

0000

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Fabian, William

**DATE:**

09/29/91



4137

0009

POOR QUALITY ORIGINAL

Witnesses:

*J. L. ...*  
*W. S. Mercer*

Counsel,

Filed *29* day of *Sept* 189*1*

Pleas *Guilty*

THE PEOPLE

*32 Salem*  
*218 Holladay St. J. C. #11*  
William Fabian  
*P*

Grand Juror, Second Degree.  
[Sections 58, 59, Penal Code.]

*Rebaild 10/5/91*

DE LANCEY NICOLL,

*Part 2 - June 7, 1892* District Attorney.

*Pleas Guilty*

A TRUE BILL.

*Pls Guilty*  
*Forfeiture*

*Part II May 17<sup>th</sup> 92*

*For investigation*

*Dec 10, 1891. V. M. S.*

N.Y. General Sessions

The People vs  
 - " -  
 William Fabian

City & County of New York 553

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  
of 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 refer me to the  
8 day of June 1892  
Jennie Fabian  
Requiescat in pace

Commissioner of Deeds  
in and for the City and  
County of Hudson

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 Bückel  
 the Broker about 3 years as  
 salesman & collector for Spiegel  
 & Nicolai's Co. salesman for

nearly 2 years, for Berliner  
 Bros. who also began to work  
 nearly 2 years. and I was working  
 for them up to last Tuesday  
 I was never over to before  
 in my life.

The complaint in this  
 case gave me the property which  
 is the subject of the conveyance  
 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 selling  
 his property but he would  
 give more than I could give  
 him.

at the time I was brought  
 to trial on Tuesday last

I was about to open a business  
in Jersey City, and I had  
arrangements all made with  
a Broker 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

Jaede Marks  
Notary Public  
N.Y.C.

William Fabian

My General Sessions

The People v  
William Fabian

City & County of New York ss  
I, Solomon Simonsen  
being duly sworn do depose & say  
that I am a merchant tailor  
and I carry on my business 1153  
Second Avenue this City

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

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

I solemnly swear 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 Marley  
Notary Public

Solomon Simonsen

We the undersigned  
citizens begs to inform you  
that William Sullivan is an  
honest upright & true friend  
to his wife and children.

Michael Crowley 303 E. 65<sup>th</sup> St  
 J. J. Sorenson 1153 2<sup>nd</sup> Ave  
 G. Kallala 1149-7<sup>th</sup> Ave  
 F. J. Cooney 1439-7<sup>th</sup> Ave  
 Fred [unclear] 1159 2<sup>nd</sup> Ave  
 Joseph S. Stammersley 242 E 77<sup>th</sup> St  
 James Reid 242 E 77<sup>th</sup> St  
 Patrick Ryan 1143 2<sup>nd</sup> Ave  
 Jas. [unclear] 1147 2<sup>nd</sup> Ave  
 Patrick Deane 252 E 6<sup>th</sup> St

My Grandfathers  
=  
The People re

William Fabian

Apprentice in  
Wheat of 1872

Wm. A. Howard  
Cousin Wm.

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:

Edward Lazarus, 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 Dunant*

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 called on the Judge for judgment, I have on several in every possible way to get 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 a former belief, has come to Staten Island with the brewery; they have since removed from the Staten Island place some time since. Earliser Brothers of Broadway this city, by whom my husband was employed, for several years, have refused to come only a week ago.

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'

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

New York, June 1899 -  
To Whom it May Concern

It is to certify  
that I have known William Robian  
of 28 Walling Street, Jersey City  
N.J. for a number of years  
I have had occasion to do  
with him and his business  
he has shown to be a  
in a very reliable and  
done all my business  
can do to represent and  
deserve well of the general  
public as his family are in  
the State Circuits.

Respectfully  
Yours,  
Wm. H. ...

0021

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

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

0022

New Jersey J<sup>ss</sup>. Annie Miller being duly sworn  
Studson 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 11<sup>th</sup> day of June  
1872 at Jersey City N.J.  
Frank J. Lockwood  
Notary Public N.J.

Annie Miller

0023

N. Y. General Sessions  
The People vs  
Plaintiff,

against

William Fabian  
Defendant.

affidavit vs  
to good character

**HOWE & HUMMEL,**

Attorneys for

*W. 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

Charles Jacobs

being duly sworn says that he is acquainted with the handwriting of William Lawrence Schieffelin

( Justice of the City & County of New York that he knows it to be the said Justice's signature

done to before me this

1<sup>st</sup> day of Sept-1871 Charles Jacobs

I hereby order that the said William Schieffelin be arrested and brought before the issuing Magistrate

within this County of Sept-1871

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 *Robert K. Greenman* of No. *310 Canal* Street, that on the *19* day of *July* 188*8* 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 Heigerman* 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*8*.

