

0063

BOX:

300

FOLDER:

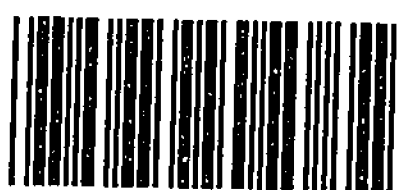
2853

DESCRIPTION:

Hanlon, Thomas

DATE:

03/06/88



2853

Witnesses;

Mumma Devine

Off. Woodspeed

Counsel,

Filed

Pleads,

6. day of March 1888

Amended July 17

THE PEOPLE

vs.

Thomas Stanton

*Burglary in the Third degree,
and attempt to commit
Burglary in the Third degree,
[Section 498, 506, 54, 528 & 530.]*

JOHN R. FELLOWS,

John R. Fellows District Attorney.

Amended

May 14th 1888

A True Bill.

John R. Fellows

Foreman.

May 14th 1888

Spencer X. Kelly

Police Court—5 District.

City and County } ss.:
of New York,

of No. 319 East 114th Street, aged 29 years,
occupation Barkeeper being duly sworn.

deposes and says, that the premises No 2218 Second Avenue Street,
in the City and County aforesaid, the said being a four story brick
building and the first floor of
and which was occupied by deponent as a liquor saloon
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly banding outward
the bars of the side window facing 114th
street and breaking the glass in said
window removing the catch inside, and
lowering the top part of said window
on the 24 day of February 1888 in the night time, and the
attempted to be following property feloniously taken, stolen, and carried away, viz:

a quantity of Liquors and Cigars
amounting to two thousand
dollars.

(2000⁰⁰ in)

the property of Patrick Devine, deponent's brother

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property attempted to be taken, stolen, and carried away by

Thomas Hauler (now here) and two others
who are not yet arrested.

for the reasons following, to wit: On the above date, about the
hour of 10 o'clock am. deponent secretly
locked the doors and fastened the windows
of said saloon. That deponent entered
said saloon about two hours thereafter, and
found said Hauler and two others who
are not yet arrested inside of said
saloon and also found Cigars scattered
around said floor. Immediately

~~the~~ deponent caused the arrest of
said Hanlon and two others who
are not yet arrested escaped through
said side-window of said saloon

Sworn to before me
this 24th day February 1888 } Thomas Devine
P. J. Deffy
Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Degree.

Burglary

vs.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0067

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Hanlon 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 Hanlon*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *321 East 104th street and about 4 months*

Question. What is your business or profession?

Answer. *Murder*

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

Answer. *I am not guilty*

Thomas Hanlon

Taken before me this *24*
day of *July*
[Signature]
Police Justice.

0068

Police Court-- 335 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas A. Clavin,
319 East 114 St.
Thomas A. Clavin.

2
3
4
Offence *Burglary*

Dated *February 27* 1888

W. J. W. W.
Magistrate.
Officer.

Precinct.

Witness *Richard A. Goodspeed*

29th Precinct

No. Street.

No. Street.

RECEIVED.
FEB 27 1888
CLERK'S OFFICE
JANUARY 27 1888

BAILED,
No. 1, by *Michael Clavin*
Residence *214-3d Ave*

No. 2, by *Francis Murphy*
Residence *213 E. 113th*

No. 3, by

Residence

No. 4, by

Residence

Street.

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 *Thomas A. Clavin* 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 *February 27* 1888 Police Justice.

Dated 1888 Police Justice.

Dated 1888 Police Justice.

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 Stanton

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

— Thomas Stanton —

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

The said *Thomas Stanton*.

late of the *5th* Ward of the City of New York, in the County of New York, aforesaid, on the *24th* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *saloon* of one

Patricia Devine.

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

Patricia Devine.

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
Thomas Stanton of the crime of attempting to commit
 of the CRIME OF *Grand* LARCENY in the first degree, committed as follows:

The said *Thomas Stanton*.

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,

ten thousand cigars of the value of five
cents each, and a quantity of trunks,
(a more particular description whereof
is to the Grand Jury aforesaid
unknown) of the value of fifteen
hundred dollars.

of the goods, chattels and personal property of one *Peter Devine*.

in the *saloon* of the said *Peter Devine*.

there situate, then and there being ~~found~~, *in the saloon* aforesaid, then and there
~~feloniously did steal, take and carry away,~~ *attempt to* 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.

James H. Bellows,
Attorney

0071

BOX:

300

FOLDER:

2853

DESCRIPTION:

Harrington, John

DATE:

03/07/88



2853

Witnesses:

M. Willmore

Counsel,

Filed

7

day of

March 1888

Pleads,

Inguilty

THE PEOPLE

No. 100.

vs.

John Harington

Robbery,

degree.

[Sections 224 and 22, Penal Code]

JOHN R. LOWS,

District Attorney.

pr. rec. 20/88

pleads 3 L 1 d. P. P. 5-485

A TRUE BILL.

(Signed) Foreman.

0072

Police Court

5

District.

CITY AND COUNTY }
OF NEW YORK, } ss.

34 years Engineer Michael Millmod age
of No 1944 2nd Street

being duly sworn, deposeth and saith, that on the 19 day of February
188 8, at the 12 Ward of the City of New York, in the County
of New York, was feloniously taken, stolen, and carried away, from the person of deponent
by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

good and lawful money of the issue
of the United States consisting of
two notes of the denomination and
value of Twenty dollars each
and in all

of the value of forty DOLLARS,
the property of deponent,

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

John Harrington (now known) and Joseph
Stacy previously arrested, and
committed to answer, and Thomas
Dunn not arrested from the fact,
that deponent was in company of
said three defendants in the higher
store and the corner of 103rd Street and
2nd Avenue, that at that time deponent
had said money in a pocket book
and in the right hand pocket of the pants
they were upon deponent's person,
that when deponent left said store
said defendants followed deponent

day of February
188 8

Subscribed before me, this

Notary Public.

and when in front of No 233 East 108th Street
said defendants rushed up to complainant
and pushed complainant in the hallway
of said premises, that they held
complainant and one of said defendants
placed his hand in complainant's pocket
taking the pocket book therefrom,
that then all defendants run from
the Hall closing the door behind
them

Signed to before me this } Michael Millmore
5th June 1888 }
John J. Conroy
Police Justice

Police Court— District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

Dated 188

Magistrate.

Officer.

Witnesses:

AFFIDAVIT—ROBBERY.

0075

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Harrington 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 Harrington

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. New York

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

Answer. 2095 1st Avenue 2 months

Question. What is your business or profession?

Answer. taxi cab driver

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

Answer. I am not guilty

John Harrington

Taken before me this 1st day of March 1888
John J. ...
Police Justice.

96700

Police Court-- 5-342 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Muller
1974 - Second Ave
John Harrington

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

March 1 1888

Magistrate.

John Harrington
Dayle & Brown

Officer.

Precinct.

Witnesses

No.

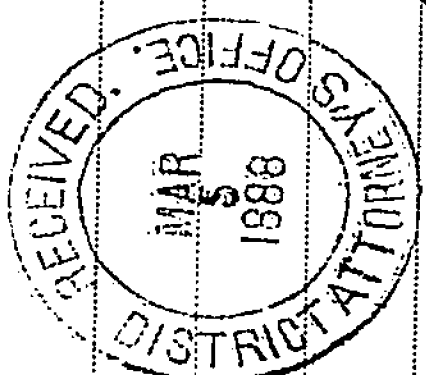
Street.

No.

Street.

No.

Street.



to answer

1500

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 March 1 1888

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 mentioned, I order he to be discharged.

Dated 188

Police Justice.

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 Harrington

The Grand Jury of the City and County of New York, by this indictment, accuse *John Harrington* —

of the CRIME OF ROBBERY in the *first* degree, committed as follows: .

The said

John Harrington.

late of the City of New York, in the County of New York aforesaid, on the *nine* — *ninth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*eight*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Michael Willmose*, in the peace of the said People, then and there being, feloniously did make an assault, and

Two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of *Twenty* dollars each; *Two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of *Twenty* dollars each; *Two* United States Silver Certificates of the denomination and value of *Twenty* dollar each and *Two* United States Gold Certificates of the denomination and value of *Twenty* dollars each.

of the goods, chattels and personal property of the said *Michael Willmose*, from the person of the said *Michael Willmose*, against the will, and by violence to the person of the said *Michael Willmose*, then and there violently and feloniously did rob, steal, take and carry away, *the said John Harrington* being then and there aided by an accomplice actually present, to wit: by one *Joseph Henry* and other persons to the Grand Jury aforesaid as yet unknown) against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Kellum
District Attorney

0078

BOX:

300

FOLDER:

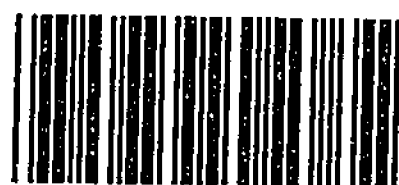
2853

DESCRIPTION:

Hasselbach, Frederick W.

DATE:

03/21/88



2853

Witnesses:

Bartha Weck
Jacob Goldstein
off Foreman

Counsel,

Filed

Pleads,

No. 440
M. Clayton

21

March 1888

THE PEOPLE

vs.

of second
1912
1912

Friedrich W. Hasselbach

April 20 - Part 3 Inc.

JOHN R. FELLOWS,

District Attorney.

Grand Larceny, second degree.
[Sections 528, 529, Penal Code].

A TRUE BILL

(Signed, Mary)

Foreman.

Part III April 23, 1888

Wied and convicted.
Elmira, N.Y.

P.B.M.

5/1/88

0079

Indictment filed Mar. 21. '88

COURT OF GENERAL SESSIONS

Part III.

The People of the State
of New York.

against

FREDERICK W. HASSELBACH.

Abstract of testimony on
trial April 23. 1888.

0000

Indictment filed Mar. 21, '88

COURT OF GENERAL SESSIONS

Part III.

The People of the State
of New York.

against

FREDERICK W. HASSELBACH.

Abstract of testimony on
trial April 23, 1888.

0081

COURT OF GENERAL SESSIONS-Part 3.

-----:

The People of the State of New York, : Before Hon. R. B.

against : Martine and a

Frederick W. Hasselbach. : Jury.

-----:

Indictment filed March 21st 1888.

N E W Y O R K, M April 23rd 1888.

APPEARANCES: For the People Asst. Dist. Atty. Bedford.

For the Defendant Maurice Meyer, Esq.

BERTHA SPECK, a witness for the People, testified:

On the 21st of March this year I requested this defendant to have my trunk taken from No. 7 Monroe St. in this city to No. 1992 Second Avenue. He told me that he had two furnished rooms up town and that we were to be married. The trunk never reached 1992 Second Avenue but was found by the detectives in Newark N. J. I did not authorize this defendant to send my trunk to Newark and only authorized him to have it sent to this place in 2nd Avenue. There was sixteen dollars in money in the trunk when it left my place in Monroe St. and when the trunk was recovered it had not that money in it.

CROSS EXAMINATION:

The defendant never slept in the same room with me. I earned this \$16. at places where I worked out. 1992 2nd Avenue is the place where he lived with Mr. and Mrs. Taylor.

0083

JACOB GOLDSTEIN, a witness for the people, testified:

I am an expressman doing business at No. 105 Ridge St. On the 2nd of March this defendant came to me this defendant came to me and ordered me to take a trunk from No. 7 Monroe St. to go to Lo3 St. and get another trunk and have them both shipped by Adams Express to Newark N. J. I did so. I afterwards got the trunks back and took them to Police Headquarters.

CROSS EXAMINATION:

This woman was present in my house when this defendant gave me the orders to take the trunks to Newark. She was near enough to hear what was said. We spoke to the German. She did not say anything.

CLARENCE. B. TAYLOR, testified to the defendants living in his house; bringing the complainant there and wanting the complainant to go to bed with him; which she refused to do.

MARY A. TAYLOR, testified to the same effect.

