

0009

BOX:

114

FOLDER:

1208

DESCRIPTION:

Shelton, Daniel

DATE:

09/06/83



1208

1883

Raise, and Account  
in the Second Degree  
[§ 278 and 219]

THE PEOPLE

25.

9

Daniel

Stanton

JOHN McKEON,

*District Attorney*

# A True Bill.

Mr. Anthony

*Foreman.*

22. 11. 1893

29/11/93

Heath Crosby, Jr.

Second degree

S. P. 4 years

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Daniel Shelton*

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

*Daniel Shelton*

of the CRIME OF *Rape*

committed as follows:

The said *Daniel Shelton*

late of the City and County of New York, on the *twentieth* day of *August* in the year of our Lord one thousand eight hundred and eighty *three* with force and arms, at the City and County aforesaid, in and upon the

body of one *Bertha Stein*, in the peace of the People of the State of New York then and there being, feloniously did make an assault; and with her the said *Bertha Stein* then and there feloniously did perpetrate an act of sexual intercourse; she the said *Bertha Stein* being then and there a female under the age of ten years, to wit: of the age of seven years, 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 *Daniel Shelton* of the Crime of Assault in the Second Degree, committed as follows:

The said *Daniel Shelton*, late of the City and County of New York, afterwards, to wit:

00 12

on the twentieth day of August in the year of our Lord one thousand eight hundred and eighty three, at the City and County aforesaid with force and arms, in and upon the body of one Bertha Stein, in the peace of the People of the State of New York then and there being feloniously did make an assault, with intent to commit a felony, to wit: with intent then and there feloniously to perpetrate an act of sexual intercourse with her the said Bertha Stein, she, the said Bertha Stein being then and there a female under the age of ten years, to wit: of the age of seven years, 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 McKeon

District Attorney



0013

BAILED.

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

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

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

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

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Antonia Maria*  
*2046 23<sup>rd</sup> St*  
*Samuel Shelton*  
Offence *Rape*

Dated *August 23<sup>rd</sup>* 188 *3*  
*Morgan* Magistrate.  
*John Hoare* Officer.  
*12<sup>th</sup>* Precinct.

Witnesses *Chapman Suck*  
*No. 1245 1/2 1st Precinct*  
*Charles Allen*  
*No. 2046 23<sup>rd</sup> Precinct*  
*Dr. C. A. Elliott*  
*No. 208 3<sup>rd</sup> St* Street,  
*2000* to answer &c.  
*Sam*

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 *Samuel Shelton*

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

Dated *August 23<sup>rd</sup>* 188 *3* *P. L. Morgan* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0014

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK, } ss.

5<sup>th</sup>

District Police Court.

*Daniel Shelton* 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. *Daniel Shelton*

Question. How old are you?

Answer. *17 years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *239 East 111<sup>th</sup> St. about 3 months*

Question. What is your business or profession?

Answer. *Furniture mover*

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 of the charge*  
*Daniel Shelton*

Taken before me this *23<sup>rd</sup>*

day of *August* 1883

*John A. McLaughlin*  
Police Justice.

00 15

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

Police Court, 5<sup>th</sup> District.

*Betha Stein* aged 7 years occupation house  
of No. 2046 - 3<sup>rd</sup> Avenue ~~Street~~, being duly sworn, deposes and  
says, that on the 20<sup>th</sup> day of August 1883  
at the City of New York, in the County of New York, *Samuel Shelton (murderer)*

did violently and feloniously assault & beat  
deponent and did have sexual intercourse  
with deponent and did forcibly ravish  
deponent against her will and consent  
that about 2 O'clock P.M. on same day  
deponent was playing in front of the stable  
in the rear of the premises above mentioned  
and the said Samuel Shelton called deponent  
into said stable that deponent went in  
the said stable when the said Samuel Shelton  
seized violently hold of deponent and did  
force some paper into her mouth - and did  
unbutton deponent's drawers, and did then  
open his pantaloons in front and did  
then & there insert his penis into deponent's  
vagina - and did have intercourse with  
deponent and carnal knowledge of her body  
by force and violence and against her  
will and consent

Shown to before me this  
23<sup>rd</sup> day of August 1883

*Ex. 7244*

*A. L. Morgan -  
Police Justice*

00 16

BOX:

114

FOLDER:

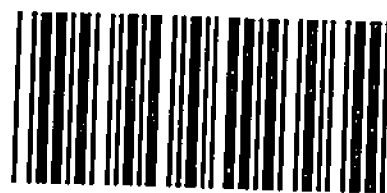
1208

DESCRIPTION:

Sherry, John

DATE:

09/21/83



1208



No 282

Counsel,

Filed

day of

1883

Pleads

THE PEOPLE

vs.

Mr. James C. Brown

P

John S. Brown

BURGLARY—Third Degree, and

[64493]

JOHN McKEON,

District Attorney.

I dep. 24/1/83

Y. A. S. P. D. W. G. S.

A True Bill

Wm. B. Brown

Foreman.

Verdict of Guilty should specify of which count.

0017



00 18

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 Sherry

The Grand Jury of the City and County of New York, by this indictment, accuse  
John Sherry  
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows :

The said John Sherry

late of the Sixteenth Ward of the City of New York, in the County of  
New York aforesaid, on the Seventeenth day of September in the  
year of our Lord one thousand eight hundred and eighty three with force and arms,  
about the hour of two o'clock in the night time of the same day, at the  
Ward, City and County aforesaid, the dwelling house of Samuel A  
Deans  
there situate, feloniously and burglariously did break into and enter, by means of forcibly  
he the said

John Sherry  
then and there intending to commit some crime therein, to wit: the goods, chattels and  
personal property of one Jane Maffett  
in the said dwelling house then and there being, then and  
there feloniously and burglariously to steal, take and carry away, against the form of the  
Statute in such case made and provided, and against the peace of the People of the State  
of New York, and their dignity.

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

of the CRIME OF GRAND LARCENY IN A DWELLING HOUSE, committed as follows:

The said

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,

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

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

JOHN McKEON, District Attorney.

0019

No 282  
Police Court District.

734

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel C. Brown  
145 No. 22 St.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

John Sherry  
Burglary

Dated September 18 1883

Magistrate.

Officer.

Precinct.

Witnesses

No. 100

No. 218

No. 218

No. 150

No. 150

No. 150

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 <sup>fifty</sup> ~~one~~ 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 September 18 1883 Police Justice.

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

Dated 1883 Police Justice.

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

Dated 1883 Police Justice.

0020

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

John Sherry 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:

John Sherry

Question. How old are you?

Answer.

47 Years.

Question. Where were you born?

Answer.

Connecticut

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

Answer.

New Haven Conn. 10 Years.

Question. What is your business or profession?

Answer.

Polisher.

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

Answer.

I am guilty of the charge.  
John Sherry

Taken before me this

day of September, 1883

August C. Spencer Police Justice.

0021

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 31 years, occupation Manager of No. 214 East 23<sup>rd</sup> Street, being duly sworn deposes and

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

Sworn to before me, this 18<sup>th</sup>

day of September 1888

George E. Bar.

Henry Gorman  
Police Justice.



POOR QUALITY  
ORIGINAL

0022

Police Court—2<sup>d</sup> District.

City and County } ss.:  
of New York,

of No. 145 West 22<sup>d</sup> Street, aged 41 years,  
occupation Frame Maker, being duly sworn  
deposes and says, that the premises No 145 West 22<sup>d</sup> Street,  
in the City and County aforesaid, the said being a Dwelling House.  
and in the 16<sup>th</sup> Ward City of New York.  
and which was occupied by deponent as a Dwelling House.  
and in which there was at the time no human being, by name

were **BURGLARIOUSLY** entered by means of forcibly Opening the  
Back Slide leading from the sidewalk  
to said premises at about the hour  
of 4 o'clock A.M.  
on the 1<sup>st</sup> day of September 1883 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Mrs. Bronze Clocks together of the  
Value of Three Hundred Dollars.

the property of Jane Maffett and in deponent's Care and Charge.  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by  
John Sherry (now present)

for the reasons following, to wit: That on the 16<sup>th</sup> day of June  
1883 deponent secured fasten and left  
said premises to reside in the Country for  
the summer and gave the Keys to one  
George De Bar of the American District  
Telegraph Company with instructions  
to look after the said premises while  
deponent was away in the Country  
deponent is injured by the said



0023

He Bar. that at or about the hour of Two  
O'clock A.M. on the 17<sup>th</sup> day of September  
1883. he was in his office. When the Burglar  
Alarm. Connected with deponents premises  
went off. And immediately went to deponents  
premises in company with Officer  
Pratt and on entering the said premises  
the said He Bar. in company with the  
said Pratt found the said Sherry in  
deponents premises. And the said  
Sherry admitted and confessed  
in open Court in deponents presence.  
that he had Burglariously entered  
deponents premises.

