1015

BOX:
421
FOLDER:
3896
DESCRIPTION:
Wade, Richard A.
DATE:
12/11/90

3896

Witnesses:

Geller
Jas. Geller
Herman Frank.
Martin Dimon

#116 Kupper

Counsel,

Filed 11 day of Dec 189

Pleads, Not guilty

THE PEOPLE

vs.

B

Richard
~~Robert~~ A. Wade

Grand Larceny, 2nd degree
(MISAPPROPRIATION.)
(Sections 528 and 531 of the Penal Code).

JOHN R. FELLOWS,
District Attorney.

A True Bill.

William Van Reinsen
Foreman.

Part IV May 13/91
Tried & Acquitted

1017

One.

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF
Osias Geller
vs.
Robt A. Wade
Grand Larceny.

BEFORE HON.
P. G. Duffy
POLICE JUSTICE,
Sept 23 1889

APPEARANCES:
For the People, Counsellor Attorney
For the Defence, Hughes & Abbot
Sept 23 1889

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M. J. Creacy
Official Stenographer.

One

New York Sept 23rd 1890
Third District Police
Court
Hon Patrick G. Duffy
Presiding Justice.

Osias Geller
vs.
Robt A. Hale } Grand Larceny.

Complainant being duly
sworn deposes and
says.

Q. 2. What is your
name?
A. Osias Geller
Q. 2. Where do you live?
A. No 153 East
Broadway
Q. 2. Are you the
owner of the estate?
A. Yes Sir, No 153
East Broadway.

Q. Were you the owner of this Regelestate on the 12th of Feb 1890?

A. Yes Sir.

Q. Where was it situated?

A. No 133 East Broadway and No 140 Stanton St,

Q. Do you know the Defendant?

A. I guess I do, for sit on eight or nine months

Q. Did you know him on the 12th of Feb 1890?

A. Yes Sir,

Q. He was your Lawyer?

A. He was my Boys Lawyer

Q. In that way you got acquainted with him?

A. Yes Sir,

Q. Now you the

Note annexed to the Complaint, is that your Signature?

A Yes, Sir.

2. (Note marked E/A)

State how and under what circumstances you gave that Note to the Defendant Jade? And what took place between you?

A. I said to my son please maybe you know someone will cash my Note for $300, I want the money to pay the Interest on the Mortgage, and my son said come down with me, I will show you a man, and

he brought me to Mr Wade (Defendant) & said to Mr Wade please discount and change the Note for me & must pay my Interest and he said with the greatest pleasure & will cash it for you, he said give me your Note and sign your name & gave him the Note payable to himself.

Q. After you gave him that Note, what did he say?

A. He said it was no good

Q. Did you give him this Note after that and who made

that Note?

A. He made it.

Q. What did he say about that?

A. He said that I make the Note myself and you will sign it, and then I signed that Note.

Q. Did he promise to give you the money on that Note?

A. He told me I will give you the Note or the money tomorrow.

Q. What do you mean by that, that the day after the 12th he would give you the money or the Note?

A. Yes Sir

Q Did you see him the day afterwards?

A Yes Sir, he said my friend has gone away, I will give you the Note after a few days.

Q. How many times did you see him after, to get your Note?

A. Twenty times I was there, he said do not be afraid, the Note is lost.

Q. Did you hear afterwards that it was not lost?

A. I paid for that Note, he got the money on it.

Q. Where did he get it from?

Q. Mr Frank. Were you present?

A. If I were there I would take the Note,

Counsellor Hughes, I move to strike that out,

Q. When you found this Note had been cash=ed by Mr Wade, did you see him, and what did he say to you?

A. Yes Sir, he said I will give you the money, I got the money and will pay you, he said, I got the money Wade got it from Mr Frank. — I never received a cent on that Note,

Cross Examination.

Q. What is the value of the property you say you own?

A. I have not any. I sold everything when the Note was made, I had property in East Broadway and 40 Stanton Street, I sold the property for $36,000 in Stanton Street and for $26,000 in East Broadway.

Q. How much Mortgage was there on your property?

A. $23,000 on one and $17,500 on the other.

Q. Was there any other Mortgage on it?

A. No Sir.

Q. When did you first

meet the Defendant, Wade?

A. The time, I do not remember that

Q. You first met Mr Wade (Defendant) in connection with a transaction you had about a horse?

A. Yes Sir,

Q. That was for you son?

A. Yes Sir, I paid him $10. for that

Q. What was the second transaction you had with the Defendant, Wade?

A. He promised he would settle about the horse.

Q.

Q. That was the business for your son? What about the suit against the Benjamin Society?

A. I did not want to have him for a Lawyer, I gave him hog and hog for that case.

Q. Did you instruct the Defendant to commence a suit against the Benjamin Society?

A. Yes Sir.

Q. That suit is twice pending?

A. Yes Sir.

Q. Did you not instruct Mr Wade (Defendant, to enter

into negotiations with
Smith Bros & Blake
Cloak Makers No Sir.

Q. 2 That is as true as
all the rest of your
testimony? Yes Sir

Q. 2 Did you not employ
Mr Rode (Defendant)
to interpose in your
behalf with the Electric
Light Company, whose
wires touched and
partly burned your
house? No Sir.

Q. 2 Is that as true as
the rest of the testim=
=ony you have given
here? Yes Sir

Q 2 Have you ever seen

these gentlemen in
Mr Hades Office? (Mr
Biggs and Mr Menefee)
A. I saw these two
Q. (2) gentlemen. Before
that Note was signed
how many times in
all, were you in Mr
Hades Office
A. Twice, no
more
Q. At the time
that Note was sign=
=ed, how long had
the Interest on the
Mortgage been due
for which you thought
the money?
A About a
month and a half,
it might be two
months.

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Q Had you ever before made an effort to get your Note Dis=counted, to get money on it?

A. No, I went to Mr Wade first

Q How much was the interest money due,

A. Five hundred & 50/100, Dollars,

Q. Was the interest money due on both, or one Mortgage?

A On the East Broadway house $17,500 at six per cent

Q Did you give Mr Campbell written authority to appear in any action for

A. Yes, I had nothing to do with Mr Campbell

Q. Do you know that Mr Campbell did appear for you in an action,

A. I do not know,

Q. Did you give your present attorney Mr Altmyer written authority to substitute Mr Campbell?

A. Yes Sir,

Q. You did give such authority?

A. Yes Sir,

Q. If Mr Campbell had not appeared for you, why did you give any such paper?

Q. I never had Mr Campbell as my Lawyer

Objected to by Mr Attorney

Q. If you had never employed Mr Campbell or authorized him to appear in this action on the Note, why did you find it necessary to give to your present Attorney a paper requesting him to appear in place of Mr Campbell

Objected to by Counsellor Attorney

A. Mr Campbell was the partner of Mr Wade, &

Q. The only reason

Witness before me this 17 day of Oct 1890
Felix Brooks

Q. Then, why you did not make Mr Campbell remain your counsel, was because you thought he was a partner of Mr Wade?

A. Yes Sir, Mr Campbell, before that had been authorized to appear for you?

Q. Mr Wade and Mr Campbell said they would do all they could for me, I left the case with them, Then and under what circumstances did you meet Mr Rhoyer?

Here counsel for intervenor

Price wrangle and
came near to blows,
the expressions "a lot of
thieves", "you are a
you & "a B" &c. The
Judge threatened to
Commit Counsel;—
Case adjourned to
Sept 25 — 2 P.M.

Sept 25th 1891
Examination resumed
and continued.

Herman Faust, being
duly sworn deposes
and says, I am
an Attorney and
Counsellor-at-Law
Attorney at Law in
New York City for
12 years — I am

Q. Do you know the
defendant?
A. Yes Sir.
Q. Did he bring that
note to you?
A. He did.
Q. Did you give him
the money?
A. Yes Sir,
Q. How much?
A. In the neigh=
=borhood of $400
in a Bond Check,
Q. The check was
handed over to you
personally?
A. Yes Sir, I
gave him my
check for $450. same
cash in the face of the
note less the interest.
Q. Did you cash

it to him?

A. I did

Q. Did he give you that Note?

A. Yes Sir, it was given to Mr Simon who paid the money I did not know the Complainant after I saw him I demanded payment.