BARTHA SPECK, recalled, testified, that she did not hear the defendant giving the expressman orders to take her trunk to Newark.

The jury found the prisoner guilty of grand larceny in the second degree

00004

2

JACOB GOLDSTEIN, a witness for the people, testified:

I am an expressman doing business at No. 105 Ridge St. On the 2nd of March this defendant came to me this defendant came to me and ordered me to take a trunk from No. 7 Monroe St. to go to Lo3 St. and get another trunk and have them both shipped by Adams Express to Newark N. J. I did so. I afterwards got the trunks back and took them to Police Headquarters.

CROSS EXAMINATION:

This woman was present in my house when this defendant gave me the orders to take the trunks to Newark. She was near enough to hear what was said. We spoke to in English. She did not say anything.

ELARENCE. B. TAYLOR, testified to the defendants living in his house; bringing the complainant there and wanting the complainant to go to bed with him; which she refused to do.

MARY A. TAYLOR, testified to the same effect.

BARTHA SPECK, recalled, testified, that she did not hear the defendant giving the expressman orders to take her trunk to Newark.

The jury found the prisoner guilty of grand larceny in the second degree

Court of General Sessions.

The People &c.

vs.

Frederick W. Hasselbach.

Brief for Defendant.

Maurice Meyer,
Of Counsel for Defendant,
No. 38 Park Row,
New York City.

0085

o'clock, or thereabouts, they went, together, to Goldstein's house, where they found the trunk. The complainant opened it and put a parcel into it, and they then went up to the defendant's room, where they remained together until about six o'clock. The defendant then left the room and returned at about eight. The complainant then asked him when they were to be married, and he replied that it was too late, and that they would be married the next day.

About half past eleven or twelve o'clock that night the defendant requested the complainant to go to bed with him, and she refused to do so until they should be married. Some altercation followed, and the upshot of it was, that the landlord ejected the defendant from the premises, and the complainant remained in possession. The defendant did not return, and was shortly afterwards arrested. The complainant did not see her trunk after she had seen it at Goldstein's until a few days afterwards, when she saw it at Newark.

On the evening of the day when the trunk was taken, the expressman, Goldstein, went up to the rooms of the defendant at about five o'clock, and there he found the defendant and complainant together. He had the complainant's trunk on his wagon in the street at this time, but the complainant did not see it. He took the defendant's trunk down stairs and put it on his wagon, for the purpose of taking it down town, and this the complainant did see him do.

The facts above stated are proved by evidence as to which there is no conflict and no contradiction. There can be no question or doubt as to any of them.

2.

There was other evidence in the case, but it does not seem to be in any way material. There was also evidence tending to prove that when the complainant recovered her trunk some sixteen dollars in money and some article of trifling value were missing.

It is unnecessary, however, to discuss this evidence, for two reasons:

First. There is no evidence from which the jury might have found that the defendant had access to the trunk after he and the complainant left it at Goldstein's in the middle of the day. In fact the evidence all tends to show that he never saw the trunk after that time.

Second. The clear and uncontradicted evidence of the value of the articles abstracted shows that they were worth less than twenty five dollars. So that if any larceny is to be predicated upon the abstraction of the money and other articles, it would be petit and not grand larceny. The verdict rendered in this case must stand or fall upon the evidence of a larceny of the trunk and its contents, and not upon any evidence tending to prove a larceny of a part of the contents.

In one particular, and that a most material one, there is a serious conflict between the testimony of two of the witnesses for The People - the complainant and Goldstein.

Goldstein swears most positively that when the complainant and defendant came together to his place in the middle of the day, the defendant instructed him, in the presence of the complainant, to take the trunk to Newark, and that she said nothing in reply. (See his testimony pp. 24-27.)

This testimony the complainant contradicts. (P. 35.)

On this important question, therefore, there is a square contradiction between two of the witnesses for The People. It is difficult to see what motive Goldstein could have for committing perjury. There is no suggestion that he was implicated in the larceny. On the contrary that theory was expressly disclaimed.

"Mr. Meyer: Do I understand the District Attorney to claim that Goldstein, acting in concert with the defendant, obtained that trunk?

"Mr. Bedford: Oh, no."

"The Court: Clearly the situation is this: if this jury believe the statement of this witness for the prosecution that in the hearing of this complainant direction was given by this defendant that this trunk should be taken to Newark, and this woman, being there present, made no objection, I should hardly feel then as if I ought to submit the case to the jury."

Why the jury should have rejected this evidence it is difficult to imagine. The witness had no interest; he was unimpeached; he was called by The People. We suggest, below, the true reason why the jury probably found as they did.

But this important matter does not stand upon one direct contradiction.

The same witness, Goldstein, further testifies that at five o'clock on the same day, when he took the defendant's trunk from the rooms in Second Avenue, there was another conversation at which the complainant was present and which she heard. The defendant, he says, then and there instructed

him to take his (the defendant's) trunk to Newark. And the complainant, he says, heard those instructions given, and said nothing. (P. 27).

This last piece of evidence the complainant does not deny. On her recall, she denies the conversation as to the destination of her own trunk (p. 35) but the conversation up town, as to the destination of the defendant's trunk, she does not deny.

Let it be borne in mind that this was at five o'clock. She was then expecting to be married on that same evening to the defendant, and to commence her married life with him, for at eight o'clock, three hours later, she asked him when they were to be married, (p. 7), and he said it was too late, and they would be married the next day.

She asks us to believe, therefore, that she sat by and heard the man whom she expected to marry on that evening send his trunk to Newark, and had no suspicion that he was sending her own trunk to the same place. It is incredible.

But this is not all. She has herself given us some evidence on the subject.

"Q. During the time that you remained in these rooms, and up to the time that the defendant left, did you ask him why your trunk did not arrive, and when you found your key bent, did you say any thing to the defendant about its condition?

"A. On this Thursday, I remained there until 11 or 12 o'clock with him, and I asked why my trunk has not come yet. When I told him the trunk had not come, he said "Well, I will take my trunk down town, BECAUSE WE ARE GOING TO NEWARK." Then I said: "I will not go to Newark BEFORE I WILL BE MAR-

" "RIED." He said that my trunk was down in the express office.....He said he would take his trunk down from uptown to Newark, and I said "I will not go to Newark until I
" "AM MARRIED." " (p. 8)+9.

Is it not clear, from this testimony of the complainant herself, that the going to Newark had been the subject of discussion between herself and the defendant, and that the only ground of her hesitation to go was that the marriage had not yet taken place?

But, as she herself says, she did expect the marriage to take place on the same evening when she left her rooms and went to those of the defendant. If that marriage had taken place, as she expected, the only ground of her objection to go to Newark would have been removed. How natural, therefore, that she, expecting the marriage, should have assented to the sending of the trunks to Newark. She admits that she sat by in silence and saw the defendant send his trunk there. Goldstein says she sat by in silence and heard him order her trunk to be sent there. How perfectly his evidence agrees with her own admissions, and with all the little circumstances in the case.

Is it not clear that if the defendant had married the complainant, as she expected, they would both have gone to Newark, and there they would have had their trunks, and this charge of larceny would never have been heard of?

And is it not also clear that the real grievance of the complainant against the defendant is, not that he stole her trunk, but that he failed to marry her, as she expected?

And this leads to a suggestion of the considerations which in all probability influenced the jury in finding their verdict.

The jury, doubtless, came to the conclusion that the defendant's conduct to the complainant had not been justifiable. And for this conclusion they may have had some reason. The facts proved, with some corroboration of the promise to marry and some evidence of the previous chastity of the complainant would have warranted a verdict, upon a proper indictment, of an attempt to commit the crime of seduction under promise of marriage. And no doubt they jury were carried away by the natural sympathy which every man feels for a woman who has been, as he thinks, ill-treated by a man.

But it is hardly necessary to argue that such considerations ought not to affect a verdict. The defendant was not on trial for any crime relating to the chastity of the complainant. Doubtless there were good reasons why no such crime was charged. The defendant was not a witness. Neither his character nor his credibility was in issue. There was one single issue, sharply defined, and brought within very narrow limits, which the jury had to pass upon. And if they permitted themselves, as unquestionably they did, to be influenced by outside considerations, their verdict should not stand.

But upon the conceded facts, resolving the contradiction between Goldstein and the complainant in favor of the complainant, as a matter of law, the verdict cannot stand.

There is not a scintilla of evidence any where in the case that the defendant ever had, for one instant, the posses-

sion of the complainant's trunk. She says (p. 2) that she herself directed him to look for an expressman. The expressman came, and she herself delivered the trunk to him. The defendant was not then present (p.4). The expressman was, therefore her agent.

Now we concede that if there was a conspiracy between the expressman and the defendant, and a common felonious intent to get possession of the trunk and convert it to their own use, then the possession of the expressman would be the possession of the defendant, the asportation of the one would be the asportation of the other.

But not only is there no evidence from which any such conspiracy and common felonious intent can be inferred, but The People, as we have seen, expressly disclaim that theory of the case.

We must, therefore, go upon the theory, if we believe all the statements of the complainant, that the defendant, by a false and fraudulent instruction, induced the agent of the complainant to take the trunk to some place where he might the more readily get it into his own possession, instead of to the place where the complainant intended it should go.

Upon this theory, the act of the defendant, in giving a false direction to the expressman, for the purpose of getting possession of the trunk, comes directly within the definition of an attempt:

"An act, done with intent to commit a crime, and tending
"but failing to effect its commission, is an attempt to com-
"mit that crime."

Penal Code, Sec. 34.

But to effect a complete larceny, there must be a taking

of the property stolen "from the possession of the true owner
"or of any other person."

Penal Code, Sec. 528.

To constitute a larceny at common-law, (and under this indictment no other than a common-law larceny can be proved), such a taking is indispensable. There can be no larceny without a trespass.

Comm. v. Stearns, 43 Mass., 343.

Comm. v. Simpson, 50 Id., 138.

Comm. v. King, 63 Id., 284.

Thorne v. Turck, 94 N. Y., 90, 95.

As our statute now stands, larceny is divided into three classes:

First. The old common-law larceny.

Second. The obtaining of property by false pretences.

The name of this crime is changed, but its essential character remains the same.

Peo. v. Dumar, 106 N. Y., 502.

The test by which common-law larceny is distinguished from false pretences is, whether the person injured intended to part with the possession of the property only, in which ~~xxx~~ case it is a common-law larceny; or whether he intended to part with the property as well as the possession, in which case it is false pretences.

Peo. v. McDonald, 43 N. Y., 61.

Smith v. Peo., 53 N. Y., 111

Hildebrand v. Peo., 56 Id., 394.

Loomis v. Peo., 67 Id., 322, 329.

Justices &c., v. Peo. ex rel Henderson, 90 Id., 12.

Third. The cases where the taking is lawful, and there is a subsequent felonious conversion. This class includes all cases which were formerly embezzlement at common-law, and also that large class of cases in which the relation of master and servant does not exist, so that the conversion was not embezzlement.

The familiar rule as to this class of cases formerly was that it depended upon the intent at the time of the taking. If the felonious ^{intent} exists at the time when the property is obtained, the law, by an ingenious fiction, attaches this intent to the lawful taking and imputes to it the quality of a trespass.

Weyman v. Peo., 4 Hun, 515.

But if the felonious intent is not ~~xxx~~ formed until after the taking, then the conversion is either embezzlement, if the relation of the parties permits, or a breach of trust merely.

Our statute, however, seems to have materially changed the common-law rule as to all this class of cases. For at common-law it was always the taking which constituted the crime, and not the subsequent conversion to the taker's own use. While by our code, it is the conversion and not the taking, in all these cases, which constitutes the larceny.

But for our present purpose, it is unnecessary to pursue this discussion any farther. For, according to the doctrine of Peo. v. Dumar (cited above), neither an obtaining by false pretences nor a conversion by a clerk agent or bailee may be proved under a common-law indictment.

