

0766

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Baker, Samuel

**DATE:**

10/19/93



4876

0767

Witnesses:

off Chiles  
Miss Risner

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Samuel Baker

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

Thos. A. Day  
S. P. 2 eps 8/6 ms  
P. B. M.

Burglary in the Third Degree, 1893  
Section 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

0768

Police Court— District.

City and County }  
of New York, } ss.:of No. 26 Mulberry Virginia Rosasco Street, aged 43 years,  
occupation Marrieddeposes and says, that the premises No 26 Mulberry first floor <sup>being duly sworn</sup> near  
in the City and County aforesaid, the said being a dwelling Street,and which was occupied by deponent as a dwelling~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly

opening the door leading from the hallway into deponent's apartment by means of false keys.on the 12<sup>th</sup> day of October 1893 in the day time, and the following property feloniously taken, stolen, and carried away, viz:Three watches and a quantity of trinkets of the value of about two hundred dollars

the property of

Deponent and family

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

Samuel Baker

for the reasons following, to wit:

That at about the hour of 9.30 Am of said date Deponent securely locked her premises with the above property contained therein and that about 10.30 Am of said date Deponent was notified that her premises had been broken and property carried away. Deponent is up

0769

informed by Officer Henry Ahles  
of the Health Department that  
he arrested said Baker and  
in his possession found a watch  
and a quantity of bullets which  
defendant has seen and fully  
identifies as a portion of the  
property stolen.

Virginia Bonasco

Swear before me  
this 12<sup>th</sup> day of October 1893

Officer  
Police Justice

Police Court District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

Degree.

Burglary

vs.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.



0770

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Ahles*  
aged \_\_\_\_\_ years, occupation *Police Officer* of No. *301 West*  
*Law Squad*  
Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Virginia Rosasco*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, *12<sup>th</sup>*  
day of *October* 189*3*

*James H. [Signature]*  
Police Justice.

0771

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Samuel Baker* 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.

*Samuel Baker*

Question. How old are you?

Answer.

*23 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*53 Brewery*

Question. What is your business or profession?

Answer.

*Podder*

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

Answer.

*I am not guilty*  
*Samuel Baker*

Taken before me this

*12*

day of

*October*

*1898*

at

*New York*

City

of

*New York*

County

of

*New York*

City

of

*New York*

County

of

*New York*

City

of

*New York*

Police Justice.

0772

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

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

Dated, October 12 189 James Police Justice.

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

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

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

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

0773

Police Court--- District. 1108

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Virginia Rosasco.  
26 Mulberry St.  
Samuel Baker

2  
3  
4

Offense *Drunk*

Dated, *Oct 15* 189

*Meade* Magistrate.

*Akins* Officer.

*Jan squad. 301 West* Prisoner.

Witnesses

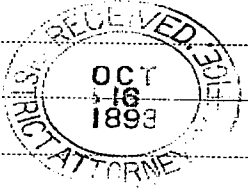
No. Street.

No. Street.

No. Street.

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

*Committed*



BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0774

462

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Samuel Baker*

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

*Samuel Baker*

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

The said

*Samuel Baker*

late of the *sixth* Ward of the City of New York, in the County of New York aforesaid, on the  
*twelfth* day of *October*, in the year of our Lord one  
thousand eight hundred and ninety-*three*, with force and arms, in the *day*-time  
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

*Virginia Rosasco*

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said *Virginia*  
*Rosasco* in the said dwelling house then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

## SECOND COUNT—

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

*Samuel Baker*

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

The said

*Samuel Baker*

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

*three watches of the value of  
fifty dollars each, and divers  
articles of jewelry of a number  
and description to the Grand Jury  
aforesaid unknown, of the value  
of fifty dollars*

of the goods, chattels and personal property of one

*Virginia Rosasco*

in the dwelling house of the said

*Virginia Rosasco*—

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

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

The said

*Samuel Baker*  
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,

*three watches of the value of  
fifty dollars each, and divers  
articles of jewelry of a number  
and description to the Grand  
Jury aforesaid unknown, of the  
value of fifty dollars,*

of the goods, chattels and personal property of

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

*Virginia Rosasco*  
unlawfully and unjustly and feloniously receive and have; (the said

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

DE LANCEY NICOLL,

*District Attorney.*



0777

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Baller, Edward

**DATE:**

10/27/93



4876

0778

Witnesses:

Mrs G E Baller  
Miss Taylor  
off Krumm

Counsel,

Filed

Pleads,

day of Oct

1893

THE PEOPLE

vs.

Edward Baller

Comd Nov 1 of 93

DE LANCEY NICOLL,

District Attorney.

~~Nov 17th~~ Port III  
Part 3 November 28/93  
deft. discharged in full  
A TRUE BILL.  
verbal recognizance  
Edward Taylor

Nov. 28<sup>th</sup> '93

Foreman.

Payroll. 2000

Grand Larceny, Second Degree.  
[Sections 128, 129, Penn Code.]

The matter is the  
Complaint in the  
within case against  
her son. She is very  
anxious and desires  
that she should not be  
further troubled. As  
far as I can learn the  
has never been guilty  
of any offense before.  
On view of all the  
circumstances surrounding  
the case I am persuaded  
a proper disposition of  
the same would be the  
discharge of the defendant  
upon his recognizance.  
Nov. 28<sup>th</sup> '93  
Wm. L. ...

0779

Police Court—

District.

1912

Affidavit—Larceny.

City and County } ss.  
of New York,of No. 140 Forsyth Street, aged 45 years.occupation Housekeeper being duly sworn,deposes and says, that on the 25 day of October 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in my time, the following property, viz:

A bag containing a quantity of jewelry valued as Twenty five dollars and four and lawful money of the United States valued as Twenty Dollars the property of Blanch Taylor and in the care and custody 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 Catherine B. Baller for the reasons following to wit: deponent having missed the said bag from a case in her apartment says that no one but the deponent (deponent's son) was in the room where the bag was and he left said premises and failed to return.

Catherine B. Baller

Sworn to before me, this  
day of October 1893

Police Justice

0780

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

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

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

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

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

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

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

0781

W. J. 1273  
Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Mrs. G. C. Baller*  
*14th St. 7th St.*  
*Adm. Baller*

ense

BAILED,

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

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

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

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

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

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

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

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

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated, \_\_\_\_\_ 189

*Alvin* Magistrate.

\_\_\_\_\_ Officer.

\_\_\_\_\_ Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ \_\_\_\_\_ to answer \_\_\_\_\_

0782

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Edward Baller*

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

*Edward Baller*

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

The said

*Edward Baller*

late of the City of New York, in the County of New York aforesaid, on the *25th* day of *October* in the year of our Lord, one thousand eight hundred and ninety-*three* at the City and County aforesaid, with force and arms,

*one chain of the value of fifty dollars, six pairs of sleeve buttons of the value of five dollars each pair, one tooth pick of the value of five dollars, two pencils of the value of two dollars each, five shirt buttons of the value of one dollar each, one stick pin of the value of five dollars, two breast pins of the value of three dollars each, two lockets of the value of five dollars each, one bracelet of the value of five dollars, and the sum of seventeen dollars in money, Jacobus and money of the United States of America, and of the value of seventeen dollars of the goods, chattels and personal property of one *Blanche Taylor**

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

*St. Laurence Nicoll*  
*District Attorney*

0783

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Barnett, Frank

**DATE:**

10/06/93



4876



*Foreman:*

0785

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

George Melville  
aged 26 years, occupation Drum of No.

659 Washington Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Richard J. Ferguson  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 29 } George Melville  
day of Sept } 1899

[Signature]  
Police Justice.

0786

Police Court

2

District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Ferdinand S. Ferguson

of No. 56 Mercer

Street, aged 47 years,

occupation Cartman

being duly sworn,

deposes and says, that on the 28 day of September 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

one package of veiling goods of the value of fifty one dollar.

\$ 51—

the property of W. G. Hitchcock & Co. and in the charge of the property of Deponent as a common carrier

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 Frank Barnett

(now here) The said property was, as deponent is informed by George Melville now here, in one of deponent's express wagons in Greene street, and about the hour of 5 o'clock p.m. the said Melville missed the said property from said wagon and soon afterwards he caught the defendant in the act of feloniously carrying away the said property near the said wagon.

Ferdinand S. Ferguson

Sworn to before me, this

29 day

1897

Police Justice.

0787

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Frank Barnett*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *N.S.*

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

Answer. *Burkyn* — *2 months*

Question. What is your business or profession?

Answer. *Writer*

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

Answer. *I have nothing to say**Frank Barnett*

Taken before me this  
day of *Sept* 189*7*

*Police Justice.*

0788

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 \_\_\_\_\_

Frank Barnett  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 200 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 25 1897 \_\_\_\_\_ Police Justice.

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

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

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

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

0789

Police Court---

2

1049 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Edmund S. Ferguson*  
*36 Mercer*  
*Frank Barnett*

*Laney*  
*Lee*  
Offense.

BAILED,

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

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

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

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

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

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

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

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

Dated, *Sept 29* 189 *9*

*Hogan* Magistrate.

*John H. White* Officer.

Precinct.

Witnesses *Geo Melville*

No. *659 Washington* Street.

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

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

\$ *1000* to answer *Ged*

*Cole*



Court of General Sessions. Part III.

