

0365

BOX:

541

FOLDER:

4928

DESCRIPTION:

Walsh, Frank

DATE:

11/17/93



4928

Witnesses:

Off Russell

Counsel, *Beilinger*
Filed *17* day of *Nov* 1893
Pleads, *Not Guilty*

140

THE PEOPLE

19
209 E. 106 vs. *Porter*
Frank Walsh

Burglary in the 3rd degree.
Section 16, 506, 528, 527

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

H. C. ... Foreman.
Sub 2 - Nov. 22, 1893
Pleads Burglary 3rd deg.
Per 191. RBH

0367

Police Court— District.

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

of No. 2082. Street, aged 26 years,
occupation Green being duly sworn

deposes and says, that the premises No. 2082. Street, Ward
in the City and County aforesaid the said being a five story brick
building and which was occupied by deponent as a grocery

and in which there was at the time a human being, by name Harry Schuster
this Complaint were BURGLARIOUSLY entered by means of forcibly breaking the
window of said story.

on the 12th day of November 1883 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of canned
goods &c. of the value of five
dollars.

the property of Dependent.
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Frank Walsh (now here) and two
other men not arrested.

for the reasons following, to wit: that at the hour of 10:30
O'clock P.M. said date. Dependent
went to bed in the rear of said
store. and at that time said
window was in good condition.
Dependent is informed by Officer John
H. Russell. that at the hour of 12
O'clock. Midnight said date he
found said window broken and

found this defendant in the side
 walk in the act of removing Canned
 goods from said building and found
 a quantity of goods on the side-
 walk and saw in this defendant
 possession, and that the unknown
 men made their escape by running
 around the corner of West 112 St.
 Wherefore defendant charges this
 defendant and said two other men
 not arrested, with being together and
 acting in concert with each other
 and burglary entering said
 premises as aforesaid and stealing
 said property therefrom.

Done before me } Henry Schuster
 this 13th day of June 1893

Henry Schuster
 Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
 guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
 Hundred Dollars and be committed to the Warden and Keeper of the City Prison
 of the City of New York, until he give such bail.
 Dated 188 _____
 I have admitted the above named
 to bail to answer by the undertaking hereto annexed.
 Dated 188 _____
 There being no sufficient cause to believe the within named
 guilty of the offence within mentioned, I order he to be discharged.
 Dated 188 _____
 Police Justice

Police Court, District _____

THE PEOPLE, &c.,
 on the complaint of

1 _____
 2 _____
 3 _____
 4 _____

or

Dated 188 _____

Magistrate

Officer _____

Clerk _____

Witnesses _____
 No. _____ Street _____
 No. _____ Street _____
 No. _____ Street _____

§ _____ to answer General Sessions.

0369

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

John H. Russell
aged _____ years, occupation *Police Officer* of No. *26*
th West 10th Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Henry Schlecter*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *13*
day of *Nov* 18*93*

John H. Russell

Chas. F. Turner

Police Justice.

0370

City and County of New York, ss:

Frank Walsh

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

Question. What is your name?

Answer. *Frank Walsh.*

Question. How old are you?

Answer. *19 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *309 E. 111 St. 2 years*

Question. What is your business or profession?

Answer. *Porter.*

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

Answer.

I ~~am~~ did not break the window intentionally. I had some beer in me, and I did not know what I was doing.

Frank Walsh

Taken before me this

day of

1903

Henry Justice

Police Justice

0371

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

Alfred D. ...

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

Dated, Nov 3 1893 *Thos. J. ...* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0372

1210

Police Court, 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Schuster
208th St. S.W.
Frank Walsh

Offense *Drunk*

2 _____
3 _____
4 _____

Dated, *Nov 13* 189 *3*

Fitter Magistrate.
John H. Russell Officer.
26 Precinct.

Witnesses *Said Officer*
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer

John H. Russell
Amey
P.A.

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Walsh

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

Frank Walsh

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

The said Frank Walsh,

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on the twelfth day of November in the year of our Lord one thousand eight hundred and ninety-three, in the night-time of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Henry Schlueter

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said

Henry Schlueter

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

the said Frank Walsh being then and there assisted by a confederate actually present, whose name is to the Grand Jury aforesaid unknown;

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

SECOND COUNT—

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

of the CRIME OF *Petit* LARCENY.

committed as follows:

The said

Frank Walsh,

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, in the *right* time of the said day, with force and arms,

ten cans of soup of the value of twenty-five cents each can, and twenty jars of jam of the value of twenty-five cents each

of the goods, chattels and personal property of one

Henry Schluter

in the dwelling house of the said

Henry Schluter

there situate, then and there being found, from 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.

*De Lancy Nicoll
District Attorney*

0375

BOX:

541

FOLDER:

4928

DESCRIPTION:

Walsh, Maggie

DATE:

11/16/93



4928

W.A. 929

Witnesses:

Geo. W. Smith

Counsel,

Filed *16th* day of *Nov* 1893

Pleads, *Guilty 17*

THE PEOPLE

vs.

Maggie Walsh

Grand Larceny, second Degree.
From the Person.
[Sections 528, 531, Penal Code.]

DR LANCEY NICOLL,
District Attorney.

Nov. 24/93 2913.

A TRUE BILL.
Part 3, December 6, 1893 -
tried and acquitted.

Howard Foreman.

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 258 West 20 Street, aged 69 years,
occupation Professor

deposes and says, that on the 31 day of October 1898 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:

One gold watch and plated
chain all together of the value
forty dollars.
(#40.00)

the property of Deponent

and that this deponent
was a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by Maggie Nabs (prostitute)
for the following reasons that
deponent saw the defendant
feloniously grab and steal the
said property from the pocket
of a rest upon deponent was
then and there wearing upon
his person x guaranteed

Sworn to before me this

of Oct 31 1898

Police Justice.

[Handwritten signature]

0378

Sec. 198-200.

2 District Police Court.

City and County of New York, ss:

Maggu Walsh 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. Maggu Walsh

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. U.S.

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

Answer. 215 West 35 St. 2 weeks

Question. What is your business or profession?

Answer. Pressman

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
Maggu Walsh

Taken before me this

day of

189

Police Justice

[Handwritten signature and date]

0379

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.....

M. J. ...
guilty thereof, I order that he be held to answer the same and she 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 she give sufficient bail.

Dated *Oct 27* 18*93* *[Signature]* Police Justice.

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

Dated.....18..... Police Justice.

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

Dated.....18..... Police Justice.

0380

Police Court---2 District. 1164

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George W. Smith
125 E. W. 25th St.
Maggie Walsh

Officer
W. J. [Signature]

2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Oct 31* 188*9*

Hofau Magistrate.

Brewer Officer.

19 Precinct.

Witness *Arthur John [Signature]*

No. *125 E. W. 25th St.* Street.

Call of [Signature]

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer

Com



[Signature]
[Signature]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Maggie Walsh

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

Maggie Walsh

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

The said

Maggie Walsh,

late of the City of New York, in the County of New York aforesaid, on the thirty first day of October, in the year of our Lord, one thousand eight hundred and ninety-three, in the day-time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of thirty dollars and one chain of the value of ten dollars

of the goods, chattels and personal property of one

George W. Smith

on the person of the said

George W. Smith

then and there being found, from the person of the said George W. Smith 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.

De Launcy Nicoll
District Attorney

0382

BOX:

541

FOLDER:

4928

DESCRIPTION:

Waters, Charles

DATE:

11/13/93



4928

0383

BOX:

541

FOLDER:

4928

DESCRIPTION:

Clark, James

DATE:

11/13/93



4928

Witnesses

Fred Stadler

Bail papers at
#2000 each.

v
MS

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Charles Waters

and ~~the~~ B

James Clark

Degree,
Robbery,
(Sections 224 and 228, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

W. Condit Nov 14/93

Monday Nov. 20

A TRUE BILL.

Compt. Sec. Nov. 28th 93

of Nov. Term

W. Bennett Foreman.

Dec 5/93

Read
Tried & acquitted

0385

Police Court 4 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Frederick Statten
of No. 277 East 27 Street, Aged 41 Years
Occupation Saloon Keeper being duly sworn, deposes and says, that on the
12 day of October 1883, at the 21 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the
United States to-wit

of the value of One hundred and Sixty DOLLARS,
the property of Defendant

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 force and violence as aforesaid by

Charles Waters and James Clark (both numbers)
and acting in concert) under the
following circumstances to-wit: That at
about the hour of 4 P.M. on said
date while deponent was walking east through
29th Street between 2^d and 3^d Avenues
the said defendants seized violent
hold of deponent by the right and left body
and the said defendant did forcibly
take said money from the inside pockets
of the vest thus and then ran on deponent
before and against the will and
consent of deponent James Clark

day of October 1883
Sworn to before me this
12 day of October 1883
John B. Stewart

0386

Sec. 193-200.

