

0483

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

Smith, Edward

**DATE:**

09/10/80



257

0484

Filed 10 day of Sept 1880

Pleas *not guilty*

THE PEOPLE

*Oct 1st*  
*at Court*  
*Edward Smith*

Felony Assault and Battery.

*off 2 weeks*  
*1880*  
*Oct 11*  
*Oct 25*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*Shaha*  
Foreman.

*For 24th 1880*  
*pleads guilty on record*  
*SP 18 months*  
*term by order of the Court*

*People's Exh 1*  
*June 11/80*  
*SPC, 800*

0485

Form

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss. :

POLICE COURT—FIRST DISTRICT.

of No. Arthur Geisner  
48 New Bowery Street, being duly sworn, deposes and says,

that on the 8 day of August 1880

at the City of New York, in the County of New York, he was violently and feloniously assaulted and  
beaten by Edward Smith

now present.  
who did willfully and feloniously  
stab deponent on the right side of  
the body with a pocket knife then  
and there held in his hand causing  
a serious wound

Deponent believes that said injury, as above set forth, was inflicted by said

Edward Smith

with the felonious intent to take the life of deponent, or to do him 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 dealt with accord-

ing to law.

Arthur Geisner

Sworn to before me, this  
day of August 1880  
[Signature]  
Police Justice.

0486

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.:

*Edward Smith* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to refuse to answer any question that may be put to him states as follows, viz:

Question. What is your name?

Answer. *Edward Smith*

Question. How old are you?

Answer. *21 Years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live?

Answer. *101 Cherry St.*

Question. What is your occupation?

Answer. *Photographer*

Question. Have you anything to say, and if so, what—relative to the charge  
here preferred against you?

Answer. *I am guilty not guilty  
I stabbed him in self  
defense. Edward Smith*

*Taken before me, this*

*12* day of *March* 1880

POLICE JUSTICE

0487

COUNSEL FOR COMPLAINANT.

Name.....  
Address.....

COUNSEL FOR DEFENDANT.

Name.....  
Address.....

654  
Police Court - First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF *H. O. D.*

*Arthur Geemer*

*vs. Edward Smith*

1  
2  
3  
4  
5  
6

AFIDAVIT - Felonious Assault & Battery

Dated *12 August 1890*

*Smith* Magistrate.

*Clayton J. Kelly* Officer.

*H. Branch* Clerk.

Witnesses,



§ *1000* to answer

at General Sessions. *Cam*

Received at Dist. Atty's Office,

BAILLED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

0488

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *Edward Smith*  
late of the City of New York, in the County of New York, aforesaid, on the  
*eight* day of *August* in the year of our Lord  
one thousand eight hundred and *eighty* with force and arms, at the City and  
County aforesaid, in and upon the body of *Arthur Heisner*  
in the peace of the said people then and there being, feloniously did make an assault  
and *hit* the said *Arthur Heisner*  
with a certain *knife*  
which the said *Edward Smith*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut, and wound  
with intent *hit* the said *Arthur Heisner*  
then and there, feloniously and wilfully to kill, 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 Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said *Edward Smith* *Arthur Heisner*  
with force and arms, in and upon the body of the said *Arthur Heisner*  
then and there being, wilfully and feloniously did make an  
assault and *hit* the said *Arthur Heisner*  
with a certain *knife* which the said *Edward Smith*  
in *his* right hand, then and there  
had and held, the same being then and there a sharp, dangerous weapon, wilfully  
and feloniously, and without justifiable and excusable cause, did then and there beat,  
strike, stab, cut, and wound, with intent to then and there wilfully and feloniously  
do bodily harm unto *hit* the said *Arthur Heisner*  
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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present : That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County afore-  
said, the said *Edward Smith* *Arthur Heisner*  
with force and arms, in and upon the body of *Arthur Heisner*  
in the peace of the said people then and there being, feloniously, did make another  
assault and *hit* the said *Arthur Heisner*  
with a certain *knife*  
which the said *Edward Smith* in *his* right  
hand then and there had and held, wilfully and feloniously did beat, strike, stab, cut,  
and wound, the same being such means and force as was likely to produce the death  
of *hit* the said *Arthur Heisner* with intent *hit* the



0490

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

Smith, George

**DATE:**

09/21/80



257

0492

162

Day of Trial.

Counsel,

Filed 21 day of Sept 1880

Pleads

BURGLARY—Third Degree, and  
[Receiving Stolen Goods.]

THE PEOPLE

vs.

*Wm. C. ...*  
*36 ...*  
*George Smith*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*Shohan Seal*

Foreman

Part No Sept 21, 1880

pleads Aug 3.

*Elmer R. ...*

0493

Police Office, Fourth District.

City and County  
of New York,

ss. *George H. Steele*

of No. *248 West 43<sup>rd</sup> Street*, being duly sworn,

deposes and says that the premises No. *149 Broadway*

Street, *72* Ward, in the City and County aforesaid, the said being a *store*

and which was occupied by deponent, as a *hat store* were **BURGLARIOUSLY** broken

and entered by means of forcibly breaking one light of glass  
in the front of window of the said *store*  
with intent to commit a crime therein

on the night of the *29<sup>th</sup>* day of August 1880

and the following property feloniously taken, stolen and carried away, viz.:

*Three black soft felt Hats - Three  
Black stiff felt Hats - Two light soft  
felt Hats and Two light straw Hats,  
in all of the value of Twelve dollars*

the property of *deponent's wife, Barbara A. Steele* and in

deponent's care and charge 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 *George Smith, (now here)*

for the reasons following, to wit:

*That deponent saw that the  
glass in the window of the said store was  
well secured at the hour of half past twelve  
o'clock on the afternoon of the 29<sup>th</sup> day of  
August 1880, and that deponent was  
informed by William Mulvaney on  
the morning of the 30<sup>th</sup> day of August  
1880, that the window in deponent's*

August 1880,  
 there was broken and that he  
 Mahoney had found the said  
 George Smith sitting on the steps  
 of premises No. 11 West 43<sup>rd</sup> Street  
 at about the hour of five o'clock in the morning the said  
 and having in his possession a number  
 of hats, which had have been taken to the  
 12<sup>th</sup> Police Precinct Station House at which  
 place deponent examined and fully identified  
 the property as belonging to deponent's wife.  
 Wherefore deponent charges the said George  
 Smith with the burglary and larceny  
 of the property herein before described  
 Shown to before me this } George H. Keale  
 3<sup>rd</sup> day of August 1880 }  
 Chas. H. Manning  
 Justice.

City and County of New York ss:  
 I, William Mahoney of No. 325  
 West 42<sup>nd</sup> Street, in said city, being duly  
 sworn deposes and says that he has  
 read and the foregoing affidavit of  
 George H. Keale, and so much thereof  
 as relates to deponent is true of his own  
 knowledge  
 Shown to before me this } Wm Mahoney  
 3<sup>rd</sup> day of August 1880 }  
 Chas. H. Manning  
 Justice.

0495

Police Court, Fourth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*George Smith* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer.

*George Smith.*

Question. How old are you?

Answer.

*Eighteen years of age.*

Question. Where were you born?

Answer.

*New York City.*

Question. Where do you live?

Answer.

*11<sup>th</sup> Holland Street, Buffalo, N.Y.*

Question. What is your occupation?

Answer.

*Baker.*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer.

*I am guilty of taking six hats; another boy took the glasses out and took five hats.*

*George Smith*

Taken before me this 27<sup>th</sup> day of August 1880

*John J. Kelly*  
Police Justice.

0496

Police Court--Fourth District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George W. Hale*  
9248 N. 43rd St.

*George Smith*



Dated *August 30* 188*0*

*G. A. Hamner* Magistrate.

*John Keeley* Officer,  
222 Park

Clerk.

Witnesses

*William Mahoney*  
# 325 West 42 Street

*Thomas Keeley*  
27. Ohio Street

BAILED :

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

*e/m B bay*

Received in District Office,  
*Wm. Mahoney*

0497

STATE OF NEW YORK.



Executive Chamber.

Albany, April 14, 1886.

Sir: Application having been made to the Governor for the Pardon of George Smith who was sentenced on September 25, 1880, in your County, for the crime of Murder 3<sup>d</sup> degree for the term of 30 years and to the State Prison Penitentiary you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a Pardon. Be pleased also to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully, your obedient servant,

Alfred M. Maguire

Pardon Clerk.

To Daniel G. Rollins, Esq.

District Attorney, &c.

