

N. Y. Superior Court

George H. Power

against

Gerard R. Beckman

Affidavit and order for judgment debtor to make discovery
after return of an execution unsatisfied.

City and County of New York ss:

Schedule A
Claudius L. Murrell being duly sworn, says that he is one of the attorneys of
above named plaintiff that judgment was recovered in this action against the above named
defendant in the Superior Court of the City of New York
on the twenty sixth day of January . . . one thousand eight hundred
and fifty five for Four Hundred and forty
three dollars and forty eight cents and docketed in the

office of the Clerk of the said Court in said City & County of New York; that
an execution against property of the judgment debtor was on the nineteenth . . . day of
April 1856 duly issued to the Sheriff of the County of
Westchester that the judgment debtor resided in said County at
the time of issuing such execution, and still so resides; and that the said Sheriff has returned the said
execution unsatisfied.

Sworn to before me, this 21st day }
of April 1856 }

Dan. Lewis
Clerk of deeds

Claudius L. Murrell.

Schedule B
It appearing to me by the affidavit of Claudius L. Murrell one of the plaintiff's attorneys
that an execution against the property of Gerard R. Beckman
the defendant in the above entitled action, has been duly issued to the Sheriff of the proper county
upon the judgment herein, and returned unsatisfied; I do hereby require
the said Gerard R. Beckman
to appear before me, at the office of R. Corbican in White Plains
on the sixth day of May one thousand eight hundred
and fifty six at 10 o'clock in the fore noon
and on such further and other days, and at such times and places as this Court, or its Referee appointed
herein, may by adjournment order and direct, to make discovery on oath concerning his property: and in
the meantime, and until the further order of this Court, the said Gerard R. Beckman
is hereby enjoined and restrained from making any transfer or other disposition
of his property not exempt by law from execution, or from any interference therewith.

Dated April 22nd . . . 1856

W. H. Robertson
Westchester Co Judge

N.Y. Superior Court

George H. Power

Agst
Gerard R. Beckman

Westchester County ss:

Robert Cochran of
the Town of White Plains said County
being duly sworn, depose and say that Gerard
R. Beckman the judgment debtor in
this action did not appear this day at the
office of Robert Cochran in said White Plains
at 10 o'clock in the forenoon to make discovery
on oath concerning his property before Hon.
W. H. Robertson Westchester County Judge
as required by an order heretofore duly served
upon him in this action upon proceedings
supplementary to Execution; but that he
has utterly failed and neglected to appear
as aforesaid up to the present time.
That it is now past noon of the said 6th
of May 1856; that deponent has attended
before said Judge as counsel for the
judgment creditor in this action upon these
proceedings.

Sworn before me this

6th day of May 1856

W. H. Robertson

Westchester Co Judge

Robert Cochran

Cochran C.

Ch. J. Superior Court

George H. Power
Agst
Gerard R. Beckman

Schedule D.

An order to examine
G. R. Beckman the judgment debtor
in this action having been heretofore granted
by me and returned to me this day with
proof of due service thereof upon said Beck-
man and it appearing to me by the
affidavit of Robert Cochran hereto annexed
and from my own knowledge of the
fact that the said Beckman has failed
and neglected to appear before me as
required by said order at the office of
R. Cochran in the Town of White Plains
at 10 A.M. this day to make discovery
on oath concerning his property. I order
and direct upon the motion of Robert
Cochran for plaintiff after hearing
W. D. Pandy Esq for defendant, that the
said G. R. Beckman show cause before
me at the office of R. Cochran said Town
of White Plains on the 14th day of May
1856 at 10 o'clock in the forenoon why
an attachment should not be issued
against him to punish him for contem-
pt in failing to appear as aforesaid.
And in the meantime let the injunction
heretofore granted in this action be con-
tinued.

Dated White Plains May 6. 1856

W. H. Robertson
Master Co. Judge

Supreme Court

The People on the Relation
Gerard R. Beckman

vs.
George H. Power &
William H. Robertson
County Judge of
Westchester County

County of Westchester sp:

Gerard R. Beckman
of the town of Mount Pleasant in said County being duly sworn doth depose and say that deponent is the Gerard R. Beckman above named.

