

0655

BOX:

271

FOLDER:

2608

DESCRIPTION:

Howard, Joseph

DATE:

08/08/87



2608

0656

BOX:

271

FOLDER:

2608

DESCRIPTION:

Jennings, Thomas

DATE:

08/08/87



2608

0657

BOX:

271

FOLDER:

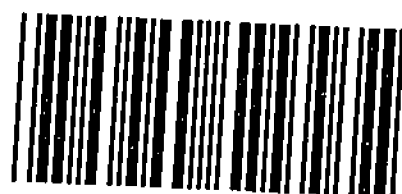
2608

DESCRIPTION:

Gearity, John

DATE:

08/08/87



2608

0658

BOX:

271

FOLDER:

2608

DESCRIPTION:

Reinecke, William

DATE:

08/08/87



2608

Witnesses:

W. Brennan

Off. Hann

Off. Crutal

The deft Jennings is doubt-
less guilty but is a youth of
14 years. he is the child of
very respectable parents and
they promise to guard him care-
fully. The boy has been before a
court but for trivial mat-
ters. In view of his youth &
and the respectability of his
parents and the father's prom-
ise to send the boy away &
recommend a deferred trial until
that sentence be suspended.
Dec 22/87

Randolph B. Martine
Dist. Atty.

Counsel,

Filed, 8 day of Aug 1887
#1, #2, #3, #4
Pleas, #1, #2, #3, #4

THE PEOPLE

vs.

~~Joseph Howard~~
~~Thomas Jennings~~
~~John Kearney~~
~~William B. Martine~~
H.D.

Grand Larceny, second degree
(FROM THE PERSON)
[Sections 528, 531 Penal Code]

RANDOLPH B. MARTINE

#1 Aug 12 / 1887 District Attorney.

Pleas P. 12
for Aug 12/87

A True Bill for P. 12
for P. 12

Foreman.
Mr. 324

Mr. 324

Mr. 324

Mr. 324

Mr. 324

0660

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

POLICE COURT, 7 DISTRICT.

Thomas J. Crystal
of the 6th Precinct Police Street, being duly sworn, deposes and says,
that on the day of 188

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

the within named Complainant - is a
necessary and material witness against
said defendants and that he is
distraught having no means or home
and ^{said Complainant} expresses a desire to be sent
to the House of Detention until after
said defendants trial

Thos J Crystal

Sworn to before me, this

of

July 1887

day

Paul J. Caffrey Police Justice.

0661

C. Villeneuve.

0662

—THE—
NEW YORK CATHOLIC PROTECTOR,
OFFICE:
415 Broome Street,

New York, Dec 9th 1884

Rev. N. D. McArthur
Catholic

We have just been requested
to take to Court of General Sessions part 3
Thomas Jennings, an inmate of this Institution
since Sept 21st last, the date request
made does not enable us to have time in Court
to day from our Probate at Westchester, I
much regret the annoyance this will cause
you and I beg that you will inform me
in what day you will want him to
appear the charge pending against him.

Very truly yours

(William
Suft

To Mr Parker

Answer this letter

RBM

0663

District Attorney's Office.

Part 3

PEOPLE

vs.

Thomas Jennings

Dec 7 86

In PV3 Dec 7 - left
in Protective. Ascertain
whether officer knows com-
plainant's whereabouts.

ADD

Subpoena Issued Dec 5

0664

COURT OF GENERAL SESSIONS.

The People, &c.

VS.

Thomas Jennings
Impleaded

OFFENCE

RAKDOLETT, CLERK

District Attorney.

City & County of New York ss. -

Thomas J. Crystal
being duly sworn says: - That
he is a Police Officer attached
to the 6th Precinct. That he
arrested the defendant herein and
others on the complaint of Michael
Brennan, that the said Michael
Brennan was committed to the House
for the Detention of Witnesses and
was discharged therefrom upon
the conviction of the codefendants
herein. That deponent has not
seen the said Michael Brennan
the complainant herein since
his discharge from the said House
of Detention. Deponent further says
that he was informed by the said
Michael Brennan at the time of
the arrest herein that he the said
Brennan is employed on coasting
vessels and that he has no
permanent residence in this

0665

City only stopping here when the vessel comes to this port.

Deponent verily believes that the said Bremat is now absent from the City and cannot be served with the process of this Court.

Sworn to before me }
this 5th day of Dec. 1887 }

Thos J. Crystal

Rudolph L. Schaaf

COMMISSIONER OF DEEDS,
N. Y. CITY & COUNTY.

0666

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Thornas Jennings

RANDOLPH B. MATTHEW
District Attorney

*Affidavit of
Officer J. Crystal
6 Precinct*

0667

Count of
General Sessions

The People etc
against
Joseph Howard

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

100 EAST 23^d STREET.

New York, July 16 1887

CASE NO. 30227

OFFICER

DATE OF ARREST

CHARGE

July 15. 1887

James Mann
6th Dist

Grand Larceny

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

14 Catholic

Joseph

Mary

32 Greenwich Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

The boy
associated with thieves who have been
frequently arrested and does not
work nor attend school regular.
He was arrested June 1st 1885 for
breaking into a fruit stand with
other boys, but was discharged
Nothing known against boys parents

All which is respectfully submitted.

Wm. J. Terry
President

To The Dist. atty.

0668

<i>Court of</i>	
<i>General Sessions</i>	
<i>The People</i>	<i>Grand Jurors</i>
<i>against</i>	<i>PENAL CODE, %</i>
<i>Joseph Howard</i>	

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

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

0669

OFFICE OF
FITZGERALD BROTHERS,
* ATTORNEYS & COUNSELLORS AT LAW, *
ELM PARK, STATEN ISLAND.

Elm Park, Aug. 3 1887

Hon Henry A. Cederberg.

Dear Sir

I am Counsel
for a boy about 14 years of age
named "Joseph Howard" who may
be called on to plead before
you tomorrow or Friday as I
have to go to Washington tonight
I write to ask you if you could
kindly have entered for him a
plea of "Not Guilty" and a
demand for a separate trial
as he could be indicted with
others - and let the case go over
until any day next week Yours
Hiram

Obliged

Yours Respectfully
J. H. Fitzgerald

0670

Receipt
v.
Joseph Howard

25/6

0671

District Attorney's Office.

Part 2

PEOPLE

vs.

Jennings
G. Dec. 22

I want to see
you today about
this case RBK
Dec 11
John Parker

- 1 Joseph Howard Neal
 - 2 Thos Jennings Barett
 - 3 John Geraghty
 - 4 Wm Kemmer
- 1-3-4 Disposed of

0672

District Attorney's Office.

PEOPLE

vs.

W. Jennings
G. L.

Let this case
be disposed
of ~~to day~~ in Part 2.
See endorsement
Dec 11/87 RSM
To Mr Parker

0673

District Attorney's Office.

Part 2

PEOPLE

^{vs.}
Thos. Jennings
Oct. 5

All signed
Oct. 3

Bail - Counsel
+ H.D.

0674

District Attorney's Office.

PEOPLE

vs.

Thos F. Jennings
& 2 others
Larceny

I want to have this
case disposed of
next week.

Jennings is now in
Catholic Prison
under Commitment
by Ford
The 2 other defts
were convicted in Sept
1887

Recd 7/87

To Mr Parker

0675

Court of
General Sessions
The People etc
against

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23^d STREET.

New York, July 16 1887

Thomas Jennings

CASE NO. 30227

DATE OF ARREST

OFFICER

CHARGE

July 15th 1887 James J. Jann
6th Dist

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

14 years
Catholic

Thomas

Mary

57 Eey Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT the boy has a bad record. June 21/86 he was arrested for throwing stones at horse-cars and owing to parents' respectability he was only fined \$5. which his father paid. On January 24/87 he was arrested for being out at about 2³⁰ A. M. and committed to Catholic Protectory. June 15/87 he was again arrested for disorderly conduct at 2 A. M. and discharged to parents on their promise to send boy to the country, which promise was never kept.

All which is respectfully submitted.

Wm J. J. Jann
President

To
The Dist. Atty.

Count of
General Sessions

the People against	Charles Jennings
PENAL CODE, 36	

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

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

0677

City & County of New York ss:
Michael Brennan being
duly sworn says that he is
a resident of the City and County
of New York, that he is by
occupation a rail road laborer
that previous to July 16th. 1887
he earned the sum of Twenty
Six Dollars per month and
board, That he has been de-
tained as a witness in the
House of detention in said
City from July 16th. to Oct. 5th.
1887, making two months
and nineteen days, and that
his wages during said time
amounted to the sum of
Sixty Nine Dollars and board
Sworn to before me
this 5th. day of October 1887 Michael Brennan
J. E. Millard

Notary Public
Charles N. Hooper & Co.

NOTARY PUBLIC
J. E. MILLARD
100 N. 3RD ST. N.Y.C.

0678

Affidavit

of

Michael Brennan

I recommend that Michael
Brennan be allowed
\$20 for 81 days' deten-
tion.

CHD

0679

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.Michael Brennan
of House of Detention Street, aged 46 years,
occupation Laborer being duly sworndeposes and says, that on the 14 day of July 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the day time, the following property viz:Good and lawful money of the United States
consisting of seven pieces of gold coin
of the denomination and value of twenty
dollars each all of the value of one
hundred and forty dollars

\$140—

the property of Deponent.

