0175

BOX:
430

FOLDER:
3964

DESCRIPTION:
Clark, Charles P.

DATE:
03/31/91

3964

0176

BOX:
430

FOLDER:
3964

DESCRIPTION:
Hunt, Wilson G.

DATE:
03/31/91

3964

0177

BOX:
430

FOLDER:
3964

DESCRIPTION:
Trowbridge, E.H.

DATE:
03/31/91

3964

0178

BOX:
430

FOLDER:
3964

DESCRIPTION:
Bishop, William

DATE:
03/31/91

3964

0179

BOX:
430

FOLDER:
3964

DESCRIPTION:
Wheeler, Nathaniel

DATE:
03/31/91

3964

0 180

BOX:
430

FOLDER:
3964

DESCRIPTION:
Robinson, Henry C.

DATE:
03/31/91

3964

0181

BOX:
430

FOLDER:
3964

DESCRIPTION:
Reed, Edward M.

DATE:
03/31/91

3964

0182

BOX:
430

FOLDER:
3964

DESCRIPTION:
Park, Joseph

DATE:
03/31/91

3964

0183

BOX:
430

FOLDER:
3964

DESCRIPTION:
Depew, Chauncey M.

DATE:
03/31/91

3964

0184

BOX:
430

FOLDER:
3964

DESCRIPTION:
Lee, Henry S.

DATE:
03/31/91

3964

0185

BOX:
430
FOLDER:
3964
DESCRIPTION:
Rockefeller, William
DATE:
03/31/91

3964

0186

BOX:
430

FOLDER:
3964

DESCRIPTION:
Brainard, Leverett

DATE:
03/31/91

3964

0187

POOR QUALITY ORIGINAL

597 Jas. Wilson Counsel

Plead 1.3.4.5.6.7.8.9.10.11 & 12 Not guilty (611) (Aug 27)

Counsel,

Filed 31 day of March 189

Pleads, defendants appear by Shuell Powers - by Power of Attorney - and refuse to plead or demurrer Thereupon the Court order a plea of not guilty to be entered. April 13. 1891

THE PEOPLE

vs.

1 Charles P. Clark, v
2 Wilson G. Hunt, v
3 H. Trowbridge, v
4 William D. Bishop, v
5 Nathaniel Wheeler, v
6 Henry C. Robinson, v
7 Edward M. Reed, v
8 Joseph Park, v
9 Francis M. Bangs, v
10 Henry S. Lee, v
11 William Rockefeller, v
12 Everett Brainard, v

Indictment

Misdemeanor

(Penal Code, Sec. 168, as amended by Chap. 189 of 1888, and Chap. 76, Laws of 1887)

~~JOHN R. FELLOWS,~~ De Lancey Nicoll District Attorney.

June 24, 1891

No. 2 Indictment dismissed

TRUE BILL.

Alfred J. Cameron Foreman.

June 24th 1891.

Nos. 1.3.4.5.6.7.8.9.10.11 & 12 all tried and 3.4.5.6.7.8.9.10.11 & 12 and acquitted and No. 1 acquitted

0188

POOR QUALITY ORIGINAL

Louis C. Fowler
Jno A Wellington
Edwd J Breen
John Jones

Witnesses: Saul Sweeny
Jno H. Brimpton,
Dr Martin A McGovern
Daniel M Culbreth
Lucius Tuttle
Wm O Bishop Jr
Howard H Bates
Chas H. Platt
John H Franklin
Wm L Brown
Jas Morrissey
[illegible]
Geo W Hutchinson
Jas J. Scofield
Jas Denver
Orry M Shepard
Geo Roy Stone
Geo John Newton
Wm Allen Squire
Chas. T. Hempsted
Jno M. Manus
Jno Conway
Chas P Clark
Wm O Bishop Sr.

Witness Simeon Tuttle of New Haven, Conn., (880.) Robed by Austin Griffin, 190 Broadway, N. Y. City

Plead 1.3.4.5.6.7.8.9.10.11 & 12 - Not guilty (611)

Counsel.

Filed day of 18

Pleads.

THE PEOPLE

vs.

Charles P. Clark,
Wilson G. Hunt,
Cyrus Fairbridge,
William D. Bishop,
Nathaniel Wheeler,
Henry C. Robinson,
Edward M. Reed,
Joseph Park,
Chauncey M. Depew,
Henry S. Lee,
William Rockefeller,
Jerrett Brainard.

Misdemeanor

~~JOHN R. FELLOWS,~~
District Attorney.

June 24, 1891
No. 2

A TRUE BILL.

Foreman.

June 24 1891
Nos. 1.3.4.5.6.7.8.9.10.11 & 12
tried and 3.4.5.6.7.8.9.10.11 & 12
and acquitted and
No. 1. acquitted

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office No. 124 Second Avenue ~~Street~~, in the 17th Ward of the City of New York, in the County of New York, the 24th, 25th, 26th, ~~27th~~ 27th days of February & 3rd, 4th, 5th days of March in the year of our Lord one thousand eight hundred and 91 before F. Levy ~~DANIEL HANLY~~, Coroner, of the City and County aforesaid, on view of the body of Michael Mullane now lying dead at

Upon the Oaths and Affirmations of Twelve good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said Michael Mullane came to his death, do upon their Oaths and Affirmations, say: That the said Michael Mullane came to his death by.

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy to inquire into the cause of death of Helen T. ~~Supple~~ Supple, William Anton Zeilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue tunnel, on the morning of Feb. 20,1891 do find:

FIRST: That the preponderance of evidence shows that the signals were properly set at danger at the time the New York,New Haven & Hartford train called 10 Y passed them on the morning of Feb. 20, and the jury believes that owing to the density of the atmosphere in the tunnel due to the presence of fog,smoke and steam, engineer Fowler of the New York,New Haven & Hartford Railroad Co. did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND: We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T.Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger signal at 72 Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford Railroad Co. is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York,New Haven & Hartford railroad Co. thus setting fire to the wreck by reason of the collision.

THIRD: We would urge the Legislature to compel the N. Y. Central & Hudson River Railroad Co. to make additional openings in the tunnel in order to provide for better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, andwe

earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised of the train immediately preceding it and also its reasonable headway. Adn we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

W. H. Frickhaus 33 Rivington st	Antonio Wolke
J. Lewis Cook	Isaac Hamburger
William M. Elliot	E. J. Fairman
Thos. Cummings	
Isaac V. Brokaw	1 East 79 st
Gustav H. Schwab	D. R. Willcox
Jordan G. Mott	
Wm. Frederick Warner	Hardwood Long

Coroner. L. S.

TESTIMONY.

M. D., being duly sworn, says:

I have made

of the body of

now lying dead at

and from such

and history of the case, as per testimony, I am of opinion the cause of death is

Wm A. Conway M. D.

Sworn to before me,

this 20th day of Feb, 1891

Richmond Levy CORONER.

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
14			N. Y. City	burned from	Feb. 20 '91

Lyman
84 West 4th St.

J. C.
D. H.

No. 615

1st Quar. 1891

AN INQUISITION

On the VIEW of the BODY of

Michael McAllane (N23)

whereby it is found that he came to his death by Compound fracture of leg & arm (right) & bruises of body & face. Caused by collision between N. Y. N. H. & H. Local Train & Empty Train going north of Stone Road about 7 P. M., Feb. 20/91.

Concluded
Inquest ~~taken~~ on the 5th day of March 1891 before Richmond Ely
~~DANIEL HANLY~~, Coroner.

615

N.Y. F.L., Jury 1
~~W.H.~~

No. 615

1st Quar. 1891

AN INQUISITION

On the **VIEW** of the **BODY** of

Michael McLane (No 3)

whereby it is found that he came to his death by Compound Fractures of leg & arm (right) & Scalds of body & face: caused by collision between N.Y.N.H.&H. Local Train & Empty Train going north of same road abt 7.25 P.M., Feb. 20/91.

Concluded Inquest ~~taken~~ on the 5th day of March 1891 before Ferdinand Levy, ~~DANIEL HANLY~~, Coroner.

65

✓

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
14 Years — Months — Days	N.Y. City	Morgue from Tunnel 84th St & 4 Ave.	Feb. 20 ult

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office *No.* 124 Second Avenue ~~Street~~, *in the* 17th *Ward of the City of New York, in the County of New York, the* 24.25.26.27 *days of* February & 3d. March *in the year of our Lord one thousand eight hundred and* 91 *before* Ferdinand Levy ~~DANIEL HANLY~~, Coroner, *of the City and County aforesaid, on view of the body of* William Anton Zeilner *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* William Anton Zeilner *came to his death, do upon their Oaths and Affirmations, say: That the said* William Anton Zeilner *came to his death by*

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy to inquire into the cause of death of Helen T. ~~Supp~~ Supple, William Anton Zeilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue tunnel, on the morning of Feb. 20,1891 do find:

FIRST That the preponderance of evidence shows that the signals were properly set at danger at the time the New York,New Haven & Hartford train called 10 Y passed them on the morning of Feb. 20, and the jury believes that owing to the density of the atmosphere in the tunnel due to the presence of fog,smoke and steam, engineer Fowler of the New York,New Haven & Hartford Railroad Co. did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND: We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T.Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger signal at 72 Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford Railroad Co. is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York,New Haven & Hartford railroad Co. thus setting fire to the wreck by reason of the collision.

THIRD: We would urge the Legislature to compel the N. Y. Central & Hudson River Railroad Co. to make additional openings in the tunnel in order to provide for better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, and

earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised of the train immediately preceding it and also its reasonable headway. Adn we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

A. H. Wettkamp 335 Lexington av	Andrew Weiss
J. Lewis Page	Isaac Hamburger
Edgar F. Brokaw	1 East 79 St
William M. Elliot	R. R. Willis
J. Wm. S. Cunning	E. J. Morrison
Andrew Wiley 65 W 84	
Gustav N. Schwab 140 W. 58 St	
Jordan G. Mott	
Christian Warren	

Ferdinand Levy
Coroner. L. S.

TESTIMONY.

M. D., being duly sworn, says:

I have made of the body of now lying dead at and from such and history of the case, as per testimony, I am of opinion the cause of death is Fracture Right Arm, Fracture of Skull and Burns of Body & Face, Penetrating Wound of Back from one of shot.

Wm A Conning
M. D.

Sworn to before me,
this 20th day of Feby 1891

Edmund Lang CORONER.

MEMORANDA:

AGE		PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days		
18	1	20	New York City	Morgue from Tunnel	Feb 20

Body found by [illegible]

[illegible] by [illegible]

932 - 1st Ave.

