

0387

BOX:

201

FOLDER:

2013

DESCRIPTION:

Scannell, James

DATE:

12/23/85



2013

Return Supp 7, 1880
Office Mr Mackey

No 220

Day of Trial, *Dec* 1880
Counsel, *Dec*
Filed *Dec* day of *Dec*

Pleads *Mackey vs*

THE PEOPLE

vs *James Scannell*

INJURY TO PROPERTY.
Sec. 654, Penal Code.

Randall & Son, Inc.

Dec 24/80 District Attorney.

Reads guilty
A True Bill.

Wm. J. Dewitt
Foreman.

Pen 10 days

0389

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

James Scammell 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. *James Scammell*

Question. How old are you?

Answer. *31 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *44 Bow - when ashore*

Question. What is your business or profession?

Answer. *Sailor*

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

Answer. *I am not guilty*
James Scammell

Taken before me this

day of

188

Police Justice.

0390

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

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

Dated Nov 17 1888 [Signature] Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

0391

Police Court

1472
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George J. Cowan

vs. James Philip
James Scamille

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

December 17, 188

Magistrate

Officer,

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street,

\$

1000

to answer

G.S.

C.M.

0392

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

POLICE COURT,

DISTRICT.

George J. Cowan
of No. James Plip Street, being duly sworn, deposes and says,
that on the 17th day of December 1888

at the City of New York, in the County of New York, is informed by
Officer William Mackay of the 4th
Precinct Police that he Mackay
saw James Scannell (now here)
wilfully and maliciously throw a
stone or, and break a plate
glass window in the store of
premises known as Number 2
James Plip. Said window was
valued at Seventy Dollars $\$70.00$
Wherefor deponent prays, said defendant
be held to answer said complaint
George J. Cowan

Sworn to before me, this

of

December

1888

at

the City of New York

in the County of New York

before me

Notary Public

for the City and County of New York

My Commission Expires

the 1st day of

January

1889

Witness my hand and seal

this 17th day of December

1888

at the City of New York

in the County of New York

Notary Public

for the City and County of New York

0393

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 40 years, occupation

William Mackay
Police Officer of No

44 Princeps Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of George T. Curran
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

17th

day of

November

1887

William Mackay

[Signature]
Police Justice.

0394

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

James Scamell

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

James Scamell
of the CRIME OF UNLAWFULLY AND WILFULLY DESTROYING
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said James Scamell,

late of the ~~South~~ Ward of the City of New York, in the County of New York
aforesaid, on the ~~seventeenth~~ day of ~~December~~, in the year
of our Lord one thousand eight hundred and eighty ~~five~~, at the Ward, City and
County aforesaid, with force and arms, a certain ~~piece of~~ ~~iron~~,
of the value of ~~seventy~~ dollars, —

of the goods, chattels and personal property of one ~~George S. Roman~~,
then and there being, then and there feloniously did unlawfully and wilfully
~~create and destroy~~, —
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 James Scamell, —

of the CRIME OF UNLAWFULLY AND WILFULLY
REAL PROPERTY OF ANOTHER, committed as follows:

The said James Scamell,

late of the ~~South~~ Ward of the City of New York, in the County of New York
aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City
and County aforesaid, with force and arms, a certain ~~piece of~~ ~~iron~~,
of the value of ~~seventy~~ dollars, —

in the ~~building~~ of one ~~George S. Roman~~,
there situate, then and there being, of the real property of the said
~~George S. Roman~~, —

then and there feloniously did unlawfully and wilfully ~~create and~~
~~destroy~~, —
against the form of the Statute in such case made and provided, and against the peace
of the People of the State of New York and their dignity.

~~James Scamell~~
~~JOHN H. HENRY~~

District Attorney.

0395

BOX:

201

FOLDER:

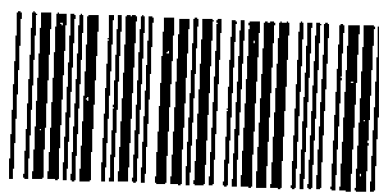
2013

DESCRIPTION:

Schoo, John

DATE:

12/11/85



2013

Witnesses:

John Richardson
Officer Bell

No 86

Counsel, *Chas. A. Smith*
Filed *11* day of *December* 188*5*
Pleads *Voluntarily*

Grand Larceny, 2nd degree
[Sections 528, 531 Penal Code]

THE PEOPLE

vs.

John Schoo

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Ben. J. Powell
Dec 17/85
Foreman.
James J. Connelley
Right Larceny
Per One year.

0396

0397

The People
vs.
John Schoo.

Court of General Sessions, Part I.
Before Judge Gildersleeve.

December 17, 1885.

Indictment for grand larceny in the second degree.

William Reichman sworn. I am a manufacturer of cardigan jackets at ~~45~~ 330 Canal Street. I saw the prisoner on the 5th of November on my premises he got thirteen cardigan jackets, twelve valued at two dollars a piece and one at three dollars. About the beginning of November the prisoner came to my place and stated that he was doing finishing at home with his mother, that he had a sewing machine at home and would like to do the finishing of jackets for me. I told my foreman that as we were busy if he thought the defendant understood the finishing of jackets to give him work home; my foreman told him to come again the next day and he explained to him the way he wanted those goods finished. He came on the 5th about noon time and my foreman wrapped up one dozen of large woolen jackets and one fine one as a sample; he promised to return that in a day because he said he could do a dozen a day for us. About a week passed and we happened to think that man had not returned those goods. I sent my boy up to 100 Livingston Street, the address he gave me at the time, he gave me the name of John Greler; the boy came back and said that the people in the house never heard that name, I sent my foreman up to inquire and he came back and told me that that man was known in that neighborhood and that he was a swindler. We never recovered the property, officer Bell arrested the prisoner about six weeks afterwards; this property was mine.

0398

Cross Examined. I have no partner in the business (It was conceded on both sides that the offense if any, was petty larceny.) My foreman delivered these goods in my presence. I could not be mistaken in the address that he gave me, I have never received any part of those goods back.

Thomas Fell sworn. I am an officer of the 10th precinct, I arrested the defendant about four weeks ago, he was tried in the Special Sessions and acquitted and the complainant came up to me a few days afterwards and asked me if I would arrest him upon a charge which he would make against him, I told the officers if they saw the defendant to arrest him for me; when he was arrested he gave the name of Schoo, I have known him by the name of Muller, the complainant told me that he gave the name of Greler, he gave in court his residence as 23rd Street and the other time when he was arrested he gave the address as 14th St. I asked him if he would deliver up those goods, he said no he would see him damned first, he was going to keep them.

I told him he had better give them up because Judge Povers told me to go and see if he could get the goods and that is the answer he gave me, I have never found the goods.

Cross Examined. I had the conversation with the defendant about the goods the very morning he was committed by the Judge for trial, the conversation took place at the door of the cell up in Essex Market Prison. He told the judge previous to that that he did know where the goods were and that he had them at St Chrystie Street, I did not go there because he gave so many residences.

0399

John Schoo sworn and examined in his own behalf.
My regular business is barber but in November I was manu-
facturing worsted goods with a lady that I have been in
partnership with. I was to keep the books and she would get
goods at different places and I got six dollars a week for
running around and getting them. I went into this place
of the complainant first in January and the man said he
had no work at the time, I went there in August and the
man said he had no work but he might send me word, during
all this time I was with the lady and always returned work
to the shops which I got. I received a postal card from
the complainant under the name of John Schoo, it was to
Rivington Street, the same address where I have lived for a
long while; it is not true that I gave my name as Greler;
the postal card was sent to Rivington Street and I had
removed to the Roversy, I went to the complainant's place
and received one packet from the foreman and made it and
returned it, I then received four which I also returned
and then after that went down again and he put up twelve
jackets for me, I brought them home and gave the to the
lady, Mrs. Gumbidge, she gave them out to the hands to
work, I never sold those goods and never gave them away to
anybody, I have never had them since.

Cross Examined. I did not get seventy dollars worth
of worsted goods from Solder & Co. 30 Walker Street, I
left Mrs. Gumbidge in 374 Roversy, she left Rivington St.
in the latter part of November, I have never seen her
since.

The Jury rendered a verdict of guilty of petty
larceny.

0400

Testimony in the
case of
John Schoo
filed Dec.
1883-

0401

34 District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.of No. 260 Canal Street,being duly sworn, deposes and says, that on the 5 day of March 1885
at the _____ City of New York,in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent in the day time.

the following property, viz :

Thirteen Cardigan Jackets
of the value of twenty seven dollars
(\$ 27.00)the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by John Schoor (name here)from the fact that the defendant
came to deponent's premises
on the aforesaid day and obtained
the above lot of goods for the
purpose of finishing the same
and then returning them to the
deponent in a few days (2 days)
said that from that time up to the
present day said defendant did

Sworn before me this _____ day of _____

1885

Police Justice

0402

not returned nor did he return
any of the aforesaid property
as agreed. Defendant therefore
charges that the defendant obtained
the aforesaid property
with the unlawful intent to
deprive the true owner of
his property.

Sworn to before me
this 9th day of December 1885 }
Wm. Reichman
Justice of the Peace
Police Section

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0403

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, { ss

34 District Police Court.

John Shoo
signed, according to law, on the annexed charge: and being duly examined before the under-
enable *him* if he see fit to answer the charge against *him*; that the statement is designed to
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *John Shoo*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *58 West 23rd Street. Two weeks*

Question. What is your business or profession?

Answer. *Burglar*

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

Answer. *I am not guilty*

John Shoo

Taken before me this

day of

1885

Police Justice.

0404

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 _____

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

Dated Dec. 9 188 5 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0405

Police Court

50/373
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Richardson
726 Canal
Chas. Schor

Office of Grand Jurors

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated *Dec. 9* 188

Barry Magistrate

Wells Officer.

10 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street,

No. _____ Street,

\$ *500* to answer *G. I.*

Om

0406

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

John Dehoo

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

John Dehoo

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

The said *John Dehoo*

late of the First Ward of the City of New York, in the County of New York aforesaid
on the *25th* day of *November*, in the year of our Lord
one thousand eight hundred and eighty-*nine*, at the Ward, City and County
aforesaid, with force and arms,

*Fifteen cardigan jackets and of
the value of two dollars each,
and fifteen unfinished cardigan
jackets of the value of two
dollars each.*

of the goods, chattels and personal property of one *William Richman*,

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

Samuel B. Martin,
District Attorney

0407

BOX:

201

FOLDER:

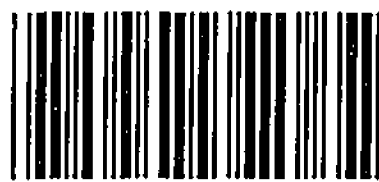
2013

DESCRIPTION:

Schwarzfeldheimer, William

DATE:

12/03/85



2013

0408

Witnesses:

J. W. L. [Signature]
Perjury: Williamson

Counsel,

Filed

Pleads

1885

day of

Mr. Guilty (4)

THE PEOPLE

vs.

P

William Schwartzfeldman

Robbery, (MONEY)
(Secs. 224 and 225, Penal Code.)
degree.

RANDOLPH B. MARTINE,

District Attorney.

Dec. 9 1885

A True Bill.

Q. Carter
Foreman

Plead guilty today

S. P. Amey

0409

Police Court-- First District.CITY AND COUNTY }
OF NEW YORK, } ss

Albert W Darrow
 of No 76 Devoe Street Brooklyn Aged 22 Years
 Occupation Cashier being duly sworn, deposes and says, that on the
29th day of November 1889, at the 17th Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

Good And Lawful Monies of the United
States in Bank Bills and One Nickel
Watch And gold Chain altogether of

the value of One Hundred & Sixty DOLLARS,
 the property of Albert W Darrow

and that this deponent has a probable cause to suspect, and does suspect, that the said property was
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

William Schwaartzfelheimer (nowhere)
 and another man not now arrested
 from the fact that at about the hour of
 eleven o'clock & thirty minutes P.M. on
 the above described date while deponent
 was walking along First Street and when
 deponent was opposite to 76 Devoe Street
 where there is a large alley the said def-
 endant and said other man not now
 arrested came from behind deponent and
 the said defendant placed his defendant's
 arm around deponent's neck and placed
 his defendant's other hand over deponent's

Adopted

Signed and sworn to before me this

1889

Police District

0410

Month while said other man not now arrested inserted his hand in deponent's right hand pantaloons pocket and abstracted the aforesaid amount of money and said other man inserted his hand into deponent's left hand side vest pocket and abstracted the aforesaid watch and chain from deponent's person and deponent positively identifies said defendant as the person that did place his defendant's arm around deponent's neck

Sworn to before me this

20th day of November 1885

Albert W. Barron

John J. Barron

Police Justice

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.

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

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offense—ROBBERY.

1
2
3
4

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

No.

No.

\$

to answer General Sessions.

0411

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

172 District Police Court.

William Schwarzfeldheim 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. *William Schwarzfeldheim*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *409 East 12 Street 10 years*

Question. What is your business or profession?

Answer. *Express Driver*

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

Answer. *I am not guilty*

William Schwarzfeldheim

Taken before me this

day of

188

Police Justice.

04 12

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 Arthman

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

Dated Nov 23 1883 Wm. J. Herman Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0413

5 PM bail Ex 2 PM

Police Court

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Albert W. Darrow
76 Devoe St
Brooklyn
William Schwabfildhomen

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

2
3
4

Dated 188

Magistrate

Officer.

Precinct.

Witnesses

No. 160 - Street.

No. 117 - Precinct Street.

No. Street,

\$ 2500 to answer

Call

0414

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Admarrfeldheimer

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

of the crime of ROBBERY IN THE

DEGREE, committed as follows:

The said

William Admarrfeldheimer,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*five*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one *Albert W. Barron*, in the peace of the said People then and there being, feloniously did make an assault, and *five* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *fifty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *twenty* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *ten* dollars, one watch of the value of *ten* dollars, and one chain of the value of *twenty* dollars, —

of the goods, chattels and personal property of the said *Albert W. Barron*, from the person of the said *Albert W. Barron*, against the will, and by violence to the person of the said *Albert W. Barron*, — then and there violently and feloniously did rob, steal, take and carry away, (the said *William Admarrfeldheimer*, being then and there aided by an accomplice actually present whose name is to the Grand Jury aforesaid unknown) against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

04 15

BOX:

201

FOLDER:

2013

DESCRIPTION:

Sclavouns, Mimi

DATE:

12/03/85



2013

0416

Witnesses:

310

Counsel, *Wm. John Gray*
Filed *3* day of *Dec* 188*8*
Pleads *Not Guilty (4)*

THE PEOPLE

vs.

F

William D. Davenport

John W. Davenport

[Section of Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

L. C. Carter Jr.
Dec 21/88 Foreman
Chas. J. Fox
51. 2000 years.

0417

26
The People
vs.

Minni Sclavoneos

Court of General Sessions. Part I
Before Judge Gilchrist
December 21. 1885.

Indictment for grand larceny.

Pandeli Y. Pacheri sworn. I know the prisoner for two years, I have been here six years and am a merchant. About the 10th of Nov. I recieved a letter from the prisoner (letter shown and identified) I had several conversations with the defendant about money prior to getting the letter; he had asked me for money. Cross Examined. I don't know him from Greece. I know persons in the Greek Consul's office. I first became acquainted with the defendant in the street, he asked me for money and I gave it to him. I think about twenty or twenty five dollars. He told me he was a poor man and wanted to go South to find some work. I saw him a few months later; he came and asked for money for the same purpose and I gave it to him again. I don't recollect how much but not less than fifteen dollars. The next time I saw him was in the beginning of Sept. I refused to give him any more money and this letter was written afterwards about two months after that. I gave the letter to the Greek Consul to translate it with the envelope.

0418

The letter was addressed to me at No 13 Old Slip. He threatened in the letter to do me bodily harm if I did not comply with his request. I know that the letter was in the defendant's handwriting because I received similar letters from him, but I never saw him write. I do not know of my own knowledge whether this letter is in his handwriting or not. He says in that letter, "I did not expect from you to decide to send me out of the country." I had no expectation of sending him out of the country. I always like to help poor people who come in my way. I received letters purporting to come from this defendant six or seven times. I never conversed with him about those letters and he never mentioned to me personally that he had ever written to me. I received the letter in question about the 11th of Nov. at my office No 13 Old Slip by mail.

John W. Parker sworn. I am in the employ of the complainant and have known him about six years. I know the defendant about two years on and off. I have seen him at my employer's place of business. As near as I can recollect the letter now shown me is the letter I saw in the Greek Consul's hand which he read to me. I had no conversation with the prisoner respecting this

0419

particular letter, but I have had respecting letters which he wrote to my employer. I talked with him about them since the 11th of Nov. He said, "I admit sending those letters to Mr. Pachari." I saw him in the "workhouse." I told him Mr. Pachari had received his letter and he requested me to tell him he had received it. I handed him three packages of cigarettes. Then the prisoner said to me, "For God's sake, try and get Mr. Pachari to withdraw this charge. I admit that I have done wrong, but I will be a new man, I want to go away, I will walk out of New York barefoot, I don't want any money. This charge of blackmail and extortion had been made against him. The prisoner also said, If Mr. Pachari does appear against me, I hope he will not give the proper name, because I am wanted in other prisons in the United States elsewhere and I will never get out if my proper name is given." I said to him, "You should not write those letters to a man that benefitted you so much; every time you came he gave you money, why should you send them letters, you might get hurt for what you have threatened to do." He said, "I don't care whether I get hurt or not, I have got neither friends, father, mother, wife or anybody

0420

else, I would go to the gallows. I have nothing to live for. If Mr. Facheri don't give me money I will go to the gallows"; and he wrote that in one of the letters. Cross Examined. Had this conversation in the Tombs cell No 82 I cannot recollect the day, it was some time in this month. Mr. Facheri sent me to see him. The prisoner speaks broken English. My employer told me to tell him that he recieved his letter. I did not know what was in the letter. He asked me if I thought Mr. Facheri would withdraw the charge? I told him I did not think he could because it went before the District Attorney and he was subpoenaed to go to the Court and he had to do it. He butted his head against the wall two or three times and he said something in his own language which I did not understand. I told him not to be foolish because I said, if you go up there they will give you a chance if you plead guilty I think they will let you off easier as far as I know I was friendly to him. I recognize the letter now shown to me as written by St. Bottassi the Greek Consul. I do not read Greek. I said further to the prisoner, "I have got a knife in my possession that I took from you when you got off the Island and I will be

0421

called up as a witness against you, and it will be a bad thing for you. As the thing stands now if you would only leave Mr. Jacheri would be glad of it. I had a conversation with the Greek consul before I went down to the Turks. I made no arrangement with him whatever to get a confession out of the defendant. I said to the Consul that the defendant was doing a very foolish thing trying to kill a man that is continually benefiting him. I said, if that man done that thing to me I would shoot him on the spot or I would have him arrested. He said, I might go down and see him and bring him a few packages of cigarettes and some under clothing. I brought him under-clothing and a pair of shoes. I told the defendant as far as I knew about the law and the Courts of New York where a man pleads guilty the sentence is lighter. I was not certain I made no threats at all. I said to him, I will be called up and I will have to produce that Knife, which I have got in my possession now. Then he told me he was sorry he had done wrong. When we went there he opened the valise and he muttered to himself. He took the Knife out. I said, "You are a reformed man, I want to stay by you and see that you leave the city." He put it in his

0422

inside pocket. I said to him, I want that. Then I took it out of his hand and took it from him; he did not offer any resistance. He said, "No, I want give you that, I want it for my candy business." I wanted the man to go away peaceably because I thought he would do wrong with it. This took place at the pawnshop 383 Canal street. I told Mr. Facheri that he had better appear against the man, that it was foolish giving him money. I said to Mr. Facheri, "I think the man will plead guilty because he knows he is wrong."

Wilhelmus Minders sworn. I am an attorney at law. I know the complainant very well. I only had one conversation with the defendant. I saw the letter now shown me at the Police Court and had a conversation with the defendant respecting it. I asked him if he wrote the letter and he said, "yes." I asked him if he sent it and he said, "yes." The clerk at the Juries asked him would he plead guilty or not guilty? He said, "guilty." The clerk said, you had better put it "not guilty." Cross Examined. I went with Mr. Facheri to the Juries when he lodged his complaint. I am counsel for Mr. Facheri. The clerk asked the prisoner what his business was. The complainant was called up and asked to confirm

0423

the statement which he made in his original complaint; he was not cross examined.

James Gervity sworn. I was present at the examination of the defendant in the Scrubs, I saw the last witness there; they got out a warrant for the defendant. I don't know where a letter was shown to him or not there. I had no conversation with him, I arrested him at 115 Pearl St. Cross Examined. I brought the defendant to the Scrubs. I saw the previous witnesses there; the defendant had a formal examination there. There was a crowd there, I did not pay much attention to what was said. John W. Parker recalled. The knife shown me is the one I took from the prisoner. I got it from him the same day he came from the workhouse.

Demetrius Botasszi sworn. I am the consul general of Greece, I know the defendant very well, for a couple of years at least. I first saw the letter now shown me when Mr. Facheri showed it to me; about the 11th of Nov; the letter was in Modern Greek and I made a translation of it. It is as follows: "I write you today Mr. Facheri that I did not expect that you would like to exile me from America. I thank you that you have liberated me from the prison and that

0424

you sent me thirty dollars by your clerk, but that was to free my clothes from the pawnbroker. Afterwards I perceived that they wanted you to send me away from New York by force and they proposed to me to go to Valparaiso and to furnish me ^{also} with money. Now I tell you ⁱⁿ that in my life I never bothered any of my countrymen. I remember when you went to school in Smyrna and had a fight with the boys in the street, I stepped in and separated you. I do not care what I do with my life. I have no other recourse but to write to you for you to decide to furnish me with the means to do some business outside of New York. I have a good inheritance in my country from my father. My mother was a midwife. I have committed many wrongs towards you but not through my fault. I gambled the money which you gave me and I am now ruined. Now I swear to you hereafter I will never drink nor gamble and will pay back eventually the money you loaned me. Now look here if you do not do for me what I ask you, you will repent it. Perhaps I will harm only myself, but possibly with myself I will bring down also the Greek consul that he may remember that you

0425

are the cause of my trouble. I have no cares
on me, no wife or children to take care of.
I am desperate. Death is preferable to such
a life. Now no more. I am waiting for your
answer, and take care not to send it
by an American because I am decided
to harm him (Something of that kind; it
is not exactly a proper word he said - to
strike, something of that kind.) Send me
word to the enclosed address. Your mis-
erable compatriot. Minni Sclavonios.

Smyrna Cross Examined. This letter
is written in very bad Greek; it is utterly
impossible to translate it verbatim.

Minni Sclavonios sworn and
examined in his own behalf testified. I live
in Albany, N. Y. On the day I was arrested
I was in Bleeker St. I slept a couple of
nights in Water St. with a Greek fellow
because I had no money to pay. I have been
in this country about three years. I knew
Mr. Pachet's father and family in Europe,
I knew the house where they lived in Smyrna.
I have known Mr. Pachet two years; he has
given me money about six times. I am
sick with rheumatism. I am a Candy
maker, I have to work by the fire and it
makes me sick. In June and July ^{when} ~~the~~

0426

there is no work at candy making: he gave it to me plenty of times, he never refused it to me; one time he gave me ten dollars and another time fifteen dollars; he is a very good man and never refused me. I knew him when he went to school, but maybe he does not remember me. I would not go to a stranger to ask money. I wrote the letter, that has been produced here to Mr. Facheri: I did not expect that you will ask me to leave. I thank you very much for the thirty dollars that you gave me. With that money I took out my clothes from the pawn broker, I intend to leave New York. I want to go to Valparaiso, so that I can do a little business there, to leave America and live there because it is a very hot climate there. Now at the age that I reach I never gave any trouble to ~~a~~ countryman of mine. I remember when you went to school when you was a little boy. What did you mean by saying, "I never gave any trouble to a countryman?" I meant if I am not sick I will go and work. I do not ask anything of a countryman when I am in good health, when I am not spitting blood. I have nothing to write about my life today, I leave it to you to think

0427

about if I should commence a little business so that I should make a living only outside of New York, he said, "Try and make a living." He is very good, I cannot tell bad of Mr. Richera. "I am in a foreign land here, I have something left by my father in the old country; if possible I will put it in the hands of the Consul, I will make out the papers and he shall sell it; he shall sell that property for me and he shall give me the money whatever it brings. I swear by the Almighty from now on further I will not drink any more," because I used sometimes to take a little drink, "and I will live decently as I lived before, and I will pay you back as much money as you gave me, and if you do not do anything for the unfortunate Minni (meaning myself) I will suffer: I do not want to hurt a good country man of mine." "What did you mean by that, 'I don't want to hurt a good countryman'?" I meant because I write to him, I have got nothing, I am a stranger, I have no one here and I write to him that way because maybe I die in the street, maybe I fall down, maybe I am sick. I cannot read this

0428

very well. "I am always in misery; it is better for me to die than to suffer as I am suffering." I wrote twenty letters before this to Mr. Facheri, the same kind of letters to help me. I was friendly to him, I never tried to put him in fear to give me money. I did not ask him for any stipulated amount. Mr. Parker brought me money from Mr. Facheri, he treated me good; he go in a restaurant and treated me. I opened the valise, he saw that Knife. I am a candy maker. He says to me, "Please give it to me." I gave it to him. I will not sell it. He took out a small Knife and gave it to me to remember him. I never intended to extort any money out of him by any threat.

The defendant was cross examined at length and read the letter again.

I was sent to prison on the Island for two months and remained one month and ten days. Once in a while I used to play billiards for drinks but never gambled for money.

The jury rendered a verdict of guilty with a recommendation to mercy. He was sent to the State prison for two years.

0429

Testimony in the
Case of
Minim Sclavoneers

Filed Dec 1885.

0430

G. A.

Nov 10. 1885.

New York. I write to you to day, Mr. Faelini that I did not expect that you would like to exile me from America. I thank you that you liberated me from the prison and that you sent me thirty dollars by your clerk, but that was to free my clothes from the pawn broker. Afterwards I perceived that they wanted to send me away from New York by force and they proposed to me to go to Valparaiso and to furnish me also with money. Now I tell you that in my age I never bothered any of my countrymen, I remember when you went to school in Smyrna and had a fight with the boys in the street, I stepped in and separated you. I don't care what I do with my life, I have no other resource, but to write to you for you to decide to furnish me with the means to do some business, outside of New York. I have a good inheritance in my country from my father. My mother was a midwife. I have committed many wrongs towards you, but not through my fault. I gambled the money which you gave me and am now ruined. Now I swear to you hereafter, I will neither drink nor gamble and will pay you back eventually the money you loaned me. Now, look here, if you don't do for me what I ask you, you will repent it. ~~Perhaps~~ Perhaps I will have only myself

0431

but with myself I will bring down also the
Greek Consul, that he may remember that
he was the cause of my trouble. I have
no cares on me, no wife or children to take
care of. I am desperate, death is preferable
to such a life, now no more, I am waiting
for your answer, and take care not to send
it by an American, because I am decided
to stab him. Send me word to the enclosed
address.

Your miserable compatriote
Mimi Slavouno of Smyrna.
~~(Alien Monitor Smith)~~

~~The address was~~
~~Hotel du Commerce.~~
~~117 Bleecker Street.~~
~~New York.~~

The above is a correct translation
from the Greek.

New York, Nov. 24th 1885.



J. W. H. [Signature]
Consul General of Greece

0432

The People
vs
Grimm & Sclavovno

0433

gida gawise panta nappa. nippoc

[illegible]

0434

[illegible][illegible]

0435

[illegible]

0436

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

POLICE COURT,

1st DISTRICT.aged 47 years, Merchant, Pandeli Y. Pachios
of No. 13 Old Slip

Street, being duly sworn, deposes and

says that on the

10th

day of

November

1885

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

Mimis Selavounos alias Charles Smith, did unlawfully and feloniously with the intent to extort money from defendant write and send the hereto annexed letter, which forms a portion of this complaint to defendant.

That in said letter he threatened the life of defendant and the life of Demetrios Botassi, if defendant would not send him money to do business out of said City all of which is in violation of Section 558 of the Penal Code.

Defendant prays that said defendant may be arrested and dealt with as the law directs.

P. H. F. [Signature]

Subscribed before me this
25th day of November 1885

John J. Florman

Police Justice

0437

City & County of New York

Demetrius V. Bateman, aged 50 years. Counsel General of New York for the City of New York being duly sworn deposes and says, that he knows the handwriting of Minnie Selavous the within named defendant and that the letter annexed to the within Complaint is her handwriting of said defendant.

That the paper marked Exhibit A is a true translation of said letter.

J. W. McFerrin

Sworn to before me this 25th day of November 1887
John J. Gorman

Police Justice

Police Court District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

AFFIDAVIT.

vs.

Dated 1887

Magistrate.

Officer.

Witness.

Disposition.

0438

Sec. 151.

Police Court 1st District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Pandeli G. Fuchini

of No. 13 old Slip Street, that on the 10 day of November
1885 at the City of New York, in the County of New York,

Mimi Slavovous did unlawfully and
feloniously write and send a letter
to said complainant threatening his life
with the intent to extort money
from said complainant in violation
of Section 558 of the Penal Code

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him
forthwith before me, at the 1st 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 25 day of November 1885
John Gorman POLICE JUSTICE.

0439

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Randell Y. Tashiri
vs

Mimi Slavonoff

Warrant-General.

Dated Nov 25 1885

Norman Magistrate.

Garity Officer.

The Defendant Mimi Slavonoff
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Jas. L. ... Officer.

Dated 11 1885

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, 1 PM Nov 24-85

in Slavonoff

117 Water St.

Native of ...

Age, ...

Sex, ...

Complexion, ...

Color, ...

Profession, ...

Married, ...

Single, ...

Read, ...

Write, ...

0440

Sec. 198-200.

CITY AND COUNTY {
OF NEW YORK, } ss

1911

District Police Court.

Muhammed Slavoomous 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.

Muhammed Slavoomous

Question. How old are you?

Answer.

50 years.

Question. Where were you born?

Answer.

Turkey

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

Answer.

317 Water Street. 3 days.

Question. What is your business or profession?

Answer.

Confetioner

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

Answer.

I am not guilty of the charge

Taken before me this

day of *November* 188

Muhammed Slavoomous
Police Justice.

0441

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 _____

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

Dated *21 Oct 77* 188 *John J. Herman* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0442

N. 319, 1370
Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Paul H. G. Jackson
13 Old Ship

1 *Mini Delavours*

2

3

4

Office Jackson

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Nov 25* 1885

John H. Baker Magistrate

Lyons Officer,

Ducy Precinct,

Witnesses *John H. Baker*

No. *13 Old Ship* Street.

No. Street,

No. Street,

\$ *1000* to answer *G. S.*

Call

0444

liberated me from prison and that you sent me thirty dollars by your clerk but that was to free my clothes from the pawn broker. Afterwards I perceived that they wanted to send me away from New York by force and they proposed to me to go to Valparaiso and to furnish me also with money. Now I tell you that in my age I never bothered any of my countrymen. I remember when you went to school in Smyrna and had a fight with the boy in the street I stepped in and separated you. I don't care what I do with my life. I have no other resource but to write to you for you to decide to furnish me with the means to do some business outside of New York. I have a good inheritance in my country from my father. My mother was a midwife. I have committed many wrongs toward you, but not through my fault. I gambled the money which you gave me and am now ruined. Now I swear to you hereafter I will neither drink nor gamble, and will pay you back eventually the money you loaned me. Now look here if you don't do for me what I ask you, you will repent it. Perhaps I will harm only myself, but with myself I will bring down also the greek Consul, that he may remember that he was the cause of my trouble. I have no cares on me- no wife or children to take care of. I am desperate death is preferable to such a life. Now No more I am waiting for your answer and take care not to send it by an American, because I am decided to stab him. Send me word to the enclosed address.

Your miserable compatriote

Mi mi Slaveons of Smyrna

He, she said Minie Slaveons, then and there well knowing the contents of the said letter and writing, and with intent by means thereof to extort and again money from the said Pandeli N. Zacharis, against the form of the Statute in such

0445

Case made and provided, and
against the peace of the People
of the State of New York, and
their dignity.

Randolph B. Martin,
District Attorney

0446

BOX:
201

FOLDER:
2013

DESCRIPTION:
Sedley, Joseph

DATE:
12/09/85



2013

0447

BOX:

201

FOLDER:

2013

DESCRIPTION:

Dunn, Thomas

DATE:

12/09/85



2013

0448

BOX:

201

FOLDER:

2013

DESCRIPTION:

Tierney, William

DATE:

12/09/85



2013

Witnesses:

John Elliott
Geo. Wether

No 42
J.B. A
Counsel,
Filed day of V CC 1885
Pleads ~~XXXXXX~~

THE PEOPLE
vs.
Robert Sedgwick
William Ziemer
Wm. W. W. W.
Senator D. W. W.

H D
RANDOLPH B. MARTINE
District Attorney
A True Bill.
Foreman.

ASSEMBLY IN THE FIRST DEGREE, ETC.
(Sections 217 and 218, Penal Code).

0450

Police Court—2 District.City and County } ss.:
of New York,

of No. 75 East 189 Street, aged 28 years,
 occupation Baker being duly sworn
 deposes and says, that on the 10th day of November 1885 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Joseph Sedley,
William Senn, and Thomas Dwyer (all now here),
 that the said Joseph Sedley seized deponent by the
 eyes and held him; that the said William Senn
 locked the door of the apartment to prevent deponent's
 escape; and while deponent was thus held and so
 detained, the said Thomas Dwyer cut and stabbed
 him once in the back with a knife, which the said
 Dwyer, then and there held in his hand, the said
 knife penetrating the right lung

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

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

Sworn to before me, this 1 dayof December1885.John ElliottPolice Justice.

0451

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, } ss

District Police Court.

Joseph Gedley
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. *Joseph Gedley*

Question. How old are you?

Answer. *Thirty years*

Question. Where were you born?

Answer. *Liverpool England*

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

Answer. *Steamer "Canada" over 20 days*

Question. What is your business or profession?

Answer. *Commander*

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

Answer. *I am not guilty*
Joseph Gedley

Taken before me this
day of *January*

188*8*

Police Justice.

0452

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, { ss

District Police Court.

William J. Gurney 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.

William J. Gurney

Question. How old are you?

Answer.

Thirty-three years

Question. Where were you born?

Answer.

Ireland

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

Answer.

50 North Moore St. about one month

Question. What is your business or profession?

Answer.

harshman

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

Answer.

I am not guilty

William J. Gurney
made

Taken before me this

day of *March* 188*8*

Police Justice.

0453

Sec. 198-200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

Thomas Dunn 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

Thomas Dunn

Question. How old are you?

Answer

Twenty-three years

Question. Where were you born?

Answer.

Liverpool England

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

Answer.

Stamford, Conn. over 8 or 10 years

Question. What is your business or profession?

Answer.

Common

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

Answer.

*I am not guilty
Thomas Dunn.*

Taken before me this

day of *December* 188*8*

John H. Smith
Police Justice.

0454

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

POLICE COURT, 2 DISTRICT.

of No. 2nd Precinct Police Louis Walters being duly sworn, deposes and says,
that on the 10th day of November 1885

at the City of New York, in the County of New York, he arrested Joseph Sedley
Thomas Durr and Thomas Turney (all now here)
 on complaint of John Elliott, who charges that
 about the hour of 2 o'clock on the above date he was
 violently assaulted by the defendants: that the
 said Joseph Sedley seized him by the ears and
 dragged him into the fore-castle of the St. Nevada
 where he was employed as baker and then violently
 seized him by the throat and held him, while
 the said Thomas Durr cut and stabbed him
 in the back with a knife which the said Thomas
 Durr then and there held in his hand inflicting
 such serious injury that the said John Elliott
 is at present confined to the St. Vincent's Hospital
 and unable to appear in Court: that the said
 Thomas Turney was present and in the company of
 said Joseph Sedley and Thomas Durr when
 the above described assault was committed.

Deponent further says that he has taken the defendants
 Joseph Sedley, Thomas Durr and Thomas Turney
 before the said John Elliott in the St. Vincent's Hospital,
 and that the said John Elliott has fully identified
 the defendants as the persons who committed the
 assault and inflicted the injuries at the time and
 in the manner above described -
 Wherefore deponent prays that the said Joseph Sedley
 Thomas Durr and Thomas Turney may be committed
 to await the result of the injuries, inflicted or until
 the said John Elliott can appear in Court and make
 complaint

Louis Walters

Deponent to be sworn and then
 10th day of November 1885
 W. L. Turner

John Elliott

0455

POLICE COURT - 2 DISTRICT

THE PEOPLE, & C.,
ON THE COMPLAINT OF

James C. Carter
Thomas H. Carter
Thomas H. Carter

Dated *November 10* 188*5*

James C. Carter Magistrate.

James C. Carter Attorney at Law.

Witness, *James C. Carter*

George H. Carter is defendant of \$300 bond to appear.

James C. Carter
James C. Carter

Disposition

*Committed without bail
to await the return of a
warrant to the John Elliott*

RECEIVED BY THE CLERK OF THE DISTRICT COURT

0456

District Attorney's Office
City & County of
New York

Nov 10th 1885

Hon. Maurice H. Tower
Police Justice

Dear Sir,

Enclosed please
find Affidavits of
Officers Wolters and
McIlhargy in
Elliott (probable
Homicide) case
Kindly file

0457

with other papers
in same matter
as a precaution
to preservation &
exhib

Yours truly
J. H. Dourad
Asst. Dir. Bty

0458

John Elliott - Baker - mentioned
D. M. M. of the Union State
I was sent to the hospital in the
city of St. Louis. I was seized
by the ears and by the throat and
the hands of the men who were
with me. I was stabbed by John
C. M. and I was stabbed by John
C. M.

10th Nov

645 A.M.

John Elliott -

His J. Mark

Office M. M. M.

