

0009

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Eckensberger, Frederick

**DATE:**

02/20/88



2814

00 10

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Eckensberger, Frederick

**DATE:**

02/20/88



2814

POOR QUALITY  
ORIGINAL

0011

WITNESSES:

*Off. Dugan*

Counsel,

Filed 20 day of Feb

188

Pleads

THE PEOPLE,

vs.

*B*

*Frederick Eckenburger*

Violation of Excise Law.

(Selling on Sunday, etc.)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and  
page 1989, Sec. 5.]

JOHN R. FELLOWS,

RANDOLPH B. MARSH,

District Attorney.

A True Bill.

*Wm. Woodruff*

*Feb 21/88*

*Perman.*

*Pleaded Guilty*

*Fined \$30.*

*pa*

POOR QUALITY  
ORIGINAL

00 12

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York,

I, Daniel Dyfan  
of No. 27 E. 12th Street,  
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 27 day  
of November 1887, in the City of New York, in the County of New York,  
at premises No. 174 East 126 Street,  
Frederick Ockersberg (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Frederick Ockersberg  
may be arrested and dealt with according to law.

Sworn to before me, this 28th day  
of November 1887

Daniel Dyfan

W. A. Wade Police Justice.



POOR QUALITY  
ORIGINAL

0013

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Julius C. Eckenberger* - being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h<sup>is</sup> right to  
make a statement in relation to the charge against h<sup>im</sup>; that the statement is designed to  
enable h<sup>im</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>im</sup>  
that he is at liberty to waive making a statement, and that h<sup>is</sup> waiver cannot be used  
against h<sup>im</sup> on the trial.

Question. What is your name?

Answer. *Julius C. Eckenberger*

Question. How old are you?

Answer. *19 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *35 East 119 Street 13 Years*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am guilty of the charge*  
*and demand a trial by*  
*jury*  
*Fred. Eckenberger.*

Taken before me this

day of

January

1887

Police Justice.

POOR QUALITY ORIGINAL

0014

2-17-

BAILED  
No. 1, by John Mitchell  
Residence 174 E 106 St  
Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street

Police Court-- 2/1/1971 District  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Samuel S. Green  
Samuel S. Green  
vs.  
Julius C. Green  
Dated Jan. 28 1887  
Offence Violation of Law  
Magistrate W. A. Wells  
Officer W. A. Wells  
Precinct 27  
Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
to answer 100  
\$ 100  
Police W. A. Wells

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 \_\_\_\_\_

Julius C. Green  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of one 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 Jan. 28 1887 W. A. Wells Police Justice.

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

Dated Jan 28 1887 W. A. Wells 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 \_\_\_\_\_ 1887 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

00 15

Nov 27 1030  
Fiberscope - per  
10 others in place  
side door facing entrance

---

Defendant there  
nothing to say

POOR QUALITY  
ORIGINAL

00 16

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs

against

*Frederick Eckenberger*  
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

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

*Daniel Bryan*

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

## SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

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

*John R. Feltow*  
**RANDOLPH B. MARTINE,**

District Attorney.



0017

**BOX:**

296

**FOLDER:**

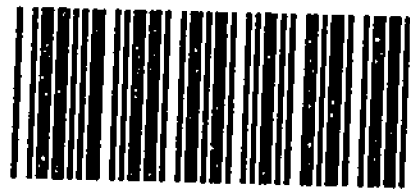
2814

**DESCRIPTION:**

Eckhardt, Henry

**DATE:**

02/10/88



2814

POOR QUALITY  
ORIGINAL

00 18

WITNESSES:

Counsel,  
Filed 10 day of July 1888  
Pleads *Guilty* (13)

THE PEOPLE,  
vs.  
B  
Henry Eckhardt  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and  
page 1989, Sec. 5.]  
Violation of Excise Law.

JOHN R. FELLOWS,  
RANDOLPH B. MARTINE,

District Attorney.  
Part III February 1888  
A True Bill  
Filed and Committed

*G. H. Martin*  
Foreman.  
10 days - City Prison -  
P.B.M.

POOR QUALITY  
ORIGINAL

00 19

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York, }

*David Cagney*  
of the 27 Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 22 day  
of January 1888, in the City of New York, in the County of New York,  
at premises No. 202 East 101. Street,

*Henry Eckhardt* (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said *Henry Eckhardt*  
may be arrested and dealt with according to law.

Sworn to before me, this 23 day  
of January 1888 } *David Cagney*

*John J. Hoffman* Police Justice.

POOR QUALITY  
ORIGINAL

0020

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

Henry Eckhardt 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. Henry Eckhardt

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. Germany

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

Answer. 250 East 104. Street 5 months

Question. What is your business or profession?

Answer. Solomon Keeper

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

Answer. I am not guilty and  
demand a trial by jury

Henry Eckhardt.

Taken before me this

23

day of

January

1888

John J. McMan

Police Justice.



POOR QUALITY  
ORIGINAL

0021

BAILED,

No. 1, by August H. McCracken  
Residence 137 East 92 St.

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

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

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

Police Court-- 51 District. 162

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Capony

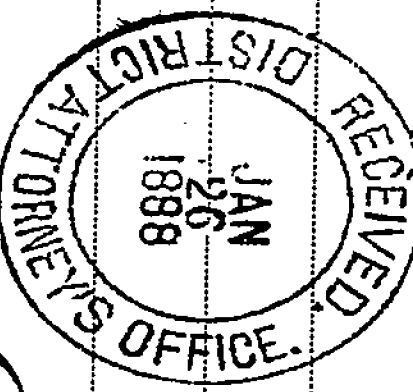
Henry Eckhardt

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence Robbery

Dated January 23 1888

John H. Newman Magistrate.  
Capony Officer.

Witnesses  
Officer H. Capony Precinct. 29  
Officer J. J. J. J. Street.



No. \_\_\_\_\_  
Street \_\_\_\_\_  
\$ 100 to answer.

Arthur

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

\_\_\_\_\_ defendant guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of one 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 January 23 1888 John H. Newman Police Justice.

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

Dated January 23 1888 A. J. White 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.

People

vs.

Excise -

Henry Eckhardt, { Selling on Sunday.

David Cagney

27<sup>th</sup> Precinct -

On Sunday Jan'y 22<sup>d</sup> 1888 at 2 P.M.  
at 202 E 10<sup>th</sup> St. Officer Degan

I entered the saloon by side door  
following a boy in. There was in  
the saloon beside defendant, a boy,  
a woman and a man. The  
defendant was behind the bar  
and had an apron on. I ~~see~~ heard  
a boy put a can on with a  
can ask for a pint of beer. The  
defendant gave him some in a  
can and the boy paid for it. I  
ordered 2 a glass of beer. Then  
defendant ordered me out and  
seized me by the coat and  
tried to eject me. I arrested him.  
He was unwilling to go. Officer Degan  
stood in the door and saw all this.

2-7-88.

POOR QUALITY  
ORIGINAL

0023

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs,

Henry Eckhard

*Selling on Sunday*

BRIEF OF FACTS.

For the District Attorney.

Dated *Feb 7* 1888.

*Wm. J. Fawcett*

Deputy Assistant.



POOR QUALITY  
ORIGINAL

0024

## Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs

against

*Henry Eckhardt*

Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

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

*David Cagney*

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

### SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

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

*John R. Fellows*  
**RANDOLPH B. MARTINE,**

District Attorney.



0025

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Eddington, John

**DATE:**

02/29/88



2814

0026

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Raihl, Peter

**DATE:**

02/29/88



2814

POOR QUALITY  
ORIGINAL

0027

No 501  
Counsel,  
Wm. H. McCarty  
Filed 29 day of Feb 1888  
Pleads, Both - Not Guilty (1)

Grand Larceny Second degree.  
[Sections 528, 531, Penal Code.]

THE PEOPLE

John Eddington  
Peter Bail

JOHN R. FELLOWS,

District Attorney.

A True Bill.

G. J. Evans Foreman.

Page III March 6/88

Both Plead  
Petit Larceny  
City Prison one month each  
Wm. H. McCarty



POOR QUALITY  
ORIGINAL

0028

No 501  
Counsel,  
Filed 29 day of Feb 1888  
Pleads, Both - Not Guilty (i)

Grand Larceny second degree.  
[Sections 528, 531, Penal Code].

