

0650

BOX:

176

FOLDER:

1783

DESCRIPTION:

Lavore, Antonio

DATE:

05/27/85



1783

0651

229

1209

Witnesses:

Counsel,

Filed *27* day of *May*

188*5*

Pleaded

Not guilty (38)

THE PEOPLE

vs.

P

Antonio Savore

W.B. Savore
B. J.

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

RANDOLPH B. MARTINE,

24 New York District Attorney.
Filed & Concluded.

A True Bill.

[Signature]

Foreman.

H. M. Brown

[Signature]

0652

Sec. 198-200

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer. Antonio Lavore

Question. How old are you?

Answer. 26 years of age

Question. Where were you born?

Answer. Italy

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

Answer. 35 Mulberry St. 2 months

Question. What is your business or profession?

Answer. Selling Stale Beer

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. He kicked me on the privates and I struck him with a stick.

his
Antonio Lavore
(mark)

Taken before me this

20th

day of

1888

5th

James J. Sullivan Police Justice.

0653

Police Court— District.

City and County { ss.:
of New York,John Quinn
of No. 35 Scammon Street, aged 25 years,
occupation Laborer being duly sworndeposes and says, that on the 19th day of May 1885 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Antonio Lavore, now here,
who wilfully cut deponent
on the chin with a knife
or some sharp instrument, he,
said Antonio, held in his hands
therewith wounding deponent

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

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

Sworn to before me, this 20th day

of May 1885

John X Quinn
Maurice
Police Justice.

0654

Police Court, 1 District.

THE PEOPLE, &c.,
on the complaint of

John Quinn
Antonio Lavore

Offence-Felonious Assault & Battery

Dated May 20 1885

Patterson Magistrate.

Farrington Officer.

6 Precinct Clerk.

Witnesses, John Farrington
6 Precinct Police Street,

No. Street,

No. Street,

\$ 1000 to answer General Sessions.

Comd

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

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

Dated May 21 1885 J. W. Patterson Police Justice.

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

Dated 1885 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 1885 Police Justice.

0655

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Antonio Saverio

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

Antonio Saverio

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

The said *Antonio Saverio*,

late of the City and County of New York, on the *nineteenth* day of *May*, in the year of our Lord one thousand eight hundred and eighty *five*, with force and arms, at the City and County aforesaid, in and upon one

John Quinn

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

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

Antonio Saverio in *his* right hand then and there had and held, the same being then and there a *knife* instrument, likely to produce grievous bodily harm, *him*, the said *John Quinn*, then and there feloniously did wilfully and wrongfully strike, beat, *stab*, *cut*, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Randolph B. Martin,
District Attorney,

0656

BOX:

176

FOLDER:

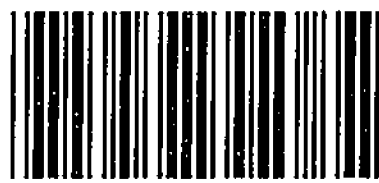
1783

DESCRIPTION:

Leavitt, Alexander

DATE:

05/18/85



1783

Witnesses:-

Judge Geo. C. Barnett Supreme Court
115 Broadway
+ East - 13 St.
May 7 Savinport

John C. Gray 231 W 15 St.
John J. Lind-
Wm. Droug 349 E. 125 St.

Witnesses:-

Sailpegs at
~~115 Broadway~~ 115 Broadway
East - 13 St.

Delivered at

~~1145~~ 1145. In application.

of West

5

Bellet Cal. O. Cal. 13

And depth is another

L. Anne paid in \$10000

Basil Chertov *supra*

at 4500.

Bailed by

Albert C. Zimmerman

193 Park Place.

Brooklyn. N.Y.

139. BLM May 18 + 53/

Counsel,

Filed

Pleads

day of Dec 188

day of Dec 188

Pleas, *proprely* & *pro*

[Sections 24+2 and 24+3, Penal Code].

THE PEOPLE

vs.

Alexander

~~Samuel~~ Leavitt

Comedy Club - Nov. 19

RANDOLPH B. MARTINE.

District Attorney:

22. off. no. 60

A True Bill.

True Bill

100

For example

Part 3. Dec 16

~~Bail discharged~~ (see in front)

(See inside)

The complainant in
this action informs
me that he has no
work & continues at
the course which
made the prosecution
necessary yet Congress
mistake. The libelous
article was not properly
corrected but no per-
manent injury resulted
from its publication
While the defendant
of had could be con-
victed & so was thrust that
after the lapse of years
any further pursuit
would be a waste of its
prosecution. I therefore
recommend that the
defendant be discharged on
his own recognizance
to Delaney & call.
Dec 17/1892. District Atty.

Dec 17/1892.

0658

Police Court— 5th District.CITY AND COUNTY
OF NEW YORK, } ss.

Peter Deneen, 31 years old,
 Policeman of the 2^d Precinct
 New York City

being duly sworn, deposes and says, that
 on Sunday the 3^d day of May

in the year 1883 at the City of New York, in the County of New York, in Alvin Street
 he was violently and feloniously ASSAULTED and BEATEN by Michael

Tennison, now here, who, while
 deponent was on duty in
 uniform in charge of two prisoners,
 did, with intent to prevent the
 lawful detention of said prisoners,
 catch hold of deponent by the
 neck, trip him up and attempt
 to wrest his club from him, and
 did strike deponent with his
 clenched fist on the neck. In
 order to detain said prisoners and
 arrest said Tennison deponent
 was obliged to call for the assistance
 of two other officers. Said assault
 was committed

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

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

Sworn to before me, this 4th day
 of May 1883.

Wm. Gray POLICE JUSTICE.

Peter Deneen

0659

Sec. 198-200.

5th District Police Court.CITY AND COUNTY
OF NEW YORK, { ss

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

Question. What is your name?

Answer.

Michael Lennon

Question. How old are you?

Answer.

54 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

Irish Avenue, High Bridge; 20 years

Question. What is your business or profession?

Answer.

Contractor

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 guiltyMichael Lennon

Taken before me this

day of

May1888

cc J. C. C. Police Justice.

0660

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 ~~Michael~~

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

Dated May 4th 188 5 W. J. O'Connell Police Justice.

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

Dated May 5th 188 5 W. J. O'Connell Police Justice.

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

Dated May 5th 188 5 W. J. O'Connell Police Justice.

0661

\$ 1000 for bond
May 8 3rd Precinct

BAILED.

No. 1, by Michael Polan
Residence Cedar Avenue Union Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

No. 146
Police Court-- 5th District.

THE PEOPLE,
ON THE COMPLAINT OF

Peter Deiner
31st Precinct
vs.

1. Michael Lemm

2. _____

3. _____

4. _____

Dated May 4th 1885
Power Magistrate.

Deiner Officer.
31 2nd Precinct.

Witnesses Sergeant James Gannon
Captain John McRaman
31st Precinct Street

No. _____ Street.

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

Bailed

Offence Assault
in 2nd Precinct

0662

~~Put this~~
~~My dear Mr. Davis~~
~~for the~~
Mich 24/87

I can not take up Lemmon
case tomorrow. I have to go to Albany
this afternoon & shall not return
till Saturday morning. — Will
you please see Mr Davis and
put the case off for the term. —
Case of Michael Lemmon Highway
Appant 2 degrees — before
Judge Cowing

Yours &
Ed Ward

Amos W. Perry

0663

Sec. 192.

3 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Maurice J. Power a Police Justice
of the City of New York, charging Michael Lennon Defendant with
the offence of Assault in 2d Degree

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Michael Lennon Defendant of 112nd
Street High Bridge Street; by occupation a Contractor
and Michael Nolan of No. Ogden Avenue and 111th Street
Street, by occupation a Sign Dealer Surety, hereby jointly and severally undertake that
the above named Michael Lennon Defendant
shall personally appear before the said Justice at the 3rd District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of 250
Hundred Dollars.

Taken and acknowledged before me, this 4th
day of May 1885

Michael Lennon

Michael his Nolan
Mark

John J. O'Connell POLICE JUSTICE,

0664

CITY AND COUNTY } ss,
OF NEW YORK, }

day of May
1881
Sworn to before me, this
1881
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of four houses and

lots in Ogden Avenue of the value
of Six thousand dollars over all
circumstances

Michael Nolan
his
mark

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the _____ day of _____ 188

Justice,

0665

High Bridge -
Hon Mr Martine
District Attorney

This is to Certify that
we the undersigned have
known Michael Lennon
for a long number of years
that is since his arrival
in this Country 23 years
ago and we have pleasure
in being able to testify to
his character as a law-
abiding peaceable citizen
and an industrious
hard working man.

I have often employed
him and have never known
him to be otherwise than a
peaceable law loving and
law abiding citizen.

Respectfully
J. H. Anderson
1897

0666

My dear Mr. C. C. C. C.
High Bridge
Street - Albany -

I have known Michael
Sennon for the past ten years
as a hard working, industrious
man - and do not remember
of his ever having been under-
arrest before.

Yours truly,

Respectfully

Amos Clark

Jerome Avenue
near 165th St.

of J. H. Schipfman & Co -
170 William St

0667

Rev.
v
Michael Linnson
Appld.
18 Apr 1973

0668

Pastor's Study,
Union Reformed Church, Highbridge,
New York City.

April 6. 1857

Dear Mr. Weston:

I have known Mr
Michael Rennox for the past
two years, and believe him
to be an honest, sober, and
well meaning citizen, in
every sense law-abiding, and
peaceable.

Very Sincerely y^rs
David A. Martin

0669

High Bridge April 7/87

J. C. W. Schwartzing hereby
affirm, that I have known Michael
Lennon, for the past eight years, have
known him to be a peacefull and lawabiding
Citizen, with one exception.

C. W. Schwartzing

0670

CORRECTION

0671

BOX:

176

FOLDER:

1783

DESCRIPTION:

Leavitt, Alexander

DATE:

05/18/85



1783

0673

----- x
The People :
vs. : MEM. OF CASES FOR TRIAL.
Leavitt. :
----- x

I.

The communication of the libel to the Graphic by Leavitt, coupled with its appearance and sale, makes out sufficient proof of publication by him.

Adams v. Kelly, Ry. & M. 157.

The defendant met a reporter and communicated the defamatory matter to him. The reporter drew up the account, and it appeared in the paper. Held to be sufficient proof of a publication by the defendant.

Evidence that the defendant dictated the libel to another, or communicated it verbally to him, with a view to its publication, is sufficient to charge him with the publication.

3 Greenl. Ev. sec. 172.

II.

The defence will be held to strict proof of the truth~~s~~ of the matter contained in the alleged libel.

Evidence of circumstances not bearing upon the precise charge made against the person libelled, and merely

tends to prove facts of a like nature with those stated in the libel, is inadmissible.

Barthelemy vs. The People,
2 Hill, 248.

The libel was a book, purporting to contain proof of "dissoluteness of morals", etc., on the part of the person libelled.

Cowen J. says, at p.256, "The proposition x x to establish hardness of the plaintiff towards the poor, dissoluteness in his morals, immorality in his principles, and habits of vice and calumny, by instances of conduct not detailed or alluded to in the book, were inadmissible, for the reason that all these were imputed as conclusions deducible from particular instances enumerated and arranged in the book with a view to the establishment of these conclusions. x x To allow proof of other instances, such as defamatory and obscene conversations, would be to violate the well settled rule that to justify a slander, charging a specific offence, you shall not be permitted to prove another, though of the same general character."

See also dictum as to "good motives", p.259.

Daly v. Byrne, 77 N. Y. 182.

The libel consisted in the statement that the plaintiff had produced a play and pretended to be the author of it, when in fact it had been written by another person, who had lent it to him for examination. It also alleged that the play was taken bodily from a published novel.

Folger J. said:

"It was not error to reject testimony to show that the play "Pique" was like the published novel "Her Lord & Master"- x x The gist of the libel was not the allegations in it of a likeness of the play to the novel; it was the assertion of the conduct of the plaintiff in reference to the manuscript play "Flirtation".

III.

Evidence that the libeller relied upon the statement of another person, or on rumor, is no defence.

Powers v. Skinner, 1 Wend. 451.

Hotchkiss v. Oliphant, 2 Hill, 510.

IV.

Any circumstances, which would go to mitigate the offence, may be shown by affidavit after conviction and when the question of the sentence comes up. They are inadmissible at the trial, for they are immaterial.

Walworth v. Case, 1 C.H. Rec. 171.

Starkie on Libel & Slander (Folke's Ed.)
Sec. 956.

The distinction must not be lost sight of that in a civil action for damages proofs may be adduced in mitigation of the damages claimed, whereas in a criminal action there is no such thing as proof in mitigation of punishment.

New York, May 26th, 1885.

0676

Court

The People
against
Levitt

Mem. of case

GRAY & DAVENPORT,

Attorneys for

No. 115 Broadway, New York City.

0677

TO THE CHIEF CLERK.

~~PLEASE SEND ME THE PAPERS IN THE CASE OF~~

PEOPLE.

vs.

Lewitt

*Put this case over
in Part 2 Monday
Before Recorder Smyth*

R.B.M.

(Sample B.)

0678

District Attorney's Office.

PEOPLE

vs.

Alexander Leavitt

Libel -

Put this case on
for trial in Part 2
before Cowing J. for
28th inst. P.B.M

Inday

0679

Law Offices of Gray & Davenport,

115 Broadway, (Beaumont Building,)

John Clinton Gray,
J. Alfred Davenport,
Edward C. Perkins.

New York,

May 29 1885

My dear Mr. Miall

Did I not leave

with you the slip from the 'Graphic'
pasted on a sheet of paper
& marked with initials - which
was the slip from the paper
bought by William Milbank!
If so I think perhaps as
it is so important I had
better keep it myself. Will
-bank cut it out & bring it
it to me the morning after.

Sincerely

J. Gray

Believe me,
P.S. The house can take it.

0680

Whine his intention to present unless
address has appeared; that he must
for a statement, apology and
the names of the informants
which were on Monday - and
then proceed, that he suggests
that he will be not answerable
Tuesday morning so as not to
appear in his capacity by means
a later Monday night; that
he will be answerable later
or earlier than he is in any way
a manner indicated by the
very date; which he presents
to the committee

0681

the libel. Leavitt acknowledged that
he wrote it and passionately defended
it. He ^(Leavitt) threatened Gray with personal
violence for insisting that the libel
was an infamous lie. Leavitt said
to Hunkley "Don't you touch this
thing; every word of it is true and
I can prove it. These men are
deceiving you or Judge Barrett or
deceiving them." Gray said he
would stake his reputation and
everything he had in the world
that it was untrue. Then Gray asked
Leavitt for his informant. Leavitt
replied John P. Fox, Clerk of Supreme
Court Chambers. When Gray persisted
to see him who emphatically

0682

denied Leavitt's story and who
returned with Ray to Hinkley's
Office. And there again denied
it to Hinkley.

