

0000

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Wallace, William

**DATE:**

08/15/89



3418

0009

**BOX:**

364

**FOLDER:**

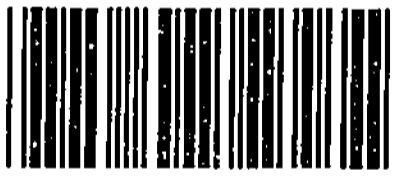
3418

**DESCRIPTION:**

Riely, John

**DATE:**

08/15/89



3418

00 10

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Coates, Joseph

**DATE:**

08/15/89



3418

Witnesses;

*Wm DeForest*  
*Off Ruck*

Counsel,

Filed 15 day of Aug 1889.

Pleads,

THE PEOPLE

vs.

*William Wallace*  
*John Richy*  
*Joseph Coates*

*Burglary in the Third degree,*  
*and Grand larceny,*  
*second degree.*

[Section 498, 506, 512 and 531.]

JOHN R. FELLOWS,

District Attorney.

*Aug 16/89*  
*appeared Burg 2d.*

A True Bill.

*Alfred Cannon*

Attest

Foreman.

*Cartholic Proctor*

0011

00 12

New York Sept 1, 1889

I know the bearer, John West  
for the past nine or ten years.  
He is a Man of good behavior,  
is willing and obliging  
He is industrious and will perform  
whatever duty he agrees to do  
in a satisfactory manner  
I take pleasure in recommend-  
ing him to those who may  
give him employment  
Thomas Dwyer  
535 East 15 Street

0013

His parents are honest and  
industrious people and I  
hope your honor will do  
all in your power to help them

00 14

New York August 26<sup>th</sup> 1889

to the Right honorable Judge  
Guldershew Dear Sir I wish  
you would be pleased to look  
to the case of William Wallace  
was sent to the Catholic  
Pottery on the 15<sup>th</sup> instant  
I know the boy this 7 years  
and I never knew him to  
steal anything I thought  
him a very good boy he  
never was arrested before  
he worked for me more than  
1 year I will take the boy  
back to work at any time  
I will go by bonds for the  
future Thomas Hughes  
Grocer and Express  
man 519 E 14<sup>th</sup> St  
City

00 15

18 Wall St.

New York Sep. 4. 1889

Hon. H. A. Gildersleeve  
Court of Sessions  
Dear Sir,

I wrote yesterday to the  
Management of the Catholic  
Protectory, making a state-  
ment of the facts in the  
case of William Wallace  
which I mentioned to you  
yesterday, and the father  
of the boy, John West, now  
brings me word that he  
submitted the papers to  
the proper officers at the  
House of Reception, 415-  
Broome St. this morning.

0016

that they read my statement & the other papers through, & then handed them back to him, saying if "Judge Gildersleeve will approve the discharge we will let him go."

I assure you that if I thought the boy's release was inconsistent with justice or a proper administration of the laws, I would not ask it. But as you will see from the enclosed papers, this is the boy's first offence, he has the confidence of his employer, who says he will take him back & the family stand in pressing need of the boy's earnings.

0017

I have no other interest  
in this case than sym-  
pathy for a poor & deserv-  
ing family. And what  
is rare in such cases  
none has no connec-  
tion with the father's  
poverty. None of the family  
use whiskey. Commending  
the matter to your serious  
attention. I remain

Very respectfully yours,

W. A. Kellogg

00 18

KELLOGG & KILGEN,  
ATTORNEYS AND COUNSELLORS AT LAW,  
18 WALL STREET,

MELVILLE A. KELLOGG,  
GEORGE J. KILGEN.

NEW YORK, Sept. 3 1889

To the Managers of the  
Catholic Protectors  
New York }  
Gentlemen.

I write you in behalf of one William Wallace who was committed to your Institution by Judge Gilderleeve on Aug. 15. last. The boy's correct name is West & the name Wallace was written by mistake. He lived with his father at 517 E. 14<sup>th</sup> St. till he fell into this unfortunate affair, and has always been a steady working well behaved boy. He never was in trouble before & the family, although poor, bear an excellent reputation. I have known the father for several years, and can assure you that

0019

KELLOGG & KILGEN,  
ATTORNEYS AND COUNSELLORS AT LAW,  
18 WALL STREET,

MELVILLE A. KELLOGG.  
GEORGE J. KILGEN.

2/

NEW YORK, ..... 188

he is a respectable man of good habits. Some year ago he met with a serious accident to his eyes, so that at times he is nearly blind & is unable to do much work. Hence he and his family must depend on the earnings of the boy William & one other. His employer speaks well of him and will take him back & pay him good wages. The family stand in great need of this assistance. I called on Judge Gildersleeve this morning & stated these facts to him & he ordered the boy's discharge; but the Clerk on discovering that he was over 15 years of age, saw that the Judge had no power to act. But the Judge advised me to make the statement to you & I accordingly do, hoping that

0020

KELLOGG & KILGEN,  
ATTORNEYS AND COUNSELLORS AT LAW,  
18 WALL STREET,

MELVILLE A. KELLOGG.  
GEORGE J. KILGEN.

3/

NEW YORK, ..... 188

you may favorably consider the application. The boy is not badly inclined, but got into bad company & took a wrong step. His confinement deprives the family of his earnings & punishes them far worse than it does him. I therefore respectfully ask you to consent that he be discharged.

Yours respectfully  
M. A. Kellogg

0021

W. H. SEWARD,  
REAL ESTATE AND INSURANCE BROKER,  
Nos. 5 AND 7 DEY STREET,

New York, Aug 28 1889

To whom it may concern

Her becom John  
West J. have known  
for several years as a  
hand-writing man -  
Was employed by the  
Manhattan Gas Works  
where through <sup>the result of</sup> an accident  
he has partially lost his  
eye-sight. He is dependent  
on his children for  
support now and requires  
them at home

Respectfully  
Yours  
W. H. Seward  
}

0022

Police Court— District.

City and County } ss.:  
of New York,

of No.

15 West 30th Street, aged 37 years,

occupation

Lawyer,

being duly sworn

deposes and says, that the premises No. 18 Livingston Place, 18th Ward

in the City and County aforesaid the said being a Vacant Stone Building

and which was occupied by deponent as a

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

were BURGLARIOUSLY entered by means of forcibly

Opening a door leading from the yard of said premises to the Basement

on the 7th day of August, 1889 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

A Quantity of Gas. Pictures  
of the Value of Fifty Dollars.the property of in the 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 byWilliam Waller, John Kelly  
and Joseph Coates, (all nowhere)

for the reasons following, to wit:

That deponent is informed  
by Detective Ruch that at or about  
the hour of 6:30 P.M. on the 7th day of August  
1889 he discovered that said premises  
have been entered as aforesaid and  
on entering said premises he found  
the said defendants concealed  
therein, and found the said property  
in the Basement of said premises ready

0023

For removal & Depositions there you  
prayer that the said depositions may  
be held to answer

Signed & Deposed before me  
this 10<sup>th</sup> day of August 1887  
J. P. Mahon

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1887  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1887  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1887  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

1.  
2.  
3.  
4.

Dated

1887

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.

0024

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Delapfield Ruck*  
aged 26 years, occupation Police Officer of No. the  
18th Precinct

Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Henry W. De Haven  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 10th  
day of August 1889 } Delapfield Ruck

H. J. McMahon  
Police Justice.

0025

Sec. 198-200.

4

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Wallace* 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 ~~h~~ *h*; that the statement is designed to enable ~~h~~ *h* if he see fit to answer the charge and explain the facts alleged against ~~h~~ *h* that he is at liberty to waive making a statement, and that ~~h~~ *h* waiver cannot be used against ~~h~~ *h* on the trial.

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

Taken before me this

day of *December* 188*9*

*William Wallace*  
Police Justice.

0026

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

✓ District Police Court.

*John Reilly* 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. *John Reilly*

Question. How old are you?

Answer. *15 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *449 E. 17th St. 1 Year.*

Question. What is your business or profession?

Answer. *Steel Worker*

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

Answer. *I am not guilty*

*John Reilly*

Taken before me this

day of *October* 188*9*

*Alfred M. Mott*

Police Justice.

0027

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Grates* 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. *Joseph Grates*

Question. How old are you?

Answer. *14 Years.*

Question. Where were you born?

Answer. *New York*

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

Answer. *512. Eves. 17<sup>th</sup> St. 2 Years.*

Question. What is your business or profession?

Answer. *Painter*

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

Answer. *I am not guilty.*

*Joseph Grates*

Taken before me this

day of *August* 188*8*

*Wm. M. M. M.*  
Police Justice.

0028

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 4 DISTRICT.

of No. 18<sup>th</sup> Precinct in 4<sup>th</sup> District, aged 26 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 7<sup>th</sup> day of August 1889

at the City of New York, in the County of New York, he arrested

William Mallach, John Reilly,  
and Joseph Grates, (all now in  
premises no. 1 Livingston Place  
with a quantity of Gas-fixture in their  
possession. That said premises had  
been freely entered and a quantity of  
Lead Pipe stolen. Dependent forays that  
the said dependents may be committed  
to custody in Order to enable dependents  
to produce proper evidence in Court  
against said dependents

Deafield Ruch

Sworn to before me, this 7<sup>th</sup> day of August 1889

Alfred M. Johnson Police Justice.

0029

Police Court, 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*William Wallace*  
*John Perry*  
*Joseph Cox*  
vs.  
AFFIDAVIT.

Dated Aug 8 1889

*W. Mahon* Magistrate.

Officer.

Witness,

Disposition,

St. Aug 10<sup>th</sup>  
Q. A. M., \$1000 Bail

0030

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

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

Dated May 10 188 W. M. Mahon 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.

0031

BAILED,

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

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

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

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

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

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

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

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

150  
Police Court

1144  
District

THE PEOPLE,  
ON THE COMPLAINT OF

*William D. Seaman*  
*William Wallace*  
*John Keily*  
*Joseph Loutis*

Dated *Aug 8th* 188 *9*

*M. Mahon* Magistrate

*Ruch* Officer.

Witnesses *William D. Seaman* Precinct.

No. *5 Livingston Place* Precinct.

*Deluzio Ruch*

No. *187 Freeman* Street.

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

\$ *1500* to answer *G. S.*

*Com*

0032

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Wallace,  
John Riedy and  
Joseph Roster*

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

*William Wallace, John Riedy and  
Joseph Roster*

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

The said

*William Wallace, John Riedy  
and Joseph Roster, all*

late of the *King's County* Ward of the City of New York, in the County of New York, aforesaid, on the *seventh* day of *August* in the year of our Lord one thousand eight hundred and *nineteen*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *building* of one

*Henry W. De Forest,*

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

*Henry W. De Forest,*

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

0033

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said

*William Wallace, John Rindley & George Coates*  
of the CRIME OF *Grand LARCENY* in the second degree, committed as follows:

The said *William Wallace, John Rindley*  
*and George Coates, all*

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

*Ken ago & fifteen of the value*  
*of five dollars each,*

of the goods, chattels and personal property of one *Henry W. De Forest,*

in the *building* of the said *Henry W. De Forest,*

there situate, then and there being found, *in the building* 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.

*John R. Jones,*  
*Attorney*

0034

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Walsh, Thomas

**DATE:**

08/16/89



3418

0035

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Brady, Matthew

**DATE:**

08/16/89



3418

0036

Witnesses

*Henry Linn*

Counsel,

Filed

16 day of Aug 1889

Pleads

THE PEOPLE

vs.

*Thomas Walsh*  
and  
*Matthew J. Brady*

JOHN R. FELLOWS,

District Attorney.

A True Bill

*Wm. J. Mum*

Foreman.

*Both Pleas Run by*

1. Per: Two years.

2. House of Refuge.

*Bygones in the third degree.*  
*Second degree*  
[Section 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

0037

Police Court—2<sup>nd</sup> District.City and County }  
of New York, ss.:

of No. 258 South Avenue Henry Irwin Street, aged 40 years,  
 occupation Liquor Dealer being duly sworn  
 deposes and says, that the premises No 258 South Avenue  
 in the City and County aforesaid, the said being a Liquor Store

and which was occupied by deponent as a Liquor Store  
~~and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly breaking a  
large pane of glass in the side door leading  
into said store from West 25<sup>th</sup> Street and  
entering therein

on the 9<sup>th</sup> day of August 1889 in the After time, and the  
 following property feloniously taken, stolen, and carried away, viz:

Good and Lawful Money of the United States  
of about the amount and value of Eighty five  
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

Thomas F. Walsh and Matthew Brady (both now here)

for the reasons following, to wit:

Deponent is informed by Joseph  
Denwig a bartender in the employ of Deponent  
that the store was locked and fastened the doors  
and windows in said store at about the hour  
of one o'clock P.M. on the morning of the 9<sup>th</sup> day  
of August and at a hour of the hour of 9<sup>th</sup>  
o'clock A.M. on said date deponent discovered  
said Burglary had been committed and  
deponent is further informed by Officer

0038

George Logan of the 16th Precinct Police has  
the defendant admitted and confessed  
to him Logan that they had committed said  
burglary and signed a confession hereto  
whereof

Osworn before me  
this 12th day of August 1884  
J. Murray Bond } Henry J. J. J.  
Police Justice

Police Court — District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree. Burglary

Dated 1884

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0039

## Police Department of the City of New York,

Precinct No. 16New York, Aug. 12 1889

Thomas F. Walsh age 18 yrs residing 461. W. 32<sup>nd</sup> St.  
 Says that on the morning of Aug. 8<sup>th</sup> met at about  
 2 AM. I broke a pane of glass in the door of Henry  
 Brown's liquor saloon No 258 10<sup>th</sup> Ave with a dinner  
 plate Brady went into the store first & I climbed  
 in after we stole \$72.<sup>00</sup> in cash from behind the  
 bar. I lost my coat & bought a second hand one  
 for \$1.<sup>25</sup> we spent 95<sup>cts</sup> & divided the balance between  
 us. We both gave the money to John Lynch who  
 works in a printing office No. 267. 10<sup>th</sup> Ave to keep  
 for us. I have been in the Protectory & Reformatory  
 I was sent away once by my mother & once for  
 stealing a bag of rags.