I sworn to before me.  
This 18<sup>th</sup> day of September 1883 } S. A. V. Pres.

High Sheriff Police Justice  
S. A.

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0024

BOX:

114

FOLDER:

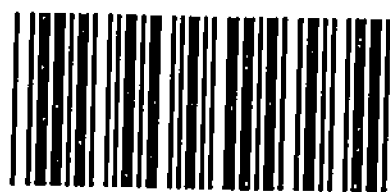
1208

DESCRIPTION:

Sherry, John

DATE:

09/27/83



1208

No 332

Day of Trial,

Counsel,

Filed by day of

1883

Pleads

Sept 28.  
Sept 28.

THE PEOPLE

vs.

John Sherry  
P

Assault in the Second Degree.  
(Registering Arrest.)

78125

John Sherry  
P

JOHN McKEON,

District Attorney.

A True Bill.

Wm. Morrow

Foreman.

Sept 28/83

Wm. Morrow

Pen. and year.

0025

0026

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 S. Henry

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

John S. Henry

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

The said John S. Henry

late of the City and County of New York, on the Seventeenth day of  
September in the year of our Lord one thousand eight hundred  
and eighty ~~three~~ at the City and County aforesaid, with force and arms feloniously  
made an assault in and upon one Patrick Moran

then and there being a patrolman of the Municipal Police of the City  
New York, and as such patrolman being then and there engaged in the lawful  
apprehension of him the said John  
S. Henry for disorderly conduct  
and the said John S. Henry - him, the said

Patrick Moran

then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent  
then and there to prevent and resist the lawful apprehension  
of himself as aforesaid,  
against the form of the Statute in such case made and provided, and against the peace  
of the People of the State of New York and their dignity.

JOHN McKEON,

District Attorney.



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



0028

Sec. 198-200

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

*John Cherry* 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. *John Cherry*

Question. How old are you?

Answer. *31 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *637-2 Avenue One Month*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I Am not Guilty*  
*John Cherry*

Taken before me this

day of

*Sept*  
188*8*

Police Justice.

0029

Police Court—4—District

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

of No

21 Precinct Police

Street,

on

Monday

the

17<sup>th</sup>

day of

September

being duly sworn, deposes and says, that

in the year 1883, at the City of New York, in the County of New York,  
While deponent was in the discharge of his duty  
he was violently ASSAULTED and BEATEN by John J. Cherry who present  
who struck this deponent a violent blow  
on the face with his clenched fist and  
several blows on the body while deponent  
was arresting the defendant on the charge of  
Rimandy Conduct

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this

18

day of

September

1883

Patrick Moran

Act. Comm.

POLICE JUSTICE.

0030

BOX:

114

FOLDER:

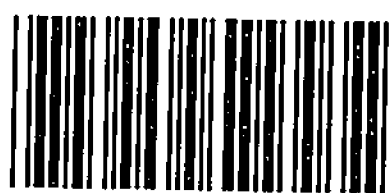
1208

DESCRIPTION:

Simon, Louis

DATE:

09/04/83



1208

POOR QUALITY  
ORIGINAL

0031

✓  
No 3 V  
advs to Jury Sept 1883  
Counsel,  
Filed 4 day of Sept. 1883  
Pleads Not guilty

THE PEOPLE  
vs.  
Louis Simon  
INDICTMENT.  
Grand Larceny in the second degree.  
(MONEY)  
[5284531]

JOHN McKEON,  
Sept 18/83. District Attorney.  
Circuit Court  
A True Bill.  
Mendons Blaney

Foreman  
W. L. H. 10/1/83  
a. M. E.  
12



POOR QUALITY  
ORIGINAL

0032

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Louis Simon*

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

*Louis Simon*

of the crime of GRAND LARCENY IN THE *Second* DEGREE, committed as follows:

The said *Louis Simon*

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

*one* promissory note for the payment of money, being then and there due and unsatisfied (and of the  
kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars  
*three* promissory notes for the payment of money, being then and there due and  
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value  
of ten dollars *each*; *nine* promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the  
value of five dollars *each*; *five* promissory notes for the payment of money, being then and  
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars,  
and of the value of two dollars *each*; *five* promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination  
of one dollar, and of the value of one dollar *each*; *one* promissory note for the payment of  
money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty  
dollars *—*; *three* promissory notes for the payment of money (and of the kind known as bank  
notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *six* promissory  
notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of  
the value of five dollars *each*; *one* promissory note for the payment of money (and of the kind  
known as bank notes), being then and there due and unsatisfied, of the value of two dollars *—* *and one*  
promissory note for the payment of money (and of the kind known as bank notes), being then and there due and  
unsatisfied, of the value of one dollar, and *one pocket book of the*  
*value of one dollar*

of the goods, chattels, and personal property of one *Markus Lewis*  
~~on the person of the said~~ then and there being found,  
~~from the person of the said~~ then and there  
feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against  
the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.



0033

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

203 1st 152  
Police Court District  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Marko Lewis  
George T. T.  
1 Louis Simon  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated 13 August 1883  
J. H. White Magistrate  
Wm. H. Elhardt Officer  
My + Bellyn Bridgely  
Witnesses Edward J. McElwain  
My + Bellyn Bridge (Police)  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. 500 Street 4th  
to answer Case

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 Louis Simon

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

Dated 13 Aug 1883 Andrew J. White Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0034

Sec. 198—200.

182

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Louis Simon*

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.

*Louis Simon*

Question. How old are you?

Answer.

*17 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*3 Forsyth St 2 days*

Question. What is your business or profession?

Answer.

*Cigarette maker*

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

Answer.

*I am guilty*

*L. Simon*

Taken before me this

18

day of

*August 1883*

*Charles J. Smith*

Police Justice.

0035

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.of No. 3 Forsyth Street,being duly sworn, deposes and says, that on the 13 day of August 1883in the night time at the City of New York,

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

of deponent with intent to cheat and deprive the true owner  
of the use and benefit thereofthe following property, viz:  
one pocket book containing good and  
lawful money of the United States  
to the amount and value of thirty  
two dollarsthe 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 Louis Simon (now here)from the fact that deponent and defendant  
went to bed together in a room at premises  
Number 3 Forsyth Street in said city  
before going to bed deponent locked and  
fasten the door of said room and placed  
said property under a pillow on said  
bed and went to sleep about one o'clock  
deponent awakened and found that  
said defendant had left said room  
and the aforesaid property was missingMarked <sup>his</sup> Lewis  
mark

Sworn before me this

day of

1883

Police Justice,

0036

BOX:

114

FOLDER:

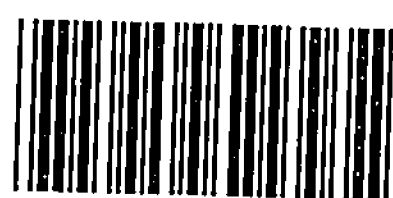
1208

DESCRIPTION:

Smith, Albert

DATE:

09/28/83



1208



0037

~~Order 10 for~~

depts for  
offence. He is  
now doing  
business of his  
own in  
as a dealer in  
the apt of

0038

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Arthur Smith

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

Arthur Smith

of the CRIME OF SELLING A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A LOTTERY TICKET, committed as follows:

The said Arthur Smith

late of the City and County of New York, on the twenty third day of July in the year of our Lord one thousand eight hundred and eighty-three with force and arms, at the City and County aforesaid, unlawfully did then and there sell to one

William Schmidt

a certain paper and instrument, purporting to be and to represent a ticket in and dependent upon the event of a certain lottery called the Louisiana State Lottery

thereafter, to wit: on the fourteenth day of August in the year aforesaid, to be drawn at New Orleans in the State of Louisiana

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say:

The Louisiana State Lottery Co. incorporated  
will draw at New Orleans on Monday August 14th, 1883 Aug. 14th 1883  
The money for five dollar drawing

This five dollar ticket entitles the holder thereof to one single chance as may be drawn by its number in the next next drawing if presented for payment before the expiration of twelve months from the date of said drawing.

five one three three three  
(51333)

M. A. Dampier  
President

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.

0039

SECOND COUNT.