City and county of New York.

-----x  
 The People  
 agst.  
 Frank Barrett  
 -----x

Before  
 Hon. Rufus G. Cowing  
 and a jury.

New York, October 13, 1893 .

A P P E A R A N C E S .

Assistant District Attorney Macdona

For the People.

Mr.

For the defence .

-----  
 Indicted for grand larceny in the second degree.

Indictment filed

1893.

-----  
 G E O R G E M E L V I N called in behalf of the people,  
 being duly sworn, testified as follows:

By Mr. MACDONA.

Q What is your business? A. I drive a wagon and truck  
 for F. F. Ferguson & Co.; it is a carting business.



0791

2

Q Did you take any goods from Hitchcock on the 28th of September? A. If that was the day in which the package was stolen that was the day I did it. Hitchcock is corner of Broome and Mercer streets. I was to take the goods to Stern Bros. in 23d street. I had about a dozen orders that day.

Q Was one to be delivered in Green street? A. No, sir.

Q What brought you to Green street?

A. I was sent there to get more to deliver on the way up-- more packages from William Oppenheim & Son. Don't know who they sent to; didn't stop to get them on account of this man getting the package.

Q Then you had gone to Hitchcock & Co. and got some goods to deliver to Stern Bros. a box of veiling worth about \$51?

A. Yes; had it in the wagon in Green street when I stopped there; noticed it there when I went off the wagon and went into Openheim's as far as I am from you, and called the shipping clerk. I asked him if he had any more for me. When I got to the wagon I turned around and missed a package from the wagon. I called the shipping clerk and then turned around to look at the wagon to see if everything

was all right, and the package was gone. So I walked towards the wagon; as I walked towards the wagon I wondered where it went to. With that this defendant walked out of a hallway right next door to where I was with a package. I looked down on it and identified the package right away. I grabbed the package and took it off of him. He told me that a man had sent him up there with it, and that there was nobody of that name in the building. I said where is the man? He said, I will show you. So he started to show me, and I handed him over to an officer.

Q What was the address on the package ?

A. Stern Bros. 32 West 23d street

Q He went to Oppenheim's in Green street?

A. I think the name is Rosenthal's, and they said there was no such person there. I do not know the value of the property; they told me it was \$51; there is a bill there .

CROSS EXAMINED.

By DEFTS. COUNSEL.

Q You met him going out of the hallway? A. Yes .

Q Did you see him in the hallway? A. No, sir .

Q. You met him as he came out through the door jamb ?

0793

4

A. He walked right against me--walked into me .

Q Deliberately?

A. Not deliberately; he didn't know it was me coming along.

Q Then he was trying to walk deliberately into somebody and it happened to be you?

Objected to.

Q Had you seen him before ?

A. No, sir .

Q And he told you he was called up by somebody to carry that bundle?

A. He said he was not called but sent up.

Q What did he say to you?

A. He said to me "a man sent me up with this package;" there is nobody by the name of Stern Bros. in the building. That is what he told me .

Q Who did keep in that building--wasn't it Stern Bros.?

A. No, sir; I think the name is Rosenthal.

By the COURT.

Q He had the package and was walking off with it ?

A. Yes, sir; it was in his possession.

By Defts. Counsel.

Q He told you that there was nobody by the name of Stern Bros

Bros. in that building?

A. Yes sir .

Q What next did he say?

A. I said to him "Who sent you?" He said "I will show you the man." I said "All right". He started to show me the man, and I walked along with him and met the officer and I handed him over to the officer, and the officer took him.

Q He started to show you the man? A. Yes, sir .

By Jurymen.

Q Was the number on the package 32 West 23d street?

A. Yes, sir .

Q Plainly written on the package? A. Yes, sir .

Q As plain as the name of Stern Bros.? A. Yes, sir .

Q Where he could read and see it?

A. Yes, sir; he had the name turned upside down on the package; had the bottom of the package up so that nobody could notice the name.

By Defts . Counsel.

Q You don't know that he had it that way so that nobody could read the name ?

A. Surely he had the package upside down.

Q You don't mean to say that he had it that way so that nobody could read the name,--you are guessing?

A. No, sir, I am telling the truth.

Q He had the package turned upside down?

THE COURT: He assumes he had it turned down that way for that reason. He says as a fact, that it was upside down, so that nobody could see the address.

J O H N H. W H I T E called on behalf of the people being duly sworn, testified as follows:

By Mr. MACDONA.

Q You arrested defendant Barrett didn't you?

A. Yes sir, about five P. M. September 28th in Green street, in the city of New York.

Q He was turned over to you?

A. Yes, sir; he was turned over to me by another officer. I didn't take him from Melvin. Officer Snider was the man who arrested him; it was not on his post.

Q Did you have any conversation with deft. Barrett after you arrested him?

A. Yes; I asked him why he took the package; and he told

me that he had no business to tell me anything in reference to that case. He asked me the value of the package. I said I didn't know what it was worth. He said he didn't think it was over petty larceny anyhow. I said that would be settled in court; I didn't know the value of the package.

By the COURT.

Q He did not think it would be more than petty larceny?

A. No, sir.

Q He seemed to be anxious to know the value of the package?

A. Yes, sir.

CROSS EXAMINED.

By DEFTS. COUNSEL.

Q You did not arrest this man? A. No sir.

Q He was handed over to you? A. Yes, sir.

Q He went with you --you didn't have to ring for any assistance?

A. I didn't ring for assistance.

Q He offered no resistance to you?

A. No, sir; I wouldn't allow him to. I put a pair of nippers on him

Q You had put a pair of nippers on him? A. Yes.

F E R D I N A N D S. F E R G U S S O N called on behalf of the people, being duly sworn testified as follows:-

By Mr. MACDONA.

- Q You are the employer of Melvin? A. Yes, sir .
- Q He was in charge of one of your wagons on the 28th of September ? A. Yes, sir .
- Q Did you deliver into his care any goods for Stern Bros. from Hitchcock? A. Yes, sir .
- Q I present you a duplicate bill of Hitchcock-is that the duplicate of a bill that was presented with the goods ? A. That is the original.
- Q It happens to be marked duplicate on the back corner? A. I supposed it was the original bill.
- Q It is a duplicate bill? A. Yes, sir .
- Q It calls for a package of veiling that this boy had stolen from him? A. Yes .
- Q And the value is-- A. \$51.68
- Q What became of the goods ? A. Taken to the stationhouse, and after we went to court they were handed back to us. After getting a receipt we



returned them to Hitchcock; they duplicated the order and sent it up to Stern Bros. the next morning .

Bill offered in evidence.

Marked Exhibit A.

F R A N K   B A R R E T T   called on behalf of defence.

By the Court.

Q   Do you know what the taking of an oath means ?

A. Yes, sir .

Q   Are you willing to take an oath?                      A. Yes, sir .

Defendant was duly sworn and testified as follows:-

By DEFTS. COUNSEL.

Q   You heard me talk a few minutes ago?                      A. Yes .

Q   Can you speak as loud as I did ?                      A. Yes.

Q   The only way for you to do is to tell the story truthfully-  
steal

Did you ~~steal~~ that bundle of goods ?                      A. No, sir .

Q   Out of that wagon?                      A. No, sir .

Q   Tell the jury all about it?

A. I was walking up Green street and saw a man go up and take a bundle out of a wagon, and he handed it to me and asked me if I wouldn't please do him the favor to give an

order up stairs. I said certainly. He gave me the bundle and I went. After I came down stairs I wanted to ask the gentleman who I was to give the bundle to. Another man said "You stole that out of the wagon". I said "There goes the gentleman that give me the bundle" and he handed me over to an officer. I was willing to take him to the man.

Q You didn't give the order but got arrested? A. Yes sir

Q And you won't do that kind of thing again, carry packages?

A. No, sir.

CROSS EXAMINED.

By Mr. MACDONA.

Q Do you read? A. Yes.

Q Did you look at that bundle when it was given to you?

A. No sir; paid no attention to it.

Q You went up stairs?

A. Yes, sir; went up six or seven stairs and came back and went to ask who I should give the bundle to.

Q Then you came back to ask the gentleman who to give it to?

A. He couldn't get 15 or 20 feet from me.

Q But you took it from him and went into the building to deliver it without knowing who it was? A. Yes

Q Then when you got up half ways you wanted to know who you

0000

11

were to deliver it to?

A. Yes, there were two firms in that building.

Q So you came back to see him?

A. Yes, he was walking down the street.

Q He was going away? A. Yes, sir.

By the COURT.

Q You did not think it would be more than petty larceny?

A. Didn't know what it was; I wanted to know what I was going to be arrested for .

Q What do you know about petty larceny?

A. Don't know anything about it.

Q What is your business ?

A. Waiter .

Q Have you got anybody to come here to speak for you?

A. I have got a sister; she couldn't come down.

Q Ever been convicted?

A. No, sir, never been convicted; never been locked up before in my life .

Both sides rest. Both sides agree to submit the case to the jury without summing up.

