in good faith and for the sole purpose of punishing the said accused. I do not desire nor expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly nor indirectly use the same for any of said purposes.

In support of the charge aforesaid, against said accused, the following named witnesses, William H. Cotterill, James H. Robertson, and H. C. Hyatt have appeared before the Grand Jury in said City of New York.

Sworn to before me this 23th
day of January, A. D. 1839.

Lawson W. Fuller

William H. Cotterill
James H. Robertson
H. C. Hyatt

0120

S T A T E O F N E W Y O R K

City and County of New York ss.

The information of Lawson N. Fuller, of 135th Street and St. Nicholas Avenue, in the City of New York aforesaid, laid before Frederick Smyth, Esquire, Recorder of the City of New York and a magistrate and officer having power to issue a warrant for the arrest of a person charged with crime, at the City and County of New York aforesaid, the 25th day of January, 1889, who, being duly sworn, deposes, alleges and says as follows:

That on the 14th day of June, 1888, Olive E. Friend and William E. Howard, both late of the City and County aforesaid, at the City and County aforesaid, did feloniously obtain from the possession of the deponent by color and aid of false and fraudulent representations and pretenses a large sum of money, to wit, the sum of six thousand five hundred dollars in money, lawful money of the United States of America and of the value of six thousand five hundred dollars, of the proper moneys and personal property of deponent with intent to deprive and defraud the deponent of the same and of the use and benefit thereof and to appropriate the same to their own use: 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.

~~The circumstances under and by which the said crime in manner and form aforesaid was committed by~~

0121

~~the said Olive E. Friend and William E. Howard are
set forth in the depositions hereto annexed.~~

Wherefore the deponent prays that a warrant may
issue for the arrest of the said Olive E. Friend and
William E. Howard, and that they be dealt with accord-
ing to law.

Taken and sworn to before me :
at the City and County afore- :
said this 25th day of January :
1889.

L. P. Fuller

J. M. Smith
Recy

0122

325

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Lawson W. Fisher
155 St. Nicholas
N.Y.

Olive E. Friend

Wm E. Howard

and others

Offence charged
in the year 1889

Dated January 25 1889

Witnesses, Wm. H. Cottrell

No. 69 Wall Street,

James H. Robertson

No. 69 Wall St. Street,

John C. Wright

No. 18 Broadway Street

Chas. R. Whitman
Counsel for Electric Sugar
Refining Company
Am. Adv. Mich. Co.

0123

S T A T E O F N E W Y O R K

City and County of New York ss.

The information of Lawson N. Fuller, of 155th Street and St. Nicholas Avenue, in the City of New York aforesaid, laid before Frederick Smyth, Esquire, Recorder of the City of New York and a magistrate and officer having power to issue a warrant for the arrest of a person charged with crime, at the City and County of New York aforesaid, the 25th day of January, 1889, who, being duly sworn, deposes, alleges and says as follows:

That on the 14th day of June, 1888, Olive E. Friend and William E. Howard, both late of the City and County aforesaid, at the City and County aforesaid, did feloniously obtain from the possession of the deponent by color and aid of false and fraudulent representations and pretenses a large sum of money, to wit, the sum of six thousand five hundred dollars in money, lawful money of the United States of America and of the value of six thousand five hundred dollars, of the proper moneys and personal property of deponent, with intent to deprive and defraud the deponent of the same, and of the use and benefit thereof, and to appropriate the same to their own use: 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.

~~The circumstances under and by which the said crime in manner and form aforesaid was committed by~~

0124

~~the said Olive E. Friend and William E. Howard are
set forth in the depositions herewith annexed.~~

Wherefore the deponent prays that a warrant may
issue for the arrest of the said Olive E. Friend and
William E. Howard, and that they be dealt with accord-
ing to law.

Taken and sworn to before me :
at the City and County afore- :
said this 25th day of January :
1889.

S. M. Fuller
J. M. [unclear]

0125

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel R. Riddle

v.s.

Oliver C. Friend

Wm. R. Friend

and others

*Offence Grand Jurors
in the Grand Jury*

Dated *April 26* 188*9*

Witnesses, *[Signature]*

No. _____ Street,

No. _____ Street,

No. _____ Street,

apr 3/88

0126

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York.

-----x
The People of the State of New York :

against

Lizzie Hughes.
-----x

To .

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

and

Honorable Frederick Smyth,
Recorder of the City of New York.

The undersigned, Joseph Wiener, M. D. and John
H. Rogan, the commission appointed by an order of this
Court, bearing date the 22nd day of January, 1889, made
and entered in the above entitled action, in the Office of
the Clerk of this Court, to examine the defendant herein,
as to her mental condition, and make report thereon to this
Court as to her sanity at the time of such examination,

RESPECTFULLY REPORT

That the commissioners before proceeding to a
hearing of the matters so referred to them, took and sub-
scribed the annexed oath.

