

0604

**BOX:**

375

**FOLDER:**

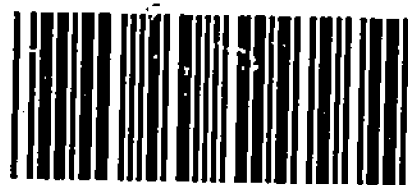
3508

**DESCRIPTION:**

Tietjen, Herman

**DATE:**

11/19/89



3508

POOR QUALITY  
ORIGINAL

0605

Witness

Peter Sadler

Counsel,

Filed

18<sup>th</sup>

day of

Pleas,

Admitted

THE PEOPLE

vs.

B

Herman Dietzen

Chapman

Sent to the Court of Special  
Sessions for trial, by request  
of Defendant.

ASSAULT IN THE THIRD DEGREE  
(Section 219, Penal Code)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Andrew Little

Foreman.

POOR QUALITY  
ORIGINAL

0606

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Herman Tietjen*

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

*Herman Tietjen*

of the CRIME OF ASSAULT IN THE THIRD DEGREE, committed as follows.

The said

*Herman Tietjen*

late of the City of New York, in the County of New York, aforesaid, on the *ninth*  
day of *September* in the year of our Lord one thousand eight hundred and  
*eighty-nine* at the City and County aforesaid, in and upon the body of one *Peter*  
*Badley* in the peace of the said People then and there being, with force  
and arms, unlawfully did make an assault, and *him* the said *Peter*  
*Badley* did then and there unlawfully beat, wound and ill-treat, to the great damage  
of the said *Peter Badley* against the form of the  
statute in such case made and provided, and against the peace of the People of the State of  
New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0607

**BOX:**

375

**FOLDER:**

3508

**DESCRIPTION:**

Todesco, Pasquale

**DATE:**

11/26/89



3508



POOR QUALITY  
ORIGINAL

0608

Witnesses;

*James H. Lynch*

Counsel,  
Filed *26* day of *Nov* 18*89*

Pleads, *Chattel* in

THE PEOPLE

vs.

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code.)

*Saquala Soares*

*Chattel*

*Dec 11 1889*  
JOHN R. FELLOWS,

District Attorney.

A True Bill

*Amos Little*

*Dec 11 1889* Foreman.

*Pleaded guilty 3 deg*  
*Pen. Six months*

POOR QUALITY  
ORIGINAL

0609

Police Court— District.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No.

*Jeremiah Lynch*  
*38 Front*

Street,

on

*Tuesday*

the

*27<sup>th</sup>*

day of

*October*

in the year 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

*Pasquale*

*Todesco (now here) who violently*  
*cut and stabbed deponent upon*  
*his back with the blade of a*  
*knife which, he, defendant held*  
*in his hand*

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

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

Sworn to before me, this *28<sup>th</sup>* day  
of *October* 188

*Jeremiah Lynch*

*Da [Signature]* POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

05 10

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Pasquale Todesco* 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. *Pasquale Todesco*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *William St. 3 days*

Question. What is your business or profession?

Answer. *Vender*

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*

*Pasquale X Todesco*  
*maire*

Taken before me this

*23*

day of

*October*

188

*Police Justice*



POOR QUALITY  
ORIGINAL

0511

FILED IN 9X 5105, all 6x2  
in box of 7a 6a in  
me 6 v 4 W L. 6 2 1 1  
L 2 v 4 7-14 9 8 4 H.  
up 1 1 1 1 1 1 1 1 1 1  
L 2 1 1 1 1 1 1 1 1 1  
6 1 2 1 1 1 1 1 1 1  
DATED, 7, 17, 23, 24, 11-1-14

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

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

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

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

Police Court---

District.

1438

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James J. Lynch  
38 Grand St.  
Jacqueline Rodano

Offence

1st Assault

Dated

Oct 23

1889

Magistrate.

Officer.

Precht.

Witnesses

No. 18 Menner

Street.

No.

Street.

No.

Street.

\$1000



Filed 11/1/89  
COMMITTED.

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

defendant

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

Dated Oct 23 1889 Police Justice.

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

Dated 18 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 18 Police Justice.

POOR QUALITY  
ORIGINAL

06 12

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Pasquale Todesco*

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

*Pasquale Todesco*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Pasquale Todesco*

late of the City of New York in the County of New York aforesaid, on the  
*twenty-second* day of *October* in the year of our Lord  
one thousand eight hundred and *eighty nine*, with force and arms, at the City and  
County aforesaid, in and upon the body of one *Jeremiah Lynch*  
in the Peace of the said People then and there being, feloniously did make an assault  
and *him* the said *Jeremiah Lynch*  
with a certain *knife*

which the said *Pasquale Todesco*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,

*3* with intent *him* the said *Jeremiah Lynch*  
thereby then and there feloniously and wilfully to kill, 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  
*Pasquale Todesco*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Pasquale Todesco*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said *Jeremiah Lynch* in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and *him* the said

with a certain *knife*

which the said *Pasquale Todesco*  
in *his* right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York,  
and their dignity.

POOR QUALITY  
ORIGINAL

06 13

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Pasquale Todesco*

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

*Pasquale Todesco*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Pasquale Todesco*

late of the City of New York in the County of New York aforesaid, on the *twenty second* day of *October* in the year of our Lord one thousand eight hundred and *eighty nine*, with force and arms, at the City and County aforesaid, in and upon the body of one *Jeremiah Lynch* in the Peace of the said People then and there being, feloniously did make an assault and *him* the said *Jeremiah Lynch* with a certain *knife*

which the said *Pasquale Todesco* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

*him* the said *Jeremiah Lynch* with intent thereby then and there feloniously and wilfully to kill, 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

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

The said *Pasquale Todesco*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Jeremiah Lynch* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *Jeremiah Lynch* with a certain *knife*

which the said *Pasquale Todesco* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.



POOR QUALITY  
ORIGINAL

06 14

THIRD COUNT—

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

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

The said

Pasquale Todesco  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
Jeremiah Lynch in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and  
him the said Jeremiah Lynch  
with a certain knife

which he the said Pasquale Todesco  
in his right hand then and there had and held, in and upon the back  
of him the said Jeremiah Lynch  
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said Jeremiah Lynch

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

JOHN R. FELLOWS,

District Attorney.