Q. What did Fellow say?

Objected to Cross Examination

Q. Do you know the signature of Wm Wade?

A. Yes Sir.

Q. You assert the writing of that Note?

A. I do not think that is in his hand writing.

Q. If I told you the complainant said it was in his handwriting, what would you say?

A. I would say it is not true.

Q. Are you clear about having given a check for $450.?

A. Somewhere in that neighborhood.

Q. Did you look in the stub of your check book?

A. I did.

Q. Does that not say $475.? On your word of honor did you not give him $450.?

A. No, about $400. part cash and part

Q. Check, What period did that cover?

A. A few days after the date of the Note, I gave the cash a day or two before that.

Q. You know an action had been brought against Feller and Trade on that Note?

A. Not when he called on me.

Q. What did you send to Feller for?

A. To pay the Note, he told me that Mr. Trade promised to raise the money and pay the interest on the Mortgage,

Q. Did you send Mr Geller to Mr Ostrager attorney?
A. No Sir
Q. Did you send Mr Simon?
A. No Sir,
Q. Had you anything to do with that?
A. I brought suit for Mr Simon
Q. You got a notice of appearance from Mr Campbell for Mr Geller?
A. Yes Sir,
Q. Did you serve Mr Eade?
A. I did not,
Q. Did you bring a suit against Geller or Eade
A. I knew he was not worth a cent

I brought a civil action against them,

Q. You sued the maker and indorser of the Note?

A. Yes Sir.

Q. The next time you had anything to do with them, you went as a witness against Wade, who was not served with notice?

A. If it is not so,

Q. You knew subsequently that was made by my Complice in behalf of Mr Sellers?

A. I received notice of it.

Q. You are a friend of Mr Attmyer?

A. Yes Sir, our offices are in the same

Q. Unending Did Mr Geller pay you Five hundred dollars on that Note?

A. His Attorney did in my Certified Check

Q. When did he pay you?

A. About three or four weeks ago

Q. After the institution of this Suit?

A. Yes Sir,

Q. Are you familiar with the fact that Judgment was taken against Mr Geller by default?

A. Yes Sir,

Q. Judgment was entered up?

A. Yes Sir, and it has been satisfied of record

Joseph Geller being duly sworn deposes and says

Q. Are you the son of the complainant

A. Yes Sir,

Q. Do you know the defendant Wade?

A. Yes Sir, I know him since I went down about seven or eight months ago

Q. Did you ever see this Note?

A. I saw a Note my father gave to Wade.

Q. Tell what conversation took place when that Note was given to him?

A. I saw the

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Q. Note pass. Tell what was said?

A. I went to Mr Wade — I went to explain — I had some conversation about a horse with Mr Wade every day. My father was short of money — I said let me go to Mr Wade.

Q. Tell us what Mr Wade said when you were there with your father?

A. I said can you change a Note for father for $100, Wade said he could with pleasure, my father gave him a note for it, and father signed it, Wade said

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come tomorrow and
I will give you the
money or the note;
and when I went there
he said, my friend,
wait a Albany, when
he comes back I will
give you the money;
week went by — then
he told me the Note
was lost, it got lost —
that is all I know

Q. Did you learn
that Mr Wade had had
the Note protested?

A. Yes Sir,

Q. When the Note came
due with whom did
you find it?

A. Mr Simon

Cross Examination

Q. The first time you

ment down, is this the Note your Father gave to Mr Wade?

A. Yes Sir, that is my Father signature

Q. that is the Note my Father gave to Wade,

A. You said that all of the Note but the signature was written by Mr Wade?

Q. ~~You~~ Yes Sir,

A. You say that after he told you, you could have the money the next day, when you went there he said this man by whom he was to have the Note discounted was in Albany and that the Note was lost?

Q. You mean

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Was Mr Wade wrote all of the Note but the Signature?

A. Yes Sir.

Q. Mr Frank Emazz that it is not Mr Wades hand writing

Q. Are you still sure as to whether the body of the note is in his handwriting of Mr Wade?

A. I know Wade made it out and my father signed it, I do not know whether he wrote that Note, but he wrote that Note (the annexed one)

Q. Can you tell exactly just what was said when that

Note passed?

A. I cannot tell

Q. Why was Robert Wade name put in there if your father was to get the money?

A. My father went there to get the money

Q. Why did not your father make it to his own order?

A. My father did not know it was made to Wade order till it came due, I can (in German) write

Q. Your father did not know that it was to the order of Wade?

A. No Sir,

Q. Who wrote the body of the Note?

A. Mr Wade

Q. Did you see the Note before your father signed it, or after he signed it?

A. No Sir

Q. Or any other day?

A. No Sir,

Q. You had your father sign it without his knowing what he was signing

A. Yes Sir,

Q. Did you not pay any attention — or give it any thought that your father ought not sign a paper, the contents of which you do not or he did not know?

A. I could not read it.

Q. You did not think it was necessary for your father to know the contents of a paper he was signing?

A. It was necessary for me to know it, but I forgot it, I did not look at it.

Q. After the note was given did Mr Wade return this paper, did you ever see it before?

A. Yes Sir, Mr Wade gave it to me.

Counsel..... I offer this in evidence (G A) of this date I got that from Wade Mar 29

Counsellor Attorney I
offer this & contract the
Statement that this
Note, was given for
professional services
Q. Did your father
ever get any money
from Mr Wade on
that Note?
A. He never got
a cent
Q. Is that Mr
Wades hand writing?
A. Yes Sir,
Q. Do you mean to
say that these two
are the same hand
writing?
A. I swear
it is.
Q. Do you know
do you not think it
is Wades hand writing

Q He wrote that quick in front of me, I can him write out that Note — that is the Note, — it must be his hand writing, Who

Q. was there when I can can him make that Note out — my father and Wade — his Clerk was sitting at a table

Sworn before me this 23rd day of Oct 1890. } Joseph Selley

Police Justice

Adjourned to Sept 29

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Cross Examination.

Q. Mr Gillen you said that when you went to Mr Wade, you wanted to get some money on this Note for the purpose of paying the interest by a Mortgage

A. Yes Sir,

Q. And that this Mortgage interest was one two months

A. No, I did not say that

Q. Did you tell Mr Wade how much the interest was?

A. No Sir,

Q. You did say any thing about Five (£500) hundred dollars

A. I told Mr Wade I required five hundred dollars?

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A. I told Mr Hade I required $500, and I told him if the Mortgage came due I would know what I would have to pay and do.

Q. On what pro=
=perty was that Mort=
=gage?

A. There was one due on 40 Stanton St, and another on No 153 East Broad=
=way

Q. Was the interest on both these houses or Mortgages due on the 12th of Feb?

A. One was due on Feb 12th on No 40 Stanton.

Q. Did you

not testify that the reason you wanted the money to pay interest on a Mortgage when you gave the Note?

A. Yes Sir,

Q. I understand you now to state that there was no interest due when you gave the Note, when did any Mortgage become due after the Feb 12

A. I do not Know — I did have another Mortgage 2 two months after that.

Q. How much interest was due 2 months after

A. I do not remember

Q. What was the amount of the Mortgage?

A. $14.500 on East Broadway

Q. What was the interest on that?

A. 5 per cent

Q. Did you swear the time before that it was 6 per cent?

A. No Sir,

Q. So when you took this Note to Mr Wade, and gave it to him as you say, there was no Mortgage interest due on anything you owned?

Court — What did you mark the Note discounted for?

A. I said please

District Police Court

Osias Geller

vs.

Robt A. Wade

Grand Larceny.

STENOGRAPHER'S TRANSCRIPT.

Sept 19 1911

BEFORE HON.

P. G. Duffy

Police Justice.

Geo J. Treacy

Official Stenographer

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No.

STENOGRAPHER'S MINUTES.

Third District Police Court.

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vs.

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Grand Larceny.

BEFORE HON.

P. G. Duffy

POLICE JUSTICE,

Sept 29 188 90

APPEARANCES: { For the People, ... For the Defence, ...

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M. J. Tracy

Official Stenographer.

No.

do me the favor and cash me the note, I had to pay interest, I asked him to lend me the money and I would compensate him

Q. Did you see have interest to pay on the Mortgages?

A. Yes Sir,

Q. What was the rate per cent?

A. The first Mortgage $14,500 and the Second $3000, the first at 5 per cent the Second at 6 per cent

Q. How much in all, the whole?

A. $40,500 on the two houses

Q. When did the Mortgage interest fall due on the Second Mortgage?

A. I cannot tell

Q. that you have sold this property?

A. Yes Sir,

Q. When?

A. About 2 or 3 months Ago?

Q. Yes Sir, I sold both together to Valentine

Q. Did you pay interest on either of these houses after Feb 12th up to the time you sold?

A. I did pay interest on Stanton St

Q. To whom?

A. I do not remember

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Q. How much?
A. I paid $600
less $15.