That the commission was attended by James Fitz-
gerald, Esq., Assistant District Attorney, for the People,
and by Jacob Berlinger, Esq., counsel for the prisoner,
and also by Lizzie Hughes, the prisoner in person, and
heard the proofs, which were offered, and from such proofs
and a personal examination of the prisoner, finds and re-

0127

ports:

That the said defendant, Lizzie Hughes, now in custody in the City Prison under an indictment for manslaughter pending in this Court undertermined, is, at the date of this report, perfectly sane in mind and memory, and fully competent to make known her defense to said indictment against her, and to advise with her counsel as to her defense thereto.

All of which is respectfully submitted, &c.

Dated New York, January 23rd, 1889.

Joseph Wiener M.D.
John W. Rosen

Commissioners.

0128

Court of General Sessions of the Peace
in and for the City and County of N.Y.

The People &c
v
Lizzie Hughes

City and County of New York as: We, Joseph
Kreuer M.D. and John H. Bogan, com-
missioners duly appointed by an order
of this Court, made and entered in
the above entitled action and bearing
date January 22' 1889, to examine
the defendant in said action, as to
her mental condition and make
report thereon to this Court as to
her sanity at the time of such
examination, do, each for ourselves,
solemnly swear, that we will faith-
fully and fairly hear and determine
the matters referred to us, and make
a just and true report thereon
according to the best of our
understanding.

Subscribed and sworn to
before me this 23rd day
of January 1889

Joseph Kreuer
John H. Bogan

Whitcomb Clerk of Sessions -

N. Y. General Sessions.

The People vs
Lizzie Hughes.

Minutes of proceedings taken by Joseph
Kreiner and John G. Rogan Commissioners in
above entitled action January 23 1889

The Commissioners took and subscribed
the statutory oath.

Jacob Berlinger Esq, Counsel for the prisoner
informed the Commission, that he did not
intend to call any witnesses, but sub-
mitted the question of the sanity of the
prisoner to the judgment of the Commission
after it makes an examination of the prisoner.

The District Attorney, through his assistant Mr.
Fitzgerald made a similar statement.

The Commission attended at the Tomb
and examined the defendant Lizzie Hughes
and also Matron McCauley.

At General Sessions

The People vs

v.

Lizzie Hughes.

Commissioner's Report.

Joseph Henry W.S.
J. W. Ryan
Comr

Filed Jan'y 24. 1889

0131

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Olive Friend, William
C. Howard, Henry Howard
George Madrick and
Olin A. Madrick

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

Indictment accuse

Olive Friend, William C. Howard, Henry Howard, George Madrick and Olin A. Madrick

of the crime of Grand Larceny in the first degree,

committed as follows:

The said

Olive, William, Henry, George and Olin, all

late of the City of New York, in the County of New York, aforesaid, on the

fourteenth day of June, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid,

with intent to deprive and defraud one Samuel N. Fuller (who was then financially interested in the development and successful operation of the patented process for refining raw sugar) herein for various, and had contributed and expended large sums of money toward the development and operation of such process of the proper means and personal property herein for said, and of the use and benefit thereof, and to appropriate the same to their own use, then and thereafter lawfully and fraudulently and unlawfully obtained and received for the said Samuel

0132

That one Henry F. Smith, President of the
said Ohio was the inventor of a process of
refining raw sugar and of producing refined
from raw sugar refined sugar of a high
grade at a cost of one and a half cents a ton,
whereas the cost of refining raw sugar by the
ordinary and ordinary then known process was
eight to nine dollars a ton; that the said process
invented by the said Henry was a secret process
and known only to him and to the said Ohio;
that on the 11th day of July, 1855, the said
Henry had practically embodied the process
of refined sugar, and had in the State of Ohio
under unfavorable circumstances refined
certainly more than one million of his said
process, and had thereby produced the
refined sugar of a high grade of refined sugar of
a high different grade, from the refined
sugar of the ordinary process of refined
sugar; that a great quantity of refined
and refined sugar had been produced
for the purpose of operating the said
process and to be put up and worked
in a certain building in the City of
Cincinnati in the County of Hamilton, and
whereby the said process could be
worked and operated on a great scale,
and to its full extent, and whereby
at least one thousand barrels of

eight hundred dollars, or any sum
 of money, value, and the said sum
 may not be paid, nor need any of the
 said money be paid, before such
 machinery could be admitted and placed
 in the said building, or before the
 same could be gotten into possession
 and things for the purpose of oper-
 ating the said process.