06 15

**BOX:**

375

**FOLDER:**

3508

**DESCRIPTION:**

Tofts, Alexander

**DATE:**

11/20/89



3508

POOR QUALITY  
ORIGINAL

0616

Witnesses:

Robert Tofts  
J. J. Feroloman

This is an indictment  
found in 1869 -  
It came out  
of a family mis-  
understanding -  
Father complainant  
was the defendant.

The complainant  
died on Dec 27 1892  
just before he died  
he signed a withdrawal  
I ask that this  
indictment be  
dismissed G.L.D.  
Feb 8 1893 A.D.A.

A True Bill.

M. W. Little  
Foreman.

Indictment  
Dismissed

Feb 27 1893

Counsel,

Filed

day of

1889

Pleads,

THE PEOPLE

Grand Larceny, 1st degree  
MISAPPROPRIATION.  
(Sections 528 and 530 of the Penal Code).

Alexander Tofts

JOHN R. FELLOWS,

District Attorney.

June 26 1893



POOR QUALITY  
ORIGINAL

06 17

STENOGRAPHER'S MINUTES.

*Fifth District Police Court.*

THE PEOPLE, &c., IN COMPLAINT OF

*Richard Trufts*

VS.

*Alexander Trufts*

BEFORE HON.

*Andrew J. White*

POLICE JUSTICE,

*October 24<sup>th</sup> 1889*

APPEARANCES:

For the People,

*John Solomon*

For the Defence,

*John Conroy*

*October 24<sup>th</sup> 1889*

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WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
<i>Robert Trufts</i>		<i>2-6</i>	<i>6-15</i>	<i>15-20</i>
<i>Jacob Werner</i>		<i>21-22</i>	<i>22-24</i>	<i>24</i>
<i>Mary Ann Trufts</i>		<i>25-30</i>	<i>30-32</i>	—
<i>William Kyle</i>		<i>33-34</i>	—	—
<i>Alexander Trufts</i>	<i>Statement</i>		<i>35</i>	<i>47</i>

*Emil W. Fritz*

Official Stenographer.

*2855 Third Ave  
N.Y.C.*

POOR QUALITY  
ORIGINAL

06 18

Fifth District Police Court  
New York October 25, 1889

The People on Complaint of  
Richard Tufts  
against  
Alexander Tufts

Sealed  
Exhibits

Before Hon. Andrew J. White,  
Police Justice.

Appearances

For the People - John Solomon  
229 Broadway

For the Defense - John Cornan

Direct Examination - By The Court

Q What is your name?  
A Robert Tufts.



POOR QUALITY  
ORIGINAL

0619

Q Where do you live?

A 284 St. Nicholas Avenue.

Q What is your business?

A Printer.

Cross Examination - By The People

Q What is your name?

A Robert Tufts.

Q How old are you?

A Seventy-seven years and six months.

Q Are you the father of Alexander Tufts?

A Yes sir.

Q And you are the ~~father~~ complainant  
in this matter?

A Yes sir.

Q On ~~the~~ the thirteenth of March 1886  
did you have a check in your possession  
on that day?

A Yes sir.

Q How much was that check for?

A \$3368.86.



13

Q From whom did you get that Check?

A Mr. Clarkson.

Q What did you do with that check?

A I gave it to my son, Alexander.

Q When you gave it to him, what if any thing did you say to him?

A I said to him put it in the bank in trust for me.

Q Where were you when you gave him that check?

A In Mr. Clarkson's and Allen's store.

Q In what part of the store?

A In the front part of the store.

Q Then you mean you were in the part of the store near the street?

A Yes sir.

Q What did he do when you gave him that check?

A I told him to take it and put it in the bank. He took it over and came back in a little while and said it was alright.

Q On the thirteenth of October 1886  
did you give him any instructions  
to draw any of that money out of  
the bank?

A No sir.

Q Did you ever authorize him to with-  
draw any money from the bank?

A No sir.

Q When did you first discover about  
that he had taken this money out  
of the bank?

A The first I discovered of it was  
after it was all spent and gone.

Q Did you know at that time that  
he took it out of the bank?

A No sir.

Q Did he ever tell you that he put  
any of that money in bond or  
mortgage?

A No sir.

Q The first you heard of that was  
through me?

A Yes sir. I was not that some time last Spring.

A Yes sir.

POOR QUALITY  
ORIGINAL

0622

Q Have you ever demanded your money from your son?

A Yes sir, quite often.

Q How many times?

A Many a time.

Q What would he say to you when you demanded the money?

A I said give me my money but I never could get the money.

Q What reply would he make?

A He said it was all spent.

Q Did you ever say anything in reference about spending money for board?

A No sir.

Q Did you know anything about his having sold to Jacob Werner last Spring a bond and mortgage?

A No sir.

Q Did he say anything to you about it?

A No sir.



Examination - By Defendant's Counsel

Q Is your memory very good?

A Pretty fair.

Q After those proceedings about your son receiving the money how long did you continue to live with him?

A I could not tell exactly.

Q About how long?

A I cannot tell. I think about a year and a half.

Q A year and a half from the time the money was deposited?

A Yes sir.

Q Did he advance you any monies at all?

A Yes sir.

Q And you continued to live and board with him?

A Yes sir.

Q Now about your clothing?

A I bought them myself.

Q Where did you get the money?

A I had my pension

I

Q Were you on good terms with your son and his family when you lived with him?

A No sir.

Q Do you remember purchasing a piano for his family?

A Yes sir.

Q Who paid for that?

A It was bought before I knew anything about it.

Q Is it a fact that you insisted on his daughter having a piano?

A Yes sir.

Q What did it cost?

A I don't know what they paid for it.

Q Was it by your direction it was bought?

A I admit that.

Q Did you buy a watch for his daughter?

A I did not buy a watch.

Q Did you cause a watch to be bought?

