

1347

BOX:

156

FOLDER:

1605

DESCRIPTION:

Lacour, John

DATE:

11/24/84



1605

1348

Witness:
Charles Shaw

Counsel,
Filed *20th day of Nov* 1884
Pleads *Not Guilty to*

THE PEOPLE
vs.
B
John Lacombe
*Merchantman not
found, has no will
and cannot be
seized.*

*Petit Larceny, and Robbery, Statute
(Sections 529, 532.)*

PETER B. OLNEY,
~~WHEELER H. PECKHAM,~~
District Attorney.

A True Bill.
And Macclay
Foreman.

1349

2nd

District Police Court.

Affidavit-Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Haas

Stewart of No. *The Everett House* Street,

aged 34 years
being duly sworn, deposes and says, that on the *16th* day of *November* 188*8*

in the *day time*, at the _____ City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent _____

the following property, viz :

One Cooked Chicken of the Value of Seventy five Cents and one Can of ice Cream of the Value of fifty Cents; altogether of the Value and amounting to One dollar and twenty five Cents

Sworn before me this

1st day of *November* 188*8*
Samuel D. Kelly
Police Justice,

the property of *Charles H. Kerner* and in *Care and Charge 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 Lacour* (now

here) for the following reasons to wit: *Deponent had said property in the kitchen of said hotel and Deponent is informed by officer James H. Price of the 29th Police Precinct that about the hour of 1:30 o'clock, pm on said date he saw the said Lacour leave the Everett House and that he arrested the said Lacour on suspicion and found the aforesaid property in his possession which property deponent has seen, and fully identifies the same as property stolen from his possession*

Charles Haas

1350

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation James H. Price
Officer of 29th Police Precinct of No.

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Charles Haas
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 17 }
day of November 1884 } James H. Price

Samuel C. Reilly
Police Justice.

1351

POLICE COURT 2nd DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

John Lacey

On Complaint of Charles Hess

For Petit Larceny

After being informed of my rights under the law, I hereby ~~waive~~ ^{demand} a trial, by Jury, on this complaint, and demand a trial at the COURT OF ~~SPECIAL~~ ^{General} SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated November 17 1884

Jean Leow

Sam'l O'Reilly Police Justice.

1352

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

John Lacour

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

Question What is your name?

Answer *John Lacour*

Question How old are you?

Answer *31 years*

Question. Where were you born?

Answer *France*

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

Answer. *160 East 39th Street Ed about 3 months*

Question What is your business or profession?

Answer. *Cook*

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

Answer. *I was employed as cook in the Everett House, and as I could ^{not} remain there to take my lunch, I took the said property for my lunch.*
John Lacour

Taken before me this

day of *November* 188*8*

Samuel O. Kelly

Police Justice.

1353

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 John Lacon

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 3 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 November 17 1884 Samuel O'Reilly Police Justice.

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

Dated Nov 18 1884 Samuel O'Reilly Police Justice.

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

Dated _____ 188 _____ Police Justice.

1354

1783 2nd 1783

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Haas
Enrico Haas 17th St + 4th St
Normandie 384 Broadway

John Lacroix



Office Peter Lacroix

Dated November 17 1884

J. Keilly Magistrate.

James K. Ricci Officer.

29 Precinct.

Witnesses James K. Ricci
Officer 29th Police Precinct Street.

No. Street,

No. Street.

\$ 3.00 to answer Special Sessions.

Com
P. Nov 18. 3 P.M. Paulin
2nd Condukt

BAILED,

No. 1, by Austin Mazolli

Residence 160 East 39th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

1355

Normandie
387 Broadway

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpena is disobeyed, an attachment will immediately issue
Bring this Subpena with you, and give it to the Officer at the Court
Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace,

The People of the State of New York

To *Charles Haas*

of No. *Everett House* Street.

174 St. of H Ave GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you appear in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the day of *May* instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

John Larou
in a case of felony whereof he stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of *May* in the year of our Lord, 188*8*.

RANDOLPH B. MARTINE, District Attorney.

1356

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 Sarason

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

John Sarason

of the CRIME OF PETIT LARCENY, committed as follows:

The said John Sarason,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 21st day of November, in the year of our Lord one thousand eight hundred and eighty seven, at the Ward, City and County aforesaid, with force and arms,

one dead silver watch of the value of seventy five cents, and one quart of ice cream of the value of fifty cents, and one can of the value of ten cents,

of the goods, chattels and personal property of one Charles D. Lerner, then and there being found, then and there unlawfully did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Peter B. O'Dwyer
District Attorney

1357

BOX:

156

FOLDER:

1605

DESCRIPTION:

Lovering, Albert W.

