

0393

BOX:

302

FOLDER:

2875

DESCRIPTION:

Ackert, Charles

DATE:

04/18/88



2875

0394

BOX:

302

FOLDER:

2875

DESCRIPTION:

Husted, William

DATE:

04/18/88



2875

Witnesses:

John J. M. Carroll
19th Prec.

Counsel,

Filed

day of April 1888

Pleads

THE PEOPLE

vs.

Charles Acker

William Husted

Burglary in the Third degree
and Petit Larceny

[Section 498, 506, 528 & 532.]

JOHN R. FRIEDMAN

April 17th
District Attorney.

I do hereby Plead Guilty
Each & Amine R.P.
A TRUE BILL.

M. J. C. Berry

Foreman.

April 17, 1888

Police Court District.

City and County of New York, ss.:

John H. Cahill
of No. 18 Cortlandt Street, aged 28 years,

occupation Secretary Met. Tel + Tel Co being duly sworn

deposes and says, that the premises No 113 + 115 West 38th Street,

in the City and County aforesaid, the said being a four story brick

dwelling houses

and which was occupied by ~~deponent~~

and in which there was at the time no human being,

were BURGLARIOUSLY entered by means of forcibly raising the skylights on the roofs of said premises and opening the basement door of the premises No 113 West 38th Street on the inside and leaving said premises through said door on the 11th day of April 1888 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

A lot of lead pipe about two hundred pounds and a lot of brass ~~work~~ of the value of about twenty dollars

the property of Metropolitan Telephone & Telegraphic Company of which deponent is the secretary and representative 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 Charles Ackert, William Husted (both now here) and a colored boy named John Walker, not yet arrested for the reasons following, to wit: that the aforesaid premises have been unoccupied and shut up for the past two months. And deponent is informed by John W. Carroll a police officer attached to the 9th Precinct Police that shortly after 11 o'clock on April 11th 1888 he saw the said defendants and the said John Walker not yet arrested together and in company with each other coming out of the premises No 113 West 38th Street

through the basement door and at that time each of them had a quantity of lead pipe in his possession. He the officer followed them down West 3rd street to near 5th Avenue. When they started to run and he the officer caught and placed the defendants Husted under arrest. The defendants Acker and the said Walter making their escape. The defendant Acker being arrested later in the New York Lodging home at the corner of 7th Avenue. And West 8th St. Dependent has since examined said premises and found the skylights on the roof of said premises off and the lead pipe in said premises cut out. and the said defendants have since admitted in open court in the presence of dependent that they were in company with each other and the said John Walter not yet arrested and acting in concert with each other and that they did burglariously enter said premises and did feloniously take steal and carry away said lead pipe

Sworn to before me }
 this 12th day of April 1888

John D. Hill

Paul J. Hill
 Police Justice

Police Court _____ District _____

THE PEOPLE, &c.,
 ON THE COMPLAINT OF _____

Degree _____

Burglary _____

Dated _____ 1888 _____

Magistrate _____

Officer _____

Clerk _____

Witnesses: _____

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street _____

0398

CITY AND COUNTY }
OF NEW YORK, } ss.

John M. Carroll
aged *35* years, occupation *Police Officer* of No.

19th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John H. Cahill*

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

Sworn to before me, this *12* day of *April* 188*8* *J. M. W. Carroll*

Sam'l C. Bull
Police Justice.

0399

Sec. 108-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK,

Charles Ackert

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

Question. What is your name?

Answer. Charles Ackert

Question. How old are you?

Answer. 17 years old

Question. Where were you born?

Answer. New York

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

Answer. Mrs. May's Lodging house

Question. What is your business or profession?

Answer. Plumber

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

Answer. I am guilty

Charlie Ackert

Taken before me this

day of

April 1888

David W. ... Police Justice.

0400

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Husted 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 Husted

Question. How old are you?

Answer.

18 years old

Question. Where were you born?

Answer.

New York

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

Answer.

852, 5th Avenue. 4 years

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am guilty

W Husted

Taken before me this
day of *April* 188*8*

Police Justice.

10401

Dated 1888
There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order h to be discharged.
Police Justice.

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

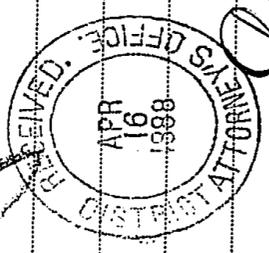
Dated April 12 1888
It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
Police Justice.

218
Police Court District.
2587

THE PEOPLE, & C.,
ON THE COMPLAINT OF
John H. Cahill
15 East 14th St
Charles Actant
William Hunted
Office
Bungay

Dated April 12 1888
Magistrate.
John H. Cahill
Officer.
Precinct.
Witness
John H. Cahill
No. 119 St. Paul Precinct.
Street.

No. Street.
No. Street.
\$ 1000 to answer
COMMITTED.
Actant



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

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Admet and William Hurled

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

Charles Admet and William Hurled

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

The said Charles Admet and William Hurled, both —

late of the *Smethurst* — Ward of the City of New York, in the County of New York, aforesaid, on the *seventh* day of *April*, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *building* of one *a certain corporation called the Metropolitan Telephone and Telegraphic Company* feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said *corporation*

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

SECOND COUNT—

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

Charles Albert and William Husted

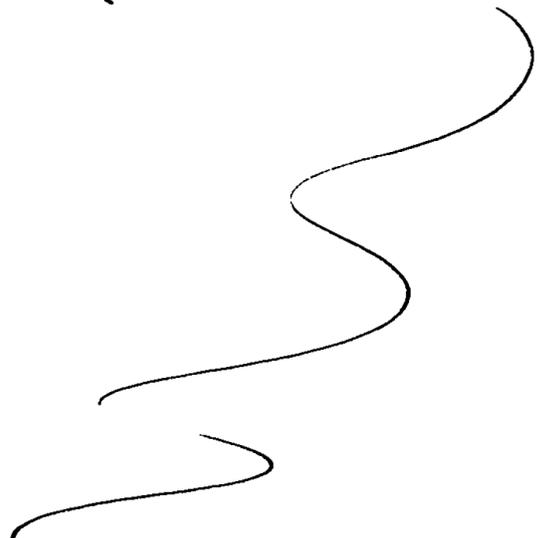
of the CRIME OF *Cell* LARCENY - - -

committed as follows:

The said *Charles Albert and William Husted, both* —

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

Two hundred pounds of lead pipe of the value of ten cents each pound.



of the goods, chattels and personal property of ~~one~~ *a certain corporation called the Metropolitan Telephone and Telegraphic Company.* —
in the *building* of the said *corporation* —

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

John R. Talbot,
District Attorney

0405

BOX:

302

FOLDER:

2875

DESCRIPTION:

Ahders, Claus

DATE:

04/26/88



2875

POOR QUALITY ORIGINAL

0406

WITNESSES:

FILED DEC. 15
1896

257

Counsel

Filed

Pleas

Wm. H. Wood 1898

Chrymley

THE PEOPLE

vs.

James Adams

SUPREME COURT PART 1

December, 22 1899

INDICTMENT DISMISSED

JOHN R. FELLOWS

District Attorney

A. STINEBANK

Wm. H. Wood
1898

Wm. H. Wood
1898

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
(In Rev. Stat. (7th Edition), page 1080, Sec. 21, and
page 1080, Sec. 67)

0407

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Claus Anders

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

Claus Anders
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

Claus Anders

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

Eugene D. Collins

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

SECOND COUNT—

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

Claus Anders

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Claus Anders

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0409

BOX:

302

FOLDER:

2875

DESCRIPTION:

Allison, Oliver

DATE:

04/06/88



2875

643
Counsel
Filed
Pleads

THE PEOPLE
[Sections 528, 530, 541 Penal Code]

THE PEOPLE

31
1888
1888

Oliver Allison

JOHN R. FELLOWS,
District Attorney

A True Bill

Had typed at
\$3000
10/24/88

Witness
Grand Jury Black
67 members of Black

John Campbell
A. William
P. H. ...

W. H. ...
W. H. ...

W. H. ...
W. H. ...

W. H. ...
W. H. ...

1888

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1888

51
Counsel, *W.P. 643*
Filed, *day of April 1888*
Pleads, *Chitzydy (M)*

THE PEOPLE
31
John R. Fellows
John R. Fellows
John R. Fellows
John R. Fellows

JOHN R. FELLOWS, *Att.*
District Attorney.
James S. V.M.D.
A True Bill of *James*
W. J. Clem

W. J. Clem
W. J. Clem
W. J. Clem
W. J. Clem
W. J. Clem

Paul
3000
1000
4/18

John R. Fellows
John R. Fellows
John R. Fellows
John R. Fellows

John R. Fellows
John R. Fellows
John R. Fellows
John R. Fellows

John R. Fellows
John R. Fellows
John R. Fellows
John R. Fellows

Counsel
 day of April 1888
 Pleads
 Chitubeth (M)
 THE PEOPLE
 Oliver Allison
 JOHN R. FELLOWS
 District Attorney
 True Bill
 James H. [unclear]

[Faint, mostly illegible text in the lower section of the document, possibly including names like Campbell and various legal or administrative notes.]