(2) Samuel W. Melbank, ^{house} (33138 St.)
(a friend of Barnett's) to prove
the purchase of a paper and
the calling upon Ray (Office ^{Deputy} Rooming)

(3) George C. Barnett to prove
that each statement in the
libel is false and that no divorce
has ever even been contemplated
by his knowledge or belief; that
Leavitt never came to him before
the publication for an explanation;
that he announced through Sunday

0683

4.
retraine his intention to prosecute unless
redress was afforded; that he waited
for a retraction, apology and
the names of the informants
until noon on Monday - and
then proceeded; that he begged ^{Mr. Martine}
that Leavitt be not arrested until
Tuesday morning so as not to
oppress him unjustly by men-
-tion Monday night; that
Leavitt has never since seen
or written to him or expressed
where contrition nor in any way
or manner indicated regret for the
wrong done; that he given up
to Bonett his informants.

0684

(4) Solicitor General (Chambers Clerk)
falsely of Leavitt's statements about
him

(5) Brady (Clerk in Chambers)
opposed that Leavitt called on
him Friday morning - the
day of publication - and demanded
to see the divorce records. But never
mentioned Judge Barrett's
name in any particular case

Defence

Leavitt then on his direct kept
him from wandering away from
the specific charges - or
verging upon mere gossip.

0685

And object, should he be asked
what his informants told
him, until he has stated
who they were!

Cross Exam "There is danger
of his wandering here into
gossip. Ask him only:-

(A) What evidence have you
of the truth of the statement
that Wrold has commenced
a divorce suit against the
lady?

(B) What evidence have you
that testimony has been taken
or witnesses examined

(C) What evidence that a
referee has appointed

0686

(d) Misleading that the Judge
ruled in our two summers ago.
Came with each particular
Charge - Call for the naked
evidence of the truth of that
specific Charge. Neither
nine nor ten }

Is Judge B a neighbor of yours
in East 28th?

Did you call over to see him
before you wrote and published
the article?

Did you ever ask him for an
explanation or whether it was true?

Have you ever since the publication
called on the Judge and expressed
regret for the publication?

Have ever written to him letter

0687

Have you since your arrest
expressed to the judge in
any way regret?

Have you ever acknowledged
the falsity of the article in
any public way?

Have you given up to judge
Barnett your alleged informant?

Are you really sorry now
for what you have done
except for the consequences
to yourself?

How long have you been a
reporter for the press?
Married or single? ^{hus} single

Stop there

0600

The People

21

Alexander Leitch

=

Brief for People

=

0689

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Alexander
Dennis Seavitt

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

of the CRIME OF Lying,

committed as follows

The said

Alexander
Dennis Seavitt

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 21st day of May, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, unlawfully and maliciously murdering, intending and continuing to intend and defame one Fitzgerald R. Barrett, and to bring him into public scandal and disgrace, and to injure and aggrieve him the said Fitzgerald R. Barrett, unlawfully and maliciously did publish, and cause and procure to be published in a certain newspaper entitled "The Daily Express" a certain article, scandalous, malicious and defamatory words and concerning him the said Fitzgerald R. Barrett, containing therein the following words, malicious, scandalous, defamatory and libelous words and matters following, that is to say:

Judge Barrett (the said Fitzgerald P. Barrett thereby meaning) sued for divorce.

A Papian reporter was informed this morning by a man who is well acquainted with the facts of the case that the Hon. Fitzgerald P. Barrett, one of the judges of the Supreme Court of this State (the said Fitzgerald P. Barrett thereby meaning) had been sued for divorce by his wife. (The wife of the said Fitzgerald P. Barrett thereby meaning). She is reported to be a fair widow of New England birth. The Papian reporter's informant described her as a brunette about thirty five years of age and strikingly handsome. It appears that two years ago she spent the summer at Wren, Livingston County in this State, and that the Judge (the said Fitzgerald P. Barrett thereby meaning) made frequent visits there, ostensibly to enjoy the pure air and water. This (the said Fitzgerald P. Barrett's thereby meaning) attention to the say widow it is said became so marked that his (thereby meaning the said Fitzgerald P. Barrett's) wife was made to stand it any longer, and advised the present divorce suit.

0691

The sink was found in the Tongue
Rowl and was removed some time ago.

Witnesses were examined and test-
imony taken, but it has not as yet
been filed. It is anticipated that
sensational developments may be
expected.

As the great damage to the said
Fugate R. Dameth, against the form
of the State in such case made
and provided, and against the peace
of the People of the State of New
York, and their dignity,

Grand J. R. Martin,

District Attorney

0692

BOX:

176

FOLDER:

1783

DESCRIPTION:

Lennon, Michael

DATE:

05/21/85



1783

Witnesses:

After a personal
interview with
the officer in this
case and a
thorough investigation
of the whole case,
and considering
the within testi-
-monies of ex-
-cellent character,
of the prisoner
and that it is his
1st offence & his
excellent behavior
during the last two
years - (the offender having
served two years
ago & I ask that the
prisoner be discharged
on his own recognizance
G. F. B. C. D. A.

No. 146

146 returned

E. J. Hays

At Testimony

Counsel,

Filed 21 day of May 1885

Pleads, *Not guilty*

THE PEOPLE

vs.

B

Michael Lennon

Black & Discharged

RANDOLPH B. MARTINE,

District Attorney.

John Apple 1887

A True Bill.

E. J. Hays

Foreman

Michael Lennon 1915

John Apple 1887

0693

0694

Police Court— 5th District.CITY AND COUNTY
OF NEW YORK, } ss.

Peter Deneen, 31 years old,
 Policeman of the 2^d Precinct
 New York City

being duly sworn, deposes and says, that
 on Sunday the 3^d day of May

in the year 1883 at the City of New York, in the County of New York, in Alvin Street
 he was violently and feloniously ASSAULTED and BEATEN by Michael

Lennox, now here, who, while
 deponent was on duty in
 uniform in charge of two prisoners,
 did, with intent to prevent the
 lawful detention of said prisoners,
 catch hold of deponent by the
 neck, trip him up and attempt
 to wrest his club from him, and
 did strike deponent with his
 clenched fist on the neck. In
 order to detain said prisoners and
 arrest said Lennox deponent
 was obliged to call for the assistance
 of two other officers. Said assault
 was committed

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

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

Sworn to before me, this 4th day
 of May 1883.

Wm. Gray POLICE JUSTICE.

Peter Deneen

0695

Sec. 198-200.

5th District Police Court.CITY AND COUNTY {
OF NEW YORK, } ss

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

Question. What is your name?

Answer.

Michael Lannon

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

Lind Avenue, High Bridge; 20 years

Question. What is your business or profession?

Answer.

Contractor

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 guiltyMichael Lannon

Taken before me this

day of May1888W. J. Crum
Police Justice.

0696

\$1000 for he
May 8 3rd Precinct

BAILED,

No. 1, by Michael Polan
Residence 31st Avenue Union Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

No. 146
Police Court 5th District.

THE PEOPLE,
ON THE COMPLAINT

Peter Weiner
31st Precinct
vs.

1 Michael Lemmon

2 _____

3 _____

4 _____

Dated May 4th 1885
Polver Magistrate.

Deenen Officer.
31 2d Precinct.

Witnesses Sergeant James Gannon
Captain John McRaman
No. _____ Street.

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

Bailed

Offence Assault
in 2d Precinct

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 _____

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

Dated May 4th 1885
John G. One Police Justice.

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

Dated May 4th 1885
John G. One 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 _____ 1885
_____ Police Justice.

0697

~~Put it up~~
~~for~~
~~my dear mother~~
~~for~~

Mich 24/87

I can not take up Lennon's
case tomorrow. I have to go to Albany
this afternoon & shall not return
till Saturday morning. — Will
you please see Mr Davis and
get the case off for the term. —
Case of Michael Lennon Highbridge
Apault 2 & Begue — before
Judge Cowing Jr

Yours &
Ed Ward

Amos W. Parry

0698

Sec. 192.

3 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before Maurice J. Paver a Police Justice
of the City of New York, charging Michael Lennon Defendant with
the offence of Assault in 2d Degree

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, Michael Lennon Defendant of 121
street High Bridge Street; by occupation a Contractor
and Michael Nolan of No. Ogden Avenue and Union Street
street, by occupation a Liquor Dealer Surety, hereby jointly and severally undertake that
the above named Michael Lennon Defendant
shall personally appear before the said Justice at the 3 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of 100
Hundred Dollars.

Taken and acknowledged before me, this 4th
day of May 1885

Michael Lennon

Michael his Nolan
mark

W. J. Garry POLICE JUSTICE,

0699

CITY AND COUNTY } ss,
OF NEW YORK, }

day of March
1888
at New York
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of four houses and lots in Ogden Avenue of the value of Six thousand dollars cover all circumstances

Michael Nolan
his
mark

District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the day of 188

Justice,

0700

High Bridge -
Hon Mr Martine
District Attorney

This is to Certify that
we the undersigned have
known Michael Lennon
for a long number of years
that is since his arrival
in this country 23 years
ago and we have pleasure
in being able to testify to
his character as a law-
abiding peaceable citizen
and an industrious
hard working man -

I have often employed
him and have never known
him to be otherwise than a
peaceable law loving and
law abiding citizen

Respectfully
J. H. Anderson
Dec 7 / 1887

0701

Wm. C. Hart
Manager, Hart's High Bridge
Street - Albany -

I have known Michael
Lennon for the past ten years
as a hard working industrious
man and do not remember
of his ever having been under-
arrest before.

Yours,

Respectfully

Amos A. Clark

Jerome Avenue
near 165th St.

of J. H. Schuchman & Co.

170 William St

0702

Rev.
v
Michael Linn

Alfred

1804/13

0703

Pastor's Study,
Union Reformed Church, Highbridge,
New York City.

April 6, 1887

Dear Mr. Weston:

I have known Mr
Michael Kinnon for the past
two years, and believe him
to be an honest, sober, and
well-meaning citizen, in
every sense law-abiding, and
peaceable.

Very Sincerely y'rs
David H. Martin

0704

High Bridge April 7/87

J. C. W. Schwartzing hereby
affirms, that I have known Michael
Lennon, for the past eight years, have
known him to be a peacefull and lawabiding
Citizen, with one exception.

C. W. Schwartzing

John Doe

John Doe

to the Hon. Justice J. DeForest.

Dist. District Attorney, New York

I would respectfully be before the facts in the
above case, with the hope that you will kindly re-
sent them to the proper authorities, and if possible
have the case taken from the calendar.

Michael Leman, the defendant in the above action,
is a contractor, a resident of 101st Street in New York,
and is fifty-five years of age. One Saturday evening, or
about the middle of May, 1885, he was passing through
New York City, to the westward, and their interests being
such that they would come across some companions and
squadrons of the "Lumbermen" who were having a
fight in the vicinity, he heard sounds of a quarrel,
in the distance, 65 feet from the roadway, and interested,
he saw some men fighting a drunken man named
Carney by name, but who is called "Butcher Carney".
While he was standing a few moments looking on
the cause, these men tripped him down, and he
praised his fall. Carney then ran into the roadway
calling "Hill! Hill! Officer Duncanson of the 31st (new) Precinct,
near Carney's, returned with him. At the foot
of the defendant, Patrick Leman, a young son of
the defendant, as the one who had struck him.
While Officer had not seen the struggle, and only had
heard that Leman had struck him.

~~one should arrest him.~~ Then occurred the as-
sault in which this defendant is called in trial.
Michael Seeman asked the Officer if he had witnessed
the assault. The Officer said No. Michael then said he
had been standing there all the time, and his son
Patrick had not struck any person. He said that
he had lived in that neighborhood with his fam-
ily for nearly thirty years, and never had any of them
been arrested before, and that Officer Duneen
had no right to come off his post, and arrest
Patrick without a warrant. The Officer thinking
he was doing his duty insisted, and when Michael
seemingly attempted to rescue his son the Officer
raised his club & struck. Michael Seeman
became much excited and took me by the arm
from the Officer and threw him to the ground.
Then Constable Gannon came and told Michael,
both must go to the Police Station, and they quietly
went there. — These are the facts in the case as related
by Mr. Seeman in the presence of the Rev. Daniel
Martin the minister. — I would respectfully sub-
mit, that Michael Seeman acknowledges that
he did wrong, and that it has been a most salu-
tary lesson to him. — I have made a diligent investigation
of his character and conduct before and since this
assault, among the police and all the residents
of the neighborhood and without exception they
all say that he never was arrested before, and
that for the past two years, he has striven to make
amends for his last act, by most exemplary conduct.

0707

People

Michael L. Lerner

0708

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Michael Sennan

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

Michael Sennan

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

The said *Michael Sennan*,

late of the City and County of New York, on the *third* day of
May in the year of our Lord one thousand eight hundred
and eighty *five*, at the City and County aforesaid, with force and arms feloniously
made an assault in and upon one *Peter Sennan*,

then and there being a *police man*, of the Municipal Police of the City
New York, and as such *police man* being then and there engaged in the lawful
apprehension of one Patrick Sennan,
for an assault
and the said *Michael Sennan*, him, the said

Peter Sennan

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent
then and there to prevent and resist the lawful *apprehension*
of the said *Patrick Sennan*, as 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.

RANDOLPH B. MARTINE.

~~JOHN McLEOD~~

District Attorney.

0709

BOX:
176

FOLDER:
1783

DESCRIPTION:
Levato, Philip

DATE:
05/14/85



1783

0710

Witnesses:

No. 112

Counsel,

Filed 14 day of May 1885

Pleads

THE PEOPLE

ASSAULT IN THE FIRST DEGREE, ETC.
(Sections 217 and 218, Penal Code).

Dr. J. J. Smith

RANDOLPH B. MARTINE,

District Attorney.

Mid. recognized

A True Bill.

Foreman.

0711

Police Court—82 District.

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

of No. 56 Catharine Street, aged 70 years,
occupation Watchman being duly sworn

deposes and says, that on the 4 day of May 1885 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Philip Levato (now here) did wilfully
and maliciously cut and stab deponent
on the face with the blade of a pocket-
knife then and there held in his hand

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

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

Sworn to before me, this 4 day }
of May 1885 }

Sam'l O'Reilly Police Justice.

