

0386

BOX:

98

FOLDER:

1060

DESCRIPTION:

Brown, Charles A.

DATE:

04/25/83



1060

0387

**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 A. Brown*

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

*Charles A. Brown*

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

The said *Charles A. Brown*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the ~~second~~ *second* day of ~~march~~ *march* in the year of our Lord one thousand eight hundred and eighty-~~three~~ *three*, at the Ward, City and County aforesaid, with force and arms, one manuscript book, the same being a manuscript copy of a certain unpublished book, a more accurate description of which is to the Grand Jury aforesaid unknown, of the value of one thousand dollars

of the goods, chattels and personal property of one *Francis B. Brown* 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.

*John McKeon*

*District Attorney*

0388

JOHN MCKEON,  
District Attorney  
May 11, 1883  
A True Bill  
J. J. McKee  
F. J. McKee

THE PEOPLE  
vs.  
Charles O. Corcoran  
Grand Larceny, *first* degree, and  
Receiving Stolen Goods.  
[Sections 528 and 530]

Counsel,  
Filed 25 day of *March* 1883  
Filed Not Guilty (May 3)

226  
E. J. McKee

I have examined into the facts of this case,  
growing out of a difference between man and wife  
in which the latter alleges against the former,  
the taking of a manuscript; and finding that res-  
titution has been made, advise the Court, in the public  
interests, that the defendant should be discharged  
in his own recognizance May 11 1883.

A. J. McKee  
C. J. McKee

0389

For Complaint  
Alphonse Martin  
10 Mac Street

For Defendant  
Mr. R. Martin  
156 Nassau St.

BAILED,  
No. 1 by Frank B. Mayfield  
Residence 6 E 130 St.  
No. 2, by  
Residence  
No. 3, by  
Residence  
No. 4, by  
Residence  
Street,  
Street,  
Street,  
Street,  
Street,

Police Court 24 District  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Francis R. Adams  
at West 105 St.  
Charles A. Brown  
Offence, Grand Larceny

Dated March 20 1883  
Walter  
Magistrate.  
David Martin  
Officer  
Mack  
Clerk.  
Witnesses  
Joe H. Muller  
No. 80 West 105 St.  
No.  
Street,  
No.  
Street,  
No.  
Street,  
Cand. to answer  
88  
Street,  
156 Nassau St.

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 A. Brown

guilty thereof, I order that he be held to answer the same and ~~he be admitted to bail in the sum of~~  
~~Hundred Dollars~~, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he  
~~give cash bail~~ be legally discharged  
Dated April 18 1883 J. M. Patterson Police Justice.

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

Dated 1883 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 1883 Police Justice.



0390

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles A. Brown* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his <sup>3</sup> 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 A. Brown*

Question. How old are you?

Answer. *Twenty-four years of age*

Question. Where were you born?

Answer. *New York State*

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

Answer. *145 East 24th. About 6 months*

Question. What is your business or profession?

Answer. *Manager of Western Electric Company*

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*

*Chas. A. Brown*

Taken before me this

day of

1888

*John J. Cavanaugh*

Police Justice

0391

BOX:

98

FOLDER:

1060

DESCRIPTION:

Brown, Charles A.

DATE:

04/25/83



1060

0392

The people vs  
Charles A. Brown

This matter comes from the Police Court presided over by Judge Patterson in which the Defendant is charged by the Complainant who is his wife, with having stolen a manuscript belonging to her, of the value of \$1,000.

The facts are briefly these: The parties were married about a year ago, and after living together for a few months separated; the Complainant hiring apartments over which the defendant had no control. On the second day of March 1883, the Defendant, under the protection of a writ of replevin which he had procured for the purpose of taking some property which he claimed belonged to him, and which was in the Complainant's possession, in the absence of the Complainant, took this manuscript book, and certain letters. We are

0393

not contending here in respect to any of the goods sworn to by the defendant as his, or mentioned or covered in any way by this writ. On the 5<sup>th</sup> of March the Complainant went with a friend and called upon the defendant at his place of business, and demanded the return of the book. He admitted taking the same, but refused to surrender it. Complaint was then made to Mr Justice Patterson, who after hearing the evidence, held the defendant on the charge of Grand Larceny in the first degree.

The Defendant is understood to take issue upon this charge upon the following grounds: first, that there can be no larceny by the husband from the wife; second, that the wife was improperly permitted to testify as to the admissions of her husband; third, the value of the property was not sufficiently shown. We will consider them in the inverse order of their statement here.

0394

First.

The charge of Grand Larceny in the first degree was made out. The Complainant testified that she had written and published articles, that she had been engaged in the preparation of this book for several years, devoting more or less of her time in its preparation. It also appeared that it was a collection of notes and descriptions of matters and things partly real partly imaginary and fictitious and was intended to be used in the preparation of a book which would serve to illustrate the lives of working women in the City of New York; and the Complainant testified that the value of this manuscript was \$1000. There was no contradiction of this testimony, and nothing to show it was worth less than the amount claimed. There was no cross examination of the Plaintiff tending to show that she had no means of knowing the value of the property taken. At all events, the value of the thing taken may be based on the time actually employed upon the prepara-



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tion of it. The market value of property cannot always be determined by what others may immediately be willing to give for the article in question. A brief in preparation by Counsel has a value which would make it the subject of a larceny, even though incomplete, and though it could be used only for a particular and special purpose, and for a single case. The term market value as used in the Penal Code, can scarcely have the limited and restricted meaning sought to be put upon it by the Counsel for the defendant, in that the property in question must be that which would have such a value as to command a purchaser who was seeking an opportunity for speculation, whether in the particular line of the property or not. The market value of an unfinished literary work, for instance, could hardly be fixed by a sale at auction, and can only be measured as we have suggested by the time spent in the preparation it being a fair presumption until

0396

the contrary appears, that the raw material has been enhanced at least to the extent of the labor put upon it.

It is not understood that the Complainant is in a preliminary examination before a magistrate bound to present all the evidence that might be considered necessary to secure a conviction before a jury. The investigation before the magistrate is to determine the probabilities; and in the light of the evidence given as to value Complainant has sustained her case.

It is not understood that under section 547 of the Penal Code, that if the thing stolen has not a recognized market value that therefore it is to be treated as of no value. As we understand that provision, the market value shall be of similar articles shall be deemed the value of the article involved until the contrary appears; or unless evidence shall be presented tending to establish actual value.

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In this case as we have suggested there is no evidence that the witness in speaking of the value of the thing stolen, did not speak of the market value. In fact, it is a fair presumption that the market value was the value spoken of. There was nothing to show to the contrary.

Second.

The wife was competent to testify under section 715 of the Penal Code, but it is clear that the communication was not a confidential one, as it was made in the presence of the witness, Miss Mueller.

Third.

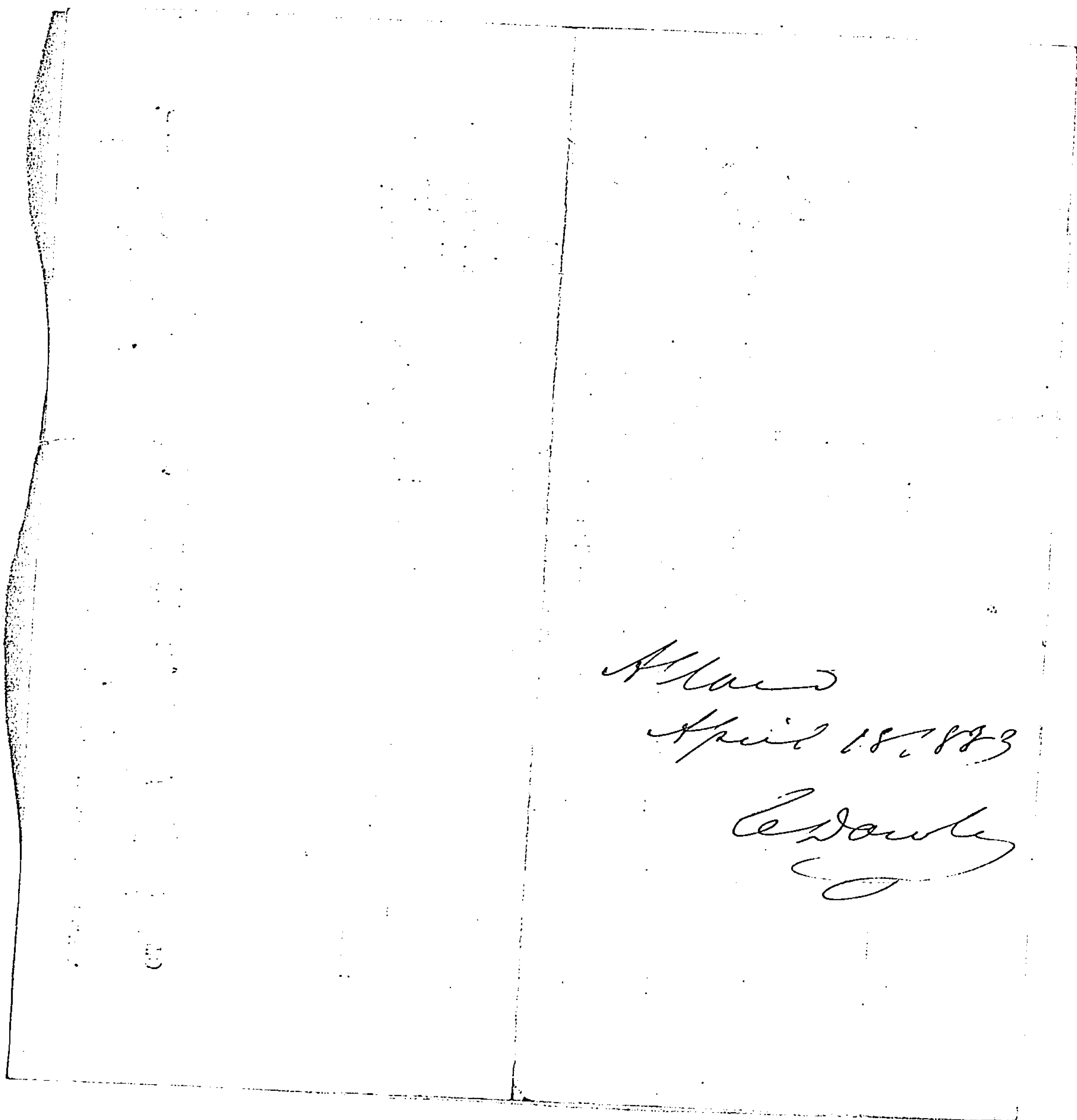
The parties were living separate and apart, the property was the sole and separate property of the complainant, acquired years before marriage, had never been reduced to possession by the husband, and was only taken in the manner complained of, and in the absence of the true owner.

Penal Code, S. 528.

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Berdell vs Parkhurst, 19 Hun 358.  
Hanland v. Hanland, 20 Hun. 472  
Wright v. Wright, 54 N.Y. 437.

0399



Alfred  
April 18, 1883  
C. Dawley



0400

W. Reid Gould, Law Blank Publisher and Stationer, 163 Nassau St., N. Y.

The People of the State of New York, TO  
*Jacob M. Patterson Esq. Police Justice*

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

GREETING :

We Command you, That you certify fully and at large to *the Supreme Court at a Special Term thereof to be held at Chambers*

at *the Court House in the City of New York*  
on *the 19<sup>th</sup> day of April, 1883* *immediately after the receipt of*  
*the writ at 10<sup>o</sup> 30<sup>o</sup> clock a.m.*  
the day and cause of the imprisonment of *Charles A. Brown*

by you detained ; as is said, by whatsoever name the said *Charles A. Brown*

shall be called or charged ; and have you then this writ.

Witness, *Henry Charles Dowd* one of the Justices of said Court  
the *18<sup>th</sup>* day of *April* 18 *83*

*Edward P. Wilder*  
*Relators* Attorney.

*Patrick Keenan*  
Clerk.

*186 Nassau St.*

0401

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Charles A. Brown.

*As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.*

*Francis R. Brown.*

0402

2d District Police Court.

Francis R Brown

vs.

Brown

TESTIMONY.

Before Hon.

Jm Patterson Jr

April 3 1883

L C Selman

Stenographer.

0403

2<sup>1</sup>/<sub>4</sub> District Police Court.

Francis R Brown

appt.

Brown

BEFORE HON.

J M Patterson Jr  
April 3

1883

STENOGRAPHER'S MINUTES.

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

R. D. Ex.

R. C. Ex.

David C. Feltman.  
Stenographer.

0404

April 3<sup>rd</sup> 1883.

All parties present, examination continued before Hon

John Patterson Jr  
Justice  
Jefferson Mason Pierce.

Mrs F. A. Brown, Recross  
examined by Mr Wilder.

Q Mrs Brown where was this conversation on the 5th of March  
at 64 New Church Street, in the  
office of Mr Brown  
Q who was present?

A Miss Mueller and myself and  
Mr Brown.

Q What did he say to you and  
and you to him?

A I said immediately an answering  
(I said well, as near as I can  
remember word for word);

why did you take so many  
things in the execution of  
the writ of replevin; as ten sib  
ly, why did you take so many  
things, <sup>things</sup> before I was married  
as well as the things of Miss  
Mueller on which you

(W)



0405

could have no claim; Mr Brown replied I don't know that I did, I said I had prepared a list of the things which were taken in our absence from the house in the ostensible execution of the writ of replevin which belonged to myself before I was married, and which I had acquired from my parents and other friends before my marriage and the list of things which had belonged to Miss Muller and which she had acquired. I want to know if this was your talk to him or he disputed so?

A No Sir, some of which had belonged to her and some of which he had never seen in ~~the~~ this house. - and I had a list of the things which I read to him and I said to him, and among them was this book, and I said to

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him, I will insist upon the return of those things and especially upon the return of this book and certain letters; said I did you think the book belonged to you and he said none I the book, and I said yes, and he said and did I take the book, he didn't say and none I the book. he said did I take the book; and I said yes sir. And he said yes I took it and laughed; then I said you made a selection of all the things in my private drawer which you took in my absence; And he said I made no special selection I took what was in the side board; that is what I immediately recall of the words of the conversation.

2 Have you missed any other book than the one that you described in your complaint objected to;

We are complaining of a por

0407

time or book, and if we have any other claim against the prisoner, we will make it in due time.

By the Court

Objection sustained  
Sustained Exception:

Q Did you say anything else to him than that which you have now narrated?

A Yes sir

Q State it?

A That's all I said to him with reference to this subject I believe but I am not sure;

Q That's all you said with reference to the book that forms the subject of the complaint?

A Yes sir

Q Did he state anything further to you about this book, which forms the subject of the complaint, than that which you have stated?

A He only said he took it and that's all that I remember.

Q Did he give you any reason

0408

for taking it  
A not a word except as he gave  
me the reason for taking  
everything, not for the reason  
that he valued the furniture  
but for the reason of annoy-  
ing me he gave me that  
reason.

2. Did he say anything to you  
about wanting the letters  
or whatever else he had taken  
as you claim from your  
apartment, for the purpose  
of furnishing evidence against  
you in a divorce proceeding  
A not a word the space of  
evidence in a divorce pro-  
ceedings.

2. Has your husband threatened  
you with an action for  
absolute divorce?

Objected to.

By the Court.

You need not answer  
the question.

Counsel.

Exception.

0409

6

2 Now about this book which you claim had been taken by your husband - were its contents written in plain long hand or in stenographic characters?

a Both;

2 It was the most of it written in long hand or the most in stenographic characters;

Objected to it, I ask that the book be produced, that the best evidence of what the contents of the book might be, we have asked the other side to produce ~~it~~ <sup>it</sup>; and so it could be marked for identification;

Pamplaniants Counsel

I withdraw the objection, and we now call upon the other side at this stage of the proceedings for the production of the book we have no objection ~~to~~ <sup>to</sup> the book being read here or anywhere else, I now call



0410

an the other side to produce  
the book. Mr Wilder, do you  
produce the book;

Mr Wilder

We don't produce any-  
thing;

Complainants Counsel

objection with drawn  
a It's difficult to measure but  
I think much the longest  
portion was in Long Land.

Sworn to before me  
this ~~18th~~ day of April 1883 } Frances R. Brown.

J. M. Allison  
Deputy Justice

0411

Rose Mueller, called in behalf  
of the complainant being duly sworn  
deposes and says;

Examined by Complainant's Counsel.

Q Where do you reside?

A St. West 105th Street.