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Waters

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

Question. What is your name?

Answer. *Charles Waters*

Question. How old are you?

Answer. *25 yrs*

Question. Where were you born?

Answer. *New York*

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

Answer. *316 East 34 Street, 3 months*

Question. What is your business or profession?

Answer. *Express*

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*

Charles Waters

Taken before me this
day of *July*
1898
John J. Smith
Police Justice.

0387

Sec. 193-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

James Clark

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. *James Clark*

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. *336 East 34 Street, 20 yrs*

Question. What is your business or profession?

Answer. *Iron Finisher*

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*

James Clark

Taken before me this
day of *July*
1897
John Smith
Police Justice

0388

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 Agudus

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

Dated, Oct 17 1893 W. Solon Smith Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0389

1124
1884

Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

1	<i>Anna Smith</i>	Robbery Offense
2	<i>Charles Miller</i>	
3	<i>James Clark</i>	
4		

Dated, *Oct 17* 189*3*

Smith Magistrate.

Donohue Officer.

21 Precinct.

Witness *August Springalee*

No. *344 East 33* Street.

Street.

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *J.S.*

Com



BAILED,

No. 1, by _____

Residence _____ Street.

Nov. 15/93
No. 2, by *Ann Cook*

Residence *336 E. 34th* Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

0390

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 Waters and James Clark

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

Charles Waters and James Clark of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Charles Waters and James Clark, both

late of the City of New York, in the County of New York aforesaid, on the twelfth day of October, in the year of our Lord one thousand eight hundred and ninety-three, in the day-time of the said day, at the City and County aforesaid, with force and arms, in and upon one Frederick Stadler in the peace of the said People then and there being, feloniously did make an assault; and

the sum of one hundred and sixty dollars in money, lawful money of the United States of America, and of the value of one hundred and sixty dollars,

of the goods, chattels and personal property of the said Frederick Stadler from the person of the said Frederick Stadler against the will, and by violence to the person of the said Frederick Stadler then and there violently and feloniously did rob, steal, take and carry away,

the said Charles Waters and James Clark and each of them being then and there aided by an accomplice actually present, to wit: each by the other; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll, District Attorney

0391

BOX:

541

FOLDER:

4928

DESCRIPTION:

Waters, William

DATE:

11/09/93



4928

0392

Witnesses:

William Waters,
Off Lohmeyer

~~600~~ #30.
Counsel, J. J. [unclear]
Filed 9 day of Nov 1893
Pleads, Not guilty 10

THE PEOPLE

vs.

William Waters

Grand Larceny, 3rd Degree.
From the Person.
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Part 2. Apr. 27. 93 3507
" 29. 93 18517

A TRUE BILL
Part 3. December 5/93 -
Tried and Acquitted
H. C. Ward Foreman.

0393

Police Court District.

Affidavit - Larceny.
Pro. Person

City and County }
of New York, } ss:

of No. 232 & 11th Francis V. Carey
Street, aged 44 years,

occupation Compositor being duly sworn,
deposes and says, that on the 31st day of October, 1893 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the night time, the following property, viz:

One Gold watch and chain
Value or about one hundred
and twenty five dollars
\$ 105⁰⁰/₁₀₀

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 Waters (number) from the fact that deponent was walking on Fourth Avenue this city at the hour of 2 AM on said date that he took said watch from his pocket to look at the time. That defendant came up to deponent and snatched said watch and chain from deponent's hand and then ran away. Deponent ran after him and caused his arrest.

Francis V. Carey

Sworn to before me this 31st day of October, 1893
Police Justice.

0394

Sec. 198-200.

2 District Police Court.

City and County of New York, ss:

William Waters 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 Waters

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. U.S.

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

Answer. 128 Edwidge Street

Question. What is your business or profession?

Answer. Fireman

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

Answer. I am not guilty

W^m Waters

Taken before me this

day of

1893

Police Justice.

[Handwritten signature of Police Justice]

0395

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

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *100* 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, *Oct 31* 189 *3* *[Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0396

Ex Oct 31st 1893
3 P.M. *[Signature]*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.



Police Court--- District. 1167

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Francis J. Carey
232 W. 8th St
Wm Waters

1
2
3
4

Offense
Car cem
[Signature]

Dated, *Oct 31* 1893

Hyman Magistrate.

Lohmeyer Officer.

15th Precinct.

Witnesses *Call the Officer*

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. *1000* to answer *95*

\$ *1000* to answer *95*

Cem

[Signature]



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 Waters

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

William Waters

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

The said

William Waters

late of the City of New York, in the County of New York aforesaid, on the *thirty first* day of *October*, in the year of our Lord, one thousand eight hundred and ninety-*three*, in the *right* time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of seventy dollars, and one chain of the value of thirty five dollars

of the goods, chattels and personal property of one *Francis X. Carey* on the person of the said *Francis X. Carey* then and there being found, from the person of the said *Francis X. Carey* 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.

De Laurey McCall
District Attorney

0398

BOX:

541

FOLDER:

4928

DESCRIPTION:

Webb, John

DATE:

11/20/93



4928

~~175~~
~~Opportunity~~

Witnesses:

Off Mitchell
Jacob Metz.

Counsel,

Filed

20th Nov 1893

Pleads,

Guilty

THE PEOPLE

22 Heurps.
304
Fush-dub
John Webb

Grand Larceny, Second Degree
[Sections 588, 589, 587 Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Part III, 27th 193 - 2

A TRUE BILL.

Part 3: Nov. 27/93 -
Pleads Petit Larceny 29

Foreman.
6 Nov 29/93

0400

Police Court / District.

Affidavit—Larceny.

City and County of New York, ss.

of No. 77 Bowery Street, aged 44 years, occupation Driver - being duly sworn,

deposes and says, that on the 11 day of Nov 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One package of dry goods of the value of thirty doll. goods and lawful money of the United States -

the property of M. Reinberg and Co. and is deponent's care and charge

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 John Webb - (now here) for the

reason that on said date deponent missed the aforesaid package from his truck in Chatham Square - Deponent is informed by Officer John Mitchell of the 6th Precinct that he found the defendant with a package in his possession. Deponent has seen the package found in defendant's possession, identifies it as property taken from his care and custody and charges the defendant with Larceny.

Jacob Metz

Sworn to before me, this 11th day of Nov 1893

of [Signature]

0401

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 35 years, occupation John F. Mitchell
6th Precinct Policeman of No. _____
Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Jacob Metz
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me this, 12 day of Nov 1893 } John F. Mitchell

[Signature]
Police Justice.

0402

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

John Webb

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 Webb*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York City.*

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

Answer. *304 Henry Street. 2 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 not guilty.*

John Webb

Taken before me this 12 day of Nov 1888
[Signature]
Police Justice.

0403

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

Defendant

Leu guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Leu* 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, *Nov 14* 189*3*

Overman Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0404

304
Police Court--- / District. 1219

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob Metz
77th Broadway
John Webb

Offense
Larceny
Falsely

1
2
3
4

Dated, Nov 12 189 3

Prende Magistrate.

Mitchell Officer.

6 Precinct.

Witnesses M. Roenby & Co.

No. 97 and 79 Brown Street.

No. Street.

No. Street.

No. Street.

\$ 1000 to answer G. S.

Committed

1000 E. 120th St. - 2 RW

BAILED,

No. 1, by

Residence Street.

No. 2, by

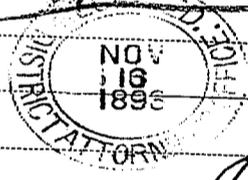
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



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 Webb

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

John Webb

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

The said

John Webb

late of the City of New York, in the County of New York aforesaid, on the eleventh day of November, in the year of our Lord, one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

fifty packages of needles, of the value of ten cents each package, one hundred packages of pins of the value of ten cents each package, one hundred spools of cotton of the value of five cents each, ten gross of buttons of the value of fifty cents each gross, and divers other goods, chattels and personal property, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of thirty dollars of the goods, chattels and personal property of one Moses Rosenberg

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

SECOND COUNT—

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

John Webb

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

John Webb

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,

the same goods, chattels and personal property, described in the first count of this indictment

of the goods, chattels and personal property of one

Moses Rosenberg

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Moses Rosenberg

unlawfully and unjustly did feloniously receive and have; the said

John Webb

then and there well known the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0407

BOX:

541

FOLDER:

4928

DESCRIPTION:

Weber, August

DATE:

11/15/93



4928

#81.