0459

City and County of New York ss:-

Loius Walters
being duly sworn deposes and says
I am a patrolman attached to
the 3rd Precinct of the Municipal
Police of the City and County of New York
On the morning of November 10th
1885 at about a quarter after
12. M - O'clock the baggage master
attached to Pier new #38 Union
Dock on West St. came to me & told
me that a fellow with a light
coat who had just gone down
the dock ~~had~~ was going to fix
a man which I understood
to be a quarrel - I then went
~~down~~ across the street to the Pier
and down said Pier and found
3 men in the water closet situated
at the lower end of ~~said~~ it - ~~I saw~~
~~a man~~ One of them had a pitcher

0460

of water I asked him where
he was going with it and he
replied "on board ship" and I
followed him to the deck of
the Steamship Nevada - I followed
~~the man with the pitcher to a~~
and found a man laying down
in a room surrounded by ~~a~~
three men one of whom said
he was the Physician attached
to the vessel - the man ~~who~~
laying down I saw had a
wound on his shoulder which
~~seemed to~~ was covered with
sticking plaster - I ~~wanted to~~
told them the man should go
to the Hospital - but the physician
then present said no better wait
until he gets sober - I made
enquiries there & then ~~to~~
who had ~~done~~ wounded or
assaulted the man - & several
of them ^{the man with the light coat & no teeth in front of his mouth whom I afterwards} ~~said~~ ~~had~~ ~~done~~ assaulted him - I then went
out of the room & sent somebody
after a brother officer and
Officer Mc Shargy responded
we looked around together & on

0461

enquiry & investigation ~~from~~
among the Crowd on the ship
we arrested four men to wit
~~John~~ ^{Thomas} Dunn, ~~Joseph~~ ^{Joseph} Sedley, George
Willis & Thomas Pierney, ~~we~~ we
took them all to the ^{of Reginald} Station House
where they were entered on the
blotter & then immediately took
them to St Vincent's Hospital
where the wounded man John
Elliott had been meantime
taken to - We ~~stood~~ brought
Dunn, ~~Willis~~ & Pierney, and two
men arrested later on to wit
Montgomery & ^{Farley} ~~another~~ ~~one~~ before
Elliott who identified ~~them~~
~~as the man~~ & Dunn as the
man who stabbed him and
Pierney as the man in his
^{Dunn's} Company - ~~I also~~ ~~my~~ later
on in the morning ~~we~~ I arrested
a man named Sedley whom
we also took before Elliott at
St Vincent's Hospital ~~is~~ & he
said Elliott identified said
Sedley as the man who
grabbed him by the ears
& held him while Dunn

0462

stabbed him - this identification was made in the presence of Officer W. Elhargy, ~~the~~ myself & the attending nurse on Elliott ~~Elliott also~~

Officer W. Elhargy ~~made~~ took a written statement from John Elliott the wounded man which is herewith attached & made a part of this Affidavit

Sworn to before me this 26th day of November 1885

Louis Wolters

(J. J. Douglas)

Notary Public N.Y.C.

City & County of New York ss.

Alexander M. Elhargy

being duly sworn deposes & says I am a patrolman attached to the 3rd Precinct Police N.Y. City I am the Officer referred to in the foregoing Affidavit of Officer Wolters and ~~he~~ took part in the arrest therein referred to I have ^{heard} read said Affidavit & the same is true in every particular I was present at the Hospital when Elliott identified Dunn, Reiney & Sedley & ~~also~~ I wrote the statement subscribed to by Elliott at the latter's dictation which statement is annexed here to

Sworn to before me this 10th day of November 1885

(J. J. Douglas)

Notary Public N.Y.C.

Alexander M. Elhargy

0463

The People

— M —

Thomas Dunn

chal

Applicants

0464

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 _____

Joseph Kelley, William Sumner and Thomas Jones
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.

Dated December 1 188 5 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0465

1340

Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

- 1 *James H. Collins*
- 2 *William V. King*
- 3 *James H. Collins*
- 4

Dated *June 1* 188 *5*

Charles H. Wells Magistrate
Off Walters & McShargy Officer

3 Precinct.

Witnesses *James H. Collins*

No. *James H. Collins* Street.

No. *in district of 60* Street,

No. *St Vincent Hospital* Street,

\$ *1000* to answer

0466

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Sedley, William Tierney & Thomas Dunn

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

Joseph Sedley, William Tierney & Thomas Dunn,
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Joseph, William and Thomas,*
each —

late of the City of New York, in the County of New York aforesaid, on the
Tenth day of *November*, in the year of our Lord
one thousand eight hundred and eighty *five*, with force of arms, at the City and
County aforesaid, in and upon the body of one *John Elliott*, —
in the peace of the said People then and there being, feloniously did make an assault
and *injure* the said *John*, —
with a certain *knife* —

which the said *Joseph, William and Thomas,*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

with intent *injure* the said *John*, —
thereby then and there feloniously and wilfully to kill, against the form of the statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
Joseph Sedley, William Tierney & Thomas Dunn
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Joseph, William and Thomas, each*

late of the City and County aforesaid, afterwards, to wit: on the day and in the
year aforesaid, at the City and County aforesaid, with force and arms, in and
upon the body of one *John Elliott* —
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *injure* the said *John* —

with a certain *knife* —

which *each* of the said *Joseph, William and Thomas*
in *their* — right hands then and there had and held, the same being an
instrument likely to produce grievous bodily harm, then and
there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound,
against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

0467

THIRD COUNT--

And the Grand Jury aforesaid, by this indictment, further accuse the said *Joseph Deady, William Tierney & Thomas Dunn* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Joseph, William and Thomas, each* -

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of one *John R. Holt*. -

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *John*. -

in and upon the *body* of *John* the said *John*, - did then and there feloniously, wilfully and wrongfully strike, beat, *strike*, *cut*, bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully inflict upon *John* the said *John*, - grievous bodily harm, to the great damage of the said *John*, - 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.

RANDOLPH B. MARTINE,

District Attorney.

0468

BOX:

201

FOLDER:

2013

DESCRIPTION:

Shaler, Alexander

DATE:

12/04/85



2013

Witnesses:

Wm. W. B. Allen
P. M. E. E. E.

Subscribed by:

Endorsement
÷ 2 November 1886

Jan. 28 1886 bailed

Ernest Schmitt,
2 Bowling Green.

On No. of West
Ally of the
Persons, stated
within deacons
that they had
be acc. & def.
Bail be and
Makely for

Counsel,

Filed, 4

day of Dec. 1885.

Pleads,

Not guilty.

with leave to withdraw.

THE PEOPLE

vs.
Hank B.
Speculation of deacons

Defendant's name

(Section 1 - Penal Code.)

RANDOLPH B. MARTINE,

District Attorney,
and Attorney for trial
of the Court of Over
January 8, 1886

A True Bill.

Jan. 28, 1886

and jury disagree

Cartin Jr.
Foreman.

Jan. 28, 1886

and jury disagree

0470

339

SESSION OF TUESDAY, SEPTEMBER 29, 1885.

NEW YORK CITY—ALDERMANIC CHAMBER, }
Tuesday, September 29, 1885.

The Committee met, pursuant to adjournment.

Present—

Hon. FREDERICK S. GIBBS, Chairman.
Hon. DENNIS MCCARTHY.
Hon. ALBERT C. COMSTOCK.
Hon. JAMES DALY.
Hon. GEO. W. PLUNKITT.

JOHN H. STRAHAN and CHARLES P. MILLER appear as counsel to the Committee.

PETER B. DONNELLY, called by the Counsel to the Committee, being duly sworn, testifies as follows :

Examined by Mr. MILLER :

- Q. Where do you reside ?
A. 154 West Thirty-third street.
Q. What is your business ?
A. Excise Inspector.
Q. How long have you been an Excise Inspector ?
A. About sixteen months.
Q. Who appointed you ?
A. President Haughton.
Q. How long had you known him before you were appointed—how long had he known you ?
A. I have known Mr. Haughton for the last twenty years.
Q. What was your business before you were appointed inspector ?
A. Machinist.
Q. Where ?
A. At 207 East Twenty-second street.
Q. Any other business ?

0471

340

A. I have been in the plumber's materials business several years.

Q. Where?

A. At the same place.

Q. When you were appointed first, you given instructions as to what your duties were?

A. Not in particular, that I know of, more than what we would get from the chief clerk.

Q. Were under instructions given you as to what your duties as inspector were to be?

A. Not that I recollect.

Q. You would recollect if there had been, would you not?

A. Yes, sir; the only instructions I ever got would be from the chief clerk; were referred to him.

Q. When you were first appointed, you were told what your duties were, were you not?

A. Yes, sir.

Q. By whom?

A. By the chief clerk.

Q. What did he tell you?

A. When we would get out papers in the morning he would explain what was to be done, and what was to be reported on.

Q. Do you mean Mr. Perley?

A. Yes, sir.

Q. The chief clerk?

A. Yes, sir; but the papers generally came from the general inspector before we got out in the morning.

Q. When a paper was given you that is, an application for a license, you were told to go and make about it?

A. We was not told in particular to go to any place, no more than we got papers in the morning from the general inspectors to go wherever the papers indicated and report on it.

Q. Investigate it?

A. Investigate the character of the place and the applicant's character.

Q. To find out what about the applicant?

341

A. To find whether his character was good or bad.

Q. Good moral character?

A. Yes, sir.

Q. What do you mean by good moral character?

A. I understand it to be what information I would get from the people in the neighborhood, and which I sometimes probably would get from the police.

Q. What do you understand by the words "Good moral character?"

A. A man standing good in his neighborhood.

Q. And with what kind of people?

A. People that is respectable.

Q. With what kind of people?

A. With respectable people.

Q. So you are in the habit of going to respectable people to ascertain what kind of a man the man was who wanted a license?

A. Yes, sir.

Q. You always relied upon such information?

A. I asked for general information, and that was the only way I had to get information from.

Q. Do you know Flood's place up on Third avenue?

A. Yes, sir, on Twenty-third street.

Q. Where is it?

A. 154 East Twenty third street.

Q. What was the name of the proprietor of the place?

A. Martin Sadler.

Q. Before Martin Sadler was proprietor who was the proprietor?

A. I was not there at that time.

Q. He was the proprietor before Sadler?

A. No, sir.

Q. How do you know it was Flood's place?

A. I know it by name.

Q. It was known that the Sadler went there as Flood's place?

A. When I was in business at 127 East Twenty-second street I went through that neighborhood twice a day, going

and coming, and that was how I knew them three or four years ago—that it was Flood's place.

Q. What was his general reputation in the neighborhood?

A. At that time I never heard anything about it.

Q. Never heard anything about it at that time at all?

A. No, sir.

Q. Thought it had a good reputation?

A. That was what the neighbors around him gave it.

Q. What is your district?

A. The Eighteenth Precinct.

Q. What does it cover?

A. North of Fourteenth street and south of Twenty-seventh, east of Fourth avenue to the river.

Q. Now, with reference to this particular place, I show you a paper which is one of the papers attached to Exhibit "B 3:" is that your signature?

A. Yes, sir.

Q. And that paper you swore to, did not you?

A. Yes, sir.

Q. Then you must have been the inspector who examined as to Mr. Sadler's character and the reputation of his place before the license was granted him?

A. Yes, sir.

Q. In 1884?

A. Yes, sir.

Q. When this was handed you, please tell me what you did, in 1884?

A. In 1884 I went up to the place, I think, about 4 o'clock.

Q. What place?

A. 154 East Twenty-third street.

Q. To the saloon?

A. Yes, sir.

Q. It was then going, was it?

A. Yes, sir.

Q. Had this license expired?

A. I believe it had.

Q. Don't you know?

A. I am not positive, because that was the first year that I

was there; in fact, the first month that I was in the Board of Excise.

Q. That is the reason you do not know?

A. Yes, sir.

Q. That arose from the fact that no one gave you instructions about your duties?

A. The instructions I got was from the general inspector.

Q. What instructions did he give you?

A. He told me to go up and make a report on that place, and the character of it.

Q. Did you report the place was running without a license?

A. The place was not running; it was open, but not selling.

Q. Not selling?

A. No, sir.

Q. That you are sure of?

A. That I am positive of; there was no one there but a young man, I should judge, about twenty-three or twenty-four years of age.

Q. What date was that? Was it about this date (showing witness paper)?

A. Yes, sir; it was about that time.

Q. Within a week or so?

A. Yes, sir.

Q. They were not selling liquor at that time?

A. No, sir.

Q. That you are ready to swear to, at that time?

A. No; that was my belief.

Q. What was your belief founded on?

A. I did not see them selling it, and there was no indications of it; there were empty bottles on the place; looked to me like a place that was, standing quiet, with dust on the shelf; and if they had been selling it would have had more cleanliness about it.

Q. What time of day was it?

A. I should judge about four or five o'clock.

Q. In the afternoon?

A. Yes, sir.

Q. You went toward the saloon first?

A. Yes, sir.

Q. What did you do when you got there?

A. I went to the house, after I asked a young man if Mr. Sadler was in, and he told me he had just gone out about twenty minutes before that; I think I went up-stairs first, in the upper part of the house; there was an old lady there; I inquired of her if she knew Mr. Sadler; she told me that she did; I left that part and came down to the next floor—I am not positive, but I think there are three floors; I know I came down one or two flights of stairs again, and I knocked at the door and got no answer, and I went to the front part and knocked, and there did not seem to be anybody in it; the door was on a jar; I pushed the door open and it was empty, and I looked through that part of the house and that floor, and found there was no indication of people living there nor being occupied by anybody; I left there and went to a man by the name of Mr. Anderson, whom I formerly kept a place; and I asked Mr. Anderson if he knew Sadler; he told me that he did; I asked him what kind of character he had; he told me it was first-class, whatever he knew of it.

Q. Who was Anderson?

A. He was then in the horse-clipping machine business.

Q. Where?

A. In Twenty-second street.

Q. What kind of a man is he?

A. He is a man over sixty or sixty-five years of age.

Q. What did he tell you?

A. I asked him, on account of my being in the horse-clipping business, if he knew Sadler.

Q. Why did you think Sadler and horse-clipping came together?

A. I am coming to that so that you will understand it; I am getting at it; the young man told me that he was around clipping a horse in Twenty-fourth street, and he had only gone out then about twenty minutes; I says to him, "Does he clip horses?" He says, "He does his own clipping;" I took an indication from that he must know Anderson, because

Anderson kept a place where I did at that time; I went around and Anderson told me that he knew Sadler, and what he knew about him was good.

Q. Did you ask him what he knew about him?

A. I asked him what his moral character was, and he told me what he knew of that part of it was only in business transactions—in regards to having machines, and the like of that; but he had a very good character around that neighborhood.

Q. Did you keep a place at that time?

A. No, sir; after I got my inspectorship I gave my business up.

Q. What was your business?

A. I was in the machinist business; I learned the machinist trade, but I drifted into the plumbers' materials business.

Q. Then Anderson told you that as far as he knew about Sadler, that his character was good?

A. Yes, sir.

Q. Did you find out whether he knew anything about him at all?

A. That is as far as I got from him, that I recollect; but I recollect him going across into—

Q. Did you then ask Anderson about the character of the place?

A. Anderson is a man that I do not suppose ever drank a drop of liquor, and therefore never in his place; and therefore I do not suppose he knew about the character of his place.

Q. How long had Sadler kept the place?

A. I think that was his first application.

Q. Are you not quite sure it was?

A. I was a new man going in there, and I was kind o' green.

Q. Do you remember what you reported on the place?

A. I believe I reported on the character of the place.

Q. Did not you report that this was a new application; John Flood's application was rejected; look at your own writing, and see whether you did (showing the witness paper)?

A. Yes, sir.

Q. You did, did you not?

A. Yes, sir.

Q. So you knew at that time that John Flood had been a former applicant?

A. I got that information from the police.

Q. Do you know who Flood was?

A. I did not know him personally. I knew of him.

Q. Did you know his application had been rejected?

A. Yes, sir; what information I got from the police gave me that.

Q. You knew his application had been rejected?

A. As I told you, I went to Anderson's; I left there and inquired of several in the neighborhood.

Q. You do not understand me; you reported in your report that the place was formerly occupied by John Flood?

A. Yes, sir.

Q. Whose application had been rejected?

A. Yes, sir.

Q. You must have found that out some way?

A. Yes, sir.

Q. You say you found that out from the police?

A. Yes, sir.

Q. Do you say why his application was rejected?

A. I did not inquire it, because they did not give it to me; I inquired when I went to the police if Sadler was the party I was looking for; it was not Flood.

Q. You inquired if Sadler was the party you were looking for?

A. Yes, sir.

Q. Did not you know whom you were looking for?

A. Yes, sir; I did not know no more about Flood, only I got what information I did about the arrest from the station-house?

Q. Ah, there was an arrest?

A. I suppose when there was a violation there was an arrest?

Q. Arrest of whom?

A. I don't know; his application was rejected.

Q. Did you not try to find out anything about Flood, the former owner?

A. No, sir.

Q. Is it your opinion that a man who owns a place that his former application has not anything to do with a former occupant?

A. A good man can go into a bad place; I do not suppose I should have anything to do with a bad man going out.

Q. Why, then, did you report that John Flood was the former owner, and that his application was rejected.

A. That was to make application to find who the former proprietor was.

Q. Why did you do that?

A. I do not know particularly why, only it is supposed to be in every report we make.

Q. Is it not because they want to know who the former owner was?

A. Yes, sir.

Q. And that they wanted to know who the former owner was?

A. Yes, sir.

Q. And the character of the former owner?

A. I went into an investigation of the place, and the only information I could get was what I said in that report.

Q. You reported here that he was arrested and discharged—that this John Flood was arrested and discharged; is not that so?

A. I suppose it must be.

Q. Did you find that out some way or other?

A. Yes, sir.

Q. After that did you make inquiry to find out what kind of a place Flood had kept—whether he kept a decent place or not?

A. I cannot recollect; I do not recollect as I can.

Q. You do not recollect as you can?

A. No, sir.

Q. Do you mean to say that you could not find out in that neighborhood what the reputation of Flood's place had been?

A. I do not recollect as I could no more than from what I got from the neighbors.

Q. Did you ask any of them what the reputation of Flood's place had been?

A. Yes, sir.

Q. What did they tell you?

A. There was one or two told me I believe, that they had never had any fault to find; for lady up-stairs that was occupying the upper part, that went out, told me that—that she had no fault to find.

Q. Did you believe Flood's character was a good moral character?

A. I do not say that; I don't know nothing against the man.

Q. But you believed Flood's place was a proper place?

A. To the best of the belief I had at that time, I did.

Q. How did you get any belief?

A. From the family occupying the upper part of the house.

Q. You said you did not inquire about Flood?

A. They do not give you the reputation when you go to inquire from the former proprietors as well as the new one; that is the indication I took at that time.

Q. You have been inspector now how long?

A. About sixteen months.

Q. And you tell the Committee, having been sixteen months inspector, that you do not think it makes any difference who the former owner had been, or what the former reputation of the place had been, when you come to inspect in reference to a new application?

A. Well, I got to go for what information I can get in regards to application for a license; I cannot answer that question one way or the other.

Q. Let me put it to you a little more clearly: suppose to-day that the application is headed to you of John Brown for a place anywhere; suppose that the place had formerly been occupied by John Smith, and that in John Smith's time the place had a bad repute; do you mean to say that when

you came to examine in reference to John Brown's license it would not make any difference to you what its reputation had been while John Smith was there?

A. Well, if the entries give me that information I would so report.

Q. Do you mean to say in reporting the general character of the place it would not make any difference to you?

A. Well, it would make me a little more careful in making my inquiries, and probably would make them longer.

Q. Do you mean to say you could not find anything against Mr. Flood at all in that neighborhood?

A. No, sir.

Q. And therefore you were not put upon your guard?

A. I was not at that time, I must say, put upon my guard.

Q. Have you heard anything about the place since?

A. No, sir.

Q. Have you ever been sent there to make another report?

A. Yes, sir.

Q. When?

A. I should judge the latter part of June.

MR. MILLER—The clerk of the Excise Board, Mr. Ferley, now produces application of Mr. Martin Sadler for a license for No. 154 East Twenty-third street, dated June 29, 1885.

Marked Exhibit "B 8."

Q. Now, I find, referring back to the papers that have been already referred to, where you made a report that Martin Sadler was a man of good moral character, and you found no indication that the premises had been kept for gambling or immoral purposes, and that no part of the house or business was occupied by bad characters—referring back to that, I find a report from Captain Clinchy, commanding that precinct; did you go and see any of the police before you made your report to the Board?

A. Yes, sir.

Q. Whom did you see?

A. Do you mean the first report that you refer to?

Q. The first report of 1884; you saw Captain Clinchy?

A. Yes, sir.

Q. Did he tell you anything about the place?

A. He told me that he had never had an arrest there, nor he never knew anything wrong against the place.

Q. You are sure of that?

A. Yes, sir.

Q. Please look at Captain Clinchy's report, which was made at the same time: "Formerly some place were given in this place, which attracted women and men of doubtful character;" did Captain Clinchy tell you that the place had a very doubtful repute?

A. No, sir; he did not put it in that way at all; he told me that he did not know anything against that man Sadler, only what was good standing in that neighborhood.

Q. Did he tell you that the place had formerly been a bad place?

A. No, sir.

Q. So his report is different from what he told you, that he made to the Board?

A. Yes, sir.

Q. What was his report?

A. It might not have been in the details as much as his report does, but I am certain that he told me that Martin Sadler's character was good.

Q. So that you are of the opinion that you did not get any information as to the place having been formerly a concert hall?

A. The only information I got was from the family up stairs; the lady told me that the place had been closed, if I am not mistaken, for quite a while.

Q. Who was she?

A. I do not know, any more than what she seemed to be.

Q. That is all the information you got about it?

A. In there.

Q. Whom else did you go to besides Mr. Anderson?

A. I went around in Twenty-fourth street.

Q. To whom?

A. Where there was a horse-shoeing shop, if I am not mistaken.

Q. Whom did you find there?

A. I don't know his name.

Q. Did you ask him whether he knew Sadler?

A. I asked him if he knew Sadler, and he told me that Sadler was—that his character was A 1?

Q. That Sadler's character was A 1?

A. Yes, sir; that is the reputation he gave Mr. Sadler.

Q. Whom else did you go to?

A. I went to several people, but I cannot exactly place them now, or state who they were, any more than the information I got at that time—it was quite a while ago.

Q. You intended to make a thorough examination before you made a report?

A. Yes, sir.

Q. You satisfied yourself that Sadler was a man who ought to have a license because of his good moral character?

A. Yes, sir.

Q. You cannot tell the Committee any more than what you have told them?

A. No, sir.

Q. You cannot tell them that Flood, who formerly kept it, had kept a bad place there and had been arrested?

A. No, sir.

Q. Captain Clinchy did not tell you?

A. No, sir; no more than he told me there had been a violation there?

Q. Then how came you to report that John Flood, the former owner, had been arrested?

A. I supposed it was for that violation; that was the way he gave it to me off his book, as he called it; I knew it was a violation of the excise; I did not think that it had anything to do with the moral character of the man.

Q. Is your method of finding out the reputation of his place, and what his moral character was, the same now as it was then?

A. No, sir.

Q. When did it become changed?

A. Oh, after I became a little more acquainted in regard to excise duties.

Q. How long ago was that?

A. I should judge very near a year.

Q. About a year ago; now you have inspected that place this year, have you not?

A. Yes, sir.

Q. I now refer to Exhibit "B. S." which is offered in evidence; you have examined that place comparatively recently—this year?

A. Yes, sir.

Q. Did you see any of the officers of the precinct this year about it?

A. I saw the special officer of the precinct, Mr. Corey.

Q. What is his full name?

A. John Corey.

Q. The excise officer?

A. I do not know as to the exact one; he was supposed to be the special officer of the precinct.

Q. What is meant by that?

A. I was referred to him generally in regard to the character and the neighborhood of the applicant in that precinct—generally Mr. Corey.

Q. Who referred you?

A. In general, the captain, but sometimes the sergeant in that precinct.

Q. Then you went there this year?

A. Yes, sir.

Q. On July 3d of this year, I see another report of yours, which I now show you; is that your signature?

A. Yes, sir.

Q. That is your report?

A. Yes, sir.

Q. Before you made that report, what inquiries did you make this year?

A. The day I got that paper from the general inspector of the Excise Board, I took a car up Third avenue with the

intention of going to Harlem; but going up the avenue I met Mr. Corey on Third avenue, between Fourteenth and Fifteenth streets; I jumped off the car and told him I had Sadler's paper in my pocket; I says, "What is there about that place; is everything straight and right?" he says, "Yes, if there is any place in the Eighteenth Precinct that stands well, I think it is 154 East Twenty-third street;" I says, "Have there ever been any arrests since Sadler had it?" he told me no; I asked him what was Sadler's character; he told me it was first-class; I thought I got all the information that I probably could from him; I left him and went up to One Hundred and Fifteenth street, and came down again and got my lunch and went to Sadler's place; I inquired if he was there and they told me that he was not; that he was across the street; I went across and did not see Sadler; I inquired of a man that seemed to be managing there, if Sadler was interested in that place, which was a livery stable, and he told me "Yes, there is his name over the door;" I did not inquire anything further from him; I went across the street, and the same lady that was in that house, I think—I won't be positive—but it struck me that she resembled the lady that was there formerly when I went there—if she had any complaints to make against that place, or if there was any disturbance or any disorderly people in the house or anything like that; she told me no; that she would just as lief live there as in any other neighborhood in New York, and, in fact, better; I left her and inquired of a man that was standing up against a railing next door, if he lived there and he told me yes.

Q. "Lived there"—against the railing?

A. No; against the railing that divides 154 and 152; and I took from that that he lived in the house.

Q. Which house.

A. 152.

Q. Did he tell you that he did?

A. Yes, sir; he told me that he did.

Q. That he lived in 152?

A. Yes, sir; I asked him what the character of the place was, and he told me that if he was a drinking man, that he

would just as lief go in there to get a drink as any other place in the neighborhood; he said he was not a drinking man.

Q. He gave you to understand that he was not one and therefore did not go in there?

A. He put it in that way; that is he was a drinking man that he would go in that place just as well as he would in any other; I met a policeman on that post.

Q. Do you know his name?

A. No, sir.

Q. Do you know his number?

A. No, sir.

Q. Did not take pains to get his name or number?

A. I thought as he was an officer that was sufficient without asking his name or number. I asked him what the character of the place was in the neighborhood, and he told me that he had never seen anything wrong, and, in fact, that it was a place that the neighbors in that portion of the city would not allow to be anything but right; he referred to Mr. Webb of the city schools.

Q. Who lives upon Lexington avenue?

A. I don't know where he lived.

Q. Did you go and see Mr. Webb?

A. No.

Q. Whom else did you say?

A. I don't know exactly now who they were.

Q. Do you not know the year before, in 1884, that there had been a considerable discussion as to this place before it was licensed?

A. No, sir.

Q. Did you not know that Mr. Geary's Society had made affidavits about the place—had presented affidavits to the Board about the place?

A. No, sir.

Q. Was it not your duty to know?

A. No, sir.

Q. Was it not the duty of the members of the Board to tell you the report that had been made about this place?

A. I did not know that.

Q. Did you not know that this year there was a greater fight about this place, and that Commissioner Morris fought it?

A. No, sir.

Q. I call your attention to the report made July 6th; had you ever seen Sadler up to that time?

A. Yes, sir.

Q. When?

A. Since before 1884 did I see him?

Q. Yes.

A. Yes, sir.

Q. When?

A. Dozens of times, passing back and forth going around the neighborhood, I knew him; I knew him from the first report to the second.

Q. But you did not see him the first year when you made the inquiries about him?

A. I did.

Q. Where did you see him?

A. I met him in the blacksmith shop where he was clipping his horse; that was the first time I met him.

Q. You have seen him a number of times since?

A. Yes, sir.

Q. Socially?

A. I don't know about socially.

Q. Have you been drinking in his place?

A. No, sir.

Q. Never drank in his place at all?

A. No, sir.

Q. You do not drink?

A. No, sir.

Q. Have you ever met Sadler in his place?

A. Yes, sir.

Q. Ever met Flood in this place?

A. I never saw him there but twice or three times; I understood from the bar-tender that he was a manager in the place.

Q. Did that give you any suspicions about the character of the place.

A. No, sir.

Q. It appears by the evidence in the case—by the Exhibit of 1884, where you gave him a good character—that Commissioner Morris voted No on that; it appears by the papers before him that in 1884 the captain of the precinct reported that formerly that place had been the resort of ill characters, and a concert hall; it appears that this year Commissioner Morris protested against giving the place a license at all, and indorsed his protest on the back of the papers. I want to know, when that state of facts is brought to your attention, whether you do not think it is your duty to make a careful investigation before you make a report at all?

A. Well, the report of the police, you seem to have the two of them together; is not it the first or second year there?

Q. Do you understand the question?

A. I do not.

Q. I ask you now, whether, as a matter of fact, you did not know in 1884 that there was great opposition to giving a license to this place?

A. No, sir.

Q. Did not know anything about it?

A. No, sir.

Q. Never heard about it?

A. No, sir.

Q. Did not know that this year, when the matter came up, there was still a greater opposition?

A. No, sir; I did not.

Q. Did not know about it?

A. No, sir.

Q. It was not your duty to know?

A. It was my duty to know, but I did not know it.

Q. Then you neglected your duty there?

A. I don't say that I neglected my duty there, but I say I did not know that there was a still greater protest against the place; I got my information carefully, and I so reported.

Q. And you got it from the police?

A. Yes, sir.

Q. And you thought what you had done was a sufficient compliance with the law—that you had done your duty?

A. Yes, sir.

Q. And that you say now, after having sixteen months' experience?

A. Yes, sir.

Q. You think this is a proper way to ascertain about the moral character of a man and the reputation of the place, the way you have described you gave to Sadler's place?

A. Yes, sir.

Q. (By the Chairman) The special officer reported to you that it was a good place?

A. Yes, sir.

Q. (By the Chairman) Was the special officer in citizen's clothes?

A. Yes, sir.

Q. (By Mr. Miller) I desire to call attention to Exhibit "B 8" of this year; you reported the place was good; no bad characters there; and Captain Clinchy reported that Martin Sadler's place, 154 East Twenty-third street, is resorted to by prostitutes and thieves; he says that the report was given him by members of his command; that was dated July 1, 1885; did you go to Captain Clinchy this year?

A. No, sir; I went to his ward men that he referred me to in all cases of excise.

Q. Why did not you go there last year?

A. Because I was told by the general inspector to go to the station-house to get my information.

MONMOUTH B. WILSON, a witness called by the counsel to the Committee, being duly sworn, testifies as follows:

Examined by Mr. MILLER:

Q. Where do you reside?

A. 132 East Ninety-second street.

Q. What is your business?

A. My official business is Superintendent of the Fire Patrol; I had a great deal of other business; I had a great deal of brokerage business.

Q. What kind of brokerage business?

A. Real estate—stocks.

Q. Did you do any real estate brokerage business?

A. Yes, sir.

Q. When did you begin to do real estate brokerage business?

A. Since I was twenty-one—I will say for the information of the gentlemen here—you will excuse me, if you please, one minute—that I am a broker in this matter for Mr. Schell, and that what I did was above board; there are parties who are suing me for the commission now, and I do not wish to be put in the position of answering questions to give them an opportunity for the basis of a suit against me, and I submit to you if that is not fair.

Q. You spoke of Mr. Schell?

A. Yes, sir.

Q. How came you to speak of Mr. Schell in this connection; did you know what this Committee wanted you for?

A. I read in the papers—

Q. That was the reason?

A. Yes, sir.

Q. You thought it was necessary to make this statement before you were examined?

A. Yes, sir.

Q. There is nothing in this case but that you are willing should come to light?

A. No, sir.

Q. Therefore you thought it was necessary for you to state that you were a broker?

A. I knew what it was in the newspapers.

Q. It would not make any difference to you if the truth came out, would it?

A. There would be no difficulty, but it would give the other side points that I do not want them to have.

Q. Would it give Mr. Schell any points about the matter?

A. I think Mr. Schell has told the matter—

Q. You say that somebody is suing you for the commission that Mr. Schell paid you?

A. Yes, sir.

Q. You say you are being sued for the commission that Mr. Schell has already paid you?

A. Yes, sir.

Q. Suing you for the commission that Mr. Schell paid you?

A. Yes, sir.

Q. For \$2,080?

A. Yes, sir.

Q. Is that all?

A. I do not know; they have not stated the amount; they have sued me for half of the commission.

Q. Who is suing you?

A. A man by the name of Lustig.

Q. Of 99 Nassau street?

A. I don't know where it is; I think, though, it is in the Bennett Building.

Q. Have you read the complaint in the suit?

A. Yes, sir.

Q. Who is Mr. Lustig's attorney?

A. I think Judge Isaacs.

Q. Meyer Isaacs?

A. I think that is the gentleman.

Q. Or Mr. Sanger?

A. I think Mr. Sanger is not the attorney; I think the papers are signed by Mr. Isaacs.

Q. Does Mr. Lustig claim that he has a right to the commission, or any part of the commission that was paid to you?

A. Now I will submit to the counsel with all due respect—this is a private matter, and I am not a public officer. Am I to tell everything that I know in regard to a private transaction? If so, I will tell it, but I do not want to expose my rights to Mr. Lustig.

Q. (By Senator Comstock) How do you make any exposure in answering that question?

A. That will lead to others; I will do as you say; I have nothing to hide.

Q. Does Mr. Lustig claim that he has any right to any part of the commission that was paid to you by Mr. Schell?

A. He does.

Q. Upon what ground?

A. I could not tell unless I read the complaint over; I referred the complaint to an attorney and made answer.

Q. Does his complaint set forth the ground upon which he sues you for this?

A. Certainly.

Q. You mean to say that you do not remember what its contents are?

A. I do not; not in detail; I knew he sued me for half of the commission.

Q. Of what commission?

A. Half of the commission I received; and they have wanted me—the complaint states that I received a commission, which is a fact, and that he was entitled to one half of it.

Q. Does he only sue you for one half of \$2,080?

A. The amount is not stated.

Q. Does he only sue you for the commission in the Schell case?

A. Sues me for a commission in the Godwin case.

Q. What plot of property was that?

A. Sixty-seventh and Sixty-eighth streets.

Q. Which armory was that bought for?

A. I don't know.

Q. Who were the owners of that property?

A. Godwin & Cossett.

Q. Did you act as broker for Godwin & Cossitt?

A. Now hold on for a minute; hold on just one minute; this suit that is against me is for to collect commissions that they think I received; now, they have got no evidence, and am I to give everything right away for them; I submit to the chairman that I am not bound to answer.

The CHAIRMAN—I can see no objection to answering that question.

Senator COMSTOCK—There is no doubt about his answering that; he should answer it.

Q. Did you act as broker for Godwin & Cossitt?

A. Yes, sir.

Q. Before the Armory Commission?

A. No, sir; I never went before the Armory Commission.

Q. Then, when you say you acted as broker for them, what do you mean?

A. I tried to sell it to them.

Q. To whom?

A. To the Armory Commission.

Q. What do you mean when you say you never went before the Armory Commission; how did you try to sell it?

A. By sending a plot of the ground to the Armory Commission.

Q. When you say you sent a plot of the ground, do you mean a diagram?

A. A diagram.

Q. Of the plot of ground?

A. Yes, sir.

Q. Without any letter?

A. I think I handed it personally to General Shaler.

Q. You are a personal friend of General Shaler's?

A. Yes, sir.

Q. You have been for many years?

A. Yes, sir.

Q. What did you say to General Shaler when you handed him the plot of ground?

A. I do not recollect; there is no doubt I told him I was interested in the sale of that ground.

Q. You haven't any question about that?

A. I do not think there is a particle of question about it.

Q. Did you tell him what the property could be bought for?

A. I think I marked it on the paper.

0482

362

Q. Do you know that you marked it on the paper?
A. Oh, I think it is a fact, though I cannot swear to it.
Q. Did you have any other conversation with Gen. Shaler in reference to it?
A. Oh, I must have had, a half dozen times.
Q. Did he know that you were acting as broker?
A. I have no doubt in my mind.
Q. Did you know that Gen. Shaler stated that no brokers intervened—that the owner acted directly with the Board?
A. I do not know.
Q. Is that true if he stated it?
A. How do I know?
Q. You knew that Gen. Shaler knew that you were acting as broker in the property?
A. He knew that, if he has common sense—he has common sense.
Q. Did Gen. Shaler know that you acted as broker in the property?
A. Yes, sir; I have no doubt of it.
Q. Have you seen Gen. Shaler within the last few days?
A. I have not seen him since the testimony of yesterday until he came before the Committee this morning.
Q. What did you state to Gen. Shaler in reference to this piece of property?
A. Oh, I remarked, I presume, as any other broker would about the availability of them and the price of them.
Q. You did not appear before the Board?
A. No, sir.
Q. You simply appeared before Gen. Shaler?
A. Yes, sir.
Q. Did you have anything to do with any other piece of property?
A. Not directly.
Q. Not directly?
A. No, sir.
Q. Did you indirectly?
A. I helped Mr. Fairchild to get his piece.
Q. You helped Mr. Fairchild to get his piece?

363

A. Yes, sir.
Q. There were three pieces of property bought for armories?
A. Yes, sir.
Q. One was Schell's piece of property?
A. Yes, sir.
Q. For which you acted as broker?
A. Yes, sir.
Q. And there was the Cossitt & Godwin piece of property in which you acted as broker?
A. Yes, sir.
Q. And the other was Mr. Fairchild's piece of property?
A. I do not know who it belonged to; Mr. Fairchild was the broker.
Q. Mr. Yoran was the man?
A. I believe that was the name.
Q. Benjamin Fairchild, the auctioneer, was interested?
A. Yes, sir.
Q. And you acted for him?
A. No; he acted for himself.
Q. What did you do?
A. I spoke to the General about it.
Q. What did you say to the General about it?
A. Oh, I cannot tell, counsel.
Q. The Committee want to know, if you please?
A. I do not recollect.
Q. The Committee want to know; it is only a short time ago; what did you say to General Shaler in reference to the property?
A. I suppose I urged upon him for to take that piece as well as others.
Q. Did Mr. Fairchild make you any promise that he would do anything for you if you sold it?
A. Mr. Fairchild didn't make any promise.
Q. Has Mr. Fairchild paid you anything for the part you took?
A. That is private matter of my own; I submit to the Committee.

