0795

BOX:
127
FOLDER:
1336
DESCRIPTION:
Ballard, George

DATE:
02/28/84

1336

No 287.

Witnesses:
G. D. Cameron

Day of Trial,
Counsel,
Filed 28 day of Feb 188
Pleads Virguelty

THE PEOPLE

vs.

George Ballard

BURGLARY—*Third Degree*, ~~and~~
~~Receiving Stolen Goods~~
[Sections 496-506-528-531]

PETER B. OLNEY,
JOHN McKEON,

District Attorney.

A True Bill.

Foreman.

Mon City

0797

CITY AND COUNTY OF NEW YORK, } ss.

John Brennan

aged 43 years, occupation Policeman of the 14 Police Precinct Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of George N. Cameron and that the facts stated therein on information of deponent are true of deponents' own knowledge.

John Brennan

Sworn to before me, this 23 *day of* January 188 8

Police Justice.

0798

CITY AND COUNTY OF NEW YORK, } ss.

Eugene Kelly

aged 17 years, occupation Nurse of No. 207 Mulberry Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of George N Cameron and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Eugene Kelly

Sworn to before me, this 23 *day of* February 1884

P. A. Duffy

Police Justice.

0799

Police Court First District.

City and County of New York, } ss.:

George N. Cameron

of No. 466 8 avenue Street, aged 30 years,

occupation Liquor Dealer, being duly sworn

deposes and says, that the premises No 47 Prince Street,

14 Ward in the City and County aforesaid, the said being a dwelling House

the first floor and Basement of

~~and~~ which was occupied by deponent as a Liquor Store and store room

and in which there was at the time no human being, ~~by night~~

were BURGLARIOUSLY entered by means of forcibly breaking

some boards securing a window

in the rear of said premises

on the 22 day of February 188 4 in the day time, and the

following property feloniously taken, stolen, and carried away, viz: One dessert

Knife, Two silver plated Spoons

One cigar lighter, Two Earthen bowls

Six bottles of champagne Two bottles

Rhine wine Two bottles of Whiskey

One bottle of gin and one bottle of

Rum, said property being

in all of the value of Thirty

dollars

the property of James J. Henderson and in the care and

charge of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

George Ballard (now here)

for the reasons following, to wit: That deponent is informed

by Eugene Kelly of No 257 Mulberry

Street ~~that~~ on the above date at

about the hour of two o'clock P.M.

he saw said Ballard coming out

of said premises and at the time

he had a description in his possession

and the said that deponent is informed

0800

by Officer John Brennan of the 14 Police Precinct that when he arrested the said Ballard he found in his possession a knife which defendants Bartender identifies as the same which was stolen from defendants

Sworn to before me
this 23 day of February 1884

Sgt. D. [illegible]

[illegible]
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.

0801

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

1 District Police Court.

George Ballard 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. George Ballard

Question. How old are you?

Answer. 16 years

Question. Where were you born?

Answer. New York City

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

Answer. 56 Marion Street and about two years

Question. What is your business or profession?

Answer. Riveter

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

Answer. I am guilty of the charge
G Ballard

Taken before me this 23 *day of* [illegible] 189[illegible]

[illegible]
Police Justice.

0802

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of [illegible] 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 February 23 188 [illegible] *Police Justice.*

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated ..... 188 ..... *Police Justice.*

There being no sufficient cause to believe the within named .....

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

Dated ..... 188 ..... *Police Justice.*

0803

1130

Police Court — 1 — District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George Cameron
466 8th Ave.

vs.

1 George Ballard

2

3

4

Offence Burglary and Larceny

Dated February 23 188 4

Duffy Magistrate.

John Brennan Officer.

14 Precinct.

Witnesses John Brennan
No. 14 Police Precinct Street

Eugene Keely
No. 207 Mulberry Street,

Joseph Miller
No. 517 6th Avenue Street.

$500 to answer Sessions.

BAILED,

No. 1, by Amos Corning

Residence 23 Suydam St. Brooklyn Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0804

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Barrand

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

George Barrand

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said George Barrand

late of the 14th Ward of the City of New York, in the County of New York, aforesaid, on the 22nd day of February in the year of our Lord one thousand eight hundred and eighty seven with force and arms, at the Ward, City and County aforesaid, the store of

George D. Cameron

there situate, feloniously and burglariously, did break into and enter, the same being a part of a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter described, with intent the said goods, chattels, and personal property of the said

George D. Cameron

then and there being, then and there feloniously and burglariously to steal, take and carry away, and one knife of the value of one dollar, one demijohn of the value of sixty cents, two steamers of the value of sixty cents each, one cigar lighter of the value of sixty cents, two bottles of the value of ten cents each six bottles of champagne of the value of four dollars each bottle, eight bottles of wine of the value of three dollars each bottle, two bottles of whiskey of the value of two dollars each bottle, one bottle of gin of the value of one dollar each bottle and one bottle of rum of the value of one dollar

of the goods, chattels and personal property of the said

George D. Cameron

so kept as aforesaid in the said store 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.

Peter B. Olney
District Attorney

0805

BOX:
127
FOLDER:
1336
DESCRIPTION:
Barnes, William

DATE:
02/20/84

1336

Witnesses:
T. Mannion

No 203
M F K

Day of Trial,
Counsel,
Filed, 20 day of Feb 1884
Pleads Not guilty.

THE PEOPLE
vs.
P
William Barnes

Assault in the First Degree

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

Pr Feb 27/84.
Jury acquitted.

A TRUE BILL.

Foreman.

0807

Police Court— 9 District.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Mannion

of No. 248 Pavonia Ave Jersey City Street, N.J.

being duly sworn, deposes and says, that

on Wednesday the 6th day of February

in the year 188 4 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

William Barnes (name here)

from the fact, that said Barnes

wilfully and feloniously cut

and stabbed deponent on the

left side of his body by

cutting his coat a knife or

some other instrument and deponent

exhibits with the coat in the

hands of said Barnes

Deponent further identifies

the said Barnes as the person

who cut and stabbed him

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

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

Sworn to before me, this 6th *day of* February 188 4.

Andrew J. White POLICE JUSTICE.

Mannion

0808

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

2 District Police Court.

William Barnes 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 Barnes

Question. How old are you?

Answer. 42 years old.

Question. Where were you born?

Answer. Ireland

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

Answer. 53 Steel, Cincinnati

Question. What is your business or profession?

Answer. Marble polisher

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

William Barnes

Taken before me this 6 *day of* [illegible] *188*

[illegible]

Police Justice.

0809

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 [illegible]

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

Dated [illegible] 188 . [illegible] *Police Justice.*

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

Dated [illegible] 188 . [illegible] *Police Justice.*

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

Dated [illegible] 188 . [illegible] *Police Justice.*

08 10

BAILED,

No 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Police Court—2d—District. 29

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Mannion
278 Prevost st. Jersey City

1 Wm Barnes

2 .....

3 .....

4 .....

Offence Assault & Battery

Dated February 6 1884

C White Magistrate.

Collins Officer.

16 Precinct.

Witnesses Ann Mannion

No. 278 Prevost st. Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer G. S.

08 11

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 Barnes

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said William Barnes

late of the City of New York, in the County of New York, aforesaid, on the Sixth day of February in the year of our Lord one thousand eight hundred and eighty four with force of arms, at the City and County aforesaid, in and upon the body of Thomas Mannon in the peace of the said people then and there being, feloniously did make an assault and him the said Thomas Mannon with a certain knife which the said William Barnes

in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent him the said Thomas Mannon then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

of the CRIME OF Assault in the Second Degree, committed as follows:

The said William Barnes, late of the City and County aforesaid afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Thomas Mannon then and there being, feloniously did, willfully and wrongfully, make an assault and him the said Thomas Mannon with a certain knife which the said William Barnes in his right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there beat, strike, stab, cut and wound

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

PETER B. OLNEY,
JOHN McKEON, District Attorney.

08 12

BOX:
127
FOLDER:
1336
DESCRIPTION:
Barry, Christopher

DATE:
02/29/84

1336

Witnesses
Nicholas Miller
Officer Markey

No. 297
Stephen Brown
Counsel,
Filed 29 day of Feb 188 —
Pleads Not guilty

THE PEOPLE

vs.

Christopher Barry

P

23.

INDICTMENT.
Grand Larceny in the Second degree.
{Sections 528 & 531}

PETER B. CELLA,
JOHN McKEON,
District Attorney.

A True Bill.

Foreman.

Not guilty
S. P. three years.

0814

1st District Police Court. Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

Nicholas Mueller

of No. 535 West 59 Street, 31 years. Laborer

being duly sworn, deposes and says, that on the 22 day of February 1884

~~at~~ in the day time at the - - - - - - - - City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and from deponents person

the following property, viz:

Good and lawful money of the United States consisting of two Notes of the denomination and value of one dollar each in all of the value of two dollars

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Christopher Barry (now here) from the fact that while deponent was standing in a crowd on Greenwich Street in said city, deponent saw said defendant take the aforesaid property from the pocket of the vest then and there worn by deponent

Nicholas Müller

Sworn before me this 23 day of February 1884

Police Justice,

0815

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

18 District Police Court.

Christopher Barry 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. Christopher Barry

Question. How old are you?

Answer. 23 years.

Question. Where were you born?

Answer. New York city

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

Answer. 10 Washington St. about 1x years

Question. What is your business or profession?

Answer. Carpenter

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

Christopher Barry

Taken before me this 1st *day of* [illegible] 188[illegible]

[illegible]

Police Justice.

0816

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 Christopher Barry

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

Dated 23 Feby 188 [illegible] *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0817

Police Court— First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Nicholas Mueller
535 W 59 St.

1 Christopher Barry

2

3

4

Offence Larceny from person

Dated 23 July 188 4

P G Duffy Magistrate.

John Markey Officer.

27 Precinct.

Witnesses

No. Street.

No. Street,

No. Street.

$1000 to answer Sessions.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

08 18

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Christopher Barry

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

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

The said Christopher Barry

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 22nd day of February in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms two promissory notes for the payment of money of the United States Treasury as United States Treasury notes, the same being then and there due and unsatisfied, for the payment of and of the value of one dollar each

of the goods, chattels and personal property of one Nicholas Miller on the person of the said Nicholas Miller then and there being found, from the person of the said Nicholas Miller 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.

PETER B. OLNEY,

JOHN McKEON, District Attorney.

0819

BOX:
127
FOLDER:
1336
DESCRIPTION:
Base, Frank

DATE:
02/29/84

1336

0820

Tenth District Police Court. **Affidavit—Larceny.**

CITY AND COUNTY OF NEW YORK, } ss.

Jane Conn

of No. 47 Crosby Street, age 29 years Washwoman

being duly sworn, deposes and says, that on the 13th day of February 188 ✓

~~at~~ in the day time, at the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent with intent to deprive the true owner of the use and benefit thereof

the following property, viz:

Good and lawful money of the United States consisting of one note of the denomination and value of ten dollars, one Black Sacque of the value of thirty five dollars, and one Silk Dress of the value of twenty eight dollars; in all amounting to, and of the value of Seventy three dollars

~~Sworn before me this~~

~~day of~~

the property of Deponent

and that this deponent

~~Police Justice~~

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Frank Base (now here)

from the fact, that deponent is informed by Lue Evans of No. 68 Crosby street, that said Frank came into premises 47 Crosby street on the above date, while deponent was away and read a letter purporting to be written by deponent ordering that said Frank should get some Clothing, and he immediately took, stole, and carried away the aforesaid property; relying on said representation said Lue Evans allowed said Frank to take away the said property. Deponent further says that she did

_____ District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

_____

vs.

_____

_____

AFFIDAVIT—Larceny.

Dated _____ *188*

_____ *Magistrate.*

_____ *Officer.*

WITNESSES :

_____

_____

_____

_____

DISPOSITION _____

_____

_____

and Caution, is a part of the property

Affidavit of Complainant, that this crime was committed by person or persons unknown.

Sworn to before me this 25 day of February 1898

Geo. T. Mann

Police Clerk

Police Court

Brooklyn

0822

CITY AND COUNTY OF NEW YORK, } ss.

Luke Evans

aged 27 years, occupation Seamstress of No. 68 Crosby Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Jane Evans and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 25 *day of* February 188 } Luke Evans

W. Conway *Police Justice.*

0823

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

Tenth District Police Court.

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

Question. What is your name?

Answer. Frank Base

Question. How old are you?

Answer. 26 years.

Question. Where were you born?

Answer. Germany

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

Answer. 47 Crosby street, about three months

Question. What is your business or profession?

Answer. Performer

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. This lady (meaning the Complainant) gave me an order to get the Clothing

Frank Base

Taken before me this 25 *day of* February 1887

Police Justice.

0824

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 Frank Rae

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

(1D)

Dated February 25 188 4 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0825

Police Court 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jane Cann
47 Crosby St.

1 Frank Bace

2

3

4

Offence Grand Larceny

Dated February 25 188

Pavey, Magistrate.

James J. Hart Officer.

14 Precinct.

Witnesses Lue Evans

No. 68 Crosby Street.

No. Street,

No. Street.

$1000 to answer G Eversal Sessions.

Lou

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0826

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Frank Base

The Grand Jury of the City and County of New York, by this indictment, accuse Frank Base of the CRIME OF GRAND LARCENY in the Second degree, committed as follows:

The said Frank Base

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Thirteenth day of February 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 promissory note for the payment of money, of the kind known as United States Treasury notes, the same being then and there due and unpaid for the payment of and of the value of ten dollars, one sacque of the value of thirty five dollars, and one dress of the value of twenty eight dollars

of the goods, chattels and personal property of one Jane Conn

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.

Peter B. O'Neil
District Attorney

0827

BOX:
127
FOLDER:
1336
DESCRIPTION:
Battel, Frank

DATE:
02/25/84

1336

No 231

Day of Trial,
Counsel, J. Berlinger
Filed 25 day of Feb 1884
Pleads Not Guilty

THE PEOPLE

vs.

Frank Barrel

BURGLARY—Third Degree, ~~and~~
Larceny, Stolen Goods
(§§ 498-506-528-531)

PETER B. OLNEY,
JOHN McKEON,
14th-Cross District Attorney.

A True Bill.

O. Olney
Foreman.

Plead Guilty

Witnesses:
Henry A Horn
Officer Dunlap
Geo Capt Williams

0829

Police Court— 9th District.

City and County of New York, } ss.:

Henry A Noon

of No. 1218 Broadway Street, aged 45 years,

occupation Caffé being duly sworn

deposes and says, that the premises No 1218 Broadway ~~Street~~,

in the City and County aforesaid, the said being a Basement, and having three entrances one being at 1218 Broadway and a public entrance on West 30th St. and the other being a private entrance on West 30th Street and which was occupied by deponent as a Club room and Caffé

and in which there was at the time no human being, ~~by name~~ and the said premises being situated in the 31st Ward.

were BURGLARIOUSLY Broke and entered by means of forcibly Breaking the window panes of glass in the door of the private entrance on West 30th Street and sawing off the sash of said door in which said glass was contained between the hours of Four and five o'clock morning on the 14th day of February 1884 in the Night time, and the following property feloniously taken, stolen, and carried away, viz:

Silver, Nickel and Copper Coins of diverse denominations and values and being together of the value of Eight dollars and fifty cents.
One Overcoat; 400 Cigars; and 3 bottles of Brandy; the same being in all together of the value of
Ninety Eight dollars and fifty cents.
The said Overcoat being the individual property of deponent and the said remaining property being the property of Henry A Noon and Thomas O Rourke Co. composing ~~the property of~~ the firm of Noon and O Rourke.