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

*Smith*

of the CRIME OF GIVING TO ANOTHER A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A LOTTERY TICKET, committed as follows :

The said *Albert Smith*

late of the City and County of New York, afterwards, to wit: on the said *twenty third* day of *July* in the year of our Lord one thousand eight hundred and eighty-*three* at the City and County aforesaid, with force and arms, unlawfully did then and there give to one

*William Schmidt*

a certain paper and instrument purporting to be and to represent a ticket in and dependent upon the event of a certain lottery called *the Louisiana State Lottery*

thereafter, to wit: on the *fourteenth* day of *August* in the year aforesaid, to be drawn *at New Orleans in the State of Louisiana*

the same being a scheme for the distribution of property by chance, among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say :

*The Louisiana State Lottery Co.*  
*was drawn at*  
*New Orleans on Tuesday August 14th, 1883. Aug. 17th 1868*  
*The monthly Five Dollar Drawing*

*This Fifth ticket of the*  
*holder thereof is one fifth of*  
*such prize as may be drawn*  
*by its number in the ticket*  
*named drawing is reserved*  
*for payment after the expira-*  
*tion of three months from the*  
*date of said drawing*

*(Five one three three three)*  
*(5 1 3 3 3)*

*M. A. Dauphin*  
*President*

*14-25-83*  
*1000000*

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 *Albert*

*Smith*

of the CRIME OF SELLING A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A SHARE AND INTEREST IN AND DEPENDENT UPON THE EVENT OF A LOTTERY, committed as follows :

0040

The said Albert Smith

late of the City and County of New York, afterwards, to wit: on the twenty third day of July in the year of our Lord one thousand eight hundred and eighty three at the City and County aforesaid, with force and arms, unlawfully did then and there sell to one

William Schmidt

a certain paper and instrument, purporting to be and to represent a share and interest in and dependant upon the event of a certain lottery called the Louisiana State

Society

thereafter, to wit: on the fourteenth day of August in the year aforesaid, to be drawn at New Orleans in the State of Louisiana

the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance, which said paper and instrument is as follows, that is to say:

The Louisiana State Society Co.

\$1 will draw at new Orleans on Tuesday August 14<sup>th</sup>, 1883. Aug. 17<sup>th</sup> 1883

The monthly Five Dollar Drawing

This ticket entitles the holder to one draw of such prize as may be drawn by its number in the next named drawing to be presented for payment before the expiration of three months from the date of said drawing.

(five one three three)

Wm. A. Dampier  
President.

against the form of the Statute in such case made and provided, and against the peace of the people of the State of New York and their dignity.

#### FOURTH COUNT.

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

Albert Smith

of the CRIME OF GIVING TO ANOTHER A PAPER AND INSTRUMENT, PURPORTING TO BE AND TO REPRESENT A SHARE AND INTEREST IN AND DEPENDENT UPON THE EVENT OF A LOTTERY, committed as follows:

The said Albert Smith

late of the City and County of New York, afterwards, to wit: on the said fourteenth day of August in the year of our Lord one thousand eight hundred and eighty three



0041

CITY AND COUNTY OF NEW YORK, ss :  
being duly sworn deposes and says; that he is \_\_\_\_\_ years of age, and a clerk in  
the office of \_\_\_\_\_ STECKLER, Esq., the attorney for the \_\_\_\_\_ in this  
action; on the \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_ at No. \_\_\_\_\_  
in the City of New York, he served the annexed \_\_\_\_\_  
upon \_\_\_\_\_ the \_\_\_\_\_ therein  
\_\_\_\_\_ by delivering to, and leaving with \_\_\_\_\_  
\_\_\_\_\_ a true copy thereof: \_\_\_\_\_

Deponent further says that he knew the person so served to be \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me this  
day of \_\_\_\_\_ 188 \_\_\_\_\_ }

N.Y. Police Court.

The People vs.

Plaintiff,

AGAINST

Charles Heister, my  
Albert Smith, Defendant.

Brief,

Alfred STECKLER.

Deft's Attorney,

Nos. 47 & 49 Centre Street,  
N. Y. City.

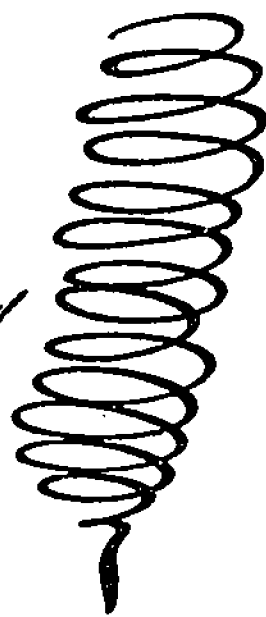
112

0042

New York Police Court

The People vs,

Charles Heisler <sup>and</sup>  
Albert Smith,



The defendant is charged with having sold and furnished the complainant with a certain ticket, chance, share, interest, paper, certificate and instrument, purporting to be or representing a ticket, chance, share interest, in and dependant upon the event of a certain lottery to be drawn without this State.

It appeared in evidence on the examination had before Hon. Hugh Gardner in the Third District Police Court of this City, that the Police Commissioner of this City furnished the Complainant with the money to purchase said ticket, and the Complainant for the purpose of procuring and inducing the defendant to commit the crime charged against him purchased said ticket.

It is provided by Section 328 of the New York Penal Code that "A person who offers for sale or distribution, in any way, real or personal

0043

property, or any interest therein, to be determined by lot or chance, dependent upon the drawing of a lottery within or without this State, or who sells, furnishes, or procures, or causes to be sold, furnished or procured, or causes to be sold, furnished, or procured in any manner, a chance or share, or any interest in property offered for sale or distribution, in violation of this chapter, or ticket or other evidence of such a chance, share, or interest, is guilty of a misdemeanor."

Section 399 of the New York Code of Criminal Procedure that "A conviction cannot be had upon the testimony of an accomplice, unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient, if it merely show the commission of the crime, or the circumstances thereof."

The term "Accomplice," includes all persons who have been concerned in the commission of a crime, all the participes criminis, whether they are considered in strict legal propriety, as principals in the first or second degree, or merely as accessories before or after the



0044

fact -

- 1 Foster on Crime p. 341.
- 1 Russell's Criminal Law, 21.
- 4 Blackstone's Commentaries, 331.
- 1 Philips' Evidence, 28.

It was recently held by the General Term of the Supreme Court in the case of *Stape v. The People*, 21 Hun, 399, that a person accused of a crime could not be convicted upon the uncorroborated testimony of an accomplice.

It is clear from the testimony taken upon the examination in the present case, that the crime charged against the accused would not have been committed had not its commission been induced by the complainant.

Can it be truthfully said that a person who induces another to commit a crime, which never would have been committed but for his inducement, is entirely innocent of a participation in the crime? Certainly not.

The books are full of incidents where such persons have been held equally guilty with the actual perpetrators of the crime.

If A induces B to kill C, A would be



0045

equally guilty with B, in the commission of the murder - So in burglary, larceny or any other crime.

The Justice may say, "I am not to try the issue, I am solely to enquire into the facts sufficiently to determine whether a crime has been committed and whether there is probable cause to believe the accused committed such crime: But is it not an Answer to say that it is the duty of the Magistrate to conserve the best interest of the People? Should a police Justice hold a Citizen for the action of the Grand Jury, when he knows that the law has already declared that he cannot be convicted of the offence charged against him? Certainly not, for the reason that he is putting certain public officials to unnecessary trouble and labor, and the County to unnecessary expense.

In the case of the People v. Hansen, recently tried in the Court of General Sessions before Judge Gildersleeve his Honor directed the jury to acquit upon the ground that a person ought not to be convicted upon the testimony of a person who had induced the commission of the crime. In that case

0046

the defendant was indicted for keeping a disorderly house and upon the trial the testimony disclosed the fact that the complainant went to the house and induced one of the inmates to have sexual intercourse with him.

The Complaint in this case should be dismissed.

POOR QUALITY  
ORIGINAL

0047

COURT OF

The People, C.S.

v3.

*Alfred J. ...*

OFFENCE

District Attorney.



POOR QUALITY  
ORIGINAL

0048

GLUED PAGE

**PART 2.**

THE COURT-ROOM IS IN THE THIRD 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

*Court of General Sessions of the Peace.*

**The People of the State of New York.**

To *William Smith*  
of No. *9 Frankfurt* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the *11* day of **MARCH** instant, at the hour of ten in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

*Albert Smith*  
in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of **MARCH**, in the year of our Lord 1885

RANDOLPH B. MARTINE, *District Attorney.*

sworn, deposes and says: I reside at *No. 1001 1st Avenue*



POOR QUALITY  
ORIGINAL

GLUED PAGE

0049

Court of General Sessions.

THE PEOPLE

vs.

Albert Smith

City and County of New York, ss.:

sworn, deposes and says: I reside at No. 245 Clinton

being duly

Street, in the City of New York. I am a subpoena server in the  
office of the District Attorney of the City and County of New York. On the 9<sup>th</sup> day  
of March 1885, I called at No 9 Frankfort St.

the alleged residence

of

William Smith

the complainant herein, to serve him with the annexed subpoena, and was informed by the  
landlady that she had not seen said  
Smith in almost one year, that she could  
not tell where he is or where he  
can be found, and did not know  
when he would return. That she  
has his trunk and other articles belonging  
to him. I also called there about 7 or  
8 months ago and he was not there  
then and they have not seen him  
since.

Sworn to before me, this 10<sup>th</sup> day

of March 1885

Rudolph L. Schaefer  
Clerk of Court

John J. Carroll  
Subpoena Server

0050

Bought: William Schmidt, N.Y., Frankfurt. st  
Lottery & Lottery Policy Tickets from

July 23. ✓ Smith, clerk for Heister & Co 289. Bowery  
2. Louisiana Lottery Tickets. No. 78680. & 51333. Bid \$2.

