

0000

BOX:

449

FOLDER:

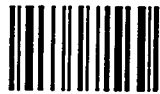
4137

DESCRIPTION:

Fabian, William

DATE:

09/29/91



4137

00009

POOR QUALITY
ORIGINAL

Witnesses:

J. L. Looman
W. E. Mercer

Counsel,
Filed *29* day of *Sept* 189*1*
Pleads *Guilty*

THE PEOPLE

32 Salem
218 Holladay St. J. C. H.
William Fabian
P

Rebaild 10/3/91
DE LANCEY NICOLL

Part 2 - June 7. 1892
Pleads Guilty

A TRUE BILL.

Pls 6000
Forman

Part II May 17th 92

For investigation
Dec 10. 1891. V. M. S.

Grand Jurors, Second Degree.
[Sections 22, 24 Penal Code.]

NY, General Sessions

The People vs

William Fabian

City & County of New York ss 3

I, Jennie Fabian
being first duly sworn according
to law do depose say -

I am 23 years of age and
am the wife of the defendant
and I reside at 218 Halway Street
Jersey City New Jersey.

I have been married to the
defendant about 4 years -

I have two children one
3 years & the other 11 months
old.

The defendant my husband
has always been a hardworking
honest respectable & sober
man - and I never knew of
his having been in any trouble
before the present.

During the present week
my husband has had an oppor-
tunity to open a saloon in

Jersey City, and I feel that
 if the Court will only give my
 husband an opportunity to
 conduct himself honestly in
 the future he will do so.

I have no means of
 supporting myself & my
 children excepting what little

I receive from my husband
 I do not know me this
 8 day of June 1892
 Jennie Fabian
 Respondent

Commissioner of Deeds
 in and for the City and
 County of Hudson, N.J.

N.Y. General Sessions

The People vs.

William Fabian

City and County of New York ss
 I William Fabian
 being first duly sworn according
 to law do depose & say:
 I am the defendant
 herein.

I am 32 years of age
 and reside at 218 Holiday Street
 Jersey City New Jersey

I am a married man
 & have two children.

I was born in Germany
 & have resided in this County 10
 years.

During that time I have
 worked for various firms in
 this City & vicinity as a
 salesman & clerk.

I worked for Peter Büchel
 the Broker about 3 years as
 salesman & collector for Spiegel
 & Nicolais as salesman for

nearly 2 years, for Berliner
 Bros. who also began to operate
 nearly 2 years. and I was working
 for them up to last Tuesday

I was never arrested before
 in my life.

The complainant in this
 case gave me the property which
 is the subject of the conspiracy
 in commission for sale.

at that time my wife
 has just been confined, and
 I had no money to assist
 her in her sickness & I

pledged the goods of complaint
 hoping in a short time to
 earn money to redeem them.

Since my indictment I
 have been nothing & am still
 willing to make no objection to
 complaint of the amount of
 money I received for pledging
 his property but he would
 give more than I could give
 him.

at the time I was kept
 to trial on Tuesday last

I was about to open a business
in Jersey City, and I had
arrangements all made with
a Brewery to start me in
the liquor & saloon business.
I solemnly promise the
Court that if it will give
me a chance to make an
honest livelihood in the
future I will do so and
I will endeavor to become
a respectable & dutiful citizen
of the community.

Sworn to before me this
10 day of June 1892

Jacob Marks
Notary Public
N.Y.C.

William Tabern

My General Sessions

The People v

William Fabian

City & County of New York ss
J. Solomon Simonson

being duly sworn do depose say.
I am a merchant Tailor
and I carry on my business 1183
Second Avenue this City

I know the defendant,
a boy named for the past six years
and he has always been honest
and of respectable

I know he has been employed
in different firms in this City &
vicinity & has the reputation of
being an honest & trustworthy young
man.

I solemnly aver that the
signatures to the annexed paper
or recommendation are genuine &
that I procured them & they were
signed in my presence

Subscribed before me this }
10 day of June 1892 }
Jacob M. Markley
Notary Public
N.Y.C.

Solomon Simonson

We the undersigned
citizens begs to inform you
that William Sullivan is an
honest upright man kind
to his wife and children

Michael Cronin 303 E-65th St

J. J. Cronin 1153 2nd St

J. Kallish 1149-7th Ave

J. J. Cronin 1439-2 Ave

J. J. Cronin 1153 2nd St

Joseph S. Stammersley 242 E 77th St

James Reid 242 E 77th St

Patrick Ryan 1143 2nd Ave

J. J. Cronin 1153 2nd St

Patrick Cronin 252 E 65th St

My Grandfathers
= The People's

William J. Larkin

Apprentice in
Retail of 1892

Wm. J. Larkin
Cousin of

0017

New York General Sessions.

---,----- X

THE PEOPLE, &c., :

-against-

W i l l i a m F a b i a n . :

----- X

City & County of New York, SS:

Ed w a r d L a z a r u s , being duly sworn deposes and says:-

I have known the above named defendant for over six years last past. I have always known him to be an industrious and honest man while he was working for me. He was employed by me while I was engaged in the Leggin and Over-gaiter business at Nos. 374 & 376 Canal Street, this City.

I at all times found him honest in his accounts and I would only be too pleased to recommend him in the highest terms. He was with me until about two years ago

I never heard of said defendant ever before being accused of any crime whatever, and it was a great surprise to me to learn that he was in this trouble.

Sworn to before me this

13th day of June, 1892.

Reynard Brunant

Commissioner of Deeds
in and for the City and
County of New York

Edward Lazarus.

New York General Sessions

The People etc., :

-vs-

William Fabian, :

City and County of New York, ss :

I, Jennie Fabian, do hereby swear, to depose
and say:

I am the wife of the above named defendant. That
since the day when the case was first before the Judge for
judgment, I have in every possible way
set some of the employees by whom my husband was formerly
employed to make affidavits as to his good character; but
Mr. Arle, the Superintendent of the Staten Island Brewing
Co., and I am now informed, believed, has come to San
Domino with the brewery; they have removed from the
Staten Island place some time since. Berliner Brothers
of Broadway is a city, by whom my husband was employed,
for several years, have gone off to some place unknown.
Sworn to before me this 14th day of June, 1892.

Jennie Fabian
Reynolds Durand

Commissioner of Deeds
in and for the City and
County of New York.

0020



CABLE ADDRESS "ESSMAPS, NEW YORK"

THE UNITED STATES
Land & Investment Co.

Correspondents:
LONDON, PARIS,
LONDON, VIENNA,
PUEBLO, AMSTERDAM,
GUADALAJARA,
CITY OF MEXICO.

New York, June 1898 -
To Whom it May Concern

It is to certify
that I have known William Hobbs
of 28 Halliday Street, Jersey City
N.J. for a number of years
I have had occasion to
visit him and have seen
the house in which he
is a resident and have
done all in my power
and do in respect to him and
deemed well of the general
public as his family are in
the State Circumstances.

Respectfully
Yours Geo. E. Higgins

This is to certify that
I have known Mr. Sebastian
for six years and done
business with him, and
found him honest, dis-
trustless, and straight-
forward man, and
one I could always rely
on.

H. Miller, Builder
No. 240 Grand
Jersey City
N. J.

0022

New Jersey } ss. Annie Miller being duly sworn
Hudson Co } upon her oath saith she is the wife
of H. Miller whose signature is attached to reference
on other side and who saith she was present and saw
H. Miller, her husband sign the reference thereto
attached

subscribed and sworn to
before me this 11th day of June
1872 at Jersey City N.J.
Frank J. Lockwood
Notary Public N.J.

Annie Miller

0023

M. H. Guernsey
The People vs
Plaintiff,

against

William Fabian
Defendant.

affidavit as
to good character

HOWE & HUMMEL,
Attorneys for Re. Fabian
87 & 89 Centre St., New York City.

Due and timely service of copy of the within
hereby admitted
this day of 189

Attorney.

To.....
.....

Richmond County { 50

Charger Jacobs
 being duly sworn says that he is acquainted
 with the handwriting of Frank Oliver John
 Justice of the City & County of New York that
 he knows it to be the said Justice's signature
 shown to him on this
 1st day of Sept-1891 Charles Jacobs

I hereby order that the said William
 Jackson be arrested and brought before the
 issuing Magistrate
 within this 4th day of Sept-1891
 Michael M. P. Quinn

Justice of the Peace

0025

Sec. 151.

Police Court _____ District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
 OF NEW YORK. } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before me undersigned, one of the Police Justices for the City of New York, by *Isaac Rosenberg* of No. *310 Canal* Street, that on the *19* day of *July* 188*9* at the City of New York, in the County of New York, the following article to wit:

Fifty one suits of clothing
 of the value of *One hundred and fifty* Dollars,
 the property of *Cohen and Rosenberg*
 w. *as* taken, stolen and carried away, and, as the said complainant has cause to suspect, and does suspect and believe, by *William Jacobin*

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring *him* before me, at the _____ DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this *31* day of *August* 188*9*.

D. J. [Signature] POLICE JUSTICE.

0026

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Chas Jacob
vs.
Det. Sergr

Warrant-Larceny.

Dated 188

Magistrate

Officer.

The Defendant

taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

The within named

Police Justice.

188

0027

(1895)

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No.

occupation.

deposes and says, that on the 19 day of July 1897 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:

Fifty-six Suits of
Childrens Clothing valued
at One hundred and
fifty dollars \$150.00

the property of

Messrs Cohen and
Lieberman as Co-partners

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

the reasons following to wit:
on the said date this defendant
who was in deponent's employ re-
ceived the said property and samples
to which he and the defendant re-
turn the said samples on de-
mand - the defendants having
failed to return said property
and having appropriated it
to his own use deponent prays
he be apprehended and taken
to answer.

Jacob Lieberman—

Sworn to before me, this
day of July 1897

Police Justice.

0028

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

William Fabian being duly examined before the under-
signed 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.

William Fabian

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

Gummy

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

Answer.

*374 E 17. St-**6 weeks*

Question. What is your business or profession?

Answer.

Salisman

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

Answer.

*I am guilty of the charge**— William Fabian*

Taken before me this

day of

*Sept**1891*

Police Justice.

0029

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 Sep 1 - 2 1891 Ja J. C. R. H. H. 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 he to be discharged.

Dated _____ 18 _____ Police Justice.

0030

Police Court---

1168
District

THE PEOPLE, &c.
ON THE COMPLAINT OF

Jack Higgins
318 vs. Basal
John Fabian

BAILED,

No. 1, by *Terence P. Dwyer*
Residence *433 W. 24* Street.

No. 2, by *Solomon Simonson*
Residence *152 E 61* Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated *Sept 16, 1891*
John Higgins Magistrate.

Jack Higgins Officer.
Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *G. B.*

Committed

972

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 Fabian

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

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

The said

*William Fabian*late of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *July* — in the year of our Lord one thousand eight hundred and ninety- *one*, at the City and County aforesaid, with force and arms,*fifty-six coats of the value of two dollars each and fifty-six pair of trousers of the value of one dollar each*

of the goods, chattels and personal property of one

Jacob Lieberman

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

De Lancey Nicoll
District Attorney.

0032

BOX:

449

FOLDER:

4137

DESCRIPTION:

Fee, Fergus

DATE:

09/16/91



4137

0033

BOX:

449

FOLDER:

4137

DESCRIPTION:

Davey, Thomas

DATE:

09/16/91



4137

0034

BOX:

449

FOLDER:

4137

DESCRIPTION:

Hayes, James

DATE:

09/16/91



4137

0035

BOX:

449

FOLDER:

4137

DESCRIPTION:

Bing, Charles

DATE:

09/16/91



4137

0036

POOR QUALITY
ORIGINAL

Witnesses:

Cy. Ma Loney
Nos 1 + 2
Each Elmer Ref.

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Fergus Sec.

Thomas Daven

James H. [unclear]

Charles B. [unclear]

Part 3 Dec 1891

12-3 [unclear] acquitted

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. [unclear] Foreman.

P3 Oct. 8, 1891

Nos. 1 + 2 tried and convicted

Part 2 - Nov. 24, 1891

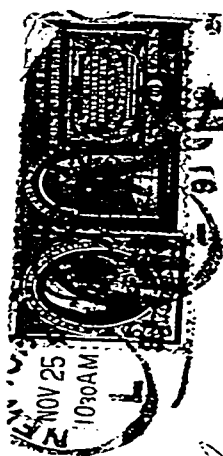
N. 4 tried and convicted

assault Third Degree

Dec 3 Pen 6 Mrs. RSM

Assault in the Second Degree,
(Retaining Arrest.)
(Section 218, Penal Code.)

0037



Rev. Mr. [illegible]

Feb 11

[illegible]

152030

Harvard, Mass.