C H A R G E: Gentlemen of the Jury, this defendant is charged

0001

12

charged with committing grand larceny in the second degree in stealing over fifty dollars worth of property. He admits he carried away the property; it was in his possession. There are only two questions in the case--intention and value. On the question of value there is undisputed evidence by the party who owns it, who says it was worth over fifty dollars. What was the intention? If the defendant intended to steal it he was guilty. The people claim that he took it from the wagon. He did not walk off with it; he stepped into the hallway, and apparently came from the hallway afterwards, carrying away the property. That is the theory of the people. When the officer arrested the defendant the officer testified he asked him about it. He told the officer substantially it was none of his concern, , and asked the officer what the value of the goods were, saying "I don't suppose it is more than petty larceny."--as if trying to find out how serious a crime he was guilty of; and he came to the conclusion it could not be higher than petty larceny.. I do not know what to say further about the case, except if you have a reasonable doubt about it give the prisoner the benefit

0802

12

charged with committing grand larceny in the second degree in stealing over fifty dollars worth of property. He admits he carried away the property; it was in his possession. There are only two questions in the case--intention and value. On the question of value there is undisputed evidence by the party who owns it, who says it was worth over fifty dollars. What was the intention? If the defendant intended to steal it he was guilty. The people claim that he took it from the wagon. He did not walk off with it; he stepped into the hallway, and apparently came from the hallway afterwards, carrying away the property. That is the theory of the people. When the officer arrested the defendant the officer testified he asked him about it. He told the officer substantially it was none of his concern, , and asked the officer what the value of the goods were, saying "I don't suppose it is more than petty larceny."--as if trying to find out how serious a crime he was guilty of; and he came to the conclusion it could not be higher than petty larceny.. I do not know what to say further about the case, except if you have a reasonable doubt about it give the prisoner the benefit

of it and acquit him; otherwise not.

The case is with you.

VERDICT: Guilty.

#####

*Handwritten: 1st trial verdict*

*Handwritten: second trial verdict*

*Handwritten: 2nd trial*

*Handwritten: 1st trial*

*Handwritten: 2nd trial*

0004

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Barnett

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

Frank Barnett

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

The said

Frank Barnett

late of the City of New York, in the County of New York aforesaid, on the *29th* day of *September* in the year of our Lord, one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*twenty-six yards of veiling of the value of two dollars each yard,*

of the goods, chattels and personal property of one

*Welcome G. Hitchcock*

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



0805

SECOND COUNT—

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

*Frank Barnett*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

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

*twenty-six yards of veiling  
of the value of two dollars  
each yard*

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

*Welcome G. Hitchcock*

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

*Welcome G. Hitchcock*

unlawfully and unjustly did feloniously receive and have; the said

*Frank Barnett*

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

DE LANCEY NICOLL,

*District Attorney.*

0806

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Barrett, John

**DATE:**

10/20/93



4876

0007

Witnesses:

Sergt McDonald  
5th

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

John Barrett

Grand Juror,  
(From the Person)  
[Section 208, R.V.,  
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

Thos. J. P. P. P.  
Cath. Protest

RS/1/1

0000

1912

Police Court— District.

Affidavit—Larceny.

City and County  
of New York, ss.

*Genesada Papa*  
of No. 31 *West 11th Street*, aged *41* years,  
occupation *Shoe maker* being duly sworn,

deposes and says, that on the *15th* day of *October* 189*9* at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
person of deponent, in the *night* time, the following property, viz:

*One open faced silver watch  
and plated chain*

*Being together of the value of*

*Eight Dollars*

*(\$ 8.00)*

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 *John Barrett (nowhere)*

*for the reasons following to wit*  
*about the hour of 8 o'clock p.m.*  
*on the night of the aforesaid day*  
*deponent was in West 11th and*  
*had said watch to which was*  
*attached said chain in the lower left*  
*hand vest pocket of his West, when*  
*said defendant came up to deponent*  
*and grabbed said property, and*  
*ran away with the same, which*  
*he dropped. Deponent is further*  
*informed by Robert W. Donald*  
*a police sergeant of the 5th precinct*  
*that he saw said defendant running*

*Subscribed and sworn to before me this*  
*16th*  
*day*

*Police Justice*

0009

away and pursued him and  
arrested him and afterwards fully  
identified him as the person who  
took said property and charges him  
with the same as aforesaid

I swear to before me by } Governor of the  
this 16<sup>th</sup> day of October

My commission  
John J. Justice

08 10

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Herbert W. McDonald*

aged *44* years, occupation *police officer* of No.

*5th Precinct* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Guerrilla Papa*

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

Sworn to before me this, *16*

day of *October* 189*3*

*Albert W. McDonald*

*Samuel H. Carter*  
Police Justice

0811

Sec. 198—200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Barrett*

Question. How old are you?

Answer. *14 years.*

Question. Where were you born?

Answer. *United States*

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

Answer. *116 Clarkson St. Bronx.*

Question. What is your business or profession?

Answer. *Umbrella Maker*

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

Answer. *I am guilty*  
*John Barrett*

*Take care of me this*

*Aug 27*

*1893*

*188*

Police Justice.



08 12

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

Deperant  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 100 Hundred Dollars, and it appearing that he is under the age of sixteen years, that he be committed to the custody of the New York Society for the Prevention of Cruelty to Children, until he give such bail.

Dated, Oct 16 1899 Wm. H. H. H. H. Police Justice.

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

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

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

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

0813

Police Court--- District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Guerrasio Panga*  
*31 Water St. Boston S.D.*

1 *John L. Barrett*  
2  
3

Offense *Drunk*

BAILED.

No. 1. by  
Residence Street.

No. 2. by  
Residence Street.

No. 3. by  
Residence Street.

No. 4. by  
Residence Street.

Date, *Oct 10* 189

*Martin* Magistrate.  
*Sergeant J. J. Souda* Officer.

Precinct.

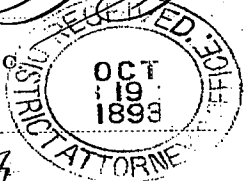
Witnesses *Sergeant J. J. Souda*

No. *5th Precinct* Street.

*Henry Schuster*  
No. *1100 E 23rd* Street.

No. *1000* Street.  
to answer

Com. to S. P. C. O.



In the matter of the  
application of Michael  
Hogan for Release of  
his son from the Catho-  
lic Protectory.

To the  
Honorable Randolph B. Martine,  
Judge of General Sessions.

Your petitioner, the under-  
signed, respectfully, represents  
that he is a Citizen of the City  
and State of New York and  
resides at No. 32 Desbrosses  
Street in said City and has  
been in the employment of the  
"American Line of Steamships"  
formerly known as the Roman  
Line, for upwards of thirty  
years in this City.

That, on October 23, 1894,  
your petitioner's minor son  
John Hogan was committed  
to the Catholic Protectory at  
Van Nest under the name  
of John Barrett - because of

~~alleged conspiracy was an attempt~~  
~~at larceny from the person, by a~~  
~~person in whose company he~~  
~~happened to be at the time and~~  
~~that he who, at once, ran away.~~

Your petitioner says, his son  
 had ever borne a good character  
 and was an industrious, obedient  
 and good boy, well known in  
 the locality where the alleged  
 offense was committed. ~~but in~~  
~~which he had no part and~~  
~~made no effort to escape~~

Your petitioner prays that  
 his son may be discharged  
 from the Reformatory and delivered  
 into his custody as your  
 petitioner is abundantly able  
 to provide for him and take  
 care of him and be responsible  
 for him and will take care of him.

Your petitioner further says that  
 his son, John Hogan, told him, he  
 gave his name as Barrett be-  
 cause he did not want un-  
 merited disgrace to attach  
 to his name.

08 16

Subscribed

Dated New York - November 5, 1894,  
Michael Hogan

Subscribed and Sworn to  
before me this 5 day of  
November 1894.  
James O'Hara  
Commr of Deeds  
N. Y. City & Co.

Hon. R. B. Martine  
Judge of General Sessions.  
Dear Sir

I have the honor to say  
I know Michael Hogan the  
Petitioner to be what he represents  
himself to be, an honest, hard  
working, respectable citizen  
His Bird Gardiner

31 Nassau St }  
N. Y. Nov. 5, 1894 }

08 17

People

US

John Barnett

alias

Michael Morgan

0818

Court of General Sessions-

The People

vs.  
John Hogan  
al. John Barrett.

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

No. 297 FOURTH AVENUE,  
(Corner East 23d Street)

New York, October 19 1893

CASE NO. 76229.  
DATE OF ARREST  
CHARGE

OFFICER Schuster  
October 15 1893

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

Highway robbery

14 years

Catholic

Michael

Catherine

566 Greenwich street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

on January 14<sup>th</sup> 1889 boy was arrested for Disorderly Conduct and next day was discharged at 2<sup>nd</sup> District Police Court by Justice Patterson. Boy's father is a respectable man who stated to Officer Schuster, that he desires to have boy committed to the New York Catholic Protective

All which is respectfully submitted,

To Dist Atty

O. Holloway  
Supt



0819

Court of  
General Sessions.

The People

vs.

John Hogan

alias

John Barrett.

My Attorney is John  
PENAL CODE, §

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

ELBRIDGE T. GERRY,

President, &c.,

No. 297 Fourth Avenue,

Corner, Ninth 23d Street,

NEW YORK CITY.