Thomas F. Walsh

Witnesses

George Logan

James Asherty

Police Officers

16<sup>th</sup> Precinct

0040

## Police Department of the City of New York,

Precinct No. 16New York, August 12 1889

Matthew Brady age 14 yrs. residing at 464 W. 25<sup>th</sup> St  
 says that on the morning of the 8<sup>th</sup> inst at 2 o'clock am  
 Thomas Walsh broke a pane of glass with a dinner  
 plate in the door of Henry Brown's liquor store  
 No 258 10<sup>th</sup> Ave. I went in through the hole first  
 and Thomas Walsh came in after me & stole  
 \$72.00 in cash from behind the bar. He bought  
 a coat for \$11.25 we spent \$5.00 between us & divided  
 the balance & we both gave <sup>\$40.00</sup> it to John Lynch who  
 works in a printing office 267 10<sup>th</sup> Ave. to take  
 & keep for us I was once in the Protective & once  
 in the Reformatory. The first time by my father  
 & the second time for stealing a bag of rags.  
 M J Brady

Witnesses

George Logan  
 Samuel D. Sherry  
 Police officers  
 16<sup>th</sup> Precinct

0041

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 24 years, occupation Joseph Berwig of No. 258 South Street Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Henry Brown and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 12

day of Aug

188 7

Joseph Berwig

J. Henry Brown

Police Justice.

0042

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 34 years, occupation Police Officer of No. 16

The 16th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Henry Swain  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 12

day of Aug 1888

George Logan  
Police Justice.

0043

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

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

Question. What is your name?

Answer.

*Thomas F Walsh*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*461 West 32nd Street New York*

Question. What is your business or profession?

Answer.

*Brass engraver*

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

Answer.

*I am guilty*

*Thomas F Walsh*

Taken before me this

day of

*March*

188

Police Justice.

0044

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. Matthew J. Brady

Question. How old are you?

Answer. 14 years

Question. Where were you born?

Answer. New York City

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

Answer. 464 West 25th Street, New York City

Question. What is your business or profession?

Answer. Gate Keeper

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

Answer. I am guilty

M. J. Brady

Taken before me this

day of

188

John J. [Signature]  
Police Justice

0045

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

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

Dated *Aug 12* 188 *9* *B. Henry Bond* 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 h to be discharged.*

Dated.....188 ..... Police Justice.

0046

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---

2 1199 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Henry Brown

26 & 10<sup>th</sup> Ave

Thomas Walsh

Matthew Brady

3.

4.

Offence

Dated

Aug 12

188

Magistrate

Logan and Doherty

Officer.

Precinct.

Witnesses

No.

Street.

Joseph Berwig

No. 257 South Ave

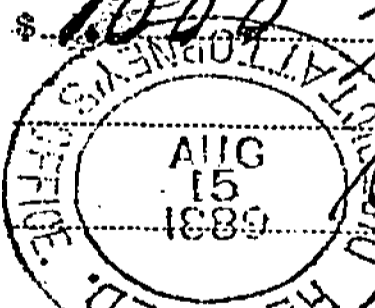
Street.

Officer Gardner

No.

Street.

\$ 1000 to answer



0047

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*Thomas T. Walsh*  
*and*  
*Matthew J. Brady*

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

*Thomas T. Walsh and Matthew J. Brady*

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

The said

*Thomas T. Walsh and*  
*Matthew J. Brady, both*

late of the *Sixteenth* Ward of the City of New York, in the County of  
New York, aforesaid, on the *ninth* day of *August* in the year of  
our Lord one thousand eight hundred and *eighty nine*, with force and arms, at the  
Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

*Henry Irwin*

feloniously and burglariously did break into and enter, with intent to commit some crime therein,  
to wit: with intent, the goods, chattels and personal property of the said

*Henry Irwin*

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

0048

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said

*Thomas F. Walsh and Matthew J. Brady*  
of the CRIME OF *Grand* LARCENY in the second degree committed as follows:

The said *Thomas F. Walsh, and*  
*Matthew J. Brady, both*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*the sum of eighty-five dol-*  
*lars in money, lawful money*  
*of the United States, and of the*  
*value of eighty-five dollars*

of the goods, chattels and personal property of one *Henry Irwin*

in the *store* of the said *Henry Irwin*—

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

*John R. Bellows,*  
*District Attorney.*

0049

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Ward, John

**DATE:**

08/08/89



3418

Witnesses:

M. Flaherty  
Coff Cooper

Counsel,

Filed

Pleads,

day of Aug 1889

THE PEOPLE

Wm. H. 3rd  
pleaded  
John W. West  
Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 528, 587 Penal Code].

JOHN R. FELLOWS,

District Attorney.

Aug 9. 1889.

pleaded guilty

A True Bill.

Alfred Parsons

Foreman.

State Reformatory  
Elmira. N.Y.

0050

0051

Police Court—

4<sup>th</sup> District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

of No. 883 Ninth Avenue Street, aged 58 years,  
occupation widow being duly sworn

deposes and says, that on the 26 day of July 1888 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and  
person of deponent, in the day time, the following property viz:

A pocket containing gold and lawful  
money of the United States of the  
Amount and value of One dollar and  
four cents And one watch key

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 Ward (nowhere)

from the fact that at about the hour of one  
a clock And think P.M. on said date while  
deponent was walking along Ninth Avenue  
between 51<sup>st</sup> & 52<sup>nd</sup> streets the defendant  
came up to deponent and snatched the  
aforesaid pocket book from the left hand of  
deponent and ran away pursued by deponent  
until the defendant was taken into custody  
by Officer Franklin Cooper of the 22<sup>nd</sup> Precinct  
who found the aforesaid pocket book in the  
defendants possession here shown in Court  
and identified by deponent as her property  
Margaret Flaherty

Sworn to before me, this

26

day

1888

of  
Justice

0052

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 34 years, occupation Police Officer of No  
The 22<sup>nd</sup> Precinct Office Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Margaret Sharkey  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 26  
day of July 1889 } Franklin C. Cooper

R. J. McMahon  
Police Justice.

0053

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

4 District Police Court.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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.

John Ward

Taken before me this

day of

1885

Police Justice.

0054

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

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

Dated Aug 20 188 D. J. McMahon 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.

0055

BAILED,

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

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

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

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

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

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

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

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

Officer Byron B. Lewis  
22 Precinct

Police Court

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Margaret Herbert  
& 83 10 & 1/2  
John Ward

Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

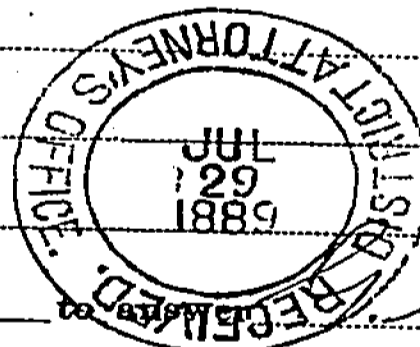
No.

Street.

No.

Street.

\$



Sum

0056

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Ward*

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

*John Ward*

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

The said

*John Ward*

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth*  
day of *July* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, in the *day* time of the said day, at the City and County  
aforesaid, with force and arms, *one doorkey of the value of ten*  
*cents, one pocketbook of the value of ten cents, and*  
*the sum of one dollar and four cents in money,*  
*lawful money of the United States, and of the*  
*value of one dollar and four cents,*

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

*John R. Fellows*  
*District Attorney*

0057

**BOX:**

364

**FOLDER:**

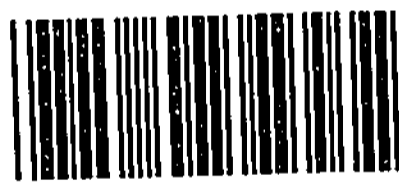
3418

**DESCRIPTION:**

Welsh, Thomas

**DATE:**

08/13/89



3418

Witnesses:

Wm Gordon

111

135

Counsel,

Filed 10<sup>th</sup>

day of Aug 188 9

Pleads,

1<sup>st</sup>

THE PEOPLE

vs.

R

Thomas Welsh

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

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

Alfred J. Munroe

Foreman.

Aug 14, 1889

I read the Indictment

S. P. Lugoys & Co.

0058

0059

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

*William Jordan*  
of No. *209 West 15<sup>th</sup>* Street, aged *43* years,  
occupation *Saloon* being duly sworn

deposes and says, that on the *7<sup>th</sup>* day of *August* 188*9* at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the *day* time, the following property viz:

*Lawful money of the United States consisting of Bills to the amount & value of One Hundred and twenty-eight dollars - the sum of the value of fifteen dollars & one cent of the value of three dollars to gettens of the value of One Hundred & ninety three 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 *Thomas Welch* (now here) from the fact that since the commission of said offense and in open court the said Thomas Welch admitted and confessed that he did so feloniously take steal and carry away the above described property.

*Wm Jordan*  
*man*

Sworn to before me, this

*8<sup>th</sup>*

day

of

*August* 188*9*

Police Justice.

0060

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

*Thomas Welch*

Question. How old are you?

Answer.

*33 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*433 E 92<sup>nd</sup> St 4 years -*

Question. What is your business or profession?

Answer.

*Printer*

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

Answer.

*I am guilty of the charge*

*Thomas Welch.*

Taken before me this

day of

188

Police Justice.

0061

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 Alfred...

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

Dated August 8<sup>th</sup> 188 9 W. H. Alder 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 h to be discharged.

Dated.....188.....Police Justice.

0062

Police Court---

5<sup>th</sup> 1178 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Gordon  
209 West 15  
Thomas Welch

2

3

4

Offence

Felony

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

August 8<sup>th</sup> 1889

1889

Magistrate.

Peter J. Herine

Officer.

Central Park

Precinct.

Witnesses

Peter J. Herine

No.

Officer - Central Park

John J. Luddy

No.

Chairman of Neighborhood Association

No.

\$ 2000

to answer

Street.

Don

money

0063

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Welsh*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *Thomas Welsh*

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

The said

*Thomas Welsh*

late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *August* in the year of our Lord one thousand eight hundred and  
eighty-*nine* at the City and County aforesaid, with force and arms, in the  
*day* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *sixty*

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

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

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

*the value of fifteen dollars, and one  
cent of the value of three dollars*

of the goods, chattels and personal property of one

*William Gordon*  
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.

JOHN R. FELLOWS, *District Attorney.*

0064

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Wheeler, Wallace

**DATE:**

08/08/89



3418

Bail fixed at \$1500  
R.B.M.

Witnesses:

On condition that \$1000.  
in cash be deposited  
Bail reduced to  
that sum - R.B.M.

\$1000. Money deposited by  
Mary C. Wheeler  
of No. 234 70 3<sup>rd</sup> St. with  
City Chamberlain -

Feb'y 10/90

In obedience to the  
request of the District  
Attorney I have examined  
this case and believe  
that no conviction  
can be had. In fact  
I believe, any Judge  
would direct the  
jury to acquit - I  
perhaps ask that this  
indictment be dismissed  
Feb'y 28<sup>th</sup> 90  
2:00 a

Counsel,

Filed

Pleads

THE PEOPLE

vs.

Wallace W. Wheeler

JOHN R. FELLOWS,

District Attorney.

B. May 31/95 JER

A TRUE BILL.

Alfred C. Cannon

at Park III October 28/90

On recon. of dist.  
Att'y. indicted dis-  
R.B.M.

0065

0066



To The Comptroller of The City of New York.

Take notice that I have a claim for Nineteen hundred dollars, with sixty-four <sup>50</sup>/<sub>100</sub> dollars accrued interest against The Mayor, Aldermen, and Commonalty of The City of New York, for salary now due to me as turnpike inspector on The New Croton Aqueduct for the period of One year and twenty days commencing November 10<sup>th</sup>, 1888 and ending November 30<sup>th</sup>, 1889, the salary incident to the said office and agreed to be paid to me by the Aqueduct Commissioners being One hundred and fifty dollars per month: and I hereby present the said claim to you for adjustment.

Wm. W. Wheeler

City & County of New York.

William W. Wheeler, being duly sworn says that he is the claimant above named: that the statement of claim by him subscribed is in all respects true: that there are no offsets or counterclaims thereto, and that the whole amount therein named is now due to deponent.

Sworn to before me this 19<sup>th</sup> day of December 1889

James A. Conway  
Notary Public

Wm. W. Wheeler

13368

CHART.

For re

Claim of

Mrs. W. W. Wheeler

vs.

The Mayor &c.

Statement  
of  
James A. O'Connor

JAMES A. O'CONNOR,

Attorney for claimant

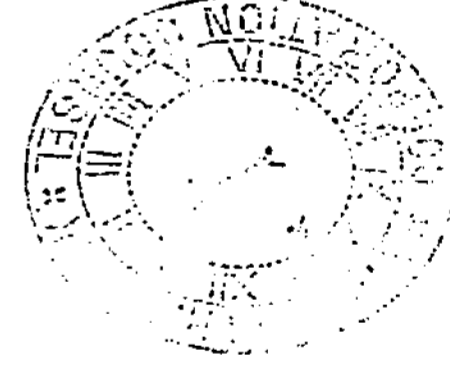
206 Broadway,

EVENING POST BUILDING.

NEW YORK.

Due and timely service of a copy of the within

is hereby admitted.



