

0848

BOX:

318

FOLDER:

3029

DESCRIPTION:

Brown, Thomas

DATE:

09/14/88



3029

0049

BOX:

318

FOLDER:

3029

DESCRIPTION:

Gibbs, Richard

DATE:

09/14/88



3029

0850

#199

Spencer

Witnesses ;

Counsel,

Filed *14* day of *Sept* 188*8*

Pleads, *Chargenly 17*

THE PEOPLE

vs *18* *ps. vs* *I*
9 1/2 *W. H. H. A*
Thomas Brown
W. H. A
Richard Gibbs

Grand Larceny, First Degree.
(DWELLING HOUSE.)
[Sections 628, 630, 635 Penal Code].

JOHN R. FELLOWS,

District Attorney.

258 *at 11:00 a.m. 10/10/88*

A True Bill.

Park III October 4/88

W. H. A
Pleads Park Larceny

W. H. A *3* *W. H. A* *Foreman.*

W. H. A *Oct. 1/88*

Read and Acquitted

0851

Police Court—

2

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Abbie C Crandall

of No. 69 Madison Avenue Street, aged 55 years,
occupation Housekeeper being duly sworndeposes and says, that on the 26 day of August 1884 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 night time, the following property viz:

one dress coat
of the value of forty dollars, and
ten silk umbrellas of the value
of fifty dollars and other personal
property to the value of
one hundred and eighty dollars
(\$180)

the property of Albert Braden and then
in deponent's care and custody

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 Thomas Brown and Richard
Gibbs (now here) for the following
reasons. The said Richard Gibbs
was employed in deponent's house as
a waiter and the said Brown was
seen by Kate Benzgo now here
in the said house on said date,
and part of the said goods were
packed ready to be taken away
and the said Brown did confess
to Policeman Thomas J. Hayes that
he Brown was admitted by the
said Gibbs to the said house for
the purpose of stealing the said
property, and the said Brown

Sworn to before me, this 9 day
of September 1884

Police Justice.

0852

gave information to Phue-man Hayes on
which pawn tickets for a portion of the
said property were turned to a pawn
shop at No 367 Third Avenue with
one Joseph P Herwitz and the said
Brown was found in the said house
on the 27th day of August 1888
subsequent to the said larceny and
he had no business there, wherefore
defendant charges defendant with the
said larceny

Abbondati

SWORN TO BEFORE ME

THIS DAY OF

POLICE JUSTICE.

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888 Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1888 Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions.

0853

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas F. Hayes

aged 21 years, occupation Police of No.

19th Street Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Albert C. Lindell

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

Sworn to before me, this

9

day of

Sept

188

Thomas F. Hayes

John J. Morrison

Police Justice.

0854

CITY AND COUNTY }
OF NEW YORK, } ss.

Kate Berge
aged 37 years, occupation Charcoal of No.

69 Hudson Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

188

Sept 10 9
John J. Brown
Police Justice.

Kate Berge

0855

Sec. 193-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

Thomas Brown

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

Question. What is your name?

Answer.

Thomas Brown

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

916 1/2 9th Av. 1 week

Question. What is your business or profession?

Answer.

Express business

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.

*Richard Gibbs let me in
and he packed the things
up on Sunday before he
went away. He let me
in at the time I got the
bullet.*

Thomas Brown

Taken before me this

day of *Sept* 188*8*

John J. Conner Police Justice.

0056

Sec. 193-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Richard Gibbs*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *W.S.*

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

Answer. *134 West 27th 1 week*

Question. What is your business or profession?

Answer. *Waiter*

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. *Thomas Brown was working for Miss Abbie and he left. I knew him but I did not let him in and I did not know he was there until the umbrella was lost. He told me he got in the house through the coal hole. I did not pick up the things to steal them.*

Richard Gibbs

Taken before me this

day of *September* 188*8*

John M. Brown Police Justice.

0857

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 Sept 9 188 l John J. ... Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0858

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1412
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Abbie C. Gendall
69 Madison Ave.
Thomas Brown
Richard Gibbs

3. _____

4. _____

Dated Sept 7 1888

German Magistrate.