Sworn to before me
this 2d day of Sept 1891 } Fell,
Police Justice

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James A Menken, 25 years of age, a Lawyer, Residence No 401 East 61 St, being duly sworn deposes and says

Q. You heard the testimony in this case

A. I did.

Q You know the Complainant and his son?

A. Yes Sir,

Q. Were you present when the Note in question, dated 12th of Feb and signed O. Geller, was given?

A I was,

Q. Did you hear the conversation between them?

A

A. I did.

Q. Did Mr Wade fill in the body of this Note, except the signature?

A. He did not fill out the body of that Note.

Q. Was this Note given or tended to Mr Wade already made out exclusive of the signature?

A. Yes Sir,

Q. Was it filled in as to everything exclusive of the signature in the office?

A. I did not see it filled in.

Q. Look at the handwriting and say is it Mr Wades?

A. No Sir, I am familiar with his handwriting

Q. Is it in the handwriting of any one connected with that office?

A. No Sir

Q. State the conversation that took place?

A. I think Mr Biger was there — I was there and Mr Wade asked Mr Geller for some money and Mr Geller said how much do you want and Wade said I want a couple hundred dollars and Mr Geller said, I cannot let you have that now, I am short, Mr Wade said can you not

let me have your Note, then Mr Geller thought for a while and said I can do that — and they agreed on that — Geller said he would be down the next day, and he came down the next day and brought the Note as it is there — that is the Note attached to the paper

Q. What happened the next morning, Who were present the day before the Note was given?

A. Mr Hade, Geller and myself I think Riger Job —

Q. Was the young Geller there?

A Yes Sir, before leaving on the after noon when the arrangement was made about giving the Note

Q. Did you hear any conversation between Wade & Geller as to the amount of the Note; or that it should be?

A I did not, the Note was brought to the Office the next day Mr Geller brought it, and said I give you the Note, I hope you will protect me and not let the Note come back on me, and Wade said he would do that

Q. Is that all you heard?

A. Yes Sir

Q. Had Mr Geeer been there before that time?

A. Yes Sir, and his son.

Q. It was within your knowledge that Mr Geeer and his son, had business in Mr Ogdes hands?

A. Yes Sir,

Q. I show you a receipt of March 29/90 Do you remember when that was passed?

A. I do.

Q. Whom did Mr Ogde give that to?

A. Mr Geeers son.

Q. Who were present then

A I was, Mr Wade and Mr Geller the young man.

Q. What conversation was there when the Note passed?

A. Mr Wade had given him Geller the receipt before for the Note, and brought it back and said, the people would think that Mr Geller had received the money on the Note, and wanted a receipt showing that he did not get the money on that Note — then he gave him a receipt, that is all I can remember.

Cross Examination

Q. You are a clerk in Mr Hades Office?
A. Yes Sir,
Q. Was Mr Green present when the Note passed the young Green?
A. No Sir
Q. You were a clerk there then?
A. Yes Sir, I am there now
Q. Did Mr Hade have a private Office?
A. Yes Sir, 377 Broadway.
Q. Where were you located in the office — how many rooms in it
A. He only had one room, there were two (2), he had only one there were two (2)

Q. Were you there every time Green called?

A. Mostly everyday

Q. For what did he give Wade that Note?

A. I cannot say for what purpose except for Services

Q. Did you hear anything said about paying interest on Mortgages?

No Sir,

Q. Did you know Mr Green had to pay interest on Mortgages

No Sir,

Q. Was given because he had had a great amount of legal work for him, he did not give Wade $500 ?

A. I cannot tell

James H. Briggen,
being duly sworn
deposes and says,
I am an Attorney and
Counsellor at Law, I
am 34 years of age, I
will state all I know
about the case, I had
the same Office with
Mr Wade at the time
the Note was given, I
was not there when
the Note passed — I
heard no conversation
but after (within a
week) Mr Geller came
in as he had often
before; he had a con=
=versation with me,
after the Note was
given, and he spoke
favorably of Mr Wade
personally and professional=
=ally

Q (Cross E/) Are you now practicing as a Lawyer?

A Yes Sir,

Q Did you hear anything about interest being due?

A No Sir, I do not know what the Note was for only so far as Mr Geller said he accommodated Mr Wade with his paper

Sworn to before me this 25 day of Sept 1890

Police Justice

Patrick B. Campbell,
age 34, Lawyer at
25 Chambers St,
being duly sworn
deposes and says

Q. Were you ever
a partner of Mr Wade?

A. Never

Q. What do you know
about this Note for
Five hundred dollars

A I will state
it in my own way,
a day or two before I
was retained by Mr
Geller, he came to the
Office to see Mr Wade
very much excited and
said he had loaned
Mr Wade his Note and
Wade promised to
protect him (Geller),
Wade was not in

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and I asked him if I could do any thing for him, he said I could not, then he came down the next day and retained me to appear for him, I commenced and gave Notice — this was right after the maturity of the Note

Q. Mr Geller did retain you?

A. Yes Sir, with a written authorization

Q. All you know is that that was handed to you by Meriken

A. Yes Sir,

Q. What conversation did you have with Mr Geller about

defending the suit on this note?

A. It was just as I have previously stated, he Geller said he had loaned Wade a note and Wade requested to protect ~~us~~ him, and when the note was due and Wade was not paying it.

Q. Did Mr Geller state at that time, that Mr Wade had obtained that note from him for the purpose of having it discounted ~~it~~ and he Wade was to turn the proceeds over to Geller?

A. No Sir, he

seemed anxious to avoid the payment, but said he loaned the Note to Mr. Hade

Q. Did he at any time while you were acting as My Clients Attorney say he had given the Note to Hade to have it discounted?

A. No Sir,

Q. Did you appear in that case?

A. I did

Q. How did the Summons read?

A. Simons vs O, Geller and R. A. Hade. Geller was served, I appeared, I did not put in an Answer, an Attorney was substituted for me

Q. Did you have any conversation with him about the substitution?

A. I got a Note from Mr Attmyer, stating that Mr Geller desired him Attmyer, to take his papers

Q. You were in the same room with Wade?

A. No Sir, I had an adjoining office at No 261 Broadway there were two rooms, and the Offices or rooms were separate,

Q. Had you seen Mr Geller (the elder) before the giving of the Note

A. No Sir,

Q. Had Mr Wade asked

Are you to be counsel for Mr Geller?

A No, Mr Geller asked me, no one else

Cross Examination

Q How did Geller make your acquaintance?

A. I had an adjoining office with Mr Wade and had see young Mr Wade, and there formed the acquaintance of his father

Q. Were you present when the Note was delivered?

A. No, Sir,

Q. Do you know under what condition it was given to Wade?

A. No Sir,

Q Do you know under

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what conditions the Note for ($500) was given to Mr Wade?

A. From the conver=
=sation I had with Mr Geller, that it was given as an accom=
=modation Note

Q. Do you know of any reason why Mr Geller should give Mr Wade an accommoda=
=tion Note for $500?

A. No Sir, I know nothing except what Mr Geller told me

Q How long have you been occupying the same office with Mr Wade?

A. I never occup=
=ied an office with him, but an adjoining

Q. Office
Three or four months previous to now?
A. Previous to now
Q. You mean to say that Mr Geller went into the Office and retained you to Defend ~~[illegible]~~ the suit on this Note?
A. Yes Sir,
Q. Did you get a retainer
A. No Sir,
Q. Do it not a fact that you said you would take care of the Note?
A. No Sir,
Q. Did you state that to me?
A. No Sir,
Q. Did you call at

my office to settle the matter?