THE PEOPLE

John Edgington  
Peter Bail

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

G. J. Ferris Foreman.

Page III March 6/88  
Both Plead  
Petit Larceny  
City Prison one month each  
March 1/88

Witness:  
J. M. McGee



POOR QUALITY  
ORIGINAL

0029

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

*Percy A. McGeorge*  
of No. *123 Chambers* Street, aged *37* years,  
occupation *Printer* being duly sworn

deposes and says, that on the *22nd* day of *February* 188*8* 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 :

*A quantity of electro type  
plates valued at one  
hundred and ~~forty~~ <sup>twenty</sup> dollars*

the property of

*Stevens House and  
in the sign and custody  
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 *Peter Raehl and John*

*Odington (both now here) for  
the reasons following to wit:  
deponent having from time  
to time been missing the plates  
from his printing establishment  
is informed by Officer Thomas  
Foley (now present) that when  
he Foley accused the said  
defendants (who are employed  
by deponent) of the larceny of  
said property, the said  
defendants admitted stealing  
the said property and informed  
said Foley when they had sold*

of  
188  
day

Police Justice

POOR QUALITY  
ORIGINAL

0030

the same. Reppens is informed by Michael De Muris (then present) that the said defendants came to his junk shop, and representing to the deponent that (De Muris) that the said plates were of no value to their employer as they were broken, and that their employer had fire them the same and the Muris bought some of said property from the defendants. Reppens has since seen the said property found in the possession of said De Muris and identifies the same as being the property which was feloniously taken, stolen, and carried away.

Sworn to before me }  
this 24<sup>th</sup> day of February } Perry A. M. George  
1881

J. J. O'Keefe

Police Justice

POOR QUALITY  
ORIGINAL

0031

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

*February* 188*8*

*W. D. O'Neil*  
Police Justice.



POOR QUALITY  
ORIGINAL

0032

Sec. 198-200.

District Police Court.

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

*Peter Raehl* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h*s right to  
make a statement in relation to the charge against *h*em; that the statement is designed to  
enable *h*em if *h*e see fit to answer the charge and explain the facts alleged against *h*em  
that *h*e is at liberty to waive making a statement, and that *h*e *is* waiver cannot be used  
against *h*em on the trial.

Question. What is your name.

Answer.

*Peter Raehl*

Question. How old are you?

Answer.

*15 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*326 Greenwich St. 3 years.*

Question. What is your business or profession?

Answer.

*Printer*

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 guilty*

*Peter Raehl*

Taken before me this

day of *February* 188*8*

*in presence of*  
Police Justice.

POOR QUALITY  
ORIGINAL

0033

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 45 years, occupation Police Officer of No.

5th Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Henry A. McGeorge

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

Sworn to before me, this 28th day of February 1888 Thomas Foley

[Signature]  
Police Justice.

POOR QUALITY  
ORIGINAL

0034

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Michael Dr Mann*  
aged *40* years, occupation *Iron dealer* of No.

*45 - Grand* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Leroy A. McGeorge*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *2nd* day of *February* 188*8*  
*Michael Dr Mann*  
*man.*

*L. J. Owe*  
Police Justice.



POOR QUALITY  
ORIGINAL

0035

BAILLED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by *Judwig Mayer*  
Residence *184 Franklin* Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court

District

347

THE PEOPLE, &c.,

vs. THE COMPLAINANT OF

*James C. McArthur*  
*123 Broadway*  
*John O'Donnell*  
*John R. Riecke*

Dated

*July 26* 188

Witnesses

No. \_\_\_\_\_

*Michael H. Morris*  
Street \_\_\_\_\_

No. \_\_\_\_\_

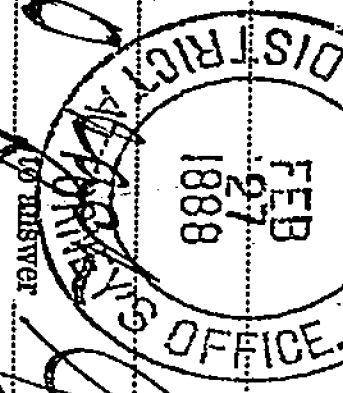
Street \_\_\_\_\_

No. \_\_\_\_\_

Street \_\_\_\_\_

\$ \_\_\_\_\_

Street \_\_\_\_\_



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 *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 *July 26* 188 *James C. McArthur* Police Justice.

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

88

Police Justice.

believe the within named \_\_\_\_\_

ilty of the offence within mentioned, I order h to be discharged.

38

Police Justice.

POOR QUALITY  
ORIGINAL

0036

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Peter Riad and  
John Richardson*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Peter Riad and John Richardson*

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

The said *Peter Riad and John  
Richardson, both*

late of the City of New York, in the County of New York aforesaid, on the *22nd*  
day of *February*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms,

*fifteen duplicate plates of the  
value of ten dollars each.*

of the goods, chattels and personal property of one *Artemus Ward.*

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.

*John P. Hallam,  
District Attorney*

0037

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Eggleston, Francis E.

**DATE:**

02/29/88



2814



0038

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Ellis, Walter C.

**DATE:**

02/29/88



2814

0039

**BOX:**

296

**FOLDER:**

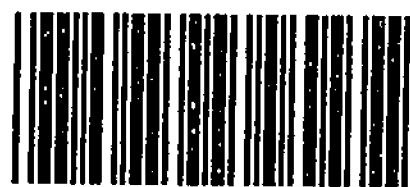
2814

**DESCRIPTION:**

Fisher, Tillman H.

**DATE:**

02/29/88



2814

0040

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Lee, John N.

**DATE:**

02/29/88



2814



POOR QUALITY  
ORIGINAL

0041

Witnesses;

In pursuance of the decision in  
similar case of Peo. vs Todd  
et al. 4. Law Journal Feb 5/99, I  
recommend the dismissal of  
this indictment.  
April 25/99.

V. M. Davis  
Att.

No. 280

Council, N.Y.C.

Filed 29 day of Feb 1888

Reads, W. W. G. G. G.

THE PEOPLE

GAMBLING HOUSE, &c.  
[Sections 343 and 385, Penal Code]

vs.  
Francis C. Eggleston  
Walter C. Ellis  
William H. Fisher  
John H. Lee

JOHN R. FELLOWS,  
District Attorney

A True Bill.

Wm. Woodruff  
Pr. Apr 20/99 2<sup>d</sup> Foreman.  
M. J. of Peo. vs. Woodruff  
recomm. on his ap-  
plication for new  
trial. See memo.  
by

POOR QUALITY  
ORIGINAL

0042

Sec. 198-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK. } ss.

*John M. Lee* 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. *John M. Lee*

Question. How old are you?

Answer. *36 years*

Question. Where were you born?

Answer. *Ill.*

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

Answer. *354 M 37<sup>th</sup> St. 1 1/2 years*

Question. What is your business or profession?

Answer. *Cluck*

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 M. Lee*

Taken before me this

day of

*John M. Lee*

Police Justice.

POOR QUALITY  
ORIGINAL

0043

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

Jacob Tallman 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. Jacob Tallman

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. Ill.

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

Answer. 441. E. Ave. 3 mos

Question. What is your business or profession?

Answer. Telegraph Operator

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  
Jacob Tallman

Taken before me this

day of

Police Justice.



POOR QUALITY  
ORIGINAL

0044

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

William H. Fisher 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 H. Fisher

Question. How old are you?

Answer.

44 years

Question. Where were you born?

Answer,

NY

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

Answer.

134 W 44 St. 1 room

Question. What is your business or profession?

Answer,

Clerk

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 H. Fisher

Taken before me this

day of

1888

Police Justice.

POOR QUALITY  
ORIGINAL

0045

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

Walter C. Ellis 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.

Walter C. Ellis

Question. How old are you?

Answer.

37 years

Question. Where were you born?

Answer,

Ill

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

Answer.

646 Fulton St. Brooklyn. 1 year

Question. What is your business or profession?

Answer,

Clk

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

Walter C. Ellis

Taken before me this

day of

188

Police Justice.

POOR QUALITY  
ORIGINAL

0046

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*John Parker* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer,

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

Answer.

Question. What is your business or profession?

Answer,

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

Answer.

Taken before me this

day of

188

Police Justice.



POOR QUALITY  
ORIGINAL

0047

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

Francis E. Eggleston 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.

Francis E. Eggleston

Question. How old are you?

Answer.

40 years

Question. Where were you born?

Answer,

IL

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

Answer.

400 West 45th St. 3 years

Question. What is your business or profession?

Answer,

Book Clerk.

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  
F. E. Eggleston

Taken before me this

day of

188

Police Justice.

0048

Dear Sir care of the  
the Edinburgh Post  
and Crickan the  
re-admitted to the  
St. Andrew's  
16/3.44

Residence ..

256  
District

THE PEOPLE, &  
ON THE COMPLAINT OF

Muller, C. Curious  
190 - H. H. H.  
H. H. H.  
Muller, C. Curious  
H. H. H.  
Muller, C. Curious  
H. H. H.  
Muller, C. Curious  
H. H. H.

