

0551

BOX:

134

FOLDER:

1394

DESCRIPTION:

Bell, Florence

DATE:

04/14/84



1394

Witnesses:

Lucy Brooks

210 N. 28

Lucy Cooke

210 N. 28

57/ Mahan

Counsel,

Filed

14 day of

April 1887

Pleads

Chas. J. Kelly - 117

THE PEOPLE

vs.

B

Florence Bell

Assault in the Third Degree. (Section 219.)

PETER B. OLNEY,

JOHN MCKEN

District Attorney.

A True Bill.

John N. O'Leary Foreman.

0553

Police Court—

2 District

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } SS

of No. 141 West 27th Street, Lucy Brooks

on the 23rd day of March, being duly sworn, deposes and says, that

in the year 188⁸ at the City of New York, in the County of New York,

he was violently ASSAULTED and BEATEN by Mary L. Hall and Florence Bell (both now there) the said ~~Florence~~ ~~Stonck~~ deponent on the head with a water pitcher on the street and Mary cut deponent's face with a broken part of the said pitcher

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 24th day of March 188⁸ } Lucy Brooks

John J. Hannon POLICE JUSTICE

0554

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Florence Bell 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.

Florence Bell

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

South Carolina

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

Answer.

141 West 27th Street eight months

Question. What is your business or profession?

Answer.

School Girl

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

Florence Bell

Taken before me this

day of

March

188

John J. ...
Police Justice.

0555

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 Mary L. Hall

and Florence Bell
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three
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 March 24 1884 John Gorman Police Justice.

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

Dated March 25 1884 John Gorman Police Justice.

There being no sufficient cause to believe the within named Mary L. Hall
guilty of the offence within mentioned, I order her to be discharged.

Dated March 24 1884 John Gorman Police Justice.

0556

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

Dist. Ct.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Lucy Brooks

141 1/2 St
210 W 28 St

Mary L. Hall

Flourace Bell

Dated

March 24 1884

Gorman Magistrate.

John Schultz Officer.

29 Precinct.

Witnesses

No.

149 West 29 St.

No.

Lucy Cole 210 W 28 St.

No.

H. M. Kelly 39 West 32 St.

No.

L. J. Smith 210 W 28 St.

No.

W. J. Smith 210 W 28 St.

No.

Bailed

0557

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Florence Bell

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

Florence Bell

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

The said *Florence Bell*

late of the First Ward of the City of New York, in the County of New York afore-
said, on the *23rd* day of *March* in the year of our Lord one
thousand eight hundred and eighty-*four* at the Ward, City and County
aforesaid, in and upon the body of *Lucy Brooker*
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and *her* the said *Lucy Brooker*
did then and there unlawfully beat, wound and illtreat, to the great damage of the
said *Lucy Brooker* 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.

PETER B. OLNEY,
~~JOHN McKEON~~ District Attorney.

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BOX:

134

FOLDER:

1394

DESCRIPTION:

Benedict, Emma

DATE:

04/28/84



1394

0559

BOX:

134

FOLDER:

1394

DESCRIPTION:

Hart, Julius

DATE:

04/28/84



1394

Exhibitions

Alex S Williams
Capt 29 Ore

Michael O'Malley
145 M 27th St

Mr. 2 Paired in \$500

Mr Abraham Bernheimer
363 West 53rd St

Mr Paired by
John Brown
146th Street & 8th Ave
Clifford House

18th Apr 28/84

Day of Trial,
Counsel,
Filed 28th day of April 1884
Pleads

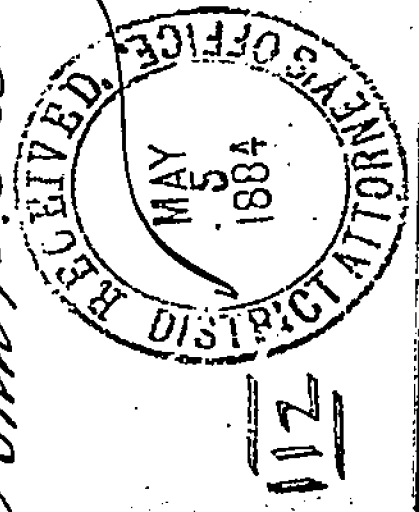
Chas. J. Kelly (Clerk)

THE PEOPLE
vs.
Emma Benedict
and
Julius Short

PETER B. OLNEY,
JOHN McKELON,
District Attorney.

A True Bill.

John McKelton Foreman.



112

0560

0561

COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING :

An indictment having been found on the 28 day of April
1884, in the Court of General Sessions of the Peace, of the County of
New York, charging Emma Benedict & Julius Hart
with the crime of Keeping a Bawdy House

You are therefore Commanded forthwith to arrest the above named Emma Benedict
& Julius Hart and ~~them~~ bring ~~him~~ before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver ~~them~~ into the custody of the Keeper of the
City Prison of the City of New York, or if they require it, that you take ~~them~~ before any Magistrate
in that County, or in the County in which you arrest ~~them~~, that ~~they~~ may give bail to answer the
indictment.

City of New York, the 28 day of April 1884

By order of the Court,


Clerk.

0562

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,


against

Emma Benedict
Julius Hart

Bench Warrant for Misdemeanor.

Issued

April 28th 1884

 The defendant is to be admitted to be bail
in the sum of dollars.

May 21st 1884

Julius Hart. the with-
^{named} in defendant was arrested
this day and bailed in the
sum of \$500 by Recorder
Bryant.

Det. G. & Reilly
May 22nd

Emma Benedict the with-
in named defendant.
was arrested this day
and brought to the Court
of General Sessions
by Det. Van G. Reilly

0563

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Emma Benedict
and
Julius Stark

The Grand Jury of the City and County of New York, by this indictment, accuse *Emma Benedict and Julius Stark*

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME, committed as follows:

The said *Emma Benedict and Julius Stark*

late of the *20th* Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *April* in the year of our Lord one thousand eight hundred and eighty *four* and on divers other days and times as well before as afterwards, to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said *Emma Benedict and Julius Stark*

Julius Stark on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of, and against good morals and good manners, 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 *Emma Benedict and Julius Stark*

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:
The said *Emma Benedict and Julius Stark*

late of the *20th* Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the *fourth* day of *April* in the year of our Lord one thousand eight hundred and eighty *four* and on divers other days and times between the said

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day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in ~~their~~ said house, for ~~their~~ own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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.

THIRD COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said Emma Benedict and Julius
Stark

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Emma Benedict and
Julius Stark

late of the 20th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the first day of April in the year of our Lord one thousand eight hundred and eightyfour and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in ~~their~~ said house and place of public resort, for ~~their~~ own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in ~~their~~ said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

PETER B. OLNEY,

JOHN McKEON,

District Attorney.

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BOX:

134

FOLDER:

1394

DESCRIPTION:

Bennett, Oscar

DATE:

04/30/84



1394

W. H. H. H. H.

Richard Thomas
Columbus Ind.

As I do not believe deft.
can be convicted of anything
more than Petty Larceny
I recommend that defendant
Plea of Petty Larceny be
accepted.

N.Y. July 22. 1884.

Wm. Vincent

Agst. Dist. Ct.

207 Kentucky Building & Butter

J. L. L. L. L.

Counsel,
Filed 30 day of April 1884
Pleads *Propriety: okay!*

THE PEOPLE

vs. **P**

Oscar J. Bennett

[5 cases]

PETER B. OLNEY,
JOHN McKEON,

District Attorney.

A True Bill.
June 23/84

Heads of J. J.
Seymour
John H. H. H. Foreman

Grand Larceny, first degree.
See 528 and 540

0566

0567

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Oscar O. Bennett

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

of the crime of GRAND LARCENY, in the first degree, committed as follows:

The said Oscar O. Bennett

on the twelfth day of November in the year of our Lord one thousand eight hundred and eighty-three at the Ward, City and County aforesaid, with force and arms,

59976 three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes), of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins (of the kind known as two cents), of the value of two cents each, and one written instrument and evidence of debt, to wit: an order for the payment of money of the kind commonly called bank checks, drawn by a certain person, and thereunder the name and style of East and Wyand, upon a certain bank, and institution there, called the Germania Bank, and directing the said bank to pay to the order of O. O. Bennett, a sum of money, to wit: the sum of fifteen hundred and ninety-nine dollars, and seventy-six cents, the said check bearing date the 10th day of November, 1883, and being then and there unsatisfied, and of the value of fifteen hundred and ninety-nine dollars, and seventy-six cents, and of the goods, chattels, and personal property of one Richard Thomas

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.

PETER B. OLNEY,

JOHN MCKEON, District Attorney

Witnesses

Richard Thomas
Columbus Ind

258
Livingston

Counsel,
Filed 10 day of April 1884
Pleads Property claim

THE PEOPLE

vs.
P
Oscar O. Bennett
[5 cases]

Grand Larceny,
first degree.
[33528-53D]

PETER B. OLNEY,
~~JOHN MCKEON,~~

District Attorney.

A True Bill.

com' on two mch.
June 23/84

John W. O'Leary Foreman

0569

No. 11158 New York, December 17th 1883.

Germania Bank
of the City of New York

Pay to the order of O. V. Bennett

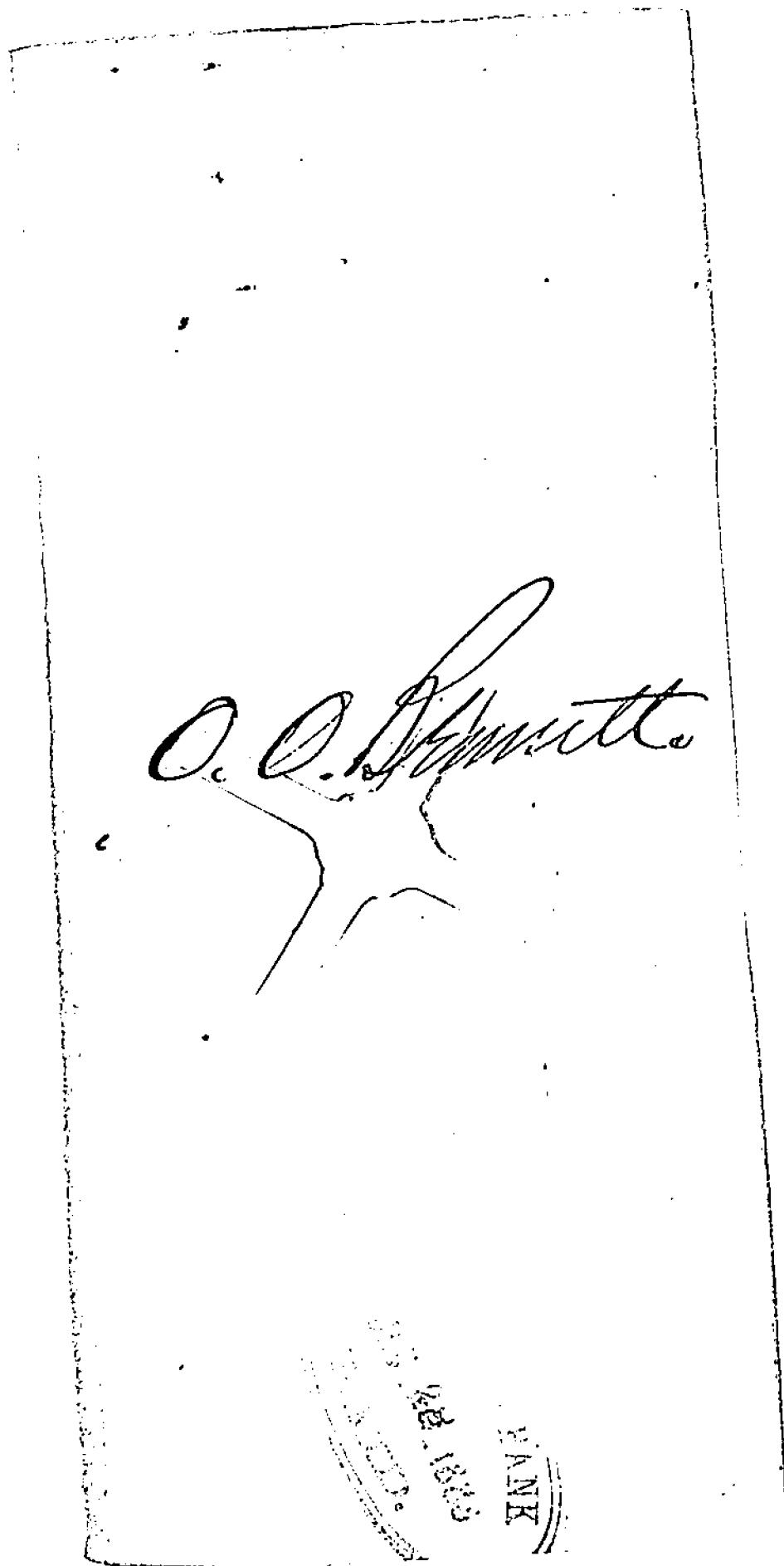
Ten Hundred & Twenty Eight ⁷⁰/₁₀₀ Dollars

\$1028 ⁷⁰/₁₀₀ Editt & Weyand

215 Broadway, cor. Spring St. N.Y.

Registered & Licensed under Act of March 3rd 1879

0570



0571

Court of General Sessions of the

The People
against
Oscar O. Bennett



City and County of New York:
Richard Thomas being duly
sworn says, I live at Columbus
in the State of Indiana and am
a member of the firm of Gaff
Leit and Thomas, millers doing
business at Columbus Indiana
and at ~~New York~~ ~~Port Jervis~~ in the
County of ~~Albany~~, That from on or
about the year 1874 to February 1884,
Oscar O. Bennett was a servant
in the employ of said firm at
their place of business in the City
of New York and as such servant was
by them authorized to make sales
of goods on their behalf and to
collect and receive for them the
moneys due said firm on such
sales. That on or about May 24th
1882 the said Oscar O. Bennett, then
being a clerk or servant in the
employ of said firm of Gaff,

0572

Gent and Thomas, did by virtue of said employment come into the possession of certain moneys then being the ~~the~~ property of and belonging to said firm, of Gaff. Gent and Thomas. Convert to his own use, and without the knowledge and consent of his said employers, take make away with and secrete with intent to appropriate to his own use, and with intent to fraudulently withhold and misapply the same, the sum of one hundred and twenty five dollars, ^{then} the same, being in his possession ^{as aforesaid}, by virtue of his said employment. That said moneys were not used by said Bennett, to pay or satisfy any demand or liability due and owing from and by defendants said firm and said moneys were not dispensed for the use of said firm or accounted to for to them or in any way returned to them or reported as having been collected on their account by said Bennett, against the laws and statutes in such cases made and provided.