DATE:

11/12/84



1605

1358

Witnesses:

Henry A. B. Forester
E. P. Dalton
H. F. Sylvester
Henry Fleetwood

In this case the

complaint was committed
by one John Hall who
resided in the city of
New York. He is also
a fugitive from justice for
the purpose of the same
he admitted the stolen
goods to the defendant.
now coming forward that
the defendant did not
know they were stolen.
The complainant has
made a writ of habeas corpus. I am
of the opinion that no
complaint can be had &
I recommend that the
proceedings be dismissed.
Wm. H. Danley
1886

Filed 12 day of Nov 188 4

Pleas Not Guilty (14)

THE PEOPLE

vs.

B

Albert W. Downing

Defendant

Indictment dismissed

RECEIVING STOLEN GOODS
[Section 550]

PETER B. OLNEY,
JOHN MEKRON

District Attorney.

A True Bill.

Wm. H. Danley

Foreman.

As on no of Downing

the People of NY

1359

STATE OF NEW YORK, POLICE COURT 2^d DISTRICT.
CITY AND COUNTY OF NEW YORK

Henry A. A. LeFrestier
of No. 111 Nassau Street, being duly sworn, deposes and
says that on the 31st day of October 1884
at the City of New York, in the County of New York, deponent saw

a set of six Vols. of Guizot
History of France, bound in three
cases and of the value of sixty
dollars in the possession of
Albert W. Lovering at his store
78th Broadway.
That said property was stolen
from the possession of Henry
Fleetwood manager for Messrs.
Wanamasters and Charles C.
Lauriat, Co-partners and the
owners of said property.
That the property was so stolen
by one John H. Hall, who
informed deponent employer,
Mr Fleetwood, that he had
stolen about \$2700 dollars
worth of "Standard Histories"
and had sold all of said
stolen property to said Albert
W. Lovering at the rate of
sixty-five dollars for a set
of 6 Vols. which are actually
worth 170 dollars per set.
That the set of six Vols. of Guizot
History of France is a portion
of the stolen property aforesaid.
That deponent has reason to
believe and does believe and

1360

Charge that said Albert W. Lowery did knowingly and feloniously purchase and receive said books from said John H. Hall, the said Lowery, well knowing at the time that said property was stolen
sworn to before me this J. W. L. Forester
1st day of November 1884

A. W. Patterson Police Justice

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFRIDA VIT.

vs.

Dated 188

Magistrate:

Officer:

Witness:

Disposition:

1361

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, } SS

Albert M. Lovering 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. *Albert M. Lovering*

Question. How old are you?

Answer. *59 years of age*

Question. Where were you born?

Answer. *New Hampshire*

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

Answer. *57 East 11th Street, Manhattan*

Question. What is your business or profession?

Answer. *Book-seller*

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

Answer. *I am not guilty. I waive
all explanation here.*

A. Lovering

Taken before me this *1st*
day of *November* 188*4*
W. H. Patterson
Police Justice.

1362

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Henry A. A. Lee Forester of No. 111 Nassau Street, that on the 30 day of October 1888 at the City of New York, in the County of New York,

Albert W. Lovering did knowingly and feloniously purchase and receive a Book of Six Vols. of Guizot's History of France of the value of fifty dollars, property of Curtis and Larwill, Co. Trustees, he said Lovering well knowing at the time that said property was stolen

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 2 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 1st day of November 1888

J. M. Patterson POLICE JUSTICE.

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs

Warrant-General
Henry John Woods

Dated _____ 188

Magistrate.

Officer.

The Defendant _____ taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, _____
Native of _____
Age, _____
Sex, _____
Complexion, _____
Color, _____
Profession, _____
Married, _____
Single, _____
Read, _____
Write, _____

1363

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

Albert W. Lovering

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Thirty* 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 *November 1* 188 *J. M. Patterson* Police Justice.

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

Dated *Nov. 1st* 188 *J. M. Patterson* Police Justice.

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

Dated _____ 188 _____ Police Justice.

1365

JOHN A. BALESTIER,
Counselor-at-Law,
110 Broadway, New York.

April 2, 1886.

Hon. Alfred B. Martine,
District Attorney,
New York County.

The People vs. Lovering.

My Dear Sir:-

For upwards of a week, I have been trying to have the indictment in this case dismissed. It is so evidently a case in which the indictment was found upon a misconception of the facts that it is due my client that it should be dismissed, and in such a way as to clear him of the imputation contained therein. I saw Judge Cowing in relation to it to-day and he states that he will require an indorsement on the indictment signed by you recommending the dismissal. I had prepared an order to that effect, but he states that upon the indictment itself after you have made your memorandum thereon.