We are therefore restricted to a felonious taking in this case. And upon what fact are we to predicate such a

taking?

We have here presented a case in which the property is lawfully in the possession of a common carrier, who lawfully received it as the agent of the owner. Certainly the taking of the trunk by the expressman from the room of the complainant cannot be considered a felonious taking in any sense. If there was such a taking, it must have been subsequent to the first delivery.

The possession of the common carrier was the possession of the complainant. If a burglary had been committed upon the premises of Goldstein, and the trunk had been stolen by the the burglar, an indictment against him for the larceny might have laid the property in Goldstein. Such cases are of every day occurrence. He had the care and custody, the right to the possession, of the trunk.

Now the defendant, by a secret false instruction induces the common carrier who is lawfully in the possession, to take the trunk elsewhere than where the complainant intended it to go, and we assume, for the purpose of the argument, that he did this with the intent to get the trunk into his own possession for the felonious purpose of converting it to his own use. If he had succeeded in this design, the moment he got his hands upon the trunk and had it in his own possession, the asportation would have been complete and the crime would have been accomplished.

But the scheme failed. He was arrested before he could carry it into effect. His act, therefore, tended to accomplish the crime, but failed of its accomplishment, and was, therefore, merely an attempt, and nothing more.

We therefore submit, with great confidence, two propositions:

First: The only evidence upon which the defendant could have been convicted of any crime under this indictment, is the evidence which tends to show that he instructed the expressman to take the complainant's trunk to Newark, instead of to No. 1992 Second Avenue; and upon this question the weight of evidence is, that the complainant knew that such instructions were given, and acquiesced in them; in which case no larceny whatever was committed, nor was there any attempt to commit a larceny.

Second: If the evidence of the complainant is to be fully believed, and the expressman discredited on the point on which she contradicts him, then the defendant was not guilty of any thing more than an attempt to commit grand larceny in the second degree.

The verdict must be set aside, and a new trial ordered.

Maurice Meyer,

Abraham Suydam,

Of Counsel for Defendant.

N.Y. May 1st 87

Honorable Sir

I Write to you
 stating that I am a poor man
 & as I understand F. W. Hasselbeck
 now under conviction for Grand
 Larceny is going to have a new
 trial & I cannot afford to lose
 any more time in the case as
 I have already lost my situation
 through it & just got into another.
 Mr Hasselbeck's counsel has
 secured 2 witnesses for his defense
 to try & break the young lady's
~~the~~ her ~~character~~ character & make her
 out as loose the said witnesses
 namely Mr & Mrs Schutze and I
 as I understand getting paid
 for their trouble & will do any
 thing for money or drink &
 Mr Hasselbeck has proved himself

a Thief by opening my Bureau
 Drawer & Stealing there from
 Some fancy Woven Embroidered
 Shirts, & also a neat Good valued
 at 26.00 Dollars & When I had his
 Trunk opened at Police Head-
 quarters I could only find one
 Shirt & he has always proved
 himself to be a Thief & a liar-
 As his last Employer ~~can~~ can
 testify - Mr Herzberg's hoping the
 Law Will take its course for
 Justice I am Dear Sir

Ever-Respectful to you

Clarence P Taylor

0 100

Hapfelbach

N.Y. General Sessions Court.

Thos. J. Doyle

AGAINST
Fred. W. Hasselback

M. J. Rudawski

MAURICE MEYER,

Attorney for

38 PARK ROW,
POTTER BUILDING,
NEW YORK CITY.

Due service of a copy of the within is hereby
admitted.

Dated New York, 18

To

0 10 1

Court of General Sessions.

The People vs

vs.

Fred. W. Hasselbach.

City and County of New York, ss.

Anna Schütze

being duly sworn, says of as follows, to wit:

I live at No. 7 Monroe st. in the City of New York. I know the complainant in this action, Bertha Speck. She boarded and lodged in my house, from some time in January last until the 2nd day of March last. She occupied one room. During the time while she lived in my house, the defendant, Frederick W. Hasselbach frequently visited her. On seven or eight different occasions, he remained all night, and occupied the same room with the complainant.

After the arrest of the defendant, on one occasion the complainant and the witness Taylor came together to my house on March 12th and invited the complainant to remain ~~all~~ night, the weather being in-

clement, she occupied the same room in which she lived while at my house. Taylor wanted to stay all night, I objected to his doing so, and the complainant urged to permit him to remain all night, and at her urgent request I did allow him to remain, and he did remain and occupied the same room with the complainant during the entire night.

On one occasion, when the complainant was living with me, the defendant was in her room, and she wanted to open her trunk, and could not unlock it. At her request, he took her key and tried to open the trunk, and succeeded, but in doing so he bent the key, and it was bent when he returned it to her.

While the complainant lived with me, I saw the defendant give her money, and she informed me that he had often given her money in different sums, from two to five dollars at a time.

~~From the time this action was commenced~~ ~~30th day of April 1888.~~ ~~mened,~~ the complainant requested me not to testify against her, and to swear in her favor, and to make my

evidence agree with what she should swear to, and offered me five dollars if I would swear as she asked me to. This offer I refused.

Sworn to before me this
30th day of April 1888.

Freddie Schreyer

David H. Kane

Notary Public Kane Co
(Certified in 4-4-88)

Court of General Sessions.

The People vs

vs.

Fred. W. Hamebach.

City & County of New York ss.

Eustace Schütz, being
duly sworn says as follows, to wit:

I live at No. 7 Monroe st. in the City of New York, the complainant, Bertha Speck occupied a room in my house from some time in January last to the 2nd day of March last. She slept on a bed made on a sofa in that room. While she lived there, on several occasions the defendant visited the complainant and occupied the same room with her all night. I have seen them lying together in her bed, partly dressed.

Since the defendant was arrested the complainant and the witness Taylor, on March 12th visited my house and occupied the same room all night.

I heard the complainant ask my wife, Anna Schütz, not to swear against her - and to swear the same way in which she, the complainant would swear on

the trial of this action, and that she should
not say any thing of her having done wrong.

Sworn before me this

30th day of April 1888.

Gustav Solinger

David Klase

Notary Public Kansas
(Certified in N. 4. Q.)

Court of General Sessions

The People

vs
Frederick H. Heubach

William Schneider of
No. 114 4th Avenue being duly sworn
says that he is engaged in keeping
a coffee saloon at the above address.
That he is acquainted with the
Complainant Bertha Speck since
about October 12th 1887, and has been
acquainted with the defendant since
about February 12th 1888.

Deponent further says that the source
of his acquaintance with the Complainant
is as follows:

On said 12th day of October 1887, she came
to deponent's home where his wife is
engaged in letting lodgings. The said Bertha
Speck agreed to pay one dollar and a half
per week for a room and thirty five cents per
day for her board. She remained about
five or six months. All that she paid was
the sum of ten dollars. While she was
there, deponent's wife, at her request, be-

came responsible for thirty seven dollars and a half, the price of a cloak which the said Bertha Speck bought on credit, and deponent's wife was compelled to pay thirteen dollars, part of said price which the said Bertha Speck failed to pay. When she left deponent's place, she owed deponent and his wife about fifty dollars. She told deponent and his wife that she was working at No. 44 West 63rd St. and as soon as she received her month's wages she would pay something on account of that debt. She failed to keep that promise, and deponent afterwards made inquiry at the said address where she said she was working, and learned that no such person had ever been there, and that her story was false. She still owes the same amount as when she left deponent's place. Subscribed and sworn to before me this 30th day of April 1888. —

David K. Case Wilfula D. Dornier
Notary Public King Co.
(Certificate 4-C)

Court of General Sessions.

The People vs

vs.

Frederick W. Hasselbach.

City and County of New York, ss.

Cornelia Goldstein

being duly sworn, says:

I am the wife of Jacob Goldstein, & live at No. 105 Rivington Street in the City of New York. In the afternoon of March 2nd 1888, Bertha Beck and Frederick W. Hasselbach came to my husband's house, and the said Hasselbach told my husband to take his trunk and the said Bertha Beck's trunk to Adams Express Co. & be taken to Newark and the left at the station there. I called for Bertha Beck was in the room when this instruction was given. Hasselbach spoke in German and in an ordinary tone of voice. I was not in Court when this case was tried, nor was I subpoenaed or sworn before me.

Cornelia Goldstein

This 2nd day of May 1888.—

Hermann Hyman

Notary Public (246)
NEW YORK COUNTY

0110

Police Court—

3rd District.

Affidavit—Larceny.

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

Bertha Spect
 of No. *1992-2nd Avenue* Street, aged *20* years,
 occupation *Servant* being duly sworn
 deposes and says, that on the *2nd* day of *March* 188*8* 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 trunk containing female
 wearing apparel and a good watch
 and good rings, and fifteen dollars
 in good and lawful money, said
 property being in all its value
 of One hundred and fifty dollars*

the property of *deponent*

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
 and carried away by *Frederick W. Hasselbach,*

*nowhere, from the fact that
 deponent requested him to send
 an expressman to Mr. J. Morra
 Street and have said trunk taken
 up to 1992-2nd Avenue.*

*That he did send for said
 trunk to Mr. J. Morra Street and
 had it sent to Newark, New
 Jersey, as deponent is informed
 by Jacob Goodstein, her present
 that deponent has not since
 recovered said trunk or property.*

Bertha Spect

Sworn to before me, this

day

of *March* 188*8**Samuel A. Edwards*

Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 38 years, occupation Jacob Goldstein of No. 115 Ridge Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Bertha Speck and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 5th

day of March 1888

Jacob Goldstein

J M Plutowski

Police Justice.

0112

Sec. 198—200

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK. } ss.

Fredrick W. Hasselbach 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. *Fredrick W. Hasselbach*

Question. How old are you?

Answer. *29 years of age*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1992 - 2nd Avenue, three months*

Question. What is your business or profession?

Answer. *Bar-Tender*

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. I gave the drink to the Expressman & take over to Newark.*
F. W. Hasselbach

Taken before me this

day of *March* 188*8*

James Williams

Police Justice.

Adja
March 14
2 1/2 P.M.
March 16
9 1/2 A.M.

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

44
Police Court District.
March 3 1935

THE PEOPLE, & C.,
ON THE COMPLAINT OF
William J. Tracy
1992 2nd Ave.
Adm. W. Hamblin

Dated March 5 1888
Magistrate
William J. Tracy
Officer
William J. Tracy
Precinct
13

Witnesses
William J. Tracy
No. 13 1st St. N.Y.C.
William J. Tracy
No. 1105 1st St. N.Y.C.
William J. Tracy
No. 1941 1st St. N.Y.C.
1992 2nd Ave.
March 12 1935
2 1/2 P.M.
Adja 2 1/2 P.M.
March 12

If 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
William J. Tracy
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 March 16 1888
William J. Tracy
Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 1888
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 _____ 1888
Police Justice.

0113

0114

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Fredinda W. Marshall

The Grand Jury of the City and County of New York, by this indictment,
accuse *Fredinda W. Marshall* —

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

The said *Fredinda W. Marshall*.

late of the City of New York, in the County of New York aforesaid, on the *second*
day of *March*, in the year of our Lord one thousand eight hundred and
eighty-*eight*, at the City and County aforesaid, with force and arms,

*one bundle of the value of ten dollars,
divers articles of clothing and wearing
apparel, of a number and description
to the Grand Jury aforesaid unknown,
of the value of one hundred dollars,
one watch of the value of forty dollars,
one finger ring of the value of ten
dollars, and the sum of sixteen dollars
in money, lawful money of the United States
and of the value of sixteen dollars. —
of the goods, chattels and personal property of one *Bertha Spede*, —*

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. Kellous,
Attorney

0115

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hennessey, John

DATE:

03/23/88



2853

Witnesses:

Patrick Collins
Off. O'Connell

Counsel,

Filed

Pleads,

No. 278
23 day of March 1888

McQuilly

THE PEOPLE

Robbery,

degree.

[Sections 224 and 225, Penal Code].

John Stenness

H.D.