0573

Swoont, before
me April 24 1894
John Hahnfeldt
(5) Notary Public
M. Co

Rich Thomas

0574

The People

against

Oscar S. Bennett -

affidavit of
Capt Richard
Homer

0575

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Oscar O. Bernick

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

Oscar O. Bernick

of the CRIME OF

Embezzlement

committed as follows:

The said Oscar O. Bernick

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eleventh day of October in the year of our Lord one thousand eight hundred and seventy-nine, at the Ward, City and County aforesaid, was employed in the capacity of a clerk and servant to a certain mercantile firm doing business under the name and style of Coffey, Rush and Thomas, and to one Richard Thomas, one of the members of the said firm, and as such clerk and servant, was entrusted to receive from a certain person whose name is to the Grand Jury aforesaid unknown, a sum of money, to wit: the sum of seven hundred dollars in money, lawful money of the United States of America, and of the value of seven hundred dollars, for and on account of the said firm of Coffey, Rush and Thomas, and the said Richard Thomas.

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Thomas, his said masters and employers; and being so employed and entrusted as aforesaid, the said Oscar Bennett by virtue of his said employment then and there did receive and take into his possession, the said sum of money, for and on account of his said masters and employers:

And the said Oscar Bennett on the day and in the year aforesaid at the Ward, City and County aforesaid, with force and arms, ~~at the~~ ~~Ward, City and County aforesaid,~~ fraudulently and feloniously did take ~~the~~ ~~sum of~~ ~~money~~ ~~and~~ ~~secretly~~, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of his said masters and employers, and did fraudulently and feloniously, and without the consent of his said masters and employers, with hold, appropriate, apply and make use of the said sum of money, of the goods, chattels and personal property and money of the said John of Goff, Bush and Thomas; and the said Richard Thomas

0577

as as aforesaid being one of the
members of the said firm, which
said goods, chattels, personal prop-
erty and money had come into his
possession and under his care
by virtue of his being and clerk
and servant as aforesaid: against
the form of the Statute in
such case made and provided
and against the peace of the
People of the State of New York,
and their dignity.

Samuel S. O'Harey

District Attorney

Witnesses:

Richard Thomas
Columbus Ind.

760

Counsel,

Filed 30 day of April 1884

Pleads

Not guilty by plea!

THE PEOPLE

vs.

P

Oscar O. Bennett

[Seizes]

Sections III R. C. Penal Code

PETER B. OLNEY,

District Attorney.

A True Bill.

By our authority with
June 23/84

John A. D. Lamb Foreman.

0578

0579

Court of General Sessions of the
Peace.

The People
against
Oscar O. Bennett.

City and county of New York:
Richard Thomas being duly sworn
says, I live at Columbus, Indiana
and am a member of the firm
of Goff, Gent and Thomas, doing
business at Columbus, Indiana
and at No. 7 Front Street New York
City.

On or about Oct. 11th 1879 said firm
of which defendant is a member
was named and styled Goff, Rush
and Thomas, the name and style
of said firm having been changed
to Goff, Gent, and Thomas on or about
July 1st 1884, all the accounts, dues
in action and other properties then
belonging to the firm of Goff,
Rush and Thomas, succeeded by,
and ~~belonging to~~ becoming the
property of the firm of Goff, Gent

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and Thomas,

That on or about said date 1st 1879
~~the said~~ Oscar O. Bennett then being
a clerk or servant in the employ
of the said firm of Hoff, Rush and
Thomas, and being authorized by
them to see certain goods, ~~for~~ ^{for} them ~~and~~
and to collect and receive in their
behalf the moneys, due and owing
thereon, and having in his possession
by virtue and by virtue of his
employment certain large amounts
of money, belonging to the said firm,
did convert to his own use and
without the knowledge and consent
of his said employers, take, make away
with and secrete with intent with
intent to appropriate to his own use
and with intent to fraudulently mislead
same from the true and lawful owners
thereof and misappropriate and misapply
the same, the sum of Seven Hundred Dollars,
the property of said firm as aforesaid, the same
then being in his possession by virtue of said em-
ployment as aforesaid. That said moneys were
not used ^{for} or applied to the payment of any
demand, debt or liability, due and owing to
any one from said firm and that they
then never received the use and benefit thereof.

0581

Sworn to before me April 24/88
John Hahnepfel
(5) Notary Public
M. Co.

Rich Thomas

0582

The People

vs.

Osca C. Bennett -

affidavit of
Compt Richard
Thomas -

0583

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Oscar O. Berner

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

Oscar O. Berner
of the CRIME OF Embezzlement

committed as follows:

The said Oscar O. Berner

late of the ~~First~~ Ward of the City of New York, in the County of New York aforesaid, on the ~~twenty-fourth~~ day of ~~May~~ in the year of our Lord one thousand eight hundred and eighty ~~two~~ at the Ward, City and County aforesaid, was employed in the capacity of a clerk and servant to a certain mercantile firm and co-partnership, doing business under the name and style of Gaff, Gent and Thomas, and to one Richard Thomas, one of the members of the said firm and co-partnership: and as such clerk and servant was then entrusted to receive from a certain person whose name is to the Grand Jury aforesaid unknown, a sum of money, to wit: the sum of one hundred and twenty five dollars in money, lawful money of the United States and of the value of one hundred and twenty five

0584

dollars; for and on account of the said firm and copartnership of Goff, Gent and Thomas, and the said Richard Thomas, his said masters and employers: and being so employed and entrusted as aforesaid, the said Oscar A. Bennett by virtue of his said employment then and there did receive and take into his possession, the said sum of money, for and on account of his said masters and employers:

And the said Oscar A. Bennett on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, fraudulently and feloniously did take, make away with and secrete, with intent to convert to his own use, and did fraudulently and feloniously embezzle and convert to his own use, without the consent of his said masters and employers, and did fraudulently and feloniously, and without the consent of his said masters and employers withhold, appropriate, apply and make use of the said sum of money, of

0585

the goods, chattels, personal property and money of the said firm and co-partnership of Gaff, Gent, and Thomas, and the said Richard Thomas, so as aforesaid being one of the members thereof, whilst said goods, chattels, personal property and money had come into his possession, and under his care by virtue of his being such clerk and servant as aforesaid: against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Peter B. Olney,

District Attorney

0586

259

Witnesses:

Richard Thomas
Columbus

Counsel,
Filed 30 day of April 1884
Pleads *Not guilty - all ways!*

THE PEOPLE
vs.
Oscar A. Bennett
[Scars]

PETER B. OLNEY,
District Attorney.

A True Bill.

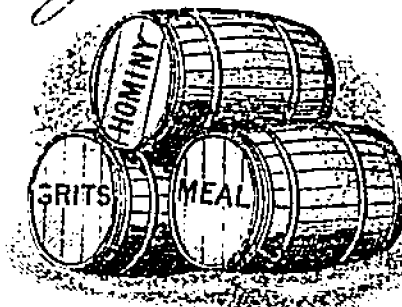
*Placed and true and by
Jury 20/84*
John M. O'Leary Foreman.

0587

New York, Dec. 30 1883
 Messrs. A. & S. S. S. & Co. City

Bought of C. C. Bennett, Manager
 for Gaff, Gent & Thomas,

Manufacturers of Corn Goods,
 No. 1 Front St. N. Y. Mills Columbus Ind.



<p>Dr. 170 Bags 2000 lbs. Cereals 1700 00</p>	<p>1700 00</p>	<p>1700 00</p>
--	----------------	----------------

Recd Payment
 C. C. Bennett &
 N.Y. Dec 18th 83

0588

New York, Dec. 11th 1887

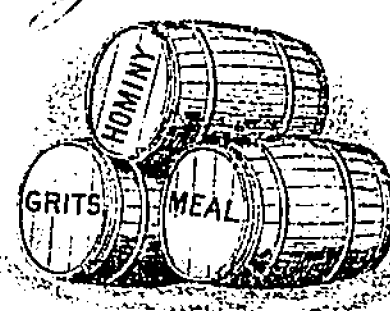
Messrs. at New York

Bought of C. C. Bennett, Manager
for Giff. Gent & Thomas.

Manufacturers of Corn Goods,
West Point, N. Y. Mills Columbus, Ind.

CORNEALINE
and
Corn Flour

Cash



Brand	36 st bags, 27,300 lbs. Corn Meal	2.25	614.25		
Yellow	342 } Less 1.650 lbs @ 2.25	37.13			
	" 180 " @ 2.25	4.05	x 1.18		
					\$573.07

Recd Payment
C. C. Bennett
N.Y. Dec 11th 1887

RECEIVED
87 WATER ST.
C. C. BENTLEY
10 CENTS PER BAG

0589

Court of General Sessions of the Peace

The People vs.

agst

Oscar O. Bennett.



City and County of New York ss:
Richard Thomas being duly sworn
says, I am a member of the
firm of Gaff, Bent and Thomas
and live at Columbus in the
State of Indiana.

Oscar O. Bennett was from about
the year 1874 to February 1st 1886
employed by the defendants at
a stated salary of ^{eighteen} ~~fifteen~~ hundred
dollars yearly until about two
years ago when his said salary
was increased to twenty-five
hundred dollars per annum, to
take charge of a branch of their
business located at No. 7 Front
Street New York City.

As such servant said Bennett
on or about December 17th 1883
collected from Edt and Heyland
and company business at 850 Second Avenue

0590

belonging to and
for goods sold for and on behalf of
said firm, by said Bennett a check
drawn to the order of said Bennett
for Ten Hundred and Twenty-eight
and 70/100 dollars, That said moneys
were paid by said firm of Edt
and way and for and on account of
deponents said firm and were their sole
and separate property and said Bennett
had no interest of any kind shares or
description in the same, and had no
interest of any kind in the profits or
losses accounts of said firm -
That said Bennett collected the ~~the~~ said sum
of Ten Hundred and Twenty-eight and 70/100 dollars on
said check, and did then and there as de-
ponent is informed and believes, with intent to
deprive the true owners, of their said property or
of the use and benefit thereof and ~~did then~~ ^{with intent}
to appropriate the same to ~~the~~ his own use or the use
of another other than the true owner, ~~did take~~, ^{with intent} ~~secret~~
and withheld the same, ^{from the true owners thereof} and appropriate the same to his
own use or that of some person other than the true owners
thereof and having same in his possession as
clerk, servant, agent and trustee of said firm
did appropriate the same to his own use
and did not use the same for or on behalf
of said firm or in any way credit their books
with the same -

0591

Sworn to before
me April 24 1894
John Hahnfeldt
(S) Notary Public
M. Co

Rich Thomas

0592

The People's

crypt

Assen o Bennett

affidavit of

Capt Richard

Thomas -

0593

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Orson O. Bennett

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

of the crime of GRAND LARCENY, in the *first* degree, committed as follows:

The said *Orson O. Bennett*

late of the First Ward of the City of New York, in the County of New York, aforesaid,
on the *thirtieth* day of *December*, in the year of our Lord one thousand eight
hundred and eighty-*two* at the Ward, City and County aforesaid, with force and arms,
three promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one
thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied
(and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value
of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars,
and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars,
and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the
value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value
of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and
of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars
each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each:
one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each:
one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar
each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due
and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind
known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), be-
ing then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money
(and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten
promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatis-
fied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as
bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the
jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as
double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the
value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each:
fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold
coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the
kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors
unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver
coins (of the kind usually known as dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as
quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes),
of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five
cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver
coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value
of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins
(of the kind known as two cents), of the value of two cents each.

instrument and evidence of debt, to wit: an order
for the payment of money of the kind commonly
called bank checks, drawn by a certain firm doing
business then and there under the name and style of
Orson O. Bennett, of the sum of *one hundred and twenty-eight* dollars
and *seventy* cents, and *one* hundred and *seventy* cents
of the goods, chattels, and personal property of one *Richard J. Thomas*

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

PETER B. OLNEY,

~~JOHN MCKEON~~, District Attorney

0594

BOX:

134

FOLDER:

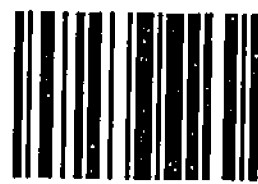
1394

DESCRIPTION:

Boddy, Frank

DATE:

04/10/84



1394

Witnesses:

John M. Lyons
E. B. Blackman

Counsel,

Filed *10* day of *April* 188*4*

Pleads

THE PEOPLE
vs.
Frank Boddy
(2 Cases)

[Sections 528, 53 Penal Code].
Grand Larceny 2nd degree

PETER B. OLNEY,

Pr - Apr 14, 1884 District Attorney.

Albany, N.Y.

A True Bill.