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen, and carried away by Frank Battel (nom de Guerre)

for the reasons following, to wit: That deponent is informed by John Dunlap a detective of the 29th Police precinct that said Battel admitted and confessed to said Dunlap and in the presence and hearing of Alexander B Williams Captain of the 29th Police precinct, that he had broken into the said premises and taken, stolen and carried away the said property and that he did committ the said Burglary for the

0830

reason, that deponent cheated Lincoln of a dollar; Deponent is still further informed by said Dunlap, that he said Dunlap, found the said Battel, complainer in the first precinct police station in Brooklyn where defendant was arrested as a suspicious person and that he found the said account herein mentioned in said station house, the same having been taken from said Battels at the time of his ~~the~~ arrest and which deponent fully identifies as being his property and as having been taken and stolen from said premises on the day aforesaid, the said premises being securely closed & fastened at the time and window being open while deponent therefore charges the said Battels with having broken into the said premises and to wit stolen and carried away the said property.

Sworn to before me this 19th day of February 1884

H. M. Patterson

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.

0831

CITY AND COUNTY
OF NEW YORK, } ss.

John Dunlap

aged 53 years, occupation Detective of No.

29th Police precinct ~~Street~~, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Henry A Vose

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

knowledge.

Sworn to before me, this 19

day of February 188[illegible]

John Dunlap

W. M. K. Patterson

Police Justice.

0832

Sec. 198—200

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Frank Battell.

Question. Hold old are you?

Answer. 33 years.

Question. Where were you born?

Answer. United States.

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

Answer. 343 West 44 St. 3 months.

Question. What is your business or profession?

Answer. Porter.

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

Answer. I am Guilty of the charge.

Frank Battell

Taken before me this 19 *day of* February *1884*

John Duffy *Police Justice.*

0833

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fives 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 February 19 188 E. A. McPherson *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 . *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 . *Police Justice.*

0834

BAILED,

No 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

1128

Police Court—29—District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry A. Vorn
1218 Broadway

1 Frank Battell

2

3

4

Offence Burglary

Dated February 19 1884

Patterson Magistrate.

Dunlap 4th Pct Officer.

29 Precinct.

RECEIVED FEB 21 1884 DISTRICT ATTORNEY'S OFFICE

Witnesses John Dunlap

No. 29 Precinct Street.

Alexander S Williams

No. 29 Precinct Street.

No. ..... Street.

$ 1000 to answer G. S.

Committed

0835

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Barrel

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

Frank Barrel

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said Frank Barrel

late of the 21st Ward of the City of New York, in the County of New York, aforesaid, on the 17th day of February in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the Ward, City and County aforesaid, the basement of

Henry A. Brown

there situate, feloniously and burglariously, did break into and enter, the same being a part of a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter described, with intent the said goods, chattels, and personal property of the said

Henry A. Brown

then and there being, then and there feloniously and burglariously to steal, take and carry away, and twenty copies of a number third and denomination to the Grand Jury aforesaid unknown of the value of eight dollars and forty cents, one ounce of the value of forty dollars, four hundred cigars of the value of ten cents each, and three bottles of brandy of the value of three dollars each bottle

of the goods, chattels and personal property of the said Henry A. Brown

so kept as aforesaid in the said basement 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.

Peter B. Olney
District Attorney.

0836

BOX:
127
FOLDER:
1336
DESCRIPTION:
Behneke, Charles

DATE:
02/21/84

1336

Witnesses--
Officer
S. K. Smith
Sack offence
F.D.

Defta Martin

No. 242

Day of Trial, 11 A.M.
Counsel,
Filed 21 day of Feby 1884
Pleads Guilty (25)

THE PEOPLE

vs.

Charles Bateman
34
177 Christie

Violation of Excise Law.
(Sunday.)
R.S. (754) — 1983 — 22
Amt. $50.00

PETER B. OLNEY,
JOHN McKEON,
District Attorney.

Pr Rec 5/50
Pleads guilty.

A True Bill.

Foreman.

LEE 80

0838

Sec. 198—200

511 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Behnecke 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. Charles Behnecke

Question. How old are you?

Answer. 30

Question. Where were you born?

Answer. Germany

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

Answer. 520 E 89th St one mo.

Question. What is your business or profession?

Answer. Waiter

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

Carl Behnecke

Taken before me this 18 *day of* January 1883

Police Justice.

0839

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 Charles Behnick

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of $500 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 June 18th 188 3 Henry Murray *Police Justice.*

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

Dated June 18 188 3 Henry Murray *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 . *Police Justice.*

0840

Police Court—————District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Philip H Smith
~~34~~ 12

1 Carl Behmeeke

2

3

4

Offence Disorderly House

Dated June 18 1883

Murray Magistrate.

Smith ~~34~~ Officer.

~~12~~ Ch Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 100 to answer G. S.

Bailed

BAILED,

No 1, by William Schwab

Residence ~~2 Avy 3 a Street~~

No. 2, by 2387 3 a Av.

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0841

Police Court, Fifth District.

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

Philip H Smith

of the 12th Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on Sunday the 17th day

of June 1883 in the City of New York, in the County of New York,

At No 2387 Third avenue

a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, Charles

Behnecke (now here) did then and there expose for sale, and did sell, caused, suffered and

permitted to be sold and given away, under his direction or authority, strong and spirituous liquors, wines, ale and beer,

being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law; and did not

keep said place closed on said Sunday as required by law.

WHEREFORE, deponent prays that said Charles Behnecke

may be arrested and dealt with according to law.

Sworn to before me, this 18 *day*
of June 1883

Philip H. Smith

Police Justice

0842

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Behmetre

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

OF THE CRIME OF **Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday,** committed as follows:

The said Charles Behmetre

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Seventeenth day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~and to~~ certain ~~other~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT:

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

of the CRIME OF GIVING AWAY AND DISPOSING OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, ON SUNDAY, committed as follows:

The said Charles Behmetre

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: On the said Seventeenth day of June in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County

0843

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~and to~~ certain o~~ther~~ persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

THIRD COUNT:

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

Charles Schmetze

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said Charles Schmetze

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said Seventeenth day of June in the year of our Lord one thousand eight hundred and eighty-three the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number 2387

Third avenue

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

0844

BOX:
127
FOLDER:
1336
DESCRIPTION:
Bellean, Annie

DATE:
02/21/84

1336

Witnesses:
J. McMahon
Officer Shelly.

No 210
J Berlinger

Filed 21 day of Feby 1884
Pleads Not guilty

THE PEOPLE
vs.
Annie Barrow

28
146 & 47

P

Assault in the First Degree.
(Firearms.)
[§§ 217 and 218]

PETER B. OLNEY,
JOHN McKEON,
District Attorney.

P 2 Mar 12/84
Tried & convicted Asslt 2 deg

A TRUE BILL.

Foreman.

Wm C Mosher
FD

0846

New York March 12th

Assist Attorney. P.D. Class
Dear Sir

A subpoena has just been served which calls me into Court this morning at 11. O'Clock to testify in behalf of Thomas McMahon against Annie Sullivan. An extremely important operation has been prepared for at the hour in question but I can give in the outset all of the testimony which would have a bearing upon my part of the case.

Thomas McMahon was admitted to Ward 30 of Bellevue Hospital on the 2nd day of January 1884, and at that time was suffering from a recently inflicted gunshot-wound of the mastoid portion of the right temporal bone. The bone was comminuted and the bullet was found to have penetrated as far as the membranes of the brain. The direction which the

0847

bullet-track would give no indication of the position of the revolver at the moment of the explosion of the cartridge. The penetration of the bullet is of no importance in the evidence. The fact that debris from exploded gunpowder was imbedded in the skin about the point of entrance of the bullet would prove that the revolver was held within a few inches of the patient's head at the moment of firing, and the distribution of the debris would indicate that the bullet entered the skull on a plane which intercepted the plane of the skull at the wound point at a right angle.

The wound was a very dangerous one but the patient responded well to treatment and is now as well as ever, to all intents and purposes.

Very Respectfully Yours
Robt. T. Lewis M.D.
House Surgeon. Bellevue Hospital

0848

Bricklayer

Police Court— 4 District.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas McMahon age 48

of No 207 East 43 Street,

being duly sworn, deposes and says, that

on Wednesday 2d day of January

in the year 188 4 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by ~~George~~ Annie Belloan (Now present) Who Willfully and feloniously discharged a pistol at this deponent While deponent was in bed with the said defendant in premises 148 East 42d Street the said defendant and this deponent being the only persons present at the time of said shooting

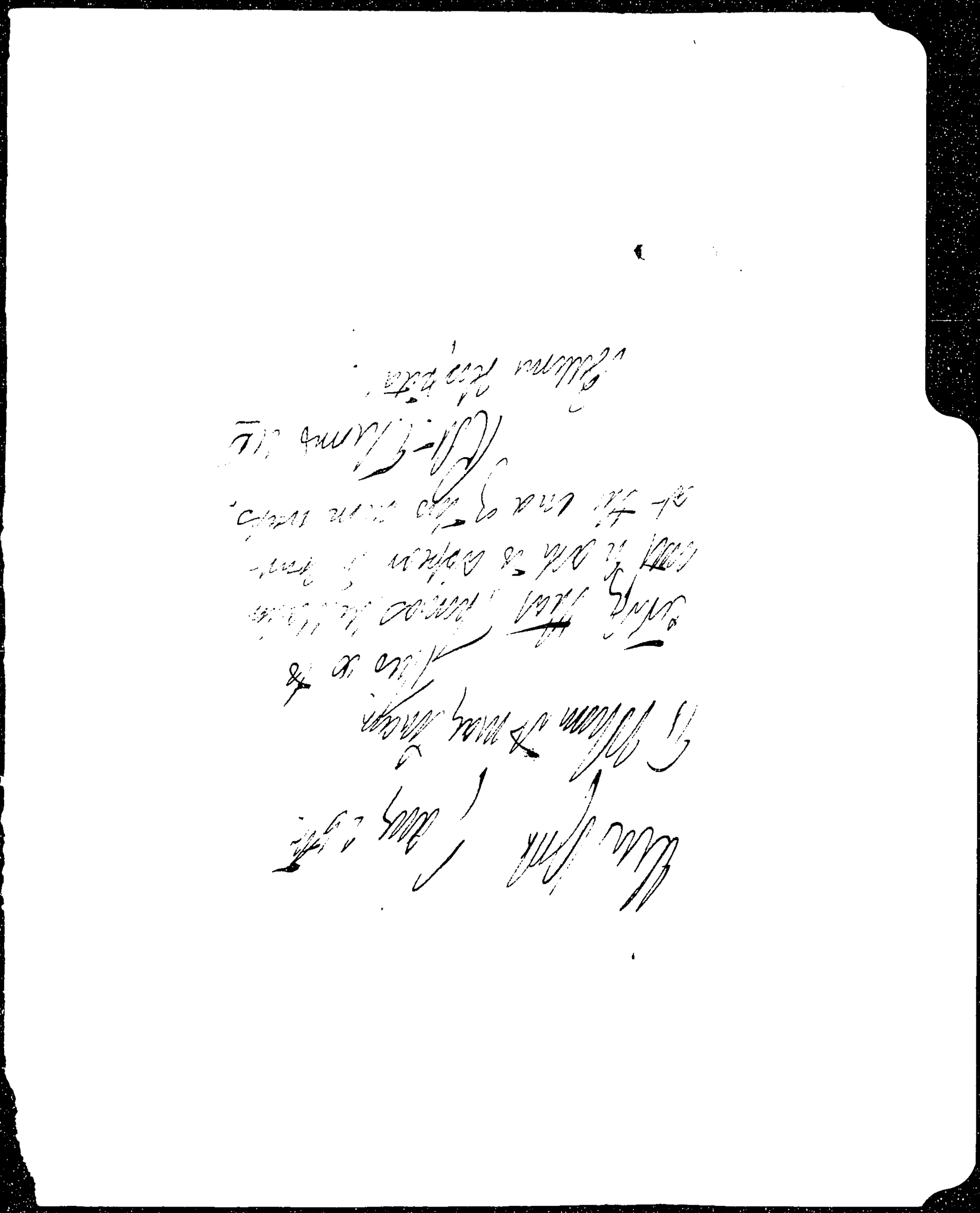
with the felonious intent to ~~take the life of deponent, or to~~ do him grievous bodily harm; and without any justification on the part of the said assailant :

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

Sworn to before me, this 19 *day of* February 188 4

his
Thomas + McMahon
Mark

Geo. O'Donnell POLICE JUSTICE.



0849

New York Jany 29th

To Whom it may Concern

This is to
certify that Thomas [illegible]
will be able to [illegible]
at the end of two more weeks.

R. H. Thomas M.D.

Bellevue Hospital.

New York Jany 7th

Dear Sir

This is to certify that Thomas McMahon is not in any immediate danger from the effects of the [illegible] wound in his [illegible]. What the remote consequences will be it is now impossible to state, but the character of the wound does not portend a fatal issue.

Respy Yours

[illegible]

William [illegible]

0851

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

POLICE COURT, 4 DISTRICT.

Michael F. Shelly

of ~~No.~~ the 19th Precinct Police ~~Street~~, being duly sworn, deposes and says,

that on the 2nd day of January 1884

at the City of New York, in the County of New York, deponent arrested Georges A. Belleau now present, on the complaint of Thomas McMahon who informed deponent in the presence of said Belleau that the said Belleau did on said day feloniously and wilfully shoot him McMahon on the head with a pistol then and there held in the hand of her said Belleau. deponent further says that said McMahon is now confined to his bed in Bellevue hospital suffering from the injuries so inflicted. deponent prays that said Belleau may be held to await the result of said injuries

Michael F. Shelly

Sworn to before me, this 3rd day of January 1884

Police Justice.

0852

Ex Feony 18 at 3 pm

POLICE COURT— 4 DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michael F. Shelly

vs.

Georges A. Belleau

148 E. 42 St. 28, Canada

AFFIDAVIT.

& warrant issued

Dated January 3rd 1884

Henry Murray Magistrate.

Shelly Officer.

Witness, 19

Disposition Committed to

Grants Island

0853

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.

Annie Belleau 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. Annie Belleau

Question. How old are you?

Answer. 28 Years

Question. Where were you born?

Answer. Canada

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

Answer. 148 & 42 B 5 Months

Question. What is your business or profession?

Answer. Cook Maker

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 that is all I wish to Say at present

Annie Belleau

Taken before me this 18 *day of* March 1884

Thomas Brennan *Police Justice.*

District Police Court.

0854

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

guilty thereof, I order that ~~s~~he be held to answer the same and he be admitted to bail in the sum of Five ~~Hundred~~ Thousand 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 Feb 19 188 4 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated 188 *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0855

Police Court 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas McMahon
207 E 43 St.
vs.
Annie Bellew
2
3
4
Offence Assault
RPB

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Feb 19 1884

Henry Murray Magistrate.

Michael Sullivan Officer.

19 Precinct.

Witnesses

No. Street.

No. Street,

No. Street.

$ 500 to answer G J Sessions.

Corr

0856

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Annie Berkeau

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

of the CRIME OF ***Assault in the first degree,*** committed as follows:

The said Annie Berkeau

late of the City of New York, in the County of New York aforesaid, on the Second day of January in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the City and County aforesaid, in and upon the body of Thomas McMahon in the peace of the said People then and there being, feloniously did make an assault, and to, at and against him the said Thomas McMahon a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Annie Berkeau in her right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent him the said Thomas McMahon thereby then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided. and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

of the Crime of assault in the second degree, committed as follows:

The said Annie Berkeau, late of the City and County aforesaid

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Thomas McMahon then and there being, feloniously did, willfully and wrongfully, make an assault, and to, at and against him the said Thomas McMahon a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which she the said Annie Berkeau in her right hand, then and there had and held, the same being an instrument likely to produce grevious bodily harm, feloniously did, willfully and wrongfully then and there shoot off and discharge

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

~~JOHN McKESON, District Attorney.~~

0857

Third ~~SECOND~~ COUNT :

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

Annie Bellman

of the Crime of Assault in the Second Degree, committed as follows:

The said Annie Bellman

late of the City and County of New York, afterwards to wit: on the Second day of January in the year of our Lord one thousand eight hundred and eighty-two at the City and County aforesaid, with force and arms, in and upon one Thomas McMahon

in the peace of the People of the State of New York then and there being, feloniously did willfully and wrongfully make an assault: and the said Annie Bellman to, at and against him the said Thomas McMahon ~~with~~ a certain pistol then and there loaded and charged with gunpowder and one leaden bullet which she ~~the said~~ in her right hand then and there had and held, ~~in~~ ~~and upon the~~ ~~of~~ ~~the said~~ then and there feloniously did willfully and wrongfully shoot off and discharge, thereby then and there willfully and wrongfully, feloniously inflicting upon the said Thomas McMahon grievous bodily harm, to wit: thereby then and there with the leaden bullet aforesaid out of the pistol aforesaid, penetrating and wounding his head

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

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

0858

BOX:
127
FOLDER:
1336
DESCRIPTION:
Bellows, Ira C.