Yours friend
in behalf of Charles
the

The argument
was that we were
the kind of people
who were not
the kind of people
who were not
the kind of people
who were not

I was fully aware
of the fact
that the people
were not

0039

be satisfied until I have
been tried in the
court of the
people.

The

0040

1792
OFFICE OF
THE
Board of Aldermen,
No. 8 City Hall
City of New York:

Hon. Judge R. B. Martine
General Sessions

0041

Newyork Nov 30th 1891

To whome it may Concern
This is to certify that Charles Bing
whome I have known since Child hood
is an honest, sober and hardworking young
man and have allways heard him spoken
of as honest + respectable
he together with his parents + brothers
and sisters, have occupied apartments
under my charge, for several years,
and have found them to be respectable
and industrious people,
and can cheerfully recommend Charles
as a good young man

Very Truly

Francis Eagan

Agent

318 East 54 St

ny City

0042



New York, Nov. 25/1891

Hon Judge Randolph B. Martin

Dear Sir

I would kindly
ask of you to be as lenient as
you possibly can in the case of
Charles Ring as I believe he
is to be sentenced to day by
you as I have known him
some 15 fifteen years and
have always found him to
be an honest sober & industrious
young man as this being his
first time he was arrested
hoping that you will give
this note your kind consideration
and oblige

Yours very Respt.
David J. Roche
Clerk of the Board

COURT OF GENERAL SESSIONS-Part III.

-----x

The People of the State of New York,	:	Before Hon. RUFUS
against	:	B. COWING, and a
FERGUS FEE and THOMAS DAVEY.	:	Jury.

-----x

Indictment filed September 16th 1891.

Indicted for assault in the 2nd degree.

New York, October 8th 1891.

APPEARANCE: For the People Asst. Dist. Attorney
Wauhope Lynn.

For the defendant Mr. A.H. Purdy.

JEREMIAH W. MAHONEY, a witness for the People sworn, testified:

I am a police officer in this city attached to the 23rd precinct. I am an officer for nearly two years. On the 22nd day of last August I was acting as a police officer on my beat which was from 51st to 55th street on First Avenue, and the side streets half way to Second Avenue and the river. I went on duty that night at six o'clock on the night tour. At about half past ten o'clock there was a crowd standing in front of 970 First Avenue. They were acting in a disorderly manner and fighting. This store was situated on the east side of the avenue a short distance north of the corner of 53rd street. I approached that crowd I ordered them to leave at once. Fee and Davey were in that crowd and I arrested Davey. I charged him with disorderly conduct, fighting on the street. I started

towards the station house with my prisoner. He resisted arrest right away and we had a scuffle. I should judge I got him about 100 feet. He tried to pull away from me and raised his arm to strike me. I was going along as fast as I could and Davey threw himself down on the sidewalk and would not get up. I took him by the shoulder and while picking him up I was assaulted by the crowd. I was struck in the head and face and knocked down by stones. I tried to get up but before I could get up they kicked me, took away my club and continued until I pulled my pistol and fired a couple of shots for assistance. Then they ran away. I ran after the fellow that went to take my stick a few steps towards a lumber yard but he disappeared. I looked around for a few minutes and then arrested Davey again. Fee was in the crowd of men that assaulted me. My ear was cut so that I had to go to St. Luke's Hospital and get five stitches put in it. Fee tried to pull Davey away from me and when he could not do it he struck me. He struck me on the shoulder and in the side of the head. I could not tell exactly who it was that got the club away from me. I am certain Fee struck me. They left me bleeding on the walk and ran away/.

CROSS EXAMINATION:

I had seen both of these young men before, and knew them by sight. I had seen them coming out of liquor stores in that neighborhood. James J. Fee was around there that night but I did not see him at the time I had Davey under arrest. I did not see him do anything at

me .

GUSTAVE MEINKKE? a witness for the People, sworn, testified:

I live at the corner of 54th street and First avenue. I am a clerk in the grocery store on that corner. I was so employed on the night of this alleged assault. I was standing on the corner of my store at half past ten O'clock that night and saw what occurred. These men had been around our corner that night and had been trying to take some things away from us. I saw the officer trying to arrest one of the fellows and the rest of them went for him. First one of the fellows tried to buck him with his head and then they knocked him down and when he was down he fired the shots at them. I noticed that the officer's ear was bleeding after they ran away.

CROSS EXAMINATION:

I saw both of these defendants in that crowd that was attacking the officer. I had never seen either of them before. I think it was Davey who struck the officer the first blow. I saw the officer running after the crowd and one of them ran down to the lumber yard and disappeared. I saw the officer knocked down in the street, and there was four of them at him, I suppose trying to lick him. Then he fired the shots. I did not see the officer or the men any more after he ran towards the lumber yard.

D E F E N C E .

ELIZABETH JOYCE, a witness for the Defendant, sworn, testified

I live at No. 419 East 48th street. I know the two defendants Fee and Davey. I recollect the 22nd day of August, the night on which they were arrested. I saw them in my room at nine o'clock that night. They came in and stayed there until twenty minutes of eleven. When they came in my husband said "What is the reason you come in so late?": and when they left I looked at the clock and saw it was just twenty minutes of eleven. They did not leave my house between those two hours. I am positive.

CROSS EXAMINATION:

This was of a Saturday night. The clock was right. It is an eight day clock. I know these two men were arrested that night but I do not know at what time.

JOHN JOYCE, a witness for the Defendant sworn, testified:

I am the husband of the last witness. I recollect the night of the 22nd of August last. The two defendants came to my house on that night about nine o'clock and stayed there until twenty minutes of eleven when they left to go home. I know it was nine o'clock because my wife said "This is a nice time for you to be coming in here". When they left it was just twenty minutes of eleven. I looked at the clock as they went out. We had one pint of beer while they were there.

CROSS EXAMINATION:

We had the pint of beer among the three of us as my wife did not drink. I do not know that I looked at the clock the same time my wife did. I know they did not leave there until twenty minutes of eleven that night. I do not know that these men were arrested that night at about twenty minutes of eleven by the officer.

KATE BUSH, a witness for the defendants, being duly sworn, testified as follows:

I reside at No. 308 East 60th street in this city. I am a married lady. My husband is a barber. I can speak as to the character of the two defendants. They are men of good character. Their character has been good for peace and quietness.

MARY ANN McGINNIS, a witness for the Defendants, sworn, testified:

I live in Greenpoint and am a married lady. I know Fergus Fee since he was a boy. He always was peaceable and quiet.

FERGUS FEE? one of the defendants, sworn, testified:

I am a bricklayer. I have been in this country about eight years. I was born in Scotland. I went to the house of Mr. Joyce on the night I was arrested at about nine o'clock and remained there until twenty minutes of eleven. Davey was in my company. When we left Joyce's house I went down towards First Avenue and as we approached we saw a crowd of men and some difficulty going on. We stood on the corner a few minutes and as we started to walk

away from the corner I heard the crowd behind us, and then we were arrested. We had nothing whatever to do with the assault upon the officer as we were not there at the time.

CROSS EXAMINATION:

I am positive it was twenty minutes after eleven when we left the house of Mr. Joyce. We had been there since nine o'clock. Mrs. Joyce remarked to us when we went in that it was a rather late hour for us to be getting in there. I was on my way home when my attention was called to this crowd. I do not know who was in the crowd or what they were doing. I should judge it was about five minutes of eleven when we were arrested. I have a brother but I did not see him that night.

THOMAS DAVEY, a witness called on behalf of the Defendants, testified:

I am one of the defendants. I have been employed by Jones and Company for three years and nine months. On the night in question I went, in company with my friend Fee, to Mrs. Joyce's house and had a pint of beer. We stayed there until twenty minutes of eleven. When we left we went through 49th street to Second Avenue and there Fee bought a pack of cigarettes. We walked a little further and we saw this crowd. I was anxious to find out what the matter was. As soon as we got to the corner of First Avenue and were starting up the avenue an officer came up and arrested the two of us.

CROSS EXAMINATION:

This crowd was on SecFirst avenue; we were on First avenue when we first saw it. I could see a crowd at that istance. I heard shouts. I could not tell what the shouts were about.

JAMES DAVEY, a witness for the Defendants, sworn, testified:

I am a laborer. I know the police officer who has testified in this case. I saw him on the night of the 22nd of August this year. About five or six of us were standing outside of a liquor store on First Avenue, when the police officer came up to the crowd and told us to move on. I just walked on. I was known around there and I did not know that the officer had any bad feelings against me. He took his club and struck me across the arm with it. I was then arrested by him and I resisted. He took me down as far as 53rd street to the corner and scanded his club. He held on to me. And naturally I broke away from him and got away. I did not see my brother there that night at all. I am the man the officer arrested and not my brother. I threw the officer down. The club got pulled off of him by somebody and he got hit in the ear. James McGuire is the only man I recollect being there.

CROSS EXAMINATION:

I do not know that I cannot be prosecuted on this confession I have now made. I am telling the truth as to what happened. I do not know where the man McGuire is now. I am certain my brother was not there. Nobody has

been talking to me about this case . I went to the Tombs to see my brother and told him what I knew about this matter . I could not give the name of any one else who was there besides McGuire. I learned of my brothers arrest on that night but I did not come forward and give myself up. I went to the lawyer's office and told him this story and he told me to come to Court today and tell it .

OFFICER MAHONEY, recalled in rebuttal.

I am positive that it was the defendant Davey now at the bar that I arrested. I did not arrest, nor did I see the brother who has just now testified. If he was in that crowd that night I did not know anything about it.

The jury returned a verdict of Guilty of assault in the second degree.

Indictment filed Sep. 16-189

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

FERGUS FEE and THOMAS DAVY

Abstract of testimony on

trial New York October

8th 1891.

0052

Police Court— 4 District.City and County } ss.:
of New York, }

of No. 213 Precinct Jeremiah Mahoney Street, aged 29 years,
 occupation Police officer being duly sworn
 deposes and says, that on 22 day of August 1891 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Fergus Fee
Thomas Davey and James Hughes (all now here)
 and two men not arrested who were in
 company with each other. That deponent
 while in full uniform of a police officer
 and in the lawful apprehension and
 detention of said Davey for the commission
 of a crime the said defendants and the
 two men ^{not arrested} violently attacked deponent
 and took said Davey from deponent's
 custody and took deponent's club from
 deponent's grasp all knocking deponent
 down striking and kicking deponent
 cutting and lacerating deponent's head
 and body

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

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

Sworn to before me, this 23 day }
 of August 1891. } Jeremiah H. Mahoney
W. D. D. D. D. Police Justice.

0053

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Fergus Fee 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. *Fergus Fee*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *England*

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

Answer. *308 E. 60th Street. 3 years*

Question. What is your business or profession?

Answer. *Bricklayer*

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**Fergus Fee*Taken before me this *23*day of *August* 1891*W. H. Mahan*

Police Justice

0054

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

H District Police Court.

Thomas Darcy 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. *Thomas Darcy*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *England*

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

Answer. *388 East 60th Street, 8 months*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty**Thomas Darcy*

Taken before me this

*23*day of *August* 1891*W. M. M. M. M.*

Police Justice.

0055

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4 District Police Court.

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

Question. What is your name?

Answer. *James Hayes*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *507 East 55th St. 3 years*

Question. What is your business or profession?

Answer. *Bricklayer*

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

Answer. *I am not guilty*
James Hayes

Taken before me this

33

day of August 1891

H. H. H. H. H.

Police Justice

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

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 Aug 23 1891, W. W. Ingraham 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.*

0057

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jeremiah Mahoney
vs.
Jerques Fee
Thomas Davey
James Hayes

1101
Office
J. W. Asst.

BAILED.

No. 1 by *John McFweeney*
Residence *188 W 19th* Street.

No. 2 by _____
Residence _____ Street.

No. 3 by _____
Residence _____ Street.

No. 4 by _____
Residence _____ Street.

Menke
Gardner
Hickory
Cummins

Dated *Aug 23* 1891
McMahon Magistrate.

Mahoney Officer.
23 Precinct.

Witnesses *William +*
No. *23* Street.

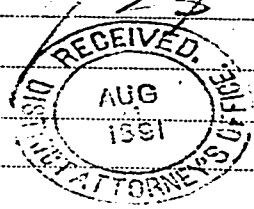
No. _____ Street.

No. _____ Street.

* *500* to answer *G. S.*

Com

And 2
P. A.



THE PEOPLE

vs.

JAMES HAYES.

COURT OF GENERAL SESSIONS, PART IAE

BEFORE JUDGE FITZGERALD.

Tuesday, December 1, 1901.

Jointly indicted with Thomas Davey, Fergus Fee and Charles Bing for assault in the second degree.

HONORABLE RYERSON, called for the Defence, being sworn testifies as follows:

By Counsel Q. Where do you reside?