John Connell
Mark

0712

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Philip Levato

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

Question. What is your name?

Answer.

Philip Levato

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

Poland

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

Answer.

85 Baxter St. 18 mos

Question. What is your business or profession?

Answer.

Reader

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

Philip ^{his} Levato
mark

Taken before me this

day of

Nov
1885

James W. Kelly
Police Justice.

0713

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 Philip Levato

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 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 4 May 1885 Samuel C. Bell Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0714

Police Court-- 469 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Cornell
56 Catherine
Philip Levato

1 _____
2 _____
3 _____
4 _____

Offence Felony
Assault

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated 4 May 1885

DoReilly Magistrate.

Henry Hahn Officer.

6 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street,

No. _____ Street.

\$ 1000 to answer _____ Sessions.

Com

0715

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 J. Bennett

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

William J. Bennett
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *William J. Bennett*

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *January* in the year of our Lord
one thousand eight hundred and eighty-*eight*, with force of arms, at the City and
County aforesaid, in and upon the body of one *John J. Bennett*
in the peace of the said People then and there being, feloniously did make an assault
and *beat* the said *John J. Bennett*
with a certain *knife*

which the said *William J. Bennett*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

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

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
William J. Bennett
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *William J. Bennett*

late of the City and County aforesaid, afterwards, to wit: on the day and in the
year aforesaid, at the City and County aforesaid, with force and arms, in and
upon the body of one *John J. Bennett*,
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *beat* the said

John J. Bennett
with a certain *knife*

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

William J. Bennett
Defendant

0716

THIRD COUNT---

And the Grand Jury aforesaid, by this indictment, further accuse the said
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body
of one

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

in and upon the of the
said did then and there
feloniously, wilfully and wrongfully strike, beat, bruise and wound,
and did thereby then and there feloniously, wilfully and wrongfully inflict
upon the said
grievous bodily harm, to the great damage of the said
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.

RANDOLPH B. MARTINE,
District Attorney.

0717

BOX:

176

FOLDER:

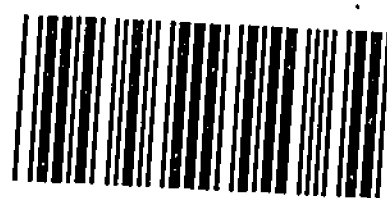
1783

DESCRIPTION:

Levinsky, Louis

DATE:

05/13/85



1783

0718

BOX:

176

FOLDER:

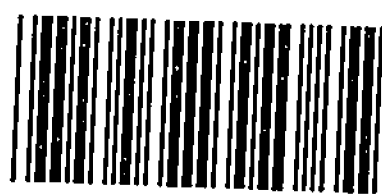
1783

DESCRIPTION:

Waterman, Julius

DATE:

05/13/85



1783

0719

Witnesses :

No. 97.

Counsel,

Filed 1/3

Pleadings

Fuller

day of May

1885

Not in

THE PEOPLE

vs.

P

Rosa Serinsky

and

P

Julius Waterman

Grand Larceny, (From the Person.) Degree.
[Sections 528, 529, 530, — Penal Code].

RANDOLPH B. MARTINE,

District Attorney.

May 10/85

W. L. Pleasants, Jr.

A True Bill.

Edwards

Lorenson

May 10/85

Chas. May 10/85

Tracy & Co.

0720

Court of General Sessions

The People ex rel -
 Mary J. Meyers
 against
 Julius Waterman
 defendant - c

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

100 EAST 23 STREET.

New York, May 10 1885

Mr. Leow. 11th Prec.

CASE NO. 18317

DATE OF ARREST

CHARGE

OFFICER

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy does not attend school, and associates with a bad gang of boys. He is easily led astray, at times. He associates with the same boys, that his confederate. Seriously associates with, he was arrested once before for disorderly conduct. He has a brother in the House of Refuge, named Philip 13 years

Parents respectable.

All which is respectfully submitted,

Wm. T. Gerry
 President.

To The District Attorney

0721

County General
Series

The People and
of
Mary Meyer
against
Julius W. Waterman

PENAL CODE,

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

ELBRIDGE T. GERRY,
President, etc.,
100 East 23d Street,
New York City.

0722

Police Court—3 District.

Affidavit—Larceny.

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

of No. 39 Avenue "B" Street, aged 70 years,
occupation Widow being duly sworn

deposes and says, that on the 9th day of May 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

One Pocket Book Containing
gold and lawful money of
the United States issue to the
Amount and Value of One 10⁰⁰/₁₀₀
dollars.

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Louis Levinsky & Julius

Waterman (both now here) and another
person unknown to deponent, and who
get arrested from the fact that at or
about the hour of 7³⁰ P. M. on said
date deponent was walking along
Avenue "B" when the said defendants
accosted deponent, one on each side
and one in the rear of deponent, and
that deponent felt some person pull
at her clothing and on speaking
to said defendants they ran away.
That deponent immediately discovered
that said property had been taken
stolen and carried away from the

Sworn to before me, this

188

day

Police Justice.

0723

right hand pocket of the dress then
in deponent's possession. That ~~upon~~ the
said Levinsky admitted and confessed
in deponent's presence that he did take
steal and carry away said property -
from deponent's gown.

deponent thereupon charges that the
said defendant was acting in concert
with her and prays that they may be
dealt with as the law directs.

Surrender before me } Mary E. Meyers
this 10th day of May 1888 }
man

Wm. H. Price Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,	Offence—LARCENY.
THE PEOPLE, &c., on the complaint of	
vs.	
1.	
2.	
3.	
4.	
Dated 1888	Magistrate.
	Officer.
	Clerk.
Witnesses,	
No. Street,	
No. Street,	
No. Street,	
\$ to answer Sessions.	

0724

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY
OF NEW YORK,

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

Question. What is your name?

Answer.

Julius Waterman

Question. How old are you?

Answer.

12 Years -

Question. Where were you born?

Answer.

New York -

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

Answer.

20 Ludlow St. 5 Years -

Question. What is your business or profession?

Answer.

School Boy -

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.

*Lavinia took the money -
while I was on the other side of
the woman -*

Julius Waterman

Taken before me this

day of

1884

Police Justice.

Julius Waterman

0725

Ses. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK

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

Question. What is your name?

Answer.

Louis Leviner

Question. How old are you?

Answer.

19 Years -

Question. Where were you born?

Answer.

New York -

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

Answer.

302. Cherry St. 20 days -

Question. What is your business or profession?

Answer.

Pepper -

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

Answer.

*I am guilty of the charge
of his
Louis + Leviner
mark*

Taken before me this

day of

March

1885

at

New York

Police Justice.

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

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
Louis Leminsky ^(a) *Julius Waterman*
guilty thereof, I order that he be held to answer the same and ~~he~~ ^{he} be admitted to bail in the sum of *Seven*
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until ~~he~~ ^{he}
give such bail.

May 10 1885

Wm. Purdie Police Justice.

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

Dated 188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated 188

Police Justice.

0727

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Meyers,
39 Ave. B.

Louis Levinson
Julius Waternan

Defence Agency
J. M. Parsons

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

May 10

188

Wilde, Magistrate.

Miles Reon, Officer.

Precinct.

Witnesses

Miles Reon

No.

11th Precinct Police
Society P.C. to children

No.

100 E 13th Street,

Young. off. A.P.C.

No.

Street.

\$

to answer

Sessions.

700
[Signature]

0728

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Saint-Saints (and)
John Waterman!

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

James Lemington and John W. Leonard
of the CRIME OF GRAND LARCENY in the *First* degree, committed as follows:

The said

The said Louis Saint-John and
William C. Adams, each —

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

one pocket watch of the value of one dollar, one quantity of note for the payment of money, of the kind known as United States Treasury notes, the same being then and there due and undeposited, for the payment of and of the value of one dollar, one other coin of the United States of the kind known as dollars, of the value of one dollar, two other silver coins of the kind known as the kind known as half dollars, of the value of fifty cents each, and several other coins of a number, kind and denomination to the Grand Jury of said unknown of the value of one dollar and fifty cents, of the goods, chattels and personal property of one ~~many~~ ~~men~~, on the person of the said ~~many~~ ~~men~~, — then and there being found, from the person of the said ~~many~~ ~~men~~, 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.

Randolph P. Martin,
District Attorney.

0729

BOX:

176

FOLDER:

1783

DESCRIPTION:

Lewis, George

DATE:

05/27/85



1783

0730

BOX:

176

FOLDER:

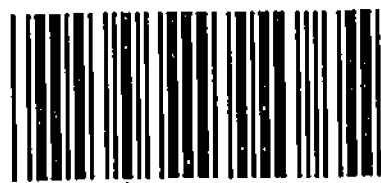
1783

DESCRIPTION:

Sharp, Warren

DATE:

05/27/85



1783

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Witnesses:

no 257.
Counsel, *W. Ross Johnson*
Filed *27* day of *May* 188*5*
Pleas, *Not guilty*

THE PEOPLE
vs.
B
George Lewis
P
Warren Sharp
Grand Larceny, *1st* degree
[Sections 528, 530, Penal Code].

RANDOLPH B. MARTINE,
Chancellor District Attorney.
Ch. 1. Pleas
A True Bill.
George Lewis
Warren Sharp

Accepted for record
James H. [unclear] Foreman.
James H. [unclear]
James H. [unclear]
James H. [unclear]

0732

James H. Kilgore

Second District Vice Court
Before Hon. James H. Kilgore

In Re: James H. Kilgore
and -
Hester's Yard
Hester's Kiln Combines
at
William Hester
Hester's Yard.

Case Continued,
to be continued.

James Hester	2.	
Thomas Hester	7.	20.
Thomas Hester	29.	
Peter Daily	34	26
Sam. Hester	38	44
John Terrell	47.	48
Peter Daily	50	
John H. Jenkins	52	53

Attorney at Law
Room 557 for Hester

0733

New York, April 29th 1885.

Second District Police Court
Before His Honor Justice Sweeney

The People
ex rel,
Mable Horse
Shoe Nail Co.
vs
William Ward
x
Thomas Flynn.

Case continued

William Ward recalled for
Cross Examination testifies as
follows:

Q. What sort of a looking man
was Sparks?

A. As far as I can judge, he
was a man about my
size; if any thing taller.

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Q Where did you first see him?

A On 3rd Ave.

Q What part of 3rd Ave.?

A Somewhere around 15th St.; then I saw him afterwards he came into my place.

Q What were you doing at 15th St.?

A I was out taking a walk.

Q How far is 15th St. from where you are in Hamilton Avenue?

A I should judge it is about 10 or 12 minutes walk.

Q Do you mean 3rd Ave. & 10th St. in Brooklyn?

A Yes.

Q That was the first time you ever saw him?

A Yes.

Q Then he came into your place?

A Yes.

Q Do you recollect the date?

Q. No, I could not tell you the date.

Q. Was your ~~book~~^{bar} keeper there at the time?

A. He might have been; I saw him when he came in.

Q. Did you speak to him on 3rd Ave.?

A. I just spoke to him, but that was all.

Q. Did you ever recognize him before?

A. No; except that he spoke to me.

Q. Did he give you, any excuse?

A. No; he did not give me any excuse whatever.

Q. Did he follow you from 3rd Avenue to your place?

A. No; this was a day or two afterwards.

Q. What did he say to you in 3rd Ave.?

A. He did not have any thing to say; only bade me the time of day; that is all.

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Q Did you ask him where he lived?

A No, sir.

Q Did he call you by name?

A No; he just said "Hello, Bill"; that was all.

Q If you never knew him before, how could he know your name?

A Of course, there are a great many faces along, and seeing a man keeping a liquor store, and seeing you standing outside the door, some one would point you out to him, the same as you would be pointed out to another; and a man may come along here & there & say: "Johnston, how are you."

Q Did he bring any goods there?

A He might or might not.

Q You don't know that he brought any goods?

A He brought some I suppose.

0737

Q Have you any personal knowledge of the fact?

A No.

Q (The Court) You are now speaking of Sparks?

A Yes.

Q You have no personal knowledge of that fact?

A No.

Q Is this testimony relative to Sparks the last day?

A Yes.

The witness here stated to the Court that for 4 or 5 weeks before his arrest he was drinking heavily and was not, on his last examination, in proper mental condition to testify.

Counsel for Defts: "We want the further examinations of the witness already called until after the examination of the accused Flynn."

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Thomas Flynn called and sworn
on his own behalf testified
as follows:

Q. Where do you reside?

A. I reside at No. 86 Hamilton
Avenue Brooklyn.

Q. What is your business?

A. Blacksmith and wheelright.

Q. What is your age?

A. 46 or 47; 46.

By Deft's Counsel: How long have
you been engaged as a
blacksmith on the Avenue?

A. About 14 or 15 yrs.

Deft's Counsel calls for
a box of nails, and
the same are produced
for identification.

2. Were there any nails
corresponding with those
sold to you, Mr. Flynn?

A. I am using that very
same kind of nails this
year; I have used that
kind of nails nearly

0739

all the time - very near.

Q Do you recollect any person coming to you and making you an offer to sell you some nails?

A Yes.

Q State what he said?

A. He came to me and he brought me a sample of nails, and he asked me did I want any nails, & I said "no, not exactly now"; and he said: "I have some good nails here - here is a sample I would let you have very reasonable, & I said - standing from my work - "How reasonable?" then; & he said \$5⁰⁰ a box - and he said \$4 a box" & I said: "I can buy them for \$3.50 - I can buy them for \$3.75 and \$4 at a time on the average, and he said: "If you buy a box I will let you have them for less -" & I said: "How

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much less?, & he said
 "\$3 1/2", & I said: "I won't
 do it", & he said: "If you
 buy ten boxes I will
 let you have them for
 that, and if you buy
~~these~~ more I will let
 you have them for
 less", & I said: "No, I can
 not; I have no money,"
 & then I said: "I will
 tell you what I will
 do - send me six boxes
 at \$3 1/2."