DATE:
02/26/84

1336

Witnesses:
C. Solari
J. F. Solari
Pat. Wolf
Wm. Clearwater

Feby 26th 1889
In this case I think the Surety should no longer be held. The Indictment has been of long standing and the Defendant is now & has been for years a resident of Dakota. If he is brought within the jurisdiction it will probably be by requisition & there is no reason to suppose that this cannot be done at any time.
I therefore recommend that the surety be discharged.
P. B. Olney
District Attorney.

No 211 976 83

Counsel,

Filed 26 day of Feb 188 4

Pleads

THE PEOPLE

vs.

B

Isaac Bellows

Recognizance
Discharged

PETER B. OLNEY,
JOHN McKEON,
District Attorney

A True Bill.

O. Kling

Foreman.

Feby 26/89.
Paid & Discharged

0860

Joseph F. Solari says: I am the brother of the proprietor of the restaurant at No. 44 University Place. I know Mr Bellows for about 10 years he frequents my brothers place, I have charge of his finances for the last 3 months. I was in my brothers employ attending to his finances in April 1882, I made no payments of croton rent at that time & never in 1882 went to the croton department at all. I went once about 2 years ago to pay bills. I had a conversation at the house last October with Mr. Bellows for the water that was due in October last amounting to $36 & some cents, I had to pay that again in September. He gave me a receipted bill at that time for the money, it was receipted when he brought it, I knew he was connected with the department. I believe my brother paid him a bill in the same way. I paid the bill to Bellows in money at my brothers restaurant.

0861

Patrick Wolfe, says I know the handwriting of Ira C. Bellows, I think the the signatures to these receipts is in the handwriting of Bellows, they may not be his exact signatures. In reference to the bills dated April 1st & Oct. 1st 1882 are in Aiken's handwriting and the signatures I believe to be the signature of Ira C. Bellows.

John H. Chambers says I am acquainted with the hand writing of Ira C. Bellows, the body of bills Nos. 1 & 2 is in the handwriting of Bellows, the stamp is the genuine stamp of the department. Bellows was acting as temporary cashier on April 7. 1882 & on Nov. 6. 1882. from the books of those dates Mr Bellows was in possession of the cash.
Mr Bellows also had charge on April 28. 29 & 30. 1882. the amount of $19.37 from Lapes & Ryan is not credited on the cash book.

2

Emanuel Solari says I am the proprietor of the restaurant on University Place, I know a Mr Bellows about 10 years, I used to see him in the Water Tax Office. He came to my place, I don't remember when it was, and said He had brought my bill and would save me the trouble of going down and paying it, I said all right and gave him the money he gave me, a bill receipted which I believe he had ready in his pocket. I think I paid him by check. I cashed several checks for Mr. Bellows, don't know on what Bank, they were generally some one else's checks, I believe he gave me some of his own, but can't say precisely. (Mr Solari produces check given by him to Mr. Bellows Nov. 10. 1882 for $78.80.)

Thos. J. Wendover says, I enter up the what they call the long cash in the bottom Department, I did this all the time that Mr Bellows acted as temporary cashier. I never receive any money or checks they go to the cashier. When Mr Bellows received a check he should place it in a box for the purpose and then give them to Mr Chambers for endorsement

Aloise A. Berman says, I received a letter from a man name Bellows to call at the Boston Department to see him on business, it is possible I may have the letter. I called and found him at the Boston Dept. on the first floor, I asked him what he wanted he ~~said~~ took me outside in the lobby and said "You have a meter up there" I said "Yes, I have several;" "Your taxes have not been paid for a year or two," he said "If you give me $200 I will look up the bills on it for you and will try to get a reduction for you, and I will let you know."
I gave him $200 by a check to his order. I called again in a few days to look after him and he was gone. I was told he was out of town and had gone west.

John H. Chambers (recalled) says:- On the day the bill was made out & check received of Howard & Co. I find the check passed regular, Mr Bellows and Mr White and myself were the only ones on that day who had charge of the cash, the books were made up that day by Mr Bellows, it is in his handwriting, there is no entry on the cash book of the receipt of that check on

that day. On Sept. 12. 1881 the cash was entirely kept by Mr. Bellows and Mr White, This check for $109.05. appears to have been deposited on that day, the amount does not appear in any of our cash, it is the practice for those who receive the ~~cash~~ money to make the entry. that check is not entered or credited as having been received. It has been reported to me that it has been credited up stairs in the meter account, but not on the cash account, or any where on our books. The cash account that day corresponds with the amount of the deposit. On Dec. 12. 1881 Mr Bellows was in charge, a check for $141.8 was deposited that day, I do not find it credited anywhere in the cash, On Feb. 4. 1882 a check was passed through the department ~~of~~ from Wm Moore Atty. for Mary M. Bouvernen and was deposited, but there is no entry of it nor is it credited any where this bill given for it is in Mr Bellows handwriting and is his signature, no one but Mr Bellows and Mr White had charge of the cash on that day. I think Mr Bellows must have received that check and made the bill. It is the practice to foot up daily the cash received and corresponded ~~with~~ the cash account by the person in charge whoever closes the books, Mr Bellows or Mr White. on that day it is in the handwriting of Mr Bellows.

On the 19 of April 1882 there was a check received from J. B. Pulsford Manager of the Liverpool, London & Globe

Ins. Co. for $42.20 there is no credit for it on any book, this bill given for it is in Mr Dra C. Bellows handwriting, Mr Bellows & Mr White ~~who~~ were in charge on that day and the footing up was done by Mr. White, the cash receipts corresponded with the amount of the deposits on that day, cash must have been taken equivalent to the amount of the check in all cases. On April 1. 1882 Mr White & Mr Bellows had charge, the check from Mr W. Bampbell for $151.02 was no credited on our books in the cash. Mr White footed upon that day.

People
v
Bellows

Abstract of
Evidence.

People v Bellows:
Indictment as to Solari check of $78.80.

Indictment found under 3 R.S. §§59.63.66. Act Fifth, Tit. III. Chap I Part IV (Seventh Ed Banks pages 2495.2496.), the crime being committed before Dec 1. 82, when Pen. Code took effect.

Counts
I One Count for Embezzlement of check of Solari for $78.80
II Second Count for Emb. of money $78.80.
III Third Count for larceny of the above check.
IV Fourth " " " " " " $78.80.

Evidence.

Bellows was at time laid Clerk in the Bureau of Water Registry, a dept of the Corporation.

On the books of the Bureau the "Solari Hotel" was charged on or before Nov. 6. 82, for water rates on Water Meter "D.220". for the $78.80; and that account was on said date due from &c.

proof: books of the Bureau.

On Nov. 6th 1882 deft took to Emanuel Solari, the proprietor of Solari Hotel, and at the Hotel, the ordinary bill of the Bureau for above amount, the bill bearing date Oct. 1. 1882; he then delivered up the

bill to E. Solari, & received from the latter a check signed by Solari for $78.80, drawn on the Chemical Bank in favor of "J. C. Bellows"

(Solari so testified before G. Jury)

The bill then bore the usual stamp of the Department of public works containing words "paid Nov. 6. 1882" and across the stamp the signature "Isaac. Bellows" follows in print by words "water register"

(Signature & stamp proved by Chambers, Chief of the Bureau)

Neither on Nov. 6. 82 nor any other time including Nov 14 82 was any part of the $78.80 paid by Bellows or any one else into the Bureau;

The books are of Short Cash No 21 pages 97 et seq. & Short cash No 23 (17) p. 184 pages 160 et seq. & bank book of corresponding dates.

[I have made a personal examination of the books on these dates (G.H.R.); Chambers will testify that no portion was paid in, until Solari in 1883 (Sept about) was called upon by the Bureau to pay & then paid over again this bill.)

N. B. The check of Solari for $78.80 bears date Nov 10. 82; [the discrepancy of date I have been unable to find explanation for, as I do not deem it prudent to enquire of Solari at this time; it may have been "post dated": No explanation was made in the examination before Grand Jury]

~~The Post Chemical Bank has told me that~~

The check delivered to Vincent by Solari bears indorsement of "J. C. Bellows" and underneath another indorsement

0869

3

"Kaphan + Klinkowstein"

I am informed by Chem Chemical Bank that the check was paid by his bank Nov. 13, 82 through the Clearing House to the Broadway Bank (cor. Park Pl + Bway), identified by stamp (25) on face of check, that being the number of Bway Bank in the Clearing House.

At Bway Bank the teller informed me that the check was deposited in that Bank in regular course by its regular depositor, Kaphan + Klinkowstein (non-disolved partnership); that Kaphan was keeper now of a restaurant under Metrop. Ins. Co.; this restaurant formerly 36 Chenango Street. (Did not think it prudent to see Kaphan).

Witness

Witnesses:

Emanuel Solari

Mr. Chambers or his Deputy, with books.

Bookkeeper Chem. Bk. (will attend without subpoena)

Cashier Bway Bank.

People v Bellows

Trial Brief

on the

Indictment on Embezzlement

of

Solari Check of $78.80.

COURT OF OYER AND TERMINER,

County of New-York.

The People - vs. - Ira C. Bellows.	Brief of the People on motion defendant.

The prisoner moves the Court, without notifying the District Attorney of any specific grounds, but, in general terms, and as a matter of absolute right, (1) that he shall be furnished with the minutes of the Grand Jury who found the indictment against him; and (2) that he shall be served with a bill of particulars of the subject matter of the crime charged.

It is to be noted and emphasized, at the offset, that this motion is made after the prisoner has pleaded to the indictment - this fact being considered as having a controlling influence on the determination of the first question presented.

I

As to furnishing the defendant with the minutes of the Grand Jury.

It is beyond question, that, at Common Law, the proceedings of Grand Jurors were clothed with inviolable secrecy and regarded, in the strictest sense, as privileged communications .

No such Juror could be required to disclose what testimony had been adduced in the jury room, and the minutes of the clerk of that body were, with equal rigor, protected from foreign scrutiny.

In 12 Vin. Abr., title, Evidence, H, place I, p.20, it is said, "The Judge would not suffer a Grand Juryman to be produced as a witness to swear what was given in evidence to them, because he is sworn not to reveal the secrets of his companions"; and further on, in the same volume and title, Ba, place 5, it is laid down as positively, that "a clerk attending upon a Grand Jury shall not be compelled to be a witness to reveal that which was given them in evidence". And this rigid condition of the law, though somewhat relaxed by judicial doubts, substantially continues to this day in England. See Stephen's Dig., Evid., Art. 114.

In our country the rule is thus concisely expressed by Mr. Greenleaf, in his treatise on the law of evidence, (see section 252): "For the same reason of public policy, in the furtherance of justice, the proceedings of Grand Jurors are regarded as privileged communications. It is the policy of the law, that the preliminary enquiry as to the guilt or innocence of a party accused should be secretly conducted; in furtherance of this object, every Grand Juror is sworn to secrecy. One reason may be, to prevent the escape of the party should he know that proceedings were in train against him; another may be, to secure freedom of deliberation and opinion among the Grand Jurors, which would be impaired if the part taken by each might be made known to the accused. A third reason may be, to prevent the testimony produced before them from being contradicted at the trial of the indictment by subornation of perjury on the part of the accused. The rule includes not only the Grand Jurors themselves, but their clerk, if they have one, and the prosecuting

officer if he is present at their deliberations; all these being equally concerned in the administration of the same portion of penal law. They are not permitted to disclose who agreed to find the bill of indictment or who did not agree; nor to detail the evidence on which the accusation was founded. But they may be compelled to state whether a particular person testified as a witness before the Grand Jury; though it seems they can not be asked if his testimony there agreed with what he testified upon the trial of the indictment. Grand Jurors may also be asked, whether twelve of their number actually concurred in the finding of the bill, the certificate of the Foreman not being conclusive evidence of that fact.

Such was the law in this State up to the adoption of the Revised Statutes, when two important statutory exceptions were created to the prevailing rule. It was thereby prescribed (2 R. S., 724, Sec. 31) that minutes of the Grand Jury may be called for the purpose of showing that the testimony of a witness examined before them was consistent or inconsistent with the testimony which he gives on the trial; and also for the purpose of indicting or trying the witness for perjury.

After these express exceptions to the rule had been enacted in this State, the case of The People against Hulbut (4 Den., 135) arose, in which Chief Justice Bronson pronounced the opinion of the Court. That case distinctly holds the following propositions: (I) that Grand Jurors are sworn to secrecy; and as a general rule what takes place before them is privileged from disclosure; and, hence, that neither the clerk of the

Grand Jury nor the District Attorney can be compelled to reveal it; (2) that this rule is in this State subject to the two statutory exceptions just mentioned, and the additional one, derived from the authority of a case decided by Lord Kenyon, that a Grand Juryman may, in an action for maliciously indicting a plaintiff, be asked whether the defendant was the prosecutor; (3) that the indictment, when presented in due form by the Grand Jury and filed in Court, is a record, and, as such, imports absolute verity. That it can not be collaterally impeached by plea averring against the record nor by evidence on the trial; but, if it can be shown that it was not founded upon sufficient evidence, or that there was any other fault or irregularity in the proceedings, this must be done by a proper motion, without pleading, setting forth the particular grounds of the motion; and lastly he intimates that, on such a motion, going directly to the validity of the indictment, as for example, that twelve Jurors had not agreed, evidence of the proceedings of the Grand Jury might be resorted to, in the discretion of the Court.

The authority of this leading and able exposition of the law has never been questioned. On the contrary, it has been constantly and implicitly approved. So late as The People against Hope (83 N. Y., 422), its controlling force, as a judicial precedent, was acknowledged by the Court of Appeals, and the proposition just stated, namely, that you can not - after pleading - even though it be a special plea to that effect - go behind the indictment to enquire into the evidence on which it was

founded, expressly reaffirmed on its authority. See also Eighmy vs. The People, 79 N. Y., 541, 561, where, upon a motion to compel the District Attorney to disclose the minutes of the Grand Jury, for the purposes of a motion to quash, it was held, that the action of the Court, in refusing the application, was purely discretionery and could not be reviewed. To the same effect are other cases of inferior rank to that just cited: for example, The People vs. Shattuck, 6 Abb. N. C., 33, where, upon a motion to quash, at Circuit, it was held, that a Grand Juror could be examined to show the non-concurrence of his fellows in the finding of an indictment; and The People vs. Naughton, 38 How., 443, where, upon a general application like the present, but before pleading, at Circuit, the Court held, that, no special grounds being shown, its discretion could not be invoked.

With the single exception that the names of the witnesses must now, by the Code of Criminal Procedure, be endorsed on the indictment (Sec. 271), the law, as so declared, remains unchanged.

The Code of Criminal Procedure has substantially reproduced the prior provisions of the Revised Statutes bearing on the exceptions to the rule of secrecy before noted; and also with respect to the appointment of a clerk out of their number by the Grand Jury (Code of C. P., Secs. 265, 250).

The law of this case should, therefore, be administered to the present motion; and, being a motion to go behind the indictment after pleading thereto, it must be denied. Even were it before pleading, specific and suf-

ficient cause would have to be shown to the Court, in order that its discretion might be effectually invoked.