JOHN R. FELLOWS,

Pr. Mar 27/88 District Attorney.

reads 521 ay.

A True Bill.

(Hysdany)
Foreman.

S.P. 10 yrs R.B.M.

0116

0117

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

Police Court--First District.

Patrick Collins
of No. *190 Park Row* Street, being duly sworn, deposes
and says, that on the *1st* day of *March* 18*88*
at the *Sixth* Ward of the City of New York, in the
County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent, by force and violence, without his consent and against his will, the following property viz:

*Good and lawful money
of the New York State consisting
of nine silver dollars*

of the value of *nine* Dollars,
the property of *Deponent*

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

*John Hennessy (now here)
and two unknown men, not
yet arrested who were acting
in concert, for the reasons
following to wit: at about the
hour of eleven o'clock P. M. on
said date, deponent was seized
hold of by one of the unknown
men on Mulberry Street, whilst
the said defendants forcibly took the
said money from the hip pocket of
the deponent then worn by him as a portion
of his bodily clothing. Patrick
Collins*

Sworn to, before me, this *March* *1st* day

John J. Smith
of *March* 18*88*
Police Justice.

0118

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

District Police Court.

John Hennessey 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 Hennessey.

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Brooklyn.

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

Answer.

627 Myrtle Avenue Brooklyn.

Question. What is your business or profession?

Answer.

Glass blower

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

Answer.

I am not guilty.
John Hennessey

Taken before me this
day of *May* 19*24*
188
John Hennessey
Police Justice.

0119

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. Sixth Regiment Street, aged 32 years,occupation Police Officer being duly sworn deposes and saysthat on the 19th day of January 1888at the City of New York, in the County of New York, Patrick Collins

knows him is a man trial witness
for the People against one
John O'Rourke charged with
Robbery and depredations believing
that the said Collins will
not appear at the trial of
said complainant George he
may be committed to the
House of Detention for
witnesses to appear at the trial
of said complainant. John M. O'Rourke

Sworn to before me, this

of

188

day

John M. O'Rourke
Police Justice.

0210

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.

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

Dated 188 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.

Police Court District.

THE PEOPLE, &c.,
vs THE COMPLAINT OF

John Collins
John Thompson

2
3
4

Dated 188

Magistrate.

Officer.

6 Precinct.

Witnesses

Complainant to
House of Detention
for a period of 30
days

No. Street.

1500

Cour

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

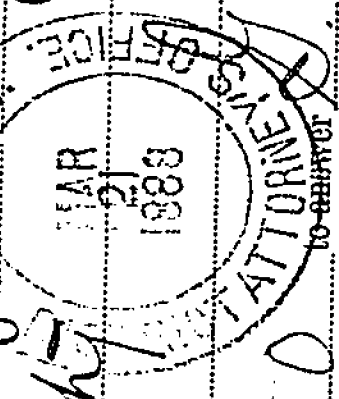
Residence

Street.

No. 4, by

Residence

Street.



0121

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 Hemmery

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

John Hemmery

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *John Hemmery*

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*eight*, in the *indict* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Saluda Rollins*, in the peace of the said People, then and there being, feloniously did make an assault, and

nine silver coins of the United States of America, of the kind known as dollars, of the value of one dollar each,

of the goods, chattels and personal property of the said *Saluda Rollins*, from the person of the said *Saluda Rollins*, against the will, and by violence to the person of the said *Saluda Rollins*, then and there violently and feloniously did rob, steal, take and carry away, (the said *John Hemmery* being then and there aided by two accomplices actually present, whose names are to the Grand Jury aforesaid as yet unknown) against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Holloway,
District Attorney

0122

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hennessy, Joseph

DATE:

03/07/88



2853


WITNESSES:

Off [Signature]
W. H. [Signature]

No 46

Counsel,

Filed 7 day of March 1888
Pleads Not Guilty (8)

THE PEOPLE,
vs.
Joseph H. Kennessy

Violation of Excise Law.
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and
(Selling on Sunday, &c.)
page 1989, Sec. 5.]

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,

Per Mel. Hoff District Attorney.
Transferred to Court for
trial by Circuit
A True Bill.

[Signature]
Foreman.

0123

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs
against

Joseph W. Hennessy
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *tenth* day of *July* in the year of our Lord one thousand eight hundred and eighty-*seven* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Nathan Hertz

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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. Hollows
RANDOLPH B. MARTINE,

District Attorney.

0125

BOX:

300

FOLDER:

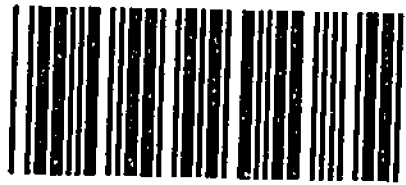
2853

DESCRIPTION:

Herbert, Jacob

DATE:

03/28/88



2853

Witnesses:

A. A. ...

Counsel,

Filed 28

day of March 1888

Pleads,

Not guilty try

THE PEOPLE

vs.

P

Jacob ...

Grand Larceny Second degree.
[Sections 628, 631, 532 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. ...

Foreman.

*Part II April 10/88
... and acquitted*

0126

Police Court—1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 523 West 2nd St William W Brown Street, aged 39 years,
occupation Truck & Expressman being duly sworn

deposes and says, that on the 2nd day of October 1887 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 bag of coffee of the value of
Twenty seven dollars and thirty six
cents

the property of L G Agnew In the care and
Custody 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 Jacob Herbert now living

and a man by the name of Isaac Kominsky
not now arrested from the fact that deponent
was employed by deponent as a truck driver
and on said date the defendant stated to
deponent that he had lost the bag of coffee
from the truck driven by deponent and
deponent is informed by Louis Demansky
of no 59 West Street that on or about the
above described date Kominsky not now
arrested taking a bag of coffee out of the alley
way leading into the yard of premises up
of West Street where the defendant Herbert
lived at that time the defendant Herbert
stated to said Demansky that he Herbert did

Sworn to before me, this
1887 day
Police Justice.

0128

~~not~~ want him to say anything about the
bag of coffee

Sworn to before me

this 24th day of March 1964

Wm. W. Brown

deputy Sheriff

Police Justice

0129

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 19 years, occupation Furniture Pack of No. 59 19th

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

Sworn to before me, this 24
day of March 1888

Louis Samansky

[Signature]

Police Justice.

0130

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Jack Herbert 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.

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 may think will tend to your exculpation?

Answer.

I am not guilty
Jack Herbert

Taken before me this

day of

June 1938

Police Justice.

1 E 1 0

Dated 188 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order it to be discharged.

Dated 188 Police Justice.

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

Dated 188 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.

Police Court District

THE PEOPLE, & C.,
ON THE COMPLAINT OF
William Brown
523 West 28
Jeff Herbert

Dated 188

Magistrate.

Officer.

Precinct.

Witnesses

No. 59 West Street.

No. Street.

No. Street.

\$ 200 TO ANSWER

BAILED,

No. 1, by

Residence Street.

No. 2, by

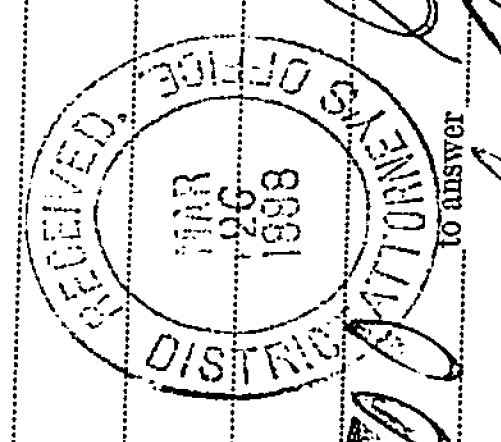
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0132

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 523 West 28 Street, aged 39 years,
occupation Insurance being duly sworn deposes and says
that on the 22nd day of March 1888

at the City of New York, in the County of New York, he caused
the arrest of Jacob Ober
charging him with Grand
larceny and prays he
may be held to enable him
to secure the necessary evidence
to prove said charge.

Wm. H. Brown

Sworn to before me this 22 day
of March 1888

W. J. Over
Police Justice.

0133

Police Court, _____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Brown

vs.

Robert Weston

Wm. 3rd Elbridge

Dated

Mar 22 188*8*

Perry Magistrate.

Smith - Officer.

Witness, _____

Disposition, _____

AFFIDAVIT

Grand Jurors

\$ 500 for car
24th May

88

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Jacob Herbert

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

Jacob Herbert

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

The said

Jacob Herbert

late of the City of New York, in the County of New York aforesaid, on the *eighth* day of *October* in the year of our Lord one thousand eight hundred and eighty-*seven*, at the City and County aforesaid, with force and arms,

One bag of coffee of the value of twenty - seven dollars and thirty six cents

of the goods, chattels and personal property of one

L. G. Agnew

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.

SECOND COUNT—

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

Jacob Herbert
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

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

*One bag of coffee of the value
of twenty seven dollars, and thirty
six cents*

of the goods, chattels and personal property of one *L. G. Agnew*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *L. G. Agnew*

unlawfully and unjustly, did feloniously receive and have; the said

Jacob Herbert
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried 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.

0136

BOX:

300

FOLDER:

2853

DESCRIPTION:

Herbert, Thomas

DATE:

03/16/88



2853

Witnesses:

Chas. Delahanty

Off. Wetner

Chara Chu Good

for

Counsel,

Filed 16 day of March 1888

Pleads, Chas. Delahanty

THE PEOPLE

vs.

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

Thomas Herbert

JOHN R. FELLOWS,

District Attorney.

A True Bill.

May 1888

Foreman.

March 23/88

Herbert vs. Delahanty

30 days

March 23/88

0137

421

The People v. Thomas Herbert
Court of General Sessions. Part I
Before Recorder Smyth.
March 22, 1888. Indictment for assault.

Charles Delehanty sworn and examined. I live 257 Avenue B. and was in this city on the 10th of March. I think I saw the defendant on that day corner of Avenue B and Fourteenth St. about twenty minutes of twelve that night. I never saw him before; he said nothing to me at the time, he never opened his mouth to me, it was another boy who was with him. That done all the talking. I was knocked down at the time, I took it to be that man (the defendant) - the both, and the other man who was sentenced in the Court below, the Essex Market Court. They both met me together, it was dark in Fourteenth St. They rushed together and knocked me down, I was doing nothing. The defendant struck me in the face and I fell. I did not see anything in his hand at the time; the blow cut my lip. I went down to the corner of Avenue A and Fourteenth St. and met a policeman there. I told the policeman what happened to me; he came back with me to where I was hit and we could not find the boys; the policeman then went down to Fourteenth St. and First Avenue to the other policeman.

He came down as far as Avenue B and Fourteenth St, and we met the boys coming around the corner, the defendant being one of them; the policeman arrested him. I had two friends with me and the defendant had one. I went to Bellevue hospital and I had three stitches put in my lip. I went home that night. I did not do or say any thing to the defendant or his friend before I was struck. Cross Examined. I never saw the defendant before and never had any trouble with him before that; the other fellow that was with him was sent up for six months; they both ran together at me with a rush and knocked me down. I fell in between the door; there was a railing going into the hall door and I fell in between the both - between the railing and the door. My friend who was with me that night is not in Court.

Charles Meeter, sworn and examined
I am an officer of the Fourteenth precinct and was on duty the night of the 10th of March. In consequence of what the complainant told me I arrested the defendant. The complainant came up to me; he had a handkerchief over his lip and said he was cut down Fourteenth St. and Avenue

B. He took the handkerchief off and I saw that the lip was cut and bleeding. That is all I knew about it. I went down with the complainant to Avenue B and he pointed out the defendant and one more to me. I sent out a rap and the other man ran and I ran after him. I chased him into a hallway. Another officer came and I understand he caught the defendant in Avenue B. I did not see him. I believe the complainant went to the Hospital himself.