Q Miss Mueller, you know the  
book that has been referred to  
in this proceeding?

A I do.

Q How long has you known it?  
A As long as the time of my  
acquaintance with Mrs. Brown  
between 4 and 5 years.

Q Where was that book when  
you last ~~saw~~ it?

A In the left hand drawer in  
the side board, on top of a  
pile of papers.

Q In the house?

A In the house St. West 105th Street  
from which the things were  
taken.

Q How many side boards were  
there in that house?

A Only one.

Q And when did you last see

0412

Q. It Mrs. Miller?

A. In the afternoon when the things were taken from the house,

Q. Just fix the date! can you fix the date?

A. I don't know the day it was the day when the things were taken the 3<sup>d</sup> of March.

Q. You think that it was the 3<sup>d</sup> of March?

A. I think that was the date.

Q. Did you afterwards go with Mrs. Brown to call upon Mr. Brown at his place of business?

A. Yes, sir.

Q. After the things had been taken from the house?

A. Yes, I went the Monday following.

Q. You don't recollect the date.

Do you or do you not?

A. I think that was the 5<sup>th</sup>.

Q. And on what day of the week were the things taken?

A. On Friday afternoon.

0413

Q About what time in the day  
and you call upon Mr Brown  
A In the morning between nine  
and ten o'clock I think.

Q Did you personally have  
any conversation with Mr  
Brown as to the taking of  
any of this property?

A I made a remark, but it  
was addressed to all present.

Q You had no special conversa-  
tion with Mr Brown your-  
self?

A No I did not.

Q Did you hear the conversation  
between Mr Brown and Mrs  
Brown in respect to the book  
A Yes sir

Q What did Mr Brown say  
if anything in respect to taking  
the book?

A He said he had taken it.

Cross Examination  
By Mr Wilder

Q Did you ever look inside of  
this book?

A Yes sir

0414

Q. Would you give us an account and description of ~~this~~ its contents?

✓ A. Dayan mean how the ~~good~~ book looked?

Q. The contents and not of its appearance.

A. I think the larger part of the book, and are the subject of working women, Mrs. Brown and I <sup>had</sup> lived at houses where only working women lived and a great part of the book was descriptive of the lives of working women. She went there especially to learn about the lives of women.

Q. And where?

A. To the house where we lived.

Q. What else besides that do you recollect?

A. I remember a conversation between some students a description of a Christmas that we had spent a description of myself and some remarks of friends of Mrs. Brown.

0415

and I have read all that is  
in long hand,

Q As to the matter in long hand  
was it in the nature of a  
diary of events and experiences?  
A The book was ~~properly~~ <sup>partly</sup> a de-  
scription of things which had  
taken place, descriptions of my  
life her friends and largely  
fictions

Q Now what part was fiction? the  
description of yourself, or the  
conversation with the young  
men, or the description of the  
lives of the working women?  
which part was fiction?

A There was fiction in all  
I now was the transcript the  
part that was written in steno-  
graphic characters; can you  
read that?

and in

Q You don't know what it was  
and in

Q Have you ever heard her say  
what it was?

A ~~Not that I remember.~~ <sup>According to</sup>  
state the stenographic notes had been read  
to me.



0416

13

Q Can you form an opinion as to which part was or constituted, the greater bulk of the contents of that book the long hand or the stenographic characters?

A I think the most of it was in long hand.

Q Did she ever tell you why she wrote some in long hand and some in stenographic characters also?

A Come if you please to the alleged interview with Mr Brown <sup>at</sup> when you say you were present, want you state just what Mr Brown said and what Mrs Brown said?

A On entering the office of Mr Brown, Mrs Brown said to Mr Brown, I came to see why you have taken so many things which belonged to Mrs Mueller and which belonged to me before my marriage and which had been given me by friends and my father

0417

and mother and friends, and he said I don't know what I had taken, any such things. She then read a list of such things and when she came to the item of the book, as she read off those other things she described them and told where she had gotten them and how they had come into their possession, and when she came to the item of the book, she said <sup>did</sup> ~~do you~~ think the book was yours and he said, did I take the book, and she said yes ~~yes~~ and then he said yes I took it and he smiled.

Is that all that was said on the subject of the book?

Answer

I will go on?

A She then said and read the item of the letters and he said did I take the letters and she said yes. and he said I made no special selection I took what was in the side board

0418

15

14

Q I am asking you if that was all that was said on the subject of the book?

A I think this bears on the matter of the book.

Q So on if it bears on the book.

A ~~Said that he had~~ made no special selection

he had taken what was in the side board and she said

no! you selected you what you wanted, and left your

knife among the things that ~~were~~ <sup>were</sup> taken out of the side board

to prove that you had been there?

Q Is that all?

A I think that was all that will bear on that; she said that she insisted upon the return of the book, and she insisted upon the return of all things but especially upon the return of the book and the letters!

Q Now is that all?

A Yes Sir

In view before me  
This 18<sup>th</sup> day of April 1883  
J. M. Sullivan

Rose Mueller

Dence J. J. J.

0419

16

William R. Wilder, being called by the complainant, being duly sworn deposes & says:

Judge Patterson

Mr Wilder was recalled to be examined in a previous examination, and the record already shows that a question was put to him, and to which an exception was duly taken and to which I reserved my decision. Mr Wilder is now recalled to the stand, and re-sworn, and ~~denies~~<sup>swears</sup> that he was sworn in the previous examination, although the record shows that he was called and sworn in the previous question examination;

Sweet examination Complete Court.

Q I repeat to you Mr Wilder the question as put to you at the last hearing of this case as follows: Since the first day of March 1883. have you seen a certain book partly written, partly in blank about fifteen inches long about one foot

0420

wide about an inch in thickness, paper bound with marbled coverings paged in each page in large figures and bearing on it the name of Francis R Sprague.?

Edward P Wilder of Counsel.

I want this record to show that this witness, who is called, is called by the direction of the Court and objects to being sworn and takes the stand under and in obedience to the order of the court;

By the Court

I want it to appear that this gentleman is called as a witness by Mr. Thayer, counsel for the prosecution.

By the Witness

I object to being examined at all on the ground that I am counsel for the

0421

defendant.

By the Court.

I hold that this man was sworn on the previous examination and he went on the stand and he was <sup>and sworn</sup> examined, and now he is resworn again, and I propose to allow counsel to ask the question:

Mr Wilder!

I take an exception, now the witness can do as he thinks best

By the Court.

The question is, have you seen the book described by the counsel giving <sup>the</sup> description of the book

Witness

I have no knowledge



0422

in regard to this book  
or matter except such  
as has been commu-  
nicated to me by my  
client, and in my  
capacity as attorney  
and counsel to him,  
and on that ground  
I object and refuse  
to answer that question.

By the Court.

You must answer  
that question, have  
you seen the book  
the description of which  
is given here?

Witness

In answer to that question  
I think I shall be dis-  
closing confidential  
matters.

By the Court

Have you seen that  
book?

Witness

If your Honor please

0423

I have a duty in this matter, and in my opinion must be entirely guided in that matter by my duty to my client.

By the Court.

I don't ask you, as I say to expose any confidential communications between you and your client, I say he can and that question should be answered, I don't desire him to expose any confidential communication between him and his client.

Witness

It is impossible for me to answer that question without violating my duty to my client in my opinion.

By the Court.

The court holds dif-

0424

-ferent, I will not force  
you to any confidential  
communication between  
you and your client.

Compliments to Carroll.

I shall ask that  
your honor commit this  
witness until he shall  
answer this question

If it please your Honor I will  
now call Mr Edward P Milder  
to the stand.

Mr E P Milder,

I will refuse to  
take the stand unless  
ordered so by the Court

Compliments to Carroll.

I wish to see if Mr  
Milder obeys the sub-  
poena.

By the Court.

Mr Milder take the  
stand.

Mr Milder,

Mr Milder object to

0425

being called as a witness and takes the stand under protest and under order of the court.

Edward P. Wilder called on behalf of the complainants being duly sworn deposes & says.

Q Mr Wilder where do you reside?  
A 244 West 22<sup>nd</sup> Street.

Q Mr Wilder you were subpoenaed to produce a ~~written~~ certain book, partly written partly in blank and upon the fly leaf the name of Francis R. Sprague were you not?

A I don't know sir

Q You don't know whether you were subpoenaed or not?

A A subpoena was served on me which I didn't read.

Q Show me that subpoena with you?

Ans Sir

Q Where is it?

A At my office

Q Show me with you a book

0426

13

partly written partly blank, and about fifteen inches long about one foot wide about one inch in thickness, paper bound with marbledized cover ing paged in each page in large figures and bearing on the fly leaf the name of Francis R. Sprague.

A I have not

Q when was the subpoena which you have spoken to you of delivered to you?

A I forget what day several days ago.

Q By an officer was it not?

A I don't know

Q So all appearances a person who looked like an officer. Would you recognize the person who handed the paper to you?

A I might

Q Is that the gentleman? (pointing to the gentleman)  
A Yes sir that's the gentleman (meaning officer Weiss) He appeared then as he does now.

0427

Did he state then to you that  
he was an officer?

And he did not

I have you Mr Wilder since the  
first of March 1883. seen the  
book which I have described  
And he never saw it in my  
life, I don't know anything  
about it never has it!

E. P. Wilder

People's Test.

I am to before me  
this 18<sup>th</sup> day of April 1883

J. M. Patterson  
Justice



0428

By the Court.

Mr. Wheeler I feel it my duty to commit you in not answering this question, I think it a perfectly proper one and I say to you now there is nothing in this question which will in any way interfere with your duties or disclose any confidential communication with your client. It is not my purpose so to do. to have you divulge any confidential communications between you and your client. and if you refuse to answer the question I will have to commit you?

Mr. Wheeler

I presume your honor has looked the matter up. -

By the Court, I am willing to

0429

listen to you; as to why  
I should not do it: I have  
cracked the matter up and  
I think its a perfectly  
proper question for you  
to answer. —

Mr Wilder,

I dont see where there  
is any use in discussing  
it I can refer your  
honor to a list of cases  
where a similar matter  
has occurred.

William Wilder Recalled.

2 Have you got that book or do  
you know where it is?

By Edward P. Wilder

He has already stated  
under oath that he  
has no knowledge of  
this book except such  
as has been communicated  
to him by his client  
supposing now he goes  
on and says I have  
seen that book, its

0430

27

probable that his client  
has shown it to him. It  
will not belong to him  
to ~~public~~ bear witness  
against his client,  
If you ask him whether  
he has got that book or  
concealed it or knows  
where it is, that question  
he will answer, But  
he will not answer  
the question whether  
he seen it

Complainants Counsel,

The last time that he  
was in court he went  
on the stand and had  
that in his possession <sup>and</sup>  
under his control; But  
I am going to ask that  
question in that form.  
If Mr Wilder will take  
the stand I will ask it

William R. Wilder Deceased  
2 Mr Wilder since the first of  
March 1853. Have you had the  
book which I described in

0431

28

your possession?  
Deft to

First as being irrelevant and  
Incompetent, and that  
the witness is counsel  
for the defendant and  
cannot answer without  
criminating his client

By the Court.

~~I cannot see how a witness  
is responsible for his  
answers. He might de-  
cline to answer it for  
the purpose of criminating  
himself.~~

Deft to Counsel.

And on the ground that  
he stated, has already  
stated that he has no  
knowledge on the  
subject of this book,  
except that which his  
client has communicated  
to him:

By the Court.

I tell you again I  
will allow no question  
or force in answer from

0432

from this witness which  
will in any way expose  
any confidential com-  
munications between him  
and his client but  
the simple question  
has he seen the book,  
doesn't force him to  
expose any confiden-  
tial communications that  
his client has imposed  
in him.

By Mr. Wilder

The record further shows  
that he has no knowledge  
except that confided  
to him by his client

William R. Wilder

\*  
Defendants Counsel.

I move for the discharge  
of the prisoner upon  
the ground that the  
minutes show first!  
That there is no proof  
of loyeny and having  
no evidence of any  
felonious intent

Second, That from the testimony

29

Present before me  
this 18th day of April 1893  
Wm. R. Wilder

Chief Justice

0433

30

it appears that the  
book has no value  
and is not therefore  
the subject of a lorceny.

Third

That it appears that the  
parties are husband and  
wife and the husband  
therefore is incapable  
of committing a lorceny  
with reference to such  
property.

By the Court

Motion Denied  
Counsel Exception.

The further Hearing was  
adjourned to Tuesday April  
10th 1883. at 3.30 P.M.

Ct

Further adjourned at request  
of defendants to April 12/83 at  
3 P.M.

Further adjourned at  
request of defendant to April 18/83  
at 3 P.M.



0434

William R. Wilder, sworn  
and examined by Mr. Train -

Q Where do you reside?  
A 13 Waverly Place New York.  
Q Have you since the 1<sup>st</sup> day of March  
1883 seen a Cutaneous Canker

partly written, partly in blank,  
about 15 inches long and a foot  
wide about 1 1/2 inches thick, paper  
or board cover, known as a paper  
bound Canker manuscript cover  
pages in large figures on each  
page and bearing on the fly  
leaf the name James R. Spang?

objected to ~~and from the~~ <sup>on the ground that</sup>  
~~admitted~~ - Counsel desires  
to show that the witness  
is one of the defendants  
Counsel, the Court refused  
to allow it to be shown  
at this stage of the  
proceedings and defendant  
excepts.

A I refuse to answer that question  
as Counsel for defendant.  
William R. Wilder

Sworn to before me this  
23<sup>rd</sup> day of March 1883  
J. J. McCreary Notary Public

0435

Francis Rebecca Peron Peron  
And Cross examined -

Q Are you the wife of the defendant?

A I am

Q When were you married to him?

A June 24<sup>th</sup> 1882

Q Were you present when the  
alleged larceny of the book  
described in your affidavit was  
committed?

A No.

Q Do you know who was present at  
that time?

A No. except by hear-say.

Q Who else did you hear was  
present at that time?

A I did hear of no one being  
present at that moment.

Q What were the contents of  
this alleged book which you  
complain was removed from  
your room?

A Handwriting.

Q Of whose composition?

A Mine, in large part

Q Of what other persons composition?

A Ralph Waldo Emerson and other

0436

writers.

Q Who else?

A I don't at this moment remember the authors. The composition of other persons beside myself was a very small part of the book.

Q Was any part of the contents of that book copy-written by you?

A No sir.

Q Were those parts composed by persons and the other authors ever previously published anywhere?

A Oh! yes. There were not probably three pages of any one composition but my own. I will say you any way.

Q How many manuscript pages of your own composition did this alleged book contain?

A I don't know exactly.

Q What was the character of the contents composed by you?

A I have no opinion on that subject.

Q What were the contents?

A The contents were my own hand writing and composition.

0437

Q On what subject was this book written?

A On a great many subjects.

Q Describe any portion of its contents which you can? Objected to and excluded exception taken

Q Was this book a diary of your personal experiences?

A I don't know what the word diary means, definitely.

Q Have you ever published a book of your own composition?

A I have not

Q Have you ever published articles or papers of your composition?

A I have

Q Where and how many?

A I don't remember how many

Q When and in what form have they been published?

A Occasionally in the Cincinnati Commercial and other papers I have had articles.

Q Did this book contain any of those articles?

A Portions of them.

Q Have you ever offered this



0438

- Q Look at my publication?
- A No.
- Q Why did you write the matter in this book?
- A With a view to eventually use it in the preparation of manuscript for publication.
- Q Were you prepared to do so by any body?
- A Yes. Some of my friends, my sister, Mary A. Sprague at present in Rome, my father, Henry G. Sprague of Ohio. Miss Rose Miller of New York, 81 West 105 St. and various other friends. This came from them in the form of a general suggestion that I should do so for literary practice and future use.
- Q Has any part of the contents of this book ever been published?
- A I have already answered that.
- Q What is your age?
- A 34 years.
- Q Have you any business?
- A I am a law stenographer.

0439

2

- Q Where are you employed?  
A I have several offices - I am  
often at the office of Bayly  
and Mann, Counselors at Law,  
and ~~usually~~ visit reporting  
of reference cases.
- Q Are you so employed with  
your husband's consent.  
Objected to and excluded.
- Q Are you living with your husband  
now?  
A No.
- Q Did he compel ~~you~~ <sup>you</sup> to leave  
him or did you leave him  
voluntarily?  
A Both.
- Q Where do you live now?  
A At 101 West 105<sup>th</sup> Street
- Q Boarding or keeping house?  
A Keeping house
- Q Any body live with you?  
A Yes - Miss Rose Miller and  
my parents.
- Q How long since you ceased living  
with your husband  
A In November 1882
- Q Where were you then living  
with him?  
A



0440

A On Staten Island.