A. Yes Sir,

Q. Why did you want to do that?

A. Mr Geller said he had given Mr Wade a Note and Wade was to indorse him, & called to serve Mr Geller.

Q. Who got the money on the Note?

A. I do not know

Q. Do you know whether Wade got it or not?

A. No Sir,

Q. Did you put in an answer in the Suit against Mr Geller?

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A. I do not think I did

Q. Do you know whether Judgment was entered in that case?

A. I do not

Q. When Mr Geller retained you, he gave you a Summons?

A. Yes Sir, I turned over all the papers to Mr Altmeyer.

Q. Yes Sir,

Q. You went to Mr Altmeyers Office to settle, it was because the Note went to Protest

A. Simply to protect Mr Geller

Sworn to before me
This 25th day of Sept 1890

Police Justice

6r

Statement (not sworn to) of Robert A. Wade the Defendant. It was around the holidays, I think I was intro=duced to young Mr Geller, he had had some difficulty with Mr Cohen, in regard to the horse, he came to my office and I came here to this Court half a dozen times in ran some weeks, I got acquainted then with the father the Complainant the father came to my Office in Company with his son, and many times alone, he commenced a running conversat=ion in regard to an

(63)

action he had against a Lodge, He became what you might say friends — I began the Lodge case — it is now pending in Court — he came along like about the 1st of Feb I needed some money and I asked him for some, he said he was short and had something coming due and did not have any money to spare, I asked him to loan me a couple hundred dollars, we had been talking over business till he knew my business and I knew his business and I

asked him to lend me his Note and he said if it would be any accommodation yes, I said I thought it would, he was in the Office one after noon and I said let me have your Note for a couple of hundred, — then I said make it $500, I will take care of it, I will see that you are not harmed, the following morning he came and gave me the Note, I gave him a receipt at the time, the day this Note is dated and he came several times, some two weeks

after that, his Son
came into the Office
& the Office and
said father has acco=
=mmodated you and
when the Note is due
he may think he has
all the money, I said
no, your father did
not get the money,
I will give you a
receipt, he said I
would like to satisfy
the old man, I then
gave him the receipt
showing that his
father had never
received the money,
I was unable to get it
discounted in several
places till I had a
business transaction
with Mr Frank, and

Mr Frank discounted it to oblige me, and he gave me $450. for it. There were various other things in the consideration, the record of the Courts will show — between Mr Frank and myself — Mr Geller came to my office a month or two after that, this matter of Cohen v. Geller was settled for $30. or $40. the settlement of this and Mr Levey and other matters, all on file and shew what was and was not paid — we then drifted apart and a little of Geller, he would come to see him the Lodge matter

was getting out, just as the Note matured, I was out of the City, I was informed Mr Geller had been there in a great state of excitement — then I think I went for Mr Geller and said I would pay the Note if possible, I saw Mr Frank; then I heard Judgment was taken on the Note, the next I knew I was summoned here —

Q. When you gave the receipt attached here March 29th did you tell him you got the money on the Note?

A. I am not positive that I did

Q. Did you tell him you got the Note dis=
=counted?
A. Yes Sir,
Q. There was no claim made for the Note or the money got on the Note?
A Never,
Q Is it true that you made a statement to Geller that your friend was in Saratoga and that "it would be all right"
A Not a word of truth in that
Q. When you promised Mr Geller on receipt of this Note that you would protect him did you mean it?
(69)
A. Yes Sir, I did

made every effort in my power to protect him. I did everything I could to give him the money

Cross Examination.

Q. You say you were arrested for Disorderly Conduct?

A. Yes Sir, and was discharged, that was the only time I was arrested.

Q. How many months had you been acquainted with Mr Gilley before you got his Note?

A. I do not think it was two or three

Q. Could he read and write?

A I should say he could, he had signed several Affidavits

Q Could he read?

A. I know he can write. I would not consider his signature that of a penman

Q. Is there any reason you can give why he should give you an accommodation Note?

A. There had seemed to be a friendship between us, and he seemed determined to win that Lodge case — we had become what you might call friends in a short time, he was glad to do it.

Q. Do you know whether he owned any houses or not?

A. From his statement I do.

Q. Outside of his statement do you know that he owned the houses? One in Stanton St and one in East Broadway?

A. No sir, he told me he had mortgages on them, I do not remember the amount now, I found out afterward that the amount was not correct.

Q. Did he tell you he was indebted for mortgage interest about the date of this note?

A. I think, he did say he was hard up and had to pay interest

Q. Did he say he would like to have some money?

A. No Sir

Q. Did you tell Mr Frank it was an accommodation Note?

A. No Sir.

Q. Did you tell him you got the Note for defending his son in a Suit for stealing a horse?

A. I decline to answer that question

Q. You mean now that this Note was given as an accommodation Note?

A. Yes Sir,

Q. That is as true as all you have testified to sure today?

A. If not, it is.

Q. Was Geller indebted to you at the time you got the Note?

A. No, I got the Note and had it discounted, I did not give Geller a dollar of it.

Q. Do you know that Mr Geller was sued on it?

A. Of course I know it.

Q. Was there judgment recovered on this Note?

A. I do not know.

Q. Redirect. I call you

75

attention to your arrest?

A. It occurred at Boston & Doyle as we were coming out of the place, I was bartender, I was at once discharged.

Q. As to the indebtness at Feb 12th How much did Geiger owe you?

A. That is a hard question to answer, It would probably be $50., I was doing his work — and looking about, men with that were being brought.

Sworn to before me this 29th day of Sept 1890

Police Justice

75

Third District Police Court.

C. Geller

vs.

Wm. A. Hoke

Grand Larceny.

STENOGRAPHER'S TRANSCRIPT.

Apr 29 1889

BEFORE HON.

G. Duffy

Police Justice.

T. J. Treacy

Official Stenographer.

Nov 11 1889

1095

State of New York
City & County of New York } ss.

Osias Geller of No. 153 East Broadway in the City of New York being duly sworn says that on the 12th day of February 1890 he delivered his promissory note for the sum of Five Hundred Dollars, payable within four months after its date unto one Robert A. Wade for the purpose of having the same discounted. deponent desiring to use the money so obtained as said note for the purpose of paying interest on some mortgages. That said Robert A. Wade stated to deponent that he would have said note discounted and as soon as he received the money he would hand the same unto deponent, and in case he was unable to obtain the money on deponents note he would return deponent his said promissory note and he so agreed. That it was on this condition

that defendant delivered his said note unto said Robert A. Wade and not otherwise. That after defendant had delivered his said promissory note unto said Wade he waited a considerable length of time and several times demanded from said Wade the money for the note defendant gave him or that he return unto defendant his note as he agreed to do. said Wade always stated to defendant that he had not received the money yet that the party from whom he expected it had gone out of town and finally he told defendant that his note was lost and that defendant need not worry about it. In the meantime defendant had ascertained that everything that said Wade had stated to defendant concerning defendant's note was false. very soon after he received the note

from defendant - said Robert A. Wade had the same discounted and he received the money therefor to wit some Four hundred and seventy five dollars from one Martin Simms, and said Robert A. Wade never paid unto defendant the proceeds of said note as he agreed to do but has appropriated the same to his own use and has by truth and denial cheated and defrauded defendant by retaining the money so obtained on said note.

Wherefore defendant asks that said Robert A. Wade may be apprehended and dealt with according to law and

Subscribed
Sworn before me
this 26th day of Sept 1890,

P. Belly

P. C. Coffey
Police Justice

1099

SUMMONS.

POLICE COURT 3rd DISTRICT.

CITY AND COUNTY OF NEW YORK, } ss.

The People of the State of New York,

To Robert A. Wade

GREETING:

YOU ARE HEREBY SUMMONED to appear before me at the 3rd District Police Court, 69 Essex Street in the City of New York, on Friday the 18 day of July 1890 at 2 o'clock, in the afternoon of that day, to answer a complaint against you, made by Elias Geller

WITNESS, my hand and seal this 17 *day of* July 1890.

POLICE JUSTICE

1100

Adjourned by Consent
July 24th 1890
2 pm
July 30 – 2 PM
Aug 18 – 2 " "

Adjourned
August 26
at 2 PM

1101

Sec. 192.

3

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, } ss.

An information having been laid before Patrick Duffy a Police Justice of the City of New York, charging Robert Wade Defendant, with the offence of Grand Larceny

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, Robert E. Wade Defendant of No. 88 Street; by occupation a Lawyer and Edward Lowstein of No. 1 Park Row Street, by occupation a Merchant Surety, hereby jointly and severally undertake that the above named Robert Wade Defendant shall personally appear before the said Justice, at the 3 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Eight Hundred Dollars.

Robert E. Wade
Edward Lowstein

Taken and acknowledged before me, this 7 *day of* October 188 91

Patrick Duffy
POLICE JUSTICE.