A. At that time I resided No. 957 First Avenue.

Q. Do you remember the night of the assault on Officer Hanoney?

A. Yes sir.

Q. Now in your own way recite what you saw of that occurrence while you were there.

A. While I was there when I came down stairs to go to the store I saw a crowd coming over 33rd Street and I went over.

Q. You were attracted by the crowd, were you?

A. Yes sir.

Q. Go right ahead.

A. I went over and saw Officer Hanoney having Jimmy Davey by the arm and he hit him in the head, first he hit him in the stomach and he knocked him.

Q. Jimmy Davey, he was in arrest was he?

A. No sir; and

with that Tom McGuire came behind and hit the officer and took his stick from him and beat him with his own stick and took it to the river.

Q. Was this defendant Hayes there at any time? A. Hayes was there before because he went over with my son to my door.

Q. You saw the whole occurrence?

A. Yes sir.

Q. Did Hayes try to take Davey away from the officer?

A. No sir.

and say
Q. Or try to pull Davey away ~~see~~ he would take care of him?

A. No sir.

Q. Did he strike the officer in the face? A. I did not see Hayes at all when I was there.

Q. If he had been there you would have seen him?

A. Yes sir.

CROSS EXAMINED by Mr. Bedford.

Q. How near were you to this crowd assaulting the officer?

A. I was nearer to the crowd than I am to this gentleman, I was right beside the officer.

Q. All the time? A. Yes sir.

Q. You saw the officer hit Jimmy Davey as you call him, on the head? A. Yes sir.

Q. With his club? A. Yes sir.

Q. How many times? A. Once and once in the stomach.

Q. Did you see Jimmy Davey butt the officer? A. After he got released from Tom McGuire he butt the officer with his head in the stomach.

Q. Are you any relation to James Hayes? A. No sir, I am no relative to either one of them.

Q. Did you see the officer raise his club and say to James Hayes, "stand back"? A. No sir.

Q. Do you swear that he did not say so? A. I do, sir.

Q. He did not say so? A. No sir, he did not say so.

Q. You swear that Hayes did not have hold of Jimmy Davey, Hayes the prisoner now on trial, did he have hold of this Davey after he was arrested? A. No sir, Hayes was not there.

Q. Was not there at all? A. No sir, Hayes was not at the fight at all, Hayes was not there at the time of the fight.

- Q. Mr. Mincke is entirely mistaken when he says he saw him rush up to the crowd? A. I do not know, sir.
- Q. How many people were there? A. That is more than I could tell you, it was over a hundred people.
- Q. Do you want to tell me that you will positively swear that James Hayes was not one of the hundred? A. I could not say that Hayes was not by the policeman.
- Q. You said he was not there at all? A. I did not see him. Hayes went over with my son to the door.
- Q. Were you looking out of your door? A. No sir, but I seen him going with my son to the door.
- Q. How long before the fight? A. Maybe it was five or six minutes before the fight.
- Q. How far was that door from where the fight was? A. Across the street.
- Q. Could not he have come back? A. I did not see him come back.
- Q. Could not he come back without your seeing him, there was a hundred men there? A. There was.
- Q. Could not he have come back right across the street as soon as Davey was arrested, and take hold of Davey? A. He did not take hold of Davey, I saw Jimmy Davey, I saw him hit the policeman, I saw the policeman have hold of him, Jimmy Davey is not arrested.
- Q. You say Jimmy Davey was not there in that fight? A. I said Jimmy Davey was the man that committed the assault on the officer.
- Q. And James Hayes was not there? A. No sir.
- Q. He did not have hold of Davey? A. No sir.

- Q. He was not in the fight at all? A. No sir.
- Q. Then the officer is entirely mistaken? A. Well, I am telling you what I seen.
- Q. The officer says that Davey struck him in the face and held on to Davey? A. Davey did hit him with his head.
- Q. James Hayes is on trial? A. Yes sir.
- Q. For taking Davey out of the custody of the officer, now you say you saw the whole of this? A. I did.
- Q. And you were how near the officer during the whole time? A. I was standing right as near to the officer as I am to this man (pointing to the stenographer).
- Q. The whole time? A. Yes sir, the whole time.
- Q. Did you see him fall? A. The officer he did not fall down, he only moved back like this (showing).
- Q. Then the officer is mistaken when he says he was knocked down? A. He was not knocked down.
- Q. He was mistaken when he says so? A. I do not know.
- Q. And the other witness is mistaken when he says he saw him on his knees, was the officer on his knees, you were near him? A. I was.
- Q. You swear he was not knocked down? A. He did hit him with his ^{own} club, he was knocked back, not down.
- Q. Did he fall on his knees? A. That I would not say.
- Q. You ought to be able to know because you were as near to him as to the stenographer? A. So I was.
- Q. Did he fall on his knees? A. That I cannot say, I did not see him fall on his knees, I saw him going back.
- Q. Could he fall on his knees without your seeing him? A. No, he could not.

Q. Then you swear he did not fall on his knees? A. I did not see him fall on his knees.

Q. Did he fall, did he hit you or anything accidentally?

A. No, he did not hit me at all.

Q. How near were you when he raised his club and said, "stand back" to James Hayes? A. He did not say "stand back" to Hayes.

Q. How far were you off when he raised his club? A. As near as I am to this gentleman (the stenographer); I said nothing, I looked on.

Q. What happened when he raised his club? A. The club was taken from him.

Q. Who took it? A. Tom McGuire.

Q. Tom McGuire is a new party in this? A. No, he is not, he is an old party.

Q. What did you see McGuire do? A. I saw him taking the club from the officer and beating him, he ran away with the club to the river and throw the club over the -----

Q. What did you see Fee do? A. Fee I never saw in my life.

Q. What did you see Bing do? A. I do not know him, I don't know anything about him.

Q. How long have you known James Hayes? A. I have known James Hayes about seven years.

Q. You know him very well, don't you? A. Yes sir, he lived in 949 and I lived in 957.

By Counsel. Q. Do you know his reputation in the neighborhood there? A. Yes sir, for being good.

Q. Do you know whether he has a good reputation for peace and quietness? A. Yes sir, I know that he has a good reputation for being quiet, I never know him to fight or

quarrel with anybody.

Q. He works hard, does he? A. Yes sir.

By Mr. Bedford. Q. Tell us how many persons told you before the 22nd of August that he was a good, peaceable and quiet young man?

A. I have not inquired of anybody.

Q. You were asked what was the general reputation of this boy and you said it was very good for peace and quietness?

A. So it is, I know him.

Q. General reputation is what people in the neighborhood say of him, how many persons have you ever heard say that James Hayes was a quiet, orderly, well behaved young man?

A. Everybody that speaks of him, I could not tell you how many.

Q. Why did they say that previous to this? A. Previous to this not that I know of.

By Counsel. Q. Since this there has been considerable discussion in the neighborhood about Hayes being a peaceable and quiet man.

A. Yes sir.

Q. People say that he was always a peaceable and quiet young man. A. Yes sir.

By a Juror. Q. When this McGuire took the club away from the officer and struck him, you say he did not knock him down?

A. No sir, he did not, he did not hit him hard enough to knock him down for the man was tight.

Q. He took the club from behind the officer? A. No, from the front, he took it like this more to the side.

0064

THOMAS' NO BOOK IS THIS CASE WOULD BE THE 1000.

THE BOOK WAS GIVEN BY THE COURT TO THE ATTORNEY.

THE BOOK WAS GIVEN BY THE COURT TO THE ATTORNEY.

THE BOOK WAS GIVEN BY THE COURT TO THE ATTORNEY.

Testimony in the
case of
James Hayes

filed Sept.

1891.

15 (8)

0065

Police Court.....District.

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

City and County } ss.:
of New York, }
of No. 23rd Precinct-Police Street, aged _____ years,
occupation Police Officer being duly sworn
deposes and says, that on 22nd day of August 1891 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Charles
Ding - (now here) who wilfully
and maliciously struck Depment
several violent blows on the head
with his fists. While Depment, who
is a police Officer and was in
full uniform, and in the lawful
discharge of his duty, and at
the time Depment was lying
prostrate, struggling with several
other men who Depment was
trying to arrest.
Depment further says that
such assault was committed

with the felonious intent to ~~take the life of~~ ^{deprive} ~~deprive~~ ^{him} of his life, or to do him grievous bodily harm; and without any justification on the part of the said assailant

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

Sworn to before me, this 24 day
of August 1869 } Jeremiah H. Mahoney
W. D. Mahoney Police Justice.

0066

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Charles Bing

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

Question. What is your name?

Answer.

Charles Bing

Question. How old are you?

Answer.

22 years old

Question. Where were you born?

Answer.

New York

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

Answer.

96 E. 14th St. 10 yrs

Question. What is your business or profession?

Answer.

Steam fitter

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

Answer.

*I am not guilty**Charles Bing*

Taken before me this

day

*Aug**1891*

Police Justice.

0067

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 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 May 24 1897, A. T. Munsalor 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.*

0068

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court-- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jermiah Mahoney
Charles Ring

2

3

4

Indicted with
Fergus Fecital

Dated Aug 24 1891

W. E. Mahoney Magistrate.

Mahoney Officer.

213 Precinct.

Witnesses Gus Mincke

No. 982 1st ave Street.

J. E. Mahoney

No. 900 1st ave Street.

ATTORNEY

No. 500 Street.

to answer

500 brie Aug 25-91

Wm

403

NEW YORK COURT OF GENERAL SESSIONS.

----- x
 :
 The People etc. :
 :
 against :
 :
 Thomas Davey and Fergus Fee :
 :
 ----- x
 :
 City and County of New York, ss:-

AMBROSE H. PURDY being duly sworn, deposes and says:

That he is the attorney for the above named defendants.

That the evidence of Honora Ryerson was only discovered after the trial of the above defendants; that the facts testified to by her were not known to deponent until her evidence was given in this Court before Judge Fitzgerald on the trial of James Hayes, jointly indicted with these defendants.

Sworn to before me this

21st day of December, 1891.

A. H. Purdy

William H. ...

Notary Public

New York County.

0070

NEW YORK COURT OF GENERAL SESSIONS.

----- X - -X
The People etc. :
against :
Thomas Davey and Fergus Fee. :
----- X

City and County of New York, ss:-

HONORA RYERSON being duly sworn deposes and says:

That she has read the annexed copy of the stenographer's minutes taken before Judge Fitzgerald on the trial of James Hayes and the same is true.

Deponent further says, that at the time of the alleged assault upon officer Mahoney, neither of the above defendants were present.

Sworn to before me this } *Honora Ryerson*
21st day of December, 1891.) *mark*

J W Jacobson

Notary Public (23)

New York County.

THE PEOPLE

COURT O. GENERAL SESSIONS, PART III.

vs.

JAMES HAYES.

BEFORE JUDGE FITZGERALD.

Tuesday, December 1, 1891.

Jointly indicted with Thomas Davey, Fergus Fee and Charles Bing for assault in the second degree.

HONORAH RYERSON, called for the Defence, being sworn testifies as follows:

By Counsel Q. Where do you reside?
sided No. 957 First Avenue.

A. At that time I re-

Q. Do you remember the night of the assault on Officer Mahoney?

A. Yes sir.

Q. Now in your own way recite what you saw of that occurrence while you were there ?
came down stairs to go to the store I saw a crowd coming over 53rd Street and I went over.

A. While I was there when I

Q. You were attracted by the crowd, were you? A. Yes sir.

Q. Go right ahead? A. I went over and saw Officer Mahoney having Jimmy Davey by the arm and he hit him in the head, first he hit him in the stomach and he knocked him.

Q. Jimmy Davey, he was in arrest was he? A. No sir; and with that Tom McGuire came behind and hit the officer and took his stick from him and beat him with his own stick and took it to the river.

Q. Was this defendant Hayes there at any time? A. Hayes was there before because he went over with my son to my door.

Q. You saw the whole occurrence? A. Yes sir.

Q. Did Hayes try to take Davey away from the officer?

A. No sir.

and say
Q. Or try to pull Davey away ~~see~~ he would take care of him?

A. No sir.

Q. Did he strike the officer in the face? A. I did not see Hayes at all when I was there.

Q. If he had been there you would have seen him?

A. Yes sir.

CROSS EXAMINED by Mr. Bedford.

Q. How near were you to this crowd assaulting the officer?

A. I was nearer to the crowd than I am to this gentleman, I was right beside the officer.

Q. All the time? A. Yes sir.

Q. You saw the officer hit Jimmy Davey as you call him, on the head?

A. Yes sir.

Q. With his club? A. Yes sir.

Q. How many times? A. Once and once in the stomach.

Q. Did you see Jimmy Davey butt the officer? A. After he got released from Tom McGuire he butt the officer with his head in the stomach.

