

0300

BOX:

121

FOLDER:

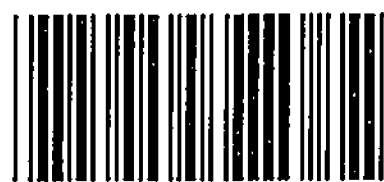
1273

DESCRIPTION:

Toplitz, Theodore

DATE:

11/27/83



1273

0301

Counsel,

Filed

day of

1883

Pleas

1726
#1726
[Exhibit 267]
C. J. Murphy Esq.

THE PEOPLE

vs.

Theodore B

Topfritz

John Vincent

District Attorney

A True Bill.

M. H. Cane

Foreman.

Rec'd from D.A. Feb 19/87

0302

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

of No.

being duly sworn, deposes and says, that on the

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

Street,

188

Sworn to, this

day of

1883

before me.

August 26th
Police Justice

James Ahern.
the 17th Precinct Police
Sunday 26th of August 1883
(New York) that unlawful sell
and vend. Merchandise. At time from
Premises. No. 365 Bowery. Repentment.
Saw the said Toplitz sell. One Hab
to a person in said premises. which
was publicly open. Repentment charges.
The act of the said Toplitz was not
an act of necessity or of charity and
that the said act of the said Toplitz
was in violation of the laws of the
State of New York.

James Ahern

0303

City and County of New York, ss.:

THE PEOPLE,

vs.

Therese Poplitz

Police Court ^{3rd} District.

On Complaint of

For

James A. Heron
Misdemeanor

After being informed of my rights under the law, I hereby ~~wish~~ ^{demand} a trial, by Jury, on this complaint, and my right to make a statement in relation to it, and demand a trial at the COURT OF ~~SPECIAL~~ ^{General} SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

August 26th 188*3*

Therese Poplitz

August 26th

Police Justice.

0304

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

Theodore Toplitz 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

Theodore Toplitz

Question. How old are you?

Answer.

18 Years.

Question. Where were you born?

Answer.

New York City

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

Answer.

344 East 20 Street 4 Months

Question. What is your business or profession?

Answer.

Writer

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.
Theo Toplitz

Taken before me this

day of August 1885

August 1885
Police Justice.

0305

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 _____

_____ *Theodore Topleitz* _____
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *500*
~~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 26* 188 *3* *Alfred Garman* Police Justice.

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

Dated *August 26* 188 *3* *Alfred Garman* 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.

0306

#173.3 673
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
James Chern
17
1 *Thodore No. 17*
2 _____
3 _____
4 _____
Offence *Indemnity*

BAILED,
No 1, by *Abraham Cohen*
Residence *273 Bowery* Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Dated *August 26* 188*3*
Hugh Gardner Magistrate.
James Chern Officer.
Precinct. *17*

Witnesses _____
No. _____ Street.
No. _____ Street.
No. _____ Street.
\$ *57.* to answer *G.S.*
Barker *m.c.*

Bill

0307

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Theodore Toplitz

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

Theodore Toplitz
of the CRIME OF Sabbath-breaking

committed as follows:

The said Theodore Toplitz

late of the City and County of New York, on the twenty sixth 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, the same being the first day of the week, commonly known as and called Sunday, unlawfully did then and there publicly sell certain property, that is to say: one hat, to a certain person whose name is to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John Vincent

District Attorney.

0308

BOX:

121

FOLDER:

1273

DESCRIPTION:

Tully, James

DATE:

11/20/83



1273

0309

#140-1616-2

Day of Trial, *Dec 7*
Counsel, *W. C. K.*
Filed *20* day of *Nov* 1883
Pleads *Not Guilty*

THE PEOPLE
Do. Browning
vs. James
Tweedy
18-2187
Assault in the Second Degree,
(Resisting Arrest)

JOHN McKEON,
District Attorney.
Per Dec 7, 1883
Heads Court La.
A True Bill. *Per: James*
J. H. Come
Foreman.
all 6 to Court 1883
1883
Dec 25, 1883

0310

Form 10

POLICE COURT-FIRST DISTRICT.

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

John M. Cormack
of No. *the Court Squad* Street,

that on the *16th* day of *Nov* being duly sworn, deposes and says,
188*3* at the City of New York,
in the County of New York.

Sworn to, this

before me

William J. Smith

Police Justice.

James Tully now present
ad unlawfully & violently assault
deponent and struck and cut him
upon his face with his right fist
While deponent who is a Peace
Officer of this County had a prisoner
in his lawful custody & charge and
deponent further says that by the
interference of violence and unlawful
act of the defendant the prisoner
so arrested by law and in deponent's
lawful custody as aforesaid was added and
abetted in his escape & did escape from
deponent's custody by such means & interference
John M. Cormack

0311

OFFICE OF
T. J. GIBBONS,
MONEY TO LOAN ON REAL ESTATE, AND NEGOTIATOR IN
Real Estate, Insurance, Bonds, Loans and Securities,
Settlement of Estates Suits at Law Adjustment of Claims etc.
48 SIXTH AVENUE.
NEW YORK *Nov 6* 1883

Hon Justice Lilderslave
Respected Sir
Mr James Dully or
person who is to be
tried before your
Honour to day for
Assault &c

I have known
for ten years since
he was a child and
also his parents who
were tenants of mine
and know of my
own knowledge that
he has been a good
boy and young man

03 12

and the affair seems
to be a case of mistaken
identity and the
assault if committed
was done in the heat
of the moment without
knowing he was in
conversation with an
officer. I make
this explanation
as I believe the
prisoner was
wrongfully arrested
and from his general
character I think
he must have
been assaulted
before he attempted
to defend himself
Respy Governor
J. J. Hibbons

0313

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

1st District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

James Tully

Taken before me this

day of

188

Police Justice.

03 14

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

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 Nov 16 188 3

Andrew 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.

0315

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John McComack
James Kelly

1

2

3

4

Dated Nov 16 188

White Magistrate.

McComack Officer.

Court Precinct.

Witnesses Officer Beard

No. 9th Precinct Police Street.

Mrs. Brady

No. 640 Greenwich Street.

No. _____ Street.

No. _____ Street.

\$100 to answer General Sessions.

Admission in
Office in Law
Office of Clerk

03 16

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 Tully

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

James Tully

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

The said James Tully

late of the City and County of New York, on the Sixteenth day of November 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 John Mc Cormack

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 a certain person whose name is to the Grand Jury aforesaid unknown for some crime to the Grand Jury aforesaid unknown and the said James Tully him, the said

John Mc Cormack

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 unknown person 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.