The CHAIRMAN—The chair has ruled upon a matter of that kind, and I do not see how I can change my ruling.

The WITNESS—It is a matter between Mr. Fairchild and I.

Q. Do you refuse to answer the Committee?

A. I will at first, although I have nothing to hide; I am a man that is above board; I am known favorably; I deal in real estate as big as any one.

Q. (By the CHAIRMAN) Is there any reason why you should not answer this question as well as the other?

A. No, sir; I could not tell the figures.

Q. How much did Mr. Fairchild pay you?

A. I cannot tell.

Q. Approximately, how much did Mr. Fairchild pay you?

A. I cannot tell; I will find out and let you know.

Q. No; approximately—within \$100?

A. I could not tell.

Q. Within \$1,000?

A. I think it was about—I could not tell for the life of me.

Q. You could not tell for the life of you?

A. No, sir.

Q. When did he tell you about it?

A. About a year ago; when the transaction took place.

Q. When the transaction took place?

A. Yes, sir.

Q. You do not remember?

A. No, sir.

Q. Can't you tell within \$1,000?

A. I cannot tell you.

Q. Within \$1,000; can't you tell the Committee now?

A. I think it was about \$11,000.

Q. About \$11,000?

A. Yes, sir.

Q. Old Fairchild paid you?

A. Yes, sir.

Q. For which piece of property?

A. Didn't pay me for any piece of property.

Q. What did he pay you \$11,000 for?

A. Brokerage.

Q. On the sale of a piece of property?

A. Yes, sir.

Q. To the Armory Commission?

A. I do not know; I did not sell it to the Armory Commission.

Q. You do not know?

A. It is the same piece of property; that's what it is; that same piece of property.

Q. What is the piece of property?

A. Ninety-fourth and Ninety-fifth streets, and Madison and Fourth avenues.

Q. The Eighth Regiment plot, is it not?

A. I do not know.

Q. It is Ninety-fourth and Ninety-fifth streets, and Madison and Fourth avenues; that is the piece, is it not?

A. Yes, sir.

Q. You say Fairchild paid you \$11,000 commission?

A. Yes, sir.

Q. For the sale of that property?

A. Yes, sir.

Q. For the sale of that property?

A. Yes, sir.

Q. Now, how did you sell that property?

A. I didn't sell it at all.

Q. What did you do in the sale of it?

A. I merely took an interest in it the same as I would in any other piece; I had other pieces the same way.

Q. You saw General Shaler about it?

A. Yes, sir.

Q. Fairchild believed you had been of some service to him in making the sale?

A. Yes, sir; I presume he did.

Q. Or he would not have paid you \$11,000, would he?

A. No, sir.

Q. What did you tell Fairchild you had done?

A. I do not know.

Q. Do you remember what that property sold for?

A. \$350,000.
 Q. And the brokerage on that that you got was \$11,000?
 A. Yes, sir.
 Q. Was that commissions?
 A. I presume it was.
 Q. You presume that was commissions?
 A. Yes, sir.
 Q. Don't you know?
 A. No, sir.
 Q. Did you ever hear of such commissions on the sale of property; what per cent. was that?
 A. I do not know.
 Q. Just figure it up?
 A. A little over three (3 %) per cent.
 Q. Did you ever hear of such percentage being paid to a broker for real estate in this city?
 A. Oh, now a broker—a man has a right to make all the percentage he can, and I make just as much as I can.
 Q. Then Fairchild must have supposed in this case that you had been of great service to him?
 A. Yes, sir.
 Q. He hadn't any doubt about that?
 A. No, sir.
 Q. He supposed that because of your intimacy with General Shaler?
 A. I do not know what he supposed.
 Q. Didn't you tell Mr. Fairchild that you knew General Shaler well and that you could influence him in the sale?
 A. No; I did not use General Shaler's name.
 Q. How did Fairchild come to employ you?
 A. I do not know.
 Q. Did you go to Fairchild first, or did he come to you?
 A. I do not know; Mr. Fairchild and I have been acquainted for some twenty-five or thirty years.
 Q. Did you go first to Fairchild in reference to the sale of this property, or did he come to you?
 A. I do not know.
 Q. Is that the best answer you can make to the question?

A. Yes, sir.
 Q. You do not know how it first came up?
 A. No, sir.
 Q. Is that all that you got from Fairchild—about \$11,000?
 A. I think that is about the figure.
 Q. Just that?
 A. Somewhere about that; it may be a little one way or the other.
 Q. Did you get the whole of that?
 A. Certainly I did.
 Q. Eleven thousand dollars?
 A. Yes, sir.
 Q. What did you do with it?
 A. What did I do with it?
 Q. Did anybody else have any share in it?
 A. I guess not.
 Q. Did they, or did they not? Did anybody else have any share in that \$11,000?
 A. No, sir.
 Q. Did you pay any portion of that \$11,000 to anybody?
 A. No, sir.
 Q. For no purpose whatever?
 A. No, sir.
 Q. Is Mr. Lustig now suing you for any portion of that?
 A. No, sir.
 Q. He had nothing to do with that whatever?
 A. I do not know as he had anything to do with it.
 Q. He does not make any claim against you on account of that purchase, does he?
 A. No, sir.
 Q. You are sure about that?
 A. Not that I know of.
 Q. Did Mr. Lustig have anything to do with that matter?
 A. Not that I know of.
 Q. Do you know Mr. Lustig?
 A. I know him when I see him.
 Q. Did you see him during the last fall constantly?
 A. He used to run in my office every hour I think.

Q. What for?
 A. I do not know what he did it for.
 Q. On business?
 A. Oh, yes; came to see me about real estate.
 Q. Came to see you about the sale of property to the Armory Commission?
 A. Yes, sir.
 Q. How did he come to see you about that?
 A. I do not know about that.
 Q. What did he say to you on those occasions; is it Benjamin Fairchild?
 A. Yes, sir; Benjamin P.
 Q. What did he say to you when he went there?
 A. Oh, I could not tell; he used to come in every day; he had forty pieces and wanted me to interest myself in this and that piece, and another piece.
 Q. Why did he come to you?
 A. I do not know.
 Q. You do not know?
 A. No, sir.
 Q. Do you mean to tell the Committee that you do not know why he went to you?
 A. I presume they had an idea that I was friendly with General Shaler and that General Shaler was friendly to me.
 Q. Have you any doubt about it?
 A. No; there is no doubt about it.
 Q. That was for some influence you were supposed to exert over General Shaler?
 A. Yes, sir.
 Q. What made people think so?
 A. The long friendship between us.
 Q. It is true that every plot that was purchased you had an interest in?
 A. Yes, sir.
 Q. That is true, is it not?
 A. Yes, sir.
 Q. In reference to the Schell plot, how much money did you get there?

A. \$2,080.
 Q. Nothing else?
 A. No, sir.
 Q. Directly nor indirectly?
 A. No, sir.
 Q. From anybody?
 A. No, sir.
 Q. Did anybody else get anything for that, that you know of?
 A. I do not know anything about it.
 Q. You never heard anything about it?
 A. No, sir.
 Q. How much does Mr. Lustig claim that you owe him in that matter?
 A. As I told you before, I have not got the figures.
 Q. You do not know upon what theory that complaint is drawn?
 A. No, sir.
 Q. Don't you know anything about it?
 A. I have read it; it don't amount to anything.
 Mr. MILLER—I think a subpoena had better be served *duces tecum* for Mr. Wilson to bring a copy of the complaint that was served upon him.
 The WITNESS (Mr. Wilson)—I will bring it to you.
 Q. In the Godwin & Cossitt case, how much did you get paid?
 A. One per cent. (1 %)—\$3,650.
 Q. That was all?
 A. That was all.
 Q. You got no more than that?
 A. No, sir.
 Q. Mr. Lustig claims to have an interest in that?
 A. Yes, sir.
 Q. You do not remember upon what theory he claims to have an interest in that, do you, in his complaint?
 A. I do not remember; you can have the complaint.

Q. Who paid you the \$3,600?
A. Mr. Godwin.
Q. J. H. Godwin—Joseph Godwin?
A. Yes, sir.
Q. He paid you that as commission for procuring the sale of it?
A. Yes, sir.
Q. To General Shaler?
A. Not to General Shaler—to the Armory Board.
Q. And yet you say you only saw General Shaler; you did not appear before the Board, directly or indirectly?
A. No, sir.
Q. How did you get this money—how was this money paid to you—by check?
A. I think so.
Q. In each case?
A. Yes, sir.
Q. By whose check was the \$11,000 paid to you?
A. Mr. Fairchild's.
Q. Fairchild's check to your order?
A. To my order.
Q. You haven't that check, of course?
A. No, sir.
Q. Then you say you don't owe Mr. Lustig anything at all?
A. No, sir.
Q. That he didn't have any interest whatever in these transactions?
A. No, sir.

Mr. MILLER—I know of no further questions at present to ask Mr. Wilson; a subpoena has been sent out for Mr. Lustig; Senators McCarthy and Daly desire to have you produce your check-book; that check-book that you used a year ago, at the time of these transactions, and also your bank-book.
A. I do not know as that would help you any; if I have got it I will bring it.
Q. If you have got it, you will bring it?

A. Yes, sir.
Q. Will you produce it this afternoon?
A. Don't call on me again to-day.

Mr. MILLER—I submit that the time has come to follow it up, and I think a subpoena upon him, for that is the only proper course.
Q. (By Senator COMSTOCK) You have no doubt but that you have got your bank-book and check-book covering this period?
A. No, sir.
Q. You do not think you have?
A. I do not think there is any doubt but that I have got them.

JOHN K. PERLEY, recalled:
Examined by Mr. MILLER:
Q. Mr. Perley, have you got that letter written by Senator Gibbs, which I requested you to get from Commissioner Mitchell?
A. Yes, sir; here it is.

Mr. MILLER—Senator Gibbs desires to have that letter introduced in evidence; it reads as follows:

NEW YORK, Aug. 29, 1885.

Commissioner WM. P. MITCHELL,
Board of Excise, City:

DEAR SIR—Mr. T. F. Parker, who has made an application to your Board for a license for 52 W. 31st st., has requested me to make a statement of my knowledge of him to your Board.

As far as I know and believe, his character and reputation are unquestionable, and previous to his fixing up this place, was connected for twenty years on Maiden Lane, with Mr. Kent, owner of the Buckingham Hotel on 5th ave., and I do

Place is
not
as

Q. Who paid you the \$3,600?

A. Mr. Godwin.

Q. J. H. Godwin—Joseph Godwin?

A. Yes, sir.

Q. He paid you that as commission for procuring the sale of it?

A. Yes, sir.

Q. To General Shaler?

A. Not to General Shaler—to the Armory Board.

Q. And yet you say you only saw General Shaler; you did not appear before the Board, directly or indirectly?

A. No, sir.

Q. How did you get this money—how was this money paid to you—by check?

A. I think so.

Q. In each case?

A. Yes, sir.

Q. By whose check was the \$11,000 paid to you?

A. Mr. Fairchild's.

Q. Fairchild's check to your order?

A. To my order.

Q. You haven't that check, of course?

A. No, sir.

Q. Then you say you don't owe Mr. Lustig anything at all?

A. No, sir.

Q. That he didn't have any interest whatever in these transactions?

A. No, sir.

Mr. MILLER—I know of no further questions at present to ask Mr. Wilson; a subpoena has been sent out for Mr. Lustig; Senators McCarthy and Daly desire to have you produce your check-book; that check-book that you used a year ago, at the time of these transactions, and also your bank-book.

A. I do not know as that would help you any; if I have got it I will bring it.

Q. If you have got it, you will bring it?

A. Yes, sir.

Q. Will you produce it this afternoon at 3 o'clock?

A. Don't call on me again to-day—I have so much to do.

Mr. MILLER—I submit that the only way to do with this is to follow it up, and I think a subpoena had better be served upon him, for that is the only proper way to do.

Q. (By Senator COMSTOCK) You have no doubt but that you have got your bank-book and check-book covering this period?

A. No, sir.

Q. You do not think you have?

A. I do not think there is any doubt but that I have got them.

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As far as I know and believe, his character and reputation are unquestionable, and previous to his fixing up this place, was connected for twenty years on Maiden Lane, with Mr. Kent, owner of the Buckingham Hotel on 5th ave., and I do

know of any reason why your Board cannot consistently grant him a license, as I believe him a fit and proper person to get one.

Yours, very truly,

FRED. S. GIBBS.

Mr. MILLER to the Chairman—Was it because of that letter that you were informed that you would not examine the Excise Board?

The CHAIRMAN—That is the letter.

Mr. MILLER—Now, Mr. Perley produces the papers that he was requested to—the papers in the case of No. 154 East Thirty-first street for 1883. Here is the report of General Inspector Bryant on this place made by the police. Here is first the report of the General Inspector Neil Bryant, on investigation of the places which were raided by the Police on January 20th of this year. This consists of the letter transmitting the report signed by Neil Bryant, marked "B 9."

Places raided by the Police on Tuesday evening, January 20, 1885:

- No. 4 West Twenty-eighth street. Private house.
- No. 6 West Twenty-eighth street. Private house.
- No. 6 West Twenty-ninth street. Private house.
- No. 41 West Twenty-eighth street. Private house.
- No. 51 West Thirty-first street. Private house.
- No. 818 Broadway. Private house.
- No. 522 Sixth avenue. Cigar store.

No. 38 West Thirtieth street—Henry H. Slaight has a license at this place. The place raided at this number is directly over Slaight's saloon; there is no communication from the saloon to the place above; he says it is controlled by an association known as the "Elephant Club."

No. 58 West Thirtieth street—Mr. William McMahon has a license at this number, with entrance on Sixth avenue, known as the "Haymarket;" the place raided at No. 58, is known as the "Argyle Club," and has no connection with McMahon's place.

No. 50 West Thirty-first street—The license in this place is in the name of T. F. Parker; the place is known as Tom Gould's; the bar is located on the premises of No. 52; the rooms take up Nos. 50 and 52 on the bar floor. This place should be licensed at No. 52 instead of 50. The place raided at No. 50, is occupied by Emerson and Perry, and has no connection with Parker's.

No. 61 West Thirty-first street—This place is licensed on Sixth avenue, at No. 620, by Mr. McCollom, 61 being the number on Thirty-first street. Mr. McCullum says he has nothing to do with the place raided. The place raided is occupied by the club known as the "Nassau Club."

No. 626 Sixth avenue—This place is licensed by Mr. August L. Sailer; the place raided is on the floor over Sailer's saloon. Sailer says the floor above him is occupied by a social club known as the "Union Club," and he has nothing whatever to do with the place.

Respectfully,

NEIL BRYANT,

General Inspector.

No. 58 West Thirty-first street—The place raided here is known as the "Washington Game;" there is a license in this building on Sixth avenue, No. 618, in the name of Edwin S. Besson. There is no entrance from business place to the place raided. He has nothing whatever to do with the place raided.

Q. That is the report Neil Bryant made?

A. Yes, sir.

Q. Upon that report what was done—any further investigation made whatever?

A. No, sir.

Q. Did not Commissioner Morris demand a further investigation at that time?

A. Not to my knowledge.

Q. On that the Board refused to revoke the license?

A. No, sir: not on that.

Q. On what?

A. Commissioner Morris referred to the raid reported in the newspapers and offered a resolution, and, I think, moved that the licenses be revoked, and Commissioner Mitchell moved to amend, that this investigation take place.

Q. Then, on all the papers, when this report was made to the Board, they refused to revoke the licenses?

A. Not at that time; only refused to revoke when it first came up; this was merely placed on file.

Q. Before this was received they had refused to revoke them?

A. Yes, sir.

Q. After this was received, they took no further action in the matter whatever?

A. No, sir.

Q. And, as a matter of fact, it appeared from that report, did it not, that in the buildings in which the raids had been made, and in which there were gambling implements, there were also liquor saloons?

A. From the newspaper reports is the only knowledge they had.

Q. Does that report show there was no gambling going on in any of these houses?

A. Yes, sir.

Q. It is a rule of the Board, is it not, that there shall not be a license in a building in which gambling is carried on?

A. Yes, sir.

Q. That is one of the well-established rules of the Board?

A. Yes, sir.

Q. It is the law of the State?

A. Yes, sir.

Q. The rule of the Board is based upon that?

A. Yes, sir.

Q. At a certain time in January of this year, raids were made upon a number of gambling places, or it was alleged raids had been made?

A. Yes, sir.

Q. That fact was called to the attention of the Board of Excise?

A. Yes, sir.

Q. And from a clipping from newspapers' reports, Commissioner Morris moved that the licenses be revoked in those places in the buildings in which the raids had been made?

A. Yes, sir.

Q. That the Board refused to do?

A. Yes, sir.

Q. Commissioner Morris voting aye, and the other Commissioners voting no?

A. Yes, sir.

Q. The matter was then referred to Neil Bryant, General Inspector, to make a report?

A. Yes, sir.

Q. The report that he was to make was to ascertain whether or not gambling had been carried on in those places?

A. As to what connection the saloon had and whether gambling had been carried on there.

Q. Do you say that report shows gambling had been carried on there?

A. I claim that it does not show that there was gambling; no evidence that there was gambling.

Q. Did that satisfy the Board that gambling had not been carried on?

A. No; I think by referring to the minutes that the object of laying it over was to see what action would be had in the Courts.

Q. Look at the books and see what they did?

A. I find another thing; it is my impression that the report was placed on file, awaiting action in the matter, to use that evidence that might be produced.

Q. Your memory is refreshed by looking at the minutes?

A. Yes, sir.

Q. As a matter of fact, it was discussed in the Board whether it would not be advisable to lay the matter over until the trials of these men; until they had either been indicted by the Grand Jury, or tried?

0490

376

A. Yes, sir.

Q. These men who have been arrested for gambling?

A. Yes, sir.

Q. That is the shape it took?

A. Yes, sir.

Q. So, instead of making a further investigation to ascertain whether or not there had been gambling going on in those places, the Board simply laid it over until it could see whether these men were indicted by the Grand Jury?

A. Yes, sir; that is my impression; that is the fact, I know.

Q. Then, as a matter of fact, there is nothing to show that the Board took any action whatever, or attempted to make any further investigation to find out whether gambling had been carried on where the raids had been made?

A. Not as far as I know.

Q. The police who made the raids were not called before the Board?

A. No, sir; not to my knowledge.

Q. You would have known it if they had been?

A. Yes, sir.

Q. Was there a request sent to the Police Department to have the persons who made the arrest come and testify?

A. No, sir.

Q. That would have been a very simple way of doing it, would it not?

A. Yes, sir.

Q. That was not done?

A. No, sir.

Q. In the newspaper slip that was clipped out, did it not appear that gambling materials were seized in those places?

A. Yes, sir.

Q. Some of the places in operation; some of the places going at the time?

A. Yes, sir.

Q. Nothing has been done since in those cases?

A. No, sir.

377

Q. In all these places, unless the licenses have expired since, they are still running—they have not been revoked?

A. No, sir.

Q. (By Senator CONSTOCK) Have any of them expired?

Mr. MILLER—I know that they have, because I have the cases in my memoranda, and they have been renewed.

A. I think some of them had them renewed.

Q. The Haymarket has been renewed?

A. Yes, sir.

Q. Parker's has been renewed?

A. Yes, sir.

Q. Shang Draper's has been renewed?

A. I do not know that place.

Q. That is—I know the man's name, McCullom?

A. No; I think that has not expired; I think I have got that here.

"B 10."

Mr. MILLER—The witness also produces from the files of the Department the application and papers for this year in the case of Robert Hill, No. 125 Macdougall street.

Q. That is a case we were examining yesterday?

A. Yes, sir; the first case.

Q. In that case the inspector was John J. Kavanaugh, who reported verbally; what date was that before the Board first?

A. On the 36th of March.

Q. On that day what action took place?

A. Sent for a police report.

Q. Captain Brogan, the captain of that precinct, made a favorable report?

A. Yes, sir.

Mr. MILLER—He states substantially that the applicant is a respectable citizen, and conducts the premises in a quiet manner; have had no complaint from such place very recently. It is signed by John J. Brogan, Captain Fifteenth Precinct.

Q. What happened after that was received?

A. It was laid over for further examination.

Q. Do you know why?

A. No, sir; I do not.

Q. Do you know whether Commissioner Morris made an examination of that place himself, and reported upon it?

A. I think he did; he does in most all these cases.

Q. Did the other Commissioners in most of those cases?

A. It was laid over at the request of some of the Commissioners for examination.

Q. As a matter of fact, Mr. Perley, you say that wherever a question comes up about a place, that Commissioner Morris is very certain in almost all cases to make a personal examination of them?

A. Yes, sir.

Q. And that the other Commissioners do the same thing?

A. Yes, sir.

Q. So that whenever a question comes up before them there is no reason they should not have, in reference to them, the same information that Commissioner Morris has?

A. Yes, sir.

Q. That is a fact?

A. Yes, sir.

Q. And the same that the police inspectors have?

A. Yes, sir.

Q. On what day was that before the Board again?

A. Sometimes at a Board meeting, a Commissioner calls for a paper that is laid on the table during the session, and after the session I am told to put it away, and I make no notice of it in the minutes unless action was taken.

Q. There was no action taken upon this?

A. Except at one meeting, Commissioner Haughton did.

Q. The license that was applied for March 6, 1885, and as to which the inspector made a good report, and as to which Captain Brogan made a good report, has, for some reason or other been laid over and no license has been granted?

A. No, sir.

Q. There appears on the back of that paper, does there

not, "April 2d, 1885, I protest against this application, Commissioner Morris, No. I have seen reputed prostitutes in this place on my examination of the place." He reported that?

A. Yes, sir; that he wrote on there.

Q. Below there is this: "I find this signed without date by Commissioner Haughton."

A. Yes, sir.

Q. Upon an examination of this paper, I find Commissioner Haughton's name still there?

A. Yes, sir.

Q. And it only required the signature of another Commissioner to give the man a license?

A. Yes, sir.

Q. That was not done at a Board meeting?

A. Yes, sir.

Q. Who was present?

A. Only Commissioner Mitchell was present; no papers were signed unless two Commissioners were present.

Q. What did Commissioner Morris mean by making that indorsement there: "I find this signed without date by Commissioner Haughton?"

A. I do not know; he indorsed that on it.

Q. He frequently indorsed that on it?

A. Yes, sir.

Q. Do you know why a license has not been granted in that place?

A. No, sir.

Q. Haven't you heard it discussed in the Board?

A. No, sir; I did not pay any attention to that.

Q. Is it not because Commissioner Morris investigated the place?

A. I could not say; I would not want to say.

Q. Is the inspector in this case—Inspector Kavanaugh, one of the force still there?

A. Yes, sir.

Q. Has any action been taken against Inspector Kavanaugh?

A. No, sir.

Q. To remove him?

A. No, sir.

Q. Do you know whether that place is still running?

A. No, sir.

"B 11."

Q. All the inspectors make a semi-monthly report?

A. Yes, sir.

Q. Do you know Donnelly, the inspector who was examined here this morning?

A. Yes, sir.

Q. Do you remember what was done in reference to that case of Sadler's when a favorable report was made by him and the captain of the precinct made an unfavorable report?

A. Yes, sir.

Q. There was some action taken by the Board?

A. Yes, sir.

Q. What action?

A. An investigation was ordered, and an investigation was had, and the proceedings are in shorthand; the stenographer has them.

Q. Proceedings were taken as to how he happened to make this report in the face of the bad report that was made by the captain of the precinct?

A. Yes, sir.

Q. There was a motion made by Commissioner Morris to remove him?

A. I cannot say without looking at the minutes; I am positive now Commissioner Morris made a motion to remove him on that.

Q. Commissioners Mitchell and Haughton voted against it?

A. Yes, sir.

Q. The next place is No. 58 West Thirtieth street?

A. Here is the paper in that case.

Q. I now call attention to the application of William MacMahon for a saloon at 58 West Thirtieth street, dated July

28, 1883; that place was licensed in 1883, was it not, to William MacMahon?

A. Yes, sir.

Q. The inspector who reported was James S. Hawes?

A. Yes, sir; he was general inspector.

Q. William Hennessey, the inspector of that precinct, made his report on MacMahon's place, No. 58 West Thirtieth street; that is known as the Haymarket, is it not?

A. Yes, sir.

Q. He reported generally that the moral character and general reputation of the applicant is good; that he had carefully examined the premises, and had found that there were no indications that they were used for gambling or other immoral purposes; that it was an orderly place, and that the applicant had a license for fifteen years; there is also the general inspector's report, signed by James S. Hawes, and he reports generally that he has made diligent inquiry as to the moral character and general reputation of the place and finds the same to be good, and that he has carefully examined the premises and that he finds no indication that the same are used or to be used for gambling or other immoral purposes and that no part of said building or business is a resort for immoral persons, etc.?

A. He has evidently been directed to examine a certain thing.

Q. He has probably been directed to examine in reference to a specific thing, and not as to its character?

A. Well, I suppose he was sent up to see whether it was the Argyle or the Haymarket.

Mr. MILLER—After that is a report of Captain Williams, "There is no part of the building occupied by prostitutes; the police never had any trouble with this place, Alexander S. Williams, Captain."

Q. He is requested to report as to the general reputation and character of the place, and whether it is a resort for prostitutes, or any part of the house is occupied by prostitutes;

0493

382

now, generally, do you know what the reputation of the Argyle is?

A. No, sir; except what I read in the newspapers.

Q. What do you hear, generally?

A. I hear that it is a nightly dance.

Q. The resort of prostitutes—that is the general reputation of it in the city?

A. Yes, sir; that license ran from September 23, 1883, to September 23, 1884.

Marked "B 11."

Q. In 1884 another application was made?

A. Yes, sir.

Q. August 26, 1884, an application was made in the name of Wm. MacMahon?

A. Yes, sir.

Q. In this year the same inspector, William Hennessey, made a report?

A. Yes, sir.

Q. His report is favorable?

A. Yes, sir.

Q. He states that he gets his information from Captain Williams?

A. Yes, sir.

Q. And that there are no bad characters frequenting the place?

A. Yes, sir.

Q. Commissioner Morris indorsed on the back of it: "This place ought not to be licensed to anybody. It is known as a dance-hall, called the Haymarket. Commissioner Morris, No." He voted against it?

A. Yes, sir.

Q. Notwithstanding that a license was granted?

A. Yes, sir.

"B 12."

Q. This year an application was made, on August 27, in the name of the same person?

383

A. Yes, sir.

Q. And Mr. Hennessey, the inspector, makes a favorable report again, does he not?

A. Yes, sir.

Q. The matter was laid over when it came before the Board, and I find this indorsement: "This is the Haymarket, and it ought not to be licensed to any person. I protest against it. Commissioner Morris." Then it was referred to Captain Williams, was it not?

A. Yes, sir.

Mr. MILLER—Captain Williams reports as to the Haymarket substantially: "Character of the applicant, good; building is the well-known Haymarket ball-room, against which there has been no complaint. Alexander S. Williams, Captain Twenty-ninth Precinct." After that, and before the granting of the license, Commissioner Morris appears to have indorsed again upon the paper: "After reading Captain Williams' report, I see no reason to change my opinion. J. J. M." The license was granted this year to that place on September 9?

A. Yes, sir.

"B 13."

Q. Have you got the minutes of September 9, 1885?

A. Yes, sir.

Q. The minutes then simply show that Commissioner Morris moved to reject, and it was lost by vote of the other two Commissioners against his?

A. Yes, sir.

Q. There are these four applications for 108 Bowery?

A. I am only able to find three—that is all; Judge Daly I can find no record of; the papers were in different pigeon-holes, and I found them very much mixed.

Q. You found three applications this year for that place?

A. Yes, sir.

Q. And yet it has not been licensed?

A. Rejected.

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Q. You found three applications this year for that place?

A. Yes, sir.

Q. And yet it has not been licensed?

A. Rejected.

Q. The first application that you have here is made on what date?

A. June 24, the application was made.

Q. By John Lysaght?

A. Yes, sir.

Mr. MILLER—The witness says now that he has found the four applications which had been made by different persons this year for a license for this place; this application was made by James C. Daly, on May 21, 1885, for a license for 108 Bowery.

Q. It appears a report was made on that application by Joseph Graves, an inspector?

A. Yes, sir.

Q. He reported on May 29, 1885, substantially, that the moral character and general reputation of the applicant was bad, that he had carefully examined the premises and found no indication that the same were to be used for gambling purposes, but that part of the house is a resort for bad characters?

A. Yes, sir.

Q. "Bar on the first floor; upper part of house occupied as a dwelling-house; in the rear of the house sparring exhibitions are given; this place is a resort for people of doubtful character; on August 9 last, one James Mahar was shot at 2.20 A. M.; this is an old place and a new party. Joseph Graves, Inspector." On that what was done—a police report was sent for, was it not?

A. It was rejected.

Q. There was a police report?

A. Yes, sir.

Q. Let us see what was done exactly with this?

A. It was rejected on May 29.

Q. An application was made on the 21st; the inspector reported on the 29th, and it came before the Board and was rejected?

A. Yes, sir.

Q. How did this paper come before the Board again?

A. One of the Commissioners directed to have it sent for a police report.

Q. After it was rejected, one of the Commissioners directed to have a police report on it?

A. Yes, sir.

Q. Who was the Commissioner?

A. I could not say.

Q. Was it Commissioner Morris?

A. No, sir.

Q. You are certain it was not he?

A. Yes, sir.

Q. There comes a police report?

A. Yes, sir.

Q. That is signed by Captain Michael J. Murphy?

A. Yes, sir.

Mr. MILLER—It reads as follows: "I have nothing against the character or reputation of the person or place named herein, with the exception that a shooting affray occurred there August 8, 1884, and on the following day Patrick J. Fox was arrested, on a warrant, for violation of the Excise Law; he was subsequently tried before your Honorable Board and the complaint against him dismissed; the place is not a resort for prostitutes or gamblers; the upper part of the house is occupied as a respectable boarding-house. Michael J. Murphy."

Q. After that was received, it came up again, did it not?

A. Yes, sir; and was laid over.

Q. After the inspector reported unfavorably, and the captain had reported favorably, it was laid over; can you, from your own knowledge, account for the captain's reporting favorably on that in the face of the other reports?

A. I may have a private opinion of it.

Q. But you do not care to give it?

A. No, sir.

Q. There appears an indorsement on this paper, "May 29, 1885, this paper was rejected at a Board meeting on this day; I found it subsequently in the papers marked June 1st, 1885,

for a police report; it ought not to be licensed for any purpose, and I protest against it, Commissioner Morris;" "After reading the captain's report, I see no reason to change my opinion of this place;" what was done with that after the captain's report?

A. It was laid over.

Q. It was not rejected a second time?

A. No, sir; I want you to understand me now; it was rejected, and it was taken up for the purpose of getting a police report; as long as there was no action taken upon it, it stood rejected.

Q. The next thing that appears was on June 29; how long after this last action was taken—May 29—or when was it, after the police captain's report?

A. It was on June 9 or 10; it was forwarded to the Board on June 9; came before the Board the next day; it was about June 9 or 10 that this action was taken by the Board; it was put away; nothing was done.

Q. On June 24, an application was received for a license for the same place in another name?

A. Yes, sir.

Q. In the name of John Lysaght?

A. Yes, sir.

Q. Was there a bill of sale connected with this?

A. Yes, sir; it was filed.

Marked "B 14."

Q. Then an application was made on June 24th by one John Lysaght, for the same place?

A. Yes, sir.

Q. That was referred to Inspector Graves?

A. Yes, sir.

Q. On June 30th he makes his report?

A. Yes, sir.

Mr. MILLER—And he reports substantially that the moral character and general reputation of the applicant is good; that no part of the house is a resort for bad characters, or

occupied by the same; that the bar-room is on the first floor; that the upper part of the house is occupied as a boarding-house; that there is a small platform in the rear of the store that is used for athletic sports; former owner's license refused; no objection against applicant or place; information received from Captain Murphy?"

A. That was signed and sworn to by Inspector Graves.

Q. What was done with that then?

A. It was rejected.

Q. Was there another report from the captain on it?

No, sir.

time?

Q.

He and indorsed his protest?

A. Yes, sir.

Q. What was the date it was rejected?

A. June 30th.

Marked "B 15."

Q. (By Senator Comstock) I cannot understand why that application was rejected; why was it?

A. I cannot give you what the Commissioners' ideas were; all I know is that it was rejected.

Q. That was rejected on June 30th?

A. Yes, sir.

Q. On July 9, did you find another application coming in for the same place—No. 108 Bowery?

A. Yes, sir.

Q. This time in the name of Jeremiah Hartigan; do you know who he is?

A. Yes, sir.

Q. Who is he?

A. He lives in the Sixth Ward; I guess you know him as well I do.

Q. Upon my word I do not know him by sight; he is known as a politician in the Sixth Ward, is he not?

A. Yes, sir.

for a police report; it ought not to be licensed for any purpose, and I protest against it, Commissioner Morris; "After reading the captain's report, I see no reason to change my opinion of this place;" what was done with that after the captain's report?

A. It was laid over.

Q. It was not rejected a second time?

A. No, sir; I want you to understand me now; it was rejected, and it was taken up for the purpose of getting a police report; as long as there was no action taken upon it, it stood rejected.

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A. That was signed and sworn to by Inspector Graves.

Q. What was done with that then?

A. It was rejected.

Q. Was there another report from the captain on it?

A. No, sir.

Q. At that time?

A. No, sir.

Q. Commissioner Morris made and indorsed his protest?

A. Yes, sir.

Q. What was the date it was rejected?

A. June 30th.

Marked "B 15."

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A. Yes, sir.

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A. Yes, sir.

Q. Who is he?

A. He lives in the Sixth Ward; I guess you know him as well I do.

Q. Upon my word I do not know him by sight; he is known as a politician in the Sixth Ward, is he not?

A. Yes, sir.

Q. Was a bill of sale connected with this?

A. No, sir.

Q. None at all?

A. No, sir.

Q. The application appears to have been made on July 9?

A. Yes, sir.

Q. It was referred to the Inspector again?

A. Yes, sir.

Q. Inspector Graves: and on July 10 he reports favorably, as follows: He reports generally "that the moral character and general reputation of the applicant is good, and that no part of the house is a resort for bad characters, or occupied by the same; that the saloon is on the first floor; that the upper part of the house is occupied as a boarding-house; that this is an old-established place, and a new party; former owner's license rejected; that there is a small platform in the rear of the store, which is used for athletic sports; no arrests for violation of the Excise Law * * * no other places on the block. Joseph Graves, Inspector." What was done with that?

A. Sent for a police report.

Q. Who made the report?

A. It was rejected; it was first marked for the police, and then I was directed to write to Commissioner Porter for a report.

Q. When this first came before the Board, Commissioner Morris moved to reject it, did he not?

A. Yes, sir.

Q. What date did it come before the Board; was it not July 10?

A. Yes, sir.

Q. Commissioner Morris asked to reject it.

A. Yes, sir.

Q. That was denied?

A. It was not rejected; I won't be sure about that.

Q. Look at the minutes of July 10th?

A. I have looked at the minutes; there is no evidence taken upon it; as I stated, I think I was directed to have it sent to

the police, and finally directed me, instead of sending it in the regular channel, to write to Commissioner Porter asking him to make a special report upon it.

Q. So that they sent for a special report to Commissioner Porter, when Hartigan applied?

A. This is the first letter I received in reply; it reads as follows:

"July 16, 1885.

GENTLEMEN—Owing to absence I did not receive your letter of the 10th inst., in time to secure the information you desire in such shape as you could act upon it. I have the promise of reliable information ample to prevent a license being given to the occupants of 108 Bowery, and will place it in your hands within two days, until which time, I hope for your own sakes you will withhold action on that application.

Respectfully yours,

FITZ JOHN PORTER."

Q. Subsequently, and on July 17th, Commissioner Porter sends a communication signed by Captain Murphy, of the Fourteenth Precinct; it is a report of Captain Murphy to Superintendent Murray?

A. Yes, sir.

Q. Read it?

A. It reads as follows:

"New York, July 17, 1885.

WILLIAM MURRAY,

Superintendent:

SIR—In reference to liquor saloon, No. 108 Bowery, Daly & Fox, proprietors, I have the honor to submit the following report: The place is frequented by seafaring and laboring men, loafers and prostitutes, who go there to see the performance, which consists of sparring, wrestling and singing. On August 9, 1884, a shooting affray occurred there between two of the employees of the place, who were arrested by Officer Rosejaen, who also arrested John P. Fox, the proprietor, for

violation of the excise law, all of whom were discharged in Court of Special Sessions. On July 11, 1885, Officer James Moran, of my command, arrested David Hussey, the bartender in the place, for selling beer without a license, who was held in one hundred dollars bail by Justice Smith of the First District Police Court. Case still pending.

Respectfully,

MICHAEL J. MURPHY,

Captain Fourteenth Precinct.

Q. That is the same Captain Murphy that made a favorable report on this place?

A. Yes, sir.

Q. This was rejected?

A. Yes, sir.

Mr. MILLER—Commissioner Morris seems to have covered the back of that with protests all the way over?

Marked "B 16."

Q. That was rejected on what day?

A. July 22.

Q. And on August 5 there still comes another application?

A. Yes, sir.

Q. The application of John Alsheimer?

A. Yes, sir.

Q. For the same place, 108 Bowery: what was done with that?

A. Rejected.

Q. At the last meeting—nothing further has been done in the matter?

A. No, sir.

Q. Joseph Graves makes a report on this, does he not?

A. Yes, sir.

Q. He reports favorably on the place?

A. Yes, sir.

Q. Is his report a favorable one?

A. Yes, sir.

Q. It is not an unfavorable one?

A. No, sir.

Q. That Joseph Graves is still an inspector?

A. Yes, sir.

Q. Has anybody made an effort to call him to account for the difference between his reports here—for his action in this matter?