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,and carried away by Joseph Howard, Thomas Jennings
John Geraghty & William Reincken(all now here) Deponent says that on said
date he fell asleep on a platform in
Greenwich Street between Rector and
Carlisle Streets in said City and that at
the time he had said money in the
pocket of the pantaloons then and there
worn by him and was awakened by
some person having their hand in
the pocket aforesaid which contained
said money and saw four boys run
away that deponent missed said
money and ran after said boys
and was unable to catch them. Deponent

of

Subscribed before me, this

day

188

Police Justice.

0580

is informed by Officer James Hann an
 officer attached to the 6th Precinct Police
 that he arrested Joseph Howard, Thomas
 Jennings, John Guaghty & William Reincker
 (now here) in company with each other
 in Baxter Street in said City and
 he arrested them. ~~and~~ took them to
 the Station House and searched them
 and found \$79.⁷⁵ in their possession
 and said Howard & Jennings each had
 a \$20 gold piece in their possession
 and said Joseph Howard acknowledged
 and confessed in the presence of Officer
 Thomas J. Crystal and Captain John
 McCullough that he took stole and
 carried away said money from the
 pocket of Michael Brennan the
 Complainant (now here) and said Thomas
 Jennings, John Guaghty & William
 Reincker were with him at the time
 and that he gave said money to
 said Reincker who gave defendant
 Howard and said three others \$35
 each. Defendant says that he is
 informed by said officer that said
 Jennings, Guaghty and Reincker
 also admitted that ^{they} were in company
 with said Howard and that said
 Howard gave said money as a reward
 to Reincker who gave each of them
 \$35 a piece and said Reincker
 also admitted in the presence of
 said officers that he received said
 money from said Howard and he
 was in his company at the time he
 took it and that he divided the
 same between himself and said defen-
 dants.

Mike Brennan

Sworn to before me

This 16th day of July 1887

Sam'l O'Malley Police Justice

0681

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas J. Crystal
aged _____ years, occupation Police officer of New
11th 6th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Michael Brennan
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 16
day of July 1887

Thos J Crystal
Daniel C. Sullivan
Police Justice.

0682

CITY AND COUNTY }
OF NEW YORK, } ss.

James Nann
aged 27 years, occupation Police Officer of No. 111
6th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Michael Brennan
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 16

day of July 1888

Sam'l C. Reilly
Police Justice.

0683

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Joseph Howard

Question. How old are you?

Answer.

14 years

Question. Where were you born?

Answer,

New York

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

Answer.

32 Greenwich St 6 mos

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.

I am not guilty
Joseph Howard

Taken before me this

day of

July 16
1887

188

7

James H. McFadden, Police Justice.

0684

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Thomas Jennings

Question. How old are you?

Answer.

14 years

Question. Where were you born?

Answer.

New York

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

Answer.

57 Du St 2 1/2 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.

I am not guilty
Thomas Jennings

Taken before me this

day of

188

Police Justice.

0685

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK } ss.

District Police Court.

John Guaghty 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 am not guilty
John Gearity

Taken before me this

day of

188

Police Justice.

0686

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

William Reinecke

Question. How old are you?

Answer.

17 years

Question. Where were you born?

Answer,

New York

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

Answer.

109 Washington St 4 mos

Question. What is your business or profession?

Answer,

Labourer

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
Wm Reinecke

Taken before me this

day of

July

188

Police Justice.

0687

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

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

Dated July 16 1887 Sam J. [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0688

1109

Police Court

District.

THE PEOPLE, &c.,

IN THE COMPLAINT OF

Michael Brennan
Joseph Howard
Thomas Jennings
John G. Gough
William Reinick

Office of the
District Attorney

February

Dated

July 16

188

D. O. Reilly

Magistrate

Crystal Namm

Officer.

Precinct.

Witnesses

Thomas J. Crystal
James Namm and
Captain John J. Gullough
6th Precinct Police
Complainant Committee
to the House of Detention
in default of \$100 to
appear

James Namm Police Justice
\$1000 to Ans G. B.
Committed to 2 Bowed

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Timothy D. Carthy

Residence

540 Canal

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

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

*Joseph Howard,
Thomas Jennings,
John Fitzgerald and
William Remondae*

The Grand Jury of the City and County of New York, by this indictment, accuse
*Joseph Howard, Thomas Jennings,
John Fitzgerald and William Remondae*
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said *Joseph Howard, Thomas
Jennings, John Fitzgerald and
William Remondae, all*
late of the City of New York, in the County of New York aforesaid, on the
fourteenth day of *July*, in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid, in the
day time of the same day, with force and arms,

*seven gold coins of the
United States, of the kind
called double eagles, of the
value of twenty dollars each.*

of the goods, chattels, and personal property of one *Michael Brennan,*
on the person of the said *Michael Brennan,* then and there being
found, from the person of the said *Michael Brennan,* 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 B. Smith

District Attorney.

0690

BOX:

271

FOLDER:

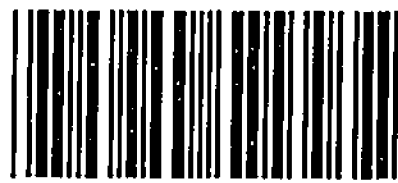
2608

DESCRIPTION:

Hudson, Arthur

DATE:

08/11/87



2608

H. Billmeyer

Off Kelly

Supply of goods

11

Boady

Counsel,

Filed, 11 day of June 1888

Pleads,

THE PEOPLE

481 10 dr^{vs}.

949

[Section 552-2200 ✓ Penal Code].

21

Arthur Hudson

RANDOLPH B. MARTINE,

District Attorney.

1992

Pr 2 Apr 6/89

heads g'enty, 13.

A True Bill.

Theresa D. Parry

Foreman.

Prof. Jacob V. Hodge

1

0691

0692

G-Form 8.
A. P. R.

G 4-13-87. CCXLIII.

Pennsylvania Railroad Company.

Station,
SEP 1 1887 Division,
35th St. STATION, N. Y. 18

Ja. M. Brady Esq.
Dear Sir

Having that you have
Arthur Hudson's case in
hand I beg leave to speak a
word in his behalf. I have
known him for the past
four years & must know
anything wrong of him
until his present trouble
that he got into in an
unwarranted moment
He was matchman on the
open docks here when I
first knew him (4 years ago) & I
for sometime after I was
always given to understand

0693

G-Form 6.
A. F. R.

G 4-13-87. CCXLIII.

Pennsylvania Railroad Company.

(J. M. Brady)
2

Station,

Division,

18

that has performed his
duties faithfully & was
perfectly trustworthy
He kept his watchman's suit
in with my watchman
and as a rule I saw
him daily & always
entertained a good
opinion of him & I had
a fair chance of knowing
if he had been vicious
or untrustworthy

Yours truly
J. M. Brady

0694

Court of General Sessions.

-----X
THE PEOPLE ETC. :

vs. :

ARTHUR HUDSON. :
-----X

CITY AND COUNTY OF NEW YORK : SS

Morris Noah being duly sworn says; he is in business as Segar Manufacturer at # 530 West 34th St., City of New York; that he ^{has known} ~~knows~~ defendant, Arthur Hudson for the past 12 years and for that length of time he has resided and worked in the neighborhood; that he knows defendant to be an honest, industrious man; that he knows him to be a man of family, taking good care of his wife and little children; and up to this trouble he had an excellent home for them; that his family is, to deponent's knowledge entirely dependent upon him for support; that he is also compelled to provide for an aged father, whom he has taken care of for a good many years; that deponent sold defendant goods and that he found him honest and straightfoward in all his contracts; that deponent knows a great many people in the neighborhood who know the defendant, and they all speak well of him and he bears the general reputation of an honest, hardworking young man.

Sworn to before me :

this 8th day of Sep., 1887. :

E. G. Olaney
Notary Public
Ct. & G.

Morris Noah

0695

Court of General Sessions.

-----X
THE PEOPLE

vs.

ARTHUR HUDSON.
-----X

CITY AND COUNTY OF NEW YORK: SS

Charles Gleason being duly sworn says, that he resides at # 239 West 16th St., in the City of New York; That he knows the defendant for the past five years, seeing him almost daily during that time; that he knows him to be an honest, hardworking, upright man; that he knows other people who are acquainted with defendant, and ^{who} voluntary testify as to his good character: that he knows defendant to be a man of family for whom he provided and took care of, as a husband and father should do, up to the time of his arrest: That to deponent's personal knowledge, the defendant's family is wholly dependant upon him, for support and maintenance.

Sworn to before me this

5. day of September 1887.

Edwin Houghton

Notary Public (154)
W. J. Co.

Charles R. Gleason

0696

Court of General Sessions.

-----X
THE PEOPLE ETC.

vs.

ARTHUR HUDSON.
-----X

CITY AND COUNTY OF NEW YORK : SS

Benard Mc Gill being duly sworn says; that he resides at # 26 Greenwich Ave., in the City of New York; that he knows Arthur Hudson for the past two years, that he always found him ~~an~~ honest, and very reliable; that he knows the defendant to be a hardworking, industrious man; that deponent knows other people who know the defendant, and all give him an excellent character.

Sworn to before me this :

8th day of Sep^r, 1887. :

Benard McGill

J. H. Houghton
Notary Public (N.Y.)
[Signature]

0697

Court of General Sessions.

THE PEOPLE ETC.

vs.

ARTHUR HUDSON.

CITY AND COUNTY OF NEW YORK :SS

John Davis
~~John Davis~~ being duly sworn says; that he resides
at # *1455* of the City of New York; that he knows
the defendant Arthur Hudson for the past *two* years; that
deponent knows him to be an honest, industrious man; that
he knows other people who know defendant, and all of them
give him a good character, for honesty and industry.

Sworn to before me this *John Davis*
8th day of Sep., 1887.

