

0143

BOX:

206

FOLDER:

2054

DESCRIPTION:

Yellin, Marcus

DATE:

01/06/86



2054

Witnesses:

The Complainant having  
recommended deft. to  
Clemency and having  
with my approval and  
consent made full res-  
titution given - and  
the Complainant stating  
that he believes deft.  
had no intention to  
steal - I recommend  
that within indictment  
be dismissed,  
Jan. 14. 1886.  
Randolph B. Martine  
District Attorney

50 Adam Rosenberg  
132 Nassau

Counsel,

Filed 6 day of Jan 1886

Pleads *Inguilty*

THE PEOPLE

vs.

*Marcus Yellin*

Grand Larceny 2nd degree  
[Sections 528, 53 & Penal Code]

RANDOLPH B. MARTINE,

*Dr* Jan 24/86 District Attorney.

*Ad* demands deft dish.

A True Bill.

*Charles Higgins*

Foreman.

0144

0145

The People }  
agst  
Marcus Mellon }

City and County of New York ss. Abraham  
Fink being duly sworn deposes and  
says; that on the 7<sup>th</sup> day of January  
1886 this deponent received full restitution  
from the defendants to wit \$50<sup>00</sup>  
on order given by defendant to  
Susan Jarmulowsky of 11054 Canal  
Street New York City.

Subscribed before me }  
January 12<sup>th</sup> 1886 } Abraham Fink  
Albert L. Phillips }  
Clerk of Court  
N.Y. City

Resworn this  
14<sup>th</sup> of January 1886

John Conner  
Notary Public  
N.Y.C.

0146

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Marcus Yellin

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I now believe that the said Marcus Yellin had no intention to steal the money. ~~The said Yellin has a claim against the~~ society of which I am Treasurer and he said he thought the money was given to him in payment of said claim and had no intention of stealing it, which I believe is true. I have known the said Yellin for about 8 months and he has during that time borne a very good character, and I have never heard of anything against him previous to this. I caused his arrest in the excitement and belief that he intended to steal the money and now earnestly desire permission to withdraw the complaint herein.

Dated Jan'y 8/86  
in presence of  
Rudolph L. Schaff  
Att'y Gen'l

Abraham Fink



0147

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

*Marcus Gellin*

OFFENCE

FAMOUS E. N. A.

District Attorney.

*Withdrawal*

0148

City and County of New York ss: Abraham Fink  
being duly sworn says: that he resides at 210 North  
Second Street Brooklyn E.D. I know Marcus Yellon  
about eight months. I know him to be a man of good  
moral character. On the 28<sup>th</sup> day of December 1885 I  
went to Marcus Yellon store with Fifty Dollars  
in silver which money I had charge of in the  
capacity of Treasurer of the Hebrew Colonization  
Society incorporated under the laws of the State  
of New York and whose principal place of business  
is in the City of New York. I asked Mr Yellon to  
change said amount of silver for bills of the  
same amount as a favor to me. Marcus Yellon  
took the silver and refused to give me the  
bills in exchange and I under great excitement  
had him arrested. After the commitment I  
had occasion to see him and he explained to  
me that the reason why he refused to give me  
the exchange for the silver was because the  
Hebrew Colonization Society was indebted to  
him. Marcus Yellon and he thought he could  
secure himself by retaining the money. I know  
that Marcus Yellon is a member of said  
Society - but I know nothing about this alleged  
debt. Still I now believe that Marcus Yellon  
acted in good faith and under the mistaken  
idea that he had some right to retain the  
money in question and I am satisfied

to withdraw my charge on the ground that Marcus Yellon being unfamiliar with the English language & habits was at the time of the act charged laboring under a misapprehension as to his rights and had no intention to commit any crime.

Deponent further says that Marcus Yellon is a Russian Hebrew that he has been in this city and County for a very short time and is unfamiliar with the English language, habits and customs.

Deponent further says that he has received no pecuniary compensation nor has he been promised any pecuniary compensation for the making of this affidavit, and the only reason why he this deponent makes this affidavit is because he really believes that said Marcus Yellon was laboring under a misapprehension of facts.

Sworn to before me

this 31<sup>st</sup> day of December 1885

Abraham Fink

Albert J. Phillips  
Com' of Deeds  
N.Y.

City and County of New York ss:

Israel Lyschitzky being duly sworn deposes and says that he resides at 226 East Broadway, New York City. I know Marcus Yellen about one year. I know him to be a man of good moral character. I am the President of the Hebrew Colonization Society referred to in the annexed Affidavit of Abraham Fink. Abraham Fink is the Treasurer of said Society. Deponent further says that he knows Marcus Yellen to be a Russian Jew and a member of said Society, that he, deponent has had various business transactions with the said Marcus Yellen and has always found him to be an honest, upright man. Deponent has read the annexed affidavit of Abraham Fink and knows the contents thereof to be true except as to those matters therein stated to be alleged on information and belief and as to those matters he believes them to be true.

Sworn to before me

this 2<sup>nd</sup> day of December 1885

Albert L. Thellus

Just of Peace

in City -

{ Israel Lyschitzky



0151

In the matter of the  
funding of Indebtedment  
against Marcus Jellon

Applicants - of  
Abraham Fink &  
Israel Apocelytz.

0152

Court of General Sessions

The People  
vs.  
Marcus Yellow

City and County of New York ss:  
Israel Liphshitz Michael Fink &  
Rayman Prosser Nunn, Esq.

being severally duly sworn depose and  
say that they are the officers of the Hebrew  
Colonization Society of the City of New  
York duly incorporated under and  
by virtue of the Laws of the State of  
New York; that they know Marcus Yellow  
the above named defendant to be a  
man of good moral character, that said  
Marcus Yellow is a Russian Hebrew  
that he has been in this Country only  
a short time and is unfamiliar with  
the English language; customs and  
habits; that Marcus Yellow is a member  
of the aforesaid Society; that they nor  
either of them has received nor been promised  
any pecuniary compensation for the  
making of this affidavit and the

0153

only reason why the said affidavits  
were made is because it would be a  
miscarriage of justice in the part of these  
deponents were the same not made.