X

Witnesses:

Conrad Aruns

Counsel,

Filed

day of

189

Pleads,

29

Bellevue Hospital

THE PEOPLE

vs.

August Weber

1875/93

Pleadings

DE LANCEY NICOLL,

District Attorney,

3rd Floor 117
1875/93

A TRUE BILL,

Harold

Foreman.

Sworn witnesses
whose names are
written - also
for Corbett

By

Property learned
rept hat a
Phisic - His
number covered
by use of liquor

By

Grand Larceny, second Degree.
[Sections 528, 531, Penal Code.]

0409

Police Court— 3 District.

1913

Affidavit—Larceny.

City and County of New York, } ss.

of No. 51st Second Avenue Street, aged 21 years, occupation Groceries

deposes and says, that on the 7 day of Nov 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Worse and long gone
valued at three hundred
and seventy five dollars
\$375.00

Sworn to before me, this 3 day of Nov 1893

Sam [Signature]
Police Justice.

the property of

John I. Schussler
in the care and custody 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

August Steber (nowhere)
from the fact that said property was in front of Shinning School located in East 26th Street between First Avenue and the East River and deponent is informed by Louis Schussler that he found said property in deponent's possession that deponent had no right to said property

wherefore deponent prays that said defendant may be dealt with according to law
Conrad Bruns

04 10

CITY AND COUNTY }
OF NEW YORK, } ss.

Louis J. Schuster
CLERK

1891

aged 31 years, occupation _____ of No. _____

514 Second Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Conrad Bruns

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

Sworn to before me, this 8 day of July, 1891
of NY *Louis J. Schuster*

John Ryan Police Justice.

0411

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

August Weber 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. *August Weber*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Bellevue Hospital*

Question. What is your business or profession?

Answer. *Waiter*

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

Answer. *I am guilty*
Aug. Weber.

Taken before me this

John P. ...
1893

Police Justice.

04 12

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 Legend

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

Dated, Jan 3 1893 John Ryan Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0413

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 Legendant

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

Dated, Nov 3 1893 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0414

Police Court--- 3 District. 1186

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Conrad Crum
1574 No. 2
August Nelson

Offense *Forgery*

2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, *Nov 8* 189 *3*

Bryan Magistrate.
Murphy Officer.

Witnesses _____ Precinct.

No. _____ Street.

No. _____ Street.

No. _____ Street.

1000 to answer *G.D.*



Conrad

0415

N. Y. City, August 10/892.

This is to certify that I have known the bearer, August Webber, for some time and have always found him to be honest and well worthy of employment.

I cheerfully recommend him to everyone.

George R. Stanley
81 Java Street
Greenpoint, N. Y.

04 16

H. S. Young
119 E. St.

0417

Aug. 23rd 1893

To whom it may concern:

I cheerfully recommend
the bearer, August Weber, as an
honest and trustworthy man, a
careful worker and, in short,
possessed of all the attributes that
goes to make the sturdy helpmate.

Wm. Fournier
J. F.

A. M. Fournier

04 18

Webber

As to Character

R

RECORDERS CHAMBERS



04 19

Goodyear Matthews
Exchange Plan
Frog City
N.Y.

0420

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

August Weber

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

August Weber

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

The said

August Weber

late of the City of New York, in the County of New York aforesaid, on the seventh
day of November, in the year of our Lord, one thousand eight hundred and
ninety-three, at the City and County aforesaid, with force and arms,

one horse of the value of
two hundred dollars, one wagon
of the value of one hundred
and twenty five dollars and
one set of harness of the value
of fifty dollars

of the goods, chattels and personal property of one

John P. Schuster, the younger

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.

De Lancy Nicoll,
District Attorney

0421

BOX:

541

FOLDER:

4928

DESCRIPTION:

Weill, Emile B.

DATE:

11/29/93



4928

Witnesses: Off. Lang

Witnesses:

Off. Lang

In this case there is every reason to believe the defendant was shipwrecked and stranded in the "Florida" about a year ago. The officer who was assaulted and whose assault is avowed and has a personal interest in the case is satisfied thereof and letters of administration have been issued on the estate in the Court.

To clear the record,

*I recommend that bail be discharged April 27th 1897
H. J. ...
I am
L. J. ...
W. J. ...*

235 *J. M. R.* *235*

Counsel, *Kautron & Eby*
Filed *29* day of *Nov* 189*3*
Pleads, *Innocent Deed*

THE PEOPLE

vs.

Emile B. Weil

In the Second Degree, (existing Arrest.) in 218, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Worried Foreman.
April 5 1897
Bail Discharged

Police Court— 3 District.

1881

City and County } ss.:
of New York,

of No. 14 Avenue C Street, aged 34 years,
occupation Police Officer being duly sworn,

deposes and says, that on the 20 day of November 1893 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Emile Heil who whilst de-
ponent had him under arrest
for disorderly conduct did
seize hold of deponent and
then him against an iron
railing inflicting severe injuries
to deponent's head and skull
assault was committed

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

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

Sworn to before me, this 21 day
of November 1893,

Henry Lang.

John W. ... Police Justice.

0424

Sec. 198-200

3 District Police Court

CITY AND COUNTY OF NEW YORK

Emile Weil

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. *Emile Weil*

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. *35 West 11th St. N. Y. 7 years*

Question. What is your business or profession?

Answer. *Clums*

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*

Emile B. Weil

Taken before me this

day of *Nov* 1903

Charles J. ...

Police Justice

0425

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

Raford

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 Nov 21 1893 *John P. ...* Police Justice.

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

Dated Nov 22 1893 *John P. ...* Police Justice.

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

Dated _____ 189• _____ Police Justice.

0426

\$1000 Bail for Ex. No. 122 & 2093

1244

Police Court--- District.

#235-130
THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Lang
vs.
Emile Weil

officer
J. L. Brown

BAILABLE

No. 1, by W. L. de Plasse

Residence 274 29-6-27 Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

2 _____
3 _____
4 _____

Dated Aug 21 189

Worship Magistrate.

Lang Officer.

14 Precinct.

Witnesses Officer Hughes 14th Precinct

No. _____ Street.

Mellie Martin Street.

No. % office Langr. Street.

Andrew Hanley Street.

No. 264-30th Ave Street.

\$ Love to answer _____

Bailed P.A.



0427

Sec. 192.

33

Undertaking to appear during the Examination.
(1893)

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

An information having been laid before a Police Justice of the City of New York, charging Defendant, with

the offense of *John W. Barrett*

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

We, *John W. Barrett* Defendant, of No. *35*

Street, by occupation a *Carriage Driver*

and *John W. Barrett* of No. *218 Thompson* Street, by occupation a *Carriage Driver*

the above named Defendant, shall personally appear before the said Justice, at the District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of *Five* Hundred Dollars.

Taken and acknowledged before me, this *21* day of *November* 189*3*, *John W. Barrett* Police Justice.

John W. Barrett
John W. Barrett

0428

CITY AND COUNTY }
OF NEW YORK. } ss.

Sworn to before me, this
day of *July* 1887
Julius M. Dubois
Police Justice.

Julius M. Dubois
the within named Bail and Surety, being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth *Twenty* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *House and lot*
at 218 Thompson Street with
Five Thousand dollars from
Julius M. Dubois

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the ... day of ... 1887

Justice.

City and County of New York S. A.:

I Henry Lang Police officer attached to the 24th Precinct in City of New York, being duly sworn, deposes, and says that I arrested one Emil B Weill on the 20th day of November 1893 charged with assault

I have since learned from ex assistant district attorney John F. McDutyn who at one time prepared said case that the defendant Emil B Weill had died.