John Davis
John Davis
John Davis

Court of General Sessions.

VS.

A R T H U R H U D S O N .

CITY AND COUNTY OF NEW YORK : ss

M. J. Mc. Gaskern being duly sworn says; that he resides at # 75 Vandam St., in the City of New York; that he knows the defendant to be an honest industrious man and that the defendant bears an excellent character with all who know him.

Sworn to before me this :

8th day of Sep., 1887.

Robert H. H.
Foster (1862)

0699

Court of General Sessions.

-----X
THE PEOPLE &c

vs.

ARTHUR HUDSON.
-----X

CITY AND COUNTY OF NEW YORK : SS

Edward Meagher being duly sworn says; that he resides at # ~~624~~ West 34th St., in the City of New York; that he has known the defendant for the past ten years; that he knows defendant to be night watchman at the docks, foot of West 34th St.; that he knows the defendant to be an honest, hardworking young man and that he bears a good reputation with all who know him.

Sworn to before me this :

8th day of Sep., 1887. :

Edward Meagher

Edwin Houghton
(Notary Public (134))
N.Y. Co.

0700

Court of General Sessions.

-----X
THE PEOPLE &c.

vs.

ARTHUR HUDSON.
-----X

CITY AND COUNTY OF NEW YORK : SS

John Quinn being duly sworn says; that he has known Arthur Hudson for the past 14 years; that he knows him to be an honest, industrious man; that defendant always provided well for his family and aged father; that defendant bears a good character with all who know him.

Sworn to before me this

8th day of Sep., 1887.

John Quinn
Arthur Hudson
Tested Paul Quinn
450 - 11 Ave

0702

Court of General Sessions.

-----X
: THE PEOPLE &c. :
: :
: vs. :
: :
: ARTHUR HUDSON. :
: :
-----X

CITY AND COUNTY OF NEW YORK : SS

Thomas H. Foley
being duly sworn says; that he re-
sides at *423-14th* in the City of New York; that
he has known the defendant Arthur Hudson for the past *25* years;
that he knows the defendant to be an honest, indus-
trious man; that he knows others who know defendant and all
testify to his good character.

Sworn to before me this

8th day of Sep., 1887.

Thor H. Foley
John H. Foley
John H. Foley

0703

Court of General Sessions.

-----X
THE PEOPLE &c. :

vs. :

ARTHUR HUDSON. :
-----X

CITY AND COUNTY OF NEW YORK : SS

John Day being duly sworn says; that he re-
sides at *244 E 1st St* in the City of New York; that
he knows the defendant Arthur Hudson, for the past *8* years;
that he knows the defendant to be an honest, industrious man;
that he knows others who know defendant and all testify to
his good character.

Sworn to before me this

8th day of Sep., 1887.

J. M. Houghton
Notary Public

0704

Court of General Sessions.

-----X
THE PEOPLE &c.

vs.

ARTHUR HUDSON.
-----X

CITY AND COUNTY OF NEW YORK : SS

Arthur Hudson being duly sworn says; that up to his arrest, he has not been arrested or charged with any crime; that he has a wife and two children and his aged father, who are entirely dependent on him for support; that the family are now and have been ever since the arrest of the defendant dependent upon the charity of friends for support; that he has always worked hard for a living, and did everything he could to provide a good home for his wife and family; that deponent feels confident of getting work immediately upon his release from prison; that deponent has been confined in the City Prison for nearly two months; that deponent prays that sentence be suspended in this case, and if permitted to go, he will do everything he can to make amends for the offense, which he has pleaded guilty to, by hard, honest toil and by a future of honesty and industry.

Sworn to before me this

8th day of Sep., 1887.

Arthur Hudson

Court of General Sessions of the Peace in ^{and}
for the City ^{and} County of New York.

The People vs.
^{agst}
Arthur Hudson.

City ^{and} County of New York ss;
Henry C. Beach, being duly
sworn, deposes and says;

1. I am an attorney and counsellor
at Law, reside in the City of New York ^{and}
my office is at Nos. 261 and 263 Broad-
way, New York City.
2. I have known the abovesaid de-
fendant, Arthur Hudson, for over a year,
have had business transactions with him,
and have always found him to be hon-
est and true to any promise or engage-
ment he has made. I know others
who know him, ^{and} have known him for
many years, ^{and} they have told me that
his character for honesty was never ques-
tioned ^{and} that his general character was
excellent.

Sworn to before me this
8th day of September 1887.

Edwin Houghton
Notary Public 134
N.Y.C.

Henry C. Beach.

0706

COURT OF GENERAL SESSIONS

THE PEOPLE

VS.

ARTHUR HUDSON

AFFIDAVIT

James M. Brady,

280 Broadway,

N. Y. City.

0707

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

POLICE COURT DISTRICT.

of No. 637-11th Avenue Street, being duly sworn, deposes andsays that on the 24th day of July 1887at the City of New York, in the County of New York, Arthur Hudson

Now present, did unlawfully extort
 And obtain from deponent the sum
 of two dollars in the manner following
 to wit - That deponent keeps a liquor
 store at the above named premises. And
 at about the hour of three o'clock P.M.
 on said day the defendant - having
 entered the place by a side door. Came
 into a back room where deponent was.
 That he then stated and represented
 to deponent that he was a "detective"
 detailed from the 16th Precinct to make
 arrests for violations of Excise Law, and
 in support of such statement the
 defendant exhibited a shield the
 same here shown, to indicate that he was
 a police officer and to verify his statement
 That he then said ~~that~~ he would
 make an arrest, but that it could be
 prevented by the payment to him of two
 dollars, after which he would forego ^{arresting}
 either deponent or his bartender. That
 deponent believing the statement of the
 defendant and wholly relying on the
 defendant's representation. And for the
 purpose of avoiding & escaping arrest gave
 the defendant two dollars. And deponent has
 since discovered that said Hudson is now a police
 officer & that his statement to that effect was
 false and made with the corrupt intent to extort money
 from deponent in violation of law. Henry Billings

Subscribed to before me this
 25 day of July 1887
John W. [Signature]
 Justice

0708

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Arthur Hudson 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.

Arthur Hudson

Question. How old are you?

Answer.

28 Years

Question. Where were you born?

Answer.

This City

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

Answer.

979-10th Avenue

Question. What is your business or profession?

Answer.

Wright Watchman

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

Answer.

I am not guilty of the charge

Arthur Hudson

Taken before me this

day of *July* 188*8*

Police Justice.

0709

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.....

Arthur Hudson
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 *July 25* 188..... *Gayles* Police Justice.

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

Dated 188..... Police Justice.

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

Dated 188..... Police Justice.

0710

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

791
Police Court

1202
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Billigman
637 - 11 Ave
Arthur Hudson

2

3

4

Offence

Dated

1887

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street

\$

1000 - to answer

July 27th 2:12 PM
(Com)

0711

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Arthur Hudson

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

Arthur Hudson

of the CRIME of Extortion, —

committed as follows :

The said Arthur Hudson, late

late of the Ward of the City of New York, in the County of New York afore-

said, on the twenty-fourth day of July, — in the year of our Lord

one thousand eight hundred and eighty-seven, at the Ward, City and County aforesaid,

with force and arms, feloniously did
extortively obtain from one Henry
Billingmeyer, with his consent, certain
property, to wit: the sum of two dollars
in money, lawful money of the United
States, and of the value of two dollars,
of the personal property of the said
Henry Billingmeyer, and in consent Henry
Billingmeyer and there by him the said Arthur
Hudson induced by a moneyed note of
year on the part of the said Henry
Billingmeyer, to wit: year. Then and there
by him the said Arthur Hudson induced,
by a threat then and there by him made
to the said Henry Billingmeyer to accuse

him the said Henry Billingsworth of
 a crime, that is to say, of having on
 the day and in the year aforesaid, the
 same being the first day of the week,
 commonly called and known as Sunday
 of the City and County aforesaid, unlawfully
 sold intoxicating liquors and wines
 as a beverage, and also of having then
 and there unlawfully neglected and
 omitted to close and keep closed in
 certain place there situate which was
 then duly licensed as a place for the sale
 of liquors and spirituous liquors, wines,
 &c. and beer and of which said place
 he the said Henry Billingsworth then had
 the charge and control, and of unlawfully
 the said place as licensed as aforesaid
 opening and carrying, procuring, offering
 and permitting the same to be open and
 to remain open on said day, 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

Charles J. Smith

District Attorney.

0713

BOX:

271

FOLDER:

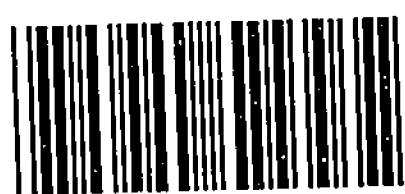
2608

DESCRIPTION:

Huejonnoird, Augustus

DATE:

08/04/87



2608

Witnesses:

I have read
aloud that
left her brother
the 10th of June
before this and
the 10th of June
the 10th of June
the 10th of June

A

Counsel, E. E. P. Jr.
Filed 4 day of Aug. 1887
Pleads, Wm. H. H. Jr.

THE PEOPLE

vs.

Augustus H. H. Jr.

Especially in the Third Degree.

Section 498.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

James D. H. Jr.

