

0553

BOX:

447

FOLDER:

4124

DESCRIPTION:

Scott, Albert

DATE:

08/10/91



4124

0554

Witnesses:

Frederic Silcock

Counsel,

Filed 10 day of Aug 1891

Pleads,

THE PEOPLE

vs.

Albert Scott

Second Degree Grand Larceny.
[Sections 528, 537, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL

William Probst
Foreman.

Aug 19 1891

James G. ...

James G. ...

0555

Court of General Sessions
The People
vs
Albert Scott.

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

100 EAST 23^d STREET,

New York, August 5th 1891

CASE NO. 58606
DATE OF ARREST
CHARGE

OFFICER King
August 4th 91.

AGE OF CHILD
RELIGION
FATHER
MOTHER

Larceny from the person
fifteen years
Protestant

Walter (dead)

Margaret (dead)
no home.

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy has been in the city of six weeks. Before coming to New York he worked for one month in the kitchen of the U. S. Hotel at Hartford, Conn. Previous to being in Hartford he traveled for four months through the State of Georgia with the Washburn Arlington Show. Society records show nothing against him.

All which is respectfully submitted,

To District Atty

Harry E. Stocking
asst. Supt.

0556

Board of

General Sessions

The People

vs

Albert Scott.

Boards from the PENAL CODE.

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

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,
NEW YORK CITY.

0557

Police Court 14th District.

Affidavit—Larceny.

City and County } ss.
of New York, }

Josephine Gilcock
of No. 900 Sixth Avenue Street, aged 30 years,
occupation married being duly sworn

deposes and says, that on the 14th day of Aug 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession

and person of deponent, in the day time, the following property, viz:

A pocketbook, containing
good and lawful money of
the United States, in all of
the value of about
Ten (10) 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 Albert Scott (nowhere) for the reasons following, to wit:

Deponent says, at about 11:30 P.M. of said date, she was walking on West 5th Street, and held said pocketbook containing said money in her left hand, when she was approached by defendant who snatched said pocketbook from deponent's hand and ran away, pursued by deponent, who saw defendant run into a building on West 5th Street, known as the Navarro Place and therein caused defendant's arrest by Officer Jeremiah Moran of the 12th Precinct, deponent being informed by said Officer that defendant admitted when taken into custody, that he did steal and carry away said property from deponent's person and possession. Josephine Gilcock

Sworn to before me, this 14th day of Aug 1897
John J. [Signature]
Police Justice.

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Sec. 198-200.

C District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert Scott 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 Scott

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

Virginia, U.S.

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

Answer.

Harlem - Bronx,

Question. What is your business or profession?

Answer.

Porter

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.

Albert Scott

Taken before me this

Aug 18 1911
W. J. [Signature]

Police Justice

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

Dated *Aug 5* 18 *91* *Henry Murray* 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.

0560

1021

Police Court--- 4th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Josephine Silcock
908 West 23rd
Albert Scott

Carley
Office

2
3
4

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Aug 5th* 1891
Murray Magistrate.
Jeremiah Moran Officer.
22 Precinct.

Witnesses *Said Officer*
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* = _____ to answer *P.S.*

Wm H King
100
1891
ATTORNEYS

912
7th St

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

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

Albert Scott

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Albert Scott

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

The said Albert Scott

late of the City of New York in the County of New York aforesaid, on the fourth day of August in the year of our Lord one thousand eight hundred and ninety-one at the City and County aforesaid, with force and arms, in the day - time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of ten

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of ten

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ten

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of ten

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of ten dollars, and one pocketbook

of the value of fifty cents

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

DE LANCEY NICOLL, District Attorney.

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BOX:

447

FOLDER:

4124

DESCRIPTION:

Seebold, Robert S.

DATE:

08/13/91



4124

0563

Witnesses

Wm Buchanan

Counsel,

Filed

13 day of Aug 18 91

Pleas,

August 14

THE PEOPLE

vs.

Robert S. Sebold

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

Wm Buchanan

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm Andrew
Foreman.

Wm Andrew
Wm Andrew
Wm Andrew
Wm Andrew

1053

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People & I we
202/41 GUARANTY.

New York May 27 1891

For and in consideration of the giving of credit to the part of _____, hereby guaranteed and the sum of One Dollar to us in hand paid by AUSTIN, NICHOLS & CO., of New York City, the receipt whereof is hereby acknowledged, _____ do hereby guarantee unto the said firm, above named, their successors or assigns the full payment of all sums that may be due to them for all goods purchased or that may hereafter be purchased of them, for and account of A. L. Seeboldy or by his agent in his behalf for his store at Williamsbridge N.Y. or elsewhere. This guaranty to be binding against us as a continuing guaranty in the sum of One hundred dollars and no more, and the said Austin, Nichols & Co. are privileged to further extend the line of credit, beyond the amount herein named, without prejudice, for the amount guaranteed by us. Notice of defaults of payments is hereby waived.

WITNESS

A. Stewart
Wm Briggs

J. J. Briggs
RESIDENCE ADDRESS:
Wm's Briggs
N. Y.

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GUARANTY.

R. L. Seabrook

GUARANTEE

J. S. Bangs

GUARANTOR

May 27 1891

2400007

0566

Slip No. 2609

Received by 2 cre

Hudson, Jay & Staple Sts.,

New York, 5/29/1891

Received from AUSTIN, NICHOLS & CO., by [Signature] Company,

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned and destined as indicated below, which said Company agrees to carry to the said destination, if on its road, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, in consideration of the rate of freight named in the Bill of Lading for which this receipt is to be exchanged, and as to each carrier of all or any of said property, for all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder, shall be subject to all the conditions, whether printed or written, addressed hereon, and which are hereby agreed to by the shipper and by him accepted for himself and his assigns as just and reasonable.

Marked R. J. S. Williamsbridge
Consignee R. S. Sealold

- Case: 200 Sugar (P&S)
- Case: 1 Tub Butter
- Case: 1 Tub Butter
- Case: 1/2 Cheese
- Case: 1/2 Eggs
- Case: 1 Tub Butter
- Eight 8/8 Canned Vegetables
- Case: 1/2 But. Biscuit seed
- Case: 1/2 Canned fish
- Case: 1/2 Canned corn
- Case: 1/2 But. starch
- Case: 1/2 Bell Peas
- Case: 1/2 Mustard
- Case: 1/2 Salt
- Case: 1/2 Beans
- Case: 1/2 Chocolate (Teal)
- Two 2 Pills Flour



The conditions upon which the above mentioned property is received for transportation are printed on the back hereof.

0567

People Ex 3 Co - 2/19/1

JAMES E. NICHOLS
LOUIS SCHOTT.
THOS. M. MC CARTHY.
THOS. W. ORMISTON.
WILLIAM S. BUCHANAN.



Hudson, Jay & Staple Streets.

CABLE "NICHAUST"

Austin Nichols & Co.

Importers, Manufacturers
and WHOLESALE GROCERS

New York *3/10* 1891

Robert S. Seabold -

Williambridge N.J.

Been in business here about 1 year -

<i>Wages & Home</i>	<i>0</i>
<i>Stoves & Fixtures</i>	<i>\$2500⁰⁰</i>
<i>Good account</i>	<i>600</i>
	<hr/>
	<i>3100.00</i>

<i>Liabilities</i>	<i>250.00</i>
	<hr/>
	<i>2850.00</i>

Do not owe for any borrowed money in notes, mortgages or judgments against me. Secured for \$25⁰⁰ 00

This statement is made to establish my credit with Austin Nichols & Co.

Robert S. Seabold

0568

People by U. ^{W. L.}
William Pringle ^{W. L.}
May 25 1841

Walter Nichols Esq
Gentlemen - I will
have the note for \$1000 which we
agreed on as security for a \$1500
credit, and will bring it down
I expect, on Thursday. I have re-
vised the contract, and if you will
sign the order I have sent in to pay,
it will put me in shape, and
facilitate the clearing off of the last
balance. I expect to take my
last order to-morrow, (Thursday)
and a great deal depends on the
promptness with which it is handled
by me; if you will extend me
this favor you will have no
cause to complain of my want
of promptness in future.
Yours etc
Wm. Pringle

0569

March	19	To Mdse.	181 70	756 58
	26	"	27 85	
	28	"	104 63	316 26
May	29	"	94 13	
June	2	"	44 21	1077 18
	3	"	103 35	319 18
	5	"	42 79	403 57
	8	"	17 80	
	8	"	9 26	
	10	"	18 62	
	14	"	55 31	
	18	"	11 66	
	21	"	32 51	
	25	"	13 23	
	27	"	52 10	
			13 60	1022 75
		by		
		Cash.	25 00	
Apr	9	"	37 60	62 60
May	22	"		960 15

0570

People by 5-11

J. Y. Brown

11/11/91

N. Stewart

Seabold's writing; made at my request before he said particularly Aug 6th 1891

0571

I People for 6/ve
 I am sorry that I am
 unable to notify you that I
 shall defend in person. The
matter of frequency now found
 my appearance will be to request
 that it be placed on the
 calendar for hearing as
 early a day as possible.
 I should also note, that if
 it is possible, you will
 let me know the date of
 trial, about a week in ad-
 vance, in order that I may
 be enabled to secure my
 witnesses, and to ready my
 papers with the trial, on
 the day set, otherwise I would
 have to ask for an adjourn-
 ment, and cause a delay
 which can be avoided in the
 way.
 Yours Truly
 P. S. Seabold

The People
 Robert S. Seibold } Court of General Sessions. Part I
 } Before Recorder Smyth. November 20, 1891.
 Indictment for perjury in the second degree.
 William S. Buchanan, sworn and examined.
 I live at 375 Madison Street, Brooklyn,
 and am a member of the firm of Austin
 Nichols & Co. I know the defendant. Prior to the
 27th of May, 1891 he had been dealing with
 our firm; he was in the grocery business
 at Williamsbridge; we are wholesale grocers.
 The defendant had an account with our
 firm prior to the 27th of May, 1891; on that
 date he owed us about two hundred and
 sixty dollars; he was a little behind in his
 payments. This paper called "a guarantee"
 I think it was on the 28th of May that I
 first saw it; the defendant showed it to
 me. I asked him who the signer of the
 guarantor was? He said he was a wealthy
 man at Williamsbridge owning considerable
 real estate and he had an account in
 the Bavery bank for some time. I did
 not ask him anything about the witness
 to the guarantee, St. Stewart, Mr. Sherman
 asked him. I was present. Mr. Sherman asked
 him who the witness was, and Seibold
 said he was a man connected with the
 carpenter business in Williamsbridge. Prior
 to the defendant bringing us this

guarantee I did not have any conversation with him in regard to it, but some of the clerks did. I was not present at the time. (The guarantee was offered in evidence.) Upon receiving this paper from the defendant and that statement as to the guarantor, Mr. Briggs, did your firm extend further credit to Seibold? He did, to the extent of over seven hundred dollars. Were those bills paid to Mr. Seibold? Did you believe him good? Yes, groceries Seibold ordered the goods through the salesman Mr. Beckman; the goods were delivered to the Railroad Co. and shipped to him, I have his receipt - the receipt for the first shipment of goods delivered on that guarantee on the 29th of May; the bill amounted to \$294.13. The signature to the paper now shown me was not made by Seibold in my presence but it was made in the presence of my credit clerk, Mr. Gillett.

Cross Examined by the Defendant, who conducted his own case.

I am quite positive it was on the 29th of May that you presented the guarantee and the goods were shipped on the 29th of May. I had no understanding with you that the goods were to be shipped on the same day that the guarantee was presented. You

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telephoned me, I think, that same day I said I could not get the proofs off, but they would come the next day. When I presented that guarantee to you was there anything in my action to indicate that I was not acting in good faith? No. I was satisfied at that time that you were acting in good faith, otherwise I would not have taken the guarantee. How long had I an account with you at that time? I think the account was opened in March. Mr. Gillett knows more about that than I do. I believe you came down and made a statement that you were worth considerable money.

William J. Gillett, Jr. sworn and examined. I am the credit clerk for Justice, Nichol & Co. I saw the defendant sign the statement handed to me about the 15th of March. This is the signature of the defendant R. S. Seibold. Subsequent to that I had several conversations with the defendant. Mr. Seibold called after having made that statement and I gave him a line of credit to the amount of two or three hundred dollars. He said he had about made arrangements with the Morris Park association to supply them with groceries and he would like to have his credit extended.

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I said, I could not do so unless I had security. He said, "I will bring a note." I says, "All right." He brought the note, and we were not satisfied with the note. I told him so. It was a promissory note for money. I told him I would rather have it in the form of a guarantee. He said, "All right, I will get it; there is a man in Williamsbridge, a wealthy real estate owner, I think the name was Briggs," and he will sign a guarantee for me. I got the guarantee and gave it to him to have it signed. That was on the 27th of May. I received the letter now shown me from the defendant on the 27th of May. I saw the guarantee again the day following at the office of Austin, Nichols & Co. in Hudson street; the defendant handed the guarantee to me himself, and handed it to Mr. Buchanan, a member of the firm, and he took it in good faith. I heard the conversation between the defendant and Mr. Buchanan. Mr. Buchanan asked the defendant who the guarantor was? He said he was a wealthy man in Williamsbridge and that he had an account in the Bowery Bank. That is the substance of it.

I subsequently received the guarantee from
 Mr. Buchanan, credit was extended to the
 amount of the guarantee and we shipped
 the goods on the strength of the guarantee
Cross Examined. I was present the day that the
 defendant presented the guarantee. I believe
 it was the 28th of July, he handed it to me
 "You did not say to me at that time, "I
 have not time to attend to that now, I
 have to go to Court, but Mr. Buchanan
 will attend to the case!" I did not. You say
 you had a conversation with me early
 in May about this guarantee, at that con-
 versation was there any agreement made
 about the amount of credit that I should
 have in presenting this security? Your
 credit would be extended certainly. Was
 there any agreement as to how much?
 From a thousand to fifteen hundred dollars.
 By Mr. Weeks What did you say to Seibold in regard
 to the credit he would have? If the security
 was perfectly good we would trust him as
 high as fifteen hundred dollars - if the
 guarantee was good I would extend it
 as high as fifteen hundred dollars. I
 will swear to the jury that was the con-
 versation as near as I can remember
 You asked for additional credit. I

told you we would have to have security.
 You asked whether a note would be good security? I said, if the party was good.

You did not propose to me that I would give that security in the shape of a note then? I did not. I told you that a note would be acceptable if it was good, and that you could have credit to the extent of fifteen hundred dollars provided your account was kept promptly paid.

Arthur O. Sherman, sworn and examined. I think I just came in when this guarantee was brought by the defendant. I was present when he stated to Mr. Buchanan who the guarantor was he said it was a man in "Williambridge", you can easily find him, a large property owner there; that grocery man and any one there knows him. I asked him who the witness was; he said he was a man in "Williambridge" too. I added his address in pencil on the guarantee as he gave it to me. Subsequent to that time I had a conversation with the defendant as to the guarantor. It was after the account had fallen behind. I went to Williambridge. I think it was May the 6th. Meanwhile I had seen Mr. Briggs at

Rye: I saw the defendant whom I went to
 Williamsbridge on the 6th of ~~the~~ August and
 I saw Mr. Stewart on the following day. I
 told the defendant I had seen Mr. Briggs
 and that he told me the signature was
 a forgery and I asked him what he had
 to say? He said he knew nothing about
 it, that he had another man get it
 for him; it was given him in that
 way, and he would not say anything
 to me until he had seen counsel. I
 asked him if he would write for me
 the name of John J. Briggs and A. Stewart.
 I asked him who A. Stewart was? He
 said he was a man had something
 to do with building and he lived about there.
 He wrote the names, and the paper now
 shown me is the paper on which the
 defendant wrote the names. I subsequently
 called upon Mr. Stewart and found him
 in the city where he worked as carpenter.
 I had a conversation with him in reference
 to the signature. I had the signature with
 me at the time. I saw the defendant after
 I spoke with Mr. Stewart but I had no
 conversation with him in reference to what
 passed between me and Mr. Stewart.