2

As to serving the defendant with a bill of particulars.

There is no foundation whatever, in principle or authority, for this application. It is utterly destitute of both. The conclusive reasons against it may be thus briefly stated:

(1) The Code of Criminal Procedure, which contains no such provision, is complete within itself, and positively excludes all other statutory regulations (Sec. 273). It prescribes the manner in which indictments shall be framed, in order that they may be sufficiently definite and certain to notify the accused of the charge which he is called upon to defend (Secs. 284, 275, 276). That the indictment, in this case, conforms to the requirements thus made by the Code, stands confessed of record by the fact, that the defendant has not demurred (Code, Secs. 321, 322, 323, 332), to which remedy he is restricted when the indictment is defective in those respects.

(2) It would be impracticable to engraft upon this system the provision of the Code of Civil Procedure whose aid is invoked by the defendant on this motion, for the simple reason, that, if such a rule were engrafted upon it, there would then be embraced in the Code of Criminal Procedure two rules so utterly inconsistent with one another that they could not possibly co-exist; for while the People would be entitled under the one to prove some other date or sum than that charged specif-

ically in the indictment, they would be abridged of those rights by the other.

(3) There is no conceiveable necessity whatever for the application of the rule contended for to this case, since the indictment defines the offense with such perfect definiteness as to time, place, person, occupation and amount,- this last being a single sum - that even if the subject matter thereof were a civil action the rule of the Code of Civil Procedure could not be invoked. Section 531 of that Code is in these words: "It is not necessary for a party to set forth in a pleading the items of an account therein alleged, but in that case he must deliver to the adverse party within ten days, &c." It will thus be seen, that this remedial provision is expressly restricted to a pleading concerned about an account, the items whereof are not therein set forth. There is no account here, and but a single item; and, hence, if this were a civil action, section 531 would not apply.

Lastly, there is no precedent whatever in the jurisprudence of this State - not a line of authority, nor even an argumentative suggestion - for so unfounded a pretension.

3

For the reasons above set forth, it is respectfully submitted to the Court, that both branches of the defendant's application should be denied.

Wheeler H. Peckham,

District Attorney.

A. J. Requier,

Asst. Dist. Atty.,

of Counsel.

Court of Oyer and Terminer

The People

vs

Ira C. Bellows

Brief on behalf of the People

Augustus J. Reiniger
Asst. District Attorney

0879

Territory of Dakota
County of Morton } ss.

Henry Van Vleck Jr. being first duly sworn on his oath says that he is the Cashier of the First National Bank of Mandan, in the City of Mandan Morton County and Territory of Dakota; that he is well acquainted with Dr. C. Bellows of said City and that the said Dr. C. Bellows now is and for some time past has been, confined to his bed with rheumatism and that he is now under treatment by Charles F. King M. D. therefor.

H. Van Vleck Jr. Cashier
First Nat'l Bank Mandan

Subscribed and sworn to before me this 11th day of December 1884 by Henry Van Vleck Jr. who is personally known to me to be the Cashier of the First National Bank above named.

G. J. Van Vleck,
County Clerk,
of Morton Co D. T.

0880

Territory of Dakota }
County of Morton } ss.

J. Watson J. Buford being first duly sworn on his oath says that he is Deputy Treasurer of the County of Morton and Territory of Dakota; that he is acquainted with Dr. C. Bellows of the City of Mandan in said County; that the said Dr. C. Bellows is now and for some time past has been confined to his bed with rheumatism and that he is under treatment therefor by Charles F. King M. D. who is personally known to this affiant as a practicing physician of thoroughly reliability and high standing in his profession.

J. Watson Buford Deputy Co Treas Morton County

Subscribed and sworn to before me at the City of Mandan, Morton County and Territory of Dakota this 11th day of December 1887.

F. Van Vleck.
County Clerk of
Morton Co Dakota

0881

Territory of Dakota
County of Morton } ss
Frank J. Mead being first duly sworn on his oath says that he is the Mayor of the City of Mandan, Morton County and Territory of Dakota, duly qualified and elected thereto.

Affiant further says that is well acquainted with Charles F. King M. D. of the said City of Mandan and knows him to be a physician of high standing and thorough reliability in his profession.

Frank J Mead

Subscribed and sworn to before me at the City of Mandan in Morton County and Territory of Dakota this 11th day of December 1884.

J. Nau Reed.
County Clerk of Morton Co
Dakota Ter.

0882

Territory of Dakota
County of Morton } ss.

Charles F. King being first duly sworn on his oath says that he now is and for three years last past has been a regular practicing physician in the City of Mandan in Morton County and Territory of Dakota; that he is acquainted with Dr. C. Bellows of said City of Mandan.

Affiant further says that the said Dr. C. Bellows is now confined to his bed with an aggravated attack of acute inflammatory rheumatism and under treatment therefor by this affiant.

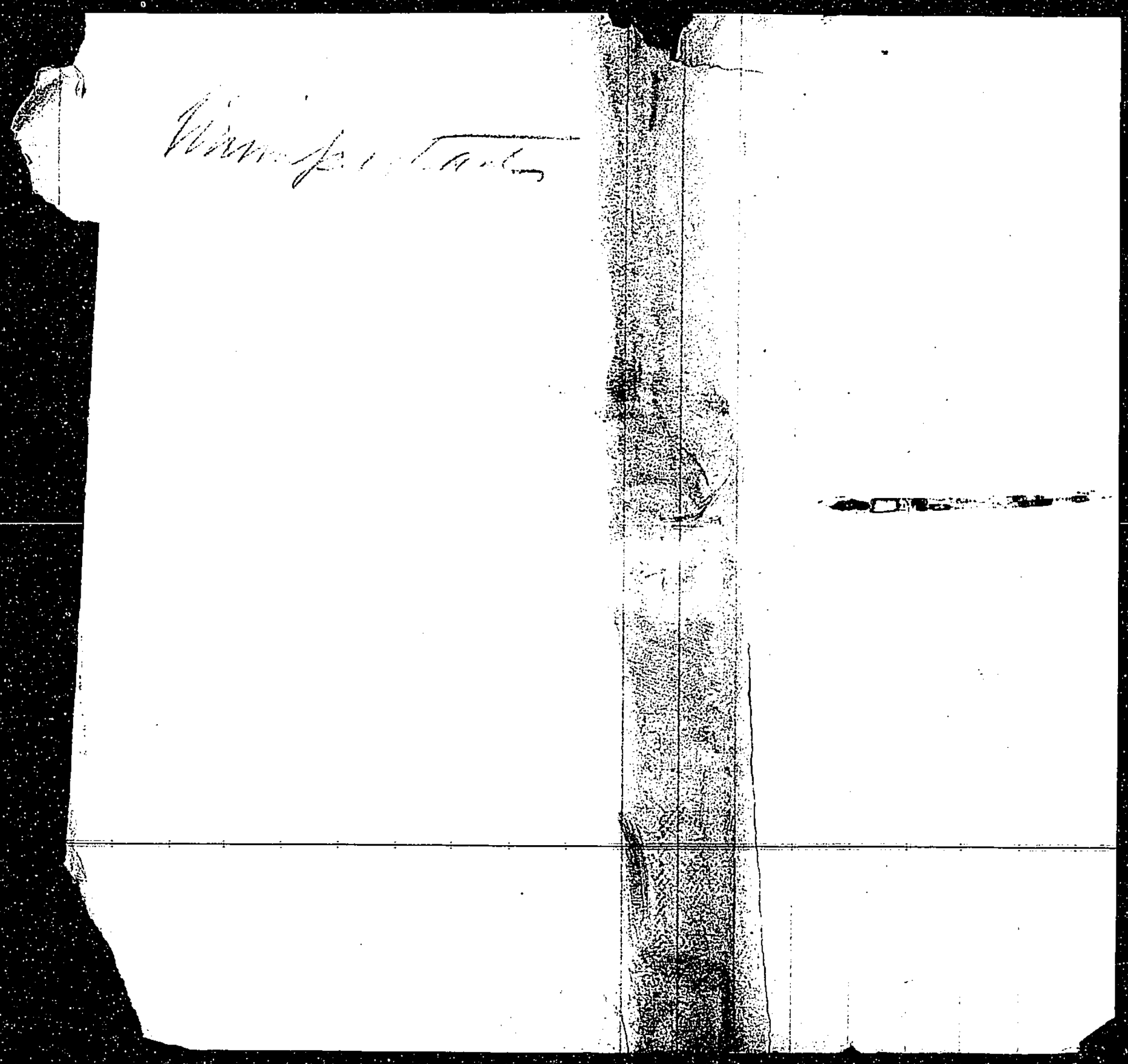
Affiant further says that any removal of the said Dr. C. Bellows from his bed or room at the present time would be highly dangerous and prejudicial to the said Dr. C. Bellows and that, in the opinion of this affiant such removal cannot safely be had before 2 or 3 weeks from this date.

C. F. King M.D.

Subscribed and sworn to before me this 10th day of December 1884 at the City of Mandan, Morton County and Territory of Dakota.

Warren Campbell Jr
Judge of Probate
Morton County Dak

0883



0884

Court of General Sessions

The People

vs.

David E. Aiken.

Testimony.

Herman Koehler 345 E. 29 St. says:- I paid the water tax in Sept., I think for Oct. 1880, I paid $1336.90. I did not pay it sooner, I had other use for the money. I had no conversation with any one in the Department in reference to it, except when the messenger came he said he was sent by Mr Chambers, to tell me I ought to pay my taxes. I told him to let it stand a while. I do not know the messengers name. I never made a settlement of this claim of $1370 on or about Mch 9/81 and made no payment to the department during that month. In Sept. I think I send one of my clerks to pay that bill of $1336.90, I left a check and told some one to pay it and got a receipted bill. The bills generally came by mail. I made no payment on Nov. 10. 1880, on Aug. 10. 1881, or on May 31. 1882 the only payment I made was in September that covered the bills of 1880 I think. The bills for 1881 & 1882 are still unpaid. My water tax is about $1200 or 1300 a year.

Patrick Wolfe says:- The water rent of Mr Koehler accruing on April 1st of $336.90, is supposed to have been paid March 9, 1881, that is a false entry it is in the hand writing of David B. Aiken. the item of Oct. 14. supposed to have been paid on Nov. 10, 1880 is a false entry in handwriting of Aiken an item for $615.37 April 1st 1881 supposed to be paid Aug. 10. 1881 is false. An item for $113.66 Oct. 11. 1881. supposed to be paid Dec. 20. 1881 is false. On April 1st 1882 and May 31st 1882 are also false entries all are in the handwriting of David B. Aiken.

In Mr Salaris Hotel (44 University Place) account the following items are false and in the handwriting of said Aiken viz:- Bill due Apl. 1. 1882 $36.90 entered Apl. 7. 1882 was not paid until Sept. 10. 1883, bill due Oct. 1. 1882 $78.80 entered Nov. 8. 1882, all were paid on Sept. 10. 1883. The bills dated Apl. 1 & Oct. 1. 1882 are in Aiken's handwriting, the signatures in Eva C. Bellows handwriting.

In Farley Bro's 17 E. 27 St. account the bill due June 1/80 $29.10 entered Sept. 8. 1881. bill due Oct. 1. 1880 $7.20 entered Sept. 28. 1881, bill due Apl. 1. 1881 $16.85 entered Sept. 8. 1881. are all false entries in Aiken's handwriting. The 2 bills

presented by Mr Bernheimer are in the handwriting of Mr Aiken. Dr Clausen & Price's account a bill due Apl. 1. 80 $1023.10 entered July 7. 1880. bill due Oct. 1. 80 $645.45 entered Nov. 4. 1880, bill due April 1. 1881 $366.89 entered April 30. 1881, bill due Oct. 1. 1881 $326.57 entered May 07 1882 are all false enteries in Aiken's handwriting & were not paid until Sept. 6. 1883 amount $3.241.56 (see Wolfe continued.)

Michael Farley 17 & 19 E. 27th St. says:- I dont know whether the water rent for Oct. 1880 & Apl 1881 is paid. I paid some bills last September amounting to abo $127 or $147 I think that covered 1880-1881 & 1882. I was notified by the Department of the arrears, several times, I though they had been paid but could find no receipts for it so I paid it again.

John H. Chamiers, Water Register, says:- I know Isaac Bellows & David E. Aiken and am well acquainted with their handwriting.

2

Joseph Kuntz (Brewer) says:- I think the last water bill I paid was in 1881, I was notified this fall to pay my back taxes I explained to Mr Chambers why they were not paid and said we would commence to pay this month. I made no payment in Oct. 1881. July 1882 nor in Nov. 1882. I know Mr Aiken he lives in my district & had no conversation with him in reference to the water taxes.

Patrick Wolfe (continued) In the account of Oppermann & Muller bill due Oct. 1. 1881. $199.77 entered March 14. 1882, bill due April 1. 1881 $150.94 entered June 18. 1882, bill due Oct. 1. 1882. $362.40 entered Nov. 10. 1882, bill due April 1. 1883 $230.00 entered May 21. 1883, all are false entries in the handwriting of David R. Aiken. Some have since been paid. In the account of Jacob Fleishhauer the bill due Oct. 1. 1880 $3.90 entered as paid July 1. 1882, bill due April 1. 1881 $9.90 entered July 31. 1882, bill due Oct. 1. 1881. $18.20 entered July 31. 1882, bill due April 1. 1882 $39.42 entered July 31. 1882 are all false entries in Mr Aiken's handwriting.

N.33

COURT OF GENERAL SESSIONS

The People, &c.

vs.

David B. Aiken

Indictment

PETER B. OLNEY,
District Attorney

Testimony

0889

(Surrogate's No.)

In re Bellamy

Checks.

Surrogate's Office,
City & County of
New York.

0890

COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any Sheriff, Constable, Marshal or Policeman in this State, GREETING:

An indictment having been found on the 10 day of October 1883, in the Court of General Sessions of the Peace, of the County of New York, charging Ira B. Fellows

with the crime of Burglary and Grand Larceny

You are therefore Commanded forthwith to arrest the above named Ira B. Fellows and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York.

New York City, the 10th *day of* October 1883.

By order of the Court,

John Quinn Clerk.

0891

"Indictments"

N.Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Ira C. Bellows.

Bench Warrant for Felony.

Issued October 10th 1883.

☞ The officer executing this process will make his return to the Court forthwith.

C. Wendell
10 North Street

Oct. 13th 1883

Ira C. Bellows surrendered to Det. Von Teuchtin & Reily and gave bail in the sum of $5000. on two indictments befor Recorder Smyth.

0892

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

Jany 4. 1884.

Peter B. Olney, Esq.
District Atty.
Dear Sir.

I have telegraphed to Kellons that the case is postponed until February. And I will see you in a few days and arrange with you about the trial.

Very truly yours.
John R. Dos Passos.
Per M.G. Davis.

Ans. above stating that the adjnt. of ~~Oct~~ former did not necessarily imply case wd. go over to Febry. J.V.

0893

Chemical National Bank,
270 Broadway.

No. _____ New York, Nov 10 1882

THE CHEMICAL NATIONAL BANK OF N.Y.

Pay to J. A. Beyrous Esq or Order,

Seventy Eight 80/100 Dollars.

$78 80/100

G. Bolletti

0894

L. C. Bellows.
Kapitan 2 Ranga

0895

F RULES, REG... back of bill.

New York, October 1st 1882.

M. Solari Hotel.

To **Department of Public Works**, Dr.

To **WATER RATES** on under-described premises, as per Meter.