0498

CITY AND COUNTY } ss.  
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That

*George Smith*

late of the ~~twenty second~~ *second* Ward of the City of New York, in the County of New York,  
aforesaid, on the ~~twenty ninth~~ *twentieth* day of *August* in the year of our Lord one  
thousand eight hundred and eighty ~~with force and arms, at the Ward,~~  
City and County aforesaid, the *store* of

*Bartholomew Neale* there situate, feloniously and  
burglariously, did break into and enter, the same being a building in which divers  
goods, merchandise, and valuable things were then and there kept for use, sale and  
deposit, to wit: the goods, chattels, and personal property hereinafter described, with  
intent the said goods, chattels, and personal property of the said

*Bartholomew Neale* then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and

*Ten hats of the value of one dollar  
and twenty cents each*

of the goods, chattels, and personal property of the said

*George H. Neale*

so kept as aforesaid in the said *store* then and there being, 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.

*George H. Neale*

0499

And the Jurors aforesaid, upon their oath aforesaid, do further present  
THAT the said

*George Smith*

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in  
the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

*Ten hats of the value of one  
dollar and twenty cents each*

of the goods, chattels and personal property of

*Barbara A. Neale*

by a certain person or persons to the Jurors aforesaid unknown, then lately before  
feloniously stolen of the said

*Barbara A. Neale*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have  
(the said

*George Smith*

then and there well knowing the said goods, chattels, and personal property to have  
been feloniously stolen,) against the form of the Statute in such case made and pro  
vided, and against the peace of the People of the State of New York, and their dignity.

**BENJ. K. PHELPS, District Attorney.**

0500

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

Smith, John

**DATE:**

09/09/80



257

0501

Filed 9 day of Sept 1880

Plends

THE PEOPLE  
vs.  
John Smith.  
I.

*Assault and Battery—Felony.*

BENJ. K. PHELPS,

*District Attorney.*

A True Bill.

*Abraham Lind*

*Foreman.*

Part two Sept. 9, 1880  
Plead. Gtlt. picked return  
to trynd.

*S.P. 5 y. pard.*

0502

Police Court—Third District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Smith.* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was  
at liberty to answer, or not, all or any questions put to *him*, states as follows, viz.:

Question.—What is your name?  
Answer.— *John Smith.*

Question.—How old are you?  
Answer.— *Fifty years.*

Question.—Where were you born?  
Answer.— *In England.*

Question.—Where do you live?  
Answer.— *Sailor On the sea*

Question.—What is your occupation?  
Answer.— *Sailor.*

Question.—Have you anything to say, and if so, what—relative to the  
charge here preferred against you?  
Answer.— *I done it in self defence.  
he threatened to take my life.  
John Smith*

Taken before me, this  
*Wm. D. [Signature]*  
day of *March* 1878  
Police Justice.

0503

Bellows Hospital

July 26

This is to state that  
Henry Hardy is in a very  
dangerous condition

To Henry J. Aldman  
Surgeon in charge

0504

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss.

James Cullen

of No. 13 Dry Dock Street,

being duly sworn, deposes and says that on the 25th day of July,

1880, at the City of New York, in the County of New York, John Smith

(number) did wilfully and feloniously assault and  
beat one Henry Hardy that  
deponent saw the said John Smith gain and  
discharge a certain pistol then aimed  
with pistol ball against the body of the said  
Henry Hardy the ball entering the mouth of the  
said Hardy and causing such wound that the  
said Hardy is now lying in consequence thereof  
in a very dangerous condition at the Bellevue Hospital.  
That the said injury was committed upon the person of  
the said Hardy on or about five o'clock and a half in  
the afternoon of the 25th day of July 1880 at the foot  
of East 11th St. The said John Smith being at the time of  
shooting on board the schooner "Erastus Wymann".  
Wherefore deponent prays that the said John Smith may  
be held to await the result of inquiry of the said Henry Hardy.

Sworn to this

before me

day of

1880

James A. Cullen

Police Justice.

James A. Cullen

0505

POLICE OFFICE, THIRD DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Cullen*

*John Smith*

*Attest - J. H. Harty*  
*Deputy Sheriff*  
*H. H. Harty*

Dated *July 26* 1880

*Van Rens*  
JUSTICE  
OFFICER.

WITNESSES:  
*for Ex to arrest*  
*for result of injuries*

0506

Form 15.

Police Court—Third District.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK,

*Nearby Hardy*  
of No. \_\_\_\_\_ Street

of No.

being duly sworn, deposes and says that

on the \_\_\_\_\_ day of *July*  
in the year 18*88* at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

*John Smith - now present -  
who aimed and discharged  
at and against deponent  
the contents of one chamber  
of a revolver pistol - loaded  
with powder and lead -  
wounding deponent in the  
mouth - knocking out two of his  
teeth - and also wounding depo-  
nent in the neck.*

*Henry Hardy*

with the felonious intent to take the life of deponent, or do him 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, &c., and be dealt with according to law.

Sworn before me, this *25* day of *August* 18*88*

*McDonald*  
Police Justice.

*Hardy - Hardy*

0507

Form 16.

Police Court—Third District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Nancy Sandy*  
*House of Protection*

*John Smith*

Dated *25 Aug* 188*0*

*Wm. L. ...*  
Magistrate.

Officer.



Witness:

*James ...*  
*13 Day ...*

*1500 to ...*

0508

CITY AND COUNTY } ss.:  
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York, upon  
their Oath, present:

That

*John Smith* \_\_\_\_\_

late of the City of New York, in the County of New York, aforesaid,

on the *twenty-fifth* day of *July* in the year of our Lord  
one thousand eight hundred and eighty \_\_\_\_\_ with force and arms, at the City and  
County aforesaid, in and upon the body of *Henry Hardy*  
in the peace of the said People then and there being, feloniously did make an assault  
and to, at and against *him* the said *Henry Hardy*  
a certain *pistol* then and there loaded and charged with gunpowder and one  
leaden bullet, which the said *John Smith*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge,  
with intent *him* the said *Henry Hardy*  
thereby then and there, feloniously and wilfully to kill, 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That  
afterwards, to wit, on the day and in the year aforesaid, at the City and County  
aforesaid, the said

*John Smith* \_\_\_\_\_

with force and arms, in and upon the body of the said *Henry Hardy*  
in the peace of the said people then and there being, wilfully and feloniously did make  
an assault and to, at and against *him* the said *Henry Hardy*  
a certain *pistol* then and there loaded and charged with gunpowder and one  
leaden bullet, which the said *John Smith*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously, did then and there attempt to discharge,  
with intent *him* the said *Henry Hardy*

thereby then and there, feloniously and wilfully to kill, 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.

## THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Smith Henry Hardy  
with force and arms, in and upon the body of the said Henry Hardy  
then and there being, wilfully and feloniously did make an  
assault and to, at and against him the said Henry Hardy  
a certain pistol then and there loaded and  
charged with gunpowder and one leaden bullet, which pistol the said  
in his right hand, then and there had and held, wilfully and feloniously, and  
without justifiable and excusable cause, did then and there shoot off and discharge,  
with intent, then and there, thereby him the said

Henry Hardy  
wilfully and feloniously then and there to injure, 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.

## FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said

John Smith Henry Hardy  
with force and arms, in and upon the body of the said Henry Hardy  
then and there being, wilfully and feloniously, did make an  
assault and to, at and against him the said Henry Hardy  
a certain pistol then and there loaded and  
charged with gunpowder and one leaden bullet, which pistol the said  
in his right hand, then and there had and held, wilfully and feloniously, and  
without justifiable and excusable cause, did then and there attempt to shoot off and  
discharge, with intent, then and there, thereby him the said

Henry Hardy  
wilfully and feloniously then and there to injure, 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.

BENJ. K. PHELPS, District Attorney.

0510

BOX:

20

FOLDER:

257

DESCRIPTION:

Smith, John

DATE:

09/20/80



257

0511

1880  
Spec

Counsel  
Filed *2* day *2* Sept. 1880  
Pleads, *Not Guilty per se*

BURGLARY—Third Degree, and  
Grand Larceny.

THE PEOPLE  
vs.  
*P.*  
*John Smith.*

*[Signature]*  
BENJ. K. PHELPS,  
District Attorney.

A True Bill.  
*[Signature]*  
Foreman.

*Sept. 21. 1880.*

Verdict of Guilty should specify of which count.

*Quidam Quinctus*  
*of an attempt.*  
*P. D. Spear.*

0512

POLICE COURT — 5th DISTRICT.