Cross Examined. I said in my examination that I
 went to Williamsbridge on the 6th of

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May by error, I meant August. When you came to my store at that time and you asked me to sign those names did I show any hesitation about it? No, you signed them very readily. When you stated that the signatures had been declared to be forgeries did I not give you all the information you asked me to enable you to find out? No. What information did you ask me that I declined to give? I asked you to give me the name of the man who got it for you, and you said you would not until you could see Counsel. I asked you the address of Mr. Stewart, and ~~you~~ you said he was a builder living in the neighborhood. You tried to induce me to confess to crime did you not? No, I asked you what you had to say for yourself. You did not argue with me and tell me how much better it would be to admit crime and save trouble? No I did not. Did you not before leaving me make a statement to me, if Justin Nichols & Co. have any money, and I guess they have, you will go to jail for this? I said, if you had forged it, it was a very serious offense, and if I knew what I was talking about, you

believe

would go to jail for it. You did not say if Austin Nichols & Co. had any money? I do not remember saying any such thing as that. You did not make a statement that I would be railroaded if Austin Nichols & Co. had any money? No. I did not make that, I am sure, I will swear to that.

John J. Briggs, sworn and examined. I live at Kege and was formerly a grocer doing business at Williamsbridge. I was born in that neighborhood in 1828 and have been living there almost ever since. I own real estate and for many years kept an account in the Borey bank until about a year ago. At one time I knew most of the residents in Williamsbridge. Do you know of any J. J. Briggs up there who was in the grocery business other than yourself? I never heard of one in this world but me. I was born there sixty three years ago. The sister of the defendant married my son. I have known the defendant about six years. I show you a signature J. J. Briggs, Williamsbridge, N.Y. to that guarantee and ask you if that is your signature? No, it is a great ways from it. Did you authorize anybody to fix your signature to that guarantee? I no, I never heard of it until August.

By the Court

I recollect Mr. Arthur O. Sherman calling upon me. I think this paper now shown to me was the one which he showed to me Cross Examined. I got acquainted with Mr. A. Stewart after I saw his signature. I cannot say I knew him until after the 27th of May 1891. I was not well acquainted with him. I did not know his name. After your attention was called to this signature on this guarantee did you find him out then? Yes. I never saw that paper until it was handed to me by Mr. Sherman.

Cross Examined. My son was married to your sister I think a year ago last April. You know me very intimately at one time didn't you? Yes. I had ample opportunity to see your signature didn't I? No. I do not think you did. Have I not specimens of your signature in my possession? I do not know that you have. During your personal intercourse with me did you know anything in my life which would induce you to think I would be guilty of such a crime? No. By the Court. Do you know this defendant's general reputation for honesty? I consider it very good.

By the Defendant Did you go on any security for me?
Yes.

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Arthur Stewart, sworn and examined. I live at Williambridge, a very short distance from the grocery store of the defendant. I have known him a little over two years. I am a carpenter. I know James J. Briggs. I did not work for him. I show you this signature to this paper A. Stewart, witnessing that paper, is that your signature? No sir. Did you witness that paper signed J. J. Briggs, or any other one? No sir. I never saw it. When did you first see that paper? When Mr. Sherman brought it to where I was working. I do not remember the date; it was about the 10th of August. I was working in New York at that time.

Cross examined by the Defendant. Did you ever know me very intimately? No. Had you ever any account with me at my store? No, I believe so; there was a few things that Mr. Stewart got, but I never had any acquaintance with you. I did not know anything about you. You considered my general reputation good, didn't you? I have not known you very long.

By the Court. Have you ever heard this man's character talked about? I never did hear anything said about it.

By the Defendant. Did any one have any

conversation with you about this guarantee previous to the 27th or 28th of July? I do not remember they did, but there was no one had any talk about it till Mr. Sherman asked me about it.

By the Court Who was the first person that spoke with you in reference to that paper which has just been shown you where that signature is on? It was Mr. Sherman in New York in the month of August; that was the first I knew about it.

By Mr. Weeks Is there any other A. Stewart in Williamsbridge other than yourself a carpenter? No.

By the Court How long have you lived in Williamsbridge? About three years. During that time down to the present time was there any other person of the name of Arthur Stewart, a carpenter in Williamsbridge? No sir, not that I know of. You would know it if there was? No, sir.

By Mr. Weeks The A. Stewart, I mean with the initial A. No; there is an A. Alex Stewart, a little boy going to school, the son of Thomas Stewart, but he is not a carpenter.
The people rested.

The defendant asked for an adjournment of the trial, which request was not granted.

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Robert S. Seebold, sworn and examined in his own behalf testified. The first transaction I had with Austin, Nichols & Co. was in March of last year. I was induced to open an account with them by Joseph Beckman, one of their salesmen. I bought my first bill of goods from them on the 15th of March; they were shipped on the 19th. I bought goods from them subsequent to that amounting to nearly three hundred dollars. The first bill on the 15th of March amounted to one hundred and eighty odd dollars; the next was a little over a hundred dollars and the third one was a small bill about thirty dollars. That reached the amount of my credit with them; the credit as I understood it with them was three hundred dollars and that amount exceeded it a little. I made two small payments, it did not amount to a great deal, the payments were not sufficient to reduce the credit to a sufficient amount to warrant me ordering another bill of goods. I think the last bill of goods I got was in April. During the spring I was unfortunate in breaking collections and I was behind in my accounts. About the middle of April I found that I had an

opportunity of securing for myself the work of supplying the club house of the Morris Park Race Course - the course of the New York Jockey Club - with groceries. It was a contract that was a very valuable one if it could be secured, and that every reasoner believe that I could secure it. I waited until I found out that I was reasonably sure of getting it, and then I went to Austin, Nichols & Co. and saw the credit clerk, Mr. Gillott, and I stated to him that I had about secured the contract for supplying this Club House, and I required a considerable amount of goods greatly in excess of the amount which had been buying, and that a credit of three hundred dollars or thirty days would not be sufficient to cover it. I told him as I understood it that they would give me that credit on a basis of what they thought I would be paid for. I supposed they would want some additional security. I asked Mr. Gillott what that security would be, and he told me that if I would furnish security to the amount of one thousand dollars the firm of Austin, Nichols & Co. would give me a credit running to about fifteen or sixteen hundred dollars.

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He said, "If you give us security for a thousand dollars, the house I guess, will take the risk of the other five or six hundred dollars." Those are the words he used in making that statement. That was some time early in May, I cannot place the date. There was nothing further done in the matter until the latter end of May. At that time I offered them a note as part security, but it was not accepted. So consequently it has no bearing on this case. When that note was not accepted I wrote a letter to Mr. John J. Briff - no, first before I say that, Austin Nichols & Co. gave me a blank form of guarantee unsigned, the guarantee that is offered in evidence, I will admit that it was the same. I took it home with me. That was the afternoon of the 27th of May. Early in the evening I wrote a letter in my store in Williamsbridge to John J. Briff at Rye, Westchester Co. where I had reason to suppose he was at the time. I enclosed this guarantee in this letter and stated to him the facts in the case. I told him that if he would sign this guarantee for me it would be the means of putting me on my feet, it would help me out of my

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difficulties, that I had an opportunity of securing work which would help me out. I told him what the work was, that it was supplying the Club House of the New York Jockey Club at Morris Park with food. I enclosed the letter and the guarantee in an envelope official size and addressed it and gave it to my clerk and bookkeeper, John Gibson. He stood by me at the time I was writing it, and I told him the contents of it. I told him what the letter contained. I then sealed it and gave it to him, and as I was on relations of considerable confidence with him I said to him, "Well, Jack, if this goes through all right, I guess I will be made." "Says, "you take it to the Post Office." He took it and went out, and he came back in a reasonable time that it would take him to go from my store to the Post Office. He said that he had mailed it. I gave the matter no further thought until the next day because I knew that I could hear nothing from it. On the following day, that was Friday May 29th I went to the Post Office myself and I found in the mail a letter addressed to myself. I opened it and found that it contained

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the guarantee. The guarantee was then in the condition that it is in now, except for the fact that there are now one or two ink marks on it which were not there then. You opened the letter and you found the guarantee in it? That is what I said. Where is the letter? It was an envelope, I don't remember what I did with the envelope. There was no letter in it, simply a guarantee enclosed. I do not know where the envelope is. I could not tell what I did with it. I at once went back to the store. I told the clerk John Gibson that everything was all right, and that he could go ahead over to Morris Park and take the order; he went over there and he did get the order. Mean time I went down to the house of Sebastian, Nicholl & Co with this guarantee. When I first went in I saw Mr. Gillott; he had a hat on and an umbrella in his hand. He said to me, "I cannot stop." When I first saw him I did not show him the guarantee at all. I made no statement to him whatever. He knew what I was there for because he was expecting me. He said, "I cannot stop to attend to this now. I have to go to Court. He says, Mr. Buchanan will attend to the case." He then called

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Mr Buchanan and he went out - that is
Mr. Gillott went out. I handed Mr. Buchanan
the guarantee; he looked at it, and he
says, "Who is John J. Briggs?" I said, he
is a real estate owner at Williamsbridge
first rate security. I said, he owns real
estate and is worth thirty or forty thousand
dollars, he is a man that is well
off in the world." He says, "Who is Arthur
Stewart?" I said, Arthur Stewart is a witness,
he has something to do with the building
business, I don't know exactly what."
He says, "Is there any place I can find
out about this J. J. Briggs?" He says, "I suppose
you want these goods right away
today don't you?" I says, "I would like
to have them today, if I could get them."
He says, "if we ship them right away
you will get them by this afternoon. I
saw them ship freight on the Harlem
Railroad and I know it is very slow,
and I said if it could be shipped at
once I would like it, because I said to-
morrow being Decoration day, if I do not
get the goods today I want get them before
Monday. I even proposed to him to have
some of the goods shipped by American
Express, but he advised me not to because

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He said it would cost too much. Then he asked me for reference. Mr. Briggs I told him the Bowery bank where Briggs deposited. I knew Briggs had deposited in that bank for a good many years and I had no knowledge that he had discontinued his deposit. At any rate, Mr. Briggs was well known at the bank. They said they would make enquiries at the bank in order that they might send the goods right away, and I supposed they did. I went home after leaving them the guarantee and I found an order had been received from the Morris Park Club. I had a telephone in my store, and I called up Austin, Nichol & Co. and asked them if they had shipped the goods yet? The reply that I got was that they had not shipped them yet, but that they would ship them that day at once. I did not receive any goods. That was in the morning of the 29th day. I did not receive any goods until the morning of Monday, June 1st, because Saturday was Decoration day and there was no goods shipped. On that day I got the first bill of goods, or part of them, and on the next day I got the balance. As soon as I received this contract, or this understanding that I could get the supplying of that place

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with goods. I told John Gibson that I would entrust him with the work of getting the orders there and he could work up a trade. I told him the field was open for his work and if he showed the proper spirit there was no reason why the thing could not be done. He said that he would do the best he could, and I left the entire work in his hands. He went over there and I went with him on some occasions. He left my place every day to go over there. Sometimes he got orders and sometimes he did not. I found he was not doing as well as I had expected, and I went over with him myself on occasions, and I soon came to the conclusion that he was not doing his work faithfully. I found that instead of working to collect orders, as he should have done, he spent most of his time in playing the races. This showed me that he was not in my interest and first aroused my suspicions against him. I spoke to him about it and told him if he did not do better I should discharge him. He promised to do better and I gave him another chance. The result of that was that his work was of such a poor and indifferent nature that I

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was unable to meet my contracts, I was unable to sell the goods that I expected I would, and consequently was unable to meet my engagement. I tried repeatedly and did the best I could to keep the agreement but could not. Things went along in this way until the latter end of July when I finally discharged him. I discharged him the latter end of July or the first part of August, I cannot give you the date. I discharged him because he failed to serve me faithfully. At the time of that discharge and before any information ^{or} any suspicion of this forgery had been around he made the statement—

Was it to you? He made it, not to me.

Was it made in your presence? No, but

I can prove it was made. I discharged him on the 1st of August. It was on the sixth day of August that Mr. Sherman reporting Austin Nichols & Co. visited me. He came in my store and he said to me, "I want to see this John J. Briggs and this Arthur Stewart; where do they live?" I said, you won't find Mr. Briggs here at the present time; he is not living here, he is in Reg." He asked me about Arthur Stewart. I told him I could not tell exactly where he was; I knew he lived in the place

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and that was really all that I did know about him. "He said to me, "Well, a representative of our house has visited Mr. Briggs at Rye and Mr. Briggs says that signature is a forgery, that he never signed it and never knew anything about it. He says, "What can you say about it?" I said, "All that I can say is that I received the signature in good faith, I received it through a third party and I supposed it was all right. I said, I cannot believe that it is a forgery." He said, "Would you object to writing the names of J. Y. Briggs and J. Stewart?" I said, "No, certainly not." He handed me a lead pencil and paper and I wrote the names. I believe that paper has been admitted in evidence as genuine, as my handwriting. I believe those are the pieces of paper on which I wrote the names. I was anxious to show that I had not had any connection with the crime and I was willing to do all that I properly could to facilitate matters. He asked me for the name of the third party. That I told him I would rather not give until I had consulted with counsel. He said that would be a matter for me, that if I would cure up the thing it would make matters a great deal easier.

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and that it would be the best thing all around
I told him I had nothing to admit. He said,
"There is no doubt but that you did it,
that handwriting is yours. There is no
question but what you did it, you can
not get out of it." I said, "I had nothing
to do with the matter, and I don't pro-
pose to admit a crime that I did
not commit." He wanted me to go with
him to the office of Austin Nichol & Co,
but I told him I declined to do that most
positively. I told him I would visit the
office that afternoon if I could see my
counsel: I endeavoured to see my counsel
on that day and could not. I am a
little ahead of my story. He told me
in leaving, he advised me again to
own up to the thing, and he then made
the statement, "if Austin Nichol & Co have
any money, and I guess they have,
you will be railroaded for this." I told
him that I believed I would get a fair
trial, if there was anything about the
trial, in the case to be tried, but that
I thought the thing would be explained
all right, that I could not believe that
it was a forgery." He then went out
and left me. That was on a Thursday
On Thursday I endeavoured to see

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my counsel, the lawyer that I wished to see, but I failed to see him, I could not see him on Friday. Saturday I knew that I could not. It was my intention to make another attempt to see him on Monday and then to take his views in the matter. Thursday, Friday, Saturday and Sunday passed without anything happening. We had all the knowledge at that time that the signature was supposed to be a forgery. I had every opportunity if I was guilty of making my escape, but I had nothing to be afraid of and nothing to run away from. I simply waited until such time as I could see my counsel and tell him the story as it was told to me and get his advice. On Monday morning four days after I had received the information that I have told you I received from Mr. Sherman I was arrested. The officer found me where I could always be found. I was arrested on the 10th of August. The officer found me where I could always be found right in my store attending to my business. It was in the morning, early in the day, I had intended to visit the city in the

afternoon, and I hoped to be able to see
 my counsel, but it was too early in
 the day to see him. I was in my
 store attending to my business when I
 was arrested. I have made no endeavor
 since to come to a settlement of the
 case because I believe, in fact I know
 that I was innocent of crime and
 would rather stand my trial than
 to settle and disgrace myself. If I am
 guilty of the crime in the opinion of the
 jury, then I must take the consequences,
 but I would far rather have it so
 than to have it said that I left prison
 by settling the case and so dishonoring
 myself. There is one thing more
 I wish to say, and that is - I cannot
 say it. That is all I will say at
 present. I may take the stand in
 rebuttal. I am ready for cross ex-
 amination.