Sections 928, 929, 930, 931, Penal Code

degree

THE PEOPLE

JOHN R. FELLOWS

District Attorney

True Bill

Doct Court of Common Pleas in
and for the City and County of New York

In the matter of
the Estate
of James M. Neill
a Lunatic

Upon the annexed petition
of John M. Neill, the affidavits
of Robert M. Johnston, and
Samuel J. Black, let Oliver
Allison, the committee therein
named, show cause before
me at a special term of this
court, to be held at Chambers
of this Court in the Court
House in the City of New
York on the 2nd day of March
1888, at 11 o'clock A.M., when
he should not be removed
and the committee of the person
and estate of said James M. Neill
and why petitioner or George
H. Van Nostrand should not be
appointed in his place and
stead, and why he should not
account to his successor as

such committee and for such
and other relief, as may be
just and for the interests
of said plaintiff and in the
meantime, and until the
hearing and determination
of this motion, let all
proceeding on the part of
said Allison as such com-
mittee be stayed.

Service of a copy of this
order, and the petition and
affidavits on said Allison
on or before the 29th inst
shall be sufficient,
Dated Feb'y 28, 1888
H. W. Bookstaver

3

Court of Common Pleas, in and for
the City and County of New York.

In the matter of the
Estate of
James M. Neill
a Lunatic

The petition of John M. Neill respectfully
shows:

I That your petitioner is the only
brother of said James M. Neill, the
above named.

II That said James M. Neill a
resident of the City of New York, became
possessed on the 27th day of September
1872, in fee simple of the property
situate in the City of New York known
as No 546 Eleventh Avenue in said
City, and bounded and described as
follows:

4th Commencing at a point on the
Easterly side of Eleventh Avenue, being
fifty nine feet, three inches southerly
from the southeasterly corner of the
Eleventh Avenue and forty second street,
running thence Easterly parallel with
forty second street, through the Center

of a party wall one hundred feet; thence southerly, parallel with the Eleventh Avenue, nineteen feet, nine inches; thence westerly, parallel with Party second street, through the Centre of the party wall one hundred feet to the Easterly side of the Eleventh Avenue; thence Northerly along the Eleventh Avenue Nineteen feet, nine inches to the point or place of beginning, and continued in possession thereof until the 26th day of November 1886, when he was removed to the New York City Asylum as a lunatic by order of Hon. P. G. Duffy one of the police justices of the City of New York.

5

III That on said premises at the time of the removal of said James McNeill aforesaid there were two Mortgages one of the Amount of \$3500 and one of the Amount of \$1000 and that the interest on the first named Mortgage, amounting to \$105, became due and payable according to the terms thereof, on the 1st day of August 1886 and the further sum of \$105, became due and payable on the 1st day of Feb'y 1887

6

IV That on or about the 21st day of January 1887 upon the petition of one Allen Allison

a Nephew of said James McNeill, this

7

a Nephew of said James McNeill, this
 Honorable Court, ^{appointed} a Committee to
 examine said McNeill as to his
 sanity before a Sheriff's jury, which
 said Committee reported that said
 James McNeill was ^{a lunatic} incapable of taking
 care of his property, and that upon the
 coming in, and confirmation of said
 report, said Allison, on or about the
 10th day of March 1887, upon his own
 petition was appointed by this Court
 a committee of the person and
 property of said James McNeill, upon
 his giving bonds in the sum of \$6000⁰⁰

V That on or about the 29th day of
 March 1887, said Allison filed with the
 Clerk of this Court the required bonds,
~~and entered upon the discharge of~~
~~his duties as such committee.~~

8

VI That the interest due on the
 Mortgage above referred to on the 21st
 day of June 1887, amounted to \$285⁰⁰,
 and that although up to said date
 said Allison as such committee
 collected rents of the premises referred
 to, amounting to \$549⁹⁰ or more than
 enough to pay of said interest and
 although the annual income derived

7
 A Nephew of said James McNeill, this
 Honorable Court, ^{appointed} a Committee to
 examine said McNeill as to his
 sanity before a Sheriff's jury, which
 said Committee reported that said
 James McNeill was ^{a lunatic} incapable of taking
 care of his property, and that upon the
 coming in, and confirmation of said
 report, said Allison, on or about the
 10th day of March 1887, upon his own
 petition was appointed by this Court
 a committee of the person and
 property of said James McNeill, upon
 his giving bonds in the sum of \$6000

V That on or about the 29th day of
 March 1887, said Allison filed with the
 Clerk of this Court the required bonds,
~~and entered upon the discharge of~~
~~his duties as such committee~~

8
 VI That the interest due on the
 Mortgage above referred to on the 21st
 day of June 1887, amounted to \$2800.00,
 and that although up to said date
 said Allison as such committee
 collected rents of the premises referred
 to, amounting to \$549.90 or more than
 enough to pay of said interest and
 although the annual income derived

9
 from the property upto the time of
 commencing the foreclosure suit
 herein referred to, has been \$110000
 per annum, he wholly failed to
 pay said interest or any part thereof,
 although he had been requested to do
 so by the holder of said Mortgage,
 who would have received the interest,
 although the same was past due,
 and that he failed to pay any
 taxes, or assessments, then a lien on
 said premises, or any part thereof
 although he had more than sufficient
 money in his hands as such Committee,
 to pay the same in full, together
 with said interest, and in fact, the
 Committee has failed during his
 term of office to pay as much as one
 Cent on account of said property of
 said lunatic, or towards his support
 in any wise.

VII. That by said Allison's said refusal
 and neglect to pay said interest, as
 aforesaid the Jefferson Insurance Company,
 the holder of said Mortgage on or about
 June 21st 1887 commenced an action
 to foreclose said Mortgage and upon
 the 19th day of October 1887 said property

was sold by the referee in said

was sold by the referee in said action, pursuant to a judgment entered therein, for the sum of \$10,000.

10

VIII That as appears by the judgment roll in said action said Allison failed to pay from the Money in his hands as said Committee, the taxes, Assessments, insurance, and water rates above referred to, which amounted to the aggregate sum of about \$1830 and which was paid by the referee, in said action, although said sum accrued during his term as said Committee.

11

IX That after paying the amount of the judgment, the expenses of said suit and the various liens upon said property, the referee deposited with the City Chamberlain, to the credit of said lunatic, the sum of \$5509.12, upon which said last sum, the Mortgage for \$1,000 and interest, is a lien.

X That by said neglect and refusal of said Allison, and the said foreclosure which he could have prevented the Estate of said lunatic has suffered great loss.

XI That the relatives of said lunatic received no notice of said Allison's application, for his appointment as

12

Such Committee, as is required by the Code of Civil procedure, and that the ~~only~~ reasons assigned by said Committee, in his petition for not citing the relatives of the lunatic were that the rents might be squandered, and that ~~the securing of a home interest which should be paid, and the~~ said relatives had they been notified of said application, would have opposed said Allison being appointed such Committee

XII That although the rents collected by said Allison as such Committee up to December 31st 1887 amounted to the sum of \$1089.80, said lunatic is confined in the New York City Asylum for the insane, as a pauper, and said Committee has totally failed to provide him with any wearing apparel and other necessaries of life, which his estate would furnish

13

XIII That from inquiries that have been made, concerning the responsibility of said Allison's sureties as said Committee deponent is satisfied that the same are worthless, and no protection to the estate. That William T. Gleaser, one of the sureties named in the bond of said Committee, is described therein, as being a householder, and resident of No 21 Clinton place New York and that as

appears by the annexed affidavit of

14

appears by the annexed affidavit of Samuel J. Black, inquiries of several tenants at said address, as to said surety, fail to reveal his whereabouts or any person that knows or ever heard of said surety. That George Wolff, the other ~~in~~ other surety named in said bond, is described therein as a freeholder and resident of No 79 Chatham Street, in said city, and that by the annexed affidavit of Robert M. Johnston, inquiries have been made of the tenants at said address, and said persons knew nothing of said surety owning any real estate, but only knew that he lived on the top floor at said address and was formerly a Bartender.

15

XIV That said Committee has failed to file any inventory or account whatsoever as is required by the Code of Civil Procedure.

XV That deponent is the only brother and nearest blood relative of said lunatic and resides in the State of Michigan but is at present in Brooklyn in the State of New York and intends to remain in this State until the final determination of this proceeding when he will return

16

to the State of Michigan to bring his family to this State for the purpose of becoming a permanent resident thereof. That deponent never had any notice whatever of the application of said Allison to be appointed the Committee of said lunatic and would have opposed his appointment as such had he the opportunity to do so. That deponent called upon his said brother the lunatic above named and from his actions and conversation he has reasonable doubt as to his insanity and he is certain that he is not sufficiently insane to be confined in the City insane asylum as a pauper. That said lunatic who is over the age of 64 years is devoid of clothing and underwear and by reason thereof is compelled to remain in his bed. That said Allison is totally irresponsible, and unfit, and incompetent to manage said estate and has in no wise attended to the interest of the lunatic, and the estate is in danger of being squandered. That deponent is desirous to see the lunatic derive that comfort and care which his estate will afford and

17

18

dont think that he should be treated as a pauper. That deponent is desirous of taking said lunatic under his own personal Charge to maintain and support him and look out for his interest and welfare.