Q. Are you any relation to James Hayes? A. No sir, I am no relative to either one of them.

Q. Did you see the officer raise his club and say to James Hayes, "stand back"?

A. No sir.

Q. Do you swear that he did not say so? A. I do, sir.

Q. He did not say so? A. No sir, he did not say so.

Q. You swear that Hayes did not have hold of Jimmy Davey, Hayes the prisoner now on trial, did he have hold of this Davey after he was arrested?

A. No sir, Hayes was not there.

Q. Was not there at all? A. No sir, Hayes was not at the fight at all, Hayes was not there at the time of the fight.

- Q. Mr. Mincke is entirely mistaken when he says he saw him rush up to the crowd? A. I do not know, sir.
- Q. How many people were there? A. That is more than I could tell you, it was over a hundred people.
- Q. Do you want to tell me that you will positively swear that James Hayes was not one of the hundred? A. I could not say that Hayes was not by the policeman.
- Q. You said he was not there at all? A. I did not see him, Hayes went over with my son to my door.
- Q. Were you looking out of your door? A. No sir, but I seen him going with my son to the door.
- Q. How long before the fight? A. Maybe it was five or six minutes before the fight.
- Q. How far was that door from where the fight was? A. Across the street.
- Q. Could not he have come back? A. I did not see him come back.
- Q. Could not he come back without your seeing him, there was a hundred men there? A. There was.
- Q. Could not he have come back right across the street as soon as Davey was arrested; and take hold of Davey? A. He did not take hold of Davey, I saw Jimmy Davey, I saw him hit the policeman, I saw the policeman have hold of him, Jimmy Davey is not arrested.
- Q. You say Jimmy Davey was not there in that fight? A. I said Jimmy Davey was the man that committed the assault on the officer.
- Q. And James Hayes was not there? A. No sir.
- Q. He did not have hold of Davey? A. No sir.

- Q. He was not in the fight at all? A. No sir.
- Q. Then the officer is entirely mistaken? A. Well, I am telling you what I seen.
- Q. The officer says that Davey struck him in the face and held on to Davey? A. Davey did hit him with his head.
- Q. James Hayes is on trial? A. Yes sir.
- Q. For taking Davey out of the custody of the officer, now you say you saw the whole of this? A. I did.
- Q. And you were how near the officer during the whole time? A. I was standing right as near to the officer as I am to this man (pointing to the stenographer).
- Q. The whole time? A. Yes sir, the whole time.
- Q. Did you see him fall? A. The officer he did not fall down, he only moved back like this (showing).
- Q. Then the officer is mistaken when he says he was knocked down? A. He was not knocked down.
- Q. He was mistaken when he says so? A. I do not know.
- Q. And the other witness is mistaken when he says he saw him on his knees, was the officer on his knees, you were near him? A. I was.
- Q. You swear he was not knocked down? A. McGuire hit him ^{own} with his club, he was knocked back, not down.
- Q. Did he fall on his knees? A. That I would not say.
- Q. You ought to be able to know because you were as near to him as to the stenographer? A. So I was.
- Q. Did he fall on his knees? A. That I cannot say, I did not see him fall on his knees, I saw him going back.
- Q. Could he fall on his knees without your seeing him? A. No, he could not.

- Q. Then you swear he did not fall on his knees? A. I did not see him fall on his knees.
- Q. Did he fall, did he hit you or anything accidentally? A. No, he did not hit me at all.
- Q. How near were you when he raised his club and said, "stand back" to James Hayes? A. He did not say "stand back to Hayes.
- Q. How far were you off when he raised his club? A. As near as I am to this gentleman (the stenographer); I said nothing, I looked on.
- Q. What happened when he raised his club? A. The club was taken from him.
- Q. Who took it? A. Tom McGuire.
- Q. Tom McGuire is a new party in this? A. No, he is not, he is an old party.
- Q. What did you see McGuire do? A. I saw him taking the club from the officer and beating him, he ran away with the club to the river and threw the club over the -----
- Q. What did you see Fee do? A. Fee I never saw in my life.
- Q. What did you see Bing do? A. I do not know him, I don't know anything about him.
- Q. How long have you known James Hayes? A. I have known James Hayes about seven years.
- Q. You know him very well, don't you? A. Yes sir, he lived in 949 and I lived in 957.
- By Counsel. Q. Do you know his reputation in the neighborhood there? A. Yes sir, for being good.
- Q. Do you know whether he has a good reputation for peace and quietness? A. Yes sir, I know that he has a good reputation for being quiet, I never knew him to fight or

quarrel with anybody.

Q. He works hard, does he?

A. Yes sir.

By Mr. Bedford. Q. Tell us how many persons told you before the 22nd of August that he was a good, peaceable and quiet young man?

A. I have not inquired of anybody.

Q. You were asked what was the general reputation of this boy and you said it was very good for peace and quietness?

A. So it is, I know him.

Q. General reputation is what people in the neighborhood say of him, how many persons have you ever heard say that James Hayes was a quiet, orderly, well behaved young man?

A. Everybody that speaks of him, I could not tell you how many.

Q. Why did they say that previous to this? this not that I know of.

A. Previous to

By Counsel. Q. Since this there has been considerable discussion in the neighborhood about Hayes being a peaceable and quiet man.

A. Yes sir.

Q. People say that he was always a peaceable and quiet young man?

A. Yes sir.

By a Juror. Q. When this McGuire took the club away from the officer and struck him, you say he did not knock him down?

A. No sir, he did not, he did not hit him hard enough to knock him down for the man was tight.

Q. He took the club from behind the officer?

A. No, from the

front, he took it like this more to the side.

0077

COURT OF GENERAL SESSIONS.

The People etc.

against

Thomas Davey & Fergus-
Fee.

AFFIDAVITS.

Purdy & McManus

Counsel for Defts.

N. Y. City.

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

THE PEOPLE OF THE STATE OF NEW YORK

against
*Terence Fee, Thomas Davey,
James Hughes and Charles Bing*

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

*Terence Fee, Thomas Davey,
James Hughes and Charles Bing,*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Terence Fee, Thomas Davey,
James Hughes and Charles Bing,* all
late of the City of New York, in the County of New York aforesaid, on the *twenty-second*
day of *August* in the year of our Lord one thousand eight hundred and
ninety- *and*, at the City and County aforesaid, with force and arms, feloniously made an
assault in and upon one *Jeremiah W. Mahoney* -

then and there being, a

patrolman of the Municipal Police of the City of
New York, and as such *patrolman* being then and there engaged in the lawful
apprehension of the said *Thomas
Davey*,

and the said

Terence Fee, Thomas Davey, James Hughes and Charles Bing
him the said *Jeremiah W. Mahoney* -
then and there feloniously did beat, strike, wound and otherwise illtreat, with intent then and there
and thereby to prevent and resist the lawful *apprehension*
of *him*, the said *Thomas Davey* as aforesaid,
against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0079

BOX:

449

FOLDER:

4137

DESCRIPTION:

Findlay, Thomas

DATE:

09/11/91



4137

Witness;

John E. Jacobs

Counsel,

Filed

11

day of

Sept

1891

Plends,

THE PEOPLE

vs.

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

Thomas S. Findlay

[Breast]

Edw. M. Scott,
~~Attorney at Law~~

District Attorney.

A True Bill.

W. G. L. Berry

Foreman.

Sept 14/91

Wendell C. Berry

S. P. Berry

No. 3.

0081

Wallace, Elliott & Co.

118 & 120 DUANE STREET.

Telephone, 578 John.

New York, 1890.

(1)

101 C C D	March 16th, 1888,	\$4.60	
101, C C D	March 16th, 1888,	\$7.50	12 10
1019 John Reinhardt	April 16th, 1888,	\$10.00	10.
100 C C D	July 1st, 1888,	\$30.26	32.26
312 Jacob Deng	July 16th, 1888,	\$70.95	
140 M. Buckner	July 16th, 1888,	\$34.05	105.
1255 J. H. Lutjen	July 24th, 1888,	\$93.15	93.15
288 Max Brooks	July 23rd, 1888,	\$64.85	64.85
1001 John Ohl	August 9th, 1888,	\$102.25	102.25
633 J. A. Gschwind & Son	August 14th, 1888,	\$219.80	
68 J. H. Adams	August 14th, 1888,	\$60.05	
201 S. Cohen	August 14th, 1888,	\$46.25	
13 Geo. Wilson	August 14th, 1888,	\$89.41	
1270 A. Volk	August 14th, 1888,	\$44.45	44.45
1601 H. P. Seabury	August 15th, 1888,	\$45.40	
1600 H. Venski	August 15th, 1888,	\$85.50	130.90
1001 John Ohl	August 23rd, 1888,	\$45.80	45.80
1001 John Ohl	August 28th, 1888,	\$54.75	54.75
101 C C D	Sept. 27th, 1888,	\$39.84	39.84
317 A. Harris	Oct. 1st, 1888,	\$11.30	11.30
1072 J. Vogeler	Oct. 5th, 1888,	\$93.25	93.25
101 C C D	Oct. 9th, 1888,	\$48.12	48.12
100 E. Loveday	Oct. 9th, 1888,	\$48.12	48.12
1601 H. P. Seabury	Nov. 6th, 1888,	\$86.83	86.83
1019 John Reinhart	Nov. 12th, 1888,	\$27.65	27.65
1540 Jacob Manz	Nov. 15th, 1888,	\$100.00	100.00
101 C C D	Nov. 17th, 1888,	\$16.94	16.94
1172 B. Stamper	Nov. 13th, 1888,	\$43.55	43.55
101 C C D	Nov. 24th, 1888,	\$20.40	20.40
101 C C D	Nov. 24th, 1888,	\$1.85	1.85
101 C C D	Nov. 24th, 1888,	\$8.64	8.64
146 Geo. Durr	Dec. 24th, 1888,	\$79.72	79.72
1156 M. Levitsky	Dec. 5th, 1888,	\$62.71	62.71
1540 Jacob Manz	Dec. 31st, 1888,	\$30.00	30.00
312 J. Ding	Jan'y 7th, 1889,	\$40.00	40.00
101 C C D	Jan'y 12th, 1889,	\$3.85	3.85
102 C C D	Jan'y 12th, 1889,	\$12.05	12.05
1270 A. Volk	Jan'y 14th, 1889,	\$25.65	25.65
1255 J. H. Lutjen	Jan'y 18th, 1889,	\$57.05	57.05
1600 H. Vinsky	Jan'y 29th, 1889,	\$20.00	20.00
1540 Jacob Manz	Feb'y 2nd, 1889,	\$22.80	22.80
1230 Jas. Sidgreaves	Feb'y 4th, 1889,	\$98.39	98.39
1255 J. H. Lutjen	Feb'y 13th, 1889,	\$35.46	35.46
103 C C D	Feb'y 14th, 1889,	\$32.20	32.20
103 C C D	Feb'y 18th, 1889,	\$18.00	18.00
1288 N. Ott	Feb'y 18th, 1889,	\$103.79	103.79
1100 H. Uelhoff	Feb'y 20th, 1889,	\$49.50	49.50
1001 John Ohl	Feb'y 26th, 1889,	\$20.00	20.00
141 P. Diehl	Apr. 1st, 1889,	\$29.00	29.00
103 C C D	Apr. 2nd, 1889,	\$31.85	31.85
1600 H. Venski	Apr. 6th, 1889,	\$62.75	62.75

0082

Wallace, Elliott & Co.

118 & 120 DUANE STREET.

Telephone, 578 John.

(2)

New York, 1890.