I made other inquiries and I was told that he had died on his way to San Francisco

I have every reason to believe the information I received is true

Sworn to before me this } Henry Lang.
25th day of March 1897 }

Thomas F. Inquirer
Comms of Deed
in eyes

0430

Kantowitz and Esberg
Counselors at Law
355 Broadway, New York

TELEPHONE 557 FRANKLIN

(Dictated)

New York April 2nd, 1897

Dear Sir:-

In the matter of the People &c., against Emile B. Weill which was on the calendar of the Court of General Sessions, Part III on March 25th, 1897, we would respectfully inform you that the defendant shortly after he pleaded to the indictment, left New York City for California. Subsequently he wrote to his father Mr. Benoit Weill of New York City that he had arranged to return home per Steamer "Colima", which sailed from San Francisco for New York City. The "Colima", you may remember, was wrecked off the coast of Mexico upon the very trip that young Weill had informed his father he would take. He has never been heard from since, and subsequently the Surrogate of New York granted Letters of Administration on the defendant's estate.

We would therefore respectfully ^{request} that on account of defendant's death the indictment against him be quashed.

Thanking you for past courtesies, we remain

Yours resp'y,

Kantowitz and Esberg

Hon. Henry W. Unger.

TORN PAGE

0431

C. R. 3805

SUBPENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Andrew Hawley
of No. 264 - 3 ave Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the New Criminal Court House on Centre Street, between Franklin and White Streets, in the City of New York, on the 25 day of MARCH, 1897, at the hour of 10.30 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Emile Hill

Dated at the City of New York, the first Monday of MARCH,
in the year of our Lord 1897

WILLIAM M. K. OLCOTT, District Attorney.

PART III.

THE COURT ROOM IS IN THE SECOND STORY.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door; ~~that~~ your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

0432

Court of General Sessions.

THE PEOPLE

vs.

Emile Weil

City and County of New York, ss:

Richard Couch being duly sworn, deposes and says: I reside at No. 346 E. 19th Street, in the City of New York. I am a Subpoena Server in the office of the District Attorney of the City and County of New York. On the 23rd day of March 1897, I called at 264 Thuid Ave.

the alleged residence of Andrew Hauley witness herein, to serve him with the annexed subpoena, and was informed by

the only occupant of house (who is the proprietor of cigar store) that he never knew of any such person as Andrew Hauley, nor knew of any one of his customers by that name

The upper part of the house is vacant -

No such name appears in the City Directory

Sworn to before me, this 24 day of March 1897

William H. Bradstreet
Notary Public
New York

Richard Couch
Subpoena Server

0433

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Emile Weill

Offense:

JOHN R. FELLOWS,

WILLIAM M. K. OLCOTT, *District Attorney.*

Affidavit of

Richard Pouch

Subpoena Server.

Failure to Find Witness.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Emile B. Weill

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

Emile B. Weill

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

The said

Emile B. Weill

late of the City of New York, in the County of New York aforesaid, on the *20th*
day of *November* in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, with force and arms, feloniously made an
assault in and upon one

Henry Lang

then and there being, a *patrolman* of the Municipal Police of the City of
New York, and as such *patrolman* being then and there engaged in the lawful

apprehension of him, the said
Emile B. Weill

and the said

Emile B. Weill

him the said

Henry Lang

then and there feloniously did beat, strike, wound and otherwise illtreat, with intent then and there

and thereby to prevent and resist the lawful

apprehension

of *him, the said Emile B. Weill* 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.

DE LANCEY NICOLL,

District Attorney.

0435

BOX:

541

FOLDER:

4928

DESCRIPTION:

Weitrich, Bernard

DATE:

11/09/93



4928

Bail fixed at \$2000
Oct 29/94 RBC

Witness
Rebecca Suwalsky
Thos. Sullivan

Bailed Oct. 29th 94
By Moses G. Schenker
19 Essex St.

erty
The deft upon a duty
of honor (to be sure)
based upon the death
of a child in confinement
was convicted. No
further bail fixed
was had in the case
and in view of the
facts and the
circumstances
surrounding the
donation of
conviction the
defendant was
released on
bail for \$2000
on 10/29/94

15th Nov 1894
J. O. Brodsky
Counsel,
Filed
Pleads
THE PEOPLE
vs.
Bernard Weirich
B
Onault, 2nd Justice
1894

DE LANCEY NICOLL,
District Attorney.
Oct 27/94
Bail discharged.
A TRUE BILL.

W. H. Wood Foreman.

0437

(455)

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Bernard Witkida

The Grand Jury of the City and County of New York, by this indictment accuse *Bernard Witkida* —

of the crime of *Assault in the second degree,*

committed as follows:

The said *Bernard Witkida*, —

late of the City of New York, in the County of New York aforesaid, on the *Tenth* day of *July*, in the year of our Lord one thousand eight hundred and ninety-*Three*, — at the City and County aforesaid,

in and upon one Rebecca Sunday, then and there residing, lawfully made an assault, and then the said Rebecca Sunday, with both the hands and feet of him the said Bernard Witkida, in and upon the belly and abdomen of her the said Rebecca Sunday, then and there residing, did unlawfully and wrongfully strike, beat, bruise, lacerate and wound, and

0439

BOX:

541

FOLDER:

4928

DESCRIPTION:

Wentworth, William P

DATE:

11/09/93



4928

0440

24

Witnesses:

Hazen L. Hoyt
Edgar Hanel

Counsel,

Filed

day of

189

Plenda

[Handwritten signature]
guilty 10

THE PEOPLE

vs.

WILLIAM P. WENTWORTH.

Forgery in the Third Degree,
(Section 53, Criminal Code.)

DE LANCEY NICOLL,

District Attorney,

*see motion papers and memorandum
attached to Indictment wherein
defendant was convicted.*

A TRUE BILL.

[Handwritten signature] Foreman.

April 20 1897
Indictment Dismissed
[Handwritten signature]

0441

Office of Henry B. B. Stapler Esq
67 Wall Street,
New York City.

The People of the State of New York
vs.
William P. Wentworth. New York March 23d, 1896

To the Governor of the State of New York,
Albany, N. Y.

Sir:-

Your communication under date of January 3rd, 1896, addressed to the Hon. John R. Fellows, District Attorney of the City and County of New York, informing him that application for executive clemency had been made on behalf of

W I L L I A M P. W E N T W O R T H
who was convicted of Forgery in the Third Degree in the Court of general Sessions in this County, and sentenced October 18th, 1894, to imprisonment in the State Prison for the term of two years and six months, has been referred to me with a request that I comply with the suggestion therein contained, for the reason that I acted as Special District Attorney for the People in the prosecution of this prisoner.

I was appointed as such Special District Attorney by the Court of General Sessions in the above case, for the reason that Col. Fellows, prior to his incumbency

of the office of District Attorney of the City and County of New York, had acted as counsel for the said prisoner. I was therefore appointed special District Attorney to prosecute the indictments against the said prisoner.

This prisoner was on the 1st day of February 1892 and had been for some years prior thereto, Cashier of the Victoria Hotel in the City of New York, and as such cashier had charge of the books of account kept by him in connection with the business of the Hotel. This hotel was then conducted under the immediate management of Mr. Hazen L. Hoyt, under an agreement with Mr. Mark Stanfield, the lessee of the property. Under this agreement Mr. Stanfield had certain rights in the profits of the business, and had the power to nominate the person who should occupy the place of cashier. Under authority of this agreement he nominated and appointed the prisoner on or about the day of . Mr. Stanfield subsequently, soon after this, died, and his interest in the business of the hotel passed under his will to his grandson, who was represented by his mother as his guardian.

On or about the first day of August 1893, Mr. Hoyt became suspicious that his books were not in a satisfactory condition, and caused an examination of them to be made by the firm of Veysey & Veysey, expert accountants.

From the examination thus made, it appears that there was a very large deficit in the cash on hand, and

upon the evidence derived from examination of the books and other evidence, six indictments were found against the prisoner- one charging him with grand larceny in the first degree, and five charging him with forgeries in the third degree, in the alteration of his books of account, under Section 515 of the Penal Code, which provides:

"A person, who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property, either,

"1. Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individual; or,

"2. Makes a false entry in any such account or book of accounts; or,

"3. Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction ;

"Is guilty of forgery in the third degree."

The defendant pleaded not guilty to these indictments, and the case came up for trial before the late Hon. Randolph B. Martine, Judge of the Court of General Sessions of the City and County of New York, at the September Term 1894. He was tried upon the indictment charging him with forgery in the Third Degree.