0820

504

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

THE PEOPLE OF THE STATE OF NEW YORK

against

John Barrett

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

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

The said

John Barrett

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

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

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

*De Lancey McCall*  
District Attorney

0021

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Batterson, Donald

**DATE:**

10/03/93



4876

0822

Witnesses:

off Sullivan

Counsel,

Filed

3

day of

Oct 1893

Pleads,

Guilty

THE PEOPLE

2nd J. P. 1893  
469  
Edward

Donald Batterson

Grand Larceny, Second Degree.  
[Sections 528, 534, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Part 3. Oct 6/93

Pleads Petition Larceny

A TRUE BILL.

Pen 6 one

Edward G. Taggart

Foreman.

I find from all  
Examination in this  
case that the value  
of each violin was  
Twenty Five Dollars.  
And the proof goes  
to show that only  
one was taken at  
a time - Petit Larceny  
can therefore only  
be obtained in my  
opinion.

Notary Public  
Oct. 6/93

0023

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

James Kerrigan  
of No. 867 Broadway Street, aged 22 years,  
occupation Salesman being duly sworn,  
deposes and says, that on the 23<sup>rd</sup> day of September 1897 at the City of  
New York, in the County of New York, was feloniously taken, stolen and carried away  
from the possession of deponent, in the day time, the following property, viz:

Two violins of the value of  
about one hundred and fifty  
dollar \$150-

the property of C. H. Ditson & Co and in  
deponent's care

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloni-  
ously taken, stolen and carried away by Donald Batterson

(now living) Deponent is informed by  
Oscar Bolson, now living, that he saw  
the defendant taking away one violin  
from said place about the hour of  
5.15 O'clock p.m., on said date,  
and deponent is informed by Adam  
Leng, now living, that he found the  
said two violins in the possession of the  
defendant at defendant's residence  
469 West 82<sup>nd</sup> Street in the City of  
New York this day, concealed  
under defendant's bed.

James J. Kerrigan

Sworn to before me, this 25 day of Sept 1897  
Police Justice.

0824

Sec. 198—200.

CITY AND COUNTY } ss.  
OF NEW YORK,

2 District Police Court.

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

Question. What is your name?

Answer. *Donald Patterson*

Question. How old are you?

Answer. *2.5 years*

Question. Where were you born?

Answer. *Portland*

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

Answer. *469 West 87 St — 1 month*

Question. What is your business or profession?

Answer. *Deafening*

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 may look two*  
*Donald Patterson*

Taken before me this  
day of *Sept* 1883

25

Police Justice.

0825

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.....

Donald Patterson

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

Dated Sept 25 1897

Police Justice.

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

Dated.....18

Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated.....18

Police Justice.



0026

1035

Police Court---2

District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

Oscar Polson  
167 Broadway  
Donald Patterson

2  
3  
4

Offence  
Larceny

Dated Sept 25 1897

Hogan Magistrate.

Lamy Officer.  
19 Precinct.

Witnesses Adam Lamy 19

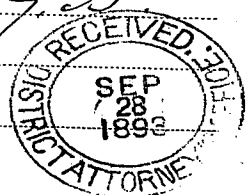
No. Street.

Oscar Polson  
542 W. 44 Street.

No. Street.

\$ 1000 to answer G.S.

Cern  
✓



BAILED,

No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

0827



To *New York Oct 6 1893*

*His Honor*

*Judge of the Court of Sessions  
Part 3 County of NY*

*Dear Sir*

*Will you please be as lenient  
with the young man, as you  
possibly can.*

*Our main object, is to get  
back our property —*

*We think he yielded to  
the temptation, without realiz-  
ing the consequences of his  
act.*

*Yours Truly*

*C.H. Ditson & Co*

0028

1872

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Adam Lang*

aged \_\_\_\_\_ years, occupation *Police* of No. \_\_\_\_\_

*19th Street*

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

*James Kerrigan*

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

Sworn to before me, this

*25*

day of

*Sept*

1897

*Adam Lang*

*[Signature]*

Police Justice.

0829

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

Oscar Polson  
aged 18<sup>3</sup> years, occupation Carpenter of No.  
542 West 42 Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of James Kerryan  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 25 day of Sept 1893 } Oscar Polson

[Signature]  
Police Justice.

0030

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Donald Patterson*

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

*Donald Patterson*

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

The said

*Donald Patterson*

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

*two violins of the value  
of seventy-five dollars Each*

of the goods, chattels and personal property of one *Charles N. Dittus*

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

*De Lacey Nicoll,  
District Attorney*

0031

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Bell, Joseph

**DATE:**

10/24/93



4876

0832

Witnesses:

Mary A. Dwyer  
off Buckley

Left gave info. that  
led to recov. of nearly  
all the prop. RBM

Counsel

Filed

day of

1893

Pleads

THE PEOPLE

vs.

Joseph Bell

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor  
Sep 25/93 Foreman.

Theresa Quinn  
Pen 1 yr - RBM

Burglary in the Third Degree,  
Section 488, 47, 53, 5, 53, 1.0



0033

Police Court 5 District.City and County } ss.:  
of New York,Mary M. Dwyer  
of No. 1287 Columbus Ave Street, aged 42 years,  
occupation Housekeeper being duly sworndeposes and says, that the premises No. 1287 Columbus Ave Street, 12 Ward  
in the City and County aforesaid the said being a4 Story Flat House  
and which was occupied by deponent as a dwelling  
~~and in which there was at the time a human being, by name~~were BURGLARIOUSLY entered by means of forcibly opening the  
door of deponent's premises with  
some instrumenton about  
on the 10 day of October 1893 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:A quantity of wearing apparel  
and silver ware and  
Table Linen of the  
value of one hundred dollars( \$100 <sup>00</sup> <sub>00</sub> )the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away byJoseph Bell (nowhere)

for the reasons following, to wit:

That deponent  
left said premises alone  
and securely locked and said  
property therein on the 7<sup>th</sup> day  
of October, 1893, and when  
deponent returned on the 13<sup>th</sup>  
of October, 1893, deponent discovered  
that said premises  
had been entered as aforesaid

0034

and said property taken  
therefrom. Deponent is informed by  
Detective James A. Buckley that  
this defendant admitted to him  
that he committed said Burglary  
and took said property.  
Sworn to before me  
this 20<sup>th</sup> day of  
October, 1875  
Harry A. Dwyer.  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 188  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 188  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 188  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

1.  
2.  
3.  
4.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0035

1877.

CITY AND COUNTY }  
OF NEW YORK, } ss.

James A. Buckley  
aged \_\_\_\_\_ years, occupation Police Officer of No.

30 West 10th Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Mary M. Dwyer

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

Sworn to before me, this 20 day of Feb 1893 } James A. Buckley

M. A. Bush  
Police Justice.

0036

Sec. 198—200.

S'

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I have nothing to say  
at the present time.  
Joseph Bell*

Taken before me this

day of

*Sept 10 1897*  
*John J. [illegible]*

Police Justice.

0037

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

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

Dated *Oct-20* 189 *3* *[Signature]* Police Justice.

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

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

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

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

0838

Police Court---

5

1127

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mary M. Sawyer

1287 vs Columbus Avenue

Joseph Bell

Officer  
Sawyer

BAILED,

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

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

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

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

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

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

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

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

Dated October 20 1893

Malden Magistrate.

Buckley Officer.

30. Precinct.

Witnesses \_\_\_\_\_

No. Hall Officer \_\_\_\_\_ Street.

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

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

\$ 2000 to answer \_\_\_\_\_

Cm



h. s.  
Burg 3  
9/2

0839

462

**Court of General Sessions of the Peace**

**OF THE CITY AND COUNTY OF NEW YORK.**

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Joseph Bell*

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

*Joseph Bell*

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

The said

*Joseph Bell*

late of the *12<sup>th</sup>* Ward of the City of New York, in the County of New York aforesaid, on the  
*tenth* day of *October* in the year of our Lord one  
thousand eight hundred and ninety-*three*, with force and arms, in the *day* time  
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

*Mary A. Dwyer*

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said *Mary*  
*A. Dwyer* in the said dwelling house then and there being, then and there  
feloniously and burglariously to steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.



## SECOND COUNT—

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

*Joseph Bell*

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

The said

*Joseph Bell*

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

*divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars, divers articles of silverware of a number and description to the Grand Jury aforesaid unknown of the value of fifty dollars, five table-cloths of the value of three dollars each, twenty napkins of the value of twenty-five cents each*  
~~of the goods, chattels and personal property of one~~ *Mary A. Dwyer*

in the dwelling house of the said

*Mary A. Dwyer*

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.

*Wm. Laurence Nicoll*  
*District Attorney*

0841

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Bennett, Walter W.

**DATE:**

10/03/93



4876

0042

Witnesses:

ff Bonnell

Counsel,

Filed

3

day of

Oct 3

1893

Pleads,

Guilty  
20 Sullivan  
239 brokenman

THE PEOPLE

vs.

Walter W. Bennett

Part 3. Oct 10/93-

Pleads Guilty 9. L. 2d day

Sentence suspended.

See aff. dant.

DE LANCEY NICOLL,

District Attorney.

Part II Oct 10<sup>th</sup> 193  
somehow

A TRUE BILL.

Edward G. Taylor

Foreman.