John M. Olney Foreman.
S. P. Dwyer Secy

0595

0596

New York April 13/84

Hon Peter B Almy

Dist. Atty

Dear Sir

Permit

me to introduce to
you Mrs Boddy whose
son is now confined
in the Tombs on
a charge of Burglary

Will you kindly
let her make her

0597

~~statement~~ out of the
facts in the case
as they will prob-
ably influence your
action in the case
Mr Boddy is a
most estimable
person & both I
& my wife feel
a deep interest
in him in his
affairs

I am Very Truly
Yours

John A. Foster

0598

2⁴

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK,of No. 512 Cleaver Street,being duly sworn, deposes and says, that on the 15th day of December 1883at the daytime in the City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent with intent to deprive the true owner thereof,

the following property, viz:

good and lawful money of the United
States to the amount and of the
value of seventy-five dollars

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,

stolen, and carried away by

Frank Boddy, now here,
from the fact that deponent and
said defendant were together in
a room in the rear of deponent's
store at said premises. That deponent
then and there placed said sum of
money, consisting of a fifty dollar
bill, two ten dollar bills and a
five dollar bill in a tin box and
in the presence of said defendant
placed the same in a closet in
said room. That deponent then

0599

Went out of said room into the store
leaving said defendant alone in
said room. That defendant thereafter
heard a noise in said room and
thereupon said defendant opened
the door of said room and walked
out through the store into the street
saying he would be back in 20 minutes.
That defendant immediately went
into said room and found the
closet open and the tin box
open and the money stolen
and carried away therefrom.
Sworn to before me this John H. Lyon
5th day of April 1884
H. M. Patterson Police Justice

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFRIDAVALT-Lacey.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0600

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

2

District Police Court.

Frank Boddy 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. *Frank Boddy*

Question. How old are you?

Answer. *34 years of age*

Question. Where were you born?

Answer. *New York*

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

Answer. *91 Grand St. Hoboken, Newark*

Question. What is your business or profession?

Answer. *Shakesman*

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. I only took fifty dollars.*

F. Boddy

Taken before me this

day of April

188

William J. Sullivan

Police Justice.

0601

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 Frank Boddy

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

Dated April 5th 1889 J. M. Patterson Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Cover of

0603

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Frank Boddy

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

Frank Boddy

of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Frank Boddy

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
fifteenth day of December in the year of our Lord one thousand
eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms,
one promissory note for the payment of money
of the kind known as United States Treasury notes, the
same being then and there due and unsatisfied, for the pay-
ment of and of the value of fifty dollars, one other promissory
note for the payment of one hundred dollars, one other promissory
note, the same being then and there due and unsatisfied
for the payment of and of the value of fifty dollars, two
other promissory notes for the payment of money of the kind
commonly called United States Treasury notes, the same being
then and there due and unsatisfied, for the payment of and
of the value of ten dollars each, two other promissory
notes for the payment of money of the kind known as
Bank notes, the same being then and there due and
unsatisfied, for the payment of and of the value of ten
dollars each, one other promissory note for the payment
of money of the kind known as United States Treasury
notes the same being then and there due and unsatisfied
for the payment of and of the value of five dollars, and
one other promissory note for the payment of money of the
kind known as Bank notes the same being then and
there due and unsatisfied, for the payment of and
of the value of five dollars.

of the goods, chattels and personal property of one

John M. Lyon

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.

Peter B. Olney,
District Attorney.

0604

BOX:

134

FOLDER:

1394

DESCRIPTION:

Boddy, Frank

DATE:

04/14/84



1394

0605

58

Counsel,

Filed

day of

1884

Pleads

THE PEOPLE

vs.

P

Frank Boddy

[2 cases]

PETER B. OLNEY,

~~JOHN MCKEN~~

District Attorney

A True Bill.

John P. O'Leary Foreman.

Sentenced on another
Indictment April 14/84

Wm. J. Boddy

332 N. 36

John Managan
Officer of the Peace

0606

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

POLICE COURT—

DISTRICT.

Mary Josephine Boddy, formerly Villerman,
of No. 332 West 36th Street, being duly sworn, deposes andsays that on the 6th day of December 1881
at the City of New York, in the County of New York, Frank Boddy.

Now here, did feloniously intermarry
with deponent and did take
deponent to wife (he well
knowing at the time that
Alice Valentine Boddy, his
lawful wife, was then
living and in full life.

That deponent was
married to him by the Rev.
Doctor Rossiter at the Presbyterian
Church in West 31st Street, and
for a period of two years there-
after deponent and said Frank
lived and co-habited together
as husband and wife. That
deponent has one child living
of which he is the father.

That deponent is informed
and believes that said Frank
was married at the City and
County of New York to said
Alice Valentine on the 16th day
of February 1872 by the Rev. Francis
Hall.

Sworn to before me Mary Josephine Boddy
this 7th day of April 1884 Villerman

M. Patterson Police Justice

0607

City and County of N. Y.

Alice Valentine Roddy,
 of No 91 Grand Street Hoboken,
 being duly sworn says - That she
 defendant Frank Roddy, (here
 present is the husband of this
 defendant. That defendant and
 said Frank were married by
 the Rev. Frederick Hill D.D., at
 his home 25 Van Vorst Street
 in the City of New York, on the
 16th of February 1872. That
 defendant is the mother of one
 child, living of which she is
 the father. That for a period
 of ten years said defendant
 and defendant lived and co-
 habited together as husband and
 wife.
 Given & sworn to me this 7th day of April 1884.
 J. W. Patterson
 Police Justice

Police Court, District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

AFRIDA VIT.

vs.

Dated

188

Magistrate.

Officer.

Witness,

Disposition,

Alice Valentine Roddy
 Married

0608

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Frank Boddy 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. *Frank Boddy*

Question. How old are you?

Answer. *34 years 7 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *91 Grand St. Hoboken N.J.*
About 3 weeks

Question. What is your business or profession?

Answer. *Bookman*

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 have nothing to say.*

F. Boddy

Taken before me this

day of

188

Police Justice.

0609

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

Frank Boddy

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

Dated *April 7* 188

A. M. Patterson

Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188

Police Justice.

06 10

58 + 2/12/48
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Mary J. Roddy
324 W. 36 St.
3374
Frank Roddy
Offence Bigamy

2
3
4
APR 9 1884
DISTRICT CLERK'S OFFICE

Dated April 7th 1884
J. Patterson Magistrate.
J. Flanagan Officer.
Precinct.

Witnesses Alice V. Roddy
No. 91 Grand Street.
Hoboken
No. Street,
No. Street.
\$1000 to answer Gen. Sessions.
Comis

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

0611

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Baddy

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

Frank Baddy

of the CRIME OF Bigamy

committed as follows:

The said Frank Baddy

late of the City and County of New York, on the Sixteenth day of February, in the year of our Lord one thousand eight hundred and seventy two, at the City and County aforesaid, did marry one Alice Valentine, and her the said Alice Valentine did then and there have for his wife: And the said Frank Baddy afterwards, to wit: on the ninth day of December in the year of our Lord, one thousand eight hundred and eighty one, at the City and County of New York, aforesaid, with force and arms, did feloniously marry and take as his wife one Mary Josephine Villamin and to her the said Mary Josephine Villamin was then and there married; the said Alice Valentine being then living and in full life: 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.

Robert B. Olney, District Attorney

06 12

BOX:

134

FOLDER:

1394

DESCRIPTION:

Bowe, James

DATE:

04/08/84



1394

Witnesses:

William J. Lyons
Robert McKay
Stephen W. Whitely
George Robinson
E. M. Parker.

N. J. O'Connell, Esq.
Counsel, *Bl. 4. 8.*

Filed *8th* day of April 1884.

Pleads

THE PEOPLE

B

James Bowe.
5-2-84

PETER B. OLNEY,

~~JOHN WELTON,~~

District Attorney

A True Bill. *Apr. 8/84*

Wm. H. O'Connell

Foreman.

*Remuneration allowed
by Court, on this
indict - Apr. 16/84
+ deft discharged*

06 13

06 14

COURT OF OVER AND TERMINER
of the City and County of New-York.

-----x
The People of the State of New-York :

- against -

James Howe.

:(Indictment for Perjury).:

-----x
The defendant ^tinterposes a demurrer to the indictment on the ground that it appears on the face thereof that the facts stated do not constitute a crime. Defendant's counsel claim that chapter 417 of the Laws of 1877 expressly repeals sections 1 and 4 of chapter 251 of the Laws of 1875, and by implication repeals section 2 of the Act of 1875. We submit that this position is unsound.

FIRST POINT.

Expressly The very fact that sections 1 and 4 of chapter 251 "are repealed", by a familiar rule necessarily implies that the intent of the legislature was not to repeal section 2 of the same Act.

SECOND POINT.

The substance of sections 1 and 4, the sections repealed, was reenacted in section 112 of the Code of Civil Procedure, which Code of Civil Procedure is chapter 443 of the Laws of 1876, and went into effect on the first of September, 1877, the day when the repealing Act of 1877 also went into effect. The repealing Act was passed in 1877, to take effect September first in that year. The Civil Code, section 112, was passed July 6th, 1876. The provisions of section 2 of the Act of 1875 are nowhere embodied in the Civil Code. We thus see the object of the legislature in repealing sections 1 and 4 of the last mentioned Act, because

06 15

had they not been repealed by the Act of 1877 there would have been two provisions of law in two separate and distinct Acts upon the same subject matter, namely, the Act of 1875 and the Civil Code. The operation of these laws is simply to transfer from the Act of 1875 its first and fourth sections into the Civil Code as section 112, leaving section 2 of the Act unimpaired. The clear design of the Legislature was to substitute the provisions of section 112 for sections 1 and 4, repealed.

THIRD POINT.

It follows therefore that the remaining section 2 must be construed with section 112 of the Code of Civil Procedure. The indictment is predicated upon these two provisions of law. Section 112 of the Code of Civil Procedure provides that a prisoner who makes oath before the sheriff, jailor or deputy jailor that he is unable to support himself during his imprisonment, his support is a County charge. Section 2 of the Act of 1875 requires that the jailor shall attach to all bills rendered for such support and maintenance a list, under oath, of the number and names of the persons to whom such support and maintenance was furnished, and the length of time such person was so supported. Defendant made such oath. The indictment charges it was false. The indictment therefore states facts sufficient to constitute the crime charged in the indictment.

The words "as Hotel in the first section of this act" may be considered as surplusage and dropped out of the act with no injury to the meaning of the section.

FOURTH POINT.

Defendant's counsel maintain that section 2 of the Act of 1875 requires that the sheriff, in case the contract is made with him, shall make the oath, and not the jailor. Here the contract was made with the sheriff, but the jailor, the defendant,

05 16

made the oath. I submit that this would be a narrow and forced construction of the Act. The object of the Act is to protect the county by the oath of a responsible person against a false or fraudulent bill. Where the facts are within the knowledge of the jailor and not of the sheriff, as in this case, the law contemplates that he shall make the oath. Probably in the small counties in the country the sheriff is likewise the jailor. In the county of New-York, where the jailor lives in the County Jail and is in charge of it, the facts are peculiarly within his knowledge, and the public is entitled to have his affidavit. At any rate the provision of the law is that such sheriff or jailor shall attach to all bills rendered for such support and maintenance a list, under oath, &c. An oath made therein by the sheriff or his jailor would seem to be sufficient to satisfy the requirements of the Act. If the jailor makes such oath and it is a false oath it would seem that he is chargeable with the crime of perjury. Again, an oath is required by the section to be made by some one, and is therefore an oath required by law, and even if the sheriff in this case might have made the oath, still, if the defendant volunteers and makes an oath which is required by law to be made by somebody, he is none the less guilty of perjury if the oath is false, because the sheriff should have made such oath. The words of the Act "such sheriff or jailor" can have no reference to the persons having the contracts referred to in the previous part of the section; the contracts are to be made with "sheriffs of counties and jailors of common jails", and the word "such" when used subsequently in the same section can refer only to the descriptions of the persons therein before given; it follows, therefore, that the section means as if it read "and such sheriffs

The guilty and Corrupt must be Adversely Present.

06 17

of the counties of this State or jailors of the jails therein shall affix, &c." The phrase "such sheriff or jailor" must be taken also to mean that either of them, indifferently, may do the act required to be done.

FIFTH POINT.

Counsel for defendant insist that by the Act of 1874 a different scheme for the auditing of claims against the county is provided. The answer to that is, the Act of 1875, section 2 of which remains in force, and section 111 of the Code of Civil Procedure, passed subsequent to the Consolidation Act of 1874, are the latest expressions of the legislative will on the subject. There is nothing to prevent the legislature providing a particular way or method of auditing claims for prisoners supported in the county jail. The legislature has seen fit to do so, and that method pointed out is exclusive.

SIXTH POINT.

The Consolidation Act did not go into effect until the first of April, 1883. The resolution of the Board of Supervisors, which is the foundation of the contract, was passed February 12, 1883. The contract made by the Supervisors with the sheriff, pursuant to such resolution, could not be impaired by any provision of the Consolidation Act, if any such provision there be. Any other conclusion would vitiate the express provision in the Consolidation Act itself, that it shall not take effect until the first day of April, 1883. The Board of Supervisors must necessarily act under the powers conferred by existing laws until such time as laws conflicting with then existing laws take effect.

06 18

County of Cuyahoga

The People vs

or

James Raw

Copy

Prints one

Wm. G. Wiley
District Clerk

05 19

General Term Supreme Court
COURT OF OVER AND TERMINER *First Department*
of the City and County of New-York.

-----x
The People of the State of New-York :
- against - :
James Bowe. :
-----x

Appeal from
(Indictment for Perjury).
Order sustaining
Defendants' Motion
Demurrer

The defendant ^tinterposed a demurrer to the indictment on the ground that it appears on the face thereof that the facts stated do not constitute a crime. Defendant's counsel ^{below} claim that chapter 417 of the Laws of 1877 expressly repeals sections 1 and 4 of chapter 251 of the Laws of 1875, and by implication repeals section 2 of the Act of 1875. We submit that this position is unsound.

FIRST POINT.