The object of this letter is to ask you if you will kindly send for the indictment, the date of which is November 11th. 1884 and on it endorse that you are satisfied the indictment was found under a misapprehension of the facts and consent to its being dismissed. I enclose you the papers upon the motion to dismiss, a perusal of which will satisfy you that my statement above is correct and that the indictment should be dismissed.

1366

2.

I know that you are terribly driven, and all I ask you is to take the matter up at your first leisure moment; it will be a favor to me and an act of justice to my client. Mr. Nicoll is familiar with the case.

Very truly yours,

John F. B. Alston

1367

COURT of GENERAL SESSIONS.

-----x
THE PEOPLE,
 against
ALBERT LOVERING.
-----x

City and County of New York, ss:

Albert W. Lovering being duly sworn, says:

I. In or about the month of November 1884, I was indicted for receiving stolen goods, the same being alleged to have been stolen from a firm known as Estes & Laurist by one Hall and by deponent purchased with guilty knowledge, from the said Hall.

II. Since the time of said indictment I have always been ready on my part to have the same tried and many terms of the Court have been held and the same has not been brought to trial.

III. No continuances of the trial of the case have been had upon my application or at my request.

IV. I believe this to be a proper case for dismissal of the indictment for want of prosecution.

V. I am out on bail, but desire to have the matter disposed of without delay either by trial or dismissal.

Sworn to before me this :
19th. day of March, 1886. :

Robt J. Griffiths
Notary Public,

City and County of New York.

Hon. Randolph B. Martine,
District Attorney &c.,
City and County of New York.

Sir:-

You will please take notice that upon the foregoing affidavit and the papers in this action, I shall apply to the Court of General Sessions Part II at the opening thereof on the 22^d. day of March 1886, for a dismissal of the indictment and an exoneration of the bail herein.

Dated New York, March 19, 1886.

John A. Balester
Atty for Dept
110 Broadway
N.Y. C.

1368

BOARD OF SUPERVISORS

CITY AND COUNTY OF NEW YORK, ss.

[PERSONAL.]

Robert J. Griffiths being duly sworn, says that he is a clerk in the office of JOHN A. BALESTIER, the Attorney for *Albert A. Lovering* herein; that on the *19* day of *March* 188*6*, at *the office of the District Attorney in the City of New York* he served the foregoing *Affidavit, No. of motion on Randolph B. Marlute Esq* the District Attorney for the City and County of *New York* by delivering copy thereof to *him* personally, and leaving the same with him. *That at the time of said service to said District Attorney he did not notice any person in the office of said District Attorney*

Sworn to this *23* day of *March* 188*6*, before me

Robert J. Griffiths

Joseph D. McKee
Notary Public New York
number forty-four

CITY AND COUNTY OF NEW YORK, ss.

[RESIDENCE.]

being duly sworn, says that he is a clerk in the office of JOHN A. BALESTIER, the Attorney for herein; that on the day of 188 , at he served the foregoing on in the City of New York, between the hours of six in the morning and nine in the evening, to wit, at about o'clock .M., with a person of suitable age and discretion, namely:

Sworn to this day of }
188 , before me }

CITY AND COUNTY OF NEW YORK, ss.

[OFFICE.]

being duly sworn, says that on the day of 188 , at the hour of .M., he served the foregoing on the Attorney in said action for by leaving the same in the office of said at No. in the City of New York, upon that being a conspicuous place in said office, there being at the time no person but deponent therein, but deponent finding the door open so as to admit of such service.

Sworn to this day of }
188 , before me }

1369

by depositing the same, enclosed in a sealed wrapper, directed to said
the Attorney in this action for

COURT of GENERAL SESSIONS.

-----x
THE PEOPLE, :
against :
ALBERT W. LOVERING. :
-----x

City and County of New York, ss:

John H. Hall being duly sworn says:

I. I am the person who made the sale of the books for the receiving of which the defendant above named was indicted.

II. At the time of making such sale of said books, I stated to the said defendant that I had a right to make such sale and that the books were my property.

III. At no time during the transactions between myself and the said defendant, in reference to the sale of any of the books by me sold to him, including the books described in the indictment, did I, in any way, intimate or state to the said defendant that the same had come into my hands unlawfully; and, at the time of said transactions and all of the same, the said defendant had no reason to believe or suppose, nor, as I verily believe, did he suppose that the same had come into my hands otherwise than lawfully or that I had not a good and perfect right to dispose of the same; and the said transactions between the said defendant and myself were, on his part, entered into and consummated innocently and without guilty knowledge.