No. 141 University Place

Register No.			CUBIC FEET		AMOUNT
D 320	Meter No. 17401	Present State.	109600		
	" "	At last Settlement	55200	54400	
	Meter No. 17509	Present State.	169100		
	" "	At last Settlement.	134200	34900	
	Meter No.	Present State.			
	" "	At last Settlement.			
	Meter No.	Present State.			
	" "	At last Settlement.			
	Meter No.	Present State.			
	" "	At last Settlement.			
	Total Cubic Feet at 10 cents per 100 ft.			8930	89 30
	Rent of Meter,	Months.			
					89 30
	By deduction for ordinary uses of building.				10 50
	Net Amount.				$78.80

NOTE. REGULAR WATER RATES are payable annually, in advance, on the first of May. On the first of August following, ten per cent. will be added on unpaid rates; and on the first of November, after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rate for Building.

Received Payment, ... 188

DEPARTMENT OF PUBLIC WORKS, PAID NOV 6 1882 NEW YORK.

..... Water Register.

0896

For RULES, REGULATIONS and PENALTIES see back of bill.

New York, April 1st 1881.

M Solari Hotel.

To **Department of Public Works,** Dr.

To **WATER RATES** on under-described premises, as per Meter.

No 44 University Place.

Register No.			CUBIC FEET.	AMOUNT.
D 220.	Meter No. 17401	Present State.	55200	
	" "	At last Settlement,	20000	35200
	Meter No. 17509	Present State.	132200	
	" "	At last Settlement,	106200	28000
	Meter No.	Present State.		
	" "	At last Settlement,		
	Meter No.	Present State.		
	" "	At last Settlement.		
	Meter No.	Present State.		
	" "	At last Settlement,		
	Total Cubic-Feet at 7½ cents per 100 ft.		63200	47 40
	Rent of Meter,	Months.		
				47 40
	By deduction for ordinary uses of building,			10 50
	Net Amount.			$36 90

NOTE.—REGULAR WATER RATES are payable annually, in advance, on the first of May. On the first of August following, five per cent. will be added on unpaid rates; and on the first of November after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rent for Building.

Received Payment 188

DEPARTMENT OF PUBLIC WORKS
PAID
APR 7 1882

Geo. Belloni Water Register.

COURT OF OYER AND TERMINER.

The People
- vs. -
Ira C. Bellows.

John R. Dos Passos, Esq.,
of counsel for the defendant.

In compliance with the decision of the Court on the motion made by the defendant in the above entitled action for a bill of particulars, &c., I herewith send you the following information respecting the matters referred to in the opinion of the Court:

In the first indictment, filed September 18', 1883, the defendant is charged with stealing, taking and carrying away from the possession of the Mayor, Aldermen and Commonalty of the City of New-York on the 20' day of September, 1882, the sum of $522.44 in money, the property of the said the Mayor, &c. The money stolen consisted of United States Treasury Notes, Bank notes and silver and gold coins. I have at present no exact information as to the particular denominations of the notes or coins other than as is described in the indictment.

The second indictment, filed October 10', 1883, charges the defendant, in two counts, with embezzlement and in two others with grand larceny. In this indictment the fourth count charges the defendant with stealing United States Treasury Notes, Bank Notes and silver and gold coins, the specific amount claimed to have been stolen being in all $78.80. I have at present no information as to the denominations of the notes or coins except as is described in the indictment, but the money is the proceeds of the check laid as embezzled in the first count, a copy of which is herewith sent.

The third indictment, also filed on the 10' day of October, 1883, charges the defendant with the embezzlement of $36.90 in money, the property of the Mayor, Aldermen and Commonalty of the City of New-York, on the 7' day of April, 1882, and the second count is intended to be a charge of grand larceny for stealing the same sum of money. I have at present no information respecting the exact denominations of the notes or coins other than is described in the indictment.

Yours, &c.,

Peter B. Olney

District Attorney.

Court of Oyer and Terminer.

The People

vs.

Ira E. Bellows.

Copy

Service of a copy is admitted this day.
Feb 25th 1897
John A Dorfeuy
Counsel for Def't

0899

Court of Oyer and Terminer
For the County of New York
The People &c
agt.
Ira C. Bellows.
City and County of New York. S.S.

William J Bauer being duly affirmed ~~sworn~~, deposes and says, that he is a practising physician in the City of New York, having his office at No 20 West 47th Street; that he has been in daily attendance upon Ira C. Bellows (residing at the Sturtevant House, in said City) since February 13th; that said Bellows is suffering from acute rheumatism from which disease said Bellows has been confined to his bed since the 15th day of the present month, wholly unable to stand upon his feet, and that he is in such condition at the present time.

Deponent says that from the nature of the disease, it is impossible to state with any certainty when said Bellows will be able to leave his bed as its violence and severity are not the same at all times; but deponent does say that said Bellows is wholly unable to be up, or

Court of Oyer & Terminer
County of New York.

The People &c
vs
Ira C. Bellows.

Affidavit.

filed Feb 25. 1884

0901

N. Y. Supreme Court

Court of Oyer & Terminer **Court.**

The People *Plaintiff.*

agst

Ira C. Billows *Defendant.*

Notice of Removal.

Please to take notice, that on April 22nd, 1884, we will remove from 29 Wall Street, and our offices will be after that date in Rooms 7, 8, 9 and 10 Mills Building, No. 15 Broad Street, N. Y., where we require all papers herein to be served upon us.

Dated N. Y., April 21st, 1884.

JOHN R. DOS PASSOS,
DOS PASSOS BROS.,
Attorneys and Counsellors at Law.

To Peter B. Olney Esq.
Attys for the People
Chambers St
City

Court of Oyer & Terminer Cont.

The People

Plaintiff.

agst

Ira C. Bellows

Defendant.

NOTICE OF REMOVAL.

DOS PASSOS BROS.
Attorneys,
MILLS' BUILDING,
No. 15 Broad St.,
N. Y. City.

Attorneys for Deft

Service of a copy of the within Notice is hereby admitted.

Dated N. Y., 1884.

To Peter B. Olney Esq
Dist Atty
Atty for the People

0903

District Attorney's Office.

Leo M. Kaplan

PEOPLE

vs.

Bellows

Emanuel Solari

~~Joseph F. Solari~~

John H. Chambers

Kaplan

Bookkeeper

Chemical Trade

Arthur T. J. Price

Cash Burnday Mfg Co

Jno. P. Price

Joseph Price

Pres. Burnday Mfg Co.

In the Court of Oyer and Terminer in and for County of New York

The People of the State of New York

against

Ira C. Bellows

City and County of New York, ss:

John R. Dos Passos being duly sworn says that he is of counsel for the defendant in the matter of three indictments found against the defendant, & filed by the Grand Jury in the Court of General Sessions of the Peace for the City and County of New York, as follows: two certain indictments for embezzlement filed on the 10th day of October 1883, ordered for trial by the Court of General Sessions to the Court of Oyer and Terminer, in and for the City & County of New York, on the 7th of November 1883; and one certain indictment for Grand Larceny, found & filed by the Grand Jury aforesaid, for Grand Larceny on the 18th day of September 1883, and likewise remanded for trial by the said Court of General Sessions, to the said Court of Oyer & Terminer, on the said 7th day of November 1883. That pleas of not guilty have been duly interposed by the defendant, to each of said indictments, and they

are now severally pending for trial in the said Court of Oyer & Terminer.

That this deponent after reading and considering said indictments is of the belief and opinion that in order to fully prepare for the trial of said indictments, and to protect the defendant's rights in the premises, it is necessary that defendant should be furnished with a bill of particulars under each of said indictments, and should also have a copy of the minutes of the Grand Jury, containing the evidence of the witnesses, and that it will not be safe or prudent for the defendant to enter upon the trial of said indictments without such bills of particulars, and minutes of Grand Jury. That as deponent is informed by defendant and believes, the crimes charged in the said three indictments were alleged to have been committed while defendant was acting as a Clerk in the Water Register's Bureau, in the Department of Public Works of the City of New York, and that in view of the multiplicity of the transactions, and business of said Bureau, the defendant has advised deponent, and believes, that the charges in said indictments are so vague and indefinite, as to prevent defendant from fully preparing his defense to the same. That the defendant has informed deponent that several checks were presented to the Grand Jury and were examin-

ed and used by them in finding the said indictments for embezzlement, and that the defendant desires to inspect the same; & that the said checks are now in the hands of the District Attorney, or under his charge or control, and defendant has no access to them, or means of examining the same, & that he cannot properly derive the information which he seeks from any other source, than by an order of this Court giving defendants a bill of particulars & copies of minutes of said Grand Jury - and that defendant does not wish to examine said minutes to discover what Grand Jurors voted for said indictments, or what was said by any juror during their deliberations, or for any other purpose forbidden or prohibited by law.

That the reason this affidavit is made by deponent is, that the defendant is out of this State, viz: in Dakota Territory where he resides and is not now accessible; that deponent's knowledge of the facts used herein were derived from conversations had with said defendant when he was in the City of New York

Sworn to before me this 7th day of January 1884 } John R. DeTassos

D. McWilliams Jr
Notary Public Kings Co N.Y.
Cert filed N.Y. Co.

N.Y. Court of Oyer & Terminer

People

vs

Ira C. Bellows

Affidavit on part of defdt on motions for bills of particulars &c.

John R. Dos Passos
of Counsel for
defdt.

0908

JOHN R. DOS PASSOS.
BENJAMIN F. DOS PASSOS.

(DREXEL BUILDING.)

DOS PASSOS BROTHERS,

ATTORNEYS AND COUNSELORS AT LAW,

29 WALL STREET.

The People
vs
I. C. Bellows.

New York, February 6th 1884.

Ans'd Feb 9th 1884.
E L P

Hon. Peter B. Olney,
District Attorney,
Dear Sir;

I desire to be informed immediately which of the three indictments in the above case, you intend to try first.

Very truly yours.
J. R. Dos Passos

0909

District Attorney's Office.

PEOPLE

vs.

Bellows

Judd

Allen

July 20/84

0910

Form No. 41.

NIGHT MESSAGE.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Night Messages, sent at rates less than a sum equal to ten times the amount paid for transmission; nor in any case where the claim is not presented in writing within thirty days after sending the message.

This is an UNREPEATED NIGHT MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

NUMBER	RECEIVED	SENT	CHECK
0873	Mon 24	Dy Pd 3	Ex

Received at the WESTERN UNION BUILDING, 195 Broadway, New York, Dec 13 mm 1884.

Dated Bismarck Dak T

To Jno. N. Dospassos
Mills Bldg NY

I am acquainted with Dr King who certifies to the disability of Mr C. J. Bellows and knows him to be entitled to full credence

Gilbert A. Pierce
Gov of Dakota

0911

1

The People
vs
John C. Bellows

Brady J.

The defendant moved at the Court of Oyer & Terminer that he be furnished with a bill of particulars in relation to the several indictments found against him, and for a copy of the minutes of the Grand Jury or permission to inspect the same through his counsel. The application

rests upon the affidavit of the latter stating that it would be unsafe for him to proceed to trial, and that he could not make the necessary preparation for a complete defence unless furnished with such bill of particulars and a copy of the minutes of the Grand Jury.

I have not the time to give more than a general statement of the reasons which lead to the conclusions which I am about to state and therefore give the result only of my examination of this application. In the case of Brightman vs The People 79 N.Y. 546, (see page 560) it was declared that the

refusal of the Court to compel the public prosecutor to furnish the prisoners counsel with the evidence before the Grand Jury was a matter resting in the discretion of the Court and was not the subject of review upon writ of error. The necessity for a copy of the minutes in this case. I think is not sufficiently shown by the affidavit of counsel. I entertain the opinion however that in some respects the particulars which he seeks to obtain for the benefit of his client should be given if the indictments in the form in which they now exist are to be pressed in all the counts contained in them of embezzlement and grand larceny

3

and grand larceny.

The statement of the embezzlements is sufficiently definite to advise the defendant of the charge made against him and therefore as to them he is not entitled to any further particulars.

In relation however to the counts for grand larceny, it must be said that they are so general and embrace so many subjects of larceny, that they do not advise the defendant with sufficient distinctness of the charge made against him in each. Each of them is in my judgment altogether too indefinite in its character. The

DFV

be advised of the accusation against him with sufficient certainty to enable him to prepare for his defence. There is no good reason why such a requirement should not be enforced. Each person accused of crime should be given the benefit of every reasonable opportunity before trial to prove his innocence. The law is not seeking victims but criminals and every man until he is proved to be guilty is presumed to be innocent. If for example a person is charged with appropriating a check belonging to another, and its proceeds and deposits it, a copy of the check should be given to him. If he is charged with stealing a sum

of money, inasmuch as the public prosecutor knows what sum he is accused of having stolen, unless it is stated in such a manner as to advise him clearly of it. He should on application be fully informed so as to enable him to prepare for his defence.

The Code of Criminal Procedure by the sections relating to the form of an indictment (275 and 276) declare that there shall be a plain and concise statement of the act, stating the crime without unnecessary repetition. And this is in conformity to a very plain and just proposition, which is, when a man is charged with the

commission of an offence, he should be so advised of it that he may understand what preparation is necessary to make and establish his innocence if he can do it, and this rule applies more particularly to a case like this in which the ~~case~~ offence was not taken before a magistrate in the first instance, where he would be entitled to a hearing and before to a perfect exposition of the charge made against him.

For these reasons briefly stated, I think in reference to the charges of embezzlement, no further particulars are necessary, although in regard to the check alluded to in one of them, a copy should

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be furnished if desired by the Defr. and as to the charge of grand larceny the sums stolen, upon proof of which the people rely, should be particularly stated so that the Deft may be advised of the precise charges under the counts relating to the same, and thus be enabled to prepare to meet them.

Enter order to the effect directed.

M V Deg

N Y Oga v Lemmer

The People

aff

Ira B Bellows

opinion

Ld Brady J

filed Feby 4. 1884

0920

Court of Oyer & Terminer

/

People
vs.
Bellows } Defendant's brief on motion to compel District Attorney to furnish bill of particulars:

These motions are first to compel the District Attorney to furnish Defendant with bill of particulars; and second to compel him to furnish Copy of minutes of Grand Jury or allow defendant to inspect the same

The application is based upon the affidavit of counsel that it would be unsafe for defendant to proceed to trial; and that he cannot make the necessary preparation for a complete defense unless he is furnished with a bill of particulars and the minutes of the Grand Jury. There are three indictments pending against the defendant which have been removed from the Court of General Sessions to the Oyer & Terminer viz: two for embezzlement and one for Grand Larceny.

First As to the bill of particulars

The Code of Criminal procedure omits to provide for a bill of particulars in a criminal case — and resort must be had to the practice existing before the Code went

into effect for a solution of the questions raised by ~~that~~ this branch of the motion.

The theory of the District Attorney that because the Code does not make specific provision for a bill of particulars, the Court is without jurisdiction to grant one, cannot be tolerated for a moment.

It amounts to this: that the Court of Oyer & Terminer hereafter has no power in any case to grant a bill of particulars because the Code does not provide for it.

The true rule is that in the absence of statutory prohibition the Criminal Courts secure to themselves all rights & powers which they before possessed; & which are not distinctly & expressly taken from them.

Are all of the numerous cases of omission to be found in the Code of Criminal procedure, to be used to ~~contract~~ curtail the power & jurisdiction of the Courts?

I do not think it necessary to spend much time in this branch of the case. & I pass to the general question

(a) The indictment for larceny is on its face manifestly against the 273 & 275 sections of the Code of Criminal procedure. It is drawn under the old system of pleading. The object of these sections of the new Code

of Criminal procedure was to remedy & abolish this generality in pleading. They were meant to simplify & give plain & full notice to the defendant of the charge made against him.

Take this indictment for larceny. Can anyone say whether the defendant is charged with the larceny of 500$ or 5000$? The Code requires that he should be apprised of the exact sum which he is charged with misappropriating.

(b.) The legal precedents for a motion of this kind are found in Wharton's Cr. Law, & Bishop's Criminal practice.

In Section 3156 of Wharton the rule is thus laid down. "Whenever the indictment is so general as to give the defendant inadequate notice of the charge he is expected to meet, the Court on his application will require the prosecution to furnish him with a bill of particulars of the evidence intended to be relied on."

See also 1 Bishop's Cr. Practice 3rd Ed. Sec. 643.