Q Has your husband ever refused  
to support you?  
objection to and excluded  
exception taken.

Re Direct -

Q When did you last see the  
book on question?

A On the morning of March 2/83

Q Did you see the defendant  
shortly after that?

A I did on the 5<sup>th</sup> of March.

Q Where was the book when  
you saw it on the 2<sup>nd</sup> of March  
in the morning?

A On the sideboard of the living  
room of my residence.

Q Did you on the 5<sup>th</sup> of March  
have any conversation with the  
defendant in respect to taking  
that book

objection to on the ground  
that the witness is not  
competent to testify as to  
Confidential Communications  
with her husband.

Question: Admitted and  
exception taken

0441

Q What did he say on that  
subject.

objected to for various  
reasons as before and  
that witness should  
have been examined on  
this point in chief and  
that this is not proper  
to do at  
overrule, except in

A He said he had taken  
the book.

Francis R. Brown.

Sworn to before me this }  
23<sup>rd</sup> day of March 1883 }

A. M. Patterson }  
Police Justice }

Adj. to April 3/83 at 2  
P. M. at Jefferson Market  
Witnesses notified to appear  
on that day.

0442

Sec. 797.

3<sup>d</sup>  
DISTRICT POLICE COURT

CITY AND COUNTY }  
OF NEW YORK, } ss.

In the name of the People of the State of New York; To any Policeman of said City :

Proof by affidavit having been this day made before me Jacob M. Patterson Esquire,  
Police Justice of said City, by Frances R. Brown of No. 81 West 145<sup>th</sup>

Street, in the said City, that the following property, to wit : one cutain manuscript  
Book written partly in short hand and partly  
in long hand and containing upon the fly leaf  
the name Frances R. Sprague, and  
a number of letters addressed to said  
Frances R. Sprague and to Frances R.  
Brown and being of the value of one  
thousand dollars and being the property  
of said Frances R. Brown

Has been feloniously taken, stolen, and carried away by

Charles A. Brown

and that he has a probable cause to suspect, and does suspect that the said property  
or part thereof is now concealed in the dwelling house or premises of said Charles A. Brown  
situate on a lot of ground fronting on No. 145 East 21<sup>st</sup> Street, in the  
18<sup>th</sup> Ward of said City, or at the office of said Charles A. Brown at premises  
no 62 New Church Street New York City

THESE ARE, THEREFORE, in the name of the People of the State of New York, to command and  
authorize you, with proper assistance, in the day time, to enter into the house or premises of the said Charles  
A. Brown situate as aforesaid, and there make immediate search for the said  
property and if the same, or any part thereof, shall be found, then you are likewise  
commanded to bring the same so found, together with the said Charles A. Brown

or the person in whose custody the same shall be so found, before me or some other Police Justice in and for the said City  
and County, to be dealt with as the law directs. This Warrant unless executed within five days after its date is void.

Given at the City of New York aforesaid, under my hand and seal,

this 20<sup>th</sup> day of March one thousand  
eight hundred and eighty three

J. M. Patterson Police Justice

0443

Inventory of property taken by ..... the Policeman by whom this warrant was executed:

This is to certify that we the undersigned Police Officers attached  
to the 3<sup>rd</sup> Precinct have this day as within commenced  
thoroughly and diligently searched the within named  
premises namely 145 cor 21<sup>st</sup> St also 62 New Church St  
and failed to find the within mentioned property

George Weiss  
Chas J. Simmons

24 and serial  
City and County of New York, ss:

We, George Weiss and Chas J. Simmons the Officer by whom this warrant was executed,  
do swear that the above Inventory contains a true and detailed account of all the property taken by us in this warrant.

Sworn to before me, this 21<sup>st</sup> day of March 1883

George Weiss  
Chas J. Simmons

Police Justice,

Police Court District, 3

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Francis R. Brown

vs.  
Charles A. Brown

Search Warrant.

Dated March 20<sup>th</sup> 1883

Attorney Justice

Officer

Arrested March 21. 1883



0444

City and County of New York ss.  
Frances R. ~~Fraser~~<sup>Brown</sup>, being  
duly sworn, says:

I am the ~~plaintiff~~<sup>complainant</sup> herein.  
I reside at No. 81. West 105<sup>th</sup> St.  
in the City of New York, where I  
have resided since November  
last. I hired the house myself  
have paid the rent therefor my-  
self out of my own moneys, and  
have since I hired said house,  
lived there separate and apart  
from my husband Charles S. Brown.

On the evening of March 2<sup>nd</sup>  
1883, said Chas. S. Brown came  
to my said residence, and under  
pretense of taking under a writ  
of replevin certain goods and  
property, <sup>mentioned and described in said writ</sup> which he claimed to be  
his, and which were then in said  
house, also feloniously took and  
carried away a certain Manu-  
script book belonging to me,  
and then in my possession,  
and also feloniously took and  
carried away a number of Pri-  
vate letters belonging to me,  
and also then in my posses-  
sion, and in my said residence;

0445

That said book and said letters were taken during my absence from said house, and without my consent, and with the intent, as I believe, on the part of said Chas. S. Brown, to steal the same and convert the same to his own use. The reason, I believe the said book and said letters were taken by said Chas. S. Brown is that on <sup>the morning of</sup> the second day of March, 1883, I saw said book and said letters in the drawer of a side board in the dining room of my said residence that day, and on my return I found that said side board which had contained the said book and letters, had been removed by direction of said Chas. S. Brown and that part of the contents of the drawer which contained said letters and said book were upon the floor and with such of the <sup>said</sup> contents ~~that~~ were not taken. I found a pen-knife which I had loaned said Chas. S. Brown, and which had been in his possession for some weeks up to that



0446

time, in a conspicuous place on the top of said remaining contents. On the following day to wit, March 3<sup>rd</sup>, 1883, I went to said Chas. A. Brown's place of business, No. 62 New Church Street, in the City of New York, with Miss R. H. Mueller, some of whose goods he had also taken from the same house and charged him with having taken said book and letters belonging to me, and he admitted that he had so taken the same. Said book had been in my possession up to the time of the taking of the same by said Chas. A. Brown, for more than six years. I purchased the same more than four years before I was married, and had from time to time during that period made memoranda and notes therein which I intended to use in the preparation of a book for publication. Said book representing many months of my labor, was worth not less than the sum of \$1000.

0447

It was a volume of some 200 pages more or less, and was more than half written through, containing notes in short-hand and in long hand. It was about a foot wide, and ~~over a foot~~ <sup>about</sup> 15 inches long, and <sup>about</sup> an inch and a half thick. It was what the book-sellers call "paper-bound", having a stiff "paper" binding, covered with marbled paper. It was pagged by the manufacturer in large figures on each page. The fly leaf bore my maiden name Frances R. Sprague. Deponent therefore charges and alleges that said Charles A. Brown did at the time aforesaid, at the City and County of New York, feloniously take, steal and carry away said manuscript book and letters with the intent to defraud the true owner of said property and to deprive deponent of the use and benefit thereof.

Frances R. Brown.

Dependent before me this  
20<sup>th</sup> day of March 1863  
J. W. Messing, Notary Public

0448

City and County of New York. S.S.  
Frances R. Brown the Complainant  
above named being further duly sworn  
says: I have reason to believe and do  
believe that the property mentioned  
and described in the foregoing affi-  
davit is concealed at the residence  
of said Chas. W. Brown at No. 145  
East 21<sup>st</sup> Street in the City of New-  
York, or at his place of business at  
the office of the Western Electric Co.  
No. 62 New Church St. New York City  
wherefore she prays that a warrant  
may be issued for the arrest of said  
Chas. W. Brown, and to search  
the premises above mentioned for  
said property. Frances R. Brown.

Sworn to before me  
This 20<sup>th</sup> day of March  
1883.

J. M. Patterson  
Police Justice.

0449

City and County of New York. S.S.

Rose H. Mueller, being duly sworn  
says: I reside at 81 West 105th St.

I know the book and letters  
belonging to Frances R. Brown  
which were in the house No. 81  
W. 105 St., in the City of New York,  
where I live with said Frances  
R. Brown. I saw them at about  
3 o'clock in the afternoon of March  
2, 1883, in the drawer of the side  
board in the dining room. Mrs  
Brown and I, with our servant  
left the house about that time  
to do some errands, and upon  
our return the said book and  
letters were gone. I went the next  
day with Mrs. Brown and called  
upon Charles A. Brown at his  
place of business, No. 62 New  
Church St. in the City of New  
York, and Mrs Brown charged  
said Chas. A. Brown with hav-  
ing taken said book and letters,  
and he admitted that he had done  
so. I have lived with said Fran-  
ces R. Brown for <sup>nearly</sup> five years, and  
for <sup>about</sup> four years before she married

0450

Chas. A. Brown, and saw said book in her possession and knew it to be her property long before she married said Chas. A. Brown. I have read so much of said book as is written in long hand. It is entirely in the handwriting of said Louises R. Brown, and the same consisted of notes and memoranda which I have seen her make in preparation of a book intended for publication.

Sworn to before me this } Rose H. Mueller  
21<sup>st</sup> day of March 1883 }  
J. M. Watkinson } Police Justice



0451

BOX:

98

FOLDER:

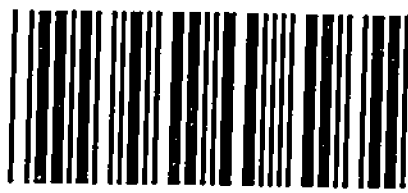
1060

DESCRIPTION:

Brown, William

DATE:

04/30/83



1060



0452

394

Counsel,

Filed 30 day of April 1883

Pleads

THE PEOPLE

v.

P

William Brown

19/5/83

Grand Larceny, second degree, and  
Receiving Stolen Goods.  
(Sections 520 and 531)

JOHN McKEON,

District Attorney

A True Bill

*W. McKee*  
May 1/83. Foreman.

*W. McKee*  
May 1/83. Foreman.  
S.P. Prob. & Co. 1/83

0453

394

Counsel,

Filed 30 day of April 1883

Pleads

THE PEOPLE	vs.	William Brown
Grand Larceny, second degree, and Receiving Stolen Goods. (Sections 528 and 531)		

19/5/83

JOHN McKEON,  
District Attorney

A True Bill

*W. McKee*  
May 1/83. Foreman.

*Heard J. J. v. day.*  
*D. P. Hubbs & Co. v. M.*

0454

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 Brown

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

William Brown

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

The said William Brown

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

three coats of the value of fifteen dollars each, two pairs of trousers of the value of ten dollars each pair, one vest of the value of five dollars, one shawl of the value of fifteen dollars, one dress of the value of fifteen dollars, one ring of the value of ten dollars, and one watch of the value of forty dollars

of the goods, chattels and personal property of one Isaac Brown 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.

John McKeon  
District Attorney

0455

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_

Police Court - 6<sup>th</sup> District. 335  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*John J. Brown*  
210 East 105<sup>th</sup> St.  
William Brown  
Dated April 21<sup>st</sup> 1883  
Magistrate  
Clerk  
Witnesses, *James J. Brown*  
No. 339 Broadway  
Michael Brown  
No. 210 Broadway  
No. \_\_\_\_\_  
Street, \_\_\_\_\_  
\$ \_\_\_\_\_  
Clerk  
APR 24 1883  
OFFICE, DISTRICT ATTORNEY  
C. J.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *200* 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 *April 21<sup>st</sup>* 1883

*[Signature]*  
Police Justice.

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

0456

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

6<sup>th</sup> DISTRICT POLICE COURT.

William Brown 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 Brown

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

210 East 158 Street for four years

Question. What is your business or profession?

Answer.

driver

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

Answer.

I am guilty

Brown

Taken before me, this 21  
day of June 1883

[Signature]  
Police Justice.

0457

6

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss

of No. 310 East 158<sup>th</sup> Street,

being duly sworn, deposes and says, that on the <sup>or about</sup> 8<sup>th</sup> day of April 188 3

at the \_\_\_\_\_ City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, \_\_\_\_\_

the following property, viz:

Two cloth coats, a Shawl, one  
suit of clothes, one pair of pants  
one childrens dress, one <sup>gown</sup> dress  
and one Gold watch in all  
of the value of one hundred  
and sixty dollars \$ 160.00

the property of

Isiah Brown and family

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by William Brown

(now here) for the reason that  
the said William admitted and  
confessed in the presence of the  
deponent and Officer Carter  
of the 33<sup>rd</sup> Precinct Police that he  
the said William did take steal  
and carry away the aforesaid  
property and pawned them in  
different pawnshops.

Isiah Brown

Sworn before me this

Police Justice.



0458

BOX:

98

FOLDER:

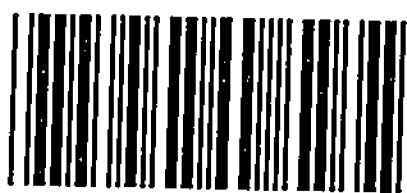
1060

DESCRIPTION:

Burnett, James A.

DATE:

04/19/83



1060

0459

BOX:

98

FOLDER:

1060

DESCRIPTION:

Both, Charles

DATE:

04/19/83



1060

0460

2527 Subst

Counsel,

Filed

1883

Pleads

19/21/83

No. 1 - THE PEOPLE

vs.

B.

James A. Connelley

and Charles Boxer

Grand Larceny,

JOHN McKEON,

District Attorney.

James A. Connelley

A TRUE BILL

James A. Connelley

James A. Connelley

Foreman

No. 2. Pleads Guilty.

24

20 18.00

Ex 67

Nov 18/85

W70

Represented by

James A. Connelley

In presence of

0461

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*James A. Bennett  
and Charles Booth*

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

*James A. Bennett and Charles Booth*  
of the crime of GRAND LARCENY, in the \_\_\_\_\_ degree, committed as follows:

The said *James A. Bennett and Charles Booth*

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *24th* day of *June* in the year of our Lord one thousand eight  
hundred and eighty *two* at the Ward, City and County aforesaid, with force and arms,

*\$300.-* 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 known as 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 *E. and W. S. Anthony and Company* 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

0462

478  
The People

vs  
The Doct  
Jas A Burnett

affidavit

Filed June 5 1883



0463

c e Ad  
Cre 122/83  
City, County and }  
State of New York } ss.

Charles Roth being duly sworn Says in reference to the indictments against him and James Arthur Burnett on the Complaint of E. H. J. Anthony & Co that he alone is responsible for the differences in the accounts of said firm and that said Burnett had not only nothing to do with them <sup>but</sup> was entirely in ignorance of their existence and that deponent took precautions so as to keep said Burnett in ignorance of these differences.

That the following is the explanation of the way in which these differences arose and were concealed by deponent viz: that a number of times the Cash account would not balance and that deponent by making a wilful error in the additions of either more or less would force such balance to be apparently correct and of which changes or alterations he kept <sup>said</sup> Burnett in ignorance. Deponent telling him that he had corrected some entry or other and that the account was all right. Deponent verily believes that most of the discrepancies charged against him and said Burnett <sup>are</sup> of this nature namely errors occurring in the

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ordinary course of business which could not be readily discovered and were therefore covered up by deponent in this said way. At other times he, deponent, took moneys from the cash drawer and then changed the footings so as to include the amount of such sums as he had taken and appropriated to his own use of which proceedings the said Burnett was also kept in ignorance by deponent.

Shewn before me this  
18<sup>th</sup> day of May 1883.

Charles Roth

James Knox

Notary Public N. Y. Co.

Counsel,  
Filed / 9<sup>th</sup> day of Dec 1883  
Pleads / 2<sup>nd</sup> Monday - 20

THE PEOPLE

515

James D. Davenport  
and Charles Booth

Grand Larceny,

**JOHN McKEON,**

*District Attorney.*

JOHN  
NEOR  
June 26/83.

Chas. J. G. Fass (Director, etc.)

# A True Bill.

W. J. L. L.

Right at all of <sup>Forwards</sup> ~~Forwards~~  
own Recog; Rec  
Mered.