*D. J. [Signature]* Police Justice.

*J. M. Fabian*

*52*

Police Court ..... District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Chas Jacob*  
*Det. Sgt*

Warrant-Larceny.

*Right Minklat*  
*Right Hair*  
*Dark cloth*  
*Blow to head*  
*Green*  
*Shaw*

Dated ..... 188

WARDEN and KEEPER of the City Prison of the City of New York.

having been brought before me under this Warrant, is committed for examination to the

The within named

Dated ..... 188

Magistrate

Officer.

The Defendant ..... taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Officer.

Dated ..... 188

This Warrant may be executed on Sunday or at night.

Police Justice.

Police Justice.

0027

(1885)

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 310 Canal Street, aged 28 years,  
occupation Clothier being duly sworn,

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

Fifty-six pairs 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 deponents employ re-  
ceived the said property and samples  
to which he was to return the said samples on de-  
mand - the defendant having  
failed to return said property  
and having appropriated it  
to his own use deponent presumes  
he is apprehended and taken  
to answer.

Jacob Lieberman

Sworn to before me, this  
of July 1891  
Police Justice

0028

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*William 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 months*

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 guilty of the charge*

*William Fabian*

Taken before me this

day of

*Sept*

*1891*

*2*

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 Sept- 2 1891 J. J. [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.

0030

W  
Police Court--- District 1168

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Jacob Kipman*  
318<sup>th</sup> *Madison*  
*St. John*  
1  
2  
3  
4

*John A. ...*

BAILED.

No. 1, by *Terence A. ...*  
Residence *433 ...* Street.

No. 2, by *Solomon Simonson*  
Residence *1526 ...* Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated *Sept 22 1891*  
*John ...* Magistrate.

*Jacob ...* Officer.  
Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

*1000* to answer *G. B.*

*Committed* *9/22*

TORN PAGE

0031

505

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.

4. 1891  
1. Duty & collection

Counsel,

Filed 16 day of Sept 1891

Pleas,

10 day of Sept 1891  
with 10 minutes

THE PEOPLE

vs.

Thomas Darcy  
James H. [unclear]  
Charles B. [unclear]

Assault in the Second Degree,  
(Statute 19 Arrest.)  
(Section 218, Penal Code.)

Part 3 Dec 1891  
No 3 was 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

No. 4 tried and convicted  
assault 3rd degree  
No 4 Pen 6 mos. P3M  
Dec 3.

0037



*Mr. Andrew J. ...*  
*Fort ...*  
*Washington ...*

*152030*

November 1861

Your Honor  
in behalf of Charles ...

the ...

The ...  
to be ...  
of ...

I was fully aware ...  
stated to the people ...

0039

be satisfied with  
the  
the  
the  
the

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

New York Nov 30th 1891

To whome it may Concern  
This is to certify that Charles King  
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



1796.

New York, Nov 25 1891

Hon Judge Rauldolph B. Martineau

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  
Cell 2062



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 of

me .

GUSTAVE MEINKE? 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 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

0048

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 there)  
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 <sup>not arrested</sup> 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 W. Mahoney  
W. D. ... Police Justice.

0053

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*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. 60<sup>th</sup> 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

*A. J. ...*

Police Justice

0054

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

4 District Police Court.

*Thomas Davy*

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 Davy*

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 60<sup>th</sup> 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 Davy*

Taken before me this 23

day of August 1891

*W. M. ...*

Police Justice.

0055

Sec. 193-200.

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. Brinkman*

Police Justice.

0056

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. M. ...* 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.

0057

*J.M.*

Police Court--- *1101* District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Jeremiah Mahoney*  
vs.  
*Fergus Fee*  
*Thomas Davey*  
*James Hayes*

*Tell Asst.*

BAILED.  
No. *3* by *John McFweeney*  
Residence *188 W 199* Street.

No. *2* by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

*Menke*  
*Gardner*  
*Hickory*  
*Cummins*

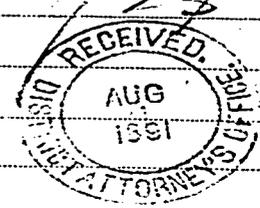
Dated *Aug 23* 18*91*  
*McMahon* Magistrate.  
*Mahoney* Officer.  
*23* Precinct.