July 23<sup>rd</sup> Chas Heister. No. 12 E. 3<sup>rd</sup>

Louisiana Lottery Ticket. No 25231. Paid \$1

July 23. Frost 57 Centre st. 27-36-42  
11-18-36-72 27-36-24 210  
27-36-63

23. ~~Brown. Hg. Maiden Lane~~ 24/80

26-39-68. X. 14-27-41. X. 13-18-63. 1/10

July 24. Watson 10 Park Row

1. Little Havana Lottery Ticket No 19432. Bid. \$1

July 28. ~~White Drum~~ 138. Chatham. st. Sept 24  
18-26-50 Ad 50. Paid 50. cts. raised

July 28 Rob No 9 Annist

10-15-20. X. 11-16-30 { \$50 Paid 50. cts

Visited the following Places and see them Sell

Lottery & Lottery Policy Tickets

~~Herman Wunder~~: 194 William st

*Ben Nathan. Broadway*

Wm Courtney. 206 E. 85. St.

✓ Mc Manus. 74 W Broadway

Edw Barker. 157 Fulton

Made Complaint for Keeping & Maintaining

Cases in which Max Hartog is complainant

Adolph Kraft	115	<del>Chatt</del>
--------------	-----	------------------

W	<del>Frank Henry</del>	<del>126</del>	<del>Other</del>
---	------------------------	----------------	------------------

James Roberts	212	Greenwich
---------------	-----	-----------

Charlton	113	Charlton
114	114	114

John Hogan	3	Christie
------------	---	----------

<del>Edward Fredricks</del>	127	And now
<del>2. 1. 2. 1. 12</del>		

Ernest Schmidt	356. 11. 70
12. 11. 70	

Adelme Schmidt	"	"
----------------	---	---

POOR QUALITY  
ORIGINAL

0051

Police Court District.

40242 738

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Smith  
of Grand Jurors  
Alfred Smith

Offence Violation  
Lottery Laws.

1  
2  
3  
4

Dated September 20<sup>th</sup> 1883

Magistrate.

Officer.

Precinct.

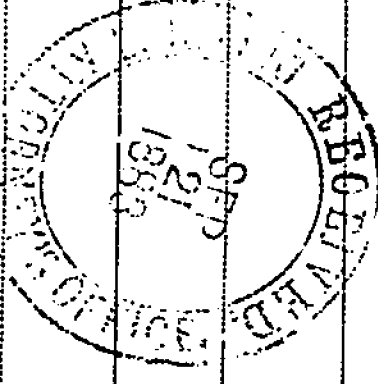
Witnesses

No. Street.

No. Street.

No. Street.  
to answer H.J.

Smith



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

Alfred Smith

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of three 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 September 20<sup>th</sup> 1883 Hugh Farmer Police Justice.

I have admitted the above-named

Alfred Smith

to bail to answer by the undertaking hereto annexed.  
Dated Sept 20<sup>th</sup> 1883 Hugh Farmer Police Justice.

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

Date 1883 . Police Justice.



POOR QUALITY  
ORIGINAL

0052

*Tickets*  
AFFIDAVIT-Selling Lottery ~~Police~~

CITY AND COUNTY }  
OF NEW YORK, } ss.

2<sup>d</sup> District Police Court.

William Smith, 33 years old, brown man  
of No. 9 Frankfort Street, being duly sworn,  
deposes and says, that on the 23<sup>d</sup> day of July  
1883, at premises No. 289 Bmery Street  
in the City and County of New York, John Doe,  
whose true name is the defendant unknown, but whose person is well  
known to him and who habitually sells Lottery Tickets on (now here)  
said premises  
did unlawfully and feloniously sell and vend to defendant -

~~two~~ <sup>each of</sup> certain papers and documents, the same being what is commonly  
known as, and is called a Lottery Ticket, and which said Lottery  
Tickets  
~~and~~ writings, papers and documents are as follows, that is to say:

A ticket of the Louisiana Lottery Company hereto annexed Numbered  
51333, for which said Doe did receive and accept from defendant  
the sum of One Dollar, and the ticket of the Louisiana Lottery  
Company Numbered 78680, for which said Doe did receive  
and accept from defendant the sum of One Dollar,  
both of said tickets being hereto annexed

Which defendant charges was in violation of the statute in such  
case made and provided, and prays that the said John Doe  
Albert Smith arrested and  
may be dealt with according to law.

Sworn to before, this 1<sup>st</sup>

day of August 1883

Wm. Schwartz

Henry Gardner  
Police Justice.

Albert Smith



POOR QUALITY  
ORIGINAL

0053

24 Sunday Aug 11 24 Wed Aug 12  
2 p.m. 1

POOR QUALITY  
ORIGINAL

0054

Police 4  
Sec. 101.

Police Court 22 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by William Smith

of No. 2 Frankfurt Street, that on the 23<sup>d</sup> day of July

1883 at the City of New York, in the County of New York, at No 289 Broadway

John Doe, whose true name is the said complainant  
unknown, but whose person is known to him and who habitually  
sells Lottery Tickets on said premises did unlawfully and  
feloniously sell and vend to said complainant a certain Lottery  
Ticket said did receive and accept therefor from said  
complainant a sum of money

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to  
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him  
forthwith before me, at the 22 DISTRICT POLICE COURT, in the said City, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 1<sup>st</sup> day of August 1883

Police Justice.

POLICE COURT. DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-General.

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

Police Justice.

289 Broadway

POOR QUALITY  
ORIGINAL

0055

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

2d District Police Court.

Albert Smith 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. Albert Smith

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Paris

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

Answer. 289 Broadway; 6 months

Question. What is your business or profession?

Answer. Agent

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 an examination

Albert Smith

Taken before me this

2d

day of

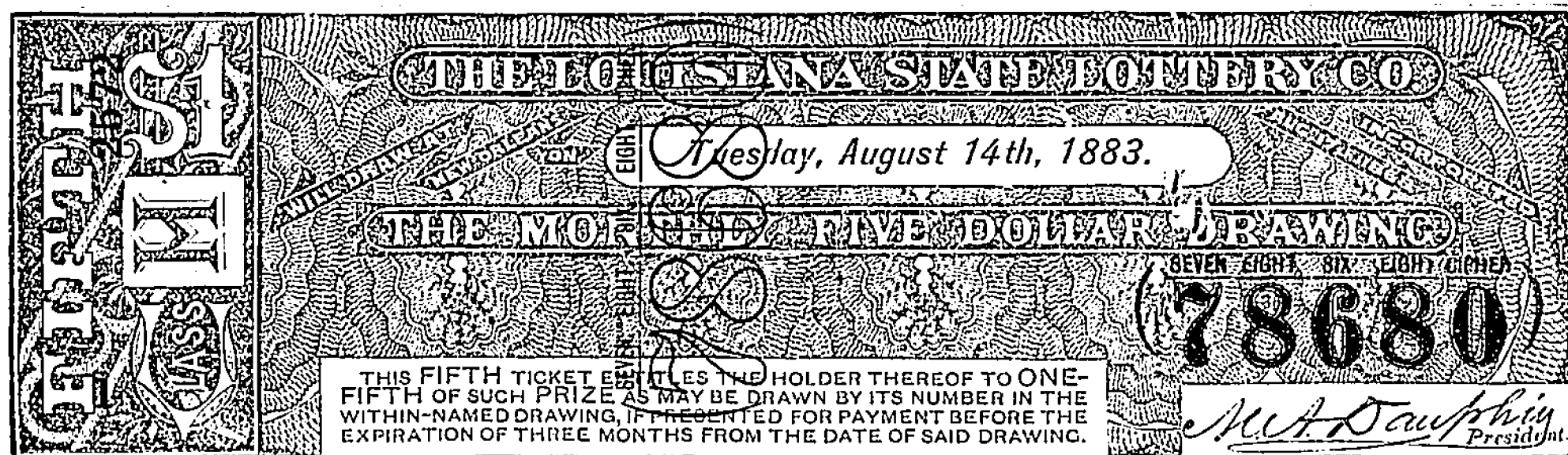
August

1883

August 2d 1883

Police Justice.

0056





0057

**NOTICE.**

Pieces of Tickets, or Tickets made up of pieces, or Altered Numbers, or without the President's Signature, or in any manner having been Cancelled, will not be held good by this Company.