Thomas Herbert sworn and examined in his own defence testified. I am 19 years old and I live at 419 East Twenty Second St. I have never been in trouble before this. I had been working at 80th St. and Fourth Avenue for John Roddy, varnishing and polishing for eleven months. I left work at five o'clock and went to Harrigan's Theatre Broadway and Thirty Fifth St. I left the theatre about ten o'clock before it was over. I came down and met James O'Neill at Twenty Third St. and First Avenue; he is the one that got six months; we went in and had a couple of glasses of lager. I was taking this young man home; he lived in Avenue B between Fourteenth and Fifteenth Sts. Three men were standing on the corner of 14th St. and Avenue B. O'Neill asked one

of them for a light, I happened to stagger up against one of them and one fellow gave me a punch in the jaw, I did not know what was the matter; the other fellow ran over after me, I went back, he had this other fellow licking him, I ran after them, they ran away, I caught one, I tripped him up, he went between the doorway and the railing, he split his lip, it was bleeding. I had no knife in my hand and I did not cut his lip. Cross Examined. He got the cut by the fall, I caused him to fall after he punched me in the jaw. I heard that it was O'Neill's character that caused him to get six months. I saw the other two men 'lick' O'Neill. Delehanty hit me in the jaw and ran away, I ran after him about 30 feet, I did not hit him, but caught his leg and tripped him and he fell down and I ran away. O'Neill was drunk, but I was able to take care of myself. I drank five small glasses of lager.

Kate Herbertson I am mother of the defendant, he works at Hammer's piano factory 21st and Second Ave. he did work for Mr. Roddy; he brought his wages home. The defendant pleaded guilty to assault in the third degree.

Testimony in case of
Thomas Herbert

Filed March

1887

0143

Police Court—3 District.City and County { ss.:
of New York,of No. 247 Avenue B. Street, aged 20 years,
occupation Carriage Business being duly sworndeposes and says, that on 10 day of March 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Thomas Herbert "Nether"
 who Willfully & Maliciously
 Cut and Stabbed this Deponent
 on the upper lip
 with some Sharp Instrument
 then and there held in his
 hand. Injuring this Deponent
 Severely

with the felonious intent to ~~do him grievous bodily harm~~ do him grievous bodily harm; and without
 any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 11 day of March 1888. Charles Delahanty

J. M. Plutman Police Justice.

0144

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3
District Police Court.

Thomas Herbert 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 Herbert*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *Philadelphia Pa*

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

Answer. *419 E. 12th St 12 months*

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*
Thomas Herbert

Taken before me this *11*

day of *March* 188*8*

Proctor

Police Justice.

5410

Dated 188 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence mentioned, I order he to be discharged.

Dated 188 Police Justice.

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

Dated 188 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.

Police Court District.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

John J. Delahanty
of 247 Ave. B.
St. of New York

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Witnesses

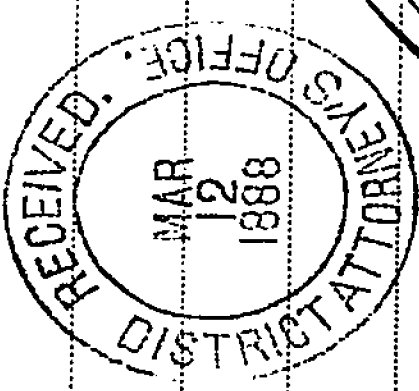
No. Street.

No. Street.

No. Street.

to answer

Conrad



Dated 188

Magistrate.

Officer.

Precinct.

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 M. M. M.

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

Thomas M. M. M.

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Thomas M. M. M.*

late of the City and County of New York, on the *1st* day of
March, in the year of our Lord one thousand eight hundred and
eighty *88*, with force and arms, at the City and County aforesaid, in and upon one

Charles D. Delaney.

in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault; and the said *Thomas M. M. M.*
with a certain sharp instrument, to the
Grand Jury aforesaid unknown
with a certain *—* which *he* the said
Thomas M. M. M.

in *his* right hand then and there had and held, the same being then and there
a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm,
him, the said *Charles D. Delaney* then
and there feloniously did wilfully and wrongfully strike, beat, *hit, cut,*
bruise and wound, 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

— Thomas Hedrick —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Thomas Hedrick.

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

Charles Delamater.

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said Thomas Hedrick

the said Charles Delamater with a certain sharp instrument to the point of which the said Thomas Hedrick

in his right hand then and there had held, in and upon the

— his — of him the said Charles Delamater.

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Charles

Delamater to the great damage of the said Charles Delamater 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.

0148

BOX:

300

FOLDER:

2853

DESCRIPTION:

Higgins, Patrick

DATE:

03/28/88



2853

POOR QUALITY
ORIGINAL

0149

WITNESSES:

Off Dippold

Counsel,

Filed 28 day of March 1888

Pleads

THE PEOPLE,

vs.

B

Gabriel Higgins

F

Violation of Excise Law.
(Selling on Sunday, &c.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and
page 1989, Sec. 5.]

JOHN B. FELLOWS,

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Hayward

Foreman.

L. C. May 2: 1888

Sec. 195-100

CITY AND COUNTY
OF NEW YORK. } ss.

4 District Police Court.

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

I am not guilty and
demand a trial by
Jury
Patrick Higgins

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0151

Dated 1887 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.

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

Dated 1887 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.

1172
2827
2827

2827 1853+
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Dufford
Robert Higgins

2
3
4

Offence

Dated Nov 7 1887
Magistrate.
Dufford
Officer.
22 Precinct.

Witnesses

\$100 & Nov 12 1887 Street.

No. Street.

No. Street.

\$100 and 4. S.
Bailed

BAILED,
No. 1, by John J. Clark,
Residence 1358 W 48th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

0152

Excise Violation—Selling on Sunday.

POLICE COURT—

DISTRICT.

City and County } ss.
of New York, }

George Dippold
 of the 22^a Precinct Police Street,
 of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 6 day
 of November 1887, in the City of New York, in the County of New York, at
 premises No. 338 W 48 Street,
Patrick Huggins (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his
 direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,
 to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said *Huggins*
 may be arrested and dealt with according to law.

Sworn to before me, this 7 day
 of Nov 1887.

Sam'l C. Keith Police Justice.

George Dippold

0153

Court of General Sessions, PART *OW*

THE PEOPLE

vs.

For

INDICTMENT

Patrick Higgins

To

M

No.

338

West

48

Street,

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the *13* day of *April*, instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time your bond will be forfeited.

JOHN R. FELLOWS,

District Attorney.

Not known there

0154

Defendant ~~and~~ or

Bondsman ~~at address~~

cannot be found
at address given
Wuffy

0155

Sec. 1924

4

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before Daniel O'Reilly a Police Justice
of the City of New York, charging Patrick Higgins Defendant with
the offence of No Excuse Law

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, Patrick Higgins Defendant of No. 338
W 48 Street; by occupation a Saloon Keeper
and John J. Clark of No. 338 W 48

Street, by occupation a Liquor dealer Surety, hereby jointly and severally undertake that
the above named Patrick Higgins Defendant
shall personally appear before the said Justice, at the 1st 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 One
Hundred Dollars.

Taken and acknowledged before me, this 7
day of Nov 1887

Daniel O'Reilly POLICE JUSTICE.

Patrick Higgins
John J. Clark

0156

CITY AND COUNTY } ss.
OF NEW YORK, }

day of Jan
1881
Samuel M. Smith, Police Justice.

Sworn to before me, this

John J. Clark
the within named Bail and Surety being duly sworn, says, that he is a resident and house
holder within the said County and State, and is worth no 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 stock and fixtures

of a store situated 806 8th Avenue
of the value of \$4,000
John J. Clark

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of

188

Justice.

0157

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs

against

Patrick Higgins
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *sixth* day of *November* in the year of our Lord one thousand eight hundred and eighty-*seven* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

George Deppold

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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
RANDOLPH B. MARTINE,

District Attorney.

0158

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hin, Ah

DATE:

03/21/88



2853

0159

BOX:
300

FOLDER:
2853

DESCRIPTION:
O'Brien, Mand

DATE:
03/21/88



2853

Witnesses;

Jane McCanniffe
Off. Larry
Lawrence McCanniffe

Counsel,

Filed

day of

March 1888

Pleads,

Chazquely in

THE PEOPLE

vs.

Ab Hin
vs. Henry
No 2115 E.

Maud O'Brien

KEEPING A HOUSE OF IL FAME, ETC.
[Sections 822 and 825, Penal Code]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Pat-III March 18/88

Foreman

jury term - jury withdrawn

No 2 Pleads Guilty

Guilty - Acquitted

No 1 Discharged on his own
recognizance

0160

0161

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Ab Hain being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is *h^{is}* 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 *h^{is}* waiver cannot be used against *him* on the trial.

Question. What is your name.

Answer. *Ab Hain*

Question. How old are you?

Answer. *Between 30 years of age*

Question. Where were you born?

Answer. *China*

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

Answer. *115 East Broadway, 4 months*

Question. What is your business or profession?

Answer. *Lammy 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 not guilty.
I demand a trial by jury.*

EE

Taken before me this

day of

March

188

John P. L. ...

Police Justice.

0162

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Maud O'Brien being duly examined before the undersigned 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 *her*; that the statement is designed to enable *her* if *she* see fit to answer the charge and explain the facts alleged against *her* that *she* 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. *Maud O'Brien*

Question. How old are you?

Answer. *27 years 2 mos*

Question. Where were you born?

Answer. *United States*

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

Answer. *115 East Broadway 14 months*

Question. What is your business or profession?

Answer. *Housekeeper*

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.
I demand a trial by jury.*

Maud X O'Brien
(mark)

Taken before me this *17*th day of *March* 188*8*
John J. Walters

Police Justice.

0153

Dated 188 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence mentioned, I order he to be discharged.

Dated 188 Police Justice.

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

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 March 17 188 Police Justice.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Jenny McAnally
220 Cherry St
1 Ah Hing
2 Maude O'Brien

Dated March 17 188

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

No. Street.

RECEIVED.

RECEIVED.

RECEIVED.

RECEIVED.

RECEIVED.

0164

Sec. 322, Penal Code.

3rd District Police Court.CITY AND COUNTY { ss.
OF NEW YORK.

of No 220 Cherry 9th Florence Macauliffe Street, in said City, being duly sworn says
that at the premises known as Number 115 East Broadway Street,
in the City and County of New York, on the 13th day of February 1888, and on divers
other days and times, between that day and the day of making this complaint

Ah Hiri and Mand O'Brien
did unlawfully keep and maintain and yet continue to keep and maintain a whorehouse
and assignation 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 Ah Hiri and Mand O'Brien
~~and all other disorderly and improper persons found upon the premises, excepted by said~~
with their present
may be ~~arrested and~~ dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 17th
day of March 1888

Florence Macauliffe

J. M. Plutens Police Justice.

0 165

STEPHEN S. BLAKE. THOMAS J. SULLIVAN.
Notary
BLAKE & SULLIVAN,
Attorneys and Counsellors-at-Law,
71 CENTRE STREET,
Corner Worth Street, NEW YORK.
TELEPHONE, SPRING, 433.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Oh Shin and
Maud O'Brien*

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

Oh Shin and Maud O'Brien

(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 *Oh Shin and Maud O'Brien, both* —

late of the ~~South~~ *13th* Ward of the City of New York, in the County of New York aforesaid, on the *13th* day of *February*, in the year of our Lord one thousand eight hundred and eighty*eight*, 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 *Oh Shin and Maud O'Brien* —

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

Oh Shin and Maud O'Brien

(Section 385,
Penal Code.)

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

The said *Oh Shin and Maud O'Brien, both* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the *13th* day of *February*, in the year of our Lord one thousand eight hundred

and eighty-eight, 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 ~~their~~ said house, for ~~their~~ 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

Alvin and Maud Brown

(Section 322
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Alvin and Maud*

Brown, North

late of the Ward, City and County aforesaid, afterwards, to wit: on the *13th* day of ~~January~~ in the year of our Lord one thousand eight hundred and eighty-eight 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 ~~their~~ 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 ~~their~~ 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.