D8

188

Magistrate

Very truly,  
Yours,  
Wm. H. C. O'Neil

00  
Precinct.

**Witnesses**

**NO**

1

**Street**

NO.

.....

Street

**NO**

**Abstract**

23

1

10

1

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 Agusda

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

Dated 16th of 12 1888 [Signature] Police Justice.

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

Dated September 17 1888 [Signature] 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*



State of New York  
County of New York ss.:

Charles L. Lawrence

being duly sworn deposes and says: that he resides at no 169 West 49<sup>th</sup> Street in the city of New York. that his business is that of a commission broker in stocks. that he has transacted business as agent and representative of the so called Standard Stock Co. Limited, that the room which is occupied by the so called Standard Stock Co at no 38 New Street for alleged transactions in stocks, is kept for such purposes by the following named persons: Charles J. Doxey, Thomas D. F. Carter, Frank E. Eggleston, John Parker, Fred W. Redden, and William H. Durbin, and Walter Ellis: that the real proprietors are Charles J. Doxey and Thomas D. F. Carter, that deponent has been dealing with them for two years and knows that they are the real persons in interest and the other persons



POOR QUALITY  
ORIGINAL

0050

above named are engaged in aiding  
and assisting them in the said  
alleged transactions in stocks.

Sworn to before me

11th 9<sup>th</sup> day of February 1888

J. J. Dargun

Notary Public

Kings County.

Certificate filed in New York County

Affiant of

Charles L. Lawrence

POOR QUALITY  
ORIGINAL

0051

Police Court

Sec. 151.

Police Court 2 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 William A. Cooney

of No. 40 W. 11th St. New York City Street, that on the 7 day of February  
1888 at the City of New York, in the County of New York,

W. A. Cooney, J. D. Bittin, E. G. Eggleston,  
John T. Baker, Frederick W. Redding,  
W. H. Edwards, N. C. Ellis, J. H. Fisher,  
J. Tallman, John Lee, and a large number in person  
do hereby certify that the said defendant is guilty of  
being a gambler in violation of  
Section 343 of the Penal Code of the State of  
New York.

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 2 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 11 day of February 1888

A. White POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0052

STATE OF NEW YORK  
City and County of New York } SS:-

POLICE COURT

22 DISTRICT.

THE PEOPLE OF THE STATE OF NEW YORK

against

C T. Doxey X

T D Critten X

E *James* G. Eggleston ✓

John Parker ✓

Frederick W. Redding X

W N Durbin X

W *alter* C Ellis ✓

T *ilman* H Fisher ✓

J *acob* Thalman ✓

*John N* Lee (whose true christian name is unknown) ✓

WILLIAM A. COCKEIN of No.

*190 4<sup>th</sup>* Street, *near City* being duly sworn de-

poses and says. That, on the seventh day of February 1888,

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

T. Doxey, T D. Critten, E G. Eggleston, John

Parker, Frederick W. Redding, W N. Durbin, W C.

Ellis, T H. Fisher, J Thalman, and

Lee, whose true Christian name is unknown to deponent, but

who can be identified by him, did keep a room at No. 38

New Street, in the City of New York, to be used for gam-

bling.

Deponent further says that in pursuance to



instructions given him by Thomas Byrnes, Esq., an Inspector of Police in the City of New York, on the seventh day of February 1888, he went to said room at No. 38 New Street, in said City and found therein a large number of persons.

Deponent further says that there were two blackboards affixed to the walls of said room on opposite sides thereof; that from time to time the said Ellis called aloud certain words and figures purporting to be quotations of stocks, and that as he called the said quotations of stocks the same were placed upon said blackboard.

And deponent further says that the said persons whom, upon his entrance to said room, he found therein were engaged in listening to said calls by said Ellis, and in observing said pretended quotations as they from time to time appeared upon said blackboard.

And deponent further says that having entered said room, and having observed said blackboards, at ten o'clock and fifty-eight minutes on said day he signed a paper which pretended to be an order to sell ten shares of an alleged stock called Northwest at 108 1/8 or 108 net, the said 108 1/8 being the last quotation of said stock which appeared upon said Blackboard.

Deponent further says that thereupon he handed said paper together with Ten Dollars in lawful money of the United States to said Ellis and received from the

**POOR QUALITY  
ORIGINAL**

0054

said Lee in return therefor a paper of which the following is a copy:

No.

February 7th, 1888.

For value received, Mr. W. A. Cockein, or bearer, may deliver to us ten shares of N. W. stock at 108, any time within ninety days from this date, provided delivery is made before price of same has advanced to 109 at the New York Stock Exchange. 24 hours notice before delivery is made.

The Standard Stock Company, limited, solicits and will receive no business except with the understanding that the actual delivery of property bought or sold upon orders is in all cases contemplated and understood. Recd payment.

STANDARD STOCK COMPANY: limited.

And deponent further says that subsequently, and at eleven o'clock and thirty minutes of the same day, when said alleged stock known as Northwest was quoted and recorded upon the blackboards as selling at 108 at the New York Stock Exchange, the deponent handed the said writing to said Ellis, and received in return from said Fisher the sum of Ten Dollars.

And deponent further says that subsequently, and at one o'clock and thirty minutes of the same day he signed a paper which pretended to be an order to sell five shares of an alleged stock called W. U. at 78 1/2 or 78 3/8 net, the said 78 1/2 being the last quotation of said stock which appeared upon said blackboard.

And deponent further says that thereupon he handed said paper with Five Dollars in lawful money of the United



**POOR QUALITY  
ORIGINAL**

0055

States to said Eggleston, and received from said Lee in return a paper of which the following is a copy:

No. 8214.

Time,

February 7th, 1888.

For value received Mr. W. A. Cockein, or bearer, may deliver to us 5 shares of W. U. stock at 78  $\frac{3}{8}$  any time within ninety days from this date, provided delivery is made before price of same has advanced to 79  $\frac{3}{8}$  at the New York Stock Exchange. 24 hours notice before delivery is made.

The Standard Stock Company, limited, solicits and will receive no business except with the understanding that the actual delivery of property bought or sold upon orders is in all cases contemplated and understood.

STANDARD STOCK CO. (Limited).

And deponent further says that subsequently, and at two o'clock and forty-three minutes of the same day, when said alleged stock known as W. U. was quoted and recorded upon the blackboard as selling at 78  $\frac{1}{4}$  at the New York Stock Exchange, the deponent surrendered the said writing and received in return from said Fisher the sum of Five Dollars and sixty two cents.

And deponent further says that during the time when he was in said room he saw numbers of persons filling out similar papers, delivering the same together with money, and receiving in return therefor papers similar to those which the deponent received, together with various sums of money.

And deponent says that he did not deliver



**POOR QUALITY  
ORIGINAL**

0056

nor receive any stock, nor was he asked for any stock by any person. Nor did he see any stock delivered to or received by any of the persons engaged in transactions similar to those in which deponent engaged, but that the whole business then and there conducted was in receiving orders and money and closing the transactions according to the fluctuations of the market made for stocks by the New York Stock Exchange, as from time to time they appeared upon said blackboard.

And deponent further says that he had no intention to buy or sell any stock, and that he does not believe that the said C. T. Doxey, T. D. Critten, E. G. Eggleston, John Parker, Frederick W. Redding, W. N. Durbin, W. C. Ellis, T. H. Fisher, J. Thalman, or Lee, whose true christian name is unknown, had any intention to sell or buy any stock, but to settle differences on the fluctuations of the stock market as they appeared upon said blackboard.

And deponent further says that as far as he was able to observe, the whole transactions carried on at the place aforesaid by the parties aforesaid was the settlement of differences upon orders to buy and sell stock according to the fluctuations of the market for stock made by the New York Stock Exchange, as from time to time they appeared upon said blackboard, without any intention on the part of the persons so engaged to deliver or receive any stock.

And this deponent on information and belief further

charges that C T. Doxey, T D. Critten, E C  
Eggleston, John Parker, Frederick W. Redding, W N Durbin  
W. C. Ellis, T H Fisher, J Thalman and

Lee whose true Christian name is unknown,  
are the persons engaged in using said room for the gam-  
bling aforesaid.

WHEREFORE deponent charges that the said C T.  
Doxey, T D Critten, E C. Eggleston, John Parker,  
Frederick W. Redding, W N. Durbin, W C. Ellis, T  
H. Fisher, J Thalman and Lee whose true  
Christian name is unknown, then and there kept said room  
for making bets and wager contracts upon the fluctuations  
of stock as they appeared upon said blackboard and for  
gambling in violation of Section 343 of the Penal Code  
of the State of New York.