Witnesses *Murphy &*  
No. *134* Street.

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

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

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



*Com*  
*And 2*  
*R.A.*

THE PEOPLE

COURT OF GENERAL SESSIONS, PART IAE

vs.

JAMES HAYES.

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. I require hit him with his <sup>own</sup> 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 thing 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 23rd 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 WITH WOULD TO THE 1890

THE BOOK AND OTHER THE ...

... ..

... ..

Testimony in the  
case of  
James Hayes

filed Sept. 1891

15 (8)

0065

Police Court 4 District.

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  
Prig - (now here) who wilfully and maliciously struck deponent several violent blows on the head with his fists, while deponent, who is a police officer and was in full uniform, and in the lawful discharge of his duty, and at the time deponent was lying prostrate, struggling with several other men who deponent was trying to arrest. Deponent further says that such assault was committed

with the felonious intent to ~~take the life of deponent, or to do him~~ <sup>deponent</sup> 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 1891 } Jeremiah H. Mahoney  
W. D. ... Police Justice.

0066

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK.

*Charles Bing*

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 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 Av. 10 mos*

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*

*Wm. M. ...*  
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 \_\_\_\_\_

\_\_\_\_\_ *Defendant* \_\_\_\_\_  
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 *Aug 24* 189*9* \_\_\_\_\_ *D. J. ...* 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

Police Court-- District 1117

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Jermiah Mahony  
vs.  
Charles Ring

2  
3 Indicted with  
4 Fergus Ferial

Office  
Dad Court

Dated Aug 24 1891

W. Mahony Magistrate.

Mahony Officer.

253 Precinct.

Witnesses Gus Mincke

No. 982 1st ave Street.

J. Mahony

No. 4th office Street.

No. 500 to answer Street.

500 bldg Aug 25-9am

M  
253  
1-9

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

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 tes-  
 tified to by her were not known to deponent until her evi-  
 dence 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*

*[Signature]*

Notary Public

New York County.

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*

*D 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? A. At that time I resided No. 957 First Avenue.
- 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? A. While I was there when I came down stairs to go to the store I saw a crowd coming over 53rd 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 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.

Q. Or try to pull Davey away ~~and~~ and say 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 <sup>own</sup> 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? 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.

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*  
*Fergus Fee, Thomas Davey,*  
*James Hughes and Charles Bing*

The Grand Jury of the City and County of New York, by this indictment accuse  
*Fergus Fee, Thomas Davey,*  
*James Hughes and Charles Bing,*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Fergus 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 *Fergus 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

53

Counsel,

Filed

*M. E. P. 1891*

Pleas,

THE PEOPLE

vs.

*Thomas S. Findlay*  
*[Scarce]*

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

*Stedmoncy Sholly*  
~~Attorney at Law~~

District Attorney.

A True Bill.

*W. G. Libbery*  
Foreman.

*Wendell C. [unclear]*  
*S. P. [unclear]*

No. 3.

Witness:

*John S. Jacobs*

0081

Wallace, Elliott & Co.

118 & 120 DUANE STREET.

Telephone, 578 John.

*People  
to  
Lindley*

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,	\$59.84	59.84
317 A. Harris	Oct. 1st, 1888,	\$11.50	11.50
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 O D	Feb'y 14th, 1889,	\$32.20	32.20
103 C O 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, 528 John.

(2)

New York, 1890.