0168

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hoffelmeyer, Charles

DATE:

03/06/88



2853

WITNESSES:

off Price

4

Counsel,

Filed day of

188

Pleads

Indignity (7)

THE PEOPLE,

vs.

B

Charles Stoffelmeier

[Signature]

Violation of Excise Law.

(Selling on Sunday, &c.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and
page 1989, Sec. 5.]

JOHN R. FELLOWS,
RANDOLPH B. WARNE,

District Attorney.

A True Bill.

[Signature]

Foreman.

*Mr Dec 18/88
Transferred to City S.S.
for trial by consent*

0169

0170

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs

against

Charles Hoffelmeyer

Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *November* in the year of our Lord one thousand eight hundred and eighty-*seven* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

— *James L. Price* —

and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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
~~RANDOLPH B. MARTINE,~~

District Attorney.

0171

BOX:

300

FOLDER:

2853

DESCRIPTION:

Howes, L.D.

DATE:

03/08/88



2853

0172

Witnesses:

Andrew J. Gaudin

Defendant
Bailed by

John W. Herley
198 1/2
Magate Ave.
Dremont

This indictment which is over 10
years old cannot be prosecuted
because of the inability of the
District Attorney's office to locate
complainant, witness. I recom-
mend the discharge of defendant
on his own recognizance

May 1998 J. A. Gordon D.D. or

Counsel,

Filed 8 day of March 1888

Pleas: *Not guilty (29) years*

Leaves to indictment 72 W

THE PEOPLE

vs. *B*

L. D. Howes
conf. 29.1888

JOHN R. FELLOWS.

RANDOLPH B. MARPINE,

District Attorney.

A TRUE BILL.

(Signature)

P. H. May 18/98
on motion of Dist. Atty.
Def. Dis. on Verbal Recog.
re endorsement.

(Sections 528 and 580, Penal Code).
(False pretenses).
LARCENY, 1st degree

ENTERED
T. J. W.

No. 92 B. N. Ind. 98
407
88

0173

Witnesses:

Andrew J. Givens

Defendant

Bailed by

John H. Herley
198 1/2 1st Avenue
Grenmont

This indictment which is over 10
years old cannot be prosecuted
because of the inability of the
District attorney's office to locate
complaining witnesses. I recom-
mend the discharge of defendant
on his own recognizance

May 1998

J. H. Givens D.D. sa

Counsel,

Filed 8 day of March 1888

Pleads *Not guilty*

Knows to indictment vs. W

THE PEOPLE

vs.

B

L. D. Jones

ENTERED
T. J. W.

[Sections 528 and 580, Penal Code].
(False pretenses).

Grand LARCENY, 1st degree

JOHN R. FELLOWS,

RAEDOLPH B. MARINE,

District Attorney.

A TRUE BILL.

(Signed)

C. H. May 18/98
on motion of Dist. Atty.
Def. Dis. on Verbal Recog.
reendorsement.

J. H.

No. 92 B. H. Ind. 88
407
88

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

S. D. Stamer

The Grand Jury of the City and County of New York, by this Indictment, accuse
S. D. Stamer whose Christian name is
of the CRIME OF LARCENY in the first degree,
committed as follows:

The said S. D. Stamer,

late of the City of New York, in the County of New York aforesaid, on the ~~eighteenth~~
day of ~~September~~, in the year of our Lord one thousand eight hundred and
eighty-~~six~~, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud one Andrew J. Guise —

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

Andrew J. Guise, —

That the said S. D. Stamer was then
a member of a certain firm carrying on business
in and by the name of Stamer Brothers
at Tonawanda in the said State and also in the
said City of New York. That the said firm of
Stamer Brothers was then in a good and sound
financial condition; that said firm then had an
account with ~~Stamer~~ a certain bank or institution
in Tonawanda aforesaid known as the State
Bank of Tonawanda, and then had a large
sum of money, and a sum exceeding eight
hundred and seventy five dollars, on deposit
to their credit in said bank.

That a certain paper writing bearing
date the day and year aforesaid and purporting to
be a good and valid order for the payment of the
said sum of money, signed "Stamer Bros, agts"
and directed to the said State Bank of Tonawanda
and payable to the one W. H. Harrison or bearer and
endorsed by the said W. H. Harrison (a more accurate
and particular description of which said paper
writing is to be found in the Grand Jury aforesaid minutes)
which he the said S. D. Stamer then and there produced and delivered to the said Andrew J. Guise,
was then and there a good and valid order
for the payment of the said sum of money
and was then of the full value of eight
hundred and seventy five dollars. —

By color and by aid of which said false and fraudulent pretenses and representations, the said *S. D. Mowers* did then and there feloniously obtain from the possession of the said *Andrew*

J. Fyvie the sum of eight hundred and seventy five dollars in money, lawful money of the United States and of the value of eight hundred and seventy five dollars. —

of the proper moneys, goods, chattels and personal property of the said *Andrew*

J. Fyvie — , with intent to deprive and defraud the said *Andrew J. Fyvie* —

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 said *S. D. Mowers* was not then a member of the said firm of *Mowers Brothers*, and the said firm was not then in good and sound financial condition and the said firm did not then have an account with the said State Bank of Tonawanda, and did not then have a large amount of money or any sum whatsoever on deposit to their credit in the said bank,

And whereas in truth and in fact the said paper which he the said *S. D. Mowers* as as aforesaid then and there produced and delivered to the said *Andrew J. Fyvie*, was not then and there a good and valid order for the payment of the said sum of eight hundred and seventy five dollars, and was not of the full value of eight hundred and seventy five dollars, or of any value whatever but was in truth then and there wholly void and worthless. —

And Whereas, in truth and in fact, the pretenses and representations so made as
aforesaid by the said *J. D. Homes*
to the said *Andrew J. Lynde*, was and were
then and there in all respects utterly false and untrue, as *he* the said
J. D. Homes
at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say: That the said
J. D. Homes, on
the day and year first aforesaid, at the City and County aforesaid, in the manner and form
aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods,
chattels and personal property of the said *Andrew J. Lynde*

then and there feloniously did 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.
~~RANDOLPH B. MARTINE,~~
District Attorney.

POOR QUALITY
ORIGINAL

0177

BOX:
300

FOLDER:
2853

DESCRIPTION:
Huber, Paul

DATE:
03/19/88



2853

0178

BOX:

300

FOLDER:

2853

DESCRIPTION:

Huber, Paul

DATE:

03/19/88



2853

Witnesses:

Victor Hammer

Josh Cunniff

He
1

No. 186

Counsel,

Filed

19

day of March 1888

Pleads,

THE PEOPLE

vs.

Paul Shuber

W. B. Shuber
W. B. Shuber

JOHN R. FELLOWS,

District Attorney.

Grand Larceny Second Degree.
[Sections 528, 531, 532 Penal Code].

A True Bill.

W. B. Shuber
March 20, 1888
Foreman.
Shuber, C. B. Shuber, J. Gray
Ex. Ref. 71

0179

Police Court— District. Affidavit—Larceny.

City and County } ss.
of New York,

of No. 109 East Street, aged 58 years,
occupation Manufacturer

deposes and says, that on the 1st day of March 1888, at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the Day time, the following property viz :

One gold watch, One silver watch
A pair of gold Spectacles. One electric
Clock, One gold pen. And pencil
Collectively of the value of about
Seventy five 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

Paul Huber Now Prisoner
from the fact that at said time he was in deponent's employment as a salesman and had access to where the goods in question were kept.

That when deponent discovered the loss of said property he accused the defendants with the larceny of the same. That the defendants admitted and confessed having taken said property and at the time of his arrest found tickets representing the same were found in his possession.

Vitalis Zimmer

Sworn to before me, this
day of March 1888
at New York
Police Justice.

Sec. 185-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Paul Huber 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.

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 may think will tend to your exculpation?

Answer.

I am guilty of the charge
Paul Huber

Taken before me this

188

Police Justice.

2810

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.

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

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 188 Police Justice.

171
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Hammer
62 Leade
Paul Huber

Offence

Dated March 10 188
Magistrate
Officer
Precinct

BAILED,

No. 1, by

Residence

No. 2, by

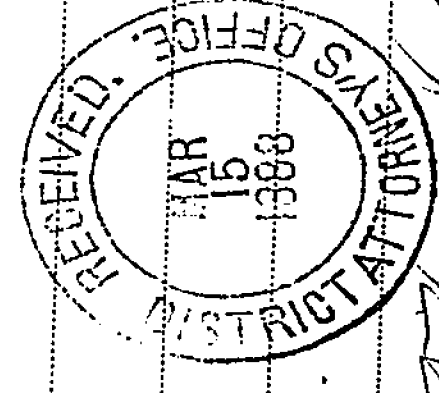
Residence

No. 3, by

Residence

No. 4, by

Residence



\$ 1000 to answer

171
(Com)

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Paul Huber

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

Paul Huber

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

The said

Paul Huber

late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *March* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, with force and arms,

One watch of the value of forty dollars,

One other watch of the value of twenty dollars,

One pair of spectacles of the value of five dollars,

One clock of the value of five dollars,

One pen of the value of three dollars,

And one pencil of the value of two dollars

of the goods, chattels and personal property of one *Vitalis Hammer*

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.

0 184

SECOND COUNT—

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

—Paul Huber—

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Paul Huber

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

One watch of the value of forty dollars,
One other watch of the value of twenty dollars,
One pair of spectacles of the value of five dollars,
One clock of the value of five dollars,
One pen of the value of three dollars, and
One pencil of the value of two dollars,
of the goods, chattels and personal property of one Vitalis Hemmer

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Vitalis Hemmer

unlawfully and unjustly, did feloniously receive and have; the said

—Paul Huber—

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

0 185

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hughes, Annie

DATE:

03/06/88



2853

Witnesses: James L. Dalton

Task officer. Fd

Counsel,
Filed
Pleads,

vs.

2

James Hughes

16. 462241

JOHN R. FELLOWS,

District Attorney.

A True Bill.

46
 Messrs. Messrs.
 Foreman.
 March 6/97.
 Henry J. J.
 Committee to Secure
 equality & equality
 2 av. F. J.

0105

0187

Police Court—

1st District.

Affidavit—Larceny.

City and County
of New York, } ss.

of No. 59 West 4th Street, aged 39 years,

occupation Housekeeper being duly sworn

deposes and says, that on the 21st day of February 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz :

A gold watch of the value of about forty 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

Amie Hughes now present that the defendant at the time of the larceny was a servant in deponent's employment and had access to where the watch was "hid" under a pillow in a bedroom of the apartment occupied by deponent in the premises aforesaid. That the defendant now admits in Court that she did so take, steal and carry away the watch and pawned it at the pawn office of one Fuller in 39th Street near 8th Avenue and deponent believes the same to be true

Mrs. Annie L. Colton

Sworn to before me, this day of February 1888
J. M. Stephen
Police Justice.

0188

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

4 District Police Court.

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

Question. What is your name?

Answer. *Amie Hughes*

Question. How old are you?

Answer. *16 years*

Question. Where were you born?

Answer. *This City*

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

Answer. *460 West 41 Street*

Question. What is your business or profession?

Answer. *Servant*

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

Answer. *I am guilty of the charge. I
took the watch by the advice of
another girl*

Amie Hughes

Taken before me this *23rd*

14th of February 188

Police Justice.

61810

Dated 188 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence mentioned, I order he to be discharged.

Dated 188 Police Justice.

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

Dated 188 Police Justice.

the City of New York, until he give such bail.