This indictment charged him with feloniously making

with intent to steal the money and property of Hazen L. Hoyt, in a certain book of account called Cash Book "O" belonging to and appertaining to the business of the said Hazen L. Hoyt and kept by the said William P. Wentworth, as clerk and servant, a certain false entry as follows:

"Balance \$7772.39."

purporting to signify that prior to the business of the said February 1st 1892, the said Wentworth had in his possession as such employee of the said Hazen L. Hoyt as aforesaid, the sum of \$7,772.39, in moneys and funds of the said Hoyt, and no more.

Whereas in truth and in fact, the said Wentworth at the said last mentioned time, was chargeable with and accountable to the said Hoyt in a much larger sum than the sum last mentioned, namely \$17, 772.39; and the said last mentioned sum should in truth have been in his said possession as such employee of the said Hoyt, as he the said Wentworth then and there well knew.

The second count of the indictment charged him with the same felony, alleging the money for which he was accountable to have been the money of a partnership composed of Hazen L. Hoyt and Florestine Stanfield as guardian of the estate of Douglas N. Stanfield, a minor.

The trial commenced on the 26th of September 1894 and terminated on October 4th, 1894, when he was found guilty of the indictments charged in the indictments, the jury making a recommendation of mercy to the Court.

The testimony taken upon the trial is voluminous—the testimony covering 597 pages of typewriting of the ordinary size of stenographer's minutes, which was only the People's case, as the defendant did not take the witness stand on his own behalf, and no evidence was offered by the defense.

The main witness for the People was the expert accountant William H. Veysey. His examination and cross-examination were voluminous. The various books of account were offered in evidence, including check books, bank books and the cash books kept by the defendant in the performance of his duties as cashier of the said hotel.

Mr. Veysey testified that on the evening of August 4th he was called to the Victoria Hotel, about half past six. That he saw Mr. Hoyt; that Mr. Hoyt took him to the office of the hotel and introduced him to Mr. Wentworth who was then at the desk. That he then requested Mr. Wentworth to give him the last trial balances of the books of the hotel made by him, to which he replied that he hadn't made any lately. That he then asked him to give him the cash book, bank pass-book and check book of the hotel, which he did. He compared the general cash book "C" as to the balances therein shown at different points with the bank pass book, and said to Mr. Wentworth: "Apparently by the cash book C, you are carrying a very large amount of cash on hand", and called his attention to the discrepancies between that balance as there shown, and the balance in the bank book; and re-

quested him to show him where the balance of the cash was carried, and asked him for a proof of cash, when the prisoner said he had not made any proof of cash on hand lately. That he then said to him, "Very well, you as the cashier must at different times have made up proofs of the cash that you had on hand. Be kind enough to show me the component parts of the cash on hand at any time in the year 1891, 1892 or 1893."

That the prisoner then said to him : "Well, Mr. Veysey, I am tired and I would like to have some supper. If you will kindly excuse me I will give you all the information in my power when I come back. ."

Mr. Veysey further testified that the prisoner did not come back and that he did not return to the hotel.

The prisoner, it would seem, remained in and about the City of New York for some days, then went to Saratoga then to Canada, and finally then returned to Jersey City where on the 23rd of August he was arrested by detectives Sheridan and Vallely, and Sheridan testified that he discovered him by following a woman to Taylor's Hotel in Jersey City, where he found him in a room.

The prisoner asked him how much he was charged with taking, and the detective replied \$28,750, when the prisoner said "Jesus Christ, I never got any such amount of money as that" - "What could I have done with it. How could I have spent it."

Then detective Vallely asked "How much did you get?" and the prisoner said "I don't know".

The prisoner then said: "If they let me go over those books I can fix this matter up and straighten it out in no time. I don't know anything about it" Mr. Val-
lely said "Well, they have had experts at your books Billy, and that is what they say; that is what they charge you with." The prisoner then said "Experts cannot examine my books" He said "There was a man named Sprague who was bookkeeper before me and he had a system that nobody could understand, and I very foolishly followed it out." (See pp. 323, 324 Stenographer's minutes)

The prisoner was held in New Jersey and thence from was extradited and turned over to the New York authorities

The testimony of Sheridan as to what transpired at the time of the prisoner's arrest, was corroborated by the testimony of detective Vallely.

Mr. HAZEN L. HOYT testified as to the books kept at the hotel and the duties of the defendant, and to the irregularities which aroused his suspicions in regard to the irregularities of the prisoner, and as to his relations with Mr. T. J. Montgomery, who lived at the hotel and who had had numerous financial transactions with the defendant as cashier of the hotel, in the way of obtaining money on vouchers and payment for the same, etc.

The clerks from the various banks in which the moneys of the Victoria Hotel were deposited, were called as witnesses to testify as to the accounts of the hotel with the various banks.

OWEN P. BREEN, who was at the time of the disclosures above referred to, room clerk of the hotel, and who testified that subsequent to Mr. Wentworth's departure, his drawer, containing vouchers etc. had not been tampered with.

In this he was corroborated by Mr. E. H. Babcock who was also a clerk at the hotel at the time referred to, and by Marshall O. Roberts and William McGoun, other clerks.

PETER DUNN, the carpenter of the hotel, testified as to the opening of the cash drawer of the hotel on the 7th of August 1893, as did also Mr. Kane, the chief engineer.

At this time the contents of the drawer were turned over to Mr. Veysey, for his examination.

Mr. Charles E. Sprague, who was familiar with the system of books kept at the hotel, was also called as a witness for the People, and testified as to such books.

Mr. Alfred H. Wicks and Mr. W. H. Jones, assistants to Mr. Veysey, testified as expert accountants as to the result of the examination of the said books.

Mr. T. J. Montgomery, who was as above stated, a resident guest of the Victoria Hotel, and who had had numerous financial transactions with the hotel, and who was on intimate terms with the prisoner, and who in company with Mr. J. H. Miller had assisted the prisoner at his request, in obtaining the sum of \$2000.00 to meet a deficiency in his bank account a short time before the

irregularities which led to the discovery of the deficit in the books took place, was called as a witness for the People. He testified that he saw the prisoner between the hours of seven and eight in the evening of August 4th, which was the evening referred to by Mr. Veysey in his testimony relating to the conduct of the defendant at the time of his demand upon him for a detailed statement of his accounts. Mr. Montgomery testified as follows: (Page 538 of the minutes)

"He informed me that Mr. Hoyt had brought into the hotel expert accountants to examine his books. He was very much excited, very indignant, stating that first one set of bookkeepers and then another were brought in to examine his accounts. I said to him, Well, what is the trouble? Why don't you go and assist in the examination of the accounts? He said 'There is an apparent shortage against me, and I don't wish to return at the present time'. I advised him to return, stating that I thought, no matter what the condition of affairs was, it was better to face it than to go away from it."

Mr. Montgomery testified that he saw him on the following day, and testifies as to what took place between the prisoner and himself at that time, as follows:

(See page 539 of the minutes)

"He asked me what was said at the hotel, regarding his not being there. I told him that the general rumor was that, the 5th of August being, like the 5th of every other month, the pay-day for the help, that he had drawn a check for the amount of money due to pay the help, and

had disappeared with it. That is as I learned it from the different people who spoke to me about his disappearance, in the hotel. He said 'You knew, of course, that that is not true. I haven't drawn any check for any such amount, and disappeared with it.' I then said to him, 'Why don't you go back to your hotel and take your place at the books, no matter what condition the books are in, or what apparent shortage they may show against you? I am prepared to use my influence with Mr. Hoyt to settle this matter in an amicable way, and I certainly will do my best for you if you go back, whether you are wrong or not.' 'Well, he said, 'I won't go back to-day. I'll wait' ."

Mr. Montgomery testified further, that he saw the prisoner again on the Tuesday following, at Weehawken, New Jersey, and testified that Mr. Miller had received a letter from Mr. Wentworth asking him to meet him at the Weehawken ferry or the 42d Street ferry on this side .

"He asked Mr. Miller to join him at Weehawken and also for me to come if I would go. Mr. Miller and myself went. We met Mr. Wentworth and discussed the situation."

(Pages 540-2 of the Minutes)

That Mr. Wentworth said "Now that the papers have taken up this matter it is too late for me to return". And, speaking of the newspapers, "What do they claim now at the hotel?" "I said I believe they claim a deficiency of thirty to forty thousand dollars. He said 'That is nonsense, but in any case on account of my troubles with

the Stanfield estate I am afraid that they may get a warrant for my arrest and I propose to go to Canada. I will inform you where I am and I hope that you will keep me posted regarding what goes on.