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

0843

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

Henry Schmeelk

of No. 241 SullivanStreet, aged 25 years,occupation Grocer

being duly sworn,

deposes and says, that on the 22 day of September 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:A gold watch and chain of theValue of eighty dollars7 80.the property of Deponentand that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Walter W. Bennett

(now here) The defendant goes as a visitor ~~into~~ in deponent's ~~employment~~ store and had access to said property and, after it was stolen, deponent is informed by Detective Bronnail that the defendant confessed to him that he defendant took the keys from deponent's store and went to the first floor of the said building and there took the said property from a trunk in a room there, and stole the said property from a trunk, and pawned it, and the pawn ticket for said stolen property were found concealed in deponent's hat. Heinrich Schmeelk

0044

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

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

Question. What is your name?

Answer.

*Walter W. Bennett*

Question. How old are you?

Answer.

*20 years*

Question. Where were you born?

Answer.

*N. Y.*

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

Answer.

*239 Sullivan St., 5 years*

Question. What is your business or profession?

Answer.

*Bricklayer*

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

Answer.

*I am guilty*

*Walter W. Bennett*

Taken before me this  
day of *Sept*

1893

*26*

Police Justice.

0045

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

Walter W. Bennett

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

Dated, Sept 26 1899 [Signature] Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named

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

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

0846

1034

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Schmuck  
241 Sullivan  
Nelle W. Bennett

2  
3  
4

Offense

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, Sept 26 189 3

Hogan Magistrate.

Bonnam & Estell Officer.

C O Precinct.

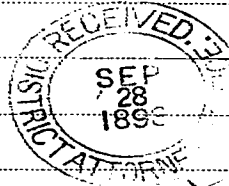
Witnesses

No. Street.

No. Street.

No. Street.

\$ to answer



Corn ✓



0847

1877

CITY AND COUNTY }  
OF NEW YORK, } ss.

Maurice Boninore

aged \_\_\_\_\_ years, occupation Detective of No. \_\_\_\_\_

Police Headquarters Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Henry Schmuck

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

Sworn to before me, this 26 } Maurice Boninore  
day of Sept 1893 }

[Signature]  
Police Justice.

0848

New York Oct 12<sup>th</sup>/93

To whom it may concern,  
I have known Walter Bennett  
for the last five years as being  
a good and honest boy this  
being his first offense I  
hope you will Over look it.

Respectfully

Philip J. Thab.  
239 Sullivan street.

0849

New York, Oct 11 1893

No

To **FELIX ENNY, Dr.**  
EXPRESS AND TRUCKMAN.  
Office, 143 South 5th Avenue.

SHIPPING Promptly Attended to.

This is to certify that  
Walter Bennett has been in  
my employ about a year and has  
known him about six years. I  
have always found him to be  
an honest and industrious young  
man, and never knew anything  
wrong of him before.

Yours Truly  
Felix Enny.

0850

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- )

W a l t e r W. B e n n e t t . )  
-----X

City and County of New York, ss:-

H e n r y S c h m e e l k, of No. 239  
Sullivan Street, being duly sworn, deposes and says, that  
he is the complainant herein, and caused the arrest of the  
defendant upon a charge of larceny in the second degree.

That he has known the defendant for the past four  
years and during such time has always found him to be an  
honest and hard-working young man, and cannot understand  
what prompted him to commit the crime.

That his property has all been restored, without any  
expense to him, and as the complainant, he verily believes  
that the ends of justice would be served by a suspension of  
judgment, and prays that such course may be adopted by the  
Court in this instance.

Sworn to before me this )

12<sup>th</sup> day of October, 1893. )

*H. Schmeelk*

*James L. Hett*

NOTARY PUBLIC KINGS COUNTY,  
CERTIFICATE FILED IN NEW  
YORK COUNTY.

2.

That the money earned while he was employed by Mr. Enny was also, with the exceptions of what he needed for clothing and personal expenses given to his mother for the support of the family.

That while employed by Mr. Enny and before going to the said Railroad Company, he was laid off for six months, during which time he worked for Mr. Robert Dwyer, of 201 Green Street, boss carman for Taylor and Seeley; the cause of his being laid off was slack work, and being the youngest man in years, as well as in point of service, his work was discontinued; but when the work increased again he went back and remained in the employment of Mr. Enny, until he was employed by the Railroad Company.

That he has also been employed by Oscar Hollender & Bro., Dealers in glass, at Nos. 9, 11 & 13 Desbrosses Street, and also when thirteen years of age, worked for R. G. Dun & Co., for about six months; he being compelled on account of the necessities of his mother and her family to leave school, at the age of thirteen years, and during the past seven years, he has always been engaged in honest employment, and the wages earned by him, saving what was necessary to clothe himself and meet his personal needs, being given to his mother to help pay the expenses of the family.

Deponent further says, that he has known Mr. Henry Schmeelk, the complainant against him, for at least four years, and that said complainant keeps a grocery store in the building in which deponent and his family live, and that

3.

he has been in the habit of going into said store from time to time, and was on terms of friendship with Mr. Schmeelk, and does not know what possessed him to take his property.

That up to this time, he had always been an honest and hard-working young man, and had never before been guilty of dishonesty.

That he has been informed that the property of the complaint, which he pawned for \$23. has been taken out by his mother and restored to Mr. Schmeelk, and that Mr. Schmeelk has expressed his intention of requesting that judgment in this case be suspended.

Deponent further says, that he realizes that he has committed a crime and deeply deplors the fact and can only account for it, as the result of a sudden impulse and with no proper consideration as to the nature and result of the act and points to his past good conduct as an evidence that he is not criminally inclined and declares that his future conduct will be such that no one will ever have cause to complain of him again.

That he has been informed by his counsel, that the officers who made the arrest, have stated to the Court, that up to the present time, his character has been of the best and wishes here to express his appreciation of such statement. And that his present imprisonment has been a sad lesson to him, and that he will never again commit a crime.

Wherefore, he earnestly prays that judgment may be suspended and that his future life will be

0853

4.

such as to atone for his wrong act.

Sworn to before me this

17<sup>th</sup> day of October, 1893.

)  
:  
)

Halter H Bennett

Thos A. Maguire

Cornet Sub  
Co. 7th



0054

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 :  
  )  
  :  
  )  
  :  
  )  
W a l t e r   W .   B e n n e t t .       :  
  )  
-----X

City and County of New York, ss:-

S A R A H B E N N E T T, being duly sworn,  
deposes and says, that she is the mother of the defendant,  
who, at the time of his arrest, resided with deponent and  
another son, 14 years of age, at No. 239 Sullivan Street,  
in the City of New York.

That the necessities of herself and family were such  
that she was compelled to take the defendant from school at  
the age of thirteen, and that from that time, up to the  
present, a period of about seven years, he has been steadily  
and honestly employed and all of his wages, excepting what  
was necessary for his clothing and personal expenses, he  
has given to deponent to be used towards defraying the ex-  
penses of keeping the family together.

That until his arrest upon the charge herein, de-  
fendant had never been arrested, or even charged with the  
commission of any criminal offense, and had always enjoyed  
a reputation for honesty and industry that was of the best,  
and at the time of his arrest, was in the employment of the  
Pennsylvania Railroad Company, as a brakeman, where he had  
been for the past year or more.

That prior to his employment by the said Railroad  
Company, he had been in the employ of Mr. Felix Enny, for

0855

2.

whom he worked for three years, and whom he left of his own accord to take his present place with the Railroad Company, and the cause of his leaving was that he had an opportunity to better himself, he receiving \$60. per month from the company as against \$35. per month paid him by Mr. Enny.

That since he left school, he has also been employed by Mr. Robert Dwyer, truckman, of No. 201 Greene Street; Oscar Hollender & Bro., and R. G. Dun & Co., by none of whom was he ever discharged, but when he left, he did so, because he could better himself as to wages.

That since the arrest of defendant, deponent has obtained and restored to the complainant his property and he has expressed an intention of joining deponent in petitioning for a suspension of judgment.

Deponent further says, that since the defendant has been confined in the Tombs, she has visited him, from day to day, and that he is fully repentant and declares that his future conduct will be such as to merit whatever consideration the Court may extend to him; and deponent prays that judgment may be suspended.

Sworn to before me this  
12th day of October, 1893. )

Sarah H. Bennett

Ignatius McArthur  
Notary Public  
96, W. 7. Co.

0856

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- : )  
: )  
W a l t e r W. B e n n e t t. : )  
: )  
-----X

City and County of New York, ss:-

M r s. M a r i a K e l l y, of No. 90  
West 3rd Street, in the City of New York, being duly sworn,  
deposes and says, that she has known the defendant for the  
past six years, and has seen him frequently during such  
time, and that to her own knowledge, he has always been an  
honest and hard-working young man, and contributing largely  
to the support of his mother and young brother.

That in a conversation which she had with the com-  
plainant, Mr. Henry Schmeelk, he stated to deponent that he  
had always found the defendant to be an honest and indus-  
trious young man, and could not account for the act of the  
defendant, and that he was sorry that he had caused the ar-  
rest, and that he was going to ask the Court to suspend  
judgment on him.

Deponent further says, that she knows of her own  
knowledge, that the defendant has never before been arrested  
or charged with the commission of crime.