**LIST OF PRIZES.**

1 Prize	\$75,000 is.....	\$75,000
1 Prize	25,000 is.....	25,000
1 Prize	10,000 is.....	10,000
1 Prize	6,000 is.....	6,000
1 Prize	6,000 is.....	6,000
5 Prizes	2,000 are ...	10,000
10 Prizes	1,000 are ...	10,000
20 Prizes	500 are ...	10,000
100 Prizes	200 are ...	20,000
300 Prizes	100 are ...	30,000
500 Prizes	50 are ...	25,000
1,000 Prizes	25 are ...	25,000

**Approximation Prizes.**

9 Approx. Prizes	\$750 are	\$6,750
9 Approx. Prizes	500 are	4,500
9 Approx. Prizes	250 are	2,250

1,967 Prizes, am'ting to \$265,500

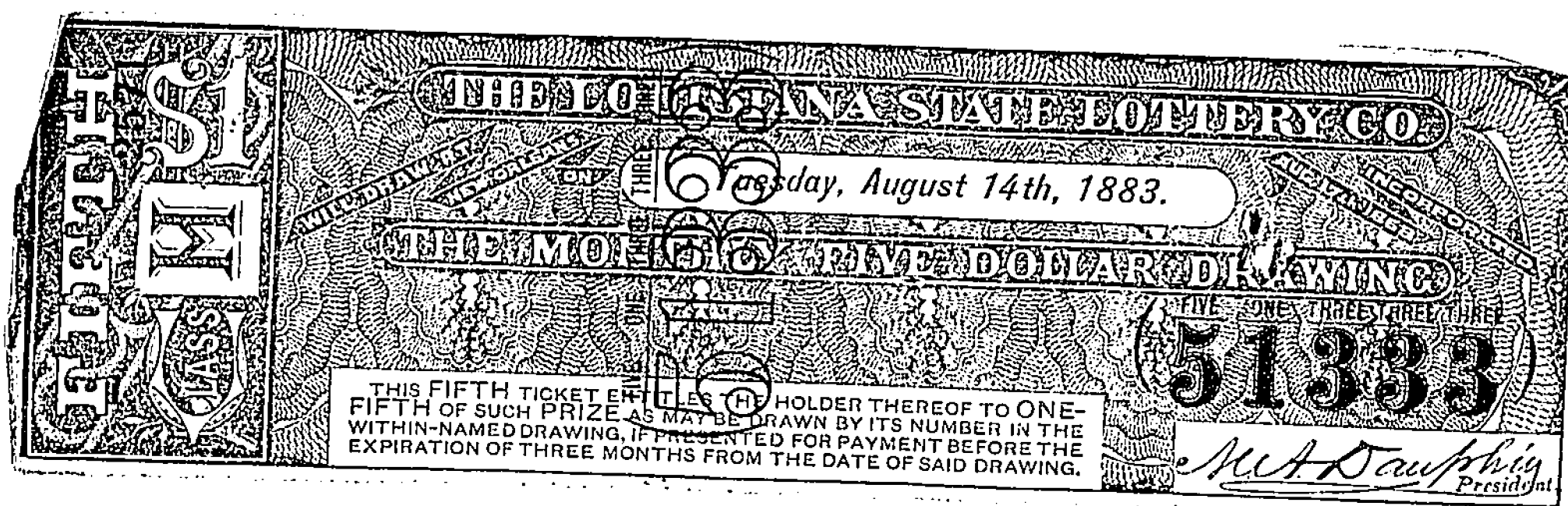
*G. T. B. B. B. B. B.*

*J. F. E. E. E.*

Commissioners

*W. D. Smith*  
28 E. 23d

0058



0059

**NOTICE.**

Pieces of Tickets, or Tickets made up of pieces, or Altered Numbers, or without the President's Signature, or in any manner having been Cancelled, will not be held good by this Company.

**LIST OF PRIZES.**

1 Prize \$75,000 is.....\$75,000  
 1 Prize 25,000 is.....25,000  
 1 Prize 10,000 is.....10,000  
 1 Prize 6,000 is.....6,000  
 1 Prize 6,000 is.....6,000  
 5 Prizes 2,000 are...10,000  
 10 Prizes 1,000 are...10,000  
 20 Prizes 500 are...10,000  
 100 Prizes 200 are...20,000  
 300 Prizes 100 are...30,000  
 500 Prizes 50 are...25,000  
 1,000 Prizes 25 are...25,000

**Approximation Prizes.**

9 Approx. Prizes \$750 are \$6,750  
 9 Approx. Prizes 500 are 4,500  
 9 Approx. Prizes 250 are 2,250  
 1,967 Prizes, am'ting to \$265,500

*G. T. Dunning*

*J. F. Early*

Commissioners

*H. Smith* 232

0060

N.Y. General Term.

The People ex.

v.

Albert Smith,

Affidavit,



0061

Court of General Sessions.

The People vs,

Albert Smith,

City and County of New York vs =

Albert Smith being duly sworn deposes and says, that he resides with his wife ~~Elizabeth~~ at No. 15 First street, in the City of New York, that he has never been arrested or charged with the commission of any offense heretofore, that since his arrest upon this charge he has entirely left the lottery business, and is now employed as a cigar maker. That when he was arrested he was only a clerk and had no interest whatsoever in the business transacted.

Sworn to before me this 3  
11<sup>th</sup> day of March 1885.

Jacob Meyer  
Commissioner of Deeds,  
New York City.

Attest

0062

The People and  
William Smith  
vs.  
Albert Smith

September 18th 1883  
William Smith crop farmer  
I was in 289 Bowery I  
bought 2 Louisiana, tickets 78680  
and 51333 from Albert Smith  
on the 23rd of July 1883. I asked him  
if he would sell me any tickets  
and he said they were pretty  
strong and that they had to be very  
careful in selling. he told  
me to come back the following  
day and he would have  
some tickets for me. And I went  
back the next day and he gave  
me two tickets; then I just  
kept to and I asked him  
for another ticket and he sent  
me to Heiler house to get  
the other one, he had more  
tickets there but I didn't like  
the numbers of them; and I  
gave him \$2.00 dollars and he  
gave me the ticket  
from before me  
this 18th day of September 1883, W. Schmitt

Hugh Spencer  
John A. Lawrence

0063

BOX:

114

FOLDER:

1208

DESCRIPTION:

Smith, Frank

DATE:

09/04/83



1208

0064

Day of Trial,  
Counsel,  
Filed 4 day of Sept 188 8  
Pleads Not Guilty 5

# THE PEOPLE

vs.

[illegible]

7

14. 241 11 39

JOHN McKEON,

*District Attorney.*

plads

# A True Bill:

Höfeman.



0065

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Frank Smith*

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

*Frank Smith*

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said *Frank Smith*

late of the *Twentieth* Ward of the City of New York, in the County of New York, aforesaid, on the *21st* day of *August* in the year of our Lord one thousand eight hundred and eighty *three* with force and arms, at the Ward, City and County aforesaid, the *store* of

*William B. Tallman*

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

*William B. Tallman*

then and there being, then and there feloniously and burglariously to steal, take and carry away, and *three scarfs* of the value of *fifteen cents each*

of the goods, chattels and personal property of the said *William B. Tallman*

so kept as aforesaid in the said *store* 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 McKeon*  
District Attorney.



0067

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

2 District Police Court.

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

Question What is your name?

Answer.

Frank Smith

Question. How old are you?

Answer.

20 Years

Question. Where were you born?

Answer.

New York City

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

Answer.

241 West 29 Street About one year

Question. What is your business or profession?

Answer.

Coachman

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 have nothing to say

Frank Smith

Taken before me this

21

day of

August 1903

Police Justice.

0068

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 29 years, occupation Policeman of No. 29 Beaver Street, being duly sworn deposes and

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

Sworn to before me, this 21  
day of August 188

} Martin Day  
} [Signature]  
} Police Justice.



0069

Police Court

Police Court—2 District.

City and County } ss.:  
of New York,

of No. 389 Sixth Avenue Street, aged 46 years,

occupation Shirt Makers being duly sworn

deposes and says, that the premises No 389 Sixth Avenue Street,  
in the City and County aforesaid, the said being a Brick building

and which was occupied by deponent as a Gentlemen's Furnishing good store  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly breaking a  
large light of plate glass in the Show window  
eight feet two high by five feet wide

on the 21 day of August 1883 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

Three gentleman Scarfs of the  
value of thirty five Cents

the property of Deponent and James Pearson Partners  
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

Frank Smith

for the reasons following, to wit: from the fact that deponent  
was informed, by Officer Martin Day of  
the 25th Precinct that on the morning of the  
21 day of August at 8 o'clock and forty five  
minutes, he saw the said Defendant rush  
from the door way of said premises and  
run away followed by the said Officer and  
said Officer saw said Defendant drop a  
gentleman Necktie and chased the said

0070

defendant about two blocks and arrested  
said defendant wherefore deponent  
prays the said defendant may be dealt  
with as the law directs in such cases

Sworn to before me William D. Sullivan  
this 21 August 1883  
D. H. Coffey  
Police Justice

Police Court \_\_\_\_\_ District.

THE PEOPLE, & c.,

ON THE COMPLAINT OF

vs.