C. B. MERWIN, Printer, 218 Fulton St., N. Y.

0067

0068

City of New York—Finance Department.

Comptroller's Office.

December 20 1889.

HON. WILLIAM H. CLARK,

Counsel to the Corporation.

Sir:

William H. Wheeler

residence.....has filed

in this Department, by James M. O'Horman

his attorney....., office No. 206 Broadway

a claim for \$1964.50

for salary as Tunnel Inspector  
on the New Croton Aqueduct  
from November 10, 1888 to  
November 30, 1889

Claim filed December 19 1889 with enclosure

I will thank you to detail one of your assistants to conduct such  
an examination of the claimant as is provided for by Section 123 of  
the New York City Consolidation Act of 1882.

Respectfully

John R. Myers  
Comptroller.

0069

11/c

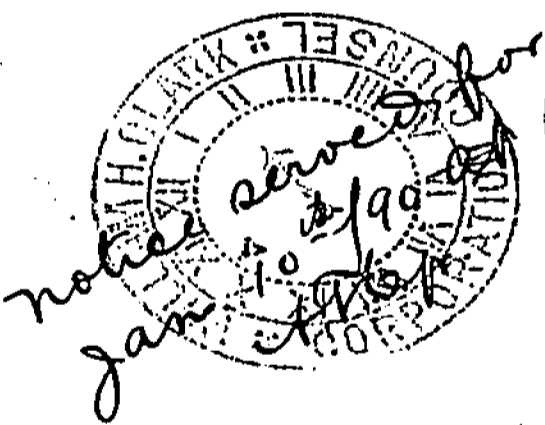
IN THE MATTER  
OF THE  
Claim Presented for Settlement  
BY

Wm. W. Wheeler

Mr. Bowen

To the Comptroller of the  
City of New York.

Communication from the Comptroller asking  
Corporation Counsel to detail an Assistant to con-  
duct an examination.



1899  
DEC  
21  
RECEIVED

0070

Additional Water Fund.

Chapter 490, Laws 1883.

\$800 #

C

*[Signature]*

Countersigned.

CITY OF NEW YORK.

Comptroller's Office.

No. 686

June 27 1889

The Chamberlain of the City of New York

Pay to J. H. Zimmerman, City Paymaster.

Eight hundred

for Payment of the Aqueduct Comm. Engrs. Pay Roll of the Engineers

Corps from Nov 1888 to May 31 89

or order  
Dollars

Rec'd June 25/89

Mayor.



Comptroller.

THIS WARRANT IS TO BE PAID ONLY BY CHECK ON THE CITY TREASURY, SIGNED BY THE CHAMBERLAIN TO THE ORDER OF THE PAYEE ABOVE NAMED.

The Importers & Traders National Bank

Pay out of

THE CITY TREASURY

the amount of the above Warrant to the order of the payee named therein.

Havertick & Winstinger, 176 Fulton St. N.Y.

Chamberlain.

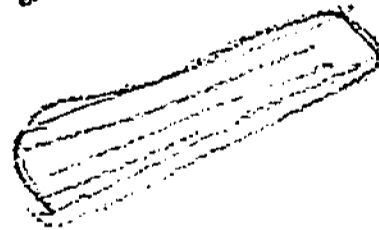
0071

REC'D Recd Memo 7/89  
Agueduct Comm  
Supple Roll \$800.

W. W. Wheeler & M. L. Salway  
"Ret'd to Comm July 10/89"  
Examination request Com. Subt.

Rec'd Shms was audited but  
not sent to the Mayor -

Entered by the Commission &  
open in his books.



0072

District Attorney's Office,  
City & County of  
New York.

188

When was supplementary pay roll for W  
W Wheeler presented to Finance Depart-  
ment (somewhere in latter part of June,  
1889, or forth part of July, 1889), every  
step that was taken upon it, and  
at just what stage it had arrived  
toward payment when Comptroller  
was notified to withhold payment.

Through what officials' hands  
it had passed, and what each had  
done on it.

John Goudsbury  
Deputy Auditor  
Finance Dept.

0073

For Mr. Cowen

MEMORANDUM.

Dated Dec. 23<sup>d</sup> 1889

In Re claim of

W<sup>m</sup> W. Wheeler

FOR  
Salary as Tunnel  
Inspector on new  
aqueduct.

The within Claim having been assigned to you,  
will you be kind enough to indicate on this slip  
whether you will take the examination, and, if so,  
at what time.

A. S. Campbell pr.

Friedberg

Dec - 10 - 190

11 Dec - 190

S. J. V.

Please have notices  
made  
A. S. B. pr.

0074

Employed Nov 18/85  
Discharged Nov 10/88

Nov 18/85 Employed  
Nov 10/88 Discharged  
Mar 28/89 Present

11/18/85 - 11/10/88  
11/18/85 - 11/10/88

11/18/85

11/18/85 - 11/10/88

11/18/85 - 11/10/88

11/18/85

0075

*Commissioners:*

*Hugh J. Grant, Mayor;  
Theodore W. Rogers, Comptroller;  
Thomas F. Gilroy, Council Public Works;  
James C. Duane, President;  
John F. Tucker, Vice President;  
Francis M. Scott;  
Walter Howe;*

*Secretary:  
John C. Sheehan;*

*Aqueduct Commissioners' Office,  
Stewart Building, 280 Broadway,*

*New York, July 12, 1889.*

JOHN D. LINDSAY, ESQ.,

Assistant District Attorney, &c.

Dear Sir:-

I am informed by Commissioner Scott that the certificate of Wheeler's dismissal from the 143rd N. Y. Regiment has been sent for, and the same will be here in a day or two.

Yours, &c.,

*John C. Sheehan*  
Secretary.

0076

CHIEF ENGINEER'S OFFICE AQUEDUCT COMMISSIONERS.

ROOM 215, STEWART BUILDING.

BENJAMIN S. CHURCH,  
Chief Engineer.

Washington & New York, Feb. 26<sup>th</sup> 1890

War Department  
Quartermaster General's Office

Mr W. W. Wheeler

Late Lt. & R 2 M 143<sup>d</sup> N Y Vols

234 West 37<sup>th</sup> St. New York City

Sir

I am directed by the Quartermaster General to inform you that your letter requesting a Certificate of Non-indebtedness has been received and forwarded to the Third Auditor of the Treasury who issues such Certificates indorsed as follows - There are no Charges on the books of this office against the Officer on account of money or 2<sup>d</sup> M Stores -

Separate action will be taken as to your accountability on account of Clothing and Equipage

True Copy

to G Sawtelle

Capt 2 M Genl. U.S.A

March 6<sup>th</sup> 1890

Copy

Signed

Respectfully

to G Sawtelle

Deputy 2 M General

U.S.A

740 B 1890

0077

MINUTES of STATED MEETING of the CONSTRUCTION or EXECUTIVE COMMITTEE of the AQUEDUCT COMMISSIONERS, held at their Office, No. 209 Stewart Building, on THURSDAY, MARCH 28, 1889, at 2 o'clock P. M.

P r e s e n t:-

The Commissioner of Public Works, and Commissioners Duane, Scott and Howe.

The Minutes of March 20th and 21st, 1889, were read and approved.

Joseph B. Pennell, of the firm of Pennell & O'Hern, then appeared before the Committee and requested that they be allowed to substitute the name of Joseph B. Flynn for that of Samuel Fowler who was proposed as one of the sureties in the bid submitted by them for clearing reservoir lands in Putnam County.

On motion of Commissioner Howe, the substitution was allowed.

The Chief Engineer submitted a report on the character, ability, &c, of the Inspectors of Masonry.

On motion of Commissioner Howe, the same was referred to the President.

A communication was received from the Chief Engineer stating that in compliance with the resolution adopted by the Commissioners on the 20th instant, he had notified Division Engineer Morris to turn over his Division to Mr. Craven; and that Mr. Morris remains in charge of the data and estimates relating to his former work.

On motion of Commissioner Howe, the same was ordered filed.

In compliance with the request of the Committee, Heman Clark of the firm of O'Brien & Clark, appeared before the Committee and stated that the delay in finishing their Sections of the Aqueduct was owing in the main to their inability to procure the necessary cement, as the Akron Cement works, from whom they had been receiving about 3,000 barrels of cement a day, had given out for the time being; but that cement was now commencing to arrive. He also stated that Section 6 was substantially completed, and that Section 8 was in a similar condition except a space between Shafts 16 and 17; and that Section 9 was practically completed, not much grouting having been done on that Section; and that Section B was nearly completed, and that work was starting up on Section A; and finally stated that lack of funds to carry on the work was the principal cause for the delay in completing the Sections.

The following communication referring to the construction of Shaft 17 1/2 was received from the Consulting Engineer:

0078

MINUTES OF THIRD MEETING OF THE COMMISSION OF EXECUTIVE

2

"New York, March 27, 1889.

To the Honorable,  
the Committee on Construction  
of the Aqueduct Commission.

Gentlemen:-

Mr. Fteley, in his report of March 13, 1889, which is referred to me by your resolution of March 14th, has about covered the facts and conditions in relation to the so-called Shaft 17 1/2, not formally recognized as an Aqueduct shaft.

The importance of bricking it up as a permanent Aqueduct shaft became evident. The idea then was, that the saving between the cost of lining Shaft 17 and this short one, added to the permanent and continuous advantage and saving in all future cost of handling material through it, would effect an economy that warranted its being considered an extension of the original Shaft 17; also because of its close proximity and desirability.

It might be advisable to obtain the Corporation Counsel's opinion in regard to considering it an extension of Shaft 17 under existing circumstances.

Very respectfully,  
(Signed) B. S. Church,  
Consulting Engineer."

On motion of Commissioner Howe, the same was referred to Commissioner Scott.

-----  
The following communication referring to the cave-in at Shaft 13, was received from the Consulting Engineer:

"New York, March 25, 1889.

To the Honorable,  
the Committee on Construction  
of the Aqueduct Commissioners.

Gentlemen:-

In regard to subject matter in Mr. Fteley's report of March 12, 1889, referred to me by your resolution of 13th and 14th, I submit the following concerning the filling done in the holes left on the surface by the cave-ins near Shaft 13, North of Shaft 14, and South of Shaft 17 1/2.

The filling near Shaft 13, as stated by Mr. Fteley, is covered by the agreement entered into with Messrs. O'Brien & Clark, to check the cave-in by working from the surface down.

It was generally conceded by the former Commission, (as exhibited in their acts in regard to the filling of the first surface cave-in near Shaft 13a) that all such depressions on the surface caused by tunnel operations should be refilled by and at the expense of the City.

On the 27th of February, 1888, (file 11, Vol. 2, page 113) I reported to the Committee on Construction, holes on the property of Cyrus W. Field and others, caused by the tunnel work, and recommended that an agreement be made with the contractors to refill them. The cost not to exceed \$5,000.

On the same date, the Committee called for a detailed report.

In reference to the Committee's resolution of Feb. 27th, I reported March 10th, 1888, (File 11, Vol. 2, Page 138), the number of cubic yards required to fill the holes as follows:

0079

"New York" March 24, 1889 3

Section 7, at Shaft 13,	2533 cubic yards,
" 7, North of 14,	1000 " "
" 8, South of 17,	1200 " "
-----	
Total,	4733 cubic yards.

The average haul will be 2400 feet from the dump ground. That the contractors offered to do the work for one dollar per cubic yard.

On the 19th of March, 1888, the Committee laid the above report on the Table for future reference. It was again taken up by the Construction Committee on the 4th of June, 1888, when the Chief Engineer was requested to report the amount of fill, the length of haul from the spoil banks or elsewhere, and the kind of material to be used for earth hole in detail.

Owing to the interruption caused by the Senate Committee's hearings, and the uncertainty as to what spoil banks the contractors could obtain, the report could not be made complete before the change of the Commissioners took place.

I understand that the contractors being urged by Mr. Field to fill the hole North of Shaft 14, filled it on their own responsibility for the City, and in good faith, I believe, partly from the spoil banks, and partly from a borrow-pit paid for by them for that purpose.

The contractors mentioned to me their intention to fill at Shaft 14 as above stated, but I did not authorize it, nor did I promise any price to be paid. I did state, however, to the Committee that considering the cost to the contractors in the tunnel of the cave-ins, that one dollar per yard for an average haul of 2400 feet was a fair price.

All the above conditions are now changed, part of the work being completed and otherwise provided for, and only the hole at Shaft 17 1/2 remains to be filled.

I therefore believe the solution of the question at that point given in Mr. Feteley's report is advisable.

Very respectfully,

(Signed) B. S. Church,  
Consulting Engineer.

On motion of Commissioner Howe, the same was referred to Commissioner Scott.

-----  
The following communication, referring to the filling of the low ground at Shaft 12, was received from the Consulting Engineer:

"New York, March 24, 1889.

To the Honorable,  
the Committee on Construction  
of the Aqueduct Commission.

Gentlemen:-

I submit herewith the report called for in your resolution of March 14th, 1889, in regard to the filling on the low ground at Shaft Site No. 12.

The reports and resolutions on this matter, I understand, will be fully submitted to you by the Chief Engineer. As they are quite voluminous, I will refer only to the controlling ones.

1500  
1000  
5222 copies left:

1

On the 19th of the same month, the Committee on Construction resolved that the amount of filling should not exceed a cost of \$5,000.

Feb. 11th, 1888, Principal Assistant Engineer Miller, reported that it would take 1,200 cubic yards or \$480 more to complete the work, making a total of \$4,500.

This was within the \$5,000 limit fixed by the Construction Committee for filling considered necessary, to do away with standing water that embarrassed the driving of the tunnel beneath them.

Division Engineer Wolbrecht, at my request, sent, on the 9th of April, a letter stating that 10,000 yards of filling had been made, and that it would take about 8,000 yards more of material to fill up these stagnant pools on the shaft site. In his judgment, this work could be better done now than at any future time.