22 Sept 14/87
Foreman
Jury at H. H. Jr.

24th Nov 87

0714

0715

Police Court 2 District.City and County } ss.:
of New York,of No. 85-6th av Street, aged 60 years,occupation "Gents Furnishing Goods" being duly sworndeposes and says, that the premises No 85-6th av Street,in the City and County aforesaid, the said being a 5 story brickDwelling house, the store of which
~~which~~ was occupied by deponent as a Gents furnishing Goods Store
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly breaking
and smashing a side light
of French Plate Glass, in the
door window of said storeon the 7th day of May 1887 in the night time, and the
attempted to be following property feloniously taken, stolen, and carried away, viz:One hundred
and fifty Dollars worth of mens
furnishing goods, consisting of
socks, drawers, shirts and other
articles of mens furnishing
goods of the total value of \$150.the property of Hugh McGrath, Complainant
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed attempted to be and the aforesaid property taken, stolen, and carried away byAugustus Nejonnoid (now
dead),for the reasons following, to wit: Deponent left said
store at 10.30 o'clock on said date
and night, having directed said
store to be locked bolted and
effectually closed; at about three
or a quarter to three o'clock on
the night of said date, deponent
heard the noise of breaking glass,
and David M. Gibbons a policeman

0716

attached to the 9 Precinct Police
also heard the noise of breaking
glass, he ran down the avenue
and seized said Defendant
in the doorway alongside the
broken window; Wherefore this
Defendant now charges said
Defendant with Burglariously,
entering said premises in
the manner herein set forth
and attempting to take, steal and
carry away said property and
prays that he be dealt with
as the Law directs

Sworn to before me } L. C. McEwen
This 27th Day of May 1884 }
John J. Morris Police Justice

Police Court — District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary Degree.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

07 17

CITY AND COUNTY }
OF NEW YORK, } ss.

aged

38

years occupation

David M. Gibbon
Policeman

of No.

The 9th Precinct Police Street being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Ernest M. Pratt

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

Sworn to before me, this

day of

May

188

24th

David M. Gibbon

John J. Roman

Police Justice.

0718

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

Augustus H. Jeannot 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.

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 am not guilty

*Defendant refuses to sign his name
to this formal Examination J. J. G.*

Taken before me this

day of *July* 188*9*

John J. G. Jeannot Police Justice.

0719

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

Agnew & Co

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

Dated *July 27* 188*7* *John J. McManis* Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188 _____ Police Justice.

0720

Police Court

1167 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Angus McElrath
85-67 Ave
Aug. Hejmann

Magistrate

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

3

4

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

Carr

0721

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Augustus Sheigman

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

Augustus Sheigman

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

The said *Augustus Sheigman*,

late of the *ninth* Ward of the City of New York, in the County of New York, aforesaid, on the *twenty-first* day of *July*, in the year of our Lord one thousand eight hundred and eighty-*seven*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

Shadrach McFadden

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

Shadrach McFadden,

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

Shadrach McFadden
District Attorney.

0722

BOX:

271

FOLDER:

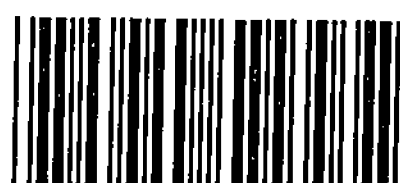
2608

DESCRIPTION:

Hutchinson, William J.

DATE:

08/15/87



2608

Witnesses:

For the reasons stated
in report of Asst Dist.
Atty. Nicoll I recommend
that within indictment
be dismissed and that
bail be discharged,
Dec 23/87
Randolph B. Martine
Dist. Atty.

Sealed & returned
9th Dec 1887
J. M. [unclear]

Wm. [unclear]

Counsel, *Chas W. Brooke*
Filed, *15* day of *Dec* 188*7*
Pleads, *Not Guilty & Dep. 6/87*

THE PEOPLE
vs.
William J. Hutchinson
(3 cases)

[Section 52 of Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Wm. D. [unclear]
Dec 23/87 Foreman.
Asst Dist Atty
FL

0723

0724

Interrogated - Deponent

#10 - same day

May 17th 1884

CITY AND COUNTY OF NEW YORK : SS.

W i l l i a m H. M. Sistare, of No. 30 East 60th. Street, aged forty-five years, occupation stock broker being duly sworn deposes and says: that on the 17th. day of May 1884, at the City of New York was feloniously taken stolen and carried away from the possession of deponent in the day time, the following property, viz; 250 shares of the capital stock of the Youghiogheny River Coal Company evidenced by three certificates numbered respectively 38, 39 and 42, of par value of \$100 per share the property of the firm of George K. Sistare's Sons of which firm deponent is a member, and that this deponent has a probable cause to suspect and does suspect that the said property was feloniously taken, stolen and carried away by William J. Hutchinson. In that said William J. Hutchinson on said 17th. day of May 1884, obtained said 250 shares of stock from the Wall Street Bank, where they had been previously pledged by deponent's firm as collateral security for the payment of a loan. That said Hutchinson obtained possession of said stock from the Cashier of said Bank, Mr. Dickinson, who shortly thereafter departed from this Country, and whose whereabouts are unknown to deponent. That said Hutchinson has since admitted under oath that he took said stock as aforesaid. That said Hutchinson shortly thereafter departed from this Country for Europe, where he has since remained, until

~~THE END~~

0725

2

the 3rd. day of March inst., when he suddenly returned.
~~Deponent~~ Deponent further says, that on the 12th. day of
August 1884, said William J. Hutchinson also felonious-
ly took stole and carried away from the deponent in
the daytime 300 shares of the preferred stock of
the Chicago, St. Louis and Pittsburgh Railway Company
represented by three certificates for 100 shares each
and numbered respectively 748, 749 and 750. And
deponent further says that on the 15th. day of August
1884, said William J. Hutchinson also feloniously, took,
stole and carried away from the deponent in the day
time the following other property, viz; Certificate
NO 12064 for 100 shares of the Common stock of the
Toledo Wabash and Western Railway Company; two
bonds numbered 330 and 1627 for \$1,000 each of the
Denver, Rio Grande and Western Railway Company and
30 Bonds numbered 13607, 9260, 9261, 13606, 19095,
1987, 1988, 1989, 1990, 1991, 1992, 1993
5,038, 7498, 94, 95, 198, 1003, 13605, 13612, 1986, ^
1994, 3247, 6111, 6112, 7411, 7412, 7488, 7489, 7497,
(Income bonds) for \$1,000 each of the East Tennessee,
Virginia and Georgia Railroad Company.

That ~~all of~~ said securities above described
were the property of this deponent's firm. That
deponent placed said securities in the possession of
said Hutchinson for the purpose of procuring a loan
thereon. That said Hutchinson reported to deponent
that he had obtained said loan and delivered to him
the sum of \$10,000 the amount of said loan. That
thereafter said Hutchinson procured the firm of I. B.
Newcombe and Company to take up said securities and

0726

1

3

pay off said loan and cause said securities to be sold by said I. B. Newcombe and Company, who credited the net proceeds of said sale to Mary E. Hutchinson wife of said William J. Hutchinson as appears by the affidavit of Isaac B. Newcombe hereunto annexed.

Deponent further says; that the value of all the securities hereinbefore mentioned was \$35,000 and upwards.

Sworn to before me this
16th. day of March 1887

William J. M. Squire
Solon B. Smith
Police Justice

0727

City and County of New York: ss.

I s a a c B. N e w c o m b e, being duly sworn says: I am ^{fully one} years of age and reside at No. ^{61 East 53rd} Street in the City of New York I am a member of the firm of I. B. Newcombe and Company who at the time hereinafter mentioned were, and now are stock-brokers ~~doing~~ business in the City of New York.

On or about the 12th. day of August 1884, William J. Hutchinson brought to me three hundred shares of the ^{Preferred} ~~Common~~ stock of the ^{Chicago} ~~St. Louis~~ and ^{Pittsburgh} ~~Pacific~~ Railway Company represented by three certificates for one hundred shares each and numbered respectively 748, 750 and 759 and at his request I advanced him thereon the sum of \$6,000.

On or about the 15th. day of August 1884, said William J. Hutchinson procured me to take up a loan of \$10,000 and redeem for him the collaterals which were deposited to secure said loan. Among those securities were the following, to wit;

Certificate No. 12064 for 100 shares of the ^{Chicago, Wabash and Western} ~~Common~~ stock of the ~~Wabash, St. Louis and Pacific~~ Railroad Company; two First Mortgage Bonds numbered 330 and 1627 for \$1,000, each of the Denver, Rio Grande and Western Railway Company; and 30 Income bonds numbered 13607, 9260, 9261, 13606, 19095, 5,038, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 7488, 94, 95, 198, 1003, 13605, 13612, 1986, 1994, 3247, 6111, 6112, 7411, 7412, 7488, 7489, 7497, for \$1,000 each of the East Tennessee, Virginia and Georgia Railroad Company. Subsequently at the re-

0728

2

quest of said Hutchinson I sold said securities and
placed the net proceeds thereof to the credit of
Mary E. Hutchinson his wife, and my firm thereafter
and accounted to her for the balance due thereon.
paid ~~said amount over to her or her order.~~

Sworn to before me this
15th. day of March 1887.

: Isaac Blumensack

Israel D. Fischer
Notary Public.
N.Y.C.

0729

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, { ss

1st District Police Court.

William J. Hutchinson 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. *William J. Hutchinson*

Question. How old are you?

Answer. *45 years*

Question. Where were you born?

Answer. *New York State*

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

Answer. *27 E 61 St. Since March 3rd*

Question. What is your business or profession?

Answer. *Gentleman*

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*
W. J. Hutchinson

Taken before me this

day of

1885

Police Justice.

0730

Sec. 151.