Sworn to before me this )  
12th day of October, 1893. )

*Wm M. Kelly*  
*Ignatius Wetters*  
*Notary Public*  
*96, N. Y. Co.*

0857

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- )

W a l t e r W. B e n n e t . )  
-----X

City and County of New York, ss:-

P e t e r S i m o n, being duly sworn,  
deposes and says, that he is a boss truckman, with his  
place of business at Nos. 159 and 161 South Fifth Avenue,  
in the City of New York.

Deponent further says, that he has known the defend-  
ant, Walter W. Bennett, for a period of six years or more,  
and is also acquainted with many people, who likewise know  
the said defendant, and that to deponent's knowledge, the  
said defendant has always been an honest, hard-working and  
industrious young man; and that his character for honesty,  
up to the present time, has been of the very best.

Deponent's knowledge of the defendant was such that  
when he heard that he had been arrested and charged with  
the commission of the crime herein, he was surprised and is  
now at a loss to understand why the defendant should have  
committed any such offense.

Sworn to before me this )  
12th day of October, 1893. )

Wm Sney Conis of Deeds Peter Simon  
New York County ©

3

U. S. General Sessions Court.

Please take notice, that the within is a true copy of an in the within-entitled action, this day duly entered and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours &c.,  
FRIEND & HOUSE,

Attys for

—against—

Walter W. Bennett.

Esq.,

Affidavits.

Attorney for

FRIEND & HOUSE,  
defendants' ATTORNEYS,  
81-85 PARK ROW,  
WORLD BUILDING,  
NEW YORK.

Due and timely service of a copy of the within this day of 189

Attorney for

0050

0859

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Walter W. Bennett

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

Walter W. Bennett

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

The said

Walter W. Bennett

late of the City of New York, in the County of New York aforesaid, on the *22nd*  
day of *September*, in the year of our Lord, one thousand eight hundred and  
ninety-*three* at the City and County aforesaid, with force and arms,

one watch of the value of  
fifty dollars and one chain  
of the value of thirty dollars

of the goods, chattels and personal property of one

Henrich Schmuck

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

De Lancy Nicoll,  
District Attorney

0060

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Best, Frederick W.

**DATE:**

10/19/93



4876



0061

Witnesses:

*Sam E. Johnson*

*Chas O Johnson*

#234

*L. J. Hendon*

Counsel,

Filed

19 day of Oct 1893

Pleads,

*30*  
*penalty*

THE PEOPLE

vs.

*Frederick W. Best*

*Oct 24/93*

*Thos. L. Y.*  
*Pen 6 Mrs. R. B. M.*  
DE LANCEY NICOLL

District Attorney.

*aff all Oct. 26/93.*

A TRUE BILL.

*Edward G. Taylor*

Foreman.

Grand Larceny, Second Degree.  
[Sections 528, 529, Penal Code.]

0862

New York, Aug 5, 1893

I have this day received of **JOHONNOT BROS., 51 & 53 Maiden Lane, N. Y.,** under an agreement for a conditional sale One <sup>14<sup>th</sup></sup> Solid Sold S. T. Shield Hunting 16<sup>th</sup> Elgin Watch

Case Number 147,911 Movement Number 5467228 for which I agree to pay Sixty-five 1.00 Dollars, as follows, Ten 1.00 Dollars, upon the receipt of said Watch and the balance in Weekly payments of 1.00 Dollar each, until the whole is paid.

It is Expressly Agreed that no title shall be acquired by me until said sum of Sixty-five 1.00 Dollars is fully paid in cash, and in case of failure to make any of said payments when they become due, I will surrender said Watch to said JOHONNOT BROS., or their Agent or Attorney, without process of law. In case I fail to deliver said Watch to said JOHONNOT BROS., or to their Agent or Attorney at any time upon demand, after any breach of this agreement. I hereby grant to said JOHONNOT BROS., their Agent or Attorney, full authority to take same when found, or to enter upon my premises for the purpose of removing said Watch without rendering them liable for any manner of trespass. If full payment of the purchase price is not made in the time specified, said JOHONNOT BROS., shall be entitled to retain all sums paid by me, as a reasonable compensation for injury to and use of said Watch and for their trouble and expense in connection with this transaction with me.

It is agreed that if said JOHONNOT BROS. take possession of said Watch for any breach of this agreement, I shall have the right to redeem the same at any time within ninety days after such taking, by paying to them the full amount of the price then unpaid together with all lawful charges and expenses due to said JOHONNOT BROS.

And I also Agree not to remove from the premises I now occupy, nor part with said property without written notice to said JOHONNOT BROS. and having first obtained their written consent, and I hereby certify that there is no contract or understanding, verbal or otherwise, between myself and said JOHONNOT BROS., or any of their Agents or Salesmen other than is here expressed.

When said Watch has been fully paid for according to the terms of this agreement it shall become my property and not otherwise.

First payment to be made on the signing of this agreement and receipt of said Watch subsequent weekly payments to begin on the first Monday following the date of this agreement, and to be made each succeeding week thereafter, until the whole is paid.

In Witness whereof I have hereunto set my hand and seal, this 5<sup>th</sup> day of Aug 1893

Sealed and delivered in presence of

F B Johnson

Fred Best [SEAL]  
Residence, 39 Perry St.  
New York City

0063

1912

Police Court— District.

Affidavit—Larceny.

City and County { ss.  
of New York, }

Frank B. Johannot

of No. 51 + 53 Maiden Lane Street, aged 34 years,

occupation Jeweler being duly sworn,

deposes and says, that on the 5 day of August 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

A Gold Watch valued at  
Sixty five dollarsthe property of Johannot Bros - of which firm  
deponent is a co partnerand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by Frederick M. Best -for the following reasons. on said date  
the defendant purchased said watch from  
deponent and paid Ten dollars on account  
of said purchase - defendant signed the  
annexed agreement to pay deponent for  
said watch at the rate of Two dollars per  
week and in default of such payment - he  
(defendant) would surrender said watchThe defendant did not pay any part of  
the balance due for said watch - and deponent  
demanded the return of said watch and  
he defendant, in the presence of John  
Charles D. Johannot, informed deponent that  
given that he had given said watch for a  
loan - deponent therefor, charges defendant with  
the larceny of said watch

Frank B. Johannot.

Sworn to before me this  
of August 1893  
at New York City

Police Justice

0864

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.*Frederick W. Best*

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

Question. What is your name?

Answer. *Frederick W. Best*

Question. How old are you?

Answer. *30 years*

Question. Where were you born?

Answer. *England*

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

Answer. *55 Midough St - 4 weeks*

Question. What is your business or profession?

Answer. *Carvasser*

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 -*  
*Frederick W. Best*

Taken before me this  
day of *October* 18*93*  
*Ambridge*  
Police Justice.

0065

State of New York, }  
COUNTY OF KINGS, } ss.  
CITY OF BROOKLYN. }

FORM NO. 2.

*James Oates* detective of No. *of 1st Precinct* *Manhattan*  
being duly sworn says that he is acquainted with the handwriting of *Chas. Meade*

the Police Justice who issued the annexed Warrant, and that  
the signature to this Warrant is in the handwriting of said *Charles Meade*  
Sworn to before me, this *10* day of *Oct* *1893*

*John J. Walsh*  
Police Justice of the City of Brooklyn.

THIS WARRANT MAY BE EXECUTED IN THE CITY OF BROOKLYN.

Dated this *10* day of *October* *1893*

*John J. Walsh*  
Police Justice.

0066

Sec. 151.

Police Court 1 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned one of the Police Justices for the City of New York, by Frank B. Johnson of No. 51 Maiden Lane Street, that on the 5 day of August 1893 at the City of New York, in the County of New York, the following article to wit:

A Gold Watch  
 of the value of Sixty five Dollars,  
 the property of Complainant  
 w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Frederick N. Best

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 9 day of Oct 1893

Clumde POLICE JUSTICE.



0867

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

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

Dated, Oct 12 1893 Charles J. ... Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

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

There being no sufficient cause to believe the within named

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

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



0068

215 W 1110  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank B. Johannot  
51453 Maiden Lane  
Frederick W. Best

Offense  
Larceny

BAILED,

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

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

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

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

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

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

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

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

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

Dated, Oct 11 1893

Meade Magistrate.

Oates Officer.

Precinct.

Witnesses Chas. B. Johannot

No. 51 Maiden Lane Street.

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

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

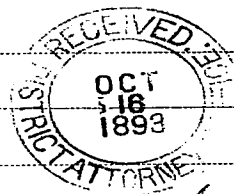
No. \_\_\_\_\_ Street.