Cross Examined by Mr. Weeks. Did you
 go to your Counsel's office at any time
 I did. Where is your Counsel's office?
 W. C. Henderson: Where did you go
 there? I went there on Thursday about
 one o'clock. The lawyer whom I proposed
 to see his office is at 135 Broadway.
 Thursday was the day that Mr. Sherman

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called on you? Yes, it was about two o'clock
that I went to his office. That time did Mr.
Sherman call on you at Williamsbridge?
I guess it was somewhere between nine and
ten o'clock in the morning. Mr. Henderson,
the lawyer lives at Westchester. I did not
write a letter to Mr. Briggs after Mr. Sherman's
interview with me and have never written
him since. Had you ever talked to Mr.
Briggs within six months prior to the 27th
of May? I could not tell exactly. I had talked
to him during the year 1891; it was only
passing conversation as I met him. I
have seen genuine signatures of Mr. Briggs.
I could not tell you how he signs his name.
I have seen Mr. Stewart's signature. I could
not tell you how he signs his name.
Did you look at this paper when you
received it from the Post Office at all
before you showed it to Justice Nicholas?
I looked at it sufficiently to see that it
was signed by J. T. Briggs and W. Stewart.
I did not examine the signatures. I got
the guarantee from the Williamsbridge
Post Office; it had a stamp on it. I did not
examine the post mark. I could not say
where it was mailed from. At the time
that you looked at the guarantee and

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ascertained that it was signed by Briggs and
witnessed by Stewart did you think you knew
who Stewart was? Yes I did, I believed I knew.
You thought it was this Mr. Stewart who testified
in Court who had witnessed that? Yes sir.
You thought it was Mr. Briggs who testified
here in Court who signed it? Yes sir.
You are familiar with Mr. Stewart's hand
writing are you? No sir. You have seen his
signature? Yes. How often? I had it in my
possession once, over a year prior to this
time. Did you think the signature on the
paper bore any resemblance whatever to
Mr. Stewart's signature? I could not tell you
what Mr. Stewart's signature looks like now.
You could not tell anything about the
signature of J. J. Briggs whether that ressem-
bled his signature? No sir. Have not
examined his genuine signature when
I had it. Where did you address a letter to
J. J. Briggs? I addressed it to Rye, Wiltshire
Co. It was returned to me at the Post
Office at Willembridge. Where did you know
Mr. Stewart to be living? At Willembridge.
How far from your place of business? I
could not tell you exactly. I do not really
know where he did live. How far is
his house from Mr. Briggs' house in
Rye, if you know? It is a good many

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miles. I could not tell you. That did not excite your interest at all did it, the fact that you had sent this letter to a gentleman at Rye and that it was returned to you in the next mail signed by a gentleman in Rye and witnessed by a gentleman in Williamsbridge? No it did not excite me for the reason that I was not positively certain whether Mr. Briggs was in Rye or whether he was in Williamsbridge. He leaves in the morning and spends most of his time at Rye, but he is at Williamsbridge at uncertain times, and when he is at Williamsbridge any mail that is in the Post office for him he gets. The letter was addressed to Mr. Briggs at the Post office in Rye. ~~Would~~ Would the fact of his receiving mail at the Post office at Williamsbridge have anything whatever to do with his receiving a letter addressed to him at Rye? Because if the Postmaster at Williamsbridge knew that Mr. Briggs was in Williamsbridge he would give him his mail although it was addressed to him at Rye? Yes, if he supposed it was addressed to him he certainly would. What time did you mail that letter? It was late in the

0600

afternoon when I sent it out. I did not
mail it myself. I telephoned Austin,
Nichols & Co about half past eleven in the
morning of the 29th just as soon as I
returned from their office I telephoned
them if they would ship the goods. Had
received an order and wanted them.
I could not tell you exactly what time I
left the office of Austin Nichols & Co I went
down there quite early in the morning.
What time did you leave the office of Austin
Nichols & Co that morning? It might have
been ten or half past ten o'clock. I might have
been there from twenty minutes to half
an hour. Left Williams Bridge to go there
that morning about half past eight o'clock
Is this the first time that you have men-
tioned to any one the man whom you
accuse of committing this forgery? It is
the first time that I have directly mentioned
it, yes. The first time you have given
the name of the man you accused of taking
this forgery? yes. Mr. Sherman called on you,
you told him, did you not, that the
guarantee was obtained for you by some
one? I said I got it through a third
party. Was that true or false at the
time you said it? That was true
according to my own statement.

Who was the third party, the postmaster or somebody else? No, this man Gibson. Did you ask Gibson to obtain it for you? No, he mailed the letter, he knew the contents of the letter. Did Gibson obtain that guarantee for you? No, not directly he did not. Did he directly or indirectly obtain that guarantee for you? He was a factor in it, yes sir. I knew that he mailed the letter for me. When did you feel for the first time that Gibson was a factor in obtaining that guarantee for you? I want to clearly understand that question before I answer it. I knew that I had given him a letter to mail as soon as I gave it to him. Is that the best answer you can give to that question? That is all the information I had about it.

By the Court Is that the best answer you can give to the question of the District Attorney just put to you? Yes sir.

By Mr. Weeks you had declined to tell Mr. Sherman on the 6th of August who it was obtained the guarantee for you did you not? I declined to tell him how I had obtained it.

By the Court. He asked you to give the name of the man and you declined to do it until you consulted counsel? Yes sir.

0602

By Mr. Weeks If you were innocent why should you decline to tell Mr. Sherman how you obtained this guarantee? When it became apparent that there was a claim of forgery I understood the seriousness of the charge and I did not care to commit myself too much, either innocent or guilty. I wanted to know the ground I was on, I knew the fact, I was conscious of the fact that an innocent man can sometimes involve himself, and I did not care to take the risks. Is that the explanation ^{that you have} to give of your refusal to state to Mr. Sherman at that time that you believed this guarantee was genuine because you had sent it by mail and had received it by mail? Yes. I was not satisfied altogether that Sherman was an authorized representative of the firm. Had you seen Mr. Sherman at Austin Nichols & Co on the 28th or 29th of August, whichever the date was, when you presented that guarantee? If I had I could not identify him I have lived in Winchester Co. ten years I do not know Mr. Sherman of Rye. You never spoke to this Mr. Sherman before that day? I cannot swear whether I did or not. I know that Mr. Buchanan is a member of the firm of Austin

Nichols Co and that Mr. Gillott is the credit man of the firm. You know that if the paper was a forgery they were the people most directly interested in ascertaining that fact, did you not? I knew that I was the most interested party in protecting myself. I wished to see my Counsel. You knew Mr. Sherman and Mr. Gillott were connected with the firm of Austin Nichols & Co., one as partner and the other as credit clerk? Yes sir. You had a transaction with them as representing Austin Nichols & Co.? Yes sir. It was to them this forged guarantee was delivered by you? I gave them the paper, yes sir. You knew that you were innocent in relation to this paper? Yes sir. You stated that you obtained that paper through the mails? Yes sir. That you sent it out from your hands without the signatures and received it back with the signatures? Yes sir. You came to New York on Thursday, the day you saw Mr. Sherman and you came to New York on the Friday, the day following is that true? Yes. You never went near the firm of Austin Nichols & Co. after you had been informed that that paper was a forgery? Yes sir. I did not go there.

By the Court Did you mention the name of this man Gibson who forged this paper? I never did directly until I got on the witness stand. Did you ever mention the name of Gibson as the person who forged this instrument till you got upon the witness stand? No sir I never mentioned his name.

By Mr. Weeks. Do you remember stating to Mr. Sherman that morning of the 6th of August that you would then decline to say who it was until you had seen your counsel, but that you would come to him that afternoon and either bring with you the man who got you the guarantee or else tell him where he was to be found? That is not exactly what I said, no sir I said I would do that provided I saw my counsel. That you would either bring to them the man from whom you got the guarantee or tell them where he could be found? I said I would act on his advice. You were arraigned in the Police Court on the 10th of August?

Yes sir.

By the Court Was the charge made against you and read to you, the charge of this forgery? Yes sir. Did you hear the affidavit read? Yes sir. Was it read

over to you? It was not read over to me by any officers of the Court, no sir. Did you read it yourself that day? No. By the Court. How did you hear it? Mr. Sullivan read it over to me, Mr. Sullivan of Blate and Sullivan the lawyers. You knew what it was? Yes sir. He was your counsel in the Police Court, was he? Yes sir. Then did you retain him as counsel? On the day that I was arrested, on the 10th. At that time you had counsel, did you then state to anybody who it was that had procured for you the guarantee? No. I had no opportunity. Did you make any statement whatever in regard to Gibson? No sir. I did not have an opportunity. Were you asked in the Police Court this 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?" were you asked that question? I do not remember that I was or was not asked that. "I am not guilty, waiving further examination?" Yes sir. By advice of counsel is that your signature (paper shown) It looks like it. I cannot swear that it is, it looks like it.

I remember I waived making any statement by advice of counsel, but I do not remember that question being put to me. I remember being asked my name, my age, where I was born and where I resided, and my business answered. Where is Gibson now? I believe he is in Williamsbridge I do not know. I have not seen him since I was arrested; that was on the 10th of August. I sent someone to tell him that I wanted to see him. Who did you send to see Gibson? I wrote to two parties, one was Walter ~~Pratt~~ and the other D. R. Shield. Have you seen Harold A. Shield since you wrote that I have received a letter from Shield about two or three weeks ago I guess, but since that time I have not heard anything. He was then in Williamsbridge, but I do not know where he was living. He is a single man; he boarded with my step mother. I have not seen my step mother since I don't know whether he is living with my step mother now or not; the last I heard of him was he was in Williamsbridge. I have not the letter I got from Shield; his name is Dennis R. Shield, Jr.; he is employed as a clerk in a grocery store; the man's name who keeps the store is Guyer. I don't know how it is spelled.

The other name is Walter Arroll, he is in the feed business in Williamsbridge. There is one fact I want to testify to. The question has been asked me why I could suppose that a paper could be sent by J. T. Briggs and witnessed by A. Stewart when one was so many miles apart from the other. I wish to state as a fact that Mr. Briggs himself was uncertain, as he came to testify to himself, sometimes he is in Williamsbridge and sometimes he is not; and I supposed at the time when I received the guarantee that as a matter of fact it was sent out when he was home, and I supposed from that reason as matter of fact it was all right. That I think is the only statement I have to offer.

Mr. S. Buchanan recalled. This guarantee was brought to me by the defendant. I think it was on the 28th in the afternoon.

By the Court Mr. Buchanan, this man said that he had a responsible contract with this race course? No sir, he never told me that, but the salesman who sold him stated that fact. The only conversation I had with Sebold was about the guarantee.

The jury rendered a verdict of guilty.

0608

Testimony in the
case of
Robert J. Seebold
filed
Aug. 1891.

906a

0609

West Chester Co
State of New York

Nelson Starbuck
being duly sworn deposes and says
that he has resided in the village
of Williamsbridge for three years
and upwards; that he knows
Robert S Seabold as a neighbour
during that time, and can truthfully
say that previous to this said Seabold's
conduct was always correct, and
such as to warrant the confidence
that has hitherto been placed
in said Seabold, and deponent
further says that Seabold's physical
infirmities; has placed him at
a great disadvantage in dealing
with his fellowmen

Sworn to before me this Nelson Starbuck:
28th day of November 1891

Robert Wallace
Notary Public
West Chester Co

0610

County of Westchester
State of New York

John Davidson
being duly sworn deposes and
says: that he is a Carpenter and
Builder and resides in the
village of Williams bridge
that for several years he has
known Robert S. Seabold;
and as far as deponent knows
or ever heard his life and Character
has hitherto been without reproach

Sworn to before me this
28 day of November 1891.

Robert Wallace,
Notary Public,
for Westchester Co.

John Davidson

0611

County of Westchester
State of New York

Robert Wallace
being duly sworn deposes and
says that he is a Real Estate
Broker and resides in the
Village of Williamsbridge
that he has known Robert S.
Seabold intimately for several
years and that until this
present charge he has held
his respect and confidence
as a business man and friend
and that so far as deponent knows
his ^{previous} records and character for
honesty is clean.

n.R.W

Sworn to before me this } Robert Wallace
28th day of November 1891

J.R. Phil
Notary Public

0612

County of Westchester }
State of New York } ss

William B. Treadwell
being sworn duly deposes and
says, that he is a resident of
Williamsbridge, and has been for
several years; that he is President
of an organization of which Robert
B. Seabold was a member
and knew said Seabold, well
that in all that time he never
knew or heard of anything derogatory
to the good name of said Seabold
that said Seabold was a frequent
visitor at his house: and that
deponent had every facility for
detecting anything morally wrong
if such had been the case.

Sworn to before me this

28 day of November 1891

Robert Wallace

Notary Public

for Westchester Co

Wm B. Treadwell.

County of Westchester }
 State of New York }
 nfw

Alfred Crump being
 duly sworn deposes and says
 that he is a Physician and resides
 in the village of Williamsbridge
 and that he ^{has} known Robert S.
 Seabold, for 10 years and upwards
 that previous to the present charge
 brought against him; deponent never
 knew of anything in his public or
 private life; unworthy of the
 public approval; and deponent
 further believes; that said Seabold's
 physical infirmities commend him
 to the sympathy of all men

Sworn to before me this {
 28th day of November 1891 }

Robert Wallace

Notary Public

Westchester Co N.Y.

Albert H. Crump M.D.

0614

County of Westchester
State of New York } J

W. H. Robson being
duly sworn deposes and says
that he is and has been for 9
years a resident of Williamstown
that during all that time he
has been in daily intercourse
with Robert S. Seabolt of
and other members of his family
that he knows said Seabolt
intimately having had business
transactions with him; and that
in all these years said Seabolt's
conduct was upright and just
and such as to merit the approval
of all right thinking men

Sworn to before me this
28th day of November 1891 }
Robert Wallace
Notary Public
for Westchester Co.

W. H. Robson

0615

Police Court / District.

City and County of New York } ss.

of No. 61 Hudson

William S. Buchanan Street, aged 35 years,

occupation Merchant

being duly sworn, deposes and says,

that on the 27 day of May

1891, at the City of New

York, in the County of New York, Robert S. Seibold

came to deponents place of business on said date and stated that he was ^{continuously} in the retail grocery business and desired to ^{keep} open an account with the firm of Austin, Nichols and Company of which deponent is a member. Deponent informed said Seibold if he gave satisfactory security he could obtain credit. He said Seibold being indebted to said firm \$256⁵⁸/₁₀₀ said firm refusing to give him more credit.

Deponent says that the Guaranty (over his name) and annexed was given to said Seibold which is made part of this affidavit and complaint and he said Seibold took the same and returned thereafter with the same, ~~the~~ ^{having} the signatures of J. T. Briggs Wm Bridge N. Guarantor signed to the same with A. Stewart. Wm Bridge as subscribing witness

Deponent says that at the time said Seibold presented the Guaranty he asked him what Briggs standing was and he said Seibold replied that he was a large real estate ^{owner} and was well known at Williambridge as a wealthy man

Deponent relying upon the truth of the aforesaid representation in writing gave said Seibold credit with the amount that said Guaranty called for

Deponent relying upon the truth of the aforesaid false and fraudulent representation said ~~amount~~ ^{credit} defendant obtained credit to the amount of 703⁵⁷/₁₀₀

Deponent says that he ~~was~~ ^{is} ~~Seibold~~

0616

Police Court District.

City and County of New York } ss.

No. occupation Street, aged years, being duly sworn, deposes and says, that on the day of 189, at the City of New York, in the County of New York,

statements for the payment of the aforesaid sum of money and he said Bebold would answer by letter and state that he would call and settle which he failed to do.

Deponent failing to receive the indebtedness Arthur O Sherman an employee called in J. Briggs he being the guarantor for the aforesaid indebtedness - Deponent says that said Briggs informed said Sherman that he never signed said Guaranty and never authorized any person to sign the same - Deponent says that said Sherman called in A Stewart and he informed that he never signed his name as witness and the signature was a forgery. Wherefore deponent charges said Bebold with falsely and feloniously making forging counterfeiting and putting the signatures of J. Briggs Guarantor and A Stewart. Witness to the annexed Guaranty for credit to the amount of \$1000 and said Bebold did make forge and utter said Guaranty with intent to cheat and defraud Deponent and Co partners and did cheat said firm to the amount and value 703⁵⁷/₁₀₀

Sworn to before me this 7 day of Aug 1891
Michael Buchanan
Deputy Police Justice

0617

CITY AND COUNTY }
OF NEW YORK, } ss.