(2)

Y. L. Shy

~~D. H.~~

No. 630

1st Quar. 1891

AN INQUISITION

On the **VIEW** *of the* **BODY** *of an* unknown man (No 2)

Wm Antonio Zeilner

whereby it is found that he came to his death by Injuries received by collision of N. Y. N. H. & H. "Local" with empty cars of Boston Express going North at 7.15 A.M. Feb 20/91 in Tunnel at 84th St and 4th Ave.

Inquest ~~taken~~ *concluded on the* 5th *day of* March *A.D.* 1891 *before*

~~DANIEL HANLY~~ Coroner.

~~678~~

630

MEMORANDA:

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
18	1	20	New York City	Morgan Ave near Tunnel 8 & 4 Sts	Feb 20 1891

Body purported by [illegible]
[illegible] Antonio Zeilner [illegible]
932 - 1st Ave.

(2)

Y. L. [illegible]

~~D. H.~~

No. 630

1st Quar. 1891

AN INQUISITION

On the **VIEW** *of the* **BODY** *of an* unknown man (No 2)
Wm Antonio Zeilner

whereby it is found that he came to his death by Injuries received by collision of N. Y. N. H. & H. "Local" with empty cars of Boston Express going north at 7½ in Mt Feb 20/91 in Tunnel at 84th St and 4th Ave.

Inquest ~~taken~~ *Concluded on the* 5th *day of* March *A.D.* 1891 *before*

~~DANIEL HANLY~~, Coroner.

630

630

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office *No.* 124 Second Avenue ~~*Street*~~, *in the* 17th *Ward of the City of New York, in the County of New York, the* 24th, 25th, 26th, 27th *days of* February & 3rd, 4th & 5th *days of* March *in the year of our Lord one thousand eight hundred and* 91 *before* Ferdinand Levy ~~DANIEL HANLY~~, Coroner, *of the City and County aforesaid, on view of the body of* John Murray *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* John Murray *came to his death, do upon their Oaths and Affirmations, say: That the said* John Murray *came to his death by*

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy to inquire into the cause of death of Helen T. ~~Supple~~ Supple, William Anton Zeilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue tunnel, on the morning of Feb. 20,1891 do find:

FIRST That the preponderance of evidence shows that the signals were properly set at danger at the time the New York,New Haven & Hartford train called 10 Y passed them on the morning of Feb. 20, and the jury believes that owing to the density of the atmosphere in the tunnel due to the presence of fog,smoke and steam, engineer Fowler of the New York,New Haven & Hartford Railroad Co. did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND: We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T.Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger signal at 72 Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford Railroad Co. is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York,New Haven & Hartford railroad Co. thus setting fire to the wreck by reason of the collision.

THIRD: We would urge the Legislature to compel the N. Y. Central & Hudson River Railroad Co. to make additional openings in the tunnel in order to provide for better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, andwe

earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised ef the train immediately preceding it and also its reasonable headway. Adn we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

M. H. Wrightman 339 Lexington Av	Gustav H. Schwab
J. Lesser Pope	Andrew Weiss
Julien M. Elliot 60 Broadway	Isaac Flamburger
J. Mud. Cummings	140 E. 68th Street
Isaac V. Brokaw	1 East 79 St
Jordan L. Mott	2122 - 5th ave
Benjamin Warren	1 East 28th St

E. Wiecious

F. R. Wilbur
Richmond Emp Coroner. L. S.

TESTIMONY.

M. D., being duly sworn, says:

I have made of the body of

now lying dead at

and from such

and history of the case, as per testimony, I am of opinion the cause of death is Suffocation, Double Fractures of Legs and Arms, and Burns of Face and Body.

Wm A. Conway,
M. D.

Sworn to before me,
this 20th day of Nov. 189[illegible]

Richmond Kerr CORONER.

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
67 Years — Months — Days	Ireland	Morgue from	Feb 2 1890

Unknown at 84 West 4th Ave

H.C.

D.H.

No. 613

Quar. 1891

AN INQUISITION

On the VIEW of the BODY of an unknown man (No. 1) identified as John Murray whereby it is found that, he came to his death by injuries received during collision of N.Y., N.H. & H. "Local" with empty cars of "Boston Express" going north on same track at 4/10 P.M. Feb 20-/90 at 84th St & 4th Ave.

Concluded

Inquest ~~taken~~ on the 5-14 day of March 1891 before

Richard Croker

~~DANIEL HAVEN~~, Coroner.

613

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years —	Months —	Days			
40			Ireland	Morgue from N.Y. Tunnel at 84th St & 4th Ave	Feb 2 [illegible]

F.L.C. [illegible]

~~D. H.~~

1

No. 613

1st Quar. 1891

AN INQUISITION

On the **VIEW** of the **BODY** of an unknown man (No 1.) identified as

John Murray

whereby it is found that, he came to his death by Injuries received during collision of N.Y. N.H. & H. "Local" with empty cars of "Boston Express" going north on same track at 7 1/8 A.M. Feb. 20 - /90 at 84th St & 4th Ave.

Inquest ~~taken~~ concluded on the 5th day of March 1891 before Ferdinand Levy ~~DANIEL HANLY~~, Coroner.

613

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STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office
No. 124 Second Avenue *Street, in the* 17th *Ward of the City of New York, in the County of New York, this* 24 25 26 27th *days of* February 23 & 24 & 25 *in the year of our Lord one thousand eight hundred and* 91 *before* Ferdinand Levy ~~DANIEL HANLY~~, Coroner,
of the City and County aforesaid, on view of the body of James P. Flynn *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* James P. Flynn *came to his death, do upon their Oaths and Affirmations, say: That the said* James P. Flynn *came to his death by*

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy to inquire into the cause of death of Helen T. ~~Supp~~ Supple, William Anton Zeilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue tunnel, on the morning of Feb. 20,1891 do find:

FIRST That the preponderance of evidence shows that the signals were properly set at danger at the time the New York,New Haven & Hartford train called 10 Y passed them on the morning of Feb. 20, and the jury believes that owing to the density of the atmosphere in the tunnel due to the presence of fog,smoke and steam, engineer Fowler of the New York,New Haven & Hartford Railroad Co. did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND: We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T.Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger signal at 72 Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford Railroad Co. is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York,New Haven & Hartford railroad Co. thus setting fire to the wreck by reason of the collision.

THIRD: We would urge the Legislature to compel the N. Y. Central & Hudson River Railroad Co. to make additional openings in the tunnel in order to providefor better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, andwe

earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised of the train immediately preceding it and also its reasonable headway. Adn we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

M H Grickman 5 E Seventh St	Gustav H. Schwab
J Seaver Page 101 Fulton	Andrew Hill
William H. Elliott	Isaac Hamburger
Isaac T Parkens 1 East 79 St	
[illegible]	[illegible]
Jordan L. Mott	[illegible]

Schuyler Warren Ferdinand Leroy Coroner. L. S.

TESTIMONY.

M. D., being duly sworn, says:

I have made of the body of now lying dead at

and from such

and history of the case, as per testimony, I am of opinion the cause of death is Suffocation, burns & pneumonia

W. H. Thomas,
M. D.

Sworn to before me,
this 20th day of February 1891.
Frederick J. Lang CORONER.

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
50 Years " Months " Days	Ireland.	Morgue from	my Feb. 20th

my Tunnel at 84th st & 4th Ave.

Case Cases 645-3 & 4

B. H.

No. 69

Dep. Sect. No. 1 1891

AN INQUISITION

On the VIEW of the BODY of One Unknown man (No 4) identified as my James B. Gilligan

whereby it is found that he came to his death by Injuries received during collision of R. Gilligan & H. Wheal with entry cars of "Boston & Albany" Railroad at Tunnel track at 84th St. & 4th Ave on the 19th day of Feb 1891

Concluded on the 19th day of March 1891 before

DANIEL O'NEILL, Coroner.

629

Wife Ans. 695-3 Am

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
50 Years 4 Months 4 Days	Ireland.	Morgue from Tunnel at 84th St & H.W. Ave.	Feb. 20 1891

F.L. Jury

D. H.

No. 629

1st Quar. 1891

AN INQUISITION

On the VIEW of the BODY of an unknown man (No 4) identified as James B. Flynn

whereby it is found that he came to his death by Injuries received during collision of N.Y.N.H. & H. "Local" with empty cars of "Boston Express" going north on same track at 7.18 A.M. Feb 20 1891 at Tunnel at 84th St & H.W. Ave.

Concluded

Inquisition on the 5th day of March 1891 before Wilmot Emmons Esq. Coroner.

629

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office *No.* 124 Second Avenue ~~Street~~, *in the* 17th *Ward of the City of New York, in the County of New York, the* 27th days of February & 3rd & 4th days of March *in the year of our Lord one thousand eight hundred and* 91 *before*

FERDINAND LEVY, Coroner

of the City and County aforesaid, on view of the body of John H. Hencke *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* John H. Hencke *came to his death, do upon their Oaths and Affirmations, say: That the said* John H Hencke *came to his death by*

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy to inquire into the cause of death of Helen T. ~~Supl~~ Supple, William Anton Zeilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue tunnel, on the morning of Feb. 20,1891 do find:

FIRST That the preponderance of evidence shows that the signals were properly set at danger at the time the New York,New Haven & Hartford train called 10 Y passed them on the morning of Feb. 20, and the jury believes that owing to the density of the atmosphere in the tunnel due to the presence of fog,smoke and steam, engineer Fowler of the New York,New Haven & Hartford Railroad Co. did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND: We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T.Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger signal at 72 Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford Railroad Co. is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York,New Haven & Hartford railroad Co. thus setting fire to the wreck by reason of the collision.

THIRD: We would urge the Legislature to compel the N. Y. Central & Hudson River Railroad Co. to make additional openings in the tunnel in order to provide for better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, andwe

earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised of the train immediately preceding it and also its reasonable headway. Adn we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

Wm H Wickham 338 Lexington Ave	Andrew Mills
J Lorren Pope	Gustav A Schwab
Julien M. Elliot 6	Isaac Hamburger 109 E. 78th
Isaac Y Brokaw	1 East 79th St
Chas Cummings	Traveller
Joshua W. Mott	Witness
Christopher Warren	Frederick Fry Coroner. L. S.

TESTIMONY.

Wm T. Jenkins M. D., being duly sworn, says;
I have made an examination of the body of
John H. Heucke now lying dead at
Presbyterian Hospital and from such Examination
and history of the case, as per testimony, I am of opinion the cause of
death is Shock - Traumatic amputation of
left tibia and fibula, and compound comminuted
fracture right tibia and fibula simple fracture
right femur, burns of body; injuries received
in collision in tunnel 4th Ave and 8 & 7th St
Feb. 20th 1891 - 7.10 A.M.

Wm T. Jenkins, M. D.
M. D.