City and County }  
of New York, } ss:

Edwin M. Baldwin

of No. 203 East 84th Street, being duly sworn,  
deposes and says, that the premises No. 203 East 84th  
Street, 19th Ward, in the City and County aforesaid, the said being a room

above Frank Guiding  
and which was occupied by deponent as a dwelling house

was attempted to be **BURGLARIOUSLY**  
entered by means of forcibly breaking open a  
door of apartments, apartments on  
the 2nd floor of said premises

on the afternoon of the 17th day of August 1880

and the following property, to-wit:  
with the felonious intent to commit  
a larceny therein, said apartments  
then containing personal property  
consisting of furniture and clothing  
of the value on all of two hundred  
dollars

the property of deponent  
and deponent further says, that he has great cause to believe, and does believe, that  
the aforesaid **BURGLARY** was attempted to be committed and the aforesaid property taken, stolen, and  
carried away by John Smith, now here.

for the reasons following, to wit:  
That at said time deponent's family was  
absent in the Country, and said apartments  
were securely closed and fastened and  
said property was then within said  
apartments. That deponent is now  
therein informed by Edward Wadhams  
and Elizabeth Wadhams, then present,  
who live on the third floor of said

0513

Memorandum, that they did at the time  
aforesaid detect said defendant in  
the act of attempting to break open  
and enter defendants said premises  
through the kitchen door.

Sworn to before me this } Edwin M. Baldwin  
18<sup>th</sup> day of August 1880

J. M. Patterson J. Police Justice

City and County of New York, N. Y.

Elizabeth Wadhams, of 203 East  
8<sup>th</sup> Street, being duly sworn deposes  
and says - that about the year of  
1880 on the afternoon of the 17<sup>th</sup>  
day of August 1880, defendant came  
to the prisoner, John Smith, now  
here, on the 2<sup>nd</sup> floor of said  
premises, and defendant saw him  
come out of the water closet and  
go to the kitchen door of the  
Complainant in the foregoing affidavit  
and try to break said door in  
force in said door by pressing  
his hands against the top and  
sides of said door. That said John  
Smith does not reside in said  
premises and had no right or  
business there.

Sworn to before me this } Elizabeth Wadhams  
18<sup>th</sup> day of August 1880

J. M. Patterson J. Police Justice

0514

Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, } ss

*John Smittle* being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer.

*John Smittle*

Question. How old are you?

Answer.

*24 years of age*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live?

Answer.

*101 Greene Street*

Question. What is your occupation?

Answer.

*Bartender & Waiter*

Question. Have you anything to say, and if so, what,—relative to the charge here  
preferred against you?

Answer.

*I am not guilty of the charge*

Taken before me, this

*18<sup>th</sup>*

day of *August*

1880

*John Smittle*

*J. M. Puccio*

Police Justice.

*(Over)*

0515

City and County of New York, C.D.

Edward Wadhams of 203 East  
54<sup>th</sup> Street, being duly sworn says -  
that on the afternoon of the 19<sup>th</sup>  
inst. deponent detected the prisoner  
John Smith, New York, in the  
water closet of the second floor  
of said premises. That deponent  
caused his arrest in said water  
closet, and then found the  
Cunch of Skeleton Keys, now thus  
shown, in the pipe of said water  
closet.

That said John Smith does not  
reside in said premises and had  
no right or business therein.

Sworn to before me this 18<sup>th</sup> day of August 1881 Edward Wadhams

J. M. Patterson, Police Justice

05 16

POLICE COURT - DISTRICT

THE PEOPLE, &c.

ON THE COMPLAINT OF  
Edward M. Waldron

203 West 84th St.  
New York City

John Smith

RESERVE  
Dated August 16, 1880

Magistrate

Alvan J. [unclear] Clerk

Witnesses

Charles Waldron

203 West 84th St.

Edward Waldron

203 West 84th St.

Committed in default of \$1000. Bail.

Bailed by Comd

No. Street.

0517

The People  
vs  
John Smith

Court of General Sessions Before Judge Gilder  
Sleeve September 21, 1880. Indictment for  
burglary in the third degree and grand larceny.  
Elizabeth Madhems, sworn and examined, tes-  
tified. I live at 203 East 84<sup>th</sup> St. and have lived  
there over a year; it is a flat house I occupy  
the third floor. I know Edwin M. Baldwin, he oc-  
cupies the floor underneath, the second floor  
in the house. Mr. Baldwin's family were not in the  
house on the 17<sup>th</sup> of August; they were out of town.  
I am acquainted with them personally. I have been  
in their apartments, they are furnished apartments.  
I saw the prisoner at 203 East 84<sup>th</sup> St. I was pass-  
ing through the hall to my floor about 3 or 3 1/2  
o'clock. I was looking down through I could see in  
the back part of the hall underneath me. I saw  
the water closet open and shut several times. I  
finally saw the prisoner coming out of the water  
closet and going to the back kitchen door and  
press or push against the door. He went in and out  
several times, he was interrupted as there was  
noise down stairs in the hall people going in  
and out. After I watched him a while I called  
my husband out. The water closet opened out  
of the public hall he pressed or pushed against  
the kitchen door. Did you ever see him before?  
No sir. Does he live in that house? No sir. You  
know everybody that lives in that house? Yes.  
Was the front door of that house kept locked?

0518

Q. Yes sir. Was he able to get in the door that he pressed, did he get in? A. No sir. He merely pressed against the door. Q. Yes sir, he was trying the fastenings to see how strong it was fastened. Do you know how he got in the front door? A. I do not. It is a French flat; there are four families residing in the house; they all have free access to the door. I don't know whether the hall door was open or shut. I was present when the search was made in the water closet two or three hours after the prisoner was arrested. It is not a public water closet; it is occupied by the family on the floor and it is kept locked. A bunch of five keys were found and I gave them to the officer. They fitted all the doors in the house down stairs and up stairs. He did not try Mr. Baldwin's doors; they were all locked and the folks were away from home. He did not go into Mr. Baldwin's room. I simply saw him at the door shoving. Did you see him at any lock of the door? A. No sir. You did not see him undertake to use a key or instrument at any lock? A. No sir. How do you know he pushed? A. I could see by the motion of his hands; he put his hand up to see how strong the fastenings of the door were; there were night latches on the door. Where I saw him was right next the water closet. I had never seen him about the premises before. I did not know him. My husband found the key hours

0519

after the prisoner was arrested I was standing by the door holding a light. We were sent up to the Municipal Court and when we came back it was about two hours I should judge, two or three hours after the arrest. I called my husband, he came down and locked the water closet door, then he was arrested. I did not see him searched. Edward Madhams, sworn I am the husband of the last witness I was at home on the 17<sup>th</sup> of August reading in my front room. My wife called me and I went out in the hall. I saw a man's hand on the door knob of the water closet wide enough for him to put his head out as if he was watching or listening for something. I saw him open and shut the door I could not see his head. I was too high or his head was too high for the landing. I then went in and got my revolver and club and came down. As I was going down stairs he closed the door and I turned the key on him. I told him if he made any attempt to come out of there that I would blow his head off. I went on the sidewalk and gave the alarm rap but did not get any response. I called two blacksmiths on the opposite side of the street to assist me, they came over. I then went up and unlocked the door and brought him down stairs and I sent a boy to the Inspector's office for an officer. Mr. Dean came down and I handed the prisoner to him. I told him I believed he was a burglar and he was

0520

making an attempt. I said that to Dean in the presence of Smith, he (the prisoner) said "I am no burglar, I was short taken and I went up to use the water closet; there was a water closet on the first floor and on all the floors alike, he went up one flight of stairs, there is a similar closet on the first floor off the sidewalk. The houses are four stories high, brown stone, there is a cellar under the house, not occupied, only for wood and coal; there are three houses together. The Dean took the prisoner off, I put on my clothes and went to the Inspector's office. I returned and searched the water closet. I could not say if the water closet was kept locked. I never tried it. I believe it was kept locked. I found two keys in the pan of the water closet. I then had a poker sharpened at the blacksmith's shop and bent. I asked a plumber on the corner how I could get into the pan of a patent water closet; he came with me, put his hand down and brought up three keys - that made five which we found. I took them to the Inspector's office. The prisoner said he was using the water closet. I struck a match and looked into the pan and saw a little decayed paper or fermenting too, it had not been used.

The jury rendered a verdict of guilty of an attempt at burglary in the third degree. The Court sentenced the prisoner to the State prison for two years.

0521

Testimony in the case of

John Smith

filed Sept. 20.