Hundred Dollars, and be committed to the Warden and Keeper of

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

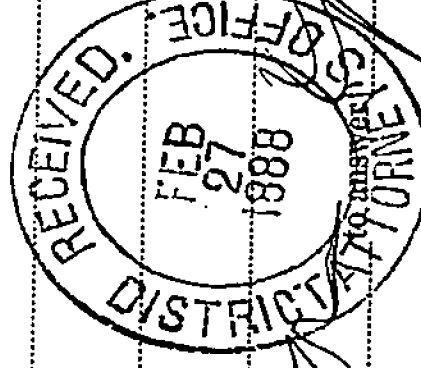
140 333 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James V. Collins
Cor 59th St and Boulevard
Anne Hughes

Dated February 23 1888
Magistrate
Andrew Warner
Precinct 22

Witnesses
No Street

No Street
No Street
No Street



12
3
(Com)

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

0190

HOTEL GLADSTONE,

FACING CENTRAL PARK and GRAND BOULEVARD,

59TH STREET AND BROADWAY,

New York, May 3rd 1888

6 mch

Room 15 House of Holy Family

Glick

Sir

Will you kindly inform me of case of stolen watch Jennie L. Cotton against Annie Hughes comes off. it was said I think two months ago that I was summoned. and as I have not heard since. I deemed it best to write for information.

Respectfully

J. L. Cotton

Hotel Gladstone

59 Broadway

0 19 1

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Annie Hughes

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

Annie Hughes

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

The said

Annie Hughes

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

One watch of the value of forty
dollars

of the goods, chattels and personal property of one *Jennie L. Bolton*

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.

0192

SECOND COUNT—

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

Annie Hughes

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed, as follows:

The said Annie Hughes

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

One watch of the value of forty dollars

of the goods, chattels and personal property of one

Jennie L. Bolton

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Jennie L. Bolton

unlawfully and unjustly, did feloniously receive and have; the said

Annie Hughes

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

0193

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hutchins, George

DATE:

03/09/88



2853

0 194

BOX:

300

FOLDER:

2853

DESCRIPTION:

Joyce, Charles

DATE:

03/09/88



2853

0195

Witnesses;

James Callahan
Off. Moral

I am informed that Off
Moral, a witness in this case,
in pleas, that another witness
cannot now be found -
I therefore recommend the dismissal
of this indictment as regards
Charles Joyce.
May 23/92

Vernon M. Davis
Aunt

No. 107
off dead witness can't be
found

Counsel,

Filed

9 day of March 1888

Pleas,

in Chalmers (20)

THE PEOPLE

vs.

George M. Johnson

and

Charles Joyce

Burglary in the Third degree,
with carrying a
dangerous weapon.
[Section 498, 506, 528, 532, 550.]

JOHN R. FELLOWS,

Part 2 - June 1st/92
in favor of said attorney
indictment as to No. 2
dismissed

A TRUE BILL.

(Hays Alley)

Foreman.

March 12/92.

Chas. P. Hays
Charles Hays Esq
140 10 New York City

0196

Witnesses;

James Callahan
Off. Norval

I am informed that Off
Norval, a witness in this case,
in plead, that another witness
cannot now be found.
I therefore recommend the dismissal
of this indictment as regards
Charles Joyce.
May 23/92

Vernon M. Davis
Ant.

No. 107
Off. dead witness cont. 12
forward

Counsel,

Filed day of March 1888

Pleads, V. C. M. J. (20)

THE PEOPLE
vs.
George Hutchinson
and
Charles Joyce

JOHN R. FELLOWS,

Dist. Atty.
Jan 2 - June 1892
in Brothers of Dist. Atty.
indictment as to No. 2
dismissed
A True Bill.

(H. J. O'Leary)

Foreman.

March 12/92.

Chas. J. O'Leary
Off. Pleads Jury 3/92
14th 10 Nov 1892

0 19 7

Police Court—6 District.

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

of James Callahan
202 136 street near Alexander Avenue aged 55 years,
occupation Liquor Dealer being duly sworn

deposes and says, that the premises No. West Corner Morris Avenue 138 Street,
in the City and County aforesaid, the said being a brick building the
first floor of which
and which was occupied by deponent as a saloon
and in which there was at the time no human being, by

were BURGLARIOUSLY entered by means of forcibly opening the
rear door, prying off the catch by which
it was fastened

on the 23rd day of February 1888 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

One eight
day clock, with wooden frame, of the value
of Ten dollars; two brass beer taps of
the value, together, of Ten dollars, in all
of the value of Fifteen

the property of John Haffens and in deponent's care and custody
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

George Hutchins and Charles Joyce, both
known there,

for the reasons following, to wit: At about three o'clock in the
afternoon of said day deponent closed said
premises and locked said door. At about five, thirty,
o'clock deponent found the place open and
missed said property, which Officer Alexander
D. of the 32nd Precinct police found in
the possession of said Hutchins and said Joyce
at six o'clock, as said officer informs deponent

Sworn to before me this 23rd day of February 1888
at New York City
Police Justice

0198

CITY AND COUNTY }
OF NEW YORK, } ss.

Alexander D. Korval

aged 27 years, occupation Police of NY.

33rd Precinct Police ~~Street~~, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James Callahan

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

Sworn to before me, this 26th

day of February 1888

Alexander D. Korval

P. G. Duffy
Police Justice

0199

Sec. 198-200.

6th

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

George Hutchinson 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. George Hutchinson

Question. How old are you?

Answer. 24 years

Question. Where were you born?

Answer. New York City

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

Answer. 126 St near 3rd Avenue, 1 year

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 may think will tend to your
exculpation?

Answer. I am not guilty.
George Hutchinson

Taken before me this 24
day of July 1934
[Signature]
Police Justice.

Sec. 198-200.

6

District Police Court.CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Charles Joyce

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York City

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

Answer. 446 E. 146 St; 2 years

Question. What is your business or profession?

Answer. Bartender

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

Answer. I am not guilty. I was going along the road when I met Johnson who used to keep bar for my brother. He asked me to give him a hand by carrying the clocks, as he had his hands busy carrying some brasses, or taps. He said he was bringing them from 132^d street and Madison Avenue and was bringing the clocks to sell at the jeweler's store 149th street. I did not know the clock was stolen. As we were going along together we met the officer, the Marshal, who arrested us.

Charles Joyce

Taken before me this

day of

John J. [Signature]

Police Justice.

Police Court-- 6 District. 350

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Callahan
East 136 St. Alexander Ave
1 George Hutchins
2 Charles Joyce B
3
4

Offence

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Anthony M. C. Owen
Residence 989 East 144 St.
Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

February 24 1888

Magistrate.

Officer.

Precinct.

Witnesses

Said Officer
Mary Quakey
33rd Precinct Police Street.

James Callahan
No. 136 St. Alexander Ave
Precinct 33rd

Officer
33rd Precinct Police Street.

No.

Street.

1000

Committed

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.

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.

0202

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.]

1701

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

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

Ask to see Mr. *Storrs*

At *12* o'clock *M*

To *Off Norval & Denning*

330

of No. 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 *21st* day of **MAY**, 1892, at 10.30 o'clock 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

Charles Joyce

Dated at the City of New York, the first Monday of

MAY.

in the year of our Lord 1892.

DE LANCEY NICOLI., *District Attorney.*

Moral Dead
 Denying Affluence
 Theo Schreier

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

0204

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.

1701

In the Name of the People of the State of New York. *ASK to see Mr. Dent*
at *12* o'clock *P.M.*

To *James Callanan*
of No. *136* St. *Mar Alexander Ave* 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 *21st* day of *MAY*, 1892, at 10.30 o'clock 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

Charles Joyce

Dated at the City of New York, the first Monday of *MAY*,
in the year of our Lord 1892.

DE LANCEY NICOLL, *District Attorney.*

0205

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, ASK TO SEE Mr. *Davis*
at *12* o'clock *—* M.

To *James Callahan Jr*
of No. _____ 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 *21st* day of *DECEMBER* 1892, at 10.30 o'clock 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

Charles Joyce

Dated at the City of New York, the first Monday of *DECEMBER*
in the year of our Lord 1892.

DE LANCEY NICOLI., District Attorney.

0206

Not found
The Schmitt

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.

If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.

If ill when served, please send timely word to the District Attorney's Office.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Figoras McIntire
and *Charles George*

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

Figoras McIntire and Charles George

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

The said *Figoras McIntire and Charles*

George, both —

late of the *Twenty Third* Ward of the City of New York, in the County of New York, aforesaid, on the *Twenty Third* day of *February* in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *residence* of one

James Hallahan —

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

James Hallahan —

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

SECOND COUNT—

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

Figonez William and Charles George
 of the CRIME OF *Robb* LARCENY.— committed as follows:

The said *Figonez William and Charles George, 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 *day* time of the said day, with force and arms,

one dollar of the value of ten dollars
and two ten dollars of the value of
two dollars each.

of the goods, chattels and personal property of one *John Hoffer.*—

in the *saloon* of the said *James Hallman.*—

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

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Figoras Mutchins and Charles George
 of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Figoras Mutchins and Charles George, 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, with force and arms,

*one sack of the value of ten
 dollars, and two deer traps of
 the value of two dollars each,*

of the goods, chattels and personal property of one *John Haffner* —

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *John Haffner* —

unlawfully and unjustly, did feloniously receive and have; the said *Figoras Mutchins and Charles George*

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

0210

BOX:

300

FOLDER:

2853

DESCRIPTION:

Hynes, John H.

DATE:

03/21/88



2853

0211

Witnesses:

William J. Gentry
off record
W. J. Gentry

No. 206
Oliver Keane

Counsel,
Filed 21 March 1888
Pleads, *Allegedly* in

THE PEOPLE

vs.
17. 11. 35
163

John H. Hynes

Burglary in the Third degree.
Grand Larceny First degree
and Accessory
[Section 498.556, 528.530, 498.557.]

JOHN R. FELLOWS,

District Attorney.

22 March 29. 1888.
Pled + convicted 5 L 1 ag
ATTORNEY BILL.
6/14 4.

(H. J. Gentry)

Foreman.

P.L. 3. March 4/88

Elmura Ref. P.B.M.

0212

Witnesses:

William J. Gray
off. Secy
W. J. Gray

Counsel,

Filed

1888

Pleas,

THE PEOPLE

1888

John H. Hyman

JOHN R. FELLOWS,

District Attorney.

March 29, 1888.

Filed & recorded 5/21/88

ATTORNEY

March 24, 1888

Foreman.

Elmwood Ref. P.B.M.

Burglary in the Third degree.
and receiving first degree.
[Section 498.556, 498.557.]

0213

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 31 years, occupation Michael J. Cunningham
Bridge Clerk NY N H & H R R of No. 153-02 & Harlem River
Harlem Station NY N H & H R R Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of William Crosby

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

Sworn to before me, this

day of

5th March 1888 Michael J. Cunningham

Sam'l C. Bull
Police Justice.

0214

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation

William J. Duffy
Night Watchman

Harlem River Station N.Y.C. & H.R.R. 133.21st Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

William J. Duffy

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

Sworn to before me, this

day of

March 1888

William J. Duffy

James C. Hill

Police Justice.

0215

Police Court—2 District.

City and County } ss.:
of New York,

of No. Harlem River Station N.Y.N.H. & H.R.R. 41 years,
occupation Asst Supt N.Y.N.H. & H.R.R. being duly sworn

deposes and says, that the premises No. a car Street

in the City and County aforesaid, the said being a car used for the transportation
of freight, which was lying in the Harlem River
freight yard at North Haven. in the 23rd Ward of the city of New York
and in which there were at the time a person being, by name

was
BURGLARIOUSLY entered by means of forcibly prying off the
staples which held the hasp on the door
of said car.

on the 29th day of February 1888 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:

Two Winchester rifles of the value of
one hundred and thirty dollars. And
three pairs of rubber boots of the value
of nine dollars. Together of the value
of one hundred and thirty nine dollars
(139.00)

the property is in the care and custody of N.Y.N.H. & H.R.R. Co. of which
deponent is the assistant Superintendent
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
John H. Hines. (Nirvhere)

for the reasons following, to wit: that deponent is informed by
Michael J. Cunningham who is employed
by the aforesaid R.R. Company that at about
the hour of 7.30 O'clock P.M. said date he
discovered that said freight car had been
entered by prying off the staples which held
the hasp on the door of said car and that
the aforesaid property had been taken stolen
and carried away. and in about one hour

Police Court—2 District.