And whereas in fact and in truth,
 the defenses and representations as
 made as aforesaid by the said Stone,
 William, F. King, Henry and Orin to
 the said Board, was and were true
 and correct in all respects which they
 are and were, or that the said Stone,
 William, F. King, Henry and Orin, do
 believe to be true and correct in
 all their said matters.

And so the Board of
 Agents do say: That the said
 Stone, William, F. King, Henry
 and Orin, in the manner and
 form aforesaid, made the same
 aforesaid, the said paper names
 and personal property of the
 said Lawson, then and there
 lawfully did steal; against
 the person of the said Lawson in and

0137

case made and provided and against
the name of the Parties, the State
of New York, and their respective

of the State,

W. B. Anthony

0138

325.

7
3.5. April 17/90

Counsel, H & H.

Filed 28th of May 1889

Pleads, Not Guilty

THE PEOPLE

vs.

Oliver E. Friend
William E. Howard
Emily Howard
George Halstead
Drum A. Halsted

JOHN R. FELLOWS
District Attorney
Dec. 5/89
Discharged by
H.C. on their own recognizance.

A TRUE BILL

Geo T. Worley

Foreman
Not present for the parties
Presently & calculating
the same - intended by
the acts. 10/10/90

Witnesses

Wm. H. Cotton
Wm. H. Cotton

See papers at \$2000
Mr. How. on each
Witnesses
FD

Sept 1-3.4 & 5
Recd on 1007 by
en de own Recd
Dec 5/89 FD

0139

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Handwritten names of the accused, including 'John J. ...' and '...'

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

Indictment accuse *John J. ...*

of the crime of *Grand Larceny in the first degree,*

committed as follows:

The said *John J. ...*

Resident of ...

late of the City of New York, in the County of New York, aforesaid, on the

thirteenth day of *September* in the year of our Lord one thousand

eight hundred and eighty-*eight*, at the City and County aforesaid,

That the said ... did ...

70-10-90

0145

Witnesses

Samuel R. Fuller
Gentl. Potter

Counsel, N.Y.H.

Filed 28 day of January 1889

Pleads, Not guilty -

THE PEOPLE

vs.

Oliver E. Friend
William E. Howard
Emily Howard
George Halstead
Orin A. Halstead

JOHN R. FELLOWS,
District Attorney

A True Bill

Thos. Woodruff

Foreman.

Equipment for the Boston
operating and
disassembling the
Bureau of Forestry
Sept. 10/89

Section 528 of Penal Code

326 123/2

213 April 17/89

then and the said company for the construction
of machinery for operating the said process, had
been actually expended for and sums and for
a great quantity of machinery which had been
contracted under said contract by the said company
and which machinery was completed, and a great
quantity of machinery for and sums was then
in process of construction and being completed
on the part of the said company and which on
the part of the said company was in process of
construction.

And the said company in and for
the ready completion of said machinery
that the sum of thirty nine hundred
dollars should be paid to the said
company and which the said company did
the indebtedness then owing on the construction
of a portion of said machinery and for
the said sum of thirty nine hundred dollars as
then due and owing for and construction

And the said company
then and their believing the said false and fraudulent pretenses and representations so made
as aforesaid by the said Oliver, William, Fred, George
- and Orin

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and
representations so made as aforesaid, to deliver, and did then and there deliver to the said
Oliver, William, Fred, George and Orin
the sum of thirty nine hundred dollars
in many small pieces of the United
States and of the value of thirty nine
hundred dollars

of the proper moneys, goods, chattels and personal property of the said company

And the said Oliver, William, Fred, George and Orin
did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and
personal property, from the possession of the said company

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with
intent to deprive and defraud the said company

of the same, and of the use and benefit thereof, and to appropriate the same to their own use

Whereas, in truth and in fact, the said Oliver was not the
inventor of a process of refining raw sugar and
of producing therefrom refined sugar from
raw sugar as a result of Oliver's rights, but a new
and the process was not a secret process known
only to himself and the said Oliver,
And whereas in truth and in fact the

said sum of twenty five hundred and
 hundred and twelve dollars and fifty cents
 which had been paid to the said Henry
 and Olive under the said contract had not
 been actually expended for the purchase of
 the construction of machinery for operating
 the said process, but had been appropriated to
 the use and benefit of the said Henry and Olive
 and of the said William, Emily, George and Orion;
 and no great quantity nor any machinery what-
 ever which had been constructed under the said
 contract by the said Henry and Olive was then
 completed, and no great quantity nor any ma-
 chinery for said purpose was then in process
 of manufacture or being constructed on the order
 of the said Henry and Olive acting on behalf
 of the said corporation.
 And whereas in truth and in fact it was
 not then necessary for the interest of the said
 corporation and for the speedy completion of said
 machinery or for any purpose that the further
 sum of twenty five hundred dollars or any
 sum of money should be then paid to the said
 Henry and Olive, that they might be enabled
 to make the said machinery, and the
 said sum of twenty five hundred dollars, was
 not then any money payable then
 due and owing for said construction.