A I told him to take the money eight

POOR QUALITY  
ORIGINAL

0625

1  
8

dollars that were due me on my pension  
and buy a watch.

Q Was there a watch bought?

A I don't know anything about it.

Q Did you see the watch?

A Yes sir.

Q Is it a fact that you went yourself  
to the jewellers and bought it  
yourself?

A No sir.

Q And bracelets?

A Yes sir.

Q And you know the price of those?

A No sir.

Q Do you know who paid for them?

A He paid for them.

Q You did not ask him any questions?

A No sir.

Q You have serious differences with  
your son about some matters  
have you not?

A No sir.



Q Now are some little differences existing?

A No sir.

Q Did he often object to your free use of liquor?

A I did sometimes use liquor.

Q He has frequently paid bills for liquor that you contracted?

A That is all accounted for.

Q You know that he objected to your free use of stimulants?

A No, he has frequently taken me out and gave it to me.

Q Has not he objected to your using it?

A I don't deny it.

Q Don't you know that he called upon the counsellor on the other side and advised with him about that?

Q There was some dispute about it and called the judge to decide about the use of liquor.

Q Will you tell me how long will you remained with your son.

and his family after this alleged money was deposited?

Q It was about eighteen months altogether.

Q Is it a fact that you turned this \$3,363.63 over to your son in hard cash?

A No sir.

Q And say Alex this is yours?

A No sir.

Q Did you ever tell anybody that you gave it to him?

A No sir.

Q Do you know Mr. Morner's bookkeeper?

A Yes sir.

Q Did you ever make a statement like that?

A No sir.

Q Have you ever told Mr. Morner's bookkeeper that your son was the only one in the family to be trusted with it?

A No sir I did not.

Q How many visits did you make to the jewellers store in regard to the watch that you decided to be purchased to your grand daughter?

A I don't recollect of ever making a purchase, I guess I made two trips.

Q You ordered the watch there?

A Yes sir.

Q And the bracelets?

A Yes sir.

Q Did you make any provisions for the payment?

A Yes sir.

Q How were they paid for?

A Paid for out of that money.

Q Out of the money you accuse your son of stealing?

A Yes sir.

Q How was your board paid for and your wants provided?

A I never paid any board.

Q You lived with your son about two years and seven months?



POOR QUALITY  
ORIGINAL

0629

12

A No sir,

Q How long after you left your son was it that you commenced this action to recover the money?

A I don't recollect the exact date.

~~Well, it is about...~~

Q Shortly after you ~~left~~ left his house?

A Yes sir,

Q Did you ever render you any account for the amount of ~~board~~ money of your cost for Board and other things?

A No sir,

Q Did you ever ask for one?

A No sir. It was settled that I was and stop there and there was never no mention made of board.

Q You expected to live with him to be boarded and clothed and your little wants provided for without your paying anything for it, is that so?

A I did not expect to live there and be clothed for nothing. I intended to pay for my own wants.

13

Q Was there anything said about it?

A No sir.

Q What amount of purchases can you recollect you made like matches bracelets and pendants?

A I do not know?

Q How suggested the pendants first?

A ~~I do not know~~. I suggested it first.

Q You thought his daughter in law ought to have a pendants?

A Yes sir.

Q Are you an expert in pendants?

A No sir.

Q Did not you go with his wife to select it?

A No sir. I don't remember

Q Don't you remember?

A No sir.

Q Did you go and look at pendants?

A No sir.

Q Did it come to the house?

A Yes sir.

Q You ordered a watch for his daughter did you not? Ans sir

Q You recollect the inscriptions upon it  
that you purchased at your dissection?  
A No sir.

Q Don't you know that that inscription  
read as follows; Presented such a date  
from father Grifts to his grand daughter?

A I don't recollect giving any inscription.

Q Can you remember when you conveyed  
those liquor bills you stated to those  
people that your son would settle it?

A Well very likely.

Q That was your custom?

A Yes sir.

Q And your son did settle for those bills?

A Yes sir.

Q And you are positive that you did  
not hand him the cash?

A No sir.

Q Who got the cash?

A I don't know.

Q Did not you go over with him to the bank?

A No sir.

Q Was not he in fact present all the time



POOR QUALITY  
ORIGINAL

0632

15

the check was brought to you?

A He was present.

Q Who else?

A Just two of us.

Q Can you remember the denominations of the money?

A No sir, I never saw the money.

Q Then you mean the court to understand that you did not see the money?

A No sir.

Q Do you remember of taking that check and saying ~~here~~ Alex here go over to the bank?

A No sir.

7  
examination - By Counsel for People.

Q Now you have been asked about liquor bills?

A Yes sir.

Q And you will take a drink?

A Yes sir.

Q That has all been accounted for in.

POOR QUALITY  
ORIGINAL

0633

16

matter between you and him?

A Yes sir.

Q Now when the piano did you direct them to go and buy a piano?

A No sir.

Q The piano they charged you with \$275.00?

A Yes sir.

Q And ten dollars for a cover?

A Yes sir.

Q And five dollars for a stool?

A Yes sir.

Q And jewelry to the amount of eighty dollars

A Yes sir.

Q Now while you were living with his family did you give his wife any money?

A Yes sir.

Q Out of what?

A Out of my pension. Exception

POOR QUALITY  
ORIGINAL

0634

17

Q Did you make presents to that family while you were there?

A Yes sir.

Q Pianos?

A Yes sir.

Q Jewellery?

A Yes sir.

Q What else if anything?

A That silver watch.

Q And that you paid out of what?

A Out of my pension the money.

Q Now did you and Alexander and I have any discussion in the presence of each other about your drinking?

A Yes sir.

Q Where was that?

A At my house, meaning the Judges.

Q Did you at that time ask him to account for this money?

A Yes sir.

Q Did you recollect what he said about it?

A Yes sir.

Q What did he say?



POOR QUALITY  
ORIGINAL

0635

18  
A He said it was all spent.

Q At that interview did he say anything to you or me about his having drawn out of bank on October 13<sup>th</sup> 1886, \$3,000.

A No sir.

Examination By Defense

Q What is the amount of your pension?