Wm. A. I. Bullock  
James Stone  
32 Grove St

0465

0466

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
upon their Oath, present:

That James A. Bennett, and Charles  
Booth

~~The said~~

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the thirtieth day of January in the year of our Lord one thousand eight  
hundred and eighty one at the Ward, City and County aforesaid, with force and arms,  
\$70.- 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), be-  
ing 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 unsatis-  
fied, 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 James A. Bennett, and Charles  
Booth 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



0467

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 20 day of March  
1883, in the Court of General Sessions of the Peace of the County of  
New York, charging Charles Roth

with the crime of Grand Larceny

~~You are therefore~~ Commanded forthwith to arrest the above named Charles

Roth 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 20 day of March 1883.

By order of the Court,

Mark  
Clerk.



0468

N. Y. General Sessions of the Peace

THE PEOPLE  
OF THE STATE OF NEW YORK,


against

*Charles Roth*

Bench Warrant for Felony.

Issued

*May 20* 1883

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

140 Knox

The view of the recent request  
of James A. Bennett, after a  
full & fair trial, upon one of  
the four indictments found  
against him for larceny, in  
taking to different parts of the  
same general machinery,  
I deem it my duty respectfully  
to advise the Court that he  
should be discharged as to the  
remaining indictments.

James A. Bennett  
Jan 20/88  
A. J. Rogers  
against him every.

Reps. No 1 Baild by  
James Stone  
22 Grove St

254

Counsel,  
Filed 19<sup>th</sup> of April 1883  
Pleads *Not Guilty* - (23)

THE PEOPLE  
vs.  
James A. Bennett  
and Charles Borden  
et al.  
Grand Larceny,  
degree.

JOHN McKEON,  
Attorney,  
District Attorney.  
Mr. J. P. Dredging  
A True Bill.

*W. M. Stone*

Left despatch Foreman  
her own larceny,  
see Bennett

0469

0470

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*James A. Bennett*  
*and Charles Borth*

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

*James A. Bennett and Charles Borth*

of the crime of GRAND LARCENY, in the degree committed as follows:

The said *James A. Bennett and Charles Borth*

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

\$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 *E. and M. S. Anthony and Company* 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

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Witness

Edmund Anthony

Richard Anthony

Vincent M. Wilcox

591 Broadway

O. M. Beach

26 Kips St.

Brooklyn

702-710.

The People etc

aged

Charles Both

and

James A. Burnett

Grand Larceny

Indict

Witness

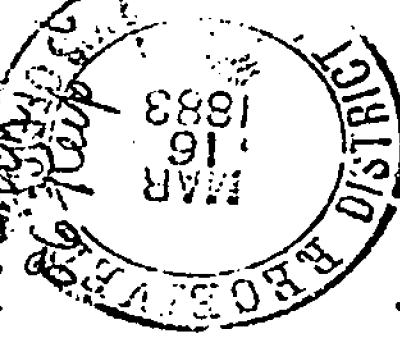
Edmund Anthony

Vincent M. Wilcox

Richard Anthony

O. M. Beach

591 Broadway  
Brooklyn



C. H. Hall

of Counsel to East Tenth St

261 Broadway

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Exhibit a

1877				1878				1879				1879			
Jan 12	Barker	\$10.		Aug 8	W	20.	1107.10	March 3	W	20.	2387.10	March 3	W	20.	
Feb 18	"	2.	12.	10	"	10.		6	"	20.		6	"	20.	
Feb 6	"	10.		12	"	10.		10	"	20.		10	"	20.	
" 10	"	10.		13	"	10.		13	"	10.		13	"	10.	
" 19	"	10.	20.10.	14	"	10.		14	"	10.		14	"	10.	
Mar 15	"	3.		17	"	20.		15	"	20.		15	"	20.	
" 22	"	10.	13.	24	"	30.		18	"	10.		18	"	10.	
Apr 21	"	10.	10.	28	"	10.		19	"	20.		19	"	20.	
May 15	"	10.		30	"	20.	140.	21	"	20.		21	"	20.	
" 26	"	1.	11.	Sept 4	"	10.		24	"	10.		24	"	10.	
June 5	"	20.	20.	5	"	30.		27	"	20.		27	"	20.	
July 25	"	10.	10.	6	"	10.		29	"	10.		29	"	10.	
Nov 12	A.	40.	40.	9	"	10.		31	"	10.	200.	31	"	10.	
Dec 17	"	10.	10.	11	"	10.		Apr 4	"	10.		4	"	10.	
			146.10	13	"	10.		8	"	10.		8	"	10.	
1878				14	"	10.		9	"	10.		9	"	10.	
Jan 23	A	20	20.	16	"	10.		10	"	10.		10	"	10.	
Feb 4	B	10.		20	"	10.		11	"	10.		11	"	10.	
" 7	"	10.		23	"	10.		19	"	10.		19	"	10.	
" 9	"	6.		25	"	10.		21	"	10.		21	"	10.	
" 14	"	10.		26	"	20.		25	"	20.		25	"	20.	
" 19	"	3.		30	"	40.	190.	26	"	20.		26	"	20.	
" 20	"	6.		Oct 5	"	30.		28	"	10.		28	"	10.	
" 21	"	3.		11	"	10.		29	"	10.	130.	29	"	10.	
" 25	"	20.		12	"	20.		May 2	"	10.		2	"	10.	
" 26	"	10.	78.	24	"	10.		3	"	10.		3	"	10.	
March 4	W	10.		28	"	30.		7	"	10.		7	"	10.	
" 6	"	10.		29	"	20.	120.	9	"	10.		9	"	10.	
" 9	"	20.		Nov 2	"	20.		10	"	10.		10	"	10.	
" 18	"	20.		4	"	10.		12	"	20.		12	"	20.	
" 19	"	10.		7	"	20.		14	"	11.		14	"	11.	
" 20	"	10.		11	"	30.		15	"	10.		15	"	10.	
" 22	"	30.		14	"	20.		16	"	10.		16	"	10.	
" 28	"	10.		18	"	10.		17	"	10.		17	"	10.	
" 29	"	20.		20	"	20.		20	"	10.		20	"	10.	
" 30	"	10.	150.	23	"	30.		22	"	10.		22	"	10.	
April 2	"	10.		25	"	10.		23	"	10.		23	"	10.	
" 6	"	10.		26	"	20.		26	"	10.		26	"	10.	
" 8	"	10.		30	"	20.	210.	27	"	10.		27	"	10.	
" 11	"	20.		Dec 4	"	20.		28	"	10.		28	"	10.	
" 12	"	10.		5	"	20.		31	"	10.	181.	31	"	10.	
" 15	"	10.		6	"	10.		June 6	"	10.		6	"	10.	
" 22	"	30.		10	"	30.		7	"	10.		7	"	10.	
" 27	"	10.		14	"	30.		9	"	10.		9	"	10.	
" 29	"	20.	130.	18	"	20.		10	"	10.		10	"	10.	
May 3	"	40.		21	"	30.		11	"	10.		11	"	10.	
" 6	"	20.		27	"	20.		12	"	10.		12	"	10.	
" 10	"	30.		30	"	30.		16	"	10.		16	"	10.	
" 11	"	20.		31	"	50.	260.	19	"	20.		19	"	20.	
" 14	"	20.		1879			2027.10	21	"	10.		21	"	10.	
" 16	"	10.		Jan 10	W	20.		24	"	20.		24	"	20.	
" 18	"	20.		11	"	10.		27	"	10.	140.	27	"	10.	
" 21	"	20.		15	"	20.		3	"	10.		3	"	10.	
" 27	"	60.		16	"	10.		5	"	10.		5	"	10.	
" 31	"	20.	260.	18	"	20.		9	"	10.		9	"	10.	
June 1	"	20.		20	"	10.		11	"	10.		11	"	10.	
" 6	"	10.		22	"	20.		17	"	20.		17	"	20.	
" 12	"	30.		24	"	10.		18	"	10.		18	"	10.	
" 13 (Booth)	"	30.		27	"	30.		21	"	20.		21	"	20.	
" 17	"	20.		29	"	10.		24	"	10.		24	"	10.	
" 19	"	30.		31	"	10.	170.	26	"	10.		26	"	10.	
" 23	"	10.		Feb 6	"	20.		29	"	10.		29	"	10.	
" 24	"	23.		8	"	10.		31	"	10.	130.	31	"	10.	
" 26	"	30.	203.	11	"	20.		Aug 6	"	20.		6	"	20.	
July 10	"	10.		13	"	20.		8	"	20.		8	"	20.	
" 13	"	10.		17	"	10.		11	"	10.		11	"	10.	
" 19	"	20.		19	"	20.		12	"	10.		12	"	10.	
" 25 (Booth)	"	30.		24	"	40.		16	"	10.		16	"	10.	
" 26	"	20.		25	"	20.		18	"	10.		18	"	10.	
" 27	"	10.		27	"	10.		22	"	20.		22	"	20.	
" 29	"	10.		28	"	20.		26	"	20.		26	"	20.	
" 31	"	10.		Forward		20	190.	29	"	10.	140.	29	"	10.	
Forward		120.	1107.10	Forward		20	2387.10	Forward		10.	3308.10	Forward		10.	

Exhibit a



0473

1879	1880	1880	1881	1882
Sept 5 A. Profit Forward 3308.10	May 3 A. Profit Forward 4362.40	1880	Profit Forward 5684.40	
9 " 20.	4 " 40.	Nov 4 A. 30.		
22 " 20.	6 " 10.	6 " 20.		
26 " 10.	6 " 20.	11 " 20.		
29 " 20.	10 " 10.	18 " 10.		
Oct 16 " 10.	12 " 2.	23 " 30.		
21 " 10.	13 " 10.	26 " 20.		
30 " 20.	14 " 10.	27 " 20.		
Nov 5 " 20.	15 " 20.	30 " 20.		
10 " 20.	18 " 30.	Dec 15 " 70.	170.	
11 " 10.	19 " 20.	16 " 40.		
12 " 10.	21 " 10.	17 " 50.		
13 " 10.	26 " 20.	18 " 10.		
15 " 20.	29 " 10.	21 " 30.		
18 " 10.	June 1 " 10.	22 " 20.		
20 " 10.	3 " 40.	23 " 50.		
21 " 10.	4 " 20.	27 " 40.		
24 " 3.	5 " 20.	30 " 50.		
26 " 10.	8 " 20.	31 " 80.	442.	
29 " 10.	9 " 10.		6296.40	
Dec 4 " 20.	11 " 20.	1881		
8 " 20.	16 " 20.	Jan 14 A. 20.		
11 " 20.	18 " 20.	18 " 20.		
15 " 10.	19 " 10.	21 " 40.		
17 " 20.	21 " 10.	25 " 30.		
	22 " 10.	27 " 30.		
	25 " 10.	28 " 40.	180.	
1880	July 2 " 30.	Feb 3 " 30.		
Jan 8 A. 10.	6 " 30.	4 " 50.		
12 " 10.	8 " 20.	8 " 20.		
14 " 20.	13 " 20.	11 " 40.		
16 " 20.	15 " 30.	14 " 20.		
17 " 10.	16 " 10.	18 " 80.		
19 " 10.	21 " 20.	21 " 40.		
22 " 20.	23 " 20.	23 " 20.		
24 " 20.	26 " 20.	26 " 20.	320.	
26 " 10.	29 " 20.	Mar 5 " 20.		
29 " 10.	30 " 20.	9 " 40.		
30 " 20.	31 " 10.	14 " 20.		
Feb 6 " 20.	Aug 6 " 40.	15 " 30.		
10 " 10.	7 " 10.	18 " 20.		
13 " 20.	9 " 20.	23 " 50.		
16 " 20.	10 " 10.	25 " 20.		
19 " 10.	16 " 40.	26 " 30.		
20 " 10.	20 " 30.	30 " (Both) 50.		
24 " 50.	21 " 10.	31 " ( " ) 50.	330.	
28 " 20.	25 " 20.	Apr 14 A. (Both) 20.		
Mar 4 " 20.	26 " 20.	28 " 30.		
6 " 20.	27 " 10.	30 A. 20.	70.	
8 " 20.	Sept 2 " 10.	May 5 A. 30.		
11 " 10.	6 " 10.	6 A. 30.		
18 " 50.	8 " 30.	17 " 20.		
20 " 20.	9 " 10.	20 A. 10.		
23 " 10.	11 " 20.	27 " 30.	120.	
26 " 10.	14 " 20.	June 3 A. 20.		
30 " 10.	17 " 10.	10 " 20.		
Apr. 2 " 10.	20 " 10.	11 " 20.		
5 " 10.	23 " 20.	14 " 20.		
13 " 20.	25 " 10.	17 " 30.		
14 " 20.	28 " 20.	18 " 20.		
16 " 30.	Oct 7 " 10.	20 A. 30.		
17 " 10.	8 " 30.	22 " 20.		
19 " 20.	11 " 20.	23 " 30.		
21 " 20.	13 " 20.	24 " 20.		
23 " 10.	15 " 50.	29 A. 20.		
26 " 30.	18 " 10.	30 " 20.	270.	
28 " 10.	20 " 20.	July 2 A. (Both) 50.		
29 " 10.	21 " 20.	5 " ( " ) 50.		
30 " 1.30	22 " 10.	8 " ( " ) 40.		
Forward 201.30	25 " 20.	15 " 30.		
	26 " 20.	16 " 30.		
	30 " 30.	20 " 40.		
	Forward 260.	22 " 40.		
		23 " 20.		
		27 " 20.		
		28 " 20.		
		29 " 50.		
		Forward 390.		
		7976.40		

0474

1881	Aug	4	Prot Forward	7976.40
		5	20.	
		8	40.	
		10	30.	
		12	40.	
		18	20.	
		16	40.	
		17	30.	
		22	20.	
		23	10.	
		24	10.	
		25	20.	
		27	20.	
		30	50.	
		30	30.	380.
	Sept	5	30.	
		9	40.	
		11	20.	
		14	20.	
		16	20.	
		19	20.	
		21	30.	
		22	40.	
		23	30.	
		28	30.	
		29	20.	
		30	30.	330.
	Oct	8	Beach	
		10	10.	
		13	20.	
		17	30.	
		24	50.	
		24	50.	160.
		27	30.	
		12	20.	
		15	40.	
		23	20.	
		25	30.	
		29	50.	
		30	20.	210.
	Dec	3	10.	
		5	10.	
		7	30.	
		8	20.	
		9	20.	
		14	2.	
		16	20.	
		17	20.	
		22	40.	
		27	20.	
		28	50.	
		29	30.	
		30	50.	
		31	130.	452.
				9508.40.

1882	Jan	7	Beach	20.
		9	20.	
		11	20.	
		12	30.	
		13	40.	
		14	50.	
		16	20.	
		17	40.	
		18	50.	
		19	20.	
		20	50.	
		21	40.	
		24	30.	
		26	20.	
		30	70.	
		27	30.	550.
			Forward	10058.40

Exhibit

1882	Feb	2	Prot Forward	10058.40
		3	30.	
		4	30.	
		6	30.	
		8	60.	
		9	20.	
		11	70.	
		14	50.	
		16	50.	
		18	60.	
		21	40.	
		23	30.	
		24	20.	
		25	60.	
		28	70.	650.
	Mon	3	60.	
		6	60.	
		8	20.	
		9	50.	
		10	50.	
		11	30.	
		13	30.	
		14	50.	
		15	20.	
		17	60.	
		18	20.	
		20	30.	
		22	90.	
		23	10.	
		24	20.	
		27	60.	
		28	20.	
		30	60.	
		31	30.	770.
		3	40.	
		5	33.	
		10	30.	
		12	30.	
		13	50.	
		15	20.	
		17	50.	
		21	50.	
		24	30.	
		25	20.	
		27	50.	
		28	40.	
		29	30.	473.
	May	2	1.	
		3	50.	
		11	100.	
		13	30.	
		15	150.	
		16	50.	
		17	40.	
		19	50.	
		25	30.	
		26	30.	
		31	20.	551.
	June	5	80.	
		6	40.	
		9	20.	
		27	20.	
		28	20.	
		29	20.	
		30	40.	240.
	July	7	40.	
		10	20.	
		13	20.	
		14	30.	
		15	20.	
		17	20.	
		19	20.	
		20	20.	
		21	30.	
		24	20.	
			Forward	240.
				12742.40

1882	July	26	Prot Forward	240.	12742.40
		27	Beach	50.	
		28	30.		
		30	20.		
		31	30.		
		31	20.		390.
	Aug	16	40.		
		17	20.		
		19	30.		
		22	40.		160
		29	20.		
	Sept	4	20.		
		6	30.		
		14	20.		
		16	20.		
		22	20.		
		30	20.		130.
	Oct	4	20.		20.
					13442.40
	1879		Following were		
			accidentally omit-		
			ted from this list:		
	Dec	19	30.		
		20	20.		
		23	20.		
		24	10.		
		26	20.		
		27	20.		
		30	40.		
		31	20.		180.
					13622.40

0475

State of New York  
City & County of New York }

Edward Anthony of the City of New York  
being duly sworn upon his oath says

That he is President of the E. & H. J. Anthony & Co.  
that the said E. & H. J. Anthony & Co. is a Domestic  
Corporation and is a Corporation duly organized under  
the laws entitled An Act for the formation of Corporations  
for manufacturing mining & chemical & other  
purposes passed February 14. 1848. and under the  
acts amendatory thereof.