WHEREFORE deponent prays that a warrant may issue  
against said persons and that they may be dealt with ac-  
cording to law.

SUBSCRIBED AND SWORN TO BEFORE ME :

THIS 11<sup>th</sup> DAY OF FEBRUARY 1888.

: Wm A. Cochrane

*A. J. White*  
*Prosefessor*

POOR QUALITY  
ORIGINAL

0058

C. G. BURGYN'S "QUICK" PRINT, 146-150 CENTRE STREET.

Court of *General Session*

CITY AND COUNTY OF NEW YORK.

The People of the State of New York,  
against

*Tellman H. Fisher*

Indicted for the Misdemeanor of.....

I, the undersigned *Tellman H. Fisher* the above-named Defendant,  
hereby retain, employ and authorize WILLIAM F. HOWE and ABRAHAM H. HUMMEL, Attorneys and  
Counselors at Law, to appear for me, on my behalf and in my place and stead, in the Courts of Oyer  
and Terminer and General Sessions of the Peace, to be holden in and for the City and County of New  
York, in the above-entitled action, and the matter of the indictment now pending against me in said  
Court of *General Session* for the Misdemeanor of.....

I do hereby expressly authorize my said Attorneys, or either of them, to appear for me in said Courts of  
Oyer and Terminer and General Sessions of the Peace as my duly authorized Attorney and Attorneys for  
that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial  
thereof in the said Courts of Oyer and Terminer and General Sessions, and to proceed with the trial  
thereof in said Courts of Oyer and Terminer and General Sessions, in my place and stead, and in  
my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally  
present at said trial.

Dated this

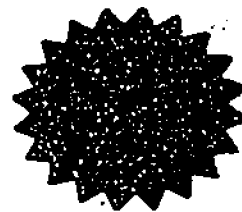
*17*

day of

*February*

188*8*

*Tellman H. Fisher*





POOR QUALITY  
ORIGINAL

0059

STATE OF NEW YORK,  
City and County of New York, } ss.:

On this 17 day of February in the year one thousand eight hundred and eighty-before me personally appeared the within-named William H. Fisher known to me, and to me known to be the individual described in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned and described.

*Joseph H. Moore*  
Commissioner of Deeds  
*My sig*

Court of Sessions

MISDEMEANOR.

THE PEOPLE, &c.,  
against

*William H. Fisher*

AUTHORITY TO APPEAR WITH WAIVER

[Section 297, Code of Criminal Procedure].

HOWE & HUMMEL,

Attorneys for Defendant,

POOR QUALITY  
ORIGINAL

0060

C. G. BURGON'S "QUICK" PRINT, 140-150 CENTRE STREET.

Court of *General Sessions*

CITY AND COUNTY OF NEW YORK.

The People of the State of New York,  
against

*Francis E. Eggleston*

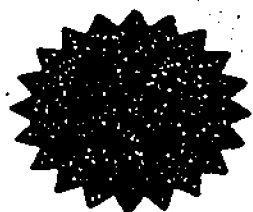
Indicted for the Misdemeanor of.....

I, the undersigned *Francis E. Eggleston* the above-named Defendant, hereby retain, employ and authorize WILLIAM F. HOWE and ABRAHAM H. HUMMEL, Attorneys and Counselors at Law, to appear for me, on my behalf and in my place and stead, in the Courts of Oyer and Terminer and General Sessions of the Peace, to be holden in and for the City and County of New York, in the above-entitled action, and the matter of the indictment now pending against me in said Court of *General Sessions* for the Misdemeanor of.....

I do hereby expressly authorize my said Attorneys, or either of them, to appear for me in said Courts of Oyer and Terminer and General Sessions of the Peace as my duly authorized Attorney and Attorneys for that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial thereof in the said Courts of Oyer and Terminer and General Sessions, and to proceed with the trial thereof in said Courts of Oyer and Terminer and General Sessions, in my place and stead, and in my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally present at said trial.

Dated this *14<sup>th</sup>* day of *February* 188*8*

*Francis E. Eggleston*



POOR QUALITY  
ORIGINAL

0061

STATE OF NEW YORK,  
City and County of New York, } ss.:

On this 17<sup>th</sup> day of February in the year of one thousand eight hundred and  
eighty-eight before me personally appeared the within-named Francis E. Eggleston  
known to me, and to me known to be the individual described in and who executed the above instru-  
ment, and acknowledged that he executed the same for the uses and purposes therein mentioned and  
described.

*Joseph Amos*  
Commissioner of Deeds  
*my off*

*Court of General Sessions*

MISDEMEANOR.

THE PEOPLE, &c.,  
against

*Francis E. Eggleston*

AUTHORITY TO APPEAR WITH WAIVER

[Section 297, Code of Criminal Procedure].

HOWE & HUMMEL,

Attorneys for Defendant,



POOR QUALITY  
ORIGINAL

0062

C. G. BURGONNE'S "QUICK" PRINT, 145-150 CENTRE STREET.

Court of *General Sessions*  
CITY AND COUNTY OF NEW YORK.

The People of the State of New York,  
against

*Walter C. Ellis*

Indicted for the Misdemeanor of.....

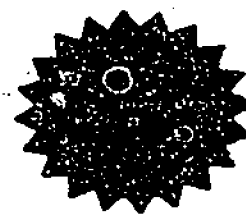
I, the undersigned *Walter C. Ellis* the above-named Defendant,  
hereby retain, employ and authorize WILLIAM F. HOWE and ABRAHAM H. HUMMEL, Attorneys and  
Counselors at Law, to appear for me, on my behalf and in my place and stead, in the Courts of Oyer  
and Terminer and General Sessions of the Peace, to be holden in and for the City and County of New  
York, in the above-entitled action, and the matter of the indictment now pending against me in said  
Court of *General Sessions* for the Misdemeanor of.....

I do hereby expressly authorize my said Attorneys, or either of them, to appear for me in said Courts of  
Oyer and Terminer and General Sessions of the Peace as my duly authorized Attorney and Attorneys for  
that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial  
thereof in the said Courts of Oyer and Terminer and General Sessions, and to proceed with the trial  
thereof in said Courts of Oyer and Terminer and General Sessions, in my place and stead, and in  
my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally  
present at said trial.

Dated this

*19<sup>th</sup>* day of *February* 188 *8*

*Walter C. Ellis*



POOR QUALITY  
ORIGINAL

0063

STATE OF NEW YORK,  
City and County of New York, } ss.:

On this 17 day of February in the year one thousand eight hundred and eighty eight before me personally appeared the within-named Walter C. Ellis known to me, and to me known to be the individual described in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned and described.

*Joseph J. Moore*  
Commissioner of Deeds  
City of New York

Court of General Sessions

IN SENATE

THE PEOPLE, &c.,  
against

*Walter C. Ellis*

AUTHORITY TO APPEAR WITH WAIVER

[Section 297, Code of Criminal Procedure].

HOWE & HUMMEL,

Attorneys for Defendant,

POOR QUALITY  
ORIGINAL

0064

C. G. BURGONNE'S "QUICK" PRINT, 146-150 CENTRE STREET.

Court of

*General Sessions*

CITY AND COUNTY OF NEW YORK.

The People of the State of New York,  
against

*John N. Lee*

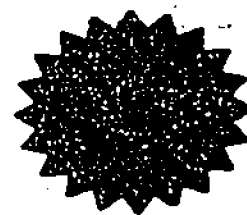
Indicted for the Misdemeanor of.....

I, the undersigned *John N. Lee* the above-named Defendant,  
hereby retain, employ and authorize WILLIAM T. HOWE and ABRAHAM H. HUMMEL, Attorneys and  
Counselors at Law, to appear for me, on my behalf and in my place and stead, in the Courts of Oyer  
and Terminer and General Sessions of the Peace, to be holden in and for the City and County of New  
York, in the above-entitled action, and the matter of the indictment now pending against me in said  
Court of *General Sessions* for the Misdemeanor of.....

I do hereby expressly authorize my said Attorneys, or either of them, to appear for me in said Courts of  
Oyer and Terminer and General Sessions of the Peace as my duly authorized Attorney and Attorneys for  
that purpose, and to plead for me not guilty to said indictment, and to appear for me on the trial  
thereof in the said Courts of Oyer and Terminer and General Sessions, and to proceed with the trial  
thereof in said Courts of Oyer and Terminer and General Sessions, in my place and stead, and in  
my absence on the trial of the said indictment, and I hereby expressly waive my right to be personally  
present at said trial.