Expressly The very fact that sections 1 and 4 of chapter 251 "are repealed", by a familiar rule necessarily implies that the intent of the Legislature was not to repeal section 2 of the same Act. *If it was intended to repeal Section 2 that Section would have been mentioned with the other sections one and four*

SECOND POINT.

The substance of sections 1 and 4, the sections repealed, was reenacted in section 112 of the Code of Civil Procedure, which Code of Civil Procedure is chapter 448 of the Laws of 1876, and went into effect on the first of September, 1877, the day when the repealing Act of 1877 also went into effect. The repealing Act was passed in 1877, to take effect September first in that year. The Civil Code, section 112, was passed July 6', 1876. The provisions of section 2 of the Act of 1875 are nowhere embodied in the Civil Code. We thus see the object of the Legislature in repealing sections 1 and 4 of the last mentioned Act, because

0620

had they not been repealed by the Act of 1877 there would have been two provisions of law in two separate and distinct Acts upon the same subject matter, namely, the Act of 1875 and the Civil Code. The operation of these laws is simply to transfer from the Act of 1875 its first and fourth sections into the Civil Code as section 112, leaving section 2 of the Act unimpaired. The clear design of the Legislature was to substitute the provisions of section 112 for sections 1 and 4, repealed.

THIRD POINT.

✓ It follows therefore that the remaining section 2 must be construed with section 112 of the Code of Civil Procedure. The indictment is predicated upon these two provisions of law. Section 112 of the Code of Civil Procedure provides that a prisoner who makes oath before the sheriff, jailor or deputy jailor that he is unable to support himself during his imprisonment, his support is a County charge. Section 2 of the Act of 1875 requires that the jailor shall attach to all bills rendered for such support and maintenance a list, under oath, of the number and names of the persons to whom such support and maintenance was furnished, and the length of time such person was so supported. Defendant made such oath. The indictment charges it was false. The indictment therefore states facts sufficient to constitute the crime charged in the indictment. u

FOURTH POINT.

Defendant's counsel maintain that section 2 of the Act of 1875 requires that the sheriff, in case the contract is made with him, shall make the oath, and not the jailor. Here the contract was made with the sheriff, but the jailor, the defendant,

0621

§ 98 of Penal Code provides that it is no defense to a prosecution for perjury that defendant may not be competent to give the testimony depositions on certificate of which defendant is accused. It is sufficient that he was actually permitted to give such testimony or make such deposition on certificate.

made the oath. ^{we} Submit that this would be a narrow and forced construction of the Act. The object of the Act is to protect the county by the oath of a responsible person against a false or fraudulent bill. Where the facts are within the knowledge of the jailor and not of the sheriff, as in this case, the law contemplates that he shall make the oath. Probably in the small counties in the country the sheriff is likewise the jailor. In the county of New-York, where the jailor lives in the County Jail and is in charge of it, the facts are peculiarly within his knowledge, and the public is entitled to have his affidavit. At any rate the provision of the law is that such sheriff or jailor shall attach to all bills rendered for such support and maintenance a list, under oath, &c. An oath made therein by the sheriff or his jailor would seem to be sufficient to satisfy the requirements of the Act. If the jailor makes such oath and it is a false oath it would seem that he is chargeable with the crime of perjury. ~~It~~ Again, an oath is required by the section to be made by some one, and is therefore an oath required by law, and even if the sheriff in this case might have made the oath, still, if the defendant volunteers and makes an oath which is required by law to be made by somebody, he is none the less guilty of perjury if the oath is false, because the sheriff should have made such oath. The words of the Act "such sheriff or jailor" can have no reference to the persons having the contracts referred to in the previous part of the section; the contracts are to be made with "sheriffs of counties and jailors of common jails", and the word "such" when used subsequently in the same section can refer only to the descriptions of the persons therein before given; it follows, therefore, that the section means as if it read "and such sheriffs

0622

of the counties of this State or jailors of the jails therein shall affix, &c." The phrase "such sheriff or jailor" must be taken also to mean that either of them, indifferently, may do the act required to be done.

FIFTH POINT.

below

Counsel for defendant insist that by the Act of 1874 a different scheme for the auditing of claims against the county is provided. The answer to that is, the Act of 1875, section 2 of which remains in force, and section 112 of the Code of Civil Procedure, passed subsequent to the Consolidation Act of 1874, are the latest expressions of the Legislative will on the subject. There is nothing to prevent the Legislature providing a particular way or method of auditing claims for prisoners supported in the county jail. The legislature has seen fit to do so, and that method pointed out is exclusive.

SIXTH POINT.

The Consolidation Act did not go into effect until the first of April, 1883. The resolution of the Board of Supervisors, which is the foundation of the contract, was passed February 12', 1883. The contract made by the Supervisors with the sheriff, pursuant to such resolution, could not be impaired by any provision of the Consolidation Act, if any such provision there be. Any other conclusion would vitiate the express provision in the Consolidation Act itself, that it shall not take effect until the first day of April, 1883. The Board of Supervisors must necessarily act under the powers conferred by existing laws until such time as laws conflicting with then existing laws take effect.

over

Seventh Point

Section 98. of Penal Code cited Supra, which provides, that "it is no defense to a prosecution of perjury that the defendant was not competent to give the testimony, deposition, or Certificate of which falsehood is alleged", and that, "it is sufficient that he actually was permitted to give such testimony or make such deposition or Certificate," seems to be only an enactment of what has been held by the Courts in former cases.

Thus in *Leimantian v. The People* 23 N.Y. R. 55, a case of an indictment for perjury, the Court of Appeals held that "a witness who testifies falsely as to a material fact, is guilty of perjury though he was not a competent witness in the case, and was specially inadmissible to prove the particular fact to which he testifies."

In opinion of Court 10 88 at bottom when *Cass* of *Van Stenburgh v. Kutz* 10 Den. 167. and *Brady v. Price* 11 West. 128 are cited to same point. Even though if *Dover* the deft. was not competent to make the oath, he did make it, it was material, and if false he is guilty of perjury.

0624

Court of Ayer & Jor.

The People vs

James Brown

Prison in Samson

John & Oliver

Direct Atty.

0625

At a General Term of the Supreme Court of
the State of New-York, held in and for
the First Department, at the County Court
House in the City of New-York, on the 9th
day of January, 1887.

Present:

Hon. Noah Davis, P. J.
" John R. Brady,
" Charles Daniels, JJ.

-----X
The People of the State of New-York, :
Appellants, :
- against - :
James Rowe, :
Respondent. :
-----X

The appeal in this action from the judgment sustaining a
demurrer to an indictment for perjury, found on the 17th day of
April, 1884, which judgment was duly filed in the office of the
Clerk of the Court of Oyer and Terminer held in and for the City
and County of New-York on the 18th day of April, 1884, coming on
to be heard, Now, after hearing Peter B. Olney, Esq., District
Attorney of the City and County of New-York, for the People, the
appellants, and Edward W. Crittenden, Esq., of counsel for the
defendant and Respondent, James Rowe, and due deliberation being
had thereon, It is ordered that the said judgment be and the same
is hereby in all respects reversed and set aside, and the defend-
ant, James Rowe, is hereby ordered and required to plead or
answer to said indictment.

W. L. Jr.

(Signed)

A Copy

Patrick Kearney
clerk.

W. G. Suprenant Esq
General Counsel

The People

vs.
James Power

Copy
Order of Removal

Handed to J. Mortimer
Dist. Ct.

The premium having
been over - ruled by
Grand Jurors this mean
should be brought up &
pleaded - stand ready
J. L. N.

0626

0627

COURT OF OYER AND TERMINER
of the City and County of New-York.

-----X
The People of the State of New-York :

- against -

James Bowe.
-----X

The GRAND JURY of the City and County of New-York, by
this indictment, accuse James Bowe of the Crime of PERJURY,
committed as follows:

By Section 2 of an Act of the Legislature of the State
of New-York, entitled "An Act for the support and maintenance of
prisoners confined upon civil process", passed on the sixth day
of May, in the year of our Lord one thousand eight hundred and
seventy five, it was provided, amongst other things, in substance
as follows: That the Board of Supervisors of the Counties of this
State should have authority and power to contract with the Sher-
iffs of said Counties, or the jailor of the common jail therein,
for the support and maintenance of such persons as might be con-
fined in such jail upon any writ, or process, in any civil action
or proceeding in the nature of a civil action, and that such
Sheriff or jailor should attach to all bills rendered for such
support and maintenance, a list, under oath, of the number and
names of the persons to whom such support and maintenance was
furnished, and the length of time each person was so supported.

And by Section II² of an Act of the Legislature of the
State of New-York, entitled "An Act relating to Courts, officers
of justice, and civil proceedings", passed on the second day of

0628

York County Jail, or Ludlow Street Jail, the same being a prison and common jail for the confinement of the persons mentioned and described in the said Acts of the Legislature aforesaid.

And in and by the said resolution, so as aforesaid adopted and approved, the said Board of Aldermen of the City and County of New-York, acting as such Board of Supervisors of the County of New-York as aforesaid, and being duly authorized and empowered thereto by the said Act of the Legislature first aforesaid, and in pursuance thereof, did duly contract with the said Alexander V. Davidson, Sheriff as aforesaid, for the support and maintenance of the persons mentioned and described in the said Acts of the Legislature, and who were, or might be, so confined in the said prison or common jail, so as aforesaid commonly called the New-York County Jail, or Ludlow Street Jail, upon any writ or process in any civil action or proceeding in the nature of a civil action, and did therein and thereby, in pursuance of law, allow and fix the compensation of the said Alexander V. Davidson, as such Sheriff, for such support and maintenance of the persons so confined as aforesaid, if such person or persons should make oath that they were unable to support themselves during their imprisonment, at the sum of seventy five cents per day for each of such persons during the time such persons should be actually confined in such prison and common jail.

And by virtue of the said Acts of the Legislature aforesaid, and of the said resolution, and of the said contract, the said Alexander V. Davidson, as such Sheriff as aforesaid, became and was entitled to ask for and receive from the City and County of New-York and from the Comptroller of the said City, seventy five cents per day for each and every of the persons mentioned

0629

CORRECTION

0630

COURT OF OVER AND TERMINER
of the City and County of New-York.

-----X
The People of the State of New-York :
- against - :
James Bowe. :
-----X

The GRAND JURY of the City and County of New-York, by
this indictment, accuse James Bowe of the Crime of PERJURY,
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of New-York, entitled "An Act for the support and maintenance of
prisoners confined upon civil process", passed on the sixth day
of May, in the year of our Lord one thousand eight hundred and
seventy five, it was provided, amongst other things, in substance
as follows: That the Board of Supervisors of the Counties of this
State should have authority and power to contract with the Sher-
iffs of said Counties, or the jailor of the common jail therein,
for the support and maintenance of such persons as might be con-
fined in such jail upon any writ, or process, in any civil action
or proceeding in the nature of a civil action, and that such
Sheriff or jailor should attach to all bills rendered for such
support and maintenance, a list, under oath, of the number and
names of the persons to whom such support and maintenance was
furnished, and the length of time each person was so supported.

And by Section II² of an Act of the Legislature of the
State of New-York, entitled "An Act relating to Courts, officers
of justice, and civil proceedings", passed on the second day of

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June, in the year of our Lord one thousand eight hundred and seventy six, it was provided in substance as follows: That in any County except Kings, if a prisoner, actually confined in jail, should make oath before the Sheriff, jailor, or deputy jailor, that he is unable to support himself during his imprisonment, his support is a county charge.

And thereafter, the Board of Aldermen of the City and County of New-York, being the Board of Supervisors of the County of New-York, as then, and at the time of the passage of the Act first aforesaid, constituted, in and by a certain resolution, adopted by the said Board of Aldermen, as such Board of Supervisors, on the sixth day of February, eighteen hundred and eighty three, and approved by the Mayor of the City of New-York on the twelfth day of February, in the year last aforesaid, in pursuance of law, did allow and fix the compensation of Alexander V. Davidson, Sheriff of the City and County of New-York, during the years 1883, 1884 and 1885, for the support and maintenance of such persons as might be confined in the common jail of said City and County as aforesaid, if such person or persons should make oath that they were unable to support themselves during their imprisonment, at the sum of seventy five cents per day for each person, during the time such person should be actually confined in such jail.

And at all the times hereinafter mentioned the said Alexander V. Davidson, was, and for a long time prior thereto had been, the Sheriff of the County of New-York, and as such Sheriff then had the charge and control of a certain prison and common jail of the County of New-York, commonly called the New-

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York County Jail, or Ludlow Street Jail, the same being a prison and common jail for the confinement of the persons mentioned and described in the said Acts of the Legislature aforesaid.

And in and by the said resolution, so as aforesaid adopted and approved, the said Board of Aldermen of the City and County of New-York, acting as such Board of Supervisors of the County of New-York as aforesaid, and being duly authorized and empowered thereto by the said Act of the Legislature first aforesaid, and in pursuance thereof, did duly contract with the said Alexander V. Davidson, Sheriff as aforesaid, for the support and maintenance of the persons mentioned and described in the said Acts of the Legislature, and who were, or might be, so confined in the said prison or common jail, so as aforesaid commonly called the New-York County Jail, or Ludlow Street Jail, upon any writ or process in any civil action or proceeding in the nature of a civil action, and did therein and thereby, in pursuance of law, allow and fix the compensation of the said Alexander V. Davidson, as such Sheriff, for such support and maintenance of the persons so confined as aforesaid, if such person or persons should make oath that they were unable to support themselves during their imprisonment, at the sum of seventy five cents per day for each of such persons during the time such persons should be actually confined in such prison and common jail.