Hager Officer.

19 Precinct.

Witnesses Kate Benz

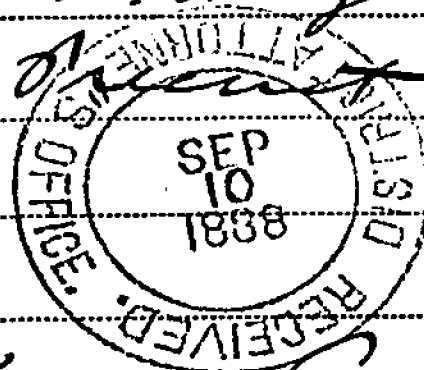
No. 69 Madison Av. Street.

Thomas J. Hager

No. 19th Street.

No. _____ Street.

\$ 1000 to answer



Cum

9 d. 12
Sunder House

0859

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

Thomas Brown and
Richard Gibbs

The Grand Jury of the City and County of New York, by this indictment, accuse
Thomas Brown and Richard Gibbs
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said *Thomas Brown and Richard Gibbs*, both

late of the *21st* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty-sixth* day of *August* in the year of
our Lord one thousand eight hundred and eighty-eight in the night time of the same day,
at the Ward, City and County aforesaid, with force and arms,

*one coat of the value of forty
dollars, two umbrellas of the value of
eight dollars each, and divers other
articles of personal property, a more
particular description whereof is to
the Grand Jury aforesaid unknown,
of the value of one hundred and twenty
five dollars*

of the goods, chattels and personal property of one *Abbie C. Brandall*
in the dwelling-house of the said *Abbie C. Brandall*

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

0860

SECOND COUNT—

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

Thomas Brown and Richard Gibbs
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Thomas Brown and Richard Gibbs, both*
late of the *21st* Ward of the City of New York, in the County of New York
aforesaid, on the *twenty-sixth* day of *August* in the year of
our Lord one thousand eight hundred and eighty *eight* at the Ward, City and County
aforesaid, with force and arms,

*one coat of the value of forty
dollars, two umbrellas of the value
of eight dollars each, and divers
other articles of personal property,
a more particular description where-
of is to the Grand Jury aforesaid un-
known, of the value of one hundred
and twenty-five dollars*

of the goods, chattels and personal property of one

Abbie C. Crandall

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

Abbie C. Crandall

unlawfully and unjustly, did feloniously receive and have; the said

Thomas Brown and Richard Gibbs

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.

JOHN R. FELLOWS,

District Attorney.

0861

BOX:

318

FOLDER:

3029

DESCRIPTION:

Bruen, Owen

DATE:

09/13/88



3029

POOR QUALITY
ORIGINAL

0862

Witnesses:

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

Assault in the First Degree, Etc.
(Firearms)
(Sections 217 and 218, Penal Code).

Owen Brown

(2 cases)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Sept 17/87
J. W. Brown
of the County of
City of
Sept 21/87

POOR QUALITY
ORIGINAL

0863

Witnesses :

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

Assault in the First Degree, Etc.
(Firearms)
(Sections 217 and 218, Penal Code).

Owen Brown

(2 cases)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Sept 11

Sept 11

Sept 11

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Sept 11

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Sept 11

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Sept 11

Sept 11

0064

1002

The People
vs.
Owen Bruen.

Court of General Sessions, Part 1.
Before Recorder Smyth.

Monday, September 17, 1888.

Indictment for assault in the first degree.

Herman Bruns sworn and examined by Mr. Jarome.