103 C O D	Apr. 6th	, 1889,	\$23.87	3 37
1100 H. Ulhoff	Apr. 12th	, 1889,	\$44.25	
102 C O D	Apr. 12th	, 1889,	\$2.90	17 30
103 C O D	Mar. 16th	, 1889,	\$17.30	17 30
103 C O D	Mar. 22nd	, 1889,	\$12.93	17 30
70 J. H. Adams	Apr. 19th	, 1889,	\$27.70	27 70
103 C O D	Apr. 22nd	, 1889,	\$19.31	19 31
114 H. Harms	Apr. 26th	, 1889,	\$18.50	18 50
70 J. H. Adams	Apr. 29th	, 1889,	\$20.90	20 90
203 C O D	May 7th	, 1889,	\$18.33	18 33
203 C C D	May 10th	, 1889,	\$35.70	35 70
1179 B. Stamper	May 14th	, 1889,	\$40.10	40 10
1100 H. Uelhoff	May 27th	, 1889,	<del>xxxxxxx</del>	
1001 John Ohl	Jan. 6th	, 1889,	\$36.20	36 20
103 C O D	Jan. 7th	, 1889,	\$20.40	20 40
103 C O D	Jan. 9th	, 1889,	\$21.84	21 84
70 J. H. Adams	Jan. 20th	, 1889,	\$36.50	36 50
1217 W. Twaits	Jan. 21st	, 1889,	\$17.02	17 02
1179 B. Stamper	July 1st	, 1889,	\$40.45	40 45
1179 B. Stamper	July 8th	, 1889,	\$37.19	37 19
70 J. H. Adams	July 8th	, 1889,	\$19.90	19 90
1303 W. Lemme	July 18th	, 1889,	\$70.90	70 90
104 C O D	Aug. 10th	, 1889,	\$14.50	14 50
146 Geo. Durr	Aug. 8th	, 1889,	\$36.00	36 00
1573 C. Ruby	Aug. 12th	, 1889,	\$67.44	67 44
1008 A. Solomon	Aug. 14th	, 1889,	\$24.60	24 60
1275 F. Roth	Aug. 15th	, 1889,	\$43.80	43 80
1275 F. Roth	Aug. 16th	, 1889,	\$45.05	45 05
1275 F. Roth	Aug. 18th	, 1889,	\$14.40	14 40
1008 A. Solomon	Aug. 19th	, 1889,	\$26.80	26 80
23 Wm. Collins	Aug. 17th	, 1889,	\$53.16	53 16
1288 N. Ott	Aug. 22nd	, 1889,	\$54.91	54 91
1288 N. Ott	No date		\$59.96	59 96
1255 J. H. Lutjen	Aug. 21st	, 1889,	\$57.35	57 35
312 J. H. Ding	Aug. 30th	, 1889,	\$47.90	47 90
1561 J. Ortrantel	Sept. 4th	, 1889,	<del>xxxxxxx</del>	
1600 H. Venski	Sept. 10th	, 1889,	\$43.60	43 60
1600 H. Venski	Sept. 16th	, 1889,	\$101.50	101 50
71 J. H. Adams	Sept. 18th	, 1889,	\$13.50	13 50
71 J. H. Adams	Sept. 20th	, 1889,	\$26.70	26 70
1540 Jacob Manz	Sept. 27th	, 1889,	\$28.80	28 80
1179 B. Stamper	Sept. 18th	, 1889,	\$39.95	39 95
1179 B. Stamper	Sept. 25th	, 1889,	\$38.00	38 00
312 J. Ding	Sept. 29th	, 1889,	\$53.60	53 60
312 J. Ding	Oct. 7th	, 1889,	\$31.35	31 35
1600 H. Venski	Oct. 9th	, 1889,	\$39.30	39 30
79 D. Anderson	Oct. 21st	, 1889,	\$28.00	28 00
125 M. Crowe	Oct. 28th	, 1889,	\$100.00	100 00
1308 W. Lemme	Nov. 1st	, 1889,	\$50.65	50 65
1540 Jacob Manz	Nov. 4th	, 1889,	\$28.80	28 80
141 P. Diei	Nov. 6th	, 1889,	\$17.55	17 55
141 P. Diei	Nov. 16th	, 1889,	\$33.92	33 92
71 J. H. Adams	Nov. 14th	, 1889,	\$20.00	20 00
105 C O D	Nov. 21st	, 1889,	\$26.86	26 86