Burglary

Degree.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0071

BOX:

114

FOLDER:

1208

DESCRIPTION:

Smith, James

DATE:

09/17/83



1208

0072

BOX:

114

FOLDER:

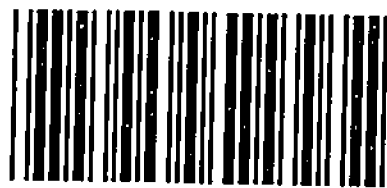
1208

DESCRIPTION:

Cain, Thomas

DATE:

09/17/83



1208



Q0172

Day of Trial,  
Counsel,  
Filed *7* day of *Sept*, 188*2*  
Pleads

THE PEOPLE  
vs.  
*James Smith*  
*and*  
*Thomas Cain*  
*(alias Thomas Hand)*  
Burglary—Third Degree, with  
Carrying Stolen Goods  
59498, 506, 34, 52845, 530

*Prose* JOHN McKEON,  
District Attorney.  
*Def* *S. P. Wherry* vs.  
A True Bill.  
*W. W. W. W.*  
Foreman.

0073

0074

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Smith  
and  
Thomas Cain

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

James Smith and Thomas Cain

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said James Smith and Thomas Cain

late of the 5<sup>th</sup> Ward of the City of New York, in the County of New York, aforesaid, on the 10<sup>th</sup> day of September in the year of our Lord one thousand eight hundred and eighty three with force and arms, at the Ward, City and County aforesaid, the store of George R. Johnson

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

then and there being, then and there feloniously and burglariously to steal, take and carry away, and one hundred

pistols of the value of five dollars each, one hundred knives of the value of three dollars each, and one hundred pairs of scissors of the value of two dollars each pair

of the goods, chattels and personal property of the said George R. Johnson

so kept as aforesaid in the said store 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 McLean  
District Attorney.

0075

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

0076

Sec. 198-200

CITY AND COUNTY OF NEW YORK ss.

101 District Police Court.

*Thomas Kane* 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 think will tend to your exculpation?

Answer.

*I have nothing to say*

*Thomas Kane*

Taken before me this

day of

188

Police Justice.



0077

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK } ss.

OK District Police Court.

*James Smith* being duly examined before the under-  
signed, according to law, on the annexed charge: and being informed that it is h y right to  
make a statement in relation to the charge against h u; that the statement is designed to  
enable h u if h u see fit to answer the charge and explain the facts alleged against h u  
that he is at liberty to waive making a statement, and that h y waiver cannot be used  
against h u 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 have nothing to say*

*James Smith*

Taken before me this

day of

*11/11/11*  
*James Smith*

Police Justice.

0078

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 46 years, occupation Captain 19th Police Precinct

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Armin S. Miller

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

Sworn to before me, this

day of

188

Armin S. Miller

Armin S. Miller  
Police Justice.

0079

Police Court—1st District.

City and County } ss.:  
of New York.

of No. 43 & 45 Barclay Street, aged 37 years,

occupation Superintendent being duly sworn

deposes and says, that the premises No 43 & 45 Barclay Street,  
in the City and County aforesaid, the said being a Store

and which was occupied by George P. Johnson, as a Store  
and in which there was at the time two human being, by name

were BURGLARIOUSLY entered by means of forcibly opening a  
door in the premises No 45 Barclay  
Street, leading from an Elevator in the  
Basement of said premise

on the 7th day of September 1888 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

A quantity of Revolving Pistols  
and Cutlery of the value of  
One thousand dollars

the property of

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

James Smith & Thomas Kane  
or their associates

for the reasons following, to wit:

That deponent was informed  
by Captain Wm. C. D. Berghel of the  
27th Police Precinct, that he (Berghel)  
found said defendants concealed in the  
premises above described, and that a  
quantity of the property as above set  
forth was packed up ready for removal

Farmaw. S. Miller

© 1888  
1st District  
1888

Deponent's signature

0080

BOX:

114

FOLDER:

1208

DESCRIPTION:

Smith, John

DATE:

09/12/83



1208



No 130

X

Filed 12 day of Sept 1883  
Pleads *McGarity*

THE PEOPLE

vs.

*John Smith*  
*pl.*  
*to check*

JOHN McKEON,

District Attorney.

*22 Sept 12/1883*

*Pleads guilty*

A True Bill. *S. J. Moore, Geo.*

*W. W. Moore*

Foreman.

00001

0082

Court of General Sessions of the City and County of New York.

THE PEOPLE OF THE STATE OF  
NEW YORK,

against

John Smith

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

John Smith

of the crime of Robbery in the Second

Degree  
committed as follows:

The said

John Smith

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the Second day of September in the year of our Lord  
one thousand eight hundred and eighty three at the Ward, City and County aforesaid,  
with force and arms, in and upon one James Vitula  
in the peace of the said People then and there being, feloniously did make an assault and  
one pocket book of the value of one  
dollar, one promissory note for the  
payment of money of the kind com-  
monly called United States Treasury  
notes, the same being then and  
there due and unsatisfied, for the  
payment of and of the value of  
two dollars, one other promissory  
note for the payment of money of the kind  
commonly called United States Treasury  
notes, the same being then and  
there due and unsatisfied, for the  
payment of and of the value of  
one dollar, and divers coins of  
the United States of America of  
a number kind and denomination  
to the Grand Jury aforesaid  
indivisible, of the value of  
one dollar and fifty cents.

of the goods, chattels and personal property of the said

James Vitula

from the person of said

James Vitula

and against

the will and by violence to the person of the said

James Vitula

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

JOHN McKEON, District Attorney.

*Dated* \_\_\_\_\_ 188 . \_\_\_\_\_ *Police Justice.*

0084

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

32 DISTRICT POLICE COURT.

John Smith 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 think will tend to your exculpation?

Answer.

Taken before me, this

day of

1883

Police Justice.



0085

Police Court

District.

27. Expressman

CITY AND COUNTY  
OF NEW YORK. } ss.

James Vitula

of No 26 Canal Street,

being duly sworn, depose and saith, that on the 26 day of September 1883 . at the Eleventh

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:

One pocket book containing  
good and lawful money  
of the amount and value  
of Two <sup>50</sup>/<sub>100</sub> dollars

of the value of Depoener DOLLARS,

the property of

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 Smith (now here) who  
came up to deponent  
& knocked him down thrust  
his hands into deponent's  
pants pocket and took  
therefrom said pocket book  
said pants being at the time  
upon deponent's body and  
person

James Vitula  
mark

day of September 1883

Sworn before me, this

Police Justice.

0086

BOX:

114

FOLDER:

1208

DESCRIPTION:

Smith, John

DATE:

09/13/83



1208

POOR QUALITY  
ORIGINAL

0087

No 142  
Capt. C. G. E. 26-1-93

Day of Trial,

Counsel,

Filed

Pleads

1883

Joseph  
day of  
13  
1st July

THE PEOPLE

vs.

P

John Smith

210 7th  
Street

BURGLARY—Third Degree, with  
Intent to Steal—Gross.

52498, 506, 528 and 531

JOHN McKEON,

District Attorney.

12 1st July 93  
Plead guilty

A True Bill. Recd. Aug 2

Geo. B. Bortey

Foreman.

POOR QUALITY  
ORIGINAL

0000

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 Smith

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

John Smith

of the CRIME OF BURGLARY IN THE THIRD DEGREE,

committed as follows:

The said

John Smith

late of the 14th Ward of the City of New York, in the County of New York, aforesaid, on the 27th day of September in the year of our Lord one thousand eight hundred and eighty three with force and arms, at the Ward, City and County aforesaid, the store of Joel A. Knapp

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

Joel A. Knapp

then and there being, then and there feloniously and burglariously to steal, take and carry away, and one hundred

and twenty five pairs of sleeve buttons, of the value of one dollar each pair, thirty six handkerchiefs of the value of one dollar each, ninety six other handkerchiefs of the value of twenty five cents each, ten shirts of the value of one dollar each, ten undershirts of the value of one dollar each, ten pairs of drawers of the value of one dollar each, one hundred collars of the value of twenty cents each, one hundred neckties of the value of twenty five cents each, one hundred scarfs of the value of twenty five cents each, one hundred and twenty pairs of socks of the value of twenty five cents each pair, one pair of the value of one dollar, and divers cans of the value of five cents each, and divers other goods, chattels and personal property of the said Joel A. Knapp

so kept as aforesaid in the said store 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 McLean  
District Attorney



0089

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

No. 1423  
Police Court District.  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Isabel H. Morris*  
180 Broadway  
*John Smith*  
1  
2  
3  
4  
Offence *Burglary*  
Dated *Sept 7* 1883  
*John H. Morris* Magistrate.  
*Deane & Kelly* Office  
*Cent. office* Precinct.  
Witnesses *John Morris*  
No. *180* Street.  
No. *180* Street.  
to answer *98*  
*over*

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 *John Smith*

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. *he legally discharged*

Dated *Sept 7* 1883 *J. Morris* Police Justice.