2. Where was all this
 conversation?

A. In Brooklyn.

Q. Where, in Brooklyn?

A. In my shop, and the
 nails came by express, &
 I paid the express man
 at the door, about
 2 pm. for the first six
 boxes, and then another
 portion came down;
 I don't know really
 how many was in the

0741

next batch, I forget; they
came about ~~May 30th~~
~~4th~~ may be three or four
o'clock in the afternoon,
and he came over to
me one day and he
said: "If you take to
make up the one hundred
boxes altogether - I bought
a 100 boxes of them - &
he said: "Calling me one
side in the liquor store;
when I was going to pay
him for the complement
I had, & I have four
men who will swear
to the same, & I swear
to the truth. He says to
me: "If you take 100
boxes altogether from
me, what you have
not called it \$3 1/2 a
box, you can have them
for \$300 cash right
on the spot", & I then
said: "I am your
man, give me your
receipt," putting my

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hand in my pocket -
"give me my receipt" &
he took the money & he
was giving me a receipt
in pencil, & there is the
man out here, he says
to me - "You, you are
foolish to take that
pencil writing, that don't
stand in law" & I
said, "Let me have it
in pen and ink, if don't
make much difference,
I don't suppose he will
ever come for the money
again, and the fellow
gave it to me in pen
and ink, & I never
saw the man before
he began to sell me those
nails in my life, & I
saw him three or four
times after that.

Q You say you bought
those nails - of the same
description before?
A Yes, I did.

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Q For how much?

A 375 + \$4.⁰⁰

Q Was there any thing said to him when he brought over the box in regard to 30 days, & if so state what it was?

A When he brought me the first he was to get paid in installments, & you know a 30 day is what we generally do, pay - that is cash; - & he said if I paid him & took the 100 boxes he would take it for \$300 cash & I paid him the \$300 and I took the 100 boxes of nails.

Q Have you the receipt here?

A That is the case, to where I took the 100 boxes of nails; and after I took them the last time then Condon, as his business card came with the express man - I suppose

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from New York, I don't know where, & I was not in & my man was there, & he says: "I have some nails," he halloed out "nails"; My man says: "All right". He says "Some for Flynn and there are 31 or 32 for Coulson of Third Street, and the man who sent those nails told Flynn to get his express man to deliver them and he would make it all right with him; and this Murray they claim to be my express man, because his office was in my shop and he used to receive calls there, and Murray stabled behind, in the rear of my shop.

Q Is that the receipt?

Paper produced.

A There is the receipt.

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Keft's. Connell offers
the receipt in evidence.
Marked as an exhibit
in the case.

It reads as follows:

"Feb. 20th 1885-

Sold to Thomas Flynn
100 boxes of horse
nails, \$3 a box"

Rec'd. Payment.

J. R. Picken."

Marked for identification
Keft's. Ex. One.

Q Did any one see him
sign that?

A I think they did; I am
sure of it.

Q But this conversation
took place in whose store?

A In Ward's store.

Q And you paid him in
Ward's store?

A I did.

Q And took him in there?

A Yes; and I took a drink
and paid him his
money, & Ward was not
there at the time I paid

the money.

Q Had all the goods been delivered at that time?

A Yes.

Q At the time you paid the money?

A Yes.

Q How long was it before you got that receipt that you saw this man the first time?

A. It might be three weeks, about that; I think he came in there two days the last time; the last time I had the last wagon of nails; 31, or 32 boxes came out the wagon for Coulson and his own business card with the expressman; I was not there when the nails came but my man counted it; he had to pick it out different sizes, & he put them in Ward's store until morning for

Murray to express them to Coulson with the card that came, the business card from New York, that came from New York, & he says that he gave Murray a card.

My men expressed the nails to Coulson on the next morning; my workmen delivered them to Murray. That was Murray's place, & I used to take in loads of furniture for Murray at night and kept them there.

Q How often was it; how many times, that the expressman delivered those goods to your place, those nails?

A Three times.

Q The three different loads?

A Yes.

Q On the same day or on different days?

A Different days; there were three weeks between the different lots; one time

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was eleven o'clock in the day and the other was I think about 3 or 4, and the other came up to five, in an about that; I did not know that I would be bothered with this question about it.

Q. As to those nails you had many of those boxes?

A. I have them over there, all around the shop for years, & I used to buy them in Ross & McCarthys; not entirely; I bought them everywhere; I seem that lately they have taken the lead but I used to buy the Putnam nails.

Q. You buy from men who go around and canvass?

A. Yes; I bought nails for 2 1/2 a box in Columbia Street; I can buy nails

There ~~was~~ four ten cents
a pound horse shoe nails
Q Do you know William
Murray?

A Yes.

Q He is an expressman?

A Yes.

(Card produced.)

Q Did you on the 6th day
of March 1885 deliver to
him any nails in Brooklyn
or about that time; he
says it is on the 6th?

A I could not tell what
time it was.

Q Did you deliver at any
time in March any nails
to Mr. Murray - he says:
"that Thomas Flynn a
keeper of a blacksmiths
shop came to deponent
and told deponent
that he had a job for
deponent to bring some
boxes containing nails to
New York?"

A Certainly I did.

78 Q That deponent drove

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in front of the blacksmith shop of Flynn, and in his presence, deponent, with the help of said Flynn loaded 75 boxes;

Q. I never lay a hand on them, but my men did, but I think it is all the same; I got my men to do it, but I never lay a hand on the box.

2. "And that was Ward accompanied him?"

A. He may be for all I know, I did not.

2. "And at the request of said Ward deponent drove to West 14th St. in New York, and to a blacksmith shop in said street near 9th Ave; - said Ward took ten boxes from deponent's wagon, and delivered the same in said blacksmith shop" - you have no personal knowledge

of that?

A. I have no question as to that; he used to go out before and he said he had so many boxes sold, & I did not want so many of them & I told him that, & that iron was getting cheap, & I said we might be dead before they are all used -

Q. Then your directions to Ward were to take the nails and go around and sell them in the City of New York?

A. Yes.

Q. And you sent them by the Express?

A. Yes.

Q. And Murray was the man you sent them by?

A. Yes.

Q. And Ward went to New York under your directions

By Mr. Schuyler:

Q. Did you order Mr. Murray to deliver the 31 boxes to

0752

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Mr. Conlan?

A Yes.

Q Is that the only delivery you ordered?

A My man sold three boxes to a man named Ryan.

Q Who is your man?

A My workman Horan Daniel; he is out here; he sold three boxes to Ryan.

Q Where is Ryan's place?

A I never was in either of the shops, & I never saw Conlan in my life until I saw him about these nails; I never saw him in the neighborhood, I was acquainted with Ryan.

Q That was the only lot you ever had delivered to Conlan's place, the 31 boxes?

A Yes; I don't know whether it was 31 or 32.

Q Did you ever cause any to be delivered to one Dairly in Flat Brook ave.?

A Yes; I sent to them there.

Q How many boxes did

Murray set out a go cart with on that morning that Ward accompanied him?

A. I could not tell you that; I did not see them.

Q. You don't know how many?

A. I do not; on oath I don't, but I know they took a great many; I was working away & I left it to him to do it, & I do not know what he brought, I left them to him to count.

Re Direct:

Q. You say that those boxes were public, or that some of them were all the time in the shop?

A. Yes; to any man that would come in I would show him those nails; that I had them.

Re Cross: By W. Schuyler.

Q. Those boxes that were returned that day that Ward was out with them, &

Murray, where had you stored them?

A I stored them in the shop for one night & I lived over my shop; it is only a little cottage, and it has a kind of a little long place, and there is a little dark room where I have nothing but a little store room for those things & I have these boxes piled over in that little room, & when I want a box I go up stairs and open them in my shop. If I leave them in the shop they get rusty and the men will leave them around on the floor when they see so many on their hands.

Q Your understanding is that the 31 boxes that you sent up there came from the same man you got your goods from?

0755

A I cannot say, but they were
directed to me for him; I
cannot say; it looks so.
Q That is your understanding?
A Yes; I never saw the

man.
Q About when was this
first delivered; I think your
counsel asked you that?

A I could not say for a
fact as he gave me this
receipt for all.

Q It was three weeks
prior to that, the first
delivery of 6 boxes?

A I guess so.

Q You never saw the man
before?

A Not until he came in
to sell me some nails.

Q What representations did
he make you?

A He said - he represented the
nails as cut nails & I went
in and pulled out the
same kind of nails and
showed them to him & I
said: "Will they all pull

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sent the same as these;
if they don't agree as you
offer them, or if they
don't prove the same I
will not take them from
you.

- Q. Didnt you ask for
whom he was selling them?
- A. I did not; I thought he
was selling for the company
on account of the brand.
- Q. You did not ask him for
return?
- A. No; not a word.
- Q. Did you ask him he
came to be able to sell them
so cheap?
- A. No; I did not; he could
not give them to me so
cheap.
- Q. What is the lowest price
you have ever paid for
Cannable nail goods - horse
nails?
- A. The lowest price?
- Q. Yes?
- A. I think \$3.75 to \$4.00; I never

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bought them under \$3.75 to

my knowledge.

Q Direct:

2. Your original agreement with him was for \$3.50 for ten boxes?

A Yes; then he came to me & he told me if I would take the other, presumably he would give them to me for \$3.00 cash, & I paid it down on the spot; and they were all delivered; that was two or three days after I got the last delivery.

2. Had you any suspicion that these nails were stolen?

A If I had I would not send them over the City of New York & try and sell them.

2. Did you know the nails were stolen?

A No.

2. Can you give a description of this man; how old & the man was he?

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27 Q. He was about 45 or 40.

Q. What was his name?

A. Rickert.

Q. How much would he weigh?

A. He would weigh about 180 lbs.

Q. Any beard?

A. He had a chin beard.

Q. And a mustache?

A. I believe he had a mustache.

Q. Dark or grey?

A. A kind of grey-beard; I think it was a little mixed.

Q. What sort of clothing did he wear; good or poor - dark or light?

A. He wore a kind of a lined coat; light coat and dark pants and a soft hat.

Q. A soft slouch hat?

A. Yes.

Q. Any overcoat?

A. No; I think he had like a little sack coat.

Q. (Carmel) He did not look

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like a workman?

(A) no.

2. Had he any of the appearance of a travelling agent?

(A) Yes, although he was not really decked out; no jewelry on him, a plain business man like?

Q. A man whose appearance indicated he was a respectable man?

(A) Yes.

Abraham Bussing called and
sworn for deft. testifies as
follows:

Q. That is your signature
A. Yes, sir.

Paper presented witness!

Q. You state here that 125
cases of nails were taken
from your company on the
15th of December 1884?

A. About that time as near as
I can get at it.

Q. Have you any personal
knowledge of that fact?

A. I have it from my stock
account which shows it was
that.

Q. Then you only fix the
date between the times when
you take the stock account;
what was the time you
took the stock account before
this?

A. My book keeper attends to
that; I could not tell you.

Q. It's a general thing, how
often do you take stock
account?

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Q. We generally take them over a month.

Q. And this was probably - I don't want to be exact - between these terms - one month & another?

A. Yes.

Q. And you have no means of ascertaining except that there is a deficiency on your stock account?

A. No, that is what I got from my books here.

Q. And you conclude - because there is a deficiency, that they were taken in some way unknown to you?

A. Yes; that is what I conclude.

Q. Now, what was the average amount of your sales, per month, of boxes of nails?

A. I could not tell you that.

Q. Are they as high as a 1000 or 10000?

A. Well, they will average all the way from -

0762

2. I do not ask you to arrive at anything except something of the approximate result?
- Q. We have sold as high as 100 tons a month.
2. How many boxes would that average?
- Q. That would average about 8000 boxes, or 100 tons, but we do it that every month.
2. Well, take in the months of December, the winter months, November, December January & February?
- Q. I could not tell what our sales would be during those months.
2. What do you think would be a fair average?
- Q. I should not like to state but by referring to my books I could tell what the sales are.
2. A fair average would certainly be over 50 tons a month in the winter months?

0763

32 (1. I believe it would, but I would not swear to anything positive about it; of course I can refer to my books and tell the sales

2. This is one of the boxes you allege to have been stolen?

(1. Yes; what I suppose. There's the witness examines the book.)

(1. are the initials of the ~~bookkeeper~~ packer; of the girl who packs the nails; that mark is an almost all our boxes; I don't know what it means.

2. There is nothing on that box to indicate it was stolen by anyone; by which you would say it was stolen?

(1. I don't know anything about it; it is one of our boxes; all of our boxes have marks like that with different initials.

Q. If you were to see - that box at any respectable hardware store -

A. I should say it was our box.

Q. And that they had honestly come across by it?

A. Yes; I should say so if it was a respectable concern.

Q. And the only reason you have of suspecting it to be stolen is the fact that 100 boxes were stolen from you, & that these were offered at a price below a Company price?

A. Yes, that is what aroused my suspicion.

Q. And that is the only thing you base your judgment on?

A. And I went to investigate it.

Peter Daily called and I was for
defense testifies as follows:

Q. What is your business?

A. I was bar teaching.

Q. What do you do now?

A. Bar teaching for Mr. Ward.

Q. This gentleman here?

A. Yes.

Q. Pointing to one of the
accused - defendants.

Q. Do you recollect - I cannot
fix the date - seeing as
you came with Mr. Flynn
into your store and Mr.
Flynn paying him some
money?

A. Yes.

Q. Now I take it as your
witness as possible all you
saw, and what you saw
that night?

A. This gentleman came in
that morning & they had a
conversation for a few
minutes & Mr. Flynn got up.
& he had his hands like
this & he said: "I own your
man & here is your money."

35-

I never going to buy two
boxes of words from this
man, and he paid the man
and got his receipt for it.

Q. Is that the receipt?
A. I don't know anything
about the receipt; I don't
have my mouth into every
man's business.

Q. Is that receipt for a
receipt?

A. Yes.

Q. But you would not
identify the receipt?

A. I gave it from the box
of words, there was a box
of words there and I
had to wait a while, I
was not going to look
at this man's business.

Q. Did you hear any woman
make a remark to him?

A. Yes, this was written in
pencil.

Q. I heard a party make a
remark not to take it in
pencil, and he then took

for pencil ink and give
it to him.

Q. How many persons were
in the store, who were present
and near at your house
on Saturday?

A. There was about ten.

Q. What is all your knowledge about
the matter?

A. This.

Continued.

By Mr. Chayles:

Q. Can you give the names of
any of the persons in the
store at the time?

A. There are four right here
now.

Q. Give their names?

A. John W. Matthews, John V. Holt,
Eugene Harmon; further back
than that I cannot go.

Q. Only these three?

A. And myself.

Q. Can you not give the
names of any others; you
say there were about ten.

A. Robert McKin.

36 Q. What is his address?

37 Q I could not tell you.

Q Don't you know where he
lives?

A I can give a pretty good
guess to it.

Q Where?

A He lives in Hickory Street near
Laqueer.

Q What time of the day was
it that Mr. Spruce came
into the place?

