0888

BOX:
234
FOLDER:
2289
DESCRIPTION:
Imlay, John K.
DATE:
10/22/86

2289

Witnesses:

Henry W. Leonard
Officer
Charles Heidelberg

On the written statement of the complainant & after examining the case I recommend that the indictment be dismissed.
Justice Gildersleeve has questioned the witnesses
A. H. Purdy
Dty asst Dist Atty

225

A

B.W. issued Feby 18/87

Counsel,

Filed 22 day of Oct 1886

Pleads Not guilty (25)

THE PEOPLE

vs.

John K. Imlay

Grand Larceny, 2nd degree
[Sections 528, 531, Penal Code].

F. Feby 18/87
Cont'd

RANDOLPH B. MARTINE,
District Attorney.

P 2 apr 27. 87
Indict dismissed

A True Bill.

Wm A. Mulock
Foreman.

F. Feby 18 1887

6889

0890

UNITED STATES OF AMERICA, } *ss:*
STATE OF NEW YORK,

On the 11th *day of* October *188*6*, at the request of the* ***Merchants' and Manufacturers' National Bank,*** *of Middletown, Orange County, New York, I, NATHAN M. HALLOCK, a Notary Public, duly appointed and sworn, dwelling in the Village of Middletown, did present the original* ~~*Note*~~ check *hereunto annexed, to the* Received *of the* Middletown ~~*Merchants' and Manufac-*~~ *National Bank, of Middletown, N. Y., at said Bank, and then and there demanded* ***Payment*** *thereof from* Receiver *of said Bank, which was refused.*

Whereupon, *I, the said Notary Public, at the request aforesaid, did* ***Protest,*** *and by these presents do publicly and solemnly* ***Protest*** *as well against the* ***Drawer*** *and* ***Endorsers*** *of the said Note* check *as against all others whom it doth or may concern, for exchange, re-exchange, and all costs, damages and interest, already incurred, and to be hereafter incurred for want of payment of the same.*

I FURTHER CERTIFY, That on the same day I notified the parties to the said ~~*Note*~~ check *as follows:*

Notice for	S. K. Imlay	*directed to*	B. K. Wright Esq. Cashier
"	Henry W. Leonard	"	New York
"	American Loan & Trust Co.	"	N. Y.
"	B. K. Wright Esq.	"	
"	Andrew J. Devlin	"	
"		"	

Thus done and Protested, *in the Village of Middletown aforesaid, as witness my hand and Official Seal.*

N. M. Hallock

Notary Public.

0891

Merchants' & Man'f'r's' National Bank.

Vidro w. V. Devlin
Oct 11-86.
Check

$195.45

Protest,	.75	
Notices,	.50	
Postage,	.05	1.30
		.15
		$
For		191.90

0892

Police Court— 1st District. Affidavit—Larceny.

City and County of New York, } ss.

Henry W. Leonard

of No. 12 & 14 Broadway Street, aged 42 years,

occupation Lawyer being duly sworn

deposes and says, that on the 8th day of October 188 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

One hundred and ninety-five 195/100 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 John K. Dulay (now here) from the fact that on said date said Dulay came to deponents premises and requested deponent to cash a certain piece of paper which said Dulay represented as a good check payable by the Middletown National Bank of New York and that upon such representation and believing said check to be good deponent gave into the possession of said Dulay said sum of money. Deponent now says that he has presented said check or instrument in writing to said Bank and found the same to be worthless and therefore charges said Dulay with stealing said money.

Henry W. Leonard

Sworn to before me this 8 day of October 188

Police Justice.

0893

Sec. 198—200

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

John K. Dulay 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 K. Dulay

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer, US

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

Answer. 154 E Bway. 6 mos

Question. What is your business or profession?

Answer, Clerk

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

Answer. I am not guilty

J. K. Dulay

Taken before me this 1st *day of* August 188 9

Michael Murphy

Police Justice.

0894

Rec'd by Au[illegible] from the Sheriff's Office Army Auditing & Disbursing Officer

Case #225

1378

BAILED,

No. 1, by William Brewer

Residence 336 Stanton Ave Street.

No. 2, by 128 Broadway

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court— 1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Y. Nugent 428 Bergen St
John Carter

2

3

4

Offence Larceny

Dated October 16 1886

Arthur Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 500 to answer

Oct. 19, 1886

Pendleton Carter of Connecticut Port Chester 419 Pine

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 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 Oct 16 188 6 *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.*

119, E. 23.
May 13.—

Mr Phelps: (Dist. Atty.)