Wherefore your petitioner prays that an order may issue herein to said Allison requiring him to appear before this Court at Chambers thereon the ~~1st~~^{2nd} day of March 1888 at 11 o'clock AM and show Cause why he should not ~~give a new and sufficient security for his detention~~ ~~to this Court to and why he should not~~ be removed as such Committee and why deponent or his brother-in-law, George S. Van Nostrand who is a house holder and resident of Brooklyn New York should not be appointed in his stead as said Committee and why he should not account to his successor in office and for such other and further relief as may be just and for the interest of the lunatic.

19

That no previous order ^{application for an} to show cause has been ^{made or} obtained by this deponent herein.

That the reason why an order to show Cause is asked is that the interests of said lunatic requires a proper Committee be appointed at once in the place and stead of the present Committee

John M. Neill
Petitioner

20

City and County

SS

New York

John M. Neill being duly sworn say that he is the petitioner above named that he has read the foregoing petition and knows the contents thereof and that the same is true of his own knowledge except as to the matters therein stated to be alleged on information and belief and as to those matters he believes it to be true

Sworn to before me this }
17th day of July 1888 } John M. Neill
Robt M. Johnston }
Notary Public
Kings County
cert filed in N.Y. Co

Court of Common Pleas

Court of Common Pleas

In the Matter of the
Estate of
James McNeill
a Lunatic

City & County of New York
Samuel J. Black being duly
sworn says that he is over 21
years of age and that on or
about the 1st day of February
1888, he inquired of several
tenants at No 21 Clinton Place,
in said city as to responsibility
of William J. Glaiser, surety of
the committee of a above lunatic
and said persons knew nothing
21 of said surety, and never knew
of such a person or of his
whereabouts.

Sworn to before me this }
24th day of February 1888 } Samuel J. Black
Robt M Johnston
Notary Public Kings Co
Cert filed N.Y. Co

Account of the above

Court of Common Pleas

In the Matter of
the State

James M. Neill
A Lunatic

City & County
of New York

Robert M. Johnston
being duly sworn says that
he is over the age of 21 years,
and that on the ^{or about} 1st day of
February 1888 he made inquiry
of the tenants at No. 99 Chatham
Street New York in regard to the
responsibility of George Waeffling
the caretaker of the committee of the above
named lunatic, and said persons only
know that said Waeffling resided on the
upper floor of said address, and
that he was formerly a bartender
and that they knew nothing of his
owning any real property.

Sworn to before me this

29th day of February 1888

Wm. H. Osborn

Notary Public
N.Y. Co.

Robert M. Johnston

account for his necessity as

Court of
Common Pleas

In the matter of
the Estate

James M. Hill
a Janitor

Copy Petition,
affidavits &
show cause

Same Copy
Atty for Petr.
245 Broadway

Recd. N.Y.
Feb. 29

J. Oliver Allen
Committee

Wm. R. Hart

N.Y. Court of General Sessions.

----- x
 The people etc. :
 vs. :
 Oliver Allison. :
 ----- x

To the
 Hon. John R. Fellows,
 District Attorney.

Please to take notice that , on the annexed affidavit of A.H. Purdy, I will move the Court of General Sessions, at Part One, on Friday December 14th, 1835, at 11 o'clock A. M. for the discharge of the said defendant as asked for in said affidavit.

Dated, New York, December, 13th, 1835.

Yours, &c.

Handwritten signature

N.Y. Court of General Sessions.

----- x
 :
 The people etc. :
 :
 vs. :
 :
 Oliver Allison. :
 :
 ----- x

To the
 Hon. John R. Fellows,
 District Attorney.

Please to take notice that , on the annexed affidavit of A.H. Purdy, I will move the Court of General Sessions, at Part One, on Friday December 14th, 1888, at 11 o'clock A. M. for the discharge of the said defendant as asked for in said affidavit.

Dated, New York, December, 13th, 1888.

Yours, &c.

N.Y. Court of General Sessions.

----- x
 The People etc. :
 vs. :
 Oliver Allison. :
 ----- x

City and County of New York, ss:

AMBROSE H. PURDY, being duly sworn, says that he is the attorney for the above named defendant; that the indictment in this case was found charging the defendant with Grand Larceny on or about the 11th of April, 1888; that from that time to this deponent as his counsel has repeatedly moved to have the said defendant discharged for want of prosecution or that he be tried.

Deponent has made this motion from time to time during said period of about nine months before every Judge of the General Sessions and before the Learned Recorder, and this is the fourth application that deponent has made before the Hon. Randolph B. Martine. On all of those motions, made on affidavit, there has been no answer interposed and no legal reason has ever been given to the Court why the prisoner should not be discharged for want of prosecution; on each and every occasion the Court has refused application on the assurance of the District Attorney that he would examine the case, was about to examine the case, would have somebody examine the case or would put it down for trial on some day.

Deponent further says that he is familiar with the facts on which this indictment was based; that the de-

N.Y. Court of General Sessions.

----- x
 The People etc. :
 vs. :
 Oliver Allison. :
 ----- x

City and County of New York, ss:

AMBROSE H. PURDY, being duly sworn, says that he is the attorney for the above named defendant; that the indictment in this case was found charging the defendant with Grand Larceny on or about the 11th of April, 1888; that from that time to this deponent as his counsel has repeatedly moved to have the said defendant discharged for want of prosecution or that he be tried.

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Deponent further says that he is familiar with the facts on which this indictment was based; that the de-

defendant never had any preliminary examination before a M. magistrate; that there never was any legal evidence against this defendant of any crime; that there never was and there is not now any proof which could in any degree tend to convict this prisoner of a crime.

Wherefore, by reason of the premises, deponent asks that the said Allison be discharged.

Sworn to before me this *13th* day of December, 1833.)

Notary Public

George W. Wright

Notary Public (1833)

John M. Bennett

defendant never had any preliminary examination before a magistrate; that there never was any legal evidence against this defendant of any crime; that there never was and there is not now any proof which could in any degree tend to convict this prisoner of a crime.

Wherefore, by reason of the premises, deponent asks that the said Allison be discharged.

Sworn to before me this *11th*)
13th day of December, 1833.)

John T. ...
John T. ...

N. Y. Court of General Sessions

The People etc.

vs.

Oliver Allison.

Affidavit & Notice of Motion.

A. H. Purdy,
Atty. for defendant,
280 Broadway,
N. Y. City, N. Y.

N. Y. Court of General Sessions

The People etc.

vs.

Oliver Allison.

Affidavit & Notice of Motion.

A. H. Purdy,
Atty. for defendant,
280 Broadway,
N. Y. City, N. Y.

N. Y. Court of General Sessions

The People etc.

vs.

Oliver Allison.

Affidavit & Notice of Motion.

A. H. Purdy,
Atty. for defendant,
280 Broadway,
N. Y. City, N. Y.

COURT OF GENERAL SESSIONS.

-----X
 :
 The People :
 :
 against :
 :
 Oliver Allison. :
 :
 -----X

The defendant is indicted for the crime of Grand Larceny in the first degree, for collecting and receiving the sum of \$4129.85, the property of James McNeil, a lunatic, and appropriating the same to his own use.

STATEMENT.

James McNeil some time prior to January 21, 1887, having been arrested for strange actions, was comitted to the lunatic asylum at Ward's Island. *by Judge Duffley.* Shortly thereafter the defendant Allison ^{his nephew} commenced proceedings to inquire into the sanity of said McNeil, and on January 21, 1887, said McNeil after the inquisition properly made was adjudged a lunatic, and on the 10th day of March, 1887, Alison the defendant above named was appointed the committee of the person and the estate of said lunatic. The lunatic at this time was the owner of a house and lot at No. 546 11th Avenue in this city valued at about \$12,000 on which there were encumbrances of about \$5000. Alison as committee collected the rents of said premises for almost one year. He failed, however, to pay the interest on said mortgage and the taxes on said property, so that the mort-

gagee commenced proceedings to foreclose his mortgage on the 21st day of June, 1887, and on the 19th day of October, 1887, said property was sold by virtue of said foreclosure proceeding for \$10,000. In the surplus proceedings by order of the court the sum of \$4129.85 ~~was~~ paid to the Chamberlain of the City of New York as the proceeds of said sale. Said sum was paid to one Grenthal the attorney for the committee Alison who, after deducting his costs, disbursements and fees, paid the balance over to Alison the defendant. The exact amount, however, is not known, but will be testified to by said Grenthal. On the 28th of February, 1888, an order ~~to show cause~~ was served on Alison to show cause on the 2d day of March before a Judge of the Court of Common Pleas why he should not be removed as the committee of the person and estate of said James McNeil and why ~~particularly~~ ^(the lunatic's brother) petitioner in these proceedings should not appointed in his place and stead and why he should not account to his successor. A few hours after the service of said order Alison broke up his home and left the city stating to his employer that he must leave the city on account of trouble that was approaching. The petitioner took Alison's default on the return day of the motion and Alison was removed from his position of trust on the 6th day of March, 1888 and the complainant herein Mr. Black appointed in his stead. Alison was extradited from Washington, whither he had fled, on the 23d day of April, 1888, and brought back to this city and lodged in the Tombs.