And Whereas, in truth and in fact, the pretenses and representations so made
 as aforesaid by the said Olive, William, Emily, George
 to the said Henry and Orion to the said corporation was and were

then and there in all respects utterly false and untrue, as they the said
Olive, William, Emily, George and Orion
 at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Olive,
William, Emily, George and Orion
 in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
 chattels and personal property of the said corporation

then and there feloniously did STEAL, against the form of the Statute in such case made and
 provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,
 District Attorney.

0149

BOX:

337

FOLDER:

3183

DESCRIPTION:

Funk, Henry

DATE:

01/21/89



3183

0150

2014, *Heingelman Leibow vs.*

Plenest Building

Counsel,

Filed *21* day of *May* 1889

Pleads, *Chiquilly*

THE PEOPLE

vs.

Henry Junk

Burglary in the 1st degree.

1st

Section 496, 506, 528, 532, 533.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Thy Alworthy

Larry 30/109,
Foreman.

Chris G. Skynell

Witnesses:

Julius Goody

Off. Peter F. G. Summers

JRPs

0151

Police Court 4 District.

City and County } ss.:
of New York,

of No. 212 Avenue A Street, aged 43 years,
occupation Butcher being duly sworn

deposes and says, that the premises No. 212 Street Street, 17 Ward
in the City and County aforesaid the said being a four story brick
building

and which was occupied by deponent as a dwelling and place of business
and in which there was at the time human beings by name

were **BURGLARIOUSLY** entered by means of forcibly breaking of
the Padlock on the cellar door
and entering therein with intent
to commit a felony

on the 12 day of January 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Three dead Turkeys and
Four dead Chickens together
of the value of five dollars
\$5.00

the property of John ...
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

Henry ... (now here), and another
person not yet arrested

for the reasons following, to wit:

That said property
was in the cellar of the above
numbered premises, that at about
9 30 O'clock P.M. of January 11th 1889
deponent secretly locked fastened
said Cellar door, that deponent
deponent is informed by Officer
Peter Fitzsimmons that he saw
defendant and said person not

0152

yet arrested at Avenue B and 44th Street and said defendant Frank had a bag in his possession containing said property. Said person not yet arrested made his escape and defendant was arrested with said property in his possession which defendant has since seen and identified.

Sumpt. before me this 17th day of Jan 1889 Julius Goodley
Police Justice

Dated 1889 Police Justice

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

Dated 1889 Police Justice

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

Dated 1889 Police Justice

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 committed, and that there is sufficient cause to believe the within named

Police Court, District,

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

Dated 1889

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street,

0153

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation Police Officer of No. 187 Pranet Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Julius Gerdy and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 12 day of July 1887 Peter Fitzsimmons
H. W. [Signature]
Police Justice.

0154

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Frank being duly examined before the under-
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 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 Frank*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No 28 Avenue A. 2 Blocks*

Question. What is your business or profession?

Answer. *Butcher*

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*

H. P. J.
✓

Taken before me this
day of *August* 188*8*
W. H. ...
Police Justice.

0155

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 500 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 1889 W. H. [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0156

204 72
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Julius Gaddy
217 1/2 St.
Henry Jones

[Signature]
Offence

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 *January 12* 1889
[Signature] Magistrate.

Fitzsimmons Officer.
18 Precinct.

Witnesses *Call the office*
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *100.00* to answer
[Signature]



0157

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 Benda

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

Henry Benda

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

The said Henry Benda,

late of the Seneca Ward of the City of New York, in the County of New York aforesaid, on the 12th day of January, in the year of our Lord one thousand eight hundred and eighty eight, with force and arms, about the hour of twelve o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Julius Benda

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit:

within the said dwelling house, with intent to commit some crime therein, to wit: the goods chattels and personal property of the said Julius Benda

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

the said Henry Benda being then and there assisted by a confederate actually present, whose name is to the Grand Jury aforesaid as yet unknown.

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

0158

SECOND COUNT—

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

Henry B. ...

of the CRIME OF SEX LARCENY committed as follows:

The said Henry B. ...

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 the said day, with force and arms,

three dead hams of the value of
one dollar each, and four dead
chickens of the value of fifty
cents each,

of the goods, chattels and personal property of one John ...

in the dwelling house of the said John ...

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.

THIRD COUNT—

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

Henry Fonda

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

The said Henry Fonda,

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,

Three sea trunks of the value of one dollar each, and four sea trunks of the value of fifty cents each,

of the goods, chattels and personal property of one John Hood

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

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

Henry Fonda

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

JOHN R. FELLOWS,
District Attorney.