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

Dated \_\_\_\_\_ 1883 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 1883 \_\_\_\_\_ Police Justice.

0090

Sec. 198-200.

0

3

DISTRICT POLICE COURT.

CITY AND COUNTY }  
OF NEW YORK, } ss.

John Smith being duly examined before the undersigned, according to law, on the annexed charge: and being informed that 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 Smith

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. New York

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

Answer. 210 4th Street, 2 months

Question. What is your business or profession?

Answer. Butcher

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

Answer. I am guilty

Taken before me, this 4  
day of September 1883

John Smith

J. Henry Bird Police Justice

0091

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles O'Connor  
aged 40 years, occupation Police officer of ~~No~~  
the Central office Police ~~Street~~, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Joel A. Kraus  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 7  
day of September 1883 } Charles O'Connor

James B. Smith  
Police Justice.

0092

Police Court—3<sup>rd</sup> District.City and County }  
of New York, } ss.:Joel A. Krausof No. 180 Bowery Street, aged 23 years,occupation Merchant being duly sworndeposes and says, that the premises No 180 Bowery Street,  
in the 14<sup>th</sup> Ward  
in the City and County aforesaid, the said being a Brick buildingand which was occupied by deponent as a Store for the sale of Gentlemen  
furnishing goods  
and in which there was at the time no human being, by ~~me~~were BURGLARIOUSLY entered by means of forcibly breaking open  
the door in the rear of said premises, leading  
to said Storeon the 5<sup>th</sup> day of September 1883 in the Evening time, and the  
following property feloniously taken, stolen, and carried away, viz:

a quantity of plated floor buttons of the  
value of one hundred & twenty five dollars —  
about 3 Dozen of Silver Handkerchiefs of the value  
of thirty dollars — about 8 Dozen Silver Handkerchiefs  
of the value of twenty five dollars  
30 pieces of Gentlemen's under clothing, of the value  
of thirty dollars, a quantity of assorted neck  
ware of the value of one hundred dollars  
about 10 Dozen of Gentlemen's socks of the value of thirty  
dollars and one Revolving pistol of the value of ten dollars  
and and silver & nickel coin of the value of some dollars  
and is all of the value of one hundred & fifty three dollars  
the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away byJohn Smith (now here)for the reasons following, to wit: Deponent is informed by officer  
Charles O'Connor of the Central office Police  
that he in company of Richard King also  
an officer of the Central office Police arrested  
said Smith at his premises No 1 Second  
Street, and that a portion of the above  
described property was found in his  
possession and in his residence at said  
premises No 1 Second Street, and for the



0093

further reason that said Smith  
acknowledged to deponent in the presence  
of witnesses that he committed said  
Burglary and Larceny as aforesaid

Sworn to before me this  
24<sup>th</sup> day of September 1883

J. Henry Ford

Carl A. Harris

Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

0094

BOX:

114

FOLDER:

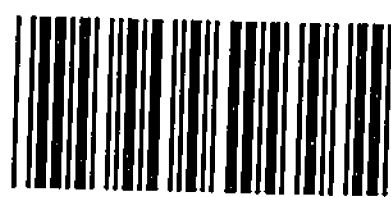
1208

DESCRIPTION:

Smith, John

DATE:

09/25/83



1208

POOR QUALITY  
ORIGINAL

0095

298

Counsel, Meade

Filed 25 day of Sept 1883

Pleas Adultery 36.

THE PEOPLE

vs.

P

John Smith

Burglary, Second Degree,  
Larceny,  
and Receiving Stolen Goods,  
(Sections 407, 506-508, 508-509 and 560)

John A

JOHN McKEON,

District Attorney.

Part I

A True Bill.

Mrs. Wood

Oct 1/83 Foreman

Plends Aug 3 day  
Ben Ford yrs.

0096

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 Smith

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

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

The said John Smith

late of the 22nd Ward of the City of New York, in the County of New York aforesaid, on the twentieth day of September in the year of our Lord one thousand eight hundred and eighty-three with force and arms, about the hour of twelve o'clock in the day time of the same day, at the Ward, City and County aforesaid, the dwelling house of John W. Bacher

there situate, feloniously and burglariously did break into and enter,

whilst there was then and there some human being, to wit, the said John W. Bacher within the said dwelling house, the said John Smith

then and there intending to commit some crime therein, to wit: the goods chattels and personal property of the said John W. Bacher - in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John McLean  
District Attorney



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

POOR QUALITY  
ORIGINAL

0098

Sec. 198-200

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Smith* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that 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 answer cannot be used against him on the trial.

Question. What is your name?

Answer.

*John Smith*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*155 8<sup>th</sup> Street, 6 weeks*

Question. What is your business or profession?

Answer.

*Lin Smith*

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 went to the door and knocked at it as I knocked at the door the door went in.*

*John Smith*  
His mark

Taken before me this

day of *September* 188*3*

*J. J. O'Connell*  
Police Justice.

POOR QUALITY  
ORIGINAL

0099

Police Court—4 District.

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

of No. 976 8th Avenue John W. Backer Street, aged 37 years,

occupation Restaurant Keeper being duly sworn.

rooms on the 2nd floor deposes and says, that the premises No. 976 8th Avenue 22nd Street in the City and County aforesaid, the said being a dwelling

and which was occupied by deponent as a dwelling and sleeping apartment and in which there was at the time a human being by name

John W. Backer were BURGLARIOUSLY entered by means of forcibly and feloniously opening the door leading from the hallway and into said room by means of false key or other instrument—

on the 26th day of September 1883 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One Gold Watch. One Gold Chain  
Wearing apparel

of the value of One Hundred dollars

the property of

Deponent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed, and the aforesaid property taken, stolen, and carried away by John Smith (now present)

for the reasons following, to wit: that previous to said Burglary and attempted larceny the said door leading into said room was securely fastened and the property aforesaid was in said room, and while deponent was asleep in said room deponent heard a knocking on the said door and deponent paid no attention to the knocking, and shortly

POOR QUALITY  
ORIGINAL

0100

after deponent saw a key inserted in  
the lock of said door, and the said  
door opened, deponent then went  
to the door and saw the said John  
Smith at the said door, and  
he then immediately ran away

Sworn to before me  
this 20<sup>th</sup> day of September 1883

W. J. Cowley

J. W. Backer

Police Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.



0 10 1

BOX:

114

FOLDER:

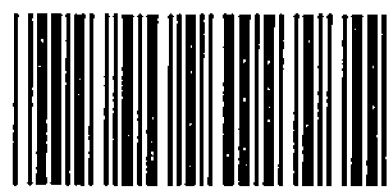
1208

DESCRIPTION:

Smith, Joseph

DATE:

09/19/83



1208

0 102

BOX:

114

FOLDER:

1208

DESCRIPTION:

Doonan, Patrick

DATE:

09/19/83



1208

0 103

BOX:

114

FOLDER:

1208

DESCRIPTION:

Roden, George

DATE:

09/19/83



1208

POOR QUALITY  
ORIGINAL

0104

*W. V. Allen*  
*J. P. Bell*  
Counsel,  
Filed 19 day of Sept 1883  
Pleads *Chattel Mortgage*

THE PEOPLE  
vs. *NA*  
*Joseph Smith*  
*Patrick Doonan*  
and *B*  
*George Roden*  
INDICTMENT.  
Grand Larceny in the 5th degree.  
[43529 and 530]

JOHN McKEON,  
District Attorney.

A True Bill.

*Wm. J. Morley*

Foreman

*Rec'd from W. A. T. 19/87*



0105

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Smith  
Patrick Doonan  
and  
George Roden

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph Smith, Patrick Doonan and George Roden of the CRIME OF GRAND LARCENY IN THE Second DEGREE, committed as follows:

The said Joseph Smith, Patrick Doonan and George Roden late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 24<sup>th</sup> day of August in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms three promissory notes for the payment of money of the kind commonly called United States Treasury notes the same being then and there due and unsatisfied for the payment of and of the value of one dollar each, and two written instruments and evidences of contract of the kind commonly called pawn-tickets, of the value of three dollars and fifty cents each

of the goods, chattels and personal property of one Martin Benson on the person of the said Margaret Benson then and there being found, from the person of the said Margaret Benson 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 McKEON, District Attorney.

0106

The left in this case is

Said to be a hard working  
young man, who will  
this time has worked for his  
living. Under these circumstances  
I ask the court  
for bail in \$500 -

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Street,

Street,

Street,

Street,

George Roden  
1883  
Sept. 1. 83

N 201 686  
Police Court 10th District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Margaret Brennan  
180 7th St.  
Joseph Smith & Co.  
Patrick Brennan & Co.  
George Roden

Offence, Larceny from the  
Person

Dated August 30th 1883

Murray Magistrate.

Henry Shanks & John R. Link Officer

No. 1, by 331 Penn St.