And by virtue of the said Acts of the Legislature aforesaid, and of the said resolution, and of the said contract, the said Alexander V. Davidson, as such Sheriff as aforesaid, became and was entitled to ask for and receive from the City and County of New-York and from the Comptroller of the said City, seventy five cents per day for each and every of the persons mentioned

0633

and described in the said Acts of the Legislature aforesaid, and who were or might be so confined in the said prison and common jail as aforesaid, and particularly for such of said persons as were so confined in the said prison and common jail in and during the month of December, in the year of our Lord one thousand eight hundred and eighty three.

And in and during the said month of December, in the year last aforesaid, and at all the times hereinafter mentioned, one James Bowe was the Warden of the said prison and common jail, and as such was the jailor thereof, duly acting as such under and by the authority of the said Alexander V. Davidson, Sheriff as aforesaid; and as such jailor, the said James Bowe, at all of the said times, had the actual charge and custody of the said prison and common jail, and of the persons so as aforesaid therein confined, and of the persons so as aforesaid described and mentioned in the said Acts of the Legislature aforesaid.

And on or prior to the thirty first day of December, in the year of our Lord one thousand eight hundred and eighty three, the said Alexander V. Davidson, as such Sheriff as aforesaid, duly prepared and caused to be prepared, a bill for the support and maintenance of the persons so confined upon civil process in the said prison and common jail during the said month of December, in the year last aforesaid, the same being the persons described in and for whose support and maintenance, the said Acts of the Legislature aforesaid provided, and thereafter, as such Sheriff as aforesaid, duly attached and caused and procured to be attached to the said bill, a certain writing, purporting to be a list of the number and names of the persons to whom such support and maintenance in and during the said month of December, and the length of time each of said persons had been so supported and maintained; and thereafter, to wit: on the tenth day of January,

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in the year of our Lord one thousand eight hundred and eighty four, the bill aforesaid, together with the list aforesaid, so as aforesaid thereto attached, was duly rendered by the said Alexander V. Davidson, Sheriff as aforesaid, to the Comptroller of the City of New-York.

And on the said thirty first day of December, in the year of our Lord one thousand eight hundred and eighty three, and before the rendition of the said bill by the said Sheriff to the said Comptroller, as aforesaid, the said James Bowe, late of the First Ward of the City of New-York, in the County of New-York aforesaid, being such jailor as aforesaid of the said prison and common jail, so as aforesaid commonly called the New-York County Jail or Ludlow Street Jail, personally came and appeared before one Robert Mc'Kay, Esquire, then and there being a Notary Public in and for the City and County of New-York, and as such Notary Public having then and there full and competent power and authority to take affidavits, and to administer an oath to the said James Bowe in that behalf, and did then and there exhibit to and deliver to the said Robert Mc'Kay, Esquire, Notary Public as aforesaid, the said list and writing, which said list and writing is as follows, that is to say: ————

0635

List of Prisoners.

confined upon civil process in the New York County Jail during December 1883 for whom support and maintenance is charged in the bill herewith annexed.

(Note - The date charged from is date of last charge or commitment in present month.)

No. of Cells	Name of Prisoner	Date from inclusive	Date to inclusive	No. of Days charged for
3	August R. McDonald	/	31	31
4	Patrick Byrne	/	31	31
9	H. B. Morange	/	31	31
15	George Robinson	/	31	31
137	F. L. Pas Lema	/	22	22
377	Edward M. Parker	/	22	22
425	Emrich Tragilla	/	31	31
429	Andrew Staab	/	31	31
433	Fritz Kopper	/	31	31
437	John D. Talmage	/	31	31
448	John H. Trainer	/	31	31
459	Joseph Johnson	/	31	31
474	Frank Ryer	/	31	31
498	James A. Austin	/	31	31
521	August Lehnstman	/	31	31
532	Ernest Meyer	/	24	24
538	Martin Mench	/	31	31
546	Louis Baker	/	8	8
547	Phillip Jeiger	/	3	3
553	Lester Hubbard	/	31	31

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554	Oliver W. West.	1	6	6
560	James McAtkinson	1	31	31
561	Samuel Davis.	1	1	1
562	Mark Schratzky	1	14	14
573	Blandino Fuzgo	1	5	5
574	Alex. H. Palmer	1	3	3
575	Albert Seidenberg	1	1	1
576	Anton Arando	1	20	20
578	Jacob Wallowitz	1	1	1
579	Samuel Bamberger	1	5	5
580	Adelbert Dunham	3	5	3
582	Charles H. Godwin	3	31	29
583	Eustave Baer	3	31	29
584	Albert Geise	4	24	21
585	Henry E. Sharp	4	5	2
586	Fred. Kassel	4	5	2
587	Archer Bergman	5	13	9
588	Michael Anlini	6	15	10
589	William H. Corey	6	10	5
590	George Schott	7	21	15
591	Benjamin Roemer	7	14	8
592	Frederick Spitz	8	10	3
593	Joseph Ross Jr.	10	29	20
594	Gustave Kompanado	11	28	18
594½	Charles A. Godwin	8	31	24
				829

0637

No. Cath.	Name of Prisoner	Date from inclusive	Date to inclusive	No. of Days charged for
595	Gussipolm-rinolo	13	28	16
596	Feline Napolite	13	28	16
597	Frank Connor	11	31	21
598	Banfield F. Barlow	13	31	19
599	William H. Nolan	14	20	7
600	Jacob Ockerman	15	19	5
601	B. L. Thomas	17	31	15
602	Herman Kertheimer	17	31	15
603	James J. Deegan	18	31	14
604	Alphonso Brocco	18	19	2
605	Edward A. Vermee	19	31	13
606	D. Sartinico	19	26	8
607	Wah	20	31	12
608	William Dawson	20	31	12
609	Max Schilder	21	31	11
610	Anton Hrande	22	31	10
611	Michael Shelly	24	27	4
612	Nathan Cohen	25	29	5
613	Edward Blum	26	29	4
614	Annie Taylor	28	31	4
615	Stephen W. Cody	28	31	4
-	George Schott	19	31	13
-	Domonico Fantoni	19	26	8
				238
1067	persons @ 75 ^{ct} pr. day	800	25	

0638

and to which said list and writing was then and there attached a certain affidavit in writing, duly signed and subscribed by him, the said James Bowe, in his own proper handwriting, and which said affidavit in writing then and there contained divers allegations and statements of and concerning the various matters contained in the said list and writing; and the said James Bowe was then and there in due form of law sworn by the said Robert Mc'Kay, Esquire, Notary Public as aforesaid (and as such Notary Public then and there having such full and competent power and authority as aforesaid) and then and there, to wit: on the day and in the year last aforesaid, at the Ward, City and County aforesaid, did take his corporal oath touching and concerning the truth of the matters contained in his said affidavit in writing.

And the said James Bowe, being so sworn as aforesaid, upon his oath aforesaid, before the said Robert Mc'Kay, Esquire, Notary Public as aforesaid (and as such Notary Public then and there having such full and competent power and authority as aforesaid) in and by his said affidavit in writing, touching and concerning the truth of the matters therein contained, then and there feloniously, knowingly, wilfully, wickedly and corruptly, did falsely swear, depose and say, in substance and to the effect following, that is to say:

That the foregoing (the said list and writing thereby meaning) is a true list of persons for whom support is charged in the bill hereunto annexed (the said bill of the said Alexander V. Davidson, Sheriff as aforesaid, so as aforesaid annexed to the said list and writing, thereby meaning), and that such list does not include any person committed by the Courts or authorities of the United States, and that the persons so charged for (the per-

0639

sons so as aforesaid confined in the said prison and common jail, and for whose support and maintenance, the Acts of the Legislature aforesaid provided, thereby meaning) have taken the oath required by law (thereby meaning the oath required by the said section 772 of the Act of the Legislature of the State of New-York, entitled "An Act relating to Courts, officers of justice, and civil proceedings", to be made before the Sheriff, jailor or deputy jailor to entitle persons so confined in the said prison and common jail as aforesaid to support and maintenance as aforesaid), ~~and~~ that they (the said persons so confined as aforesaid in the said prison and common jail thereby meaning) were unable to support themselves (thereby meaning the said persons so as aforesaid confined in the said prison and common jail) during their imprisonment (the imprisonment of the said persons so as aforesaid confined in the said prison and common jail thereby meaning).

WHEREAS, in truth and in fact, the said list and writing was not a true list of persons for whom support was charged in the said bill of the said Alexander V. Davidson, Sheriff as aforesaid, so as aforesaid annexed to the said list and writing; and the said list did include persons committed by the Courts and authorities of the United States;

AND WHEREAS in truth and in fact, the persons so charged for, and so as aforesaid confined in the said prison and common jail had not taken the oath required by law, to wit: the oath required by the said Act of the Legislature last hereinbefore referred to, and that they were unable to support themselves during their imprisonment: as he, the said James Bowe, then and there well knew.

0640

And so the Grand Jury aforesaid do say: That he, the said James Bove, on the day and in the year last aforesaid, before the said Robert Mc'Kay, Esquire, Notary Public as aforesaid (and as such Notary Public then and there having such full and competent power and authority as aforesaid) upon his oath aforesaid, by his own act and consent and of his own most wicked and corrupt mind, in and by his said affidavit in writing, in manner and form aforesaid, at the Ward, City and County aforesaid, feloniously, wickedly, knowingly, wilfully, corruptly and falsely did commit wilful and corrupt PERJURY, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, 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.

PETER B. OLNEY,

District Attorney.

0641

BOX:

134

FOLDER:

1394

DESCRIPTION:

Bowman, William

DATE:

04/22/84



1394

0642

BOX:

134

FOLDER:

1394

DESCRIPTION:

Mass, David

DATE:

04/22/84



1394

Witnesses:

Abraham Popkin

109 Division St.

See me before
taking bail J.C. Allen

Counsel, 1 to 1st
Filed 22 day of April 1884
Pleads M. G. G. 33

THE PEOPLE
vs.
William B. Bowman
alias
William Hunter
and
David mass

PETER B. OLNEY,
District Attorney.
Pleads At. G. L. 2d
Pen one year
A True Bill.

22 May 12. 1884
No. 1, trial remitted. \$16
John M. O'Leary Foreman.
SP 10 years.

May 6. Part I, 4th.

" 9 II
" 12 after 1st, 9th.

0643

0644

First

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

Abraham Popkin

of No. 109 Division Street, age 36 years Manufacturer

being duly sworn, deposes and says, that on the 18 day of April 1886

at the Store 109 Division Street, 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 with intent to deprive the
true owner of the use and benefit thereof
the following property, viz:

brocaded
fifty nine yards of Silk worth One Dollar
and a quarter per yard
forty six yards Black ribbed Silk worth
forty Cents per yard
fifty seven and a half yards of
Black Satin worth 42 cents per yard
in all amounting to and of the
Value of One hundred and sixteen
dollars and thirty Cents (\$116.30)

Sworn before me this

day of

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,

stolen, and carried away by William B. Bauman and

David Mass (name here) from the fact, that
on the above date, at the hour of 8 o'clock, am.
Deponent was in his Store No 109 Division Street
when said defendants entered said Store. The
said Mass then asked deponent to show him
a cloak of 38 inch bust. That while deponent was
engaged in showing Mass a cloak, the said
Bauman went into an office in said Store where
there were several pieces of silk. That said

For the Justice,

1886

0645

Bauman remained in said office about
 five minutes when he came outside.
 Then defendant saw that the said Bauman
 appeared much larger than before the time he
 entered said office. Defendant then asked
 said Bauman what he had under his overcoat.
 Said Bauman answered it was none of defendant's
 business. Defendant then seized hold of said
 Bauman when the said Bauman struck defendant
 on the breast and ran away. Then defendant
 found the aforesaid property ^{agitated} under the said
 Bauman's overcoat. Defendant therefore charges
 said defendants acting in concert together
 with stealing the aforesaid property.

Sworn to before me
 this 18th day of April 1885

P. J. Duffy, J. C. Johnson
 Police Justice

District Police Court.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

AFIDAVIT-Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0646

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

First

District Police Court.

David Mass 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. *David Mass*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *127 Chase st. Brooklyn and over two years*

Question. What is your business or profession?

Answer. *Speculator*

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 -*
David Mass

Taken before me this

18

day of

March 1884

John Duffy
Police Justice.

0647

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

First District Police Court.

William B. Bauman 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 B. Bauman

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Germany

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

Answer. 782 - 8th Avenue -

Question. What is your business or profession?

Answer. Merchant

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 do not wish to say anything further till I consult my Counsel.

Wm B. Bauman

Taken before me this 18
day of March 1884
[Signature]
Police Justice.

0648

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 William B. Bowman

and David Mares

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

Dated April 18 188

[Signature]

Police Justice.

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

0649

BAILED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

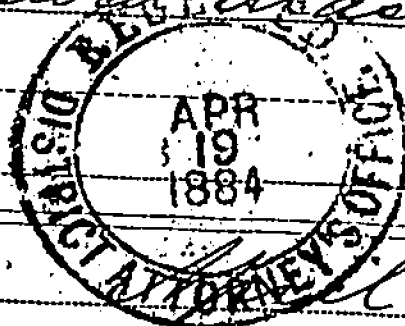
Residence _____ Street,

165
1278
Police Court First District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Abraham Spector
109 Division St

William B. Bauman
2 David Spector
3 David Spector
4



Dated April 18 1884

Wuffy Magistrate.
John J. Brogan Officer.
6 Precinct.

Witnesses Heyman Goldstein
No. 115 Division Street.