That said Corporation was so organized on the 24<sup>th</sup>  
day of March 1877.

That said Corporation is engaged in manufacturing  
& selling of photographic materials - and of pictures  
albums and other goods -

That Edward Anthony is the President thereof, Henry  
J. Anthony is the <sup>Vice President</sup> thereof and Vincent M. Wil-  
cox is the Secretary thereof

That prior to the said organization of said Corpor-  
ation, the said three persons were Co-partners in trade  
doing business under the firm name of E. & H. J. An-  
thony & Co.

That one Charles Roth now residing in the State  
of New Jersey was employed by the said partnership  
of E. & H. J. Anthony & Co. in the capacity of Book-  
keeper from the month of February 1871 to the date  
of the organization of said Corporation, and was

0476

employed by the said Corporation, as Book Keeper from the 24<sup>th</sup> day of March 1877. to the 15<sup>th</sup> day of October 1881

That it was the duty of said Charles Both in his employment as such Book Keeper to have and keep charge of the Books of the business of said Co-partnership and of said Corporation & make correct and proper entries ~~of the~~ and accounts of the said business - and among other things it was his duty to make and keep the accounts in the Ledgers & Journals - and to make entries ~~in~~ in the Ledgers of the payments and receipts of money from as shown by the entries in the Cash Books and from the Cash Books = And it was also the duty of said Both at stated times to make balances of the accounts in said Books & ascertain whether or not any erroneous entries or charges had been made therein

That one James Arthur Burnett <sup>now residing in Colorado</sup> was employed by the said partnership from the 11<sup>th</sup> day of September 1875 to 24<sup>th</sup> day of March 1877. in the capacity of Cashier, & the said Burnett - was also employed by the said Corporation from the 24<sup>th</sup> day of March 1877. to the 31<sup>st</sup> day of December 1882 in the capacity of Cashier - That it was the duty of the said Burnett - to have charge of the money checks & drafts of said Co-partnership and said Corporation and to keep the Cash Book thereof, which



0477

Cash Book was intended, & kept, as for the purpose of exhibiting the amounts of money, Checks or Drafts either received or paid in the course of the business of said Corporation <sup>and</sup> Co-partnership. And it was the duty of said Burnett as such Cashier to keep an account of all receipts and of all payments of money received or paid by said Co-partnership <sup>and</sup> Corporation, and such account was to be kept in a Book called a Cash Book.

That the said Burnett also had charge of the several Check Books of said Corporation & kept an account of all moneys received by the several Banks in which said Corporation kept accounts & of all moneys paid out by said ~~Corporation~~ Banks on the Checks or Drafts of said Corporation or otherwise.

That the positions in said Corporation of ~~Chas. H. Y.~~ Anthony Leo, occupied by the said Charles Both and by the said James A. Burnett - were <sup>positions</sup> of much Confidence - Confidential in their nature, and of great responsibility.

And this deponent further alleges and upon information and belief says that the said Charles Both and the said James A. Burnett did between the 1<sup>st</sup> day of January 1877 and the 15<sup>th</sup> day of October 1882 each being a clerk of the said Corporation the said ~~Chas. H. Y.~~ Anthony Leo, Embezzle and convert to their own use, without the consent of the said Corpor-



0478

ation. E. H. Anthony & Co. or any officer or stockholder thereof a large sum of money to wit the sum of about thirteen thousand seven hundred dollars belonging to the said E. H. Anthony & Co. and which came to the possession of said Burnett under the care of the said Burnett and said Both, by virtue of such employment and office.

And that the said Charles Both during said period & between said dates received from said Burnett a large portion of said sum of money - knowing the same have been embezzled by the said Burnett.

And this deponent further alleges upon his information and belief that between the 2<sup>nd</sup> day of March 1877 and the 4<sup>th</sup> day of October 1882 Charles Both and James A. Burnett feloniously took and carried away from E. H. Anthony & Co. a Domestic Corporation, as aforesaid, a large sum of money to wit the sum of about thirteen thousand six hundred dollars that said money was the property of E. H. Anthony & Co. the Corporation - aforesaid.

Deponent further says upon like information & belief that annexed and attached hereto and marked as Exhibit A is a Bill of the particulars of the embezzling & taking of the said money - which said Bill of particulars

0479

deponent hereby makes a part of this Affidavit  
& Complaint - & which said Bill of particulars  
discloses the date & day of such embezzlement  
& felonious taking of said moneys - and the  
several amounts so taken on the said several  
days and at the several times -

And this deponent further alleges & upon like  
information & belief says. That on the 11<sup>th</sup> day of  
May 1882 at the City of New York Charles Both -  
then being in the employ of Ex<sup>rs</sup> H. Y. Anthony & Co  
a Domestic Corporation - as a clerk - & tempo-  
rarily acting as Cashier of said Corporation  
feloniously took and carried away from  
Ex<sup>rs</sup> H. Y. Anthony & Co the sum of one Hundred  
Dollars in money - being the property of  
Ex<sup>rs</sup> H. Y. Anthony & Co the Corporation aforesaid  
and did on the 13<sup>th</sup> day of May 1882 feloniously  
likewise take the sum of thirty dollars - & did  
likewise on the 15<sup>th</sup> day of May 1882 at New York  
feloniously take & carry away from Ex<sup>rs</sup> H. Y. An-  
thony & Co the Corporation aforesaid the further  
sum of one Hundred & fifty dollars - & in money  
being the property of Ex<sup>rs</sup> H. Y. Anthony & Co the  
Corporation aforesaid

And said Both did likewise on the 16<sup>th</sup> day of May  
1882 take fifty dollars - and on the 17<sup>th</sup> day of May  
1882 take forty dollars and on the 19<sup>th</sup> day of May

0480

1882 take the further sum of fifty dollars - and that  
all the taking of such money was without  
the consent or knowledge of E. & J. Anthony & Co.

And deponent further <sup>upon the information & belief</sup> says that the said James  
A. Burnett on the 25<sup>th</sup> day of May 1882 at the  
city of New York took & carried away from E.  
& J. Anthony & Co a Domestic Corporation as  
aforesaid, without its consent the sum of thirty  
dollars in money the property of said Corporation  
And did on the 31<sup>st</sup> day of May 1882 likewise take &  
carry away the further sum of twenty dollars in money  
belonging to said Corporation

And deponent further says upon like information  
& belief that the said James A. Burnett on the  
5<sup>th</sup> day of June 1882 at the city of New York took  
& carried away from E. & J. Anthony & Co a Do-  
mestic Corporation, without its consent the sum  
of eighty dollars in money the property of E. & J.  
Anthony & Co

And deponent further says that it was the duty  
of the said Burnett to receive & take charge of all  
moneys checks & drafts that came to the possession  
of E. & J. Anthony & Co in their business & to  
enter the same in the Cash Book of said Corporation

0481

And that it likewise was the duty of said Bennett, to enter in the Cash <sup>Book</sup> an account of all moneys paid out by said Corporation in its business - and said entries of receipts & payments were so to be entered on the day of the date thereof.

That entries of receipts & payments of moneys - were made by said Bennett in the Cash Book less the said Bennett in making the entry of the whole amount received or paid on the several days in the annexed Exhibits stated - of entries made by him - erroneously stated the amounts so received or paid by him.

For example in making the entry in the Cash Book of the amount ~~received~~ received by him, in said business on the 30<sup>th</sup> day of December 1881 the said Bennett entered <sup>in the Book</sup> that he had received the sum of one thousand three hundred & nine dollars and sixty four cents, whereas he had received the sum of one thousand three hundred & fifty nine dollars and sixty four cents = ~~And~~ <sup>there</sup> ~~there~~ <sup>been</sup> said Bennett entered that he had paid on the 31<sup>st</sup> day of December 1881 in said business the sum of \$4,652.<sup>72</sup> whereas he paid or there was paid only the sum of \$4,622.<sup>72</sup>

And entries were made in the Cash Book in the handwriting of said Bennett on a large majority of the several days set forth in the annexed Schedule



0482

That the said Burnett was absent from his post of duty from the 11<sup>th</sup> to the 24<sup>th</sup> day of May 1872. In his absence Charles Both performed the duties belonging to Burnett & handled the money & checks paid & received in the business of said Corporation & made the entries in the Cash Book & an examination of the book shows that during these days the sum of \$320 was taken  
1470

Deponent further says that it was the duty of Both to make the entries in the ledgers and Journal of the said Business & more particularly to make the entries in ledgers of the payments of moneys & receipts of moneys. Such entries to be made from the entries set out in the Cash Book.

That the said entries were made by said Both in the ledgers, and that said Both did not make the entries of results ~~truly~~ <sup>by Both</sup> correctly. That had all the entries <sup>by Both</sup> been made correctly - it would have been impossible to have balanced the books & it would have been impossible for the said Both to have failed to ascertain that the entries of said Burnett were erroneous -

And this deponent further alleges that upon his information and belief that between the 24<sup>th</sup> day of March 1877 and the 4<sup>th</sup> day of October



0483

1882 at the City of New York Charles Roth and James A. Burnett each of whom were during said time in the employ of E. & H. J. Anthony & Co a Domestic Corporation as Clerks & Bookkeepers, with intent to defraud & conceal the larceny and misappropriation of the moneys hereinbefore & in the annexed Exhibit stated, by said Roth & Burnett, wilfully made false entries in the ledgers journals & Cash Books & Books of account of the said E. & H. J. Anthony & Co wilfully omitted to make true entry of many of material particulars in such Books of account made written and kept by them.

In particular Dependent alleges that on or about the 31<sup>st</sup> day of December 1881 the said Charles Roth in his own hand writing, made and entered upon page 429 of the Journal the following entry

Importers Trusts National Bank  
To Sundries

J. M. Moody Dft. 14. Feb. 74.69

Bills payable

Collections to date for. Ak returns

67.696.14

0484

that said Both intending by such entry to charge against the said Bank & to give credit to the Cash account - that the Bank aforesaid had collected for the said Corporation during the year 1881 the sum of \$67,696.17 & \$74.69, whereas as matters of fact the said Bank had not collected within said time the sum of \$67,696.17 but only the sum of \$61,302.37 - and dependent charges that said Entry above set forth is false -

Depositor further says that the entries of collections by the said Bank were first made by James A. Burnett, in a petty memorandum Book - in his own handwriting & were also made by a clerk of the said Bank in the regular Bank Book of said Corporation - that the two accounts of such collections agreed in amount & showed that in the year 1881 the said Bank had collected the sum of \$61,302.37 which was the proper & true entry to be made in relation thereto. A difference of <sup>of the sum of</sup> \$6,393.80 <sub>of the sum of</sub> in further particulars, as to false entries this depositor upon his information & belief charges & alleges that the said Charles Both made further false entries in the <sup>Book</sup> Ledger of said Corporation in the "Merchandise account" thereof, in entering the gross sum <sup>or amounts</sup> of merchandise purchased in the years 1877, 1878, 1879, 1880 & 1881 <sup>1882</sup> as follows, by adding the following sums to the amounts actually purchased

0485

August	1877.	\$1.000
December	1877	1.000
September	1878	500
November	1878	200
March	1879	1.000
May	1879	1.000
July	1879	1.000
December	1880	1.000
June	1881	600
July	1881	1.000
September	1881	1.000
March	1882	1.000

In all the sum of \$ 10.300

And in further particular Dependent further alleges upon information & belief that the said James A. Burnett - within the past five years and on the days set forth in the annexed Bill of particulars Exhibit A except a few days, which few days are indicated in the annexed Exhibit by the name "Booth" put in opposite the dates, willfully made false entries in the Cash Books of account of said Corporation & willfully omitted to make true entry in said Cash Books of the correct amounts paid or received by said Corporation in its business, in the amounts and on the several days & dates in the annexed Exhibit stated in detail, by willfully entering on said Cash Books a sum less

0486

than had been received & upon the other side a sum greater than had been paid -

And deponent further alleges the upon the information & belief that he believes such entries were made by said Both & said Burnett for the purpose of covering the taking of such moneys & that each knew of the whole of the facts above alleged

Wherefore deponent prays that the said Charles Both & James A. Burnett may be apprehended & dealt with according to the Law of this state -

Subscribed & Sworn to before  
me this 13<sup>th</sup> day of March 1883 } C. C. Anthony  
by Wm. H. Smith  
Notary Public (13)  
City & County of Maryland.



0487

State of New York  
City & County of New York

Vincent M. McCoy, Deputy

Sworn says he is Secretary of E. & F. J. Anthony & Co.  
that he has read the annexed affidavit of Edward  
Anthony & knows the contents thereof & that he  
believes the same to be true -

Deponent further says that he has examined  
the Books of said Corporation. and has also  
examined the annexed Exhibit.

That deponent has examined each of the items  
on said exhibit opposite of which is the letter "W." &  
has compared the same with the entries in the Books  
of said Corporation & says that they are correct.

And shows the amounts taken on said several  
days of James A. Burnett & Charles Roth in  
the manner in the annexed affidavit stated.

Deponent further says that he has also compared the  
entry described in the annexed affidavit  
as having been made by Charles Roth with the found  
with the original entry & that said affidavit  
shows the entry as made & that he says that said  
entry is not correct. and deponent alleges that  
the entries in detail in the Cash Book made by the  
said Roth & by the said Burnett show that  
the said Roth & Burnett received more  
of the money & belonging to E. & F. J. Anthony.



0488

He then was entered in the said Book as having  
been received by them - & that they paid  
out ~~no~~ less than the ~~at~~ said Book shows  
was paid by them or either of them

Subscribed & Sworn to } J. M. Wilcox  
before me this 13<sup>th</sup> of June 1883 }  
J. J. Wilcox  
Notary Public (13)  
City & County of New York.

0489

State of New York

City & County of New York }

Richard Anthony being  
duly sworn says that he has read the annexed  
affidavit of Edward Anthony

Deponent further says that he has examined  
many of the pages of the books of E. H. J. Anthony & Co - & has examined the annexed Exhibit  
A.

That Deponent has examined each of the items  
in the annexed Exhibit A. opposite to which  
is the letter "R" & has compared the same with  
the pages of the Cash Book showing the date  
& entry corresponding to said items in the annexed  
Exhibit

Deponent says that Said Exhibit as to the items  
opposite to which is the letter "R" correctly shows  
the amount of money taken from the Cash  
money in the hands of the Cashier - and that  
the annexed affidavit of Edward Anthony  
is correct & true as deponent believes as  
to such items

That the Books of E. H. J. Anthony & Co  
as to the items herein referred to show that  
the entries on the said several dates are  
false in that they do not show <sup>in the sum total of</sup> the actual  
amount of money received or paid  
by the Cashier on the said several dates

0490

And although the Books appear to show the Entry  
of receipts & payments in detail, I do Correck  
yet the error or false entry is in the adding  
up the gross receipts of the day - & entering  
in the books the true amount thus enabling  
the Cashier to abstract the several sums of  
money as in the annexed Exhibit referred  
as herein stated - That these ~~are~~ false entries  
are as numerous as are the dates in the  
annexed Exhibit shown -

Subscribed and sworn to

before me the 14<sup>th</sup> day of March 1870

Richard Anthony

David Thomas

Com. of Ind.

Wm. C. G. & Co.

0491

City County and State of New York ss

That I, M. Beach being duly sworn depose that he is an expert accountant & does business in the City of New York residing at 66 West 42nd Street that at the request of Edw. J. Anthony Esq. a  
to examine the books of said company several days in an examination of the books of account of the said Edw. J. Anthony Esq.

That deponent has examined each of the items in the annexed Exhibit A. opposite to which is the name Beach has compared the Books of that date corresponding to said items and examined the same.