May 25, the Chief and Consulting Engineers jointly reported in favor of adding 5,000 cubic yards more filling. That the contractors have an equitable claim to be paid for the 4,500 yards done in advance of, and to be covered by, the first order; but that they have no claim for the filling done to form the new river channel embankment.

The final estimate of Nov. 27th, 1888, exceeded the limit of \$5,000, and I did not sign it for that, and the following reasons:

The second order, for a separate and distinct purpose, viz:- to protect the neighborhood from malarial influences, should have been covered by a second agreement not to exceed \$5,000 for such purpose.

Finding that a second agreement had been omitted, I could not sign an estimate for more than \$5,000 on the first agreement.

00001

Report made to the Committee on the report of the Chief Engineer  
on the item of \$200,000 for the construction of the New Aqueduct  
after which the Committee on the subject of the New Aqueduct  
was referred to the Committee on the subject of the New Aqueduct

5

This matter was under the consideration of the Finance Committee at the time the old Commissioners were superseded.

Very respectfully,

(Signed) B. S. Church,

Consulting Engineer.

On motion of Commissioner Howe, the same was referred to Commissioner Scott.

The following communication, referring to the payments to be made for work done by contractors at the cave-in at Shaft 13, was received from the ~~Chief~~ Consulting Engineer.

"New York, March 24th, 1889.

To the Honorable,  
the Committee on Construction  
of the Aqueduct Commissioners.

Gentlemen:-

In conformity to your resolutions of March 13th and 14th, I respectfully submit the following:

I concur with the conclusions as to payments, to be made for the first work done at the cave-in South of Shaft 13, on Section 7 of the New Aqueduct, expressed in Mr. Fteley's report of March 6th, 1889, viz:-

"That the contractors should be paid for the commencement of execution of the crib-work covered by the last two requirements of this agreement" (which he numbers 4 and 5) in regard to the refilling of the cave-in and ~~also~~ to the re-arrangement of the surface", \* \* \* \*; the portion of it which has been done can be considered only as a part execution of the agreement and paid in accordance with its value."

Clause 21 of the specifications does not, in my opinion, contemplate that the contractor should, at his own expense, repair disasters contingent upon the prosecution of the work that damage the surface of land under which the City secured only an easement underneath, giving no right to work from the surface downward.

Clause 21, in each and every particular, has reference to work executed from within the tunnel. In this case, all materials, resulting from falls or cave-ins, which found their way into the tunnel, were taken out at the expense of the contractor, in conformity with Clause 21.

The work of checking the cave-in by working from the surface was not, therefore, considered to be covered by the contract for Section 7.

In the light of the data then known (which was before I had established the extent of the fissure by the Diamond Drill) the Commissioners approved of my proposition to timber down from the surface to close what was believed to be a rock fault but 20 feet in width, by a special agreement with the contractors for its execution. The Commissioners' agreement I never saw until quite lately.

The contractors, to prevent further damage to both the land and tunnel, began the work before the agreement was made. They were informed both by myself and the Division Engineer that if they started work under such conditions, they did so without orders, and at their own responsibility.

0002

Committee of the Fine Arts Commission were embodied in the report of the Finance Committee. The report was under the consideration of the Finance Committee.

6

I understand that, finding much difficulty in doing this work, the contractors had abandoned it. In consequence, after the Diamond Drill had established the extent of the fissure, at my recommendation, it was decided to sink Shaft 13a, to start headings from both sides of it to facilitate progress.

The contractors spoke to me several times in regard to their outside work on this cave-in, but never sent a formal demand to lay before the Commission. Not being aware that any agreement had been executed, I took no action in regard to it.

Very respectfully,  
(Signed) B. S. Church,  
Consulting Engineer.

On motion of Commissioner Howe, the same was referred to Commissioner Scott.

X  
A communication was received from William W. Wheeler, a suspended Inspector of Masonry, calling attention to the fact that he was an honorably discharged soldier of the late war, accompanied by a certificate from the Adjutant General of the State of Connecticut, showing this to be the case; in which he ~~xxx~~ ~~xxxx~~ asks that he be allowed for the time withheld from him since November 10, 1888, and reassigned to duty.

On motion of Commissioner Howe, he was ordered restored to duty; and the Chief Engineer was directed to present a supplementary pay-roll containing the name of said Wheeler for the salary so claimed.

A communication was received from the Secretary, referring to the claim of Francis DeCanio, a suspended Inspector of Masonry, to be allowed pay from April 1st to September 27, 1888, from which it appeared that DeCanio performed no service during said dates; and that it was claimed that a certificate had been filed showing that he had been taken sick on the first of April from exposure on the Aqueduct; and that E. Wegmann, Jr., the Engineer of the Division on which he was employed, is of the opinion that he is not entitled to pay for the ~~xxxx~~ ~~xx~~ time claimed;-- but in view of the fact that he was working in a very wet tunnel, recommends that he be allowed pay for the month of April if he can show satisfactory proof that he was actually taken sick from exposure in the tunnel.

On motion of Commissioner Howe, it was decided to allow pay for the month of April, providing DeCanio would produce satisfactory evidence showing that he was sick during said month by reason of exposure on the Aqueduct.

The Chief Engineer presented the resignation of Inspector of Masonry, W. L. Dusenbury.

Whereupon, on motion of Commissioner Howe, the following resolution was adopted.

0083

7  
"WHEREAS, W. L. Dusenbury, an Inspector in the service of the Aqueduct Commission, having tendered his resignation, to take effect April 1st, 1889; and

WHEREAS, He has duly passed and qualified as a Transitman:

RESOLVED, That in recognition of his faithful service as an Inspector, that he be and he is hereby appointed to the position of Transitman, to take effect April 1st, 1889; and that his resignation as an Inspector be accepted, to take effect on that date." *Employee.*

The Committee then ADJOURNED.

JOHN C. SHREHAN,

Secretary.

0004

19.  
Minutes of Stated Meeting

of the

Construction Committee

March 28, 1889.

Approved,  
April 4/89

0085

Copy from the family  
record of the old Bible

Mrs W Wheeler  
was Born  
October 7<sup>th</sup> 1835

Embezzlement is defined as the appropriation of personal property to one's own use by one having it in possession as clerk, agent, servant, or bailiff.

It was formerly the rule, in both England and this state, that the property must have come into defendant's possession in the ~~act~~ exercise of his actually delegated or appointed duties or scope of action, or else the offense was not be embezzlement, but perhaps larceny, or, it might be, false pretences.

~~What is the rule now?~~

That rule has been considerably relaxed. But exactly to what extent? Suppose today, in this state, an employee is entrusted <sup>with his duty</sup> ~~to his master~~ to the sale of goods receives money from his master's debtor, and converts it, is that larceny or embezzlement? Suppose (to add <sup>one more</sup> ~~those~~ material facts which materially color a case) he was restricted in his duties to sales over the counter, and he went outside and collected money from a customer, what then? Suppose that, neither of the above cases, the debtor is not a business debtor at all, but one of a personal, private character (as one who owes for an accommodation loan), what then? (Where is the line?)

00007

What was the false pretense?

That he was a veteran of the late war, honorably discharged from service.

What did the false pretenses prove to effect?

The obtaining of pay from the date of his confession to the date of his reinstatement.

Did that false pretense deceive those to whom it was made?

Obviously it did; for they received it.

Was it a moving cause toward the action they subsequently took?

Yes, and the moving cause, since it was only on the theory of it that they could consider it at all entitled to that which they immediately thereafter accorded him, and directed he should receive.

When was he appointed?

You confine yourself to his appointment, or would you force this was a civil service appointment show the particulars which necessarily preceded it?

Did he ever withdraw, recant, repudiate, or disown these false pretenses?

No.

Although, when a man has attempted to commit a crime, the crime of an attempt is perfect, and distinct legally, he is done, no matter at what stage the effort is made, yet, if a man voluntarily, and of his own motion, abandons a crime while it is yet in the stage of attempt, the law here, as in some other instances, disregards logic for the moment, and substitutes a public charity in its place, by declaring that the defendant act, if sincere, thorough, spontaneous, and clear, shall be accepted as a defense.

to the charge which might otherwise be preferred. In the ~~old~~ Latin phrase, it furnishes a locus penitentiae - a place for repentance - where he who is convicted, turns back from crime, shall be cleaned by his voluntary act from any taint before an earthly tribunal.

Even the severest code of law could not but approve the reason ~~and~~ and admissibility of such a rule.

0007

What was the false pretense?

That he was a veteran of the late war, honorably discharged from service.

What did the false pretenses produce to effect?

The obtaining of pay from the date of his enrollment to the date of his reinstatement.

Did that false pretense become known to whom it was made?

Obviously it did; for they received it.

Was it a moving cause to wind the action they once quantity took?

Yes, and the moving cause, since it was only on the theory of it with that they could consider it at all entitled to that which they immediately thereafter accorded him, and directed he should receive.

When was he appointed? Was

you confine yourself to his appointment, or would you force this

was a curb source appointment show the pretenses which necessarily preceded it?

Did he ever willfully, knowingly, or deliberately, do those false pretenses?

etc.

to the charge which might otherwise be preferred. In the last phrase, it implies a conscious pretense - a place for repentance - where he who is convicted, turns back from crime, shall be cleaned by his voluntary act from any taint before an earthly tribunal.

Even the severest code of law could not but approve the reason ~~and~~ and admissibility of such a rule.

Although, when a man has attempted to commit a crime, the crime of an attempt is perfect, and cannot legally be undone, no matter at what stage the perpetrator desists, yet, if a man voluntarily, and of his own motion, abandons a crime while it is yet in the stages of a attempt, the law here, as in some other instances, disregards logic for the moment, substitutes a fictitious chord in its place, by declaring that the perpetrator, if sincere, thorough, spontaneous, and clear, shall be accepted as a defense.



What was the false pretense?

That he was a veteran of the late war, honorably discharged from service.

What did the false pretenses procure to effect?

The obtaining of pay from the date of his imprisonment to the date of his reinstatement.

Did that false pretense deceive those to whom it was made?

Chamferly it did; for they received it.

Was it a knowing cause to ward the action they entertained?

Yes, and the knowing cause, since it was only on the theory of its truth that they could consider it at all entitled to that which they immediately thereafter accorded him, and directed he should receive.

When was he appointed? Was

you confine yourself to his appointment, or would you force this

was a civil service appointment. Show the preliminaries which necessarily preceded it?

Did he ever with draw, recant, retract, disown those false statements?

etc.

Although, when a man has attempted to commit a crime, the crime of an attempt is perfect, and cannot be excused by any mistake, no matter at what stage the perpetrator desists, yet, if a man voluntarily, and of his own motion, abandons a crime while it is yet in the stage of attempt, the law here as in some other circumstances, regards him as a false claimant in its place by declaring that the defendant, if otherwise, though, notorious, and clear, shall be accepted as a defense.

to the charge which might otherwise be preferred. In the last phrase, it furnishes a locus penitentie - a place for repentance - where he who is convicted, turns back from crime, shall be cleaned by his voluntary act from any taint before an earthly tribunal.

Even the severest code of law could not but approve the reason and advisability of such a rule.

POOR QUALITY  
ORIGINAL

0089

XXX

There is more than one <sup>consideration</sup> ~~reason~~ which com-  
mends it. If we look upon the law ~~not merely~~ as  
an agency of reform, and not merely of retribution, we  
shall see there is no character of enactment more likely  
to advance its ends than this. Let us reflect

upon its advantages x 9 b 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205,

0090

*City of New York.*  
*Law Department,*  
*Office of the Counsel to the Corporation.*

B

January 12, 1893.

William W. Wheeler v. The Mayor.  
-----

John F. Carroll, Esq.,

Clerk of the Court of General Sessions.

S i r :

Herewith I beg to return to you the following papers  
obtained from your office by Mr. Sidney J. Cowen, Assistant to the  
Counsel to the Corporation, for use in the above entitled action.

War Record of Wallace W. Wheeler, dated July 19, 1889.

Certificate of Discharge of William W. Wheeler from Sec-  
ond Connecticut Volunteers, dated March 14, 1889.

Respectfully yours,

*Wm. J. Duggan*

Deputy Chief Clerk.

0091

K--

-----X  
In the Matter of the Claim

of

William W. Wheeler, presented to  
the Comptroller of the City of New  
York, for settlement, pursuant to  
the provisions of Section 123 of  
Chapter 410 of the Laws of 1882.  
-----X

Examination held January 10th, 1890.

A p p e a r a n c e s:

For the Claimant

*James A. Gorman,*  
For the City S. J. Cowen, Esq.

The claimant being duly sworn by Malcom Kerr,  
Notary Public, testified as follows:

By Mr. Cowen:

Q Mr. Wheeler, your claim is \$1,900, with \$64.50 interest?

A I believe that is the amount.

Q And you claim that that is your salary that is due you as  
tunnel inspector on the New Aqueduct for the period of  
one year and twenty days, commencing November 10th, 1888  
ending November 30th, 1889?

A Yes, sir.

0092

2

Q You have been paid no part of that sum?

A No part.

Q And your salary was at what rate?

A \$150 a month.

Q When were you suspended, if at all?

A October 26th, 1888.

Q You do not make any claim for salary from October 26th, 1888, to November 10th, 1888?

A I was paid that.

Q Have you that letter of suspension?

A I have not.

Q Did it state in that letter that you were suspended from the date of the receipt of that letter or from November 10th?

A From the date of that letter.

Q Nevertheless, they went on and paid you up to November 10th, 1888?

A Yes, sir.

Q You remained under this suspension and without salary being paid you until November 30th, 1889?