And further saith that at the said town of Mount Pleasant and on or about the 24th day of April last past deponent received from John De River of the town of Greenburgh in the County of Westchester copies of the affidavit and order copies of which are hereto annexed marked "Schedule A" & "Schedule B"

That thereafter and previous to the 6th day of May 1856 mentioned in said order deponent engaged and retained W. H. Purdy an attorney and Counsellor of this Court to attend and conduct the proceedings mentioned in and to be had in pursuance of said order as attorney and counsellor for deponent.

And further saith that at said town of Mount Pleasant and on or about the

9th day of May 1856 deponent received from said John De Revere who handed the same to deponent copies of the affidavit and order or paper writing copies of which are hereto annexed marked "Schedule C" and "Schedule D."

And further saith that said copies affidavits and orders or paper writings copies of which are hereto annexed are the sole and only affidavits order or paper writings of any description which have been received by or handed to deponent in the proceedings or matter described in said copies affidavits orders and paper writings.

Sworn to before me this
26th day of June 1856

J. R. Beckman

Fred J. Burnham
Comm^r of Deeds

Supreme Court

The People on the relation
of Gerard R. Beckman

vs
George H. Power &
William H. Robertson
County Judge of
Westchester County

Westchester County ss

William F. Purdy of
the town of Greenburgh in the said County
being duly sworn doth depose and say
that defendant is the person described in
the affidavit hereto annexed of Gerard R.
Beckman as attorney and counsel for said
Beckman in the proceeding or matter
mentioned in said affidavit.
And further saith that as such attorney
and counsel for said Beckman defendant
attended before the Honorable William
H. Robertson County judge of said Westchester
County at the office of R. Cochran Esq
in White Plains in said County at the
time mentioned in the copy order hereto
annexed marked "Schedule B" and
then and there on behalf of said Beck-
man objected & protested to further
proceedings in virtue or pursuance of
said order or proceedings and then & there
stated such objection & protest to the said
County judge substantially as follows viz:
1. That the affidavit upon which said order

was issued was manifestly to authorize
and order a proceeding for a contempt
for disobedience thereof in so much as it
was not stated and did not appear from
said affidavit that any execution had been
issued or returned upon the judgment
described in said affidavit.

2.
over the term of service of said order was
not sufficient to authorize a proceeding
for contempt against the said Defendant
in so much as it did not appear that
at the time of such service the signature
of the judge to said order was exhibited
in any manner shown to the said
Defendant by means whereof defendant
attorney and counsel for said Defendant
as aforesaid claimed that all further
proceedings in said order should be dis-

continued.
said further order that on the 14th day of
May 1886 at the place mentioned in
said last mentioned order a proper
writing signed by the said Defendant before the
said Court judge as attorney and counsel
for the said Defendant and on
behalf of said Defendant returned
and again made the above mentioned
objection and protest to further proceed-
ings in the proceeding a matter above
described and especially objected and pro-
tested against the return of any writ or
writ against said Defendant for any

refusal or failure to obey or comply with the requirements of either of said orders or paper writings whereupon the said County Judge decided to over-rule said objections and protest made as aforesaid and then and there also decided and signed an order that attachment issue against said Beckman for the failure of said Beckman to appear before said judge as required by said order or paper writings. And further saith that deponent was informed by the said county judge and also by the counsel for said George H. Power who conducted said proceedings, him before said judge that it was the intention of said judge and counsel for said Power to arrest said Beckman under said attachment and by means thereof to complete a compliance on the part of said Beckman with the requirements of the orders aforesaid.

And further saith that deponent is informed and believes that the said affidavit a copy of which is hereto annexed marked "Schedule A" is the only affidavit or proof presented to said county judge or upon which said order a copy of which is hereto annexed marked "Schedule B" was made, and that the proof of service of said last mentioned order on the said Beckman did not state or shew that the signature of the judge to said order was at any time or in any manner exhibited or shown to

said Beckman or that he had.
sworn to before me this
26th day of June 1856

Fred. G. Brunham
Clerk of Court

W. J. Purdy