That said Exhibit A. correctly shows the amount of money taken from the moneys in the hands of the Cashier on the said several dates, which deponent examined as aforesaid. That deponent verily believes that the affidavit of Edward Anthony heretofore annexed correctly charges the said abstractions - & that the items referred to by deponent and that the said charges in said affidavit as to said matters are clearly shown by the said books of said Corporation which were kept by him in the handwriting of said Cashier.

That the Books of Edw. J. Anthony Esq. as to the items herein referred to show that the entries on the said several dates are false in that they do not show in the sums total the actual amount of money received on paid by the Cashier on the said several dates.

0492

and although the books appear to show the entry of receipts & payments of money in detail, to be correct yet the cause of false entry is in the adding the gross receipts & payments of the day venturing in the books an enormous amount ~~thus~~ and carrying into the ledgers such enormous amounts & really rendering his accounts to the firm or corporation by the enormous amounts & receiving the moneys which were the difference between the two enormous amounts - And these false entries and abstractions are as numerous as are the dates in the amended Exhibitions as to the items I have referred to.

Further I have examined the account of the Commercial Union Bank on the part of said Corporation with reference to the entry referred to in Edward Anthony's affidavit - This said affidavit correctly describes & copies the said entry, & the import & purpose thereof - And I have examined the other accounts kept by the Bank as therein described, & the accounts as kept by Bennett & the said affidavit correctly describes & copies the same. It appears by the detail account taken of the importers & exporters that only collected the sum of \$61,302.67 & said entry is for the sum of \$6393.00 and would appear to have been made for the purpose of covering the abstractions from the cash - by the firm of E. Anthony & Co.



0493

amount to the Bank, on which the amount  
actually ~~is~~ collected properly at the

Smith says that he has examined the said Bank  
and its account showing the amount paid  
for merchandise in the years 1877, 1878, 1879, 1880  
1881 & 1882 and that the said amount  
added & charged in said account  
as for money paid for merchandise is less  
than the amount actually paid said account  
is actually falsely increased. & the amount is

Smith says that he has examined on page 110. on Cash  
Book No 15. under the date of January 6, 1882. &  
finds the entry of Crediting to Superstition Bank  
for \$200. In a check drawn on the entry  
compares correctly with the face of the check of that same  
date - But I find that the amount is carried  
into the ledger & there entered as the sum of \$2,000  
thus increasing the to that amount, 1,800 - and  
that is the case.

C. H. Beach

Wm. to receive me the  
1st day of March 1882

David Prosser,  
Comptroller  
Wash City & Co.

0494

No. 44.

## HALF RATE MESSAGES.

### 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 its liability for errors or delay in transmission or delivery of Unrepeated Messages.  
This message is an UNREPEATED MESSAGE and is delivered by request of the sender under the conditions named above.

A. R. BREWER, Secy.

NORMAN GREEN, President.

Dated

Received at

599 BROADWAY

To

J. A. Gurnett  
Or Anthony & Co

READ THE NOTICE AT THE TOP

Come earliest  
day possible  
advise by wire  
when you leave

Wm Dec 25/87

J. H. Mauhan

0495

Form No. 1.

**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 Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.  
This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above. 156  
THOS. T. ECKERT, General Manager. MORVIN GREEN, President.

NUMBER 222 SENT BY 24 RECEIVED BY 15 PM  
Received at 599 Broadway, N. Y.

Dated Dec 12, 1889  
To J. A. Barnett  
591 Broadway or Anthony & Co  
Can give you twelve hundred a  
year at Elberton if you can  
go soon answer  
J. H. Mangham

CABLE OFFICE.

THIS TELEGRAM HAS JUST BEEN RECEIVED AT THE OFFICE IN  
599 BROADWAY.

ALWAYS OPEN.

0496

Form No. 44.

**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 reduced rates, beyond 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 power of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
208 a sc	2	13 paid	nm

Received at the WESTERN UNION BUILDING, 295 Broadway, New York, Dec 16 1882.

Dated Silvertown Oct 16

To J A Burnett

A Chathu 26

591 May ny

Come + if possible earlier than date mentioned Do not fail I write  
Jno Mougham

0497

C.P. June 5/82

122483

Pio 126.96

Pae 427.02

Meek 2083.22

State 1893.27

4530.47

3327.16

1.203.31

Orad

Pio 2126

Pae 927

Meek 5083

State 1893

Orad 6673

16.702



0498



Geo 126.96<sup>in</sup> ✓

122/13

Pac 427.02<sup>in</sup> ✓

Mech 106.35  
Rep 1122.32  
1.015.97<sup>in</sup>  
1.067.28  
2.083.22 ✓

Mech 99.48<sup>in</sup>  
ch 172.5  
106.73  
Rep 2000.73  
1.893.27 ✓

Grad 572.81  
576.15  
2000  
150  
4.75  
250  
500  
345 690  
59.07  
4.244.97  
3.672.16<sup>in</sup>  
345  
3.327.16 ✓

22868	33250
1075	32455
13	70
3389	50
10	3795
11625	725
20	81725
23667	250
6099	106725 ✓
5873	
374	
14167	
703	
16572	
1580	
12232 ✓	

0499

Coppy.

New York May 29 1883

The People  
No  
J. A. Burnett

Hon A. J. Reppner  
Dear Sir.

As you have informed me that the District Attorney has placed the above matter in your hands, I direct this note to go to you instead of to him. I have this morning received a note from Mr. C. Both who is now confined in the Tombs who is jointly indicted with my client Mr. Burnett. The letter of which the following is a copy is as follows.

Tombs May 29<sup>th</sup> '83

Mr. John D. Townsend  
Dear Sir.

I am anxious to do what is right towards your client Mr. J. A. Burnett and to set him right desire to make a full statement. I would like you to arrange this matter in such a way that it may be to the best advantage for your client.

Respectfully  
C. Both

I have never seen Mr. Both and have had no communication with him. His counsel some time since informed me that at the proper time Mr. Both would make some statement which would relieve Mr. Burnett and I do not

0500

know what he intends to say or to what extent he will go in his statement so far as he is himself concerned. I only know that there is no arrangement of any kind between him and my client.

I have thought it proper to ask you, the complainant, as well as Mr. Both's attorney, Mr. Knox to be present when such statement is made, and I therefore request that you will appoint an hour when you and the complainant will meet me at the Tomb's & I will notify Mr. Knox of the time you set. Should you prefer to have Mr. Both brought to your office it will suit me as well but I ask in the cause of justice that it be done at once.

Respectfully  
John D. Townsend

0501

June 13<sup>th</sup>, 1883.

Wm. D. Townsend.

0502

*Left by H. W. J. 22/83*  
*District Attorney's Office,*  
*City & County of*  
*New York.*

New-York, May 4', 1883.

John D. Townsend, Esq.,  
Counsellor at Law,  
32 Park Place.

Dear Sir:-

The indictment on which the defendants, Burnett and Both, will probably first be tried, is that which charges them with a grand larceny, committed on June 5', 1882. I have communicated with Mr. Wilcox, the manager of E. & H. T. Anthony & Co., in reference to your request, as I promised to do, and he is willing to exhibit to you the several entries on the books which directly evidence this particular alleged larceny; and, for this purpose, fixes next Monday, May 7', between 10 and 12 o'clock, as the time, and the office of the corporation, No. 591 Broadway, as the place, where you may see the same.

As to the other books or documentary evidence which the People may deem it advisable to adduce on the trial of this cause, I know of no reason why the same should constitute an exception to other criminal causes, and the general rule must, therefore, be followed, namely, that the prosecution will exhibit its proofs at the trial, and not before.

Yours respectfully,

*A. J. Requier*

Assistant District Attorney.

15



0503

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

New-York, May 3rd., 1883.

John D. Townsend, Esq.,  
Attorney & Counsellor,  
32 Park Place.

Dear Sir:-

Your letter of the 1st. Inst. has been referred to me by Mr. Mc'Keon for an answer.

Though there is no obligation upon the prosecution to exhibit any of the documentary evidence which it may be proper to resort to upon the trial of the cases of Burnett and Both, yet we are willing that, under such restrictions as may be necessary in the interests of justice, you shall have a proper opportunity of looking at so much of the books as may be required in the investigation of these cases.

I will ascertain to-morrow when and where it will be advisable to permit you to do so, together with what guards I shall deem it to be necessary to impose in granting your request, and will advise you accordingly.

Yours respectfully,

*A. J. Regan*

Assistant District Attorney.

16

0504

Corries May 29. 83

Mr J. D. Townsend.

Sir

I am anxious to do  
what is right towards your  
Client Mr A. Burnett and  
to set him right desire to  
make a full statement.

I would like you to arrange  
this matter in such a way  
that it may be to the best  
advantage - for your Client.

Respectfully  
C. Both

0505

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

The People :  
-vs- :  
Burnett & Both. :  
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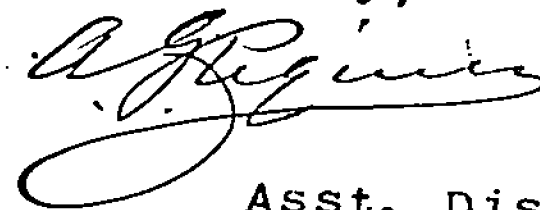
John D. Townsend, Esq.,  
Attorney and Counsellor at Law,  
32 Park Place.

New-York, May 31st., 1883.

Dear Sir:-

Your note of May 29' came to my hands at so late an hour on the afternoon of that day that I had no opportunity of answering it, and I hasten to do so this morning for the purpose of apprising you that, in the commencement of the next Term of the Court, I shall have the above entitled case placed upon the calendar in order that a day may then be fixed for the trial thereof, which may be mutually convenient, and that, in addition, I must positively decline to entertain the suggestion contained in your note.

Yours very respectfully,



Asst. Dist. Atty.

0506

*District Attorney's Office,  
City & County of  
New York*

New-York, June 13<sup>th</sup>, 1883.

John D. Townsend, Esq.,  
Attorney & Counsellor at Law,  
32 Park Place.

Dear Sir:-

On the 1st. ult. you addressed me a note of like purport with yours of yesterday, which has just come to hand. After one or two preliminary missives I answered it fully on the 4<sup>th</sup> ult., stating what I was willing, as an act of mere courtesy, to do. You replied to me on the same day, positively and tartly declining to avail yourself of the proffered courtesy. I can not consistently with my duty and the rights of the People do more or other than I then advisedly proposed and you then as deliberately refused; and I am surprised that a subject so definitively settled should be attempted to be opened without the slightest suggestion of a sufficient reason for doing so.

Yours respectfully,

Asst. Dist. Atty.

0507

City and County }  
of New York } ss.

Mary M. Both being  
duly sworn deposes and says that she is  
the wife of Charles Both; that shortly after  
his arrest, on or about the thirty first day  
of March, 1883, she called at the place of  
business of E & H. T. Anthony & Co. and saw  
Mr. Edward Anthony and Mr. Vincent M.  
Wilcox and had a conversation with the said  
Mr. Wilcox about her said husband's arrest;  
that in said conversation Mr. Wilcox told  
her that if her husband would plead guilty  
they (meaning the Messrs Anthony and himself)  
would recommend her husband to the mercy  
of the court and further urged upon her that  
this would be the best course for her said  
husband to pursue.

Sworn before me this }  
5<sup>th</sup> day of June, 1883 }

Mary M. Both

James Street

Notary Public N.Y.C.



0508

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

Joseph Openhym  
being duly sworn says that he is a member  
of the firm of William Openhym and Sons,  
Commission Merchants of silks, velvets &c  
at Nos. 42 to 50 Greene street, New York  
City; that Charles Both was employed by  
his said firm as assistant bookkeeper  
during the months of February and  
March, 1883; that in January, 1883, deponent  
called at the place of business of E. & J. F.  
Anthony & Co. and there saw Mr. Edward  
Anthony of whom he made enquiries  
about said Both, stating to him that  
said Both was an applicant for the  
position of assistant bookkeeper in their  
house; that on the recommendation of  
said Anthony he employed said Both;  
that during the time said Both was  
in the employ of deponents said firm  
he was polite and gentlemanly in his bearing  
and attentive to business and the members  
of deponents said firm were satisfied with  
the manner in which said Both per-  
formed his duties while in their employ.

Sworn before me this }  
15<sup>th</sup> day of June, 1883 }

Frank J. Demarest

Notary Public  
in and for the State of New York

0509

State of New Jersey, } S. J.  
City of Hoboken }

Louis + Bordenhau

being duly sworn says. I reside at No  
217 Hudson Street Hoboken, New Jersey.

I have resided in Hoboken since 1858

I am engaged in business in Hoboken

since 1866 I am a real estate and

insurance agent and also keep a coal

and wood yard.

I am acquainted with Charles Both

I have known him intimately since

about 1867 or 1866. He resided with

my family about four or five years

and during that time I saw him

almost daily. I always regarded

him as a young man of exemplary

character and habits and have

never known him to do a wrongful

act. After he left my house he

was married, and although he

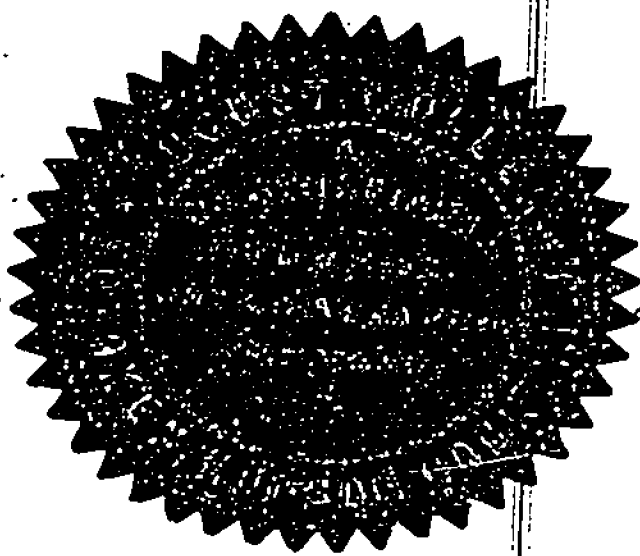
05 10

did not reside near me. He and his family were frequent visitors at my house, and he was always cordially received by my ~~father~~ self and family.

Given to before me

this 19<sup>th</sup> day of June 1883

*Louis Bueland*



*August Heller*  
Commissioner for New York  
in New Jersey.

0511

City, County and }  
State of New York } ss

George Mortimer  
being duly sworn says that he is a whole-  
sale dealer in Meats in West Washington  
Market New York City and resides at No.  
17 Sherman place Jersey City Heights;  
that he has known Charles Both for  
about ten years; that the wife of said  
Both is his niece; that said Both  
has always been attentive to his family  
and of good character and reputation;  
that deponent owing to his relationship  
has been on intimate terms with said  
Both and his family and has resided  
in the same neighborhood with said Both  
since the time of the marriage of said  
Both to his niece; that the said Both  
has always maintained a respectable  
character and is well thought of by  
his neighbors.

Sworn before me this } George Mortimer  
15<sup>th</sup> day of June 1883 }  
James H. Wood  
Notary Public N.Y.C.

05 12

City County and }  
State of New York } so.

Isaac W. Tausig  
being duly sworn says that he is a  
member of the firm of Tausig and  
Hammersey, dealers and manufacturers  
of Rock Candy and Syrups at No 50 Dey  
Street, New York City; that he resides at  
~~the corner of Reservoir and Palisade~~ <sup>No 11</sup> avenues  
Jersey City and is the Mayor of said City;  
that he has known Charles Both, who  
resides near him in Waverly street, Jersey  
City, for about seven years and during  
that time has always known him to be  
of good character and reputation and  
esteemed by his neighbors for his gentleman-  
liness and attention to his family.

Sworn before me this }  
13<sup>th</sup> day of June 1883 } Isaac W. Tausig  
James Knox  
Notary Public N.Y. Co.



0513

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

Perry J. Cumberston  
being duly sworn says that he is a member  
of the firm of S. S. Martine & Co., dealers in  
Carriage Trimmings at No 11 Warren street,  
New York City; that he resides on Palisade  
Avenue near Reservoir Avenue, Jersey City;  
that he knows Charles Both, who resides  
in Waverly street near Palisade Avenue and  
has known him for seven or eight years;  
that said Both is a man of good character  
and reputation, gentlemanly in demeanor  
and attentive to his family and is well  
thought of by all his neighbors.

Sworn before me this }  
13<sup>th</sup> day of June 1883 }

James Knox

Notary Public N.Y.C.