1102

CITY AND COUNTY OF NEW YORK, } ss.

Edward Dudley being duly sworn, says, that he is a resident and freeholder within the said County and State, and is worth Eighteen 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 One house & lot of land No 235 Mulberry St New York lots sixty feet & one thousand dollars free and clear

Edward Dudley

Sworn to before me, this 10 day of May 188 9

Police Justice.

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear during the Examination.

Taken the day of 188

Justice.

1103

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss.

(3) District Police Court.

Robert A Wade 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. Robert A Wade

Question. How old are you?

Answer. 46 years

Question. Where were you born?

Answer. United States

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

Answer. 240 W 32nd St

Question. What is your business or profession?

Answer. Lawyer

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

R A Wade

Taken before me this 11 *day of* [illegible] 1899

[illegible]

1104

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 eight *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 November 11 *188*90 ..... *Police Justice.*

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

Dated Nov 11th *188*90 ..... *Police Justice.*

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

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

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

1105

Witnesses for the People

Herman Franke
291 Broadway

Joseph Geller 153 East Broadway

Martin Simons
285 Broadway
Salesman

BAILED.

No. 1, by John F Perkins

Residence 306 W 68th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Received from Clerk Criminal Court the Witnesses in this case, and the Defendants to appear for trial on the 1st Monday after the 1st Monday in January 1894.

Police Court 12th District. 3 1703

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Osias Geller
153 East Broadway
vs.
Robert A. Wade

1
2
3
4 X + 7 = 2

Offence Larceny

Dated Nov 11 1893

Magistrate

Officer

Precinct

Witnesses

No. Street

No. Street

No. Street

RECEIVED NOV 13 1893 U.S. ATTORNEY'S OFFICE

to answer

P. for E. Sept 57
2 P.M.

1106

May 12/91 name of defendant amended by order of Recorder on motion of Assistant D.A.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard ~~Robert~~ A. Wade

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

— Robert A. Wade —

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

The said Richard ~~Robert~~ A. Wade,

late of the City of New York, in the County of New York aforesaid, on the — fourteenth — day of — February, — in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, at the City and County aforesaid, being then and there the ~~clerk and~~ servant ~~of~~ agent and bailee of one

Osias Geller,

and as such ~~clerk and~~ servant, agent and bailee, then and there having in his possession, custody and control certain moneys, goods, chattels and personal property of the said Osias Geller, —

the true owner thereof, to wit: the sum of seventy dollars in money, lawful money of the United States of America, and of the value of seventy dollars, and one written instrument and evidence of debt, to wit: an order for the payment of money of the kind called bank cheques, for the payment of and of the value of four hundred and twenty five dollars, —

the said — Richard ~~Robert~~ A. Wade, — afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, did feloniously appropriate the said goods, chattels and personal property —

to his own use, with intent to deprive and defraud the said Osias Geller —

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and personal property of the said Osias Geller, —

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

JOHN R. FELLOWS,
District Attorney.

1107

BOX:
421

FOLDER:
3896

DESCRIPTION:
Wagner, Joseph H.

DATE:
12/02/90

3896

Witnesses:

W. J. Dilbery
Officer Uniform

#16 Costello

Counsel, [illegible]

Filed [illegible] day of Dec 1890

Pleads, Not guilty 3

THE PEOPLE

vs.

2-2 2-2b Richard St Williams
Horse-shoe T
Joseph H. Wagner

Robbery, 1st degree.
[Sections 224 and 225, Penal Code].

JOHN R. FELLOWS,
District Attorney.

Part 3 Dec 10 at Dft's request
WJ

A True Bill.

William Van Kleeck
Foreman.

Part III December 22/90
2nd Jury Convicted
Robbery 1st deg.

S.P. 10 yrs.
Jan. 24

8011

1109

Police Court — 3rd District.

CITY AND COUNTY OF NEW YORK, } ss

Markeman J. Sibley

of No. 42 4th Avenue — Mt Vernon, N.Y., ~~Street~~, Aged 45 Years

Occupation Builder being duly sworn, deposes and says, that on the 9 day of Nov 1889, at the 5th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by ~~force~~ and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the United States of the value of Eighty five dollars, & A silver watch to the value of Forty five dollars, all

aggregate of the value of One hundred & Ten DOLLARS, the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Joseph H. Wagner (now here) who acted in concert with two men not arrested, for the reasons following, to wit:

Deponent says — at about 1 AM of Nov 9th deponent was walking along Dover St. when he was suddenly seized by the throat by defendant, who held deponent whilst one of said men not arrested, held and beat deponent, while another man not arrested stole said property from deponent, as he was thus held powerless by his assailants.

Deponent further says — ~~defendant~~ he was informed by officer Charles Nell

Sworn to before me this day of 188 Police Justice

1110

Feb 11th Received that defendant who was in custody charged with Larceny from the person answered the description of one of deponents said assailants, and when deponent was in the 3rd District Police Court and defendant had been ushered into Court for the purpose of identification, defendant having been placed amongst the audience in the Court Room, deponent walking in the midst of said audience, placed his hand on defendant, and identified defendant in open Court, as being one of the men who had assaulted and robbed deponent in the manner aforesaid.

Whereupon, deponent charges defendant, with acting in concert with said men not arrested, and larceny, stealthy and carrying away, with force and violence said property from deponents person and possession.

Sworn to before me this 17th day of Nov 1890

Wakeman J. Libby

P. G. Ettinger

Police Justice

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

vs.

1. _____
2. _____
3. _____
4. _____

Offence—ROBBERY.

Dated _____ 188

Magistrate. _____
Officer. _____
Clerk. _____

Witnesses, _____

No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

$ _____ to answer General Sessions.

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 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph H. Wagner 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. Joseph H. Wagner

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. United States

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

Answer. Corner North 2nd & 6th Sts - Newburgh

Question. What is your business or profession?

Answer. Housesmith

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

Answer. I am not guilty.

Joseph H. Wagner.

Taken before me this 17 day of 1st Feb 1899

Police Justice

1112

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* 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 17 *18* [illegible] *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.*

1113

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street.*

Police Court--- 3 **District.** 1751

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Warneman J. Sibley

vs. 154 5 St

1 Joseph H. Magnin

2 .....

3 .....

4 .....

Offence Robbery

Dated Nov 17 1890

Duffy Magistrate.

Charles Nell Officer.

11 th Precinct.

Witnesses Said Officer

No. Warneman J. Sibley Street.

154 5 St

No. New York Street.

No. ..... Street.

$ 1000 to answer GS

Com

COURT OF GENERAL SESSIONS-Part III.

The People of the State of New York, against Joseph H. Wagner.	Before Hon. Rufus B. Cowing and a Jury.

Indictment filed 1890.

Indicted for robbery in the 1st degree.

New York, December 22nd 1890.

APPEARANCES: For the People, Asst. Dist. Atty. Jerome.

For the defendant Mr. John C. Costello.

WAKEMAN J. SIBLEY, a witness for the People, being sworn, testified:

I live at Mount Vernon in this state. I am a carpenter and builder by occupation. I am at present engaged in building a church in Mount Vernon. I came to this city on the night of the 9th of November on some business. I had a silver watch in my pocket and a pocket book containing eighty five dollars. I had an appointment to meet a man at the corner of Pell St. and the Bowery I went there and as he was not there I went into the saloon at No. 15 Bowery. After a time I sat down at a table. The defendant was sitting at an adjoining table and gradually I got into conversation with him and his companions. I asked them to drink with me and I treated them three or four times. They told me if I wished they would take me out to a place that was around the corner where it was more quiet, and where there was not such a rough crowd. I went out in company with the defendant and

his two friends . When we reached the saloon door the two other men parted company with us . Accompanied bhy this defendant I went into a little short street called Doyers Street . When we had gone about fifteen feet up the street the defendant said we would have to waituntil the People came . He then went across the street to a door as I thought, rapped at it, and came back . As soon as he reached me he struck me and the two other fellows appeared and grabbed me around the throat almost choking me . I was unable to shout or make any noise . Then they stole my watch and the pocket book containing this eighty five dollars which were both in the pocket of my trousers . After they had completed their operations they departed . I then returned to the saloon to look for them, but found no trace . I finally dsicovered a police officer and informed him that I had been robbed and gave them the best description I could of my assailant. I am positive in my identification of this man at the bar. I drank with him in that saloon on that night In the Essex Market Police Court some days afterwrds I picked this man out of fifteen as the man with whom I had been drinking in this saloon .