103 C O D	Apr. 6th	, 1889,	\$23.87	337
1100 H. Uelhoff	Apr. 12th	, 1889,	\$44.25	
102 C O D	Apr. 12th	, 1889,	\$2.90	1708
103 C O D	Mar. 16th	, 1889,	\$17.30	1708
103 C O D	Mar. 22nd	, 1889,	\$12.93	1708
70 J. H. Adams	Apr. 19th	, 1889,	\$27.70	2770
103 C O D	Apr. 22nd	, 1889,	\$19.31	1931
114 H. Harms	Apr. 26th	, 1889,	\$18.50	1850
70 J. H. Adams	Apr. 29th	, 1889,	\$20.90	2090
203 C O D	May 7th	, 1889,	\$18.33	1833
203 C C D	May 10th	, 1889,	\$35.70	3570
1179 B. Stamper	May 14th	, 1889,	\$40.10	4010
1100 H. Uelhoff	May 27th	, 1889,	xxxxxx	
1001 John Ohl	Jan. 6th	, 1889,	\$36.20	3620
103 C O D	Jan. 7th	, 1889,	\$20.40	2040
103 C O D	Jan. 9th	, 1889,	\$21.84	2184
70 J. H. Adams	Jan. 20th	, 1889,	\$36.50	3650
1217 W. Twaits	Jan. 21st	, 1889,	\$17.02	1702
1173 B. Stamper	July 1st	, 1889,	\$40.45	4045
1179 B. Stamper	July 8th	, 1889,	\$37.19	3719
70 J. H. Adams	July 8th	, 1889,	\$19.90	1990
1303 W. Lemme	July 16th	, 1889,	\$70.90	7090
104 C O D	Aug. 10th	, 1889,	\$14.50	1450
146 Geo. Durr	Aug. 8th	, 1889,	\$36.00	3600
1573 C. Ruby	Aug. 12th	, 1889,	\$67.44	6744
1008 A. Solomon	Aug. 14th	, 1889,	\$24.60	2460
1275 F. Roth	Aug. 15th	, 1889,	\$43.80	4380
1275 F. Roth	Aug. 16th	, 1889,	\$45.05	4505
1275 F. Roth	Aug. 18th	, 1889,	\$14.40	1440
1008 A. Solomon	Aug. 19th	, 1889,	\$26.80	2680
23 Wm. Collins	Aug. 17th	, 1889,	\$53.16	5316
1288 N. Ott	Aug. 22nd	, 1889,	\$54.91	5491
1288 N. Ott	No date		\$59.96	5996
1255 J. H. Lutjen	Aug. 21st	, 1889,	\$57.35	5735
312 J. H. Ding	Aug. 30th	, 1889,	\$47.90	4790
1561 J. Ortrantel	Sept. 4th	, 1889,	xxxxxx	
1600 H. Venski	Sept. 10th	, 1889,	\$43.60	4360
1600 H. Venski	Sept. 16th	, 1889,	\$101.50	10150
71 J. H. Adams	Sept. 18th	, 1889,	\$13.50	1350
71 J. H. Adams	Sept. 20th	, 1889,	\$26.70	2670
1540 Jacob Manz	Sept. 27th	, 1889,	\$28.80	2880
1179 B. Stamper	Sept. 18th	, 1889,	\$39.95	3995
1179 B. Stamper	Sept. 25th	, 1889,	\$38.00	3800
312 J. Ding	Sept. 29th	, 1889,	\$53.60	5360
312 J. Ding	Oct. 7th	, 1889,	\$31.35	3135
1600 H. Venski	Oct. 9th	, 1889,	\$39.30	3930
79 D. Anderson	Oct. 21st	, 1889,	\$28.00	2800
125 M. Crowe	Oct. 28th	, 1889,	\$100.00	10000
1308 W. Lemme	Nov. 1st	, 1889,	\$50.65	5065
1540 Jacob Manz	Nov. 4th	, 1889,	\$28.80	2880
141 P. Diel	Nov. 6th	, 1889,	\$17.55	1755
141 P. Diel	Nov. 16th	, 1889,	\$33.92	3392
71 J. H. Adams	Nov. 14th	, 1889,	\$20.00	2000
105 C O D	Nov. 21st	, 1889,	\$26.86	2686

18 3012

3372

0083

Wallace, Elliott & Co.

118 & 120 DUANE STREET.

Telephone, 529 John.

(3)

New York, 1890.

105 C O D	Nov. 22nd	, 1889,	\$98.30	
15 S. Cohen	Nov. 29th	, 1889,	\$10.00	
73 W. Collins	Dec. 3rd	, 1889,	\$60.00	
105 C O D	Dec. 9th	, 1889,	\$8.29	
105 C O D	Dec. 9th	, 1889,	\$12.35	20.64
105 C O D	Dec. 17th	, 1889,	\$14.95	12.93
151 D. H. Hammon	Dec. 3rd	, 1889,	\$26.40	16.40
106 C O D	Jan'y 31st.	, 1890,	\$24.73	20.73
107 C O D	Jan'y 5th	, 1890,	\$8.43	8.43
1175 D. Wilson	Jan'y 21st	, 1890,	\$72.99	72.99
71 J. H. Adams	Jan'y 18th	, 1890,	\$21.35	21.35
1573 C. Reiley	Jan'y 22nd	, 1890,	\$60.45	60.45
71 J. H. Adams	Jan'y 24th	, 1890,	\$19.20	19.20
106 C O D	Feb'y 6th	, 1890,	\$21.60	21.60
1172 B. Stamper	Feb'y 10th	, 1890,	\$25.80	25.80
297 P. Diehl	Feb'y 12th	, 1890,	\$21.05	21.05
326 J. T. Kelly	Feb'y 13th	, 1890,	\$59.00	59.00
106 C O D	Feb'y 10th	, 1890,	\$19.02	19.02
106 C O D	Feb'y 12th	, 1890,	\$39.20	39.20
1009 A. Solomon	Feb'y 17th	, 1890,	\$14.60	14.60
106 C O D	Feb'y 22nd	, 1890,	\$17.85	17.85
1230 Jas. Sidgreaves	Feb'y 22nd	, 1890,	\$43.58	43.58
106 Jas. Sidgreaves	Feb'y 22nd	, 1890,	\$1.70	1.70
1016 P. Mc Govern	Feb'y 24th	, 1890,	\$24.00	24.00
106 C O D	Mch. 8th	, 1890,	\$17.41	17.41
1489 J. Ostrovitzh	Mch. 30th	, 1890,	\$11.35	11.35
327 J. Herrell	Apr. 6th	, 1890,	\$53.95	53.95
107 C O D	Apr. 7th	, 1890,	\$12.35	12.35
151 D. H. Hammon	Apr. 8th	, 1890,	\$34.80	34.80
1489 J. Ostrovitzh	Apr. 9th	, 1890,	\$31.10	31.10
1278 B. Silverman	Apr. 16th	, 1890,	\$70.00	70.00
297 P. Diehl	Apr. 16th	, 1890,	\$56.50	56.50
1245 H. Mensing	Apr. 26th	, 1890,	\$56.45	56.45
1255 J. H. Lutze	Apr. 22nd	, 1890,	\$30.00	30.00
79 D. Anderson	May 1st	, 1890,	\$20.00	20.00
1001 John Ohl	May 6th	, 1890,	\$10.10	10.10
1072 J. Vogler	May 8th	, 1890,	\$52.60	52.60
1001 John Ohl	May 12th	, 1890,	\$52.24	52.24
65 M. Crowe	May 9th	, 1890,	\$20.00	20.00
107 C O D	May 19th	, 1890,	\$10.29	10.29
1270 A. Volk	May 19th	, 1890,	\$94.20	94.20
1217 W. Twaits	May 20th	, 1890,	\$65.62	65.62
201 S. Cohen	May 21st	, 1890,	\$45.15	45.15
1270 A. Volk	May 22nd	, 1890,	\$20.40	20.40
1016 P. Mc Govern	May 26th	, 1890,	\$10.00	10.00
1275 F. Roth	May 29th	, 1890,	\$29.35	29.35
65 M. Crowe	June 4th	, 1890,	\$25.40	25.40
1175 D. Wilson	June 12th	, 1890,	\$106.70	106.70
71 J. H. Adams	June 16th	, 1890,	\$81.15	81.15
107 C O D	June 18th	, 1890,	\$23.52	23.52
107 C O D	June 20th	, 1890,	\$1.00	1.00
107 C O D	June 30th	, 1890,	\$11.51	11.51
1105 F. Rohrenbeck	June 29th	, 1890,	\$49.65	49.65
1172 B. Stamper	June 30th	, 1890,	\$40.55	40.55
93 S. Burkoski	July 7th	, 1890,	\$36.35	36.35

0084

Wallace, Elliott & Co.

118 & 120 DUANE STREET.

Telephone, 579 John.

(4)

New York, 1890.

1009 A. Solomon	July 7th	, 1890,	\$44.85	
151 D. H. Hammon	July 9th	, 1890,	\$42.30	
107 C O D	July 11th	, 1890,	\$13.83	
107 C O D	July 11th	, 1890,	\$11.71	
107 C O D	July 14th	, 1890,	\$4.71	
1217 Wm. Twaits	July 17th	, 1890,	\$30.00	
107 Wm Twaits	July 24th	, 1890,	\$1.30	
107 Wm. Twaits	July 26th	, 1890,	\$18.47	
328 H. Detrick	July 22nd	, 1890,	\$14.60	
1009 A. Solomon	July 23rd	, 1890,	\$23.00	
1172 B. Stamper	July 22nd	, 1890,	\$27.80	
65 M. Crowe	July 28th	, 1890,	\$191.43	
1270 A. Volk	July 23rd	, 1890,	\$27.85	
71 J. H. Adams	Aug. 1st	, 1890,	\$36.55	
1230 Jas. Sidgreaves	Aug. 4th	, 1890,	\$51.90	
314 P. J. Greuble	Aug. 4th	, 1890,	\$14.80	
1175 D. Wilson	Aug. 8th	, 1890,	\$89.15	
71 J. H. Adams	Aug. 12th	, 1890,	\$56.90	
65 M. Crowe	Aug. 11th	, 1890,	\$100.00	
1100 H. Uelhoff	Aug. 15th	, 1890,	\$22.95	
1100 H. Uelhoff	Aug. 22nd	, 1890,	\$71.10	
1245 H. Mensing	Aug. 14th	, 1890,	\$75.61	
1217 W. Twaits	Aug. 15th	, 1890,	\$65.95	
201 S. Cohen	Aug. 20th	, 1890,	\$48.70	
458 C O D	Aug. 28th	, 1890,	\$23.80	
458 C O D	Aug. 29th	, 1890,	\$29.40	
1172 B. Stamper	Sept. 3rd	, 1890,	\$30.60	
1573 C. Riley	Sept. 4th	, 1890,	\$28.30	
1073 J. Vogler	Sept. 4th	, 1890,	\$58.80	
450 C O D	Sept. 27th	, 1890,	\$15.54	
201 S. Cohen	Sept. 29th	, 1890,	\$20.60	
458 C O D	Oct. 3rd	, 1890,	\$1901	
25 J. Herrell	Oct. 6th	, 1890,	\$31.20	
1884 Jacob Manz	Oct. 10th	, 1890,	\$27.10	
458 C O D	Oct. 17th	, 1890,	\$5.05	
458 C O D	Oct. 20th	, 1890,	\$12.94	
1016 P. Mc Govern	Oct. 23th	, 1890,	\$38.10	
1270 A. Volk	Oct. 15th	, 1890,	\$55.15	
1100 H. Uelhoff	Oct. 22nd	, 1890,	\$39.10	
1072 J. Vogler	Oct. 28th	, 1890,	\$84.44	
1001 John Ohl	Nov. 5th	, 1890,	\$17.59	
458 C O D	Nov. 11th	, 1890,	\$19.16	
1270 A. Volk	Nov. 11th	, 1890,	\$66.75	
1009 A. Solomon	Nov. 21st	, 1890,	\$44.40	
1230 James Sidgreaves	Nov. 21st	, 1890,	\$72.23	
1016 P. Mc Govern	Nov. 21st	, 1890,	\$36.70	
1573 C. Reiley	Nov. 26th	, 1890,	\$10.99	
1852 A. E. Peer	Dec. 1st	, 1890,	\$28.95	
25 J. Herrell	Dec. 3rd	, 1890,	\$50.13	
1105 F. Rohrenbeck	Dec. 4th	, 1890,	\$39.46	
458 C O D	Dec. 2nd	, 1890,	\$8.50	
1100 H. Uelhoff	Dec. 13th	, 1890,	\$22.10	
459 C O D	Dec. 20th	, 1890,	\$24.16	
1009 A. Solomon	Dec. 24th	, 1890,	\$29.45	
27 Mrs. P. Bolger	Dec. 17th	, 1890,	\$61.10	

0085

Wallace, Elliott & Co.

118 & 120 DUANE STREET.
Telephone, 573 John.

(5)

New York, 1890.

1001 John Ohl	Dec. 30th	, 1890,	\$47.71	11 7 7
1016 P. Mc Govern	Jan'y 29th	, 1891,	\$19.70	1 9 10
460 C O D	Feb'y 26th	, 1891,	\$14.88	
460 C O D	Mch. 2nd	, 1891,	\$15.29	15 29
460 C C D	Apr. 7th	, 1891,	\$20.00	
460 C C D	May 2nd	, 1891,	\$20.00	20
301 M. Crowe	June 2nd	, 1891,	\$175.64	75 64
461 C C D	June 12th	, 1891,	\$52.97	52 97
461 C C D	June 20th	, 1891,	\$30.58	
1231 Jas. Sidgreaves	June 20th	, 1891,	\$54.90	54 90
1308 W. Lemme	June 22nd	, 1891,	\$50.20	
1308 W. Lemme	June 25th	, 1891,	\$50.00	
			516.99	516 99

0086

GEORGE S. HASTINGS
ALBERT H. GLEASON
TELEPHONE CALL 2207 - CORTLANDT.

Law Offices of Hastings & Gleason

No 265 Broadway, New York. 9/14/918

Bartow S. Weeks, Esq.,

Assistant District Attorney,

New York City.

The People

vs

Thomas S. Findlay.

Dear Sir:-

As counsel for Mess. Wallace, Elliott & Co. we desire to call your attention to the facts in the above case.