A. Not that I know of.

Q. Never heard of it?

A. No, sir.

Q. No action was taken by the Board?

A. No, sir.

Recess was here taken until 2.30 p. m., Tuesday, September 29, 1885.

NEW YORK CITY—ALDERMANIC CHAMBER, }
September 29, 1885. }

The Committee reconvened at 2.30 p. m.

JOHN K. PERLEY's examination continued.

Examined by Mr. MILLER:

Q. I hold in my hand a paper which I believe contains a copy of the resolution to which I referred yesterday, with reference to applications for information to the Police Commissioners; is that a copy of the resolution (showing witness paper)?

A. To the best of my recollection it is.

Q. Have you the minutes of February 27 here?

A. Yes, sir (minutes produced).

Q. Have you found the resolution?

A. Yes, sir.

Q. And this is a copy of the resolution: Commissioners Haughton and Mitchell voting aye, and Commissioner Morris voting no?

A. Yes, sir.

Marked "B 17."

0500

392

Q. Get the papers in No. 113 Bowery; application by Patrick O'Rourke on May 12, 1884; John McCann, Inspector; a favorable report from him; Commissioner Morris voted no?

A. It was adopted by the other two Commissioners?

Marked "B 18."

Q. On May 12, 1885, an application was made in the name of Patrick O'Rourke for the same place; it was referred to Inspector John Bennett, who reports favorably; he reports that the general reputation and moral character of the place is good, and that the house is not resorted to by bad characters or occupied by any such persons; his report is made May 15; what was done with it then?

A. On May 15 it came before the Board and was referred to the Police for a report.

Q. On May 16 there appears attached to the papers a report from Captain Allaire, of the Tenth Precinct: "This place is not a resort for gamblers; the reputation of the house has been good for the past year;" it is signed by Captain Allaire; what was done then?

A. It was laid over for further examination.

Q. It was sent again for another report, and on June 3 Captain Allaire reports that "this place is not a resort for gamblers, nor have I any knowledge that any portion of the house is used for immoral purposes; its reputation has been good for the past year." What was then done with it?

A. There was nothing further—it was laid over; Mr. O'Rourke made a charge at that time.

Q. What was the reason it was laid over?

A. I do not know, particularly.

Q. What happened in the Board-room when this came up—O'Rourke was there?

A. Yes, sir.

Q. What was stated by O'Rourke?

A. He made a charge that if he paid money he could get it?

Q. He made a charge in the Board-room that if he paid money he could get it.

393

A. Yes, sir; he said that one of the employees made that threat to him the past year—the previous year.

Q. One of the employees of the Board?

A. Yes, sir.

Q. Did he say who it was?

A. Yes, sir.

Q. Whom?

A. General Inspector Carty.

Q. Was any attempt made to investigate the matter?

A. Yes, sir.

Q. What was done?

A. A day was set for a hearing, and O'Rourke was subpoenaed on three different occasions, and he failed to appear.

Q. Never appeared?

A. No, sir.

Q. Was that rejected?

A. No, sir; there was never anything further than that done.

Q. On August 28, 1885, there was another application by some one else?

A. Yes, sir.

Q. By Harris Stroud?

A. Yes, sir.

Q. Was that rejected?

A. Yes, sir.

Q. On the same ground, I suppose?

A. I do not know on what ground it was rejected.

The first paper is marked "B 19," and the Stroud paper is marked "B 20."

Q. I now call your attention to the application for a license for No. 275 Bowery; the application was made August 13, 1884, in the name of Thomas Lanahan; it had previously been licensed to whom?

A. To Joseph M. Burns.

Q. I find attached to this a bill of sale from Burns to Lanahan?

A. Yes, sir.

Q. This was referred to Meyer Knocker on August 20, 1884; he reported favorably upon it?

A. Yes, sir.

Q. What was done with it then?

A. Rejected; on August 22d sent for a police report.

Q. His report is substantially that "the place has been licensed for the past year; it is a resort for confidence men and prostitutes." That is signed by William Cass, Sergeant in command of the Tenth Precinct; the inspector reports it favorably, then what was done with it?

A. It was rejected.

Q. It was rejected when?

A. On the 25th.

Q. There is this indorsement on it. "The Acting Sergeant of this Precinct has made a strong report against this place, and it ought not to be licensed to any person." That is signed by Commissioner Morris. It was then rejected?

A. Yes, sir.

Q. That was rejected on August 25th?

A. Yes, sir.

Q. On September 1st, a new application was made, in the name of Edwin Bloss?

A. Yes, sir.

Q. That was referred to Meyer Klocker, the inspector, and he made a favorable report; he reported substantially that the moral character and general reputation of the applicant was good, and that no part of the house was resorted to by bad characters; what was done then?

A. It was granted then.

Q. What date?

A. September 3d.

Q. (By Senator DALY) There was no police captain's report on that?

A. No, sir.

Q. There is an indorsement on this: "The previous report of this house is bad, John J. Morris, Commissioner." Can you conceive what could have induced the Board—a majority of the Board—to have changed their mind in that short period?

A. No, sir.

Q. Then this year there is another application in the name of the same man, Edwin Bloss, on September 1, 1885?

A. Yes, sir.

Q. And that is referred to Meyer Klocker again, and he reports in answer to the question, substantially, that these premises are reputed as disorderly; he is asked, "Is any part of the building used as a concert saloon, or for sparring exhibitions?" He says yes. "Are there any waiter girls or music employed on the premises," and he says, "Not now." "Has any protest been made against this place?" and he says, "Yes." That is September 1, 1885; what has been done with that?

A. On September 4th it was sent for a police report.

Q. Notwithstanding the report of the inspector?

A. Yes, sir.

Q. Do you know why that was done?

A. I do not know; Commissioner Morris had it sent.

Q. When it came up before the Board on that date, was any action had on it?

A. Yes, sir; it was rejected.

Q. Then the report from the captain is to the effect that it is frequented by disreputable persons; the upper floor is reported a house of assignation?

A. Yes, sir.

The first paper, relating to Thomas Lannahan, was marked "B 21."

The next one in the name of Edwin Bloss, "B 22."

The next one in the name of Edwin Bloss, of September 1 1885, is marked "B 23."

ARNOLD LUSTIG, a witness called by the Counsel of the Committee, being duly sworn, testifies as follows:

Examined by MR. MILLER:

Q. What is your business?

A. I am a real estate dealer and broker.

- Q. Where?
- A. In New York.
- Q. What is your number?
- A. I am in the Bennett Building, at No. 93 Nassau street.
- Q. Do you know Mr. M. B. Wilson?
- A. I do.
- Q. How long have you known him?
- A. I have known him for a good many years.
- Q. Did you, during the year 1884, have any real estate transactions with him?
- A. I had a transaction with him; he came to me some time in the spring of 1884, and stated that there was a law passed to take land for armory sites; that, as he was not in the business, if I could furnish him the property, he could arrange the selling of it, as he had the influence to do it.
- Q. Did he say with whom he had the influence?
- A. Well, I don't know that he mentioned any names.
- Q. Did he not mention General Shaler's name in connection with it? Is there any question in your mind about it?
- A. I do not think he did.
- Q. Did he mention anybody's name?
- A. No; I intimated it myself.
- Q. You intimated that you thought he might have influence?
- A. Yes, sir.
- Q. With General Shaler?
- A. I did not say.
- Q. With whom?
- A. With the Commission, I presume.
- Q. With whom did you think he might have influence?
- A. That was my idea.
- Q. What gave you that idea?
- A. That was the impression that I had.
- Q. How did you get that impression?
- A. I do not know.
- Q. From something he said?
- A. Well, he said he had influence, if I could give him the

- right kind of property, to have it accepted; that is about the long and short of it.
- Q. So you naturally wanted to sell your property?
- A. Yes, sir.
- Q. How many plots did you put in his hands?
- A. I will tell you the fact of it.
- Q. That is what we want?
- A. He came to me and told me we could sell some property, and he came to my office and we opened the books and maps, and I told him that Mr. Schell owned this property, and Cossitt owned that property, and he says: "I know Mr. Schell very well and I know Mr. Godwin very well," and I says, "All right, if you think you can work it better yourself it is all right," and he did do it, and it was agreed whatever commission was made we should divide, and the thing was all closed up for my bid, and he offered to give me \$200, and that I declined.
- Q. Did you know how much commission he made?
- A. No, sir; I began suit against him.
- Q. Calling for an accounting?
- A. Yes, sir.
- Q. To show how much he did receive?
- A. Yes, sir.
- Q. And demanding one-half of the commission?
- A. Yes, sir.
- Q. The agreement between him and you being that you were to receive one-half of whatever he received in the matter?
- A. Yes, sir; exactly.
- Q. He stated this morning that he had received from Mr. Schell \$2,080?
- A. That is what Mr. Schell told me he paid him.
- Q. Had you seen Mr. Schell in the matter at all yourself?
- A. I have seen Mr. Schell, and Mr. Wilson was in at the time I was in there, and Mr. Schell understood then and Mr. Wilson—in fact, Mr. Wilson stated so before other people that I gave him the property—he says he is not in the real estate business, and, of course, he did not know the owners.

the property, and I had a memorandum of the owners, and I gave him the property, and if I could give him any help I would do it.

Q. He is not in the real estate business?

A. No, sir; he is Superintendent of the Fire Patrol.

Q. He stated this morning that he is in the real estate business; beyond this statement that Mr. Schell had made, that he paid \$2,080, have you any idea of what was paid?

A. I have an idea that Mr. Schell stated it correctly; I do not believe that Mr. Schell paid anything more.

Q. This morning he (Mr. Wilson) said that in the Godwin property he got \$3,600?

A. He told me that he got more; he didn't tell me how much he got, but he told me that Godwin would not pay him what he had agreed to pay him, but that it was left out to arbitration, to see how much he would give him.

Q. Did he say to whom it was left?

A. No, sir.

Q. Did he intimate that it was more than \$3,600?

A. He would not tell me.

Q. What makes you think it was more than \$3,600?

A. That was my idea.

Q. What did he say that gave you that idea?

A. Oh; I could not recollect.

Q. The substance of it was that it was more than \$3,600?

A. My impression is that he got more than \$3,600.

Q. How did you get that impression—from anything Mr. Wilson told you?

A. Because if he had not got more than the ordinary commission it would not have been necessary to have left it to arbitration.

Q. Did Mr. Wilson tell you or intimate to you that he got more than that?

A. If I had known how much he got I would not have had to get him to swear to it.

Q. You think he got more than \$3,600?

A. Yes, sir; that is my impression; he told me that Godwin did not want to keep his bargain with him, and he left it

out to a friendly party for arbitration; that is the substance of it.

Q. All that you know about it is, that you think he got more than that—that he would not have left it out to arbitration unless he got more than the ordinary commission?

A. Yes, sir.

Q. It was not in your mind that he got less than the regular commission, which was one per cent.?

A. No, sir.

Q. How much did he get?

A. He said this morning that he got \$3,600.

Q. Your opinion is that he got more than the regular commission?

A. Yes, sir.

Q. Do you know of any one else who was interested in it besides himself; has he ever told you that any one was interested in it?

A. Not in these transactions; not in those two transactions.

Q. In the Fairchild site?

A. That I don't know anything about.

Q. Has he ever said anything to you about it?

A. No, sir; it was not my business.

Q. Do you remember a conversation you had with Comptroller Loew a short time ago?

A. I do.

Q. About this very matter?

A. I do; I do not think the Comptroller ought to have stated anything about it; I was speaking distinctly to Mr. Loew, and not to Comptroller Loew.

Q. Do you think the Comptroller has said anything about it?

A. You say I had a conversation with him, and he must have told you.

Q. I ask you if you had a conversation with him?

A. I told him I had acted in good faith in the matter; that I had done the matter in good faith, and that he (Wilson) offered to give me \$200.

Q. The Comptroller refused to tell me what it was about,

and he only told me that he thought you knew something about it; I believed from what he said that you would not be a willing witness; those are the facts of the matter?

A. I think I am rather willing; I will say this, that I spoke to Mr. Loew privately; he asked me to come before the Committee; I told him I did not wish to do that, as they might think I was a blackmailer, but being subpoenaed in the regular way, I am willing to state the facts; I am willing to give you all the facts; I know you know all now.

Q. Did you not say anything more to the Comptroller, now that you have referred to it yourself?

A. I do not think I did in this matter—except what I have stated to you.

Q. You had no doubt in your own mind, from what Wilson told you, that he did have some inside pull there?

A. Not the slightest.

Q. Did he intimate to you how it was?

A. I did not say that.

Q. Did he intimate to you how or where he had that pull—whether it was the Commission or any member of the Commission—and I am frank to say that I would like to know what it was?

A. I do not know.

Q. Did he intimate the Commissioner that he had the pull with, where he could sell that land?

A. No; I supposed that the Commissioners that really did the business were Hubert O. Thompson and General Shaler.

Q. What made you believe it was Thompson and Shaler?

A. Well, in reference to other sites that were proposed.

Q. What do you mean?

A. For the armories, I mean.

Q. What did you have in your mind when you said that the reason you supposed that was because other sites had been proposed?

A. Well, I don't know; I guess you can get some other parties to tell you more about it than I can.

Q. (By the CHAIRMAN) State all you know?

A. I can tell you all I know; I think I have given you all you want to know.

Q. We want to know all that you know; what more do you know?

A. I do not know more than I tell you.

Q. You said a moment ago that you thought Mr. Thompson—that is, Hubert O. Thompson and General Shaler, were the persons with whom the pull was—

A. I did not say anything of the kind; I did not mean any pull or anything of that kind.

Q. What did you mean by "did the business?"

A. By selecting the sites.

Q. You think there was a good deal in selecting the sites; in inducing the Commissioners to select the sites?

A. I do not know.

Q. Did Mr. Wilson directly or indirectly lead you to believe by anything he said to you that he had a pull with Mr. Thompson or General Shaler?

A. Mr. Wilson told me that he had an influence with the Commissioners to take sites, and that no one else could sell anything; but he didn't mention any names; what I meant was the selecting of the sites; I didn't mean any pull.

Q. (By the CHAIRMAN) How long did you have this property of Mr. Schell's for sale?

A. Mr. Schell and I have been speaking about it for a great many years.

Q. (By the CHAIRMAN) How many years?

A. I have known Mr. Schell for a great many years.

Q. (By the CHAIRMAN) How long had you had this property in your hands for sale?

A. Mr. Schell has been speaking to me about the property, I think, for ten years.

Q. Go on?

A. I will say in all frankness that the price paid to Mr. Schell for that property was a very fair, reasonable market price; in fact, I think it was cheap.

Q. Had Mr. Schell ever named a price on that property?

A. Oh, yes; he said he would sell those lots for \$10,000

each, and \$11,000 each, and that he would not sell them for any less.

Q. You have not had any such large plots as this to deal with?

A. Mr. Schell had twenty-nine lots there, and I have been trying to sell part to a friend of mine, and that slipped up on the price.

Q. You think that was a fair price for them?

A. A reasonably fair price, and I think very cheap.

JOHN K. PERLEY, recalled:

Examined by Senator COMSTOCK:

Q. The next paper is in the case of No. 91 Bowery; by whom was the application made in that case?

A. Frederick Scharling?

Q. What was done then with that application?

A. It was granted.

Q. To whom was it referred?

A. To John Straubmuller, Jr., an inspector.

Q. What was his report?

A. A favorable report, and that license was signed by all the Commissioners.

Mr. COMSTOCK—He reports, substantially, that this was a quiet and orderly place; that the barroom was on the first floor; the place is between Hester and Canal streets; the upper part of the house is occupied by another party as a lodging-house; the applicant is a new party—never had a license; the former proprietor had its license revoked for selling between the hours of one and five A. M.; this application was granted by the unanimous approval of the Board?

A. Yes, sir.

Marked "B 24."

Q. What was the date of the next application, and by whom made?

A. The application was made by Frederick Scharling, on June 17; June 24th it was reported to the Board by John Meegan, inspector, who made a favorable report on it; it was referred to the police on June 21; Captain Allaire reported against it, and the application was rejected on the 26th.

Q. The captain of the police made an unfavorable report?

A. Yes, sir.

Q. And the application was rejected?

A. Yes, sir.

Q. Why was that application rejected?

A. I could not tell you; the Commissioners rejected it.

Marked "B 25."

Q. When was the third application made?

A. On June 15, 1884, by Joseph Metzger; that was June 15, 1884—and filed a bill of sale from James Smith to Joseph Metzger.

Q. What was done with that application?

A. Referred to Inspector Knoeker, who made a favorable report.

Mr. COMSTOCK—He reports, substantially, that the saloon was on the first floor; the upper part of the house is occupied as a lodging-house; this is an old place and a new party; the applicant's character was good; on July 17 it was laid over for examination; July 23 it was signed by Commissioners Mitchell and Haughton.

Q. Was there any protest against the granting of the license in that case?

A. No more than what is on the back of it.

Q. And that is from Commissioner Morris?

A. Yes, sir.

Q. The application was rejected?

A. No; in this case it was granted.

Q. It was granted to Metzger?

A. Yes, sir; that is my recollection of it; that Mr. Metzger brought some one to the Board, who proved to the Commis-

sioners his character and previous reputation as a saloon-keeper.

Q. And that they were good?

A. Yes, sir.

Marked "B 26."

Q. What is the application shown you?

A. This is the last one made; that was rejected.

Q. That is the one of which you have not yet spoken?

A. Yes, sir.

Q. Who is the applicant in that case?

A. Frederick Neubenhr.

Q. What action did the Board take upon that?

A. On July 23 it was referred to the Police for them to report on.

Q. On whose suggestion was that?

A. Well, it is marked here in Commissioner Morris' handwriting for a police report.

Mr. Comstock—The report from the captain is substantially that 91 Bowery is a cheap lodging-house and frequented by all classes; the saloon where application is made has had an excise license; the present applicant is a stranger; I have received no complaint of disreputable people frequenting the place for the past year.

Q. Was that application referred to any inspector?

A. Yes, sir.

Q. To whom?

A. To John Bennett.

Mr. Comstock—The inspector reports, substantially, that the character of the applicant is good and that the character and reputation of the house is good; that the bar is on the first floor and that the upper floor is occupied as a lodging-house; has had a license for the past year; no violation of the Excise Law; bill of sale enclosed.

Q. What disposition did the Board make of that application?

A. Finally rejected it.

Q. Why?

A. Afterwards Commissioner Morris filed a special report of Captain Allaire, obtained through Commissioner Porter.

Mr. Comstock—The report is as follows: "In compliance with your communication of the 30th inst., directing me to make a complete report on the following places in this precinct, 90 to 91½ Bowery, the proprietor claims that he keeps a cheap hotel or lodging house in which there is a register for entering the names of the persons stopping there; it is frequented by all classes—the floating population of New York, whether it be thief, gambler, prostitute, or honest man or woman, can find shelter beneath its roof; the building and room is commonly known as a concert hall."

Q. What was the previous report of the captain as to the place?

A. A good report, I think.

The papers for the year 1883 are marked "B 28."

The papers for 1884 are marked "B 29."

Mr. Comstock—Commissioner Morris endorses on it, "I consider it my duty under my oath that I have taken, to make this my protest against granting a license to this place, and I direct the Secretary of this Board to file this protest against any application that may be made for a license for this place, and I direct him, the Secretary, to call the other Commissioners' attention to this report and protest. John J. Morris, Commissioner of Excise."

The Commissioner also files the following report, under date of September 3, 1884: "On examination made by Commissioner Morris on Sunday evening at 9 p. m., of the premises of George Thies, No. 136 East Fourteenth street, in company with two gentlemen, I visited this place; found access to the concert room, billiard room, and bar-room free to any person; found concert room with several hundred persons in it, sitting at tables, drinking malt and spirituous liquors; six or eight

billiard tables in full blast; went up to the bar and all of us had beer; waiters ordered whiskey; milk-punches and whiskey orders were filled and they went off in the audience with the same; the violation of the Excise Law was open." That is signed by Commissioner Morris.

Q. A protest also came in this case from George F. Nelson, on behalf of the rector of Grace Parish?

A. Yes, sir.

Mr. Comstock—Here is the communication, dated April 6, 1884:

"GENTLEMEN: Grace Chapel was built on East Fourteenth street by Grace Church some years ago, to be the center of influence to a large class of people who should find in its free pews, Sunday schools and industrial schools, a spiritual home for themselves and their children. Recently a large building has been put up alongside of Grace Chapel. It is known as 'Thies'; it is an immense establishment whose chief business seems to be the selling of intoxicating drinks. It is open on Sundays as well as on week days. Hundreds of persons throng its rooms on Sunday evening when there is no more restriction in the sale of liquors than on other evenings. The music of the band on Sunday evenings has been a continual annoyance to the congregation assembled in the chapel for divine worship and a protest against it has been repeatedly made. We now beg to place ourselves on record as most earnestly protesting against the sale of liquors, especially on Sunday, right under the very eaves of the chapel dedicated to the worship of God, and the services of His law of temperance and goodness, and we appeal to you, as the Commissioners of the Board of Excise, to make a just and wise use of your lawful powers, which shall protect the rights of the people of Grace Chapel in this matter by refusing to grant a license for the sale of liquor." That is signed, George F. Nelson, on behalf of Grace Church, and T. B. Coddington, on behalf of Grace Church. It is directed to the Commissioners of the Board of Excise.

Q. Do these papers embrace all the papers accompanying the application?

A. No, sir; there was a proceeding in the case; the proceedings were taken by a stenographer, who was sworn in the case, and the license was granted.

Q. It was afterwards granted?

A. Yes, sir.

Q. Was the Police Department called upon for any information?

A. No, sir; not in this special case.

Q. (By the CHAIRMAN) Was that by a unanimous vote of the Board?

A. No, sir; Commissioner Morris protested; the license was granted on the 12th of September, 1884.

Q. When was the next application in that case?

A. It was on August 2, 1885.

Q. By whom?

A. By George Thies, and referred to Inspector Harford, who makes a report dated September 9.

Q. When was that referred to him?

A. Referred to him on September 4; he reported on September 9; it came before the Board on the same day, September 9; he made a favorable report; it was referred to the police on September 9, and referred back to the Board on September 11.

Q. The police captain was McCullagh?

A. Yes, sir.

Mr. Comstock—He reports that George Thies is of good character and keeps a respectable place.

Q. Commissioner Morris in this instance protests?

A. Yes, sir.

Mr. Comstock—That is "B 29": "I protest against this place, the church and the wardens of the church protest against this place, Commissioner Morris."

Q. It is under the license that was granted on that application that the place is now running?

A. Yes, sir.

Mr. Comstock—The next case is 108 West Eighteenth street; this application was made August 23, 1884, by Jacob Schwartz; the inspector reports substantially that he finds the moral character and general reputation of the applicant good; that no part of the premises or business is a resort for bad characters; it is a saloon with a garden; the applicant informs me that he intends to conduct his place in a quiet and orderly manner, the same as the Theis Gardens; he has also removed the private supper-rooms in the place.

Q. What was done with that application?

A. It was received by the Board on September 1, and was laid over for examination by the Commissioner.

Q. That was after the report by Inspector Hennessey?

A. Yes, sir; on September 18 it was granted.

Q. Against the protest of Commissioner Morris?

A. Yes, sir.

Q. What was subsequently done in that case?

A. The license was afterwards revoked.

Q. Upon what ground?

A. It was reported that it was kept as a disorderly place, and I was directed to detail an inspector to see if that was the case; I sent an inspector there and he discovered that he was selling liquor after hours, and he was put upon trial and his license was revoked.

Q. Who directed the attention of the Board to that matter?

A. I think it was Commissioner Mitchell; I am quite certain it was; the reason I am so positive is that a lady on Sixth avenue directed Commissioner Mitchell's attention to the place, and that is how I come to remember that I was directed to do it; I was directed by the full Board to do it.

Q. Schwartz made an application on September 18, 1884?

A. Yes, sir.

Q. And it was revoked on June 24, 1885.

A. Yes, sir.

Q. What was done then?

A. The license was revoked; that was all that was done.

Q. Did not Schwartz make a subsequent application?

A. No, sir; there have been applications made for it, but not in Schwartz's name.

Q. Were they ever granted?

A. No, sir.

Q. The place is now unlicensed?

A. Yes, sir; it is closed; there is an application pending before the Board now.

Q. (By Senator DALY) Is it a fact that quite a number of places have been refused by unanimous votes of the Board?

A. Yes, sir.

Q. How many in the last year?

A. I made up an account last April, at the end of the fiscal year, and I think there were over 800 rejected.

Q. By the unanimous vote of the Board?

A. Yes, sir; by a majority vote, at least.

Q. So that licenses have not been granted altogether indiscriminately?

A. No, sir.

Q. The next is No. 42 South Fifth avenue, known as 381 Canal street?

A. I have no record of any license ever granted to Canal street, or on South Fifth avenue; there is one of those licenses called for by the subpoena that I have not been able to get hold of yet.

Q. This is Abe Coakley's?

A. It is reputed as Abe Coakley's; the name given me was John Morgan, or Kelly; I find there was a license for 1883 and 1884; the year 1883 was in the name of Kelley and of the last two in the name of John Morgan.

Q. You had no papers as to the South Fifth avenue or Canal street?

A. I have as to South Fifth avenue.

The papers relating to Jacob Schwartz are marked "B 31."

Q. August 4, 1884, John Morgan applied for a license for 242 South Fifth avenue.

A. Yes, sir.

Q. That was referred to Inspector Stryker?

A. Yes, sir.

Q. He reported in favor of the place?

A. Yes, sir.

Q. Had there been any previous complaint, that you know of, as to that place?

A. I do not remember of any; no, sir; there is nothing on the paper to indicate that any protest was made against it; it was granted; reported on August 4 by the inspector, and granted the same day by the Commissioners.

Q. When was the next application made in that case?

A. On July 28, 1885.

Marked "B 32."

Q. Who was the applicant in that case?

A. John Morgan; that was referred to Inspector Stryker.

Q. What does he report?

A. He reports, substantially, that the bar-room is on the first floor; that the upper floor was occupied for business purposes and families; no arrests; information came from Roundsman Gilligan; that report was made on August 3; on the same day sent for a police report; was sent to the Board on August 6; that was signed by Charles MacDonald, Captain; "the place is not a resort for disreputable people, to my knowledge; * * * the upper portion of the building is used for business purposes."

Q. Commissioner Morris protested against the granting of this license?

A. Yes, sir.

Q. Do you know on what grounds?

A. I presume on the ground of a newspaper report.

Q. Was the attention of the Board called to the newspaper report?

A. I do not know; I judge so from the fact that it is connected with the paper—that is all.

Q. There were charges that there was a robbery committed in that saloon?

A. Yes, sir.

Q. Notwithstanding that, and the protest of the Commissioner, the license was granted to Morgan?

A. Yes, sir.

Marked "B 33."

Q. Have you the papers in regard to No. 27 Bowery?

A. Yes, sir.

Q. I hand you the application in the case of No. 27 Bowery; who is the applicant?

A. Henry Strohsadel; the application was made on June 4, and referred to Inspector Meegan on June 18, 1884, and reported by him on June 21.

Q. He makes a favorable report?

A. Yes, sir.

Q. What was then done?

A. On the 21st it was sent for a police report; on the 23d Captain Allaire reports: "No. 27 Bowery is a hotel and has been licensed for the past year; have no knowledge of any prostitutes or gamblers or other bad characters resorting to the place, or living there."

Q. What was the attitude of Commissioner Morris in that case?

A. He voted no.

Q. Does he explain his vote?

A. No; there is nothing here.

Q. Captain Allaire reported in favor of licensing the place?

A. Yes, sir.

Marked "B 34."

Senator Comstock—The same party makes application for renewal on June 15, 1885; it was referred to Inspector Bennett on June 16th, and he makes a report on June 18th, substantially as follows: "Bar room on the first floor; there is a raised platform for singers; the upper part of the house is occupied as a hotel; has a register; no arrests for violation of the Excise Law; has been licensed for several years."

Q. Then what was done?

05 10

412

A. On June 18, it was sent to Captain Allaire for a report, and on June 20, Captain Allaire makes the following report, in substance: This place has been licensed for several years, and is run as a cheap hotel, and frequented by all classes.

Q. What more does he say?

A. That is all he says in that report; and then, on that day the application was rejected.

Q. What was the date of the rejection?

A. On the same day the captain made his report—June 20.

Q. Then what?

A. Then a report was received from captain Allaire, through Commissioner Porter, on August 8.

Marked "B 35."

Q. It appears in this case, that an application with the favorable indorsement of Inspector Bennett, and the favorable indorsement of Captain Allaire, was rejected?

A. Yes, sir.

Q. And after obtaining an unfavorable report from Captain Allaire, through Fitz John Porter, it was then granted?

A. No, sir; not at that time; the report from Commissioner Fitz John Porter was received on August 8; on July 21 it was granted.

Q. Granted before this report was received?

A. Yes, sir; I do not know when Commissioner Morris received it; the communication from Captain Allaire is dated July 31.

Q. What is the date of the receipt of the special communication?

A. August 8.

Q. Prior to that the license had been granted?

A. No, sir; July 31 was the date it was granted by the Board.

Q. That was prior to the special report; upon receiving this special report through Commissioner Porter, what action did the Board take, if any?

A. None whatever.

413

Q. The place is now running under this license?

A. Yes, sir.

Marked "B 36."

Q. The next is 23 Bowery?

A. That is the application of Henry Schroeder, of September 5, 1883, reported by Inspector John Straubmuller, Jr., on September 10, who makes a favorable report; came before the Board on the same day and was laid over, and on September 17 it was granted by the Board.

Q. Had there been an unfavorable report made in that case?

A. Not that I know of; that was before I became clerk; I only know what the paper says on its face; he has on his minutes here that it was unfavorable.

Q. Here is an application of Henry Schroeder, which was referred to the inspector on September 10, and reported by him on October 1?

A. It was September 12th; there were several reports there; the first report is made by John Sullivan, Inspector; he reports against the place.

Q. What does he say?

A. He says that the premises have every indication that the same are used or are to be used for gambling and other immoral purposes; the upper part of the house is a resort of prostitutes, and occupied as a bad house * * * the upper portion is reported to be an assignation house * * * the bar open all night.

Q. What was the date of that report?

A. September 12, 1884.

Q. What action did the Board then take?

A. September 13th it came before the Board, and was sent for a police report; it was referred to the police on September 13th, and Captain Allaire returns it on September 17th with the following report: "The saloon at No 23 Bowery has been licensed for the past year, and is not a resort for prostitutes, gamblers or other bad characters; the other portion of the building is occupied as a cheap lodging-house." It was then

laid over by the Board for further examination by the Commissioners; it seems that General Inspector Carty, under date of September 29, 1884, reports "that the character of the applicant is good, and that no part of the house or business is occupied or used for any immoral purpose. Bar and bar-room on the first floor. The upper part occupied as a hotel and lodging-house only, which he promises to conduct in an orderly manner. I have examined this place, and I find it as respectable a place as there is on the Bowery below Grand street."

Q. Is that the same inspector?

A. Yes, sir.

Q. What time elapsed between the two reports?

A. The first report was made on September 12th, and the last one on October 1st.

Q. Who was the inspector?

A. John Sullivan.

Q. What did the Board do?

A. On October 1 it was laid over again, and on the 6th of October it was granted by Commissioners Haughton and Mitchell.

Q. Was Inspector Sullivan called upon by the Board to give any reason for the sudden change of opinion as to the character of this place?

A. Not officially; I do not remember of anything official being done in the matter.

Q. One would naturally suppose that where an inspector met with such a positive and unequivocal change of opinion that he would be called upon to give some excuse for it?

A. I should think so.

Q. Was it the occasion of any comment at the meeting of the Board?

A. I do not remember any.

Q. No attention paid to it at all?

A. No, sir; you see it had several inspections there; I do not remember of anything being said at the meeting; sometimes an investigation of a thing was done by the Commissioners privately—that is, outside of the meeting—that I did not hear.

Q. Have you any reason to believe that there was any private investigation by any of the Commissioners in this case?

A. I do not know; the counsel on the start asked me if certain inspectors were not known as Mitchell inspectors, and Haughton inspectors, but he never asked me if there was any Morris inspector; this was a Morris inspector.

Q. Is it a common thing for the excise inspectors to change their views in this way as to the character of an applicant?

A. Sometimes an inspector is misinformed—and very frequently misinformed by the police; I know of a case, for instance, where Inspector Donnelly got his information from the ward officer, and the captain writes directly to the contrary; I know of a case myself where I was an inspector, and where the sergeant informed me one way and the captain the opposite.

Q. The inspector says that on September 12, 1884, that "upon reliable information"—

A. Yes, sir; I presume he considered it reliable.

Q. "That he had ascertained that this was a place of assignment in the upper part of the house;" that was September 12, 1884?

A. Yes, sir.

Q. On October 1 he certifies that it is a hotel or lodging-house for gentlemen only; that it is a place of good character, not a resort for bad characters?

A. Yes, sir; I think, probably, he would be the only one who could explain that.

Mr. Schroeder's application, of the date of September 29, 1884, is marked "B 37."

Mr. M. B. WILSON recalled.

Examined by Mr. MILLER:

Q. Have you a copy of the subpoena given you this morning?

A. Yes, sir.

Q. Will you please let me look at it?

A. Yes, sir (subpoena produced).

Q. You were subpoenaed to produce your check-book, and the bank-book showing the deposits made by you during the months of July, August, September, October, November and December, 1884; have you produced those books?

A. I have not had the time; and another reason is, I am advised by my counsel that that is private matter—private papers of my own.

Q. You expressed yourself this morning ready and willing and desirous of producing that check-book; you left here before 12 o'clock?

A. Yes, sir; about 12 o'clock.

Q. Where did you go then?

A. I went down Broadway.

Q. Where to?

A. To get my lunch.

Q. Where?

A. I don't know as that has anything to do with it; I am willing to answer any question in connection with what I have had in the Armory Board, but not my private matters.

Q. You expressed your desire and readiness this morning to bring your check-book, and now you come here and do not produce it?

A. I went to see my counsel.

Q. And advised with him?

A. Yes, sir; I do not want you to know what my grocer's bill is, and all that.

Q. The reason you do not want to produce your check-book is that you do not want us to know what your grocer's bill is and other private matters?

A. Yes, sir.

Q. That is it?

A. Yes, sir.

Q. Didn't you think of that when you agreed to bring it this morning?

A. No, sir; I was excited this morning, and probably I said more than I ought to have; I do not wish to be discourteous at all.

Q. Do you refuse to produce your check-book?

A. Under the advice of counsel.

Q. Under the advice of counsel, you refuse?

A. Yes, sir.

Mr. MILLER—I will simply say, Mr. Chairman, that the only thing to do in this case is what was done in the matter by the Roosevelt Committee.

The CHAIRMAN—This brings up the same question that was up in the McDonald case, and the chair rules that the witness must answer the question. The witness on the stand this morning swore that he had received a certain amount of money as a commission. That question enters into a part of the investigation and the chair rules that the witness must produce the books called for.

Q. (By the CHAIRMAN) You still decline, upon the advice of counsel, to produce them?

A. I do; I do not know as it is so important; after I see him, and have a little talk with him to-morrow, perhaps he will say "bring it," and any papers I have got; I have no objections, only I don't want private papers gone over.

Q. Your private papers won't be scrutinized by the Committee—only those relating to this investigation. If you are of the mind to bring the check-book here, there will be nothing only that which pertains to the investigation made public.

A. Let that rest over until to-morrow.

The CHAIRMAN—If that had been the excuse you had made to the Committee that would be one thing, but now you say you decline to do it, by advice of counsel.

Q. (By Mr. MILLER) As to your bank-book, you refuse to produce that—the bank-book showing the deposit in the bank?

A. I do not object to it.

Q. Why didn't you bring it?

A. I did not have a chance to look for it; I went and saw my lawyer about it, and my lawyer told me this: "You have a suit there and they want to get all the evidence out of you they can."

Q. Then you have not produced, under that subpoena, your bank-book?

A. No, sir.

Q. And you do not produce it?

A. No, sir.

Q. Did you know Mr. Lustig had been examined since you have been examined this morning?

A. No, sir.

Q. Then you have not heard what he testified to?

A. Nothing about it.

Q. What did you ever say to Mr. Lustig concerning your ability to accomplish the sale of the armory property?

A. I do not know.

Q. What?

A. I do not know.

Q. You do not know?

A. No, sir.

Q. You have no recollection whatever of what you said to Mr. Lustig on that subject on any occasion?

A. No, sir; I have not.

Q. Have you offered to pay Mr. Lustig anything?

A. Now, that goes right into that old matter again; I beg leave to be excused from answering anything in connection with that suit.

Q. I will make that more explicit; have you offered to pay Mr. Lustig anything on the account which he claims you owe in relation to the sale of real estate to the Armory Commission?

A. I beg leave not to answer that; to say that I do not think it is fair, for that is a part of that suit.

Q. Do you decline to answer that question?

A. Yes, sir.

Q. Do you know Col. Seward?

A. No, sir; I think I have seen the gentleman, but I do not think I have spoken to him.

Q. Do you know?

A. I think I know him.

Q. What is he colonel of?

A. I do not know.

Q. A colonel of the National Guard?

A. Of some regiment.

Q. Of the Ninth?

A. I do not know whether it is the Ninth or not.

Q. What is his full name—do you know?

A. No, sir.

Q. William Seward; did you ever see him?

A. I may have seen him.

Q. Have you ever had any conversation with him in relation to armory property?

A. I have no recollection of ever saying a word to Mr. Seward; I do not know if I would know him if I saw him in this room.

Q. Then you mean to say that you do not know whether you ever had any conversation with Colonel Seward in reference to armory property?