Arthur O. Sherman

aged 26 years, occupation Counselor at Law of No.

32 Nassau

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of William S. Buchanan

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

Sworn to before me, this

7

day of

Aug

1899,

Arthur O. Sherman

J. C. [Signature]
Police Justice.

06 18

CITY AND COUNTY }
OF NEW YORK, } ss.

John T. Briggs

aged *62* years, occupation *Retired* of No.

Rye, Westchester New York Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *William B. Buchanan*

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

knowledge. *and the signature is a forgery*

Sworn to before me, this *7*
day of *Aug* 189*6*,

John T. Briggs

J. C. [Signature]
Police Justice.

06 19

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation Carpenter of No. Arthur Stewart

511 Avenue Williams Bridge Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of William S Buchanan and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 7 day of Aug 1898, } Arthur Stewart

D. J. [Signature]
Police Justice.

0620

Sec. 157.

District Police Court.

CITY AND COUNTY OF WESTCHESTER ss Edward J. Connor
 of the District Police Court New York City
 being duly sworn says, that he is acquainted with the hand-writing of
 Police Justice Daniel Reilly
 the Justice
 who issued the annexed Warrant, that the signature to this Warrant is in the hand-writing
 of said Police Justice Daniel Reilly
 Sworn to before me, this 10th day of August 1891 } Edward J. Connor
 Mayor of Westchester }
 Thomas F. Delahanty Police Justice of the Peace

0621

Sec. 151.

Police Court District.

CITY AND COUNTY } ss. In the name of the People of the State of New York; To the Sheriff of the County
OF NEW YORK, } of New York, or 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 William S. Buchanan
of No. 61 Hudson Street, that on the 27 day of May
1891 at the City of New York, in the County of New York,

Robert S. Seibold ~~arrested~~ for falsely making
forging counterfeit and uttering a Guaranty
with the signatures attached of J. T. Briggs
on a Stewart attached thereto for the sum
of one thousand dollars with intent to cheat
and defraud Complainant and Coparties

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
forthwith 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 7th day of Aug 1891

James C. Kelly POLICE JUSTICE.

0622

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs

Warrant-General.

REMARKS.

Time of Arrest, _____

Native of U. S.

Age, 24

Sex, _____

Complexion, _____

Color, W

Profession, Grocer

Married, No

Single, Yes

Read, Yes

Write, Yes

Williams Budge

Dated Aug 7 1891

R. J. Kelly Magistrate.

Connor Officer.

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

Officer.

Dated Aug 10 - 1891

This Warrant may be executed on Sunday or at
night.

Do J. C. Kelly Police Justice.

0623

Sec. 198-200.

1- District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

Robert S Seibold 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.

Robert S Seibold

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

M. S.

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

Answer.

Williamsbridge 9 years

Question. What is your business or profession?

Answer.

Grocer

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 and waive further examination

Robert S Seibold

Taken before me this

10

day of

1891

W. C. Russell
Police Justice

0624

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 Aug 10- 1891 De Witt 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.

0625

\$1500 & Aug 11
9 1/2 a M

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 1- District.

NY 1053

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm B Buchanan
& Madron H
Robert S Seibold

2
3
4

Officer
J. J. [unclear]

Dated Aug 10 1911

Samuel O'Reilly Magistrate.

Officer.

Court District.

Witness Arthur O Sherman

32 Drassau Street.

John T. Briggs

Rye Westchester Co. N.Y. Street.

Arthur Stewart

5th Ave Nms Broadway

\$ 1500 to answer G. S.

7

Four
of
[unclear]

0626

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert S. Seebold

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

Robert S. Seebold
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Robert S. Seebold*

late of the City of New York, in the County of New York aforesaid, on the *twenty-seventh* day of *May* in the year of our Lord one thousand eight hundred and *ninety-one*, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing.

which said forged *instrument and writing*
is as follows, that is to say:

Guaranty
New York May 27 1891

For and in consideration of the giving of credit to the party hereby guaranteed and the sum of One Dollar to me in hand paid by Austin Nichols & Co. of New York City, the receipt whereof is hereby acknowledged, I do hereby guarantee unto the said firm above named, their successors or assigns the full payment of all sums that may be due to them for all goods purchased, or that may hereafter be purchased of them for and account of R. S. Seebold or by his agent in his behalf for his store at Williamsbridge N.Y. or elsewhere. This guaranty to be binding against me as a continuing guaranty in the sum of One Thousand Dollars, and no more, and the said Austin Nichols & Co. are privileged to further extend the line of credit, beyond the amount herein named without prejudice for the amount guaranteed by me. Notice of default of payments is hereby waived.

Witness
A. Stewart

J. Briggs
Witness
Wm. Bridge
N.Y.

with intent to defraud, 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.

0627

SECOND COUNT—

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

Robert S. Seebold

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

The said

Robert S. Seebold

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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing,

which said forged instrument and writing is as follows, that is to say:

Guaranty

New York May 27 1891

For and in consideration of the giving of credit to the party hereby guaranteed and the sum of One Dollar to me in hand paid by Austin Nichols & Co of New York City, the receipt whereof is hereby acknowledged, I do hereby guarantee unto the said firm above named, their successors or assigns the full payment of all sums that may be due to them for all goods purchased or that may hereafter be purchased of them, for and account of R. S. Seebold or by his agent in his behalf for his store at Williams bridge N.Y. or elsewhere. This guaranty to be binding against me as a continuing guaranty in the sum of One thousand dollars and no more, and the said Austin Nichols & Co. are privileged to further extend the line of credit beyond the amount herein named, without prejudice, for the amount guaranteed by me. Notice of defaults of payments is hereby waived.

Witness

A. Stewart

*J. T. Briggs,
Residence address
Wm's Bridge
N.Y.*

with intent to defraud

Seebold

the said

Robert S.

then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DEPARTMENT OF JUSTICE.
JOHN R. FELLOWS,
District Attorney.

0628

BOX:

447

FOLDER:

4124

DESCRIPTION:

Siegrist, Jacob

DATE:

08/14/91



4124

153

Counsel,
Filed 14 day of Aug 1891
Pleas, *Myers*

THE PEOPLE
vs.
Jacob Siegrist
I
ATTEMPTING SUICIDE.
(Section 174, Penal Code).

~~St. Sweeney, Nicol~~
23 Sept 23/91 District Attorney,
P.O. Box 101, m.
P.O. Box, P.D.

A True Bill.
Wm. Proctor

Wm. Proctor
Just III

Witnesses:
John Mead

Wells Ch. Ray
John De
has an honest
and from
M. A. Mead
Chas. &
H. D.

0630

Police Court 2nd District.

City and County of New York } ss.

of No. 9th Precinct
occupation Officer
that on the 7th day of August 1891, at the City of New York, in the County of New York, he arrested
Frederick Meade
Street, aged 32 years,
being duly sworn, deposes and says,

Jacob Seagriss (now deceased)
charged with Attempted Suicide for
the reasons following to wit: That
on said date deponent found defendant
in the River at the foot of West 10th Street in
this City. That after defendant was
taken from the water he told deponent
he was tired of living and that he
intended taking his life. Deponent
therefore charges the defendant with
having attempted Suicide in Violation
of Section 174 of the Penal Code
and prays that he be held to answer

10

August 10
C. H. Seagriss

Frederick Meade

0631

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Jacob Segrist 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.

Jacob Segrist

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

Grossman Switzerland

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

Answer.

250 W 25th Street 3 weeks

Question. What is your business or profession?

Answer.

Steward

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 called for help as soon as I was in the water

Jacob Segrist

Taken before me this

day of August 1901

1901

Police Justice

[Signature]

0632

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

De Jauden
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 *August 11* 18*91* *[Signature]* 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.

0633

Police Court--- 1060 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Mead
vs.
Jacob Seagriss

Office *Attended*
J. J. C. J. J. C.

Dated *Aug 10th* 18*91*
H. J. Mead Magistrate.
Mead Officer.
9^m Precinct.

Witnesses
No. _____ Street.

No. _____ Street.

No. _____ Street.

300 to answer _____

[Signature]

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

0634

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Siasquith

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

James Siasquith —

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *James Siasquith*,

late of the City of New York, in the County of New York aforesaid, on the
seventeenth day of *August*, in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety-one*, at the City and County aforesaid,
with intent to take *his* own life, did feloniously *cast and throw*

himself into the waters there commonly
known as the *North or Hudson River*,
and with the same intent aforesaid
did then, and there feloniously and
and submerge his body in the
waters aforesaid.

the same being an act dangerous to human life, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

John R. Fellows
~~JOHN R. FELLOWS~~

District Attorney.

0635

BOX:

447

FOLDER:

4124

DESCRIPTION:

Signal, Samuel

DATE:

08/12/91



4124

0636

1035-

Abner Levy
Counsel,
Filed *12* day of *Aug* 1891
Plaintiff, *W. G. Kelly & Co.*

Grand Larceny, *Second Degree.*
(From the Person.)
[Sections 528, 531, Penal Code.]

THE PEOPLE

vs.

Samuel Signal

JOHN R. FELLOWS,
District Attorney.

Oct 2, 1891.

A True Bill.

Wm. Maden
Jury Foreman
Sept 2 - Oct 2, 1891.
Tried and Acquitted

Betsy Kappelm...

0637

Police Court

3

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Betsy Kapplawitz

of No. 111 Delancey Street, aged 24 years,

occupation House Keeper being duly sworn,

deposes and says, that on the 6 day of August 1891 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 pocketbook containing good and
lawfull money of the United States
amounting to nine dollars and eighty
three cents (\$9.83)

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 Samuel Signal (nowhere)

for the reasons following to wit,
on said date deponent was standing
in front of no 18 Ludlow Street, and the said
pocketbook and contents was in the pocket
of the dress which she then wore.

Deponent felt a tugging at her pocket
and saw the defendant take his hand out of
her pocket. She seized hold of defendant's hand
and at that time he had the pocketbook
in his possession.

Betsy X Kapplawitz
Mink

Sworn to before me, this

day

of
1891
Police Justice

0638

Sec. 198-200.

3rd

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Samuel Signal 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. Samuel Signal

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York City

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

Answer. 118 Centre St about 4 years

Question. What is your business or profession?

Answer. Peddler

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 Signal

Taken before me this

day of

7th

Wm. J. [Signature]
Police Justice.

0639

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 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 *Aug 7* 18 *91* *[Signature]* 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.

0640

Police Court---

3

1035 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Betsy Kapplawitz
111 Sedgwick St
Samuel Signel

2
3
4

offence
Larceny from the Person

BAILED.

No. 1, by Isaac Zuker
Residence 264 Duane Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street

Dated August 7, 1911
Duffy Magistrate.
Kokel Officer.
11 Precinct.

Witnesses
No. Street.

No. Street.
No. Street.

No. Street.
\$ 500 to answer G.S.

[Handwritten signatures and initials]

0641

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena 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.]

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

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

To Betty Kappanitz

of No. 111 Delancey Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 1st day of Oct 1891 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Samuel Signal

Dated at the City of New York, the first Monday of Sept
in the year of our Lord 189

DE LANCEY NICOLL, *District Attorney.*

0642

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

PEOPLE OF THE STATE OF NEW YORK
against

Affidavit of Service of Subpoena.

Samuel Signal
City and County of New York, ss.

John Hanna being duly
sworn, deposes and says: I reside at No. *204 East 21st*
Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the
City and County of New York, and am over twenty-one years of age. On the *30th*
day of *September* 1891, at *111 Delancey St.*
in said city, I served a subpoena in the above-entitled action, of which a copy is hereto annexed, upon
Betsy Kappelowitz a witness in the said action, personally, by delivering the
said subpoena to and leaving the same with the said *Betsy Kappelowitz*
in person, at the place aforesaid; and that I know the said *Betsy Kappelowitz*
so served as aforesaid, to be the person named and described in the said subpoena as such witness.

Sworn to before me, this *1st*
day of *October* 1891, } *John Hanna*
Thos B. Murphy
Clerk of Court
NYC

0643

Court of General Sessions.

THE PEOPLE, on the Complaint of

Betty Kapplemitz

vs.

Samuel Signal

Offense:

DE LANCEY NICOLL,

District Attorney.

Affidavit of Service of Subpœna by

John Hanna

Subpœna Server.

0644

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 Signal

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

Samuel Signal of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Samuel Signal

late of the City of New York, in the County of New York aforesaid, on the sixth day of August in the year of our Lord one thousand eight hundred and eighty-nine, in the day time of the said day, at the City and County aforesaid, with force and arms, one pocketbook of the value of fifty cents

983 one promissory note for the payment of money of the kind commonly called United States Treasury Notes, of the denomination and value of five dollars; one promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of five dollars; one United States Gold Certificate, of the denomination and value of five dollars; one United States Silver Certificate, of the denomination and value of five dollars;

three promissory notes for the payment of money of the kind commonly called United States Treasury Notes, of the denomination and value of two dollars each; three promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of two dollars each; three United States Gold Certificates, of the denomination and value of two dollars each; three United States Silver Certificates, of the denomination and value of two dollars each;

four promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of one dollar each; four promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of one dollar each; four United States Gold Certificates, of the denomination and value of one dollar each; four United States Silver Certificates, of the denomination and value of one dollar each; and several cans of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of nine dollars and eighty-three cents

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

De Lancey Nicoll, District Attorney.

0645

BOX:

447

FOLDER:

4124

DESCRIPTION:

Silver, Joseph

DATE:

08/10/91



4124

Witness:

J. L. Spencer

Counsel,

Filed 10 day of Aug 1891

Pleads,

THE PEOPLE

vs.

Joseph Silver

Grand Larceny, 5th
Degree.
[Sections 528, 530
Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

Wm. Probst
Foreman

Aug 11/91
Charles J. Zuley
Emile R.

914
X
984

0647

Police Court 2 District. Affidavit—Larceny.

City and County } ss:
of New York, }

John H Foster

of No. 173 Prince Street, aged 50 years,
occupation Restaurant Keeper being duly sworn,

deposes and says, that on the 24 day of July 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the night time, the following property, viz :

gold and lawful
money of the United States to the
amount and value of about
thirty four dollars \$ 34.-

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 Joseph Silver (now

here). Deponent had the said money
in his pocket of pocketbook when he
went to sleep in his house at 173 Prince
Street on said date, and defendant was
in bed in the same room when deponent
went to sleep. Deponent was awakened
by the barking of a dog about
11.30 o' Clock P.M., and discovered

Sworn to before me, this _____ day of _____ 1891
John H. [Signature]
Police Justice.

0648

that the said money had been taken
and defendant had left the room.
and defendant sent the defendant
copies in the presence of Officer
John O. Saverese, that the
defendant took twelve dollars of
defendant's money

^{dis}
John H. Foster
mag

SWORN TO & RECEIVED BY
25 July 1891
John S. Kelly
POLICE JUSTICE

0649

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Joseph Silver

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

Question. What is your name?

Answer. *Joseph Silver*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Portugal*

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

Answer. *210 Thompson St - 7 months*

Question. What is your business or profession?

Answer. *Walter*

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 took twelve dollars*

Joseph Silver
man

Taken before me this
day of *July* 189*7*
John J. Kelly

Police Justice

0650

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

Joseph Silver

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 May 28 1871 *John Kelly* 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.

0651

904

Police Court--- *a* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. Foster
773 Prince St
Joseph Silver

Office *Lacey*
Jelony

Dated *July 28* 18*81*

Kelly Magistrate.

Savene Officer.

S Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *100* to answer.