Dated this *17* day of *February* 188*8*

*John N. Lee*





POOR QUALITY  
ORIGINAL

0065

STATE OF NEW YORK,  
City and County of New York, } ss.:

On this 17 day of February in the year one thousand eight hundred and  
eighty Eight before me personally appeared the within-named John N. Lee  
known to me, and to me known to be the individual described in and who executed the above instru-  
ment, and acknowledged that he executed the same for the uses and purposes therein mentioned and  
described.

Joseph T. Moore  
Commissioner of New York  
City

Court of General Sessions

MISDEMEANOR.

THE PEOPLE, &c.,  
against

John N. Lee

AUTHORITY TO APPEAR WITH WAIVER

[Section 297, Code of Criminal Procedure].

HOWE & HUMMEL,

Attorneys for Defendant,

POOR QUALITY  
ORIGINAL

0066

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*Francis R. Rapperton, John N. See, Walter R. Ellis, William M. Xindner, Rhoades E. Day and F. D. Ritten* <sup>against</sup>

The Grand Jury of the City and County of New York, by this indictment, accuse *Francis R. Rapperton, Walter R. Ellis, William M. Xindner, John N. See, Rhoades E. Day and F. D. Ritten* of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed as follows:

(Sec. 343,  
Penal Code.)

The said *Francis R. Rapperton, Walter R. Ellis, William M. Xindner, John N. See, Rhoades E. Day and F. D. Ritten*, all late of the *First* Ward of the City of New York in the County of New York aforesaid, on the *seventh* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*eight*, and on divers other days and times as well before as after, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there situated, to be used for gambling, 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. (Sec. 343 Penal Code).

And the Grand Jury Aforesaid, by this indictment further accuse the said *Francis R. Rapperton, Walter R. Ellis, William M. Xindner, John N. See, Rhoades E. Day and F. D. Ritten* of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING committed as follows:

The said *Francis R. Rapperton, Walter R. Ellis, William M. Xindner, John N. See, Rhoades E. Day and F. D. Ritten*, all late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building, there situate, to be used for gambling, to wit: for the purpose of therein making, and causing and procuring suffering, and permitting to be made, bets and wagers upon the future market prices of stocks and valuable securities, and of commodities and other property, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

POOR QUALITY  
ORIGINAL

0067

THIRD COUNT. (Sec. 385 Penal Code).

And the Grand Jury Aforesaid, by this indictment, further accuses the said *Francis R. Eggleston, Walter R. Ellis, Edmond M. Kildner, and John W. See, Defendants* of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Francis R. Eggleston, Walter R. Ellis, Edmond M. Kildner, John W. See, Defendants*, all late of the Ward, City and County, aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house, there situate, for *their* lucre and gain, unlawfully and injuriously did keep and maintain; and in *their* said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, gambling together and making bets and wagers upon the future market prices of stocks and valuable securities, and of commodities and other property, in the common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said *Francis R. Eggleston, Walter R. Ellis, Edmond M. Kildner, John W. See, Defendants* there did gamble together and make divers such bets and wagers, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the statute in such case made and provided, and against the peace and dignity of the people of the State of New York.

JOHN R. FELLOWS,

District Attorney.



0068

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Elliott, Frank

**DATE:**

02/20/88



2814

0069

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Elliott, Frank

**DATE:**

02/20/88



2814

WITNESSES:

Off. McConach

Counsel,

Filed 20 day of July 1888

Pleads Charged

THE PEOPLE,

vs.

B

Frank Elliott

25<sup>th</sup>

461 2000

Violation of Excise Law.

(Bollington Sunday Law, page 1983, Sec. 21, and page 1989, Sec. 5.)

JOHN R. FELLOWS.

RANDOLPH B. MARINE,

Pr. Feb. 5/88

District Attorney.

Transferred by the Board of the  
Defendant to the D.D. for trial -

A TRUE BILL

Wm. Wood

Foreman.

0070



0071

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*  
*against*

*Frank Elliott*  
*Defendant.*

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

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

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

## SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

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

*John R. Fellows*  
**RANDOLPH B. MARTINE,**

District Attorney.

0072

**BOX:**

296

**FOLDER:**

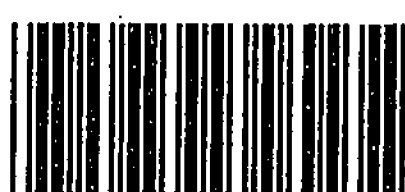
2814

**DESCRIPTION:**

Emory, Charles

**DATE:**

02/17/88



2814

POOR QUALITY  
ORIGINAL

0073

Witnesses:

*Off. Sheridan*

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

*Charles Emory*

ASSAULT IN THE THIRD DEGREE

(Section 219, Penal Code)

JOHN R. FELLOWS,

District Attorney.

A True Bill

Foreman.

*Paul H. Welch & ss*

*Mich. 12. Part II. Jail*

*Pr. Mich 16. 1888.*

*Ind. acquitted.*



POOR QUALITY  
ORIGINAL

0074

Police Court— 8 District.

CITY AND COUNTY } ss,  
OF NEW YORK, }

Charles P. Sheridan  
of No. 13 Presbyterian Police Street, aged 26 years,  
occupation Police Officer being duly sworn, deposes and says, that  
on the 12 day of February 1888 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by Charles Emery

Nawhere who seized violently and  
a hold of deponent by the throat and  
bitten him in the face with his  
teeth deponent was assaulted

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 13

day of February 1888

Charles P. Sheridan

J. D. Matthews

Police Justice.

POOR QUALITY  
ORIGINAL

0075

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

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

Question. What is your name.

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*Charles Emery*

Taken before me this

13

day of *February* 188*8*

*John J. Williams*  
Police Justice.

POOR QUALITY  
ORIGINAL

0075

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

32  
Police Court-268  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Henry  
137 West  
137 West

4  
3  
2  
1  
Offence \_\_\_\_\_

Dated February 13 188

Officer \_\_\_\_\_  
Magistrate.

Officer \_\_\_\_\_  
Precinct.

Witness \_\_\_\_\_  
Street.

No. \_\_\_\_\_  
Street.

No. \_\_\_\_\_  
Street.

\$ 500 to answer \_\_\_\_\_  
Street.

\_\_\_\_\_

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 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 February 13 188 \_\_\_\_\_ 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 \_\_\_\_\_ guilty of the offence within mentioned, I order he to be discharged.

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



POOR QUALITY  
ORIGINAL

0077

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 Emery*

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

*Charles Emery*

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

The said

*Charles Emery*

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

JOHN R. FELLOWS,

~~District Attorney.~~

POOR QUALITY  
ORIGINAL

0078

Second COUNT. [Sec. 280, N. Y. City Consolidation Act of 1832.]

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

*Charles F. Schindler*

of the CRIME OF USING PERSONAL VIOLENCE UPON A MEMBER OF THE POLICE FORCE, WHEN IN THE DISCHARGE OF HIS DUTY, WITHOUT JUSTIFIABLE OR EXCUSABLE CAUSE, committed as follows :

The said *Charles F. Schindler*

late of the City and County aforesaid, afterward, to wit : on the day and in the year aforesaid, at the

City and County aforesaid, with force and arms, in and upon one *Charles F. Schindler*,

being then and there a member, to wit : a *patrolman* of the

police force of the City of New York, and then and there being in the discharge of his duty as such

*patrolman*, unlawfully did make an assault, and did then and there unlawfully,

wilfully and without justifiable or excusable cause, use personal violence upon the said

*Charles F. Schindler*, so being in the discharge of his duty as aforesaid, and him the said *Charles F. Schindler*,

did then and there unlawfully and wilfully strike, beat, wound and illtreat ; against the form of the

Statute in such case made and provided, and against the peace of the People of the State of New

York, and their dignity.

JOHN R. FELLOWS,  
RANDOLPH B. MARTINE,

DISTRICT ATTORNEY.

0079

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Engesser, Andrew

**DATE:**

02/09/88



2814



POOR QUALITY  
ORIGINAL

0000

Witnesses:

Counsel,

Filed,

Pleads,

9 day of May 1888

Chargenly clerk 1/2

THE PEOPLE,

vs.

B

Andrew Engesser

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
(III Rev. Stat. (7th Edition), page 1089, Sec. 6)

JOHN R. FELLOWS,

RANDOLPH B. MARSHALL,

Pr. Apr 15/88 District Attorney.  
Transferred to Ct. of S.S. for  
trial by consent.  
A True Bill.

Glystam

Foreman.

**POOR QUALITY  
ORIGINAL**

0001

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

*against*

*Andrew Engesser*

*Defendant.*

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

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

*John R. Fellows,*

~~RANDOLPH B. MARTINE~~, District Attorney.