Sworn to before me this :
26th day of March 1836.
John H. Hall.
Notary Public
City & County of New York

1370

CITY AND COUNTY OF NEW YORK, at the hour of 1886, being duly sworn, says that on the day upon

Law Offices

120 Broadway (EQUITABLE BUILDING)

EATON & LEWIS
S. B. EATON
EUGENE H. LEWIS

New York March 31-1886

Mr. Randolph B. Martine,
District Attorney.

Dear Sir:

In 1884, indictments were found in the General Sessions, on the complaint of our clients, Messrs. E. & S. Shawmut, against John S. Hall for larceny and against Albert W. Lavering, for receiving stolen goods. Hall pleaded guilty to the indictment against him and sentenced was suspended & he released. Since then we have examined him as a witness in an action against a third party, one Worthington, for conversion, one of the direct issues in the action is the one as to whether Lavering received from him the goods stolen goods, with guilty knowledge. Hall testifies however that he did not inform Lavering that the goods were stolen & that he has no reason to believe that Lavering knew the fact when he purchased them.

We do not think there is sufficient evidence to convict Lavering & we therefore recommend the dismissal of the indictment. Our clients are non residents & we write in their behalf.

Yours truly
S. B. Eaton & E. H. Lewis

1371

At the March 1886 TERM of the
COURT of GENERAL SESSIONS of the
PEACE in and for the City and
County of New York, held at the
Old Court House, in the City of
New York, on the ~~13th~~^{12th} day of
~~February~~^{April}, A. D. 1886.

PRESENT:

Hon. RUFUS B. COWING,
CITY JUDGE.

-----x
THE PEOPLE,
against
ALBERT W. LOVERING.
-----x

A motion having been made, that the indictment
heretofore found against Albert W. Lovering, the de-
fendant in the above entitled action, for receiving
other goods, be dismissed and his bail exonerated;
and it being claimed, on the part of said defendant,
that the said goods, for the receiving of which the
said indictment was found, came into the possession
of said defendant without knowledge on his part that
the same had been feloniously or unlawfully taken;
and it appearing now to the satisfaction of the Court
and the District Attorney of this County that all
the transactions between the said defendant and

1372

2.

John H. Hall, from whom the said books were purchased were innocently entered into by the said defendant, without knowledge on his part of any felonious or unlawful taking of said property by the said Hall and that the charges upon which said indictment was found, although the complainants had reasonable cause for making the same were, so far as the defendant herein is concerned, the result of mis-apprehension and without actual foundation in fact; and it appearing also to the Court that the said defendant has given bail, and that since said indictment was found the said defendant has at all times been ready for trial, and that the said defendant has asked no continuance of the trial and that several Terms of this Court have been held without the said case being called for trial;

NOW, on reading and filing the affidavit of the defendant, verified March 19, 1886, the notice of said motion to dismiss the indictment and proof of service thereof on the District Attorney, the affidavit of said John H. Hall, verified March 26, 1886, and a written communication from Eaton & Lewis, Esquires, addressed to Hon. Randolph B. Martine, District Attorney, and

ON MOTION of John A. Balestier, Attorney for the said defendant, DeLancey Nicoll, Esq., appearing on behalf of the District Attorney,

1373

3.

IT IS ORDERED, that the indictment heretofore found herein, dated the 11th. day of November 1884, be and the same hereby is dismissed and the said defendant is hereby discharged thereunder;

AND IT IS FURTHER ORDERED, that the bail, heretofore given by the said defendant upon said indictment, be and the same hereby is relieved, exonerated and cancelled.

1375

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Arthur W. Lawrence

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

Arthur W. Lawrence

of the crime of CRIMINALLY RECEIVING STOLEN PROPERTY.

committed as follows :

The said *Arthur W. Lawrence*
late of the First Ward of the City of New York, in the County of New York aforesaid, on
the *thirty first* day of *October* in the year of our Lord one thousand
eight hundred and eighty *four* at the City and County aforesaid, with force and arms.

six printed books of the value of
ten dollars each.

of the goods, chattels and personal property of *one Dana Carter, for*
one John W. Hall and for certain other
by a certain person or persons to the Jurors aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said *Dana Carter,*

unlawfully and unjustly, did feloniously receive and have, he the said *Arthur*
W. Lawrence

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

PETER B. OLNEY,
~~JOHN MCKEON~~, District Attorney.

1376

END OF
BOX