18 30 1 2

3 3 4

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	
75 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	
105 C O D	Dec. 17th	, 1889,	\$14.95	
151 D. H. Hammon	Dec. 3rd	, 1889,	\$26.40	
106 C C D	Jan'y 31st.	, 1890,	\$24.73	
107 C O D	Jan'y 5th	, 1890,	\$8.43	
1175 D. Wilson	Jan'y 21st	, 1890,	\$72.99	
71 J. H. Adams	Jan'y 18th	, 1890,	\$21.35	
1575 C. Reiley	Jan'y 22nd	, 1890,	\$60.45	
71 J. H. Adams	Jan'y 24th	, 1890,	\$19.20	
106 C C D	Feb'y 6th	, 1890,	\$21.60	
1172 B. Stamper	Feb'y 10th	, 1890,	\$25.80	
297 P. Diehl	Feb'y 12th	, 1890,	\$21.05	
326 J. T. Kelly	Feb'y 13th	, 1890,	\$59.00	
106 C C D	Feb'y 10th	, 1890,	\$19.02	
106 C C D	Feb'y 12th	, 1890,	\$39.20	
1009 A. Solomon	Feb'y 17th	, 1890,	\$14.60	
106 C C D	Feb'y 22nd	, 1890,	\$17.85	
1230 Jas. Sidgreaves	Feb'y 22nd	, 1890,	\$43.58	
106 Jas. Sidgreaves	Feb'y 22nd	, 1890,	\$1.70	
1016 P. Mc Govern	Feb'y 24th	, 1890,	\$24.00	
106 C C D	Mch. 8th	, 1890,	\$17.41	
1489 J. Ostrovitzh	Mch. 30th	, 1890,	\$11.35	
327 J. Herrell	Apr. 6th	, 1890,	\$53.95	
107 C C D	Apr. 7th	, 1890,	\$12.35	
151 D. H. Hammon	Apr. 8th	, 1890,	\$34.80	
1489 J. Ostrovitzh	Apr. 9th	, 1890,	\$31.10	
1278 B. Silverman	Apr. 16th	, 1890,	\$70.00	
297 P. Diehl	Apr. 16th	, 1890,	\$56.50	
1245 H. Mensing	Apr. 26th	, 1890,	\$56.45	
1255 J. H. Lutze	Apr. 22nd	, 1890,	\$30.00	
79 D. Anderson	May 1st	, 1890,	\$20.00	
1001 John Ohl	May 6th	, 1890,	\$10.10	
1072 J. Vogler	May 8th	, 1890,	\$52.60	
1001 John Ohl	May 12th	, 1890,	\$52.24	
65 M. Crowe	May 9th	, 1890,	\$20.00	
107 C C D	May 19th	, 1890,	\$10.29	
1270 A. Volk	May 19th	, 1890,	\$94.20	
1217 W. Twaits	May 20th	, 1890,	\$65.62	
201 S. Cohen	May 21st	, 1890,	\$45.15	
1270 A. Volk	May 22nd	, 1890,	\$20.40	
1016 P. Mc Govern	May 26th	, 1890,	\$10.00	
1275 F. Roth	May 29th	, 1890,	\$29.35	
65 M. Crowe	June 4th	, 1890,	\$25.40	
1175 D. Wilson	June 12th	, 1890,	\$106.70	
71 J. H. Adams	June 16th	, 1890,	\$81.15	
107 C O D	June 18th	, 1890,	\$23.52	
107 C O D	June 20th	, 1890,	\$1.00	
107 C O D	June 30th	, 1890,	\$11.51	
1105 F. Rohrenbeck	June 29th	, 1890,	\$49.65	
1172 B. Stamper	June 30th	, 1890,	\$40.55	
93 S. Burkoski	July 7th	, 1890,	\$36.35	

0084

## Wallace, Elliott &amp; Co.

118 &amp; 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,	\$50.00	
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 25rd	, 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, 523 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,	<del>\$14.88</del>	
460 C O D	Mch. 2nd	, 1891,	\$15.29	15 29
460 C C D	Apr. 7th	, 1891,	<del>\$20.00</del>	
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.* 9/14/1918

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 prisonment 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*

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 Findlay, being duly sworn says, that she is the wife of the defendant in the above entitled action, and resides at No 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<sup>her</sup> 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

*Margaret Findlay*  
*J. Kelly, Notary*  
Com. of Deeds of Brooklyn, N. Y.

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  
25th day of Sept 1891  
*J. Gilbert Bennett* Brooklyn, N.Y.

COURT OF SESSIONS

The people of the State  
of New York

vs .

Thomas Mindlay

AFFIDAVITS

0092

*Copy of letter delivered to Gen Thomas Woodruff*

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 sixteen 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 such 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. When 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,  
State Prison, New York.

Personal.



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, <sup>being</sup> ~~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 :

*James H. Allen*  
*Solary Public*  
*Notary Public*

*John E. Jacobs*

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.

Office Grand Jurors

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John E. Jacobs*  
vs. *118 Avenue H*

*Thomas S. Findlay*  
*Indictments*

Dated *September 10* 1891

Witnesses, *John Hill*

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. Sindorf

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

The said *Thomas S. Sindorf*

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 *nineteen*, at the City and County aforesaid, being  
then and there the clerk and servant of *Edwin Wallace, Henry  
Wick, John R. Spedden, and Pinton Wick,*  
*partners, then and there carrying on  
business in and by the firm, name and  
style of Wallace, Wick and Partners,*  
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. Sindorf*, 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. Finlow*  
~~JOHN R. FINLOW~~  
District Attorney.