A I think it was in the
afternoon.

Q About what time?

A I could not tell you the
time exactly.

Re Diet:

Q It was before dark?

A Yes.

Q In full daylight?

A No.

San. Harner collected and I was in
for defense testimony as follows:

Q What is your business?

A Dockmaster.

Q For whom?

A The W. H. Harner.

Q Do you collect for express
man or mail there with
mills?

A Yes.

Q How often did I come?

A The times, to the best of my
recollection.

Q How many recollections have you
about each, or about what
dates?

A I cannot not fairly say
what days they came, it was
along part of the time they
first came.

Q Were there several days
intervened between the times that
they came?

A I did, there were several
days between them.

Q At what hour in the day
did they come?

38 Q The first of them came at

37

shanty outlast.

Q. In the forenoon?
A. Yes, as, never as I don't get it out until 11 & 12.

Q. They all come in the day light, during working hours?
A. Yes.

Q. Your shop is a building?
A. Yes.

Q. People passing at all times?
A. Yes.

Q. Do you know the names of them?
A. No, it would be a different business.

Q. You brought them in at that time?
A. Yes.

Q. Did you wish to understand any of them?
A. Yes, I would like to know all of them, & the other 14 were carried in with them & I helped him carry them in.

Q. Do you recollect of men coming then and offering to sell records to Mr. Williams?
A. Yes.

2. I remember as well as you
possibly can, what our agent
the agent that time.
The agent he brought in
some mails & he offered him
a dollar, and he took them
and he offered him more
for sale & he brought them
down here & he offered
me a dollar for them. I think
it was a dollar for them
& so at that time, I never met him
which I think it was 3.50,
and he brought them
down here & I don't know
whether he paid him at the
time for the mails or
not.

3. I don't remember
it. Then the rest of the mail
came, and the men came
again and they had some
further talk between themselves,
& the whole amount of
the boxes came, & some mails
came for Mr. Taylor. Mr.
Taylor was not there, I took
the mails from the express

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you would be given me Mr.
Gordon's card with so many
pages of notes on it, and
he would have expressed the
delusion that, as he was
coming to the express again for
bandage and his gun, he would
and I took in the mail &
left them there until next
day; & gave the express
man the mail, and I gave
him Gordon's card. But I
got home the other day &
found you had them to him
and he brought them to
him.

2. About how soon after
he went home, the first time
you saw him, was it that
the mail was given to him?

1. From the first time I saw
him until the last.

2. Not until the mail first
began to arrive.

3. I think it was a couple of
days after the first time I
saw him.

0773

Q Did you hear any remark
made about these things, or how
he came there and what
the statement if he wanted
you, and the life insurance
wanted him, if they were a
questionable, or he would
buy a lot of them, or would he
that is all.

A Yes, I saw him say, "I
told him if he wanted him in
quantity, of them, but he
would give them to him at
\$3.00 or \$3.25, something like
that, and when they came to
a set I said to him, "that
he bought them for 50 cents
each, I got them for
your money - that he bought
them cheap."

Q Were the boxes like the
one shown to the
sample in Court?
A Yes, they were the same
boxes as that.

The witness examined the
box, offered as evidence
Exhibit 1.

43

Q. I am assuming that mail, the same as that, going on over 2 yrs. buying them from agents every other thing.

Q. Principally from agents? A. Yes, it is sold from me do not meet with the goods, & then he gets a couple of boxes from New York & goes to a hard ware store for them.

Q. Were any of these boxes continually in the public shop?

A. Certainly; all the time.

Q. Any one going in could see a box of these in your shop at any time since you bought them?

A. I never saw it for the last year and a half without a couple of boxes of them.

Q. Always -

A. Yes.

Q. And such as these too?

A. Yes.

Q. They are always kept in the shop?

A. Yes; kept in the shop; we are running for them every minute; he always keeps them inside; he keeps about four suits.

Next examined:

By Mr. Hughes:

Q. How long have you been a blacksmith?

A. About 1 1/2 yrs.

Q. (The Court) How long have you been a blacksmith - working at the trade?

A. About 20 or 22 yrs.

Q. You worked for 12 years a year & a half?

A. Yes.

Q. Where did you work prior to that?

A. In Ireland.

Q. How long have you been in this country?

A. Four or 5 yrs.

Q. Where did you work prior to working for Flynn?

45

A. I worked in 30th Street between
10th & 11th ave, I worked there
for a man named Rooney.

Q. New York City?

A. Yes.

Q. You learned your trade in the
old country?

A. Yes.

Q. When you worked for Mr. Rooney,
what was the work as
to delivering house calls, and
to the woman?

A. I could not say; I was not
very long in the country at
the time.

Q. You saw mails delivered
there to Rooney's place?

A. No, he always brought them
in himself; he would go out
and carry them in.

Q. About how many - what
amount?

A. I never saw him bring in
several boxes together.

Q. It is a small blacksmith
shop?

A. I think he has no more

2. Did not you think I came a
little strange when those people
were talking to me, that
time?

(7) He has made I think a
significant discovery that
this man was like his
whole business and express
therein & he has met one
man specially to obtain
his goods.

Q. Is there no change?
A. No, Sir.

John G. Groll called and I answered.
for a moment, he told me his name was
John G. Groll.

Q. 682 Hick's St. Brooklyn.

Q. What is your business?

A. Grain trimmer.

Q. So you are not living in
New York's city, where the Flynn
case is, is it right to some
extent?

A. Yes.

Q. What time did you see him?

A. In the afternoon between 4 &
5 o'clock.

Q. Did you have any information
before then?

A. Yes.

Q. What had been said you heard?

A. This gentleman that comes
in with Flynn - they were
speaking about something, &
what it was I don't know, &
Flynn made the remark, he
says "any your money,"
- hitting his hands like that,
"write me out a receipt &
I will fetch your money
to you & the receipt will

87

Mr. Pharr
 Have you, or ever will
 have, that black horse
 for sale?

Q. Mr. [unclear]?

A. Mr. [unclear] to [unclear]?

Q. Yes.

A. I was out at [unclear] in the day?
Q. Between 4 & 5 to the best of my
opinion, in the afternoon.

Q. Now you recollect the date?

A. I cannot.

Q. What exact [unclear]?

A. I think it must have been [unclear]
about two more [unclear] ago.

Q. Was it [unclear] [unclear] [unclear] that
time?

A. It was in the morning, in
the afternoon, between 4 & 5
or thereabouts.

Q. Light or dark?

A. It was not dark, it was
daylight.

Q. You don't know any thing
about the delivery of those
goods, you did not see
any of them come?

A. No, Sir.

Letter Daily, recalled by Mr. Johnson,
testimony as follows:

- Q. Did you see any of those
nails delivered to Mr. Harmon
testimony?
- A. No, I did not, not to Mr. Harmon.
Q. Did you see any of them
delivered to Mr. Harmon?
- A. Mr. Harmon here that was it
was Mr. Harmon. He came in
the next morning, and I
would let him put in some
nails for Mr. Harmon in there
I had not the lot of
shoes made. He says "but
you let me out some more"
I said "I'll get it", and he
put them in, he gave me
a card belonging to Coulter
on a card side of the
card were the different
sizes of nails, and the nails
were taken away again &
that is all I know about it.
- Q. Who took them away?
- A. The express man.
- Q. Who was the express man?
- A. Murray.

54

Q Did you ever see any other
 come to the same place?
 A No, I did not.
 Q When was that?
 A I can't say but you want
 when it was.

Q I mean what month?
 A About 6 months ago or more.
 Q About 6 months ago?
 A Yes, I cannot tell if it was
 come in there exact as it's
 to know. I will not be sure
 again, I want ask the
 man where he got the stuff,
 or any thing else, & I want
 keep it in my head, or put it
 down in a book, as long
 as I believe the man the
 man he knows there, that is
 all I know.

By Dep. Counsel:

Q They were kept in the bar
 room - publicly?

A Yes, & I was using them for
 drunk balls.

John 11th Jenkins collect and I was
testified to the same (I)

Q. Where do you live?

A. 96 Parkside St.

Q. What is your business?

A. Carman - tree keeper.

Q. Do you collect birds in
the old place and around?

A. I do.

Q. When did Helen & the man
Richard come in?

A. I was in their place.

Q. About what time was it?

A. It was in the evening, about
the time he says, as in our
I can judge - between 4 or 5
o'clock.

Q. It was daylight?

A. Yes.

Q. How did what occurred then?

A. All I seen occur, was that
Helen & he were sitting talking
together near the stove and
Helen got up & he
said, "I can give you money"
& he said, "Write me and a
receipt & I will pay you
your money," he paid him

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Q. money & not a receipt.
A. I don't know where the money is.
Q. It was done right over the
bar.

Q. Have you known any known
thieves?

A. I have known thieves since '41
you know.

Q. How long lived in the room, in
the neighborhood?

A. I don't know.

Q. What do you know about
least excitement, Mr. Whitehead?

A. He did do it, sometimes.

Q. For whom do you do
things?

A. The last true thing I did
was for my life. I lost my
hand of four days ago, so I have
not been doing anything.

Q. Are you Mr. James Bonde man?

A. Yes.

Re Direct:

Q. What is Mr. James' character,
generally, his honesty & fair
dealing?

A. I never saw any reason to have

a ward to say of Mr. Grier's
character.

2. These his character & hands had to
be. It does in my estimation, if it
did not I would not so his
society.

Adjourned to May 11th
1885, at 10 o'clock P.M.,
before Justice Harman.

William West's name is
permitted to leave the
jurisdiction of the Court
upon the basis of his
coming & himself to appear
for examination or
disposition of his case on
above date.

POOR QUALITY
ORIGINALS

0786

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0787

New York, May 22nd 1885.

The People
ex rel,
The Au Sable Horse
Shoe Nail Co.,
vs
Wm Ward &
Thomas Flynn.

City & County of New York S. S.

Michael J. Kelly being duly sworn
deposes & says as follows:
that on April 24th 1885 he
was requested by one T. D.
Schuyler Esq, to take stenographic
notes in the above entitled
action, then pending before
His Honor Justice Forman,
at the Second District
Police Court, Jefferson Market.

That in accordance with
such request he did take
verbatim ^{stenographic} notes of the testimony
rendered on the trial of

0788

such case and at the request of the said Schuyler furnished a verbatim transcript of such testimony.

Deponent further says that such transcript comprised the testimony rendered on the 24th of April 1885 and the 29th of April 1885. That at the close of the session of April 24th 1885 the case was adjourned to the 25th of April 1885, at which no minutes were taken the case going over to the 29th of April 1885, at which session stenographic notes were taken and a verbatim transcript furnished of the same.

That the case then went over, or was adjourned to the second of May 1885, no minutes being taken, and on that date at the suggestion of His Honor Judge Forney, was adjourned to the 11th of May 1885 at Essex Market Court, at 3. P. M., and on

that date was again adjourned to the 16th of May 1885 at 2 P. m. on which date the services of this deponent were discontinued.

Deponent further says that the names of the witnesses who testified on the 24th of April 1885, and of whose testimony, a verbatim transcript of the stenographic notes taken was furnished, are as follows:

Abraham Bussing.
Anthony Brennan.
Samuel W. Sabin
Patrick Conlin
Timothy Ryan
Patrick Deily.

The names of the witnesses who testified on the 29th of April 1885, and of whose testimony a verbatim transcript was furnished from the stenographic notes, is as follows:

Abraham Bussing
Peter Deily.

0790

Daniel Haran
John Terrell
John McGentkens
William Ward
Thomas Flynn.

Deponent further says that he is now engaged as
the official stenographer of the Third Civil District Court, N. Y.

Michael J. Kelly.

Sworn to before me

this 22nd day of May 1885 }

Jacob Washburn,

Notary Public,
N. Y. Co.

0791

3

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Abraham Bussing
agst.
William Ward
et. al.

Examination had May 16 188 5
Before John J. Gorman Police Justice.

I, Waterman L. Ormby Stenographer of the 3 District Police
Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of Abraham Bussing
George Lewis and Warren Sharp
as taken by me on the above examination before said Justice.

Dated May 22 188 5

John J. Gorman
Police Justice.

W. L. Ormby
Stenographer.

0792

STENOGRAPHER'S MINUTES.

2 District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Abraham Dussing

VS.

Wm Ward & al

BEFORE HON.

John J. Gorman

POLICE JUSTICE,

188

APPEARANCES:

For the People,

For the Defence,

188

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WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

W. L. Combs

Official Stenographer.

0793

Second District Police Court
Abraham Brissing }
Wm Ward, et al, }

Examination Before Justice Gorman
May 16 1885

Abraham Brissing - recalled for cross-
examination

By Mr Johnston

2- What relation did Mr George Lewis
the defendant occupy in your store
or business

Mr Hathaway - I object, on the point of
Mr Lewis on the ground that he
is not under examination! That no
testimony ought to be taken in his
absence, he being a defendant
and having demanded and been
accorded a private examination

Justice Gorman - This is a cross examination
upon testimony already taken in
the case before the arrest of
Mr Lewis.

Objection overruled.

Exception

Q - He was our head porter. He was also the owner of a truck and did the carting. I know we always paid him for carting. He had two capacities.

2 - Had he authority to deliver goods?

A - He had - well - when an order came in it was generally taken to the head bookkeeper and entered in our delivery book, and then he delivered the goods. If a customer in the trade came with a written order he would deliver goods - if the man was a regular customer. I suppose Lewis had the authority to deliver goods.

2 - In other words he had discretionary power in the delivery of goods on orders?

A - I could not say it was entirely discretionary power - if a stranger should come in from a concern that he did not know, or that we were not selling to regularly he would have no authority to deliver goods. He

0795

would have no authority to deliver goods if it was a party he did not know - not unless they were regular customers

Q But then you would recognize a sale by him to a regular customer?

A - I would recognize anything sold to a regular customer

Q Then there were persons that he had a right to deliver to without the ^{supervision} presence of anybody else?

A Yes Sir: parties that he knew.

Q Now then any person else in your store arrested besides Lewis

By Justice Gorman

Q Do you mean to be understood that Lewis had a right to deliver goods to any person whom he believed to be a proper person to receive them?

A No Sir

Q Explain what you do mean?

A - Take those stores that we sold to - if they should send for goods and we should deliver them

3

I should sanction it on the view that he had authority for that -
 Q - In the regular course of business would it be necessary that the goods be sold in the regular way by a salesman or bookkeeper?
 A - No. We keep goods and stock. We make arrangements with parties as to the prices of everything and when they want goods they send for them and to those parties that Mr. Lewis knew he was authorized to deliver goods.