A From November 10th, 1888, to November 30th, 1889, I have not been paid and I claim I have not been suspended from November 10th; I was not suspended.

Q You did receive a notice of suspension?

A But that was afterwards--with leave of absence with pay.

0093

3

Q After you received this notice of suspension you were given a leave of absence with pay?

A Yes, sir.

Q When was that?

A I received that on October 27th; the day after the suspension I received the leave of absence with pay.

Q From whom?

A From the chief engineer.

Q Was it verbal or written?

A Written.

Q Have you got it?

A Not with me.

Q Have you it at your house?

A I think I have it at my <sup>lawyer's</sup> office.

Q Can you state the substance of it?--the leave of absence--

A did it state you were given a leave of absence with pay?

A Yes, sir, and I received the pay. He gave me two weeks leave of absence. I think it reads with pay. I did receive it.

Q Two weeks leave of absence with pay, and that two weeks pay you did receive?

A I did receive it.

Q Were you ever discharged?

A I was discharged November 29th, 1889. I have had "the grip" and my head aint very clear on dates.

Q Did

0094

4

Q Did you ever apply to the Commissioners or any of their immediate subordinates for re-instatement?

A Yes, sir, to the chief engineer.

Q What did they do?

A Mr. Church was then chief engineer. He said he would see what could be done about it, he would have to consult with them.

Q In the notice of suspension what was the reason given for your having been suspended?

A Owing to the lack of work.

Q During the period when you were suspended were you engaged in any other occupation or employment?

A No, I was not. I was expecting every day to go on duty.

Q When you were taken into the employ of the Aqueduct Board did they furnish you with a copy of the rules of the Board?

A No.

Q Did you ever see the rules of the Board?

A Never.

Q How did you make yourself acquainted with the duties of inspector?

A From the orders of the chief engineer. I reported to him two or three times a week. I had to go over 15 miles of the line, and I reported to him in person.

Q You never saw a copy of the rules and regulations?

A No, sir.

0095

5

Q Were you ever requested to come to the office of the Board and sign a paper or waiver of any claim?

A I think I was.

Q Did you sign any such document?

A I did not. I signed a paper but not a waiver of any claim. I can't remember the words of it now.

Q What was the general purport of it?

A The general purport of it, as I remember, was that it was a waiver and release of some kind. I struck that clause out before I signed it and inserted other words.

Sworn to before me this

27<sup>th</sup> day of January, 1890.

*John H. Wheeler*

*James A. O'Connor*

Notary Public,

N. Y. Co.

IN THE MATTER

OF THE

CLAIM

PRESENTED FOR SETTLEMENT

- BY -

William W. Wheeler,

TO THE

Comptroller of the City of New York.

EXAMINATION OF CLAIMANT

TAKEN

January 10th, 1889

(Original)

M. Kerr,  
Stenographer.

0096

0097

K--

In the Matter of the Claim

of

William W. Wheeler, presented to  
the Comptroller of the City of New  
York, for settlement, pursuant to  
the provisions of Section 123 of  
Chapter 410 of the Laws of 1882.

Examination held January 10th, 1890.

A p p e a r a n c e s:

For the Claimant

For the City S. J. Cowen, Esq.

The claimant being duly sworn by Malcolm Kerr,  
Notary Public, testified as follows:

By Mr. Cowen:

Q Mr. Wheeler, your claim is \$1,900, with \$34.00 interest?

A I believe that is the amount.

Q And you claim that that is your salary that is due you as  
tunnel inspector on the New Aqueduct for the period of  
one year and twenty days, commencing November 10th, 1888  
ending November 30th, 1889?

A Yes, sir.

0048

2

Q You have been paid no part of that cost?

A No part.

Q And your salary was at what rate?

A \$100 a month.

Q When were you suspended, if at all?

A October 10th, 1898.

Q You do not make any claim for salary from October 30th, 1898, to November 10th, 1898?

A I was paid that.

Q Have you that letter of suspension?

A I have not.

Q Did it state in that letter that you were suspended from the date of the receipt of that letter or from November 10th?

A From the date of that letter.

Q Nevertheless, they went on and paid you up to November 10th, 1898?

A Yes, sir.

Q You remained under this suspension and without salary being paid you until November 30th, 1898?

A From November 10th, 1898, to November 30th, 1898, I have not been paid and I claim I have not been suspended from November 10th; I was not suspended.

Q You did receive a notice of suspension?

A But that was afterwards--with leave of absence with pay.

0099

3

Q After you received this notice of suspension you were given a leave of absence with pay?

A Yes, sir.

Q When was that?

A I received that on October 27th; the day after the suspension I received the leave of absence with pay.

Q From whom?

A From the chief engineer.

Q Was it verbal or written?

A Written.

Q Have you got it?

A Not with me.

Q Have you it at your house?

A I think I have it at my office.

Q Can you state the substance of it--the leave of absence--

A did it state you were given a leave of absence with pay?

A Yes, sir, and I received the pay. He gave me two weeks leave of absence. I think it reads with pay. I did receive it.

Q Two weeks leave of absence with pay, and that two weeks pay you did receive?

A I did receive it.

Q Were you ever discharged?

A I was discharged November 20th, 1889. I have had "the grip" and my head aint very clear on dates.

Q Did

0100

4

Q Did you ever apply to the Commissioners or any of their immediate subordinates for re-instatement?

A Yes, sir, to the chief engineer.

Q What did they do?

A Mr. Church was then chief engineer. He said he would see what could be done about it, he would have to consult with them.

Q In the notice of suspension what was the reason given for your having been suspended?

A Owing to the lack of work.

Q During the period when you were suspended were you engaged in any other occupation or employment?

A No, I was not. I was expecting every day to go on duty.

Q When you were taken into the employ of the Aqueduct Board did they furnish you with a copy of the rules of the Board?

A No.

Q Did you ever see the rules of the Board?

A Never.

Q How did you make yourself acquainted with the duties of inspector?

A From the orders of the chief engineer. I reported to him two or three times a week. I had to go over 15 miles of the line, and I reported to him in person.

Q You never saw a copy of the rules and regulations?

A No, sir.

0101

5

Q Were you ever requested to come to the office of the Board and sign a paper or waiver of any claim?

A I think I was.

Q Did you sign any such document?

A I did not. I signed a paper but not a waiver of any claim. I can't remember the words of it now.

Q What was the general purport of it?

A The general purport of it, as I remember, was that it was a waiver and release of all kind. I remark that clause and before I signed it and inserted other words. Sworn to before me this

day of January, 1938.

Notary Public,

N. Y. Co.

IN THE MATTER

OF THE

CLAIM

PRESENTED FOR SETTLEMENT

—BY—

William V. Wheeler,

TO THE

Comptroller of the City of New York.

EXAMINATION OF CLAIMANT

TAKEN

January 10th, 1888

(Copy)

H. Kerr,  
Stenographer.

0102

0 103

City of New York,  
FINANCE DEPARTMENT,  
COMPTROLLER'S OFFICE.

December 31<sup>st</sup> 1889  
M: William W. Wheeler

SIR:

By § 123 of the Consolidation Act (Chapter 410, Laws of 1882) it is provided that "the Comptroller may require any person presenting for settlement an account or claim against the Corporation to be sworn before him touching such account or claim, and when so sworn to answer orally as to any facts relative to the justness of such account or claim."

In accordance with the power thus conferred upon me, I hereby require you to appear and be sworn before me, at the office of the Counsel to the Corporation, Tryon Row, on ~~Fri~~-day, the 10<sup>th</sup> day of ~~January~~ 1890, at 11 o'clock in the fore noon of that day, to answer orally as to any facts relative to the justness of a certain account or claim against the Corporation, which was presented by you for settlement on December 19<sup>th</sup> 1889, the said claim being for \$1964<sup>00</sup> salary as Tunnel Inspector on the New Aqueduct from Nov 10, 1888 to Nov. 30, 1889.

Theo. N. Myers.

Comptroller.

0104

IN THE MATTER  
OF THE

CLAIM PRESENTED BY

*Edm. W. Wheeler*

TO THE COMPTROLLER OF THE  
CITY OF NEW YORK

*Original*

Notice Requiring Claimant to Appear  
and be Sworn, etc.

THEODORE W. MYERS,  
Comptroller.

*Served copy  
Jan 2 and 1890  
J. E. H.*

M. B. Bower, Printer and Stationer, 49 & 51 Park Place, N. Y.

0105

NEW YORK COURT OF GENERAL SESSIONS.

- - - - -x

The People :

against :

Wallace W. Wheeler. :

- - - - -x,

This is an application to the District Attorney for the dismissal of an indictment against the above named defendant.

It appears that the said defendant was indicted on the *8<sup>th</sup>* day of *August*, 1889, on a charge of attempted larceny in the first degree. This prosecution arose out of the following state of facts:

It appears that the defendant on about the 11th day of November, 1885, was employed as an inspector by the Aqueduct Commissioners of the City of New York, that on such appointment he entered upon the discharge of his duties and remained such inspector until the 26th day of October, 1888, when he was suspended on the ground that the work was approaching completion; that on the 28th day of March, 1889, the defendant applied for assignment to duty and he alleged, as it is said in the indictment, that his name was William W. Wheeler, and that he was formerly of Stamford, in the State of Connecticut, and that he served honorably in the volunteer army of the United States during the War of the Rebellion and that the following, to wit: Enlisted private, Company K. 2nd C.V. H.A. January 4, 1864. June 1st, 1864 Cold Harbor,

0106

2.

Virginia; transferred to Company A July 20th, 1865; mustered out August 18th, 1865, was a true transcript of his the said Wheeler's services as shown by the records of the office of the Adjutant General of the State of Connecticut.

It is submitted that no conviction can be had upon this indictment, first on the ground that the indictment is fatally defective, in that it charges an attempt at grand larceny when as a matter of fact there is no evidence here to show that the defendant attempted to take any money or any other valuable thing from the City Treasury: he simply attempted to be reinstated in his position from which he had not been discharged, but had only been suspended. He presented these papers with the history of his war record as a means by which those who believe that men who had engaged in the war should have preferences, should be assigned to duty in preference to others, who had about the same time been suspended and could make no such claim upon the Aqueduct Commissioners. It cannot be said in any legal sense that this was an attempt at larceny; it was an attempt at promotion. The man was suspended from duty-- he was not discharged. He simply required to be assigned to duty again. He presented a claim as a veteran and for military services, and that is all that he did.

On this state of facts of course no conviction could be had, and we respectfully submit that a careful examination of the record will show that this indictment ought to be dismissed.

*Amos W. Pinsky*

0107

Court of Gen Sessions

The People vs

vs.

W. W. Wheeler

---

Application

for

Dismissal

---

Perdy McLaughlin

Counsel for Deft.

280 Broadway.

0108

*Commissioners:*

*August J. Green, Mayor;  
Theodore W. Myers, Comptroller;  
Thomas F. Gilroy, Council Public Works;  
James C. Duane, President;  
John J. Tucker, Vice President;  
Francis M. Scott,  
Walter Howe;  
Secretary:  
John C. Hedden.*

*Aqueduct Commissioners' Office.*

*Stewart Building, 280 Broadway,*

*New York, December 2nd, 1889.*

Hon. John R. Fellows,

District Attorney, New York City.

Sir:-

Your letter dated November 21st, relative to one W. W. Wheeler, a former Inspector, and now under indictment for attempt to commit Grand Larceny, was presented to the Construction Committee of the Aqueduct Commission, on Wednesday last, and referred to me for answer.

We are informed that Wheeler is now, or has recently been in the City, and gives No. 254 West 37th Street, as his residence.

We are also informed that the real W. W. Wheeler, whom our Inspector is accused of personating, can be found and we have started an inquiry to ascertain his whereabouts; as soon as we get definite information as to him, you will be promptly notified.

Yours truly,

*Francis M. Scott*

Commissioner.

0109

CHIEF ENGINEER'S OFFICE—AQUEDUCT COMMISSIONERS.

ROOM 215, STEWART BUILDING.

BENJAMIN S. CHURCH,  
Chief Engineer.