That the witness left the prisoner in the Railroad Station and returned to New York.

Witness testified further, that he saw the prisoner again in November 1893, subsequent to his release on bail and testified to this conversation, as follows:

(Minutes page 546)

"I said to Mr. Wentworth, I don't think you have treated me fairly in this matter. I have been your friend and have suffered very much by your remaining silent and allowing me to suffer without coming forward and stating the truth in this matter. My friends have said that it was very strange that you should allow matters to take the course they did without coming out publicly and making a statement that I had nothing whatever to do with any troubles connected with you at the hotel, which was true. He said that he was in trouble himself, as I knew at the time, and it did not occur to him that it would be of any benefit to me to have made a statement of that kind. I then asked him what he proposed to do in regard to his matters and he said that his brother was coming from Texas to provide the necessary funds to conduct his defense and he was going on in that way."

Mr. Montgomery testified as to the condition of his

indebtedness to the hotel, and testified that that indebtedness had been paid (p. 548-9 of the minutes) and that all the vouchers had been paid; that his occupation at that time was president of the Wolfe Electric Disinfecting Company.

Mr. Montgomery was subjected to a lengthy and searching cross-examination by counsel for the defendant, the apparent purpose of which was to discredit him before the jury and to implicate him as responsible for the deficit charged against the prisoner. On this cross-examination he testified that he met Mr. Samuel Fessenden at Delmonico's by appointment (P. 579 of the Minutes) the testimony of the witness being as follows:

"This meeting was by appointment, and when we met it was for the purpose of discussing the condition of Mr. Wentworth's affairs, to see if possible if an arrangement could not be made by Mr. Wentworth's friends, including Mr. Fessenden and myself, to have Mr. Hoyt not prosecute Mr. Wentworth, but allow Mr. Wentworth to come back to the hotel, examine the accounts and show just what the shortage was, if any. I had been informed that Mr. Fessenden was prepared to advance the entire amount of his indebtedness, if there was any. x x x

"Mr. Fessenden said he did not believe that the shortage in the accounts was any such sum as had been reported, and he was inclined to join me or others to bring about a settlement of this matter without publicity.

and consequently we talked some time. I cannot give the conversation because it has passed from my mind, but we adjourned, Mr. Fessenden having to take a train to his home, with the understanding that we were to meet again three or four days later and talk the subject over."

"Q. Did you make any proposition at that time to bear the loss? A. I did not.

"Q. Or a portion of the loss? A. I did.

"Q. What proportion of the alleged deficit did you agree to pay? A. One half.

"Q. If you were not responsible why should you obligate yourself to pay one half of the alleged deficit? A. I told Mr. Fessenden at that time that I hadn't any money but that Mr. Hoyt would take my word for any amount, and if he would put up one half of any deficit that was found that I would be responsible for the other.

"Q. Will you tell this jury now, you being a sensible business man, why, if you had no interest in the alleged defalcation of Wentworth, you would be willing to pay one half of the alleged deficit? A. I have already told you that I had a friendship for Mr. Wentworth. That was one reason, and the second reason was that if Mr. Wentworth succeeded in getting this hotel I was to form a company for him.

"Q. Then you had a financial interest in Mr. Wentworth? A. To that extent, yes sir.

"Q. And you had no doubt in your mind when you

spoke to Senator Fessenden that the man was an honest man?

A. I did not.

"Q. You have not any now? A. I prefer not to answer that question.

"Q. And the only reason you want to give this jury as the reason for your willingness to bear one half of the alleged deficit is your friendship and the possibility of your making money out of Wentworth in the future?

A. Yes sir."

Mr. JOHN H. MILLER, who had acted as attorney for Mr. Hoyt and also as attorney for Mr. Montgomery, testified that he had known the defendant from the year 1890 to August 4th, 1893, was frequently at the hotel, and testified as to his assisting the prisoner to get through Mr. Montgomery \$2000.00 to anticipate a deficit in his hotel accounts, and testified that early on the morning of August 5th, the prisoner came to him and said "I don't see exactly why I should be subjected to this indignity. You have known my relations to the Victoria Hotel for three or four years. You have known as attorney, the financial transactions that have taken place there between the estate of the Stanfields, Hoyt and other matters and here suddenly and unexpectedly a man is brought up and introduced to me, and states he is coming there to examine my accounts. Why should it be? My accounts are right." "Well, I said, What have you got to say about this thing? He said 'Well, I certainly am not going to

assist and give any information under such circumstances whatever. If Mr. Hoyt wants his accounts examined in that way without my being questioned or without anything being said to me concerning those books or accounts, let him do it. I wont.' "Well, I said, I will find out if I can what is going on in that matter. And he said, 'I wish you would see Mr. Hoyt and acquaint me with the facts and circumstances as they occur, down there are and what is the charge, where is the entry that is wrong. If this man finds anything in the books that I have done, why let them show it to me and I will explain it.'

"He came to me in indignation and he said 'What can I do? Here I am charged with this senseless thing in these papers in this way, and I want you to advise me as my attorney what course I shall take in this matter. I cannot go back to the hotel now; I am afraid that Mr. Hoyt being excited, will prosecute me or something of that kind, when it is all wrong.' And then he told me that he had sued the Stanfields for his salary. He has worked for them as the representative of Mark M. Stanfield for three years, and the executors in the administration of that estate had acknowledged the contract and that it was fair and right. He said 'They are only waiting for some opportunity of some kind, and under the circumstances I propose to stand where I am until you see Mr. Hoyt or you hear what those experts do. When I am faced by a specific charge I will explain it.' "

Witness apparently frequently saw the prisoner at this period. At page 589 of the minutes, witness testifies as follows:

"In the meantime, Wentworth told me that he had been grossly wronged by the publication in the newspapers that they, seeking gossip of this kind, had magnified something, and said moreover, the complication of these accounts may have made some mistakes in that book. The mistake that is occasioned there is not because I have taken any money but the system is peculiar. I have been bookkeeper for everybody and possibly there may be some mistakes there and it may prejudice if they are found out without my explanation. That was the substance of the conversations I had with Wentworth for a week or ten days daily after the fourth of August until he sent for me to meet him at the ferry at Weehawken one evening. I saw Mr. Montgomery and asked him to accompany me. We went over and had a little conversation for a little while there before the train departed. He said 'What is the charge, does the expert say; what is Mr. Hoyt's feeling towards me?' and of course I could give him no information 'Well,' he said to me particular, and I remember it--he said, 'I know now what the Stanfields want has come in this notoristy, and they will probably-- even if Mr. Hoyt is willing patiently and quietly to wait until we find out these things--arrest me, and I am not going to put myself in that position until I know something about this thing.' He says 'I wish you would keep me posted; I

will send you my address from time to time, where I am, and I think he said his destination was Canada."

The witness Miller testified to a further interview at Saratoga (page 592) where he testified as follows:

"I saw Mr. Wentworth and I said to him, I want you to tell me anything that you know about these circumstances different from what you said when I last saw you. I have been to see your friend Mr. Fessenden, and what we want to accomplish is this- that you come back to New York and you take the books of the Victoria Hotel and go to work at them, and if there appears by those books anything, that you explain it; and I will do what I can in connection with your friends to arrange that if a shortage occurs and you explain it, fairly admitting that such a thing exists, the money will be provided to pay the sum, so that there will be no further trouble or difficulty about it. The result of that was that Mr. Wentworth wanted me to tell him what occurred.

"Q. Did you see Mr. Fessenden in Saratoga. A. Yes, sir.

"Q. Mr. Fessenden was present? A. I saw him and he had certain conversations with Wentworth. I don't know as we both had a conversation with him at the same time; I think we did not."

The examination of the expert accountant showed that the vouchers found among the papers in the cash drawer kept by the defendant, was \$11,500.00. It was sought to be made to appear on behalf of the defendant,

that this drawer had been tampered with, and that vouchers of Montgomery of a larger amount, had been surreptitiously taken from that drawer between the time of Wentworth's departure and its examination by Mr. Veysey. The testimony of the hotel clerks, above referred to, covered this time completely, showing that the drawer could not have been tampered with. Moreover, the letter from Wentworth to Mr. Montgomery, written subsequent to the departure of Wentworth from the hotel, and introduced on the trial, admits to Montgomery that the amount of his vouchers were \$11,500., the exact amount found by Mr. Veysey, on his examination.