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

\$ 1.000 to answer

Committed

1000 & Oct 12. 9 am



Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

0869

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frederick W. Best*

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

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

The said

*Frederick W. Best*

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

*one watch of the value of  
sixty-five dollars*

of the goods, chattels and personal property of *one Frank B. Johnson*  
*and Charles O. Johnson, co-partners*

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

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *Frederick W. Best*  
of the same CRIME OF *Grand* LARCENY, in the  
*second degree*, committed as follows:

The said *Frederick W. Best*,  
late of the City of New York, in the County of New York aforesaid, on the  
day of *August* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, being then and there the  
*bailee* of *Frank B. Johannot*  
and *Charles O. Johannot*, co-partners

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

*Frank B. Johannot* and *Charles O. Johannot*  
the true owner thereof, to wit:

*one watch of the  
value of sixty-five dollars;*

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with  
force and arms, feloniously appropriate the said *watch*

to *his* own use, with intent to deprive and defraud the said *Frank B.  
Johannot* and *Charles O. Johannot*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal property  
of the said *Frank B. Johannot* and *Charles O. Johannot*

did then and there and thereby feloniously steal, against the form of the statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0871

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Birnbaum, Moritz

**DATE:**

10/27/93



4876

0072

Witnesses:

Marius Roth

Alvares Degans

34/ Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

18  
304 E Houston  
os.

machinery  
b. Sangam  
single

Moritz Bernbaum

Burglary in the Third Degree.  
[Section 498, (176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,

District Attorney.

Part 2. Nov. 9, 93 B.S.W.  
Nov 17 93

A TRUE BILL.

Edward G. Taylor

Part 2 - Nov. 17, 1893 Foreman.

Fried and convicted of  
Grand Larceny 2nd degree  
with recom. of mercy

Ed. Ref. B.B.W.

0073

Police Court—3 District.City and County }  
of New York, } ss.:of No. 332 East Houston Street, aged 44 years,occupation Machinist being duly sworndeposes and says, that the premises No 332 - E. Houston Street,in the City and County aforesaid, the said being a four story and  
basement tenement the ground floor  
of and which was occupied by deponent as a storage room for sewing machines  
and in which there was at the time a human being, by namewere BURGLARIOUSLY entered by means of forcibly opening a  
door leading into said  
basement with false keys.on the 13 day of October 1893 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:Five sewing machines  
valued at forty-eight  
dollars\$48.00  
100the property of Deponentand 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 byMorris Bierbaum (now here)  
for the reasons following, to wit: deponent having  
found the door of said  
basement opened and said  
machines missing he is  
informed by Morris Roth  
that he Roth purchased from  
the defendant a sewing-machine  
which machine deponent has since  
seen and identified as being a portion

0074

of the property which  
was ~~has~~ previously taken  
stolen and carried away.

Sworn to before me  
this 24<sup>th</sup> day of September  
1893

John R. Woodis

Police Justice

Police Court ----- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ ----- Bail.

Bailed by -----

No. ----- Street.



0075

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

aged 36 years, occupation Waist maker of No.

120 Willott Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Moses Depon

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

knowledge.

Sworn to before me, this 7th day  
of October 1893 }

Marcus Roth

John H. Woodley Police Justice.

0876

Sec. 198—200.

3

1892  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer. *Maurice Bierbaum*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Hungary*

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

Answer. *304 Sonston St - 6 months*

Question. What is your business or profession?

Answer. *Machinist*

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*  
*Maurice Bierbaum*

Taken before me this

24

day of

October

1892

Police Justice.

0877

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

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

Dated, Oct 24 1893 John R. Woodley Police Justice.

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

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

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

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

0070

Police Court--- 3 District. 1137

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Morris Berbaum  
332 E. Houston  
Morris Berbaum

2  
3  
4

Offense

Dated, Oct 24 189 3

Magistrate.

Officer.

Precinct.

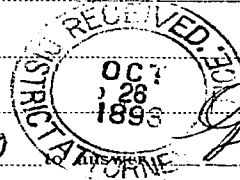
Witnesses

No. 120 Willett Street.

No. Street.

No. Street.

\$ 1000



BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0879

COURT OF GENERAL SESSIONS OF THE PEACE, Part 11.

City and County of New York.

\*\*\*\*\*

The People,

vs.

MORITZ BIRNBAUM.

\*\*\*\*\*

Before

HON. RANDOLPH B. MARTINE,

and a jury.

Tried, NOVEMBER 17TH, 1893.

Indicted for GRAND LARCENY, in the SECOND DEGREE.

Indictment filed OCTOBER 27TH, 1893.

-----  
APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

For THE PEOPLE.

JACOB BERLINGER, ESQUIRE,

For THE DEFENSE.  
-----

00000

2

MOSES DEGAN, THE COMPLAINANT, being duly sworn, testified that he was in the sewing machine business, at 332 East Houston street, in this city. He occupied the basement there on the 13th of October, 1893. On that day he had about sixteen or eighteen sewing machines stored in the basement. He locked the door of that place when he was last there. He subsequently missed five of the machines, valued at \$40.00 or \$50.00. He found one of the machines at Mr. Marcus Roth's place, at 32 Willett street, the same day that he discovered that his machines were missing.

In cross-examination the witness testified that he was enabled to identify the machines he saw by certain peculiarities in the manufacture.

MARCUS ROTH, being duly sworn, and examined through the Official Interpreter, testified that his place of business was at 132 Willett street. The machine which the complainant identified as his, he, the witness, bought from the defendant.

00001

3

PATRICK FARRELL, being duly sworn, testified that he was an officer of the Municipal police force, attached to the 13th Precinct. The premises in question were in the Eleventh Ward. He arrested the defendant on the complaint of the complainant. He searched the defendant and found a key in his possession. He tried the key in the door of the complainant's premises, and the key fitted the lock. . The defendant said that the key belonged to the man that he boarded with. He, the witness, had a conversation with the man in regard to the key, but he could not remember the man's name. The husband of the woman with whom the defendant boarded told him, in the defendant's presence, that the key did not belong to them.

FOR THE DEFENSE, MORITZ BORNBAUM, THE DEFENDANT, being duly sworn, testified, in his own behalf, through the Official Interpreter, that he lived at 304 Houston street. He did not steal any machines from the complainant's cellar. The machine which he sold to Mr. Roth he



0002

4

bought in Montgomery street; but he didn't know from whom he bought it. The key which he had in his possession at the time of his arrest had been given to him by the lady with whom he boarded. He was eighteen years of age, and had been in this country two years.

In cross-examination the defendant testified that he told the officer that he had bought the machine in Montgomery street and the officer had gone to the house with him, but he was unable to find the party from whom he had bought the machine. He thought the man's name was Marcowitz or Klein.

OFFICER FARRELL, being recalled, IN REBUTTAL, testified that the defendant had given him the name of a man in Montgomery street, and he went to the address that the defendant gave him but he was unable to find any one of that name there.

0003

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

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Moritz Bernbaum*

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

*Moritz Bernbaum*

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

The said

*Moritz Bernbaum*

late of the 11<sup>th</sup> Ward of the City of New York, in the County of New York, aforesaid, on the  
*thirteenth* day of *October*, in the year of our Lord one  
thousand eight hundred and ninety-*three*, in the *day* - time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *building* of  
one

*Moses Degru*

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said

*Moses Degru* in the said *building*  
then and there being, then and there feloniously and burglariously to steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

## SECOND COUNT—

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

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

The said

*Moritz Bernbaum*

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

*five sewing-machines of the  
 value of ten dollars each*

of the goods, chattels and personal property of one

*Moses Hegem*

in the

*building*

of the said

*Moses Hegem*

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

0005

THIRD COUNT:

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

The said

*Moritz Bernbaum*

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

*five sewing machines of  
the value of ten dollars  
each*

of the goods, chattels and personal property of

*Moses Degun*

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

*Moses Degun*

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

*Moritz Bernbaum*

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

DE LANCEY NICOLL,

*District Attorney.*

0006

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Blassa, Frank

**DATE:**

10/20/93



4876

0007

Witnesses:

Rocco Barbarita

Wm Richards

In view of the written statement  
of complainant expressing his  
opinion that he was in fact at  
least to blame for the assault  
and that he desires clemency to be  
extended to defendant, I recom-  
mend the discharge of [redacted]  
defendant on his own recog-  
nizance.  
Nov. 2. 93

Taylor  
ada

#40 Pleading 25  
J.B. Mayo,  
Counsel, 320 Broadway  
Filed 27 day of Dec 1893  
Pleads, Guilty

THE PEOPLE

vs.

Frank Blasca.

De Lancey Nicoll

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor  
on recom. of Dist. Atty.  
def. discharged at his own request  
Nov 2 1893

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

0000

J. BENEDETTO  
Mason & Excavation Contractor  
160 Prince St  
~~South Fifth Avenue~~

New York, March 30, 1893

Mr. Dwyer  
Dear Sir

I agree to do all mason  
work in One Hundred &  
seventy Eight West Sixth  
avenue

#1 Mason Work  $4\frac{1}{2}$  cents a  
cubic foot

#2 For setting granite 6 cents  
a cubic foot

#3 Concrete broken stone mixed  
put in place where it belongs  
at \$1.45 per yrd.

#4 Dry Wall for sum of 3 cents  
a cubic foot.

#5 Ashley work for sum of  
11 cents a cubic foot.

work to be done according  
to specifications, & plans



0009

Bonds will be given ~~by~~ me  
to amount of \$3,000 dollars  
payment. 1 month & leave you  
10% back.

0090

Police Court—✓ District.City and County { ss.:  
of New York,

Rocco Barbarita

of No. 634 Hudson Street, aged 40 years,

occupation Keeps Fruit Stand being duly sworn

deposes and says, that on the 17<sup>th</sup> day of October 1883 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Frank Blasse (now Len)

Who did cut and stab deponent  
on the face with a large pocket  
knife

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

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

Sworn to before me, this 17 day } Rocco Barbarita  
of October 1883

*[Signature]*  
Police Justice.