Cross Examination.

I left Mount Vernon that evening after I had completed my regular days work . I took no beer until I reached this saloon in the Bowery . I came to the city with the special purpose in mind of redeeming some tools of mine

which I had pawned in Third Avenue and 81st street . I did not go directly up there as I had an appointment to meet my friend before . I had been in this saloon in the Bowery previous to this night . I did not know any one in the place, and it was by chance that I entered into conversatin with the defendant and his friends. In the Essex Market Police Court I did not see the defendant before he was placed in the midst of the fifteen men out of whom I picked him . I did not hesitate in identifying him. I said to the Judge that I thought he was the man and then I said that I was positive of the fact . I had several other personal articles pawned at different places in the city . The goods I had in 81st street and Third avenue I had placedthere for storage . I am certain I had eighty five dollars in my pocket book. I had one hundred and twenty dollars that afternoon but had paid grocery bills and other things before I left Mt. Vernon . I was afterwards in the company of a woman whom I met in this saloon . IT was after I had lost my money, and I went with her on her representation that she could find the individuals who had stolen my wealth.

OFFICER NELL, a witness for the People, sworn, testified:

I am an officer of the Police in this city . The defendant was arrested by another officer and turned over to me . I investigated the case, having received a description of the person who assaulted this man . I went up to Mt. Vernon and subpoenaed the complainant to appear at the Essex Market Court on the day the prisoner

was to be arraigned there on another charge. When the defendant was first brought into the Court room Sibley was not present. The defendant ordered the complainant Sibley to be placed in the sergeants room. He then ordered the defendant to take any seat he wished in the audence. He took a seat in the third row; the complainant then came from the sergeants room and after carefully scanning the faces of the audience picked this defendant out as the man who had robbed him. His complaint of robbery was then taken by Judge Duffy. He was locked up. The complainant was positive in his identification.

Cross Examination:

I was the person who served Mr. Sibley with the subpoena to come to the Court. I had no conversation with him relative to the identity of the defendant. I simply told him we had what we thought was the man and it was for him to come down and identify him. Mr. Sibley may have been in Court and seen me talking with the defendant at the time he was arraigned on the other charge. I am not positive that he was not.

CHARLES LOEB, a witness for the People, sworn, testified:

I am the bartender at No. 15 Bowery in this city. On Saturday nightbthe 19 th of November I saw the defendant in my place. I know him well; he has been a frequenter of that place. I saw him drinking in company with the complainant. I saw the defendant, the complainant Sibley and two other men leave that saloon together. I did not

know where they went to after that. . I informed the officer of these facts when he came there to inquire about the case and my knowledge of it .

Cross Examination:

I state positively that I did not see Sibley leave that saloon with any woman that night . Outside of what I have stated I had no conversation wit h the offi cer . . I know this was the 9th of November because it was a Saturday night.

D E F E N S E .

ISADORE DREYFUSS, a witness for the Pdefendant, sworn, testified:-

I reside at No. 95 East 3rd street in this city. I am a reporter employed bybthe New York City Press Association. My business is confined to the Essex Market Police Court . I was present in that Court at the time the defendant was identified by Mr. Sibley . Imconsidered the identification unfair b cause Mr. Sibley was in Court while the defendant stood up on the plat form and was talk king with Officer Nell and myself .

CROSS EXAMINATION:

The defendant was under arrest for stealing a pin which was the property of a friend of mine . I was present when that larceny was committed and appeared as complaiant in the case . His wife was in company with him at this time . I told the prisoner if it had not been for the pin he would not be brought up on this robbery charge . I did not tell Officer Donnelly that I con-

sidered this identification fair and square .

JOSEPH H. WAGNER? the defendant, sworn, testified:

I am twenty two years of age . I have pleaded guilty in another part of this Court to the crime of Grand Larceny in the 2nd degree for stealing a diamond pin . I know anothing at all about this loss of this property . I was not in the company of the complainant on the night he speaks of . I never saw him ebefore . I did not take his watch or money from him .

Cr ss Examination:

I was at home on the evening in question until about eleven o'clock when I went out for a short walk as I was not feeling well . I have no witnesses here to tell of my whereabouts on that evening . I am a house smithby occupation and have always worked steadily until lately . I did steal this pin spoken of , but I was under the in luence of drink when I did it . My wife was with me at the time . She was acquitted of the charge and I pleaded guilty ot it . I went by the name of Walter Hartman at one time when I was arrested for disorderly conduct . I was arrested on another occasion accused of the larceny of a pin but I was discharged . I have never previous to this been convictedof any crime . I was living at No. 94 Stanton St. on the evening of this occurrence . I was unable to procure the attendance of the lady of the house; and if she were here she could not tell whether I was at home that night or not . My wife is not present .

PETER J. DONNELLY, a witness for the People, in rebuttal, sworn, testified:

I am the police officer who arrested this defendant on the complaint of Mr. Dreyfuss . I had a conversation with Mr. Dreyfuss a short time after the identification of this defendant by Mr. Sibley in the Essex Market Court . He told me that it was the squarest identification he had ever seen done in Court .

The jury returned a verdict of Guilty of Robbery in the first degree .

Indictment filed Dec 1890.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

JOSEPH H. WAGNER

Abstract of testimony on trial New York Dec 22nd 1890.

1122

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 H. Wagner

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

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

The said Joseph H. Wagner,

late of the City of New York, in the County of New York aforesaid, on the ninth day of November, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Wideman J. Sibley in the peace of the said People, then and there being, feloniously did make an assault, and

the sum of eighty five dollars in money, lawful money of the United States of America, and of the value of eighty five dollars, and one watch of the value of twenty five dollars,

of the goods, chattels and personal property of the said Wideman J. Sibley from the person of the said Wideman J. Sibley, against the will, and by violence to the person of the said Wideman J. Sibley, then and there violently and feloniously did rob, steal, take and carry away, the said Joseph H. Wagner being then and there aided by an accomplice actually present whose name is to the Grand Jury aforesaid not known;

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

John D. Townsend
District Attorney

1123

BOX:
421

FOLDER:
3896

DESCRIPTION:
Walker, J. Charles

DATE:
12/08/90

3896

Witnesses:

Anthony Neiman

#69

Counsel,

Filed 8 day of Dec 1890

Pleads, Not guilty

THE PEOPLE

25 174 726 vs.

J. Charles Walker

Burglary in the THIRD DEGREE

(Section 498, Penal Code.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William Van Vanselow

Foreman.

Plead 14 Decemb. 11/90

Pleads Attempt at Burg. 3d deg

15.

City Prison

30 days.

1124

1125

Police Court— 2nd District.

City and County of New York, } ss.:

Anthony Wenner

of No. 485 10th avenue Street, aged 38 years,

occupation Liquor dealer being duly sworn

deposes and says, that the premises No 485 10th avenue Street,

in the City and County aforesaid, the said being a five Story brick building the cellar

and which was occupied by deponent as a Storage

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

were BURGLARIOUSLY entered by means of forcibly breaking open three cellars

on the 2 day of December 1880 in the day time, ~~and the following property feloniously taken, stolen, and carried away, viz:~~

with the intent to steal leaden pipe of the value of five dollars

the property of Magdalene Wenner

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 Charles Walker (Attempted to Set Nowhere)

for the reasons following, to wit: Deponent caught said Defendant in said Cellar where he had attempted to Cut the leaden pipe aforesaid

Anthony Wenner

Sworn to before me this 2 day of Dec 1880

1126

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Walker 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 Walker

Question. How old are you?

Answer. 25 years

Question. Where were you born?

Answer. Canada

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

Answer. 404 West 26 Street 3 years

Question. What is your business or profession?

Answer. Watchman

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

Answer. I am not guilty

J. Charles Walker

Taken before me this 7th *day of* February 1899

[illegible]

Police Justice.

1127

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 Arpuccary

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 December 2 18 9 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.

1128

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street.*

1792

Police Court--- 2 **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anthony Werner
485 vs. 10th Avenue
Charles Walker

2 .....

3 .....

4 .....

Offence Burglary

Dated Dec 2 1890

Duffy ..... Magistrate.

Everett Lewis ..... Officer.

20 ..... Precinct.

Witnesses .....