I beg you, my dear Sir, to give your earnest attention to the case of Mr Hazen, now in the House of Detention; detained, as you know, as witness against certain gambling houses, or such alleged places. Mr Phelps, cannot, will not you bring that man one step? He is not your

for a crime the penalty
may be life in solitary
imprisonment, a prison, from
which, moreover, he has been acquitted
and he has been arrested
so long, and is likely
to be charged with civil
suits brought against him for
being in one despicable
the machinations of those
who labor to defeat it.
It is enough to try the
innocent out of a more
to be kept in order & unclean

state of suspense; indeed, is it not?
and enough to deter honest men from
giving information that is due to right
and to justice and the keeping of
the laws. I beg you, Mr Phelps,
to consider this case: and to be humane towards one who
is guiltless of crime, but deprived of his
liberty for the good of the state. Commodi

0897

that State, through you, hastens
the time of his liberty? I beg again
that you will consider him. and
will let your heart and head
speak for him as man for man.

Believe me,
very Respectfully Yours
Mrs Amy J. Wells

Mr Phelps
Asst Atty.

0898

JAMES C. MURRAY,
COUNSELOR AT LAW,
~~20 NASSAU STREET,~~
11 PINE ST.

In Re The People
vs
John K. Dunlay

NEW YORK, 11th March 1887

Hon Randolph B. Martine,
District Attorney:

Dear Sir:

I would respectfully call your attention to the enclosed affidavit relating to the case of The People vs John K. Dunlay, who was some time ago, indicted for obtaining money on a false cheque - It would now appear that the whole matter against said Dunlay is a mistake, as he seems to have been himself, the victim of another man who gave him the cheque as if it were a good one and he obtained the money on it, from the complainant who is his personal friend and a brother officer in the 9th Regiment in this City - The complainant now seeks to withdraw the charge, convinced that there is no foundation for it, and you would place me under obligation to you, by giving the matter your favorable consideration looking toward the dismissal of the indictment. I would be pleased to personally lay the matter before you or such assistant as you may designate, at any time you desire to appoint.

Yours Respectfully

A. H. W. Ahrens

Enclosures
Affidavit
Discharge from
United States Army

0899

COUNTY OF NEW YORK, SS.

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

An indictment having been found on the 22d day of October 1886, in the Court of General Sessions of the Peace, of the County of New York, charging John K Sunday

with the crime of Grand Larceny 2d degree

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

New York City, the 18 *day of* February 1887.

By order of the Court,

Clerk of Court.

0900

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Isaac K Smalley
1546 Broadway

Bench Warrant for Felony.

Issued Feby 18 188 7

Arrested on
April 27 /87

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

Committed
C.O.

Surety
William Brewer
128 Bway

OFFICE OF
H. W. LEONARD,
COUNSELLOR AT LAW,
128 BROADWAY,

New York, Oct 27 1886

Mr Martin
Dear Sir

I am the complainant in the matter against Patrick Dunlay now confined in the Tombs.

I shall be pleased to have you permit said Dunlay to go on bail - say $500 -

As there seems to be some facts in the case leading me to believe that there is some mistake in reference to the matter.

Trusting that without

interceding in your official capacity you will consider the request justified

I am yours obediently
H W Leonard

The People
vs
John K. Imlay

District Attorney's Office.
City & County of
New York. March 17th 1887

To
Hon. R. B. Martine.

Dear Sir: A few days ago I left with you the affidavit of the complainant in Re The People — John K. Imlay. If you are too busily engaged in other matters, will you kindly do me the personal favor and send the papers in the above case to Chief-Clerk Parker for submission, as it is a matter of great personal importance that action be taken herein at an early date.

Apologizing for intruding on your valuable time, and hoping for your hearty cooperation, I remain

Yours truly
Alfred H. W. Ehrens.
468 W 59th St
City.

0904

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

N.Y. City March 16th 1887

Dear Sir:

In reference to the affidavit of the complainant in the People vs John K. Dooley, I have ascertained that it was left with District Attorney Martine. Will you do me the usual favor, and give this matter your attention, as delay is putting the defendant to great loss, and entail an injury on me. By aiding me in this matter you oblige

Yours truly
Alfred H.W. Adams.