92187H
money

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0652

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

523

THE PEOPLE OF THE STATE OF NEW YORK, against

Joseph Silver

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

Joseph Silver

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

The said

Joseph Silver

8th Ward of the late of the City of New York in the County of New York aforesaid, on the 24th day of July in the year of our Lord one thousand eight hundred and ninety-one at the City and County aforesaid, with force and arms, in the night - time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of thirty-four

\$34.00

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of thirty-four

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of thirty-four

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of thirty-four

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of thirty-four dollars

of the goods, chattels and personal property of one John W. Foster, in the dwelling-house of the said John W. Foster, there situated, then and there being found, from the dwelling-house aforesaid then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

0653

BOX:

447

FOLDER:

4124

DESCRIPTION:

Simon, Joseph S.

DATE:

08/06/91



4124

0654

The witness of
the complaint in this
case - which I have
submitted - states that
the property conveyed
to the parties alleged to
have been stolen, was
at the time of the audit
at 100 South 1st St. of the
bank's master. This
fact makes it so
conclusive as to the
guilt of the defendant
for many of the reasons
set out by the defendant
that I do not think a
conviction can be had.
The defendant has been
sentenced before a
respectable family.
Under these circumstances
I am of the opinion that
the prosecution should
be discontinued.
Sincerely yours
John R. Fallowe

John R. Fallowe

Counsel,
Filed 6 day of Aug 1891
Pleas, Chicago

THE PEOPLE
vs.
Joseph S. Simon
Grand Larceny, Chicago
(MISAPPROPRIATION.)
[Sections 528, 531 - of the Penal Code.]

JOHN R. FALLOWE

District Attorney,
Chicago

A TRUE BILL,
William Woodruff

Foreman.

Part 1

Witness:
Kate Lacy

Recommend Defendant
to Mercy of the Court

0655

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Joseph A. Quinn.

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 boy is about seventeen years of age. He was office boy and clerk in a mechanical house and is not possessed of overmuch sense or brainpower. He took these watches on memorandum from me, and at the time they were taken actually intended to sell them. He held them to find a purchaser and placed them, I understand, in his mother's safe. As soon as she returned from Rockaway and opened the safe (of which she alone held the combination) she returned the watches. They are now in the property clerk's hands. I do not think it was his intention to steal the watches.

The family of the boy is very respectable. His mother, a widow, is a hardworking honest

POOR QUALITY
ORIGINAL

0656

and upright woman and a conviction of this
young and foolish boy would ruin the welfare
and success of the other children and herself.

His mother I am informed will send
the boy away, and thinks a change of location
will make a good man of him.

The interests of justice I believe will be
benefited by the dismissal of this complaint.

Wm. Dept 10/1/87

Wm. Dept

0657

New York, July 22 1891

Mer

Bought of A. U. LAKY,
IMPORTING AND MANUFACTURING JEWELER,

DIAMONDS, WATCHES, JEWELRY, CLOCKS, SILVERWARE AND OPTICAL GOODS.

TERMS CASH.

1038 THIRD AVENUE, BET. 61ST & 62D STS.

REPAIRING OF WATCHES AND JEWELRY ON PREMISES

Received from A. U. Laky		
in consignment		
1 - 14 day watch		22 00
1 - 14 " "		12 00
1 - 14 " "		30 00
1 - 14 " "		30 00
1 - 14 day watch		75 00
		<hr/> 169 00

0658

Police Court— 4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Kate Laky
of No. 1038 3rd Avenue Street, aged 30 years,

occupation Keep house being duly sworn
deposes and says, that on the 9th day of July 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:

Four gold watches of the value
of One hundred and sixty nine
dollars

the property of A. U. Laky, deponent's husband
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 Joseph S. Simon for the
reasons that deponent entrusted
said property to the defendant
as the agent of deponent and her
husband, for inspection to show
it to pretended purchasers. The
defendant came to deponent and
stated that he had a purchaser
for a gold watch and asked
deponent to permit him to have
two watches to show to a proposed
purchaser and if approved of
then he would return this money,
the purchase price for the one
selected and return the one rejected

Sworn to before me, this
18 day

Police Justice.

0660

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. Joseph S. Simon

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. 116 East 90th St. 3 years

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty

~~Joseph S. Simon~~

There was a business transaction, I received the watches for the purpose of selling them. I found some difficulty in selling them, but being desirous to make a profit delayed the return thereof. When I called at Complainant's place of business and stated that I would return the property the next day - I was arrested. I have returned the property to the Complainant.

Joseph S. Simon

Taken before me this 3d day of July 1891
W. J. McManis
Police Justice.

0661

Sec. 151.

Police Court 4 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 Nate Barry of No. 1038-3rd Ave Street, that on the 7 day of July 1887 at the City of New York, in the County of New York, the following article to wit:

four gold watches
of the value of one hundred sixty nine Dollars,
the property of A. H. Barry
w. as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Joseph S. Simon

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 4 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 29 day of July 1887,
W. W. ... POLICE JUSTICE.

0662

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated 188

..... Magistrate

W. H. ... Officer.

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

..... Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

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

Dated 188

..... Police Justice.

The within named

0663

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

defendants

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~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 *July 30* 1891 *W. M. M. M. M.* Police Justice.

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

Dated *July 30* 1891 *W. M. M. M. M.* 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.

0664

Police Court *W 4* District. *1006*

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Kate Barry
10.38. 3d Avenue
Joseph S. Simond

Offence
Warrant (Felony)

Dated *July 30* 18*91*
M. Malon Magistrate.
Holland Officer.
C. O. Precinct.

Witnesses
No. _____ Street.

No. _____ Street.

No. _____ Street.



2000 to answer *G. S. [unclear]*
2000 bail *31 July 21 9 am*
Bailer

BAILED.
No. 1, by *Bertha Simon*
Residence *116 E 90th* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

0665

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 S. Simon

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

of the CRIME OF *Joseph S. Simon* ~~Grand~~ LARCENY, *in the second degree* committed as follows:

The said

Joseph S. Simon

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *July* in the year of our Lord one thousand eight hundred and ~~ninety-one~~ *ninety-one*, at the City and County aforesaid, being then and there the clerk and servant of ~~bailee of one,~~

Adolph U. Laky, and as such bailee

~~and as such clerk and servant~~ then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said *Adolph U. Laky*

the true owner thereof, to wit:

one watch of the value of twenty-seven dollars, one other watch of the value of forty-two dollars and two other watches of the value of fifty dollars each.

the said

Joseph S. Simon

afterwards, to wit:

on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said *goods, chattels and personal property*

to his own use, with intent to deprive and defraud the said

Adolph U. Laky

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said

Adolph U. Laky

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.

~~JOHN R. FELLOWS,~~

~~District Attorney.~~

0666

Second COUNT:—

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

Joseph S. Simon

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

The said

Joseph S. Simon

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *July* — in the year of our Lord one thousand eight hundred and
~~eighty-ninety-one~~, at the City and County aforesaid, with force and arms,

one watch of the value of twenty-
seven dollars, one other watch of
the value of forty-two dollars and
two other watches of the value
of fifty dollars each

of the goods, chattels and personal property of one

Adolph U. Lakey

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

De Lancey Nicoll,
District Attorney.

0667

BOX:

447

FOLDER:

4124

DESCRIPTION:

Smith, Joseph

DATE:

08/14/91



4124

0668

166

Witness:

Abraham Friedman

Counsel,

Filed

14 day of Aug 1891

Pleads,

THE PEOPLE

vs.

Joseph Smith

Grand Larceny, Record Degree
(From the Person)
[Sections 529, 531, 532 - Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Woodruff

Foreman

Aug 14/91

Richard B. Jones

S. P. 2 1/2 Mrs.

0669

Police Court

3rd District.

Affidavit—Larceny.

City and County } ss:
of New York, }

Abraham Friedman

of No. 02 Allen Street, aged 28 years,
occupation Soda Water being duly sworn,

deposes and says, that on the 1st day of August 1891 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
night time, the following property, viz:

One gold watch and chain
and gold locket together of the
value of one hundred and
fifteen dollars

the property of Defendant

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 Joseph Smith

where
from the fact that deponent was sitting
down on a chair in front of defendant's
residence between one and two
o'clock on said date, deponent fell
asleep and said watch was in the pocket
of deponent's pantaloons attached to said
chain and worn on the person of deponent
and when deponent awoke deponent missed
said property from his deponent's person
deponent further says he is informed by
Officer Sullivan, Thomey of the 11th Precinct
Police that he found two pawn tickets
here shown in Court on the person of said
defendant representing said watch and

Sworn to before me this

1891

Police Justice

0670

Cham which department was in the room
Office of Friedman 344 East Houston Street
And a bunch of 2000 East Houston Street
And identified as the money taken stolen
and carried away as appeared

Sworn to before me this

11th day of August 1939 Abraham Friedman
Wrote

J. P. [Signature] Police District

0671

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 39 years, occupation Police Officer of No. 111 Greenwich Place Street, being duly sworn, deposes and

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

Sworn to before me, this 11th day of Aug 1896, } William J. Mooney

[Signature]
Police Justice.

0672

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer. *Joseph Smith*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *15 Chatham St 15 months*

Question. What is your business or profession?

Answer. *Printer*

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

Answer. *I am not guilty*

Joseph Smith,

Taken before me this
day of

[Signature]
Police Justice

0673

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.....

Dejandant
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..... *Aug 11* 18..... *G. P. Murphy* 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.

0674

Police Court--- 30th 1065 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Abraham Friedman
197 1/2 1st St

Joseph Smith

1
2
3
4

Officer Green
McClellan

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated _____ 1891

Magistrate.
Officer.

Precinct.

Witnesses

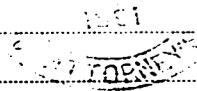
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer 400

Com [Signature]



0675

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 Smith

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

of the CRIME of GRAND LARCENY in the *first* degree, committed as follows:

The said

Joseph Smith

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *August* in the year of our Lord one thousand eight hundred and ~~eighty-ninety-one~~, in the *right* time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of sixty dollars, one chain of the value of twenty-five dollars and one locket of the value of thirty dollars

of the goods, chattels and personal property of one *Abraham Friedman* on the person of the said *Abraham Friedman* then and there being found, from the person of the said *Abraham Friedman* 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.

0676

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Joseph Smith
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Joseph Smith*
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
sixty dollars, one chain of the
value of twenty-five dollars and
one locket of the value of
thirty dollars*

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

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

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

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

JOHN R. FELLOWS,
District Attorney.

0677

BOX:

447

FOLDER:

4124

DESCRIPTION:

Smith, Thomas

DATE:

08/14/91



4124

155

Counsel, *[Signature]*
Filed *17* day of *Aug* 188*9*
Pleas'd *Maguly*

THIS PEOPLE
24-6-1889
811-6-1889 MS
Thomas Smith
Grand Larceny, *[Signature]*
From the Person *[Signature]*
Degree *[Signature]*
[Sections 529, 53, 54 Penn Code]

DE LANCEY NICOLL
~~DE LANCEY NICOLL~~
18 Sept 18. 1889 District Attorney.

Zym C Woodruff
A True Bill.
[Signature]

Park 3 - Sept 9
Foreman
Wm Woodruff & Committee
9.2.2 day - 18

Witness:
Wm Jambler
John Charlton

both first
Calvin de la
[Signature]
Property Rec'd
[Signature]

0679

Police Court— 4th District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Charles Hauskin
of No. Orange, New Jersey Street, aged 45 years,
occupation Butler being duly sworn

deposes and says, that on the 20th day of July 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession

and person of deponent, in the night time, the following property, viz:

A gold watch, of the value of Seventy five (75) 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 Thomas Smith (nowhere) for the reasons following, to-wit:

Deponent says— at about 9 P.M. of said date he was in a saloon, where he met defendant, and together had several drinks.

Deponent further says— he became dazed and was aroused by feeling a tug at a pocket of the vest worn by deponent at the time, and in which vest pocket was said watch, and saw defendant leave the saloon, deponent simultaneously with defendant's departure, discovering that said watch was gone.

Deponent further says— he is informed by Officer Robert Challinor

Sworn to before me, this 18th day of July 1891
Police Justice.

0680

the 22nd Precinct, that he arrested defendant on August 3rd, on suspicion of having stolen said watch, said officer finding a pawn ticket in defendant's possession which represented a watch pledged with H. Phillips of No. 307 West 42nd Street.

Deponent further says - he identified defendant in said officer's presence as being the identical man in whose company he had been, in the manner and time aforesaid, and also identified the watch represented in the pawn ticket received from defendant, as aforesaid; said watch ~~to be~~ to be assumed, as his property, stolen from him, in the manner and at the time aforesaid. Wherefore,

deponent charges defendant, with feloniously taking, stealing and carrying away said watch from deponent's person and possession.

Sworn to before me by Charles Hankin
this 11th day of Aug 1871

[Signature]
Police Justice.

0681

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert Charlton

aged _____ years, occupation _____ of No. _____

22

Mac

Officer

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

Charles Haukin

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

Sworn to before me, this _____

4

day of _____ 189*8*.

Aug

Robert Charlton

[Signature]
Police Justice.

0682

Sec. 198-200.

47 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas Smith 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. Thomas Smith

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. New York City

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

Answer. 811-6 Avenue - 2 years

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.

Thos Smith

Taken before me this 4th

day of Dec 1914

Police Justice

0683

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 *Aug 4* 18*91* *Henry [Signature]* 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.

0684

155
Police Court--- 4th District. 1022

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Hanson
Orange N.J.
Thomas Smith

Officer
Garcia from Tucson

1
2
3
4

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated August 4th 1891
Murray Magistrate.

Charlton & Montgomery
22nd Precinct.

Witnesses Robert Charlton

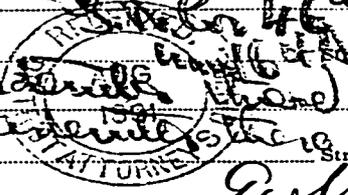
No. 22 - Rice Street
Inspector of Jail

No. (1) Baderick Street

No. (2) Baderick Street

\$ 1000 to answer G. S.

Com G. H. [unclear]



COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Mon. Fred'k Smyth,
 Thomas Smith. : and a Jury.
 :
 :
 ----- x

Indictment filed August 14, 1891.
 Indicted for grand larceny in the first
 degree.

New York, Sept. 9, 1891.

A P P E A R A N C E S:

For the People,
 Asst. District-Atty. Stapler;
 For the Defendant,
 Mr. Jacob Herlinger.

* CHARLES HAUTER, a witness for the People, sworn, testified:

x
 I live at No. 514 Third Avenue in this city.
 On the 20th. of July last I lived in Orange, New Jersey.
 On that day I came to the City. In the evening I was in
 20th. Street near Sixth Avenue. I saw the prisoner
 there. I went into this saloon and I took a seat. I
 had a few drinks and that man came over and sat at the
 table with me, and I, like a gentleman, asked him to take
 a drink, and another drink, and another drink. And fin-
 ally, after coming up from the country, I felt very sleepy
 and thought I would like to take a nap. I put my arm on

0686

2.

the table like that and I fell asleep. When I awoke I found my vest open like that and my watch was gone. I then jumped up and I said: "My watch is gone" and that young man was gone also. I am speaking the truth. The next day I returned to Orange, New Jersey from here and remained there for two weeks. I was employed as a tailor there. Two weeks later my wife returned from Providence and then I came to this City and I made a complaint at Police Headquarters. I gave them a description of the defendant who is now at the bar. I looked for him around the city, and finally I saw him at the corner of 46th Street and Sixth Avenue, and I had him arrested. He was him say anything there. On the following morning, in the Police Court, he said I gave him the watch to pawn, which I never did. I valued the watch at \$75. It was an eighteen caret gold watch. I am positive that the watch was in my pocket and attached to the chain at the time I was drinking with the defendant in this saloon.

Cross-examination:

- Q Was the chain fastened to the watch? A Yes, sir.
- Q Where was the chain? A The chain was in the buttonhole of my vest.
- Q What time of day was it when you last saw it? A I last saw it when I went into this saloon.
- Q What time did you leave Orange, New Jersey? A I left there about four or five o'clock. I could not tell you exactly .

3.

Q Did you come direct to this saloon from Orange ? A No, sir; I was in several other places. I was in a surgical instrument-maker's on 6th. Avenue near 34th. Street.