A \$36.25

Q Did you ever take that money and hand it to anybody or was it eaten up before you got it?

A No sir.

Q What did you do with it?

A I spent it for drabs.

Q Did you ever direct him to make any deposits of it?

A No sir.

Q You used it up?

A Yes sir.

Examination By the Court

Q You speak of ordering a pair of  
from where did the money come  
from to buy that pair?

A It came out of the \$33.00.

Q Did you direct him to buy the  
pair?

A Yes sir.

Q Did you direct him to buy a watch?

A Yes sir.

Q Where did that money come from?

A It came out of my pension.

Q It did not come out of the money  
you gave him in trust?

A No sir.

Q You of course have been in the habit  
of taking a drink?

A Yes sir.

Q And been in the habit of going  
around to different saloons and  
drinking liquor?

A Yes sir.

POOR QUALITY  
ORIGINAL

0637

20

Q And you run up little bills?

A Never up one ~~small~~ bill.

Q You never run up one bill to your knowledge?

A No sir.

Q Then when your son states that he paid higher bills is not true?

A No sir.



Jacob Werner, being already sworn  
and intrins the defendant, deposes  
and says as follows.

Examination - By Counsel for People

Q Do you know Alexander and Robert  
Trufts?

A Yes sir.

Q In or about April 5<sup>th</sup> 1889 did  
you receive from him the papers  
now shown you?

A Yes sir.

Exhibit /

Q Did you receive the papers I now  
show you marked Bond and  
Mortgage at the time you received  
Exhibit / ?

A I received these papers and the same.

Q How much money did you give him for  
that bond and mortgage?

A \$3000.

Examination - By the Defense

Q You know the defendant and complainant?

A Yes sir.

Q How long have you known the old gentleman?

A About three years.

Q What is your business?

A Liquor Store.

Q The old gentleman was in the habit of going to your store?

A Yes sir.

Q He drank a good deal?

A Yes sir.

Q Did he pay for his drinks?

A No sir.

Q Who paid those bills?

A The young man.

Q How often?

A Frequently.

Q What would they average?

A Three, four, five or six dollars.

Q And how often would he run up a bill like that?

A Every week, perhaps two or three weeks.

Q About how many bills has Alexander paid you?

A He has paid me a great many.

Q About twenty?

A I cannot tell.

Q How long a time did he pay these bills?

A A year and a half.

Q How did you first come to trust him?

A Mr. Alexander Tufte told me that if the old gentleman came up it was alright and that he would settle it.

Q The old gentleman is a pretty hard drinker?

A I cannot answer that question.

Q Did he ever tell you anything about his financial affairs?

A He told me that Alex would settle for it.

Q And Alex would settle for it?



POOR QUALITY  
ORIGINAL

0641

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Examination - By The People

Q Now Mr. Permer were you a witness on the trial of a case Trusts against Trusts before a referee?

A No sir.

Q You never testified about his running up a bill at your place?

A No sir.

25

Examination By The Defense

Q What is your name?

A Mary Ann Trufts.

Q Your residence?

A 248 W 204 St.

Q The complainant is your father-in-law?

A Yes sir.

Q And he resided with yourself  
and husband for some years?

A Yes sir.

Q How long?

A Two years and six months.

Q Do you remember the complainant  
receiving money from the estate  
of his wife?

A Yes sir.

Q How much was it?

A It is about the amount involved  
in this action.

Q Did the complainant make any  
statement to you about that money?

A The same time and said it was

settled. He said I want Alex to  
have this money and he can go in  
business and he can do with the  
money just what he wants.

I Did he concern to that statement  
more than once?

A Yes sir,

Q You remember the transaction  
about the matches?

A Yes sir.

Q Well what about that?

A The day after the estate was settled  
he said to me I want you to  
have a watch. I said alright  
and I was sick. He said I want  
you to come out if you can and I  
half dressed myself and I saw  
half a dozen watches in the lotto.  
I said where did you get those  
watches? He said he got them  
from Schumaker. He got them  
through Alex. He said I want  
you to choose a watch I selected



one and he took it back and had  
an inscription put on it. It was  
on March 13<sup>th</sup>.

Q Now about the funds?

A Father said there must have a  
fund. He said to me Mary  
when you have a chance go look  
for a fund. He said I want  
Alie to get <sup>one</sup> and begin lessons  
and so I went over to Chickering  
as I was recommended over there  
and picked out one and afterwards  
told him the price. It was \$275.  
I sent the music teacher over to  
examine the fund. So father  
said go over and get it. It was  
in May I believe on a Saturday afternoon.

Q At this time your husband was working  
for Clarkson and Allen?

A Yes sir.

Q After your son received the money how long  
did the old gentleman continue to live with you?

A I cannot tell exactly?

Q How long about?

A I think about a year and a half.

Q Did he ever give you any money?

A No sir.

Q And he continued to live and board  
with you?

A Yes sir.

Q How about his clothing?

A My son bought them.

Q Did he furnish all his clothing?

A Yes sir.

Q And other bills?

A Yes sir.

Q Did you ever have any conversation with  
the old gentleman regarding the money  
the old gentleman was using?

A Yes sir.

Q What did he say?

A He said Alex could use it as  
he felt like.

Q Both of them could do what they  
wanted to do with it?

POOR QUALITY  
ORIGINAL

0646

29

Q Did he ever direct you to get more expensive clothing?

A Yes sir.

Q Just tell us?

A He would come to me and say "Why don't you get a new dress."

Q Did you ever get any new dresses at his request?

A Yes sir.

Q He was liberal about the matter?

A Yes sir.

Q Was there ever any disturbance in the family?

A Yes sir.

Q With the old gentleman?

A Yes sir.

Q About what?

A He frequently came in under the influence of liquor.

Q Did this occur frequently?

A Yes sir.

Q Did he ever go away from home while under the influence of drink?



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A Yes sir.

Q He was missing several times?

A Yes sir.

Q And Mr. Trufts would have to go around to the telegraph office and telegraph to his sister about him?

A Yes sir.

Q Did you ever hear the old gentleman demand the money from your husband?