0522

CITY AND COUNTY }  
OF NEW YORK. } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

*John Smith* \_\_\_\_\_

late of the ~~nineteenth~~ *seventeenth* Ward of the City of New York, in the County of New York, aforesaid, on the ~~seventeenth~~ *August* day of ~~August~~ in the year of our Lord one thousand eight hundred and ~~seventy-eighty~~ *eighty* with force and arms, about the hour of ~~three~~ *three* o'clock in the ~~day~~ *day* time of the same day, at the Ward, City and County aforesaid, the dwelling house of

*Edwin M. Baldwin* \_\_\_\_\_  
there situate, feloniously and burglariously did break into and enter ~~by means of forcibly~~

he the said *John Smith* \_\_\_\_\_

then and there intending to commit some crime therein, to wit: the goods, chattels, and personal property of

*Edwin M. Baldwin* \_\_\_\_\_

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

~~And the jurors aforesaid, upon their oath aforesaid, do further present. That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, the said~~

~~late of the Ward, City, and County aforesaid,~~

~~of the goods, chattels, and personal property of the said~~ 7

~~in the said dwelling house then and there being, 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.~~

BENJ. K. PHELPS, District Attorney.

0523

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

Smith, John

**DATE:**

09/21/80



257

0524

Counsel,

Filed 24 day of Sept 1880.

Pleas

THE PEOPLE

vs.

*John Smith*

INDICTMENT.  
Larceny from the person.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*Charles Lent*

Sept. 22/1880 Foreman.

*Wm. G. Eubly*

S. P. One year & no

0525

Form 112.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss:

Police Court—First District.

of No. 512 East 14<sup>th</sup> St Street, being duly sworn, deposes  
and says, that on the 12 day of Sept 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent, And from deponent's

person  
the following property, viz: One Silver Watch

of the value of Twenty Dollars,  
the property of deponent

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

now present as the reason that  
deponent was riding in a railroad  
car that was passing along Chatham  
square when the prisoner jumped  
on and taking hold of deponent by  
the collar of his coat he suddenly  
snatched said watch from a  
pocket of deponent's coat which  
he carried off and ran away

Antonio Pettila

Sworn to before me this 13th day of Sept 1880

Antonio Pettila  
Police Justice

0526

Police Court - First District.

CITY AND COUNTY }  
OF NEW YORK. } ss.

John Smith being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer.

John Smith

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

This City

Question. Where do you live?

Answer.

13 Henry Street

Question. What is your occupation?

Answer.

Confectioner

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.

I am not guilty

John Smith

Taken before me, this 13 day of Sept 1893  
Am. Parker  
Police Justice.

0527

COUNSEL FOR COMPLAINANT.

Name, .....

Address, .....

COUNSEL FOR DEFENDANT.

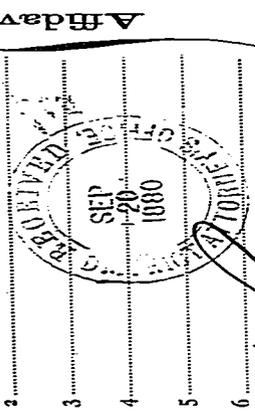
Name, .....

Address, .....

Police Court—First District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Antonio Calhoun*  
\$12 & 14  
*John Smith*



Dated *Sept 13* 18 *80*

*Robinson* Magistrate.

*Leahy* Officer.

*William Clarke* Clerk.

*Wm H. Zivney*

\$ *1500* to answer

at *Year* Sessions

Received at Dist. Atty's office

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

0528

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
*upon their Oath, present:*

That

*John Smith*

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *twelfth* day of *September*, in the year of our Lord one  
thousand eight hundred and eighty — at the Ward, City, and County aforesaid,  
with force and arms,

*One watch of the value of twenty  
dollars*

of the goods, chattels, and personal property of one *Antonio Pittella*  
on the person of the said *Antonio Pittella* then and there being found,  
from the person of the said *Antonio Pittella* 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.

**BENJ. K. PHELPS, District Attorney.**

0529

**BOX:**

**20**

**FOLDER:**

**257**

**DESCRIPTION:**

**Smith, Kate**

**DATE:**

**09/24/80**



257



0531

2 m e

The People v. Kate Smith } Court of General Sessions. Before  
Judge Gildersleeve. September 27. 1880.

Indictment for grand larceny.

Ernestine Merquet, sworn and examined. I live at 111 Bleeker St. and lived there on the 11<sup>th</sup> of Sept. I only knew the prisoner one week. I engaged her for general housework; she was in my employ on the morning of the 11<sup>th</sup> of Sept. I engaged this woman by the week as a servant, and the first week she asked me three dollars and a half. The second week she came at half past six; at 8 1/2 I went in the kitchen and told her to bring the breakfast. She asked me to keep 75 cents for her; she wanted to buy a pair of shoes; I took the money, put it in my bureau and locked it and put the key in my pocket; before I went out I had a bad suspicion, I opened the drawer and I saw the 75 cents with my gold watch and two gold rings. When she was arrested I went to the station house and asked her, "Kate, what did you do with my things?" She was drunk; she made an answer, "I did not take your jewelry, I took only my 75 cents." I put the 75 cents in my jewelry box and my watch and rings. There was some other money there; it went away too. The box was in the drawer of the bureau and the drawer was locked. When I went back I

0532

found the drawer locked. I do not know how the prisoner opened it. The watch I brought from France, it cost me thirty five dollars, the two gold rings were worth ten dollars. Cross Examined. I knew she had a husband. I was not up when she came to my house at 6 1/2 o'clock. At 8 1/2 o'clock I told her to bring the breakfast in the front room. Who was in the front room when your breakfast came in? My husband and two children. What room was it contained the bureau in which the jewelry was? The middle room; the kitchen is in the back. There is a hallway and there are stairs leading to the third and fourth floors of the house. There is no door leading from the hallway to the yard. How do you get out in the yard? Through the kitchen door. I was in the front room when she stole the things. I did not see her steal the watch; it was taken from my bureau in the middle room. I was in the front room. I told her to sweep everything; it was Saturday morning. It took me about 20 minutes to eat my breakfast. After you ate your breakfast did she come in for the dishes? No sir, she was gone; I did not see her again. This woman gave me seventy five cents to keep for her. I saved it for her in my bureau. I spoke to her in the station house about the seventy five cents; she admitted she took it. There were people in the station house at the time, but nobody could

0533

understand; she spoke German; they were all Americans; she was under the influence of liquor. I speak German but I am French.

Edward Gilgan, sworn and examined, testified. I am an officer of the municipal police attached to the Fifteenth precinct. Did you arrest the prisoner on the 11th of Sept? I did, sir, at two o'clock in the afternoon in No 117 Elizabeth St. between Broome and Grand Sts. It is a boarding house and a lager beer saloon down stairs; she was in the beer saloon. What condition was she in when you arrested her in regard to sobriety? She looked as though she had been drinking lager beer; I would say about half drunk. I told her what I arrested her for; she denied it; she said she did not steal anything. You searched her and found nothing on her? Yes sir; this was 2 o'clock in the afternoon. Kate Smith, sworn and examined

in her own behalf testified. I went to work for the complainant on the 11th of Sept. I was there 1/4 past six o'clock Saturday morning. I had to clean the stove and build the fire and clean two back houses. Friday night she bought curtains and told me I had to sew curtains. I could not sew all of it Friday night and told her I would sew the other in the morning. I drank a bowl of coffee for breakfast; she told me to hurry up I had lots of work to do. I am seven years in

0534

the country and I never had such a boss as that. I drank the coffee and I threw it up. I went to 277 Broome St. where I live. I asked the woman there if my husband was home and she said she saw him go out. Did you go to Elizabeth St.? Yes sir. I took five dollars in my pocket. I gave the complainant 75 cents to keep early Saturday morning. I wanted to buy a pair of shoes. When you got to Mrs. Schwenck's house in Elizabeth St. did you tell her anything in relation to this money? Yes I did. I says, I forgot. I gave 75 cents to the woman. I was so mad, I will have to go back. I did not see anything of the ladies' watch or rings. I did not take them. I never admitted to the complainant at the station house that I took the 75 cents out of the bureau. I told the policeman who was in citizen's clothes that I had 75 cents at the house of the complainant. I was once arrested before charged with stealing a pair of pantaloons and was discharged at Jefferson Market. I could not go back to get the 75 cents, for the detective took me. Rosina Schwenck sworn. I know the prisoner four years; she came to my house Saturday morning about 9 o'clock; she said she was badly treated in her situation and wanted me to give her a room; she said she had 75 cents coming to her and wanted to go out. I never heard anything against her honesty. The jury rendered a verdict of guilty.

0535

Testimony in the case of  
Kate Smith  
filed Sept. 24.