Q Did you go into any other saloon? A Yes, sir.

Q Were you drinking ? A I don't think I was drinking anything.

Q You don't know whether you were drinking anything ? A No, sir. I only remember drinking in the saloon where I drank with this defendant.

Q Why did you not make complaint before two weeks had elapsed? A I was waiting for my wife to come home. I could not leave Jersey until she came back.

Q You recollect that was eight o'clock you met this man? A Yes, sir.

Q Do you recollect saying to this young man that you wanted to raise some money ? A No, sir.

Q You didn't say that? A No, sir.

Q Were you drunk? A No, sir. I was not drunk, but I was sleepy.

Q You are positive you did not give this young man your watch and chain to pawn? A No, sir. I am positive of that.

ROBERT CHARLTON, a witness for the People, sworn, testified:

I am a Police Officer connected with the 22d. Precinct. The complainant in this case came to our Station House on the 3d. of August and made complaint that his watch had been stolen. I told him to come around to 35th. Street and Sixth Avenue and wait there for me. He

0588

4.

did so. I went through 48th. Street and I met the defendant Smith. I asked him where he was on that day two weeks and he said he was in Saratoga. I asked him if he was not in the saloon on the corner, and he said he was not. I told him there was a man on the corner who claimed he had lost his watch, and I thought he resembled the party whom he described. Then I brought him up to where the complainant was, and he identified him as the man who had been with him on that day, and who had stolen his watch. Then the defendant put his hand in his pocket and handed me the ticket and acknowledged that he was in the saloon with the complainant who was drunk, and he had given him his watch to pawn. I took the ticket from him and recovered the watch from the pawn-broker.

E E T E N S E:

THOMAS SMITH, the defendant, sworn, testified:

I have never been arrested or stealing anything in my life. I have never been convicted of any crime. My business is a carriage driver for Broadway, 48th. St. and Fifth Avenue. On the day spoken of by the complainant I went into the saloon at the corner of 48th. Street and Sixth Avenue and had a drink. I took a paper and went and sat down at a table. The complainant came in and came over and sat down at the same table with me. We got into conversation. He told me he had come to New York for a good time. We had several drinks together.

5.

He said that he owed some money, and that he would like to get some money in order to settle a bill. He wanted me to go and pawn his watch. He gave me the watch to pawn. I pawned it, and when I came back to the saloon I could not find him. I went through the saloon and around the neighborhood looking for him, but I never saw him until the afternoon I was arrested. I had the ticket in my pocket when I was arrested. The ticket was in my own name. I had no intention of stealing the watch, and would have returned the money to the man if I had been able to find him. I got \$20 on the watch but have since spent it. There were eight or ten people in the bar-room at the time the complainant handed me the watch.

Cross-examination:

- Q Did you say anything to anybody in the saloon about this man having given you his watch to pawn when you went back there? A No, sir.
- Q You pawned it that same afternoon? A Yes, sir.
- Q Where did you pawn it? A In 42nd. Street near 5th. Avenue.
- Q You didn't go to the Police Station and tell any officer that you had received this money? A No, sir.
- Q Did you know the bar-tender in this saloon? A Yes, sir.
- Q And you knew the proprietor of the store pretty well? A Yes, sir.

6.

Q When you came back to that liquor store on that afternoon with the \$20, why didn't you tell the proprietor ?

A The proprietor was not in.

Q Why didn't you give the money to the bar-keeper ? A I didn't know it was his place to take it.

Q You spent the money ? A I couldn't keep it. I didn't know where the man had gone to and had no means of finding him.

Q You knew you had no right to spend it ? A Yes, sir; but I didn't know where to find the man.

Q The officer says that you told him at first that you were in Saratoga on the day this larceny occurred ? A I had intended to go to Saratoga. That was the remark to the officer.

WILLIAM CORDES, a witness for the defendant, sworn, testified:

I am a bar-tender in the saloon corner of 48th Street and Sixth Avenue. I have been there five months. I have seen the complainant in our place and have also seen the defendant. I do not remember exactly the occasion on which the complainant was in our saloon. I did not hear him make any complaint about missing his watch on the day he was in there.

0691

7.

FRED STELLORNE, a witness for the defendant, sworn, testified:

I am a bar-tender in the saloon corner of 48th. Street and Sixth Avenue and have been employed there about a year and a half. I remember the occasion of the complainant being in our saloon. I did not hear him make any complaint about the loss of a watch.

DENIS P. ROOT, a witness for the defendant, sworn, testified:

I am manager for Mr. Bradbury's stables in 48th. Street and have been for five years. The defendant has been in our employ and I know his character to be

The Jury returned a verdict of "guilty of grand larceny in the second degree".

Indictment filed Aug. 24, 1891

COURT OF GENERAL SESSIONS

Part LIII.

Abstract of testimony on

trial New York, Sept. 9th

1891.

L. B. Clark

Thomas Smith

Court of General Sessions
City & County of New York

The People
vs
— agent —
Thomas Smith

City & County of New York vs:

Dennis F. Root

being duly sworn says.

I am manager and have been
for the last five years of
the Bridbury Stables No. 114 to 120 -
West 46th Street said City - and during
this period the defendant above
named was in my employ
for about three years in the
capacity of groom and Coachman
Deponent further says that while
said defendant was working
as above, deponent had occasion
to become acquainted as to
defendants character as to his
reliability and honesty - and
deponent cheerfully certifies
that the same is good.

At different times the defendant
was intrusted with the collection

of various bills - in amounts ranging between the sums of Ten to One Hundred — Dollars and at all times made correct returns of the same —

Defendant was at all times during his said employment held in good esteem by his fellow workers of whom at times there were as many as Eight to fifteen men —

That so far as deponent is informed and believes, defendant has never before been charged or convicted of any crime.

Sworn to before me
 This 16th day of Sept. 1891. } A. Francis Cook
 Notary Public
 (King to City of
 May Co.)

Court of General Sessions.

The People
 vs
 — apt —
 Thomas Smith.

We the undersigned co-laborers and workers in and around the stable, known as the Sandbury Stables located at 114 to 120 West 46th Street, in the City of New York do hereby certify that we are generally acquainted with the defendant above named and have known him for the respective periods set opposite our names and that during said period of time we also knew him to conduct himself in a proper and orderly manner regarded him as honest and reliable - and that so far as each of us know, have never heard of his being charged or convicted of any crime in this or any.

other State. We are also acquainted with others who know the defendant and he has always been well spoken of.

Dated New York September 1871.

Driver	James Finneyan	Eight years.
Coachman	William H. Adams	Seven years
Coachman	Thos. F. Gannon	Seven years
Driver	Charles W. Major	Three years
Bit. Surg.	Dr. Arthur O' Shea	Three years
Manager of Segars	Louis Dolan	Seven years
Retired	Geo. Merritor	Six years
Carriage	William S. Johnson	Five years
Driver	Steve O' Lynn	6 years
Coachman	William Gannon	5 years
Coachman	William Gannon	5 years
Horse Driver	James Thomas	5 years
Coachman	J. B. Sweeney	3 years
Coachman	Henry Stevens	11 years
Retired	John Gannon	Proprietor of Place
Stablekeeper	John Gannon	8 years
Coachman	Thomas F. Hawkins	5 years
Sattler, Repair	F. M. McKee	3 years
Stableman	J. K. Battis	1 year
Driver	C. E. Bourgeois	3 years
Coachman	William Collis	8 years

Court of General Sessions.

The People

vs

Thos^o apt.
Thomas Smith

}
}
}

City and County of New York SS:

Dennis F. Root
being duly sworn says that he
was present on the 17th day of
September 1891. at the City of
New York. and saw each of the
several persons whose names
are subscribed on the annexed
sheet sign their names thereto
that he is well acquainted with
each individual and has known
each and every one for a considera-
ble period of time some as
long as ten - and the shortest one
for a period of one year prior to
this date. That each & every one
is a reputable citizen of this
community and worthy of belief.
That defendant was brought up
or for most of his lifetime lived
in the neighborhood where the
said subscribers reside.

That deponent stands ready
and willing notwithstanding
any the present charge and
conviction, ^{against deponent} to re-employ him
in the capacity of driver.

Sworn to before me

This 17th day of Sept 1831

Heil Waedken
Wm Public Keep Co
Ct filed in NY Co

James F. Root

Annual Services

The People
Ac - Sept -

Thomas Smith

Appointments

Westbury
Communion Sept
23 Church St
N.Y.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Smith

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

Thomas Smith of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Thomas Smith

late of the City of New York, in the County of New York aforesaid, on the twentieth day of July in the year of our Lord one thousand eight hundred and eighty-nine, in the night-time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of seventy-five dollars

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

SECOND COUNT—

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

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

The said *Thomas Smith*

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
seventy-five dollars*

of the goods, chattels and personal property of one

Charles Hankin

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

Charles Hankin

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

Thomas Smith

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

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

0702

BOX:

447

FOLDER:

4124

DESCRIPTION:

Soderquist, John

DATE:

08/14/91



4124

152 X

Witnesses;

Frank Emerson
John Smith

Counsel,
Filed 14 day of Aug 1891
Pleads,

THE PEOPLE
vs.
John Soderquist
H.D.

Grand Larceny, First Degree.
(From the Person.)
[Sections 528, 530 - Penal Code]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. W. Proctor
Aug 14 1891 Foreman
Frank G. G. 2000
Emerson

0704

(1805)

Police Court 1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. My home Street, aged 29 years,
occupation Farm-hand being duly sworn,

deposes and says, that on the 12 day of August 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the night time, the following property, viz:

Good and lawful money of the United States of the amount and value of fifteen cents, one hamster club, and two frame tickets valued as five dollars, the whole being of the amount and value of five dollars and twenty cents \$5²⁰/₁₀₀

Sworn to before me, this 189 day

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 Soudriquest (unborn)

for the reasons following to wit: at the hour of nine o'clock a.m. on said date as deponent was seated on a bench in the Battery Pass having the said property in the pockets of the clothing which he then wore, he saw this defendant, who was seated near deponent cut the pocket of his (deponent's) trousers with a razor and take therefrom the said money. He also (deponent) also saw the defendant take the frame-tickets and hamster club with other articles from his pockets and run away. Deponent is informed by Officer Henry Quint that he saw the found

Police Justice.

0705

in the possession of the de-
fendant two ^{and} palm-tickets, a hand-
kerchief, ^{and} a picture which property
deposited has since seen and iden-
tified as being the property which
was feloniously taken from
Carroll during from this possession
and person of a

Sworn to before me) Frank Morrison
This 12th day of August 1891

To J. Carroll, Police Justice.

0706

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Smith
aged 34 years, occupation Police officer of No.

Battery park police Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Samuel Morrison

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

Sworn to before me, this 13 } Thomas Smith
day of August 1890, }

J. C. [Signature]
Police Justice.

0707

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Soderqvist 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 Soderqvist*

Question. How old are you?

Answer. *29 years.*

Question. Where were you born?

Answer. *Sweden*

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

Answer. *39 Bowery 1 month*

Question. What is your business or profession?

Answer. *Fireman*

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

Answer. *I am not guilty I was drunk and did not know what I was doing*

John Soderqvist

Taken before me this

day of *October* 1897

J. J. Murphy
Police Justice

0708

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

Dequand

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 Aug 13 18 91 *W. J. Kelly* 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.

0709

Police Court District

1970

THE PEOPLE, &c.
ON THE COMPLAINT OF

Frank Moussey
vs.
John Sadegh

Offence
Police
Dept

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Aug 18* 1889

Reilly Magistrate.

Smith Officer.

Quincy Post Precinct

Witnesses *Thomas J. Smith*

No. *Battery from face*

Complainant craves to find Street.

surety in the sum of \$100 to

appear No. _____ Street.

\$ *1000* to answer _____

COMMITTED.

G.H. 1
1870

0710

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

of No. Thomas Smith Street, aged 32 years, occupation Police Officer being duly sworn deposes and says, that on the 13th day of August 1891 at the City of New York, in the County of New York,

Thomas Monahan (nowhere) is a material witness for the People against one John Rodriguez charged with larceny from the person. The said Monahan having no home, deponent prays he find surety to appear when needed.
Thomas Smith

Sworn to before me this 13th day of August 1891

[Signature] Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Soderquist

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

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

The said

John Soderquist

late of the City of New York, in the County of New York aforesaid, on the twelfth day of August in the year of our Lord one thousand eight hundred and eighty-nine, in the night-time of the said day, at the City and County aforesaid, with force and arms,

one silver coin of the kind called dimes of the value of ten cents, three nickel coins of the kind called five cent pieces of the value of five cents each and five coins of the kind called cents of the value of one cent each, and one handkerchief of the value of twenty-five cents, and two train tickets of the value of two dollars and fifty cents each.

of the goods, chattels and personal property of one Frank Mausson - on the person of the said Frank Mausson then and there being found, from the person of the said Frank Mausson 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.

0712

BOX:

447

FOLDER:

4124

DESCRIPTION:

Spencer, Frank

DATE:

08/06/91



4124

Hartman Lii
The Kansas State Bar Association
March 19 1891

1002
A. C.

Courts
Filed
Pleads
day of Aug 1891

THE PEOPLE
vs.
Frank Spencer
Deputy
Chief & Conductor

THE PEOPLE

vs.

Frank Spencer
Deputy
Chief & Conductor

John E. Wilkins
District Attorney

District Attorney

A True Bill

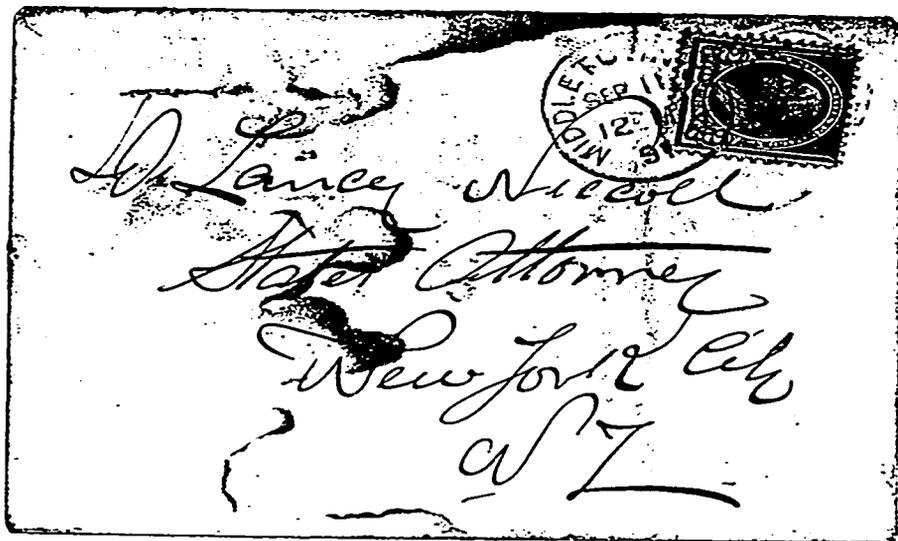
Wm. J. ...
November 1891
Ed. ...

Fitness:

Wm. J. ...

Spencer

0714



but was competent as
 as his husband and was out
 with paper for them
 is paper name is
 Healy he is wanted for
 Frank's business
 as an
 Ben
 to
 with the
 the woman that claims to be
 his sister giving the name
 of
 wanted by her husband
 who
 a
 with some
 paper name
 is a common prostitute and
 in

0716

District Attorney's Office
City & County of
New York.

Sept. 10th., 1891.

189

Dear Sir:-

I am informed by the officer in the case of Frank Spencer who was convicted here yesterday of the crime of assault, that you are familiar with his past history. If this information is correct, will you kindly tell me what you know of him on or before Monday the 14th., inst., when he will come up for sentence, and oblige,

Yours very truly

David A. Miller
Asst. Dist. Atty.

To

Thomas Kench Esq.

Lock box 687

Middletown Ct.