New York, *November 29<sup>th</sup>* 1889

*William M. Wheeler*

*Inspector of Masonry*

*234 West 37<sup>th</sup> St City*

*Dear Sir*

*At a stated meeting of the  
Aqueduct Commissioners held on the 27<sup>th</sup>  
instant you were dismissed from the service  
of said Commissioners.*

*Copy  
Signed*

*Respectfully  
John C. Sheehan  
Secretary  
J.C.S.*

0110

## CHIEF ENGINEER'S OFFICE—AQUEDUCT COMMISSIONERS.

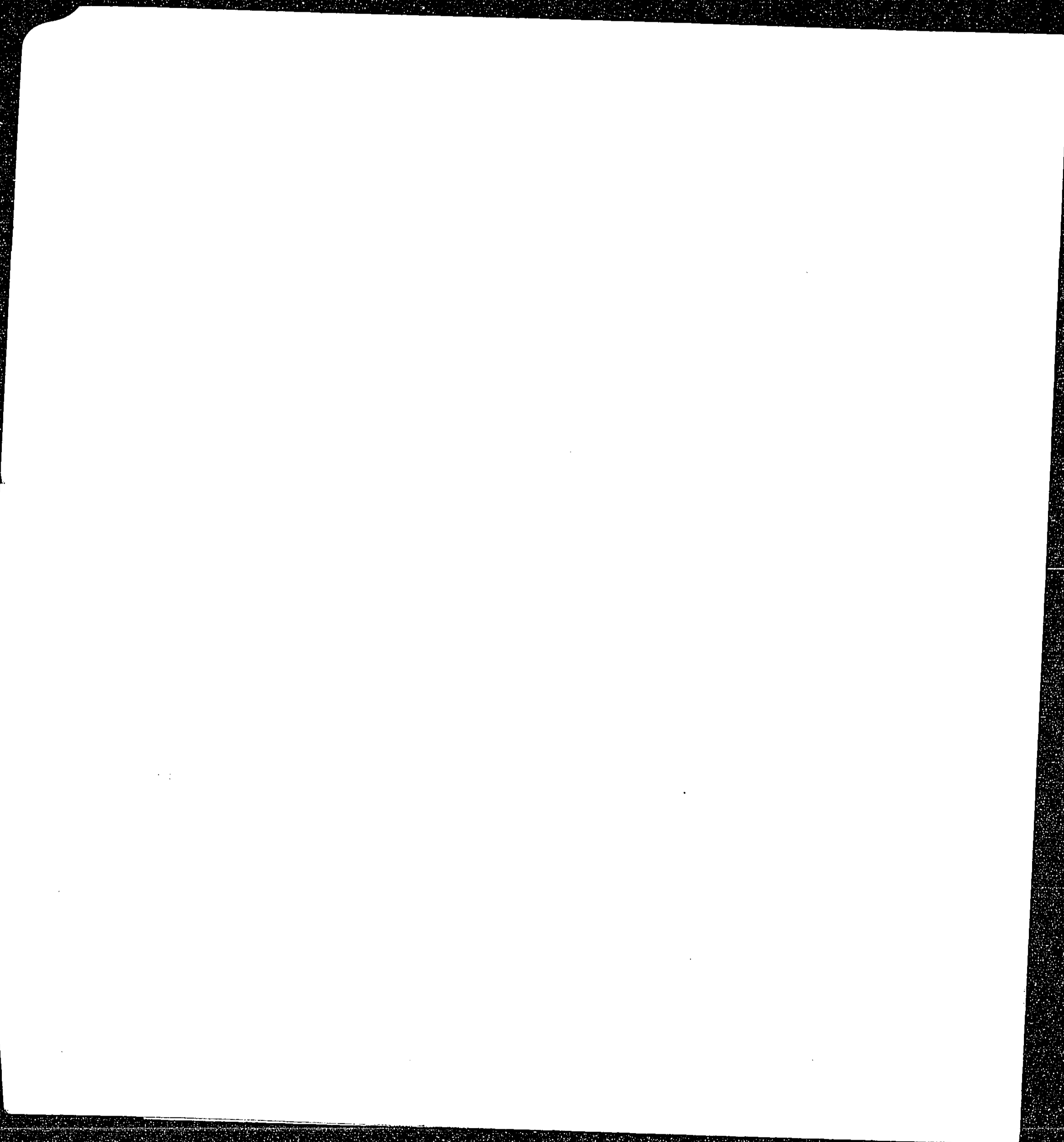
ROOM 215, STEWART BUILDING.

BENJAMIN S. CHURCH,  
Chief Engineer.

New York, ..... 188

In the latter part of 1865 I enlisted in Connecticut as a recruiting agent to furnish volunteers and substitutes and was over three months in that service when I fell in a substitute in the name of William Wheeler or Wm W. Wheeler and was I believe located to Stamford Township but I do not know in what Regiment he was sent and I believe the Certificate I got was the right one and that I was entitled to the discharge for at least for the time I served - There was many by the name of Wheeler that enlisted in Conn and possibly I might have got the wrong discharge Certificate.

0111



0112

CHIEF ENGINEER'S OFFICE—AQUEDUCT COMMISSIONERS.

ROOM 215, STEWART BUILDING.

BENJAMIN S. CHURCH,  
Chief Engineer.

New York, *October 26<sup>th</sup>* 1888

*H. H. Wheeler Esq.*

*Tunnel Inspector*

*Dear Sir*

*The work of construction of the  
portion of the tunnel over which your  
duties extend are about completed*

*For the above reason you are  
herewith Suspended—*

*Please return such books  
records etc as you may have in your  
possession which are the property of the  
Aqueduct Commission*

*Copy  
Signed*

*Yours Truly  
B S Church  
Chief Engineer*

0113

CHIEF ENGINEER'S OFFICE—AQUEDUCT COMMISSIONERS.  
ROOM 215, STEWART BUILDING.

BENJAMIN S. CHURCH,  
Chief Engineer.

New York, *July 31st* 1889

To the Honorable Aqueduct Commissioners  
Gentlemen

I hereby respectfully  
withdraw for the present my application  
for reinstatement and back pay and ask  
for a return of the papers including the  
Certificate of discharge

Copy

Respectfully Yours  
W. W. Wheeler  
234 N 37th St  
New York City

0114

OFFICE OF CHIEF ENGINEER,  
TRIBUNE BUILDING,

AQUEDUCT COMMISSIONERS.

B. S. CHURCH, Chief Engineer.  
A. FTELEY, Executive Engineer.

New York Mar 1<sup>st</sup> 1886

Mr B. S. Church

Chief Engineer

Dear Sir

I have worked on the  
New Croton Aqueduct in the  
Month of February. Twenty Four  
(24) Days

Respectly,  
J. H. Wheeler  
Tunnel Inspector

0115

OFFICE OF CHIEF ENGINEER,  
TRIBUNE BUILDING,  
AQUEDUCT COMMISSIONERS.

B. S. CHURCH, Chief Engineer.  
A. FTELEY, Executive Engineer.

*New York Apr 30 1886*

*Mr B. F. Church*

*Dear Sir*

*I have worked  
during the month of April  
1886 as Tunnel Inspector  
Twenty Six (26) days*

*Respectly*

*Wm. Wheeler*

0116

OFFICE OF CHIEF ENGINEER,  
TRIBUNE BUILDING.

AQUEDUCT COMMISSIONERS.

B. S. CHURCH, Chief Engineer.  
A. FTELEY, Executive Engineer.

New-York *Apr* 1<sup>st</sup> 1886

B. S. Church Esq  
Chief Engineer  
Dear Sir

I have been employed  
on the New Croton Aqueduct  
during the Month of March  
1886 - twenty Seven (27) days  
as Tunnel Inspector

Respectfully  
Wm W. Wheeler  
Tunnel Inspector

0117

Form No. 5

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
a 64 W	DZ	Bx	710000 Governor

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. July 19 1889

Dated Washington DC 19

To  
Sixty four for absenting himself from his regiment without leave on or about July tenth eighteen hundred sixty three while under arrest upon various charges.  
J. B. Moore

Form No. 1

**THE WESTERN UNION TELEGRAPH COMPANY.**

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, General Manager.

NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
a 64 W	DZ	Bx	710000 Govt Rate

Received at the WESTERN UNION BUILDING, 195 Broadway, N. Y. July 19 1889

Dated Washington DC 19

To John D. Lindsay Esq  
Asst District Attorney  
NY City

On your telegram of this morning I am furnished with record of Wallace H. Wheeler which I send by mail today. He was dishonorably dismissed from the service March twenty sixth eighteen hundred

0118

Mr. Bayard:  
Will you kindly  
try to get this for  
me?

J. O. Miller

(Mr. Bayard is a clerk in my  
office, to whom I handed  
your telegram.  
To Mr. Lindsey. J. O. Miller)

0119

United States



of America.

WAR DEPARTMENT,

Washington City, July 19<sup>th</sup>, 1889.

Pursuant to Section 882 of the Revised Statutes, I hereby certify that it appears from the records of the <sup>1</sup>Office of the Adjutant General of the Army that the annexed is a true statement.

2

J. C. Kelton  
Adjutant General.

Be it known that J. C. Kelton, who signed the foregoing certificate, is the Adjutant General of the United States Army, and that to his attestation as such full faith and credit are and ought to be given.

In witness whereof I have hereunto set my hand, and caused the seal of the War Department to be affixed, on this 19<sup>th</sup> day of July one thousand eight hundred and eighty nine.

Profriser B. S. C. D.  
Secretary of War.

1. Insert title of office.  
To be signed by the officer in charge of the office.  
(Form No. 9.)

0120

WAR DEPARTMENT,  
Adjutant General's Office,

Washington, July 19, 1889.

From the records of this office, it appears that Wallace W. Wheeler was mustered into service as first lieutenant and regimental quartermaster, 143d New York Volunteers, with field and staff, October 8, 1862, and that he absented himself from his regiment without leave on or about the 10th day of July, 1863, while under arrest upon charges preferred against him for "Drunkenness on duty, absence without leave; disposing of government property and appropriating the proceeds to his own use; appropriating to his own use a government horse; making false returns; forging receipts; waste of government property; breach of arrest; neglect of duty and absence without leave, and incompetency."

From September, 1863, to March, 1864, this office made every effort to have him arrested and sent to his regiment for trial by court-martial, but without success.

In the meantime, his regiment was sent from the Army of the Potomac to the Department of the Cumberland, and on March 23, 1864, the commanding officer of the regiment reported the facts in the case to the commanding general of that Department and requested the dismissal of Lieutenant Wheeler.

He was thereupon dishonorably dismissed the service March 26, 1864, in orders from the Department of the Cumberland.

0121

*Personal.*

DEPARTMENT OF STATE.

WASHINGTON.

July 18, 1889.

Dear Mr. Lindsay:

I at once sent  
your Telegram over to  
the War Department and  
I am informed that  
an attested copy of  
the transcript awaits  
you subject to the  
conditions of a cir-  
cular of that De-  
partment copy of

0122

which I herewith  
enclose.

I write this in  
haste in order to  
get it in the  
mail.

Yours sincerely,  
J. P. Moore.

To Mrs. D. Lindsay, Esq.

0123

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
WASHINGTON.

July 18, 1889.

Hon. J. B. Moore,  
Third Asst Secy of State.

Dear Sir:-

The Adjutant General's  
Office will have an official copy  
of the record of Lieut. W. W. Wheeler,  
143<sup>rd</sup> New York Vols., ready im-  
mediately, and will send it  
to you if officially called for, or  
to Mr. J. S. Lindsay, if the case  
is one in which the United  
States has no real interest,  
or if the certificate of the proper

0124

tribunal be furnished, as required  
by the inclosed circular.

Yours truly,

C Kelton  
Adjutant General.

0 125

WAR DEPARTMENT,  
WASHINGTON CITY,  
February 17, 1887.

CIRCULAR:

In submitting copies of papers for the attestation of the Secretary of War chiefs of bureaus will state whether the rule of the department on the subject has been complied with, viz:

It is not deemed proper to intrust attested transcripts of the public records to private persons for use in controversies in which the United States has no real interest, except upon the certificate of the tribunals before which such controversies are to be decided that such transcripts of the public records are deemed essential to the ends of justice.

By ORDER OF THE SECRETARY OF WAR:

JOHN TWEEDALE,  
*Chief Clerk.*

OFFICIAL COPY:

*Chief Clerk.*

C

0126

TELEGRAM RECEIVED.

From

New York  
July 18

1889.

Received 2:15 P.M.

J. D. Moore,  
State Dept.,  
Washington, D.C.

Please telegraph me record in War  
Department of services and dismissal  
of Wallace H. Wheeler, Quartermaster  
143<sup>rd</sup> New York Volunteers, during  
Civil war.

Necessary to have this at  
once for use before Grand Jury.

John D. Linsey,

0127

308 W. 20<sup>th</sup> St., N. Y. City  
February 10<sup>th</sup>, 1890. —

This will certify that I examined Mr. W. W. Wheeler this evening, at 7:30. He has been a patient of mine for the past three years. I find him suffering with sub-acute inflammatory rheumatism in the left foot and knee. The foot, ankle and knee are badly swollen, and intensely painful to the touch, and have an abnormal heat in them. His pulse is 96 and his temperature 100.5. Locomotion is impossible except with a crutch and cane, and even then he suffers extreme pain. I have placed him under treatment and in my judgment it will be injurious for him to leave his room for several days. Mr. Wheeler informs me that for the past week he was treated in the Tombs for his rheumatism.

0128

by a physician attached to that institution -

I further certify that I have been a practitioner of medicine for over 30 years, and that I am duly registered in the office of Clerk of New-York County -

Edward J. Quinlan, M.D.  
dated February 10<sup>th</sup>, 1890.

0129

~~CHIEF ENGINEER'S OFFICE—AQUEDUCT COMMISSIONERS.~~

~~ROOM 215, STEWART BUILDING.~~

~~BENJAMIN S. CHURCH,~~  
~~Chief Engineer.~~

New York, ..... 188

*Certificate of Non-indebtedness*  
*Treasury Department*

*Third Auditors Office March 3<sup>d</sup> 1890*

*It is hereby Certified that the returns of W W*  
*Wheeler late Lieutenant and Regimental*  
*Quartermaster 143<sup>d</sup> N Y Vol Infantry have*  
*been examined found correct and are closed*

*This Certificate is granted to satisfy*  
*the Pay Department that the above named*  
*Officer is not indebted to the United*  
*States on the books of this office at the*  
*date hereof*

*No 8865*

*Copy*  
*Signed*

*W H. Hart*  
*Third Auditor*

0130

District Attorney's Office.

PEOPLE

vs.

William W. Wheeler

Employed as Director

of the Bureau of Prisons

from May 18, 1925 -

Discharged Nov. 1, 1928

\$500 per month

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

and other benefits

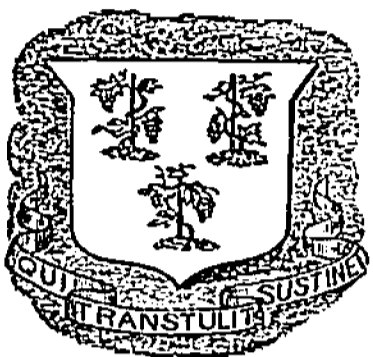
and other benefits

and other benefits

and other benefits

and other benefits

0131



State of Connecticut.  
Adjutant General's Office.