No. _____ Street,

No. _____ Street,

\$ 1000 to answer

Each

0650

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David Nass
and
William B. Bowman

The Grand Jury of the City and County of New York, by this indictment, accuse
David Nass of the Crime of Grand
Larceny in the Second Degree, and
the said William B. Bowman of
the same Crime of Grand Larceny in
the Second Degree as a Joint Offender,
committed as follows:

The said David Nass and William
B. Bowman, both

late of the First Ward of the City of New York, in the County of
New York aforesaid, on the Eleventh day of April, in
the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City
and County aforesaid,

with force and arms,
fifty nine yards of width of the
value of one dollar and twenty
five cents each yard, forty six
yards of width of the value of
twenty cents per yard, and fifty
eight yards of width of the value
of twenty three cents each yard,
of the goods, chattels and per-
sonal property of one Abraham
Berkman, when and where he was
found, when and where he was
by did steal, take and carry
away:

And before the commission
of the crime hereinbefore set

York, to wit: at a Court of General
 Sessions of the Peace in and
 for the City and County of New
 York, held at the City Hall in
 the said City of New York, on the
 Fifth day of April in the
 year of our Lord one thousand
 eight hundred and eighty, be-
 fore the Honorable Frederick
 Smyth, Recorder of the City of
 New York, and Justice of the
 said Court, the said William
 B. Bowman, by the name and
 description of William B. Bowman,
 was in due form of Law com-
 mitted to the custody of the
 Sheriff of the County of New York,
 upon a certain indict-
 ment then and there in the
 said Court displayed against
 him the said William B.
 Bowman, by the name and
 description of William B. Bowman,
 for that he the said William
 B. Bowman, by the name and
 description aforesaid, then late
 of the First Ward of the City of
 New York, in the County of New
 York, aforesaid, on the twenty
 third day of March, in the
 year of our Lord one thousand

0652

eight hundred and eighty, at the
Ward, City and County of Essex,
with force and arms, three chains
of the value of thirty three dollars
and thirty three cents each, of
the goods, chattels and personal
property of one William Smith
then and there residing, felon-
iously did steal, take and
carry away.

And therefore, upon the petition
aforesaid, it was considered by the
said Court of General Sessions of the
Peace in and for the City and County
of New York and adjourned, that the
said William B. Bannan, by the
name and description of William
Smith aforesaid, for the felony
aforesaid, whereof he was convicted
or aforesaid, be imprisoned in the
State Prison for the term of two
years, as by the record thereof
more fully and at large appears.

And before the commission of the crime and
having first therein set forth, the said William
B. Bannan had been duly discharged and
remitted of the said judgment, by reason of the
expiration of his said term of imprisonment, and
by commutation of time allowed according to law.

Peter B. Olney

District Attorney

0653

BOX:

134

FOLDER:

1394

DESCRIPTION:

Brady, Elizabeth

DATE:

04/28/84



1394

0654

BOX:

134

FOLDER:

1394

DESCRIPTION:

Bernstein, Louis

DATE:

04/28/84

Alex. S. Williams

Capt 29th Regt

Michael D. Malley

145 W. 27th St.

Paul Cooper at

1500. 27th

Pratt
Bailed by
Simon Epstein
26 Henry St.

Pr. 2
Bailed by
Simon Epstein
26 Henry St.

6 Mar 20/84

(11) 13 11

Day of Trial,

Counsel,

Filed 27th day of Dec 1884

Pleads *Not guilty - killing*

THE PEOPLE
vs.
Elizabeth Brady
and
Lewy Bernstein
(2 cases.)
Keeping a Bawdy House.

PETER B. OLNEY,
JOHN MCKEON,

1-coming 7/84
District Attorney.

A True Bill.

Rec'd 27th Dec 1884
from the Clerk of the Court
John *McKee*
District Attorney
MAY 5 1884
CLERK'S OFFICE

12-3

0655

0656

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Elizabeth Brady

and

Louis Bernstein whose
true name is to the
Grand Jury unknown.

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

Elizabeth Brady and

Louis Bernstein whose true name
is to the Grand Jury aforesaid unknown,

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME,
committed as follows:

The said Elizabeth Brady and
Louis Bernstein

late of the 20th Ward of the City of New York, in the County of New York aforesaid, on
the 21st day of April in the year of our Lord one thousand eight
hundred and eighty-four and on divers other days and times as well before as afterwards,
to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common
house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers
evil-disposed persons, as well men as women, and common prostitutes, on the days and times afore-
said, as well in the night as in the day, there unlawfully and wickedly did receive and entertain;
and in which said house the said evil-disposed persons and common prostitutes, by the consent and
procurement of the said Elizabeth Brady and

Louis Bernstein on the days and times
aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, dis-
turbances and lewd offences as well in the night as in the day, were there committed and perpe-
trated; to the great damage and common nuisance of all the good people of the said State there
inhabiting and residing, in manifest destruction and subversion of, and against good morals and good
manners, 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 Elizabeth Brady and

Louis Bernstein

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Elizabeth Brady and

Louis Bernstein

late of the 20th Ward of the City of New York, in the County of New York aforesaid,
afterwards, to wit: on the 21st day of April in the year of our Lord one
thousand eight hundred and eighty-four, and on divers other days and times between the said

0657

day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in ~~their~~ said house, for ~~their~~ own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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.

THIRD COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said Elizabeth Brady and

Samuel Bernstein

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Elizabeth Brady

and Samuel Bernstein

late of the 20th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the first day of April in the year of our Lord one thousand eight hundred and eightyfour and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in ~~their~~ said house and place of public resort, for ~~their~~ own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in ~~their~~ said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

PETER B. OLNEY,
JOHN McKEON,

District Attorney.

0658

BOX:

134

FOLDER:

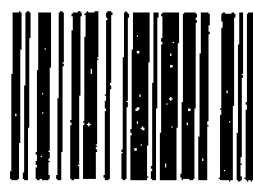
1394

DESCRIPTION:

Brennan, John

DATE:

04/01/84



1394

Witnesses:

John J. Detsche

Mary Kelley

Kate Mc Green

1884

Counsel,

Filed

1884

Pleads

1884

THE PEOPLE

vs.

John Brennan

Surrounded by

May 7, 1884

PETER B. OLNEY,

District Attorney.

A True Bill.

Calvin B. Bunnely

Foreman.

May 7, 1884, 10 May 1884 no deft

May 13, 1884 arrived

May 13, 1884

Frederick H. H. H.

0659

0660

X District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

John J. Deitch

apd 20 of No. 398 Colwell Avenue, Morrisania, 23 Ward
being duly sworn, deposes and says, that on the 19 day of January 1888
at the 18 Ward in the night time City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent.

the following property, viz :

One overcoat

of the value of Twenty Eight dollars

the property of

Complainant

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by John Brennan (now present)

deponent was in premises number
245 Avenue B. in Mrs Mc Givens
house attending a wake. Deponent
took off his coat and put it
on a barrel in the store. Deponent
upon looking for his coat
found that it was missing
and deponent is now
informed by Kate Mc Givens that

Sworn before me this

day of

Police Justice,

188

0661

she saw John Brennan leaving
the house between the hours
of 1 and 3 o'clock in the
morning of the 20th of January
1884 with several coats in
his arm. Said Brennan came
into the premises without any
coat

Sworn to before me
this 25 day of March 1884 J. J. DeLoach

J. J. DeLoach
Police Justice
City and County
of New York

Kate Mc Given
residing 245 Avenue B
being sworn says that she
saw John Brennan (now present)
leaving the house in the
morning of the 20th of January
1884 with several coats in his
arm. Said Brennan came
into said premises without
any overcoat

Sworn to before me

this 25 day of March 1884

J. J. DeLoach
Police Justice

Kate M. Given

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

23.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0662

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

4 District Police Court.

John Brennan 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 Brennan*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *228 West 18th (resided there 3 months)*

Question. What is your business or profession?

Answer. *Dock Builder*

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 Brennan

Taken before me this *25*
day of *March* 188*8*
John J. [Signature]
Police Justice.

0663

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 Brennan

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 March 25 1884 [Signature] Police Justice.

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

Dated March 25 1884 [Signature] Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188 _____ Police Justice.

0664

BAILED,

No. 1, by Augustine Walsh
Residence 3 East 8 St Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

1213
Police Court, District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John J. Deitz
808 Calver St.
Monmouth
1 John Brennan
2 _____
3 _____
4 _____

Office Hand Landed

Dated March 25 188 X

Duffy Magistrate.
Corey & McCarthy Officer.
18 Precinct.

Witnesses John J. Deitz
Engin Co 59, 60 & 61 St.
No. 782 Walton St.
23 Ward, 18 Precinct

Mary Reilly
No. 245 are 18 Street.

Katie McGowan
No. 245 Ar 18 Street.

\$ 5.00 to answer Sessions.

Daniel G. Union
338 Apr 11 Gr

0665

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

John Brennan

The Grand Jury of the City and County of New York, by this indictment, accuse
John Brennan
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *John Brennan*

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

one overcoat of the value
of twenty eight dollars

of the goods, chattels and personal property of one *John J. Dietrich*

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.

0666

SECOND COUNT—

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

John Brennan
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said John Brennan

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
nineteenth day of January in the year of our Lord one thousand
eight hundred and eighty-four at the Ward, City and County aforesaid, with force and arms,

one overcoat of the value
of twenty eight dollars

of the goods, chattels and personal property of John G. Diersch

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said John G. Diersch

Diersch
unlawfully and unjustly, did feloniously receive and have; the said John
Brennan

then and there well knowing the said goods, chattels and personal property to have been feloniously
stolen, taken and carried 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.

PETER B. OLNEY,

District Attorney.

0667

BOX:

134

FOLDER:

1394

DESCRIPTION:

Bretthauer, Conrad

DATE:

04/02/84



1394

Witnesses:

Man & Bart Sch

Carthagen Brettman

322 - *Kelly*

Counsel,

Filed *2* day of *April* 188*4*

Pleads *Not guilty*

THE PEOPLE

vs.

P

Conrad J. Brettman

John P. Kelly

PETER B. OLNEY,

JOHN McKEN,

District Attorney

A True Bill.

Calvin B. Kinn

Foreman.

James 3/24/84

Wm. D. To Mich. 5 weeks

Shades Dwyer

John J. McLaughlin

Mr. Karpis also 1 year.

May 22. 84 R.H.A.
June 23. 84

0668

0569

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

POLICE COURT

DISTRICT.

of No.

says that on the

day of

Street, being duly sworn, deposes and

188

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

126 R. Marie Bertsch, 134th Street, being duly sworn, deposes and says that on the 16th day of December 1883 at the City of New York, in the County of New York, Deponee was married to Conrad J. Brettkauer (now here) by the Reverend Henry Pohlmann, a Minister of the Gospel. That Deponee has since that date above stated, lived and cohabited with said Brettkauer as his wife - That said above marriage was entered into between said Brettkauer and Deponee in this City viz at the residence of said Rev. Henry Pohlmann in Stanton Street. -

That Deponee has been informed by Catharine Brettkauer, that she (Catharine) was married to said Brettkauer on the 29th day of July 1882 in this City & County, and charges said Conrad J. Brettkauer with the crime of Bigamy, and prays that said Brettkauer be dealt with as the law directs.

Sworn before me this 29th }
 Mac 1884. }
 Andrew White

Maria Bertsch.

Police Justice

City & County of New York

0670

Catharine Bretthauer, Aged 23 Yrs. House
 Keeper, of No. 323 East 26th Street
 being duly sworn says - I was
 Married to Conrad J. Bretthauer
 (now here) on the 29th day of July 1882
 by the Reverend Francis J. Belneide
 at No. 91 - 2d Avenue in this City
 and lived and cohabited with
 said Conrad J. Bretthauer, as
 his wife for the space of three months,
 Dependent further says that she
 has not been divorced from said
 Bretthauer by the decree of any
 Court of competent jurisdiction
 but is the lawful wife said
 Conrad J. Bretthauer,

Sworn before me this } Rachel Bretthauer
 29th of March 1884 }

 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

188

Magistrate.

Officer.

Witness.

Disposition.

0671

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

34 District Police Court.

Conrad J. Bretthauer 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.

Not Guilty
Conrad J. Bretthauer

Taken before me this

day of

March 1889

Police Justice.

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty 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 March 29 1887 Secured from Police Justice.

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

Dated 188 , *Police Justice.*

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

Police Justice.

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

Dated 188 , *Police Justice.*

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

Dated..... 188 *Police Justice.*

Dated..... 188 *Police Justice.*

Dated..... 188 *Police Justice.*

0673

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

323 said over for first time 1/2/8
Police Court. District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Marie Tetsch
26 Rivington St
Conrad J. Brettingham
1 _____
2 _____
3 _____
4 _____
Offense *See entry*

Dated *March 29* 188*8*
Magistrate.
Officer.

Witnesses
Geo. Schuchman
26 Rivington St
Rev Henry Polmann
Attorney St. next
door to the Station House
No. _____ Street.

No. *Catherine Brettingham* Street.
\$ *323 & 26 St*
to answer
Attorneys *H. Schneider (91 2nd?)*

0674

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Conrad J. Breckhaner

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

Conrad J. Breckhaner
of the CRIME OF Bigamy,

committed as follows:

The said Conrad J. Breckhaner

late of the City and County of New York, on the twenty-ninth day of July in the year of our Lord one thousand eight hundred and eighty-two, at the City and County aforesaid, did marry one Catharine Hassett, and her the said Catharine Hassett did then and there have for his wife: and the said Conrad Breckhaner, afterwards, to wit: on the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighty-three, at the City and County aforesaid, with force and arms, feloniously did marry and take as his wife, one Maria Bertsch, and to her the said Maria Bertsch was then and there married; the said Catharine Hassett being then living and in full life: 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.

Peter B. Olney,

District Attorney.

0675

BOX:

134

FOLDER:

1394

DESCRIPTION:

Burke, John

DATE:

04/30/84



1394

0676

BOX:

134

FOLDER:

1394

DESCRIPTION:

O'Brien, John

DATE:

04/30/84



1394

McIntire

Philip Bacer
271 Delaney St.

Counsel,
Filed 20 day of Dec 1884
Pleads

McIntire, May!

THE PEOPLE *B*
vs. *B*
John Burke
* and *B*
John O'Brien
W.P.