Sworn to before me
this 20th day of February 1891
Ferdinand Levy CORONER.

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years 6 Months 5 Days	N.Y. City	Presbyterian Hospital	Feb. 20th 1891.

Statement

Presbyterian Hospital

F. L.

No. 612

1st Quar. 1890

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

John H. Hencke

whereby it is found that he came to his death by

Shock - traumatic amputation of left tibia and fibula - and compound comminuted fracture of right tibia and fibula, simple fracture right femur, burns of body, injuries received in collision in tunnel 4th Ave and 24th St. Feb. 20th 1891. at 7.10 A.M.

Concluded

Inquest ~~taken~~ on the 5th *day of* March 1891 *before*

FERDINAND LEVY, Coroner.

√617

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
19 Years — Months — Days	N.Y. City	Presbyterian Hospital	Feb. 20th 1891.

Statement
Presbyterian
Hospital.

F. L.

No. 612

1st Quar. 1891

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

John H. Henke

whereby it is found that he came to his death by

Shock - Traumatic amputation of left tibia and fibula - and compound comminuted fracture of right tibia and fibula, simple fracture right femur, burns of body, injuries received by collision in tunnel 4th Ave and 24th St. Feb. 20th 1891, at 7.10 A.M.

Inquest ~~taken~~ concluded on the 5th day of March 1891 before

FERDINAND LEVY, Coroner.

√ 617

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office *No.* 124 Second Avenue ~~*Street*~~ *in the* 17th *Ward of the City of New York, in the County of New York, this* 24th 25th 26th ~~*day of*~~ 27th *day of* February & March *in the year of our Lord one thousand eight hundred and* 91 *before* Ferdinand Levy ~~DANIEL HANLY~~, Coroner, *of the City and County aforesaid, on view of the body of* Helen Theresa Supple *now lying dead at*

Upon the Oaths and Affirmations of Twelve *good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said* Helen Theresa Supple *came to her death, do upon their Oaths and Affirmations, say: That the said* Helen T. Supple *came to her death by*

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy, to inquire into the cause of the death of Helen T. Supple, William Anton Geilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue Tunnel, on the morning of February 20th, 1891, do find:

FIRST:

That the preponderance of evidence shows that the signals were properly set at danger at the time the New York, New Haven & Hartford train called 10 Y passed them on the morning of February, 20th, and the jury believes that owing to the density of the atmosphere in the tunnel, due to the presence of fog smoke and steam, engineer Fowler of the New York, New Haven & Hartford railroad company did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND:

We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T. Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office
No. 124 Second avenue ~~*Street,*~~ *in the* 17th *Ward of the City of*
New York, in the County of New York, this 24th 25th 26th ~~27 day of~~ 27 *day of* February & March 3rd 4th & 5th
in the year of our Lord one thousand eight hundred and 91 *before* Ferdinand
Levy ~~DANIEL HANLY~~, Coroner,
of the City and County aforesaid, on view of the body of Helen Theresa Supple
now lying dead at
Upon the Oaths and Affirmations of
Twelve *good and lawful men of the State of New York, duly chosen and*
sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the
said Helen Theresa Supple *came to her death, do upon*
their Oaths and Affirmations, say: That the said Helen T. Supple
came to her death by

VERDICT:

The Coroners jury summoned by Coroner Ferdinand Levy, to inquire into the cause of the death of Helen T. Supple, William Anton Geilner, John H. Hencke, Michael Mullane, James B. Flynn, and John Murray, in the 4th Avenue Tunnel, on the morning of February 20th, 1891, do find:

FIRST:

That the preponderance of evidence shows that the signals were properly set at danger at the time the New York, New Haven & Hartford train called 10 Y passed them on the morning of February, 20th, and that the jury believes that owing to the density of the atmosphere in the tunnel. due to the presence of fog smoke and steam, engineer Fowler of the New York, New Haven & Hartford railroad company did not clearly see the signal; it is further believed by the jury that engineer Fowler did not hear the gong if it rang on the day of the accident when his train passed the danger light.

SECOND:

We find that the New York, New Haven & Hartford railroad company its officers and directors are immediately responsible for the death of Helen T. Supple and others heretofore mentioned, because of the failure of engineer Fowler to distinguish the danger

signal at 72nd Street thus causing the collision with the shop-train; and we further find that the New York New Haven & Hartford railroad company is immediately responsible for the death by suffocation and burning of John Murray and James B. Flynn, which was caused by the upsetting of a car-stove in the Boston & Albany car under the charge of the New York New Haven and Hartford railroad company, thus setting fire to the wreck by reason of the collision.

THIRD:

We would urge the Legislature to compel the New York Central & Hudson River railroad company to make additional openings in the tunnel in order to provide for better ventilation and light in said tunnel as from personal examination we find that the present ventilation and light are inadequate; and we do further believe that the use of anthracite coal when additional openings are made would contribute to the safety of the traffic. We further believe that the present system of the use of one man in the signal cabs in the tunnel is insufficient for safety, and we earnestly recommend the employment of two at all times. We further recommend that such outgoing and incoming trains when passing through the tunnel be advised of the train immediately preceding it and also its reasonable headway. And we further recommend that a uniform rate of speed be adopted for all trains and engines passing through the tunnel.

0222

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER,** *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

Max H. Kretchmer 338 Livingston St	Andrew Mills
J. Lerry Pope	Isaac G. Ambsinger
Julius M. Ulrich	E. Williams
Wm. Cunningham	
Isaac J. Prokam	1 East 79 St
Gustav H. Schwab	L. R. Willis
Jonas G. Mott	Raymond Levy Coroner. L.S.
Christian Kornrich	

0223

TESTIMONY.

Wm A Conway M. D., being duly sworn, says: I have made an examination of the body of Helen D. Supple now lying dead at the morgue and from such examination and history of the case, as per testimony, I am of opinion the cause of death is Burns of Body & face & fracture of Right Thigh

Wm A. Conway.
M. D.

Sworn to before me,
this 20th day of Feb. 1897
Ferdinand Levy CORONER.

0224

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
36 Years	Months	Days	N. Y. State	Morgue	Feb 20 1891

Found in Tunnel at 84th St & 4th Ave.

Res. 589 Third Ave
with husband Richard Sapple

Y. L.

D. H.

No. 614

1st Quar. 1891

AN INQUISITION

On the VIEW of the BODY of an unknown woman (Not identified as Helen Thorse Sapple

whereby it is found that She came to her death by Injuries Received during collision of No 4. N.H.H. "Local" with empty cars of "Boston Express" going North on same tracks in Tunnel 84th St & 4th Ave about 7½ P.M. Feb 20th/91

Inquest ~~taken~~ Concluded on the 5th day of March 1891 before Samuel Long DANIEL HANLY, Coroner.

614

Res. 588 Third Ave
with husband Richard Sapple

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days			
36			N. Y. State	Morgue from Tunnel at 84th St & Harlem	Feb. 20 1891

Y. L.

D. H.

No. 614

1st Quar. 1891

AN INQUISITION

On the VIEW of the BODY of an unknown woman (Not identified as Helen Thresa Sapple

whereby it is found that She came to her death by Injuries Received during collision of No. 4. N. & H. "Local" with empty cars of "Boston Express" going North on same tracks in Tunnel 84th St & Harlem Ave about 7½ P.M. Feb 20th 1891

Inquest ~~taken~~ Completed on the 5th day of March 1891 before Thomas Leary DANIEL HANLY, Coroner.

6 W.

COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

The People of the State of New York

--against--

Charles P.Clark, Wilson G.Hunt, E.H. Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C.Robinson, Edward M.Reed, Joseph Park, Chauncey M.Depew, Henry S.Lee, William Rockefeller and Leverett Brainard.

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this Indictment accuse Charles P.Clark, Wilson G.Hunt, E.H.Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C.Robinson, Edward M.Reed, Joseph Park, Chauncy M.Depew, Henry S.Lee, William Rockefeller and Leverett Brainard of a Misdemeanor, committed as follows:

H e r e t o f o r e, to wit: on the twentieth day of February, in the year of our Lord one thousand eight hundred and ninty-one, the New York, New Haven and Hartford Railroad Company was and for a long time prior thereto had been and yet is a corporation duly organized and existing under and by virtue of the laws of the State of Connecticut, _____ and on the day and in the year aforesaid and at all the times aforesaid, the said

corporation did and yet does operate, maintain and use a certain steam railroad more than fifty miles in length, and known as the New York, New Haven and Hartford Railroad; and at all the times aforesaid, the said steam railroad of the said New York, New Haven and Hartford Railroad Company was and yet is doing business in this State and in the City and County of New York aforesaid, in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, a great portion thereof to wit: twenty-six miles thereof and upwards being within this State, and a portion to wit: ten miles thereof and upwards being also within the said City and County of New York.

And on the said twentieth day of February in the year aforesaid, the said Charles P.Clark late of the City and County aforesaid was the President and a Director of the said corporation, and the said Wilson G.Hunt, E.H.Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C.Robinson, Edward M.Reed, Joseph Park, Chauncey M.Depew, Henry S. Lee, William Rockefeller and Leverett Brainard, all late of the City and County aforesaid, were directors of the said corporation, and the said Charles P.Clark as such President and Director, and the said Wilson G.Hunt, E.H.Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C.Robinson, Edward M.Reed, Joseph Park, Chauncey M.Depew, Henry S.Lee,

William Rockefeller and Leverett Brainard, as such directors --- (being and composing the Board of Directors of the said corporation) --- then and there had the charge, control and supervision of the equipment, management and operation of the said steam railroad and of the trains and cars operated and used by the said steam railroad for the purposes thereof as aforesaid, and among other things of the heating of the passenger cars of, on and composing the passenger trains of the said steam railroad and so hauled and run by it as aforesaid, and particularly of the heating of the passenger cars of, on and composing the passenger trains hauled and run by the said steam railroad for the conveyance and transportation of passengers in, by, over and along the said portion of the said line of railroad so being within the said City and County of New York.