Witnesses:

*John E. Jacobs*

.....  
.....  
.....

55

Counsel,

Filed

*11* day of *Sept* 189*9*

Pleads,

THE PEOPLE

vs.

*Thomas S. Findlay*  
*[3 cases]*

*Grant Latceny, 2d degree*  
*(MISAPPROPRIATION)*  
*[Sections 529, 531 of the Penal Code].*

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

District Attorney.

**A True Bill.**

*W. J. B. [Signature]*

Foreman.

No. 1.

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 owners 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  
District Attorney.

1264

Fitness:

*John 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 J. Hill*  
~~Attorney~~

District Attorney.

A True Bill.

*W. J. C. Perry*  
*Foreman.*

*Frank C. [unclear]*

*2-1/2 13 Dec 1891*  
*No. 2. G. Comm. [unclear] 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 owners 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 Oriskany*  
**JOHN R. FELLOWS,**

District Attorney.

0107

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Finley, Edward

**DATE:**

09/29/91



4137

0108

337  
Comiso, N.Y.  
Filed 1891  
Plsds, *Magally Co*

THE PEOPLE  
vs.  
Edward Finley

DE LANCEY NICOLL,  
District Attorney.  
OCT 26, 1891  
A TRUE BILL.

*M. J. Berg*  
I signed Mr. Black's  
return on 23 October 26/91  
del. discharge on his  
return recognizing and

Witnesses:  
OCT 26. 1891.

I have examined the facts herein particularly those more four young Finley were arrested respectively in this case and del. bkt. Finley were discharged. The able Agency alleged to have been taken, was a bar of shared value at \$1,500. The complainant has withdrawn the complaint against the respondents stating among other things he was invited as a witness to the court of the case. I have learned that del. to character as a poor reputation. That he helped to support the wronged mother. He has been embracing ever in my mind. I cheerfully state that the wife of Finley will be fully informed by her immediate stockholder. Dated 26th Oct. 1891. Wm. M. Dan, Secy. P. S.

0109

J.M.

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 to bed 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 stealing and  
carrying away said property

Sworn to before me this  
1<sup>st</sup> day of September 1911

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 \_\_\_\_\_ 1911  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ 1911  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 1911  
Police Justice.

Police Court, \_\_\_\_\_ District,

THE PEOPLE, &c.,  
on the complaint of  
vs.  
1  
2  
3  
4  
Offence—BURGLARY.

Dated \_\_\_\_\_ 1911  
Magistrate.  
Officer.  
Clerk.  
Witness, \_\_\_\_\_  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
§ \_\_\_\_\_ to answer General Sessions.

01111

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 2<sup>nd</sup> St 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

*John H. [Signature]*  
188

Police Justice.

0112

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK

*Edward Finley* 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.

*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 St 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]*

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.....

*Defendants*  
guilty thereof, I order that *them* be held to answer the same and *them* 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 *they* 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 2<sup>nd</sup> 7<sup>th</sup> St.

Charles Meyer  
Edward Fintley

2  
3  
4  
Dismissed

Offence  
James Bleo

Dated Sept 18 1891

James Bleo Magistrate.

James Bleo Officer.  
13 Precinct.

Witnesses

No. DISMISSED as to Charles Meyer Street. 1891

No. W. J. Terry FOREMAN Street.

No. lack of to answer Street.

W. J. Terry  
no 2 lawn

BAILED.

No. 1, by Jacob Kungman  
Residence 421 E 9<sup>th</sup> 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-

*W. Oct 26 - 1891 N. Kias*

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

W. G. Spruill, Lenoir

People's

ed

Edward Furlong

Statement of

Leah Stein

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

*Roman Sunday*

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

*Roman Sunday*

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

The said *Roman Sunday*

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

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 Stein*.

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, *the said Roman Sunday being then and there aided and abetted by a gang of persons, 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 Sunday*

of the CRIME OF *Retio* LARCENY. —

committed as follows:

The said *Edward Sunday*,

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 *Sara Stein*. —

in the dwelling house of the said *Sara Stein*. —

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.

*Edward Sunday*  
*District Attorney*

0119

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Fischer, Dora

**DATE:**

09/21/91



4137

0120

Witnesses:

*Quas Sellinger*  
*Dora Giettrum*

Counsel,

Filed

day of *April* 189*1*

Pleads,

THE PEOPLE

vs.

*Dora Fischer*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. J. Berry*

Foreman.