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

of Harlem River Station N.Y.N.H. & H.R.R. 111 years,
occupation Asst-Supt N.Y.N.H. & H.R.R. being duly sworn

deposes and says, that the premises No. A Car Street,

in the City and County aforesaid, the said being a Car used for the transportation
of freight, which was lying in the Harlem River
freight yard at West Harlem, in the 23rd Ward, the City of New York
and in which there was at the time when being by same

was

BURGLARIOUSLY entered by means of forcibly prying off the
staples which held the hasp on the door
of said car

on the 29th day of February 1888 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:

Two Winchester Rifles of the value of
one hundred and thirty dollars. And
three pairs of rubber boots of the value
of nine dollars. Together of the value
of one hundred and thirty nine dollars
139.00

the property in the care and custody of N.Y.N.H. & H.R.R. Co. of which
deponent is the assistant Superintendent.

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
John Henry. (Arrested)

for the reasons following, to wit: that deponent is informed by
Michael J. Cunningham who is employed
by the aforesaid R.R. Company that at about
the hour of 7.30 O'clock P.M. said date he
discovered that said freight car had been
entered by prying off the staples which held
the hasp on the door of said car and that
the aforesaid property had been taken stolen
and carried away. and in about one hour

0217

after discovering that said car had been entered he Cunningham had a conversation with the defendant Hines ^{who was employed by said R.R. Co as a trapeze man} when he Cunningham told Hines he would give ten dollars for one of those rifles Hines answered that he could get them cheaper than that, and that if he Cunningham could get the rifles up to the ~~center~~ of the yard he Hines would get them out of the yard. he Hines then wrote on a piece of paper that there were seven of them taken and were left on the ground on No 1 track in said yard, and that there were four there yet. he Hines then tore up said piece of paper and threw the pieces in a waste paper basket. when he Hines then left said yard. He Cunningham then picked up said pieces of paper which he Hines had written on. He Cunningham then went to No 1 track in said yard and found one of said rifles. Depment is further informed by William J. Duff, the Night Watchman in said yard that he and his assistant found nine rifles and two pairs of rubber boots on track in said yard. Wherefore depment charges the said John Hines with Burglarily entering said car as aforesaid and feloniously taking, stealing and carrying away said property.

Sworn to before me }
this 1st day of March 1908

W. J. Crosby ass't Supt

Police Court

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel C. Reed
Police Justice

vs.

Dated

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bailed by

No. Street.

There was ^{5:6} taken and
they was left at the junction
No 1# there is there yet

0219

There was a ^{S. 16} taken and
they had left at the station
Ms 1st is the 1st of 1910

0220

Sec. 108—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss

John H. Hynes 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 may think will tend to your
exculpation?

Answer.

I am not guilty
John H. Hynes

Taken before me this

day of

1888

Police Justice.

1220

Police Court District.
2386

THE PEOPLE & C.,
ON THE COMPLAINT OF
Wm. V. Orzech
Harlem River Station
M. H. K. H. R.
J. Van H. H. H.

BAILED,
No. 1, by
Residence
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence

Offence
Burglary

Dated
March 15 188

Magistrate
J. W. Kelly

Officer
S. J. Rogers

Precinct
Central

Witnesses
Wm. J. Cunningham

No. 1
Harlem River Station

No. 2
Wm. J. Cunningham

No. 3
Harlem River Station

No. 4
Harlem River Station

No. 5
Harlem River Station

No. 6
Harlem River Station

No. 7
Harlem River Station

No. 8
Harlem River Station

No. 9
Harlem River Station

No. 10
Harlem River Station

COMMITTED.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
Police Justice.

I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 188
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 188
Police Justice.

0222

Form 1420.

NEW YORK, NEW HAVEN & HARTFORD R. R.
HARLEM RIVER STATION.

New York

Ncl 26 188

Train No.

Cond'n

Eng. No.

Engineer

Departure

M.

Arrived

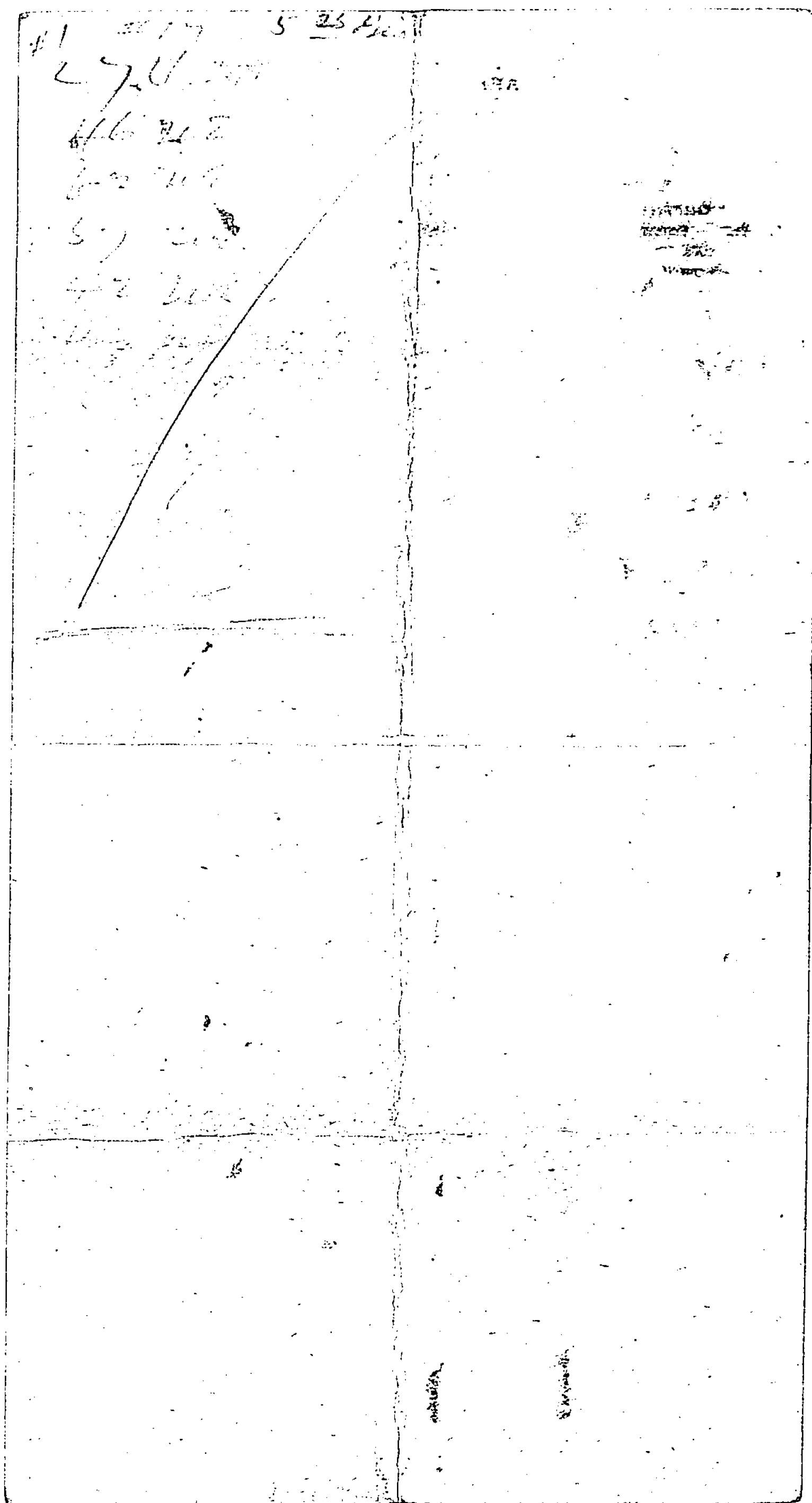
20-11

M.

CAR NO.	INITIAL.	DESTINATION.
32403	Cug	Hartford
35136	"	Spgold.
2064	"	Greenwich
2048	"	"
35248	"	Bridgeport
1030	G.B.	Hartford
21205	W.B.	N.A.
118	O.A.	Bridgeport
4167	O.A.	Spgold.
1292	O.A.	N.A.
1479	n	n

a

0223



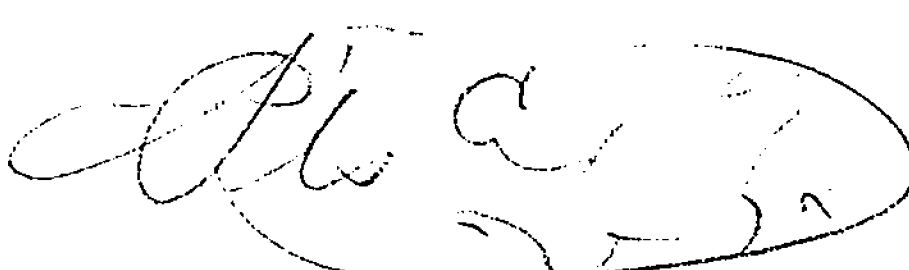
0224

FORM 2008C.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

C O P Y

HARLEM RIVER, N.Y. March 1st, 1888.



W.J. Crosby, Esq.,

Ass't Sup't,

Dear Sir:--

At 7.15 last P.M., Watchman Duffy called on me to examine some cars on Middle Freight House Track, suspecting one of them had been robbed. I opened car 14012 C.St.L. & W. and found it to be O.K. Seal on this car was 13 H., intact, I resealed the car 25 B. On same track, I opened car 7115 P.C. & St.L., and found there were several pairs of Shoes scattered on the floor, and an empty gun case. We left John Weechman, assistant night watchman, in the car, and I resealed the car, with Meechman inside. Watchman Duffy then notified Mr. Crosby at his house. After that John Hines, Yard brakeman, came to me and after hearing me say that "I would give ten dollars for one of those guns," said I could get one from the car. I asked him how he would know what cars they were in. He replied, "by referring to the sheets," He said further that I could get one by going down to No. 1 Track, and that, if I could get one up to the Transfer Platform, he would get it out of the Yard. Watchman Duffy and myself found the guns, as Hines had

0225

FORM 2003 c.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

W.J. C. (No.2, 3-1-88)

stated, on Track No.1. Not giving Hines a satisfactory answer, he gave the project up, and left the Yard about 11.30 P.M., and did not return. Ten guns were found in all, which was the full number the empty case called for.

Yours truly,

M.J.Cunningham,

Bridge Clerk.

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 D. Hughes

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

John D. Hughes —

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

The said

John D. Hughes,

late of the *Twenty-Ninth* Ward of the City of New York, in the County of New York, aforesaid, on the *Twenty-ninth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the Ward,

City and County aforesaid, a certain building there ~~situate~~, to wit: the *roadway car* of ~~one~~

a certain corporation called *the New York,*

New Haven and Hartford Railroad Company.

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

corporation

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

SECOND COUNT—

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

John M. Hughes
of the CRIME OF *Grand* LARCENY in *the first degree*, committed as follows:

The said *John M. Hughes*

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,

Keniffer of the value of thirteen dollars each, and three pairs of boots of the value of three dollars each pair.

of the goods, chattels and personal property of *one certain corporation called the New York, New Haven and Hartford Rail Road Company.*

in the *railroad* of the said *corporation*

there *situate*, then and there being found, *from the railroad* 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.

THIRD COUNT—

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

John M. Hughes —

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *John M. Hughes,*

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, with force and arms,

*Ten rifles of the value of fifteen
dollars each, and three pairs
of boots of the value of
three dollars each pair.*

of the goods, chattels and personal property of ~~one~~ *a certain corporation
called the New York, New Haven
and Hartford Rail Road Company*
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said *corporation —*

unlawfully and unjustly, did feloniously receive and have; the said

John M. Hughes —

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