For a period of ten years, the defendant was in the employ, as head bookkeeper, of Mess. Wallace, Elliott & Co. doing business in boots and shoes, as wholesale manufacturers and dealers at #118 & 120 Duane Street, in this City. He had inspired and enjoyed the fullest confidence of the members of this firm, but shamefully abused it and has stolen by his own confession, during the last 10 years, about \$45,000.00

We could have obtained innumerable indictments against him from the facts in our possession, but selected six larcenies as the ground for three indictments. To two of these indictments as we are informed by your colleague, Mr. Lindsay, he has pleaded guilty.

We think the Court should be urged to impose the fullest sentence the law warrants and there is no propriety in imposing less than the maximum punishment.

We shall be happy to confer with you at any time before sentence is pronounced. We understand the prisoner has been remanded

0087

GEORGE S. HASTINGS
ALBERT H. GLEASON
TELEPHONE CALL, 2207 - CORTLANDT.

Law Offices of Hastings & Gleason,

No 265 Broadway, New York. (2) 18

until Friday the 18th instant at which time he will be sentenced,
and we shall rely upon you to present the facts above stated.

Mr. Henry Elliott, a member of the firm, has been notified
by us to be present at the time sentence is to be pronounced.

Very Truly Yours,

Hastings & Gleason

0088

THE COURT OF SESSIONS

In and for the City and County of New York

The people of the State of " "
New York " "

vs " "

Thomas S. Findlay " "

City of Brooklyn :
: ss
County of Kings :

Margaret F indlay, being duly sworn says, that she is the wife of the defendant in the above entitled action, and resides at 434 Grand Ave Avenue in the City of Brooklyn where she has resided for nearly ten years last past. That deponent is the mother of five children, four girls and one boy, the youngest of whom is now of the age of three years, and the oldest is now seventeen years of age.

Deponent further says that her husband has been in the employ of Wallace Elliott & Co., for a period of about seventeen years last past up to the time of his arrest, and during all that period deponent never knew or had the remotest suspicion that her husband had in any way done wrong to that firm, but always has been under the conviction that the means of support provided for her and her family was entirely the result of his salary, which, up to the time of his arrest, was Twenty-five Hundred Dollars. That deponent during all these years has lived and supported her family in an economical way, and that her said husband's treatment of his family has always been that of a kind father and a kind

husband, always paying attention to the wants of deponent and his family.

Deponent further says that the first intimation she received that there was anything wrong so far as his dealings with that firm was concerned was received by her, somewhere about the 19th of July last when she was taken by husband ^{her} with her children to Schoolay's Mountain to spend a few weeks for the benefit of deponent's health and that of the family, and such knowledge was derived during the time of this absence, without his giving the least intimation or suggestion that there was anything wrong.

Deponent further says, that she has no income of her own, and is solely dependent upon the means of livelihood furnished to her by her husband, and that she has no income now, nor the expectation of any except that that might be earned by her own industry in the future for the support of herself and family. That although this deponent owns a house nominally in her name, it is mortgaged for about its value, and there is no equity in it as far as deponent has been able to ascertain from information derived from her friends and others who are acquainted with the value of the property so that this deponent is left entirely destitute, and in order to support herself and family this deponent must seek some means of employment or some other way of obtaining money to support the family.

Sworn to before me this
day of Sept. 1891

J. G. Kelly
Com. of Deeds of Brooklyn N. Y.

Margaret Findlay

THE COURT OF SESSIONS

In and for the City and County of New York.

The people of the State of " "
New York. " "
vs " "Thomas S. Findlay " "
*****City of Brooklyn :
: ss
County of Kings :
:

Margaret Logan being duly sworn testifies as follows:
That she is the mother-in-law of Thomas S. Findlay the
defendant in this action. That deponent together with
her husband has resided with the family of Thomas S.
Findlay since the marriage of deponent's daughter to
the said Findlay which was about nine een years ago.
That up to the time of his arrest deponent always found
him to be a loving husband and kind father, always paying
attention to his wife and family, and has never known
anything that would be detrimental to his character as
a man, as a father or as a husband. That so far as
the support of his family by him during all these years
is concerned it has been of an economical character,
and there has been no pretension to extravagance so
far as this deponent has had any knowledge.

Deponent has read the affidavit of her daughter
Margaret Findlay, and the statements therein contained
are true to deponents knowledge.

Margaret Logan

Sworn to before me this
15th day of Sept 1891
J. B. Bennett Clerk of Court Brooklyn N.Y.

COURT OF SESSIONS

The people of the State
of New York

vs .

Thomas Pindlay

AFFIDAVITS

0092

Copy of letter delivered to Gen Thomas Woodhull

March 13rd, 1894

To His Excellency,
 Roswell P. Flower, Governor,
 State of New York.

Dear Sir:-

Mr. Thomas S. Findlay, the former book-keeper for the firm of Wallace, Elliott & Co., (of which I am a member) was a defaulter, was tried and sentenced to Sing Sing Prison in September, 1891, for a period of seven years and six months.

I enclose herewith, a copy of his letter addressed to me, under date of January 15th, last. Since its receipt, we have thought over his case in all its aspects; the necessity of an adequate punishment for his crime as an example to other employees, as well as for the protection of other business firms; and on the other hand, the keen disgrace to his wife and five children (whose ages range from four to eighteen years) who are now in a condition bordering on destitution, consequent upon the withdrawal of his support; and after consultation with my three partners, I am fully convinced that his imprisonment of eighteen months has proved a salutary lesson to him, and that his pardon and release at the earliest possible moment, will prove a blessing to himself and family.

Under these circumstances I bespeak your Executive clemency in his behalf, and will take whatever steps may be deemed necessary by you towards his pardon.

Very respectfully yours,

Henry Elliott

0093

Sing Sing Prison, January 15th, 1893.

Mr. Henry Elliott:-

Dear Sir:-

It is now nearly 1 yr. and four months since I came to prison, and during that time I have again and again tried to write you, but my heart failed, not knowing what reception any communication from me would receive, and I hesitated till now. I sincerely and humbly ask the forgiveness of yourself and the other members of the firm for the base betrayal of the confidence placed in me. Surely time has softened somewhat the feelings of you all towards me. My punishment did not begin here, but day and night long before, I suffered, but there seemed to be no halting place on my path to ruin. I do not know whether or not you have seen my wife since my absence, but if you could only see her heart-broken look, as I do when she comes here, it would move you to pity. Although she strives bravely to keep up her courage yet the strain is beyond her strength, and when she thinks of the future in store for herself and the children, she is in despair. I ask you, for her and the children's sake, to extend your forgiveness and pardon to me. I am getting along in years, and if I am ever to be of any benefit to those who yet love me, it must be soon. They have nothing to fall back upon. The punishment and disgrace I have already undergone are just as much to me, as a longer period, but it is falling ten-fold more heavily on my wife and children..

0094

I would ask you to take into consideration the facts, that I gave myself up, made no defense, and caused you no expense and gave in to everything you did. One circumstance I will mention, perhaps you may not know it, but Mr. Jacobs will remember, and that was, after Mr. Jacobs talked with you and Mr. Wallace, the second night I was at Mr. Jacobs House. Mr. Jacobs on his return told me that Mr. Wallace had agreed, on persuasion, to the minimum sentence, should the prosecution go on. Then the indictments were presented in Court I was alone, and in despair, took the advice of the Ass. Dist. Attorney, and pleaded to two of the three

I do not know that I can say anything more than I have said, but knowing my wife and children as you will do, I beseech you to have compassion for their sake, even if I am beyond the pale of your forgiveness. You will never have cause to regret it.

With hope,
C. F. Winkler,

P. . Please address to be enclosed to,

Wm. W. R. Brown,
Agent and Warden,
New York, New York.

Personal.

IN THE MATTER

--of--

the indictment of THOMAS S. FINDLAY, for
g r a n d l a r c e n y .

CITY & COUNTY of NEW YORK, SS:

JOHN E. JACOBS, being duly sworn, deposes as follows:

At all times hereinafter stated, I was and now am a co-partner in the firm of Wallace, Elliott & Company, doing business at #118 & 120 Duane Street in the City of New York, as wholesale dealers in and manufacturers of boots and shoes. The said firm consists of the following named persons, namely: Edwin Wallace, Henry Elliott, John E. Jacobs & Clinton Elliott and the said persons have been the members of the said firm at all times since January 1st 1888.

I further charge and depose that during the period of ten years last past and until on or about the 10th day of July 1891, the above named Thomas S. Findlay, who resides at #434 Grand Avenue in the City of Brooklyn, County of Kings and State of New York was in the employ of my said firm as bookkeeper at their said place of business #118 & 120 Duane Street in the City of New York, and that in such capacity of bookkeeper he had the custody of all the books of account kept by the said firm at its said place of business and had access to the moneys received by the said firm in the course of their business; and that the said Thomas S. Findlay has at divers

0096

times since the 1st day of July 1885, at the City, county and State of New York, did feloniously take and steal from my said firm, money in bills of the United States of America to the amount of at least \$25,000. That the said Thomas S. Findlay is now an inmate of Ludlow Street Jail in the City of New York.

① I further charge and depose that on the 9th day of October 1888, the said Thomas S. Findlay did feloniously take and steal from the said Edwin Wallace and others composing the said firm of Wallace, Elliott & Company, the sum of \$102.25 lawful money of the U. S. of America in the following manner, to wit: One John Ohl being then and there indebted to the said firm in said sum of \$102.25 did pay the said Thomas S. Findlay said amount of money on account of his said indebtedness and the said Thomas S. Findlay did then and there feloniously take and steal the said sum of money, making no entry of such payment in the cash book of said firm, but posting said payment directly in the ledger of said firm.

That on or about the 14th day of August 1888 at the said City of New York the said Thomas S. Findlay did feloniously take and steal the sum of \$219.80 lawful money of the U.S. of America from the said Edwin Wallace and others composing the said firm of Wallace, Elliott & Company, in the following manner, to wit: That certain persons composing the firm of J. Gschwind & Sons, doing business at Utica in the State of New York, ^{being} ~~xxx~~ then and there indebted to the said firm in the sum of \$219.80 did pay such indebtedness by remitting to said firm their check for such amount of \$219.80 That the said Thomas S. Findlay did then and there feloniously take and

steal from the said firm the said amount of said check, namely \$219.80, using the said check as a cover for such felonious taking and stealing by ~~XXX~~ omitting to enter said check in the cash book of said firm, but posting the said payment in the ledger of said firm.

(2) That on the 28th day of October 1889 at the said City of New York, the said Thomas S. Findlay did feloniously take and steal from the said Edwin Wallace and others, constituting the said firm of Wallace, Elliott & Company, the sum of \$100.00 lawful money of the U.S. of America in the following manner, to wit: That one M. Crowe being then and there indebted to said firm in such sum of \$100.00 did pay the amount of said indebtedness in bills and lawful money to the said Thomas S. Findlay, and the said Thomas S. Findlay did then and there feloniously take and steal the said amount and omitted to enter such payment in the cash book of said firm, but posted such payment in the ledger account of said firm.

That on or about the 12th day of June 1890 at the said City of New York, the said Thomas S. Findlay did feloniously take and steal from the said firm the sum of \$106.70 lawful money of the U.S. of America, in the following manner to wit: That one George Wilson, being then and there indebted to said firm did pay the said Thomas S. Findlay for said firm, the sum of \$106.70 and the said Thomas S. Findlay did fail to enter such amount and payment in the cash book of said firm, but posted such payment in the ledger of the said firm.

That on or about the 28th day of July 1890, the

said Thomas S. Findlay at the said City of New York, did feloniously take and steal from the said Edwin Wallace and others, constituting the said firm, the sum of \$191.43 in lawful money of the U. S. of America in the following manner to wit: That on M. Crowe being then and there indebted to the said firm in the said amount of \$191.43 did pay to the said Thomas S. Findlay for and on account of such indebtedness the sum of \$191.43 which amount the said Thomas S. Findlay did wrongfully steal and appropriate to his own use as aforesaid, and did omit to enter the same in the cash book of said firm but posted the said payment in the ledger of the said firm.

3. That on the 11th day of August 1890, at the said City of New York, the said Thomas S. Findlay did feloniously take and steal the sum of \$100.00 from the said Edwin Wallace and others composing the firm of Wallace, Elliott & Company, in the following manner to wit: That one M. Crowe being then and there indebted to the said firm in the sum of \$100.00 did pay the said amount in lawful money of the U. S. of America for and on account of such indebtedness to the said Thomas S. Findlay, and the said Thomas S. Findlay did then and there feloniously take and steal the said amount and omitted to enter such payment in the cash book of said firm, but posted such payment in the ledger account of said firm.