A Yes sir.

Q When?

A When he was under the influence of liquor.

Q He done that frequently?

A Yes sir.

Examination by The People

Q Mrs. Trufts do you know Mr. Getch?

A Yes sir.

Q He was attorney for your husband in the first case against Trufts against Trufts?

A Yes sir.

Bit

Q Did you testify before that referee that your father-in-law had told you that he had given that money to Aleck of that kind?

A No sir.

Q This is the first that you ever testified to anything of that kind?

A Yes sir.

Q You say that the old gentleman would frequently demand his money back from the son?

A Yes sir.

Q When?

A When he was intoxicated.

Q What would he reply?

A He said it was all spent?

Q Did Alexander on October 13<sup>th</sup>, 1886 draw out of the New York Savings Bank \$2,200 and put it in bond and mortgage?

A I don't know anything about it.

Q Did he direct Aleck to buy a piano for your daughter? A Yes sir.

POOR QUALITY  
ORIGINAL

0649

32

Q And a watch for you?

A Yes sir

Q And some bracelets?

Q That is all the jewelry?

A Yes sir

Q He did some times give you some of his pension money?

A Yes at times



William Kyle, witness for the  
Defense being duly sworn deposes  
and says.

Examination - By the Defense

Q What is your name?

A William Kyle.

Q Your residence?

A 732 Ninth Av.

Q Your ~~occupation~~ occupation?

A Bartender.

Q Do you know the complainant?

A Yes sir.

Q You work for Mr. Werner?

A Yes sir.

Q The old gentleman was in the habit  
of coming in there?

A Yes sir.

Q Did you ever have any conversation  
with him about this money?

A He came up from Staten Island  
and said he there for a few days

POOR QUALITY  
ORIGINAL

0651

34

and he made some remarks about  
the flag guard of a son of his.  
I thought the matter over and  
thought the old man wanted some  
money.

Q Of course you all talked on the old  
gentleman friendly?

A Yes sir

Q He drank there quite often?

A Yes sir.

Q He obtained all his supplies  
of liquor there?

A Yes sir

Q Did he pay for the gin bottles of  
gin and whiskey?

A No sir.

Q Who?

A The said charge to Alex.

Alexander Tufts makes a statement

The transaction of the money I was  
surety for the administration of  
my father on the settling up of  
the money of the estate of Mary Anna  
Tufts. I was put under \$12,000  
bonds and being employed in the  
firm of Clark and Allen  
Mr. Clark assumed the right  
of settling it up rather than have  
me leave his place of business.  
He said he would do everything  
he could in an upright way.  
There was George Tufts my half brother  
which we discovered had some  
money in the Brooklyn Savings Bank  
about \$600 in trust. That money  
had been put in trust <sup>for</sup> George Tufts.  
I ~~too~~ got George to go with me and  
and drew the money from the  
bank and put it into the estate



36

About three weeks afterwards the estate was settled. My bonds were accepted by the Surrogate of Edgewater and then it went under settlement and they found upwards of \$5,000 of money that was in the estate. I told George the best thing he could do was to buy the house and give half of what he paid for it which was a thousand dollars and after considerable dispute he concluded to do so and father received that money. In three weeks the estate was ~~settled~~ to have been settled completely up and virtually settled and going through the regular Surrogate Court and father received it on March 19<sup>th</sup> 1896. Mr. Clarkson got the check as he was in full power to act, to pay all debts of the estate and did so and paid father his check.

in the rear of the office of Mrs.  
Clarkson's store. Father gives me  
the check and I take it over to  
the County Bank and deposit  
the check and returns the cash  
money to father. I gave it to him  
while he was sitting in a chair  
and I put it into his hand and  
father hands it to me without  
counting it saying that's yours  
you can go in business and  
do as you like with it.  
I said father the opportunity  
does not afford me now for  
business but it may later on.  
I told him I would go over to the  
bank and fix it so that he  
and I could handle it.  
I went to the New York Savings  
Bank immediately and saw  
the bank clerk there and I  
offered the three thousand dollars.

X The said he would not take over  
\$3,000 and I says make it \$2,500  
as I dont want father deprived  
of a livelihood. I told father it  
did not make any difference  
and put \$2,500 in that book  
and put the balance and put the  
other money in another account  
and brought both books back  
to show father what I had done  
was all right. The other balance of  
the money he requested to be made  
a present to my sister and I  
said alright and I had no objection.  
After a short while my father  
and wife went up to my sister  
and took \$200.00 with them.  
My sister only took took \$100.00  
of the money and said she did  
not want the balance. That  
was all transpired.

L How about the matches?



One evening I came home I  
do remember the date I found  
five or six watches in the house.  
I said what's the matter now?  
Father said I want to make Mary  
a present of a watch. I said to  
father if you go into gold we  
won't have the money long. I afterwards  
went down to the jeweller and said  
Henry what do you want to give  
that old gentleman so many watches?  
He said he wanted them I  
directed him not to give any more  
on my account. My wife was  
sick at the time and I had  
to return to the store every evening.  
As I went back to the store I  
took the watches back.

How about the pair?  
Father came to me and said  
Alice ought to have a pair and  
they all insisted upon it and  
of course I had to conform with

X the rules of the house. All bills that was incurred by father was paid by me. I have ~~applied~~ no bills outstanding against father. Every time he wanted a drink he go sit and I paid the bills. I spent about \$200 in getting his pension before the death of his wife which was done by my friends which he did not know and he said I would always be well paid for. I supposed this was the settlement and I never kept any settlement and I always paid for his clothing and everything. If he wants a coat today he can get one. One day Mr. Clarkson came to me and asked me if I had any money. I did have money father gave me. Mr. Siebel wants to borrow some money on a bond and mortgage and I said he can ~~have~~ have it. I went over

41

and drew enough to compensate  
the mortgage. I received interest  
on the mortgage. He was receiving  
money all along.

Q You went into business?

A Yes sir.

Q When?