Witnesses, Joseph Smith

No. 2, by 146th St.

Patrick Brennan

No. 3, by 149th St.

Murray

No. 4, by 142nd St.

to answer & return

1883

1883

Bail fixed for  
Roden at \$1000  
Sept 3/83 RJB  
Paid in 8th Ward  
138th St and 1st Avenue  
State Prison.

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 George Roden

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

Dated August 30th 1883 Wm. Murray 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 Joseph Smith  
Patrick Brennan guilty of the offence within mentioned, I order them to be discharged.

Dated Aug 30th 1883 Wm. Murray Police Justice.

0 107

CITY AND COUNTY }  
OF NEW YORK, } ss.

Patrick Downan  
aged 16 years, occupation Cartman of No.  
Wm's Ave + 149<sup>th</sup> Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of William Downan  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 30<sup>th</sup>  
day of August 188 3 }  
Patrick Downan  
Downan  
Police Justice.

0108

FROM THE CITY OF NEW YORK

FILE NO.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Joseph Smith  
aged 17 years, occupation Teacher of No.

4<sup>th</sup> Ave 146<sup>th</sup> Street, being duly sworn deposes and

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

Sworn to before me, this 30<sup>th</sup>  
day of August 1883 } Joseph Smith

[Signature]  
Police Justice.



0109

Sec. 198—200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

6<sup>th</sup>

DISTRICT POLICE COURT.

George Roden 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.

George Roden

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

Throggs Neck

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

Answer.

137<sup>th</sup> St + 4<sup>th</sup> Avenue

Question. What is your business or profession?

Answer.

Mat. man

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 of the charge

Taken before me, this 30<sup>th</sup>  
day of August, 1885

George Roden

Wm. H. H. H. Police Justice

0110

CITY AND COUNTY }  
OF NEW YORK, } ss.

Patrick Soman 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. Patrick Soman

Question. How old are you?

Answer. 16 years of age

Question. Where were you born?

Answer. New York

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

Answer. 147 St. Morris Avenue

Question. What is your business or profession?

Answer. Custodian

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 of the charge

Taken before me, this 30<sup>th</sup>  
day of August, 1888

Patrick Soman  
John Morris Police Justice

0111

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

6<sup>th</sup>

DISTRICT POLICE COURT.

*Joseph Smith* 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 think will tend to your exculpation?

Answer

I was in company with George Roden & Patrick Dorman and saw the said George Roden take the pocket-book from complainant's stocking - and we all ran away together

Taken before me, this 30<sup>th</sup>  
day of August, 1884

*Joseph Smith*

*Wm. H. Murray*  
Police Justice

0112

6th District Police Court

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of Remson House - 3rd Avenue 130th Street, Margaret Benson, aged 22 years, occupation none  
being duly sworn, deposes and says, that on the 24th day of August, 1883  
at the hour of about 3 O'clock P.M. on said day at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, and from her person, with intent to deprive the true  
owner of her property  
the following property, viz.:

Gold and lawful money of the issue of the  
United States Government consisting of three  
bills of the denomination & value of one dollar  
each together of the value of three dollars—  
and two pawn tickets representing together  
goods of the value of seven dollars said  
property being together and in all of  
the value of ten dollars & some  
contained in a pocket book

the property of deponent and her husband Martin Benson

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,  
stolen, and carried away by Joseph Smith and Patrick Soonan and  
George Roden (all her present) from the fact  
that at said time the above described property was  
contained in the left stocking then & there worn upon  
the person of deponent as a portion of her daily clothing  
that deponent was in Month Buena View 138th St &  
North Avenue on said day & lay down upon the grass & fell  
asleep, that when deponent awoke she missed her  
pocket book containing the above described property  
and saw the said Joseph Smith & Patrick Soonan  
& George Roden (now her) running away from  
where deponent had been lying, that since

Sworn before me this 1st day of August 1887

Police Justice.



0113

the commission of said offense the said Joseph Smith admitted and confessed to deponents that he was in company with Patrick Brown and George Roden on said day and that he saw the said George Roden feloniously take steal and carry away from deponents person and possession the property before mentioned.

Subscribed before me this } Margt. Benson  
30<sup>th</sup> day of August 1883 }

363 Margt. Benson  
Justice

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

DATED

187

MAGISTRATE.

OFFICER.

WITNESSES:

DISPOSITION.

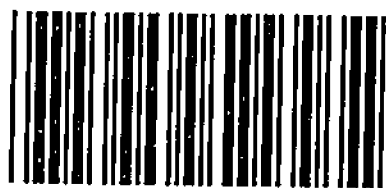
0114

BOX:  
114

FOLDER:  
1208

DESCRIPTION:  
Smith, William

DATE:  
09/25/83



1208

POOR QUALITY  
ORIGINAL

0115

No 297

Counsel,  
W. G. H.

Filed 25 day of Sept 1883

Pleads Not guilty (26)

THE PEOPLE

vs. P

William

Smith

INDICTMENT.  
Grand Larceny in the Second degree.

(Money) \$529 and 53/100

JOHN McKEON,

Oct 5/83 District Attorney.

Pleads Not guilty (26)

A True Bill.

Oct 12/83 for  
Term: One year 1/2

Mrs B. Woolley

Foreman

0116

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*William Smith*

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

*William Smith*

of the crime of GRAND LARCENY IN THE *Second* DEGREE, committed as follows:

The said *William Smith*

late of the First Ward of the City of New York, in the County of New York, aforesaid,  
on the *Seventeenth* day of *September* in the year of our Lord one thousand eight  
hundred and eighty-*Three* at the Ward, City and County aforesaid, with force and arms, *one*  
*pocket book of the value of one dollar,*

*one* promissory note for the payment of money, being then and there due and unsatisfied (and of the  
kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars  
; *one* promissory note for the payment of money, being then and there due and  
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value  
of ten dollars ; *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 of five dollars, and of the  
value of five dollars *each* ; *five* promissory notes for the payment of money, being then and  
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars,  
and of the value of two dollars *each* ; *five* promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination  
of one dollar, and of the value of one dollar *each* ; *one* promissory note for the payment of  
money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty  
dollars ; *one* promissory note for the payment of money (and of the kind known as bank  
notes), being then and there due and unsatisfied, of the value of ten dollars ; *two* promissory  
notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of  
the value of five dollars *each* ; *one* promissory note for the payment of money (and of the kind  
known as bank notes), being then and there due and unsatisfied, of the value of two dollars , *and one*  
promissory note for the payment of money (and of the kind known as bank notes), being then and there due and  
unsatisfied, of the value of one dollar

of the goods, chattels, and personal property of one *Pauline Morton*  
on the person of the said *Pauline Morton* then and there being found,  
from the person of the said *Pauline Morton* 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 McKEON, District Attorney.



0117

List

District Police Court.

Affidavit Larceny.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No. 7 West 13<sup>th</sup> Street

Pauline Morton  
32 years old. Nurse

being duly sworn, deposes and says, that on the 17<sup>th</sup> day of Sept 1883  
at the daytime at the City of New York,

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

A pocket book containing  
fifteen dollars in bills lawful  
money of the United States

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

William Smith now here  
That deponent was a passenger in  
a Broadway Stage on the day in  
question and had said property in  
an outside right hand pocket of the  
dress then worn by deponent - That  
the defendant was also a passenger in  
the stage and sat close to deponent and  
on her right hand side - That when he  
left the stage deponent was informed by  
a lady that he had taken deponents pocket  
book & missing the same she followed him and  
she was seen to throw it away in Houston Street by one  
sleigh as deponent is informed, Pauline Morton

Sworn before me this

17<sup>th</sup> day of Sept 1883  
with Corcoran

Police Justice,

0118

City and County  
of New York  
Charles H. Sleight of 237 Broadway  
being sworn says that he saw the  
Defendant running along Houston Street  
and saw him throw a pocket-book  
from him into an Alleyway which said  
pocket-book  
Defendant saw picked up by a boy  
and given to the Complainant who  
identified the same as her property  
C. H. Sleight

Sworn to before me this  
17<sup>th</sup> day of Sept 1883  
J. C. C. C.  
Police Justice

District Police Court.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

POOR QUALITY  
ORIGINAL

0119

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 297

Police Court

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Madison

William Smith

Offence: Carrying  
fire arm

Dated Sept 19

188

Michael Roddy

Magistrate.

14

Precinct.

Witnesses

No. 14. E. G. C.

Street.

Charles Stewart

No. 237 Broadway Street,

No.

to answer

Street,

to answer

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 William Smith

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

Dated Sept 19 188 3 W. J. G. O. W. Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



0120

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, ss.

1st District Police Court.

*William Smith* 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.

*William Smith*

Question. How old are you?

Answer.

*60 Years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*135 5th Street Harlem*

Question. What is your business or profession?

Answer.

*Hotel 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 know  
nothing about it*

*William Smith*

Taken before me this

day of

188

Police Justice.