

0276

BOX:

16

FOLDER:

196

DESCRIPTION:

Vickers, Berne A.

DATE:

06/16/80



196

0277

Order by  
John Vickers  
109 W 46 St -  
in 100 pms

84 Counsel

W. J. Mann

120 Broadway

City of New York

1887

Counsel,

Filed day of

Pleads

THE PEOPLE

vs.

B  
Benjamin A. Vickers

Subscribed & sworn to by A. J. Vickers  
Judge 28/80

BENJ. K. PHELPS,

District Attorney.

A True Bill.

A. J. Vickers

Foreman.

0278

## POLICE COURT—SECOND DISTRICT.

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

of Charles A. Weidenfeller  
No 32 Park Place Street, being duly sworn, deposes  
 and says that on the 8<sup>th</sup> day of May 1880  
 at the City of New York, in the County of New York.

Berne A. Vickers  
 did unlawfully embezzle and  
 convert to his own use the sum  
 of Thirty cents the property of the  
 Metropolitan Life Insurance Com-  
 pany Chartered under the laws of the  
 said State and whereby the said com-  
 pany was defrauded of the said sum  
 aforesaid — That on the said date  
 the said defendant who is not an  
 apprentice and over the age of 18  
 years did collect the said sum of Thirty  
 cents (by virtue of his employment as  
 agent) from Mary Williams the said  
 sum being the amount of premiums  
 on a Policy of Insurance in said Compa-  
 ny — that said defendant did not  
 pay to deponent the Superintendent  
 of said Company — nor to any other  
 person authorized to receive the same  
 the said sum aforesaid — but converted  
 the same to his own use

Sworn to before me this 20<sup>th</sup> day of May 1880  
Charles A. Weidenfeller

John J. Murray Police Justice

0279

City and County  
of New York } ss.

Mary Williams of No 342 West  
41<sup>st</sup> Street being duly sworn says  
on the 20<sup>th</sup> day of May 1880 depen-  
dent paid to Berne A. Vickers  
the within named defendant the  
sum of Thirty cents the same being  
the amount of Premium on a Life  
Insurance Policy in The Metropolitan  
Life Insurance Company -

Sworn to before me this Mary Williams  
20<sup>th</sup> day of May 1880

Wm Murray Police Justice

464  
#84 (or)  
POLICE COURT - SECOND DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles H. Hendon  
32 West 41<sup>st</sup> Street

Berne A. Vickers  
32 West 41<sup>st</sup> Street

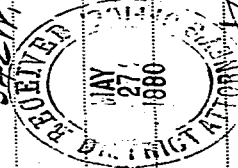
Dated May 20 1880

Wm Murray Justice

Witnesses

Mary Williams

342 W. 41<sup>st</sup> St



Committed in default of \$1000

Bailed by Wm Murray

No. 203 6th Ave

0280

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

*Berne A. Vickers*late of the First Ward of the City of New York, in the County of New York, aforesaid,  
not being an apprentice or person within the age of eighteen years, on the *eightth*  
day of *May* in the year of our Lord one thousand eight hundred and  
~~eighty~~ *eighty* was employed in the capacity of a clerk and servant to ~~one~~*The Metropolitan Life Insurance Company*  
and as such clerk and servant, was entrusted to receive a certain sum of  
money, to wit: the sum of thirty cents  
in money and of the value of thirty cents

and being so employed and entrusted as aforesaid, the said

*Berne A. Vickers*

then and there did receive and take into his possession

by virtue of such employment

the said certain  
sum of money, to wit the sum of thirty  
cents in money and of the value of thirty  
cents

for and on account of

*The Metropolitan Life Insurance Company*

his said master and employer ; and that the said

*Berne A. Vickers*

on the day and year last aforesaid,

with force and arms, at the Ward, City and County aforesaid, fraudulently and feloniously did  
take, make away with and secrete, with intent to convert to his own use, and did fraudulently  
and feloniously embezzle and convert to his own use, without the consent of said master and  
employer, and did fraudulently and feloniously and without the consent of his said master and  
employer withhold, appropriate, apply and make use of the said certain sumof money, to wit: the sum of thirty cents  
in money and of the value of thirty cents

(Over.)

of the goods, chattels, personal property and money of the said *The Metropolitan Life Insurance Company* which said goods, chattels, personal property, and money had come into his possession and under his care, by virtue of his being such clerk and servant as aforesaid, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