0536

STATE OF NEW YORK, } FORM 89 1/2  
CITY AND COUNTY OF NEW YORK, } ss. POLICE COURT—SECOND DISTRICT.

of No. Ernestine Marquet  
111 Bleeker Street, being duly sworn, deposes  
and says, that on the 11 day of September 1888  
at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
away, from the possession of deponent,

the following property, to wit: One double case gold  
watch of the value of thirty five  
dollars. Two gold rings of the value  
of two dollars. and one United  
States legal tender note of the de-  
nomination and value of five  
dollars. in all.

of the value of Fifty 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 Kate Smith  
now present. from the fact that  
said watch, rings and money  
were locked in a bureau drawer  
in the room. where said Smith  
was alone cleaning.  
That she left during deponent's  
absence from the room. without  
deponent's knowledge, and de-  
ponent immediately missed  
said articles.

Sworn to before me this

September 1888

day

William D. C.  
Police Justice

Ernestine Marquet

0537

Police Court—Second District.

CITY AND COUNTY OF NEW YORK, ss

*Kate Smith* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to *her* states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*Kate Smith.*

QUESTION.—How old are you?

ANSWER.—*Thirty one years.*

QUESTION.—Where were you born?

ANSWER.—*In Germany*

QUESTION.—Where do you live?

ANSWER.—*277 Brodway Broome St.*

QUESTION.—What is your occupation?

ANSWER.—*Washerwoman.*

QUESTION.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

ANSWER.—*I am not guilty.*

*Benjamin Griffin*

Taken before me, this

*13*

day of

*Sept*

188

Police Justice.

0538

Police Court—Second District.

CITY AND COUNTY  
OF NEW YORK. } ss

*Kate Smith* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to *her*, states as follows, viz:

QUESTION.—What is your name?

ANSWER.—*Kate Smith.*

QUESTION.—How old are you?

ANSWER.—*Thirty one years.*

QUESTION.—Where were you born?

ANSWER.—*In Germany*

QUESTION.—Where do you live?

ANSWER.—*277 Brodway Broome St.*

QUESTION.—What is your occupation?

ANSWER.—*Washerwoman.*

QUESTION.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

ANSWER.—*I am not guilty.*

*Emmanuel Aguirre*

Taken before me this

*19*

day of

*Sept*

188

0

*Emmanuel Aguirre*  
Police Justice.

0539

178

FORM 894.  
POLICE COURT—SECOND DISTRICT.

Affidavit—Larceny.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

*Ernestus Marquet*  
*III* *Prosecutor*  
*Kate J. Miller*

DATED *13 Sept* 18*90*

*W. H. Sulgan* 15<sup>th</sup>  
MAGISTRATE. OFFICER.



WITNESS: \_\_\_\_\_  
\_\_\_\_\_

*J. M. Lou-*  
TO ANS.

BAILED BY \_\_\_\_\_  
No. \_\_\_\_\_ STREET.

0540

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
*upon their Oath, present:*

That

*Kate Smith*

late of the First Ward of the City of New York, in the County of New York, afore-  
said, on the *eleventh* day of *September* in the year of our Lord one  
thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms

*One watch of the value of thirty five  
dollars*

*Two rings of the value of five dollars  
each*

*One* Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as *a* United States Treasury Note of the  
denomination of *five* dollars and of the value of *five* dollars.

*One* Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as *a* Bank Note of the denomination of  
*five* dollars and of the value of *five* dollars.

of the goods, chattels and personal property of one

*Ernestine Marquet*

then and  
there being found, 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.

**BENJ. K. PHELPS, District Attorney.**

0541

BOX:

20

FOLDER:

257

DESCRIPTION:

Solomon, William

DATE:

09/15/80



257

0542

110

Counsel,  
Filed *W. T. G. J.* 1880  
Pleads

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

*A. D. ...*

*William Solomon*  
P.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*Chas. L. ...*

Foreman.

Part No Sept 15, 1880.

pleads G.L.

*U.P. one year.*

0543

Form 112.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss:

Police Court—First District.

of No. 54 Howard Oscar Whitehead  
Street, being duly sworn, deposes  
and says, that on the 31<sup>st</sup> day of August 1880  
at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent,

the following property, viz: Fifteen pairs of pantaloons

of the value of about fifty Dollars,  
the property of Sazarus Whitehead, Suesman Lewinson  
and Herman Lewinson copartners and in  
Care and charge of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
was feloniously taken, stolen, and carried away by William Solomon  
(now here) for the reason that deponent  
saw said Solomon take steal and carry  
away the aforesaid property

Sworn to before me, this

August

91

1880

days

Police Justice

Oscar Whitehead

0544

Police Court—First District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

William Solomon being duly examined before the under-  
signed, according to law, on the annexed charge; and being informed that he was at  
liberty to refuse to answer any question that may be put to him, states as follows,  
viz:

Question. What is your name?

Answer. William Solomon

Question. How old are you?

Answer. 10 Years

Question. Where were you born?

Answer. Ct. S.

Question. Where do you live?

Answer. Robert-House

Question. What is your occupation?

Answer. Soldier

Question. Have you anything to say, and if so, what—relative to the charge  
here preferred against you?

Answer. I am not guilty

William Solomon

Taken before me, this

31 day of August 1890

Police Justice.

0545

COUNSEL FOR COMPLAINANT.

Name, .....  
Address, .....

COUNSEL FOR DEFENDANT.

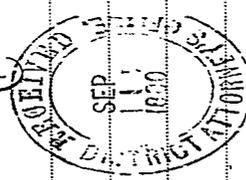
Name, .....  
Address, .....

Police Court—First District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Al Cal Whithead*  
*84 Howard St.*

*William H. Solomon*



*57 August 80*  
Date, .....

*Smith* Magistrate.  
*Chapman* Officer.  
*5 Ave. Ck.*

Witnesses: .....

*\$ 1000* to answer  
at *General Sessions*  
Received at Dist. Atty's office

BAILED

No. 1, by .....

Residence, .....

No. 2, by .....

Residence, .....

No. 3, by .....

Residence, .....

No. 4, by .....

Residence, .....

No. 5, by .....

Residence, .....

No. 6, by .....

Residence, .....

0546

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York, upon  
their Oath, present:*

That

*William Solomon*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
*thirty - first* day of *August* in the year of our Lord  
one thousand eight hundred and eighty *two* at the Ward, City and County aforesaid  
with force and arms,

*Fifteen pair of pantaloons of the value of  
three dollars each pair.*

*Fifteen pair of pantaloons of the value of  
three dollars and twenty - five cents each  
pair.*

of the goods, chattels, and personal property of one *Lazarus Whitehead,*  
*Susman Dewetson and Herman Dewinson* then and  
there being found, 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.

0547

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

William Solomon

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid,

Fifteen pairs of pantaloons of the value of three dollars each pair.  
Fifteen pair of pantaloons of the value of three dollars and twenty-five cents each pair.

of the goods, chattels, and personal property of the said Lazarus Whitehead  
Susman Lewinson and Herman Lewinson  
by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said Lazarus Whitehead, Susman Lewinson  
and Herman Lewinson

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

William Solomon  
then and there well knowing the said goods, chattels, and personal property, to have been feloniously  
stolen,) 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.

BENJ. K. PHELPS, District Attorney.

0548

BOX:

20

FOLDER:

257

DESCRIPTION:

Steinberg, Henry

DATE:

09/16/80



257

0549

DEPARTMENT OF  
Public Charities and Correction.

CITY PRISON,

New York, Sept 7<sup>th</sup> 1880

Judge Murray,  
New York.

I find the  
woman has gone home.  
The child has gone home  
also.

Yours Respectfully,  
H. W. Jackson  
M.D.

0550

Police Court—First District.

STATE OF NEW YORK  
CITY AND COUNTY OF NEW YORK, } ss.

Nancy Wagner  
of No. 24 Elizabeth<sup>Street,</sup> about  
being duly sworn, deposes and says, that on the 29  
day of August 1880, at the City and County of  
New York,

The Harry Steinhilber living  
in the premises No 137 W 23<sup>rd</sup>  
Street did feloniously make  
an assault upon Katie Wagner  
now here a female child under  
the age of ten years and her  
the said Katie then and there  
did wickedly unlawfully and  
carnally know that said  
Katie is the daughter of deponent  
and is of the age of four years  
that the private parts and sexual  
organs of the body of said Katie  
have been recently lacerated and  
made sore and the same are  
affected with a certain infectious  
disease arising from the practice  
of debauchery that deponent  
is informed by said Katie that  
said lacerations of her body and  
said soreness and disease thereof  
were caused by such violence  
and ravishment of her body by  
only said Steinhilber and  
deponent believes the same  
to be true and therefore  
prays that the said  
Steinhilber may be arrested  
and dealt with according  
to law

Nancy Wagner

Thomas D. Steinhilber  
this 3 day of September 1880  
at New York City  
Thomas D. Steinhilber

0551

COUNSEL FOR COMPLAINANT.