Hartford, March 14 1889

This Certifies, That William W. Wheeler  
of Stamford Connecticut, served honorably in  
the Vol. Army of the United States during the War of  
the Rebellion, and that the following is a true transcript of his  
service as shown by the records of this office.

Enlisted Private - Co. K, 2<sup>nd</sup> C. V. H. A. Jan. 4<sup>th</sup>  
1864; wounded June 1<sup>st</sup> 1864 Cold Harbor Va.; transferred  
to Co. A. July 20<sup>th</sup> 1865; Mustered-out Aug 18<sup>th</sup>  
1865.

In testimony whereof, the seal of this office is hereto affixed.

Geo. M. White.

Colonel, and Asst. Adjutant-General.

0132

COMMITTEE ON REAL ESTATE.

FRANCIS M. SCOTT,  
JOHN J. TUCKER,  
WALKER HOWE.

AQUEDUCT COMMISSIONERS' OFFICE,

STEWART BUILDING, 280 BROADWAY, Room 210,

New York,

June 27<sup>th</sup> 1889

To the Honorable Aqueduct Commissioners  
Gentlemen

The Chief Engineer has Certified my  
pay at \$120-<sup>00</sup> p. month - This is contrary to the  
opinion of the Corporation Council and to  
the action of your Committee -

I claim pay at the rate of \$150-<sup>00</sup> p.  
month as Tunnel Inspector until such  
time as the rate shall be changed by  
your honorable body or I am assigned to duty  
as an Inspector

Respectfully Yours

Wm. W. Wheeler

Tunnel Inspector

0133

## INSPECTOR WHEELER'S RECORD.

Once Arrested for Attempting to Defraud Insurance Companies.

MONTICELLO, N. Y., Jan. 31.—Wallace W. Wheeler, who is reported by THE SUN as under indictment and arrest for defrauding the New York Aqueduct Commission of \$800 back pay as an employee under the plea that he was an honorably discharged war veteran, is the eldest son of the Hon. Osmer B. Wheeler, a large tanner and landowner at Oakland Valley, in this county. The elder Wheeler was formerly conspicuous in State politics and represented the Sullivan and Orange district in the Senate during the term of 1858-9.

Wallace W. Wheeler went into service in 1862 as a First Lieutenant and Quartermaster of the 143d Regiment, New York Volunteers, which was recruited in this county. The disgraceful record he made as a deserter and defaulter and his dishonorable discharge from the service are matters of wide notoriety here. He was for a long time in hiding as a fugitive hunted by Government officers.

In 1874 the big tannery at Oakland owned by the elder Wheeler and managed by his son Wallace was burned to the ground by an incendiary fire. The buildings and stock of hides in process of tanning were heavily insured by New York companies. The companies suspected something wrong, and caused a thorough inquiry to be made. In the ruins of the tannery buildings was found several thousands of dollars' worth of hides that had been buried under refuse tan bark. Wallace Wheeler was arrested for attempting to defraud the insurance companies, and was for many months confined in Ludlow street jail. Finally the matter was fixed up in some way by the intervention of influential friends, and he was discharged from custody.

He was next heard of as holding a responsible place in the New York Aqueduct Department, said to have been secured by the recommendation of George M. Beobe of this place, Commissioner of the State Court of Claims, and of ex-Assemblyman Martin A. Smith. Young Wheeler's wife was a Miss Wales, of the noted family of tanners and leather merchants of that name.

0134

ENGINEERING DEPARTMENT --- AQUEDUCT COMMISSIONERS.

Division NO. 5. 324 St/ Nicholas Ave.

(Copy)

New York, Jan. 30th, 1890.

A. Fteley, Esq.,

Chief Engineer.

Dear Sir:-

Capt. Cortright has obtained the following information about William W. Wheeler, viz:-

This veteran, whose full name is William Wordin Wheeler, served in the 2nd Conn. Artillery Regiment (Co.K). He was wounded June 1st, 1864, and was mustered out Aug. 18th, 1865 at Washington.

He is now drawing pension No. 124528 and his address is Bridgeport, Conn., I think this Mr. Wm. W. Wheeler is willing to testify against the pseudo, Wm. W. Wheeler, if his expenses are paid.

Respectfully,

(Signed) E. Wegmann, Jr.,

Div. Engr.

0135

District Attorney's Office.  
City & County of  
New York.

188

Frederick W. Frost

- 10 11 4

h r

10, 11, 12

10, 11, 12

"1271"

~~Edw~~

B. J. Church

J. C. Sully Auditor

0136

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Wallace W. Wheeler

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

Indictment accuse

Wallace W. Wheeler—  
of the crime of attempting to commit  
of the crime of Grand Larceny in the first degree

committed as follows:

The said

Wallace W. Wheeler

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

eighteenth day of November in the year of our Lord one thousand  
eight hundred and eighty-five —, at the City and County aforesaid,

was appointed and employed by the  
aqueduct commissioners of the city  
of New York as an inspector of mason-  
ry, and then and thereafter, and to  
and including the tenth day of Nov-  
ember in the year of our Lord, one  
thousand, eight hundred and eighty-  
eight was employed as such inspector  
by the said aqueduct commissioners,  
at the monthly salary and compens-  
ation of one hundred <sup>and fifty</sup> dollars, except  
during a portion of said time, to

to wit: during the last month of his employment, when he, the said Wallace W. Wheeler was assigned to duty by the said aqueduct commissioners as a tunnel inspector at the monthly salary of one hundred and fifty dollars.

And on the said last mentioned day, to wit: on the said tenth day of November in the year of our Lord, one thousand, eight hundred and eighty-eight, the said Wallace W. Wheeler was suspended and dismissed by the said aqueduct commissioners, and discharged from his said employment as such inspector and from the further performance of the labors and duties thereof.

And the said Wallace W. Wheeler, afterwards, to wit: on the twenty-eighth day of March in the year of our Lord, one thousand, eight hundred and eighty-nine, at the City and County aforesaid, with force and arms, with intent to deprive and defraud the City of New York to wit: the Mayor, Aldermen and Commonalty of the City of New York, a municipal corporation (being charged by law with the payment of all salaries and com-

pension of the persons employed  
 by the said aqueduct commissioners,  
 on their certification of the proper  
 moneys, goods, chattels and personal  
 property hereinafter mentioned, and  
 of the use and benefit thereof, and to  
 appropriate the same to his own  
 use, did then and there feloniously,  
 fraudulently and falsely pretend and  
 represent to the said aqueduct  
 commissioners, That the name of  
 him the said Wallace W. Wheeler,  
 was William W. Wheeler and that he  
 was formerly of Stamford in the  
 State of Connecticut; that he served  
 honorably in the volunteer army  
 of the United States during the  
 War of the Rebellion; That  
 the following, to wit:

"Enlisted Private Co. K. 2<sup>nd</sup> C. V. N. A.  
 Jan. 4<sup>th</sup> 1864; wounded June 1<sup>st</sup> 1864  
 Cold Harbor Va.: transferred to Co. A. July  
 20<sup>th</sup> 1865; Mustered out Aug 18<sup>th</sup> 1865" was  
 a true transcript of his, the said  
 Wallace W. Wheeler's services, as shown  
 by the records of the office of the  
 Adjutant General of the State of  
 Connecticut: that by reason of such  
 honorable service and discharge, he

the said Wallace W. Wheeler, was then and there entitled under the laws of this state, to re-instatement as such inspector in the employment of the said aqueduct commissioners, and to the payment of salary at the rate of one hundred and fifty dollars each month from the eleventh day of November, in the year of our Lord, one thousand, eight hundred and eighty eight to the day last aforesaid, to wit: the sum of six hundred and ninety dollars.

By color and by aid of which said false and fraudulent pretenses and representations he, the said Wallace W. Wheeler did then and there feloniously attempt to obtain the sum of six hundred and ninety dollars in money, lawful money of the United States and of the value of six hundred and ninety dollars, of the proper moneys, goods, chattels and personal property of the said municipal corporation, from the possession of the said municipal corporation, with intent to deprive and defraud the said municipal corporation, of the same and of

the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the name of him the said Wallace W. Wheeler was not William W. Wheeler and he was not formerly of Stamford in the State of Connecticut; and he did not serve honorably in the volunteer army of the United States during the War of the Rebellion; and the matter hereinabove quoted, was not a true transcript of his, the said Wallace W. Wheeler's services as shown by the records of the office of the Adjutant General of the State of Connecticut; and the said Wallace W. Wheeler was not then and there, by reason of such honorable service or discharge or for any reason, entitled under the laws of this State to re-instatement as such inspector in the employment of the said aqueduct commissioners, or to the payment of salary at the rate of one hundred and fifty dollars each month, from the said eleventh day of November in the year of our Lord, one thousand, eight hundred and eighty-eight, to the day last aforesaid

And Whereas, in truth and in fact, the pretences and representations so made as aforesaid by the said Wallace W. Wheeler to the said acqueduct commissioners was and were, then and there, in all respects, utterly false and untrue as he the said Wallace W. Wheeler, at the time of making the same, then and there well knew.

And so the Grand Jury aforesaid, do say that the said Wallace W. Wheeler in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property, of the said municipal corporation, then and there feloniously did attempt to steal, against the form of the Statute in such case made and provided and against the peace and dignity of the said People.

John R. Fellows,  
District Attorney.

0142

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Whilemen, Joseph

**DATE:**

08/08/89



3418

Witnesses:

*M. Henry*  
*Off Hogan*

84

Counsel,

Filed

day of Aug 1889

Pleads,

*Whitely*

THE PEOPLE

*18. 16*  
*110*

23.

*R*

Grand Larceny, Second Degree.

(From the Person.)

[Sections 528, 529, Penal Code.]

*Joseph Whilenen*

JOHN R. FELLOWS,

District Attorney.

*Aug 13/89*  
*pleads guilty*  
*Aug 13/89*  
*pleads guilty*

A True Bill.

*Alfred Cameron*

Foreman.

*S. P. Swygorsky*

0143

0144

Police Court

District.

Affidavit—Larceny.

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

Mary Brand

of No. 156 Mott Street, aged 52 years,  
occupation Housekeeper being duly sworn

deposes and says, that on the 1<sup>st</sup> day of August 1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession And  
person of deponent, in the day time, the following property, viz:

a pocket-book containing gold  
and silver money to the amount  
and value of five dollars and  
eighty-one cents

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 Joseph Whiteman,

now here, from the fact that  
said pocket-book and money was  
snatched out of deponent's hand  
while deponent was waiting in  
Elizabeth Street.

That deponent is now here  
informed by Michael Henry that  
he, said Henry, saw the said  
defendant pull said pocket-  
book out of deponent's hand  
and run away with the same.  
That officer Martin J. Hogan,  
now present, saw the said  
defendant run away with a pocket  
book which he, said officer, picked

0145

up as his informal document,  
and the pocket-book so recovered  
by said officer is the stolen one  
by me.

I want to refer me this } Heavy Bear  
1<sup>st</sup> day of August 1889

E. Hagan

Police Station

0146

*Received*

DEPARTMENT OF STATE,

WASHINGTON.

July 18, 1889.

My Dear Sir:

I shall be greatly  
indebted to you if you  
will be so good as  
to inform me of the  
result of your con-  
sideration of the  
request of Mr. Jas. D.  
Lindsay, Asst. Dis.  
Atty., New York City,  
for the War records  
of a certain individual

0147

mentioned in Mr.  
Lindsay's telegram:..  
The gentleman to whom  
I intrusted the telegram  
tells me that it will  
be answered from your  
Department. But as  
it is addressed to  
me personally and as  
Mr. Lindsay is a personal  
friend of mine I  
should like to  
be able to make

0148

a suitable acknowledgment of his telegram myself, in addition to that sent officially from the War Dept.

Very truly yours,

J. B. Moore,  
3<sup>d</sup> Asst Secy  
of State.

To Gen. J. C. Kelton,  
Assistant General.

0149

CITY AND COUNTY }  
OF NEW YORK, } ss.

Michael Henry  
aged 46 years, occupation Bell hanger of No. 163 Elizabeth Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Mary Brand  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of August 1889

Michael Henry

E. Hagan  
Police Justice.

0150

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation Police officer of No. 10th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mary Bruns  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 1st  
day of August 1889

Martin F. Hogan

M. Hogan  
Police Justice.

0151

Sec. 198-200.

*First* District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Whiteman* 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.

*Joseph Whiteman*

Question. How old are you?

Answer.

*18 years of age*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*I have no home*

Question. What is your business or profession?

Answer.

*Peeler*

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

Answer.

*I am not guilty. Another young fellow took it and threw it to me.*

*Joseph Whiteman*

Taken before me this

day of *August* 188*9*

Police Justice.

*[Signature]*

0152

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.....

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

Dated *August 2<sup>nd</sup>* 188 *g* *E. Hagan* 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 h to be discharged.

Dated.....188..... Police Justice.

0153

BAILED,

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

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

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

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

Police Court---

1152 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mary Beard  
156 vs. M. H.  
Joseph Whiteman

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

Office Larceny  
J. M. M. M.

Dated August 1<sup>st</sup> 1889  
Hogan Magistrate.  
Hogan Officer.  
10 Precinct.

Witnesses Michael Henry  
No. 163 1/2 by Albert Street.  
Martin J. Hogan  
No. 10 1/2 by John Street.

No. ..... Street.  
\$ 500. to answer G. S. v.  
Connelly

Ex. Aug. 2<sup>nd</sup> 9 1/2 a.m.

0154

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Whiteman*

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

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

The said

*Joseph Whiteman*

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

*the sum of five dollars and sixty cents in money, lawful money of the United States and of the value of five dollars and eighty-one cents, and one pocket-book of the value of twenty-five cents*

of the goods, chattels and personal property of one

on the person of the said

then and there being found, from the person of the said

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.