By Mr. Schuyler

Q - But not to blacksmiths?

A - No, Sir.

By Justice Gorman

Q - Your porter had no right to deliver goods except to the proper parties?

A - No Sir. He has been in our employment so long that he knew exactly whom to sell to.

Q - as a trusted employee a great deal was left to his discretion, was there not?

0797

Sworn to before me this
day of 1885

Police Justice,

Examination in the case of George
Lewis same day

The defendant appeared with his counsel,
Mr Hathaway, who demanded a private
examination, which was acceded.
George Lewis, the defendant being
only sworn before, and says as a
witness in his own behalf. My
name is George Lewis. I am 34 years
old, I live at 61 Manhattan St Harlem
I was born in New York. I was
porter in Mr Bussings store. Being
arraigned on the charge of this felony,
having knowledge thereof, having
conferred with my counsel, and
without hope of reward or immunity
and simply for the purpose of aiding

0798

justice, and in some manner making
restitution for the wrong I have
done I declare upon oath that
I had an acquaintance of about
four years with Warren Sharp. Some
time in January 1885 I was approached
by Warren Sharp who came and said
to me "I have a place to sell twenty
boxes of nails" I said "Sharp it
won't do; it will come out," says he
"No, it won't come out; we will keep
it still," I saw him get an ex-
pressman named Ferdinand Hertung
(now here) whom I now identify as the
cartman spoken of. I delivered to
Hertung twenty boxes of nails. That
was the first time I ever delivered
them out of the regular course of
business. When Sharp came back
that night he said to me "Here is
twenty dollars, George; I want to go
halves in this," says I "Sharp, it
won't do," says I "They will hear
of this; the blacksmith will let
it out." That was the blacksmith

0799

in Washington street
Q Did he tell you where he was
going before you gave them to
him?

A No Sir. He sold them to Crosby
in Washington street. He did not
give me any name. He came to
me about a week afterwards
and said "I can sell twenty
more boxes" says I "Sharp; it
won't do" says he "I can keep
it quiet" I delivered to him
twenty boxes

Q Do you know to whom he sold
them?

A - He sold them to a man in
Third street Brooklyn - He told
me so. He did not give me any
name. He gave me thirty dollars.
Then he came back and says: -
Ward and Flynn of Brooklyn are
men of a good deal of property
and they want 100 boxes "He
had a truck there in the morning
I do not know who was on the

0000

truck. Sharp knows. He sent a piece of paper signed with his name for me to deliver the goods. I knew the handwriting. It asked me to deliver a hundred boxes for Flynn. I delivered them. Then that was about three weeks after the first time. When he came back he did not give me a cent. He says "Flynn ain't worth a dollar." Says I "You had better send a truck over there - go there right away."

Q What did he give you?

A He gave me \$15, and two or three weeks after he gave me \$10 and then he came and gave me \$5.

Q Did you deliver any goods after that?

A I did not deliver anything after that. All I delivered was twenty, twenty, and a hundred boxes.

Q How about this 31 Boxes?

0001

A - out of the hundred boxes he turned around and gave this man in third street 31 boxes out of the hundred that I gave him. Sharp came and told me that out of the hundred he gave 31 boxes to the man in third street.

Q This man that had 20 before?

A Yes Sir.

Q Have you at any time delivered either to him or anyone else, any other goods than those that you have mentioned?

A No Sir.

Q Is your memory clear about that?

A Yes Sir.

Q You know it?

A Yes Sir. I know it.

Q Do you recollect the sizes of the nails you delivered?

A - They were different sizes - I could not give them all.

Q - Can you come near to it?

0002

A. I believe there was about
30 boxes of 9's the balance
was in "city's" the regular made
one a little smaller than the
"city's" and a little lighter nail.
I identify Warren Sharp now present.
I have been employed by the Prisoners of War
More to before me than
day of May 1885

Police Justice

Mr. Prussing re-called

Q - What were the 9's worth?

A - 4/4

Q - What were the 10's worth?

A - \$4.

Justice ^{Corpus}

Q - What was the smallest price
the nails were sold?

A - I do not know

Q - Do you know whether Flynn had
dealt before in your store?

A - Mr. Deanead not tell - I do
not think he did.

0803

We have different sizes at different prices. There are 5, 6, 7, 8, 9, 10 - we make two sizes larger. The lowest price of 10's is 23 cts per pound; of 9's 24 cts; of 8's 25 cts; of 7's 26 cts; of 6's 28 cts; of 5's 31 cts. for the ~~Wagon~~ ^{10's} ~~Wagon~~ our prices were \$4.00 for the 9's \$4.25; for the 8's \$4.50; for the 7's \$4.75; for the 6's \$5.25, for the 5's \$6.00 per box.

Justice Eorman - Is that the lowest price?

A We gave three discounts - one discount of 25 per cent; another discount of 10 per cent and another discount of 10 per cent, making the nails down to the trade in quantities at 15 ¹⁹/₁₀₀ cents per pound. If we get our money within 30 days we make a discount of 2 per cent.

Justice Eorman - What is your price with all the discounts off?

A With all the discounts off - it would be \$3.72 per box in large quantities.

0804

Q - Have you ever sold any goods to
Feyn?

A We have through Cratty & Co.
We have a balance of \$5.00
still remaining unpaid

Q Was it the custom for blacksmiths
to buy nails of you in this way?

A Not private shops.

Q What did they usually buy?

A One box to twenty. They would
not buy 25 boxes unless they
thought there would be an advance
in price.

Sworn to before me this
day of May 1885

Police Justice

0805

Warren Sharp the Defendant
being duly sworn on his own
behalf, upon hearing the testimony
of George Lewis read to him, de-
posed and says: - I was born
in Massachusetts. I am 35 years old.
I reside at 680 87th Avenue. I am
a truckman. I wish to make a
statement as to these charges. I have
been acquainted with George Lewis
some time. I did not have any
intentions of stealing any nails. It
came up between us some how
the way it was we thought to get
rid of twenty boxes of nails. He told
me to take them if I could sell
them. I went and sold them and
got the money. I came and gave
him back the money and he told me
if I sold them I should have
half the money. Then another
time I went in he was talking about
it. He said that if I could get
rid of twenty more I could take
them and sell them. When he gave

0806

me the nails I got the money
and came back to him I be-
lieve one time we got twenty, and
then we got a hundred. After we
sold a hundred boxes I got
money - a long time - I gave some
to George. Then we never got
paid for these 30 boxes sent to
third sheet - the boxes that Regan
took out of the hundred. That is
all I have got to say. I
never coaxed George to steal nails
never in my life. I did not coax
him. It came up some how between
us

Justice Gorman Is that all you desire
to say?

A I just wanted to make my state-
ment I did not think it was
any harm in it at first.

Q So you say you did not think there
was any harm in it?

A - No Sir, I did not at first.

Q What representations did you make
when you offered the goods for sale?

0807

A I just offered them for sale.

Justice G. Brown to before me
this day of May 1885

(Police Justice)

Justice Gorman I will hold Lewis and Sherr
to bail in \$1000 each to answer

2 District Police Court.

Abraham Dressing

vs.

Wm Ward et al.

STENOGRAPHER'S TRANSCRIPT.

May 16 1885

BEFORE HON.

John J. Egan

Police Justice.

W. L. Cranshaw

Official Stenographer.

0009

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—

3rd

DISTRICT.

of No. 4 Warren Street, being duly sworn, deposes and
says that on the 11 day of May 1885
at the City of New York, in the County of New York, deponent heard

read the affidavit of Ferdinand Herting
and that he knows the contents thereof,
that said George Lewis named in
said affidavit is in the employ of
deponent as a Porter, and from
the information received deponent
believes that said George Lewis (nowhere)
and one Warren Sharp not arrested,
did feloniously take steal and
carried away 20 Boxes containing
Horse Nails of the value of Eighty dollars
the property of deponent as the President
of the Ausable Horse Nail Company
Deponent prays that said Lewis
may be held to answer, and that
a warrant may be issued for
the apprehension of said Sharp and
be dealt with as the law directs

Abraham Bussing

Sworn to before me this
11th day of May 1885
John Herman
Police Justice

0810

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT—

3rd

DISTRICT.

years

Ferdinand Hertig aged 31

of No.

107 Warren

Street, being duly sworn, deposes and

says that in the

Month of February

1885

at the City of New York, in the County of New York,

deponent was and

is now a public Cartman that on ~~day of that month~~ or about the 1st day of said Month of February one Warren Sharp came to deponent and requested deponent to drive to the Store No 4 Warren Street, and there receive 20 Boxes of nails.

That deponent did drive to said Store at No 4 Warren, and did receive from George Lewis (nowhere) 20 Boxes containing Nails.

That after deponent had received said property from said Lewis who is the Porter of the Store No 4 Warren Street, said Sharp directed deponent to take said Boxes to a Blacksmith Shop ^{in Washington Street} near Spruce, and deponent did deliver said property to said Blacksmith Shop as directed.

Sworn to before me this

11th day of May 1885

John Forman

Ferdinand Hertig

Police Justice

0811

Police Court

Police Court
District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Abraham Bussing

of No. 4 Warren Street, aged 57 years,
 occupation Merchant being duly sworn
 deposes and says, that on the 15 day of December 1887 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property viz:

One hundred & twenty five cases containing
 Horse Nails

of the value of five hundred dollars
 (or more)

the property of ~~five hundred dollars (or more)~~
 deponent as the President of the aforesaid
 Horse Nail Company

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 Ward (nowhere)

and another person not arrested and whose
 name is unknown to deponent ^{and exposed to be William Bussing} from the fact
 that deponent is informed by Samuel H. Sabini
 of No. 4 Warren Street that on the 6th day
 of March he saw said Ward & said unknown
 person in company of each other and a person
 named Magan, with a portion of said property
 in their possession and that said Ward
 sold 10 boxes of said property in a Blacksmith
 shop No. 424 West 14th Street, and received the
 money for said property

Abraham Bussing

Sworn to before me, this 29
 day of April
 1887

John J. McNamee, Police Justice.

08 12

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 2 DISTRICT.William Murrayof No. 256 Hamilton Avenue Brooklyn Street, being duly sworn, deposes and says,that on the 6th day of March 1885at the City of Brooklyn, in the County of New York, Being deponent, was

and is now a Expressman, that on the morning of said day one Thomas Flynn a keeper of a blacksmith shop at No. 86 Hamilton Avenue, came to deponent, and told deponent, that he had a lot for deponent to bring some Boxes containing Nails to New York,

that deponent drove in front of the blacksmith shop of said Flynn and in his presence, deponent with the help of said Flynn loaded, 75 Boxes, containing Nails, on deponents Wagon, that William Ward accompanied deponent, to the City of New York, and when in New York said Ward got an deponents Wagon, and at the request of said Ward deponent drove to West 14th Street in New York and in a blacksmith shop in said Street near the 9th Avenue, said Ward took ten Boxes from deponents Wagon and delivered the same in said blacksmith shop,

deponent at the request of said Ward drove to three other blacksmith shops in the City of New York, but did not deliver any more Nails to any person,

that deponent drove back to Brooklyn, and did drive his horse and Wagon, to the blacksmith shop of

08 13

said Flynn and left said wagon
in said Shop,

Next on the following
morning defendant found his wagon
in front of said Blacksmith Shop
of said Flynn the Boxes
Containing the Wares were taken
off.

William Murray

Sworn to before me this
23rd day of April 1865

John J. Brown Police Justice

POLICE COURT—DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness,

Disposition

0814

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel W. Sabie
aged 46 years, occupation Salesman of No.

4 Warren

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Abraham Belling*

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

Sworn to before me, this

22

day of April

1887

Samuel W. Sabie

John H. Horner

Police Justice.

08 15

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss

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

Question What is your name?

Answer

William Ward

Question How old are you?

Answer

41 years

Question Where were you born?

Answer

Ireland

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

Answer

Brooklyn 35 years

Question What is your business or profession?

Answer

Liquor dealer.

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

Taken before me this

29

day of April 1885

John J. McManus

Police Justice.

08 16

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY {
OF NEW YORK, ss

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

Question What is your name?

Answer Thomas Flynn

Question How old are you?

Answer 46 years

Question Where were you born?

Answer Ireland

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

Answer 86 Hamilton Avenue Brooklyn 12 years

Question What is your business or profession?

Answer Black Smith

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 bought 100 Boxes from a man
I don't know his name, I paid \$300
for the 100 Boxes, I got a receipt for
the money

Thomas Flynn

Taken before me this

29

day of

1885

John J. Morris

Police Justice.

0817

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question. What is your name?

Answer.

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I have answered under oath as will appear by the Examination hereto attached

George Lewis

Taken before me this

day of *May*

1885

John J. ...

Police T.

08 18

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

Warren Sharp.

Question. How old are you?

Answer

35 years

Question. Where were you born?

Answer.

United States

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

Answer.

680 6th Avenue Brooklyn, 2 weeks

Question What is your business or profession?

Answer.

Truck man

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

Answer.

I have made a statement under oath attached to this paper

Warren Sharp

Taken before me this

day of *May* 188*8*

John J. Thompson Police Justice.

08 19

Warren Sharp.
S. J. M. May 13/88.

35-

W-

U. S.

Driver

Me

Yes

Yes

680. Sixth Av.

Brooklyn

Abraham Bussing

4 Warren St.

Complainant

Grand Larceny.

0820

Sec. 151.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County
of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint on oath, has been made before the undersigned, one of the Police,
Justices in and for the said City, by Abraham Bressing

of No. 4 Warren Street, that on the 1 day of February

1885 at the City of New York, in the County of New York, the following article to wit:

Twenty Boxes Containing Horse Nails

of the value of Eighty Dollars,

the property of Chapman

w Chapman taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Marcellus Sharp

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith
bring him before me, at the 3 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 May 1885

John J. Brown POLICE JUSTICE.

0021

POLICE COURT, 3^d DISTRICT.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Abraham Boring

vs.

George Lewis

Walter Sharp

Warrant-Larceny.

Dated *May 11th* 188 5

Gorman Magistrate

Wies Officer

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

Wies Officer.

Dated *May 11th* 188 5

This Warrant may be executed on Sunday or at
night.

John J. Gordon Police Justice.

REMARKS.