A Last March, <sup>1889</sup> ~~after~~ I had a  
little unpleasantness with  
Mr. Clarkson and Allen, which  
nothing further than a question  
of raising of salary and  
said I could not afford  
to work for that salary and  
it was mutually that we  
agreed to part. After I went  
into business then the trouble  
began. Then the money with  
bond and mortgage Mr. Weaver  
and gave him to him for the money  
but, I don't exactly remember  
the amount. I am satisfied  
~~that~~ I received the amount.



42

I told Mr Werner the reason  
why I wanted the money, I  
wanted to go into business and  
he said he would let me have it.  
Before going into business I  
underlooked some business that  
was a little larger than I  
could control and lost some money  
on it.

By Judge Jerolmon

I ask to have the privilege of  
cross examining this statement  
of the inaccuracies and  
untruthfulness of the state and  
the ~~has~~ made and absurdity  
of others



POOR QUALITY  
ORIGINAL

0660

District Police Court.

Richard Dyfke

vs.  
Alexander Dyfke

STENOGRAPHER'S TRANSCRIPT.

October 24<sup>th</sup> 188

BEFORE HON.

Andrew J. White

Police Justice.

Ed  
Emil H. Fritz

Stenographer.

2855-Third St  
W.C.



POOR QUALITY  
ORIGINAL

0661

T O F T S

vs

T O F T S

C O M P L A I N A N T ' S   B R I E F

Section 528 of the Penal Code provides that "any person who with intent to deprive or defraud the true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker or of any other person having in his possession, custody or control as bail-ee, servant, attorney, clerk, trustee or officer of any person X X X X or as a person authorized by agreement or by competent authority to hold or take such possession, custody or control of any money, property, evidence of debt, or contract, article of value of any nature, or thing in action or possession, appropriates the same to his own use or that of any other person other than the true owner or person entitled to the benefit thereof, steals such property and is guilty of larceny.

This section of the Penal Code has been fully passed upon in the case of the People vs Geville, 44 Hun, 497, etc., and we respectfully invite the court's attention to that case. The defendant in that case was charged with having feloniously appropriated the sum of \$75 in his possession custody and control as the agent, clerk or servant of the complainant. His offense consisted in collecting the rent of fourteen different houses for which he was to receive a commission of two and a half, three and five percent, as the case might be. He was charged with having re-



POOR QUALITY  
ORIGINAL

0662

ceived the sum of only \$75 which he failed to account for or pay over to the complainant or owner of the property, and opened a bank account and deposited the money in the account to himself as trustee. Judge Daniels, in writing the opinion, says: "Neither was it necessary for the inculcation of the defendant that he should have intended to appropriate this money to his own use at the time when it was received by him, for the intent so to use it at any time while it remained in his custody, possession or control as the bailee, servant, attorney, agent, clerk or trustee followed by that use of it created a crime within this section of the statute". "This portion of the section", says Judge Daniels, "has been very broadly enacted, and clearly included the defendant, for he was the agent and bailee or trustee of the complainant witness, receiving and having in his possession this check as well as the proceeds thereof for the complainant's benefit, and by their misappropriation, <sup>having</sup> ~~has~~ the jury found that fact under the evidence, he was guilty of the crime mentioned in the statute".

*Clawfoot*  
In this case the prisoner <sup>Alexander Toft</sup> received this money in trust, deposited it in trust, and thereafter withdrew that trust money from the bank, put it in a bond and mortgage, <sup>in his own</sup> sold the bond and mortgage, put the money in his pocket, claims to have none of it left, and, without the knowledge consent, request or procurement of his father, the complainant. The prisoner had no interest in that money whatsoever and becoming ~~a~~ voluntary trustee in the matter was bound to preserve that fund at his peril. He knew that the money belonged to the complainant. His putting the money in trust in the bank shows his testimony to be unqualifiedly false when he says it was a gift. *Actions speak louder than words, in this case.*

POOR QUALITY  
ORIGINAL

0663

Again, from time to time by the direction and command of the complainant he pays out portions of that money for a piano, jewelry, etc., The complainant positively swears that he told his son to deposit that money in trust for him in the bank, and the son immediately walked across the street and followed that direction and did deposit that money in trust, *as directed by the father.*

*Don't happen*  
In the case of Wolfstein vs The People, 6 Hun, page 121, the court say: "One who receives from another money to which he knows he is not entitled and which he knows has been paid in by mistake and conceals such over-payment, appropriating the money to his own use with intent to cheat and defraud the owner thereof, is guilty of larceny".

So, too, the finder of property if he knows the owner and conceals such finding and appropriates it to his own use with intent to deprive the owner thereof, is guilty of larceny. *These illustrations show how far the law has gone on this subject.* Same case, page 123.

In the case of The People vs The Justices, etc., 90 N. Y., page 12, which was where a twenty dollar gold coin had been given to the prisoner for a single and specific purpose, that of having it changed into other money to be returned to the prosecutor. He went out to get the change. Instead, he went out and lost the money gambling. Held, that the prisoner was properly convicted of the crime of larceny.

In the case of the People vs McDonald, 43 N. Y., 61, the court say: "If money or property is delivered by the owner to a person for mere custody, or for some specific purpose, the legal possession remains in the owner, and the criminal conversion of it by the custodian is larceny".

POOR QUALITY  
ORIGINAL

0664

From these authorities the rule is clearly defined that if a person after rightfully coming into possession of money or property thereafter <sup>crime</sup> conceals the intent to appropriate the same to his own use and deprive the true owner or person entitled to the benefit thereof of it, steals such <sup>money</sup> property, and is guilty of larceny.

The prisoner in this case when he deposited the check or the proceeds of it of \$3,368.86 appropriated at that time \$368.86 of it because he only deposited \$3,000. in the bank. Between March 13th 1886 and October 13th 1886 he conceived the intent to deprive his father of that money and on the last named date he did without his father's knowledge consent or direction mis-appropriate and convert to his own use \$3,000. ~~of~~ those trust funds, and thereafter and after suit brought sells the mortgage, converts it into money, and when called upon to pay a judgment against him <sup>(arising out of his trusteeship)</sup> of \$3,283, tells the Sheriff who presented the execution and demanded payment that he had not anything to pay it with. This shows an intent to appropriate the money to his own use from the beginning to the ending of the whole matter.