*Mary Brand*  
*Mary Brand*  
*Mary Brand*  
*John R. Follows*  
District Attorney

0155

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Whittaker, Frank

**DATE:**

08/15/89



3418

0156

190

Counsel, Barry  
25 Chambers.  
Filed 15 day of Aug 1889.  
Pleads, Voluntary ID.

THE PEOPLE  
vs.  
Frank Whittaker  
KEEPING A HOUSE OF ILL FAME, ETC.  
[Sections 322 and 385, Penal Code]

JOHN R. FELLOWS,  
District Attorney.

Sept 10/1889 J.M.D.  
Sept 16/1889 J.M.D.

A True BILL.

Alfred C. Lawrence  
Sept 16/89

Foreman.  
On recom. Dist. Atty.  
deft. discharged on his  
own recog. R.B.M.

Witnesses;

The Complainant in this case  
cannot be found (see app.  
to that effect filed herewith).  
I therefore recommend the  
discharge of defendant  
upon his own recognizance  
Sept. 16 th. 1889.  
Nelson McDaniels  
Dist.

0157

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Henry Winstock  
of No. 126 Orchard Street.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the \_\_\_\_\_ day of September 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against Frank Whittaker

Dated at the City of New York, the first Monday of September in the year of our Lord, 1889.

JOHN R. FELLOWS, *District Attorney.*

0158

Court of General Sessions.

THE PEOPLE

vs.

Frank Whittaker

City and County of New York, ss:

William J. Mooney being duly sworn, deposes and says: I am a Police Officer attached to the 11th Precinct, in the City of New York. On the 9th day of September 1889, I called at 126 Orchard St.

the alleged residence of Henry Weinstein a witness the complainant herein, to serve him with the annexed subpoena, and was informed by tenants of said premises that said Weinstein does not now and never had resided there. He is not known in the neighborhood and could not find any one in the neighborhood who knew him

Sworn to before me, this

16th day

1889

William J. Mooney

September 16th 1889

William J. Mooney

City of New York

**Court of General Sessions.**

THE PEOPLE, *in the Complaint of*

vs.

*Frank Whittaker*

*Offence:*

JOHN R. FELLOWS,  
*District Attorney.*

*Affiant of Police Officer*  
*Wm J. Moore*  
*11th Precinct.*

**Failure to Find Witness.**

0159

0160

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Samuel Brammfield  
of No. 119 Orchard Street.

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 16 day of September 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Frank Witteraker

Dated at the City of New York, the first Monday of September in the year of our Lord, 1889.

JOHN R. FELLOWS, District Attorney.

0161

Court of General Sessions.

THE PEOPLE

vs.

Frank Whittaker

City and County of New York, ss:

William J. Mooney being duly sworn, deposes and says: I am a Police Officer attached to the 11th Precinct, in the City of New York. On the Fifteenth day of September 1889, and on another occasion I called at 119 Orchard St.

the alleged residence of Samuel Braunfeld the complainant herein, to serve him with the annexed subpoena, and was informed by the parents of said complainant that said Braunfeld had not been at home in about a month. I also made inquiries in the neighborhood, but could get no information as to said Braunfeld's whereabouts.

Sworn to before me, this

16th day

of

September 1889

William J. Mooney

William J. Mooney

~~William J. Mooney~~  
County of New York

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

vs.

*Frank Whitaker*

Offence:

JOHN R. FELLOWS,  
*District Attorney.*

*Affidavit of Police Officer*

*Wm J. Mooney*  
*11th*

*Precinct.*

**Failure to Find Witness.**

0162

0163

Sec. 192.

3rd District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before P. G. Duffy a Police Justice  
of the City of New York, charging Frank Whittaker Defendant with  
the offence of Keeping Disorderly House

and he having been brought before said Justice for an examination of said charge, and it having been made to  
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-  
ing thereof having been adjourned,

We, Frank Whittaker Defendant of No. 29 Stanton  
Street; by occupation a Butcher  
and Mark Solomon of No. 161 Henry  
Street, by occupation a Real Estate Surety, hereby jointly and severally undertake that  
the above named Frank Whittaker Defendant  
shall personally appear before the said Justice, at the 3rd District Police Court in the City of New York,  
during the said examination, or that we will pay to the People of the State of New York the sum of Five  
Hundred Dollars.

Taken and acknowledged before me, this 2

day of July 1887

P. G. Duffy  
POLICE JUSTICE.

Frank Whittaker  
Mark Solomon

0164

CITY AND COUNTY }  
OF NEW YORK, } ss.

Sworn to before me, this  
day of *February*  
1881  
Police Justice

*Mary Solomon*  
the within named Bail and Surety being duly-sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Five* Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of *House and lot*

*located at No. 212 and 214*  
*Brown St in this county valued*  
*at Twenty Thousand Dollars free*  
*and clear*

*Mary Solomon*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear  
during the Examination.

Taken the ..... day of

188

Justice.

0165

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

*Samuel Brumfeld*  
of No. *119 Orchard* Street, being duly sworn, deposes and says,  
that *Frank Whittaker* (now present) is the person of the name of  
*John Roe* mentioned in deponent's affidavit of the *1st*  
day of *July* 188*9*, hereunto annexed.

Sworn to before me, this

day of *July* 188*9*

*Samuel Brumfeld*

POLICE JUSTICE.

0166

Sec. 199-200.

3

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Frank Whittaker 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.

Frank Whittaker

Question. How old are you?

Answer.

41 years

Question. Where were you born?

Answer.

Germany

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

Answer.

No 29 Stanton street New York City 8 months

Question. What is your business or profession?

Answer.

Butcher

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

Answer.

I am not guilty. If held I demand a trial at the Court of General Sessions

Frank Whittaker

Taken before me this

day of

March 1889  
Police Justice.

0167

Sec. 322, Penal Code.

3

District Police Court.

CITY AND COUNTY  
OF NEW YORK ss.

Samuel Brownfield  
of No. 119 Orchard Street, in said City, being duly sworn says  
that at the premises known as Number 49 Forsyth Street,  
in the City and County of New York, on the 27 day of June 1889, and on divers  
other days and times, between that day and the day of making this complaint

John Doe  
did unlawfully keep and maintain and yet continue to keep and maintain a House of  
Prostitution and did then, and on the said other days and times, there unlawfully procure  
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come  
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said  
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil  
name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving  
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and  
there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said John Doe  
and all vile, disorderly and improper persons found upon the premises, occupied by said  
John Doe  
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this  
day of June 1889

Samuel Brownfield  
Police Justice.

0168

X Police Court— 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel Bumpfen  
vs.

AFFIDAVIT—Keeping Disorderly House, &c.

Dated July 1, 1889

Leupke Justice.

Murray Officer.

44 Precinct.

WITNESSES :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

0169

Sec. 151.

Police Court 3 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Samuel Brownlee of No. 119 Orchard Street, that on the 27 day of Jan 1889, at the City of New York, in the County of New York, John Doe did keep and maintain at the premises known as Number 419 Henry St Street, in said City, a House of Prostitution and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain drinking, dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

THESE ARE, THEREFORE, in the name of the People of the State of New York, to Command you, the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the body of the said

Samuel Brownlee and all vile, disorderly and improper persons found upon the premises occupied by said John Doe and forthwith bring them before me, at the 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 1 day of Feb 1889  
John Doe  
POLICE JUSTICE.

0170

Police Court— District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Samuel Harrisfeld*  
vs.

*Frank Whitaker*

WARRANT—Keeping Disorderly House, &c.

Dated *July 1* 188*a*

*Duffy* Magistrate.

*Mooney* Officer.

*11<sup>th</sup>* Precinct.

The Defendant *Frank Whitaker*

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

*Mooney* Officer.

Dated *July 1<sup>st</sup>* 188*a*

This Warrant may be executed on Sunday or  
at night.

*Duffy*  
Police Justice.

Dated

188

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

The within named

Police Justice.

0171

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

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

Dated July 5<sup>th</sup> 1889 P. H. Duffy Police Justice.

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

Dated July 7<sup>th</sup> 1889 P. H. Duffy 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.

0172

BAILED,

No. 1, by John Steubling

Residence 13 Willett Street.

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

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

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

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

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

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

Ex. July 5 to Jan

Police Court 3 District 999

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel Brownfield  
119 Orchard  
Frank Whitaker

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated July 2 1889

Druffy Magistrate

William J. Conway Officer.

11 Precinct.

Witnesses Henry Weinstein

No. 126 Orchard Street.

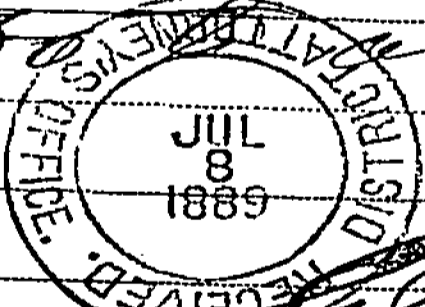
No. 950 Street.

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

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

\$ 5.00 to answer

Conrail House



0173

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Whittaker

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

Frank Whittaker

(Sec. 322,  
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Frank Whittaker

late of the ~~10th~~ Ward of the City of New York, in the County of New York aforesaid, on the ~~twenty-seventh~~ day of ~~June~~ in the year of our Lord one thousand eight hundred and eighty-nine, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Frank Whittaker

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Frank Whittaker

(Section 385,  
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Frank Whittaker

late of the Ward, City and County aforesaid, afterwards, to wit: on the ~~twenty-seventh~~ day of ~~June~~ in the year of our Lord one thousand eight hundred

0174

and eighty-*nine*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *his* said house, for *his* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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 Grand Jury aforesaid, by this indictment, further accuse the said

*Frank Whittaker*

(Section 322 of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:  
Penal Code.)

The said

*Frank Whittaker*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty-seventh* day of *June* in the year of our Lord one thousand eight hundred and eighty-*nine* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *his* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *his* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0175

**BOX:**

364

**FOLDER:**

3418

**DESCRIPTION:**

Woods, Maria

**DATE:**

08/07/89



3418

0176

60

Witnesses:

Counsel, \_\_\_\_\_  
Filed, 7 day of Aug 1889  
Pleads, \_\_\_\_\_

*204 N. 1st*  
THE PEOPLE  
vs.  
*R*  
Maria Woods  
Grand Larceny, *second* degree  
[Sections 528, 531 Penal Code].

*Randolph B. Harpene*  
RANDOLPH B. HARPENE  
District Attorney.

A True Bill.  
*Alfred C. Munson*  
*Aug. 8, 1889* Foreman.  
Pleas P. L.  
*Rem on gear.*

0177

Police Court—1 District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Emma Howe  
 of No. 67 Macdougal Street, aged 30 years,  
 occupation Keep house being duly sworn  
 deposes and says, that on the 25 day of June 1889 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property, viz:

One cloak valued twenty five dollars;  
one book of the value of One dollar  
One stereoscope and views of the value  
of Two dollars and fifty cents.

All of the value of Twenty eight  
dollars and fifty cents

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 Maria Woods (now here) for the

reason that the defendant was an occupant  
 of a furnished room in said premises  
 and said property was stored in an  
 adjoining room and deponent having  
 missed said property and the defendant  
 subsequently left her apartment.

Deponent is informed by Henry J. Wingardner  
 (now here) Police Detective that H. Wingardner  
 found the book and stereoscope in the  
 defendant's trunk in her apartment at  
 91 Varick Street and the defendant confessed  
 that she sold said cloak to one A.  
 Marks at 24 Sixth Avenue where the  
 same has been found.

Mrs Emma Howe

Sworn to before me, this 20  
day of July 1889

W. H. Smith  
 Police Justice.

0178

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Henry J. Kingardner*  
aged ..... years, occupation *Police Detective* of No.

*300 mulberry* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Emma Howe*

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

Sworn to before me, this *20*  
day of *July* 188*9*

*Henry J. Kingardner*

*David C. Kelly*  
Police Justice.

0179

Sec. 198—200.

District Police Court.

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

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

Question. What is your name?

Answer. *Maria Woods*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *204 West 23<sup>rd</sup> St. 7 months*

Question. What is your business or profession?

Answer. *Domestic*

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

Answer. *I am ~~not~~ guilty*  
*Maria Woods*

Taken before me this

*20*

day of

*July*188*9**J. J. Smith*  
Police Justice.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, ..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail. <sup>4</sup>

Dated July 30 1889. La J. C. Smith Police Justice.

guilty thereof, I order that ~~he~~ be held to answer the same and ~~he~~ be admitted to bail in the sum of Five Hundred Dollars, ..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail. <sup>4</sup>

Dated July 30 1889. La J. C. 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 h to be discharged.

*Dated*.....188.....*Police Justice.*

.....guilty of the offence within mentioned, I order h to be discharged.

*Dated*.....188.....*Police Justice.*

0181

Police Court---

1069 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Eunice Howel*  
*vs*  
*Madougal*  
*Marie Woods*

2  
3  
4

*Grand Jury*  
Officer

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

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

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

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

Dated *July 20* 188 *9*  
*O'Reilly* Magistrate.  
*Meigardner* Officer.  
*CO.* Precinct.

Witnesses  
*H. Meigardner* Street.  
*Central Office*

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

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

\$ *5.00* to answer *9.8.*

*Committed*



0182

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Maria Woods*

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

*Maria Woods*

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

The said *Maria Woods*,

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

*one clock of the value of twenty*  
*five dollars, one printed book*  
*of the value of one dollar, one*  
*stereoscope of the value of two*  
*dollars, and ten stereoptican*  
*views, of the value of ten cents*  
*each.*

of the goods, chattels and personal property of one *Emma Stone*.

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.

*John A. Jones,*  
*District Attorney*