On the 6th of April, ¹⁸⁸⁸ the Grand Jury of this county filed a bill of indictment as above described.

The lunatic in the meanwhile was kept confined in the Ward's Island Lunatic Asylum as an ordinary pauper and none of the proceeds or revenue of his property was applied for his benefit. Nor did Alison ever pay over any of the proceeds of the lunatic's estate until he was compelled to do so by the court when he handed over \$310 which was all that was left of the sum paid to him by his attorney, *and there is still a large sum due by him.*

WITNESSES.

-----Black, complainant, will testify as to his appointment as committee after having had Alison removed, to his seeing the lunatic at Ward's Island the last time, that up to the time of the indictment Alison handed over to him no money etc. etc.

-----Grenthal, will testify to the proceedings de lunatico inquirendo, appointment of Alison committee, collection of the rents of lunatic's property, receiving surplus from the Chamberlain, payment of money to Alison. He will further testify to the visit made by Alison to him at his office showing the notice of motion for order to show cause, statements made by Alison at that time, etc. etc.

Clerk of the Court of Common Pleas will testify to the entry of the order appointing Alison committee, the filing of bond by Alison, judgment of court removing Alison and appointing Black his successor and the filing of bond by Black. Will bring with him original

papers on file.

-----Read ^{Alison's employer} will testify to statement made by Alison after service upon him of notice of motion above mentioned that he must leave town.

James McMurray, agent of house in which Alison resided will testify to Alison removing his furniture at night and leaving the next morning.

-----Burke will testify to the service upon Alison of the notice of motion for an order ^{re.} above named, personally.

The officer whose name I will ascertain will prove his extradition correct.

REMARKS.

The Grand Jury, which found the indictment, overlooked the question of indicting Alison for appropriating to his own use the money collected as rents of the lunatic's property. An indictment of this kind could more easily be substantiated than the present, since the evidence of appropriating the money to his own use could easily be elicited from the fact that he neglected to pay the interest on the mortgage and taxes on property ~~is~~ otherwise the mortgage would not have been foreclosed. However the theory in this case is somewhat analagous and as follows: Alison of course was legally authorized to collect and take care of the proceeds of the lunatic's estate as trustee thereof. But as such trustee it was incumbent upon him to pay such obligations as were required to be met, and pay over the balance towards the benefit and comfort of the lunatic, all of which was not done. If it is necessary

The Campbell who cannot be found, if present will testify to Alison's flight from the city

to prove a demand for the moneys this can be done by the introduction in evidence of the order of the court to show cause why he should not be removed, and why he should not account for the estate of the lunatic. This Alison also refused to do by his default to appear on the return day of the motion which delinquency is more criminating by reason of the statements he made already referred to and his departure from the city.

Board of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Olevis Alson

Peoples Case

JOHN R. FELLOWS,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

Board of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Olevis Alson

Peoples Case

JOHN R. FELLOWS,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY.

County of Hamilton

THE PEOPLE OF THE STATE OF
NEW YORK

against

Oliver Olson

People's Cause

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY

N. Y. COURT OF GENERAL SESSIONS.

.....X
 THE PEOPLE, &c., :
 against :
 OLIVER ALLISON. :
X

To Hon. John R. Fellows:

Sir:-

Please to take notice that on an affidavit, a copy of which is hereunto annexed, and on all the pleadings and proceedings herein, I will move the said Court at Part 2, before Hon. Randolph B. Martine, Judge, at eleven o'clock, A. M., or as soon thereafter as Counsel can be heard on Jan. 14th, 1889, to dismiss the indictment herein for want of prosecution, or for such other relief as to the Court may seem then just.

Respectfully,

A. H. Purdy,

Att'y for Defendant.

N. Y. COURT OF GENERAL SESSIONS.

.....X
 THE PEOPLE, &c.,
 against
 OLIVER ALLISON.
X

CITY AND COUNTY OF NEW YORK. : SS.

AMBROSE H. PURDY, being duly sworn says: I am the attorney for the above named defendant, who is under indictment in this Court charged with Grand Larceny. That defendant was indicted about the first of April, 1888, and since that time has been confined in the City Prison. In behalf of said Allison, I have moved for this discharge for want of prosecution, before every Judge of this Court, and the learned Recorder, and have made the motion four times before the Hon. Randolph B. Martine. There has never been any cause stated by the District Attorney, a good reason shown why the prisoner should not be discharged; but during all this period of near a year, every time I made the motion, the District Attorney would tell the Court that "he would attend to it," "that he would have some one examine the case"; "that he would see if he could try it, &c., &c."

WHEREFORE, deponent once more prays that the Defendant be discharged in pursuance of sec. 688 of the Penal Code. This case has never been postponed upon the appli-

ation of the Defendant.

Sworn to before me, :

Jan. 12th, 1889. :

A. D. P. Smith

*Henry Bushcraft for
Nat. Public
N. York (781)*

N. Y. COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.,

against

OLIVER ALLISON.

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-

N O T I C E,

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-

Purdy & McLaughlin,
Attorneys for Defendant,
280 Broadway,
New York City

*Notice answered
A. Purdy running
July 17-19*

0451

0452

U.S. COURT OF CIVIL AND DISTRICT

U.S. PROPERTY

APR 1957

ON BEHALF OF

U.S. PROPERTY

U.S. PROPERTY

U.S. PROPERTY

BURTON W. McLaughlin

Attorney for Defendant

280 Broadway

New York City

Walter J. ...
...
...

COURT OF GENERAL SESSIONS -Part III.

-----X
The People of the State of New York :Before Hon. Ran-
: :
against :dolph B. Martine,
: :
O l i v e r A l l i s o n : and a Jury.
: :
-----X

Indictment filed April 6th 1888.

Indicted for Grand larceny in the 1st degree.

N e w Y o r k , February 6th and 7th 1888.

APPEARANCES: For the People Asst. Dists. Attys.

W. T. Jerome and W. B. Forster.

For the Deft. Abraham Suydam, Esq.

The following papers were offered in evidence by Mr . Jerome:

The original inquisition taken on the 8th of March 1887, inquiring into the sanity of one James McNeill a supposed lunatic.

Also the order directing the commission. An order of the Court of Common Pleas of the City of New York, appointing the defendant, Oliver Allison committe of the lunatic James McNeill.

Also the bond of Oliver Allison as committe of the lunatic in accordance with the order by the tersms of which he qwas required to account for all moneys &C! entrusted to his care .

ROBERT GREENTHAL, a witness for the People, testified:

I am an attorney and counsellor at law practising in this city . I have known the defendant Oliver Allison for about two years . I was attorney in the matter of James McNeill a lunatic, of whom the defendant Allison was the committee. The defendant now at the bar is the person who is mentioned in the different papers in that proceeding in the Court of Common Pleas . On his behalf as attorney I received certain moneys . I ceased to be attorney in the matter on the 11th of June 1888, about two months before the removal of the defendant from his position as committee . The order to show cause why he should not be removed was duly served upon me. I saw the defendant at that time and I also saw him on the 28th of February when he returned from Washington with the officer . In the interim I did not see him .

ROBERT N. JOHNSTON, a witness called on behalf of the People, sworn, testified:

I am an attorney and counsellor at law and practise in the city of New York . I am counsel for Mr. Black, who was appointed as committee of James McNeill a lunatic in the place of Oliver Allison the defendant at the bar removed . As counsel for Mr. Black I attended before Mr. Theodore Haskell, the referee appointed by the Common Pleas Court in the matter of the estate of James McNeill, who died . I heard the defendant Oliver Allison testify in that proceeding and his testimony

ROBERT GREENTHAL, a witness for the People, testified:

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mony was reduced to writing by a stenographer .

The testimony here referred to was offered in evidence and excluded .

Q. Did the defendant on one occasion object to testifying, by advice of counsel, upon the ground that his testimony might be used against him in a criminal proceeding ? A. Yes sir; I believe on the first hearing there he made that objection . He was afterwards fined by the Court of Common Pleas for contempt in refusing to testify and he afterwards gave his testimony .

Q. When did you first see the defendant ? A. The first time I remember seeing him was when he was brought back by the officer from Washington. When I saw him at the Tombs I incidentally mentioned the subject of this suit by a brother of the lunatic who had come on from the west . The defendant said he was acting under the advice of counsel; that is the conversation that I recollect . I had another conversation with the defendant at one of the hearings before the referee. After the reference had closed he was putting on his hat and coat to go back to the Tombs and I asked him if he had any agreement as to what he was to pay Mr. Green-thal for his services in this estate of Janes McNeill and he said "Yes". He handed me a paper which is in evidence . The next time I saw him was when he he was brought before some Judge in the Common Pleas Court for refusing to pay over the money which he had received as the committee.

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The testimony here referred to was offered in evidence and excluded .

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WILLIAM W. LADD JR. a witness for the People, sworn,
testified:-

I am the deputy chamberlain of the city of New York.

Q. Was there at any time any money paid into your hands as such official, representing the chamberlain, for the account of the estate of James McNeill a lunatic or Oliver Allison as committee of such lunatic ?