A. Yes, sir.

Q. Did you mean to say that you did not?

A. If I had I think I should remember it; if he came into this room, I do not think I should know him.

Q. Did you know that the Ninth Regiment made application to the Armory Commission for an armory?

A. No, sir; I did not know it.

Q. Did you know about a piece of property in which Mr. Barney was interested?

A. I did not; I do not know Mr. Barney.

Q. Which was at one time before the Armory Commission as one of the plots to be taken?

A. I do not know.

Q. Do you know why the Ninth Regiment did not get an armory?

A. Oh, no, I do not.

Q. You do not?

A. No, sir.

05 14

Q. Did you have any connection with any plots that were selected for the Ninth Regiment Armory, and submitted to the Board?

A. I have had so much to do with so many plots, I do not remember them.

Q. Then you do not connect any one with the Ninth Regiment Armory?

A. No, sir.

Q. You mean now to state definitely that you have no knowledge of any plot that was specifically selected for a site for the Ninth Regiment Armory?

A. I do not know.

Q. What is the name of Mr. Cossitt?

A. I do not know that piece of property.

Q. What is his first name?

A. I do not know.

Q. What is his last name?

A. I do not know.

Q. What is his first name?

A. I do not know.

Q. What is his last name?

A. I do not know.

Q. What is his first name?

A. I do not know.

Q. What is his last name?

A. I do not know.

Q. What is his first name?

A. I do not know.

Q. What is his last name?

A. I do not know.

Q. How much was the property sold for?

A. I do not know; that is a matter of record; I think it was \$265,000.

Q. Is there any question about it?

A. I guess that is right—\$265,000.

Q. It was \$265,000?

A. Yes, sir.

Q. One per cent, upon that would be \$2,650, would it not?

A. Yes, sir.

Q. So that you got more than one per cent?

A. I did.

Q. One per cent is the usual commission, is it not?

A. Not where you can get more.

Q. It is the usual commission in New York City, is it not?

A. Yes, sir.

Q. And the agreement was for a larger commission, then, between you and Mr. Godwin and Cossitt?

A. Yes, sir.

Q. How did it happen that an agreement was made to pay a larger commission than the ordinary one paid to brokers?

A. I do not know.

Q. Was it not because of the influence, or the supposed influence that you were assumed to have with the Board?

A. I do not think it could have been.

Q. Didn't you say this morning, distinctly, that the reason that these persons dealt with you must have been because they supposed you had influence with the commission?

A. No, sir.

Q. You did not state so?

A. I did not say anything about the commission.

Q. The Armory Board?

A. I did not say the Armory Board.

Q. General Shaler?

A. I said with General Shaler.

Q. Then was it—I ask you now—was it because of your supposed influence over General Shaler that you were to be paid a larger commission than the ordinary commission to brokers?

A. I do not know.
 Q. You do not know? Have you any ideas on the subject?
 A. No, sir.
 Q. Have no idea on the subject?
 A. No, sir.
 Q. Did you ever tell Mr. Cossitt, or Mr. Godwin, or any one interested in the sale of that property, that you had influence with General Shaler?
 A. No, sir; I did not.
 Q. Did you ever intimate to them that you had influence with General Shaler?
 A. No, sir.
 Q. Then, what did you mean by saying that it was because of your presumed influence with General Shaler that they dealt with you?
 A. Well, I presume it was because of my intimacy with him; I dealt in real estate.
 Q. You dealt in real estate?
 A. Yes, sir.
 Q. Prior to the commission transaction, what was the transaction before that that you had in real estate?
 A. I submit now that that is a private matter again.
 Q. Mr. Lustig testified that you never dealt in real estate; that you were not a real estate dealer in any way until the armory transactions?
 A. I cannot help what Mr. Lustig testifies to to-day.
 Q. Tell me what piece of real estate you bought or sold, as broker, prior to the commission transaction?
 A. I sold Mr. Schell a good many lots; I will tell you that.
 Q. How many lots have you sold to Mr. Schell?
 A. It may be a hundred and it may not be over twenty.
 Q. As broker?
 A. Yes, sir.
 Q. For other parties?
 A. Yes, sir.
 Q. For more than one party?
 A. Well, now, look here; I will submit if I have got to go into every transaction I have done all my life now? I submit that to the Chairman.

Mr. MILLER—Mr. Chairman, I do not wish to push this very much further in this transaction, because it seems to me this is palpable and plain to everybody, but the witness comes here and states that he was the person who, in all of these transactions, in each case where a purchase was made, saw General Shaler about it, and they were all real estate transactions; it stands to reason, it seems to me, that unless this witness had dealt in real estate before—there is something—to put it in the mildest way, about his going into the real estate business at this moment, and therefore it seems to me a proper inquiry as to what his former dealings in real estate were, and in that aspect I think it is proper.

The CHAIRMAN—I believe this morning he said he was a real estate broker, and another witness said he was not; I think it is a proper question, to see whether he is in the broker's business; it is not necessary to go into the details.

The WITNESS—I have bought property for Mr. Schell and other gentlemen; I sell property; I own quite a considerable myself.

Q. Did you ever have a sign out as dealer in real estate?
 A. Oh, no, sir.
 Q. What did you say your business was?
 A. Superintendent of the Fire Patrol.
 Q. Superintendent of the Fire Patrol?
 A. Yes, sir.
 Q. How long have you been Superintendent of the Fire Patrol?
 A. Fifteen years, nearly.
 Q. Does that take your time?
 A. All that I am a mind to put to it.
 Q. It is of such a nature that there is plenty for you to do all the time?
 A. I am the boss of that job.
 Q. You have still time, notwithstanding that, to be a real estate broker—to deal in real estate?
 A. Yes, sir.

General SHALER, recalled.

Examined by Mr. MILLER :

Q. General, will you please tell me what sites were selected by the officers of the Ninth Regiment, for an armory?

A. The first site that was selected was on Eighth avenue, about Seventy-fourth to Seventy-eighth street; I think I can give you the exact location; it was between Eighty-third and Eighty-fourth streets.

Q. That was the first site they selected?

A. Yes, sir.

Q. Was that selected by Colonel Seward?

A. It was presented by Colonel Seward to the Armory Board.

Q. Did he urge that it be purchased?

A. Yes, sir; he was very anxious that that plot should be purchased.

Q. Was that plot recommended to the Sinking Fund Commissioners?

A. No, sir.

Q. What plot was recommended to the Sinking Fund Commissioners?

A. None.

Q. None for the Ninth Regiment?

A. No, sir.

Q. What plots were submitted?

A. Another plot was submitted by Col. Seward, between Eighth avenue and New avenue and One Hundred and First and One Hundred and Second street—in fact, it was subsequently ascertained by me that all this—nearly all that range of blocks between One Hundred and First street and One Hundred and Fifth street could be bought—were in the market, and between Eighth and New avenues.

Q. Did you have under discussion in the Armory Commission that plot between Eighty-third and Eighty-fourth streets?

A. Yes, sir; and visited it.

Q. Did you have under discussion the plot between Eighth and New avenues.

A. Had one of those plots, and whether it was between One Hundred and Second and One Hundred and Third streets, or One Hundred and First and One Hundred and Second streets I am not certain.

Q. Is it the one that Mr. Shaw recommended?

A. Possibly; that is one of the plots suggested by them.

Q. Any other site chosen by the Ninth Regiment?

A. No, sir; only those two.

Q. And the one before the Board first was Eighty-third and Eighty-fourth streets?

A. Yes, sir; that was rejected by the Armory Board; will you permit me while I am on the stand to correct my testimony in rather an unimportant particular, perhaps?

The CHAIRMAN—Certainly.

General SHALER—And that is about the Schell property being first presented to the Armory Board; it came through the Twenty-second Regiment instead of the Twelfth, as I testified before from memory; it came to the Armory Board from the Twenty-second Regiment, as did also the plot subsequently bought for the Twenty-second Regiment, between Sixty-seventh and Sixty-eighth streets that is the Godwin property; and the property on the east side came to the Armory Board through the Second Battery, Captain Earle; Captain Earle's Battery was to be provided with an armory with the Eighth Regiment, but the Eighth Regiment being the largest organization the plot was commonly known as the Eighth Regiment plot, but the plot was presented through that Battery.

Q. Since hearing Mr. Wilson's testimony this morning, General, are you still of the opinion that no one acted as broker in any of these cases, but that you dealt in each case directly with the owner?

A. I have no reason to doubt Mr. Wilson's testimony; none whatever, that he received a consideration for his services, but it was a revelation to me, sir; I assumed that Mr. Schell

was acting as the personal friend of these gentlemen, whom I knew him to be; I knew him for a number of years to be the intimate friend of Mr. Schell and Mr. Godwin, and when he came to me in connection with the property I assumed that he was acting purely as a personal friend.

Q. And that was true in reference to Mr. Fairchild?

A. Yes, sir; I have not much recollection of Mr. Wilson's having much to do with the Fairchild property; I was not aware in any case that he was receiving a consideration; I have since the testimony rebuked him for not letting me know that he was a real estate agent; I have heard of his buying and trading with Mr. Schell and others of those underwriters down-town very frequently.

Q. You thought, until you heard his testimony to-day, that all he did was done through personal friendship?

A. Yes, sir.

Q. And that he didn't make any money out of it?

A. I had no idea but that he was doing it as a friendly act for these gentlemen.

Mr. M. B. WILSON recalled.

Examined by Mr. MILLER:

Q. Did you have anything to do in presenting to the consideration of General Shaler the plot of land between Eighth avenue and New avenue and One Hundred and Fourth and One Hundred and Fifth streets?

A. I think I did speak to the General about that.

Q. Who spoke to you about that?

A. John P. Shaw.

Q. Do you know how he came to see you?

A. I think it was through Mr. Lustig—was it not? I don't know; I think it was.

Q. Was he (Mr. Shaw) an intimate personal friend of yours?

A. I have known Mr. Shaw a short time only, through this matter; never knew him before.

Q. Why, then, in the name of common sense, do you suppose Shaw went to you?

A. I do not know.

General SHALER—Probably knew he was a friend of General Shaler's.

Mr. MILLER—That is what it amounts to all the way through.

The WITNESS (Mr. Wilson)—I did as I would do to-morrow.

Q. It seems certain, does it not, that whether General Shaler was childlike and bland, or not, the other persons had cut their eye-teeth for some reason or other?

A. Each one of them were personal friends of mine.

Q. Except John P. Shaw?

A. Mr. Shaw was a nice man, and I would like to have done something for him if I could; I would not have let it slipped if I could have got it through.

Q. There is no doubt about it that each of these other gentlemen, for whom you sold the property, believed that you had the inside track there?

A. They thought that General Shaler and I, being connected for twenty odd years—

Q. Mr. Fairchild believed it to the extent of \$11,000?

A. I guess he did.

Q. (By Senator COMSTOCK) Didn't he believe it to a greater extent than that? Will you swear that you did not receive over \$11,000?

A. I think not.

Q. Will you swear that you did not?

A. I think not.

Q. Will you swear that you did not receive over \$11,000?

A. No, sir; I will not.

Q. Will you swear that you did not receive \$15,000?

A. I do not think it was—

Q. Will you swear that you did not receive \$15,000 on that Fairchild purchase?

A. I cannot tell.

05 18

428

Q. You won't swear that you did not?

A. No, sir; but I do not think it was over \$12,000 that it panned out.

Mr. MILLER—I would suggest, gentlemen of the Committee, that the Committee adjourn now until half-past 10 o'clock to-morrow morning, sharp; that during that time Mr. Wilson make up his mind whether he will bring his bank-book and check-book here, and that if he comes here to-morrow morning at half-past 10 o'clock, that nothing further be done in the matter; that if he does not produce them at that time, and refuses to produce them, that the matter be submitted to the District Attorney for action of the Grand Jury.

The CHAIR—In the opinion of the Chair it is not necessary to put the motion formally. The Chair suggests that the witness bring the books.

The Committee hereupon adjourned, to meet at the Aldermanic Chamber, on Wednesday, September 30, 1885, at 10.30 o'clock A. M.

05 19

54 PINE STREET,

New York, Oct 12 1885

Dear Martine -

I intended to call on
you this morn but am summoned out
of town for a day or two - I have seen
Wilson & advised him to put himself
in such an attitude as will be satisfactory
to you & feel sure that it is his wish
to do so - I cannot urge you against
your own convictions of duty but can
only wish that it may not be inconsistent
with your sense of your responsibilities to let
the matter rest a few days longer - Your
suggestion that the books should be exhibited
only to the Chairman of the Committee seem to me
very fair & reasonable

Yrs
A. C. Collins

0520

Entrance to Elevator
on Warren Street.

Chas. P. Miller,

Law Offices,

261 Broadway,

New York, Oct. 24th 1885

Hon. Randolph B. Martine
District Attorney,

Dear Sir:

I am requested by the Senate Committee of which Hon. Fred. S. Gibbs is the Chairman to urge you to bring Mr. M. B. Wilson's case to trial at the earliest possible moment.

Unless Mr. Wilson is tried before the Committee adjourns sine die, no good will result from his indictment, and all the steps heretofore taken by your office and by the Committee to compel the production of his books, will be of no avail.

With the Nathan Case as a precedent there would seem to be no difficulty in trying and convicting Mr. Wilson at a very early day.

Yours very respectfully

Chas. P. Miller

of Counsel to the
Senate Committee

0521

The People

VS

Summitt B. Wilson

0522

CHARLES A. HESS,
COUNSELOR AT LAW,
206 & 208 BROADWAY,
Evening Post Building.

New York Oct. 9th 1885

Hon. R. B. Martine
District Attorney.

My dear Sir:

For fear that in the
press of business you will forget
what I told you yesterday I will
repeat in part what I then said.
Should the grand jury present an
indictment against Mr. Willson to
day or at any other time I will
promise to produce him for the
purpose of giving bail on a
notice of about a half hour, thereby
saving you the trouble and Willson
the annoyance of issuing a bench
warrant.

With kind regards

Very truly yours
Charles A. Hess

0523

Surrogate Court.
7 Oct. 1885

Hon. Randolph B. Marline.
District Attorney.

Mr. W. B. Wilson
has consulted me about the
question pending between him
and the Senate Committee -
and I would respectfully
ask that the matter may be
allowed to stand as it does now
until next week. When I
shall be able to look into it.
Yours very truly
Joseph H. Choate

0524

Supreme Court,

GENERAL TERM.

THE PEOPLE, &c.,

against

CHARLES D. J. NOELKE and JACOB
MARKS.

People's brief
on appeal.

This is an appeal by the defendants from the judgment of the Court of General Sessions of the Peace, in and for the City and County of New York, adjudging them to be guilty of a violation of the lottery laws of this State.

The defendants were charged in the indictment with having sold on the 17th of March, 1882, to one Joseph Mattocks, a half ticket in the Louisiana State Lottery, and were brought to trial on the 25th day of May, 1882.

Although the trial lasted three days, yet, the facts can be briefly stated.

The witness Mattocks, on the 17th of March, 1882, went to the defendants' place of business for the purpose of obtaining evidence, showing that they were violating the laws, and after some conversation respecting a ticket purchased a few days prior thereto, asked if they had any Louisiana tickets.

Both of the prisoners were present. Noelke stated that "we have whole tickets for two dollars and half tickets for one dollar."

Mattocks asked for a half ticket.

Noelke, then turning to Marks, who was standing by the safe said, "hand me a ticket."

Marks then took a half ticket from the safe and handed it to Noelke, who sold it to Mattocks (fols. 65-67).

The prisoners were arrested on the 29th of March, by the witness, Mr. Comstock, who, at the same time, searched their premises, in execution of a search warrant which he exhibited to them. Under this warrant a quantity of lottery material was seized (fols. 40 and 57), and a blank book containing the entries of tickets sold by the defendants (fols. 57 and 121-125).

Noelke was then asked to produce such lottery tickets as he had, and replied, "there are none. There is a gentleman there (pointing to Mattocks), I would have sold some of them to him, if I had had them; *he bought before*" (fol. 45). On his way to the station house Mr. Comstock asked Noelke why he did not go out of the lottery business, and he said that he had about made up his mind to go out of the lottery and policy business, and simply carry on his brokerage business (fols. 61-2).

It further appeared that after Noelke's arrest he had an interview with Mattocks, in which he offered to give him a sum of money to leave the State, go to New Jersey and not appear against him; that the witness intimated that he would take \$1,200; that Noelke promised to bring the money the next day, and did in fact send Marks over with a letter to Mattocks, the contents of which are unknown, but that Mattocks, instead of meeting Noelke the next morning, came to New York (fols. 72 to 78).

On the trial the defendants' memorandum book containing entries of sale of lottery tickets was produced and put in evidence, in which was found

an entry of the number of the lottery tickets referred to in the indictment (see fols. 16, 70 and 122).

The jury promptly convicted both of the prisoners.

POINTS.

I.

Numerous objections and exceptions were taken by defendants' counsel through the trial.

By far the greater part of these being general, no specific ground for objection being alleged—there will be no need of discussing them; they are valueless and raise no question on this appeal.

Patterson v. Peo., 12 Hun, 134.

Daley v. Byrne, 77 N. Y., 187.

Schile v. Brockhalm, 80 N. Y., 615, 620.

Harris v. Wade, 61 N. Y., 630.

Cushman v. U. S. Ins. Co., 70 N. Y., 34.

Stevens v. Breeman, 79 N. Y., 254.

Wilkinson v. Gill, 74 N. Y., 63, 65.

Slote v. Wilson, 8 Iowa, 407.

Peo. v. Dunn, Ct. Appl., Mss. op.

"The practice of taking general and obscure exceptions at the moment, in order to cover the case, and enable counsel on subsequent critical examination to raise points under the exceptions, which have never been suggested at all to the mind of the trial judge, is objectionable on many grounds, and is contrary to theory upon which points are allowed to be raised by exceptions."

Turner v. Peo., 33 Mich., 363, 382.

Adams v. State, 25 Ohio St., 584, 587.

Bain v. Whitehaven & Co. R. R., 3 H. of L., Cases, 16.

II.

The statement and admission of the defendant Noelke were proper; the admissions or confessions of a prisoner, if not obtained by promise or coercion are always admissible in evidence. And it matters not whether he is held under valid or invalid process.

Cox v. Peo., 80 N. Y., 500, 515.

The exceptions therefore of fols. 44, 60, 64, 71 and 83 are valueless.

III.

The evidence respecting some tickets found in an envelope in Noelke's possession, at time of arrest (fols. 53-57) cannot be complained of by defendants as it was brought out by the question of defendants' counsel.

"By Mr. Brooke: Q. Does that envelope contain a ticket concerning which this indictment was found, or *anything referring to that particular ticket?*

Does that envelope contain any reference to that particular ticket?" (Fol. 52).

IV.

The Statute of Louisiana, authorizing the incorporation of The Louisiana State Lottery Company, was wholly immaterial. Our law declares every lottery unlawful and a common and public nuisance.

1 R. S., 665, §26.

The laws of Louisiana can have no extra territorial force to legalize in this State, acts which our laws expressly forbid. Since the Yates and McIntyre act of 1833 (L. 1833, Ch. 306,) together with the prohibition of the Constitution (Cont. Art 1., Sec. 10), no lottery can be authorized or legalized in this State.

The Louisiana Statute therefore could not legalize the act of the defendants in this State.

Kohn v. Koehler, 21 Hun, 466.

Wilkinson v. Gill, 74 N. Y. 63.

Sturtevant v. Peo., 23 Wend., 418.

Warner v. Peo., 4 Barb., 314.

Charles v. Peo., 1 N. Y., 180.

Dana v. Com., 2 Metc., 320.

Terry v. Alcott, 4 Conn., 442.

Neither does interstate comity help the defendants, for if the Louisiana law of 1868, by force of State comity, is to be effectual here, then by parity of reasoning our prior prohibitory laws must be given force and effect in Louisiana, and as our constitution since 1821, and our statutes since 1833, have absolutely forbidden lotteries, this lottery company had no right to exist. Nor by force of any constitutional provision can one State, pass laws which will permit its citizens to enter a sister State, and violate the penal laws there in force.

This whole ground has been fully covered by his Honor Judge Davis.

Kohn v. Koehler (*supra*).

V.

The letters and cards produced by the witness Davis (fol. 122, 132,) were properly excluded.

1. There was no sufficient proof as to who wrote or sent them.

2. They had not been sent to the defendant and do not effect his case.
3. There is nothing whatever in the case to show what they related to, or how they could be material.

VI.

On the trial the defendant's counsel insisted that there could be no conviction in this case because there was no proof of the sale of the ticket charged herein, except the testimony of the witness Mattock.

And that he being an accomplice, no conviction could be had upon his testimony uncorroborated.

The answer to this is two-fold:

- 1st. That he was not an accomplice.
- 2d. That he was amply corroborated.

In order to constitute an accomplice, a party must be aiding and assisting the accused with *criminal intent*. This is well settled both in England and this country.

Reg. v. Mullin, 3 Cox C. C., 526, 531.
 Wright v. State, 7 Tex. Ct. Ap., 545.
 State v. McKeon, 36 Iowa, 343.
 Com. v. Downing, 4 Gray, 29.
 Campbell v. Com., 84 Penn, 187, 197.
 St. Charles v. O'Mailey, 18 Ill., 407, 412.
 Peo. v. Farrell, 30 Cal., 316.
 Harrington v. State, 35 Ala., 236, 242.
 Peo. v. Smith, Mss. op. Gen. Term, N. Y., 1883.

It will be noticed that the law forbids the sale of lottery tickets, not the purchase, (1 R. S., 666, §29). The distinction is intentional on the part of the

Legislature. One of the earliest laws of this State is the act of 1819 (L. 1819, p. 253, chap. 206). Section 3 of this act forbade the purchasing as well as the selling of illegal lottery tickets. This law was amended in 1827 (L. 1827, p. 327, chap. 300), and by this amendment the prohibition against buying was expressly repealed (Sec. 11). We must assume that the Legislature intended to exclude buying from its prohibition.

Com. v. Hilliard, 22 Pick., 476.
 Harrington v. State (supra).

Nor can the use to which the purchaser intended to put the ticket have any effect in the crime of selling.

The only significance that can possibly be attached to Mattock's purpose in buying the ticket in question (fols. 78, 79) is to emphasize the fact that he was not an accomplice—since he did not intend to be an investor in the scheme.

VII.

Mattocks was fully corroborated in every essential particular as to Noelke at least, by the latter's admission made at the time of arrest, that he had sold to Mattocks (fols. 46, 83), and by his book containing the record of this very transaction.

The book was admitted to have been his (fols. 112, 118).

And as no one but himself and Marks, prior to the arrest, had anything to do with his office, the book must have been kept by them or one of them (fol. 103).

VIII.

The ground upon which defendant mainly relies as fatal to this conviction is that the indictment is defective "in not describing the purpose or object of the lottery, or that it was intended for the purpose of chance, or of obtaining money, goods, or valuable things." (fol. 84, 134, 135, 137).

In support of this position counsel relies upon *Payne v. Peo.* (3 Den., 88). There are many answers to the position there taken, any one of which will be sufficient.

1. The indictment alleges the ticket to have been in "The Louisiana State Lottery," "a more particular description of which said lottery is to the grand jury unknown."

This is a sufficient description.

Pickett v. Peo., 8 Hun, 83.

Peo. v. Taylor, 3 Den., 91, 95, 96.

2. But if it was irregular it is cured by sections 284, 285, sub. 3 of Crim. Code Proc.

3. The ticket itself is set out at length and shows on its face that it was for the disposition of property, viz., money.

"This half ticket entitles the holder thereof to one-half of such prize as may be drawn by the number in the within named drawing, if presented for payment before the expiration of three months, &c. (fol. 16).

The ordinary reasonable meaning must be given to the words "prize" and "payment."

Obviously the ticket refers to money or other property capable of division.

Peo. v. Warner, 4 Barb., 314.

4. The word "lottery" of itself imports a distribution of property.

Peo. v. Warner, *Supra*.

The word lottery must be taken in its ordinary and usual meaning; it has no precise, technical meaning.

See cases *infra*.

A lottery is—

"A game of hazard in which small sums are ventured for the chance of obtaining a larger value, either in money or other articles."

Worcester's Dictionary.

Wilkinson v. Gill, 74 N. Y., 63, 66.

Hull v. Ruggles, 56 N. Y., 424.

U. S. v. Olney, 1 Abb. U. S., 275, 283.

Bell v. State, 5 Sneed. (Tenn.), 507.

"A scheme for the distribution of prizes by chance."

Webster's Dictionary.

Wilkinson v. Gill, *supra*.

Dunn v. Peo., 40 Ill., 465.

Thomas v. Peo., 59 Ill., 163.

Randle v. State, 42 Tex., 581.

Haloman v. State, 2 Tex. Ct. App., 600.

Raffe v. Delmar, 7 Robt. 80.

Wooden v. Shotwell, 3 Zab. (N. J.), 465.

State v. Mumford, 73 Mo., 647.

"A game wherein a person paying money, or other thing of value, becomes entitled to money, or to some other valuable thing, on contingencies to be determined by "lot" cast by the managers of the game, it implies some division of property by chance."

Bishop on Statutory Crimes, § 952.

State v. Clark, 33 N. H., 320, 335.

"A kind of game of hazard wherein several lots of merchandise are deposited in prizes for the benefit of the fortunate."

Rees' Cyclopaedia.

5. An examination of the statute will show that the reasoning in the Payne case (*supra*) was erroneous.

It turns on the construction to be given to the words "such lottery," as used in sec. 29. (1. R. S. 666) the Court arguing that it referred to the "lottery, game or device of chance * * * for the purpose of exposing, setting to sale, or disposing any houses," &c., referred to in sec. 27.

a.—The purpose, &c., refer to the "game or device of chance," not to "lottery." As we have already seen, every lottery imports a distribution of property, but every game or device of chance does not; some games or devices of chance are perfectly harmless, so the statute refers to those intended for the distribution of property.

b.—Sec. 26 of the same title provides: "Every lottery, game or device of chance in the nature of a lottery, by whatever name it may be called shall be deemed unlawful."

In 1848, the year after the Payne case, the Court of Appeals construed sec. 28, which provides that no one shall "by printing, or in any other way, publish on account of any *such* lottery" &c., and put a very different construction to the word "such" from that given in the Payne case. The Court held that the word "such" referred as much to sec. 26 as to sec. 27, and that therefore an indictment under that section need not state that "such" lottery was "for the purpose of exposing, setting to sell or disposing of any houses," &c.

That all lotteries were illegal since the act of 1833.

Charles v. Peo., 1 N. Y., 180.
Peo. v. Sturtevant, *supra*.

The word "such" in sec. 29, must then refer to the kind of lotteries referred to in sec. 28, or at any rate, it is subject to the same construction as the similar word in sec. 28.

c.—It will be noticed that sec. 27 is by express terms confined to lotteries opened "within this State." If the word "such" in sec. 29, is to be confined to the lotteries and games of chance mentioned in sec. 27, then it is no offence to sell the tickets of a foreign lottery.

That was not the intention of the Legislature.

Peo. v. Sturtevant, *supra*, p. 420.

Charles v. Peo., *supra*, p. 183.

6. Sec. 52 expressly provides that "It shall not be necessary in the trial of any suit or prosecution under the provision of this article, to prove the existence of any lottery in which any ticket, share or part of a ticket, purports to have been issued, or the actual signing of any such ticket or share, or of any pretended ticket or share of any pretended lottery," &c.

What need not be proved certainly need not be averred.

X.

There was sufficient evidence to warrant the conviction of Marks. He was aiding and assisting in the sale (fols. 65, 67 and 103).

XI.

The proof of the sale was absolute and uncontrovertible. The ticket itself was produced by the

0530

People's witnesses No. 34, 35, 36, 37, 38, 39, and the book admitted by defendant Noddy to have been kept by him for upwards of a year (fol. 118) was produced and showed a record of that very number 14,836 (fol. 122).

XII.

The first six requests to charge have already been answered in point IX.

The 7th and 11th relate to matters which only tended to effect the credibility of Mattocks. The jury were properly charged on that point (fols. 168, 169.)

The 10th and 13th raised the question of accomplice.

1. Mattocks was not an accomplice, (see Point VII.)
2. The Court Charged the requests substantially as requested (fols. 153-6 164)

The 12th and 14th were charged so far as they were proper.

XIII.

The conviction was right and should be affirmed.

JOHN McKEON,
Dist. Atty.

W. C. BEECHER,
Of Counsel.

0531

a Yes sir

2 Was that commission

a I presume it was

2 You presume that was com-
-mission?

a Yes sir

2 Don't you know

a No sir

2 Did you ever hear of such
commissions on the sale of
property? What per cent ~~was~~
was that?

a I don't know

2 Just figure it out

a A little over 3 per cent

2 Did you ever hear of such
percentage being paid to a
broker for real estate in this
city

a Oh, now, - a broker - a good
man has a right to make
all the brokerage he can and
I make just as much as I
can

2 Then Mr Furchild must have
supposed in this case that
you had been of great service
to him

0532

Mr. [redacted] was a constant visitor at Jaime's house.
On several occasions the conversation, in relation to the money
received by him for his vote on the Broadway Railroad Bill.
Received \$10,000. first vote and \$20,000. on its passage, making
\$30,000. but he was present at the different times when his
brother and his wife were present and had frequent conversations
about the money from whom he got it and what he did with it, and
he knew that he received it. He repeated the same conversation
several times. Repeated that he knew Jaime received \$30,000. =

0533

Sum of ... = Alex. ...

1258 15 $\frac{1}{2}$

... ..

... ..
... ..

30 West



0534

District Attorney's Office
City & County of
New York.

Wm. H. Miller

how did he come to ask Justice
for a favor to get his friend out of
trouble if he did not know him
to come back an introduction by me
right had he asked that favor

0535

For 1. State of New York
County of New York:
of New York.

Randolph B.
Martine being duly sworn deposes
and says:—

I am District Attorney of
the City and County of New York.

On information and belief
I charge Alexander Shaler with
the crime of receiving a bribe
committed as follows: to wit.

That on or about the 16th
day of September 1884, the said
Alexander Shaler being then and
there a person executing the
functions of a public office to-wit:
a member of a Board known
as the Armory Board in the City
and County of New York created by
Section 3, of Chapter 91, of the Laws
of 1884, did then and there ask
receive, and agree to receive, a bribe
sum of money, and property of
the value of nine thousand dollars
upon the agreement and understanding
that his vote, action and decision
as a member of said Board should

0536

be influenced ~~by~~ said bribe
sum ~~of~~ money, and property
as aforesaid.

3. That the grounds of
this deponent's information and
belief, as to all matters not stated
in this affidavit on this deponent's
knowledge, are the evidence taken
before a Committee of the Senate
of the State of New York, sitting in
the city and county of New York
for the purpose of investigating the
Government of said city, and
especially of the declarations under
oath, of one Monmouth B. Wilson,
a witness before said Committee,
and certain papers and documents
in the possession of this deponent,
as the District Attorney of said
city and county.

That it is impossible
at this time to secure the attendance
of said Monmouth B. Wilson before
a magistrate, but that said Mon-
mouth B. Wilson will be produced
on the return of the warrant
to be issued hereon.

Wherefore this deponent

0537

H. prays that a warrant for the
arrest of said Alexander Chater
may be issued forthwith

Randolph B. Martine

Sworn to before me
the 30th day of November

1885.

J. May Jr
Kee

The People of

agat.

Alexander Shaler

Affidavit of

David B. B. Martin

Deputy Attorney of

the City of Albany

of New York.

So

advised warrant

Court of General Sessions of
the City of Albany, County
of Albany, N.Y.

The People of the County
of Albany, N.Y.

Ad. B.

New York, December 1st 1888

Alexander Shaler

of Albany, N.Y.

Affidavit, that the crime of bribery has been committed.

and that there is sufficient cause to believe the person
named Alexander Shaler guilty thereof, and the evidence
having been brought before me and read an examination

I deem that he is held a prisoner of law and that

he is advised of his rights in the Court of New York and
that he has waived his rights and has consented to be
detained, and that he is the owner of the property
of the City of Albany, N.Y.

0530

0539

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Alexander Shaler 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. *Alexander Shaler*

Question. How old are you?

Answer. *Twenty eight years of age*

Question. Where were you born?

Answer. *United States*

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

Answer. *127 West 48th Street - Since ^{about} Oct. 1, 1888*

Question. What is your business or profession?

Answer. *President Health Department*

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

Answer. *Under the advice of my Counsel I reserve what I have to say until my trial; except to emphatically declare my innocence.*

Alexander Shaler

Taken before me this *1st*

day of *December* 188*8*

Wm. H. Smith
Recorder of the Court

0540

State of New York } ss.
County of New York }

In the name of the People of the
State of New York:

To the Sheriff of the City and County
of New York, or any Police Officer
of the Municipal Police in said
city.

Information now oath having this day
by information been laid before me
that the crime of Bribery has been
committed and accusing Alexander
Shaler thereof:

Now, you are therefore commanded, forth-
with to arrest the said Alexander
Shaler, and bring him before me
at my Chamber in the Court House
of the Court of General Sessions
of the Peace in and for the City and
County of New York, at No. 32 Chambers
Street in said City, or in case of
my absence or inability to act before
the nearest or most accessible Magistrate in this
County.

Dated at the City of New York this

0541

30th day of November 1885.

Given under my hand.

W. H. Smith

Recorder of the city of New York.

Mr. Peckham

Alexander Skalen

Warrant

Dated Nov. 30th 1885

Nov. December 1, 1885.

The within named Defendant
was arrested by Sergeant Olson
& Det. Eng. Peckham and taken to
the Court of General Sessions,

Thomas Gyness

Inspector of Police

or Chief of Detection Bureau

0542

0543

Sec. 568.

Court of Sessions of
the City and County of New York
District Police Court.

UNDERTAKING TO ANSWER.

SESSIONS.

CITY AND COUNTY } ss.
OF NEW YORK, }

An order having been made on the first day of December 1886 by
Hon. Frederick B. Rensselaer Justice of the City of New York, That
Alexander Shaler be held to answer upon a charge of
Receiving a bribe

upon which he has been duly admitted to bail, in the sum of \$211 (10) ^{Thousand} ~~Hundred~~ Dollars.

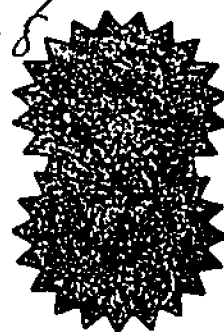
We, Alexander Shaler Defendant of No. 127 West
Forty eighth Street; Occupation Principal Health Department, and
Gustav Schwab of No. 2 Bowling Green Street;
Occupation Agent North German Lloyd Steamship Line Sarety, hereby undertake
that the above named Alexander Shaler shall appear and answer the charge above-
mentioned, in whatever Court it may be prosecuted: and shall at all times render him self amenable to the orders
and process of the Court; and if convicted, shall appear for judgment, and render him self in execution thereof,
or if he fail to perform either of these conditions that he will pay to the People of the State of New York, the sum
of \$211 (10) ^{Thousand} ~~Hundred~~ Dollars.

Taken and acknowledged before me, this

1st day of December 1886

There are and will be a true
in lines 1, 4, 9, & 15 all of which
for execution.

Police Justice.



158

0545

1337
Court of General Sessions
Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Raueh, 11/13/1885
Decker vs. Henry

1. Alexander Phalar

2.

3.

4.

Dated 11/13/1885

Hon. J. M. Smith, Recorder.

Gus, 11/13/1885
Officer.

Clerk.

Witnesses, Raueh, 11/13/1885

No. 22 Chambers Street,

No. 103 Street,

No. Street,

\$10.00 to answer Grand Sessions.

Dated 11/13/1885
Schwab & Bros.
Green

Offence - ~~Robbery~~

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

Dated 11/13/1885

I have admitted the above named Police Justice.

to bail to answer by the undertaking hereto annexed.

Dated

There being no sufficient cause to believe the within named

Police Justice.

guilty of the offence within mentioned, I order he to be discharged.

Dated

1885

Police Justice.

0546

Accomplices

Where the law forbids the traffic in certain articles, or the sale of particular articles, or lottery tickets and obscene literature, or forbids the sale at certain times or in prohibited places of liquor on Sunday without a license &c. is one, who, for the purpose of stopping such illegal acts and securing the conviction of the offender, buys of him, an accomplice within the meaning of section 399 of the Code of Criminal Procedure, so as to require the corroboration of his testimony?

The rule that accomplices should be corroborated is maintained as we were in our own state, and in England and in the various states and in the common law.

~~The rule is~~

~~That a person who is an accomplice~~

~~in a crime is not competent to testify~~

~~against the person with whom he is~~

0547

Alabama Code #3600
Arkansas Rev Statutes #192
California Penal Code #1111
By the Courts
Reg v Stubbs 20 L.J.M.C. 46
R v Farley 8 C & P 106
Row v Bosworth 22 Pick 377
Reo v Farrell 30 Del 316

When we come to consider the reasons for the rule it will not be difficult to find our answer to our question.

The basest of motives of the prompt criminals to turn "State evidence" the hope of self protection leads many to break faith with, and betray their former associates oftentimes worse than themselves.

The desire to protect their comrades and cast the blame on other and innocent shoulders, actuates many others, the danger is that when a man is fixed and knows that

0548

guilty is detected the
character is entirely bygone
and the offender is no longer
fit to be trusted. There are no
second chances in such cases.
The only way to prevent
crime is to prevent the
criminal from being
tempted to it. The law
must be strict.

[illegible]

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

2. The second part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

3. The third part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

4. The fourth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

5. The fifth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

6. The sixth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

7. The seventh part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

8. The eighth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

9. The ninth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

10. The tenth part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

The following is a list of the names of the
 persons who have been appointed to the
 various committees of the Board of Directors
 of the City of New York, for the year
 1900.

The common article, however, is not
sufficiently explicit. It does not
define criminal acts, nor does it
set self-protection, nor is the
willing to aid any criminal
associates, and, finally, the

0549

4

may be a man of the most
improachable morals.

The distinction between the
two classes of men is very
clearly drawn by Maule J.
(Key on *Murkin* 3 Cas. 11. 321-
322), in saying of a man who
is once in prison & allowed of
consideration, associated with
and assisted them for the purpose
of plotting their plans and
then convicting them.

A spy, an accomplice
condemns himself a criminal &
may have a motive for giving
information, as it may purchase
immunity for his offense.