0082

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

English, James

**DATE:**

02/07/88



2814



0083

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Foley, John K.

**DATE:**

02/07/88



2814

0084

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Hughes, John J.

**DATE:**

02/07/88



2814

POOR QUALITY  
ORIGINAL

0085

Witnesses:

J Mc Gray  
Off Gohl

Counsel,

Filed

Pleads,

Day of Feb 1888  
City of Chicago (P)

THE PEOPLE

vs.

Assault in the Second Degree.  
(Section 218, Penal Code).

James English  
John H. Foley  
John J. Hughes

JOHN R. FELLOWS,

Defendant's Attorney.

Not true & convicted case 304  
will come to many.

A TRUE BILL.

Supp't suspended.  
W. J. Owen  
Foreman.

P. 2. Boy 12/88  
Indictment as to Nov 12  
13 did not get there  
discharged.

Feb 24 1888. From an examination  
of the case against Foley & Hughes  
I am convinced that the  
evidence for the people is not  
sufficient to procure a  
conviction & recommend their  
discharge.  
A. D. Macdonald



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

The People of the State of New York  
vs  
James English.

State of New York  
City & County of New York.

Deffert Defferts of said City  
being duly sworn doth depose & say.

That he is the Superintendent in  
The Jordan & Matt Enamel Works at  
Matt Haven, N.Y. City. That he is & has  
been for the past three years personally  
acquainted with James English (who was  
at the time of his arrest on this charge employed  
at said work) And that he has at all times  
found the said English to be an honest  
 sober, quiet and industrious young man.

Sworn to before me this  
27<sup>th</sup> day of Feb. 1888.  
Daniel L. Conway

Deffert Defferts

Notary Public  
N.Y.C.

Court of General Sessions of the Peace  
of the City & County of New York

The People of the State of New York.

vs  
James English

State of New York

City & County of New York:-

Michael M<sup>c</sup>Geary of said City  
being duly sworn says. that he is the  
Foreman in the Jordan L. Matt. Enamel  
Work at Matt Haren in said City. that he  
is & has been for the last three years per-  
sonally acquainted with James English  
above named. that the said English during  
the above mentioned time worked under the  
deponent at the above place.

That this deponent has at all times  
found said English to be an honest. Quiet  
sober industrious & hard working young  
man.

Sworn to before me this  
25<sup>th</sup> day of Feb 1888.

M<sup>c</sup>Geary

David J. Lanning  
Notary Public  
N.Y.C.



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

The People of the State of New York. }  
vs }  
James English. }

State of New York  
City and County of New York:-

John Hollender of said  
City being duly sworn doth depose and say.  
That he is Shipping clerk in the Jordan L.  
Matt. Emanuel Works, at 137<sup>th</sup> St + 3<sup>d</sup> Ave in  
said City - that he is personally acquainted  
with James English above named and  
has been for the past ten years; that  
during that time deponent has always  
found the said English to be an honest  
sober, quiet and industrious young man.  
and has so far as deponent has been able  
to ascertain from persons acquainted with  
said English and from deponents own per-  
sonal knowledge always borne a first class  
character in the vicinity where said  
English resides

Sworn to before me this  
24<sup>th</sup> day of Feb'y 1888.

J. Hollender  
David F. Trayner  
Mayor  
N. Y. C.



POOR QUALITY  
ORIGINAL

0089

Court of General Sessions of the Peace  
of the City & County of New York

The People of the State of New York

vs  
James English.

State of New York

City & County of New York:-

John Cosgrove of No 673  
East 153<sup>rd</sup> St in said City being duly sworn  
says. I am & have been for the past 8 years  
personally acquainted with James English  
above named. And that during that time  
I have at all times found him to be an  
honest, quiet, sober and industrious young  
man.

Sworn to before me this  
day of Feb'y 1888.

Court of General Sessions of the Peace  
of the City & County of New York

The People of the State of New York

vs.

James English

State of New York

City & County of New York do:—

Patrick M<sup>c</sup> Cormick of  
3<sup>rd</sup> Ave & 138<sup>th</sup> St in said City being  
duly sworn deposes and says: I am  
and have been for the past 5<sup>th</sup> years  
personally acquainted with James English  
above named and during that time have  
met him very often and that I have at all  
times found him to be an honest, quiet,  
sober and industrious young man, and  
that he has so far as I know from my  
own personal knowledge & from persons also  
acquainted with him borne a first class  
character & reputation in the neighborhood  
wherein he has resided.

Sworn to before me this  
25<sup>th</sup> day of Feb<sup>y</sup> 1888

J. P. McCarroll

David F. Lanning

Notary Public  
N.Y.C.

POOR QUALITY  
ORIGINAL

0091

My Court of Genl Sessions  
of the Peace

The People &c

vs

James English

Applicants as to  
Afto Character.



POOR QUALITY  
ORIGINAL

0092

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York.

-----x  
The People :  
vs. : Before  
James English : Hon. Henry A. Gildersleeve  
Indicted for Assault in the : and a Jury  
Second Degree. :  
Indictment filed, January, 1888. :  
-----x

Tried February 24th, 1888.

APPEARANCES:

Assistant District Attorney Macdona for the People;  
Edmund F. Price for the Defence.

-----  
JOHN McEvoy, the complainant, testified that  
he was a bar tender at the corner of 135th street  
and Third avenue. The number of the saloon was

**POOR QUALITY  
ORIGINAL**

0093

2

2465 Third avenue. On the 2nd of January, 1888, he saw the defendant in the saloon at the corner of 135th street and Third avenue. The men, English, John Hughes, and a friend named Foley came there at about 9 o'clock in the evening. There were three or four other men in the saloon at the time. The other two men in the saloon were John Gleeson and Bernard Henness. Henness and Gleeson stepped up to the bar and called for a drink, and before he, the complainant, had time to wait upon them, Hughes came up and struck Henness, and English came up and struck him and knocked him down, and kicked him when he was down. He, the complainant, had not heard and conversation between them previous to the assault. He was about to serve them when Henness was knocked down. All three struck him--English, Foley and Hughes. He, the complainant interfered and picked up Henness. He, the complainant, stood at the end of the bar at the time. He picked up

POOR QUALITY  
ORIGINAL

0094

3

Hennes and pulled him to the end of the bar. English said that, if he, the complainant, didn't let Hennes go, he would go behind the bar. He the complainant, stood at the end of the bar right alongside Hennes, and English and his two friends stood together. He, the complainant shoved them back and stood Hennes up behind the bar. He told English and his friends not to strike Hennes, and the picked up two glasses and smashed them on the ice box near where he, the complainant stood. The icebox was at the end of the bar. They threw the glasses at Hennes. Then English went to the bar and took up the spice stand, which stood at the top of the bar. The glasses were thrown both at Hennes and at him, the complainant, but didn't strike either of them. He, the complainant, was at the time behind the bar, and English was on the outside. He, the complainant, left Hennes at the end of the bar and walked towards the centre of the bar, and English struck



POOR QUALITY  
ORIGINAL

0095

4

him, the complainant on the side of the head. with  
the spice stand and knocked him down. He struck,  
him, the complainant, on the <sup>left</sup> side of the head .  
His skull was fractured. He was struck with the  
bottom part of the stand--the plate glass part.  
He fell down and didn't recover consciousness  
for about five minutes. He had to be carried out  
of the saloon. His head took five weeks to heal  
up.

-----

UNDER CROSS--EXAMINATION, he testified that  
Gleeson was a barber on the corner of Third avenue  
and 135th street. Henness worked in Mott's  
foundry. He was not a "thrower out." He had  
never known him to be in trouble, and he had known  
him for two years. He worked every day. The  
three men came in together. They walked right up  
to the bar and called for a drink of mixed ale.  
He, the complainat, had been working in the saloon

5

about two years. He, the complainant, didn't have a club. There was one behind the bar, but he didn't see it. He didn't strike Foley on the back of the head with the club and cut his head open. We heard Foley say that he was struck from behind. He, the complainant, didn't go from behind the bar at all. He only went from the end of the bar to the place where Henness was knocked down and beaten. There was a man called "Dummy" in the store when the fight started. "Dummy" didn't go up to the bar for the men to treat him while they were drinking.