A. It was not paid in the form in which you describe .

Q Was there at any time in your possession to the credit of Oliver Allison as committee of one James McNeill a lunatic, any money ?

A. Yes sir; we had those moneys in the early part of 1888; they remained in the custody of the chamberlain of the city of New York until the 28th of January 1888.. Prior to that date we had \$5,481.63 to the credit of a suit in the Supreme Court in which the Jefferson Insurance Company of this city was plaintiff and one James McNeill and others were defendants. Under an order of the Supreme Court dated January 27th 1888, the Chamberlain paid \$4,129.85 to Robert Greenthal, as attorney for Oliver Allison Committee of the person and estate of James McNeill a lunatic. This was paid in the form of a check signed by me and drawn to the order of Robert Greenthal. That check was subsequently paid and I have it now in my possession. The check was as follows: "Chamberlain of the city of New York, No. 303. Jefferson Insurance Co. against James McNeill et al --

New York, January 28th 1888.
The Mercantile Trust Company: In pursuance of an order in the above entitled case made by the Supreme Court and bearing date Jan. 27th 1888, pay to the order of Robert Greenthal Atty. \$4,129.85.

W. W. Ladd Jr. Dep. Chamberlain.

WILLIAM W. LADD JR. a witness for the People, sworn,
testified:-

I am the deputy chamberlain of the city of New York.

Q. Was there at any time any money paid into your hands as such official, representing the chamberlain, for the account of the estate of James McNeill a lunatic or Oliver Allison as committee of such lunatic ?

A. It was not paid in the form in which you describe .

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moneys in the early part of 1888; they remained in the custody of the chamberlain of the city of New York until the 28th of January 1888.. Prior to that date we had \$5,481.63 to the credit of a suit in the Supreme Court in which the Jefferson Insurance Company of this city was plaintiff and one James McNeill and others were defendants. Under an order of the Supreme Court dated January 27th 1888, the Chamberlain paid \$4,129.85 to Robert Greenthal, as attorney for Oliver Allison Committee of the person and estate of James McNeill a lunatic. This was paid in the form of a check signed by me and drawn to the order of Robert Greenthal. That check was subsequently paid and I have it now in my possession. The check was as follows: "Chamberlain of the city of New York, No. 303. Jefferson Insurance Co. against James McNeill et al --

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W. W. Ladd Jr. Dep. Chamberlain.

WILLIAM H. BURKE, a witness for the People, sworn, testified:

Q. How long have you known the defendant at the bar?

A. I never saw Oliver Allison until the 28th of February 1888 and on that day I saw him at R. Hoe's foundry. I went there at three o'clock in the afternoon and had a conversation with him. I went there to serve an order. I told the defendant I had a copy of an order to show cause why he should not be removed upon him; he took the copy and read it but would not look at the original which I wanted to show him which contained the signature of the Judge. He would not pay any attention to the judge's signature.

NICHOLAS REED, a witness for the People, sworn, testified:

I am a moulder and am in business for myself. I know the defendant at the bar; he was in my employ.

Q. When did the defendant Oliver Allison leave your employ? A. I don't remember. I remember his leaving there; he worked for me about eight months ago. He came to me one day and asked me to sign his time that he was going to leave; that he was going to Canada to take charge of a brass foundry there. He left my employ just then and I did not see him since.

WILLIAM H. BURKE, a witness for the People, sworn, testified:

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A. I never saw Oliver Allison until the 28th of February 1888 and on that day I saw him at R. Hoe's foundry. I went there at three o'clock in the afternoon and had a conversation with him. I went there to serve an order. I told the defendant I had a copy of an order to show cause why he should not be removed upon him; he took the copy and read it but would not look at the original which I wanted to show him which contained the signature of the Judge. He would not pay any attention to the judge's signature.

NICHOLAS REED, a witness for the People, sworn, testified:

I am a moulder and am in business for myself. I know the defendant at the bar; he was in my employ.

Q. When did the defendant Oliver Allison leave your employ?

A. I don't remember. I remember his leaving there; he worked for me about eight months ago. He came to me one day and asked me to sign his time that he was going to leave; that he was going to Canada to take charge of a brass foundry there. He left my employ just then and I did not see him since.

ROBERT GREENTHAL, recalled:-

I recall the fact of the check which was produced here by the deputy chamberlain having been handed to me for a certain amount exceeding \$4000. The exact amount of that check I do not know recollect. It was paid to me as the deputy chamberlain stated as attorney for Oliver Allison, committee of the lunatic James McNeill. The check bore what purported to be my endorsement and which was in fact my endorsement. The check and the money was received by me in the capacity of attorney for the defendant .

Q. What did you do with the money represented by that check ? A. After I paid out all the fees and disbursements and allowances I paid the balance over to the defendant as committee .

Q. About how much money did you pay over to Allison ?

A. About four thousand dollars .

Q. Can you approximate it closer than that ?

A. I cannot because this was an account I had for over a year; I should judge that was the amount .

Q. Did you pay it by check ? A. Yes sir! I paid it by check . I paid him one amount of \$2,175. and the balance in various sums of money. The check was paid . Did you give him of this money more than \$3500. ? Yes sir; I think it is .

SAMUEL J. BLACK, a witness for the People, sworn, testified:

I am the assistant librarian at the New York Library I have been such for eight years . I am the Samuel

ROBERT GREENTHAL, recalled:-

I recall the fact of the check which was produced here by the deputy chamberlain having been handed to me for a certain amount exceeding \$4000. The exact amount of that check I do not know recollect. It was paid to me as the deputy chamberlain stated as attorney for Oliver Allison, committee of the lunatic James McNeill. The check bore what purported to be my endorsement and which was in fact my endorsement. The check and the money was received by me in the capacity of attorney for the defendant .

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SAMUEL J. BLACK, a witness for the People, sworn, testified:

I am the assistant librarian at the New York Library I have been such for eight years . I am the Samuel

black who has been mentioned in t his case . I was appointed to succed the defendant Oliver Allison as committee of one James McNeill :

The avarious legal papers regarding the ap- pointment of Samuel J. Black as committee were offered in evidence .

Q. Subsequent to the date of the order appointing you as committee e and the date of the filing of your bond, have you as committee of James McNeill received from this defendant Allison any moneys belonging to the estate of said McNeill ?

A. I did receive through my attorney the sum of @three hundred and ten dollars .

Q. Is that all ? A. That is all . I went to see James McNeill in the ebeginning of 1888; I saw him at Ward's Island in the Insane Asylum. McNeill died in the, latter part of 1888. I had a conversation with the defendant Allison in the referee's office on his re- turn from Washington. He said, that as he testified before the referree, that was all the money he had \$310.; that the only money he had received was as he had testified. He further said that any steps I might take to recover what his lawyer had retained which we claimed that he would testify as far as he could to assist us. He said he would testify against his lawyer in any steps we might take to recover back the money .

Q You went before the Grand Jury as a witness ?

A. Yes sir; it was o n my complaint that this indictment was found .

7
black who has been mentioned in this case . I was appointed to succeed the defendant Oliver Allison as committee of one James McNeill :

The various legal papers regarding the appointment of Samuel J. Black as committee were offered in evidence .

Q. Subsequent to the date of the order appointing you as committee and the date of the filing of your bond, have you as committee of James McNeill received from this defendant Allison any moneys belonging to the estate of said McNeill ?

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Q. Is that all ? A. That is all . I went to see James McNeill in the beginning of 1888; I saw him at Ward's Island in the Insane Asylum. McNeill died in the latter part of 1888. I had a conversation with the defendant Allison in the referee's office on his return from Washington. He said, that as he testified before the referee, that was all the money he had \$310.; that the only money he had received was as he had testified. He further said that any steps I might take to recover what his lawyer had retained which we claimed that he would testify as far as he could to assist us. He said he would testify against his lawyer in any steps we might take to recover back the money .

Q. You went before the Grand Jury as a witness ?

A. Yes sir; it was on my complaint that this indictment was found .

ROBERT McNAUGHT, a witness for the People, sworn, testified:

I am a detective officer of police in this city . I arrested the defendant Allison in Washington on the 23rd of April 1888. He consented to come on without any trouble when I told him we had a requisition . I had a conversation with him in reference to this matter. I cannot recall exactly the words that were used but I can give the purport of it . I asked him about the trouble and he said he had not done anything in this matter. He said he did not know ~~as~~ he had done anything wrong in the matter; that whatever was done he did under the advice of his counsel. The reason that he went away was that he had been served with some papers which he did not understand and fearing that there was to be some trouble he went away . He requested me to allow him to go and see his counsel Mr. Greenthal, when he arrived in New York, and I told him I would do it in the morning when we were going to Court. He told me that Mr. Greenthal had gotten as much out of it as he had and that Mr. Greenthal ought to take care of him. I took him to Police headquarters where he remained that night . The next morning I had another conversation with him and he again asked me if I would take him to Mr. Greenthal's office. I did take him there. He and Mr. Greenthal had some conversation which I did not hear . All I heard said was that Mr. Greenthal would

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have charge of his affairs and that he would have Howe and Hummell look after his case . Mr. Allison appeared satisfied and we left .