A spy, on the other hand,
may be an honest man, he
may think that the cause which
he serves is absolutely essential
for the protection of his own
interests and those of society,
and if he does so, and if he
is convinced that there is no other
method of counteracting the
dangerous designs of wicked
men I can see no impropriety.

0550

5

in his taking upon himself the character of an informer x x x under such circumstances, they are entirely distinguished in fact and principle from accomplices.

In that case the witness "had been as active as any of the conspirators endeavoring to persuade strangers to join them, and saying that who were members to meet at various" (ibid. p. 528)

It was held that the witness did not require an instruction.

Although their practice of kidnapping has not often been resorted to in this country yet there are several adjudications in a number of the states on the subject.

In Wright vs State (7 T. R. 251) 5 Cr. 326 (1844) the witness was convicted of house breaking; a detective named Harris had associated himself with the band of house thieves for the purpose of monitoring them.

0551

the same in a certain way
the examination.

As the first part of the
first volume has been written
and the second volume is
now in the hands of the
author, it is a very interesting
to see the progress of the
work. The first volume is
now in the hands of the
author, it is a very interesting
to see the progress of the
work. The first volume is
now in the hands of the
author, it is a very interesting
to see the progress of the
work.

The second volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.

The second volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.
The first volume is now
in the hands of the author.

0552

0553

8

In *Common Law* (11. May 29) The deft was convicted of unlawfully selling intoxicating liquors to one Barnard King, and upon the sole testimony of King who swore that he purchased the liquor of deft.

On the trial deft requested the Court to charge that a person who admitted "that he had purchased and procured another person to commit a crime for the purpose of prosecuting the person so hired and procured to offend was not a credible witness."

This was refused and the Court charged that if the jury believed the witness King they should convict the deft. That if it sometimes became necessary to match cunning with cunning and accomplish by artifice what could not otherwise be consummated & cited assistance of horse thieves counterfeiters and the like.

On appeal, held the witness King was not an accomplice, this point was settled in *Common Law* 22 Phila. 1. (see note)

0554

9

18 Dec 1807. 1113

In the town of St Charles & O'Harey, a final action was brought to recover a penalty not to exceed \$100 for a violation of an ordinance prohibiting the sale of liquor. Two witnesses testified that they came down Baltimore to St Charles for the purpose of buying liquor of debt in order that he might be prosecuted, and that they had been sent by a Society in Baltimore who paid their expenses &c. The trial Court charged the jury that they must consider whether these witnesses came down from another town with a design and preconcerted plan to entrap the defendant. That the law considers those who by cunning and artifice cause another to commit an offence as not equally guilty, that at least they should be regarded with suspicion. An appeal held, "As the assumed fact that the witnesses sell the character of the former surmise, we must wholly differ with the Court" 1114

0555

I would regard it as a fatal error
 are to be demanded in experience need
 which will be given in order to be
 characterized as such. I have seen

we should not ~~be~~ ^{be} ~~through~~ ^{through} ~~the~~ ^{the} ~~only~~ ^{only} ~~act~~ ^{act} ~~through~~ ^{through} ~~which~~ ^{which} ~~some~~ ^{some} ~~find~~ ^{find} ~~redress~~ ^{redress}. instead

under collection of our nation's
 became acquainted with the great
 brother. Questioning existing facts
 established our determination
 we cannot - however, have been
 except that I am a citizen and
 connected with business in the
 this country, and we to the
 development of our commonwealth
 for such is our great privilege
 than civil practices to light there are
 our hope of protection to all

we should regret to be compelled to approve and sanction such doctrines and send forth their baneful and unhealthy influence from the bench.

On the contrary we rejoice to know that the law finds us cover for its violations nor will it defame those who ferret out crimes and bring criminals to light.

We know of no rule of law religion or morals
that converts the acts and doings of such
into social or masonic secrets which it will
destroy a man's credit to disclose.

0556

It was contended on appeal, that
Lyon was an accomplice & that
no conviction could be had on his
uncorroborated testimony.

How to get almost Paris
was but a direct accomplice &
therefore he did not require corroboration
(Citing Downing & Co. land cases)

In *Harrington & Stule* (36 Ala. 36-243)
a man was convicted under the Alabama
Code § 1325 which made it a
crime to sell liquor to a slave.

It appeared on the trial that one
Lyon gave a bottle and some money
to one of his slaves, & told him to go
and see if he could get liquor of
the debt Lyon in the meantime waiting
outside and watching the slave
purchase the liquor as ordered.

Lyon was the only witness for
the prosecution and it was claimed
by the debt that he was an
accomplice & being uncorroborated
there could be no conviction since
§ 3600 of the Alabama Code forbade
a conviction on the uncorroborated
testimony of an accomplice.

0557

~~Wm. L. ...~~

0558

13

It will be noticed that in all our lottery and excise laws the act forbidden is the selling, not the buying.

We must assume that the Legislature did not intend to include buying within its prohibition.

Ex. v. McLeod 22 Pick. 46
Harrington v. State Supra

In *Ex. v. McLeod* the Court says, that in every case of selling there must also be a buying, and that fact must have been known to the Legislature, and where it forbade the selling, but remained silent on the subject of buying it must be presumed that it did not intend to make buying a crime, and that a buyer could not be prosecuted.

But if a buyer is an accomplice or accessory, then he is liable as a principal, the offense being a misdemeanor.

0559

As if to this
distinction Chap 165 L 1882 forbids
the selling or giving away of
opium "be smoked in an opium
"joint" or the resorting there to for
the purpose of smoking it - thus
threatening both dealer and customer
with punishment.

But since our laws nowhere
forbids the buying of lottery
tickets or liquor, it follows that
a purchaser is not an accomplice
of the seller and need not be
corroborated on the trial of
the offender.

Nov 8, '89. W. C. Beecher

0560

Accomplish

See also
People & Place
Gen. Lee - 1863
J. L. C. & J. L. C.

0561

[illegible]

Mon. Night - 90000

In accordance with a letter from
me to you, I am sending you
some of the most interesting
and valuable of the
specimens of the
fossils of the
Cretaceous period.
I have also
sent you some
of the most
valuable of the
specimens of the
fossils of the
Cretaceous period.

[illegible]

The first edition, 1861, is
 the first edition of the
 first edition of the first edition.

0562

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *George W. Scott*

of No *740* *Greenwich* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the *26* day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alexander Schaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*8*

ANDOLPE B. MARTINE, ~~JOHN McLEON~~ District Attorney.

0563

Dec. 11/100.

see. *Phila. Goshell* 1. Sm. E 3.

✓ Ovals - 2nd & 3rd 308

✓ Have been 20, 10 160/300.

✓ *Phyllanthus* *sp.* 20/5/58.

O. 2904.523.

Cont. of Journal of the Academy of Music 1835

✓ London " " ✓ " 119

Orange & South St. Box 12.

✓ *Oryzopsis* on May 22nd 38 11 am v. 269

Griffin - Volume 200/1.

[illegible]

In a resolution for appointing a new member
of the committee on the subject of the
the committee on the subject of the
the committee on the subject of the

Upard the mountain is an accumulation
of thin shales 2000' 523.

Simon Doyle 10.11.823.

+ / Abs. 134. 070 467

+ also in Bismarck, Chilodactylus, L. 2/3

Cher. in a. 54. 14. 1. +

William Graham. 13 Min 20 6.4

Propleura mylans. 28 Nov 1866

1 NY C. 123

Superior Country 1 my Cor. Aug. 64.

0564

STENOGRAPHERS' MIN.

Before the Grand Jury

The People

vs.

Alex Shaler

BEFORE

Dec 4 1885

Witnesses:

Franklin Edson

Direct. Cross. Re-Direct. Re-Cross.

1

Hewy Wenger
Steno^r to Grand Jury
32 Chambers St
N.Y.

0565

BEFORE THE JUDGE

The People of the State of New
York,

Plaintiffs

vs.

Alexander S. Heller,

Defendant.

New York, December 4th 1985.

PRESENT :-

For the People-- Hon. R.D. Martino, District Attorney,
Vernon H. Davis Esq., Assistant.

FRANKLIN EDSON, being first duly sworn by the Fore-
man, testified as follows :-

By the District Attorney --

Q Your name, please.

A Franklin Edson.

Q You were formerly Mayor of this City ?

A Yes sir.

0566

Q And, as such, one of the members of the Armory Board, or Armory Commission ?

A Yes sir, under the latter office member.

Q And were such during the year 1864 ?

A Yes sir.

Q And, as such, were you present at a meeting of the Board-- of the Armory Board held on the 24th of September 1864, at your office ?

A Yes sir, I believe so.

Q At that meeting, Mr. Mayor-- I refer to the minutes of testimony taken by the Investigating Committee, the Special Committee of the Senate-- it appears that a resolution was passed in relation to the eighth Regiment Armory accepting a plot or site for that armory; do you recollect that circumstance ?

A I remember that a resolution was passed recommending the purchase of the site.

Q Were all the members of the Board present at that meeting?

A I think they were.

Q And the members of that Board consisted of whom ?

A Of the Mayor, the Commissioner of Public Works, and the

0567

Major General commanding the First Division of the National Guard-- General Smith.

Q Such resolution was passed?

A Such a resolution was passed recommending the purchase.

Q How did the members of that board vote?

A In that, as well as in every case where purchases were made, the recommendations were unanimous on the part of the Advisory Board.

0568

Refers to Grand Jury

The People vs.
vs.

Alex. Shales

STENOGRAPHERS' TRANSCRIPT.

Dec 1886

Hewey W. Wenger
Sten to Grand Jury
32 Chambers St
N.Y.

0569

Hon. Randolph B. Martine,
District Attorney,
City and County of New York.

Sir:-

The investigation by the Special Committee of the Senate, now in session in this City, has disclosed facts concerning the conduct of certain officers of the City and County, which, while not the subject of legislative action, are clearly of such a nature, in our opinion, as to call for prompt and decisive action on the part of the District Attorney.

This Committee is of the opinion, in view of the facts which have been elicited before them during the present investigation, that, apart from the question as to whether or not this Committee can recommend any remedial legislation affecting the matters herein-after to be referred to, the failure to secure good government is not so much due to the form of the law as to the fact that the laws, as at present existing, have not been honestly, efficiently and properly enforced. This Committee, therefore, deems it its duty to call your attention to the following facts:

The testimony elicited shows conclusively that two of the Commissioners of Excise have, during their terms of office, repeatedly violated the laws in granting licenses to improper persons with full knowledge of the facts concerning said persons and the character of the premises occupied by the persons receiving such

0570

licenses.

I herewith transmit to you a full and complete copy of the testimony taken before our Committee concerning the administration of the Department of Excise, and of the conduct of the several Commissioners of Excise. This testimony, in our opinion, shows conclusively that two of the said Commissioners of Excise have been guilty of such gross malfeasance and misfeasance in office as to render it imperative that you should call the attention of the Grand Jury to their official misconduct.

We also deem it our duty to call your attention to the testimony concerning the purchase during the year 1884 by the Armory Commission of certain lots in this City for Armory sites.

This Committee is unable in the time remaining to elicit any further facts in connection with these purchases, but we are clearly of the opinion that this subject is also a matter which should be submitted to the Grand Jury, to be by its members thoroughly sifted, and we are of the opinion that the evidence implicates at least one of the members of the Armory Commission in having been a party to a fraud in procuring the purchase for the City of such Armory sites.

This Committee desires further to urge upon you the necessity for a speedy trial of the indictment already found by the Grand Jury against Monmouth B. Wilson, now in contempt of the Senate in refusing to an-

0571

swer certain questions propounded to him while under examination by this Committee.

Unless speedy action be taken in this matter no good whatever can result from the indictment already had, inasmuch as the Committee will be required to report to the Senate on the first of January next, at which time this Committee will become functus officio.

The testimony which we herewith submit to you also discloses the fact that certain subordinates of the Board of Excise violated the law in procuring fraudulent sureties upon the bonds of applicants for licenses.

It is clear that our investigation will be rendered in a great measure useless unless you, as prosecuting officer of this County, take immediate steps to bring these wrong-doers to justice, and we trust that you will without delay, bring this communication to the attention of the Grand Jury for its action.

By Order of the Committee

Fred. Ribbs

Chairman.

0572

Money loaned on
Bond & Mortgage

Office of Richard T. Harnett & Co
Auctioneers & Real Estate Brokers
No 111 Broadway, Trinity Building
Rooms D. and E., Basement

New York Oct. 7th 1884

Certificate of Valuation

For

Real Estate

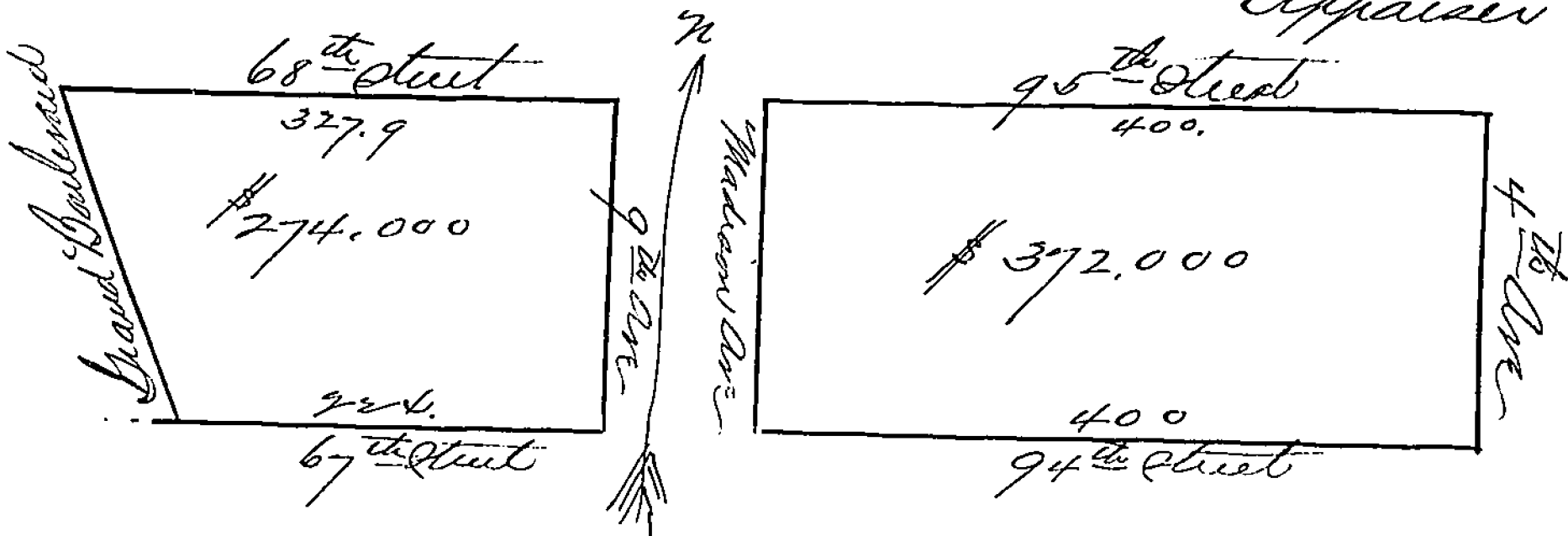
S. Hastings Grant Esq. Comptroller
Henry P. Lindsay Esq. Chamberlain } City of New York
Museum;

There was an examination of the
block of Ground bounded by Grand Boulevard, 9th Ave.
by 67th and 68th Streets, as shown on diagram below, and consider
a fair market value of said block to be Two hundred and
Twenty four thousand (\$24,000) Dollars. Also the block
of Ground bounded by Madison and 4th Avenues 94th and
95th streets also shown on a diagram below and con-
sider a fair and just value of said block to be Three
hundred and Twenty two thousand (\$32,000) Dollars.

Most Respect

(signed)

Richard T. Harnett
Appraiser



Attest
J. P. S. S. S.
J. P. S. S. S.

0573

New York, November 23rd 1885.

Hon. R. B. Martine,

District Attorney,

Dear Sir:-

The letter of the Gibbs Committee - so called - address to you has attracted the attention of General Shaler. He recognizes the fact that he is the member of the Armory Commission referred to in that letter. If there were any ambiguity in it, the aimus displayed towards him by that Committee and their counsel in their examinations would have removed all doubt.

General Shaler's high position as the Commander of the National Guard in this City and the President of the Department of Health, makes it a serious matter when the evidence comes for the first time before any unbiased person competent to weigh testimony, if that person on his official responsibility, after reading the evidence, thinks that there is even enough to justify him in placing the case before the Grand Jury. You informed me that you had not read the testimony. On behalf of General Shaler, I therefore ask that before taking any action you will read it. To facilitate your consideration of it, I beg to submit the following analysis which I have endeavored to make full and fair.

The Armory Board admittedly purchased only three pieces of property. Admittedly one M. B. Wilson received from the vendors in each of these cases a brokerage or profit on the sale (p. 363)

General Shaler was Secretary of the Armory Board and in that capacity and as its only military member, he had more to do with the preliminary details and inquiries preceding purchase than

0574

any other member of the Board, though the Board was always unanimous in its action and though the Sinking Fund Commission with like unanimity approved its action.

Wilson was a friend of General Shaler's (Evidence p 285) He spoke to Shaler about the several pieces of property purchased and apparently about others (p 286, 426) Wilson says he told Shaler he was interested in the Fairchild property (p 361) and it appears that as to that he advanced money to keep alive a contract of sale (p 364, 432, 433, 439, 444, 446,) Shaler says he had no idea that Wilson was acting in any other capacity than a friend of the vendors (p 426) and had no idea he was making any money as a broker. *(this evidence is from 10)* He knew he was not a real estate agent. Wilson says he assumed Shaler knew he was a broker, but don't say he so told him (p 362) Shaler says that all or nearly all the property was at one time or another called to the attention of the Board by brokers. It is clear that Wilson was supposed by owners of real estate to have an influence with Shaler on the Armory Board (p 388, 396) I think it is obvious that Wilson encouraged the idea if he did not so state (p 284, 400) He certainly sought employment as a broker (p 284, 397, 549) He was not known as a real estate broker, though he testified he had sold Schell and others many lots (p 422) It seems to have made some lodgment in the mind of one of the counsel to the Committee, that General Shaler testified that the Armory Board " dealt only with owners " (p 288) when it appears that in fact Wilson talked to General Shaler. But in fact the Board in every case after they had made up their mind that they wanted a specific piece of property, not only took a written offer from the person who claimed to be its owner (p 518 et post) but called such owner before them

0575

fully stated Mrs evidence Nov 11, 1885
and dealt directly with them him (p 281, 282, 719) The Board
was deceived as to Yoran's being the owner of the Fairchild parcel
when in fact Yoran had only a contract to purchase (p 718) A
point was attempted to be made by counsel over the alleged fact
that Wilson first told Schell his property was to be purchased.
Shaler says he could not have known it. It seems to me clear how
it occurred. Wilson knew from the actions of the Board that when
it sent for an owner it " meant business " and finding Schell had
been sent for he told him his property was to be bought. It is
submitted General Shaler's statement as to dealing with owners and
not brokers, is in its essence correct (p 254, 255) *Mrs evidence Nov 11, 1885*
Wilson was never before the Armory Board (p 306, 302) It should be noted
that as a general thing the plots purchased were first brought to
the attention of the Armory Board by the officers of regiments de-
siring Armories (p 138, 425) that obviously as soon as the law
creating the Commission was passed, shrewd real estate dealers and
brokers knew that of necessity, considerable parcels of property
would be wanted and set to work to get hold of parcels which they
deemed available (p 441, 450, 452, 473) and to " pull wires " on
the Armory Board and get people who could talk with them (p 447,
443, 550, 445, 552, 474) and doubtless with the officers of reg-
iments. But Fairchild says they were disappointed at finding the
Board was acting independently (p 441) There is no evidence
that Shaler knew of the fact, if it was a fact, that Wilson held
himself out as being of influence with himself or the Armory Board.
But assuming even that Shaler knew that Wilson was acting
as broker, there is, I submit, nothing in that objectionable -
certainly nothing for the Grand Jury - unless it appears that the
City bought unsuitable property or paid more for the land than it

0576

was worth. There was certainly no criminality in buying at a fair price suitable property even if a friend made a brokerage thereby, if that brokerage did not increase the price to the City, and of course there can be no suspicion of bribery unless an undue price was paid. People don't pay bribes to procure the sale of property at a fair price.

Each owner proves he got the full sum paid by the City and paid none of it to others except to Wilson and to Fairchild (Schell p 234. Bissell 594, 595. Gossett 475. Godwin 551, 552) Wilson swears he paid none of his money to any one but kept it all (p 430, 431) No suggestion is made that the property purchased was unsuitable, so I dismiss that.

As to the price paid, you will remember that under the law, the action of the Armory Board was only advisory and had to be confirmed by the Commissioners of the Sinking Fund before a dollar could be paid out. In passing I may again remind you that the minutes and testimony show (p 539, 540, 142) that the action of the Armory Board was in the purchase of ~~all the~~ lots unanimous, so that if any crime was committed in paying the price, Mayor Edson, Commissioner Thompson, ~~Charles L. Linn~~ and Comptroller Grant are alike culpable with General Shaler. (See in passing Thompson's evidence, 473, 481, 482.) But no crime was in fact committed.

Let us take up the three parcels separately, remembering that the evidence as to all of them is that, in addition to the specific action stated, the Armory Board made useful inquiry as to value. (p 722, 713, 473, 481, 482) The highest priced property purchased was that known as the Fairchild property on Madison Avenue and 94th Street. For this property the City paid \$350,000 but required the seller to take \$100,000 of Armory Bonds (p 436)

0577

(p 536) Hugh N. Camp, a competent real estate expert reported to the Armory Board that its value was \$359,000 and says it would be " very cheap " at \$360,000. Acting on this and their own inquiries, which Mayor Edson and others say were careful (p 718, 722 478, 481, 48 , 482) the Armory Board recommended to the Sinking Fund Commissioners the purchase at \$350,000 (p 541 - The Commissioners of the Sinking Fund concurred (p 545 - The report of their Sub-committee, consisting of Chamberlain Laidlaw and Comptroller Grant says (p 545) that " they have carefully examined the property " and " having consulted with competent judges of value, are of the opinion that the sum of \$350,000 should be appropriated for the purchase of the property."

This much of the testimony was directly before the Gibbs Committee, but they did not examine Mr Laidlaw or Mr Grant on the subject, nor did they go to the records to find who the competent judges were whom Messrs Laidlaw and Grant consulted or what their opinions were. On this point I invite your attention to the enclosed certified copy of a paper on file in the Comptroller's Office. You will perceive that this Committee of the Commissioners of the Sinking Fund, took their opinion of Richard V. Harnett, as to the value of the property and paid him for it. The mention of his name is sufficient to show that he was a competent expert. I am informed that he did not know the price proposed to be paid by the City. Mr Harnett certifies that the property was worth \$372,000, while the City paid only \$350,000. Mr Harnett informs me that he will testify at any time that the purchase was a good one for the City and that the property is worth a larger sum.

That I may not seem to suppress evidence, I may state that the evidence shows that one Fairchild, through Duff a broker for the owner (p 593, 590, 449, 550) got a contract in the name

0578

of one Foren from the real owner, Bissell, many weeks previously and soon after the law was passed for \$315,000; that he paid a sum down to bind the contract (p 592) and by the payment of additional sums and of interest and taxes, got it extended from time to time (p 592) and finally by the sale to the City made a profit of about \$32,000 over what he had agreed to pay Bissell (p 593) This shows a shrewd operation undertaken at some risk of loss, but it certainly does not show any criminality on the part of Messrs Laidlaw and Grant nor of General Shaler, or any other member of the Armory Board or the Sinking Fund Commission in paying that advanced price.

Another piece of property purchased is known as the Godwin & Co's ¹ property at Ninth Avenue and 67th Street. For this \$265,000 was paid; the owners insisting that that was their lowest price (p 533) but they agreed subsequently to take \$125,000 of Armory Bonds (p 534)

Mr. Hugh N. Camp wrote the Armory Board from the Title Guaranty and Trust Company, in reply, to inquiry made by the Board that taking this plot in detail it was worth \$291,000 but bought for cash as a whole it would be " very cheap at \$265,000 or \$275,000." (521) The Armory Board advised the purchase at \$265,000 (p 541) and the Sinking Fund Commissioners concurred (p 546) The latter body acted on the report of the Committee, consisting of Comptroller Grant and Chamberlain Laidlaw, who say they had " carefully examined the property " and " consulted with competent judges of its value " (p 546)

The records of the Comptroller's Office show that Richard V. Harnett, appraised the property at the request of the Committee and reported the value to be \$274,000. The City paid \$265,000. Upon action such as this, based upon evidence such as this, do you

0579

- 23

think you would have any great prospect of success if you should indict General Shaler or the other members of the Armory Board or Chamberlain Laidlaw and Comptroller Grant and should bring them to trial before Recorder Frederick Smythe, when Commissioner of the Sinking Fund Frederick Smythe, apparently voted in favor of the purchase at the price paid ?

In referencet to this plot there is positively no evidence of anything on which any one could have a suspicion except the fact that Godwin and Cassatt paid Wilson a commission of \$80.50.

The third piece of property purchased is known as the Schell property at Ninth Avenue and 61st Street. It was bought at \$208,000. This was the first piece of property purchased. The Armory Commission at that time for the purpose of keeping their intentions secret, took care not to disclose to any one what particular properties they were thinking of, but made inquiries as to the value of property in the locality generally. They also had numerous offers of property in the vicinity (p 234, 245) They finally after Mr Schell had told them in a personal inquiry that he would not take a less sum (p 138, 254) recommended the purchase at \$208,000 (p 539) The Commissioners of the Sinking Fund on the advice of the same Committee as in the other cases, authorized the purchase. The Committee say (p 542) " the price \$208,000 is deemed to be fair and reasonable " The records of the Comptroller's Office, show that the Commissioners of the Sinking Fund, got the opinion of Hugh N. Camp, who reported that the property was " worth from \$210,000 to \$215,000. "

In this case Mr. Freedman, a real estate broker, testified that nearly a year ~~xxx~~ before the sale, Mr. Schell had put the property in his hands for sale at \$200,000 (p 269, 270, 275, 276, 277) that he told Colonel Cruger (p 270) and the latter "presumes" he

must have told General Shaler of that price though he "cannot say positively." (p 471) General Shaler testifies that Cruger did not so tell him of the price. In his letter to General Shaler, giving an estimate of prices in that vicinity, Colonel Cruger gives an estimate over \$200,000 (p 261) Freedman says the price paid was to much high (p 271)

Mr. Schell denies that he ever authorized Freedman or any one else to sell the property at \$200,000 (p 280) and it appears Freedman is claiming a commission for Schell, which the latter refuses to pay (p 278)

Mr. Justice, another broker who is claiming a division of commission from Wilson, says the price paid was "reasonable"

"cheap" (p 401, 402.)

Now, I ask you is there anything in all this to show any

fraud on the City on the part of any one, any criminality on the part of any one, even any mistake of judgment on the part of any one? Is there anything to justify the implied sanction on your part of charges which would ~~be~~ ^{be} from your presenting this matter to the Grand Jury? You will, I think, search in vain in the records of the Committee for any testimony other than what I have stated affecting General Shaler or any one, unless it is to be found in the fact that Wilson refused to produce his check-book before the Gibbs Committee. For this action General Shaler is certainly not responsible.

Yours faithfully,
 J. Edgar Hoover

I enclose a full printed copy of the evidence
 as far as it relates to the burning bond. The
 testimony of her 11 is not given and I know above
 referred to is in "How to burn a bond"

00500

0581

Little Guaranty and Trust Company,
Office 55 Liberty Street
Bryant Building

Real Estate Title Insurance

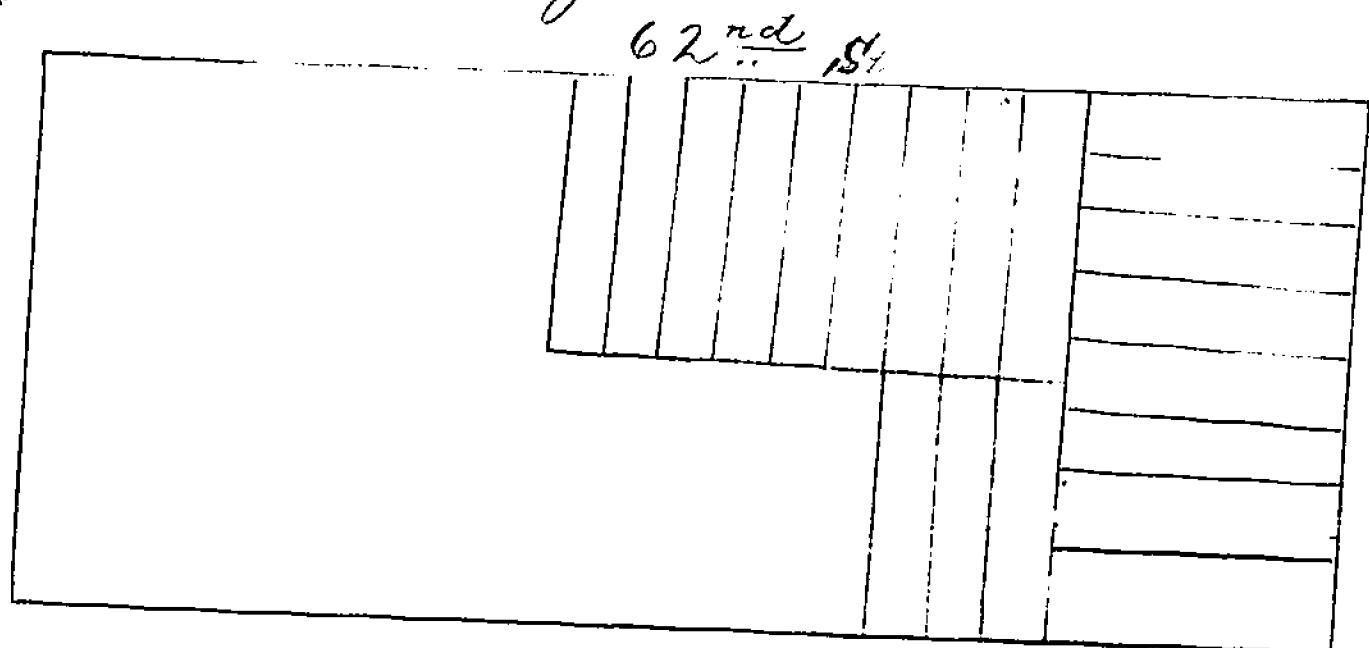
New York, Sep. 23^d, 1897

Hon. H. B. Laibson,

Chamberlain - City of New York

Dear Sir:-

I have herewith my valuation
of the plot of land on 9th Ave. 61st & 62nd St. as
per following Diagram



6	Lots on 9 th Avenue	\$ 11.000	\$ 66.000
2	" Corners	13.000	26.000
3	" 61 st St.	11.000	33.000
9	" 62 nd St.	9.500	85.500
			<u>\$ 215.500</u>

Such a plot together is worth
from \$210 to \$215.000

I am very Dear Sir

Yours Truly

Hugh H. Camp.

W. H. H. Camp,
W. H. H. Camp,
W. H. H. Camp

0582

~~That is one way.~~

That is one way.
but ten years ago they
adapted the method we
have in New York.

I would have to have
paid the money to
someone.

I thought that was the
best way to do it
Would you consider
writing the Dept about
it.

1/11/40.

I did not hold it in
trust for him. it was
and so his property.

0583

District Attorney's Office.

Part Two

PEOPLE

vs.

M. B. Wilson

Nov. 17

*Fix a day
for trial*

on [illegible] 2002

0584

Court of General Sessions

The People

vs.

Monmouth - B. Wilson

The above named defendant hereby demands to the indictment herein, upon the ground that it fails to state facts sufficient to constitute a misdemeanor, under the penal code.

Dated November 17th 1885 -

Chas. A. Hess

Def't's ally.

Joseph H. Choate,

Of counsel.

0585

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

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

Sworn to before me this
day of _____ 188 }

Court.

Of General Sessions

The People

Against

Murdoch B. Wilson

Defenses to Indictment.

CHAS. A. HESS,

Attorney for Dft.

(Evening Post Building),

206 & 208 Broadway,

New York City.

To
R. O. Martineau Esq.
Attorney for Dist. Atty.

Due and timely service of a copy of the

within _____ is admitted this

day of _____ 188

Jan 30/88

Attorney for

Sir:

Please take notice that the within is a

true copy of an _____

this day duly filed and entered in the office of

the Clerk of this Court in this action.

Dated, N. Y., _____ 18

Yours, &c.,

CHAS. A. HESS,

Att'y for _____

To

Esq.,

Att'y for _____

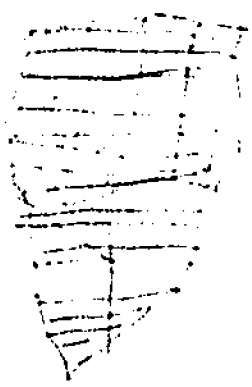
0586

E. A. Walton:-

Tracy & Spence, that
after he had the
property appraised at
\$8000 - he commenced
11 N. Nelson -

Also to Shale
see p. 81

On 21st Nov 1890
when to Shale
Date of \$1000
21st Nov 1890) Grace Shale had offered \$1000 - for the same - make up
the work for \$1000 -
known that
it was the same as



0587

Notes for Monday March 9, 1886.

= 1st Brig. Fairchild.

He has the
property of
all the things
that are left
of the Fairchild
family.

- = More money was taken
- = when he took the contract
- = he took it from the
- = Army Board.
- = He did not take it in
- = an instant but
- = took on again some days.
- = This is why he took it in his
- = own name.
- = Why did you take Wilson in at all?
- = Contract made Aug. 18th =
- = General letter on the 20th =
- = Said Wilson because he
- = thought he could assist =

0500

Stomach contents = (chicken)

" " " " " " " "

" " " " " " " "

Rest

Arrows pointing to the right

Ym have been

Are you reading the paper?

Are you reading the paper?

of the paper

of the paper of the paper

of the paper of the paper

of the paper

of the paper

0590

Alfred

Thurs.

Wash.
Commodore

Wash.

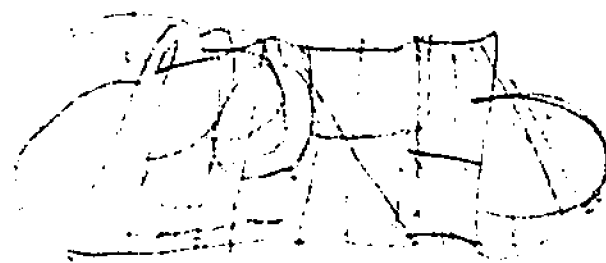
ha
... ..

||

"
... ..

"

||



... ..

0591

A. B. COSSAART, M.D.
1421 LEXINGTON AVE.

OFFICE HOURS:
8 to 10 o'clock A.M.
1 to 2 and 6 to 8 P.M.

NEW YORK, Dec 2 1885

To Mr. Randolph Martin's sister
Mr. Smith

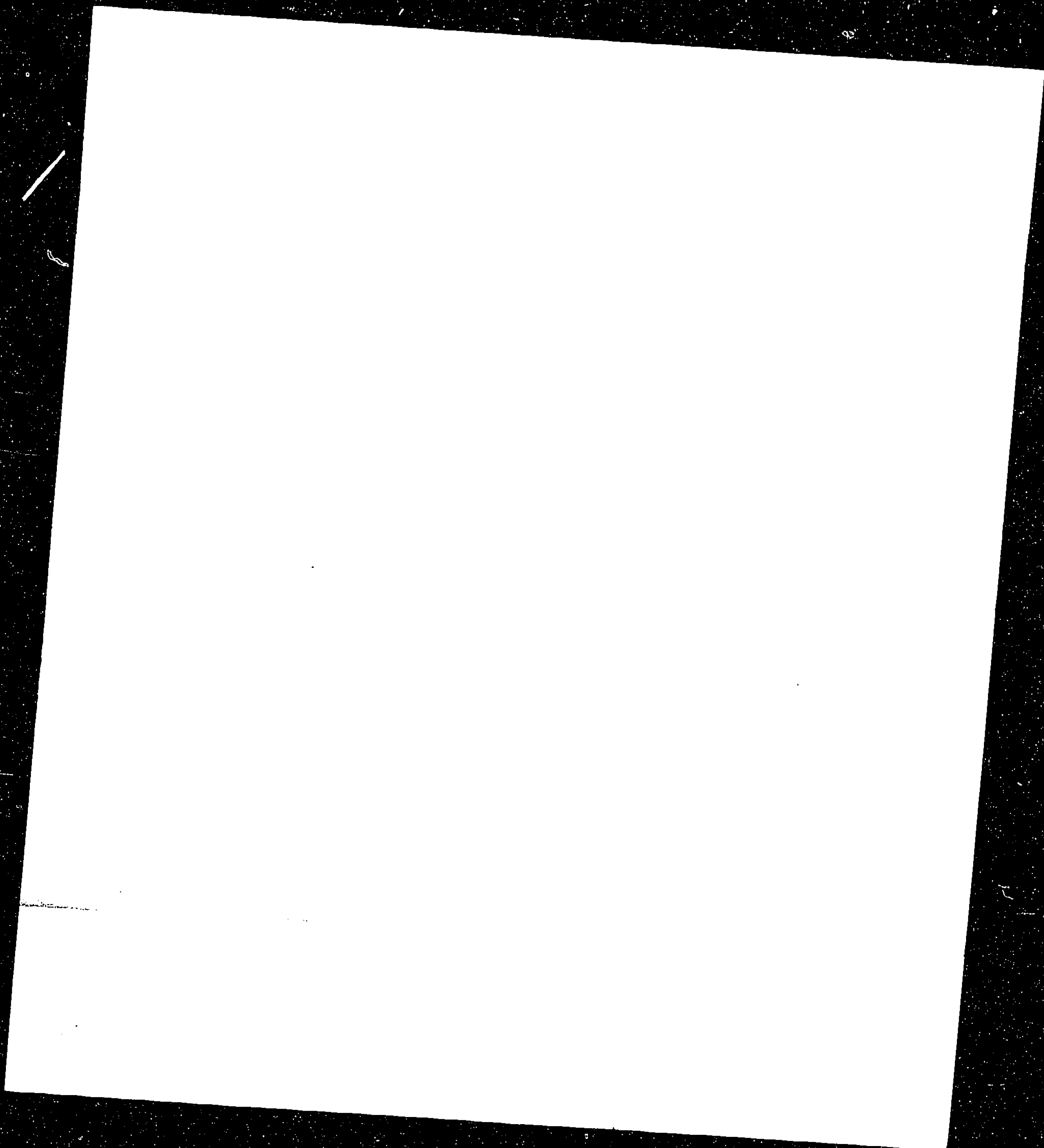
Mr. M. B. Wilson of
182 E. 82nd St is & has been confined
to his bed since Monday night
suffering from severe nervous
~~prostration~~ prostration, has not slept &
exceeds two hours in two days & then
only from the use of powerful
narcotics. I don't believe he will
be able to leave his bed for
at least one week.