Name  
Address

COUNSEL FOR DEFENDANT.

Name  
Address

Police Court—First District.

THE PEOPLE, & CO.,

BY THE COMPLAINANT OF

*Mary Sawyer*  
*Elizabeth*  
*Henry Sawyer*



Offense

*3*  
*At Liberty*

Magistrate

Officer

Clerk

*W. W. Perkins*  
*Com for CA*

*no bail fees*

\$ 1000-

to pay

Seal

Received in Dist. Atty's Office.

*Com*

87

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

0552

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
*in and for the body of the City and County of New York,*  
upon their Oath, present :

That

*Henry Steinberg* ~~~~~

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *twentyninth* day of *August* in the year of our Lord one  
thousand eight hundred and ~~seven~~ *eighty* at the Ward, City, and County aforesaid,  
with force and arms, in and upon one *Katie Hafner*  
wilfully and feloniously made an assault, and that the said

*Katie Hafner* ~~~~~ her the said  
*Katie Hafner* ~~~~~ then and there by force and with  
violence to her, the said *Katie Hafner* ~~~~~ and against her  
will, did wilfully and feloniously ravish and carnally know *Katie Hafner*  
~~~~~ 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.

And the jurors aforesaid, upon their oath aforesaid, do further present: That the said

*Henry Steinberg* ~~~~~

late of the Ward, City, and County aforesaid, afterwards, to wit, on the  
day and in the year aforesaid, and at the place aforesaid, with force and arms, in and  
upon her, the said *Katie Hafner* ~~~~~ wilfully and feloniously  
made an assault, with intent her the said *Katie Hafner* ~~~~~  
against her will, and by force and violence, to then and there wilfully and feloniously  
ravish and carnally know, against the form of the Statute in such case made and pro-  
vided, and against the peace of the People of the State of New York, and their dignity.

**BENJ. K. PHELPS, District Attorney.**

0553

BOX:

20

FOLDER:

257

DESCRIPTION:

Stevens, William

DATE:

09/14/80



257

0554

BOX:

20

FOLDER:

257

DESCRIPTION:

Moore, John H.

DATE:

09/14/80



257

0555

N.O.I.

Bailed by

Joseph Donnell

159 N. 20th St.

103

For

1 C. Stecker  
2 J. O. Moore

Counsel,

Filed 4 day of Sept. 1880.

Am Pleadg vs. Gentry

Robbery—First Degree, and Receipts  
State Goods.

THE PEOPLE  
vs.  
William Steiner  
John Malone

BENJ. K. PHELPS,

District Attorney.

Not. Bail returned to  
\$300. by consent

A True Bill.

Chas. J. [Signature]

Part Pro Sept 21, 1880. Foreman.

No 2. Check [unclear] a  
way. Paid [unclear]

0556

Form 123.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss.:

Police Court—Second District.

James Mooney

of No. 125 West 24 Street, being duly sworn, deposes and says,

that on the first day of September 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the person of deponent, by force and violence, and against the will of deponent, the following property, viz.:

One bill of the value of  
one dollar and Silver coin  
in all

of the value of One 65/100 Dollars

the property of deponent Dollars.

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away, by force and violence, and against his will, by William Stevens and John Moore

(nowhere) that said Stevens did  
strike deponent which caused  
deponent to fall on the ground  
whereupon said Stevens and said  
Moore did assault and beat deponent  
and said Moore did take said  
and carry away said money  
from the pocket of the pants  
then on deponent's person

James Mooney

Sworn to before me this  
day of Sept 1880  
[Signature]  
Police Justice.

0557

Police Court—Fifth District.

CITY AND COUNTY } ss.  
OF NEW YORK. }

*William Stevens* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that he was at  
liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer. *William Stevens*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live?

Answer. *100 West 12th Street*

Question. What is your occupation?

Answer. *None*

Question. Have you anything to say, and if so, what,—relative to the charge here  
preferred against you?

Answer. *Nothing to say*

Taken before me, this *24* day of *Sept* 18*73*  
*W Stevens*

Police Justice.

0558

Police Court—Fifth District.

CITY AND COUNTY OF NEW YORK, ss.

John Moore being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. John Moore

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. [illegible]

Question. Where do you live?

Answer. [illegible]

Question. What is your occupation?

Answer. [illegible]

Question. Have you anything to say, and if so, what,—relative to the charge here preferred against you?

Answer. [illegible]

Taken before me, this 24 day of [illegible] 1873

John H. Moore

Police Justice.

0559

Form 123

POLICE COURT—SECOND DISTRICT

THE PEOPLE, & C.,

ON THE COMPLAINT OF

Affidavit—Robbery.

James Hooney  
125 W 24th St  
vs.

William Stevens

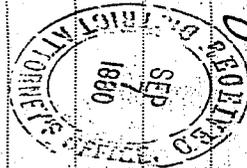
John Moore

Dated 2 Sept 1883

Smith Magistrate.

Samuel George, 29 officer.

Witness,



\$1500 to ans. G.S. Each Bond

Bailed by

No. Street.

0560

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That William Stevens and John H Moore  
Each -

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the ninth day of September in the year of our Lord  
one thousand eight hundred and ~~twenty~~ Eighty at the Ward, City and County  
aforesaid, with force and arms, in and upon one James Mooney  
in the peace of the said People then and there being, feloniously did make an assault and

divers coins of a number and denomination  
to the jurors aforesaid unknown, and a more  
accurate description of which can not  
now be given of the value of sixty five  
centimes

One Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as a United States Treasury Note of the  
denomination of One dollar and of the value of One dollar.

One Promissory Note for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as a Bank Note of the denomination of  
One dollar and of the value of One dollar.

of the goods, chattels, and personal property of the said

James Mooney  
from the person of said James Mooney and against  
the will and by violence to the person of the said James Mooney  
then and there violently and feloniously did rob, 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.

Benjamin K Phelps  
District Attorney

0561

BOX:

20

FOLDER:

257

DESCRIPTION:

Sullivan, John

DATE:

09/09/80



257

0562

170

Counsel  
Filed  
Pleads

1880

day of Sept

THE PEOPLE

vs.

John Sullivan

INDICTMENT.  
Larceny of Money, &c., from the person  
in the night time.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

Chas. J. Lark

Sept. 9. 1880. Foreman.

Chas. J. Lark

State Refractory Prison

0563

Form 112.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, } ss:

Police Court—First District.

of No. 71 Matt Mary Sullivan  
Street, being duly sworn, deposes  
and says, that on the 18 day of August 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried  
away from the possession of deponent, and from deponent's person

the following property, viz: One apron, <sup>of the value of ten cents</sup> and good and lawful  
Consisting of one bill of the denomination and  
value of five dollars. One bill of the denomination  
and value of two dollars, and silver coins of the  
value of two dollars in all

of the value of Nine 10/100 Dollars,  
the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
was feloniously taken, stolen, and carried away by John Sullivan  
(now here) for the reason that deponent  
saw said Sullivan take steal and  
carry away the aforesaid ~~from~~  
property from deponent's person

Mary + Sullivan  
her mark

Summe to, before me, this  
August 18 day  
1880  
Police Justice.

0564

Police Court—First District.

CITY AND COUNTY OF NEW YORK, ss.

*John Sullivan* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *John Sullivan*

Question. How old are you?

Answer. *17 Years*

Question. Where were you born?

Answer. *U.S.*

Question. Where do you live?

Answer. *5 Mulberry St*

Question. What is your occupation?

Answer. *Junk*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not guilty.*

*John Sullivan*

*[Signature]*  
I hereby certify that the above is a true and correct copy of the proceedings in this case.  
day of *July* 18 *80*  
*[Signature]*  
Police Justice.

0565

COUNSEL FOR COMPLAINANT.

Name, .....

Address, .....

COUNSEL FOR DEFENDANT.

Name, .....

Address, .....

Police Court—First District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Mary Sullivan*  
*County of Sebastian*  
*vs.*  
*John P. Sullivan*



BAILED

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

A. H. Davitt—Larce

Dated, *19 Aug* 18 *80*

*Smith* Magistrate.

*Warden* Officer.  
*14 Per* Clerk

Witnesses:

\$ *1000* to answer  
at *Quincy* Sessions  
*Board*

Received at Dist. Atty's office

0566

CITY AND COUNTY }  
OF NEW YORK, } ss.

**THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,**  
*in and for the body of the City and County of New York, upon  
their Oath, present :*