A n d the said Charles P.Clark, Wilson G.Hunt, E.H. Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M.Reed, Joseph Park, Chauncey M.Depew, Henry S.Lee, William Rockefeller and Leverett Brainard, on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains, to wit: divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad, by the act, procurement, direction, sufference and permission of them the saidCharles P.Clark, Wilson G.Hunt,

E.H.Trowbridge, William D.Bishop, Nathaniel Wheeler, Henry C.Robinson, Edward M.Reed, Joseph Park, Chauncey M.Depew, Henry S.Lee, William Rockefeller, and Leverett Brainard, for the conveyance of passengers in, by, over and along the said line of railroad and in, by, over and along that portion thereof lying within the City and County of New York aforesaid, --- the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown --- and did cause, procure, suffer and permit the said passenger cars to be heated, --- not for temporary use in case of accident or other emergency but as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid, and in motion, --- by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same, or from a special car; 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:

A n d the Grand Jury aforesaid, by this indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard of the same Misdemeanor, committed as follows:

H e r e t o f o r e, to wit: on the said twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-one, the New York, New Haven and Hartford Railroad Company was and for a long time prior thereto had been and yet is a corporation duly organized and existing under amd by virtue of the laws of the State of Connecticut; and on the day and in the year aforesaid and at all the times aforesaid, the said corporation did and yet does operate, maintain and use a certain steam railroad more than fifty miles in length, and known as the New York, New Haven and Hartford Railroad; and at all the times aforesaid, the said steam railroad of the said New York, New Haven and Hartford Railroad Company was and yet is doing business in this State and in the City and County of New York aforesaid, in the hamling and running of trains of cars for the conveyance and transportation of passengers and freight in, and by over and along a certain line of railroad, a great portion thereof to wit: twenty-six miles thereof and upwards being within this State, and a

portion to wit: ten miles thereof and upwards being also within the said City and County of New York.

A n d the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains, to wit: divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated for the conveyance of passengers in, by, over and along the said line of railroad and in by, over and along that portion thereof lying within the City and County of New York aforesaid, (the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown) and did cause, procure, suffer and permit the said passenger cars to be heated (not for temporary use in case of accident or other emergency but as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid and in motion) by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same or from a special car; against the form of

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

THIRD COUNT

And the Grad Jury aforesaid by this Indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward H. Reed, Joseph Park, Chauncey M. Depew, Henry C. Lee, William Rockefeller and Leverett Brainard of the same Misdemeanor, committed as follows:

Heretofore, to wit: on the said twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-one, the New York, New Haven and Hartford Railroad Company was and for a long time prior thereto had been and yet is a corporation duly organized and existing under and by virtue of the laws of the State of Connecticut; and on the day and in the year aforesaid and at all the times aforesaid, the said corporation did and yet does operate, maintain and use a certain steam railroad more than fifty miles in length, and known as the New York, New Haven and Hartford Railroad; and at all the times aforesaid, the said steam railroad of the

said New York, New Haven and Hartford Railroad Company was and yet is doing business in this State and in the City and County of New York aforesaid, in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, a great portion thereof to wit; twenty six miles thereof and upwards being within this State, and a portion, to wit: ten miles thereof and upwards being also within the said City and County of New York.

And the said the New York, New Haven and Hartford Railroad Company on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains to wit; divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad, by the act, procurement, direction, sufferance and permission of the said the New York, New Haven and Hartford Railroad Company for the conveyance of passengers in, by, over and along the said line of railroad and in, by, over and along that portion thereof lying within the City and County of New York aforesaid (the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown) and did cause, procure, suffer and permit the said passenger cars to be heated (not for temporary use in case of accident or other emergency but

said New York, New Haven and Hartford Railroad Company was and yet is doing business in this State and in the City and County of New York aforesaid, in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, a great portion thereof to wit; twenty six miles thereof and upwards being within this State, and a portion, to wit: ten miles thereof and upwards being also within the said City and County of New York.

And the said the New York, New Haven and Hartford Railroad Company on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains to wit; divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad, by the act, procurement, direction, sufferance and permission of the said the New York, New Haven and Hartford Railroad Company for the conveyance of passengers in, by, over and along the said line of railroad and in, by, over and along that portion thereof lying within the City and County of New York aforesaid (the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown) and did cause, procure, suffer and permit the said passenger cars to be heated (not for temporary use in case of accident or other emergency but

as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid and in motion) by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same or from a special car;

A n d on the said twentieth day of February in the year aforesaid, the said Charles P. Clark, late of the City and County aforesaid, was the President and a Director of the said corporation, and the said Wilson G. Hunt, E.H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard all late of the City and County aforesaid, were Directors of the said corporation, and the said Charles P. Clark, as such President and Director, and the said Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard, as such Directors, (being and composing the Board of Directors of the said corporation) then and there had the charge, control and supervision of the equipment, management and operation of the said steam railroad and of the trains and cars operated and used by the said steam railroad for the purposes thereof as afore-

said, and among other things of theheating of the passenger cars of , on and composing the passenger trains of the said steam railroad and so hauled and run by it as aforesaid, and particularly of the heating of the passenger cars of, on and composing the passenger trains hauled and run by the said steam railroad for the conveyance and transportation of passengers in, by, over and along the said portion of the said line of railroad so being within the said City and County of New York.

And so being such president and directors as aforesaid, and so having the charge, control and supervision of the equipment, management and operation of the said steam railroad and of its trains and cars as aforesaid, and of the heating of its passenger cars as aforesaid, the said ——

Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Bramard,

then and there, to wit: on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, were unlawfully concerned in the commission of the said crime and misdemeanor by the said corporation in manner and form aforesaid, and then and there unlawfully did aid and abet in its commission by the said corporation in manner and form aforesaid, and then and there unlawfully did directly counsel, command, induce and procure the said corporation so to commit the said crime and misdemeanor in manner and form aforesaid; 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.

FOURTH COUNT:

And the Grand Jury aforesaid by this Indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller, and Leverett Brainard, of the same misdemeanor, committed as follows: Heretofore, to wit: on the said twentieth

day of February, in the year of our Lord one thousand eight hundred and ninety-one, the New York, New Haven and Hartford Railroad Company was and for a long time prior thereto had been and yet is a corporation duly organized and existing under and by virtue of the laws of the State of Connecticut _____ ; and on the day and in the year aforesaid and at all the times aforesaid, the said corporation did and yet does operate, maintain and use a certain steam railroad more than fifty miles in length, and known as the New York, New Haven and Hartford Railroad; and at all the times aforesaid, the said steam railroad of the said New York, New Haven and Hartford Railroad Company was and yet is doing business in this State and in the City and County of New York aforesaid, in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, a great portion thereof, to wit: twenty-six miles thereof and upwards, being within this State, and a portion, to wit: ten miles thereof and upwards, being also within the said City and County of New York.

A n d the said the New York, New Haven and Hartford Railroad Company, on the said twentieth day of February in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains to wit: divers passenger cars on, of and composing divers passenger trains then and

there run, hauled, used and operated by the said steam rail road, by the act, procurement, direction, sufferance and permission of the said The New York, New Haven and Hartford Railroad Company, for the conveyance of passengers in, by, over and along the said line of railroad and in, by, over and along that portion thereof lying within the City and County of New York aforesaid, (the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown) and did cause, procure, suffer and permit the said passenger cars to be heated (not for temporary use in case of accident or other emergency but as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid and in motion) by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same or from a special car;

And the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard,

all late of the City and County aforesaid, then and there to wit: on the day and in the year aforesaid, at the City and County aforesaid, were unlawfully concerned in the commission of the said crime and misdemeanor by the said corporation, in manner and form aforesaid, and then and there unlawfully did aid and abet in its commission by the said corporation in manner and form aforesaid, and then and there unlawfully did directly connsel, command, induce and procure the said corporation so to commit the said crime and misdemeanor in manner and form aforesaid, 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.

FIFTH COUNT:

And the Grand Jury aforesaid by this Indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard of the same Misdemeanor, committed as follows:

H e r e t o f o r e, to wit: on the said twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-one, and for a long time prior thereto, the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard did and yet do operate, maintain and use a certain steam railroad more than fifty miles in length, and known as the New York, New Haven and Hartford Railroad; and at all the times aforesaid, the said steam railroad was and yet is doing business in this State, and in the City and County of New York aforesaid, in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, a great portion thereof, to wit: twenty-six miles thereof and upwards being within this State, and a portion, to wit: ten miles thereof and upwards being also within the said City and County of New York.

And the said Charles P. Clark, Wilson G. Hunt, E.H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew,

Henry S. Lee, William Rockefeller and Leverett Brainard on the said twentieth day of February, in the year aforesaid, at the City and County aforesaid, did unlawfully heat the passenger cars of the said steam railroad on other than mixed trains to wit: divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad, by the act, procurement direction, sufferance and permission of them, the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard for the conveyance of passengers in, by, over and along the said line of railroad and in, by, over and along that portion thereof lying within the City and County of New York aforesaid, (the number of said passenger trains and of the said passenger cars on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown) and did cause, procure, suffer and permit the said passenger cars to be heated (not for temporary use in case of accident or other emergency but as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid and in motion) by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same, or from a special car; against the form of the statute in such cases made and provided, and against the peace of the People of the State of New York, and their dignity.

SIXTH COUNT:

And the Grand Jury aforesaid by this Indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard of the same Misdemeanor, committed as follows:

H e r e t o f o r e, to wit: On the said twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-one, the said Charles P. Clark, late of the City and County aforesaid, being the President and a Director of the New York, New Haven and Hartford Railroad Company, a corporation duly organized and existing under and by virtue of the laws of the State of Connecticut, and the said Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard, all late of the same place, being Directors of the said corporation, which said corporation then, and for a long time prior thereto, operated, maintained and used and yet does operate, maintain and use, a certain steam railroad more than fifty miles in length and known as the New York, New Haven and Hartford Railroad and which said steam railroad then and there did business in this State in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight in, by, over and along a certain line of railroad, ten miles thereof and upwards being within the City and County of New York, at the

City and County aforesaid, did unlawfully cause and procure, suffer and permit the said steam railroad to heat its passenger cars on other than mixed trains, to wit: divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad for the conveyance of passengers in, by, over and along the said line of railroad, and in, by, over and along that portion thereof so lying and being within the said City and County, by means of stoves kept inside of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water, or hot air from the locomotive hauling or drawing the same, or from a special car, (the number of said passenger trains, and of the said passenger cars, on, of and composing the same as aforesaid, being to the Grand Jury aforesaid unknown), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SEVENTH COUNT:

And the Grand Jury aforesaid by this Indictment further accuse the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard of the same Misdemeanor, committed as follows:

H e r e t o f o r e, to wit: on the said twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-one, and for a long time prior thereto, the said Charles P. Clark, Wilson G. Hunt, E. H. Trowbridge,

William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard all late of the City and County aforesaid, did and yet do operate, maintain and use a certain steam railroad more than fifty miles in length and known as the New York, New Haven and Hartford Railroad, which said steam railroad then and there did and yet does business in this State in the hauling and running of trains of cars for the conveyance and transportation of passengers and freight, in, by, over and along a certain line of railroad, ten miles thereof and upwards lying and being within the City and County aforesaid.