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 500 to answer

Com Bwy

1129

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

J. Charles Walker

The Grand Jury of the City and County of New York, by this indictment, accuse J. Charles Walker —

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

The said J. Charles Walker

late of the Twentieth Ward of the City of New York, in the County of New York aforesaid, on the second day of December in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety, with force and arms, in the day — time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit; the building of one Anthony Wenner

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

John R. Fellows,
District Attorney

1130

BOX:
421

FOLDER:
3896

DESCRIPTION:
Wallach, Sampson

DATE:
12/08/90

3896

1131

Bail fixed at $1000
RBM,

Witnesses: Elbridge T. Gerry
Office Tuesday

Bailed
by Karl M. Wallach
222 E. 79th St.

53

B.N. 1843

Counsel,

Filed 5 day of Dec 1890

Pleads, Not guilty

THE PEOPLE

vs.

~~B~~
~~JSA~~

Sampson Wallach

Permitting a Name to be used for immoral purposes. [Section 322, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

William Van Cleef

Foreman.

Complaint sent to the Court of Special Sessions,

Part III, Dec 16 1890

1132

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Sampson Wallach

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Sampson Wallach —

of the crime of knowingly permitting a certain building to be used for unlawful purposes,

committed as follows:

The said Sampson Wallach, —

late of the City of New York, in the County of New York aforesaid, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and ninety ——————, at the City and County aforesaid, being the owner of a certain building situated in the Nineteenth Ward of the said City, and known and designated as number two hundred and twenty-nine East Forty-first Street, did

unlawfully permit a portion of the said building to be used by one Jennie Hart for the purposes of, and as a house of ill-fame, and a house and place for persons to visit for unlawful sexual intercourse, and a disorderly house; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows,

District Attorney

1134

BOX:
421

FOLDER:
3896

DESCRIPTION:
Lawler, John

DATE:
12/11/90

3896

1135

BOX:
421

FOLDER:
3896

DESCRIPTION:
Ware, John

DATE:
12/11/90

3896

Witnesses:

Louis Hyde
Officer Cortright

#121 Chase

Counsel,

Filed 11 day of Dec 1890

Pleads, Not Guilty

THE PEOPLE

vs.

John Ware
and
John Lawler

Burglary in the THIRD DEGREE and Petit Larceny.
(Section 498, 506, 2 & 53 P.C.)

JOHN R. FELLOWS,
District Attorney.

Part III December 15/90
No 1. Tried and Acquitted

A True Bill.

William Van Nennelson
Foreman.

Dec 12/90

Pleads Guilty 3 deg
Elmira Ref
Dec 16/90 RBM

9611

1137

Police Court — 1 — District.

City and County of New York, } ss.:

Louis Stern

of No. 416 Greenwich Street, aged 28 years,

occupation Meat & Provisions being duly sworn

deposes and says, that the premises No 416 Greenwich Street,

in the City and County aforesaid, the said being a Store and dwelling

and which was occupied by deponent as a Store

~~and in which there was at the time a human being, by name.~~

were **BURGLARIOUSLY** entered by means of forcibly removing a wire screen made of heavy wire over the windows of said premises

on the 23 day of November 1870 in the night time, and the following property feloniously taken, stolen, and carried away, viz: Three Hams of the value of Three dollars and a quantity of Cigars of the value of Three dollars together of the value of Six dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid **BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by John Ware and John Lawler

for the reasons following, to wit: That deponent was informed by Officer Thomas C. Enright of the 5 Precinct that at about the hour of five o'clock P.M. of said date he arrested said Ware in said premises and the premises broken as described. Deponent further says that said Ware confessed to him that said Lawler was implicated in said Burglary and prompted him Ware to commit the act. Deponent further says that he examined said premises and found them broken as described

Louis Stern

Taken before me this 24th day of November 1870

Police Justice

1138

CITY AND COUNTY OF NEW YORK, } ss.

Thomas E Enright

~~aged~~ years, occupation Police Officer of No.

5th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Louis Stone

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

Sworn to before me, this 1 } Thomas E Enright

day of December 188[illegible]

A J White

Police Justice.

1139

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Ware 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 Ware

Question. How old are you?

Answer. 16 years.

Question. Where were you born?

Answer. US.

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

Answer. 54 Mott St.

Question. What is your business or profession?

Answer. Cracker baker.

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 was compelled through fear by other boys to commit the act. John Ware

Taken before me this 11 day of 1884

Police Justice.

1140

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Lawler 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 Lawler

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. NY

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

Answer. 528 West 37th St 2 mos

Question. What is your business or profession?

Answer. Nothing at present

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 Lawler

Taken before me this 17 *day of* Feb 1880

[illegible]

Police Justice.

1141

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 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 December 1 1890 A J White 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.

1142

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street

1824

Police Court--- ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Louis Schein
416 - vs. Brunswick Str.
John Ware
John Leader
3 .....
4 .....

Offence Assault

Dated Dec 4th 1890

White Magistrate.

Enright Officer.

5 Precinct.

Witnesses Call Officer

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer GS 3

Com

Bail P.L.

RECEIVED. DISTRICT ATTORNEY'S OFFICE. DEC 9 1890

1143

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 Ware and
John Lawler

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

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

The said John Ware and John Lawler, both

late of the Fifth Ward of the City of New York, in the County of New York aforesaid, on the twenty-third day of November in the year of our Lord one thousand eight hundred and ~~eighty-~~ ninety, with force and arms, in the Eight- time of the same day, at the Ward, City and County aforesaid, ~~the dwelling house of one~~ a certain building, to wit: the store of one Louis Heim

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

1144

SECOND COUNT—

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

John Ware and John Lawler

of the CRIME OF Petit LARCENY ——— , committed as follows:

The said John Ware and John Lawler, both

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 night-time of said day, with force and arms,

three hams of the value of one dollar each, and sixty cigars of the value of five cents each

of the goods, chattels, and personal property of one Louis Heim

in the ~~dwelling house~~ store of the said Louis Heim —

there situate, then and there being found, ~~from the dwelling house~~ 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.

John R. Fellows,
District Attorney

1145

BOX:
421

FOLDER:
3896

DESCRIPTION:
Ward, William

DATE:
12/09/90

3896

Witnesses:

Offin G. Schramm.

87.

Counsel,

Filed 9 day of Dec 1890

Pleads,

THE PEOPLE

vs.

William Ward

CONCEALED WEAPON.
(Section 410, Penal Code).

2d.

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Foreman.

Dec 10/90

S.P. 2 yrs.

DBM,

9411

1147

Police Court, 3rd **District**

City and County of New York, } ss.

Gustav Schramm

of ~~No.~~ 12th Precinct ~~Street~~, aged ..... years,

occupation Officer being duly sworn, deposes and says,

that on the 4th day of December 1890, at the City of New York, in the County of New York, William Ward (now here) did carry concealed upon his person, to wit: in the right hip pocket of his pants an instrument or weapon of the kind commonly known as the slungshot, in violation of Section 410 of the Penal Code of the State of New York, deponent presuming that it was the intention of Defendant to use said weapon against another.

Wherefore, deponent charges defendant with having said weapon in his possession in violation of Section 410 of the Penal Code of the State of New York, and prays that defendant be dealt with as the law directs, having carried said weapon as aforesaid, at 4 o'clock a.m. of said date

Sworn to before me this 4th day of Dec 1890

Gustav Schramm

C. E. Gan

Police Justice.

Gustav Schramm

1148

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

William Ward 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 h~~ 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 Ward

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. United States

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

Answer. 9 Bowery — 3 month

Question. What is your business or profession?

Answer. Electrician.

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. You carried said weapon without the intention of injuring anyone.

Wm. Ward.

Taken before me this 4 *day of* Dec *188*9

A Justice of the Peace

1149

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

the defendant

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 Dec 4 18 90 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.

1150

Police Court--- 9 District. 1822

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Gustav Schramm
vs. 12 - Precct.
William Ward

2
3
4

Offence Carrying concealed weapon

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated Dec 4th 1890

H Logan Magistrate.

Gustav Schramm Officer.