Time of Arrest, *320th St May 11/85*

Native of *W. D.*

Age, *24*

Sex *Male*

Complexion, _____

Color *Gr*

Profession, *Carter*

Married *Yes*

Single, *No*

Read, *Yes*

Write, *Yes*

61 Manhattan St
Harlem

0022

The within named

having been brought before me under this Warrant, is committed for examination to the

WARDEN or KEEPER of the City Prison of the City of New York.

Dated _____ 188

Police Justice.

Keep Copy 2
City of Brooklyn & L. L. C.

with warrant to be made
in the City of Brooklyn

Andrew Paulak

July 11 1885 John Just - of
City of Brooklyn

0823

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 George Lewis and

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

Dated May 16 1885 John Gorman Police Justice.

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

Dated May 16 1885 John Gorman Police Justice.

There being no sufficient cause to believe the within named William Ward, Thomas Flynn and
William Murray guilty of the offence within mentioned, I order they to be discharged.

Dated May 16 1885 John Gorman Police Justice.

0824

1000. for Ex
 April 24, 2 P.M.
 City, Apr. 25 2 P.M.
 " " 29 " "
 May 11, 2 P.M.
 " " 14 2 P.M.
 " " 16 2 P.M.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Jessie Brown Jr.
 447 Water

Police Court-- District.

THE PEOPLE, &c
 ON THE COMPLAINT OF

Abraham Bussing
 No 4 vs. Warren

William Mard

William Murray

Thames Flynn

Gerye Lewis

Warren Sharp

Office Green Latham
 & Henry John Green

Dated April 22 1885
 Jorruan Magistrate.

Samuel W. Sabin
 44 Waverly St. Precinct.

Witness Ferdinand Herting

No. 107 Waverly Street.

William Murray

No. 256 Hamilton Ave Bklyn. Street.

No. 1, 2, & 3 Dickson

No. 445 bed Street.

\$ 1000 to answer Sessions.

No. 5 Cum.

0825

April 24th 1885

Second Dist. Police Court
Before Hon. Jno. J. Garman
Magistrate.

The People
ex rel.
The As Sable
Horse Shoe Nail Co.
vs
Wm Ward &
Thos. Flynn.

Index Direct Cross.

Wm Ward p. 2.
Anthony Brennan " 16.
Sam. W. Sabin " 19.
Patrick Carlon " 20.
Timothy Ryan " 26.
Patrick Daily " 27.

M. J. Kelly Stenographer.
Room 67 # Astor House
N. Y.

0826

New York April 24th 1885.

Second District Police Court
Before Hon. John J. Forman,
Justice.

The People
ex rel.
The Austable
Horseshoe Nail Co.
vs
William Ward &
Flynn.

William Ward deft. called and
sworn on his own behalf,
testifies as follows:
By the Court.

Q Have you counsel?
A No, sir.

Q Do you desire any, or have
you retained any?

2 A. I have engaged Mr. Brady

and Mr. Smith.

The affidavit of one Abraham Bussing of no. 4 Warren St. was here read to the prisoner by direction of the Court.

The Court: The charge against you is taking this property.

Witness: I know of one party that took the stuff from New York.

The Court: Commence at the beginning and relate your connection with this matter.

Witness: I see every thing is against me, and there is no use in my keeping things back. I know him.

Q. Know who?
A. The truckman, the two truckmen.

0828

Q What is the carrier's name?

Mr. Bussing, representing the Complainant. His name is George Lewis.

Q Is that the name?

A No; it is not; the name is Sparks.

Q Do you know his first name?

A It is close to his place; his place is No. 4 Warren Street.

Mr. Bussing: We have no such man in our employ as Sparks.

Q What did Sparks do?

A I don't know — or where he got them.

Q Sparks got the nails?

A Yes.

Q And took them on his truck?

A Yes.

Q Where did you get them?

A He threw them off right outside of my door.

0029

5

Q. Sparks drove his truck from New York to Brooklyn?

A. Yes.

Q. And when he got his truck in front of your door he threw off how many boxes?

A. He chucked off ten at one time, and ten at another time.

Q. Twice ten - each time?

A. Yes.

Q. How many more did he throw off?

A. I don't know.

Q. You were in possession of over 100 boxes?

A. No; I never had 100 boxes at a time, or more than 20; that was the amount I had.

Q. Did you see Sparks drop these nails?

A. No.

Q. Then how do you know he dropped them?

A. He told me and another

0030

party to come outside.

Q Do you know any one who did see Sparks drop them?

A No.

Q Then, all you know about Sparks dropping the nails in front of your door is what some one told you?

A Yes; and I know that he carried them to other parties.

Q Did you see him carry them to other parties?

A Yes, sir.

Q Every where?

A I don't know where he took them from; I would not say where he took them from.

Q Where did he take them to?

A I live in Brooklyn and believe in New York.

Q (Repeated)

A I understood he took some up tooklyn.

Q That is tooklyn the

7

blacksmith?
 A. Yes.

A box of nails is
 produced in Court.

2. Then, you came in to the
 possession of the goods
 through Sparks, or through
 the goods left on your
 sidewalk?

A. Yes; I did not know
 what was a matter with
 him or any thing else;
 when he came with the
 goods he turned around,
 threw them off and walked
 away; and he owed me
 some money and that was
 the way he took to pay
 it.

2. What is the Expressman's
 name?

(Complainant (Mr. Bussard))
 The name is Murray.

2 How did 75 boxes of nails

0032

get on the Express man,
Murray's wagon?

Q. They were taken right
out off the street and put
on the wagon.

2. They were taken from
the street and put on the
wagon?

A. Yes.

2. Who put them on the
wagon?

A. The men there.

2. Who were the men who
put the nails on the Express
man's wagon?

A. I, for one; and two or
three others.

2. Who were the others?

A. Murray was one.

2. Did Flynn help to put
them on?

A. No, Sir.

2. Murray helped to put
them on?

A. Yes; Murray knows no
more how they got there
than -

8 2. Murray is the express man?

0033

9

Q. Yes.

2. He knows nothing about it except he helped to load the goods on his wagon, and was employed by you?

A. Yes; he was not employed by me.

2. When his wagon was driven in the blacksmith shop on a certain night in March 6th, there was a large quantity of nails on the wagon?

A. Yes.

2. And in the morning the wagon was on the street and no nails were on it; what became of the nails?

A. That I cannot say.

2. You only know of the nails thrown off; is that you say?

A. Yes.

2. It becomes very important to you, now, to prove

0034

what you say, about the
nails being thrown off
there?

A. I can do it, because I
told them I don't want
them, because money is
better to me; I said before
he owed me \$23 and
some cents.

Q. Who did?

A. Jones,

Q. Who is Jones?

A. Thomas Jones; and then
this Sparks is the other
party.

Q. What part did Thomas
Jones have in it?

A. He left me ten boxes,

Q. Taken from Sparks's
truck?

A. I could not say whether
he took them from Sparks's
truck or not.

Q. How do you know that
Jones left you the nails
there?

A. I saw his name on the
wagon.

11

Q. They came on Jones' wagon?

A. Yes.

Q. How came you to take 75 boxes to New York and attempt to sell them?

A. When they were put on the wagon, I was told that as long as I could sell those few boxes to try and sell the rest; and I was allowed a Commission on them.

Q. And did you know that they was stolen?

A. No; I did not, at the time.

Q. (Complainant) Who told you that; who gave you those orders; who told you to sell them?

A. This man that checked them off this truck; wherever he would need them he would tell me to go and get them from so and so, and in some places.

0836

probably it would be empty stables.

Q. And he left them put empty stables and in front of your store?

A. Yes.

Q. And also in front of your store and in the blacksmith shop also?

A. Yes.

Q. And where else?

A. I could not tell you other places.

Q. (Complainant) Where is the empty stable?

A. Out on 5th ave.

Q. Brooklyn?

A. Yes; I think it is out about 6th ave.

Q. Which is it?

A. Between both avenues.

Q. In what street?

A. On 9th St. between 5th and 6th ave.

Q. Don't you remember the number?

A. No.

122. Q. Which side of the street

13

was it, north or south?

Q. I think it was on the left hand side, as you go up, as you turn up from Hamilton Ave.

2. Can you not give us the address of this man Sparks?

A. No, sir.

2. He does the trucking in Warren St.?

A. I don't know.

2. How did you know he was from Warren St.?

A. That is what he told me.

2. It is very important you find this man Sparks?

A. I saw Jones twice.

2. It is of no use for you to say Jones as Sparks gave you these goods; if you can tell us where they are the Court will send for them?

A. I cannot tell you his number at the present time.

2. Where does he stand?

Q. At the corner of Greenwich
& Warren Streets.

Q. His name is Sparks?
Oliver.

Q. Do you know his first
name?

A. I do not.

Q. Where is Jones to be found?

A. I could not tell you, I have
not seen Jones in the course
of three months.

Q. Then, we will take it for
granted Jones was is a myth?

A. No, he was not, because I
came to him.

Q. Then state where we can
find him?

A. I could not.

Q. Did he work for Sparks?

A. No.

Q. Was he in connection with
him?

A. He might have been.

Q. You went to various places
on the day you sold the
goods to Brennan?

A. I did.

14 Q. To try and sell the balance?

15

A. Yes.

Q. How many did you return on that express wagon of Murray's?

A. 64, I think.

Q. Do you know any thing about Flynn buying any nails?

A. No.

Q. If he had bought any would you have known it?

A. Yes.

Q. You are well acquainted with Flynn?

A. Yes.

Q. Intimate with him?

A. Yes.

Q. See him daily?

A. Yes.

Q. Had talked with him frequently?

A. I have.

Q. And if he bought any nails, would you know it?

A. Yes.

Q. His shop was adjoining your saloon?

A. Yes, sir.

Anthony Brennan, called and sworn on behalf of people, testifies as follows:

Q. Where do you live?

A. 780 Washington St.

Q. Where is your place of business?

A. 424 20th St.

Q. What is your business?

A. Horse shoes.

Q. How old are you?

A. About 35.

Q. Did you ever see this man at the Bar, this deft.?

A. I think I did.

Q. Ever have any business transactions with him?

A. He looks like a man I bought nails from.

Q. Did you buy any Axable horse shoe nails; you know that brand of nails?

A. That is the kind I have been using for the last couple of years.

Q. And you think you bought them from this man? [Deft. Ward.]

17 Q He looks like the man.

2. But you are not sure?

A I never saw the man but once.

2. How many boxes did you buy from the man you think this deft. looks like - the accused?

A Ten.

2. What do you usually pay for those nails when you buy them regularly?

A There are different prices; as to what I was paying for those nails to this man who was selling them, there was a hardware store where they retailed them - they offered them to me for one quarter of a dollar less than I was paying this man.

2. And what did you pay the man you think resembles the accused?

A \$3²⁵/₁₀₀ box - cash.

2. How much would the

0042

hard ware store sell them
for about paying cash - what
price would that be?

A. Well, I could not say.

Q. What did you pay for
these ten boxes?

A. I am most sure it was
\$3²⁵/₁₀₀ a box.

Q. You took a receipt from
him?

A. This man was here and
he knows as much about
this business as I do for
he says: "You take them,
and if you let me
know when this man
comes here I will make
a present of a box of
nails, and I had this
man on the ground and I
paid him for them.

2. Then you know that to
be the man?

A. Yes, sir.

The witness here refers
to a man named
Sabir in the Court Room,
a salesman with the

0843

19

Asable Horse Shoe
Nail Co.

Anthony H. Burrman

Samuel W. Saline called and
sworn testifies as follows:

Q. How old are you?

A. 46.

Q. Where do you reside?

A. At Bloomfield N.J.

Q. What is your business?

A. Salesman for the Asable
Horse Shoe Nail Co.

Q. Did you see this defendant
now at the Bar dispose
of nails to the last
witness?

A. I saw him deliver them
in the shop.

Q. Ten boxes?

A. Yes.

Q. Do you know what price
he received for them?

A. I think it was $3\frac{1}{4}$ a
box.

Q. What is the price that
the ^{nails} ~~horse~~ sold for?

A. The average price - there

0844

are different sizes; there are different prices; the average price is \$4.50.

Q. You saw this man sell them to the last witness?

A. Yes; I saw him deliver them myself.

Patrick Caulon for plaintiffs called and sworn testifies as follows:

Q. Where do you reside?

A. At 431 High St. Brooklyn.

Q. Where is your place of business?

A. At no. 108 3rd St. Brooklyn.

Q. What is your business?

A. Horse shoeing.

Q. What is your age?

A. I am 50 on the 29th of next July.

Q. Did you ever buy any nails from the deft. now at the Bar?

A. No, sir, never.

Q. Did you ever see him?

A. I presume I have seen him, but not to know him.

0045

21

Q. Where did you see him?

A. I have probably seen him in Brooklyn.

Q. Whereabouts - do you know him from having seen him, or don't you know him?

A. I have seen the man but I don't know him.

Q. Whereabouts?

A. On 3rd Street and at my shop door.

Q. When you saw him at your shop door, what was his business there?

A. To sell nails.

Q. Did he sell you any?

A. No.

Q. Did he offer any for sale?

A. Yes.

Q. What price did he offer them at?

A. \$3⁰⁰

Q. You did not buy any?

A. No, sir

Q. Was this before you had

0046

bought?

Q. No, sir; after I had bought;
I paid \$3.50 for what I
bought.

Q. Of whom did you buy
the nails you paid the
\$3.1/2 for?

A. I don't know his name;

- yes, I do.

Q. What is his name?

A. There is what I bought
and what I paid for them;

[Paper presented Comb.]

That is the receipt I got.

Q. Don't you know that
name?

A. Warren Sharp -

[Referring to the signature]

Q. What is the date of that?

The Comb; It don't
appear to be dated.

Q. When did you buy them?

A. In January of this year;
I could not swear
what date.

Q. Have you bought any
house shoe nails since

0047

23

that time?

A. No.

Q. How were you in the habit of buying horse shoe nails heretofore? As to amounts or quantity were you in the habit of buying as many as twenty boxes at a time?

A. No.

Q. How many generally?

A. Sometimes 6 or 8 boxes, 5 boxes - 2 boxes, according to what stock I had; we have to have so many sizes it don't suit me to keep too many nails; probably they would get rusty.

The Court inquires of the President of the Ainslie Horse Shoe Co. if he recognizes the signature on the receipt produced & the President says he does not.

Q. Do you know the address of this man Sharp?

0040

Q. No.

Q. Did you ever see him before he sold you these goods?

A. Not to my knowledge.

Q. Who delivered them?

A. An express man.

Q. Do you know the express man?

A. Probably I might, I don't suppose I was there when he did come.

Q. Did you ever see that man before?

A. No; I don't know that man.

[Referring to the Express man William Murray.]