To
Andrew Parker Esq.

0906

People
v.
John R. Imlay

Andrew Parker Esq

Present

JAMES C. MURRAY,
COUNSELOR AT LAW,
~~30 NASSAU STREET~~,
11 PINE ST.

In Re The People & rel
against
John K. Dulay } Larceny

NEW YORK, 28th March 1887

Hon Randolph B. Martine,
District Attorney.

Dear Sir:

About two weeks ago, there was sent to your office an affidavit re for the withdrawal of the complaint in the above matter. Knowing how busily you were engaged in the important trial then pending, I took the liberty of presenting to the Chief Clerk Mr Parker a duplicate affidavit, and he stated that if the matter were submitted to him by you he thought the charge could be

withdrawn and the indictment dismissed. The matter is a small one with which to trouble you, but if you would kindly send the papers to the chief clerk, and give it such favorable consideration as your other urgent public business will permit, you will place me under personal obligation to you. I remain

Very Respectfully Yours
James C. Murray

The People
vs
John K. Dulay

New York City.

Hon Randolph B Martine.

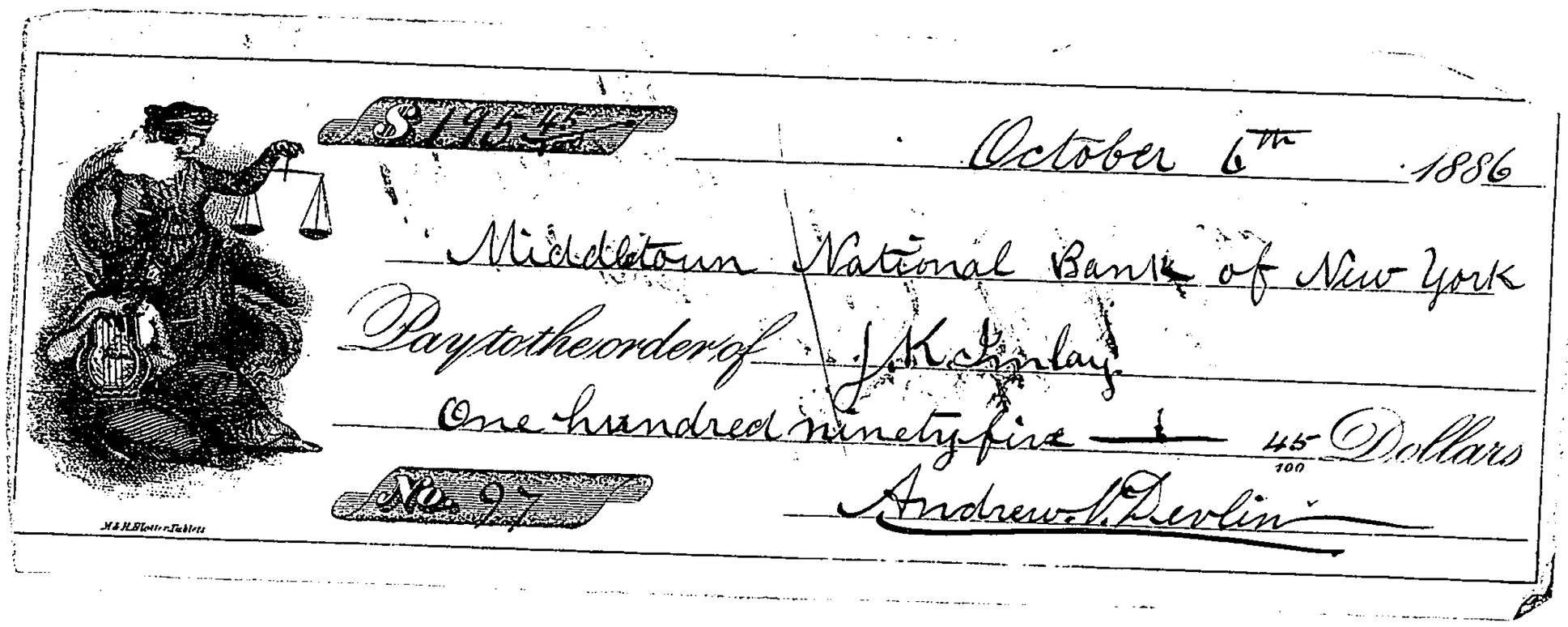
Dear Sir: Permit me to again call your attention to the case of John K. Imlay, whose case is before you for dismissal. The Sheriff threatens immediate procedure against his bondsman, which will result in heavy expense, great trouble & probable litigation. Nearly a month has passed since application was made to you to discharge the indictment against Mr. Imlay, and as far as could be learned from the Chief Clerk, nothing as yet has been done. Will you

kindly give this your immediate attention as it is a case which can readily be disposed of, and is certainly a meritorious one. The defendant and his family are in great suffering, and a further prolongation of this matter will only enhance it. So begging of you to pass on this case at once,