(C) It is true that it is discretionary with the Court to grant or not this motion; but by that is not meant an arbitrary discretion but a legal discretion reviewable in a

case where such discretion should have plainly been exercised.

This is a case where no earthly reason prevails for refusing the remedy. The indictment is grossly in violation of the New Code - No one can comprehend the charge - A defendant is unable to defend himself against its general accusations.

(d) The theory of the District Attorney that a motion for a bill of particulars should be made before a plea of not-guilty is interposed is entirely untenable

Why should such a rule exist? The object of a bill of particulars is to enable the defendant to prepare for ~~a~~ conduct the trial.

It is peculiarly for the trial that ~~that~~ it is demanded "An indictment which the Court cannot pronounce ill may still be deemed wanting in details of which the defendant is justly entitled to be informed before trial"

1 Bishop on Cr. Proc. Sec. 649.

Suppose this were a civil action. would it be an answer to an application of defendant for a bill of particulars to say that defendant had served his answer? See last sentence of Sec. 531 of Civil Code

Will this Court declare a more stringent rule in a criminal than in a civil case?

(E) We ask also for a bill of particulars in respect to the two indictments for embezzlement.

1. The defendant is indicted for embezzling a check for $78.78. It is alleged that this crime was committed while he was acting as a clerk in the Department of Public Works

The offences alleged to have been committed before December 1882, & consequently the indictment is framed under the Revised Statutes.

See Sections 59 & 60, 3 vol. Banks Ed. (Seventh Ed) p. 2495.

There is no description of this check, Who signed it? To whose order is it made payable? By whom is it drawn?

Are we not entitled to these particulars

2. The same remarks apply to the second indictment for embezzlement of $

It is the absolute right of the defendant to have a copy of these checks so that he can prepare for his trial.

The purposes of Criminal Law are not subserved by springing sur-

prises upon the defendant on the trial of indictments. It is his absolute right to have a copy ~~to have~~ the right to a copy of every paper exhibited before a Grand Jury.

And no reason has or can be given why the application of the defendant for the full particulars of the charges made against him should not be furnished to him in the present instance.

Second. The second branch of this motion is to compel the District Attorney to furnish defendant with a bill of particulars.

(A.) The 25d. Section of the Revised Statutes is as follows: "The Grand Jury must appoint one of their number as Clerk, who is "to preserve minutes of their proceedings (ex"cept of the votes of the individual mem"bers on a presentment or indictment) and "of the evidence given before them". I ask the attention of the Court to this language in contrast with the language of the Revised Statutes.

Formerly by the latter it was discretionary with the Grand Jury. The word "may" was used. Now it is imperative and the word "must" is substituted

2 Revised Statutes (Edmonds Ed.) pp. 747 + 748 Sec. 90.

It will be kept in view by the Court that this application to compel the District Attorney to furnish the minutes of the Grand Jury is based upon the ground that defendant cannot prepare his defence or safely proceed to trial without these minutes.

The case of People vs. Naughton 38 How. Pr. Rep. p. 430 is a full authority for this motion.

The case was fully argued & the reasons for asserting the power of the Court to grant a motion of this kind are fully set forth. These minutes are as much the property of the defendant as they are of the people. The purpose of the law in keeping them was not an idle one - their keeping was an additional safeguard to persons accused of crime - If the requisite number of Grand Jurors did not find the indictment; if persons appeared before the Grand Jury & swore falsely, or instituted proceedings that should not have the sanction of the Court, or from improper motives, for these and other obvious reasons which will occur to one so familiar with our Criminal Jurisprudence as the learned Judge who hears this motion, these minutes were required to be kept.

Has, or can any good reason be assigned, why these minutes should not be produced, and a copy delivered to defendant?

I submit not.

John R. DosPassos
of Counsel
for Defendant.

N.Y. Court Of Appeals

People

v

Ira C. Bellows

Defts brief on Motion for bill of particulars + minutes of Grand Jury.

John R. DosPassos
of Counsel for
Deft

0929

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ira C. Bellows

The Grand Jury of the City and County of New York, by this indictment, accuse Ira C. Bellows

of the CRIME OF Embezzlement

committed as follows:

The said Ira C. Bellows

late of the City and County of New York, on the Sixth day of November in the year of our Lord one thousand eight hundred and eighty-two, in the City and County of New York, aforesaid, was employed in the capacity of a clerk, by the Mayor, Aldermen and Commonalty of the City of New York, the same being a municipal corporation duly existing under and by virtue of the laws of the State of New York, and as such clerk was employed in the Bureau of the Water Register in the Department of Public Works, the same being one of the departments of the government of the said municipal corporation; and the said Ira C. Bellows, as such clerk, was then entrusted to receive, for and on account of the said corporation, payments for water rates, due and owing to the said corporation, from persons consuming water furnished by the said corporation, and especially was then entrusted to receive from one Emanuel Solair, for and on account of the said corporation, a certain bank check of great value, to wit: of the value of Seventy eight dollars and eighty cents, which sum was then

due and owing to the said corporation by the said Emanuel Stein. for water furnished to him the said Emanuel Stein by the said corporation: and being so employed and entrusted as aforesaid, the said Dra C. Bottoms by virtue of such employment, then and there did receive and take into his possession, from the said Emanuel Stein, one certain instrument and writing, to wit: an order for the payment of money of the said community called trade checks, the same being then unpaid, and for the payment of and of the value of seventy eight dollars and eighty cents. for and on account of the said corporation:

And the said Dra C. Bottoms, on the day and in the year aforesaid, with force and arms, at the City and County aforesaid fraudulently and feloniously did take, make away with and secrete, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of the said corporation, and did fraudulently and unlawfully, and without the consent of the said corporation, unlawfully apply and make use of, the trade checks aforesaid, of the goods, chattels and personal property of the said The mayor, aldermen and commonalty of the City of new york, such municipal corporation as aforesaid, which said trade checks had come into his possession and under his care,

virtue of his being such clerk as aforesaid, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Second Count:

And the Grand Jury aforesaid by this indictment further accuse the said Isaac C. Bellows, of the Crime of Embezzlement, committed as follows:

The said Isaac C. Bellows, late of the City and County of New York, on the Sixth day of November in the year of our Lord one thousand eight hundred and eighty two, at the City and County of New York aforesaid, was employed in the capacity of a clerk by The Mayor, Aldermen and Commonalty of the City of New York, the name being a municipal corporation duly existing under and by virtue of the laws of the State of New York, and as such clerk was employed in the Bureau of the Water Register in the Department of

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Public Works, the same being one of the departments of the government of the said municipal corporation; and the said Bottoms, as such clerk, was then and there entrusted to receive for and on account of the said corporation, moneys due and owing to the said corporation for water rates, from persons consuming water furnished by the said corporation, and especially was he then and there entrusted to receive from one Emanuel Solari a large sum of money, to wit, the sum of Seventy eight dollars and eighty cents, for and on account of the said corporation, the same being then and there due and owing by the said Emanuel Solari to the said corporation for water furnished to the said Emanuel Solari by the said corporation; and being so employed and entrusted as aforesaid, the said Isaac Bottoms, by virtue of the said [illegible]

there did receive and take into his possession, from the said Emanuel Solari the said sum of money to wit: the sum of Seventy eight dollars and eighty cents in money, lawful money of the United States of America and of the value of Seventy eight dollars and eighty cents, for and on account of the said corporation:

And the said Ira C Bares, on the day and in the year afore said, with force and arms, at the City and County aforesaid, fraudulently and feloniously did take, make away with and secrete, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of the said corporation, and did fraudulently and feloniously, and without the consent of the said corporation, without lawful authority and make use of the said sum of money, of the goods, chattels, personal property and money of the said The mayor

Aldermen and Commonalty of the City of New York, such municipal corporation as aforesaid, which said sum of money had come into his possession and under his care, by virtue of his being such clerk as aforesaid, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Third Count.

And the Grand Jury aforesaid by this indictment further accuse the said Ira C. Bellows of the Crime of Grand Larceny, committed as follows:

The said Ira C. Bellows, late of the City and County of New York, on the Sixth day of November in the year of our Lord one thousand eight hundred and eighty two, at the City and County aforesaid, with force and arms, one instrument and writing, to wit: an order for the payment of money of the kind commonly called bank checks the name being then and there unsatisfied, for the payment of and of the value of Seventy eighty dollars and eighty cents, of the goods, chattels and personal property of The Mayor, Aldermen and Commonalty of the City of New York, then and there being

GLUED PAGE

0935

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.

Fourth Count:

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

Isaac Bellows

of the Crime of Grand Larceny

committed as follows:

The said Isaac Bellows

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Sixth day of November in the year of our Lord one thousand eight hundred and eighty-three at the Ward, City and County aforesaid, with force and arms, $48.80 three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each.

of the goods, chattels, and personal property of the Mayor, Aldermen and Commonalty of the City of New York then and there being found, 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.

JOHN McKEON, District Attorney

Bailed in $2500.
by Christopher Y. Temple
No. 10 Fourth Street

Witnesses
Gilbert H. White
John N. Chambers
Joseph F. Solars
Emanuel Solars
Patrick Wolf
Michael Murray

976

Counsel,

Filed 10 day of Oct 1883

Pleads Not Guilty 13 with leave to withdraw by Oct 16

THE PEOPLE

vs.

Ira C. Bellows B

Wrongful Sale

JOHN McKEON,
District Attorney

Ordered to Court of Oyer & Terminer for Trial.

A True Bill.

Foreman.

0937

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ira C. Bellows

The Grand Jury of the City and County of New York, by this indictment, accuse Ira C. Bellows

of the CRIME OF Embezzlement.

committed as follows:

The said Ira C. Bellows

late of the City and County of New York, on the Seventh day of April in the year of our Lord one thousand eight hundred and eighty-two at the City and County of New York aforesaid was employed in the capacity of a clerk by the Mayor, Aldermen and Commonalty of the City of New York, the same being a municipal corporation duly existing under and by virtue of the laws of the State of New York, and as such clerk was employed in the Bureau of the Water Register in the Department of Public Works, the same being one of the departments of the government of the said municipal corporation; and the said Ira C. Bellows, as such clerk, was then entrusted to receive moneys due and owing to the said corporation for water rates, from persons consuming water furnished by said corporation, and especially was then entrusted to receive from one Emanuel Sotori, a certain sum of money, to wit: the sum of thirty six dollars and ninety cents in money, for aid on account of the said corporation the same being then due and owing to the said corporation by the said Emanuel Sotori, for

water furnished to him, the said Emanuel Solari, by the said corporation; and being so employed and entrusted as aforesaid, the said Ira C. Bellows, by virtue of such employment, then and there did receive and take into his possession, from the said Emanuel Solari, the said sum of thirty six dollars and ninety cents in money, lawful money of the United States of America, and of the value of thirty six dollars and ninety cents, for and on account of the said corporation: and the said Ira C. Bellows, on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, fraudulently and feloniously did take, make away with and secrete, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of the said corporation, and did fraudulently and feloniously, and without the consent of the said corporation withhold, appropriate, apply and make use of the said sum of money, of the goods, chattels personal property and money of the said The Mayor, Aldermen and Commonalty of the City of New York, such municipal corporation as aforesaid, which said goods, chattels, personal property and money had come into his possession and under his care, by virtue of his being such clerk as aforesaid, against the form of the Statute in such case made and provided, and against the peace of the People

0939

of the State of New York, and their dignity.

Second Count:

THE PEOPLE OF THE STATE OF NEW YORK,

And the Grand Jury aforesaid, by this indictment, further accuse the said Ira C. Bellows

of the CRIME OF Grand Larceny

committed as follows:

The said Ira C. Bellows

late of the ~~First Ward of the~~ City of New York, in the County of New York, aforesaid, on the Seventh day of April in the year of our Lord one thousand eight hundred and eighty-two at the ~~Ward~~ City and County aforesaid, with force and arms,

36.90

three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each.

of the goods, chattels, and personal property of The mayor, Aldermen and Commonalty of the City of New York then and there being found, 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.

JOHN McKEON, District Attorney

Bailed in $2500
by Christopher Y. Temple
No. 10 North Street.

Witnesses
Gilbert H. White
John H. Chambers
Joseph F. Solari
Emanuel Solari
Patrick Half
Michael Murray

Counsel,
Filed 10 day of Oct 1883
Pleads Not Guilty B. with leave to file motion by Oct 16.

THE PEOPLE

vs.

Ira C. B. Bellows

Burglary
Grand Larceny
Second Degree

JOHN McKEON,
District Attorney

Dec 7. 1883
Ordered to Court of Oyer & Terminer for trial

A True Bill.

Foreman.

Feb 20 Off. withdrawn
Motion
on motion of defendant
defendant

Dec 2 Jan Dec 15 [illegible]
Dec 15 Jan 17 [illegible]
[illegible]
36.90 [illegible]

City and County of New-York, SS.:

John H. Chambers, of No. 46 Chatham street, in said City, being duly sworn, deposes and says: That he is the Water Register in the Department of Public Works of the City of New-York. That on the 20' day of September, 1882, Ira C. Bellows was an employee in deponent's office, occupying temporarily the position of Cashier, and that on said day it was the duty of the said Bellows, among other things, to receive moneys paid into said office by property owners for water rent; that on said day there was due to the City of New-York for water rents by the Equitable Life Assurance Society of the United States two bills amounting respectively to $464.40 and $522.44, making an aggregate sum of $986.84; and on said day the said Equitable Life Assurance Society paid the said bills by a certain check hereto annexed, and the said Bellows, as deponent is informed an d believes, received the same and gave receipts therefor. Deponent further says, upon information derived from an examination of the books of the said office, that the said Bellows, with intent to defraud the City of New-York, feloniously omitted to make entry upon the Cash Book in the said office of one of the said bills, to wit: the one for $522.44; that he entered the other of said bills upon the Cash Book as paid, but feloniously omitted to make any entry on said book of the payment of the other bill and of the receipt of the money therefor by him,; and deponent further alleges and charges, upon like information and belief, derived from an examination of the books in his said office and of the checks and receipts hereto annexed, that on said day the said Ira C. Bellows feloniously stole from the cash drawer in deponent's said office the sum of $522.44 in money, to wit: in bank notes, treasury notes and coins, of descriptions to deponent unknown, by means of which abstraction of said money the said Bellows was enabled to make his cash account for the day balance.

Sworn to before me, this :
17' day of Sept., 1883. :

John H. Brennan (284)
Notary Public, N. Y. Co.

J. H. Chambers

No. 191

In the Matter
of
Ira C. Bellows.

753

Witness:—
John H. Chambers,
46 Chatham St.

0943

For RULES, REGULATIONS and PENALTIES see back of bill.

M. Solari Hotel,

New York, April 1st 1881.

To Department of Public Works, Dr.

To WATER RATES on under-described premises, as per Meter.

No. 44 University Place.

Register No.			CUBIC FEET.		AMOUNT.
220	Meter No. 174401	Present State,	58900		
	" "	At last Settlement,	37800	21100	
	Meter No. 17509	Present State,	78000		
	" "	At last Settlement,	47500	30500	
	Meter No.	Present State,			
	" "	At last Settlement.			
	Meter No.	Present State,			
	" "	At last Settlement,			
	Meter No.	Present State,			
	" "	At last Settlement.			
	Total Cubic feet at ~~15~~ 7½ cents per 100 ft.,			51600	38 70
	Rent of Meter,	Months,			
					38 70
	By deduction for ordinary uses of building,				10 50
	Net Amount,				$ 28 20

DEPARTMENT OF PUBLIC WORKS PAID APR 28 1881 NEW YORK

NOTE.—REGULAR WATER RATES are payable annually, in advance, on the first of May. On the first of August following, five per cent. will be added on unpaid rates; and on the first of November after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rent for Building.