-----

JOHN GLEESON, a new witness, testified that he was a barber and lived at 135th street and Third avenue. He was in McEvoy's saloon on the night of January 2nd, 1888, between eight and nine o'clock. He saw the prisoner at the bar

**POOR QUALITY  
ORIGINAL**

0097

6

there. He was in the saloon when the witness entered. He was standing near the stove. He, witness went into the saloon with Henness-a friend of his. When they entered they saw the defendant and his two friends, who appeared to have been drinking. He, the witness, and Henness went in to get a glass of beer. English was standing at the stove, with his back to the stove. He saluted English when he went in. He went up to the bar and got a glass of beer. English was alone at the time. The other two men were in the saloon at the time. He knew them by sight, but the first thing he, witness, knew was that the three men were pitching on to Henness, and had him down on the floor, and they were pounding him and kicking him, and McEvoy came around and says to me, "They will kill him. Let us get him out of that." So he and McEvoy got Henness up, and ran him behind the counter into the office and out of the way. Then the three men tried to



**POOR QUALITY  
ORIGINAL**

0098

7

get into the office. There is an entrance to the office behind the bar. He, the witness, had had no conversation with the men, and they said nothing to Henness or himself before the attack on Henness was made. When they first went in and asked for a glass of beer for Henness and himself they were standing at the bar, and then a rough and tumble fight began, and they were parted and it was all settled, and Henness said to him, the witness, "we didn't come down here for a fight. But may be a year from to-day, we don't know where we will be, and let us have a glass of beer." Before he, the witness, got his glass of beer, Foley smashed Henness in the face, and they had another fight, and he, the witness and McEvoy took Henness and ran him behind the counter, and then the bottles began to fly, and he, the witness, thought it was time to get out. He had stood long enough to get a blow on the head. He

8

went around to the door and got Henness out and ran him into the house through the side door. He, the witness, didn't see McEvoy struck.

-----

UNDER CROSS--EXAMINATION, he testified that when he went in, English and his friends were playing "the racket." They were fooling with an ol "dummy." They were having fun with him. They were boxing with him, and ciffing at him. He saw nobody with a club in his hand at any time. When Henness was knocked down he was right beside the witness, and the witness was in front of the bar. The soda water bottles were flying around. He didn't know where they came from. He didn't see Foley get cut on the head. He didn't cut anybody.

-----

BERNARD HENNESS testified that he was employed in Jordan L. Mott's iron foundry. He

testified to the same effect as the preceeding witness.

-----

ELLEN O'ROURKE testified that she lived on  
E. Third Avenue, at No. 2465. Her rooms were si-  
tuated over the saloon in which the assault was  
committed. She, the witness, heard a noise and a  
fight down stairs, and went down and looked in at  
the bar-room door. When she looked in Hughes  
was turning out the light, and so went in behind  
the bar to take the money up, and he ran at her  
and said "I will kill you, you son of a bitch."  
She saw English in the bar-room at the time.  
She did see him strike McEvoy. English picked  
up the spice castor and fired it at McEvoy behind  
the bar, and knocked him down. She identified  
the castor that was produced in Court. McEvoy  
was knocked senseless, and William Le Bar carried  
him out.

-----



10

UNDER CROSS--EXAMINATION, she testified that she was the daughter of the proprietor of the place. She knew the person called "Dummy," and he was not in the saloon at the time she went down. McEvoy was not passing by English at the time he was struck and knocked down. McEvoy was standing behind the bar at the time. He was standing still when he was struck with the castor. She didn't see him have anything in his hand. He didn't get up on the top of the bar with a club. There was never a club there to his, McEvoy's knowledge. She was in the habit of visiting the saloon probably twice a day. McEvoy lived in that neighbourhood for four years. She had lived in the rooms over the store and had lived there five years.

-----  
Dr. EVERETT M. REYNOR, testified that he attended John McEvoy, the complainant. He was

11

suffering from a scalp wound about three and a half inches long. It was a severe wound and required stitching. He didn't find any injury to the complainant's skull itself. The complainant was under his care for about two weeks.

-----

UNDER CROSS--EXAMINATION, he testified that on the third day he went to the complainant's house to dress his wounds, and found that he had left the house. It was against his orders. He was not in bed during the whole time of his attendance. He was called to attend complainant about half an hour after the injury was received.

-----

IN THE RE-DIRECT EXAMINATION the witness testified that the complainant's wound was of such a character as to make it dangerous for him to go out. He went to the house several times on the third day, knowing that it was necessary for



POOR QUALITY  
ORIGINAL

0 103

12

him to dress the wound, and he was told that the complainant had gone to his, witness's house.

-----

JAMES ENGLISH, the defendant, testified that he and his friends were walking up from a house where they had paid a call and reached the corner of 135th St. and Third Avenue. His friends were Mr. Hughes, Mr. Foley, and John Mc Cormick, at whose house they had been visiting. He asked them to have a drink in O'Rourke's saloon. Mr. Mc Cormick said, he didn't care to drink and didn't come in. Hughes and Foley went in and he the witness, walked up to the corner after Mc Cormick and they stood on the corner for about five minutes talking, and Hughes and Foley were in the saloon at the time. When he had been on the corner about five minutes, he heard a noise in O'Rourke's saloon. He went over there and went in. "Dummy" had a hold of Hughes, and Hughes had a sore hand, and he



POOR QUALITY  
ORIGINAL

0 104

13

the witness, shoved him away from the Dummy and the Dummy struck him in the mouth, and the defendant and Mc Evoy and he, got hold of the Dummy, and he quieted the Dummy easily on account of knowing him. He, the defendant, went over to the end of the bar where McEvoy was standing and tried to explain that he had stopped the fight between the Dummy and Hughes and he, stooped to spit out some blood that was in his mouth from a punch that he got in the mouth and as he stooped he got smashed in the nose. Mc Evoy and Henness were in front of them and he went round and made a kick at them. He didn't know which one it was and he didn't care. Then he turned round and said, "I will let it go until some other time," and Foley was leaning up against the bar and he, the defendant, said, "Come along, let us go out of here," and they were leaving him. Right near the end of the bar there is a swinging mirror, and while he, the defendant, was getting Foley out, Foley having to speak to some one at the end of the bar and McEvoy put his two hands on the

14

door and struck Foley on the head with his club, and Foley dropped, and he, the defendant, caught him in his arms and he said, "John, what did you do that for?" and he knew the complainant. The ~~wound~~ complainant raised a club and said, "I will break your head." He, the defendant, could not drop Foley, because he didn't know whether he was dead or not, and the complainant ran over his, defendant's head with the club, and struck him on the shoulder, and then he, the defendant, struck him with the spice stand.

-----

UNDER CROSS--EXAMINATION he testified that he didn't have time to sling the spice stand at the complainant. In fact he didn't know how he did it. He had very little time to do it. He, the defendant worked in Jordan L. Mott's enamelling works. He was a married man with one child. He had worked at Mott's for about five years off and on.

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**POOR QUALITY  
ORIGINAL**

0 106

15

JOHN K. FOLEY, of 508 East 136th street testified that he was a painter, and that he lived with James Killian, a boss painter. He didn't strike anybody in the saloon. He corroborated the preceding witness as to the occurrences in the saloon.

-----

JOHN J. HUGHES testified that he lived at in 135th street, near Third avenue. He worked in Mineral Waters in 135th street, for Thomas Mulligan. He worked for him going on ten years. He had never been arrested before. Witness gave the same version of the affray in the saloon as the two witnesses have given.

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POOR QUALITY  
ORIGINAL

0107

The People

Anna Campbell

Indicted for obscenity in

the Second Degree

Indictment filed 19th Feb

19th 1888

19th Feb 19th 1888

Alfred

Walter G. G. G. G. G.

and a party

15

POOR QUALITY  
ORIGINAL

0108

135<sup>th</sup> St. + 3<sup>rd</sup> Ave.  
New York Feb. 25<sup>th</sup> 1888.

Hon. J. Gildersleeve  
Esq.

In reference to the case of  
James English, who was con-  
victed of assault in the 3<sup>rd</sup>  
degree yesterday, & remanded  
for sentence until Monday,  
I wish to inform you has  
perjured himself at the  
trial in swearing that he  
was never arrested before.  
He was arrested two years  
ago for assaulting Adam  
Smith in Knapp's Sun-  
dries Yard <sup>causing</sup> the loss of  
the sight of one eye. He

Served one Month in the  
Penitentiary for that Crime.  
He again Assaulted Martin  
Fay with a water Hyd-  
rant coupling disabling  
him so that he could  
not work at his trade  
again; He was arrested  
but discharged on account  
of the Complainant not  
being able to appear.  
Hoping you will look  
into these other cases  
before pronouncing  
sentence on him

I remain  
Yours &c  
John M. Rooy  
Complainant in  
last case.



POOR QUALITY  
ORIGINAL

0110

Police Court B. District.