In the case of the People vs Carr, 3 N. Y. Criminal Reports, 578, section 528, of the penal code has also been construed holding that an agent authorized to collect money due from his employers' customers who appropriates any portion of the same to his own use is guilty as defined by the penal code, of larceny.

We respectfully submit that the prisoner should be held to await the action of the grand jury.

( 4 )

*John A. Quinn*  
*Att. for Complainant*



The Estate the complainant  
stated that this son  
George was not deserving  
of the money but that  
Alice should have it.

Q What amount of money  
did you pay his son  
George?

A I paid George Five  
\$2093.35.

Q Was that money paid at  
the funeral?

A It was paid the following  
night.

Q You say you put \$300 in  
a mortgage for the defendant.  
and that complainant,  
keeps nothing to do with  
that transaction.

A I keep nothing to do  
with it. I do not  
recollect the time. He  
did not say where he  
got the money from.  
He said he had money  
in the Savings Bank.

James Clarkson

John Lowell being sworn  
deposes and says that  
he is a Bank Clerk in the  
New York Savings Bank  
at 141 St. & Ave. &  
knows Alexander Ytzb  
for the past 10 years.  
On the 13<sup>th</sup> day of March 1888  
Alexander Ytzb opened an  
account in said Bank  
in the name of Alexander  
Ytzb in trust for Robert  
Ytzb for the sum of  
\$2500. Other deposits were  
subsequently made  
amounting to \$150. Another  
deposit was made on March 13<sup>th</sup>  
by the depositor for  
\$500. The credit of Alexander  
Ytzb. on the 13<sup>th</sup> day of  
October 1888 there was drawn  
from the trust account  
\$2200. and from the account  
of Alexander Ytzb two drafts  
amounting to \$800.

Ross. Prior to the 13<sup>th</sup> of March  
Alexander Ytzb had to his  
account \$439.29  
John Lowell

D: District Police Court

Mt. Walter of the  
People ex rel Robert Toft } Oct. 22, 1889  
Complainant  
against  
Alexander Toft.

James Clarkson, age 56  
Printer, residing at 82 Eighth  
Ave being called as a witness  
states as follows that I  
am acquainted with  
the complainant and  
defendant. The defendant  
at one time worked for  
me. Or or about the 13<sup>th</sup>  
day of March I gave  
a check to Alexander  
Toft for the sum of  
\$350.00. I did not see  
what Alexander Toft  
done with it it was  
at my place I became  
the check I gave him  
belonged to Robert Toft.  
I did not hear any

Now



of the conversation between  
father & son. The defendant  
was in my company  
for about two years  
and left last March  
to start business  
for himself. I do  
not remember whether  
I had the check for  
3368.00 cashed at the  
Bank or not. I do not  
remember whether I bought  
the money over and  
gave it to the complainant  
or not. I will not  
swear that the defendant  
gave said amount of  
money to the complainant  
in my presence at the  
time. I do not know  
who got the check cashed.  
I had a little conversation  
about the money, the  
subject of this complaint,  
I never had any conversation  
with him of the he got  
the check. But any  
money was realized from

POOR QUALITY  
ORIGINAL

0669

Herb Menner being duly sworn  
deposes and says that he  
resides at 358 W 52. That  
he is acquainted with  
Alexander G. G. G.

Alvin M. M. M. being sworn  
says that he has an execution  
as a deputy Sheriff against  
Alexander G. G. G. I called  
on Alexander G. G. G. about  
October 12<sup>th</sup> 1889 and saw  
him at his store 453 W 15<sup>th</sup>  
and asked him to pay the  
sum of \$300.00 but he  
said he had nothing  
to pay it with

Frederick Hillier

POOR QUALITY  
ORIGINAL

0670

Sec. 192.

5th District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Donald P. [Signature] a Police Justice  
of the City of New York, charging Alexander [Signature] Defendant with  
the offence of Grand Larceny

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

We, Wm. [Signature] Defendant of No. 348

John [Signature] Street; by occupation a House Painter

and John [Signature] of No. Decorative

Street, by occupation a Defendant Surety, hereby jointly and severally undertake that

the above named Defendant Defendant

shall personally appear before the said Justice, at the District Police Court in the City of New York

during the said examination, or that we will pay to the People of the State of New York the sum of fifteen

Hundred Dollars.

Taken and acknowledged before me this 19th day of October 1888

J. White POLICE JUSTICE.

Wm. [Signature] John [Signature]



POOR QUALITY  
ORIGINAL

0671

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this 11th day of March 1888  
John White Jr.  
Justice

the within named Bail and Surety being duly sworn, says that he is a resident and holder within the said County and State, and is worth Three Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of One Half interest

and Proprietorship of premises  
103 Hester St. N.Y.C.  
valued at \$1000000

John White Jr.

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

ss.

Taken the day of 1888

Justice.

POOR QUALITY  
ORIGINAL

0672

Police Court

5<sup>th</sup> District

Affidavit—Larceny.

City and County } ss.:  
of New York,

Robert Tofts  
of No. 284 St Nicholas Avenue Street, aged 37 years,  
occupation Printer or about 15 day of October being duly sworn  
deposes and says, that on the 15 day of October 1888 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:

Three thousand dollars good and lawful  
money

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 Alexander Tofts from the

fact that on or about said date  
said amount of money was in  
the possession of the defendant as  
Trustee for deponent the defendant  
having received the same from  
deponent with instructions to deposit  
the same in Bank for deponent  
the same there to remain for deponent's  
benefit or of assigns to be applied  
for deponent's benefit. Deponent now  
says that he has repeatedly demanded  
the return of said money from  
the defendant and that the defendant  
refuses to return it or satisfactory  
account for its disappearance.