That the said Thomas S. Findlay at divers times during the month of August 1891 has admitted to deponent that he said Findlay, has stolen from the said Edwin Wallace and others composing the firm of Wallace, Elliott & Company, the sum of at least \$25,000.00 in lawful money of the U.S. of

0099

America, since the 1st day of July 1885 at the said City of New York. That he has admitted to deponent personally, the felonious taking and stealing of the said sum of \$102.25 on the 9th day of October 1888, being moneys paid to said firm by the said John Ohl and also the felonious taking and stealing of the said sum of \$100.00 on the 28th day of October 1889, being the amount paid as aforesaid by the said M. Crowe and that deponent from an examination of the books of the said firm kept by the said Thomas S. Findlay has ascertained the felonious taking and stealing by the said Findlay of the other sums specified herein, namely:

\$219.80 on the 14th day of August 1888; \$106.70 on the 12th day of June 1890; \$191.43 on the 23th day of July 1890 and \$100.00 on the 11th day of August 1890.

Sworn to before me this :
10th day of September 1891 :

Asa A. Hall
Solary Public
Notary Public

John E. Jacobs

0 100

Sir :

You will please take notice that the within
is a copy of
duly entered herein in the Clerk's Office of
this Court, in the
in the City of New York, on the
day of 188

Dated New York, 188

Yours, &c.,

Attorneys for

To

SUPREME COURT.

Edwin Wallace, et al,
against
THOMAS S. FINDLAY.

(ORIGINAL)

AFFIDAVIT.

HASTINGS & GLEASON,
Attorneys for Plaintiffs.
265 Broadway, New York.

Due and timely service of a copy of the within
is hereby admitted

Dated at

Attorney for

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John E. Jacobus

118 Avenue H

Thomas L. Findlay

Indictments

Office Grand Jurors

Dated *September 10 1891*

Witnesses, *John H. H.*

No. _____ Street,

M. Crome

No. _____ Street,

No. _____ Street,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Thomas S. Sindlar

The Grand Jury of the City and County of New York, by this indictment, accuse
— *Thomas S. Sindlar* —
of the CRIME OF *felony* LARCENY, in the second degree, committed
as follows:

The said

Thomas S. Sindlar

late of the City of New York, in the County of New York aforesaid, on the
— *ninth* — day of *October*, — in the year of our Lord
one thousand eight hundred and *eighty eight*, at the City and County aforesaid, being
then and there the clerk and servant of *Edwin Wallace, Henry*
Wick, John R. Speddy, and Pinton Wick,
partners, then and there carrying on
business in and by the firm, name and
style of Wallace, Wick and Company,
and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said *partners*,

the true owners thereof, to wit: *the sum of one hundred*
and two dollars and twenty five cents
in money, lawful money of the
United States of America and of
the value of one hundred and two
dollars and twenty five cents, —

the said *Thomas S. Sindlar*, 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 *sum of money* —

to his own use, with intent to deprive and defraud the said *partners* —

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

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. Follows
JOHN R. FOLLOWES,

District Attorney.

0103

Witnesses:

John E. Jacobs

Counsel,

Filed

Pleads,

day of

1891

THE PEOPLE

vs.

Thomas S. Findlay
[Ex parte]

Grand Larceny, 2nd degree
(MISAPPROPRIATION)
[Sections 523, 531 of the Penal Code]

De Lancey Nicol
~~*John H. Findlay*~~

District Attorney.

A True Bill.

W. J. B. Boring

Foreman.

No. 1.

55

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Thomas S. Findlay

The Grand Jury of the City and County of New York, by this indictment, accuse
_____ *Thomas S. Findlay* _____
of the CRIME OF *Grand* LARCENY, in the *second degree*, committed
as follows:

The said *Thomas S. Findlay*,

late of the City of New York, in the County of New York aforesaid, on the
twenty-eighth day of *October*, in the year of our Lord
one thousand eight hundred and *eighty-nine*, at the City and County aforesaid, being
then and there the clerk and servant of *Edwin Wallace, Henry*

Elliott, John E. Jacobs and Clinton Elliott,
copartners, then and there carrying on business
in and by the firm, name and style of
Wallace, Elliott and Company,
and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said *copartners*,

the true owner thereof, to wit: *the sum of one hundred dollars*
in money, lawful money of the United States
of America and of the value of one
hundred dollars,

the said *Thomas S. Findlay* 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 *sum of money*

to his own use, with intent to deprive and defraud the said *copartners*

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *copartners*

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
JOHN R. FELLOWS,

District Attorney.

1264

Witness;

John E. Jacobs

Counsel,

Filed

Pleads,

11

day of

Sept

1891

THE PEOPLE

vs.

Thomas S. Findlay
[3 cases]

Grand Larceny, 2d degree
(MISAPPROPRIATION)
[Sections 528, 531 of the Penal Code]

De Lancey Nicol
~~*John E. Jacobs*~~

District Attorney.

A True Bill.

W. J. C. Perry
Sept 14/91
Foreman.

Frank C. Perry
Sept 14/91

2-40 r 3 Dec 10 CP
No. 2. G. Comm. 1891-25

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas S. Findlay

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

Thomas S. Findlay
of the CRIME OF *Grand* LARCENY, in the *second degree*, committed
as follows:

The said *Thomas S. Findlay*,

late of the City of New York, in the County of New York aforesaid, on the
eleventh day of *August* in the year of our Lord
one thousand eight hundred and *ninety*, at the City and County aforesaid, being
then and there the clerk and servant of *Edwin Wallace, Henry
Elliott, John E. Jacobs, and Clinton Elliott*
copartners, then and there carrying on business
in and by the firm, name and style of
Wallace, Elliott and Company,
and as such clerk and servant then and there having in his possession, custody and control
certain moneys, goods, chattels and personal property of the said *copartners*

the true owner thereof, to wit: *the sum of one hundred*
dollars in money, lawful money of the
United States of America and of the
value of one hundred dollars,

the said *Thomas S. Findlay* 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 *sum of money*

to his own use, with intent to deprive and defraud the said *copartners*

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and
personal property of the said *copartners*

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.

De Lancey Whittle
JOHN R. FELLOWS

District Attorney.

0107

BOX:

449

FOLDER:

4137

DESCRIPTION:

Finley, Edward

DATE:

09/29/91



4137

Witnesses:

OCT 26. 1891.

I have examined the facts herein carefully. There were four young men arrested respectively in this case and all but Finley were discharged. The only man who alleged to have been taken, was a man of good record at \$1,500. The complainant has withdrawn the complaint against the defendants stating among other things he was mistaken as to the identity of the man. I have learned that said character is a poor reprobate. That he helped to support the wicked man. He has been imprisoned over six months. I cheerfully state that the wife of Finley will be fully informed by her immediate associates. David M. Dan, Secy. P. O. From M. Dan, Oct 26. 1891.

337
Comiso, N. J.
Filed day of Oct 1891
Pleas, N. J.

Register to the
Section 106, 506, 528
degrees

THE PEOPLE
vs.
Edward Finley

DE LANCEY NICOLL,
District Attorney.

OCT 26. 1891
A TRUE BILL.

W. J. Berry
Signed by Mr. Black, Foreman.

OCT 26. 1891
del. discharge on his
verbal recognizing and

0109

Police Court— District.

City and County } ss.:
of New York,

of No. 602 East 12th Street, aged 21 years,

occupation Shoemaker being duly sworn

deposes and says, that the premises No. 602 East 12th Street, Ward

in the City and County aforesaid the said being a Four story brick

building in part shoe store and dwelling

and which was occupied by deponent as a shoe store and dwelling

and in which there was at the time a human being, by name Louis Stein

were BURGLARIOUSLY entered by means of forcibly prising open

the front door of the store leading into

the store from the street and entered

therein

on the 17 day of Sept 1889 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

One pair of shoes of the value

of Four dollars

the property of Deponent

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

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

(Charles Meyers and Edward Finley

(both now here) and two other men not now arrested

for the reasons following, to wit: That at about the hour of

nine o'clock and thirty minutes P.M. on said date

deponent locked and fastened the doors and

went down in said premises and at about

the hour of ten o'clock P.M. on said date deponent

was awakened by noise in the store of said

premises and deponent saw the defendant

Finley in the act of leaving said store with said

shoes in his Finley's hand to his escape deponent

0110

Charges said defendants and said
other men not arrested with burgle
said premises and taking stepping and
carrying away said property
Sworn to before me this
1st day of Sept 1891

John Ryan

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated _____ 1891
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 1891
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated _____ 1891
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1.
2.
3.
4.

Dated

1891

Magistrate.

Officer.

Clerk.

Witness.

No.

Subst.

No.

Subst.

No.

Subst.

\$ to answer General Sessions.

0111

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Charles Meyers 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 Meyers

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York City

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

Answer.

635 East 12th all my life

Question. What is your business or profession?

Answer.

Barber

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

Answer.

I am not guilty

Charles Meyers

Taken before me this

day of

188

Police Justice.

0112

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

3 District Police Court.

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

Question. What is your name?

Answer. *Edward Finley*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *403 East 4th Street One year*

Question. What is your business or profession?

Answer. *Bricklayer*

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*
Edward Finley

Taken before me this

day of

John H. [Signature]
1887

Police Justice.

0113

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.....

Dependants
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 *Sept 18* 18*91* *John Ryan* Police Justice.

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

Dated *Sept 18* 18*91* *John Ryan* 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 18 Police Justice.

0114

Police Court--- 3 District. 1250

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Stein
60 2nd 272 St.
Charles Mayers
Edward Fintley

Offence
James Bleo

Dismissed
Dated Sept 18 1891
James Bleo Magistrate.
Officer.
13 Precinct.

Witnesses
DISMISSED
No. as to Charles Mayers
No. N. J. V. Perry FOREMAN

No. lack
to answer
No 2 born

BAILED.

No. 1, by Jacob Kungman
Residence 421 E 9th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Court of General Sessions

People on my complaint

vs.

Edward Finley.

I, Louis Stein, do of my own accord, and without compensation to myself from any source make the following statement; On September 18th., 1891, I charged this defendant and several others before the Police Court for the 3rd., District with burglariously entering my place of business at No. 602 East 12th., Street, N.Y. City and specifically charged that this defendant took therefrom a pair of shoes- I know that the punishment for this offense on conviction is very great and since September 18th., I have thought over the events of that day and do not feel that I sufficiently am certain of the charge against this defendant to swear to the same. It was about 9 o'clock at night that the burglary took place, my store was but dimly lit up and seeing a number of persons in my store, and just awakening from sleep, I am certain that in the excitement and gloom I may have made a mistake in identifying and charging Finley as being in my store.

To satisfy myself upon this subject I have made investigation as to his character and find him to be a boy of 19 who has always borne a good reputation and has worked to support his widowed mother since the death of his father five years ago. I am sure I was mistaken in identifying Finley as having burglariously entered my store as charged. The others who were arrested on that charge have been discharged. Finley is the only one held. He has been in prison now since September 18th., last and in the interest of justice and to ease my conscience I ask that my charge against Finley be withdrawn as at my request because I could not substantiate under oath my charge against him-

Wf Oct 26 - 1891 L. Stein

Signer by Louis Stein after
the same had been read to him
by me, in my presence
C. J. W. H. H.

W. G. Spencer, Lenses

Per file

pd

Edward J. Jolley

Statement of

James J. Jolley

Chapman

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Lindley

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

Edward Lindley

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

The said *Edward Lindley*

late of the *Eleventh* Ward of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *September*, in the year of our Lord one thousand eight hundred and ninety-*one* in the *middle* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *David Klein*.

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

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, *the said Edward Lindley being then and there aided and abetted by a confederate, actually present, whose name is to the Grand Jury aforesaid as yet 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

— Edward Lindsey —

of the CRIME OF *Receiv* LARCENY. —

committed as follows:

The said *Edward Lindsey,*

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 the said day, with force and arms,

Two pieces of the value of Two
dollars each,

[Large handwritten flourish]

of the goods, chattels and personal property of one *David Klein.* —

in the dwelling house of the said *David Klein.* —

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

For David Klein
Attorney

0119

BOX:

449

FOLDER:

4137

DESCRIPTION:

Fischer, Dora

DATE:

09/21/91



4137

Witnesses:

Orias Selinger
Dora Giettrum

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Dora Fischer

Grand Larceny. Second Degree.
[Sections 528, 537 Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. G. Berry

Foreman.

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Jurors: Asylum

0121

Police Court

3rd District.

Affidavit—Larceny.

City and County } ss:
of New York,

Oscar Schlangar

of No. 131 Suffolk Street, aged 34 years,
 occupation Grocer being duly sworn,
 deposes and says, that on the 23 day of August 1891 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 Thirty 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 Dora Fischer (now here)

from the fact that deponent is informed
 by Dora Fischer a servant in the employ
 of deponent that she saw the deponent
 open the money drawer in the counter of
 deponent's grocery store at 131 Suffolk Street
 and take out and carry away said
 money from said money drawer

Oscar Schlangar

Sworn to before me this

24th day of

August 1891

at New York

City

Notary Public

0 122

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 13 years, occupation Domestic of No. 131 Suffolk

Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Geo Schlangen

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

Sworn to before me, this

day of Aug 1890.