Perry J. Cumberston

0514

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

Eugene Lebeuf being duly sworn says that he is a member of the firm of Lebeuf and Leuzin, Dealers in and Importers of Wines, Brandies and Cordials at N<sup>o</sup>. 94 Bleeker Street, New York City; that he has known Charles Both for the past six years and has seen him very frequently during that time; that he has always known him to be gentlemanly in his demeanor and of good character and reputation and has always heard him spoken of in this manner by those who

knew him;

Sworn before me this }  
16<sup>th</sup> day of June 1883 }

Frank J. Demarest

Clerk of Deeds

N.Y. City & Cos.

Eugene Lebeuf.

05 15

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

Charles M. Colvin being duly sworn  
says that he is a Reporter for The New York  
Clipper at Nos 88 & 90 Centre Street in the City  
of New York; that he resides at No 162 West  
Ninth Street, in the City of New  
York;

that he has been intimately acquainted with  
Charles Both for fifteen years last past; that  
during said time and up to the time of said  
Both's indictment and arrest, he has never heard  
said Both's character as an honorable man called  
in question; that said Both's reputation personally  
and in connection with business matters, was  
always of the best.

Sworn before me this }  
20<sup>th</sup> day of June 1883 }  
Frank J. Demarest  
Comr of Deeds

Charles M. Colvin

N.Y. City & Co.

05 16

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

William H. Furman being duly sworn says that he is a dealer in produce and his place of business is in West Washington Market, New York City; that he resides in Waverly Street, Jersey City, near where Charles Both resides; that he has known the said Charles Both for several years past and has always known him as a man of good character and reputation, gentlemanly in his demeanor and honorable in all his dealings; that deponent represents the district in which the said Charles Both resides in the Board of Aldermen of Jersey City and is the President of the said Board.

Sworn before me this }  
20<sup>th</sup> day of June 1883 }  
Frank J. Demarest  
Clerk of Deeds  
N.Y. City & Co.

William H. Furman

✓

0517

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

Cornelius J. Rooney being duly sworn says, that he is in the Law and Collection business at N<sup>o</sup>. 229 Broadway in the City of New York and a member of the firm of C. J. Rooney & Co; that he resides in Palisade Avenue ~~Street~~, Jersey City <sup>Heights</sup>, near where Charles Both resides; that he has known the said Charles Both since the year 1870, and has always known him as a man of good character and reputation, gentlemanly in his demeanor and honorable in all his dealings, and attentive to his wife and children.

Sworn before me this }  
20<sup>th</sup> day of June 1883 }  
Frank J. Demarest  
Clerk of Deeds

C. J. Rooney.

N.Y. City & Co.



05 18

City County and }  
State of New York } ss.

Arend Steenken  
being duly sworn says that he is a member  
of the firm of Steenken and Brower, Soap  
Manufacturers at Hoboken, New Jersey;  
that he resides at the corner of Palisade  
avenue and Waverly street, Jersey City;  
that Charles Both has been his neighbor  
for several years past, residing in Waverly  
street near him; that he is well acquainted  
with the said Both and has held him in  
high estimation as a man of good reputation  
and character, attentive to his wife and  
children and gentlemanly in his bearing;  
and that this is his general reputation  
among his neighbors

Sworn to before me this }

21<sup>st</sup> day of June, 1883 }

Frank G. Demarest

Recorder of Deeds

N.Y. City & Co.

Arend Steenken

05 19

The People  
vs  
Barnett

The defendant respectfully asks  
the Recorder to charge the jury as follows:

First - as matter of fact -

1<sup>st</sup>

That there is no evidence in this case, whatever,  
that justified the prosecuting officer in  
assuming before this jury that the defendant  
had fled from this State, or from the  
penalty of any crime.

2<sup>d</sup>

That there is no evidence in this case  
showing that Mr Both has acted from other  
than a sense of duty, in confessing that  
he had no associate with him when he  
embezzled the money of E. & H. L. Anthony & Co,  
on the 5<sup>th</sup> of June 1882.

3<sup>d</sup>

No testimony has been produced in this case  
to dispute the testimony of Mr Both that he  
made alterations in the figures of the cash  
book of June 5<sup>th</sup> 1882, without the assent  
or knowledge of the defendant; & that he  
himself embezzled the amount of money  
which is charged in the indictment as

0520

having been purloined, on that day

4<sup>th</sup>

That- there is no proof in this case that there were any discrepancies in the cash book during the time Mr Barnett had them in charge, when Mr Both was temporarily or altogether absent from the employ of the Corporation, <sup>so</sup> that at ~~any~~ <sup>no</sup> time were discrepancies discovered in the cash book kept by defendant, except where his figures had been altered by Mr Both, without his knowledge

5<sup>th</sup>

That- beyond the fact that Mr Barnett was the Cashier of E. & H. L. Anthony H<sup>2</sup> when the loss charged in the indictment occurred, there is no evidence whatever that Mr Barnett either took any of the money shown to be lost by the Corporation on that day, or participated by receiving it, or knowing of its having been taken

0521

Second - as matter of Law.

1<sup>st</sup>

If the jury believe that Mr Both told the truth when he said that he changed the figures on the cash book on the 5<sup>th</sup> of June 1882 without the knowledge of the defendant, & that he embezzled the amount found to have been lost - on that day - then they should acquit the defendant.

2<sup>d</sup>

That it is incumbent on the prosecution to establish, beyond a reasonable doubt, the guilt of the prisoner, & until the prosecution have done so to the extent stated, the defendant is entitled to the presumption that he is innocent.

3<sup>d</sup>

That the previous good character of the defendant, in a case in which the jury have doubts, should have weight in influencing their verdict in his favor.

4<sup>th</sup>

A confession of guilt by a person charged with crime, to the full extent of the charge made against him, being against his interest, is a circumstance which should weigh strongly with a jury.

0522

in his favor, & justifies them in placing much faith in his statement - of the manner in which he committed the crime.

5<sup>th</sup>

That - if the jury believe that when Mr Wilcox & Mr Edward Anthony testified that they did not know that the Book Keeper & Cashier of the Corporation each had a key to the money drawer, they knew they were testifying to what was untrue, they have a right to disregard & all of the evidence they gave that was not corroborated -

John D. Tamm  
Deft's atty

People  
vs  
Dumelle

Request to change

Yes



0523

BOX:

98

FOLDER:

1060

DESCRIPTION:

Burns, John

DATE:

04/11/83



1060

0524

BOX:

98

FOLDER:

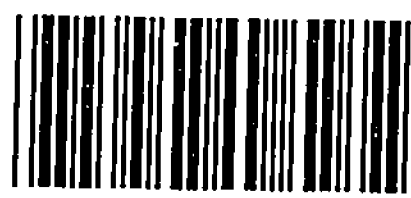
1060

DESCRIPTION:

Allen, Franklin

DATE:

04/11/83



1060

0525

Counsel

Filed 11 day of April 1883

Pleads Not Guilty

THE PEOPLE

vs.

John Burrows

Franklin Allen

(two cases)

BURGLARY, Grand Larceny, and

JOHN McKEON,

District Attorney.

22 April 27. 1883  
Not guilty Burg 24

A True Bill.

*W. J. McKeon*

Foreman.

22 April 27. 1883  
Verdict of Guilty should specify of which count.

No 2. Pleads Guilty Burg 24

W. J. McKeon

*W. J. McKeon*

0526

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

John Burns, and  
Franklin Allen

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

John Burns and Franklin Allen  
of the CRIME OF BURGLARY in the second Degree, committed as follows:

The said John Burns and Franklin  
Allen

late of the nineteenth Ward of the City of New York, in the County of  
New York, aforesaid, on the thirtieth day of March in the  
year of our Lord one thousand eight hundred and eighty-three with force  
and arms, about the hour of twelve o'clock in the day time of the same  
day, at the Ward, City and County aforesaid, the dwelling house of

Paul Gramm  
there situate, feloniously and burglariously did break into and enter,

whilst there was then and there some human being, to wit, one Frederick J. Peters and certain other persons whose names are  
to the Grand Jury aforesaid unknown within the said dwelling-house, the said  
John Burns and Franklin Allen  
then and there intending to commit some crime therein, to wit: the goods, chattels and  
personal property of Paul Gramm

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

And the Grand Jury aforesaid, by this indictment, further accuse the said John  
Burns and Franklin Allen  
of the CRIME OF GRAND LARCENY IN the second degree committed as follows:

The said John Burns and Franklin  
Allen

late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the  
year aforesaid, at the Ward, City and County aforesaid, about the hour of twelve  
o'clock in the day time of said day, one overcoat of the value of fifteen  
dollars, one coat of the value of fifteen dollars, one pair of  
trousers of the value of ten dollars, one vest of the value of  
five dollars, one watch of the value of ten dollars, one chain of  
the value of five dollars, two silver buttons of the value of twenty  
four cents each, and one blank book of the value of one dollar  
of the goods, chattels, and personal property of Paul Gramm

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

~~JOHN McJANNET, District Attorney~~

0527

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*John Burns and Franklin Allen*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *John Burns and Franklin Allen*

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in  
the year aforesaid, with force and arms, at the Ward, City, and County aforesaid, *one over-  
coat of the value of sixteen dollars, one  
coat of the value of fifteen dollars, one  
pair of trousers of the value of twelve dollars,  
one vest of the value of five dollars, one  
watch of the value of ten dollars, one  
chain of the value of five dollars, two  
sleeve buttons of the value of  
twenty five cents each, and one  
blank book of the value of one  
dollar*

of the goods, chattels and personal property of \_\_\_\_\_

\_\_\_\_\_ *Paul Gramm* \_\_\_\_\_  
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before  
feloniously stolen of the said *Paul Gramm*

unlawfully and unjustly, did feloniously receive and have (the said *John Burns and Franklin Allen*)

then and there well knowing the said goods, chattels, and personal property to have  
been feloniously stolen), against the form of the Statute in such case made and pro-  
vided, and against the peace of the People of the State of New York, and their dignity.

**JOHN McKEON,**

*District Attorney.*



0528

79

Filed 11 day of April 1883

Pleads

Not guilty

THE PEOPLE

vs.

P

John Burns

Franklin Allen

(2 cases)

vs. are also defendants

JOHN MCKEON,

District Attorney.

Assault in the First Degree.  
(Firearms.)  
[3 counts]

A TRUE BILL.

*W. H. Jones*

Foreman.

0529

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Burns and  
Franklin Allen

The Grand Jury of the City and County of New York, by this indictment, accuse John Burns and Franklin Allen

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

The said John Burns and Franklin Allen

late of the City of New York, in the County of New York aforesaid, on the thirtieth day of March in the year of our Lord one thousand eight hundred and eighty seven with force and arms, at the City and County aforesaid, ~~in and upon the body of~~ one Charles Sork — in the peace of the said People then and there being, feloniously did ~~make~~ assault,

with a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said John Burns and Franklin Allen in their right hands 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 ~~to kill~~ him — the said Charles Sork — 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 John Burns and Franklin Allen of the Crime of assault in the second degree, committed as follows:

The said John Burns and Franklin Allen, 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~~ one Charles Sork — then and there being, feloniously did, wilfully and wrongfully, ~~make~~ assault, ~~and to the said~~ with a certain pistol — then and there loaded and charged with gunpowder and one leaden bullet, which they the said John Burns and Franklin Allen in their right hands then and there had and held, the same being an instrument likely to produce grievous bodily harm, ~~feloniously did, wilfully 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 McKEON, District Attorney~~

0530

Third Count:

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

John Burns and Franklin Allen

of the City and County of New York

do hereby accuse the said

John Burns and Franklin Allen

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

The said John Burns and Franklin Allen

afterwards, to wit:  
late of the City and County of New York, on the said thirtieth day of March in the year of our Lord one thousand eight hundred and eighty three, at the City and County aforesaid, with force and arms feloniously made an assault in and upon one Charles Scott

then and there being a patrolman of the Municipal Police of the City New York, and as such patrolman being then and there engaged in the lawful apprehension of the said John Burns and Franklin Allen for the crime of Burglary in the second degree, and the said John Burns and Franklin Allen him, the said Charles Scott

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent then and there to prevent and resist the lawful apprehension of themselves 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.

JOHN McKEON,

District Attorney.

0531

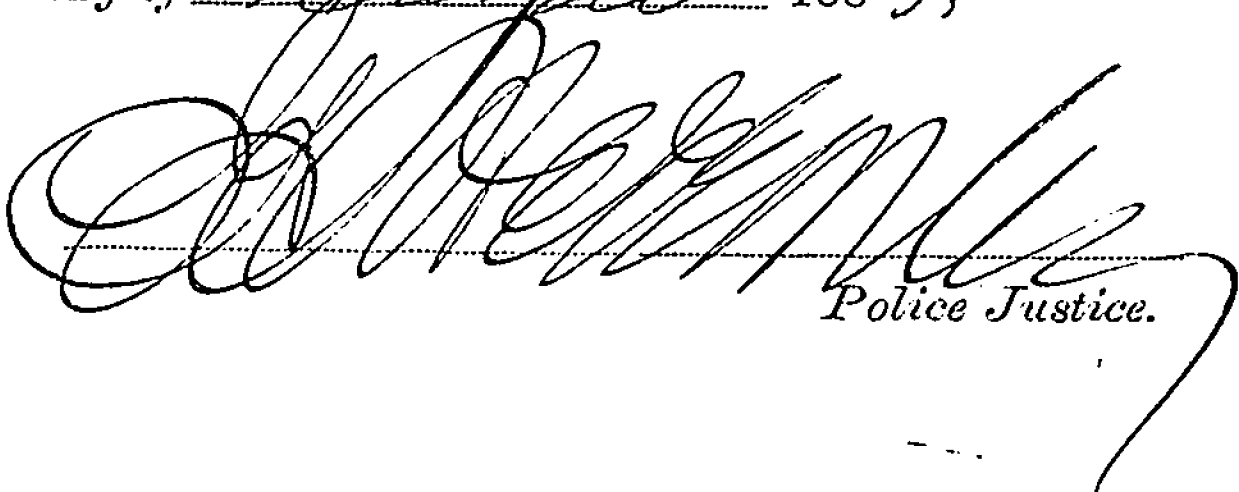
CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 28 years, occupation Police Officer of No.

331 East 37 — Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Rosa McInters  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 31  
day of August 188 3

Charles Lott

  
Police Justice.

0532

Henry Stewart  
March 2nd 1883

BAILED.  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Scott

vs.

1. Franklin Allen  
2. John Burns

Offence Felony Assault

Dated March 31 1883

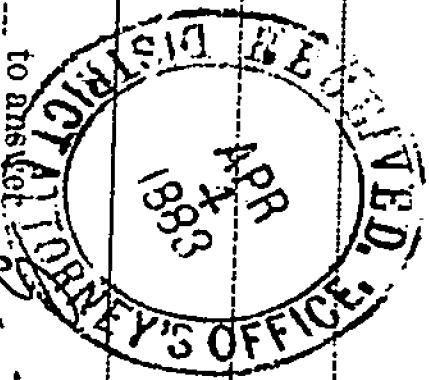
James H. Thomas, Magistrate.  
Charles Scott, Officer.

21<sup>st</sup> Precinct.

Witnesses Michael L. Andrews

21<sup>st</sup> Precinct of City of New York

No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
\$ 500 to and for \_\_\_\_\_  
to answer \_\_\_\_\_  
to answer \_\_\_\_\_



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 Franklin Allen

and John Burns

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

Dated March 31 1883

[Signature] Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.

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

Dated \_\_\_\_\_ 188

Police Justice.



0533

Sec. 198-200

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

*John Burns*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*444 West 2<sup>nd</sup> Street. New York*

Question. What is your business or profession?

Answer.

*an agent*

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  
preferred against me*  
*John Burns*

Taken before me this

day of *March*

188

Police Justice.

0534

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

4 District Police Court.

*Franklin Allen* 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. *Franklin Allen*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *Jamaica L. I.*

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 of the charge preferred against me*

*his*  
*Franklin Allen*  
*mark*

Taken before me this

day of *March* 188*3*

Police Justice.

0535

Police Court— 4 District.