The remainder of the evidence consists of a somewhat intricate study of the books, testimony as to an ingenious analysis of the books, bank balances, monthly balances, operations between the general cash book and cash books "N" and "O", which represented the office cash, and through the medium of which the defalcation in question would seem to have been accomplished, to the amount as claimed by the accountant, of \$39,035.02 (p. 370).

These books were subjected to an exhaustive analysis by Mr. Veysey and his assistants, and the result of that analysis, of which it is impossible at this time to give any proper idea of its extent or as to the accuracy of its methods, amply demonstrated, in my opinion, that \$10,000.00 of that discrepancy was covered by the alterations in the cash book "O", set forth on February, referred to in the indictment.

This alteration consisted in dropping Ten thousand in carrying over the balance from one page to the next of Cash book "G"; where the balance should have been Seventeen thousand, when properly footed, the balance was carried forward as Seven thousand, with which balance the defendant charged himself February 1st, 1892.

The defendant was represented on the trial by five counsel, Charles W. Dayton, Abraham Levy, Henry C. Andrews, Frederick J. Swift and Samuel Fessenden, who ably conducted the defense.

In an exhaustive argument to the jury made by Mr. Levy, one of his counsel, every inference from the evidence in favor of the defendant, was emphasized, and the case went to the jury after a most exhaustive presentation of all the evidence which was within the power of the prosecution to produce for their enlightenment, and all witnesses were called for the prosecution who could throw any light in any way upon the transaction, or who were known to have been in any way connected with it.

In my opinion, the attempt to implicate Mr. T. J. Montgomery as responsible in any way for the acts of the defendant, signally failed. He appeared as a witness on the stand, submitted himself to cross-examination, and the result of that examination was in my opinion a complete justification of him from the charges made upon him in the course of the trial in connection with this matter.

It is difficult to see how upon the evidence, the

justice of the verdict of the jury, finding the prisoner guilty of the crime charged against him, can be questioned. It remains, however, to be said, that there does exist an element in the case which it may be was recognized by the jury as the basis for their recommendation for mercy.

It would seem from the evidence, that Mr. Hoyt was not a man who paid much attention to the details of the accounts kept in his business, and it may well be that a more rigid supervision on his part of those methods, would have relieved the defendant from the temptation to which he was undoubtedly exposed.

It would seem that Mr. Hoyt left very largely the management of the office finances of the hotel, in the hands of Wentworth; that he did countenance drafts upon those funds, in a manner to lead the defendant to deal with them very much at his pleasure; and while in one view, the betrayal of his confidence so reposed in the prisoner may be regarded as an aggravation of his offense, at the same time it would seem that he was exposed to a greater temptation than a more careful supervision of his department of the hotel work would have permitted.

It is further to be considered, that the prisoner is a man of good family, a graduate of Harvard University, whose wife is a very much esteemed lady, a member of a highly respected family in Massachusetts, and now dependent upon her own exertions for the support of herself and

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her child. To one thus situated, in this position, the ignominy and bitterness of the punishment to which he has already been subjected, is far greater and more bitter than to one situated differently.

I am therefore of the opinion, that the case of this prisoner, when viewed in all its circumstances, presents a proper one for such clemency as the Executive may deem it proper to extend to him.

I remain, with respect,

Your obedient servant,

A dark, illegible handwritten signature, possibly in ink, located below the typed signature line.

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

Aug 5 1895

Res
vs.
Wm. P. Wentworth } Fugery
5 Indictments
pending

District Attorney Felton was
formerly counsel for defend-
ant in these cases, and
is disqualified from
acting upon the motion
now made to dismiss
the indictments. Hon. J. B.
Hooper, who was formerly
appointed Special District
Attorney on the trial of one
indictment does not desire
to further continue in the
cases. It is therefore moved
that the Court appoint a Special
District Attorney to appear of same
Henry H. Wood
Clerk

THE PEOPLE OF THE STATE OF NEW YORK.

against

Samuel H. Edwards

Richard M.

George H. Bellows
GEORGE H. BELLOWES

DISTRICT ATTORNEY,

No. 89 CHAMBERS ST.,

NEW YORK CITY.

0466

Nicoll & Anable

*De Lancy Nicoll,
Courtland V. Anable*

*Mutual Life Building,
No. 32 Liberty Street.*

New York,

April 16th 1897.

Hon. William M. K. Olcott,
District Attorney, New York County,
New Criminal Court Building,
New York City.

My dear Sir:

During my term of office there were found by the Grand Jury several indictments against one William P. Wentworth, all for grand larceny or forgery in the third degree and all arising out of the same transaction. Colonel Fellows having been Wentworth's counsel, at the conclusion of my term of office Mr. Stapler, one of my assistants, was appointed by the Court Special District Attorney to try the case. Out of the batch of indictments found one had been selected for trial by me and was subsequently prosecuted by Mr. Stapler, with the result that the defendant was convicted.

When Judge Martine imposed sentence upon Wentworth I conferred with him and am able to state that in passing sentence upon the defendant he took into consideration the fact

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2.

that there were other indictments against him.

Some time after Colonel Fellows was District Attorney a motion was made before Recorder Goff to dismiss the other indictments, but for some reason which I do not understand, it was denied. Since then, however, the defendant has been pardoned. Governor Morton pardoned him last spring.

I think that the other indictments ought now to be dismissed; first, because that is the invariable practice, and, second, because the defendant has been pardoned. It was not my intention, and I am sure it was not Mr. Stapler's, to ever try the defendant on more than one indictment.

Yours very truly,

DeLawney M. Cole

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HANSON C. GIBSON,
HENRY B. B. STAPLER.

The People vs Wentworth.

GIBSON & STAPLER,
COUNSELLORS AT LAW,
No. 67 WALL STREET.

NEW YORK, August 2nd, 1895

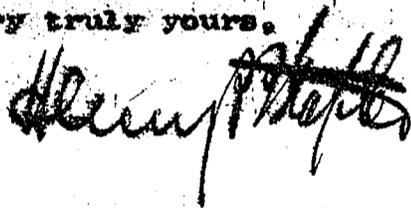
Hon. Charles W. Dayton,
general Post Office, City.

My Dear Sir:-

At the request of Mr. Levy, one of your associates in the above case, I write to say that prior to the imposition of sentence upon Wentworth by Judge Martine, my recollection is that he stated to me, in a conversation upon the subject, that in imposing sentence he should take under consideration the fact that other indictments had been found against him in which he was charged with similar or analagous offenses to the one set forth in the indictment under which he was convicted.

I leave tonight for my vacation, and Mr. Levy stated that some matters might arise during my absence in which it was possible that the above statement, coming from me as having acted as Special District Attorney in this case, might be one which ought to appear in the proceedings, and I take pleasure in sending the same to you.

Very truly yours,



Dictated---

COURT OF GENERAL SESSIONS OF THE PEACE

FOR THE CITY AND COUNTY OF NEW YORK.

-----X
 THE PEOPLE OF THE STATE OF NEW YORK ;
 ;
 -against- ;
 WILLIAM P. WENTWORTH ;
 -----X

SIR:

PLEASE TAKE NOTICE that upon the annexed affidavit and all the records and proceedings herein, the undersigned will move this Honorable Court in Part I thereof at the Criminal Court House in the City of New York, on the 26th day of July 1895 at 10.30 A.M., or as soon thereafter as counsel can be heard, that the several remaining indictments found by the Grand Jury of the City and County of New York on the 9th day of November 1893, and which are still pending and undisposed of be dismissed and for such other or further order as may be just and proper.

Dated New York, July 20th, 1895.

Yours &c.,

Charles W. Dayton

Attorney for Defendant,
Dressel World Building,
 New York City.

To, JOHN R. FELLOWS ESQ.,
 District Attorney.

COURT OF GENERAL SESSIONS

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

WILLIAM P. WENTWORTH

-----X
CITY AND COUNTY OF NEW YORK, SS:--

CHARLES W. DAYTON, being duly sworn doth depose
and say:

That the Grand Jury of the said City and County,
on the 9th day of November 1893, filed five several indict-
ments against the above named defendant, charging him in
each of said indictment with the alleged crime of Forgery in
the third degree as will more particularly appear by refer-
ence to the same now on file in the Clerk's office of this
Court. That thereafter such proceedings were had upon his
arraignment and trial upon one of the said indictments, after
a hearing before the Court and Jury, and said defendant was
on the 4th day of October 1894; duly convicted and the Jury
accompanied the verdict with a recommendation of mercy.