Received Payment, ... 188

J. Chambers Water Register.

0944

Corporation – Indemnity company
Clerk – Pay Chamberlain Rights Order Brewer
Engineer – " "
Supt. Pk & Prms. Supt of Cemeteries Forest Superintendent
Porter at City Hall Messenger Chamberlain.
Solicitor ~~Stellarius~~ Assistant Corporation Counsel Bellows
" " Arthur F. Bellows

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Supreme Court

$78.80	J. C. Bellows Solicitor's check	date Nov 10 6th Nov. 1882
36.90	Paid in cash of J. F. Sclair	Apr 7th 1882
522.44	Equitable Ins Co.	Feb 20 1882
1644.40		

Gilbert H. White. Short cash & Tax money
John H Chandler 46 Chatham St.
Patrick Wolfe Clerk chgr of Mulsa
Geo. W Birdsall 107 E. 70

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The Equitable Life Assurance Society of the U.S.

2200

New York, Sept. 19, 1882.

The United States National Bank

Pay to the order of Supt. of Public Works

Nine hundred, eighty-six & 84/100 Dollars.

$986 84/100

Secretary. President.

THE HATCH LITHOGRAPHIC CO. NEW YORK.

0947

DEPARTMENT OF PUBLIC WORKS,
FOR DEPOSIT
J. F. Chambers
Water Register.

0948

For RULES, REGULATIONS and PENALTIES see back of bill.

New York, October 1. 1881.

M. Equitable Life Assurance Co.

To Department of Public Works, Dr.

To WATER RATES on under-described premises, as per Meter.

No. 112 to 124 Broadway & 12 Pine St.

Register No.			CUBIC FEET		AMOUNT
B.102	Meter No. 7633	Present State.	4966100		
	" "	At last Settlement.	4557300	408800 ✓	
	Meter No. 7628	Present State.	2719900		
	" "	At last Settlement.	2411000	308900 ✓	
	Meter No. 34146	Present State.	3341100		
	" "	At last Settlement.	3338800	2300 ✓	
	Meter No.	Present State.			
	" "	At last Settlement.			
	Meter No.	Present State.			
	" "	At last Settlement.			
	Total Cubic Feet at 7½ cents per 100 ft.			720000 ✓	54000
	Rent of Meters, 6	Months.			690
					54690
	By deduction for ordinary uses of building.				8250
	Net Amount.				✓ $46440

RECOMMENDED BY

J. F. Wilson Wm. C. Brown

2nd VICE-PRESIDENT.

NOTE.—REGULAR WATER RATES are payable annually, in advance, on the first of May. On the first of August following, five per cent. will be added on unpaid rates; and on the first of November, after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rent for Building.

Received Payment, ... 188

..... Water Register.

DEPARTMENT OF PUBLIC WORKS, PAID SEP 20 1882 NEW YORK

0949

Dept Public Works
829.19, 986.84

The Department of Public Works,

APPROVED, ... 18..

BY THE

FINANCE COMMITTEE,

FOR THE SUM OF $.....

BY AUTHORITY CONFERRED IN AND BY THE 27TH SEC. OF AN ACT OF THE LEGISLATURE OF 11TH OF APRIL, 1849, IN THE WORDS FOLLOWING:

§ 27. "*The rules and restrictions for the use of the water printed on each permit shall be notice to the water takers, and shall authorize the exaction and recovery, by process of law, of any penalties which the Department of Public Works may impose, in addition to the cutting off the use of the water, for any violation of the rules; and this section shall be printed on such permits:*"

DO ESTABLISH THE FOLLOWING RULES, REGULATIONS, AND PENALTIES:

Nine hundred-eighty six ..... 84 DOLLARS

CHAIRMAN.

1. No tenant will be allowed to supply water to other persons or families, or for other than domestic purposes; and doing so, the supply will be stopped, and the amount of payment forfeited.

2. No addition or alteration whatever, in or about any conduit, pipe, or water-cock, or meter, shall be made, to be made, by persons taking the water, without notice thereof being previously given to and permission had in writing from the Department of Public Works.

3. All persons taking the water shall keep their own service-pipes, stop-cocks, meters and apparatus in good repair, and protected from frost, at their own expense, *and shall prevent all unnecessary waste of water.*

4. *Street-washers* shall be used only before the hour of 8 o'clock in the morning, from the 1st of May to the 1st of November, and before 9 o'clock in the morning, from the 1st of November to the 1st of May, and at no subsequent hours of the day or evening, under a penalty of five dollars for such offence; and if found out of order, cap off, or leaking, or if converted into jets or suffered to run when not used, the supply will be cut off without previous notice.

5. No hydrant will be permitted on the sidewalk, or in the front area, and if standing in a yard or alley attached to any dwelling or building, will not be permitted to be kept running when not in actual use; taps or wash-basins, water-closets, baths, or urinals, must be kept closed in like manner.

6. Applications for water must state fully and truly all purposes for which it is required; and when paying the annual charges for it, parties must frankly and without concealment, answer all questions put to them relating to its consumption. In cases of fraudulent misrepresentation on the part of the applicant or of uses of the water not embraced in this bill, or of willful or unreasonable waste of water, the Commissioner of Public Works shall have the right to forfeit his payment, and the supply of water shall be stopped, unless the party shall promptly pay such additional charge as the Commissioner of Public Works may impose.

7. Fountains in yards will not be permitted to run more than three hours a day for four months of the year. Fountains and jets in hotels, eating-houses, porter-houses, confectioneries, or other buildings, will not be permitted to run for more than three hours a day for four months in the year, without a special permit and increased price.

8. The officers of the Department, personally, and every person by them delegated for the purpose, must have free access, at proper hours of the day, to all parts of every building and steam vessel in which Croton water is delivered and consumed.

9. Water-meters shall be placed in all stores, work-shops, hotels, manufactories, public edifices, at wharfs, ferry-houses, stables, and in all places in which water is furnished for business consumption, except private dwellings.

10. No hydraulic ram, engine or other machine, requiring for its operation the consumption of water, shall be put up in any building without first taking out a special permit therefor from this Department, and placing a meter on the supply pipe to same.

11. The rates for water supplied by meter shall be due and payable on the 1st days of April and October in each year.

12. All meters before being placed, must be sent, with a memorandum of the owner's or purchaser's name, residence, and place of business, to the Department Pipe-Yard, 24th Street and East River, to be tested. They will be returned within forty-eight hours, upon the written order of the owner, giving the name of the plumber who is to receive and set the meter.

13. Consumers are required to keep their meters in repair, and protect them from frost and injury of any kind, at their own expense.

14. All meters are to be placed under the supervision and to the satisfaction of the Commissioner of Public Works, or such person as he may designate, so that they can be easily examined and read.

15. Between each meter and the Croton main a stop-cock must be placed on the service-pipe, within one foot of the meter, and no water from Croton mains shall be introduced or used on premises to be supplied by meter, except that which passes through the meter.

16. No meter shall be set within two feet of any sink, privy, cess-pool, manure heap, or pit.

17. Licensed plumbers of this city, and employees of the Department of Public Works, are the only persons authorized to make connections with water mains, and to set or remove meters.

18. No meter shall be removed or repaired except upon a permit from the Department of Public Works; and whenever a meter is removed for any cause, the Commissioner of Public Works will require another to be put in its place.

19. In case of violation of any of the preceding requirements and regulations, or if free access to the meters, for examination or repair, shall at any time be denied to the Engineer, or such person or persons as the Commissioner of Public Works may employ for that purpose, or if upon examination it shall be found that the meter has been tampered with, the water supply shall be stopped, unless the party shall promptly pay such additional charge as the Commissioner of Public Works may impose; nor will the supply be resumed except upon payment of the expense of shutting off and turning on, and upon satisfactory understanding that no future cause for complaint shall arise.

20. It is provided by Section 73, Chapter 335, Laws of 1873, that "all expenses of meters, their connections and setting, water rates and other lawful charges for the supply of Croton water, shall be a lien upon the premises where such water is supplied as now provided by law." * * *

21. A proper reduction will be made for water rates already paid for the fiscal year, when bills for water furnished through meters are made out.

22 Bills for all expenses or charges in connection with meters, and for water furnished through them, and permits required therefor, and all information in reference thereto, can be obtained at the office of the Chief Engineer, Room 10, No. 31 Chambers Street.

23. All payments for use of water, for meters setting, &c. must be made at the office of the Water Register, Room 2, No. 31 Chambers Street, and no person is authorized to receive money at any other place

0950

People
vs.
Bellows

Embezzlement —

Barton vs People 78 Ills. Inserting
Notice of the Office —

37 Ill 99 ✓
15 Mich. 581 not in point
6 Hun Prac 59 ✓
10 Mich. 298 ✓
15 do 581
15 " 1417 ✓ not in point

Casually proving a person to receive a sum of money on a single occasion and refusing or to account it will not constitute a case of a servant receiving such money by virtue of his employment

Nothing to show that his employment as servant of this company was to do errands of this kind or do errands in this way

Lewis vs Kendall 6 Hun Prac 59

Posta
to
Bedford

Authorities are embezzling
Clerk — of Mrs Applegate

People
against
Bellows.

On the Indictment on the Equitable Life ~~Insurance~~ Company Check.

Memorandum.

By the custom of the Office of the Water Bureau bills are paid by being presented to the Cashier at the Office of the Bureau, who has in his charge the cash drawer and a book of entries of the cash received by him known as "Short Cash".

When a bill is paid that Cashier places the money in his cash drawer in his charge, marks the bill as paid and receipted, and at the same time enters the amount of cash paid in Short Cash. The bill so receipted, without being first returned to the person making payment, is passed along to a clerk who is in charge of a book known as "Long Cash". This clerk knows nothing about the money received, but makes an entry into Long Cash directly from the receipted bill, and then delivers the receipted bill to the person paying.

In this case in Short Cash under the date of September 20th, 1882, in Book 19, page 387, is this entry in the handwriting of Bellows:

"B. 102. M. | Eq. L. 2. Co. $464.40"

In Long Cash on the same date, Book 40, page 54, is the following entry.

"M	B	102	Eq. Life	$464.40"

In neither book is there any entry of the remaining portion of the check from the Equitable Life Company.

~~On one~~ another book is kept in the Bureau, being a memorandum of the entries of all cash sent to the Bank from the cash drawer on each day. This is called a Check-list, and ~~in~~ this book, under date of September 20th, 1882, on page 88, will be found such entries.

By these books it will appear that the only credit given on this account on the day in question by Bellows was for the bill of $464.40.

If the custom of the Office as above was followed ~~with~~, the other bill to ~~the~~ Equitable Life must have been kept by Bellows from the notice of the clerk entering on cash. It bears the receipt of Bellows

and a stamp similar to that on the bill for $464.40.

The Equitable Life check for the full amount of the two bills actually went into the Bank to the credit of the Bureau, and there would therefore have appeared in the cash drawer on that day and the check list of deposits on that day a surplus over the accounts as shown in Long and Short Cash, unless there was an abstraction from the cash drawer on that day in charge of Bellows of the amount of the second bill against the Equitable Life Company.

There seems to be no direct evidence, and no evidence except the presumption arising from the transaction and entries that Bellows actually abstracted the amount of the second bill.

G. H. Adams,
F.V.C.

0955

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Ira C. Bellows

The Grand Jury of the City and County of New York, by this indictment accuse Ira C. Bellows of the crime of GRAND LARCENY, ~~in the~~ ~~degree~~, committed as follows:

The said Ira C. Bellows late of the First Ward of the City of New York, in the County of New York, aforesaid, on the twentieth day of September in the year of our Lord one thousand eight hundred and eighty-two at the Ward, City and County aforesaid, with force and arms, $522.44 three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each.

of the goods, chattels, and personal property of the mayor, aldermen and commonalty of the City of New York, then and there being found, 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.

JOHN McKEON, District Attorney

Bail fixed at
$5000
Sept 28 1883
RBC

Bailed by Christopher
Y. Hemple, 10 Worth St.

Witnesses
Gilbert H. White
John H. Chambers
Joseph F. Solari
Emanuel Solari
Patrick Wolf
Michael Murray

No 191 976
Ogden Hall
83

Counsel,
Filed 28 day of Sept 1883
Pleads Not guilty 28

THE PEOPLE

vs.

Ira C. Bellows
B
(3 cs)

Grand Larceny, degree.
III R. S. 1-2496-9663

JOHN McKEON,
Pr Nov 7. 1883 District Attorney.
Ordered to Court of Oyer & Terminer for trial.
A True Bill.

Foreman

522.44

0957

New York, October 1. 1882

Mr Solari Hotel

To **Department of Public Works,** Dr.

To **Water Rates** on under-described premises, as per Meter.

No. 44 University Place

Vol.	Fol.		CUBIC FEET		AMOUNT
D	220	Meter No. 17440 / Present State.	109600		
		" " At last Settlement.	55200	54400	
		Meter No. 17509 Present State.	169100		
		" " At last Settlement.	134200	34900	
		Meter No. Present State.			
		" " At last Settlement.			
		Meter No. Present State.			
		" " At last Settlement.			
		Total Cubic Feet at 10 cents per 100 ft.		89300	8930
		Rent of Meter, Months			
					8930
		Credit for Regular Annual rate on Building			1050
		Net Amount.			$ 7880

NOTE. REGULAR WATER RATES are payable annually, in advance, on the 1st of May. On the 1st of August following, five per cent. will be added on unpaid rates; and on the 1st of November, after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rent for Building.

The Regular Annual Water Rents must be paid in advance on buildings that are metered, which amount is credited on the semi-annual meter bills.

Received Payment 188

Bill copied from Ledger

..... Water Register.

0958

For [illegible]ES, REGULATIONS and PENALTIES see back of bill. Wolfe – 10/8/83

New York, April 1. 1882

M Solari Hotel

To **Department of Public Works,** Dr.

To **Water Rates** on under-described premises, as per Meter.

No. 44 University Place

Vol.	Fol.			CUBIC FEET		AMOUNT
D	220	Meter No. 17410	Present State.	55200		
		" "	At last Settlement.	20000	35200	
		Meter No. 17509	Present State.	134200		
		" "	At last Settlement.	106200	28000	
		Meter No.	Present State.			
		" "	At last Settlement.			
		Meter No.	Present State.			
		" "	At last Settlement.			
		Total Cubic Feet at ~~10~~ 7½ cents per 100 ft.			63200	47 40
		Rent of Meter,	Months			
						47 40
		Credit for Regular Annual rate on Building				10 50
		Net Amount.				$ 36 90

NOTE. REGULAR WATER RATES are payable annually, in advance, on the 1st of May. On the 1st of August following, five per cent. will be added on unpaid rates; and on the 1st of November, after, an additional ten per cent. See Act 11th April, 1849. The charge on this bill is exclusive of the Regular Water Rent for Building.

The Regular Annual Water Rents must be paid in advance on buildings that are metered, which amount is credited on the semi-annual meter bills.

Received Payment 188

Bill copied from Ledger.

..... Water Register.

0959

New York, Apl 1st 1882

Mr Solari Hotel

To **Department of Public Works,** Dr.

To **Water Rates** on under-described premises, as per Meter.

No. 44 University Place

Vol.	Fol.			CUBIC FEET	AMOUNT
A	220	Meter No. 1740	Present State.	55200	
		" "	At last Settlement.	20000	35200
		Meter No. 1750	Present State.	134200	
		" "	At last Settlement.	106200	28000
		Meter No.	Present State.		
		" "	At last Settlement.		
		Meter No.	Present State.		
		" "	At last Settlement.		
		Total Cubic Feet at 10 cents per 100 ft.		63200	47 40
		Rent of Meter,	Months		47 40
					10 50
		Net Amount.			$36 90

DEPARTMENT OF PUBLIC WORKS
PAID
SEP 10 1883
NEW YORK.

Received Payment 188

Geo W Mulli Jr Water Register.

0960

DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Bellows

Ex parte Bellows
Russell & Ryan 319

R. v. Wilson
9 Carr. & Payne 27

R. v. Gardiner
5 C & P. 155

R. v. Williams
6 C & P. 626

Ex parte Heaton
31 Cal. 100

0961

District Attorney's Office.