1st District Police Court:

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

Whereas, Complaint on oath has been made before the undersigned, one of the Police
Justices in and for the said City, by *William M. M. Sistrone*

of No. *30 East 60th* Street, that on the *12th* day of *August*

188*8* at the City of New York, in the County of New York, the following articles to wit :

*300 shares of the Preferred stock of the St. Louis and
Pittsburgh Railway Company 100 Shares
of the Toledo, Wabash and Western Railway
Company and other securities all being*

of the value of *thirty-five thousand* Dollars,

the property of *William M. M. Sistrone*

w*as* taken, stored, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by *William M. M. Sistrone*

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 *1st* 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 *16th* day of *March* 188*8*

Solomon B. Sistrone POLICE JUSTICE.

0731

POLICE COURT. 1- DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm. M. Siskare

vs.

Wm. J. Hutchingson

Warrant-Larceny.

Dated March 16 1887

Smith Magistrate

Walsh Officer

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

Robt Walsh Officer.

Dated March 17 1887

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, March 17-87
Wm. J. Hutchingson
27 E. 61-Str

Native of US

Age, 45

Sex M

Complexion, fair

Color W

Profession, Gentleman

Married

Single, Yes

Read, Yes

Write, Yes

0732

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

William J. Hutchinson
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 March 19 1887

Solon B. Smith Police Justice.

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

Dated March 19 1887

Solon B. Smith Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188

Police Justice.

0733

Allan Erarts.

In Defence

52 Wall Street.

Israel F. Fischer

76 Broadway

for complainant

BAILED,

Residence ~~143~~ Street.

No. 1, by William Stoff

Residence 147 East 66th Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Witnesses

William B. M. Foster

J. B. Newcomb

321. B. 0. 1364
Police Court 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William M. Foster
308 60

William J. Heston

March 17
188

Dated March 17 188

Smith Magistrate.

Shank Officer.

Room Precinct.

Witnesses

No. James B. Newcomb Street.

No. Butt Street.

James J. Hewitt

No. _____ Street.

\$ 10,000 to answer Yes

Banc

Extract from deposition of William J. Hutchinson taken under Commission in action of W. H. M. Sistani v. F. P. Olcott Receiver or

On or about the 14th day, 1884, the Wall Street Bank made to George K. Sistare's Sons a loan of \$30,000 on call. I had knowledge at the time that such a loan was made, both from the cashier of the Wall Street Bank, and also from W. H. C. S. Sistare of the firm of George K. Sistare's Sons.

I was told on or about the 20th of May by the Cashier of the Wall Street Bank that George K. Sistare's Sons had paid \$10,000 on account of the loan of \$30,000.

W. H. C. S. Sistare informed me, on or about the 16th day, 1884, that he had borrowed from the Wall Street Bank \$30,000 on call against which he had given it as security 250 shares of the Stock of the Youghiogheny River Coal Co., also 105 shares of the capital stock of the American Printing Co. of Fall River, Massachusetts.

The 250 shares of coal stock and 105 shares of American Printing Co.'s stock was the property of myself, standing in my name on the books of the company but it had been deposited with George K. Sistare's Sons as margin on my stock account.

I did receive 250 shares of said Youghiogheny River Coal Co. and received the same from the Cashier of the Wall Street Bank on or about May 20th 1884.

I paid to the Wall Street Bank on or about May the 20th, \$10,000, and received 250 shares of the Youghiogheny River Coal Co's stock giving the bank an order to deliver the stock upon

payment of the said \$10,000.

~~When~~ On or about the 15th of May, the Wall Street Bank called upon George H. Sistare's Sons for the payment of the loan of \$30,000. Mr W. H. C. Sistare went for me and informed me the loan had been called by the bank and that it was absolutely impossible for him to take up the same, requesting me if possible to get the loan extended.

The loan was not paid on the day it was called; the bank again called the loan on the following day, again Mr Sistare informed me that it was impossible for him to take it up as he was very short of money, and in the then unsettled state of the stock and money market, would be unable to effect the loan elsewhere on the securities, and asked me if I would not for his firm look after and protect and pay the loan for the reason that the money was being borrowed on my securities.

I told him I would do what I could do in the matter and would at once offer theoughiogheny River Coal Co's stock for sale to Mr W. L. Scott of Erie, Pennsylvania, that I would write him immediately, and thought he would buy it but it would take 2 or 3 days to consummate the matter. I at once wrote to Mr Scott; after writing and telegraphing several times I sold the stock to him at 80, and informed Mr Sistare that I had sold it and would pay on account

of the loan of \$20,000 and take up the coal stock.

On or about the 15th of May I visited the Wall Street Bank, the cashier Mr Dickinson, asked me to see Tistare and urge him to pay the loan of \$30,000 which had been called that day and made to me this statement that Mr C. J. Toborn (now deceased, and at the time Director of the bank) had examined Tistare's securities and found fault with the same. I, at once, reported to Mr Tistare. He told me he could not pay the loan; later the cashier Mr Dickinson, requested me to ask Tistare to pay \$10,000 on account. This Mr Tistare said he could not possibly do. I left him at about two o'clock and went up to my hotel.

I have no written communication in relation to this loan from George H. Tistare's Sons, and never had any.

I did receive 250 shares of stock from the Wall Street Bank on or about the 20th May, and the same had been sold by me together with 250 shares more to Mr W. L. Scott of Erie, Pennsylvania (I owned 500 shares in all.) The same was by his order delivered to Messrs E. S. Chapin & Co. I stated the substance of my conversation with them. Tistare, in my previous interrogatories, and I do not annex any correspondence to this answer because I have none and never did have any.

For the 250 shares of the Youghiogheny River Coal Company received from the

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Wall Street Bank on or about May 20th, I received \$20,000 in cash - \$10,000 of which I paid to the Wall Street Bank, \$10,000 to George H. Sistar's Sons - one check to the order of the bank the other to the order of Sistar.

On or about the 20th May, 1884, in the morning having before that date effected the sale of the 500 shares of Youghiogheny River Coal Company's stock above referred to, I went to the bank to pay \$20,000 for the account of George H. Sistar's Sons - \$15,000 to take up a loan in the name of Thomas Murphy - it was not until I reached the bank on this day that I was informed by the cashier that George H. Sistar's Sons had paid on account of the said loan \$10,000. Learning this fact I at once drew four checks, one for \$10,000 to reimburse Sistar's the \$10,000 they had paid on account of the loan; and a second check for \$10,000 to the order of the Wall Street Bank; a third check of \$15,000 to the order of the Wall Street Bank to pay the loan above referred to of \$15,000; a fourth for \$875 to order E. J. Chapin, a half the dividend due on the 500 shares Youghiogheny River Coal Company stock. All these checks I drew in the bank and are in consecutive numbers. For these \$35,000 I received 250 shares on account of the Sistar's loan; 200 shares on account of the Murphy loan, 50 shares I had in my box making in all 500 shares which were delivered to E. J. Chapin on the date referred to, for which I received

their check of \$40,000. This I deposited immediately in the Wall Street Bank; as soon as I had delivered the stock to Chapin and deposited the \$40,000 I at once sent my check above referred to for \$10,000 to Tistare's Sons for account of the \$10,000 they had paid on the loan.

The originals of the checks above referred to I have in New York and will order the same to be delivered to Messrs. Shearman Sterling, the attorneys in this action.

I had no notice from George H. Tistare's Sons that they had paid anything on account of the \$30,000 loan, although Mr. W. H. C. Tistare repeatedly requested me to sell the Youghiogheny River Coal Company's stock and take care of the loan. On the 30th of May, 1884, I received at my home, Rumson's Road, a telegram from Mr. W. H. C. Tistare, requesting me to meet him at the Seabright Station. I met him. He informed me he had sold for my account 300 shares of the stock of the Standard Oil Company alleging as a reason of the said sale that he had effected a loan on this stock with the First National Bank, New York. He had been compelled to pay above the legal rates of interest on the loan and finally that the bank called the same and insisted that it must be paid off. He could not pay the loan and, therefore, sold the stock.

I objected to the sale and told him I would meet him at the office in the morning of the 31st. On the morning of the

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31st I called at his office and demanded the names of the parties to whom the stock was sold, and requested the privilege of looking at my account. In looking over the account I found that he had not credited me \$20,000, which he had received for the sale of the coal stock, of which amount \$10,000 was paid to the Wall Street Bank on account of the loan, and \$10,000 to Tisdale, but that instead of the above \$20,000 credited he had credited me \$10,000 under the date of, on or about, May 20th, which amount I had sent him in return for the \$10,000 he had paid on account of the \$30,000 loan.

He referred to the fact of this credit and also that the sale of the 250 shares of stock had not been posted in my account alleging as a reason, therefore, that he was mixed in the matter and did not exactly know how the entry should be made. I said to him at the time that he should make a counter charge of \$10,000 then credit me \$20,000 he had received for the coal stock.

0740

He Park

W. H. H. H.

W. H. H. H.

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District Attorney's Office.

PEOPLE

vs.

Wm. J. Hutchinson
G. L.

Let this case
be tried in Part 2
on 21st inst.

Notify counsel
& tell Mr. Nivoll,
Nov 10/87 R.S.M.
To Mr. Parker

0742

W. H. M. SISTARE,
Member N. Y. Stock Exchange.
HAROLD CLEMENS.

BRANCH OFFICES.

Campau Building, Detroit, Mich.
121 South 3rd Street, Philadelphia.
S. W. Cor. 5th Ave. & 125th St., N. Y.
517 Fourteenth St., Washington, D. C.

BANKING HOUSE
OF

GEO. K. SISTARE'S SONS,

16 & 18 Broad Street,

DEALERS IN
GOVERNMENT, STATE,
CITY, TOWN and
COUNTY
BONDS.