The order to show cause why Oliver Allison should not be removed as a committee of James s Me Neill a lunatic was offered in evidence .

No witnesses were called on behalf of the defendant. The Counsel for the defendant made a lengthy argument on a motion to dismiss on the ground of insufficiency of evidence to warrant a conviction.

Motion denied .

The jury returned a verdict of GUILTY of Grand Larceny in the first degree.

8881-6-1011

GOVERNOR OF GRAND JURY

1888

COPIES
APPROVED
RECORDED
INDEXED

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DEPT. OF CORRECTIONS
RECORDS SECTION
JUL 10 1900

RECORDS SECTION
JUL 10 1900

JUL 10 1900

Indictment filed Apr. 6-1888

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.
against
OLIVER ALLISON

Abstract of testimony on
trial New York, February
6th and 7th 1889.

should not be removed as a committee of whom a me
The order so soon comes why officer Allis
beared arrested and so forth
and immediately took under the case. Mr. Allison & B-
made charge of the subject and that he acted upon how

Indictment filed Apr. 6-1888

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.
against
OLIVER ALLISON

Abstract of testimony on
trial New York, February
6th and 7th 1889.

THE PEOPLE &c. vs. OLIVER ALLISON.
Abstract of testimony on trial New York, February 6th and 7th 1889.



Show by

Allison He was appt. the Committee.
(Offer in evidence the order apptg
him, bonds or qualifying etc)

Greenthal

What the State consisted of,
He was the attorney for Allison
and as such he procured his appt.
and acted for him, collected the
rents, surplus etc. Handled all the
funds of State & turned some over to Allison

Burke

Show service up Oliver Allison, of
the order to show cause etc.

Read

Allison leaving his job, as his
attorney got paid in a check, etc

Undertaker
appt of house

Allison removed from residence a
late hour of the night etc

Black

Appointed new committee.
(offer in evidence order apptg him, his bonds etc)
and as such never rec'd any money (except
\$310) from removed committee

Put in evidence the agreement
between Allison and his lawyer, to
divide up the State on recalling
Allison, also his neglect to obey
the order to show cause.

App'd Com. ~~of~~ 9th of Mich 1887,
 of Judge. K. W. Allison.

Board of Com. dated Mich. 29th '87.
 order to show cause served on Allison.
 on Feb 2nd '88.

order to show cause re. appeal
 of Jose Bookstaver. Feb 21st '88.

default of appearance taken Mich 2 - 1888.

Board of Allison adj'd Mich 30, '87
 approved discharge.

order app'ty new Com. Paul S. Black
 dated Mich 6th '88. filed same day.

Board of new Com. filed Mich 13th '88.
 order. Mich 9th '88. ~~of~~ ~~Judge~~ ~~Bookstaver~~
 of Judge ~~Bookstaver~~ Bookstaver.

ROBERT M. JOHNSTON,
Attorney and Counsellor-at-Law,
49 BROADWAY,
Rooms 24 and 25. NEW YORK.

The People }
Oliver Allison }

Col Geo A. Fellows,
New York, Dec^r. 22nd 1888

Dear Sir: Dist Atty,

The above case has been upon the calendar of the Court of Sessions many different times, and has been in the hands of your assistants ~~Groome, Parker, Davis, Doster, Goffe~~. The charge against the defendant is grand larceny, under the following circumstances. The defendant was appointed committee of a lunatic in March 1884, and he and his attorney Robert Green had collected the estate amounting to nearly \$6000. About March 1888, a brother of the lunatic took proceedings to have Allison removed as committee, and a petition ~~was~~ was served on him, requiring him to appear before said court of C. S. and show cause why he shouldn't be removed as committee. Immediately after the service of the said petition ~~was~~ was served on him he fled to Washington D.C. and did not appear on the return day thereof, after some time we located him in Washington, went before the Grand Jury, and

him indicted for defrauding the State. He left his position the same day, both services suspended in the middle of the night. He brought him back and got an accounting; he had nothing left, & accused his attorney Greenthal of not turning over all the money collected to him. I sued Greenthal and yesterday in the Court of Common Pleas got a verdict against him for \$2800, the part he appropriated to his own use. The case is reported in to days Register and Daily papers. The case against Allison is a very technical one, as you will be informed by any of the above accounts, in this respect. When Allison got the money charged with misapplying he was the committee of the Lunatics and had a right to receive them, but the evidence in the case will warrant his indictment. The case will involve a long examination and as the matter is very important, one I am anxious for a conviction. The Lunatic, an old man of 70 years living in wards does as a pauper while the prisoner & his lawyer spend his money. I am the attorney for Mr. Black the new committee of the Lunatics, and principal witness in the case, and am familiar with all the details of the case. I would therefore request that I may be consulted before the case is again put on the calendar, and should be pleased to assist at the trial, to give my knowledge of facts &c.

Yours respectfully
R. M. Johnston

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Yours respectfully,
R. M. Johnston

District Attorney's Office.

Per Pro
PEOPLE

vs.

Olivier Allison

Jan'y 7/89

*To fix day for
trial —*

Commil notice issued

Jan'y 4/89 *Meyers*

Thursday, Jan'y. 17/89.

The People of the State
of New York
Against
Oliver Allison

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

Samuel J. Black, being sworn says: My name is Samuel J. Black; I am twenty-five years of age; I reside at No. 325 South 3rd Street, Brooklyn, N.Y.; I am by occupation a librarian.

I am the principal complaining witness in the above-entitled matter. This application made herein for a requisition for the defendant Oliver Allison is made in good faith and for the sole purpose of punishing the accused, and I do not desire or expect to use the prosecution for the purpose of collecting a debt or for any private purpose, and I will not directly or indirectly use the same for any of said purposes.

In March, 1887, the defendant Oliver Allison was appointed by an order of the Court of Common Pleas of the City and County of New York, a committee of the person and property of one John McNeill who thereafter, after the investigation required in such cases by law; had been declared insane and unable to manage his

affairs. Said John McNeill was sent as an insane patient to the New York City Asylum on November 26th, 1886, and has since remained there and is now there and one and one. Said defendant gave bonds and entered upon the discharge of his duties as such committer. Thereafter, and about June 1887, an action was commenced against said McNeill and others to foreclose a mortgage upon the house and lot known as No. 576 Eleventh Avenue in this city, which then belonged to said McNeill. Said action proceeded to judgment and a judgment of foreclosure thereon was obtained, and under said judgment, said property was sold in the autumn of 1887, and the referee's deed was delivered on December 31st, 1887 to the purchaser under such foreclosure sale. From the purchase monies derived from said sale a surplus of \$5454.23 remained and said surplus was paid to the City Chamberlain of this city on or about the 1st day of January, 1888, subject to the order of the court. Thereafter a referee was directed to ascertain the persons entitled to participate in said surplus, and thereafter and on or about the 29th day of January, 1888, this defendant as such committer aforesaid, by order of the court obtained from said City Chamberlain for the estate of said McNeill, the sum of

4129. 85. At all the times mentioned in this affidavit said defendant resided in the City of Brooklyn in this State. On the 6th day of March 1888, by order of the said Court of Common Pleas said defendant was removed as committel of the person and property of said McNeill, and on said March 6th, by order of said Court of Common Pleas deponent was in the place and stead of said defendant duly appointed as committel of the person and property of said McNeill, and deponent thereafter and on or about March 8th, 1888, filed with the Clerk of said Court the bond or undertaking required by law, said bond or undertaking having first been duly approved by one of the Justices of said court. Deponent since entering upon the duties of such committel as aforesaid has made diligent search to find said defendant or to ascertain his whereabouts, and deponent went to said defendant's last place of residence in Brooklyn, N.Y. viz. in South Second Street corner of Mythe Avenue, and learned that he had left there about March 2nd, 1888, and departed to parts unknown to the people who keep said house. Deponent has learned that said defendant on or about March 3rd, 1888 left the City and State of New York. I am informed and believe that defendant is now in the City of

Washington, District of Columbia, and is making his residence there. This information was in part, given me by a man by the name of Light who resides in Brooklyn and was a fellow member of the same society with defendant, and who refuses to make an affidavit in regard to this matter. I also learned at the Public School in Brooklyn, where the defendant's children attended that they had gone to Washington, D.C. to reside with their grandfather. Defendant, at the time he left the State, was a brass-moulder by occupation, and was a widower. Said order appointing deponent committee as aforesaid, was granted on an order to show cause issuing out of said court of Common Pleas and was personally served on said defendant on or about February 29th, 1888. Said defendant did not appear on the return day of said order either personally or by attorney, and has in no way accounted for said \$4129.85 taken as aforesaid. Said McNeill is a bachelor and before going insane lived the life of a miser and so far as deponent can learn had no outstanding debts or obligations at the time said defendant received said \$4129.85. I am informed by one Reid, the foreman of the shop in which defendant worked in this city, that on the day after said order to show cause

was served, defendant said to him; "My lawyer
has got me in a hole, and I must skip," and
on this day defendant resigned his place at
said shop and drew his wages and bade all
the employes good bye.