**That** *John Sullivan*

late of the First 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 eighty at the Ward, City and County aforesaid, with force and arms, in the night time of said day, three 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 the denomination of one thousand dollars, and of the value of one thousand dollars each : three 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 the denomination of five hundred dollars, and of the value of five hundred dollars each : twenty 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 the denomination of one hundred dollars, and of the value of one hundred dollars each : thirty 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 the denomination of fifty dollars, and of the value of fifty dollars each : fifty 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 the denomination of twenty dollars, and of the value of twenty dollars each : sixty 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 the denomination of ten dollars, and of the value of ten dollars each : eighty 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 the denomination of five dollars, and of the value of five dollars each : ninety 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 the denomination of three dollars, and of the value of three dollars each : one hundred 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 the denomination of two dollars, and of the value of two dollars each : one hundred and twenty 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 the denomination of one dollar, and of the value of one dollar each : one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars : one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars : two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each : three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each : ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each : ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each : fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each : thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each : bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each : three gold coins (of the kind usually known as eagles), of the value of ten dollars each : six gold coins (of the kind usually known as half eagles), of the value of five dollars each : fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each : ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each : thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each : gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each : sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each : one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each : three hundred silver coins (of the kind usually called dimes), of the value of ten cents each : six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each : one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each : silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each : five hundred coins (of the kind known as two cents), of the value of two cents each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of fifty cents each, and of the marketable value of fifty cents each : two hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each, and of the marketable value of twenty-five cents each : five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

*One aprou of the value of ten cents*

of the goods, chattels, and personal property of one *Mary Sullivan* on  
the person of the said *Mary Sullivan* then and there being found,  
from the person of the said *Mary Sullivan* 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.

**BENJ. K. PHELPS, District Attorney.**

0567

BOX:

20

FOLDER:

257

DESCRIPTION:

Sullivan, John

DATE:

09/16/80



257

131

*Handwritten notes*

Counsel, *W. L. Chapman*  
Filed *6* day of *Sept.* 188*6*.  
Pleads, *et al* Guilty

Robbery—First Degree, and Receiving  
Stolen Goods.  
THE PEOPLE  
vs.  
*W. L. Chapman*  
*et al.*  
*John Sullivan*  
*F.*

BENJ. K. PHELPS,  
District Attorney.

*Part no Sept 21, 1886*  
*plea do guilty*  
*S.P. 18 on death!*  
A TRUE BILL.

*Abraham Lord*

Foreman.

0569

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK, ss.

Police Court--First District.

Thomas Frame  
of No. 32 1/2 Hamilton Ave South Brooklyn St, being duly sworn, deposes

and says, that on the 26 day of August 1880

at the Third (attempted to be) Ward of the City of New York, in the  
County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent, by force and violence, without his consent and against his will, the following property viz:

One Bran Watch and about two  
dollars in money in all

of the value of four 00/100 Dollars,  
the property of deponent

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

John Sullivan (nowhere)  
and two unknown persons that two  
of said three persons had deponent  
while the third person searched the  
pockets of the clothing then and  
then on deponent's body - deponent  
cried aloud for help and did break  
away from said three men and did  
escape -

Thomas Frame

Sworn to, before me, this  
27 day of August 1880

Police Justice

0570

Police Court--First District.

CITY AND COUNTY OF NEW YORK. } ss.

*John Sullivan* being duly examined before the undersigned, according to law. on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *John Sullivan*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *N. Y.*

Question. Where do you live?

Answer. *351 Water St.*

Question. What is your occupation?

Answer. *Steam Boatman*

Question. Have you anything to say, and if so, what—relative to the charge

here preferred against you?

Answer. *I am not guilty.*

*J. Sullivan*

Taken before me, this

day of

18

Police Justice.

Police Justice.

0571

COUNSEL FOR COMPLAINANT.

Name.....  
Address.....

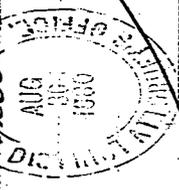
COUNSEL FOR DEFENDANT.

Name.....  
Address.....

Police Court--First District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*Thomas Frame*  
*214 Hamilton Ave*  
*St. Paul, Minn*  
*John Sullivan*



AFFIDAVIT ROBBERY *Attorney*

BAILED:

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Dated *27 August* 18*80*

Justice

Officer

Clerk

*Smith*

*Heeling*

Witness

*1000*

*to cash*  
*at Quind*  
*at Quind*  
*Received at Dist. Atty's office*

0572

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That *John Sullivan*

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the *twenty sixth* day of *August* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms, in and upon one *Thomas Frame*  
in the peace of the said People then and there being, feloniously did make an assault and  
*one watch of the value of two dollars,*

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of a number  
and denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of *two dollars*

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of a number and denomina-  
tion to the Jurors aforesaid unknown, and a more accurate description of which cannot  
now be given, of the value of *two dollars*

Divers Due Bills of the United States of America, the same being then and there  
due and unsatisfied, and of the kind known as Fractional Currency, of a number and  
denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of *two dollars*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-  
known, and a more accurate description of which cannot now be given, of the value of  
*two dollars*

of the goods, chattels, and personal property of the said *Thomas Frame*

from the person of said *Thomas Frame* and against  
the will and by violence to the person of the said *Thomas Frame*  
then and there violently and feloniously did rob, 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.

*Bay K Phelps*  
*District Attorney*

0573

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

Sullivan, John

**DATE:**

09/30/80



257



0575

The Court of General Sessions  
of the Peace for the City & County of New York

John Sullivan

vs

The People of the State of New York

And the said John Sullivan, being now here as aforesaid, in his proper person, says that the said plea by him the said John Sullivan above and heretofore pleaded herein, and the matters therein contained are sufficient in law to bar the said people from further prosecuting the said John Sullivan, by reason of the premises in the indictment to which the said plea is above pleaded, and this he is ready to verify.

Wherefore he prays judgment that he may be dismissed this Court without delay except so far as said indictment charges and includes an attempt to commit burglary in the first degree and that as to so much thereof the defendant may be allowed to plead Not Guilty.

John C. Mott  
of Counsel for defendant John Sullivan

0576

My General Agents

John Sullivan

Ad

The People

Guide in Summary

John A. M. D.  
of Counsel for  
John Sullivan

at  
New York City

0577

At a General Term of the  
Supreme Court of the State of New  
York for the First Judicial Depart-  
ment held at the County Court  
House in the City of New York  
on the 10<sup>th</sup> day of April 1882.

Present— Hon. Noah Davis Presiding Justice  
" John R. Brady and  
" Charles Daniels } Justices

John Sullivan  
Plaintiff in error  
vs  
The People of the  
State of New York  
Defendants in error

This Cause  
having come on for argument upon the  
writ of error and bill of exceptions herein  
and after hearing John O. West of counsel  
for Plaintiff in error and John Vincent Esq  
Assistant District Attorney of counsel for  
Defendants in error;

It is ordered that the judgment  
and conviction and sentence therein be, and  
the same is hereby vacated, reversed and  
set aside, and a new trial ordered to



0578

Covered  
1881

see had herein

a Copy  
Jno A. Butler  
Clerk

Supreme Court  
John Sullivan  
app. in error  
vs

The People of the state  
of New York  
Depts. in error

Certified copy Ord. of  
Reversing judgment  
v2

John A. Wood  
Clerk for app. in error

filed April 14 1881

0579

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

*John Sullivan*

late of the *First* Ward of the City of New York, in the County of  
New York, aforesaid,

on the *twenty-fifth* day of *September* in the year  
of our Lord one thousand eight hundred and ~~seventy~~ *eighty*  
with force and arms, about the hour of *two* o'clock in the *night* time  
of the same day, at the Ward, City and County aforesaid, the Dwelling-house of

*Nicholas Smith*

there situate, feloniously and burglariously did break into and enter by means of  
*forcibly breaking open an outer window of*  
*said dwelling house*  
whilst there was then and there some human being to wit, one *Nicholas*  
*Smith* within the said dwelling-house he, the said

*John Sullivan*

then and there intending to commit some crime therein, to wit, the goods, chattels, and  
personal property of *Nicholas Smith*