*[Handwritten signatures]*  
*Jurors*

*191*

0121

Police Court 3rd District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Oscar Schlager

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  
when the money drawer in the counter of  
deponent's grocery store at 131 Suffolk Street  
and take said and carry away said  
money from said money drawer

Oscar Schlager

Sworn to before me this

24th day of

August 1891

Police Justice.

0122

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

Sworn to before me, this 21 day of Aug 1890.

Dora Fiterin  
Deponent

[Signature]  
Police Justice.

0123

3

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Dora Fischer*

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. *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 St*

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*

day of

Taken before me this

*[Signature]*  
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.....

.....  
guilty 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..... 18..... 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.

0125

Police Court---

District

9 1123

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Arnos Schlangen*

*131 - St. Suffolk*

*Dora Fischer*

2

3

4

*Clarence J. ...*  
Officer

Date: *Aug 24 91*

18

*Just. G. ...*  
Magistrate.

Witness: *Dora Zithrin*

*431 Suffolk* Street.

*Edward ...*

No. *100* Street.



No. *500* Street.

\$ *500* to *8066*

*to 8066*

BAILED.

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

0126

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

528

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

\$30.00

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of 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.

0127

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Foy, Philip

**DATE:**

09/21/91



4137

153

Witnesses:

*M. H. Britt*

*Off Hewitt - 23rd*

Counsel,

Filed

Pleads,

189

*[Signature]*  
Day of *[Month]*

THE PEOPLE

vs.

*Philip Jay*

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

DR LANCEY NICOLL,

District Attorney.

*[Signature]*

A TRUE BILL.

*W. J. C. Berry*

Foreman.

*[Signature]*

*[Signature]*

*17th 3 Nov 1893*

Police Court 4<sup>th</sup> District.

City and County } ss.:  
of New York,

of No. 31 1/2 East 53<sup>rd</sup> Street, aged 33 years,  
occupation Plumber being duly sworn

Michael H. Britt

deposes and says, that the premises No. 998 Second Ave Street 19<sup>th</sup> Ward  
in the City and County aforesaid the said being a four story building  
the basement  
and which was occupied by deponent as a Plumber-Business  
and in which there was at the time a human being, by nature

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 basement

on the 18<sup>th</sup> day of Aug 1891 in the night time, with  
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 therein

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

Philip Goy (now here)

for the reasons following, to wit: Deponent says - he is informed by  
Officer Thomas Heivick of Peter 2<sup>nd</sup> 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 depon-  
ent of said circumstances, and that de-  
ponent together with said officer entered

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.

Given to before us this 19<sup>th</sup> day of May 1891 by Michael H. Britt

W. D. Winans  
Police Justice

It appearing to me by the within depositions and statements and that there is sufficient cause to believe 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 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 \_\_\_\_\_ ISS  
I have admitted the above named \_\_\_\_\_  
to bail to answer by the undertaking hereunto annexed.  
Dated \_\_\_\_\_ ISS  
There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offence within mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ ISS  
Police Justice

Police Court, District,

THE PEOPLE, &c., on the complaint of	
1	vs.
2	
3	
4	

Offence—BURGLARY.

Dated \_\_\_\_\_ ISS  
Magistrate.  
Officer.  
Clerk.  
Witness.  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
No. \_\_\_\_\_ Street,  
§ \_\_\_\_\_ to answer General Sessions.

0131

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas Hewitt

aged 23 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 1898, } Thomas Hewitt

H. W. Madison  
Police Justice.

0132

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*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. *20 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. ...*

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 \_\_\_\_\_

*W. J. G. Giddens*  
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 *July 19* 188*1* \_\_\_\_\_ *W. J. G. Giddens* 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— st District.

THE PEOPLE, &c.:

ON THE COMPLAINT OF

*Michael H. Britt*  
*Philip Gray*

328 vs. 253

*Gurgary*  
Officer

2 .....  
3 .....  
4 .....

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *Aug 19* 18*91*

*McMahon* Magistrate.  
*Thomas Hewitt* Officer.

*23* Precinct.

Witnesses *said officer*

No. .... Street.

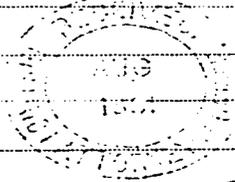
No. .... Street.

No. .... Street.

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

*Ch*

*RM*



**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.

*Wm Lancy Nicoll,*  
*District Attorney.*

0136

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Francis, Charles

**DATE:**

09/28/91



4137

295

Witnesses:

Meyer Auker  
Arthur Crose

Counsel,

Filed

day of

189

Pleas,

THE PEOPLE

vs.