Sworn to this 5th day of }
April, 1888, before me }

Samuel J. Black

William Forster

Com. of Deeds,

City & Co. of N.Y.

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Samuel J. Black
67 Third St. New York
Oliver Allison

Office of James A. Ross, Attorney, 530 Grand Central Ave. New York

Dated April 5th 1888

Witnesses, Mrs. Campbell

No. 19 Dunham Place
Brooklyn

Robert Grentthal

No. 49 Chambers Street,

No. _____ Street,

No. _____ Street,

No. _____ Street,

Nicholas A. Reed
46 W. 9th St. New York

0484

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

City and County } ss.
of New York, }

{ The People of the State of New York
against
Oliver Allison.

Robert Greenhalgh

of No. 269 West 36th Street, aged 48 years,
occupation Lawyer being duly sworn, deposes and says,
that on the _____ day of _____ 188____ at the City of New
York, in the County of New York,

I have been informed that this affidavit is to be used upon a motion herein. I was the attorney for the above named defendant in the proceedings heretofore had in the Court of Common Pleas for the City and County of New York which resulted in the appointment of said Allison as committee of the person and property of one Jamesell Hall a lunatic now confined in an asylum in this city. Later a foreclosure proceeding was commenced against said lunatic and said Allison was made a party thereto as such committee. There was a surplus remaining after the payment of the principal of the mortgage and the various claims against the purchase money received on the sale by the referee of the property on which the foreclosed mortgage was. The referee in said foreclosure paid into the comptroller of the City & County of New York to the account of said lunatic's estate and subject to said committee's order or the order of its attorney viz this deponent, about \$4100⁰⁰/₁₀₀. As attorney to said committee I obtained this money from the comptroller and after deducting my fees I turned over the balance in amount about \$3000⁰⁰/₁₀₀ to this defendant as such committee aforesaid. The order to show cause served on this defendant requiring him to show cause why he should not be removed as such committee aforesaid, was brought to me by this defendant, at least he informed me that he had been served with an order and a lot of papers and such an order was afterwards left at my office. I took a receipt from defendant when I paid him this

0486

money. I paid this money to the defendant in
February, 1888.

Sworn to before me
this 16th day of May, 1888.

R. G. ...

Wm. Travers Jerome,
Notary Public,
New York County.

*Jefferson Ave. Co.
16-
100 West 10th St.
N.Y.C.
14 Broadway
Mrs. Campbell
1215 Broadway*

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Office

Dated 188
Witnesses,
No. Street,
No. Street,
No. Street,

0487

Bum

Bond is acknowledged
I don't need any
proof

To the Supreme Court
of Kings County,

The petition of John R. Bellows respectfully shows; that he is the District Attorney of the City and County of New York; that there is now pending in the Court of General Sessions in said city, a case wherein the people of the State of New York are plaintiffs, and one Oliver Allison is defendant; that said case is for grand larceny, and is noticed for trial at part 2 of said Court for the inst. That one Nicholas A. Read, and one _____, residents of the County of Kings are important witnesses for the prosecution of said action, and deponent is desirous of securing their presence as witnesses at said trial. Wherefore your petitioner prays that a subpoena issue from this Court, directed to said witnesses, requiring their

presence at the trial of said
action.
Dated January 14, 1889.

State of New York
City & County of New York ss
John R. Bellows the petitioner
above named being duly sworn
says that he has read the
foregoing petition and knows the
contents thereof and that the same
is true to his own knowledge except
as to the matters therein stated
to be alleged on information and
belief, and as to those matters
he believes it to be true.

Sworn to before me this }
day of January 1889 }

Upon the annexed petition
of John R. Bellows (said)

0490

Upon the Annexed petition
of John R. Telton, verified
the day of January 1889,
it is Ordered that a Subpoena
issue out of this Court, as
therein prayed for.

0491

District Attorney's Office.

Part 3

PEOPLE

vs.

January 30th/89
Mr. W. P. Jerome,

Please take notice
of Col Fellows item
on the back of
Oliver Allison Papers

PART II
THE COURT-ROOM IS IN THE BROWN STONE BUILDING, AND FRONTING THE CITY HALL.

If this Subpoena be 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—(DUCES TECUM.)

FOR A WITNESS TO ATTEND THE

Court of *General Session of the Peace*

The People of the State of New York,

To *Clerk of the County of New York*

of No. *Court Court Street*

GREETING :

WE COMMAND YOU That all business and excuses ceasing, you appear in your proper person, before the Court of *General Session of the Peace* to be holden in and for the City and County of New York, at the *Assessors Building* in the Park of the said City, on the *26th* day of *February* instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Olliver Allison

in a case of felony, whereof *he stands* indicted, and that you bring with you and produce, at the time and place, aforesaid, certain *papers in a foreclosure action, & surplus proceedings in matter of the Jefferson Ins. Co. vs. James Merrill et al & which papers are filed away in your office in Bundle No. 2, 1887.*

now in your custody and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And this you are not to omit, under the penalty of two Hundred and Fifty Dollars.

WITNESS, Hon. *Frederick Smyth* Presiding Judge of

our said Court, at the City Hall in our said City, the first Monday of *February* in the year of our Lord 188*7*.

JOHN R. FELLOWS. *District Attorney.*

Grand Jury Room.

Friday, Nov 7th 1884
PEOPLE vs.

Oliver Alford

Subpoena issued
in Grand Jur. 29/84
by J. J. [unclear]

Received by
Nov 30th 1884
11:30 AM

Wm Campbell
19 Dunham Place

Robt. [unclear]
49 Chambers St.

Wm Powers
2 [unclear]

Wm. [unclear]

0494

W. H. Burke
141 No. 4th St.
Brooklyn Ed.
series of leaflets copies
of order

Court of Common Pleas
for the City and County of New York

In the matter of
James M. Neil
(a supposed lunatic)

On reading the inquisition
in the above matter taken under
a commission issued out of this
court, and duly filed in the
office of the Clerk of said
court on the 8th day of March
1887, from which it appears
that the jury have found the
said James M. Neil to be a
lunatic, and of unsound mind
so that he is incapable of the
government of himself or the manage-
ment of his lands and chattels
and from which it appears
that the said James M. Neil,
is possessed of certain real
estate in the said inquisition
described, now on motion of
Robert Greenhall, attorney for
petitioner, Ordered,
It That the findings of the jury

upon the execution of the said
Commission as set forth in said
inquisition be and the same
are hereby confirmed in all
respects,

And it is further ordered
that Oliver Allison of the
City of New York be and he
hereby is appointed the
committee of the person and
estate of the said James
McNeil, upon his filing
with the clerk of this court
a bond with two sufficient
sureties to be approved by a
justice of this court in
the penalty of three thousand
dollars, and conditioned
that he will in all things
faithfully discharge the trust
reposed in him and obey
all lawful directions of
any court or officer of competent
jurisdiction touching the
trust, and that he will, in
all respects, render a just
and true account of all
money and other property
received by him, and of the

application thereof and of his

application thereof and of his guardianship, whenever he is required to do by a Court of competent jurisdiction, and upon the due giving of such security, the said Committee shall be vested with the usual powers prescribed by law, and a commission shall then issue to him under the seal of this Court.

And it is further ordered that the said Oliver Allison pay out of the funds in his hands the necessary disbursements of the petitioners, and the sum of two hundred and fifty dollars to Robert H. Allen the attorney herein for costs and counsel fee in these proceedings.

~~Henry Wilder Allen~~
J. P.

A copy.

Nash Jarvis Jr.
Clerk

Court of Common
Pleas for the
City and County
of New York

In the Matter

James M. Mc
Quinn
Petitioner and
Respondent

Robt Greenhall
Atty for Petitioner

Filed March 10th 1887

W. J. Davis Jr
Clerk

At a Special Term of the
Court of Common Pleas in and
for the City and County of New-
York, held at Chambers thereof,
at the Court House, in the City
of New York, on the 6th day of
March 1888,

Present, Hon Henry W. Bookstaver
Justice

In the Matter of
the Estate of
James McNeill
a Lunatic.

An order having been granted
herein, requiring Albin Allison
the committee of the above named
lunatic to show cause why he
should not be removed as such
committee, and why John McNeill
or George G. Van Nostrand should not
be appointed in his place and
stead as such committee, and
why he should not account to
his successor as such committee,
now upon reading and filing
the petition of John McNeill

upon which said order was granted, together with the affidavits annexed thereto, and due proof of service on Oliver Allison and after hearing Samuel Cohn Esq, in support of the motion, no one appearing in opposition thereto, it is Ordered that said Oliver Allison above referred to, be and he hereby is removed as the committee of said County and it appearing that said John McNeill, and said George Van Nostran, are unable to act as said committee, it is upon the annexed consent of said John McNeill Ordered that Samuel J Black Esq, who is the assistant Librarian of the New York Society Library be and he hereby is appointed in his place and stead as such committee, upon his filing with the clerk of this Court, a bond in the sum of eight thousand dollars for the faithful performance of his duties as such committee, and that said Allison render

his account as said com-
mittee before Theodore F. Hassall
Esq, who is hereby appointed referee
for the purpose of taking and
stating the said account,
And it is further Ordered that
said Oliver Allison be and he
hereby is required to personally
attend before Theodore F. Hassall
Esq, said referee at his office,
No 71 Broadway, in the City of
New York, on the 19th day of
March 1888, at 11 o'clock in
the forenoon to be examined in
relation to his account as
such committee; And it is
further Ordered that said
Oliver Allison, be required
to pay and deliver over to his
successor in office, any and
all sums of money or property,
which said referee by his report,
may find due owing from
said Oliver Allison as com-
mittee of said lunatic,
And it is further Ordered
that a verbatim copy of this
order on said Oliver Allison

two days previous to said 19th day of March 1888, shall be a sufficient service thereof

Copy
for the Court

Court of
Common Pleas

In the Matter
of the Estate

James M. Greig
a Legatee

Order removed by
committee of

Sam'l Cohn

Att'y at L

245/3rd Ave

N.Y.