And the said Charles P. Clark, Wilson G. Hunt, E.H. Trowbridge, William D. Bishop, Nathaniel Wheeler, Henry C. Robinson, Edward M. Reed, Joseph Park, Chauncey M. Depew, Henry S. Lee, William Rockefeller and Leverett Brainard, on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully cause and procure, suffer and permit the said steam railroad to heat its passenger cars on other than mixed trains, to wit: divers passenger cars on, of and composing divers passenger trains then and there run, hauled, used and operated by the said steam railroad for the conveyance of passengers in, by, over and along the said line of railroad, and in, by, over and along that portion thereof so lying and being within the said city and county,(not for temporary use in case of accident or other emergency, but as the regular and usual method of heating such cars while the same were in actual use and service and being hauled and run as aforesaid and in motion) by means of stoves kept inside

of such cars, none of the said cars having been or being then equipped with apparatus to heat by steam, hot water or hot air from the locomotive hauling or drawing the same or from a special car; 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.

0247

BOX:
430

FOLDER:
3964

DESCRIPTION:
Clark, Edward A.

DATE:
03/26/91

3964

630

Witnesses;

Peter L. Searing

Counsel,

Filed 26 day of March 189

Pleads, Not guilty

THE PEOPLE

vs.

Edward A. Clark

alias

Albert Sprague

(4 cases)

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

~~DE LANCEY NICOLL,~~

~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Foreman.

8420

0249

Police Court, First District.

City and County of New York, } ss.

of No. 217 East 36 Street, aged 44 years, Richard H Stephens

occupation Carpenter and Builder being duly sworn, deposes and says, that on or about the 28 day of January 1891, at the City of New York, in the County of New York,

Edward A Clark (now here) did wilfully forge and utter as true a certain paper (viz note) with intent to defraud on the following facts to wit;

That deponent is informed by Peter J. L Searing of No 69 Fulton Street, who is a member of the Firm of H. B Kirk and Co that on or about the 28th day of January 1891 the said defendant came into his place of business at the said address, and stated to said Peter J. L. Searing that he was the son-in-law of deponent, and was desirous of buying a quantity of liquors and Cigars. as the deponent his father-in-Law was about starting him in business at Huntington Long Island.

And that deponent is further informed by the said Peter J. L Searing, that the said defendant did then and there give and hand to said Peter J. L Searing - an instrument or paper (viz note) hereto annexed and marked Exhibit A stating at the said time that the maker of said note whose name R. H. Stephens is signed thereto was his father in law - and had given him the said note to pay for the bill of Liquors which he had contracted for and had bought from the said Firm of H.B. Kirk & Company. and at the same time requested to have the goods he had ordered, to be sent to Edward A Clark, Huntington Long Island - And deponent is further informed by said Peter J. L Searing, that on or about the 31st day of January 1891 - the said defendant came to his place of business, and stated that he was in need of the goods, and would take

GLUED PAGE

0250

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

District, Offence, 188 Magistrate. Officer. Clerk. Street, Street, Street. Sessions

York, in the County of New York,

the same away with him. and that the said Peter J. L Searing relying on the representations of the said defendant that the said R. H. Stephens was his father in law. and was the maker of the note, which the defendant had given in payment for said goods, did then and there give and allow the said defendant to take away the said property - And deponent further says that the said defendant had no right or authority to use his name, in any transactions whatever that he is not his son in Law. nor any relation whatever of his, that such representations were made for the purpose of cheating & deceiving that the note hereto annexed and signed R. H Stephens (Marked Exhibit A) is a false forged, paper - uttered for the purpose of cheating and defrauding - and was not made by him nor was it made by any authority given to any one - by deponent.

Deponent therefore charges the defendant with having committed a Forgery and asks that he be held and dealt with as the Law may direct -

Sworn to before me this 19 day of March 1891

Richd W. Stephens

Police Justice -

0251

CITY AND COUNTY OF NEW YORK, } ss.

Peter J. L. Searing

aged 44 years, occupation Lyons of No. 69 Fulton Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Richard N. Stephens and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 19 *day of* March 188 }

Peter J. L. Searing

Police Justice.

0252

Sec. 198—200.

/ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Albert Sprague

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. New York

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

Answer. 223 West 66 Street 10 months

Question. What is your business or profession?

Answer. Real Estate

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 —
Albert. Sprague

Taken before me this 1 *day of* March *188*9

Police Justice.

State of New York
City & County of New York } ss.

Richard W. Stephens of the City of New York being duly sworn says. That he resides at 66 West 112th St. New York City.
That he does not know any person of the name of Edward A. Clark and that he never signed any promissory note to the order of said Edward A. Clark
Deponent further says that he has been shown three promissory notes. One dated January 28. 1891. for $276.00 payable 30 days after date to the order of Edward A. Clark — One dated Feby 5. 1891 for $220.00 payable thirty days after date to the order of Edward A. Clark — and one dated February 5. 1891 for $85.00 payable thirty days after date to the order of Edward A. Clark. and all ~~part~~ of them signed R. W. Stephens
Deponent swears that he never signed these said notes or authorized any one to sign them for them —
That he never saw said ~~notes~~ before this day.
That he knows nothing about them in any way or about any Edward A. Clark and that he has no relative of that name

0254

Sworn to before me this
14th day of March 1891 R.W. Stephens

Fred C. Miller

NOTARY PUBLIC (141)
NEW YORK COUNTY, N. Y.

Received New York Jany 25 1893 from the clerk of the Court of General Sessions three (3) notes as follows
One dated Jany 28/91 signed R.W. Stephens to the order of Edward A. Clark at thirty days for $226.50 Dolls
One dated July 5/91 signed R.W. Stephens to the order of Edward A. Clark at thirty days for $220.00 Dolls
One dated July 7/91 signed R.W. Stephens to the order of Edward A. Clark at thirty days for $85.00 Dolls with services of Pasted stocker —

H. B. Kirk
for P. J. Feeney
by Dalton Bl
Ny

0255

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 Offen d ant

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 March 19 18 91 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.

0258

By March 20th
2 30 P.M.
$2000.00 bail

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

635/63 Police Court First District. 389

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard M. Stephens
~~217 East 36th Street~~
66 William St

Edward A. Clark

2 .....

3 Sandman Ave

4 .....

Larceny

Offence

Dated March 19 1891

Hogan ..... Magistrate.

Reap and Nade ..... Officer.

C. Q ..... Precinct.

Witnesses Peter J. L. Lansing

No. 69 Fulton ..... Street.

RECEIVED. DISTRICT ATTORNEY'S OFFICE. MAR 24 1891

No. ..... Street.

No. ..... Street.

$2000 ..... to answer

Corr

0257

Wm. John A. Foster.

115 East 26th Street.

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York, against Edward A. Clark.	Before Hon. Rufus B. Cowing, and a Jury.

Indictment filed March 26, 1891.

Indicted for forgery in the third degree.

New York, April 17, 1891.

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

For the People,

Asst. District-Attorney Wauhope Lynn;

For the Defendant,

Edward M. Lee, Esq.

FREDERICK ODELL, a witness for the People, sworn, testified:

I live in the City of New York. I am employed by the house of H. B. Kirk & Company, wine dealers in Fulton Street in this city. That concern has a place of business at No. 69 Fulton Street and also at No. 9 Warren Street. They do a wholesale and retail business in wines, liquors and cigars. On or about January 28 of this year the defendant came to our store in Fulton St. I saw him. He came in with another man and he was introduced as a son-in-law of one Mr. R. W. Stevens. He said that he was going to open a place on Long Island. The name by which he was introduced was Edward A. Clark. He told us of his intention to open a road-house at Hunting-

ton, Long Island and he at once began to select the stock which he wanted. He selected, for instance, a barrel of whiskey,--we showed him six or seven different sorts of whiskey -- and finally he picked out the one he wanted. Then we came to brandy, and he selected four or five different kinds of brandies. So it went on with other articles in the store which he selected. There was a man named Parmelee who was with Mr. Clark on that morning and it was he who introduced Clark to me. After he had completed the selection of articles I told him I would make out his bill. He said he would come the next day, and pay for the goods, and he asked me if we gave thirty days. I told him we would take a note for thirty days. After he had gone we looked up R. W. Stevens and we found his credit to be good. On the following morning the defendant came into our store and handed me the note which is now produced. When he handed it to me it had been endorsedin the name of Edward A. Clark. I put it through our bank and afterwards found out that it was no good.

CROSS-EXAMINATION:

Q How long had you known this man Parmelee ? A About five weeks.

Q Had Mr. Parmelee any business transaction before that time with you ? A Yes, sir; two or three.

Q You ascertained that R. W. Stevens was good and for that reason you accepted the note ? A Yes, sir.

Q No statement wasmade by Clark as to whether the note was good or not ? A No, sir.

Q You had never met Clark before Parmelee introduced him to you ? A No, sir; I did not.

Q Clark didn't tell you he was the son-in-law of Mr. Stevens ? A Yes, sir; certainly he did.

Q In what language ? A He said: "I am his son-in-law".

Q Is it not a matter of fact that you have since been paid for those goods which the defendant took away ? A I don't know, sir, anything about that.

PETER J. SEARING, a witness for the People, sworn, testified:

I am a member of the firm of W. B. Kirk & Company doing business at 69 Fulton Street in this city. I have been fourteen years in that business. I saw the defendant first about the 28th. of January at our Fulton Street store. Mr. Odell brought him to the office to me and I talked with him. Mr. Odell said: "Here is Clark, the one that left the note here the other day for those goods which he wanted to buy". I had the note in my hand at the time. I recognize the note now shown me as the same note. I asked Clark if the note was all right and he said: "Yes; my father-in-law is going to help me in business".

Q Did he say who his father-in-law was ? A Yes, sir;his father-in-law Mr. Stevens. I lookedup the matter and found that Mr. Stevens was rated pretty highly. I said it was all right and accepted the note. The defendant a few days afterwards called at the store with a wagon and took the goods away on them.

CROSS-EXAMINATION:

Q The defendant Clark said he was the son-in-law of Mr. Stevens ? A Yes, sir.

Q And that Mr. Stevens made the note ? A He said: "This is my father-in-law's note", and he gave it to me.

Q You have been paid for these goods haven't you ? A Yes, sir; we have been paid, but not by Clark.

Q Your firm was induced to give them these goods after learning that the maker of this note was financially responsible ? A Yes, sir; that was one of the inducements.

Q Wasn't that the only inducement ? A It was the principal one.

Q The endorsement of Edward A. Clark was upon the note when the defendant presented it to you ? A Yes, sir.

RICHARD W. STEVENS, a witness for the People, sworn, testified:

I reside at No. 66 West 112th. Street in this city. I am a carpenter by occupation and have my shop at No. 215 and 217 East 36th. Street. I do not know the defendant Edward A. Clark. I never saw him in my life until I saw him at Police Headquarters in Mulberry Street. He is not my son-in-law. I am sure of that because my eldest daughter is only eight years old. I have no daughter married. The signature upon the note which is now shown me is not my signature. I didn't make it, nor did I authorize it to be made by the defendant or any other person.