Respectfully
A. B. Cossaart M.D.

Sworn to before me
this 2nd day December 1885

Edward Sellick
Notary Public
N.Y.C.

0592



0593

The People	:	
against	:	
Verdinand Ward and James D. Fish.	:	Indictment filed
-----	:	June 5th. 1885.
	:	Larceny of \$25000

Statement of Facts.

Daboll was assistant cashier of the new Bank, and as such had charge of the loans and collaterals of the Bank. On February 15th. 1884, he received from President Fish a stock note in form, but unsigned. Owing to directions which Fish had given Daboll, some time previous, Daboll proceeded to make out an endorsement upon the regular loan envelopes used by the Bank and to make up a loan-ticket, the making of which would be followed by crediting Grant and Ward with Twenty-five thousand dollars on their account. The endorsement made by Daboll upon the loan envelope was as follows:- Demand loan to W. S. Ward, rate Blank per cent; date February 15th. 1884, page 06, \$25000, collaterals \$35000, Chicago Atlantic Railway, second mortgage value. This endorsement purported to indicate the contents of the envelope. The collateral mentioned in the endorsement was never in the envelope and was never in the possession of the Bank as collateral for that loan of Thirty-five thousand dollars on W. S. Ward's note. The note itself was subsequently taken away by Ferdinand Ward, unsigned and never returned. The directions mentioned referred to above as having been given to Daboll regarding loans made to Grant and Ward were in substance that loans should be made by the Bank to Grant and Ward, notwithstanding the fact that the collaterals mentioned as securing them were not deposited with the Bank. These directions

0594

were given to Mr. Daboll by the President of the Bank at the time when the system of making loans to Grant and Ward changed formerly the loans were made to Grant and Ward and were secured not by collateral securities, but by the note of Ward, endorsed by Fish, the President of the Bank. Suddenly that system was discontinued and Fish becoming no longer responsible for the loans by his endorsement and the system of making loans on stock-notes secured by collateral which were never given in possession of the Bank, but remained with Grant and Ward. Mr. Daboll will testify to all this.

T H E P E O P L E

against

Ward and Fish.

Indictment filed June 8th.

1895.

Larceny of \$50,000.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

On March first, 1894, the Marine Bank made loans on stock-notes as follows:- Walter H. Mallory's note, Forty thousand dollars. Charles H. Armstrong's note for Forty thousand dollars. These notes were given to Mr. Daboll by the President or some one coming from him, and from the notes he obtained data from which he made the endorsements upon the respective loan envelopes. These loans as appears from the notes and the endorsements upon the envelopes were secured by Fifty thousand dollars of the West Virginia Railroad bonds and Fifty thousand dollars Chicago and Atlantic Railway second mortgage bonds, respectively. This collateral was never deposited with the Bank and was never within those envelopes,

2 seventh

0595

nevertheless, loan-tickets were made out by Daboll and the account of Grant and Ward was credited with that amount of money, although Daboll knew that these securities were not within the envelopes, he proceeded to make out the loan-tickets pursuant to directions given him prior to that time by the President of the Bank.

0596

THE PEOPLE
vs.
FERDINAND WARD.

Indictment filed June 9th 1885.

On the 5th of May 1884, the Marine National Bank had in its possession two promissory notes for \$25,000. each of the Chicago & Atlantic Railway Co., which were there as collateral security for a loan of \$50,000. to Grant & Ward, made on the 21st day of March 1884.

The bank also had at that time five notes of \$10,000 each of the Chicago & Atlantic Railway Co. to secure amounts as follows :-

\$40,000. of them to secure loans to W.S. Warner of \$40,000. made January 17th 1884.

\$10,000. of them to secure in part a loan to J.H. Work of \$30,000. made January 17th 1884.

The bank also had in its possession 150 shares of the Dry Dock capital stock.

On this same day, to wit : May 5th 1884, Mr. Fish, the President of the Marine Bank handed to Mr. Daboll, who was at that time assistant cashier of the bank, a letter of which the following is a copy :-

" Monday, May 5th 1884.

" Mr. Fish,

" Dear Sir :

" I have a time loan of \$100,000. on 150
" Shares of Union Dry Dock stock, and \$100,000. of Chicago & At-
" lantic notes if you will send me these securities and bring down
" a lot of bonds in their place to-day.

" Yrs.,

" F. WARD.

" Every little helps."

0597

When Mr. Fish handed this letter to Mr. Daboll, he directed him in substance to comply with the request to surrender up the securities mentioned in the letter. Immediately upon receiving these directions from Mr. Fish, Mr. Daboll went to the safe and took out the Chicago & Atlantic notes and the Union Dry Dock stock, and gave them to Mr. Ward's messenger. The surrendering of these securities left the \$50,000. loan to Grant & Ward and the \$40,000. loan to Warner unsecured.

Mr. Ward's promise to bring down a lot of bonds in place of those securities so surrendered was never kept, and they were never replaced by any other securities.

Prove these facts by Mr. Nathan D. Daboll,
assistant cashier of the Marine Bank.

As to the INYOCENT CHARGING LARCENY of \$110,000.

On March 15th 1884, the Marine Bank made a loan of \$110,000. to Grant & Ward as follows :-

On note of George E. Spencer \$30,000., secured by 40 of the Armour Day Water Co. 1st mortgage.

On note of E. J. Doty \$40,000. secured by 50 notes Chicago & Atlantic Railway Co., endorsed by the N.Y., Lake Erie & Western R. R. Co.

On note of W. S. Grant Jr., \$40,000. secured by 1st mortgage of Wyandotte Water Co.

These notes without the collateral security mentioned were enclosed in the regular loan envelopes used by the bank, and respectively bore on the outside endorsements as follows :

0598

George E. Spencer March 15th 1884, \$30,000.-- \$40,000
Albany Water Co. 1st mortgage bonds.

Note of George E. Spencer June 1st \$320.

E. E. Doty, rate six per cent., March 15th 1885, \$10,000.
\$30,000. notes of the Chicago & Atlantic Railway Co. Endorsed by
the N.Y. N.H. & W. R. R. Co., 50 stock-- note of E. E. Doty June
1st \$320

U. S. Grant Jr, six per cent, March 15th \$10000.-- \$50,000.
Albany Water Co. 1st mortgage bonds. \$50,000 note of U. S.
Grant Jr., June 15th \$322.

These endorsements on the envelopes are all in the
handwriting of Ferdinand Ward, and they purported to indicate what
was contained in the envelopes.

Prove by Mr Daboll that as assistant cashier of the
Marine Bank, the above mentioned envelopes came to him from the
President of the Marine Bank : That when he received them the
envelopes did not contain the securities which by their endorse-
ment they purported to contain; and that those securities or any
other securities were never sent to the bank as collateral for
these loans, and that from the beginning to the end they were en-
tirely unsecured. That from the endorsement he made up the loan
tickets to be signed by the Cashier, Mr John D. Fish, now of No.
15 Cortlandt Street.

Prove by John D. Fish that he signed these loan
tickets.

Prove by Mr Daboll, who will testify as to the
handwriting of the note taker, that from the aforesaid loan tick-

0599

ets, a credit to the extent of \$110,000. was given to Grant & Ward Special account on the note teller's book.

Prove by George W. Force and Melvin Gilchrist, bookkeepers, that Grant & Ward's Special account was credited on the ledger of the bank with \$110,000., the amount of the aforesaid loan.

Mr Daboll will also testify that the note which was in the envelope endorsed "E. E. Doty" bore no signature, and that he subsequently gave it up to Mr Ward for the purpose of having it signed, but that it was never brought to the bank again by Mr Ward nor was any other note substituted in its place.

Mr Daboll will also testify that he had general directions from Mr Fish the President of the bank to make out loan tickets crediting Grant & Ward with the amount of money loaned notwithstanding the fact that securities had not been deposited at the time of the making out of the loan tickets.

0600

THE PEOPLE

Against

Ward and Fish.

In these cases of the larceny of the \$25,000, the \$110,000, and the \$80,000, the prosecution proceeds against Ward and Fish on the theory that they conspired together to defraud the bank of large sums of money which was subsequently divided between them. Their plan was as follows:-

Ward applied for loans, Fish as president of the bank directed the loans to be made. They were made, and credit was given to Grant and Ward on the books of the bank and Ward ran out the money and Fish received part of it.

The question is, did Fish make the loans in good faith.- Was there a bona fide agreement between Fish and Ward to make these loans; or was the form of a loan adopted to cover up a fraudulent transaction.

Facts Showing Lack of Good Faith.

(1)

The change in the system of making loans to Ward, viz. from that of securing the loans by Ward's note, endorsed by Fish, to that of making them upon stock notes of various persons, secured by collaterals (which were never deposited with the bank)

(2)

The fact that the books of the bank do not show 10 loans of these sums to Grant and Ward; and that no obligation

0601

of Grant and Ward's to repay these sums was taken.

(3)

The stock notes were all ~~XXXXXX~~ and signed by persons who signed them at Ward's request, but who never authorized the bank to make loans ~~XXXX~~ upon them to Grant and Ward.

(4)

The absence of collateral security in possession of the bank.

(5)

The loan envelopes endorsed by direction of Fish, as if collaterals had been placed in them, but empty, and intended so to be.

(6)

The president did not report these loans to the Directors as loans to Grant and Ward, but as loans to Armstrong, Doty, Mallory and others. This indicates strongly that Fish wanted to conceal the fact that these loans were made to his firm.

(7)

This money was drawn out by Grant and Ward and Fish and Ward received it and divided it.

Note! When the system of making loans to Grant & Ward was changed, A. D. Dobell the Assistant Cashier of the Marine Bank was present. The conversation resulting in this change was held between Fish & Ward, Dobell being present.

See Vol. I Report of Fish Trial, fol. 217.

0602

People
Ward - 7th

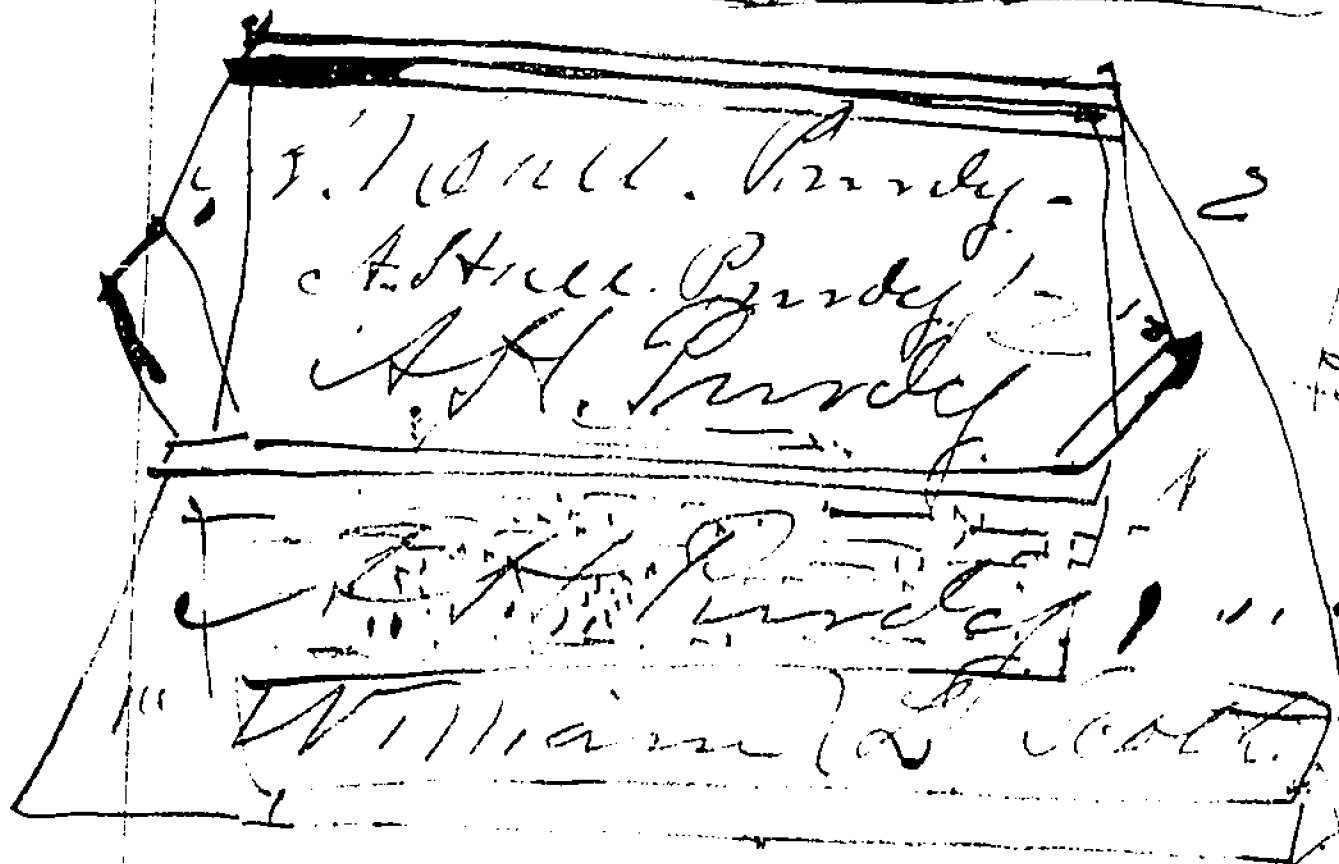
(1) \$25000 -
(2) \$80.000.
(3) Dry Dock House etc.
(4) \$110.000.

Indictments,

0603

12345

Our High Noon



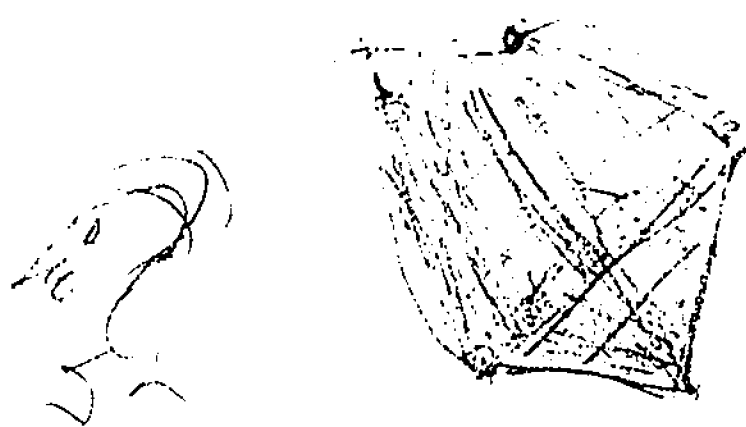
1 2 3 4 5 6 7 8 9 10

1 2 3 4 5 6 7 8 9 10

1 2 3 4 5 6 7 8 9 10

1 2 3 4 5 6 7 8 9 10

Totoggan



0604

Dec 7-
" 11
" 12 + 2
" 18
" 21 = 23.
" 28 = 37.
" 30 =

District Attorneys Office
City & County of
New York

0605

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
 If this Subpoena is disobeyed, an attachment will immediately issue.
 Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *S. V. R. Kruger*
 of No. *160* *Fulton* Street,

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of , the year of Our Lord 188*8*

JOHN McKEON, District Attorney.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
 If this Subpoena is disobeyed, an attachment will immediately issue.
 Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *George S. Lespinasse*
 of No. *181* *Broadway* Street,

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of , the year of Our Lord 188*8*

JOHN McKEON, District Attorney.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
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[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Edward Shell*
 of No. *641* *Broadway* Street,

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of , the year of Our Lord 188*8*

JOHN McKEON, District Attorney.

0606

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
 If this Subpoena is disobeyed, an attachment will immediately issue.
 Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.
 [SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE
 Court of Oyer and Terminer.

The People of the State of New York,

To

of No

Mrs. Edgar Mills
115 Broadway

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Alex. Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 1886

JOHN McKEON, *District Attorney.*

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
 If this Subpoena is disobeyed, an attachment will immediately issue.
 Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.
 [SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE
 Court of Oyer and Terminer.

The People of the State of New York,

To

of No

F. H. Bissell
10-16 W. 40

Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alexander Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York; at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 1886

JOHN McKEON, *District Attorney.*

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 [SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE
 Court of Oyer and Terminer.

The People of the State of New York,

To

of No

B. Fairchild
171 Broadway

Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex. Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 1886

BANDOLPA E. HARRIS, JOHN McKEON, *District Attorney.*

0607

State of New York.



Senate Chambers

Hon. Randolph J. Martin,

Received 11.30 a.m.
November 14th 1885.
Ex. St. P.

District Attorney,

New York.

0608

Bliss & Schley,
Attorneys & Counsellors,
160 Broadway,

GEORGE BLISS.
WILLIAM T. SCHLEY.

New York.

Dec. 3

1885

Dear Sir,

I have your kind
letter and opportunity
to appear before the
jury. I have no opportunity to commu-
nicate with him, but unless
he strongly differs from me
I shall advise him not to
submit himself to your courtesy

0609

Under the circumstances this
case, it can hardly result
otherwise than in an in-
distinction. It is that will give
him the opportunity he asks
to meet his accusers face to
face, in the presence of a
jury in whose selection he
has had some voice and where
he can know what witnesses
testify to and can com-
municate them and the whole
proceeding a public one. Before
the grand jury from the nature
of the case none of these things
can be. Yours respectfully
R. B. Hartman
District Atty. | George H. H.

06 10

Health Department
NO 301 VOLUME 318

New York Dec. 3^d 1885

Received this day a letter from
the District Attorney addressed
"Hon. Alexander Haile - President
Grand of Maets" which I
promised to deliver to him
this day if possible.
W. G. Haile

06 12

~~Supreme Court~~
~~Judge Chandler~~
~~New York, 16 Dec 1855~~

Hon. N. B. Martineau.

Dist Atty.

Dear Sir.

As I understand that you
are moving the indictment
against M. B. Wilson - On
his behalf I propose to
demur to the Indictment
and would like to argue
at such time as will be

0613

agrecable to you and Mr. Duff,
I am now engaged in a
trial here which will last
a day or two - and after that
I will be at your service.

Yours very truly

Jos. H. Choate

06 14

The People
VS
M. B. Wilson

Ans. N. B. Martine
Dist. Atty.

06 15

Office of
J. Van Rensselaer Cruger,
Real Estate Agent,
100 Fulton Street.

New York, Jan'y 25, 1886

My dear Sir

As I am very busy this
week, I beg that you will
allow me please to ask
in the Court room, who
will notify me when you
wish to place me on the
stand in the Shaler case,

Very Respectfully
J. Van Rensselaer Cruger

0616

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPÆNA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Franklin Edson*

of No *Madison Exchange* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex. Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*6*.

JOHN McKEON, District Attorney.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
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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.]

SUBPÆNA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Leopold Friedman*

of No *181 Broadway* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex. Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*6*.

JOHN McKEON, District Attorney.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
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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.]

SUBPÆNA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *F. H. Bissett*

of No *68 William* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Alex. Shaler

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*6*.

RANDOLPH B. MARTINE, JOHN McKEON, District Attorney.

06 17

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SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Joseph A. Godwin*
of No. *Broadway & Liberty* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*8*.

JOHN McKEON, District Attorney.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK
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[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Monmouth B. Wilson*
of No. *115 Broadway* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*8*.

RANDOLPH B. LINTON, JOHN McKEON, District Attorney.

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SUBPENA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *E. A. Walton*
of No. *156 Broadway* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 188*8*.

RANDOLPH B. LINTON, JOHN McKEON, District Attorney.

06 18

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SUBPÆNA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *Frank Goran*
of No. *171 Broadway* Street;

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 1886

JOHN McKEON, District Attorney.

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SUBPÆNA

FOR A WITNESS TO ATTEND THE

Court of Oyer and Terminer.

The People of the State of New York,

To *F. J. Bissell*
of No. *116 W. 40* Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of Oyer and Terminer, to be holden in and for the City and County of New York, at the New County Court-house, in the Park of the said City, on the day of *January* instant, at the hour of 10.30 in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

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

WITNESS, Hon. NOAH DAVIS, presiding Justice of the Supreme Court of the State of New York, at the City Hall in our said City, the first Monday of *January*, the year of Our Lord 1886

JOHN McKEON, District Attorney.

0619

about the purchase of real-estate
and payments made to him

+ + + +

2 What did you do? (i.e., about the property)

a I spoke to Gen^l Shaler about it

2 What did you say to Gen^l Shaler?

a Oh, I can't tell counsel

2 The Court want to know if you
please?

a I don't recollect.

2 The Court want to know. It is only
a short time ago! what did
you say to Gen Shaler in reference
to the property?

a I suppose I urged upon him for
to take that piece (the Garau piece)
as well as the others

2 Did Mr Fairchild make you
any promise that he would
do any thing for you if you
sold it?

a Mr Fairchild did not make
any promise

2 Has Mr Fairchild paid you
any thing for the part you
took?

a That is a private matter of
my own I submit to the Court.

+ + + +

It is a matter between Mr Fairchild

0620

and I

- Q Do you refuse to answer the Court
A I will at first, although I have
nothing to hide.

+ + +

The Chair

- Q Is there any reason why you
should not answer the question
as well as the other?

A No I could not tell the figures.

Mr. Miller:

- Q How much did Mr. Fairchild pay
you?

A I can't tell

- Q Approximately how much did
Mr. Fairchild pay you?

A I can't tell. I will find out
and let you know.

- Q No! approximately! Within a
hundred dollars?

A I could not tell. I could
not tell for the life of me.

- Q When did he tell you about it?

A About a year ago. When the
transaction took place.

- Q You don't remember

A No sir

- Q Can't you tell within a thousand
dollars.

0621

- Q I can't tell you in
- 2 Within a thousand dollars - Can't
you tell the Court now
Q I think it was about \$11,000
2 That Archibald paid you?
Q Yes sir
2 For which piece of property
Q Did not pay me for any piece
of property
2 What did he pay you \$11,000 for?
Q Brokerage
2 On the sale of a piece of property?
Q Yes sir
2 To the Army Comm^{ee}
Q I don't know I did not sell
it to the Army Commission.
2 You don't know?
Q It is the same piece of property -
that is what it is - that same
piece of property + + + 94 and 95
Sts and Madison + 4th Avenues
2 The 8th Reg plat is it not?
Q I don't know
2 It is 94 and 95 Sts and Madison
and 4th Avenues? That is the
piece is it not?
Q Yes sir
2 You say Archibald paid you \$11,000
commission?

0622

a Yes sir

2 For the sale of that property

a Yes sir

2 Now, how did you sell that property

a I did not sell it at all.

2 What did you do to aid in the sale of it?

a I merely took an interest in it the same as I would in any other piece. I had other pieces the same way.

2 You saw Gen Shaler about it

a Yes sir

2 Mr Fairchild believed you had been of some service to him in making the sale

a Yes sir I presume he did

2 Or he would not have paid you the \$11,000 would he?

a No

2 What did you tell Mr Fairchild you had done

a I don't know

2 Do you remember what that property sold for

a \$350,000

2 And the brokerage you got on that was \$11,000?

0623

a Yes sir

2 He hadn't any doubt about it?

a No sir

2 He supposed ^{that} because of your intimate acquaintance with Genl Shaler

a I don't know what he supposed

2 Did you not tell Mr Fairchild that you knew Gen Shaler well and that you could influence him in the sale

a No I did not use Gen Shaler's name

2 How did Fairchild come to employ you

a I don't know

2 Did you go to Fairchild (str) Did you go to him?

a I don't know. Mr Fairchild and I have been acquainted 25 or 30 yrs

2 Did you let go to Fairchild in reference to the sale of this property? Or, did he come to you?

a I don't know

2 Is that the best answer you can make to the question?

0624

A Yes sir

Q You don't know how it
1st came up?

A Yes sir

Q Is that all that you got from
Hairchild - about \$11000?

A I think that is about the
figure

Q Just that?

A Somewhere about that. It may
be a little one way or the other

Q Did you get the whole of that?

A Certainly I did

Q \$11000?

A Yes sir

Q What did you do with it?

A What did I do with it?

Q Did any body else have any
share in it?

A I guess not

Q Did they or did they not? Did
any one else have any share
in that \$11000.

A No sir

Q Did you pay any portion of
that \$11000 to any body

A No sir

Q For no purpose whatever

A No sir

x x x

0625

2 It is true that every flat that was purchased you had an interest in?

a Yes sir

2 In reference to the Shell flat - how much did you get there?

a \$2000.

a Nothing else

a No sir

2 Directly nor indirectly

a No sir

2 Through any body

a No sir

2 Did any body else get any thing for that that you know of

a I don't know any thing about it.

2 You never heard any thing about it

a No sir

x x x x

0626

Declines to answer whether he offered to pay Gustig anything.

(1)

2. You have no recollection whatever of what you said to Gustig on that subject on that occasion?

a. No sir I have not.

2. Have you offered to pay Gustig anything?

a. No sir That goes right into that old matter again! And, I beg to be excused from answering any question in connection with that suit

2. I will make that more explicit!

Have you offered to pay Mr Gustig anything on account of the amount which he claims you owe by reason of the transactions in the sale of real-estate to the Army Commission.

a. I beg leave to say that I don't think it is fair, for that is a part of that suit.

2. Do you decline to answer that question?

a. Yes sir

0627

(2)

Mr Wilson, re-called

x x x x x

2: You were subpoenaed to produce your check-book and bank-book showing the deposits made by you during the months of June July August September October November and December 1885. Have you produced those books?

a I have not had the time, and another reason is that I am advised by counsel that that is a private matter - private papers of mine.

2 You expressed yourself this morning ready and willing and desirous to produce that check-book. You left here before 12.00.?

a Yes sir About 12.

2 Where did you go then?

a I went down Broadway x x x to see my counsel.
x x x

2 The reason you don't want to produce that check-book is that you don't want us to know what your grocery bill is and other private matters?

a Yes sir

0628

(3)

Q That is it?

A Yes sir

Q Didn't you think of that when you agreed to bring it this morning?

A No sir. I was excited this morning and probably I said more than I ought to have. I don't wish to be discourteous at all!

Q Do you refuse to produce your check book?

A Under the advice of counsel

Q Under the advice of counsel you refuse?

A Yes sir

At the close of the examination of Mr. Wilson during the forenoon session the following proceedings were had.

- + + + +
- 2 Both Senators McCarthy and Daly desire to have you produce your check book — that check book that you used a year ago, at the time of these transactions — also your bank book
- a I don't know as that would help you any. If I have got it I will bring it.
- 2 If you have got it you will produce it?
- a Yes sir
- 2 Will you produce it this afternoon at 3 o'clock.
- a Don't call on me again to day! — I have so much to attend to!

Mr. Miller:

I submit the only way to do with this is to follow it up! And I think a subpoenae had better be served upon him, for that is the only proper way to do it!

0630

No-92

In re

Nelson

Bill ordered

0631

There have been two trials on this indictment, resulting in each instance in a disagreement of the jury. On both trials every witness whose testimony was in any way material to the issue was examined; and the charge was faithfully presented by me in obedience to the constitutional mandate. The chief witness for the prosecution was an accomplice of the defendant; and the corroboration required by the Statute, depended upon certain circumstantial facts. The defendant was able to prove good character, and distinguished services in the Union Army. In view of the disagreements of the two juries *and of the fact that there is no additional evidence procurable* to whom the case has been submitted, I do not believe that a conviction upon the evidence I have can be obtained. It has not been usual to try a defendant more than twice upon the same charge. And after a careful review of all the circumstances I have concluded to recommend the dismissal of this indictment, and the discharge of the bail, which accordingly I do.

N. Y. March 4th, 1887.

Randolph B. Martine
Dist. Atty.

0632

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

The People of the State
of New York,

against

Alexander Shaler.

The Grand Jury of the City and
County of New York, lay this
Indictment, against Alexander Shaler,
of the Crime of Bribery, committed
as follows:

Heretofore, to wit: on the nineteenth
day of September, in the year of
our Lord, one thousand eight hun-
dred and eighty four, the said
Alexander Shaler, late of the City
of New York, in the County of New
York aforesaid, being the Major-
General commanding the Third
Division of the National Guard
of the State of New York, was at
such Major-General, a public
officer, and a person exercising
the functions of a public office,
to wit: a member of a certain board
and created and constituted, and
then and there duly existing under

0634

[illegible][illegible]

0635

[illegible]

0636

[illegible]

Second Count:

And the Grand Jury at General
by this indictment, require to answer the
said Charges of the Crime
of Bribery, committed as follows:

Heretofore, to wit on the said
 nineteenth day of December, 1861, at the city of
 New York one Edward and eight hundred
 and eighty four, the said Alexander
 Schuler, late of the City and County
 of New York, being the Major-General,
 commanding the Third Division of

0637

[illegible]

0638

of the fact that the same, which was only
a few days ago, and formed a part, of the same
required to be made, and was not
appropriately answering to the same.

[illegible]

0639

[illegible]

0640

[illegible]

0642

[illegible]

And in the morning in the road
at noon, at the village of Ponty-
drefelin, a certain distance and
approximation of the Tregate 2.5 miles,
the Colonel and some of his staff
the F. I. of the Regiment of the National
Guard of the State of New York,
before then sent to the road
road in the town of Ponty, 2.5 miles

0643

[illegible][illegible]

0644

[illegible]

0645

mandated by the said Board of Ex-
ecutive Council and Finance Council
Directors, to wit: at the price of
Three Hundred and Fifty thousand
dollars, and to acquire and
improve the location of the
road here proposed among upon
the said State of land, against
the then and the State in and
ever made and provided, and
against the year of the State
of the State in and ever, and
the State in and ever.

Mr. Joseph W. McKim,

1505-77 Shawnee RA.

0646

BOX:

201

FOLDER:

2013

DESCRIPTION:

Shores, Patrick H.

DATE:

12/15/85



2013

0647

Witnesses
W. P. Smith
Geo Morris

No 117
J. A. Wynne
Counsel,

Filed 15 day of Dec 1885

Pleads Indignity (16)

THE PEOPLE
vs.
Patrick H. Shores
Pr Jan 29/86
Back by W. C. a. Shores
on de b.

Forgery in the Second Degree.
(Sections 511 and 521, Penn Code.)
(Indorsement, etc.)

RANDOLPH B. MARTINE,

~~Read Case~~ District Attorney.
~~Read Case~~ 463

A True Bill.

True *[Signature]*
Foreman.

[Signature]
Jan 29/86
J. J. P.

0648

New York January 5/1886
Hon R B Martine Dist Atty

Dear Sir

I learn the case of Patrick H. Shores in which I am a witness has been postponed until Jan'y 6/86 my age (87) and health will prevent my being present at court.

I therefore submit to you the following facts regarding the case.

Patrick H Shores has been employed by me as Janitor of #161 W 128th St New York from Dec 24th 1883 until early in Sept. 1885.

He disappeared about Sept 15/1885 with a balance of over \$200.⁰⁰ due me for rents collected for months of July and August 1885.

I saw him no more until arrested. I became suspicious of his honesty in January 1885, but still allowed him to collect my rents. From Jan'y 1885 until August 1885 he became more delinquent in paying his dues.

He made statements twice of being robbed once of \$70.⁰⁰ and once of \$75.⁰⁰ which statements I have since learned were false.

0649

On August 28/85 (at which time I was absent from the city)

Mr F. C. Pickham one of my tenants gave Shores a check payable to my order, on The Fifth Ave National Bank for \$23.00 for rent due for month of August, which check I never saw until it had reached The Fifth Ave Bank and had been paid by it, when it was brought to me by Mr F. C. Pickham.

I found my name written on the back of it, but not in my hand writing.

P. H. Shores' name was also on the back of it.

I am acquainted with Shores' hand writing and believe he wrote my name on the back of the check.

of the \$175.00 which he claimed he was robbed of he claimed \$96.00 was mine, and the balance ^{belonged} to Mrs Drury (a ~~rent~~ landlady for whom he acted as Sanitor). Mrs Drury has written me that she has not lost anything by Shores and that she was surprised that he should make such an assertion.

I am under the impression he was led away by evil associates.

0650

and any clemency that can be
shown him, consistent with
Justice I would ask for him

Seen before me this
5th day of January 21, 1866.

Reuben P. Smith

Wells

Notary Public
for the City & County of
New York.

0651

The People

¹⁸Patrick D. Jones

0652

The People
against } Foreign
Patrick H Shores
City and County of Suffolk ss

I Mc Smith being duly sworn according to
law deposes and says that I am a
Dry Goods Man in the House of Durham
Buckley & Co Broadway and have been
in that position for over ten years.
I know the defendant, and have known
him for over three years as Janitor
of the Flat 164 West 128th Street. During
that time I resided there. I have always
heard the defendant Shores spoken of
as a very honest and correct man.
I have entrusted him with money on
many occasions and have always
found him correct and honest. During
my summer vacations I have left the
keys of my house, ^{or apartment} in his charge, and
the furniture, clothing, and trunks
in the rooms in his charge and on
my return always found everything
correct. From his character I

0653

Am quite Conscious, that the endorsement of the Check which is the alleged Crime in this case, was more a mistake of Shores authority than a disposition to do wrong.

Shown to before me this
5th day of May 1886

Van Meter Stetwell
Holding Public Rights Co.
Cert. filed in N.Y. Co.

D. M. Smith
340 Broadway
N.Y.

0654

The People { In the Court of
 against { Great Sepulchre
 P. H. Shores }
 City and County of New York ss Forgery

Wm M. Winship being duly sworn
 says I reside at 740 DeKalb Avenue
 Brooklyn. I am a clerk in the
 employment of Melman & Sons
 and Company for over twenty years.
 I know and have known the Defendant
 Shores for about fifteen years, and
 during that time he has worked for
 me off and on about my house. He
 has had during that time abundant
 opportunities of being dishonest but I
 always found him trustworthy and true.
 From his character and ^{the} surroundings
 of his wife and children I am quite
 sure, that the endorsement of Mr. Shores
 name upon the check which is the
 alleged charge in this matter was
 a mistake as to ^{his} right and power
 in the premises, and not an intentional
 wrong doing.

Subscribed before me } William M. Winship
 January 5th 1886. }
 Robert C. Bayne
 Notary Public N.Y.C.

0655

The People } In the Court of Just. Supr.
Shores } Jersey
City and County of New York ss.

I ~~S. S. Schuch~~ Cowles being duly sworn according to law depose and say, that I am a regularly ordained Minister of the Methodist Church and am in Pastoral Charge of the Church corner of West 10th and Bleeker St in this City. I have known the defen-
= Hunt since boyhood, and have - always kept up my acquaintance with him. He has borne a more than ordinarily good character for - Honesty Sobriety and Piety and I was greatly surprised that he was ever accused of a crime. I have known many situations of trust which he filled - and without the slightest - imputation as to his fidelity and - integrity.

S. S. Cowles.
Sworn to before me
this 7th day of June, 1885
Wm. J. [Signature]
Notary Public

0656

The People } In the Court of Just. Sepm
 P^{ast} H^{on} Shores } Forging

City and County of New York S.C.

Jacob Thomas being duly sworn says
 I am a regularly ordained clergyman
 of the Methodist Church and have now
 the Pastoral Charge of Zion Church 117th
 Street in this city. The Defendant was
 received as a Member into my Church
 about three years ago. Very soon thereafter
 I made him one of the Stewards of the Church
 whose special duty was to make the necessary
 Collections to pay Salaries and expenses.
 He is yet in that Office. In this position
 of Trust I always found him Careful
 and scrupulously exact and honest. I
 never heard a word spoken of his
 Character to its discredit.

Jacob Thomas

Sworn to before me

this

20 day of Aug 1888

George Coleman

Notary Public

N.Y.C.

0657

The People
 asst
 P H Shores

John P. gives being duly sworn. I say
 I am a regularly ordained Minister
 of the Methodist Church. I have known
 Shores for over two years, and while
 in charge of the 117th St Church had
 abundant opportunities of observing his
 character. I know that he held
 offices in the Church in which he
 was entrusted with money, and his
 administration of the trusts were scrupulously
 honest and exact. He has borne
 since I ~~have~~ knew him a more than
 ordinarily good character.

Sworn to before J. W. Givens
 on this 5th day of Decr 1887
 Joseph Coleman
 Secretary of the
 N. H.

0658

The People
against
P H Shores

In the Court of
Gloucester Superior

Forgery

City and County of New York S. S.

Mary Shores being duly sworn Says
I am the wife of the defendant and have
been married to him for over fifteen
years. During that time my husband
has been a hard working, sober and
honest man. She has had full charge
of ~~the~~ ^{many} ~~the~~ defendant's houses during ^{the} summer
vacations, and I never heard a word
against him. She had full charge of
the apartment house of the Complainant
and was in the habit of signing receipts
for Mr Smith (the Complainant) during
his absence, collecting his debts and paying
charges out of the collection. In explanation
of the charge of forgery my husband told
me that he thought he had a right to sign
Mr Smith's name to the check which he
collected for rent - the more so as a great
part of the money received was paid out
for repairs to the property of the Complainant.
Agreed to before me }
January 5 1886

Mary Shores

Robert O Byrne Notary Public N.Y.C.