0503

Sec. 151.

2 District Police Court.

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 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 Samuel J. Black

of No. 67 University Place Street, that on the 28 day of January 1888 at the City of New York, in the County of New York, the following article to wit:

Gold and Largent money to the amount and of about

of the value of fifty-eight hundred Dollars, the property of the Postal of John McNeill, a Letter, w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Oliver Allison

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 2nd 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 31 day of March 1888

J.M. Blitterson POLICE JUSTICE.

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel J. Black

vs.

Oliver Allison

Warrant-Larceny.

Dated March 31 1888

Jacob M. Colburn Magistrate

Thomas Brown Officer

The Defendant

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

Officer

Dated 1888

This Warrant may be executed on Sunday or at night.

J.M. Blitterson Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single

Read,

Write,

BQ 59
DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Samuel S. Glader
325 S 3rd St
67 University Place N.Y.
Oliver Adams

Dated *Orinda 5th* 188*x*

Witnesses, *Robert Spear*
No. *429 Broadway* Street,

Mrs Campbell
No. *19 Cumberland Place*
Brooklyn

No. *7th St* Street,
46 So. 4th St
Brooklyn
J. Blake

0504

Court of General Sessions
City & County of New York
The People vs
}
} against
} Oliver Allerton
} To

John R. Fellows
District Attorney &
Dear Sir.

You will please
take notice that on Thursday
the 6th day of September instant
at eleven o'clock in the forenoon or
as soon thereafter as counsel can
be heard at a court of General
Sessions of the Peace to be held in
and for the city & county of New
York at the City Hall of the
City of New York in part II of the
said Court upon all the papers
heretofore filed and the proceeding
heretofore had in this action and
upon the affidavit of which copy
is hereto annexed I shall move that
this action be dismissed and if
that motion is denied that the
defendant be discharged upon his
own recognizance and if that motion
be denied that this action may be

Court of General Sessions
City & County of New York
The People vs
against
Oliver H. Brown
To

John A. Tillman
District Attorney
Dear Sir,

You will please
take notice that on Thursday
the 6th day of September instant
at eleven o'clock in the forenoon or
as soon thereafter a Council shall
be held at request of General
Sessions re. the case to be held in
and for the City & County of New
York at the City Hall of the
City of New York in part II of the
said Court upon which papers
hereto fore filed and the proceedings
heretofore had in this action and
upon the affidavit of which a copy
is hereto annexed I shall move that
this action be dismissed and if
that motion is denied that the
defendant be discharged upon his
own recognizance and if that motion
be denied that this action may be.

Court of General Sessions
 City & County of New York
 The People vs
 against
 Chas Allison
 To

John R. Fellows
 District Attorney &
 Dear Sir.

You will please take notice that on Thursday the 6th day of September instant at eleven o'clock in the forenoon or as soon thereafter as counsel can be heard at a court of General Sessions of the Peace to be held in and for the city & county of New York at the city hall of the city of New York in part II of the said court upon all the papers heretofore filed and the proceeding heretofore had in this action and upon the affidavit of which reply is hereto annexed I shall move that this action be dismissed and if that motion is denied that the defendant be discharged upon his own recognizance and if that motion be denied that this action may be

set down presumptively for trial
upon a day to be fixed by the court
dated on the 5th day of September A.D.

1888 Yours Truly

Ambrose H. M. D. G.

of Counsel for Dept

10 280 Broadway

New York City

set down presumptively for trial
upon a day to be fixed by the court.
Dated on the 5th day of September A.D.
1858

Yours truly,

Ambrose H. M. D. J.

of Counsel for Dept

No 250 Broadway

New York City

Court of General Sessions City & County of New York.

The people vs.

Oliver Allison

City & County of New York ss.

Affidavit in motion to discharge Ambrose H. Burdett

being duly sworn says as follows to wit I am of counsel for Oliver Allison the defendant above named. An indictment against the defendant for Grand Larceny in the first degree was filed in this court on the 6th day of April last. The said indictment has never been brought to trial.

The trial has not been postponed upon the application of the defendant and no delay in the trial has ever been caused by him.

No good cause has ever been shown why this action shall not be dismissed and no sufficient reason has ever been shown why this action should be continued from term to term.

The defendant has been for a long time and is now confined

Court of General Sessions City & County of New York

The People vs.

Oliver Allison

Affidavit in relation to District of

City & County of New York ss.

Subscribed

being duly sworn unto as follows to wit I am of counsel for Oliver Allison the defendant above named. An indictment against the defendant for Grand Larceny in the first degree was filed in this court on the 6th day of April last. The said indictment has never been brought to trial.

The trial has not been postponed upon the application of the defendant and no delay in the trial has ever been caused by him.

No good cause has ever been shown why this action shall not be dismissed and no sufficient reason has ever been shown why this action should be continued from term to term.

The defendant has been for a long time and is now confined

in prison awaiting trial and I
make this this affidavit for the
purpose of applying to this Court
for his relief in pursuance of
sections 668 and 669 of the
Code of Criminal Procedure
re.

Subscribed and sworn to before me this 5th day
of September A.D. 1885
J. May Laugan
Notary Public
Kemp & Co

Kemp & Co

Clara Allison

Mr. Garrison
has the papers
deposited for

Martin &
Appt

Robt Lamb,
Deputy
J. John A. Fellows
Notary

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

The People of the State
of New York
against
Oliver Wilson

The Grand Jury of the City and
County of New York by this indictment
accuse Oliver Wilson of the crime of
Breach of Fiduciary in the first degree,
committed as follows:

Wherefore, to wit: on the tenth
day of March, 1887, at the City of New
York, in the County of New York
aforesaid, an order was duly made by
the Court of Common Pleas for the
City and County of New York, wherein
and whereby it was ordered to the
said Court to show the inscription of a
copy then on file in the office of the
Clerk of the said Court, duly taken under
a commission then lately before issued
out of the said Court, that the said
jury had found one James McNeil to
be a lunatic, and of unsound mind so
that he was incapable of the government

of himself or the management of his lands
 and debts, and also that the said
 James McVie was possessed of
 certain real estate in the said jurisdiction
 desired; it was ordered amongst other
 things, that the said Oliver Allison, he
 and the Sheriff was appointed the com-
 mittee of the person and estate of the
 said James McVie, upon his going
 abroad into two sufficient sureties to be
 approved by ^{a justice of} the said court in the penalty
 of three thousand dollars and conditioned
 that he would in all things faithfully
 discharge the trust reposed in him and
 obey all lawful directions of any court
 or officer of competent jurisdiction touching
 the trust and that he would in all respects
 render a just and true account of all money
 and other property received by him and of
 the application thereof and of his guardian-
 ship whenever he was required so to do, by
 a court of competent jurisdiction, and
 further that upon the due giving of such
 security the said committee should be vested
 with the usual powers prescribed by law,
 And afterwards to wit, on the 29th
 day of January 1888, at the said city and
 County, the said Oliver Allison having

meanwhile duly given the security so
 required and the same having been duly
 approved, the said Oliver Allison was
 a person acting as a trustee, having been
 duly and lawfully appointed as such
 by the said order of the said Court of
 Common Pleas, to wit: the committee
 of the person and of the property and
 estate of the said James McNeill, and so
 acting as such trustee the said Oliver
 Allison then and there had in his custody
 and possession by virtue of his said
 office and appointment divers moneys,
 goods, things in action, securities, evidences
 of debt and of property and other valuable
 things, and the proceeds thereof, to wit: the
 sum of four thousand one hundred
 and twenty nine dollars and eighty five
 cents in money, lawful money of the
 United States and of the value of four
 thousand one hundred and twenty nine
 dollars and eighty five cents, and divers
 other goods, things in action, securities,
 evidences of debt and of property and
 other valuable securities things, and the
 proceeds thereof (a more particular description
 whereof is to be found in the report of the
 undersigned, and cannot now be given) of the

value of seven thousand one hundred
 and twenty nine dollars and eight
 five cents; and no having the said
 money, goods, things in action, securities,
 evidences of debt and of property and other
 valuable things and the proceeds thereof
 in his possession and custody as aforesaid
 the said Oliver did then and there, to
 wit: on the said 29th day of January, 1888,
 at the City and County aforesaid, with
 force and arms did feloniously, secretly,
 unlawfully and appropriate the same to
 his own use, 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 B. Fellows,

District Attorney