Sworn to before me

this 7 day of January 1886.

Benjamin D. [Signature]

Notary Public

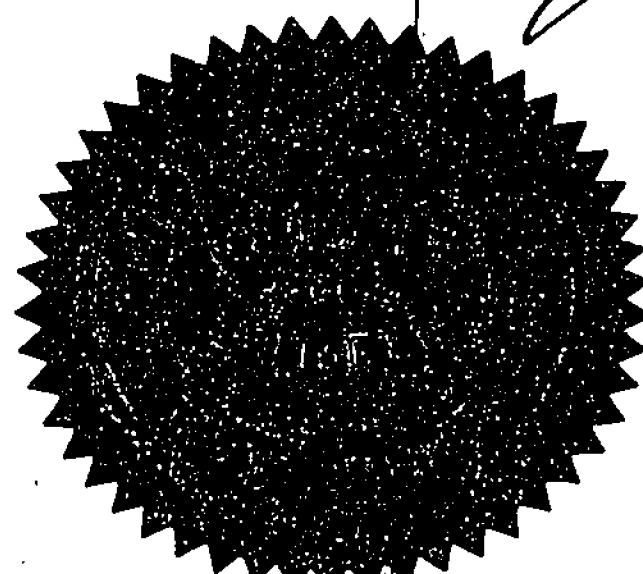
My Co

asw. Oct. 24th 1886

Abraham Link

My. Rosenroth

Chas. Link



0154

City and County of New York ss:

Abraham Pinto, being duly sworn deposes and says that he resides at No 210 North Second Street Brooklyn C.D. and is the Treasurer of the Hebrew Colonization Society mentioned and described in the foregoing affidavit, that he knows the defendant Marcus Yellow to be a man of good moral character; that on the 28th day of December 1885 he took fifty Dollars in coin - belonging to the above named Society to the defendant's place of business to have the same changed for bills. That defendant did not return the coin nor did he give the bills in exchange therefore saying "that the Hebrew Colonization Society owed him the money" under great excitement I had him defendant arrested. I believe now that defendant had no felonious intention at the time of taking or retaining the coin. Deponent further says that he has neither received nor has he been promised any pecuniary compensation for the making of this affidavit. That the only reason why he makes this affidavit is because he really believes that it will be in furtherance of justice.

Sworn to before me  
January 5th 1886. Abraham Pinto  
Albert G. Phillips  
Clerk of the Court



The People

vs

Marcus Yellon

Affidavits on

Application for removal

Adam Rosenberg Atty.  
132 Nassau St.

0155

0156

3 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

Abraham Pink

of No. 210 North Second Street, Brooklyn E D :

being duly sworn, deposes and says, that on the 28 day of December 1885

at the No 9 Orchard St. 2nd Ward City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent in the day time

the following property, viz :

Fifty dollars in silver  
coin of the United States (\$50)(the property of the Hebrew Colonization Society,  
and then in the care and custody  
of deponent as Treasurer

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 Marcus Yellin, now

here, under the following circumstances:

Deponent received the said fifty dollars  
as Treasurer, at a meeting of said Society  
on Dec 26 1885 at which the defendant was present  
and saw deponent receive the said  
money. At the close of the meeting  
the defendant asked deponent to come  
to his store at No. 9 Orchard street  
and exchange the said silver coin  
for bank notes. Deponent went

Sworn before me this

day of

Police Justice,

1885

0157

to defendant's store at 9 Orchard  
street on December 28 1885 and delivered  
the said fifty dollars in coin to the  
said Yellin who took the same away  
saying "I will go up stairs and  
get the bills for you" The defendant  
returned in about five minutes and  
denied that he had received any  
money from Defendant. Defendant  
therefore charged the Defendant with  
the larceny of the said fifty dollars

SWORN TO BEFORE ME

THIS 28 DAY OF Dec 1885.

*Solomon D. Smith*  
POLICE JUSTICE.

*Abraham Finch*

District Police Court.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

28.

AFRIDAVALT-Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0158

Sec. 198—200.

9 District Police Court.

CITY AND COUNTY {  
OF NEW YORK, } ss

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

Question What is your name?

Answer

*Marcus Yellin*

Question. How old are you?

Answer

*40 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*9 Orchard St 1 year*

Question What is your business or profession?

Answer

*paper bags*

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

Answer.

*The complainant did not give me any money*

*Marcus Yellin*

Taken before me this

*2d*

188

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Police Justice.



0159

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

Marcus Yellin

*Five* ~~guilty~~ thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Dec 28* 188

*Solomon B. Smith* Police Justice.

I have admitted the above-named \_\_\_\_\_

to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_

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

Dated \_\_\_\_\_ 188

\_\_\_\_\_  
Police Justice.

0160

BAILED,

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

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

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

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

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

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

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

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

Police Court.

1473  
3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Abraham Pink

210 North 2nd St.  
Bklyn.

Marcus Yellin

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Larceny

Offence

Dated Dec 28 1885

Smith

Magistrate

Bayer

Officer.

10

Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 500 to answer G.S.

Boon

0161

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

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

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

The said *Marcus Nyllyn*,

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

*several silver coins of the United  
States of America, of a number,  
kind and denomination to the  
Grand Jury aforesaid unknown,  
of the value of fifty dollars.*

of the goods, chattels and personal property of *one The Old Kent*

*Colonization Society.*

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

*Randolph B. Martin,*  
*District Attorney*