Robert Tofts

Sworn to before me this 11<sup>th</sup> day of October 1888  
at New York  
Police Justice

POOR QUALITY  
ORIGINAL

0673

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Alexander Lyb* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h-  
right to make a statement in relation to the charge against h-  
u- that the statement is designed to enable h-  
u- if he 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-  
t- 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 am not guilty*  
*Alex Lyb*

Taken before me this  
day of

Police Justice



POOR QUALITY  
ORIGINAL

0674

Sec. 151.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss

In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by Robert J. G. H.

of No. 288 St Nicholas Ave Street, that on the 15 day of October, 1888 at the City of New York, in the County of New York, the following article to wit:

Three thousand dollars  
of the value of Three thousand dollars Dollars,  
the property of Complainant  
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Alexander J. G. H.

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 every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1 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 17 day of October, 1888  
H. J. White POLICE JUSTICE.

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

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

Magistrate

Officer

The Defendant Alexander J. G. H.  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Officer

Dated October 18 1888

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest Oct 18/88

Native of Scotland

Age, 38

248. built 200 lbs

Complexion,

Color

Profession,

Married

Single

Read,

Write,

0675

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

Dated Nov. 29 1889 W. A. M. Police Justice.

Dated 29 1889 17th Police Justice.

Dated.....18.....Police Justice.....

POOR QUALITY  
ORIGINAL

0676

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

ALEXANDER TOFTS.

*As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself, but I am induced to make the above recommendation solely on account of the fact that the defendant in the above action is my son, and that there is a civil case now pending between the defendant and myself, in which the same issues will be raised and the same facts decided, as are involved in my complaint in the above action.*

Dated New York, this 27<sup>th</sup> day of December 1892.

WITNESSED BY:

*Elizabeth Hewson*  
City and County of New York; ss:-

On this 27<sup>th</sup> day of December 1892, personally appeared before me Robert Tofts, to me personally known, and known to me to be the person who executed the foregoing and he did then acknowledge that he executed the same for the purposes therein stated.

*Arthur J. Wood*  
Notary Public (C.C.)  
New York Co.



POOR QUALITY  
ORIGINAL

0677

Feb 27/93

Received Letter from Clerk  
of General Sessions  
addressed to  
Alex Lefft Dated Jan 1/93  
from his sister Bessie  
Alex Lefft  
334 West 18 St  
New York City

POOR QUALITY  
ORIGINAL

0678

Dr. Chas. L. Dana.

OFFICE HOURS: } 9-12.  
                          } 7-8.

*Joseph Bedford*  
*This is in the Peckham*  
*homicide case*

50 West 46th Street,

New York,

*May 23 1882*  
*Monday*

Dear Sir:

I have received a sub-poea  
to Unit Court tomorrow at  
11 a.m. If I must be there  
then please telegraph. If it can  
~~be postponed to 12 or 1. 1/2~~

Unless I do get a telegram  
I will not be down until  
12-30

Very respectfully  
Chas. L. Dana

POOR QUALITY  
ORIGINAL

0679

2256

District Attorney's Office.

Nov. 89.  
PEOPLE

vs.

Indict

Alex. Toft

A.L.

— 2004  
4/20/99

Mr. Sullivan

W. J. Jones

Sanque June 9/92



POOR QUALITY  
ORIGINAL

0680

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Alexander T. S. S.

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

Alexander T. S. S.  
of the CRIME OF ~~Grand~~ LARCENY, in the first degree, committed  
as follows:

The said Alexander T. S. S.,

late of the City of New York, in the County of New York aforesaid, on the  
~~eighteenth~~ day of ~~October~~, in the year of our Lord  
one thousand eight hundred and eighty ~~six~~, at the City and County aforesaid, being  
then and there the clerk and servant of agent and trustee of

one Robert T. S. S.,

agent and trustee  
and as such clerk and servant then and there having in his possession, custody and control  
certain moneys, goods, chattels and personal property of the said

Robert T. S. S.,

the true owner thereof, to wit: the sum of three thousand

dollars in money, lawful money of  
the United States of America, and  
of the value of three thousand  
dollars,

the said Alexander T. S. S., afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said sum of money

to his own use, with intent to deprive and defraud the said Robert T. S. S.,

of the same, and of the use and benefit thereof; and the same moneys, goods, chattels and  
personal property of the said Robert T. S. S.,

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

JOHN R. FELLOWS,

District Attorney

POOR QUALITY  
ORIGINAL

0581

Second COUNT:—

AND THE GRAND JURY AFORESAID, by this indictment further  
accuse the said *Alexander T. Telford* —

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

The said *Alexander T. Telford*, —

late of the City of New York, in the County of New York aforesaid, on the *15th*  
day of *October*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms,

*The sum of three thousand dollars*  
*in money, lawful money of the*  
*United States of America, and*  
*of the value of three thousand*  
*dollars,*

of the goods, chattels and personal property of one *Robert T. Telford*, —

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.

*James R. Telford,*  
*Attorney at Law*

0682

**BOX:**

375

**FOLDER:**

3508

**DESCRIPTION:**

Torco, Baptiste

**DATE:**

11/12/89



3508



POOR QUALITY  
ORIGINAL

0683

Witnesses:

Officer Campbell

Paul

Michael Galland  
477 Mulberry

Counsel,

Filed, day of

1889

Pleads,

Myself - 13

THE PEOPLE,

vs.

RECEIVING STOLEN GOODS.  
(Section 650, Penal Code.)

Baptiste Torco  
Dec 6/89

Openly & Regulated

Recd. 2.1.90

Nov 14 1889, added to 26011  
JOHN R. FELLOWS.

Dec 4 1889, added to 26011  
District Attorney.

A True Bill.

Amos Little

Foreman.

See Case of George Stone

POOR QUALITY  
ORIGINAL

0684

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Baptiste Torco*

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

*Baptiste Torco*

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Baptiste Torco*

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

*one bell plate of the value  
of two dollars, and a portion  
of a speaking-tube of the value  
of one dollar.*

of the goods, chattels and personal property of one

*Monroe L. Simon*  
by one *George Stone*, and

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

*Monroe L. Simon*

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

*Baptiste Torco*

then and there well knowing the said goods, chattels and personal property to have been  
feloniously stolen, taken and carried away; against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York and their  
dignity.

JOHN R. FELLOWS,  
District Attorney.