New-York, Nov 9th 1887

The Hon R. B. Martine

District Attorney of the City of N. Y.

Dear Sir,

Mr H. H. M. Sutare, desires us,
to ask you when the suit against
H. J. Hutchinson will be called, Mr
Sutare is a witness in said suit,
& wishes to know in order that he may
be in the City.

Very Respectfully Yours
Geo. K. Sutare's Sons

0743

W. H. M. SISTARE,
Member N. Y. Stock Exchange.
HAROLD CLEMENS.

BRANCH OFFICES.
Campau Building, Detroit, Mich.
121 South 3rd Street, Philadelphia.
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16 & 18 Broad Street,

DEALERS IN
GOVERNMENT, STATE,
CITY, TOWN and
COUNTY
BONDS.

New-York, 188

J. N. Lawrence = 30 Broad, Lawrence & Smith
N. H. J. Hatch = 14 Nassau, N. H. Hatch & Son
Jno. D. Haylock = Mills Building, 100 Broad, 100 & Co
Brayton Bros = 4 Broad St, Brayton Bros & Co
J. F. Jacobson = 2nd Floor, Jacobson & McCoppet
A. M. Calogne = 100 Broadway, Calogne & McCoppet
S. L. Haight = 26 Nassau, S. L. Haight
Hector D. D. = 6 Nassau, Hector D. D.
Geo. H. Brown = 2nd Floor, Brown & McCoppet

0744

Oct 8/84 - off no 392.	Geo W. Justus Jones.	1.00 shs to	E. K. Willard & Co
	748.	100 "	"
	759.	100 "	"
Oct 20/84	750.	100 "	Isaac A. Graves

0745

WM. M. EVARTS,
JOSEPH H. CHOATE,
CHARLES C. BEAMAN,
J. EVARTS TRACY,
TREADWELL CLEVELAND,
PRESCOTT HALL BUTLER,
ALLEN W. EVARTS.

Office of Evans, Choate & Beaman,
No. 52 WALL STREET.

New York, March 21, 1887. 188

Hon. Randolph B. Martine,
District Attorney, etc.

Dear Sir:-

In re W.J. Hutchinson

We are acting as counsel for Mr. William J. Hutchinson who was arrested on the 17th inst. under a warrant issued by Police Justice Smith on the complaint of William H.M. Sistar² of the firm of George K. Sistar^{re}'s Sons, charging Mr. Hutchinson with grand larceny. Mr. Hutchinson was admitted to bail to answer the action of the Grand Jury in the sum of Ten thousand dollars on the 19th inst. having under our advice waived an examination. We have acted as counsel for Mr. Hutchinson for several years past in various important civil litigations, a part thereof involving the matters now forming the basis of the present charge, and we venture to address you this letter and to express the opinion that our client will be able to lay before you such information and proofs as will make it clear that he has committed no offence for which an indictment should properly be found against him.

Mr. Hutchinson is charged with two distinct offences, as an examination of the information will show, viz:

1st. Stealing May 17, 1884, 250 shares of the capital stock of the Youghheoghiny River Coal Co. of the par value of \$100

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per share the property of the firm of George K. Sistar^{re}'s Sons by obtaining them from the Wall Street Bank where they had been pledged by said firm as security for the payment of a loan.

2nd. Stealing August 12th and 15th, 1884, certain securities particularly described in the information the property of said firm by obtaining them for the purpose of procuring a loan for said firm and thereafter taking up such securities and paying off such loan and having the net proceeds credited to his wife.

At the time these alleged offenses are stated to have been committed the defendant was and had for some time prior thereto been dealing with said firm of George K. Sistar^{re}'s Sons, as his stock brokers and had had extensive transactions with said firm with the members of which he was and had for a long time been on terms of business intimacy. The defendant's statement of the transactions with respect to these securities is as follows:

1st. The 250 shares of Youghoginy River Coal Co. stock were the property of the defendant and the certificate therefor stood in his name and had been deposited by him with said firm of George K. Sistar^{re}'s Sons as a margin for his account.

These shares of stock had been re-hypothecated by said firm having been with other securities deposited by it with the Wall Street Bank as collateral security for the payment of a loan of Thirty thousand dollars. The Bank had called upon said firm to pay off said loan and the defendant was thereupon applied to by Mr. W. H. M. Sistar^{re} to obtain an extension thereof. ~~That~~ The re-

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sult of this application was that the defendant, with the knowledge and approval of said Sista^{re}~~ta~~, sold the said stock (which was his own property) for Twenty thousand dollars and applied the entire proceeds towards the payment of the loan aforesaid.

2nd. Various securities had been delivered to the defendant as security for the payment of the sum of Ten thousand dollars advanced by him to said firm and were afterwards re-hypothecated by him with the Wall Street Bank, as security for a like amount. ~~That~~ Certain of these securities were taken down by said firm and others substituted therefor so that there were left the securities embraced in the second offence charged. The defendant was obliged by the failure of the Wall Street Bank and its passing into the hands of a Receiver to take up these securities and pay off the loan secured thereby. The sale of these securities realized in the neighborhood of from two to three thousand dollars more than the amount of the loan and interest. The defendant has more than once offered to return the equivalent in kind of these securities upon the payment of his loan to said firm but this offer has always been declined.

After the transactions complained of the firm of George K. Sista^{re}~~ta~~'s Sons brought an action in the Supreme Court against Mr. Hutchinson and his wife seeking to make the estate of the latter liable for the claim they might establish against him for a balance due upon the dealings and transactions between Mr. Hutchinson and said firm. In the bill of particulars sworn to by W. H. M.

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^{re}Sistax in said action October 10, 1835, the acts now complained of are set forth and the various securities are described as having been taken from said firm by the defendant. On the 15th day of March 1836, an agreement under seal was duly executed by and between W. H. M. Sistax^{re} and George K. Sistax^{re} (the members of said firm of George K. Sistax^{re}'s Sons) and Mr. Hutchinson and his wife which recited the pendency of the said action and that the parties were "mutually desirous of settling said action and all other actions and claims between themselves and each of themselves" except as to certain matters not ^{re}effecting the premises. The said agreement provided for a large payment of money to the Sistax^{re}s and the discontinuance of the pending action and "a general release of all claims whatsoever, which each now has against the other" except that W. H. M. Sistax^{re}'s liability on a certain bond should not be released until it was paid.

The facts above stated Mr. Hutchinson is prepared to establish at any time by the production of documents and the sworn statements or oral testimony of himself and others.

We deem it proper for an understanding of Mr. Hutchinson's view of the motives actuating the complainants to state the circumstances under which the issuing of the warrant was obtained and his arrest thereunder made. Mr. Hutchinson went abroad in October, 1834, in impaired health under the advice of his physician accompanied by his wife and family and has remained away from this country until the present month. There is and has for

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some years past been pending an action in the Supreme Court brought against Mr. Hutchinson and his former partner Mr. Kennedy by John R. Duff to obtain an accounting of certain stock dealings and transactions involving many millions of dollars and extending over a long period of years. This action being set down for trial at the Special Term on the first Monday of March, Mr. Hutchinson came over upon a summons by cable to attend the trial at considerable personal inconvenience and leaving his family behind, and has been occupied since his return and is now engaged in making preparation for such trial. A day or two after his arrival here on the 3rd of March Mr. Hutchinson informed Mr. W. H. M. Sista^{re} thereof. The case of Duff owing to the engagement of counsel was not brought on for trial during the first week of the Term and was set down for trial on the 17th inst. when it was expected that the trial might be actually commenced.

The information was sworn to and the warrant issued and placed in the hands of the officer for service on the 16th inst. about ten days after Mr. Sista^{re} was notified of Mr. Hutchinson's return and the day before he expected to enter upon the trial of the Duff suit. The arrest was made on the morning of the 17th inst. as Mr. Hutchinson was about to come down town to attend said trial. Pending the negotiations resulting in the settlement of March 1886 the Sistas^{re} threatened to obtain the indictment of Mr. Hutchinson for the offences now alleged with the avowed purpose and intent of bringing about a more favorable settlement

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than was then proposed. Mr. Hutchinson who had been a stock broker in this City for many years had in 1882 many serious charges of fraud made against him and has incurred the ill will and unfavorable opinion of many people in the community, and has reason to suspect that in addition to whatever other motives may have actuated the complainants there has been a desire to embarrass him in the trial of the Duff suit and to discredit him, possibly, as a witness therein by obtaining an indictment for felony against him.

We feel assured that the motives for procuring Mr. Hutchinson's arrest and indictment are purely personal and are confident that he can if permitted furnish such a statement and explanation of the facts charged as would cause any Grand Jury to refuse to find a true bill against him and to justify the District Attorney as its legal adviser ⁱⁿ ~~to~~ ^{ing} recommend such action. We have therefore to ask on behalf of Mr. Hutchinson an opportunity to present to you his statement and explanation of the matters now charged against him, and to produce witnesses and proofs in support thereof.

We remain, dear Sir,

Yours very truly,

Evarts, Choate & Beaman

0751

Refers to be furnished
by 112 unit *Ch*
112 unit *Ch*

TO: [illegible]

FROM: [illegible]
SUBJECT: [illegible]
[illegible]
[illegible]
[illegible]

DISCUSSION OF [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

REFERENCE IS MADE TO [illegible]
[illegible]
[illegible]

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION:

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

14. [illegible]

15. [illegible]

16. [illegible]

17. [illegible]

18. [illegible]

19. [illegible]

20. [illegible]

0752

WM. M. EVARTS,
JOSEPH H. CHOATE,
CHARLES C. BEAMAN,
J. EVARTS TRACT,
TREADWELL CLEVELAND,
PRESCOTT HALL BUTLER,
ALLEN W. EVARTS.