CROSS-EXAMINATION:

Q Do you occupy the entire premises 215 East 36th. Street ?
A Yes, sir.

Q Are you there nearly every day ? A Yes, sir.

Q How many notes have you out at this time ? A I have four or five notes.

Q Have you not on more than one occasion whenever any of your notes came due sought to avoid payment of them by saying that they were forgeries ? A No, sir.

Q Are your initials R. W. Stevens ? A Yes, sir.

Q Do you sign that or your full name ? A R. W. Stevens.

Q You are quite positive that this is not your signature ?
A Yes, sir.

Q Do you know a man by the name of George H. Parmelee?
A No, sir; I never knew him nor was he ever introduced to me by any person.

DEFENSE:

THOMAS A. McGLYNN, a witness for the defendant, sworn, testified:

I am acquainted with the gentleman last upon the stand, Mr. R. W. Stevens. The note which is now handed me is a note which I know to have been made by him. It was given to the firm with which I am connected. It might have been given to him January 20 or 25, probably somewhere around there.

CROSS-EXAMINATION:

Q Where do you live ? A No. 245 Henry Street.

Q And what is your business ? A I am collector for Frank A. Hall, wholesale bedding house, Centre and Baxter Streets.

Q Is Mr. Hall here ? A Yes, sir; he is in court.

Q Do you say that you saw Mr. Stevens about this note of $135 ? A Yes, sir.

Q And you showed him the signature ? A Yes, sir.

Q You asked him if that was his signature ? A Yes, sir.

Q What else did you ask him ? A That was all I was after.

Q You know nothing about the facts of this case, do you ? A No, sir.

FRANK A. HALL, a witness for the defendant, sworn, testified:

I am a manufacturer in this city. I have my ware-rooms at 168 Centre Street in this city. I am not acquainted with the person named George H. Parmelee.

EDWARD A. CLARK, the defendant, sworn, testified:

My real name is Edward A. Sprague. On or about the 24th. day of January I was introduced to one George H. Parmelee and two or three days afterwards I went down to the Real Estate Exchange in Liberty Street, which I occasionally visit and do business at, and this man Parmelee came to me with some notes that he had received from Mr. Stevens, as he told me. He askedme if I could negotiate those notes. He said he would give me twenty per cent. if I did negotiate them. I asked him if the notes were all right and he told me they were. I told him I would meet him the next day and I would see

what I could do with them. He gave me the notes the following day and I kept them in my pocket some three or four days and never did anything with them. Three or four days afterwards he told me he had been to a liquor house in Fulton Street named H. B. Kirk & Company and had made arrangements there to buy a bill of goods for the amount of the notes, or one of the notes, and three or four days after that he took me down and introducedme as Clark. He said to Mr. Searing about the goods and I had no conversation with either of these gentlemen. Mr. Parmelee made all the arrangements. The day after I went down there and they showed me some goods and some liquors. I told them I wanted to get goods to the amount of the note and Mr. Odell told me that I could pick out whatever I wanted and he would let me know what the brands of liquors were. I told him I was not an expert about the liquors, that he could sell me most anything, and if the note was a good bankable note why I would like to get the goods from him. He told me to call in three or four days, which I did. That morning when I came in Mr. Odell bid me the time of day and asked me to sit down. This man Parmelee was with me and he told me that he had done business with this Mr. Odell and that that was the reason he took the note. They sold me a bill of goods and I took the note out of my pocket and handed it to him. He took it over to the cashier's desk and gave me a receipt. He told me I could call for

the goods at any time through the afternoon. I didn't say to Mr. Odell or any other person connected with that firm that I was about to open a road-house at Huntington, Long Island, or anywhere else. I was introduced as Edward A. Clark. I knew at that time that that wasnot my right name, but I didn't think there was any harm done in it if the note was a straight, honest and legitimate one. Inasmuch as he had introduced me as Clark, I was not going to make a liar of him, and I therefore endorsed the note as Edward A. Clark. Outside of that I had no conversation with anyone in that concern.

CROSS-EXAMINATION:

Q Your name is Edward A. Sprague ? A Yes, sir.

Q You gave your name as Albert Sprague in the Police Court, did you not ? A Yes, sir.

Q Your name is not Edward A. Clark ? A No, sir.

Q What business are you in ? A The real estate business I have been in.

Q Did you take those goods to Huntington, Long Island ? A No , sir; and I never made any such statement.

Q You took them away in an express wagon ? A Yes, sir.

Q Mr. Odell is not mistaken about that ? A No, sir.

Q He is mistaken in other things ? A Yes, sir; I don't deny that I took the things.

Q Where did you take them to ? A I took them in a wagon and Mr. Parmelee told me to take them to a place in the Bowery near Chatham Street.

Q A liquor store ? A Yes, sir; kept by a man named Wintermeyer.

Q This man Parmelee was with you ? A Yes; he did all the talking.

Q Were the goods left there ? A Yes, sir.

Q You went afterwards to Fulton Street ? A Yes, sir.

Q And you got more goods, did you ? A Yes, sir.

Q Where did you take those goods to ? A To the same place on the Bowery.

Q You did all this at the direction of Parmelee ? A Yes, sir.

Q How long have you known Parmelee ? A I was was introduced to him about the 24th. or 25th. of January.

Q Were the notes all made payable to the same person ? A Yes; they were all endorsed and made in the same way.

Q Did they have Edward A. Clark on them ? A Yes, sir.

Q Did you endorse them at all ? A No, sir.

Q How much did you receive for those goods from Wintermeyer? A $120.

Q Did you share that money with Parmelee ? A I got my share of it from him as we had agreed upon.

Q You collected the money from Wintermeyer for Parmelee ? A I did, as I was looking for my commission.

Q Do you recollect the amount of the first bill of goods that was made up by Mr. Odell or H. B. Kirk & Company ? A About $225.

THOMAS EWING RIDDELL, a witness for the defendant, sworn, testified:

I reside in Philadelphia. I am acquainted with the defendant. I believe him to be a perfectly straightforward, honest young man and have found him so in all the business dealings I have had with him.

JOHN L. MASON, a witness for the defendant, sworn, testified:

I reside in Brooklyn. I have known the defendant two years. I have always regarded him as an honorable young man.

RICHARD W. STEVENS, re-called:

Q Mr. Stevens, you heard the testimony given by the witness McGlynn that he called on you and showed you that signature Defendant's Exhibit No. 1, and asked you if that was your signature and you said it was: Is that true ? A No, sir.

Q Did he ever call on you? A Yes, I have seen him once near my shop at 36th. Street. He came up to me and shook hands with me and said he would be glad if I would pay that note, or something to that effect. I asked him to show me the note and he said he didn't have it.

Q He didn't have the note with him ? A Yes, sir; that is all that I remember about him.

BERNARD WINTERMEYER, a witness for the People, sworn, testified:

I am a liquor dealer, doing business at 15

Bowery. I have seen the defendant before. In company with a man named Parmelee he came to my store. He was introduced to me by Parmelee as Mr. Clark. Parmelee had alittle flask of whiskey with him and after some discussion I agreed to buy some of the whiskey. The defendant, from time to time, came to my store afterwards to collect the money. I paid $156. I afterwards had to pay the firm of H. B. Kirk & Company $548.

The jury returned a verdict of "Guilty of Forgery in the third degree".

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Edward A. Clark, otherwise called Albert Sprague

The Grand Jury of the City and County of New York, by this indictment, accuse Edward A. Clark, otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark, otherwise called Albert Sprague, late of the City of New York, in the County of New York aforesaid, on the fifth day of February 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, to wit: a promissory note for the payment of money, which said forged promissory note is as follows, that is to say:

$85.00/100 New York February 5th 1891.

30 Days after date I promise to pay to the order of Edward A. Clark,

Eighty five 00/100 Dollars

at 215 East 36th Street N. Y. City

Value received

Due March 5th/1891 R. W. Stephens

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.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward A. Clark otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark, otherwise called Albert Sprague 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, to wit; a promissory note for the payment of money, which said forged promissory note is as follows, that is to say:

$85.00/100 New York, February 5th 1891

30 Days after date I promise to pay to the order of Edward A. Clark Eighty five 00/100 Dollars at 215 East 36th Street N. Y. City.

Value received

Due March 5th 1891 R. W. Stephens

with intent to defraud, the said Edward A. Clark, otherwise called Albert Sprague 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.

DE LANCEY NICOLL.
~~JOHN R. FELLOWS~~,
District Attorney.

Witnesses;

Peter J. L. Searing

637

B. W. Mills 4/4/91

Counsel,

Filed 26 day of March 1891

Pleads, Guilty 30

THE PEOPLE

vs.

Edward A. Clark,

alias

Albert Sprague

(4 cases)

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

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

John J. Williams

Foreman.

1120

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Edward A. Clark, otherwise called Albert Sprague.

The Grand Jury of the City and County of New York, by this indictment, accuse Edward A. Clark, otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark otherwise called Albert Sprague,

late of the City of New York, in the County of New York aforesaid, on the Twenty-eighth day of January 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, to wit: a promissory note for the payment of money, which said forged promissory note is as follows, that is to say:

$226.50/100 New York, January 28th 1891

30 Days after date I promise to pay to the order of Edward A. Clark Two hundred & Twenty Six & Fifty Cents Dollars at 215 East 36th N.Y. City

Value received

R.W. Stephens

Due Saturday Feby 28/91

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.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward A. Clark otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark, otherwise called Albert Sprague ——— 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, to wit: a promissory note for the payment of money, which said forged promissory note ——— is as follows, that is to say:

$ 2.26 50/100 New York, January 28th 1891

30 Days after date I promise to pay to the order of Edward A. Clark Two hundred & Twenty Six & Fifty Cents, Dollars at 215 East 36th N. Y. City

Value received.

Due Saturday Feb. 28/91 R. W. Stephens

with intent to defraud the said Edward A. Clark otherwise called Albert Sprague 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.

DE LANCEY NICOLL.
JOHN R. FELLOWS,
District Attorney.

Witnesses;

Peter J. & Leary

636 W. E. Warren
Temple Court

Counsel,

Filed 26 day of March 1891

Pleads, Myself 30

THE PEOPLE

26 W 66
223 reducitall

vs.

Edward A. Clark,

alias

Albert Sprague
(L & cars)

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

~~DE LANCEY NICOLL,~~
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

Foreman.

Part III April 17/91
Tried and convicted
under 2nd count - 3 yrs

Elmira Ref.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Edward A. Clark, otherwise called Albert Sprague.