And the Jurors aforesaid, upon their Oath aforesaid, do further Present,  
That the said

*Berne A. Vickers*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year last aforesaid, at the Ward, City and County aforesaid, with force and arms, ~~the premises~~ ~~notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Demand 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 Demand 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 Demand Treasury Notes), of the denomination of five dollars, and of the value of five 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 a bank note), 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 a bank note), 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: 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: thirty 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: two hundred and forty silver coins (of the kind usually known as shilling pieces), of the value of twelve and a half cents each: three hundred silver coins (of the kind usually known as 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 coins (of the kind known as three cent pieces), of the value of three cents each: three thousand copper coins (of the kind known as cents), of the value of one cent 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.~~

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 more accurate description of which cannot now be given, of the value of

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 denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of

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 *thirty cents*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of *thirty cents*



0282

of the goods, chattels and personal property of ~~the~~ *The Metropolitan*  
*Life Insurance Company*

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.

0283

BOX:

16

FOLDER:

196

DESCRIPTION:

Von Elling, Henry H.

DATE:

06/21/80



196



136

*C. S. Spencer*

Day of Trial.

Counsel,

Filed 21 day of June 1880

Plends *Not Guilty (22)*

THE PEOPLE

vs.

*B*

Adulterated Milk.

*Henry W. Von Elling*

BENJ. K. PHELPS,

*guilty*  
District Attorney.

A True Bill.

*J. M. Kelly*

Foreman.

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 *Henry H. Von Elling*  
late of the *Twentieth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *Twenty fourth* day of *May* in the year  
of our Lord one thousand eight hundred and ~~seventy~~ *Eighty* at the Ward,  
City and County aforesaid, unlawfully and knowingly did expose for sale at the  
*Three hundred forty eight West Thirty ninth*  
known as number, Street,  
then and there situate, ten quarts of impure, adulterated and unwholesome milk, 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 the said *Henry H. Von Elling*  
late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and in the  
year aforesaid, at the Ward, City and County aforesaid, at the store and place of business  
of the said *Henry H. Von Elling*  
known as number, *Three hundred and forty eight West Thirty ninth* Street,  
in said Ward, City and County, and the said premises being then and there a place  
where milk was kept for sale, unlawfully did then and there keep, have, and offer for  
sale ten quarts of impure and unwholesome milk, which had been, and was then and there  
watered, adulterated, reduced and changed by the addition of water or other substance,  
and that such impure, unwholesome, watered, adulterated, reduced and changed milk  
was then and there by the said *Henry H. Von Elling*  
unlawfully held, kept and offered for sale  
against and in violation of the provisions of the Sanitary Code, and of such Sanitary  
Code then and there, and at all times thereafter in force and operation, and 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 the said *Henry H. Von Elling* late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, did bring into the said Ward, City and County, and then and there have and offer for sale, at the store and place of business of him, the said *Henry H. Von Elling*, *three hundred and forty eight West* Street, the said known as number *three hundred and forty eight West* premises being then and there a place where milk was kept for sale, unlawfully did then and there keep, have, and offer for sale, ten quarts of impure and unwholesome milk, which had been and was then and there, watered, adulterated, reduced and changed by the addition of water or other substance, and that such impure, unwholesome, watered, adulterated or reduced and changed milk was then and there, by the said *Henry H. Von Elling* unlawfully held, kept and offered for sale against and in violation of the provisions the Sanitary Code, and of such Sanitary Code then and there, and at all times thereafter in force and operation, and especially against and in violation of the provisions of a section and ordinance of such Sanitary Code, which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said City, on the twenty-third day of February, 1876, in the manner and language following, to wit:

"Resolved, That under the power conferred by law upon the Health Department, "the following additional section to the Sanitary Code, for the security of life and "health be, and the same is hereby adopted and declared to form a portion of the "Sanitary Code.

"No milk which has been watered, adulterated, reduced, or changed in any "respect by the addition of water or other substance, or by the removal of cream, "shall be brought into, held, kept or offered for sale at any place in the City of New "York, nor shall any one keep, have, or offer for sale in the said city any such milk."

Which said ordinance was thereafter duly published once a week, for two successive weeks, in the *City Record*, a daily official newspaper and journal published in said city, to wit: in the issues of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and which said ordinance was then and there, and at all times thereafter, in full force and operation against the forms of the Statute in such case made and provided.

BENJ. K. PHELPS, District Attorney.