12 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer GJ

Cen

1151

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 Ward

The Grand Jury of the City and County of New York, by this indictment, accuse William Ward of a FELONY, committed as follows:

The said William Ward late of the City of New York, in the County of New York aforesaid, on the fourth day of December in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety at the City and County aforesaid, with force and arms, feloniously did furtively carry, concealed on his person, a certain instrument and weapon of the kind commonly known as a slung-shot with intent then and there feloniously to use the same against some person or persons 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 William Ward of a FELONY, committed as follows:

The said William Ward 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, feloniously did possess a certain instrument and weapon of the kind commonly known as a slung-shot by him then and there concealed, and furtively carried on his person, with intent then and there feloniously to use the same against some person or persons to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

1152

BOX:
421

FOLDER:
3896

DESCRIPTION:
Waterman, John

DATE:
12/03/90

3896

Witness)

Bernard Ellis

#53

Counsel,

Filed 3 day of Dec 1890

Pleads,

THE PEOPLE

vs.

John Waterman

Grand Larceny, Second Degree.

[Sections 528, 531, Penal Code].

16

Gr. C. Fellows

JOHN R. FELLOWS,

District Attorney.

A True Bill.

William Van Kersteler

Foreman.

Dec 4/90

Pleads Not Guilty

Elmira Ref.

BBM

1154

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.

Bernard Klein

of No. 62 N. Moore Street, aged 39 years,

occupation Butcher being duly sworn

deposes and says, that on the 25 day of November 18 8 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:

Good and lawful money of the United States of the amount and value of two hundred and fifty dollars $250 00/100

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 John Waterman (colored) for the reasons following, to wit: This defendant who was in the employ of deponent was sent by deponent with said money to deposit the same in the People's Bank. The defendant failed to deposit said money and was arrested by Officer Kevin Finnerty on one of the Boston Boats about to go to Boston. The defendant had a quantity of the money in his possession when arrested.

Bernard Klein

Sworn to before me, this 25 day of November 1878

Police Justice.

1155

CITY AND COUNTY OF NEW YORK, } ss.

Kevin Kennedy

aged 45 years, occupation Police Officer of No. 28 Precinct Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Bernard Levin and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 26 *day of* November 1888 } Kevin Kennedy

[illegible]

Police Justice.

1156

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Watermann

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York

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

Answer. 62 N. Moore St. 2 month

Question. What is your business or profession?

Answer. Errand boy

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

Answer. I am guilty

J. Watermann

Taken before me this 1 *day of* Nov 1888

Police Justice.

1157

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

the defendant

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 June 26 18 J. W. de Witt 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.

1158

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street.*

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

Residence ..... *Street*

Police Court--- 1 ..... **District.** 192

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Bernard Heinz
62 - vs. North Moore
John Watson and Thomas Kennedy

2 .....

3 .....

4 .....

Offence

Dated Nov 26 188 90

Carr ..... Magistrate.

Kennedy ..... Officer.

28 ..... Precinct.

Witnesses Officers

No. ..... Street.

No. ..... Street.

No. ..... Street.

RECEIVED. DEC 1 1890 DISTRICT ATTORNEY'S OFFICE

$ 500 to answer G. J.

Committed

1159

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Louis Solomon 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. Louis Solomon

Question. How old are you?

Answer. 21 Years of age

Question. Where were you born?

Answer. New York City

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

Answer. 39 Broome St (7 Months)

Question. What is your business or profession?

Answer. Baker

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

Louis Solomon

Taken before me this 13 day of Oct 188 [illegible]

[illegible]

Police Justice.

1160

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John Waterman 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 Waterman

Question. How old are you?

Answer. 18 Years of age

Question. Where were you born?

Answer. England

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

Answer. 40 Laidlow St (8 Years)

Question. What is your business or profession?

Answer. Cutter

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 Waterman

Taken before me this 16 *day of* Aug 1888

Police Justice.

1161

Sec. 198—200.

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Nathan Brown

Question. How old are you?

Answer. 27 years of age

Question. Where were you born?

Answer. Poland

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

Answer. 85 Attorney St 5 Months

Question. What is your business or profession?

Answer. Peddler

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

his
Nathan + Brown
mark

Taken before me this 5th day of August 1888

Police Justice

1162

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two *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 Dec 15 *188* *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *188* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated *188* *Police Justice.*

1163

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by Jacob Horowitz

Residence 417 1/2 Grand Street.

No. 4, by

Residence Street.

388 3 1941

Police Court B District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Isaac Friend

vs.

Ludlow

John Katzman

Louis Solomon

Nat Brown

Dismissed

Dated Dec 15th 188 8

Magistrate.

Officer.

11 Precinct.

Witnesses

No. Friends wife Street.

No. Street.

No. Street.

$1000 to answer G.S.

1164

Police Court— 3rd District.

City and County of New York } ss.:

Isaac Friend of No. 150 Ludlow Street, aged 78 years, occupation Tailor, being duly sworn deposes and says, that the premises No. 150 Ludlow Street, 12 Ward, ~~in the City~~ and County aforesaid the said being a five story Brick tenement and the second floor of ~~and~~ which was occupied by deponent as a Dwelling and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly unlocking the sitting room door of said dwelling

on the 13th day of December 188 8 in the Day time, and the following property feloniously taken, stolen, and carried away, viz.:

A quantity of Wearing Apparel; a Watch and Chain; Jewelry and ($40) and Forty Dollars in Current money of the United States, all of the Total Value of Two hundred and Forty Dollars ($240)

the property of Isaac Friend

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by John Waterman, Louis Solomon and Nathan Brown (now here)

for the reasons following, to wit: at three o'clock on said day and date Deponents Wife locked, bolted and effectually closed said Dwelling; about four o'clock on the same day and date Deponent on his return home from work, he found said property gone; said property was found in the possession of said Nathan Brown

1165

and said Brown claimed to have bought said property from the Defendant Waterman, and the Defendant Solomon was in said Waterman company; Wherefore Deponent now charges said Defendants with Burglariously entering said apartments, and taking stealing and carrying away said property and prays that they be dealt with as the Law directs,

Sworn to before me this 15th day of Dec 1888

Isac Frank

Police Justice

Police Court, _____ District.

THE PEOPLE, &c., on the complaint of

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188

Magistrate. _____

Officer. _____

Clerk. _____

Witnesses, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

$ _____ to answer General Sessions.

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 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

1166

John Waterman
age 18
Born England
Occ't Tailor
Res 40 Ladders
Single
Parents Living
Res 40 Ladders

Lorin Solomon
age 21
Born R.I.
Occ't
Res 71 Norfolk
~~Single~~
Married
Father Living
Res 71 Norfolk

Court of General Sessions.
Before Hon. Frederick M. Smyth.
Recorder.

The People &
agst
John Waterman.

City and County of New York ss:
Philip Goldstein being duly sworn says. that he resides at 332 E 124th Street in this City. that he is the Manager of the Vienna Suit and Cloak Company at No. 38 Wooster Street in said City of New York.

That he is well acquainted with the above named defendant and has known him during his employment with Mr. Fisher. That after said defendant left Mr. Fisher's employment he came directly to deponent where he remained until on or about the first day of December, 1888. when deponent was obliged to lay him off, with other employees, on account of business being very slack.

That while said defendant was in deponent's employ, he was always hon-

est faithful and trustworthy - that deponent has given him money repeatedly to pay bills and he has promptly paid same - that he in the course of his business, has given parcels of cloth, clothings etc into said defendants hands for delivery, which said defendant has carried ~~as~~ ~~about~~ to the proper destination -

That deponent has never had any complaint to make against said defendant, for or on account of his honesty or integrity, nor has he heard complaint ever made against said defendant in that regard -

That he was very much astonished to hear of his arrest, as is hereinbefore stated, he considered him perfectly honest and reliable -

Sworn to before me this
24th day of January, 1889
Timothy Donovan
Commr of Deeds
N.Y. Co.

Philip Goldstein

VIENNA SUIT AND CLOAK CO.

Court of
General Sessions.

The People &c
agst
John Waterman.

Affidavit of
Philip Goldstein

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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

John Watermann

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse John Watermann

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

The said John Watermann

late of the City of New York, in the County of New York aforesaid, on the 25th day of November in the year of our Lord one thousand eight hundred and ninety, at the City and County aforesaid, with force and arms, in the day time of the same day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of one hundred and twenty-five

$25.00

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of one hundred and twenty-five dollars; divers United States Silver Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of one hundred and twenty-five

dollars; divers United States Gold Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of one hundred and twenty-five

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of fifty dollars

of the goods, chattels and personal property of one Bernard Heim then and there being found,

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

JOHN R. FELLOWS, *District Attorney.*