0891

Sec. 198-200.

1882

City and County of New York, ss.

District Police Court.

Frank Blasse.

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

Question. What is your name?

Answer.

Frank Blasse

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

Italy

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

Answer.

109 Thompson Street 3 months

Question. What is your business or profession?

Answer.

Foot-black

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  
 Frank Blasse  
 my

Taken before me this  
 day of Dec 7

1895

Police Justice.

0892

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

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

Dated *Oct* 18 *93* *[Signature]* Police Justice.

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

Dated *Oct 18<sup>th</sup>* 18 *93* *[Signature]* Police Justice.

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

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

0893

1113

Police Court--- 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Avoco Barbant  
634 Hudson St  
Frank Blasse

1.  
2.  
3.  
4.

Offence

188 Paul

BAILED,

No. 1, by Jos Barbadatto  
Residence 180 Prince Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated Oct 17 1893

H. J. Breeman 9th Precinct  
Quintan Officer.

Witnesses Wm Richmond

No. 279 W 12 Street.

Edward McGer

No. 402 W 28th Street.

not at this address  
J. J. Reynolds

No. 308 W 12 Street.

\$ 500 to answer



Com Bailed

## New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Frank Blassa

Assault

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. The defendant and I have been friends for a long time and at the time of the fight in which I was slightly cut in the face by the defendant he and I had some angry words about business and the difficulty was as much my own fault as his. I have known the defendant all my life, he and I having been born in the same town in Italy. I am not at all seriously injured and upon reflection am obliged to say that had my conduct been different at the time of the difficulty the defendant would not have cut or assaulted me. It was in fact the result of mutual and equal misunderstanding and misjudgment - bad temper in each of us, of which my contribution was as great as Blassa's. The defendant and his wife are very, very poor, and I would like to see him at work for his wife's sake. I have lost no time whatever from my occupation by reason of the assault.

Subscribed and sworn to  
before me this day  
of October 1893.

Rocco Barbantini

Witness:

Joseph Benedetto

City and County of  
New York

Esq.

On the 30<sup>th</sup> day of October 1893,

personally appeared before me Rocco Barbantini, to  
me known and known to me the individual described  
in and who executed the foregoing instrument and ac-  
knowledgeed to me that he had executed the same.

William H. Hines

Notary Public

Kings County

Certificate filed in N.Y.C.

N. Y. General Savings

The People of

of

Frank Blaauw.

Recommendation

to leniency & clemency



0896

1723

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Blassa

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

Frank Blassa

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

The said Frank Blassa

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of October in the year of our Lord one thousand eight hundred and ninety-three, with force and arms, at the City and County aforesaid, in and upon the body of one Rocco Barbarito in the peace of the said People then and there being, feloniously did make an assault, and him the said Rocco Barbarito with a certain knife

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

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

**SECOND COUNT—**

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

Frank Blassa

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

The said Frank Blassa

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

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

## THIRD COUNT—

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

*Frank Blassa*

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

The said *Frank Blassa*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Rocco Barbanto* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and — *him* — the said with a certain *knife* *Rocco Barbanto*

which *he* the said *Frank Blassa* — in *his* right hand then and there, had and held, in and upon the *head and face* of *him* the said *Rocco Barbanto*

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

*Rocco Barbanto*

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

DE LANCEY NICOLL,  
District Attorney.

0098

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Bosshardt, August

**DATE:**

10/12/93



4876

0099

Witnesses:

*Terrence McHale*  
*Christian Schang*

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

*August Bosshardt*

*Oct 13/93*

*James V. L.*

*Pen 9 mos* DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Edward G. Taylor*

Foreman.

*Grand Larceny, second Degree*  
[Sections 528, 529, 530 Penal Code.]

*156*

*Ruey*

*In 464 Bank*

0900

Police Court—6<sup>th</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

Jermine McNally  
of No. 464 Bronx Avenue Street, aged 35 years,  
occupation Conductor being duly sworn

deposes and says, that on the 1<sup>st</sup> day of October 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :

One open face silver watch  
of the value of thirty  
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 August Borschardt (sum. time)  
from the fact that since the  
commission of said offense the  
said deponent admitted and  
confessed to deponent that he  
found said watch, and that  
he had given said watch to  
another person - deponent therefore  
charges the said deponent with  
stealing said watch

Jermine McNally

Sworn to before me, this 8<sup>th</sup> day  
of October 1893  
Charles W. Standish Police Justice.

0901

Sec. 198-200.

6<sup>th</sup>

1892  
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

August Boershaardt

Question. How old are you?

Answer.

32 years -

Question. Where were you born?

Answer.

Switzerland

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

Answer.

464 Brook Ave. 6 months

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty of the charge  
August Boershaardt

Taken before me this

day of

October

1893

8<sup>th</sup>

Charles W. Swinton

Police Justice.

0902

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 Alpena

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

Dated October 8<sup>th</sup> 1893 Charles N. Linn Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.



0903

1082

Police Court--- 6<sup>th</sup> District.THE PEOPLE, &c.,  
ON THE COMPLAINT OF*Terrence McNally*  
464 <sup>vs</sup> *Brookline**August Boeschman*2  
3  
4

Office

January

- February -

BAILED,

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

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

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

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

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

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

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

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

Dated *Oct 8<sup>th</sup>* 1893*Sanitar*

Magistrate.

*Edmund W. W. W.*

Officer.

33

Precinct.

Witnesses *Christian Schanz*No. *472* *Willie Ann* Street.

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

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

\$ *500* to answer *h.s.**Com 9/2*

0904

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

THE PEOPLE OF THE STATE OF NEW YORK

against

August Bosshardt

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

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

The said

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

one watch of the value  
of thirty dollars

of the goods, chattels and personal property of one

Terence McNally

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

0905

SECOND COUNT—

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

*August Bosshardt*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows :

The said

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

*one watch of the value of  
thirty dollars*

*Terence McNally*  
of the goods, chattels and personal property of one

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

*Terence McNally*  
unlawfully and unjustly did feloniously receive and have ; the said

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

DE LANCEY NICOLL,

*District Attorney.*

0906

**BOX:**

535

**FOLDER:**

4876

**DESCRIPTION:**

Boylet, Henry

**DATE:**

10/04/93



4876

0907

41

Witnesses:

John E. Hotelling

#41

Counsel,

Filed,

day of

1893

Pleas,

THE PEOPLE

vs.

P

Henry Boylet

Oct 12/93

De Lancey Nicoll

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

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

0908

Police Court Fourth District.

1981

City and County } ss.:  
of New York.

of No.

occupation

deposes and says, that on the

day of

York, in the County of New York,

Street, aged years,

being duly sworn,

at the City of New

he was violently and feloniously ASSAULTED and BEATEN by

Henry Taylor (now here) who cut  
and stabbed deponent once in the  
back and once on deponent's hat  
with the blade of a knife, which  
he, deponent, then and there held  
in his hand.

Deponent further says  
that such assault was committed

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

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

Sworn to before me, this

day

of

189

Sept 3 John E. Hotaling  
Not. P. Lady Police Justice.

0909

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

14 District Police Court

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

Question. What is your name?

Answer. *Henry Bayler*

Question. How old are you?

Answer. *35 yrs*

Question. Where were you born?

Answer. *Germany*

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

Answer. *60 1018 Avenue A. 3 mos*

Question. What is your business or profession?

Answer. *Stone cutter*

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

Answer. *I am not guilty*  
*Henry Bayler*  
*made*

Taken before me this  
day of *Sept* 189*7*

*W. J. Brady*  
Police Justice



09 10

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Fifteen 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, Sept 20 189 W. F. Brady Police Justice.

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

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

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

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

0911

Police Court---

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John C. Catalina*  
*Henry Byles*

2  
3  
4

1043  
*Offense*  
*Delmonico*

BAILED,

No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated,

*Sept 30*  
*Grady*  
*Catalina*

Magistrate.

Officer.

Precinct.

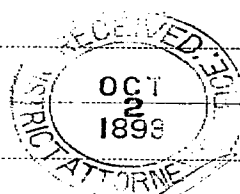
Witnesses

No. Street.

No. Street.

No. Street.

\$ to answer



*1500*  
*Com*  
*Ans*

09 12

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 Boylston*

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

*Henry Boylston*

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

The said

*Henry Boylston*

late of the City and County of New York, on the *eighteenth* day of  
*September* in the year of our Lord one thousand eight hundred and  
ninety-*three* - , at the City and County aforesaid, in and upon one

*John E. Hertaling*  
in the peace of the said People then and there being, feloniously did wilfully and wrongfully  
did make an assault ; and the said

*Henry Boylston*

with a certain *knife* which *he* the said

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

0913

SECOND COUNT—

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

*Henry Boylston*

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

The said

*Henry Boylston*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said

*John E. Hotaling*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *Henry Boylston* the said *John E. Hotaling* with a certain *knife*

which

*he*

the said

*Henry Boylston* —

in

*his*

right hand then and there had and held, in and upon the

of

*him*

the said

*John E. Hotaling*

then and there feloniously did wilfully and wrongfully strike, *beat, cut, stab* ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *John E. Hotaling* to the great damage of the said *John E. Hotaling* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*