Office of Evarts, Choate & Beaman,
No. 52 WALL STREET.

New York, April 18~~th~~ 1887.

Hon. Randolph B. & Martine
District Attorney etc.

Dear Sir,

Referring to the letter which we addressed to you on the 21st ultimo concerning the case of Mr. William J. Hutchinson and to your favor of the 29th ulto. in reply thereto we beg now to submit the following in somewhat fuller explanation of Mr. Hutchinson's position than our former letter which was hastily drawn up without the assistance of Mr. Hutchinson's sworn testimony of which we attach extracts hereto.

The statement in our former letter with respect to the alleged offence relating to the Youghkeoging River Coal Co stock is inaccurate in stating that Mr. Hutchinson "applied the entire proceeds [\$20,000] towards the payment of the loan" the fact being that ten thousand dollars thereof was paid to the Sisters who were thereby relieved in a need they then felt for ready money. In March 1886, Mr. Hutchinson's deposition was taken by commission on behalf of the defendant in an action brought by the Sisters against the receiver of the Wall Street Bank and a full explanation of the entire transaction is contained in his direct testimony with which we accompany this letter and beg leave to refer to as a part thereof.

With respect to the other alleged offence we

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are now able to make a somewhat more detailed statement on behalf of Mr Hutchinson as follows: Immediately after the failure of the Wall Street Bank on the 11th day of August 1884, Mr Hutchinson was called upon to pay the loan which he had negotiated against the Tistare securities and they were accordingly sold on the 12th & 13th days of August and the excess of the proceeds of the sale over and above the amount of the loan some two thousand to three thousand dollars, was put to the credit of Mr Hutchinson in order that it might not be jeopardized by being in the name of Mr Hutchinson who was then financially embarrassed. Within three days after the sale Mr W. H. & Co. Tistare was informed thereof and of the circumstances leading thereto. On the 25th day of August Mr Hutchinson met Mr W. H. & Co. Tistare at the Wall Street Bank in the presence of Mr Osborne the receiver and asked him to repay the ten thousand dollar loan offering to return to him the equivalent in kind of the securities which had been sold. but Mr Tistare said that he could not then do so. On the 31st day of August Mr Hutchinson again asked Mr Tistare to repay this loan and offered to replace the securities and Mr Tistare again said that he was not able to do so. On the 30th of September following Mr Hutchinson once more called upon Mr Tistare for payment with the same result and a settlement of the matter upon the basis of the payment of

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the loan made by Mr Hutchinson and the replacing
of the securities has since that time been proposed
to our Estate under Mr Hutchinson's direction
by Mr E. Francis Hyde his counsel and the
estates suit referred to in our former letter.

With an expression of the hope that Mr Hutchinson
may have an opportunity to make a sworn statement
in explanation of any circumstance overlooked by
us if it should not clearly appear that he has in no
way wronged the Messrs Estate in the transactions
forming the basis of the offences charged we beg to
submit in his behalf for your consideration this
and our former letter and to remain

Yours very respectfully

Evarts, Choate & Braman

0755

W. H. M. SISTARE,
Member N. Y. Stock Exchange.
HAROLD CLEMENS.

BRANCH OFFICES.
Campau Building, Detroit, Mich.
121 South 3rd Street, Philadelphia.
S. W. Cor. 5th Ave. & 125th St., N. Y.
517 Fourteenth St., Washington, D. C.

BANKING HOUSE
OF

GEO. K. SISTARE'S SONS,

16 & 18 Broad Street,

DEALERS IN
GOVERNMENT, STATE,
CITY, TOWN and
COUNTY
BONDS.

New-York, Oct 26th 1887.

For R. B. Smarttine.
District Atty New York City.

Dear Sir. I desire to inform you that
J. B. Corvill. Brokerman for W. J.
Fitchinson, died this morning.

Very Respectfully
W. H. M. Sistare.

To Mr. J. B. Corvill.
J. B. Corvill.

1-720
J. B.

0756

1 copy with signature
of Plaintiff

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. Hutchinson

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

of the CRIME OF

committed as follows:

The said

William J. Hutchinson

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on
the *fifteenth* day of *August* in the year of our Lord one
thousand eight hundred and eighty-

, at the Ward, City and County aforesaid,

with force and arms, one written instrument of the kind commonly called certificates of stock; issued by a certain corporation known as the Toledo, Wabash and Western Railway Company, being an evidence of the right and title of William H. M. Sistar, George K. Sistar and Harold Clemens, copartners then and there doing business in and by the firm name and style of George K. Sistar's Sons to one hundred shares of the common stock of the said corporation, and a written acknowledgement of such right and title, the same being then and there in full force and virtue, and of the value of ten thousand dollars; two bonds and written obligations issued by a certain other corporation known as the Denver, Rio Grande and Western Railway Company and then and there in full force and effect and wholly unsatisfied, of the denomination and value of one thousand dollars each; and thirty other bonds and written obligations issued by a certain other corporation known

as the East Tennessee, Virginia and Georgia Railroad Company (and called Income Bonds) being then and there in full force and effect and of the denomination and value of one thousand dollars each, of the goods, chattels, articles of value and personal property of the said William H. M. Distare, George H. Distare and Donald Clements, copartners as aforesaid, 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.

Randolph J. Martine
District Attorney

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Witnesses:

Counsel,

Filed, 15 day of Aug. 1887.
Pleads, Not Guilty, Alibi, to withdraw
Sept. 6/87 within 10 days

THE PEOPLE,

vs.

Section 5284 Penal Code.

William J. Hutchinson

(2 cases)

Grand Jurors in the
Court of Sessions
for the District of Columbia

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Duncan D. Parry

Foreman.

0759

THE PEOPLE OF THE STATE OF
NEW YORK,

against

WILLIAM J. HUTCHINSON.

3 Cases, Larceny in the
First Degree.

This case having been assigned to me, for trial, by the Hon. District Attorney, I made an exhaustive examination of all the facts upon which the indictments were found and of all other circumstances, not law before the Grand Jury which I deemed admissible evidence on behalf of the people. I sent for the complainant Mr. W. H. M. Sistare. He called upon me with his counsel and witnesses. I examined Mr. Sistare and his witnesses and read the evidence in the suit of Mr. Wm. H. M. Sistare and ors. against Frederick P. Olcott, Receiver, as the same is set forth in the printed case on appeal in that action. I also read the correspondence between the District Attorney, and Evarts, Choate and Beaman, counsel for the defendant which I found with the papers.

After this exhaustive preparation of the case for trial, I have arrived at the conclusion that a conviction cannot be had upon either of the three indictments.

My reasons are as follows:

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One
~~The~~ indictment charges the defendant ~~with~~ on the 17th day of May, 1884, ^{with} stealing three certificates of the Youghiogeney River Coal Company, one for fifty shares, and two for one hundred shares each the property of George K. Sistare's Sons.

The two other indictments charges the defendant with stealing, on the 12th and 15th days of August, 1884, certain other securities belonging to George K. Sistare's Sons.

as the firm involved
In 1884 George K. Sistare's Sons were stockbrokers in this City and the defendant was their customer.

In May, 1884, he was heavily indebted to them and on that account they needed money.

He had deposited the Youghiogeney stock with them as margin and they had obtained a loan upon it with other securities from the Wall Street bank amounting to thirty thousand dollars. On about the 17th day of May, 1884, the cashier of the bank gave this stock to Hutchinson who sold it for \$20,000 and out of the proceeds paid ten thousand dollars to the bank on account of the said loan and paid ten thousand dollars to George K. Sistare's Sons, as Hutchinson claims, to reimburse them for a payment of ten thousand dollars which they had paid on account of the said loan. The bank had asked that the loan be reduced and the firm had reduced it by ten thousand dollars.

The firm of George K. Sistare's Sons subse-

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quently handed to the bank the full ^{amount} ~~sum~~ of the reduced loan and interest and demanded the return of the coal stock and certain printing stock, which was also given as security by them to the bank. The bank not responding, the firm brought suit against the Receiver of the bank. In that suit the plaintiffs have succeeded, and have a money judgment against the Receiver of the Bank, for the value of the said stock. The indictment charges the defendant with larceny in taking the coal stock from the bank without the knowledge of Sistare's Sons.

As to the other indictments:

In May, 1884, the firm of George K. Sistare's Sons delivered the defendant the securities described in the indictment and authorized him to procure a loan upon them for the firm. This he did, paying to the firm the amount raised by him upon them. Subsequently in August, 1884, he sold the securities through the house of J. B. Newcombe & Co., paid off the loan out of the proceeds and caused the balance, amounting to a sum of between two and three thousand dollars to be credited by J. B. Newcombe & Co. to the account of his wife, Mary E. Hutchinson who had an account with them.

The defendant insists that Mr. Sistare was cognizant of the sale by him of the Youghiogeeny stock, and that he tendered to Mr. Sistare the balance realized by him out of the sale of the other securities ^{after} ~~by~~ paying

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the loan which he had raised upon them.

Mr. Sistare denies knowledge of the sale of the Youghiogheny stock and complains that he did not discover the sale of the other securities until long after they had been sold, and the balance, left after paying the loan, had been applied to Mrs. Hutchinson's account.