That the said trial was commenced on the 26th day
of September 1894, and continued on the several days there-
after to wit: September 27th and 28th, October 2nd, 3rd,
4th, 5th until about seven O'clock in the evening of said
last named day at which said time verdict was received in
Court, the late HON. RANDOLPH B. MARTINE presiding.

That on the 18th day of October, 1894, the Court imposed a sentence of two years and six months of imprisonment in the States Prison on the defendant and is now undergoing said sentence. That deponent acted throughout the trial of the said defendant as one of his counsel, and that upon such sentence being imposed deponent was at the time and still is of the opinion that the sentence so imposed as aforesaid was upon a full consideration of not only the one indictment upon which the said defendant was on trial and convicted, but as well the several other and untried indictments, and that no mentioned was at such time made by the prosecuting attorney, that he would again be placed on trial.

That it has been a general rule and practice as deponent is informed and believes that in similar cases where a defendant has been charged with a series of alleged crimes as in the case at bar a trial upon one of several indictments a conviction being had and sentence imposed, the District Attorney has appeared in Court and consented to a dismissal of the remaining indictments then pending and undetermined, therefore deponent asks that said remaining indictments be dismissed.

Charles C. Dayton

Sworn to before me this ;
^{12th} 21st day of July 1895. ;

Phil. Waldheim
 Atty Public
 N.Y. Co.
 4

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General Session.

The People v

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William P. Wentworth

Affidavit & notice
of motion.

Charles W. Dayton
Att. in Debt.
Dress Bldg
N.Y.

James Henry
admitted

John H. Bellan
Dist. atty
July 25/75

copy

10
COURT OF GENERAL SESSIONS OF THE PEACE,
3 Of the City and County of New York.

.....
10 THE PEOPLE OF THE STATE OF NEW YORK,)
2^d --against--)
17 WILLIAM P. WENTWORTH.)
.....

13
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,

by this Indictment, A c c u s e WILLIAM P. WENTWORTH
of the Crime of FORGERY IN THE THIRD DEGREE, committed
as follows:

T H E said William P. Wentworth, late of the
City and County of New York aforesaid, on the twenty-first
day of November, in the year of our Lord one thousand
eight hundred and ninety-two, at the City and County
aforesaid, with intent to defraud, and to conceal a cer-
tain larceny and misappropriation of the moneys and pro-
perty of one HAZEN L. HOYT, by him the said William P.
Wentworth then lately before committed, did feloniously
make in a certain book of accounts called Cash Book "0",
belonging to and appertaining to the business of the said
Hazen L. Hoyt, a certain false entry, as follows, to wit:

"21 Deposit 2961.29,"

which said entry then and there purported to set forth

(2)

and indicate and did in substance and effect signify and declare that on the said 21st day of November, in the year aforesaid there had been deposited in bank to the credit of the said Hazen L. Hoyt, the sum of TWO THOUSAND NINE HUNDRED AND SIXTY-ONE DOLLARS AND TWENTY-NINE CENTS.

WHEREAS, IN TRUTH AND IN FACT, there had not been deposited in bank to the credit of the said Hazen L. Hoyt on the day and in the year aforesaid the sum of Two thousand nine hundred and sixty-one dollars and twenty-nine cents, as he the said William P. Wentworth then and there well knew; a g a i n s t 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, do further accuse the said WILLIAM P. WENTWORTH of the same crime of FORGERY IN THE THIRD DEGREE, committed as follows:

T H E said William P. Wentworth, late of the City and County of New York aforesaid, on the twenty-first day of November, in the year of our Lord one thousand eight

(3)

hundred and ninety-two, at the City and County aforesaid, with intent to defraud, and to conceal a certain larceny and misappropriation of the moneys and property of a certain partnership composed of one HAZEN L. HOYT and FLORESTINE STANFIELD, as Guardian of the ESTATE OF DOUGLAS M. STANFIELD, a minor, by him the said William P. Wentworth then lately before committed, did feloniously make in a certain book of accounts called Cash Book "0" belonging to and appertaining to the business of the said partnership, a certain false entry, as follows, to wit:

"21 Deposit 2961.29"

which said entry then and there purported to set forth and indicate and did in substance and effect signify and declare that on the said twenty-first day of November in the year aforesaid there had been deposited in bank to the credit of the said partnership the sum of Two thousand nine hundred and sixty-one dollars and twenty-nine cents.

WHEREAS, IN TRUTH AND IN FACT, there had not been deposited in bank to the credit of the said partnership, on the day and in the year aforesaid, the sum of Two thousand nine hundred and sixty-one dollars and twenty-nine cents, as he the said William P. Wentworth then and there well knew; a g a i n s t the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

0476

BOX:

541

FOLDER:

4928

DESCRIPTION:

Whittaker, Joseph

DATE:

11/15/93



4928

0477

Witnesses:

Off Curry

Lept has
Serra
in Pen.

He has the office
where he has taken
the property to
it has been known

By

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Joseph Whittaker

23
576.239

DE LANCEY NICOLL,

District Attorney.

Burglary in the Third Degree,
Grand Jurors, and degree
[Section 498, 506, 508, 509, 510, 511.]

A TRUE BILL.

Foreman.
3/10 2 1/2 50
42

0478

Police Court 2 District

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

Louis Solomon
of No. 515 Tenth Avenue Street, aged 37 years,
occupation Shoemaker being duly sworn

deposes and says, that the premises No 515 Tenth Avenue Street,
in the City and County aforesaid, the said being a dwelling house, the
store floor of
and which was occupied by deponent as a shoe store
~~and in which there was at the time a human being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly breaking open
the front door leading into the said
store and entering

or about 5th day of November 1893 in the night time and the
on the following property feloniously taken, stolen, and carried away, viz: About Twenty
five pairs of shoes of the value of
about Twenty five dollars or more

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
Joseph Whittaker (now here)

for the reasons following, to wit: that the doors and windows
leading into said apartment store
were regularly locked and fastened
and said property was therein. Deponent
in the following morning found the
door broken, and the store entered
and said property was missing. Deponent
is informed by Allen Kay (now here)
a police officer that he arrested the
defendant who acknowledged to him

0479

that he had broken and entered said premises and stolen said property and sold said property to one Rosario Porto residing at 530 West 39th Street where said Hay found a quantity of shoes in ^{Porto's} defendant's possession and deponent has since seen the shoes and identifies them as his property.

Sworn to before me
this 11th November 1892
[Signature]
Police Justice

filed over

~~filed over~~

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Burglary _____
Degree _____

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0480

CITY AND COUNTY }
OF NEW YORK, } ss.

1877.

Allen Hay
aged 31 years, occupation Police officer of No. 20 Peenock Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Louis Solomon and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 11 day of November 1893

Allen Hay

Shuff
Police Justice.

0481

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph Whittaker 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. *Joseph Whittaker*

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. *576 West 36 St. 3 years*

Question. What is your business or profession?

Answer. *Laborer*

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*

Joseph Whittaker

Taken before me this
day of *March* 19*12*
John J. [Signature]
Police Justice.

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

Defendant

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

Dated *Nov. 11* 18*97* *[Signature]* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

Police Court--- 2 District. 1197

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Solomon
515 10th St
Joseph Mattaker

Offence *Burglary*

2 _____
3 _____
4 _____

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Nov 11* 18*93*

Koch Magistrate.

Curry Hay Officer.

20 Precinct.

Witnesses *Allen Hay*

No. *20th Precinct* Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *2500* to answer *GS 3*

com *Bury*

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Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Whittaker

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

Joseph Whittaker

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

The said

Joseph Whittaker

late of the *20th* Ward of the City of New York, in the County of New York, aforesaid, on the *fifth* day of *November*, in the year of our Lord one thousand eight hundred and ninety-*three* in the *night* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one *Louis Solomon*

there situate, feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent the goods, chattels and personal property of the said *Louis Solomon* in the said *store* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Joseph Whittaker

of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said

Joseph Whittaker

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, in the *right* time of said day, with force and arms,

*fifty shoes of the value of
sixty cents each*

[Large decorative flourish]

of the goods, chattels and personal property of one

Louis Solomon

in the

store

of the said

Louis Solomon

there situate, then and there being found, in the *store* 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.

*De Launcey Nicoll,
District Attorney*