0717

Middletown Co
Aug-28th 91

Prosecuting

Attorney Loomis Case

Sir

I am credible informed
you have as a Prisoner
one Frank Spencer
awaiting trial for Assault
with Rayon with intent
to kill some man in
Mc Gunks Saloon.

He is a native of Hartford
and is cohabiting with
a young married woman
by the name of Minnie
Fox she left her husband
Fox in Springfield Mass
to live in debauchery
with the above named
Frank Spencer.

which is not her name
 his, proper name is
) Frank Healey
 he left Hartford with
 his concubine to avoid
 arrest for fornication as
 perjured by Jur. The Chief
Springfield. The
 woman Agnes hangs
 out at a place called
Joe Cabes in Harlem &
 there where she gave
 found a droit of the time
 on when she goes to the
Louis jail to see her
 lover she gets admission
 by telling she is his sister
 The above name
 of Frank Spencer is false
 his name is Frank Healey
 and her name is Miss
Agnes Munnis The
 and her husband as been

0719

Looking after her & the
man find have with a
view to prosecute them
for Adultery & Fornication
The wife appears at his
trial as a witness for
him and no doubt will
swear false for him
It would be of
any use to you by
paying expenses
I would appear and
give you moon light
concerning them both
the woman as lover
& House and an well
acquainted with her
Very Respectful
Yours

0720

St Vincent's Hospital
July 29-1891

Daniel Shanahan
is out of danger, and
will be discharged in a
few days.

Respectfully,
S. W. Campbell M.D.
House Surgeon
JWB

0721

St. Vincent's Hospital
July 24, 1891

This is to certify that Daniel
P. Shanahan is out of
danger but is weak from
loss of blood and will be
unable to appear at court
tomorrow.

C. J. Campbell
Surgeon
Home Surgeon

0722

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3rd DISTRICT.

Robert B Beck
of No. 11th Premier Police Street, aged 28 years,
occupation Police Officer being duly sworn deposes and says
that on the 24th day of July 188

at the City of New York, in the County of New York, Dependent Arrested
Frank Spencer (now here) for feloniously
Assaulting one Daniel P. Shanahan of 108th
Bowen St. by cutting and wounding said
Shanahan on the right arm and in the
neck with the blade of a razor the defendant
held in his hand said Shanahan identifies
said Spencer in the presence of dependent as the
person that did inflict said injuries from
which said Shanahan is now confined to the
St Vincent's Hospital and is unable to appear
in court, wherefore dependent prays that said

Sworn to before me, this

[Handwritten signature and notes on the left margin]

0723

defendant may be held to await the
result of said injuries
sworn to before me this
25th day of July 1891

Robert B. Beck

[Signature]
Police Justice

[Signature]
Council of the

1903
Police Court--

District.

AFFIDAVIT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Robert W. Beck

vs.

Frank Spencer

Dated July 25th 1891

[Signature]
Magistrate.

Officer.

Witness,

[Signature]

Disposition,

0724

Police Court 3rd District

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

of Puritan Hotel No 183 Bowery Street, aged 23 years,
occupation waiter being duly sworn

deposes and says, that on the 24th day of July 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Frank Spencer

(now here) who did wilfully and
maliciously cut and wound
deponent on the muscle of the right
arm and on the chin with the blade
of a razor the deponent held in his
hand and said 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 24th day } D.P. Shanahan
of July 1888 }
Police Justice.

0725

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Frank Spencer 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 Spencer

Question. How old are you?

Answer.

43 years

Question. Where were you born?

Answer.

Australia

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

Answer.

No Home

Question. What is your business or profession?

Answer.

Printer

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 Spencer
Frank Spencer

Taken before me this

day of *July* 18*97*

80

Police Justice.

0726

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.....

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

Dated *May 30* 18..... 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.

0727

Thomas Romo
John Smith

(W) 37 1002
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James P. Hancher
Suntan Hotel
183 Broadway
Frank Spencer

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3
4
Offence

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated July 30 1891

Magistrate.

Robert B. Beck Officer.

11 Precinct.

Witnesses

No. _____ Street.

James Monroe

No. 253 _____ Street.

No. _____ Street.

\$ 3.000



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THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs.

FRANK SPENSER.

BEFORE JUDGE FITZGERALD.

Tuesday, Sept. 8, 1891.

Indictment for assault in the first degree.

DANIEL T. SHANAHAN, sworn and examined.

I live in 253 Bowery, right over the place where I am working, on the top floor, it is a liquor saloon and I am waiter there, I was employed there on the 24th of July of this year, I saw the Defendant there in the evening, between five and six o'clock when the assault took place, he came in alone and a woman was there, she was sitting down alongside a gentleman I never saw before and never saw him since in the back room of the saloon; the Defendant made a spring at the man and struck him in the eye and knocked him off the chair and I went over and brought him to the center of the floor, I brought the Defendant and spoke to him and said there would be no fighting allowed in here, "you ought to know it is not right to fight in a saloon, I will allow no fighting in here." He passed the remark that he could lick me, calling me the son of a b- - . I said, "I will allow no fighting in here"; he struck me in the eye and in the jaw, I did not strike him at all, he struck the bar-tender O'Connor on the nose and ear before he went out. This was while I was putting him out in the street and he came back in five or ten minutes but I never thought that he had a razor and he made an attack on O'Connor, he leaned over the bar and then attempted to get in again, I opened the door and pushed him out into the street; the first time that he came in I and the bar-tender

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put him out; then he came back in five or ten minutes after and he was attempting to come in through the door when I shoved him; when he was leaning on the bar was the second time that he attempted to go in the back room. The second time he came in Monroe was sitting down near the piano and O'Connor was behind the bar. I shoved him out as far as the sidewalk and when I came in they said to me I was cut, I did not know I was cut. I was cut on the chin and on my bicep and on the collar down here. I went to the St. Vincent's Hospital about twenty minutes after, I was there eleven or twelve days. I heard that Officer Manchester arrested the defendant, I saw him in charge of Officer Beck and Officer Butler when I identified him in the drug store; I was sitting down on a chair and I heard the defendant say he would like to have the lean, big son of a bitch in the field for about half an hour. I went to the Hospital after that in an ambulance, I guess it was about fifteen or twenty minutes after I put him out the last time when I saw him in the drug store; the officer brought him down and asked me if he was the man that stabbed me and I said yes.

CROSS EXAMINED.

I am not employed at anything at present, I used to go to sea, I worked at Mr. McGurk's place at 252 Bowery, I have been employed there since last June and before that I was going to sea, down in the West Indies and Central America; I have about six years experience in that, I am now going on twenty-four years of age, I have been brought up in this city, I was in the Navy and was discharged, I enlisted in the Navy and served as an apprentice and voluntarily

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stayed until I was twenty-one years of age, my father was my guardian, he lives in Christopher Street, I was aboard the Pensacola, the Franklin, the Jamestown and the Minnesota; I re-inlisted again in the Navy about ten months after I served my time but I applied for my discharge, a gentleman in Brooklyn names Mr. Kershaw in Oxford Street got me discharged. he applied to Secretary Tracy and he sent me my discharge last June and then I went to work, I went to work in a liquor store in 255 Bower, as a waiter, it is not open all night to my knowledge; ladies go in there and sit down and have a drink. Every place has a bouncer, I am not employed there as a bouncer. Even the Hoffman House has a bouncer, would-you believe that? I am a day waiter and go to work in the afternoon. There was a fight in the place about a woman who was the lady friend of the defendant; there were other women in the place at the time but they are not in Court -- the name of one is Minnie Young and the other Lottie Dwyer; May Spenser was there. When this prisoner came into the room there was another person sitting down with a young girl whom he claimed as his friend. I don't know a young lady named May Clark, I know her by the name of May Spenser. I saw the defendant strike the man when he was sitting on a chair, I went over when they were fighting and took hold of him; at the time that I took hold of him O'Connor came out and got hold of the prisoner. O'Connor did not come out from the bar into the back room with a club, ~~he came~~ Then when you and O'Connor and this third party had hold of this prisoner you got him down and was it not then at the time that you all had hold of him that the razor fell from

his pocket and he cut you to save himself being beaten?
No sir; that was not the time I was cut with the razor, I swear to that positively. I pushed the prisoner out on the sidewalk and he ran away, I did not strike him, I only shoved him without using any more than necessary force, it is a swinging door and I shoved him through the door. At the time I shoved the prisoner on the sidewalk I do not know what O'Connor was doing, he was behind the bar. I have never been engaged in fights.

JEREMIAH O'CONNOR, sworn and examined.

I live at 180 Mulberry Street and am a bar-tender at 253 Bowery, the same saloon in which Shanahan worked as a waiter, I saw the defendant Spenser in the saloon on the 24th of July of this year about five or six o'clock. I was serving a customer and he walked into the back room, I heard noise and I ran in and asked what is the trouble here. Shanahan said, this man was fighting, he struck a man. I says, "wont you get out of here without causing a fight, we don't want no trouble"; he used an oath. I said, "I don't like that, you will have to go out of here"; as I was leading this man toward the door he struck me on the nose and it commenced to bleed, we were putting him out; after an interval of five or ten minutes he walked into the store with a razor, I was behind the bar serving a customer; he says, "you son of a bitch, I will fix you"; I struck him on the head with a stick and his hat bounced off, it did not take any effect, Shanahan was in the room above bathing his eye; he did not see the man with the razor, he cut Shanahan on the sidewalk here and right there,

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(pointing to the head); this cutting was not done in the saloon but outside, I did not go to the Police Station.

CROSS EXAMINED. There are tables and chairs and a piano in this back room, it is a free and easy place and a resort for young ladies and gentlemen who perambulate the Bowery at all hours of the night --- some of them are known as prostitutes, I am a bar-tender in the day time, Shanahan is a waiter there, we do not keep a bouncer in that place only as occasion demands it. The fight took place in the back room, I went from behind the bar as soon as I heard smashing to stop the fighting, Shanahan was in there waiting on customers, he got hold of the prisoner in the back room and I came in after him. It is not true that while I and Shanahan had hold of the prisoner that a third man got hold of him, James Monroe was there; there were no blows struck while I and Shanahan had hold of the prisoner, I took him in a gentle way by the coat, I had an apron on and was in my shirt sleeves. There were about five or six women in there at the time but I do not know their names, I have been bar-tender there seven months. I know May Spenser, that is his mistress, I know her from coming in there, I know Irish Lottie and Minnie Young. May Spenser and another party were in conversation when the prisoner walked into the back room, I served them with drinks before Shanahan came to work, he was rather late in getting there that day. The Defendant struck me while I was putting him out; there were no blows struck in the back room while I had hold of Spenser, Shanahan and I took him to the door, we used no violence, the second time Shanahan put him out alone.

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JAMES MONROE, sworn and examined.

I live at 44 Great Jones Street at present, I am not doing anything at present, I was a waiter at McGurk's saloon, 253 Bowery and was working there at the same time with Shanahan, I was working there on the 24th of July, I saw Spenser in the saloon that afternoon between five and half past five o'clock, Spenser and a friend of his came in and I was sitting at one of the tables in the back room, he put his hands in his pockets and stood there and kept looking over at this party sitting at the other table, May Spenser and a man, I don't know his name. After looking at them for a little while, he starts and makes a run and punches this fellow off the chair, O'Connor and Shanahan came over and got hold of him and started to put him out, and he says, "let go of me and I will go out myself." They did let go and he renewed the attack on this man; they got hold of him then and pushed him out; he was gone about five minutes I should judge, perhaps a little more and I was standing at the bar in the outer room talking with O'Connor, Shanahan was in the back room; he came in and somebody halleoed in the door as he came in. "he has got a knife"; he comes in and rushes up to O'Connor and says, "I will fix you now", calling him something; I says to O'Connor, "get the club", he did not stand no show against a man with a razor in his hand, and he did ~~not~~ not strike hard enough, He struck about hard enough to knock his hat off; the defendant goes in the back room and he starts for Shanahan and he got him by the two arms; when Shanahan came back I saw his chin cut; this Spenser ran up the

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Bowery and I did not see any more of him until the officer brought him back, I don't know the officer's name, there were three of them there at the time.

CROSS EXAMINED. O'Connor and Shanahan got hold of Spenser about the same time; when Spenser knocked the other man on the floor I was nearest to him at the time, Spenser struck me but I did not strike him back. Nobody attempted to strike him until he came back the second time. I don't know what occurred in the front room for when I came out they were outside on the sidewalk, there was fifty or a hundred people outside at the time. Before I went to work at this bar-room I was working for the New York Standard Watch Company at Jersey City for two years, I am a watch maker by trade.

ROBERT B. BECK, sworn and examined.

I am an officer of the municipal police attached to the 11th precinct, I saw the defendant Spenser on the night of Friday, the 24th of July, at the corner of Houston St. and the Bowery about five minutes to six; he was alone at the time, I arrested him and took him to a drug store at 190 or 201 Bowery with Officer Manchester of the 17th precinct. This saloon of McGuirk's is between Stanton and Houston Streets on the Bowery, I arrested him about four hundred feet from the saloon. When I took him into the drug store the complainant Shanahan and three or four other people were there. When I made the arrest of Spenser Officer Manchester and myself were together; he asked the defendant what he had in his hand? He said nothing, and he

shut his hand and the razor fell on the sidewalk, I picked the razor up and put it in my pocket; the razor now shown me is the one. I asked him what he had done and he said that he had some trouble down the street but it didn't amount to anything. I took him down to McGurk's and they told me Shanahan was stabbed and he had gone down the street, I left him in charge of Officer Manchester while I hurried to Shanahan's assistance, I brought him to the drug store and the druggist refused to have anything to do with the wound, he said it was serious and I telegraphed for an ambulance, I got the ambulance and put Shanahan into it. In the drug store I asked Shanahan who stabbed him, he said "this man" (the defendant). I asked him what he stabbed him for? He said there was a little fuss or something to that effect, words I did not understand or do not recollect, and he said there was three or four there tried to beat him and he went out and got a razor from a friend. When I had him before the desk in the Station House he acknowledged before the Sergeant and me that he went out and borrowed a razor from a friend. In the drug store you asked him why he stabbed Shanahan and he said there was "mugs" trying to do him and he went out and borrowed a razor from a friend? Yes. He wanted to lick Shanahan in the drug store there and then, Officer Manchester had hold of him, I told him to draw him one side and he did, I took the defendant to the Station House and when he was taken before the Sergeant in the station house he was asked did he do the stabbing? He said, yes, he done it in self-defense. On the way to the Police Court I had a conversation with

him, I told him he got himself in serious trouble, he said he was a stranger in the city, that he was drunk at the time and did not know what he was doing. I told him it was no excuse for him drinking, I brought him before Judge Duffy and made a complaint; the complainant at the time was in the St. Vincent Hospital. Did the Defendant at any time say anything to you about where he got this razor? No sir, only the time I made the arrest and had him before the desk, the same as he told the Sergeant. Is that razor in the condition in which it was when you took it from him, the same jag out of the blade? Yes.

Mr. Weeks: I offer the razor in evidence.

CROSS EXAMINED.

I arrested Spenser immediately after the row, he was running, he was not sober, he was partly under the influence of liquor, he was not running very fast, I was probably five hundred feet from him when I first saw him, he was not running fast, he was walking; I was on the same side of the street with him; as soon as he was pointed out to me I ran and kept on running until I caught him; I met him about twenty feet from the corner of Houston Street. No. 253 Bowery is about four or five hundred feet from the corner of Houston St. I stood in front of Hanson's saloon corner of Rivington Street and the Bowery, a citizen got off the Third Avenue car and said there was some trouble at the corner of Stanton Street and the Bowery; at that time of night you can never tell what the trouble may be on account of so many people passing up and down going and coming from work.

The corner of Houston Street and the Bowery is my relieving point, I jumped on a Third Avenue car and Officer Manchester.