John H. [Signature]
Police Justice.

Dora Fiterin
[Signature]

0123

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

Dora Fischer being duly examined before the under-
signed 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* *h*
that *h* is at liberty to waive making a statement, and that *h* waiver cannot be used
against *h* *h* on the trial.

Question. What is your name?

Answer. *Dora Fischer*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *52 East 10th Ave*

Question. What is your business or profession?

Answer. *Servant*

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

Answer. *I am not guilty of taking*
so much money. I took the three dollars
which was due to me by deposit from
the time I was in his employ as a servant

Dora Fischer
mark

Taken before me this

day of

Police Justice.

0124

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.....

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

Dated..... *Sept 24 1894*..... 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.

0125

Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Arnos Schlangner
131 - vs. Suffolk
Dma Fischer

2
3
4

Dated

1891

Magistrate.

Officer.

Precinct.

Witness

No.

Street.

No.

Street.

No.

Street.

\$

No.

Street.

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



to 8066

0126

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Dora Fischer

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Dora Fischer*

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

The said *Dora Fischer*,

late of the City of New York in the County of New York aforesaid, on the *23rd* day of
August in the year of our Lord one thousand eight hundred and ninety- *one*
at the City and County aforesaid, with force and arms, in the *day* - time of said 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 *thirty*

dollars; divers other promissory notes for the payment of money, being then and there due and un-
satisfied (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 *thirty*

dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *thirty*

dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury
aforesaid unknown, of the value of *thirty*

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

of the goods, chattels and personal property of one *Oscar Schlanger*
then and there being found,

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

DE LANCEY NICOLL,

District Attorney.

0 127

BOX:

449

FOLDER:

4137

DESCRIPTION:

Foy, Philip

DATE:

09/21/91



4137

Witnesses:

WITNESSES:
M. H. Brett

Off Hewitt-23rd

Counsel,

Pilot

189

Plenda,

THE PEOPLE

572

Philip F. Day

DR LANCEY NICOLL,

District Attorney.

Burglary in the Third Degree.
[Section 498, Penal Code.]

A TRUE BILL

W. J. Berry

Foreman:

202/23/9/
 Foreman.
 Benson, J. L., Esq.

Heard of Mr. Ray today
17/3 Nov 1872

0129

Police Court— 4th District.City and County } ss.:
of New York,of No. 318 East 53rd Street, aged 33 years,
occupation Plumber being duly sworndeposes and says, that the premises No. 998 Second Ave Street 19th Wardin the City and County aforesaid the said being a four story buildingthe basementand which was occupied by deponent as a Plumber businessand in which there was at the time a human being by name
were BURGLARIOUSLY entered by means of forcibly opening the gate
leading to said basement entering
said basement, and breaking two panes
of glass in a window of said basementon the 18th day of Aug 1891 in the night time, when
following property feloniously taken, stolen, and carried away, viz.Said basement being thus burglariously
Entered, with the intent to commit a
larceny or other crime thereinthe propertyand deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed with the intent aforesaid
and the aforesaid property taken, stolen and carried away byPhilip Goy (now here)

for the reasons following, to wit:

Deponent says—He is informed by
Officer Thomas Heivick of Peter & 3rd Precinct that
shortly before midnight of said date his attention
was attracted by two flashes of light which
emanated from deponent's basement at No. 998
Second Avenue, and that said gate was
open, and that said Officer informed depo-
nent of said circumstances, and that they
went together with said Officer to enter

0130

Said basement and found defendant in a swooping position in said basement, and that said officer then placed defendant under arrest.

Wherefore defendant charges defendant with burglariously entering said building with the intent aforesaid and pray he be held and dealt with as the law directs.

Sworn to before me on the 19th day of May 1891 by Michael H. Britt

W. W. Winchell
Police Justice

It appearing to me by the within depositions and statements that the crime herein 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 crime and he be admitted to bail in the sum of
Hundred Dollars and he committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated _____ 1891
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated _____ 1891
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated _____ 1891
Police Justice.

Police Court, _____ District,	
THE PEOPLE, &c., on the complaint of	
vi.	
Offence—BURGLARY.	
1	
2	
3	
4	
Dated _____ 1891	Magistrate.
	Officer.
	Clerk.
Witness.	
No. _____	Strat.
No. _____	Strat.
No. _____	Strat.
No. _____	Strat.
\$ _____ to answer General Sessions.	

0131

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Hewitt
aged _____ years occupation *Officer* of No. _____
23 Mac Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of *Michael H. Britt*
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this *19th* }
day of *Aug* 189*8*, } *Thomas Hewitt*

W. W. Mahon
Police Justice.

0132

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4 District Police Court.

Philip Froy 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. *Philip Froy*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *200 E 65th St - 1 week*

Question. What is your business or profession?

Answer. *Printer*

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.**Philip Froy*

Taken before me this

*19*day of *May* 1891*A. J. Mulvaney*

Police Justice.

0133

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 _____

Ad. G. G. G. G. G.
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifteen 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 May 19 1891 W. M. M. M. M. 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.

0134

1089

Police Court—11 District.

THE PEOPLE, &c.:

ON THE COMPLAINT OF

Michael H. Britt
Philip Gray

328 vs. 253

2

3

4

Gary
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Aug 19* 189*1*

McMahon Magistrate.

Thomas Hewitt Officer.

23 Precinct.

Witnesses *said officer*

No. Street.

No. Street.

No. Street.

\$ *15.00* to answer *G. S.*

Ch

Ch

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Philip Fay

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

Philip Fay

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

The said

Philip Fay

late of the *19th* Ward of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *August* in the year of our Lord one thousand eight hundred and ninety-*one* in the *night* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *building* of one *Michael H. Britt*

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 *Michael H. Britt* in the said *building* 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.

He Lancy Nicoll,
District Attorney.

0 136

BOX:

449

FOLDER:

4137

DESCRIPTION:

Francis, Charles

DATE:

09/28/91



4137

295

Witnesses:

Meyer Auker
Antoni Gross

Counsel,

Filed

day of

189

Pleas,

THE PEOPLE

vs.

Charles Francis

Burglary in the Third Degree,
[Section 498, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Berry

Foreman.

Heads Jury

270 76 7000 SP

17

0138

Police Court— District.

City and County { ss.:
of New York,of No. 322 Canal
occupation Tailor

Meyer Anthony

Street, aged 49 years,

being duly sworn

deposes and says, that the premises No 322 Canal
in the City and County aforesaid the said being a Store

Street, 5 Ward

and which was occupied by deponent as a Store for the sale of mens clothing
~~and in which there was at the time a human being, by name~~were BURGLARIOUSLY entered by means of forcibly breaking a pane
of glass in store show window leading from the
street by wilfully and maliciously throwing a
stone at sameon the 4 day of September 1891 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:Three silk vest patterns, one pair of pantaloons
and six yards of cloth all of the value of Twenty
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

Charles Francis (nowhere)

for the reasons following, to wit: That deponent is informed by
Antonio Crocco & Frederick Heilmann that
they saw said defendant break the said window
and take the aforesaid property and ran awaySubscribed before me
this 5 day of Sept 1891

Meyer Anthony

J. P. Miller Police Justice

0139

CITY AND COUNTY }
OF NEW YORK, } ss.

Antonio Grasso

aged *19* years, occupation *Boutender* of No.

59 Baxter

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Meyer Anthony*

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

Sworn to before me, this

5

day of

Sept

189*8*.

Antonio Grasso

Jo J. C. Smith
Police Justice.

(3692)

0141

Sec. 198-200

CITY AND COUNTY
OF NEW YORK

District Police Court.

Charles Francis being duly examined before the under-
signed 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.

Charles Francis

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

U S

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

Answer.

86 Baverly 8 years

Question. What is your business or profession?

Answer.

Salesman

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

Answer.

I am not guilty

Charles Francis

Taken before me this

day of

1896

5

Police Justice

0142

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 Twenty 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 Sept- 5 1891 Jo Jce 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 he to be discharged.

Dated _____ 18 _____ Police Justice.

0143

Police Court---1187 District.

THE PEOPLE,
ON THE COMPLAINT OF

Meyer Anthony
322 Bank St.
Charles Francis
2
3
4
Officer Bury

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

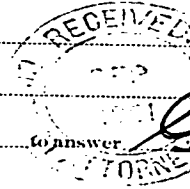
No. 4, by
Residence Street.

Dated Sept- 5 19
Daniel O'Reilly Magistrate.
Andrew Bering Officer.
5th Precinct.

Witnesses Antonio Crosso
No. 59 Baxter Street.
Friedrich Hahnemann
No. 216 West St. Street 5

No. Street.
\$15.00 to answer

COMMISSIONER



Aug 3
9/2

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Francis

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

Charles Francis

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

The said

Charles Francis

late of the *5th* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *September* in the year of our Lord one thousand eight hundred and ninety-*one*, in the *night*-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of one

Meyer Anthony

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

Meyer Anthony in the said *store*

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

SECOND COUNT—

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

Charles Francis

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

The said

Charles Francis

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,

*two vest patterns of the value of
three dollars each, one pair of
trousers of the value of eight
dollars and six yards of cloth
of the value of two dollars each
yard.*

of the goods, chattels and personal property of one

Meyer Anthony

in the

store

of the said

Meyer Anthony

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

*De Lancey Nicoll,
District Attorney.*

0 146

BOX:

449

FOLDER:

4137

DESCRIPTION:

Franck, Henry

DATE:

09/14/91



4137

Witnesses:

M. S. Muelow

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Burglary in the Third Degree.
[Section 498, Penal Code.]

Henry Branch

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

W. J. [illegible]

Sept 11 1891

W. J. [illegible]
W. J. [illegible]
W. J. [illegible]

18 #

Police Court—2 District.City and County } ss.:
of New York,of No. 8 W 23rdWilliam S MifflinStreet, aged 23 years,occupation Night Manager

being duly sworn

deposes and says, that the premises No 12 West 19th Street,in the City and County aforesaid, the said being a Four Story Brown StoneBuildingand which was occupied by Mrs J V Wright

and in which there was at the time a person being by name

were BURGLARIOUSLY entered by means of forcibly opening the
cover of the Coal Slide on the sidewalk
in front of said premiseson the 22nd day of August 1891 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:House Holded Furniture, Paintings
Glass and Crockery ware and sundry
other articles valued at about
Ten thousand dollars\$10 000 00the property of Mrs J V Wright in the care of Deputy
as manager of the American District Telegraph Company
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 byHenry Frank (now here)for the reasons following, to wit: That deponent was in charge
of said property for the American District
Telegraph Company. That the doors, windows
and all other entrances to said building was
securely locked and attached by Telegraph
wire. That at about the hour of 3 AM on
said date deponent received an alarm
from said building. That deponent
and James Menden went to said building and

0149

found the defendant secreted in the wine cellar of said building and caused his arrest by officer Herlich. Defendant being informed of his rights says that he is guilty.

Present to before me }
this 22nd day of August 1891 } W. L. M. Mallow
[Signature] Police Justice

Police Court	District.
THE PEOPLE, &c., ON THE COMPLAINT OF	
vs.	
Burglary	
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses:	
Committed in default of \$	
Bail.	
Bailed by	
No.	Street.

0150

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Frank 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. *Henry Frank*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No longer.*

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 Ismuth
Henry Frank

Taken before me this *22*
day of *October* 1891

Police Justice.

0 15 1

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 *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he ~~give back bail~~
Dated *Augur 22* 18 *91* *[Signature]* Police Justice.

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

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

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

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

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Police Court--- District. 1109

THE PEOPLE &c.,
ON THE COMPLAINT OF

Wm S Mylow
8 W 23rd St
Henry Frank

Officer
Sampson
Burkley

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated August 22 1891

Higgin Magistrate.

Herlich Officer.

19th Precinct.

Witnesses James Munday

No. 8 W 23rd Street.

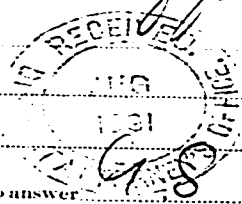
Call the officer

No. Street.

No. Street.

\$ 2000 to answer

Com.



0153

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Franck

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

Henry Franck

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

The said

Henry Franck

late of the *18th* Ward of the City of New York, in the County of New York aforesaid, on the
22nd day of *August*, in the year of our Lord one
thousand eight hundred and ninety-*one* in the *night* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *Building* of
one *J. Butler Wright*

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
Butler Wright in the said *Building*
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.

De Lancey Nicoll
District Attorney.