The Grand Jury of the City and County of New York, by this indictment, accuse Edward A. Clark, otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark, otherwise called Albert Sprague, late of the City of New York, in the County of New York aforesaid, on the fifth day of February 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, to wit: a promissory note for the payment of money, which said forged promissory note is as follows, that is to say:

$220.00/100 New York, February 5th 1891

30 Days after date I promise to pay to the order of Edward A. Clark

Two hundred and Twenty 00/100 Dollars

at 215 East 36th N.Y. City

Value received

Due March 5/91 R.W. Stephens

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.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Edward A. Clark otherwise called Albert Sprague of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Edward A. Clark otherwise called Albert Sprague 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, to wit: a promissory note for the payment of money which said forged promissory note is as follows, that is to say:

$220.00/100 New York February 5th 1891

30 Days after date I promise to pay to the order of Edward A. Clark Two hundred and Twenty 00/100 Dollars at 215 East 36th N. Y. City

Value received

Due March 5/91 R. W. Stephens

with intent to defraud the said Edward A. Clark otherwise called Albert Sprague 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.

DE LANCEY NICOLL.
~~JOHN R. FELLOWS~~,
District Attorney.

0277

BOX:
430
FOLDER:
3964
DESCRIPTION:
Clegg, William H.
DATE:
03/09/91

3964

Witnesses:

Chas. S. Grossman

F. J. Massey
156 Remsen St. Brooklyn

Counsel.

Filed day of March 1891

Plead Not guilty

THE PEOPLE

vs.

William H. Clegg

Grand Larceny Second Degree

[Sections 528, 531, 532 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

Part I. 16th.

A True Bill.

Foreman.

20

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, March 18th. 1891

The People &c. :
:
vs. : Petit larceny.
:
William D. Clegg, :

Hon. James Fitzgerald:-

My dear Judge:

Relying upon our long acquaintance I take the liberty of addressing you in the interest of the above named defendant. If it was at all certain that my engagements would permit my attending before you on Friday when sentence is to be pronounced, I would present my plea in person.

This young man was born, brought up and lived in North Harpersfield, Delaware County, N. Y. all his life, where he was respected by all who knew him; his parents are poor, but honest and good people. On May 7th. 1890, he left home for the first time in his life to visit his married sister, Mrs Lawrence, who resides in the city of New London, Conn., remaining there and with her until about August 1st. 1890, he then came to New York, got in bad company and committed at the suggestion of evil minded associates several larcenies by visiting stores under pretence of purchasing. He came to Brooklyn and committed one larceny here, for which he was arrested and to the charge pleaded guilty, and was

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, 189

sentenced to imprisonment in the Penitentiary of Kings County for a term of six months, which term he has just served. When arrested he frankly informed the officer where he had stolen the articles which were found in his possession, thus furnishing the evidence which led to his conviction. I mention this circumstance as being one which indicates to my mind, and will doubtless to yours, that the boy is not a thief and respectfully submit that a man may steal and yet not be a thief.

Your Honor will notice that the larceny for which he is before you for sentence was committed August 7th. 1890, just six days after leaving his sister's home, and all larcenies which he committed were within that period; may it not be said in reason that he has suffered enough, in the circumstances that he has been taught a lesson which will last him through life and cause him to lead hereafter an honest life and live down the disgrace which he has brought upon himself and his entire family.

Had he committed a crime after having been punished for one theretofore committed I should believe he was bad at heart and did not intend to reform; as it is, I believe he is fully penitent and that if your Honor will, or can see your way clear, to suspend sentence, he will return to his home with his father (who is here) and become a respected and useful member of society. I plead with you for him on account of his father,

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, 189

mother, sisters, brothers and on his own account as well. Eight years experience on the bench in a criminal court enables me to discriminate to an extent as between hardened criminals and misguided young men. I believe young Clegg to be of good heart and worth saving.

I submit herewith some affidavits of persons who have known him all his life in his home, also; a letter from his brother and an affidavit of his sister showing when he arrived at and left her home. I trust your Honor will pardon the length of this communication, I feel every word I say and respectfully ask such leniency as your sense of duty and justice will permit,

Sincerely yours,

F. S. Massey

This is a copy of a letter which I have written the Judge before sentence. I am sorry that your father is unable to come for him as he is expected to commence camp

F. S. Massey

0282

Delaware County ss

David W. Hendry being duly sworn says he resides in Harpersfield is a farmer Aged 38 years. was acquainted with William Clegg when he resided in this place he has worked for me he worked very well at the time, about one year and half ago he was taken with a fit his mother called to me and I went and assisted to bring him to. he was not conscious for a good while I should think half an hour or more. his usual health was not very good I do not think, quite nervous, I never knew or heard any thing against his moral character while he resided here I was surprised when I heard he had been arrested for stealing, as I never thought he was he was that kind of person when here he used to go in as good society as any of the young men in the place, in any entertainments & exhibitions he was a good hand to get it along usually a leading character

David W. Hendry

sworn before me this 12th day of Feb 1891.

Richard Mayer
Justice of the Peace

I. Richard Magee Justice of the Peace in and for the County of Delaware N.Y. do make the following statement in relation to William H. Clegg who formerly resided in Harpersfield I have known him from infancy and never knew or heard while living here anything against his moral character, he was a peace officer of my court for one term and for anything that I see or knew he always conducted himself properly he was a steady sober young man and went in good society and was well thought of in the community his health was not always very good but for light labor he generally gave good satisfaction to his employers. Myself among many of his friends and neighbors were astonished at hearing the trouble he got into after leaving here and are really sorry for the young man.

Richard Magee
Justice of the Peace

0284

Richard Wagner

Trustee

Delaware County ss

Rolla G. Nichols being duly sworn says he resides in Harpersfield Delaware County N.Y. am a farmer am 27 years old have been in the Mercantile business I was pretty well acquainted with William H. Clegg when he resided here. he worked for me in my store for about two months he was taken sick while there. I waited two weeks for him to get well and had to hire another man I liked his work well I never heard or knew anything against his moral character since I have known him till he got into trouble since leaving here I did not think he would be a person that would be likely to go into any such business. so far as I knew he was generally pretty well liked in the neighborhood and generally went in good society

Rolla G. Nichols

Sworn before me this 13th day of February 1891

Richard Mapes
Justice of the Peace

Delaware County ss

George W. Evans being duly sworn says he resides in Harpersfield Delaware County N.Y. is a Mechanic have lived in this Town 31 years in April I knew William H. Clegg who used to reside here have known him from infancy he was always very nervous and never done a great deal of hard labor. deponent further says that he has never known or heard anything against his character until he got into trouble in Brooklyn N.Y. he was a quiet inoffensive young man: and generally liked in the neighborhood was sober and steady and went in good society

George W Evans

Sworn to before me this 13th day of February 1891

Richard Magee
Justice of the Peace

Delaware County ss.

Catherine D. Clegg being duly sworn says she is the Mother of William H. Clegg. he was born in the Town of Harpersfield Delaware County N.Y. and resided here the most of his life. She says he has never been arrested nor accused of any crime previous to the time he got into trouble last summer in Brooklyn. he always been a sickly nervous boy and a great care to me because of his health. his mind has been at times when I thought he would have to be confined in an Insane Asylum at one time I talked with one of the leading men in relation to sending him to an Asylum, he always prided himself on keeping up his good name in the community where he left here he only went to make visit to some friends in Connecticut it being the first time he ever was so far from his home

Catharine D. Clegg

Sworn to before me this 14th day of February 1891

Richard Morgan
Justice of the Peace

Catherine B. Clegg

Mother of

Defendant

0820

Delaware County ss

Joseph S. Denny being duly sworn says he resides in Harpersfield Delaware County N.Y. is a Merchant Aged 26 years was well pretty well acquainted with William H. Clegg when he resided here was quite often in his company we were together a good deal. he was not a very healthy young man at times he seemed quite forgetful he would go to do something, and seem to forget what he was going to do he was quite nervous. as to his moral Character I never seen any thing that would lead me to think there was anything wrong morally, I never knew or heard anything against his Character while he resided here and would never have thought he was a person who would undertake any such business as report says he has been into since he left here he always while here he used to attend Church & sunday school. and went in as good society as any young man in the place

Joseph S. Denny

Sworn before me this 15th day of Feb 1891 Richard Mayer Justice of the Peace

New London Conn
March 17th 1891

This is to certify that I Mary I Lawrence of New London Conn am sister to W H Clegg of North Harpersfield New York That the said W. H. Clegg came to my residence in said city of New London Conn the 7th day of May 1890 and visited with me and other relatives untill about August 1st 1890 and to the best of my knowledge the said W H Clegg was not out of the City of New London any 24 hours at one time from the 7th day of May 1890 untill he left for New York about August 1st 1890

Mrs Mary Lawrence

State of Connecticut County of New London ss
Subscribed and sworn to before me this 17 - day of March AD 1891

Rufus Ladd
Notary Public

0291

affidavit
of
Mrs B. Chagg
Sister

0292

MILWAUKEE, LAKE SHORE & WESTERN RAILWAY CO.

45—June. '90—12 M.

Station _____ 189

trust you have read Ere this letter reaches you and I hope you will do all you can for him. He is my pinitentiary and his letters sound much the heart of a stonn Again I say I hope you for him for I certainly think he has been sorely punished

Yours Truly
E. J. Clegg
Agent M L S & W Ry

0293

MILWAUKEE, LAKE SHORE & WESTERN RAILWAY CO.

45—June. '90—12 M.

Bryantlewis Station July 3rd 189[illegible]

F. L. Mason Esq
Brooklyn N.Y.

Dear Sir—

Having learned that you are attorney for my Brother W. H. Clegg I desire say that we are all very anxious for his release and are awaiting the result anxiously. In view of the fact that previous to this trouble he was never known to take anything that did not belong to him. He has always held position of trust being clerk in store in his native town and I dare say that no one in (North Harpersfield his native town) Del. Co. N.Y. can or will say one word against his character. We have no money to procure his freedom as we all have to work for our living. I sent my Mother some money the saying you required $75.00. I

From E. T. Clegg
Brother of Defendant

Wm N. Clegg
Sheriff

Delaware County ss

James A. Topping being duly sworn says he resides in Harpersfield Delaware County N.Y. am a farmer aged 38 years have known William H. Clegg when he resided here he worked for me occasionally his health at times was not very good I once knew him to fits. He was of a very nervous temperament in fact he has always been sickly since I have known him since infancy and have never heard or knew anything against his moral character I have had a good deal of deal with and always found him honest. The very day he left here he called on me on his way to the R.R. and paid me a small amount he owed me. he would not be a person that I would think would go into any such business as report has it he was in after he left here. he used to go in as good society as any of the young men here

J. A. Topping

Sworn before me this 12th day of February 1891

Richard Magee
Justice of the Peace

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, March 18th. 1891

The People &c. :
vs. : Petit larceny.
William D. Clegg, :

Hon. James Fitzgerald:-

My dear Judge:

Relying upon our long acquaintance I take the liberty of addressing you in the interest of the above named defendant. If it was at all certain that my engagements would permit my attending before you on Friday when sentence is to be pronounced, I would present my plea in person.