PETER B. OLNEY,

JOHN MCKINLEY

June 4 District Attorney

May 26 May 29

May 29 May 29

A True Bill.

Let fine years.

June 6

Foreman.

John O'Brien

June 5 84 9/10

May 26. 84 9/10

May 26. 84

May 9. 84 1/4

4-9

0677

0678

Police Court

District.

CITY AND COUNTY }
OF NEW YORK. } ss.

Philip Paer, aged
22 years, of No. 271 Delancey Street, began making
being duly sworn, depose and saith, that on the 27th day of April
1884, at the Eleventh Ward of the City of New York, in the County
of New York, was feloniously taken, stolen, and carried away, from the person of deponent
by force and violence, without his consent and against his will, the FOLLOWING PROPERTY, VIZ:

One Over Coat, one pair of
shoes and four dollars
in gold and silver money,
said property being in all

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

John Burke and John
O'Brien, both now here,
from the fact that about
the 1st of October A. M. of
said day deponent was walking
on 2nd Street on his way
home. That when deponent
had just passed Stanton Street
the prisoner O'Brien seized
deponent and pulled
deponent into a basement

deposited

Sworn before me this

1884

Recorded in No. 1

0679

half-way, and the prisoner
Barker also seized the
of dependent and with the
said of three other men
through dependent down and
by force and violence took
said coat from dependent
back and said shoes from
dependent feet and said
money from the pockets
of dependent's pantaloons, which
pockets they tore open.
Seen & heard me at Philip Baire
27th of April 1884
J. M. Patterson
Solicitor

Police Court— District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

vs.

AFFIDAVIT—ROBBERY.

Dated

188

Magistrate.

Officer

Witnesses:

0680

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John Burke 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 Burke

Question. How old are you?

Answer.

28 years 9 mos

Question. Where were you born?

Answer.

New York

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

Answer.

27 Bloome St. 8 years.

Question. What is your business or profession?

Answer.

Long Shore man

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 didn't get a word of the man at all. That's all I have to say.

John Burke

Taken before me this

day of

April 1894

Police Justice.

0681

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court

John C. Brien 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 C. Brien*

Question. How old are you?

Answer. *20 years 9 mos*

Question. Where were you born?

Answer. *New York*

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

Answer. *52 Avenue C. 2 years.*

Question. What is your business or profession?

Answer. *I drive a wagon*

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 have nothing to say.
I know nothing about it*
John C. Brien
(mark)

Taken before me this

day of

April

188*8*

John C. Brien
Police Justice.

0682

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 Banker and John O'Brien
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 they
give such bail.

Dated *April 27* 188 *J. M. Patterson* Police Justice.

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

Dated _____ 188 . _____ Police Justice.

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

Dated _____ 188 . _____ Police Justice.

0683

Bail fixed at
\$1500

RPC
CL

BAILED,

No. 1, by Thomas Hyginious

Residence 27 Broome Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

27¹
Police Court

3 1292
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Philip Baer
271 Delancey St.
John Barker
John C.'Brien

3 _____

4 _____

Office
Robbery

Dated April 27 188 4

Matterson Magistrate.

Wm. McCormack Officer.

11th Precinct.

Witnessed Wm. McCormack

No. Joseph Dougherty Street.

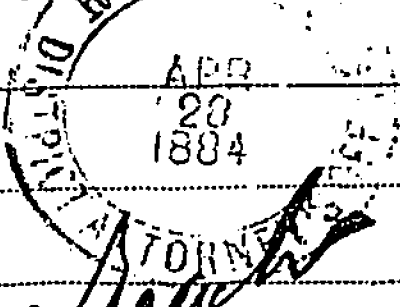
13th West. Precinct.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer G. S.

Committed



0684

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

John Burke
and
John O'Brien

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

John Burke and John O'Brien
of the CRIME OF ROBBERY IN THE *First* — DEGREE, committed as follows:

The said *John Burke and John*
O'Brien

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
twenty-seventh day of *April* — in the year of our Lord one
thousand eight hundred and eighty*four*, at the Ward, City and County aforesaid, with force
and arms, in and upon one *Philip Baer*
in the peace of the said People then and there being, feloniously did make an assault *each*

of them the said John Burke
and John O'Brien *being then and*
there aided by an accomplice
act to wit: [and one overcoat
of the value of ten dollars, two
pieces of the value of fifty cents each,
two promissory notes for the payment
of money of the kind known as United
States Treasury notes, the same
being then and there due and un-
satisfied, for the payment of and of
the value of ten dollars each, four
other promissory notes for the payment of
money of the kind known as United States
Treasury notes, the same being then and
there due and unsatisfied, for the payment
of and of the value of one dollar each, and divers
other articles, and of the value of four dollars,
of the goods, chattels and personal property of the said Philip Baer —

from the person of said *Philip Baer* — and against
the will and by violence to the person of the said *Philip Baer* —
then and there violently and feloniously did rob, 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,

PETER B. OLNEY,
~~JOHN McKEON~~, District Attorney.

0685

BOX:

134

FOLDER:

1394

DESCRIPTION:

Burleigh, James

DATE:

04/25/84



1394

Witnesses -

Thos. B. Lawrence

with Harper Bros.

Franklin Square

461

Filed 25 day of April 1884

Pleads *W. H. H. H. H.*

THE PEOPLE
vs.
P
James D. Donoghue
J. W. H. H. H.
James D. Donoghue

PETER B. OLNEY,
District Attorney.

22 May 1884
Pleads - True Bill
A TRUE BILL.

SP 4 year,
John M. O'Leary Foreman.

May 22 1884

May 22 1884

0586

0687

Police Court First District.

CITY AND COUNTY
OF NEW YORK,

ss.

Renter

Thomas B. Lloverre age 19 years,

at No. 414 West Harper Brother, Franklin Square Street,

being duly sworn, deposes and says, that

on Wednesday the 12 day of March

in the year 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James

Barleigh Green here, who did
wilfully and maliciously point,
aim and discharge a revolving
pistol loaded with powder and
leaden balls at the body of deponent
one ball of which struck deponent
on the left ear, inflicting a serious
wound. Deponent charges that
said Barleigh did feloniously
assault him as aforesaid

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

day

of

188

Thos B. Lloverre, Jr.

POLICE JUSTICE.

0588

Sec. 198-200

CITY AND COUNTY }
OF NEW YORK, } ss.

First District Police Court.

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

Question. What is your name?

Answer.

James Burleigh

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

132 North 5th Street, Brooklyn, about 10 months

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 have nothing to say
at present James H Burleigh*

Taken before me this *27*
day of *August* 188*8*
[Signature]
Police Justice.

0689

New York Hospital,

West Fifteenth Street,

New York, March 22 1884

Thomas B. Lawry is still
a patient in this hospital suffering
from pistol-shot wound of
temporal bone. The bullet
has not yet been extracted and
it is impossible to say when
Lawry can be discharged

E. C. Spencer
House Surgeon.

0690

New York Hospital

March 18, 1887.

This is to certify that Thomas B. Lowry is still under treatment here suffering from a bullet in the ear. An unsuccessful attempt was made to remove it and it will be tried again as soon as the inflammation about the parts shall somewhat subside.

At this date it is impossible to state exactly when he will be able to appear in Court. In a few days more definite information can be given.

Signed

Edw. H. Spence

House Surgeon

0691

New York Hospital,

West Fifteenth Street,

New York, March 14 1884

Thomas B. Louene is a patient
in this hospital suffering from
a fistul shah wound of the
left ear. The wound is
not dangerous in character
and the patient will probably
be able to go out in a few
days

Edw. H. Spence

House Surgeon

0692

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.

New York, *March 13* 188*4*

To whom it may concern:

This is to certify that

Thos. B. Larrey

is ~~was~~ under treatment at this Hospital,

for *Pistol shot wound of head*

~~from~~ *188*, to *188*

and that while his general condition at the present time is excellent, yet in my opinion the wound is a dangerous one.

Chas. A. Powers M.D.
Act. House Surgeon.

0693

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

POLICE COURT, 7th DISTRICT.

Joseph D. Woodridge
of No. the 4 Precinct Police District, being duly sworn, deposes and says,

that on the 12 day of March 1884

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

Thomas B. Lavery was violently and feloniously
Assaulted and beaten by James Burleigh
(now Len) who willfully and maliciously pointed
aimed and discharged a loaded pistol at said
Lavery striking said Lavery in the left ear
as this deponent is informed by said Lavery
who is now confined in the New York Hospital
in consequence of the injuries inflicted. That
deponent confronted said Burleigh with said
Lavery who fully identified him as the
person who assaulted and beat him as
aforesaid

J. D. Woodridge

Sworn to before me this
day of March
John D. Murphy
Police Justice.

0694

POLICE COURT— DISTRICT

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Joseph W. Woodbridge

vs.

James Burleigh

Dated March 13 188

Duffy Magistrate.
Woodbridge Officer.

Witness,

[Signature]

Disposition

AFFIDAVIT
of
James B. Burleigh

0695

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

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

Dated April 21 188

[Signature] Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0696

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Within John Lawrence

214 East 89th Street

Within George H. Chatillon

93 Cliff Street

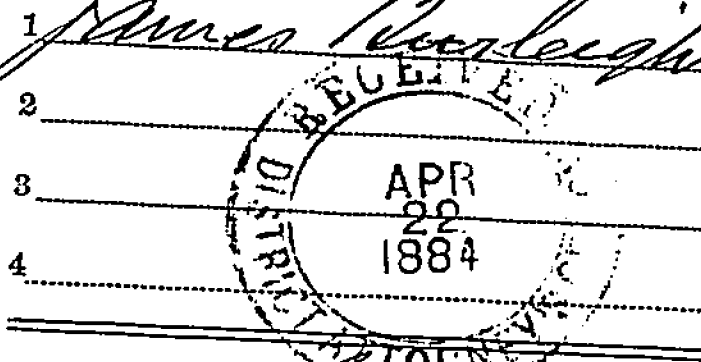
194th
Police Court

1282

First District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James B. Lawrence
With Harper Brothers
Franklin Square
James Overleigh



Office of the
Assessor

Dated

April 21 1884

Magistrate.

Joseph H. Woolbridge

Officer.

George Chapman 93 Cliff

Precinct.

Witnesses Charles H. Lewis

With Harper Brothers Franklin Square

Edward F. H. Cornell

No. With Harper Brothers Franklin Square

Edward A. Lewis

No. Harper Brothers Franklin Square

\$ 1000 to answer General Sessions.

E. C. Spencer M. D.

New York Hospital

0697

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

James H. Burlingame

The Grand Jury of the City and County of New York, by this indictment, accuse *James H. Burlingame*

of the CRIME OF *Assault in the first degree*, committed as follows:

The said *James H. Burlingame*

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *March* in the year of our Lord one thousand eight hundred and eighty *four*, with force and arms, at the City and County aforesaid, in and upon the body of *Thomas B. Lomere the younger* in the peace of the said People then and there being, feloniously did make an assault, and to, at and against *him* the said *Thomas B. Lomere the younger*, a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *James H. Burlingame* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent *him* the said *Thomas B. Lomere the younger*, thereby then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

James H. Burlingame

of the Crime of assault in the second degree, committed as follows:

The said *James H. Burlingame*, late of the City and County aforesaid,

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Thomas B. Lomere the younger*, then and there being, feloniously did, wilfully and wrongfully, make an assault, and to, at and against *him* the said *Thomas B. Lomere the younger*, a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *he* the said *James H. Burlingame* in *his* right hand, then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, wilfully and wrongfully then and there shoot off and discharge

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.

PETER B. OLNEY,

~~JOHN McKEON~~ District Attorney.

0698

BOX:

134

FOLDER:

1394

DESCRIPTION:

Butler, Ellen

DATE:

04/10/84



1394

Arthur De Bussan
238 W. 25
Joseph M. Lamb
213 W. 25
Jas. Lonsdale
Sergt. 16 Prec.

The Complainants
Bussan and Lamb
inform me that
defendant has left
the premises and that
the place is broken
up, and the defendant
agreeing not to again
offend against the law
in this respect I re-
commenced that sentence
be suspended
May 5. 1884

John A. Olney
District Atty.

147
C. O. Bussan
(II)
Day of Trial,
Counsel,
Filed day of April 1884
Reads
M. J. Lamb

THE PEOPLE

vs.

B

Ellen Butler

26.
Gt. 2 and

PETER B. OLNEY,
JOHN McKENON,

District Attorney.

21 Nov 6, 1884
pleads guilty
A True Bill

John McKenon Foreman.
Jas. Lonsdale
Recognition given
G. J.

0699

0700

Sec. 198-200

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Ellen Butler

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

Question. What is your name?

Answer. *Ellen Butler*

Question. How old are you?

Answer. *26 years 7 age*

Question. Where were you born?

Answer. *Michigan*

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

Answer. *242 West 25th St. 5 years.*

Question. What is your business or profession?

Answer. *Dress-maker*

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*

Ellen Butler

*Col. Spencer on behalf of
the defendant demands for
trial by jury at the Court
of General Sessions*

Taken before me this

day of *April*

188

Police Justice.

0701

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 Ellen Butler

guilty thereof, I order that he be held to answer the same and she 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 April 5th 188 4 J. M. Patterson Police Justice.

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

Dated April 5th 188 4 J. M. Patterson Police Justice.

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

Dated _____ 188 _____ Police Justice.

0702

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

47
Police Court

2

124
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Arthur C. Boreau
238 W. 25 St.

Ellen Butler

2

3

4

Office

Keppin

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Wm.

Dated

April 5

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Sessions.