PEOPLE

vs.

Ira C. Bellows

G.L. 5 cases

Application to dis-
miss. Examine and
report.

The cases agst this deft
excited considerable pub-
lic interest at the time
and we should proceed
with care. No doubt
any action we will
be the subject of criti-
cism. RBM

Dec 14/87

To Mr Semple

0962

Court of General Sessions of the Peace
of the City and County of New York

The People of the State
of New York
against
Ira C. Bellows

The Grand Jury of the City and County of New York, by this indictment accuse Ira C. Bellows, of the Crime of Obtaining Money by means of False Pretenses, committed as follows:

On the day and in the year hereinafter mentioned, one Emanuel Solari was indebted to the Mayor Aldermen and Commonalty of the City of New York, a municipal corporation duly existing under and by virtue of the laws of the State of New York, in the sum of Seventy eight dollars and eighty cents for water furnished to him by the said corporation, and consumed by him at his place of business in the said city; and on the day and in the year hereinafter mentioned there was upon the books in the

office of the Water Register, a bureau of the Department of Public Works of the said municipal corporation, a charge against him the said Emanuel Solari for the said sum of seventy eight dollars and eighty cents.

And the said Ira C. Bellows, late of the First Ward of the City of New York, in the County of New York aforesaid, on the Sixth day of November in the year of our Lord one thousand eight hundred and eighty two, at the Ward, City and County aforesaid with intent fraudulently to cheat and defraud the said Emanuel Solari, did then and there fraudulently, unlawfully, knowingly and designedly, falsely pretend and represent to the said Emanuel Solari;

That he the said Ira C. Bellows was then and there authorized and empowered by the said Water Register of the City of New York, to call upon the said Emanuel Solari at his said place of business and

0964

to present to him the said Emanuel Solari a bill of his said indebtedness to the said corporation for water supplied as aforesaid, duly receipted in the Office of the said Water Register: That he the said Isaac C. Bellows was then and there authorized, empowered and entrusted, to collect the amount of the said bill, and to receive payment thereof, from the said Emanuel Solari, at his said place of business in Division Street, for and on account of the said the Mayor, Aldermen and Commonalty of the City of New York; And that the payment of the said bill, to him the said Isaac C. Bellows, by the said Emanuel Solari, at the place of business of him the said Emanuel Solari, was a proper manner of paying the same, according to the rules and regulations of the said Water Register, and that such payment to him the said Isaac C. Bellows, was of the same effect as if such payment were made at the Office of the Water Register.

with intent feloniously to cheat and defraud him thereby: against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

And the said Emanuel Solari then and there believing the said false pretenses and representations, so made as aforesaid by the said Ira C. Bellows, and being deceived thereby, was induced by reason thereof to deliver and did then and there deliver to the said Ira C. Bellows, a sum of money, to wit: the sum of Seventy eight dollars, and eighty cents, of the proper money valuable things, goods, chattels personal property and effects of the said Emanuel Solari: And the said Ira C. Bellows did then and there designedly receive and obtain the said sum of money, of the said Emanuel Solari, of the proper money valuable things, goods, chattels, personal property and effects of the said Emanuel Solari, by means of the false pretenses and representations aforesaid, and with intent, feloniously to cheat and defraud the said Emanuel Solari of the same.

Whereas, in truth and in fact, the said Ira C. Bellows was not

then and there authorized and empowered by the said Water Register to collect upon the said Emanuel Solari at his said place of business and to present to him a bill of his said indebtedness to the said corporation so as aforesaid duly receipted in the office of the said Water Register.

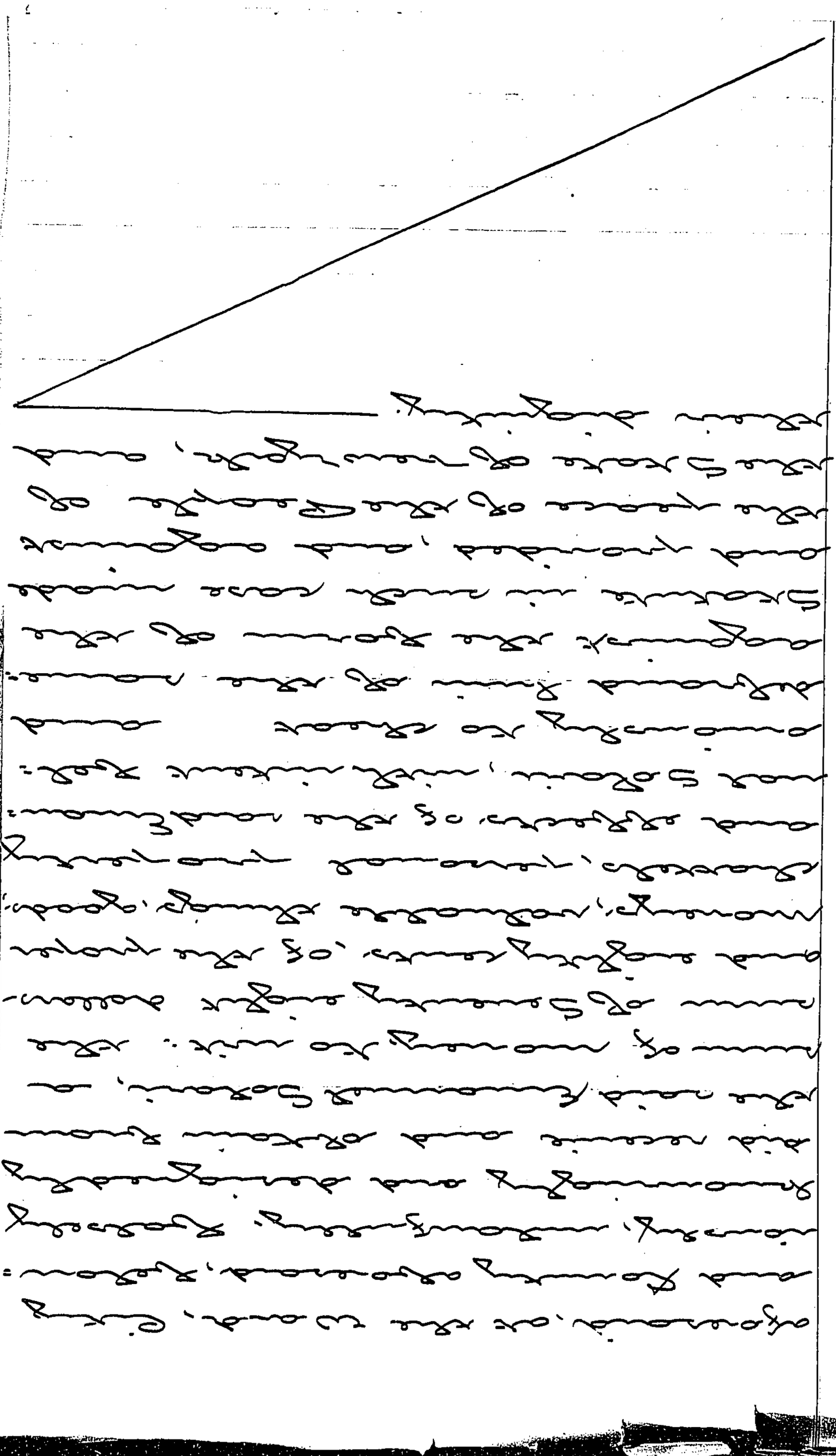
And whereas in truth and in fact the said Draper Bellows was not then and there authorized, empowered and entrusted to collect the amount of the said bill, and to receive payment thereof from the said Emanuel Solari, at his said place of business, in discharge of the said indebtedness, for and on account of the said the Mayor, Aldermen and Commonalty of the City of New York.

And whereas in truth and in fact such payment of the said bill to him the said Draper Bellows by the said Emanuel Solari, at the place of business

of him the said Emanuel Solari was not a proper manner of paying the same according to the rules and regulations of the said Water Register, and such payment to him the said Jno. C. Bellows, was not of the same effect as if such payment were made at the office of the Water Register.

And Whereas in truth and in fact, the pretenses and representations so made as aforesaid by the said Jno. C. Bellows to the said Emanuel Solari was and were then and there in all respects untrue, by reason and nature, as the said Jno. C. Bellows at the time of making the same knew then and there well knew.

And so the said Jurors aforesaid do say that the said Jno. C. Bellows, by means of the false pretenses and representations aforesaid, on the day and in the year



0960

Second Count:

And the Grand Jury aforesaid, by this indictment further accuse the said Ira C. Bellows of the crime of Obtaining a signature to a written instrument, by means of False pretenses, committed as follows:

On the day and in the year hereinafter mentioned, one Emanuel Solari was indebted to the mayor, aldermen and commonalty of the City of New York, a municipal corporation duly existing under and by virtue of the laws of the State of New York, in the sum of Seventy eight dollars and eighty cents, for water furnished to him by the said municipal corporation, and consumed by him at his place of business in the said City: and on the day and in the year hereinafter mentioned there was upon the books in the office of the Water Register, a bureau of

the Department of Public Works (one of the Departments of the said municipal corporation) a charge against him the said Emanuel Solari for the said sum of Seventy eight Dollars and Eighty cents.

And the said Dora L. Bierens late of the First Ward of the City of New York in the County of New York aforesaid, on the Fifth day of November, in the year of our Lord one thousand eight hundred and eighty two, at the Ward, City and County aforesaid, with intent feloniously to cheat and defraud the said Emanuel Solari, did then and there feloniously, unlawfully, knowingly and designedly, falsely pretend and represent to the said Emanuel Solari:

That he the said Dora L. Bierens was then and there authorized and empowered by the said Water Register of the City of New York, to call upon the said Emanuel

hundred and eighty-two, and being an instrument, when so signed by the said Emanuel Solari, of great value, to wit: of the value of Seventy-eight dollars and eighty cents:

And the said Ira C. Bellows did demand and diligently receive and obtain the said signature of the said Emanuel Solari, to the said written instrument by means of the value pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Emanuel Solari thereby.

Whereas in truth and in fact the said Ira C. Bellows was not then and there authorized and empowered by the said Water Register, to call upon the said Emanuel Solari, at his said place of business, and to there present to him a bill of his said indebtedness to the said corporation so as aforesaid duly receipted in the office of the said Water Register.

TORN PAGE

And whereas in truth and in fact the said Dra C. Bellows was not then and there authorized empowered and entitled to receive the amount of the said bill, and to receive payment thereof from the said Emanuel Solari at his said place of business, in disharge of the said indebtedness, for and on account of the said The mayor, aldermen and commonalty of the City of New York.

And whereas in truth and in fact the said Dra C. Bellows by his bill to him the said Solari, at the place of business of him the said Emanuel Solari, was not a proper manner of paying the same, according to the rules and regulations of the said Water Register, and such payment to him the said Dra C. Bellows was not of the same effect, as if such payment were made at the office of the Water Register

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid, by the said Dra C. Bellows ——— to the said Emanuel Solari ——— was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Dra C. Bellows well knew the said pretences and representations so by him made as aforesaid to the said Emanuel Solari ——— to be utterly false and untrue at the time of making the same.

And so the Grand Jury aforesaid, do say, that the said Dra C. Bellows ——— by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City and and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said Emanuel Solari, his signature to the written instrument aforesaid ———

with intent feloniously to cheat and defraud him whereby against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

PETER B. OLNEY,
JOHN McKEON, District Attorney.

Witnesses:
Geo. Dotson
Geo. Dotson
Geo. Dotson
Wm. Gleason

filed 26 day of Jan ass 1883
Lands

THE PEOPLE
vs.
Jacob Schlosser
Arraignment & plea

PETER R. OLNEY,
JOHN McKEON,
District Attorney.

A True Bill.
Foreman.

0974

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Ira C. Bellows

The Grand Jury of the City and County of New York, by this indictment, accuse Ira C. Bellows of the CRIME OF Embezzlement, committed as follows:

The said Ira C. Bellows

late of the City and County of New York, on the Seventh day of April in the year of our Lord one thousand eight hundred and eighty-two ~~with force and arms~~, at the City and County aforesaid, was employed in the capacity of a clerk by the mayor Aldermen and Commonalty of the City of New York, the same being a municipal corporation duly existing under and by virtue of the laws of the State of New York, and as such clerk was then employed in the Bureau of the Water Register in the Department of Public works, the same being one of the departments of the government of the said municipal corporation; and the said Ira C. Bellows, as such clerk was then entrusted to receive moneys due and owing to the said corporation for water rates, from persons consuming such water furnished by the said corporation; and especially was then and there entrusted to receive from one Emanuel Solari a certain sum of money, to wit: the sum

of sixty six dollars and sixty cents in money, for and on account of the said corporation, the same being then and there due and owing to the said corporation by the said Emanuel Solari, for materials furnished to him the said Emanuel Solari, by the said corporation and being so employed and entrusted the said Frank Bellows; by virtue of his said employment then and there did receive and take into his possession from the said Emanuel Solari, the said sum of sixty six dollars and sixty cents in money, lawful money of the United States of America, and of the value of sixty six dollars and sixty cents, for and on account of the said corporation and the said Frank Bellows, on the day and in the year aforesaid at the City and County aforesaid, with force and arms, feloniously and fraudulently did take, make away with and secrete, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of the said corporation, and did fraudulently and feloniously and without the consent of the said corporation without lawful, appropriate apply and make use of the said sum of money, of the goods, chattels personal property and money of the said Stranger, Order and Community of the City of New York such municipal corporation as aforesaid, which said goods, chattels personal property and money had come into his possession and under his care by virtue of his being such clerk as aforesaid: against the form of the Statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

0976

Second COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said Ira C. Bellows

of the CRIME OF Grand Larceny

committed as follows:

The said Ira C. Bellows

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Seventh day of April in the year of our Lord one thousand eight hundred and eighty-two at the Ward, City and County aforesaid, with force and arms,

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars ; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars ; three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; six promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars ; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar and divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown of the value of five dollars

of the goods, chattels, and personal property of The mayor, aldermen and commonalty of the City of New York 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.

0977

Third COUNT.

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

Ira C. Bellows

of the CRIME OF Grand Larceny

committed as follows:

The said Ira C. Bellows

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Seventh day of August in the year of our Lord one thousand eight hundred and eighty-two at the Ward, City and County aforesaid, with force and arms,

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars ; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; six promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars ; three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; six promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars ; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar and divers coins of a number kind and denomination to the Grand Jury aforesaid unknown of the value of five dollars

of the goods, chattels, and personal property of one

Emanuel Solari then and there being found,

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.

Peter B. Olney, District Attorney.

0978

BOX:
127
FOLDER:
1336
DESCRIPTION:
Bennett, Joseph

DATE:
02/20/84

1336

Witnesses:
Officer Murray
Det. Colson
Chas. S. Rosenberg

205 1882

Counsel, Noth

Filed 20 day of Feb 1884

Pleads Not guilty (20)

THE PEOPLE

vs.

B

Joseph Bennett

Engaging as Player in a Banking Game.
(Section 344, Penal Code).

PETER B. OLNEY,
~~JOHN McKEON,~~

District Attorney.

A True Bill.

Foreman.

0980

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 Bennett

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

of the CRIME OF ENGAGING AS Player IN A BANKING GAME, where money and property were dependent upon the result, committed as follows:

The said Joseph Bennett

late of the Seventh Ward of the City of New York, in the County of New York aforesaid, on the 28th day of January in the year of our Lord one thousand eight hundred and eighty-four and on divers other days, was, and yet is a common gambler; and on the day and in the year aforesaid, the said Joseph Bennett

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, known as Number Sixty Essex Street

with force and arms, feloniously did engage as Player in a certain banking game commonly known as Faro where money and property were dependent upon the result, a more particular description of which said banking game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

PETER B. OLNEY,
JOHN McKEON,
District Attorney.

0981

END OF BOX