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was on a Fourth Avenue car, I got to the corner of Stanton Street and said there is trouble and he and I jumped and he was probably three car lengths ahead of me; he ran after Spenser, the prisoner, and some young man, a little boot-black I believe he is, who keeps a stand in front of the place said, "there he goes"; he did not see Officer Manchester going over across the street from the Fourth Avenue car at first but I suppose he saw him afterward but whatever made him run he ran and Officer Manchester who was probably ten or fifteen feet ahead of me, got hold of him first. How far did he run from the place he started to run when he was caught by Officer Manchester? Maybe two or three hundred feet.

DANIEL P. SHANAHAN recalled by Counsel.

I was discharged from the Navy on the 14th of May, 1889, and then I went to work in the Knickerbocker Ice Company and also in the White Star Line down in West Street, I worked for them between ten and eleven months, I was convicted once of crime about two years ago, I think in January, 1889; I had a row home and my brother got me arrested and Judge Fitzgerald sentenced me to ten days, I was court martialled once in the Navy about four or five years ago. I was convicted in this Court under the name of James Shanahan in the month of January, 1890. When I was tried by a Court Martial I was on a United States ship Pensacola at Leghorn, Italy, the executive officer of the Pensacola was Lieut. Com. Hitchcock. I was discharged from the United States Navy the last time in Brooklyn and was on the ship Enterprise. I do not know a man named

Frenchy. I know Lottie Dyer by the name of Irish Lottie, I have not seen her here to-day.

ROBERT B. BECK, recalled by Counsel.

I first saw Spenser on the night of the arrest in front of Lyon's restaurant about one hundred feet south of the corner of Houston Street on the Bowery, one door below McGurk's saloon.

THOMAS FLOROS, sworn and examined by Mr.

Weeks.

I work for a man who keeps a stand in front of McGurk's saloon on the Bowery; I saw Shanahan when he got around, another man cut him, I don't know the man, he was a stranger to me; it was this man here (pointing to the prisoner); I saw the prisoner first in the saloon and I saw when he was pushed out in the street, then he went a little distance to another store and he came back and I saw him take something out of his pocket, it was a razor, he was about to go in at the door, he met with this man and he commenced to cut him with the razor immediately. The stand is in front of the window of the store, this was about three o'clock in the afternoon.

The Case for the Defence.

LOTTIE DWYER, sworn and examined by Counsel.

I live at 126 Crosby Street now, I was subpoenaed to come to Court by the people. Mr. Weeks asked me in his office what I knew about the case and I told him. I was in McGurk's saloon at the time of this fight and saw it.

I was standing up when Spenser and another gentleman came in, there was a lady sitting opposite with the gentleman, he was in about three or five minutes when he got up and spoke to this lady; Spenser got up to speak to the little lady and the lady in the back part of the room gave a scream, George Shanahan was a waiter on the floor and grabbed Spenser and hit him without any provocation; the bar-tender behind the bar jumped in and hit him too; they hit him constantly and hit him out in the room and then there was another man came and he jumped onto him and hit him with his fist as much as he could and they knocked him out, the three of them until they got him in the street; he went to pick up his hat and the bar-tender got a club from behind the bar and hit him over the head and there was a short man with a little slight moustache slipped something into his pocket like a razor and then he picked it up and cut him; I saw a club used in the fight; at the time Spenser used the razor three men were at him, I know Officer Beck, I went down to the Station House and my name was taken down as a witness, I gave my address 297 Elizabeth Street, I met Officer Butler on the Bowery and he told me that Officer Beck had a subpoena for me and I went down to the Station House and received it from Officer Beck.

CROSS EXAMINED.

I make my living by going on the stage, I am with the Kiralfy Bros. over in King Solomon. I do not make my living by anything else beside being upon the stage. How do you make your living, in any way than by being on the stage? I do not know but that is a private question; that would be pretty hard language to say against me. Do you decline to

answer? Yes, I do, on the ground that it would humiliate me. I have never been sentenced for soliciting or for disorderly conduct. My husband had me arrested for insanity and I was discharged, Officer Beck never arrested me, it was Officer O'Brien in the 14th precinct by my husband's orders; my husband got a warrant out for assaulting him and I was discharged by Judge Meade at the Essex Market Courton the 5th of February. Previous to being employed by Kiralfy I worked with Dix down on the Island at the Casino in the theatrical business, I came from the Island last Saturday evening; I have been in the habit of going in and out of McGurk's saloon merely to have a little fun, there is where all the ladies go; I am a married woman.

This cutting took place about a quarter past four, Shanahan was standing in the bar-room when Spenser cut him; after Spenser cut Shanahan they fired him out and he ran up the street and a big, stout officer met him. Shanahan was taken into the drug store and Spenser was taken down to be identified; I was present in the drug store at the time. The razor was put in Spenser's pocket in the saloon, Spenser was first thrown outside the threshold of the door and he came back to pick up his hat; I saw him when he was out on the street. Is it not true that you told Officer Beck in the drug store that the razor was given to Spenser by a man out in the street? No sir. Shanahan had hold of Spenser with both hands and struck him in the face.

O'Connor hit him two or three times with the club. There was in the neighborhood of ten or fifteen people in the saloon. I have seen Shanahan in the neighborhood of

three or four weeks before this and spoke to him, I never saw Spenser until the minute he came into McGurk's, at that time everything was quiet in the saloon, he came in with a little, short gentleman, I don't know his name; he sat down and did not speak to anyone only to his friend; then he got up and spoke to this little lady, I did not hear what he said to her, this woman made a scream and that is what caused this disturbance, her name is Minnie, I could not tell you her last name; I had seen her before that, she was sitting back talking to a sailor, she ran down towards where we were and then I saw Shanahan grab this Spenser and hit him in the face with his closed fist; then Connors jumped out from behind the bar and hit him with his fist the first time in the face; then they fought and he tried to defend himself, he fought till they got out in the bar-room and then some other man jumped in and helped them, I could not tell who the other man was; the third man struck him with his fist and they kicked him, I saw Shanahan kick him in the back and then one hit him and he fell out into the street; then he came back to pick up his hat and Connor grabbed a club and hit him over the head once and he was going to hit him again when Spenser pulled out the razor he had in his pocket e---- the little short man went over to him and dropped something in his sack coat pocket and then Spenser pulled it out quick and he dropped it on the floor and picked it up when Shanahan came up to hit him, he told him to go away and he lifted up his arm and he cut him in the arm and he ran out to the corner of Houston Street and the Bowery; Shanahan stayed there and they took him down to the drug store after he was cut.

What did O'Connor do after Shanahan was cut? He went and had this man arrested, he sent a boy up the street, he hit him over the head with a club; I saw Shanahan in the saloon and O'Connor was there at the time with the club and these other men that was helping. Did you hear anyone at that time say to Shanahan that he was cut? No sir, nobody could see that he was cut. I saw the Defendant in the drug store afterward and Shanahan also, that was about fifteen or twenty minutes after the occurrence, he was waiting for the ambulance surgeon, there were three or four officers there, I don't know what became of the little man that passed him the razor, he went down to the Station House and his name was taken; the time the razor was used all three were at him. Nobody has been talking to me about the testimony I was to give here.

HULDA DANZIGER. sworn and examined.

I live at 42 Great Jones Street and keep house there; I know a man named Frenchy, I know Frank Spenser the prisoner, he came once to my house, I know Mr. McGurk but do not know where he lives; I do not know that he has a place of business at 253 Bowery. I see McGurk now in Court, I heard there was a quarrel between Frank Spenser and some other person around in McGurk's place in the Bowery, I heard there was a cutting affair there, I know a girl named May Spenser, I did not have a conversation with Frenchy about May Spenser, I did not say to Frenchy, "you can make ten dollars if you will get May Spenser as a witness out of the way in this case;" I said that such an offer was made by a man who came to the door.

MAY CLARK, sworn and examined by Counsel.

I was in McGurk's saloon on the evening that the quarrel took place between Spenser and those other parties.

I sat in Mr. McGurk's saloon and a young gentleman came down and sat there and was talking to him about five minutes, Spenser came in and spoke to me and a young lady halloed, Shanahan grabbed hold of Spenser and punched him in the face three times, I don't know anything else because I ran out. Did you see anybody else attack Spenser about the same time? I saw O'Connor have hold of him.

CROSS EXAMINED.

My name is May

Clark, I am a married woman not living with my husband, I left my husband in Connecticut and came to New York; I am known in New York as May Spenser and am known by a great many people as Spenser's wife, I was living in 110th Street Officer Beck did not call on me up there, I have had a conversation with Officer Beck about what occurred in that back room of McGurk's saloon. Do you remember telling him that Spenser was jealous of the man who was sitting by you and he came in and struck him in the face? I did not. Do you swear positively you did not say any such thing to him? Yes sir. Who were you sitting there with? Fred Stebbins, I do not know where he lives, I have not seen him around the Court here, I had seen him before but had not seen him for quite a while; I have known him but not as any friend that I know of. Spenser has seen me with Stebbins before that night, he spoke to me the night before and found fault with me for being with Stebbins. What did Spenser say to you the night before would happen if he ever

caught Stebbins with you? He told me if he insulted me again like that he would fix him too. I did not say anything to Officer Beck about that. Did not you tell Officer Beck that Spenser had told you that if he ever saw you again with Stebbins he would break his neck, using an oath? I did not.

FRANK SPENSER, sworn and examined.

I have never been arrested before and never convicted of any crime in my life. I was in McGurk's place on the night in question. I went in there about five o'clock in the evening with another young man named Cris Norden, I sat down and ordered two drinks, I looked around and I seen this May Clark sitting down with another young man with a black mustache, I went over and spoke to her quite a while about being in there; I did not want her to be in there. and this fellow jumped up and he said to me, "what has it got to do with you where she is?". I says, "it has a lot to do with me I have been looking after this girl, she is a stranger here, I am going to look after her." He said to me, "what are you anyway?" I said, "what am I?" He said, "you are a God damed pimp." I said, "what?" He jumped up at the same time and made a strike for me, I struck him and knocked him down over the chair, he got up again and Shanahan rushed at me and struck me in the back of the neck and I went down over the chair and got up; he then called for Shanahan and left the other man alone, Shanahan got me by the throat and was punching me and of course I punched back, O'Connor, the bar-tender, came with a club

and struck me on the head with the club --- no, he struck me with his fist first and that other young man with the black moustache he took a hand in the fight and struck me; there was a fellow in a light straw hat there and he saw the whole affair. They were all banging at my face and my body was all black and bouc the next morning. Finally I went to go outside and said, "leave go of me"; they would not leave go of me, they kept punching me, I fell down and fell into the bar-room and got up again. Shanahan rushed after me and got me by the throat and when I was getting up he gave me a kick, I fell down by the door and my hat was lying in the back room, I went to get my hat, I wanted to get out of here and Shanahan struck me again in the jaw, O'Connor came around with a club in his hand; me and Shanahan was wrestling all this time and the fellow with the black moustache they were all striking me and I was striking back at them as well as I could; Shanahan caught me by the throat and struck me down again and just then there was a razor, I could not say whether I had the razor in my pocket or not, the razor did not belong to me, it belonged to Cris Norden. The day I done this I was pretty drunk but I was not so drunk that I did not know what I was doing, I could walk straight, I did not want to interfere with anybody. This razor was in my pocket and it fell on the floor and I grabbed it. We were both down and Shanahan on top of me, I grabbed the razor, Shanahan rushed at me again and wanted to strike me. I said, "stand back or one of you people will get hurt." I slung out the razor, I had it in my hand, and he got it in the neck and when he struck out his hand again it caught him right there. At

the time you used the razor the whole three were at you? Yes, four of them, they put me right out in front of the door and I came back to get my hat. It was after you came back to get your hat they made an attack on you the second time? Yes, I guess they thought I was going to have a fight but I wanted to get my hat. At the time that you used the razor did you think that your life was in danger or that you were in great bodily harm from these parties?

Yes, Shanahan had me by the throat with one hand and was punching me in the face with the other. You could have handled Shanahan alone, could you not? Yes, but I could not handle three of them.

CROSS EXAMINED. I was born in Melbourne, Australia; Frank Healy is my right name, I was never known as the "Hartford Kid", I have only been in Hartford eleven months. I worked in a printing office, I first met May Clark in Hartford. I did not know at the time I met her that she was married. I worked in a printing establishment there all the time; I left Hartford because I took sick there. When I came to New York I worked in J.J. O'Brien's between 27th and 28th Streets on Fourth Avenue as a press-man for twelve months. On this day in question the razor was in my pocket, it did not belong to me, I borrowed it the day before that from a young man who came to Hartford with me he had a razor strap, I was shaving. I could not remember whether I gave it him back or not. Cris Norden is not in Court to-day, he went away the next day. This Lottie Dwyer is wrong when she says that this man put the razor in your pocket? I would not swear to that, I will swear that I borrowed the razor the next day but I cannot state whether

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I gave it back to him or not, I remember picking the razor off the floor, I had it in my hand, that is all I remember; everybody was around me, my nose was bleeding, I did not know exactly what I was doing, my eyes was black and I had a big swelling on my face. I do not know that Officer Beck examined my head, I told him my head was very sore and the next morning I told him I had been bathing it all night.

When I cut Shanahan I did not want to murder him, I was not there for that purpose. Then it is not true that you got this razor out, that you took the razor out of your pocket in the street? No. After you got through with the razor business what did you do? I went out of the saloon and someone said, "run"; I ran down the Brewery and Officer Manchester was on the corner, I had no hat on me, my hat was left in the saloon, he was standing on the corner of Houston Street and I ran right into him, I had the razor in my hand, I used it in self-defence because I was attacked by a lot of men, it was dropped in the gutter.

I said, "I think I hurt one of them", there was a lot of bullies around me down there.

ROBERT B. BECK, recalled by Mr. Weeks.

When you arrested the defendant did you examine his face and head for bruises and marks? Yes, after I took him to the house. State what condition you found his face and head in? I saw no marks of violence, no place where he was hit, also the sergeant rose up and looked at his head and he found nothing. I examined the top of his head for marks of violence and found nothing to indicate any clubbing. Was his nose bleeding when you arrested him? No

sir, not that I remember, I would not swear to it. I had no conversation with May Spenser with regard to the razor but I had a conversation with her in regard to the occurrences of that day. Did she tell you at the time of that conversation that the Defendant said to her on the night before that if he ever caught her with Stebbins he would break his head, using an oath? That is the remark she made to me, that is what she told me. After the arrest of the Defendant did you have any conversation with Lottie Dwyer in the drug store? Yes, I placed her under arrest there; she said the Defendant got the razor from a friend of his outside. I have never heard of any complaints against McGurk's saloon since I have been on the post.

The Jury rendered a verdict of guilty of assault in the second degree.

0749

Testimony in the
Case of
Frank Spencer
filed
August 1891

0750

JOHN J. O'BRIEN.

DANIEL F. O'BRIEN.

John J. O'Brien & Son,
Steam Book & Job Printers,
No. 397 Fourth Avenue,
Bet. 27th & 28th Sts.

New York, 1891.

Mr. George W. ...
Dear Sir: I thank you
very much for the ...
... and ...
... for ...
... among my men they ...
... kindly ...

Yours truly,
John J. O'Brien

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 Spencer

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

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

The said Frank Spencer

late of the City of New York, in the County of New York aforesaid, on the 24th day of July, in the year of our Lord

one thousand eight hundred and eighty-nine, with force and arms, at the City and County

aforesaid, in and upon the body of one Daniel P. Shanahan

in the peace of the said People then and there being, feloniously did make an assault and

to, at and against him the said Daniel P. Shanahan, with

a certain razer pistol then and there loaded and charged with gunpowder and one leaden

bullet, which the said Frank Spencer

in his right hand then and there had and held, the same being a deadly and

dangerous weapon, wilfully and feloniously did then and there strike, stab, cut and wound,

with intent him the said Daniel P. Shanahan

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

The said Frank Spencer

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 Daniel P. Shanahan in the peace of

the said People then and there being, feloniously did wilfully and wrongfully make

another assault, and to, at and against him the said

Daniel P. Shanahan with a certain razer

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,

which the said Frank Spencer

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, stab, cut 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.

DE LANCEY NICOLL.

JOHN R. FELLOWS,

District Attorney.