I remain
Yours respectfully
Alfred Ahrens
11 Pine St. Room 40

Hon. Randolph B. Martine
Dist. Atty

09 10



$195 45/100 — October 6th 1886

Middletown National Bank of New York

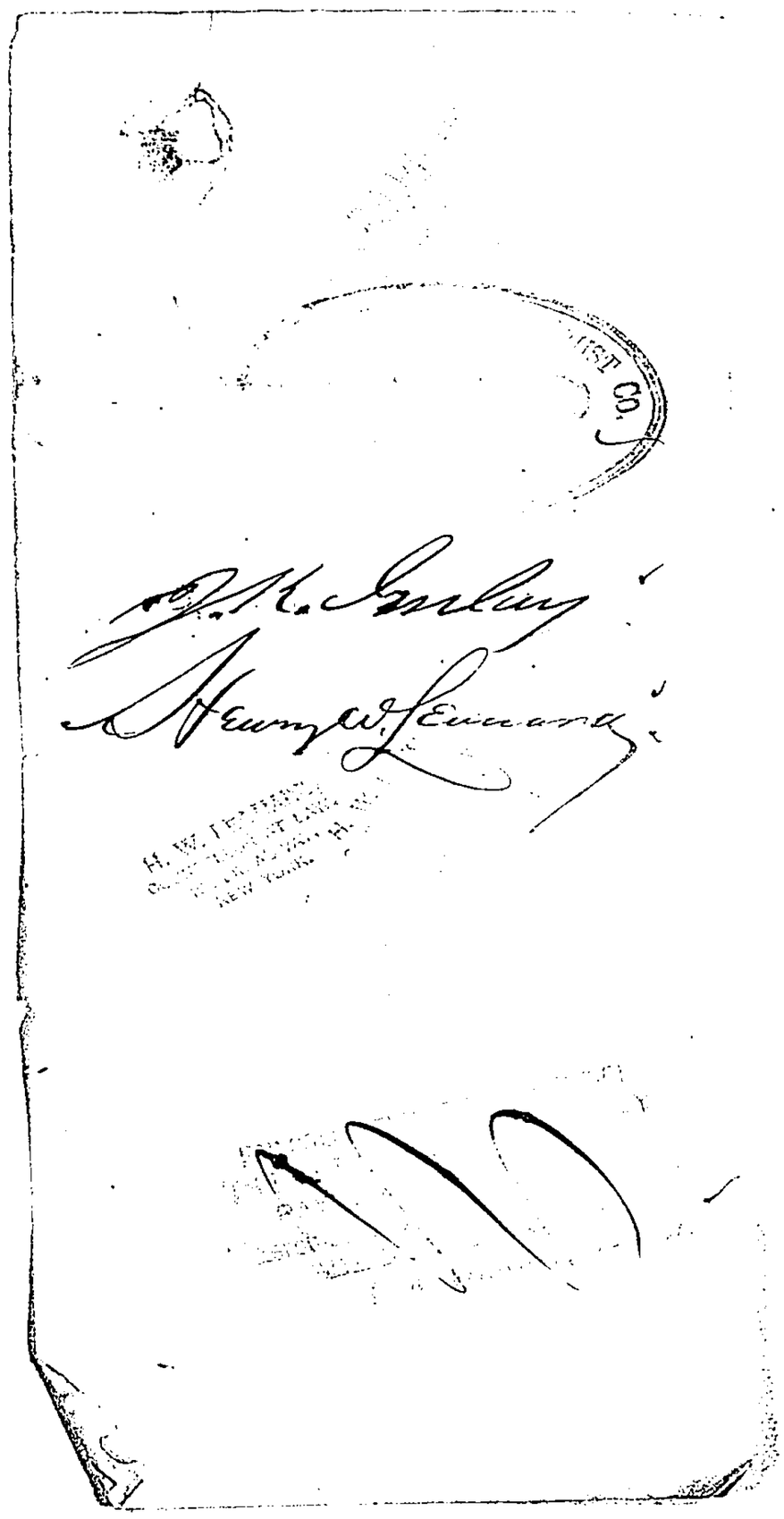
Pay to the order of J. K. Conlay

One hundred ninety five 45/100 Dollars

No. 97 — Andrew J. Devlin

M & H. Blotter-Tablets

0911



New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

John K. Lusby

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

Henry W. Leaming

COURT OF GENERAL SESSIONS

of the City and County of New York.