0659

The People
against
Sworn

In the Court of Special Sessions
Forgery

City and County of New York ss

Lloyd Smith being duly sworn says
I am Janitor 250 West 128th St have
known Sworn for about three years.

His business is that of a Janitor; He has
borne all of that time a most excellent
character for honesty sobriety and piety.

Sworn to before
me January 5th } Lloyd Smith
1886

Robert O. Byrne
Notary Public
N. Y. Co.

0660

The People } In the Court of Just Sessions
 vs }
 P H Shores } Forgers

City and County of New York - SS

Christopher B Keogh being duly sworn according to Law Deposes and says I a Manufacturer of Sashes and Blades in Canal Street in this City. In the years 1883 4 and 5 I was the owner of the flats 164 and 166 West 28th. During the whole of the time of my ownership the Defendant Shores collected the rents of these flats; and rendered me his accounts monthly, faithfully and honestly; he always gave me receipts in my name. I never heard a word against his honesty or his good character. I am clearly of opinion that the Defendant was led to sign the Complaints name under a belief that he had the power to do so, and not from any disposition to be dishonest

Christopher B. Keogh,

Sworn to before me
 this 5th day of
 January A.D. 1886
 J. C. Reed
 Notary Public
 M.R.

General Session Court.

Wm. O'Connell

Plaintiff

against

Patrick F. O'Brien

Defendant

Affidavit

JOHN O'BYRNE.

Attorney for Defendant

280 BROADWAY.

Stewart Building NEW YORK CITY.

To Esq.

Attorney for _____

Due and timely service of a copy of the within

is hereby admitted.

Dated, 188

Attorney for _____

0662

New York March 17/1886
Randolph B. Martin Esq
Dist Attorney City of New York
Dear Sir

Will you
please inclose to me or hand
to Mr. Sparks the clerk to deliver
the check made by F. C. Pinker
horn on the 5th Avenue Bank
dated Aug 25 1885 for \$23.00
payable to my order &
which was endorsed by
P. H. Shors who also forged
my name on the check & was
also endorsed by Margaret
A. Norris, for which the
P. H. Shors was indicted
and tried at the Court of
Sessions for forging my name
on the check - My Nephew

0663

Mr. A. Morton Smith
said he had some con-
versation about returning me
the check & that you would
require an order from me
for the return of D. Check by
yourself or Mr. Sparks if
would be so - please
to accept this for my order
to do so and much

Oblige Yours respectfully,

A. M. Smith

No 326 West 21st

New York City

Check

sent by mail

to Mr. Smith

March 27/86

0665

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 25 years, occupation Dry goods of No
161 W 128

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Michael Smith
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

183,

Michael Smith

Police Justice.

0666

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 35 years, occupation Hotel Keeper of No.

2162, 6th Ave Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

183

James Morris
James Morris

Police Justice.

0667

Sec. 198-200

CITY AND COUNTY
OF NEW YORK.

District Police Court.

Patrick Henry Shours 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.

Patrick Henry Shours

Question. How old are you?

Answer.

38 years

Question. Where were you born?

Answer.

MS

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

Answer.

163 W 128. 5 years

Question. What is your business or profession?

Answer.

Much

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

Answer.

I am not guilty

P. H. Shours

Taken before me this

day of

1895

Charles J. Smith
Police Justice.

0668

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

Patrick A. Shores

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

Dated

Nov 7

188

Andrew Smith

Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated

188

Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order he to be discharged.

Dated

188

Police Justice.

0669

Police Court--

1394
5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Basalbal F. Smith
32 Cos. West 22nd
Patience W. Shores

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

Q. Sec. 10.30

Cm

0670

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Patricia M. Shores

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

— Patricia M. Shores —

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

The said Patricia M. Shores,

late of the City of New York, in the County of New York aforesaid, on the
Twenty-fifth day of August, — in the year of our Lord
one thousand eight hundred and eighty-nine, at the City and County aforesaid,
having in her custody a certain instrument and writing, to wit: an
order for the payment of money
of the said Patricia M. Shores, which said
which said order — is as follows, that is to say:

No. New York August 25th 1889
The Fifth Avenue Bank, New York
The New York Clearing
House Association.
Pay to C. F. Smith or Order,
Twenty three \$100 Dollars.
\$2300
C. F. Smith.

the said Patricia M. Shores, —

— afterwards, to wit, on the day and in the year
aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge,
and cause and procure to be forged, and willingly act and assist in the forging on the
order of the said Patricia M. Shores, which said forged
a certain instrument and writing commonly called an endorsement, which said forged
instrument and writing, commonly called an endorsement is as follows: that is to say,

— C. F. Smith —

with intent to defraud, 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.

0671

SECOND COUNT:

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

- Patricia A. Shores -

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

The said Patricia A. Shores,

late of the City and County aforesaid, afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, having in *her* possession a certain instrument and writing, *to wit: an order for the payment of money of the kind known as bank checks,* which said *bank check* -

No. New York, Aug 28th, 1895
29 New York
The Fifth Avenue Bank Building
The New York Clearing
House Association.
Pay to C. E. Smith or Order,
Twenty Two \$0. Dollars,
\$22.00 *C. E. Smith*

on the *bank check* of which said *bank check* there was then and there written a certain forged instrument and writing, commonly called an *endorsement* of the said last-mentioned *bank check* - *check*, which said forged instrument and writing, commonly called an *endorsement*, is as follows, that is to say:

" C. E. Smith "

with force and arms, the said forged *endorsement* then and there feloniously did utter, dispose of and put off as true, with intent to defraud, - *she* - the said *Patricia A. Shores*, then and there well knowing the premises, and that the said *endorsement* was forged, 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.

RANDOLPH B. MARTINE,

District Attorney.

0672

BOX:

201

FOLDER:

2013

DESCRIPTION:

Simon, Pauline

DATE:

12/17/85



2013

0673

No 140

Witnesses:

Officer Pat H. Connelley

Counsel, _____
Filed 17 day of Dec 1885
Pleads _____

Violation of Sanitary Code:
[Section 197, Sanitary Code] and
Section 575, Consolidation Act]

THE PEOPLE

John D. D. vs. B

Pauline Simon

RANDOLPH B. MARTINE,

Pr- Dec 17/85 - District Attorney.

I declare under oath
A TRUE BILL.

Wm. J. H. H. H.

Foreman

James H. H. H.

0674

Sec. 198-200.

102

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

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

Question What is your name?

Answer

Pauline Simon

Question How old are you?

Answer

37 years

Question Where were you born?

Answer

Germany

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

Answer

55 West Street 14 years

Question What is your business or profession?

Answer

Butcher Shop

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

Answer

I am not guilty of keeping the chickens I had an order for twenty chickens and I was waiting to send them to get killed

Pauline Simon

Taken before me this

day of

Police Justice.

0675

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

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.

Dated Dec 13 1885 Wm. J. Caffery Police Justice.

I have admitted the above-named

Pauline Simon

to bail to answer by the undertaking hereto annexed.

Dated Dec 13th 1885 Wm. J. Caffery Police Justice.

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order he to be discharged.

Dated _____ 188 _____ Police Justice.

0676

Police Court

18th 1455 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Patrick Connelley

Pauline Simon

Office of the District Attorney

BAILED

No. 1, by

Residence

Rachel Harmon
73 Bayard Street.

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Dec 13

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

Bailed

0677

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

POLICE COURT, 1st DISTRICT.

Patrick Loughan

of The Slaughter Squad Street, being duly sworn, deposes and says,

that on the 12th day of December 1887

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

(nowhere) did unlawfully keep in a coop in the store of premises no 55 Mott Street a number of live fowl to wit; live Chickens she not having a permit to keep the same in violation of section 197 of the Sanitary Code of the Board of Health of the City of New York

Patrick H. Loughan

Sworn to before me, this

of

12th day of December 1887

at

John J. Deady

Police Justice

0678

POLICE COURT 15th DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Pauline Simon

On Complaint of

Patrick Conklin

For

Viol Sanitary Code

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

Dated

Dec 13 1885

P. J. Duffy
Police Justice.

Pauline Simon

0679

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Pauline Simon

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

Pauline Simon

of the CRIME OF *Violating the Dairymen's Code*
of the Health Department of the
City of New York,
committed as follows:

The said *Pauline Simon,*

late of the *Tenth* Ward of the City of New York, in the County of New York afore-
said, on the *Twenty* day of *December*, in the year of our Lord
one thousand eight hundred and eighty-*nine*, at the Ward, City and County aforesaid,
did unlawfully carry across the street
to wit: Ten line street, in a certain
room in the building there situate
between the number fifty-five north
street, the same being within the
city limits of the said City,
and not in any public market,
without a permit in writing from
the Health Department of the
said City, against and in violation
of the Dairymen's Code of the Board
of Health of the Health Department
of the said City therefore duly
adopted and declared as such in
due form of law, and then and there

0680

in full force and operation by virtue
of the laws of this State, and espe-
cially against and in violation of
the one hundred and ninety seventh
section of the said Code, duly adopted
at a meeting of the said Board of
Health held in said City on the
and thereafter duly published according to law,
20th day of November, 1894 and at
the time of the committing of the offence
hereinbefore described in full force
and binding in said City and in
no manner altered amended or annulled
by said Board, which said section
is as follows, that is to say:

"No live sheep, ducks, or
other fowls shall be kept in
any yard, area, cellar, room,
building, or other place
within the built-up portion
of the City of New York, ex-
cepting in the public markets,
without a permit in writing
from this Department."

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.

Randolph B. Martin,

District Attorney

0681

BOX:

201

FOLDER:

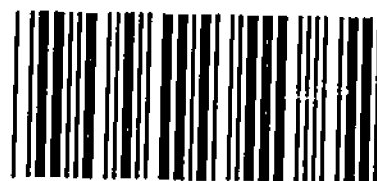
2013

DESCRIPTION:

Simpson, Charles W.

DATE:

12/08/85



2013

0682

Witnesses:

Anthony C. Carter

No 15-97
For Reasons enclosed in
indictment No 118,
against the same, at
June 12 1885, I recommend
the bail in this case be
unchanged

D. Frank Lloyd
Clerk

No 14

J.

1534

Counsel,

Filed day of Dec 1885

Pleads

THE PEOPLE

vs.

[Section 117 - Penal Code]

Randolph B. Martine
(Hearer)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Henry J. Purcell

Foreman

Bail discharged
on motion of D.A.
Nov. 15-97 M. J. Martine

0683

Sec. 139.

First

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before *Daniel O. Reddy* a Police Justice
of the City of New York, charging *Charles W. Simpson* Defendant with
the offence of *violation chapter 380 of the Laws 1884*

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

We, *Charles W. Simpson* Defendant of No. *69*
Centre Street; by occupation a *news dealer*
and *James L. Lundy* of No. *62 Centre*
Street, by occupation a *Printer* Surety, hereby jointly and severally undertake that
the above named *Charles W. Simpson* Defendant
shall personally appear before the said Justice, at the *106* District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of *Three*
Hundred Dollars.

Taken and acknowledged before me, this *19th*
day of *February* 188*5*

Daniel O. Reddy POLICE JUSTICE.

C. A. McNamee
James L. Lundy

0684

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me this
day of May 1881
James M. McCall Police Justice

James Livesey
the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth Six Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of $\frac{2}{3}$ interest in two House

and one lot of land situated 62
Centre Street, and ^{said interest} is of value
of \$5,000 and above all incum-
brance

James Livesey

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Underlying to appear
during the Examination.

vs.

Taken the

day of

188

Justice.

City, County and }
State of New York } ss

George E. Oran of 150
Nassau Street New York City being
duly sworn deposes and says, that on
the 26th day of December 1884 ^{at New York} William
Simpson, at and upon certain premises
situate and known as 69 Centre Street
in the City of New York, did unlawfully
use and employ ^{and permit} a minor child to sell,
give away and distribute, and having
the care and custody and control of
said minor child, did permit said
child to sell, give away and distribute
certain newspapers, papers and printed
papers devoted to the publication and
principally made up, of criminal news
police reports and accounts of criminal
deeds and pictures and stories of deeds
of bloodshed and crime, in violation
of Chapter 380 of the laws of 1884
passed May 28, 1884.

Deponent further says, that on the 26th day of ^{December} 1884, he personally visited the premises situated and
known as Number 69 Centre street, New York City, and
occupied and kept as a store by said Simpson aforesaid and
there purchased of a minor child the papers hereto
annexed, and further deponent saw other similar
papers, there kept and exposed for sale, and also saw
duplicate or similar papers, exposed upon the front

TORN PAGE

0686

of said premises, and placed upon the doors of said premises exposed in full view of ^{minor} children passing upon said street and said papers were so exposed that they would be in view of any minor child passing along said street, against the form of the statutes in such case made and provided, and particularly Chapter 380 of the laws of the State of New York, passed May 28th 1884,

Defendant further says, that he has frequently passed said Simpsons place since May 1884, and has seen said papers as aforesaid or similar ones as ~~there~~ hereto annexed, and bearing the same titles, exposed in full view of persons passing along the public street in front of said premises, occupied by said Simpsons as aforesaid.

Subscribed and sworn to before me
this 17th day of February 1885.
Saml. A. Bell
Police Justice

George, E. Crane
"

0687

Sec. 151

CITY OF

New York COUNTY OF *New York*
AND STATE OF NEW YORK,

Police Court, Distict.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of *New York*, or to any Marshal, Constable or Policeman of the City of *New York*. GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of *New York* by *George E. Crane* of No. *150 Nassau* Street, charging that on the *26th* day of *December* 188*4* at the City of *New York* in the County of *New York* that the crime of using, employing and permitting a Minor Child to sell and distribute a certain printed paper devoted to its publication, and principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of bloodshed lust and crime has been committed, and accusing *Charles* *William Simpson* thereof.

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, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the *First* 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 *17th* day of *January*, 188*5*

Samuel C. [Signature] POLICE JUSTICE.

0688

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

E. E. Crane.
vs.

Charles Simpson

Warrant—General.

Dated

Feb 15

1885

Magistrate.

Officer.

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

Deputy Officer.

Dated

Feb 17

1885

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest,

3 45 Pm

Native of

W.S.

Age,

49

Sex,

Complexion,

Color

Br

Profession,

Wine Dealer

Married,

Yes

Single,

Read,

Yes

Write,

Yes
C. G. Simpson

0689

Sec. 193-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles W. Simpson 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 Simpson

Question. How old are you?

Answer.

49 years

Question. Where were you born?

Answer.

New Hampshire

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

Answer.

89 Centre Street 24 years

Question. What is your business or profession?

Answer.

Selling newspapers

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

Answer.

I am not guilty

C. W. Simpson

Taken before me this
day of *April*

188*8*

David O. Smith Police Justice.

0690

POLICE COURT 1 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

Charles W. Simpson

On Complaint of

George E. Otis

For

Misdemeanor

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated

Sept 17th

188

C. W. Simpson

Samuel C. Kelly

Police Justice.

0691

1st District Police Court
20th February 21st 1885

The People & in Complaint of
George E. Oram
against
Charles W. Simpson

Repre^d Hon. Daniel O'Sullivan
Police Justice

Appearances

For the People -

Mr. Becker

a Defence -

A. T. O'Sullivan Esq

By Mr. Becker - "Your Honor, Having been
authorized to represent the People in this pro-
ceeding, I now object to the Jurisdiction of the
Court upon the following grounds, viz:

1st - That the accused has waived his right
to a further examination and elected to be
tried in the Court of Special Sessions.

2nd - That the Magistrate having had the
case before him had only held the ac-

(1)

0692

caused for trial and that ex. Beecher representing the District Attorney, further instructed the witnesses for the People that so far as the People are concerned they would not be called upon to testify. Here.

~~~~~

By ex. Hummel - "The Counsel for the Defense maintains that the examination of the Defendant has not been concluded, and nothing is on the record to show that said examination had been terminated. Under sections 188, 189 and 190 of the Code of Criminal Procedure, the Defendant is entitled to the right of counsel and examination, of which he avails himself. The record in this case has never left the Police Court and an Examination having been demanded within one hour after the arrest of the defendant or within half an hour, the defendant is entitled to it."

By ex. Beecher. "I desire to further prove by ex. Comstock, that the accused was informed in open Court and in the presence of ex. Comstock, of his rights in the premises, which he waived as appears by the waiver which he has

(2)

0693

signed. I therefore ask that the Court  
send the case for trial to the Court of  
Special Sessions, in accordance with  
the defendants election and without fur-  
ther examination.

Motion denied.

(The Court here stated that the Examination  
<sup>must</sup> be proceeded with.)

(Counsel for the Prosecution - Mr. Beecher now  
withdraws)

George E. Crane was here called by the  
Counsel for the defence & being sworn testified  
as follows:

Cross Examination - by - Mr. Hummel

- Q I hand you a copy of the Illustrated  
Police News for the week ending Saturday  
December 27<sup>th</sup> 1884, and I want you to  
look carefully through it and show me  
if you can - point to any article in it  
that is not real actual news matter?
- A I have not read this paper.

(3)

0694

Q Then you will not swear it does not contain articles descriptive of passing events of the day?

A From appearances I should say it does.

(Paper appended in evidence by Defendants Counsel and marked "Exhibit A")

Q I hand you a copy of the "Young Men of Cincinnati" a paper of the date of January 1<sup>st</sup> 1885 - Vol. 8. and ask you if that does not contain a story of "Volume 8" or "The Beggars of Elders Hall"; "Jack and his Seven Doves"; "His Secret Enemy or the Trials of a Vaunted Man"; "The Boy Millionaire and what he did with his money"; "Culdorn, the Cop"; "Five Birds"; "Around the world on Check"; "Old Lynx Eye, the River Detective"; and some advertisements and some poetry. (Paper put in evidence & marked "Exhibit B")

A Yes sir.

Q Is there beyond what I have read you anything in that paper that is obscene or what is not made up of criminal news?

A Yes sir.

0695

Q Do you know the definition of the two words "criminal news"?

A I don't I do.

Q Do you know what criminal news signifies?

A Yes sir.

Q Tell me?

A The publicity of a crime that has taken place or is about to take place.

Q The real crime?

A Yes sir.

Q Point out anywhere in this newspaper (Exhibit B) where a crime has or is to take place.

A Yes - there is one paragraph.

Q Read it - read all such in the paper.

(Witness reads the three following paragraphs on Page 2, Column 2)

(2<sup>d</sup> Column) "This caused the crowd to sway to the right, the Englishman was pressed violently against the man in the Ulster, who in turn was forced against the bar, who uttered a sudden exclamation of pain - 'Oh, you stuck a pin in my hand, Sir!' he cried; it must be in the sleeve of your coat it must," which is marked 1."

(Witness also read articles

(5)



0696

on page 2, marked 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11  
which are marked & enclosed with a blue mark)

(Witness read from page 3 articles in blue brackets  
marked 1, 2, 3, 4, 5, 6, 7 and 8.)

(Witness read from page 4, articles in blue  
brackets marked 1, 2, 3, 4, 5 and 6, and from  
page 6, articles marked 1, 2, 3, 4, 5, 6, 7,  
8, 9, 10, 11 and 12, in blue brackets)

Q So that all you can find in that news-  
paper that you call criminal news?  
A Yes.

Q Do you call anything you have read  
criminal news?

A Yes.

Q Under the head of Police Reports?

A I don't see anything about police re-  
ports.

Q Will you swear that ~~the~~ these quota-  
tions which you have just read are  
not founded upon facts in real  
life?

A I don't know that.

Q You can't swear to that?

A Yes.

Q Do I understand you to say <sup>they are</sup> ~~that~~ not  
(6)

0697

47  
founded on real facts?

A I don't know whether they are or not.  
Q They may have been?

A Yes sir.

Q So far as you know they may be matters of news?

A They may be.

Q Is that your signature to this complaint - "George E. Davis"?

A Yes sir.

Q You signed this complaint upon which this warrant was issued?

A Yes sir.

Q Did you mean to swear that that paper was made up principally of criminal news?

A Yes sir.

Q Do you so consider, after having only read the five or six quotations at three or four lines <sup>each</sup> - See and look again and say if you will swear that that paper is principally made up of criminal news?

A Yes, from what I have seen of it.

Q You know the definition of the word  
(7)

0698

'Criminal'?

A Yes sir.

Q And you knew what you were swearing to when you swore to this complaint?

A Yes sir.

Q Beyond what you have shown me, which you consider is ~~not~~ criminal news, show me the principal criminal news there?

A The principal things which I read from there.

Q What do you mean to say?

A What I call criminal news - from those quotations which I read from this paper.

Q The quotations which you read from this paper is what you consider criminal news?

A Yes sir.

Q So that the principal part of the newspaper which you hold in your hand - those quotations?

A I should say the stories, in which this criminal news appears, took up the principal part of the paper.

Q Is there anything more other than you have read in there, of criminal ~~news~~ that you can see in there?

(8)

0699

Q I can't say, I have not read the whole paper.

Q How can you swear <sup>that</sup> that it is made up principally of criminal news?

A I say that from the quotations I have read - these quotations from the stories in there, which make up the majority of the paper.

Q Do I understand you to say that the balance of those stories are of a criminal nature?

A I have <sup>not</sup> read them.

Q Is there anything there of a criminal nature other than what you have read?

A I don't know.

Q Then you apply for a warrant saying that the defendant sold papers which are principally made up of criminal news, without reading the majority of the paper?

A Yes sir.

Examined before me this }  
21<sup>st</sup> of February 1885 }

Police Justice

(9)

0700

Continued to Wednesday February 25<sup>th</sup>  
1885 at 10. A.M.

W. V. C.

0701

1<sup>st</sup> District Police Court

W.F. February 25<sup>th</sup> 1885

Examination (Continued)

Anthony Comstock witnesses for the prosecution being sworn says.

I am Secretary of the Society for the Prevention of Crime and a special Agent of the Post Office Department. My office is at No. 150 Nassau St. I have known the place kept by the Defendant for 13 years, that is No. 69 Centre St where he formerly kept, No. 67 Centre St. Some of his children were in the store when I went in there in December. I had frequently occasion to pass his store and I went in there and saw Simpson, the Defendant and some minors in there. I purchased these papers & ~~saw~~ saw papers <sup>sold</sup> ~~chased~~ there by children. And I saw displayed there "The Police News", "The Young Men of America", "The Boys of New York" & "The Police Gazette" - they were displayed in the front of his store. I left a copy of this law <sup>at</sup> ~~with~~ Simpson myself. I afterwards saw him and asked him if he received it & asked him



0702

why he persisted in displaying those papers ~~up~~ in violation of the law. He wanted to know why I didn't go for the American News Company. He said he had to make a living & if everybody else sold them that he would also or words to that effect. On the 17<sup>th</sup> of February I went in there to see if Simpson was in there - a few moments before the arrest & I saw three young boys, minors, looking at the papers, amongst which were the papers I now produce here. And which are offered in evidence and marked "Exhibits "C", "D", "E", "F", "G".

These papers were piled on the floor and around the counter and near the store and these boys who were in there were examining them. I purchased the five lying on the top of the pile for which I paid five cents each. When Simpson came in I called his attention to the papers - these piles of papers - these particular ones which he kept for sale, giving to him as my opinion.

ion that even one of them was a violation of the law. He said "why don't you go for The American News Company or for the publishers?" I told him that that did not justify him in keeping & selling these papers. He said that everybody else sold them & that he bought all of them from The American News Company. There was displayed on a board in front of his store and in full view of those passing on the public street, ed. 390, Vol. 8. of "The Young Men of America" A copy of which I also produce here & offer in evidence & marked Exhibit A, which I purchased there & for which I paid five cents. I have known the Defendant Bocaro. I made a purchase of Mr. Simpson's daughter.

Arzo-Lama - to - Mr. Hummel

- Q When did you make these purchases?  
 A On the 14th of February, '88  
 Q The day on which you claim Mr. Simpson violated the law?

at Messrs.

2. You spoke of making a purchase of Mr. Simpson's daughter?

at Messrs.

2. How old did you consider her to be?

at. Over 21 years of age.

2. You don't consider that young lady as a minor?

at. Oh yes, but the boys, I did.

2. How many boys were in there?

at. Three.

2. Acting in the capacity of sales boys?

at. Oh, they were there where those things were exposed for sale.

2. Do you know them?

at. Oh yes.

2. Did you ask their names?

at. Oh yes.

2. Or their ages?

at. Oh yes.

2. Did you call Mr. Simpson's attention to the fact that those boys were under the age of 21 years?

at. Oh, those particular boys, I did speak and tell him that these three minors were looking at those papers.

2. How long have you had those papers?

Q Since February 7<sup>th</sup>, 1888-

Q Have you since you purchased them read all of them from beginning to end?

A Yes, three of them.

Q Which three?

A Exhibits C, D & E.

Q Show them to me.

(Witness shows & hands them to counsel.)

Q Exhibit E. is by Shirley?

A Yes, I think so.

Q Is that a novel?

A I should call it a story.

Q Wherein do you make a distinction between a novel and a story?

A I don't know that I can make a decided distinction, but I regard this as a story.

Q But you can't make a distinction?

A Yes.

Q You have read novels?

A Yes.

Q Your impression is that that resembles in many respects, with the exception of the difference in the plot and the different characters, the novels you have

read?

Q. I never read any novels of that description - I call that a story.

Q. With the exception of the difference in <sup>the</sup> plot or the character and the difference in the story leading to the culmination of the plot does it differ from any other story?

A. "Close"; except the character of the matter - it is a short story, printed as you see in that brief form.

Q. Does the same answer apply to a <sup>similar</sup> question directed to the stories contained in Exhibits C & D?

A. Yes, I think so.

Q. Beyond the papers which you have submitted here to day and those attached to this complaint in this action, did you make any other purchases on that day?

A. "Close".

Q. You have given the Court everything that you purchased from Simpson or from any of those who were in his Emporium on the 17<sup>th</sup> of February 1885?

A. "Yes"; these are <sup>all</sup> the papers I purchased.

0707

Q Take all those stories contained in all the papers you purchased, now can you select one that is not a report of an actual occurrence that you can swear is not a report of an actual occurrence?

A I can't swear to a thing I have not seen.

Q You can't swear to that?

A I can't.

Q You can't swear they ain't?

A I can't.

Q Now Simpson has been in business in Centre Street for the period of time you have stated?

A He was away for five years, he has been there since 1868 or 1869.

Q You knew the person who published these papers, did you not?

A I knew one person <sup>who is</sup> the reputed publisher of the Young Men of America. the others I don't know.

Q You also know from whence they were purchased?

A I can't say.

Q Is it not a fact that you knew the American News Company men-



0708

lates all these publications?

Q. Yes.

Q. Is it not a fact that they do?

A. Yes, I don't know that at all.

Q. Do you mean to say that you don't know the American News Company circulated these papers & these publications?

A. I do.

Q. You never made any inquiry as to who he purchased them from?

A. Yes.

Q. Do you remember his calling your attention to the fact that they sold them to all the dealers?

A. Yes.

Q. Did you make any further inquiry to get

A. Not as yet.

~~Sworn to before me this~~  
~~25<sup>th</sup> day of February 1885~~

Police District.

The above is a correct transcript of evidence taken by me in within matter.

W. March 13<sup>th</sup> 1885

James H. Ryan  
Deputy Sheriff  
10<sup>th</sup> District Police Court

0709

CHAPTER 380.

*An Act*

To amend the Penal Code. Passed May 28th, 1884; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three hundred and seventeen of the Penal Code, is hereby amended so as to read as follows:

§ 317. A person who

1. Sells, lends, gives away, or offers to give away, or shows, or has in his possession with intent to sell, or give away, or to show, or advertises, or otherwise offers for loan, gift, sale or distribution, an obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, or photograph, or any article or instrument of indecent or immoral use, or who designs, copies, draws, photographs, prints, utters, publishes, or otherwise prepares such a book, picture, drawing, paper or other article, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information orally, stating when, where, how, or of whom, or by what means such an indecent or obscene article or thing can be purchased or obtained, or
  2. Sells, lends, gives away, or shows, or has in his possession with intent to sell or give away, or to show, or advertises, or otherwise offers for loan, gift, or distribution, to any minor child, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, or
  3. Exhibits upon any street or highway, or in any other place within the view, or which may be within the view of any minor child, any book, magazine, pamphlet, newspaper, writing, paper, picture, drawing, photograph, or other article or articles coming within the descriptions of articles mentioned in the first and second sub-divisions of this section, or any of them, or
  4. In any manner hires, uses, or employs any minor child to sell or give away, or in any manner to distribute, or who, having the care, custody or control of any minor child, permits such child to sell, give away, or in any other manner to distribute any book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, or other article or matter coming within the descriptions of articles and matter mentioned in the first and second sub-divisions of this section, or any of them,
- Is guilty of a misdemeanor.

State of New York, } ss:  
OFFICE OF THE SECRETARY OF STATE.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this second day of June, in the year one thousand eight hundred and eighty-four.

JOSEPH B. CARR,  
Secretary of State,

[SEAL]

POOR QUALITY  
ORIGINAL

0710

and that there is sufficient cause to believe the within named \_\_\_\_\_ has been committed,

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.

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

Police Justice.

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

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

Police Justice.

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

Dated March 13<sup>th</sup> 188 51

Samuel C. Reddy Police Justice.

POOR QUALITY  
ORIGINAL

0711

Police Court

1280 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George E. Oran  
150 Nassau

Charles M. Simpson

2  
3  
4

Office Violation Chap. 380  
Jan. 884 Madison

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Dated

Feb 17

1885

Samuel O. Reed, Magistrate.

Herbert, Officer.

I am quite clear that upon the facts presented the defendant is entitled to be discharged. I have carefully considered the views presented by arguments of the respective counsel and my conclusion is that the Comptroller has failed to show that the defendant is guilty of the offense charged.

No.

Discharged

A. Lamontock

\$200 for E. Feb. 15 2 1/2 P.M.

" 20 " " "

" 25 " " "

Feb 1st April 2 1885

TORN PAGE

0712

1<sup>st</sup> District Police Court.

People &c

vs.

George W. Simpson

Misdemeanor.

State of New York

City and County of New York ss:

I, Abraham H. Hummel  
being first duly sworn, according to  
law, do depose and say, I am a  
Counselor-at-law of the Supreme Court  
of the State of New York, and Counselor  
for the defendant in the above criminal  
proceeding.

On the 14<sup>th</sup> day of ~~March~~<sup>February</sup>, 1880,  
the day on which the defendant was  
first arraigned before Hon. Daniel  
O'Reilly, the Police Justice before  
whom this examination was had,  
I appeared in the Tombs Police  
Court before the said Police Justice,  
and demanded an examination  
for said defendant within one  
hour after he was taken to Court.

I further depose that said defendant  
was not aware of his rights at the  
time he was first arraigned before



TORN PAGE

0713

said Police Justice, and, without  
the least delay, I demanded of  
said Police Justice, in behalf of  
said defendant, an examination  
a right to which the said  
defendant was entitled under  
sections 188, 189 and 190 of the  
Code of Criminal Procedure.

I won before me  
this 1<sup>st</sup> day of February  
1885

*John H. H. H.*

Samuel C. Pratt  
Recorder



07 14

**COURT OF GENERAL SESSIONS**  
CLERK'S OFFICE.

---

PEOPLE

vs.

---

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---

---

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0715



THE  
New York Society for the Suppression of Vice.  
150 NASSAU STREET,  
Room 9.

New York, Dec. 8th, 1887

Hon. R. B. Martine,  
District-Attorney,  
N.Y. City.

Dear Sir:

I beg to call your attention to the case of  
CHARLES WILLIAM SIMPSON,  
who was indicted early in your term for selling criminal story papers  
to boys and girls. This man is still continuing this traffic, and has  
continued it up to the present time. It was to be a test case, and  
the one that Mr. Purdy examined into with quite a good deal of care  
at the time.

Would it not be best to have this case tried before your  
term of office shall expire, and if deemed proper, before his Honor,  
the Recorder?

I have the honor to be,  
With very great respect,  
Your obedient servant,  
(Anthony J. Santolucito) Sec'y

07 16

The People

15  
Chavez 97 Simpson

1

0717

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 W. Simpson

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

Charles W. Simpson

of the ~~Crime of~~ Misdemeanor, —

committed as follows:

The said Charles W. Simpson, —

late of the ~~City~~ Ward of the City of New York, in the County of New York afore-  
said, on the ~~15th~~ day of ~~March~~, in the year of our Lord  
one thousand eight hundred and eighty-~~seven~~, at the Ward, City and County aforesaid,  
did unlawfully exhibit, upon a certain  
street and highway there, known as  
Centre Street, within the view of drivers  
minor children, in, through and along  
the street and highway aforesaid, then  
and there continually passing and  
repassing, drivers, to wit: one hundred  
books, magazines, pamphlets, newspapers  
and other printed papers devoted to the  
publication of and principally made  
up of criminal news, police reports  
and accounts of criminal deeds, and  
drivers, to wit: one hundred other books,  
magazines, pamphlets, newspapers  
and printed papers, principally made

0718

up of stones and pictures of deeds  
of bloodshed and ruin, against  
the form of the Statute in such  
case made and provided, and  
against the peace and dignity  
of the said People.

Randolph B. Martinie,  
District Attorney

Witnesses:

Arthur Connelley

Bailed by  
James Levee  
62. Centre St.

Nov 15 '97.

For reasons endorsed on  
indictment No 118  
against the same  
deft, June 12 '85, I  
recommend the bail  
in this case be  
discharged

D. Frank Lloyd

A.D.C.

Nov 15

Counsel, *[Signature]*  
Filed *[Signature]* day of *[Signature]* 188*[Signature]*  
Pleads *[Signature]*

THE PEOPLE  
vs. *[Signature]*  
*[Signature]*  
(14 cases)  
[Section - Penal Code]

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.  
*[Signature]*  
Foreman  
Phil Discharged  
on motion of *[Signature]*  
Nov. 15 '97



TORN PAGE

0720

Exhibit

Page 1 Fight - blows.

" 5 Conspiracy to kill.

~~Man~~ head & hands cut

to a pole.

man arrested, head & hands cut  
off.

Man thrown overboard a vessel

Two men hung.

An officer illegally placed in irons.

6. Man receives brutal treatment.

0721

Exhibit D.

Page 2. Bloody Hand - a sign to  
flounder & murder -

" 3 Threats to murder

Brigands retreat & initiation

" 4 Plot to kill husband that lover may  
possess wife.

Murder. Duel -

" 5 Brigand plots to murder & force a  
wife to marry another.

" 6 Plot to murder by poison.

" " Plot to rescue a prisoner.

" 8 Baron arrested on false charge to  
extract a secret

" " Two murders.

Brigands retreat -

" 9 Assault and attempted murder of  
a son on his father.

" " Luck and desertion.

" 10 Plot to commit a robbery -

" " Fellower's assault & attempted  
murder. Moody fight -

attempted murder by drowning

" Murder by shooting

" attempted murder by shooting

" Murder

Murder of husband by wife,

12 buying a woman alive.

13 Robbery -

14 - You have got to die.

" Description of murder pictured

page 1.

0722

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 W. Simpson

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

Charles W. Simpson  
of the ~~Crime of~~ a misdemeanor, —

committed as follows:

The said Charles W. Simpson,

late of the Sixth Ward of the City of New York, in the County of New York aforesaid, on the 24th day of March, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, having then and there the care, custody and control of a certain minor child, whose name is to the Grand Jury aforesaid unknown, did unlawfully permit the said minor child to sell to one Andrew Romstock, a certain printed paper, magazine, pamphlet and story paper entitled "The Freebooter's Prize" and designated as volume one, number 36 of "Morrison's Educational Series" the same being principally made up of accounts of criminal deeds, and pictures and stories of deeds of bloodshed and crime; and a certain other printed paper, magazine, pamphlet and story paper, entitled

0723

"A Terrible Crime" and designated as a  
"supplement to the newspaper 'The  
Story paper, no. 597, March 16, 1925," and  
thereafter made up of accounts of  
criminal deeds, and pictures and  
stories of deeds of bloodshed, lust  
and crime; and a certain other printed  
paper, magazine, pamphlet and story  
paper entitled "The New York, or  
The World to the East, A Story of romance  
of love and war" and designated as number  
23 of volume one of the "Army and Navy  
Library", and thereafter made up of accounts  
of criminal deeds, and pictures and stories  
of deeds of bloodshed and crime; and a  
certain other printed paper, magazine,  
pamphlet and story paper entitled "The  
Bloody Hand" and designated as number  
34 of volume one of the "Morrison's Sensa-  
tional Series", and thereafter made up of  
accounts of criminal deeds, and pictures and  
stories of deeds of bloodshed and crime; and  
a certain other printed paper, magazine, pam-  
phlet and story paper, entitled "The  
Devil, The Girl" and designated as number 14  
of volume one of the "Morrison's Sensational  
Series" and thereafter made up of accounts of  
criminal deeds, and pictures and stories of  
deeds of bloodshed and crime; and a certain  
other printed paper, magazine, pamphlet

and long paper entitled "The Black Freeman",  
and designated as number 40 of volume one  
of "Morrison's Democratic Series" and being  
also made up of accounts of criminal deeds,  
and pictures and stories of deeds of bloodshed  
and crime, against the form of the State  
in such case made and provided, and against  
the peace and dignity of the said people.

And the Grand Jury of said City did find that  
further accuse the said Charles W. Thompson of  
a Murderer, committed as follows:

The said Charles W. Thompson, late of the said  
City and County of said, afterwards, to wit: on  
the day and in the year aforesaid, at the said  
City and County of said, did unlawfully  
use and employ a certain minor child whose  
name is to the Grand Jury aforesaid unknown,  
to sell and distribute divers tracts, magazines,  
pamphlets, newspapers, long papers, and  
other printed papers to the Grand Jury aforesaid  
unknown, devoted to the publication of  
and principally made up of criminal  
news, police reports and accounts of  
criminal deeds, and pictures and stories of  
deeds of bloodshed, lust and crime, against  
the form of the State in such case made  
and provided, and against the peace  
and dignity of the said People.

For which said  
District Attorney