The express man is called by the Court, and on inquiry states he delivered the witness 30 or 31 boxes in 3rd street - but only brought them there.

Witness: I paid you for them.
[The expressman denies such payment.]

0849

In further explanation I wish
to say I have 51 boxes in all
20 of which I have paid for
the 31 are the lot delivered
to me by Murray the Express
man as per order of
Charles P Bonlan

0050

but for the 20 I have
a receipt.

Timothy Ryan, called and sworn
for people testifies:

Q Where do you live?

A In E. 78th Bond St.

Q New York?

A Brooklyn.

Q What is your business?

A Horse shaver.

Q Where is your place of
business?

A 3rd St. near Bridge.

Q What is the number?

A 149-

Witness produces one
of his business cards.

2. Did you ever get from
this dept. at the Bar, any
horse nails?

A No.

Q He never delivered you
any?

A No, sir.

Q Do you use the Fur Sable
Horse Nails?

A Yes.

0051

27 Q Where did you buy them?
A I bought them until two months ago of Langley, a dealer.

Q Ever buy any from any other person?

A Yes; I bought three boxes of an agent.

Q Ever buy any from this man?

A Never; I never knew the man had a mail for sale.

The Court here instructed this witness to appear to-morrow at 2 P. M. with his boy - for examination.]

Timothy Ryan

Patrick Daily called and sworn for people testifies as follows:

Q Where do you reside?

A At 55 Fulton Ave. Brooklyn.

Q What is your business?

A Hair shoes.

Q Where is your place of business?

A Flat Bush Ave.

Q Do you live in the same

0852

house?

A. In the rear of it.

Q. Did you ever buy any house shoe nails from this man at the Bar?

A. I did.

Q. How many?

A. 10 boxes.

Q. Pay him for them?

A. Yes; I have the receipt here;
(Same produced.)

Q. How much did you pay for them?

A. \$3.50 a box; there is the receipt; it is a pretty hard one; the boy had it in his pocket, and that is his writing.

Q. (Complainant.) Who was present with this prisoner at the Bar at the time you bought the goods; who was present with him besides your son — who came with him?

A. No one came with him; he was alone; that was the first time I saw him too.

29 2. What question did you ask him when you bought those goods?

Q. He asked me if I wanted to buy some Cur Sable Horse shoe nails; I said, "Where are they?" and he brought a sample out of his pocket, and I looked at them & see if they were, & I knew them when I saw them that they were Cur Sable nails, as I am driving them ever since they came out.

2. You have used them a number of years?

A. Yes, sir; I asked him what he wanted and he said \$3 1/2 & I said, "Are they seconds?" & he said no - You know there is a difference in the price of second and genuine ones, & I said to him - "They are seconds, and if they are I won't have them at all at that price; & finally he said he would send

0854

them up, ten boxes, & I said: "I would open them when they came to see if they were seconds & so I did before him & he sent them up about the middle of January, coming on January, that is the man delivered them.

The witness identifies Murray.

Q. About Jan. 2nd?

A. I don't know whether it was in the middle or along in January.

Q. You never bought any more?

A. No, & that will be the last.

Q. I asked him if the goods were stolen that if they were I would have nothing to do with them & he said no, they were not.

Advised to April Daily
25th at 2 P. M.

0855

Second District
Police Court
N.Y. April 20th 1885

Before
Hon. John J. Garrison
Magistrate

The People
vs

Wm Ward &
Thomas Flynn

Stenographic
Transcript

M. J. Kelly
Stenographer
Room 67 Foster House
N.Y.

Court of General Sessions
of the Peace.

The People: & C.

Warren Sharp, and
George Lewis.

City and County of New York. SS:

George Lewis

Being duly sworn deposes and says.

I am one of the defendants above named, I am married have a wife and four children ranging in ages from six to Twelve, I reside at no 61. Manhattan Street in the City of New York.

I am thirty five years of age and have worked for Mr. Pussing and the Adams & Clark Co for about Eighteen years. This is my first offence.

I have truly stated in my testimony given on behalf of the State upon my examination before the Magistrate, the whole truth relative to the taking and delivery of the Property of the Company to Warren Sharp and the Party whom he sent, it consisted of 140 Boxes of rails, no more or less. I have stated truly.

that the proposition came from Sharp to me, and that I should not have thought of it but for him; the statement that I saw any body relative to the sale of the goods is not true, I never saw any of the parties who bought except in Essex Market Court.

I received twenty (20) dollars out of the first twenty boxes delivered, and thirty dollars out of the second lot of twenty boxes, out of the one hundred box lot I received but fifteen dollars five dollars at one time and ten dollars at another; after Ward was arrested, Warren Sharp came to me for \$20.00 saying it was to retain a Lawyer to defend Ward. I borrowed the money and gave it to him.

When Sharp came to me and said that Flynn did not pay him for the hundred boxes I told him that he had better go and get them and bring them back to the Store, Sharp said, Oh! No! Keep your mouth shut, they are Sharp and will never let it out, I told him I was

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afraid, and wished that he would bring them back, when he repeated, "Keep your mouth shut, they are sharp and will never let it out. I listened to him and listening to him again and again received my life."

Sworn to before me

this 14th day of June

1885.

George Lewis

Andraud F. W. Meikle

Notary Public

(N.Y.C. 37)

County of New Hampshire

The People. vs

Wm. Thompson
et al;

offendants of

George Lewis

et al

P. J. H. H. H. H. H.
Att. Gen.

0860

County of General Deputies
of the Peace,

The People &c.

Wm. Sharp, and
George Lewis.

City and County of New York, D.C.

Jesse Brown
Jr. being duly sworn deposes and
says. I reside at Jamaica Long Island
and do business at No. 47. Water
Street in the City of New York. I have
known the defendant George Lewis
from his boyhood. he has always
borne the character of a mild mannered
inoffensive; honest hard working man
he is not, a strong minded per-
son and I am satisfied was
led into doing this thing. he has
a wife and four young children
whose sole support he is.

Sworn to before me
this 17th day of June J. A. Brown
1885.

William P. Bergamin
Notary Public (216)
H. H. H.

Court of Gen. S. J. S. J. S.

Chas. Rogers

Wm. Sharp
vs.
George Lewis.

affidavit of
James P. Brown Jr.

P. P. Harkness
atty for Lewis.

Court of General Sessions

The People vs
Wm^d Sharp and
George Lewis.

City and County of New York ss:

Robert Lindsay

being duly sworn deposes and says

I have known George Lewis one of
the defendants above named from his
boyhood he has always maintained an
excellent character for honesty
and industry. I am satisfied that
this is his first offense.

Sworn to before me

this 17th day of June

1885.

Robt Lindsay

C. F. Kinsley Notary Public
Kings Co. certificate filed N.Y. Co.

0863

Countess of Kent

The People

Warren Hastings
George Lewis

Official of
Robert. Lindley

R. P. H. H. H. H.
Ally for Lewis

0064

Count of Gen Sessions for -
the City & County of N.Y.

The People & ^{vs}

Warren Sharp

}
City and County of New York
S.S.

Be Mitt Ballard being duly sworn
Says:

I reside 240 11th St Brooklyn:
I am an owner of trucks: My stand
is No 106 Warren St N.Y. City: I
know Warren Sharp: he worked for
me as a truck driver for 4 or 5 years:

His character for honesty &
industry was always good: I always
regarded him as truthful in a high
degree: Never heard any thing against
him until his present difficulty: He
was one of the best men I ever employed
and if he was out of this difficulty
I would ^{try to} give him immediate employment.

He has a large and poor
family depending on his labor
Sworn to before me

this 17th day of June 1885-

} SE Mitt Ballard
John B. Freeman
Notary Public for
N.Y. Co

Count of Gent Sessions &
 City and County of N.Y.
 The People &c

vs
 Warren Sharp }

City and County of New York S.T.

Warren Sharp being duly sworn
 Says. I reside, until my arrest,

at 680.6 Avenue Brooklyn. Am
 38- Years of Age; was born in
 Abington Mass; Am Married -
 have four children - the eldest 10
 Years - the Youngest 15 Months.

Am a clayman. Worked
 for J F Gensler live about 4 1/2 Years;
 Pier 3. East River; for John
 Nixon, trucking for Storrs Bros.
 & Co. 4 Years; for D Seale & Co 62
 Water St. 1 1/2 Years; for D
 Ballard No 106 Warren St 4 1/2
 Years. All these can speak
 favorable of me.

I became acquainted with
 Geo Lewis, who is indicted with me
 14 or 15- Years since. We worked
 together for Hall & Bradley & Co
 White Lead works at (I think) 156
 Front Street Brooklyn - and have
 been intimate ever since.

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Lewis is a very sober and steady
Man, against whom heretofore
Nothing has been said - and who
has had a good Character. In his
word I have had great Confidence -
in his integrity the highest reliance.

Last fall I was in the store
of the Ausable Horse Nail Co. where
I often visited. He told me there was the
porter - He told me there were a
number of boxes of Nails - some
old samples - some that had over-
run - and were not recorded in
the inventories of the Company - and
asked me if I could sell them -
that he would divide with me the
price. I said I would try. I then
went to one Flynn a blacksmith
in Hamilton Av Brooklyn and sold
100 boxes at \$3. a box (I think). Out
of this 31 boxes were taken by a
blacksmith in 3^d St Brooklyn - I
don't remember his name. I also
disposed of 20 boxes in Washington
St N.Y.

Flynn did not pay in full -
and what he paid I divided with
Lewis.

Twenty boxes were expressed by Lewis, by an express man - of which I knew nothing until after.

After Lewis and I were arrested he told me at Essex Market, if I would shift the responsibility from him, and assume it myself, he would take care of my family - I replied the best thing was for each to admit the truth and let the consequences be what they would.

Lewis is a very sober man, drank with him but twice - even time he took Soda Water.

I never suspected the Company would look after the Mails - or regarded them - as they were samples were had run over. I looked on them as perquisites belonging to the porter.

Before the Committing Magistrate I had no Attorney - but was examined by the one retained by Mr Lewis - privately: I have no Attorney now retained - Mr Ross of New York of Brooklyn who has drafted this statement volunteered his services knowing the destitute condition of my family.

0060

Sworn to before me } Warren Sharp
this 16th day of June 1885
R. P. Clafferty
Notary Public
City of N.Y.

City and County of N.Y. S.S.
Ferdinand Herting, being
duly sworn says. I reside 11 Webster
Place Brooklyn. I drive my own
truck. My stand is 10 - Warren St.
N.Y.

I have known Warren Sharp
about 2 years - his stand was
near mine. He had always the
reputation of a honest hard
working man

Some time since Sharp told
me to go to the Censable Horse Mail
Co. for some Mails. I did so in the
open day time, & saw nothing.
Then Lewis gave me 20 boxes of
Mails to deliver. I delivered them as
he directed, Sharp was not there
when I saw Lewis. Soon after I
was arrested - and made an affi-
davit stating the facts of such
delivery.

Sworn to before me }
this 17th day of June 1885
J. M. R. R. R.
Notary Public
in & Co

Ferd. Herting

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E. A. NEWELL,
MEN'S OUTFITTER,
850 BROADWAY.

NEW YORK, June 16th 1885.

Hon Henry A Elderslee

Dear Sir

while foreman of the grand jury
for the May term - Mr A Bussing of 4 Warren St
came before the grand jury as complainant against his
Porter - one - Geo Lewis - for grand larceny - against
whom a bill was found.

Mr Bussing now tells me that
he thinks the ends of justice will now be served by
suspending judgment, or such lenient action as you may
think wise -

I desire to say to you, that I have known Mr
Bussing many years, as an especially honorable business
man, and citizen. And any statement he may make,
I consider entitled to the fullest confidence.

Yours very truly
E. A. Newell

0070

E. A. NEWELL,
859 Broadway, N. Y.



Hon Henry A Silders
Comptroller General Receiver
Chambers St

0871

Usable Horse Nail Co.

ABRAHAM BUSSING, President,

No. 4 WARREN STREET.

ABRAHAM BUSSING, Pres't.

D. DODGE, Vice Pres't.

E. K. BABER, Treas'r.

J. R. ROMEYN, Sec'y.

P. O. Box 3599.

New York, June 16 1885

In reply to yours.....

To the Presiding Judge
Court of General Sessions, Part 1st

I have been requested by the personal friends of Geo W. Lewis, and by his family to state to you what I know of him.

He has been in my employ a long time (about 18 years) as a ^{carriage} driver and porter. ^{up to the time of these proceedings} I have never known him to do a wrong act. I had entire confidence in his integrity, so much so that if I was compelled to be absent for a short time, I did not hesitate to leave him in charge of my store. He has collected accounts and his ^{accounts} have been exact to a cent. I have entrusted him with money to deposit in Bank & he has drawn money for me on my checks. I have always considered him a weak mind ^{man}, scarcely capable of doing anything about the store of his own volition, he would follow the lead and direction of others & do his work well. Before his arrest he offered me his truck and harness as partial restitution, he did this voluntarily. I know his father & other relatives, they are, so far as I know, ^{them} hardworking, honest men.

I earnestly hope that the Court can find it within the bounds of justice to leave him afforded another opportunity in life. I sincerely believe that he will avail himself of it, and never again become a subject of Correction by the Criminal authorities.

Abraham Bussing

0072

To the Presiding Justice
Court of Civil & Criminal
Hambur Street

0073

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George Dennis and
Warren Sherry

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

George Dennis and Warren Sherry

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

The said *George Dennis and Warren Sherry*
Sherry, each

late of the First Ward of the City of New York, in the County of New York aforesaid
on the *22nd* day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*four*, at the Ward, City and County
aforesaid, with force and arms,

one hundred and twenty five
boxes of horse nails of the
value of four dollars and twenty
*five cents each box, ~~the~~ *four thousand*
and five hundred pounds of
horse nails of the value of
*twenty five cents each pound,**

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

horse nail Ramsey.

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.

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SECOND COUNT—

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

Warren D. Dwyer
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

Warren D. Dwyer,

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

one hundred and twenty five
boxes of horse nails of the
value of four dollars and
twenty five cents each box,
and two thousand and five
hundred pounds of horse
nails of the value of twenty
five cents each pound, —

of the goods, chattels and personal property of the Oneida State

Nail Company, by one Eugene Fitzgerald

by — certain other persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said the Oneida

State Nail Company

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

Warren D. Dwyer,

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.

RANDOLPH B. MARTINE,

District Attorney.