Unless upon the trial the defendant had been able to make such an explanation of these transactions and to negative the existence of any criminal intent, a conviction upon one or the other of these indictments might have been had. While there is a direct conflict between the complaint and the defendant upon many material facts, that might ^{well} have been settled by the jury in favor of the people, but the subsequent conduct of the firm of George K/ Sistare's Sons as gathered from the records, of their litigation with the defendant, goes very far to acquit the defendant of that ^{Criminal} ~~crime~~, the intention ~~of~~ which the prosecution must establish to the satisfaction of the jury, *before it can act for a conviction.*

In February, 1885, the defendant and his wife, being then in Europe, George K. Sistare's Sons brought an action against them to receive ^{over} ~~the~~ the moneys claimed to be due to them as brokers upon a great number of stock transactions which the defendant as a customer had had with them. The judgment demanded was eighty-eight thousand, seven hundred and sixteen and 11/100 dollars.

The defendant demanded a bill of particulars,

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which the plaintiffs furnished. Among the items of the bill are the very securities which the defendant is now charged in these three indictments with having stolen. The value of these securities were therefore included in the plaintiffs demand for judgment.

On the 15th day of March, 1886, the parties to this suit ~~arrived~~ at a settlement which they expressed in a written agreement. This agreement recites the pendency of the suit, the mutual desire of the parties to settle it, and "all other actions and claims between themselves and each of themselves" except as therein specially agreed, acknowledges the receipt of twenty-seven thousand five hundred dollars which the defendants on that day paid to the plaintiff, provides for a discontinuance of the suit, ~~refers~~ to a transaction in no way connected with the indictments, except ~~from~~ the operation of the agreement, ~~the~~ action which the plaintiff had against the Wall Street Bank to recover the value of the Youghiogeney stock and printing stock and concludes by providing that ^{when} ~~when~~ all of the provision of the agreement have been fulfilled, general release shall be inter-changed.

By this statement the plaintiff undoubtedly released the defendant, Hutchinson, from all accountability to them for all the securities named in the indictment except the Youghiogeney coal stock. As to that George K. Sistare's Sons have recovered judgment against the bank for the ^{full} ~~face~~ value of the sale and are conse-

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quently not injured by the defendants' act unless they should ultimately fail to recover.

Mr. Sistare informs me that when he entered into this settlement with Hutchinson he knew every fact and circumstance of Hutchinson dealing with all of these securities as well as he knows them to-day.

In view of all these facts I do not see how a conviction can be had upon these indictments. While it appears intricate the transaction is really simple, but the improbability of a conviction may be illustrated by a case which often arises in the criminal Courts. Suppose that by false representations, as A claims, B procures property from A. A brings a civil suit; B settles. A takes B's money in settlement and enters into an agreement which expresses his satisfaction and desire to interchange mutual releases with B. This is no sooner executed and the money paid than A swears out a criminal warrant ^{on the same transaction} against B and has him indicted. It seems to me that on such a state of facts no jury would be likely to convict B of false pretenses. A's acceptance of the money and his execution of an agreement expressing his satisfaction would seriously prejudice if not defeat the prosecution. Yet this is substantially *the* *core* of these indictments.

It is fair to Mr. Sistare to say that he was told by his counsel that the settlement of the civil action would constitute no defense to a criminal action. While this is so, yet, at the same time, the fact that the

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settlement was entered into in the spirit expressed in the paper and ^{where} ~~which~~ its terms were set forth, goes far to relieve the defendant from the imputation of a criminal intention to deprive the complainant of his property.

And in a criminal action such an intention must be made out from all the circumstances of the case to the satisfaction of the jury beyond a reasonable doubt. Mr. Sistare also informs me that he would not have settled the civil suit had he supposed it would prejudice a criminal action, with that the District Attorney has nothing to do. He must take the facts as he finds them and I am not prepared to say that that explanation would help the people's case before the jury.

I do not intend in this paper to express my opinion as to whether the defendant committed any penal offense in any of the instances complained of, nor to criticise the complainant for beginning these criminal proceedings. It is sufficient for me to say that on all the facts and circumstances of the cases as they have been submitted to me I am of the opinion that no conviction can be had because the People would not be able to satisfy a jury that the defendant was animated, in the transaction out of which these proceedings arise, with a felonious intention to deprive the complainants of their property.

I therefore recommend that these indictments be dismissed.

And given Dec. 21 1887

L. L. Lacey, Minn.

Mr. Sistare

The People

VS

Wm. J. Hutchinson

Report of Asst.
Dist. Atty. Neill

Almond Polk Atty.
Dec 23/97 - 300 Atty

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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. Hutchinson

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

William J. Hutchinson

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

The said *William J. Hutchinson*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Twenty day of *August* in the year of our Lord
one thousand eight hundred and eighty-*four*, at the City and County aforesaid,
with force and arms, *three written instruments of the*
said commanding called certificates of
title, issued by a certain corporation
known as the Chicago, St. Louis and
Northwestern Railway Company, being
each an evidence of the right and title
of William H. M. Sisk, George H.
Sisk and Ward Clements, copartners
then and there doing business in and by
the firm name and style of George H.
Sisk and Sons, to one hundred shares
of the said corporation,
and a written acknowledged receipt of such right
and title, the same being then and there in full
force and virtue and of the value of ten
thousand dollars each,
of the goods, chattels and personal property of *one* *the said William*
H. M. Sisk, George H. Sisk
and Ward Clements, copartners as aforesaid,
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.

Richard J. B. Martin

District Attorney.

Witnesses:

For the reasons stated
in report of Dist. Dist.
Atty. McCall I recommend
that within indictment
be dismissed and that
bail be discharged,
Dec. 23/87
Randolph B. Martine
Dist. Atty.

Chas W. Brooke

Counsel, *Chas W. Brooke*
Filed, *15* day of *Dec* 188*7*
Pleads, *Not guilty*

THE PEOPLE

vs.

William J. Hutchinson
(3 cases)

Grand Larceny
[Sections 528, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Wm. J. Thumby
Dec 23/87
Foreman
Mr. L. Bailard

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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. Hutchinson

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

William J. Hutchinson
of the CRIME of Grand Larceny in the first degree,-

committed as follows:

The said William J. Hutchinson,

late of the First Ward of the City of New York, in the County of New York afore-
said, on the 12th day of August, 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 written
instrument of the kind commonly
called certificates of stock, issued by
a certain corporation known as the
Colorado, Wabash and Western Railway
Company, bearing an evidence of the
right and title of William H. M.
Squire, George H. Squire and Harold
Clemens, respectively, then and there
doing business in and by the firm
name and style of George H. Squire's
Sons to one hundred shares of the
common stock of the said corporation,
and a written acknowledged receipt of
said right and title, the same being

then and there in full force and
 virtue, and of the value of ten
 thousand dollars, two bonds and
 written obligations issued by a
 certain other corporation known as
 the Denver, Rio Grande and Western
 Railroad Company and then and
 there in full force and effect and
 wholly unsatisfied, of the denomi-
 nation and value of one thousand
 dollars each, and thirty other bonds
 and written obligations issued by a
 certain other corporation known as
 the East Tennessee, Virginia and Georgia
 Railroad Company (and called income
 bonds) being then and there in full
 force and effect and of the denomi-
 nation and value of one thousand
 dollars each, of the goods, chattels
 articles of value and personal property
 of the said William M. M. Sisk, Sr.,
 George K. Sisk and David Clement,
 co-partners as aforesaid, then and
 there being found, then and there
 feloniously did steal, take
 and carry away, against the
 form of the Statute in and
 case made and provided, and
 against the peace of the People
 of the State of New York,

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and their dignity.

Randolph B. Smith

District Attorney.

Witnesses:

For the reasons stated
in report of Asst. Dist.
Atty. McColl. recommend
that within indictment
be dismissed and that
bail be discharged.
Dec 23/87
Randolph B. Martine
Dist. Atty.

Wm. J. Everts, Choate & Co.
Counsel, 316 E. 1st St.
Brook

Filed, 15 day of Aug 1887

Pleads, Not Guilty (Hutchinson)
Sept 1887 within 10 days

THE PEOPLE

vs.

B

William J. Hutchinson
(B. 2000)

RANDOLPH B. MARTINE,
born Nov 22 1854
District Attorney.

A True Bill.

Micah J. Thimby
" David J. Thimby
Dec 23/87 Foreman
H. J.

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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. Hutchinson

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

William J. Hutchinson
of the CRIME of Grand Larceny in the first degree,

committed as follows:

The said William J. Hutchinson, —

late of the First Ward of the City of New York, in the County of New York afore-
said, on the seventeenth day of May, — 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 written instru-
ment of the kind commonly called
certificates of stock, issued by a certain
corporation known as the Regu-
lar River Road Company, and being an
evidence of the right and title of William
M. Squire, George H. Squire and
Charles H. Squire, co-partners then and
there doing business in and by the firm
name and style of George H. Squire's
Sons, to fifty shares of the capital
stock of the said corporation of the
par value of one hundred dollars each
share, and a written acknowledgment of
such right and title, the same being then

and there in full force and virtue, and
of the value of five thousand dollars,
and the other within instruments of
the kind aforesaid, issued by the same
corporation, and being as evidence
of the right and title of the said
corporation to one hundred shares of
the paid stock of the said corporation
of the same par value, and a further
acknowledgment of such right and
title, the same being then and there
in full force and virtue and of the
value of ten thousand dollars each,
of the goods, chattels, personal property
and articles of value of the said William
M. S. Fox, George H. Fox and
Charles H. Fox, partners as aforesaid,
then and there being found, then and
there lawfully 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.

Charles H. Fox

District Attorney.

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**END OF
BOX**