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

of ~~the~~ the 21<sup>st</sup> Precinct Police

Street,

being duly sworn, deposes and says, that  
on Friday the 30<sup>th</sup> day of March  
in the year 1883 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by Franklin Allen

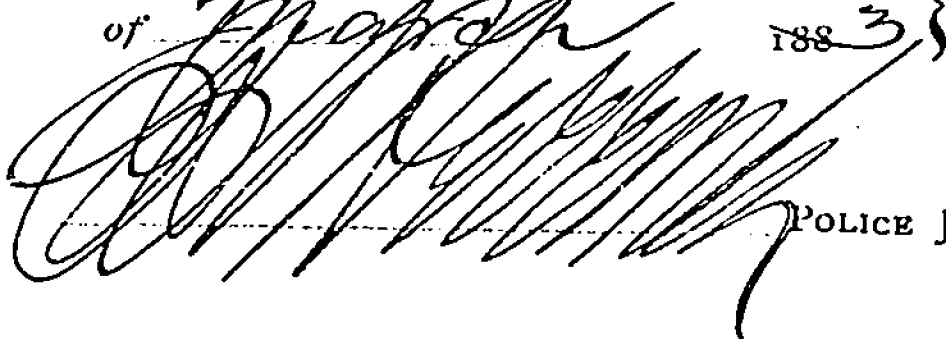
and John Burns. (now present),  
that while deponent was in the  
act of arresting the said Allen on suspicion  
of having committed a felony the said  
Allen did willfully and feloniously  
aim, point, and attempt to discharge  
a pistol loaded with powder and leaden  
balls at deponent, and at the same time  
the said Allen said to deponent, "it is cocked"  
(meaning the pistol) "I will shoot you you  
"Son of a bitch"

And at the same time a place  
the said John Burns who was in company  
with said Allen, and acting in concert and  
collusion with the said Allen in said felony  
said to him Allen, "give it to the son  
of the a Bitch," meaning deponent. deponent  
says that said Allen and Burns did so  
assault deponent.

The deponent says he saw the pistol of Allen - took from him found  
with the felonious intent to take the life of deponent, or to do him bodily harm; and with out 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 31<sup>st</sup> day  
of March 1883

  
POLICE JUSTICE.

Charles Lott

0536

April 1885

There was I was this  
is the first time that  
I ever was below any gage  
in my life and by gods  
hell I shall never again  
this Green gave me permission  
to put my furniture in  
his place the second of  
March that was on Friday  
night then on Saturday  
night Miss Edward Breen  
and his brother was down  
drunk and quarrelled then  
the separated it a going till  
was late in the night  
at one o'clock Sunday  
morning Edward got up  
from where he lay on  
the floor he went to  
the bedroom and got

0537

his brother Jeremiah  
Green in bed with his  
wife committing adultery  
then he threw his brother  
out of doors and he was  
going to throw his wife  
out but she hid under  
the table all this time  
she and my wife a two  
little girls was in bed  
next room then we fell  
a sleep when he went  
out and got a bottle of  
whiskey I did not see  
him going out when he was  
coming in and went in the  
kitchen then I got up I  
helped him to make the  
fire all this time his  
wife was hid at the foot  
of his bed she was a  
proud he would ~~not~~  
hurt her then I don't



0538

**TORN PAGE (S)**

0539

Jumping Jesus Christ

I was the one the were  
going for then I told him  
I would defend my self  
I was afraid on a court off  
them been drunk that they  
would murder me I never  
said any thing to neither  
of them from the beginning  
to the end although he  
abused me so that I cried  
to think I was obligated to  
be on his floor but  
there is a just god above  
this is ever thing that  
transpired with us then  
I was arrested and put in 54  
st. station was there one month  
the 13 of march never got no ex-  
ercise in that month  
my wife and two little kids

James Lee  
I am the whole  
support of  
them kids  
didn't  
work

0540

out and got some things  
for the breakfast when  
breakfast was ready I went  
in with some to him and  
he refused to take any  
so I sat down at my own  
table and ate my breakfast  
then Edward came out sent  
my little girl for beer  
when she came back she  
told him that his Brother  
was very drunk Edward  
sent my girl out for him  
when he came in the both  
got hitting the bell over  
on my wash tub that was  
fracted with tins and other  
things when the got to there  
I went to break peace  
then both fell to pound  
me I asked him if he  
was going to abuse me  
he swore yes his brother

John B. Green  
Green

0541

106

Counsel

Filed

12 April 1883

Pleads

Not guilty (13)

THE PEOPLE

vs.

John Burns  
(3 Cases)

3 Cases

~~Sumner & Co. Merchants~~

JOHN McKEON,

District Attorney.

A True Bill.

*W. H. Thompson*  
Foreman.

Verdict of Guilty should specify of which count.

0542

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

John Burns

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

John Burns

of the CRIME OF BURGLARY in the second Degree, committed as follows:

The said John Burns

late of the Twenty First Ward of the City of New York, in the County of New York, aforesaid, on the ~~thirteenth~~ day of ~~March~~ in the year of our Lord one thousand eight hundred and eighty ~~three~~ with force and arms, about the hour of ~~twelve~~ o'clock in the ~~day~~ time of the same day, at the Ward, City and County aforesaid, the dwelling house of

Philip Winter

there situate, feloniously and burglariously did break into and enter, ~~by means of~~

whilst there was then and there some human being, to wit, one

Rosa Winter within the said dwelling-house, the said

John Burns

then and there intending to commit some crime therein, to wit: the goods, chattels and personal property of Philip Winter

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

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

John Burns

of the CRIME OF ~~Petit Larceny~~ committed as follows:

The said John Burns

late of the Ward, City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, about the hour of ~~twelve~~ o'clock in the ~~day~~ time of said day, ~~one pocket book of the value of two dollars, and silver coins of the United States, of a number and denomination to the Grand Jury aforesaid unknown, of the value of two dollars~~ of the goods, chattels, and personal property of Philip Winter

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

~~JOHN M. HENON, District Attorney~~



0543

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

John Burns

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

The said John Burns

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid, one pocket book of the value of two dollars

of the goods, chattels and personal property of Philip Winter

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen of the said Philip Winter

unlawfully and unjustly, did feloniously receive and have (the said John Burns)

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen), 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.*



0545

Sec. 198—200

CITY AND COUNTY  
OF NEW YORK, } ss.

*H* District Police Court.

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

Question. What is your name?

Answer. *John Burns*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *44 West 27 Street for one week  
before that I lived in a Room East 85th*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty of the  
charge preferred against me.*

*John Burns*

Taken before me this

*31*

day of *March* 188*8*

*[Signature]*  
Police Justice.

0546

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, } ss.

4 District Police Court.

*Frank Allen* 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. *Franklin Allen*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *Saunder Long Island*

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 of the charge preferred against me.*

*Franklin Allen*  
*wood*

Taken before me this

day of *the month*

188

Police Justice.

0547

Police Court—4 District.

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

Paul Gruener  
of No. 794 Second Avenue Street, aged 22 years,  
occupation Career being duly sworn  
deposes and says, that the premises No 794 - 2<sup>d</sup> Avenue - 3<sup>d</sup> floor Street,  
in the City and County aforesaid, the said being a Dwelling house

and which was occupied by deponent as a Dwelling house  
and in which there was at the time a human being, by name John Pucielis  
John Pucielis were BURGLARIOUSLY entered by means of forcefully False Keys

on the 30<sup>th</sup> day of March 1883 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

One Recreation of the value of \$ 16.00  
One suit to suit: coat, pants and  
best of the value of \$ 22.00  
One silver watch " 10.00  
One pocket watch " 5.00  
One pair of sleeve buttons " 50  
One account Book " 1.00  
all of the value of \$ 64.00

the property of Paul Gruener  
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  
John Barnes and Franklin Allen

for the reasons following, to wit: that previous to the  
Burglary the aforesaid premises were  
carefully fastened and secured by  
deponent before he left in the morning  
and that on his return at 6 o'clock  
in the afternoon the aforesaid property  
was missing, and that said premises  
had been opened by false keys.  
deponent further states that officer



0548

Charles Lott of the 21<sup>st</sup> Precinct Police  
came to the residence of deponent and  
informed him that he had arrested  
the aforesaid John Burns and  
Franklin Allen with the aforesaid  
property in their possession, and  
that the deponent then and there  
fully identified to be the property  
which had been larcenously  
and feloniously taken from the  
aforesaid premises.

Sworn to before me  
this 31<sup>st</sup> of August 1883, } Paul Gramme

*[Signature]*

Police Justice

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ ..... Bail.

Bailed by

No.

Street.

0549

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles Lott

aged 28 years, occupation Police Officer of No.

131 East 37 — Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Paul Krause  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 31<sup>st</sup>  
day of August 188 3

Charles Lott

[Signature]

Police Justice.

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

0551

Sec. 198—200

CITY AND COUNTY }  
OF NEW YORK, } ss.

4 District Police Court.

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

Question. What is your name?

Answer. *John Burns*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *444 West 27 St. for one year*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty of the charge preferred against me.*

*John Burns*

Taken before me this

day of *June* 188*8*

*[Signature]*  
Police Justice.



0552

Police Court—4 District.

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

Rosa Hunter

of No. 588 2 Queens Street, aged 16 years,

occupation None being duly sworn

deposes and says, that the premises 2<sup>d</sup> floor of the aforesaid in the 21<sup>st</sup> Ward  
in the City and County aforesaid, the said being a Tenement House

second floor  
and which was occupied by deponent's father Philip Hunter as a dwell-

-ing and in which there was at the time a human being, by name Rosa Hunter  
deponent's mother

were BURGLARIOUSLY entered by means of forcibly opening  
the door leading from the hall into the  
rear room by the use of false keys.

on the 30 day of March 1883 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

One Russia leather pocket book of the  
value of two dollars containing United  
States Silver Coins of the value of two dollars  
in all of the value of four dollars.

the property 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

John Burns - now present

for the reasons following, to wit: That said pocket book and  
contents were in a bureau in one of the  
rooms, the door of which was locked.

That deponent was informed by Officer  
Charles Lott of the 21<sup>st</sup> Precinct, that he found  
said pocket book in the possession of the  
defendant, at the time of his arrest. That  
deponent identified said pocket book as her property  
and as the one stolen from the premises and at  
the time aforesaid.

Rosa Hunter

*Subscribed and sworn to before me this 31<sup>st</sup> day of March 1883*  
*At New York City*  
*John J. [Signature]*



0553

BOX:

98

FOLDER:

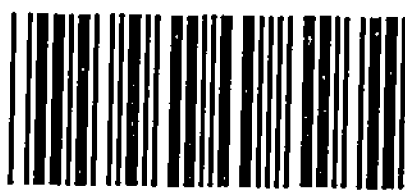
1060

DESCRIPTION:

Burton, William

DATE:

04/30/83



1060

Quacchi  
Ras F.

WJ

Counsel,

Filed 30 day of April 1883

Pleds *Not guilty, Alley!*

THE PEOPLE

vs.

P

William Condon  
vs. H.R.  
H.R.

INDICTMENT.  
Grand Larceny in the second degree.  
[Section 528 and 531]

JOHN McKEON,

District Attorney.

22 May 4, 1883

Ind. received P.C.

A True Bill.

*W. J. Condon*

Foreman.

*W. J. Condon*

0554

0555

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 Guntan

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

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

The said William Guntan

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 24<sup>th</sup> day of April in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, with force and arms

two promissory notes for the payment of money, the same being then and there due and unsatisfied, of the kind known as United States Treasury notes, of the denomination and of the value of five dollars each, and two promissory notes for the payment of money, the same being then and there due and unsatisfied, of the kind known as Bank notes, of the denomination and of the value of five dollars each

of the goods, chattels and personal property of one James G. Station on the person of the said James G. Station then and there being found, from the person of the said

James G. Station 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.

JOHN McKEON, District Attorney.

0556

BAILED,  
No. 1 by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street, \_\_\_\_\_

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James J. Dalton*  
*Henry J. Dalton*  
*William Dalton*

Offence *Larceny from person*

Dated *April 25 - 3* 188

*Charles J. Gardner* Magistrate.  
*John McGuire* Officer.

Witnesses, \_\_\_\_\_ Clerk.

No. \_\_\_\_\_ Street, \_\_\_\_\_

*Complainant committed*  
*into custody of officers*  
*he defended by \_\_\_\_\_*

No. \_\_\_\_\_ Street, \_\_\_\_\_  
to answer \_\_\_\_\_

*and*

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

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

Dated *April 25 - 3* 188 *Hugh J. Gardner* 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.

0557

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

William Burton 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 Burton

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

Kentucky

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

Answer.

218 Wooster St. about two years

Question. What is your business or profession?

Answer.

Boatblack

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 Burton  
MAY

Taken before me this

day of April

1888

George H. Spencer

Police Justice.



0558

2

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Washington St Jersey Realty Organ Factory 52 years old*  
*Carpenter*  
being duly sworn, deposes and says, that on the *24<sup>th</sup>* day of *April* 188 *3*

at the \_\_\_\_\_ City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, *from his person in the day time*  
the following property, viz:

*Good and lawful money*  
*consisting of two several bills*  
*of the value of five dollars each*  
*all being of the value of ten dollars*

Sworn before me this

day of

188 *3*

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 *William Burton now present*

*And two other persons not arrested all*  
*acting in concert and collusion—that*  
*deponent asked them into a liquor store*  
*in Thompson street to take a drink they*  
*having previously asked him to treat*  
*them, and after deponent had paid for*  
*their drinks the defendant took hold of*  
*deponent's arms while said others rifled*  
*his clothes & took from a pocket of the pan-*  
*toloons which deponent then took the property*  
*in question when they all went away together*  
*L L Butcher*

*August Gorman*  
Police Justice.

0559

BOX:

98

FOLDER:

1060

DESCRIPTION:

Busse, Charles

DATE:

04/16/83



1060

0560

113

Day of Trial  
Counsel, *J. G. Gagnier*  
Filed *16* day of *April* 188*03*  
Pleads *Not Guilty* 17

THE PEOPLE

vs.

*B*  
*Charles Bonner*  
*13 Chapeau St*

*Pld Nov 16, 1883*  
*Quitted & Conv'd*

Violation of Excise Law.

*Chicago and House*

JOHN MCKEON,

District Attorney.

*Pld Nov 16/83*

*Quitted & acquitted*  
A TRUE BILL.

*W. J. Gagnier*  
Foreman

*Friday*

0561

**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 Buss*

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

of the CRIME OF *Exposing for Sale and Selling Spirituous Liquors*  
~~at unlawful hours,~~ committed as follows:

The said *Charles Buss*

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *twenty first* day of *March* in the year of our Lord one thousand eight hundred and eighty *three*, at the Ward, City and County aforesaid, ~~the~~ 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 whiskey, 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~~ *at unlawful hours, to wit: between the hours of one and five o'clock in the morning of said day* 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.

**JOHN McKEON, District Attorney.**

0562

EXCISE VIOLATION—WITHOUT LICENSE.

Police Court—3<sup>rd</sup> District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

of the 10<sup>th</sup> Precinct Police Percival Hull Street,  
of the City of New York, being duly sworn, deposes and says, that on the 21 day  
of March 1883, in the City of New York, in the County of New York, at  
No. 13 Chrystie Street,

Charles Busse (now here)  
did then and there sell, and caused, suffered and permitted to be sold, under his direction and authority, strong and  
spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be  
drunk in the house or premises aforesaid ~~without having a proper license~~ for contrary to and in violation of law.

the said Charles did between the hours of  
1 & 2 o'clock P.M. for sale and did sell  
liquor at the aforesaid premises.

WHEREFORE, deponent prays that said Charles Busse  
may be arrested and dealt with according to law.

Sworn to before me, this 21 day  
of March 1883

Percival Hull

J. M. Pacion POLICE JUSTICE.



0563

BAILED,  
No. 1, by Minnie Patterson  
Residence 211 Melrose Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court 3 District 226

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Bruce

Charles Bruce

Offence Bad Eye Law

Dated March 21 1883

Patterson Magistrate.

Shuell Officer.

10 Precinct.

Witnesses W. J. Braxton

No. 10 Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 100 to answer

Admitted

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 Bruce

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

Dated March 21 1883. J. M. Patterson Police Justice.

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

Dated March 21<sup>st</sup> 1883. J. M. Patterson 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 \_\_\_\_\_ 1883. \_\_\_\_\_ Police Justice.

0564

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3rd District Police Court.

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

Question. What is your name?

Answer. Charles Bussie

Question. How old are you?

Answer. 38 years

Question. Where were you born?

Answer. Germany

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

Answer. 13 Chrys tie Street, 5 years

Question. What is your business or profession?

Answer. Salvage Keeper

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. The front door was closed, I keep  
Boarders and I have to keep open,  
for some of them came home late

Charles Bussie

Taken before me this

day of

March 1888

John J. Sullivan  
Police Justice.