- -X

The People &c., ex rel

HENRY W. LEONARD

against

JOHN K. IMLAY.

- -X

City and County of New York, ss:

HENRY W. LEONARD, being duly sworn, says: That he is the complainant in the above entitled action against John K. Imlay; that on or about the 18 day of October, 1886, he caused the arrest of said Imlay on a charge of obtaining money from deponent under false pretenses, and at the time such accusation was made he believed the circumstances upon which it was based were sufficient to warrant the defendant's arrest on suspicion; that just before his arrest the defendant called upon deponent and stated that he himself was the victim of one Howard who had swindled him; that said Howard had disappeared leaving no trace of his whereabouts, and that he would repay to deponent the full amount advanced upon the cheque. Deponent further says that since making the charge herein he has become better informed of the true facts in the case. That he never had any proof whatever that the defendant intended to cheat or defraud deponent, and he does not believe there was any such intention, although the endorsement by Imlay of what turned out

to be a false cheque was regarded by deponent at the time, as sufficient ground for suspicion. But this suspicion has been entirely removed by subsequent information, and he has now no reason for believing that said Imlay knew or should have known that said cheque was false.

Deponent further says that the defendant has shown his good faith by making complete amends for his supposed wrong doing, and by paying back to this complainant the full amount of money which he obtained from deponent, and that there is now nothing due or owing to deponent thereon; that he has known the defendant for 2 years, and that deponent is the Captain of Company "I" in the Ninth Regiment, N.G.S.N.Y, of which Company said Imlay was heretofore for a long time the First Lieutenant; that in his intercourse with said Imlay and in conversations about him he has never either seen, heard or known of anything whereby his good character as a man, a soldier or as an officer was ever impugned or doubted; that deponent has been informed and believes that said defendant has been a member of said Regiment for nearly twenty-five years, and has always had a good name and reputation therein; that for three years from the 10th day of March, 1862, he, said Imlay, served as a private in the U. S. Army, in Lieutenant A. W. Mead's Company H. of the 97th Regiment of New York Volunteers, and that on the expiration of his term of service on the 9th day of March, 1865, he received his honorable discharge therefrom as appears by his duly authenticated certificate to which said defendant refers in support of his known good name and reputation. That said defendant has suffered great

grief and humiliation by reason of the accusation herein and the same is likely to ruin his business prospects, unless it be dismissed. That therefore, deponent is now anxious and desirous to repair as far as is in his power, any injury or harm which he may have done to the said defendant by making the charge herein which he now believes to be untrue and unfounded. That he has been informed and believes that the reason why said Imlay did not appear when called for trial, was because he was informed that his appearance would be unnecessary in view of the amends made and the repayment of the money. That deponent believes this is a case in which leniency and mercy may, with peculiar fitness, and in furtherance of the interests of justice, be shown to said defendant, especially for the reasons that the charge appears now to be unfounded, that the defendant has only recently been married into a respected and well connected family, that a public trial would simply bring more disgrace and dishonor than defendant has yet endured, and that his good name and reputation would thereby be unnecessarily destroyed. Deponent therefore begs leave to withdraw his charge herein, and to do whatever else may be necessary to restore said defendant to his former position, and that the indictment and former proceedings herein may be dismissed and the defendant discharged.

Sworn to before me this
1st day of March, 1887.
Wm. T. Boyd
Notary Public
New York County.

Henry W. Leonard

People
vs.
Imlay

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 K. Sullivan

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

— John K. Sullivan —

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

The said John K. Sullivan

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

the sum of one hundred and ninety five dollars and forty five cents in money, lawful money of the United States and of the value of one hundred and ninety five dollars and forty five cents, —

of the goods, chattels and personal property of one

Henry W. Leonard. —

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

Randolph B. Martine,
District Attorney