Charles Francis

Burglary in the Third Degree,  
[Section 498, sec. 21 x 20, etc.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. O'Brien  
Foreman.

Heads Jury

27076 700 SP  
J.F.

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 same

on 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 deponent break the said window  
and take the aforesaid property and run away

Subscribed before me  
this 5 day of Sept 1891

Meyer Anthony

John P. Kelly  
Police Justice

0139

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Antonio Grasso*

aged 19 years, occupation Bartender 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

1898.

*Antonio Grasso*

*Do J. C. [Signature]*  
Police Justice.

0 140

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Fredrich Rautmann*

aged 28 years, occupation Bartender of No. 216 West 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 1896, } Fredrich Rautmann

[Signature]  
Police Justice.

0141

Sec. 198-200

District Police Court.

CITY AND COUNTY OF NEW YORK

*Charles Francis* 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 Francis*

Question. How old are you?

Answer.

*42 years*

Question. Where were you born?

Answer.

*ru 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.

*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 not guilty*

*Charles Francis*

Taken before me this

day of

*Sept 5 1911*

*P. J. McLaughlin*  
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 So J. C. H. [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.

0143

Police Court--- 1187 District.

THE PEOPLE, &  
ON THE COMPLAINT OF

Meyer Anthony  
329 Bank St  
Charles Francis

Offence *Burg*

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

Witnesses *Antonio Crosso*  
No. *59 Baxter* Street.  
*Friedrich Hartmann*  
No. *216 West St.* *5th* Street

No. *1500* to answer *Q. S.*  
§ *1500* to answer *Q. S.*



*Aug 31*

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

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

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*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

*stone*

of the said

*Meyer Anthony*

there situate, then and there being found, in the

*stone*

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.

*DeRancey Nicoll,  
District Attorney.*

0146

**BOX:**

449

**FOLDER:**

4137

**DESCRIPTION:**

Franck, Henry

**DATE:**

09/14/91



4137

# 87

Counsel,

Filed

day of

189

*Sept*

Pleads,

THE PEOPLE

vs.

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

*Henny Branch*

DE LANCEY NICOLL,

District Attorney.

*Thomas Baker*

A TRUE BILL.

*James J. [Signature]*

Foreman.

*[Signature]*

*[Signature]*  
*[Signature]*  
*[Signature]*

Witnesses:

*A. S. Mowbray*

.....  
.....  
.....  
.....

0148

Police Court 2 District.

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

William S. Milbourn

of No. 8 W 23<sup>rd</sup>

Street, aged 23 years,

occupation Night Manager

being duly sworn

deposes and says, that the premises No 12 West 19<sup>th</sup> Street,

in the City and County aforesaid, the said being a Four Story Brown Stone

Building and which was occupied by ~~\_\_\_\_\_~~ Mrs J. V. Wright

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

were BURGLARIOUSLY entered by means of forcibly opening the  
cover of the Coal Slide on the sidewalk  
in front of said premises

on the 22<sup>nd</sup> day of August 1891 in the Night time, and the  
following property feloniously <sup>attempted to be</sup> taken, stolen, and carried away, viz:

Home Made Furniture, Paintings  
Glass and Crockery ware and sundry  
other articles valued at about  
Two thousand dollars  
\$ 10 000 00

the property of Mrs J. V. Wright in the Case 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

Henry 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 Munden went to said building and

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 22<sup>nd</sup> day of August 1891 } W. L. M. Mallow  
*W. L. M. Mallow* Police Justice

Police Court ..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary Degree

vs.

Dated ..... 188

Magistrate.

Officer.

Clerk.

Witnesses:

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

Waived 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 Isuetty*  
*Henry Frank*

Taken before me this *27*  
day of *October* 1891

Police Justice.

*[Signature]*

0151

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.....

*Joseph J. ...*

~~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 good bail~~

Dated *August 22* 18*91* *Joseph J. ...* 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.

0152

1109

Police Court --- ✓ --- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Wm S Mynlow  
8 W 23rd St  
Henry Frank

Officer: SA Sampson  
Bunflaw

1  
2  
3  
4

Dated August 22 1891

Higgin Magistrate.

Herlich Officer.

19th Precinct.

Witnesses James Munn

No. 8 W 23rd Street.

Call the officer

No. Street.

No. Street.

\$ 2000 to answer

Com. 1891



BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*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 *J. 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.*