\$

to answer

Bailed



0703

My dear General Sessions

The People of the State
of New York

against
Ellen Barker

City and County of New York
Ellen Barker being duly sworn
says that she is the defendant in
the above entitled action; that
she has entirely and permanently
removed from 242 West 25th Street
and is now residing at 89 Second
Avenue where she is boarding.
that she has not resumed nor does
she intend to resume the keeping of
boarders or the renting of rooms.
that her property with her fur
coat has been sold under
a personal mortgage and that
accompanying and marked it is
the list of the articles sold and
the auctioneers Catalogue

Sworn May 14th

1874 before me
J. H. Mulvihill
Commissioner of Deeds
N.Y.C.

Ellen Barker

0704

New York New Jersey

The People
against
Ellen Barker

Applicant

Charles J. Spear

Attorney

154 Nassau

Patience Barclay

My body

0705

A
SAMUEL KREISER,

AUCTIONEER.

MORTGAGE SALE

OF

↓ **Elegant Household Furniture,**

Folding Beds, Pier Mirrors, Carpets, Bedding,
&c., &c.,

TO BE SOLD AT AUCTION,

BY

SAMUEL KREISER,

ON

Saturday, May 10th, 1884,

AT 10 O'CLOCK.

AT THE PRIVATE RESIDENCE,

242 WEST 25th STREET.

By order of the Attorney for Mortgagee.

TERMS OF SALE PER SECOND PAGE.

HUNTER & BEACH, Printers, 31 West 18th Street, New York.

0706

4

BASEMENT STAIRS

10 yds Brus Carpet L 90

FIRST FLOOR—Large Front Room

- 11 Ebony Parlor Suite, in Emb plush, 6 pcs, sofa, arm, 2 side, window and corner chair 53 14
- 12 Ebony Pat Rocker to match 6.
- 13 B W Centre Table, M T 50.
- 14 Burr Folding Bed 9-
- 15 Hair Mattress 3 30
- 16 Fea Bolster
- 17 2 Fea Pillows
- 18 2 Sheets
- 19 Spread
- 20 Comfortable
- 21 Blanket
- 22 Bolster Case
- 23 2 Pillow Slips
- 24 B W Dress Bureau, F P G M T 21 -
- 25 B W Washstand, M T 41 75
- 26 Chamber Set, pcs 1 10

5

- 27 Slop Jar and Towel Rack 75
- 28 Chromo 2 50
- 29 do 2 10
- 30 do 2 - 40
- 31 do 1 10
- 32 2 pr Lace Curtains 1 75
- 33 2 B W Cornices 4 50
- 34 2 Shades 1 25
- 35 3 Globes 1 15
- 36 Smyrna Rug 3 60
- 37 36 yds Brus Carpet 1 7

RECEPTION ROOM

- 38 Burr Folding Bed, Mirror Front 65
- 39 Hair Mattress 12
- 40 2 Fea Pillows 3 40
- 41 2 Sheets 2 75
- 42 2 Pillow Slips
- 43 Comfortable 2 7
- 44 Blanket
- 45 Turkish Parlor Suite, 5 pcs. sofa, easy chair, pat. rocker and 2 side chairs 19
- 46 B W Table, M T 16
- 1 50
- 5-

0707

6

- 47 French Plate Pier Mirror, G F 150
 48 Marble Slab and Brackets 22.50
 49 Herring's Safe 24
 50 Plush Mantel Lambrequin 22.5
 51 Bronze Block 42.5
 52 2 Bronze Pitcher Vases 87.5
 53 2 Ottomans 4
 54 Chromo 5
 55 2 Chromos 9 50
 56 2 do 4
 57 2 do 4
 58 Engraving 40
 59 Motto 45
 60 3 Globes 1
 61 2 B W Brackets 1
 62 Pr Lace Curtains 2
 63 Gilt Cornice 1
 64 2 Shades 1
 65 Turkish Rug 22.5
 66 do 22.5
 67 yds Wilton Carpet 22.5

9

- 104 2 Shades
 105 Rug
 106 do
 107 yds Bius Carpet

BACK PARLOR.

- 108 B W Bedstead
 109 Pat Wire Spring
 110 Hair Mattress
 111 Fca. Bolsters
 112 2 Fea Pillows
 113 2 Sheets
 114 2 Pillow and 1 Bolster Slip
 115 Comfortable
 116 Spread
 117 B W Dress Case, M T
 118 B W Wardrobe
 119 Eb Parlor Suite, 6 pes, in R S and
 plush, sofa, arm and 4 side chairs
 120
 121 Ebony Pat Rocker to match
 122 B W Table, M T

0708

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- 123 B W Washstand, M T
- 124 Chamber Set, pcs
- 125 Slop Jar
- 126 B W Bracket
- 127 Mantel Lambrequin, in R S
- 128 Engraving
- 129 do
- 130 2 do
- 131 Picture
- 132 2 Globes
- 133 2 pr Lace Curtains
- 134 2 B W Cornices
- 135 2 Shades
- 136 Rug
- 137 yds Brus Carpet

HALL—1st Floor

- 138 Steamer Chair
- 139 yds Brus Carpet

STAIRS—2d Flight

- 140 yds Bruss Carpet

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THIRD FLOOR—Back Room

- 141 B W Bedstead
- 142 Springs
- 143 Hair Mattress
- 144 Fea Bolster
- 145 2 Fea Pillows
- 146 2 Sheets
- 147 2 Pillow Slips
- 148 Bolster Case
- 149 Blanket
- 150 Comfortable
- 151 Spread
- 152 B W Dress Case, M T
- 153 B W Table, M T
- 154 B W Parlor Suite, 4 pcs, Lounge, Rocker and 2 Side Chairs
- 155 B W Chair, C S
- 156 Mantle Lambrequin
- 157 Chromo
- 158 do
- 159 2 Engravings
- 160 2 Pictures

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- 161 2 pr Lace Curtains
- 162 2 B W Cornices
- 163 2 Shades
- 164 Rug
- 165 do
- 166 yds Brus Carpet

FRONT ROOM

- 167 B W Bedstead
- 168 Spring Iron
- 169 Ex Mattress
- 170 Hair Mattress
- 171 Fea Bolster
- 172 2 Fea Pillows
- 173 2 Sheets
- 174 2 Pillow Cases
- 175 Bolster Case
- 176 Blanket
- 177 Comfortable
- 178 Spread
- 179 B W Dress Case, M T
- 180 B W and Gilt Parlor Suite, 6 pcs,
Sofa, Arm, and 4 Side Chairs

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- 181 Pat Rocker to match
- 182 B W Sofa Table
- 183 Table Cover
- 184 Mantel Board
- 185 Engraving
- 186 2 Pictures
- 187 3 do
- 188 2 pr Lace Curtains
- 189 2 B W and G Cornices
- 190 2 Shades
- 191 Rug
- 192 yds Bruss Carpet

HALL—Third Floor

- 193 yds Brus Carpet

STAIRS—3d Flight

- 194 yds Brus Carpet

FOURTH FLOOR—Back Room

- 195 B W Bedstead

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14

- 196 Iron Spring
- 197 Hair Mattress
- 198 Fea Bolster
- 199 2 Fea Pillows
- 200 2 Sheets
- 201 2 Pillow Slips
- 202 Bolster Case
- 203 Blanket
- 204 Comfortable
- 205 Spread
- 206 B W Dress Case, M T
- 207 Bureau Washstand
- 208 Toilet Crockery, pcs
- 209 Slop Jar
- 210 B W Parlor Suite, in reps, 7 pcs,
Sofa, 2 Arm and 4 Side Chairs
- 211 B W Bed Lounge in reps
- 212 B W Leaf Table
- 213 Table Cover
- 214 B W Rocker, C S
- 215 Mantel Lambrequin
- 216 Engraving

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- 217 2 Pictures
- 218 3 do
- 219 2 pr Lace Curtains
- 220 2 B W Cornices
- 221 2 Shades
- 222 Rug
- 223 yds Brus Carpet

FRONT ROOM

- 224 B W Bedstead
- 225 National Wire Spring
- 226 Hair Mattress
- 227 Fea Bolster
- 228 2 Fea Pillows
- 229 2 Sheets
- 230 2 Pillow Slips
- 231 Bolster Case
- 232 Blanket
- 233 Comfortable
- 234 Spread
- 235 B W Dress Case, M T
- 236 Bureau Washstand

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- 237 Crockery, pcs
- 238 B W Parlor Suite, 4 pcs, in R S and plush, Lounge, Arm and 2 Side Chairs
- 239
- 240
- 241 B W Sofa Table
- 242 B W Lounge, in reps.
- 243 Table Cover
- 244 B W Rocker, C S
- 245 do do
- 246 B W Chair, C S
- 247 Mantel Board
- 248 Engraving
- 249 2 do
- 250 2 do.
- 251 Small Engraving
- 252 2 Pr Lace Curtains
- 253 2 Gilt Cornices
- 254 2 Shades
- 255 Rug
- 256 do
- 257 yds Brus Carpet

17

STORE ROOM.

- 258 Canvas Cot
- 259 Parlor Stove
- 260 do

FOURTH HALL.

- 261 yds Brus Carpet

SAMUEL KREISER,

AUCTIONEER,

80 University Place.

0712

— Union Square —

SALES

SAMUEL KREISER,
AUCTIONEER.

ROOMS

80 University Place,—
Near 14th St.,

NEW YORK.

SALES OF HOUSEHOLD FURNITURE AT PRIVATE RESIDENCES
"Our Specialty."

0713

Sec. 322, Penal Code.

22

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

I, Arthur M. Berceau, 51 years old, physician
of No. 238 West 25th Street, in said City, being duly sworn says,
that at the premises known as Number 242 West 25th Street,
in the City and County of New York, on the 22 day of January 1884 and on divers
other days and times, between that day and the day of making this complaint

one Mrs. Butler
did unlawfully keep and maintain and yet continue to keep and maintain a disorderly
house and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for ~~unlawful sexual intercourse~~, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain ~~drinking~~, dancing, fighting, disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided

Deponent therefore prays, that the said Mrs. Butler
and all vile, disorderly and improper persons found upon the premises, occupied by said
Mrs. Butler
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this 4th day
of April 1884

A. M. Patterson Police Justice.

A. Dubucan

over

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W
Police Court—2d District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Arthur Du Breeau

vs.

Mrs. Butler

AFFIDAVIT—Keeping Disorderly House, &c.

Dated April 4 1884

Patterson Justice.

Officer.

Precinct.

WITNESSES

Whitfield Ward
208 West 25 Street

07 15

Sec. 151.

Police Court— 2^d 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 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 Arthur Du Perceau of No. 238 West 25th Street, that on the 2^d day of January 1884, at the City of New York, in the County of New York, Mrs. Butler did keep and maintain at the premises known as Number 242 West 25th Street, in said City, a Disorderly House and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together ~~for unlawful sexual intercourse, and for the purpose of prostitution,~~ and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain ~~drinking,~~ dancing, fighting, disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

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 body of the said

Mrs. Butler and all vile, disorderly and improper persons found upon the premises occupied by said Mrs. Butler and forthwith bring them before me, at the 2^d 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 4th day of April 1884

W. M. Patterson POLICE JUSTICE.

07 16

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated 188

Magistrate

Sgt. Lonsdale Officer.

16 Precinct.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

J. M. Patton Police Justice.

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

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Police Justice.

The within named

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

POLICE COURT, 2 DISTRICT.

Arthur Du Boiscan

of No. 238 West 25th Street, being duly sworn, deposes and says,

that on the 5th day of April, 1884

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

now here, is the person named in the
annexed affidavit of deponent as
being the keeper of premises No.
242 West 25th Street. That said
premises is a house or place for
persons to visit for unlawful sex-
ual intercourse and for lewd,
obscene and indecent purposes.
That deponent has seen naked
women standing at the windows
of said premises, and has heard

Subscribed before me, this

1884

Shays

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*Almond & Co. are doing
Sigsbee & Co. are doing
W. J. D. are doing
J. W. D. are doing*

Fighting within said premises
and great noise at night there-
in, and drunken men and
women going in and out of
said premises at all hours of
the day and night, & which the
Comfort, Peace and Decency of the
Neighborhood is habitually disturbed.

Dr. A. Dubucan

POLICE COURT— DISTRICT—
THE PEOPLE, & C.,
ON THE COMPLAINT OF
vs.

Dated 188

Magistrate.

Officer.

Witness.

Disposition

0719

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Ellen Butler

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

— — — *Ellen Butler* — — —

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME,
committed as follows:

The said *Ellen Butler* — — —

late of the *16th* Ward of the City of New York, in the County of New York aforesaid, on
the *second* day of *January* in the year of our Lord one thousand eight
hundred and eighty-*80* and on divers other days and times as well before as afterwards,
to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common
house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers
evil-disposed persons, as well men as women, and common prostitutes, on the days and times afore-
said, as well in the night as in the day, there unlawfully and wickedly did receive and entertain;
and in which said house the said evil-disposed persons and common prostitutes, by the consent and
procurement of the said *Ellen Butler* — — —

— — — on the days and times
aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, dis-
turbances and lewd offences as well in the night as in the day, were there committed and perpe-
trated; to the great damage and common nuisance of all the good people of the said State there
inhabiting and residing, in manifest destruction and subversion of, and against good morals and good
manners, 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 *Ellen Butler* — — —

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Ellen Butler* — — —

late of the *16th* Ward of the City of New York, in the County of New York aforesaid,
afterwards, to wit: on the *second* day of *January* in the year of our Lord one
thousand eight hundred and eighty-*80* and on divers other days and times between the said

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day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in her said house, for her own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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.

THIRD COUNT.—And the Grand Jury aforesaid, by this indictment, further accuse the said Ellen Butler — — — — —

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Ellen Butler — — — — —

late of the 16th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the 22nd day of January in the year of our Lord one thousand eight hundred and eightyfour and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in her — — — — — said house and place of public resort, for her — — — — — own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in her — — — — — said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

PETER B. OLNEY,

~~JOHN MCKEON,~~

District Attorney.