This young man was born, brought up and lived in North Harpersfield, Delaware County, N. Y. all his life, where he was respected by all who knew him; his parents are poor, but honest and good people. On May 7th. 1890, he left home for the first time in his life to visit his married sister, Mrs Lawrence, who resides in the city of New London, Conn., remaining there and with her until about August 1st. 1890, he then came to New York, got in bad company and committed at the suggestion of evil minded associates several larcenies by visiting stores under pretence of purchasing. He came to Brooklyn and committed one larceny here, for which he was arrested and to the charge pleaded guilty, and was

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, ... 189

sentenced to imprisonment in the Penitentiary of Kings County for a term of six months, which term he has just served. When arrested he frankly informed the officer where he had stolen the articles which were found in his possession, thus furnishing the evidence which led to his conviction. I mention this circumstance as being one which indicates to my mind, and will doubtless to yours, that the boy is not a thief and respectfully submit that a man may steal and yet not be a thief.

Your Honor will notice that the larceny for which he is before you for sentence was committed August 7th. 1890, just six days after leaving his sister's home, and all larcenies which he committed were within that period; may it not be said in reason that he has suffered enough, in the circumstances, that he has been taught a lesson which will last him through life and cause him to lead hereafter an honest life and live down the disgrace which he has brought upon himself and his entire family.

Had he committed a crime after having been punished for one theretofore committed I should believe he was bad at heart and did not intend to reform; as it is, I believe he is fully penitent and that if your Honor will, or can see your way clear, to suspend sentence, he will return to his home with his father (who is here) and become a respected and useful member of society. I plead with you for him on account of his father,

LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, ... 189

mother, sisters, brothers and on his own account as well. Eight years experience on the bench in a criminal court enables me to discriminate to an extent at between hardened criminals and misguided young men. I believe young Clegg to be of good heart and worth saving.

I submit herewith some affidavits of persons who have known him all his life in his home, also; a letter from his brother and an affidavit of his sister showing when he arrived at and left her home. I trust your Honor will pardon the length of this communication, I feel ever word I say and respectfully ask such leniency as your sense of duty and justice will permit,

Sincerely yours,

Frederick S. Massey

Delaware County ss

James M. Sternberg being duly sworn says he resides in Harpersfield Delaware County is a farmer he Aged 47 years. Knew William H Clegg when he resided in Harpersfield always knew him from a child. he was not a very healthy young I have seen him when I considered him a very sick person he used to have Cramping spells and of a very nervous temperament I never knew or heard of anything against his moral character while he resided here I would not have thought that he would be a party to any such business as report says he has since he left here he was generally pretty well liked in the neighborhood and went in as good society as most young men in the place

James M. Sternberg

sworn before me this 12th day of February 1871

Richard Mayer
Justice of the Peace

0300

Delaware County ss

William Titus being duly sworn says he resides in Harpersfield Delaware County N.Y. is a farmer Aged 47 years old was acquainted with William H. Clegg when he resided in Harpersfield he has worked for me at different times was satisfied with his work his health was not very good he has had spasms while at my house I have never heard or known of against his moral character while he lived here I always considered him an honest young man. and could scarcely have thought he would be a person that would engage in such business as report says has. he has always for anything I ever knew held a good position in society in this place. he attended Church pretty regular here

William Titus

sworn before me this 12th day of February 1891

Richard Magee
Justice of the Peace

0301

Defendants Counsel

FREDERICK STERLING MASSEY,
Attorney and Counsellor at Law,
FRANKLIN BUILDING,
186 REMSEN STREET,
BROOKLYN, N. Y.
TELEPHONE No. 715 BROOKLYN.

0302

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Charles S. Crossman

of No. 23 Maiden Lane ~~Street~~, aged 31 years, occupation Jeweler being duly sworn deposes and says, that on the 4th day of August 1889 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

two pair of earrings together of the value of Thirty five dollars

the property of Charles S. Crossman & Company which firm deponent is a member

and that this deponent has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen, and carried away by William Clegg from the fact that said Clegg entered deponents store examined a number of earrings and without purchasing departed that subsequently deponent was informed by detective John Kearney of the 2nd Precinct of Brooklyn that he arrested said Clegg in Brooklyn in the act of pawning two pairs of earrings found upon his person and that deponent has seen the property found in his possession of Clegg and fully identifies it as having been stolen from his store

Sworn to before me, this 11 day of August 1889

Geo. S. Crossman

Police Justice.

0303

CITY AND COUNTY OF NEW YORK, } ss.

John Kearney

~~aged~~ ..... ~~years,~~ occupation Police Officer of No. 2nd Precinct Bklyn ~~Street,~~ being duly sworn deposes and says, that he has heard read the foregoing affidavit of Charles S. Crossman and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 11 *day of* August 1888 } John Kearney

A J Welch

Police Justice.

0304

Sec. 198—200.

16th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. William Clegg

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. U-S

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

Answer. North Harpersfield N.Y. 23 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 and demand an Examination by Advice of my Counsel whose card is attached

Wm. Clegg

Taken before me this 15 *day of* September, 1889

Police Justice.

0305

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

FORM No. 6

James Oates of ~~No~~ 1st Precinct New York city
being duly sworn says that he his acquainted with the handwriting of A. J. White
the Police Justice, who issued the annexed Warrant and that
the signature to this Warrant is in the handwriting of said A. J. White
Sworn to before me this 20 day of August 188 90

James Oates

Police Justice of the City of Brooklyn.

This warrant may be executed in the City of Brooklyn.

Dated this 20 day of August 188 90

Police Justice.

0306

GLUED PAGE

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 Charles L. Cooperman of No. 25 Alexander Place Street, that on the 7 day of August 1869 at the City of New York, in the County of New York, the following articles, to wit:

Jewelry

of the value of Thirty-five Dollars,

the property of Gustafel Gyuant

was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by William Ulrey

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 one of you, to apprehend the said Defendant and forthwith bring him before me, at the 1 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 11 *day of* August

POLICE JUSTICE.

0307

Police Court ..... **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

_____

vs.

_____

_____

Warrant—Larceny.

Dated 188

_____ *Magistrate*

_____ *Officer.*

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

_____ *Officer.*

Dated 188

This Warrant may be executed on Sunday or at night.

_____ *Police Justice.*

The within named

_____

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.*

0308

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 Feby 24th 1891 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.

0309

Ex 2.30 p.m. July 24
Arraign of defendant

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

266

Police Court--- 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Crossman
73 Maidenlane
William Clegg

Offence Grand Larceny

1 .....
2 .....
3 .....
4 .....

Dated February 19 1890

Morgan O'Brien Magistrate.

Oates Officer.

1st Precinct.

Witnesses John Kearney
No. 2nd precinct Brooklyn Street.
Off Malloy
No. 2nd Precinct Brooklyn Street.

49 Fulton

No. ..... Street.

No. ..... Street.

$ 500 to answer G. S.

Case

RECEIVED FEB 19 1891 DISTRICT ATTORNEY'S OFFICE

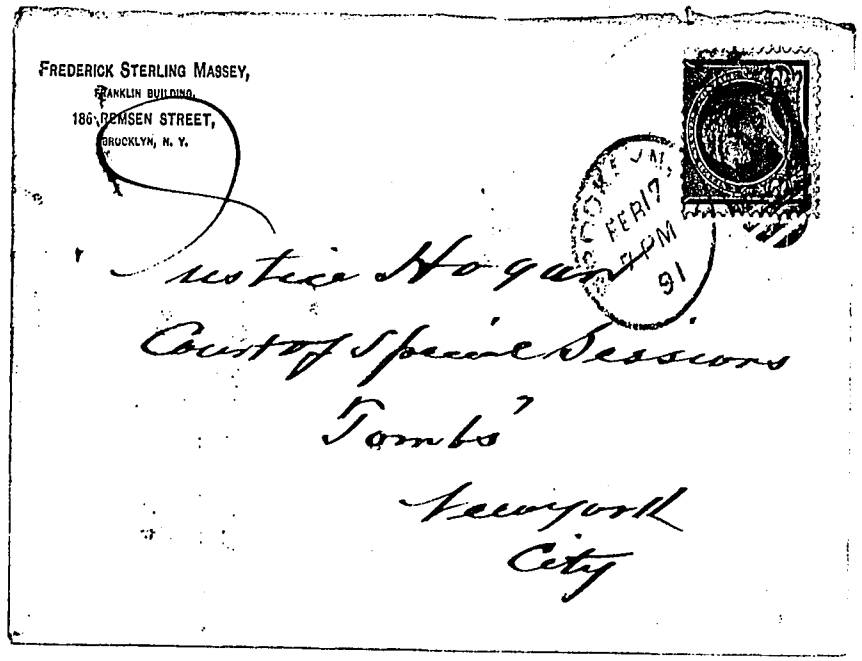
LAW OFFICES
FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,

Brooklyn, N.Y. May 17 1891

My Dear Judge

In a few days a young man will be arraigned before you for a charge of larceny. His mother who lives in Delaware County, who is a worthy woman, has asked me to look after him. I will thank you very much if you will accept a plea of not guilty & fix a day for his examination after the 24th so may suit your convenience. The case is The People on Complt of Charles S. Crossman vs William Clegg. I will appear on the day of his examination.

Sincerely Yours
F. S. Massey



FREDERICK STERLING MASSEY,
FRANKLIN BUILDING,
186 REMSEN STREET,
BROOKLYN, N. Y.

NEW YORK
FEB 17
7 PM
91

Justice Hogan
Court of Special Sessions
Tombs
Newyork
City

0312

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William N. Clegg

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse William N. Clegg

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

The said William N. Clegg

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

two pairs of earrings of the value of eighteen dollars each pair

of the goods, chattels and personal property of one Charles S. Crossman

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said William N. Clegg of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said William N. Clegg 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,

two pairs of earrings of the value of eighteen dollars each pair

of the goods, chattels and personal property of one Charles S. Crossman 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 S. Crossman unlawfully and unjustly, did feloniously receive and have; the said William N. Clegg 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,
District Attorney.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said William N. Clegg of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said William N. Clegg 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,

two pairs of earrings of the value of eighteen dollars each pair

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of the goods, chattels and personal property of one Charles S. Crossman 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 S. Crossman unlawfully and unjustly, did feloniously receive and have; the said William N. Clegg 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,

District Attorney.