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

~~And the jurors aforesaid, upon their oath aforesaid, do further present. That  
afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County  
aforesaid, about the hour of o'clock in the *time* of said day,  
the said~~

~~late of the Ward, City, and County aforesaid,~~

~~of the goods, chattels, and personal property of~~

~~in the said dwelling-house of one  
, then and there being found~~

~~in 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,~~

BENJ. K. PHELPS, District Attorney.

0500

**BOX:**

**20**

**FOLDER:**

**257**

**DESCRIPTION:**

**Sullivan, William**

**DATE:**

**09/10/80**



257

0581

**BOX:**

20

**FOLDER:**

257

**DESCRIPTION:**

O'Hare, James

**DATE:**

09/10/80



257

0582

70

Day of Trial

Counsel,

Filed

1889

day of

Sept.

Reads

THE PEOPLE

vs.

BURGLARY—Third Degree, and  
[Receiving Stolen Goods]

William Sullivan

James O'Hare

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*John J. [Signature]*

Foreman

Read True & Lay

1. State Representative Edwin

2. Reas. One Year

0583

POLICE COURT First DISTRICT.

City and County }  
of New York, }

vs: Charles Partridge

of No. 360 Pearl Street, being duly sworn,

deposes and says, that the premises No. 360 Pearl

Street, 4 Ward, in the City and County aforesaid, the said being a brick building

and which was occupied by deponent as a as a furniture ~~warehouse~~

entered by means forcibly entering through a broken <sup>were BURGLARIOUSLY</sup>  
pane of glass in a door which leads from the  
rear part of the premises and entering therein

on the day of the 27 day of August 1880

and the following property feloniously taken, stolen, and carried away, viz:

one coat and one pair of  
pantaloons in all of the value  
of twenty eight 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 William Sullivan and James

O'Hare (both now present) and two other persons not arrested  
for the reasons following, to wit; that deponent was informed

by Jerry Sullivan that said William Sullivan  
gave him the <sup>prop.</sup> ticket for the aforesaid property  
deponent further says that he was informed  
by officer Kelly that said James O'Hare  
confessed to him (said officer) that he got  
a portion of the money ~~which was~~ <sup>was</sup> pawns  
on the aforesaid property which was pawned

Chas. Partridge

presented to me by the witness  
of the day of August 1880  
Police Justice

0584

City and County  
of New York JSS

No 58 New Chamber being duly sworn  
says that he has heard read the foregoing  
affidavit and the statement therein contained  
on information from deponent is true

Sworn to before me this 3  
3rd day of August 1880

Jerry Sullivan  
Police Justice

City and County  
of New York JSS

of the 4th Precinct Police being duly  
sworn says that he has heard  
read the foregoing affidavit  
and the statement contained on information  
from deponent is true

Sworn to before me this 3  
3rd day of August 1880

John Kelly  
Police Justice

0585

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Sullivan* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *William Sullivan*

Question. How old are you?

Answer. *16*

Question. Where were you born?

Answer. *Ireland*

Question. Where do you live?

Answer. *329 Wall St.*

Question. What is your occupation?

Answer. *None*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *Nothing to say.*

*William Sullivan*

Taken before me this  
*15*  
day of *October*  
189*7*  
Richard Justice  
Justice

0586

Police Court—First District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*James O'Hare* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *James O'Hare*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Cherry St - U.S.*

Question. Where do you live?

Answer. *14 Cherry St -*

Question. What is your occupation?

Answer. *Schoolboy*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not-guilty.*  
*James O'Hare*

Taken before me, this

day of *April* 18*87*

POLICE JUSTICE.

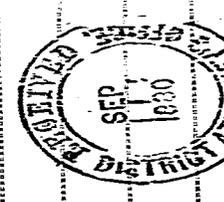
0507

107  
POLICE COURT - First DISTRICT.

THE PEOPLE, & c.  
ON THE COMPLAINT OF  
Charles Partridge  
340 Pearl St.  
vs.  
William Sullivan  
James O'Hare

Dated 21 August 1880  
at New York  
170 Keely + Clarke  
4 Prec  
Clerk.

Witnesses:  
John Sullivan  
58 New-Church



Committed to default of \$1000 with Cash

Bailed by  
No. Street.

Alice Hill  
Foreman

0588

POLICE COURT First DISTRICT.

City and County }  
of New York, } ss:

Charles Partridge  
of No. 360 Pearl Street, being duly sworn,

deposes and says, that the premises No. 360 Pearl  
Street, H Ward, in the City and County aforesaid, the said being a brick building

and which was occupied by deponent as a as a furniture warehouse

entered by means forcibly entering through a broken  
pane of glass in a door which leads from the  
rear part of the premises and entering therein  
<sup>were BURGLARIOUSLY</sup>

on the day of the 27 day of August 1888  
and the following property feloniously taken, stolen, and carried away, viz:

one coat and one pair of  
pantalons in all of the value  
of twenty eight 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 William Sullivan and James  
O'Hare (both now present) and two other persons not arrested  
for the reasons following, to wit: that deponent was informed  
by Jerry Sullivan that said William Sullivan  
gave him the <sup>proper</sup> ticket for the aforesaid property  
deponent further says that he was informed  
by officer Kelly that said James O'Hare  
confessed to him (said officer) that he got  
a portion of the money ~~which was found~~  
on the aforesaid property which was pawned  
Chas. Partridge

Proposed to be sworn before me  
at New York City  
on the 27th day of August 1888  
Police Justice

0589

City and County  
of New York JSS

No 58 New Chamber being duly sworn  
says that he has heard read the foregoing  
affidavit and the statement therein contained  
or information from deponent is true

Sworn to before me this 3<sup>d</sup>  
31 day of August 1880

Jerry Sullivan  
Police Justice

City and County  
of New York JSS

of the 4<sup>th</sup> Precinct Police being duly  
sworn says that he has heard  
read the foregoing affidavit  
and the statement contained or information  
from deponent is true

Sworn to before me this 3<sup>d</sup>  
31 day of August 1880

John Kelly  
Police Justice

0590

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

William Sullivan being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. William Sullivan

Question. How old are you?

Answer. 10

Question. Where were you born?

Answer. Ireland

Question. Where do you live?

Answer. 329 Wall St

Question. What is your occupation?

Answer. None

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. I am not guilty

William Sullivan

*John J. Sullivan*  
Taken before me this  
15 day of March  
1891  
Police Justice

0591

Police Court—First District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James O'Hare* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. *James O'Hare*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Cherry St - U.S.*

Question. Where do you live?

Answer. *14 Cherry St -*

Question. What is your occupation?

Answer. *Schoolboy*

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. *I am not-guilty.*  
*James O'Hare*

Taken before me, this *15th* day of *August* 18*91*  
*[Signature]*  
POLICE JUSTICE

0592

107  
POLICE COURT - 1st DISTRICT.

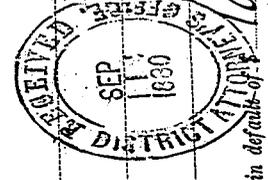
THE PEOPLE, &c.  
ON THE COMPLAINT OF  
Charles Partridge  
560 Pearl St.  
vs.  
William Sullivan  
James O'Hare

BURGLARY AND LARCENY.

Dated 31 August 1880  
J. Smith Magistrate

J. P. Keely & Clarke Officer.  
4 Force Clerk.

Witnesses  
John Sullivan  
58 New Chancery



Committed in default of Bail. Cash

Bailed by  
No. Street.

A. C. Hill  
Foreman

0593

CITY AND COUNTY } ss.  
OF NEW YORK.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That *William Sullivan* and *James O'Hare*  
Each

late of the *Fourth* Ward of the City of New York, in the County of New York,  
aforesaid, on the *twenty-seventh* day of *August* in the year of our Lord one  
thousand eight hundred and eighty *\_\_\_\_\_* with force and arms, at the Ward,  
City and County aforesaid, the *warehouse* of

*Charles Partridge* *\_\_\_\_\_* there situate, feloniously and  
burglariously, did break into and enter, the same being a building in which divers  
goods, merchandise, and valuable things were then and there kept for use, sale and  
deposit, to wit: the goods, chattels, and personal property hereinafter described, with  
intent the said goods, chattels, and personal property of the said

*Charles Partridge* *\_\_\_\_\_* then and there being, then and there  
feloniously and burglariously to steal, take and carry away, and

*One coat of the value of twenty dollars*  
*One pair of pantaloons of the value*  
*of eight dollars* *\_\_\_\_\_*

of the goods, chattels, and personal property of the said

*Charles Partridge* *\_\_\_\_\_*

so kept as aforesaid in the said *warehouse* then and there being, 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.

0594

And the Jurors aforesaid, upon their oath aforesaid, do further present

THAT the said

William Sullivan & James O'Hare each

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City, and County aforesaid,

One coat of the value of twenty dollars  
one pair of pantaloons, of the value  
of eight dollars

of the goods, chattels and personal property of

Charles Partridge

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said

Charles Partridge

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

William Sullivan & James O'Hare

then and there well knowing the said goods, chattels, and personal property to have been feloniously stolen,) 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.

BENJ. K. PHELPS, District Attorney.