City and County } ss.:  
of New York,

of No. 2465 3rd Avenue Street, aged 26 years,  
occupation Barkeeper being duly sworn

deposes and says, that on the 2nd day of January 1888 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

James English, John H. Foley  
and John Hughes.

Said said English struck deponent one  
vicious blow on the head with a heavy  
glass brand, seriously cutting deponent's head,  
that at the same time said Foley and  
Hughes threw glasses and Mineral  
Water bottles at deponent,  
said assault was committed by  
said defendants—

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 4 day  
of January 1888.

John H. Foley

John H. Foley Police Justice.

POOR QUALITY  
ORIGINAL

Sec. 151.

Police Court 6 District.

CITY AND COUNTY OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York, 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 John McEway of No. 2465 3<sup>rd</sup> Avenue, Street, that on the 2 day of January 1888 at the City of New York, in the County of New York,

he was violently Assaulted and Beaten by

James English J. H.  
Poley and John Hughes

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 them forthwith before me, at the 6 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 24 day of January 1888

John J. Horner POLICE JUSTICE.



POOR QUALITY  
ORIGINAL

0112

James English January 28<sup>th</sup> 1888  
24 W. U.S. Lab. M. Yes 538 East 136<sup>th</sup> St.  
John K. Foley January 31<sup>st</sup> 1888  
23 W. U.S. Painter M. Yes. 558 East 136<sup>th</sup> St. within named.  
John J. Hughes January 31<sup>st</sup> 1888  
24 W. U.S. Lab. S. Yes. 528 East 135<sup>th</sup> St.  
having been brought before me under this Warrant, is committed for examination to the  
WARDEN and KEEPER of the City Prison of the City of New York.

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

Police Justice.

Police Court District.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

John McEvoy

vs.

James English

J. K. Foley

John Hughes

Warrant-A. & B.

Dated January 4<sup>th</sup> 1888

Gorman Magistrate

Gold Officer.  
James English John K. Foley  
The Defendant John J. Hughes.

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

Christian Gold Officer.

Dated January 28<sup>th</sup> 1888

John K. Foley & John J. Hughes  
This Warrant may be executed on Sunday or at  
night. January 31<sup>st</sup> 1888

Police Justice.



POOR QUALITY  
ORIGINAL

0113

Sec. 198-200.

6 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James English* 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.

*James English*

Question. How old are you?

Answer.

*24 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*No 558 East 136<sup>th</sup> St. Immature*

Question. What is your business or profession?

Answer.

*Laborer*

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

Answer.

*I am not guilty*

*James English*

Taken before me this

*28<sup>th</sup>*

day of

*January*

188

*John J. McManis*  
Police Justice.

POOR QUALITY  
ORIGINAL

0114

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John K. Foley* 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. *John K. Foley*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 558 East 136<sup>th</sup> St; 6 months*

Question. What is your business or profession?

Answer. *Painter*

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

Answer. *I am not guilty*

*J. K. Foley*

Taken before me this

*31st*

day of *November* 188*8*

*John K. Foley*  
Police Justice.

POOR QUALITY  
ORIGINAL

0115

Sec. 198-200.

6

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John J. Hughes* 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. *John J. Hughes*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 528 E. 135 St, 6 months.*

Question. What is your business or profession?

Answer. *Mineral Water Bottler*

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

Answer. *I am not guilty*

*John J. Hughes*

Taken before me this

*21*

day of

*January*

1885

Police Justice.



POOR QUALITY  
ORIGINAL

0115

Remond Allenis  
135 + 3rd Ave  
John Gleason  
135 + 3 Ave

BAILED,

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

No. 2, by John Stappanick  
Residence 310 East 89<sup>th</sup> St. Street, \_\_\_\_\_

No. 3, by Michael Burger  
Residence 59 East 130<sup>th</sup> St. Street, \_\_\_\_\_

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

No. #5.  
Police Court- 185 District.  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John McFaray  
246<sup>th</sup> 3 Ave  
1 James English  
2 John H. Foley  
3 John Hughes  
4 \_\_\_\_\_  
Offence Assault

Dated

January 4 1888

Magistrate.

James

Officer.

Christie

Resident.

1341 + 1/2 Avenue

Witness.

one

No.

1341 + 1/2 Avenue

Street.

one

No.

1341 + 1/2 Avenue

Street.

one

No.

1341 + 1/2 Avenue

Street.

one

No.

1341 + 1/2 Avenue

Street.

one

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 John K. Foley

and John J. Hughes

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, each and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated January 31<sup>st</sup> 1888 John J. Hughes 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.

0117

OF THE CITY AND COUNTY OF NEW YORK.

*against*

James F. Smith,  
John H. F. Day and  
John G. Smith

James Francis Dineen, R. T. Foley and John P. Shanahan

The said James Knudsen, John H. T. Day  
and John J. Knudsen, all —

— John the Evangelist. —

John D. Adams,  
Attorney

0118

**BOX:**

296

**FOLDER:**

2814

**DESCRIPTION:**

Evans, Richard

**DATE:**

02/01/88



2814



POOR QUALITY  
ORIGINAL

0119

WITNESSES:

*R. H. Evans*

Counsel,

Filed

day of

1889

Pleads

*W. H. Bullock (3)*

THE PEOPLE,

*vs.*

*B*

*Richard Evans*

Violation of Excise Law.

(Selling on Sunday, &c.)  
[III Rev. Stat. (7th Edition), Page 1983, Sec. 21, and  
Page 1989, Sec. 5.]

JOHN R. FELLOWS,

RANDOLPH B. MARTENE,

*Feb 10 1889*

*Feb 17 1889*

*Feb 20 1889*

A True Bill.

*Richard Evans*

Foreman.

Part III February 20/88

*Pleaded Guilty*

*Fine \$30.00 R.M.*

POOR QUALITY  
ORIGINAL

0120

Excise Violation-Selling on Sunday.

POLICE COURT-

2nd DISTRICT.

City and County } ss.  
of New York,

*Charles M. Hanger*  
*John J. Bennett* Police Justice

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 22nd day  
of January 1888, in the City of New York, in the County of New York,

at premises No. 94 Avenue  
*Richard H. Evans* Street, (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said *Richard H. Evans*  
may be arrested and dealt with according to law.

Sworn to before me, this 22nd day  
of January 1888

*A. J. White* Police Justice.

POOR QUALITY  
ORIGINAL

0 12 1

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Richard H Evans 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.

Richard H Evans

Question. How old are you?

Answer.

35 years

Question. Where were you born?

Answer,

W.

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

Answer.

107 1/2 St & 9th Ave, New York

Question. What is your business or profession?

Answer,

Carpenter

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 and  
am a true and honest man  
Richard Evans

Taken before me this

day of January 1888

Police Justice.



POOR QUALITY  
ORIGINAL

0122

BAILED,  
No. 1, by Ed. J. H. H. H. H.  
Residence St. Lawrence Avenue  
No. 2, by Ed. J. H. H. H. H.  
Residence St. Lawrence Avenue  
No. 3, by Ed. J. H. H. H. H.  
Residence St. Lawrence Avenue  
No. 4, by Ed. J. H. H. H. H.  
Residence St. Lawrence Avenue

Police Court- 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles M. H. H. H.

Richard H. H. H.

1  
2  
3  
4  
Offence Crime

Dated Jan 22 1888

John H. H. H. Magistrate.

John H. H. H. Officer.

John H. H. H. Precinct.

Witnesses Volant H. H. H.

No. 1 Street.

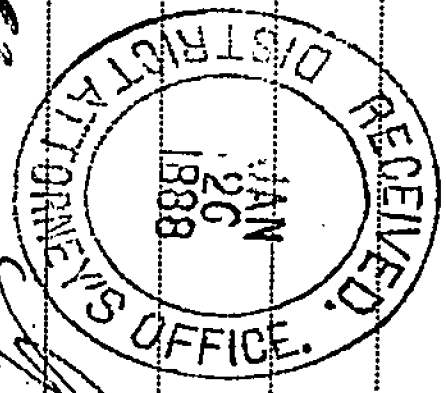
No. 2 Street.

No. 3 Street.

No. 4 Street.

Charles M. H. H. to answer

Charles M. H. H.



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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 Jan 22 1888 A. H. H. Police Justice.

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

Dated Jan 23 1888 John H. H. H. Police Justice.

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

Dated Jan 23 1888 John H. H. H. Police Justice.

**POOR QUALITY  
ORIGINAL**

0 123

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*Plaintiffs*

*against*

*Richard Evans*

*Defendant.*

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

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

*Charles M. Granger*

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

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

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

*John R. Fellows*  
**RANDOLPH B. MARTINE,**

District Attorney.