Q. Mr Bruns what is your business. A. Groceryman.

Q. And where do you carry on that business.

A. 33 Park Street.

Q. Are you a married man. A. Yes sir.

Q. Live there with your family. A. I do.

Q. Do you know the defendant at the bar, Owen Bruen.

A. Yes sir.

Q. How long have you known him.

A. I know him for the last three years.

Q. And where does he live. A. 31 Park Street.

Q. Next door to you. A. Next door to me.

Q. Do you remember the night of the 5th of September of this year. A. Was it not the 3rd?

Q. The 3rd was it, Labor Day. A. Yes sir, Labor Day.

Q. Did you see the Defendant on that day, Owen Bruen.

A. Yes sir.

Q. Did you see him the night of that day.

A. Yes sir.

Q. Now tell the Jury in your own way, talking loudly and slowly, all that occurred between you and Owen Bruen on that night.

0865

Owen
~~Then~~, Owen came in my store
and asked me for \$1.50. I looked
at him and said, "Owen, ^{I hardly} I haven't
got it to spare," but still I put
my hand in the pocket and
gave him \$1.50. It was about 10
or 15 minutes after that he came
in again and said, "Herman,
give me two dollars more." I said,
"Owen, I cannot give it to you;
the business was slow and I
had to pay some bills this
morning, and the few dollars
I have I need it for the market
in the morning." He says, "Give
it to me." I says, "Owen, I can't."
He asked me again, "Are you
going to give it to me?" I said,
"No, I haven't got it to spare;
if I had it to spare, I would give
it to you." I stood behind the
counter and he stood on the
outside of the counter; and he
said, "Are you going to give it
to me?" I says, "No, you cannot
get it." Well, he said, "you
son of a bitch, you are

0866

Owen
~~Then~~ Owen came in my store
and asked me for \$1.50. I looked
at him and said, "Owen, ^{I hardly} I haven't
got it to spare," but still I put
my hand in the pocket and
gave him \$1.50. It was about 10
or 15 minutes after that he came
in again and said, "Herman,
give me two dollars more." I said,
Owen, I cannot give it to you;
the business was slow and I
had to pay some bills this
morning, and the few dollars
I have I need it for the market
in the morning. He says, "Give
it to me." I says, "Owen, I can't."
He asked me again, "Are you
going to give it to me?" I said,
"No, I haven't got it to spare;
if I had it to spare, I would give
it to you." I stood behind the
counter and he stood on the
outside of the counter; and he
said, "Are you going to give it
to me?" I says, "No, you cannot
get it." Well, he said, you
son of a bitch, you are

0867

getting too fresh anyhow, I will
get it anyways. "So he struck
me with a pistol on the back
of my head, and when I seen
the blood coming I put my
hand on the hole where he
struck me with the pistol. I got
kind of excited. When I seen the
blood I was kind of nervous;
and at the same time he took
up a two pound weight off the
counter and threw it at my
head and struck me in the
back of the ear and head and
made me so hot I commenced
to fall behind the counter and
cut the bread case; at the same
time he shot and the bullet
struck first the counter upon
the bread case and struck
me only on the back of the
vest; the weight struck me on
the left ear.

2/28)

0068

By Mr. Jerome. Q. I hand you now a weight, is that the weight that the defendant threw at you as you have testified.

A. Yes sir, a two pound weight, what was found behind the counter when I got up: my wife picked that up.

Q. Was that two pound weight on the counter before you were knocked down, where was it.

A. Up on the counter.

By the Court. Q. Before you were struck with the weight in the back was that weight on the counter.

A. That weight was on the counter.

By Mr. Jerome. Q. This is your weight.

A. Yes sir, if that is the weight I fetched you yesterday it is my weight.

By the Court. Q. Where did that pistol ball strike you when he fired the pistol.

A. The bullet struck near the back of the vest.

By Mr. Jerome. Q. Is that the vest you have on. A. Yes sir.

Q. Take your coat off and show to the Jury where it struck you.

The witness did so.

By the Court. Q. That hole there.

A. Yes sir, I was standing that way. (Showing)

Q. It was right under the left shoulder, now after he fired the pistol at you what then became of him.

By Mr. Jerome. Q. What did he do after he had fired the pistol at you, what did Owen Bruen do.

A. He must have went out at the time between I was lying there when my wife came out to make a noise: she thought that I was shot, then I got up, I did not see nothing of Owney any more.

0069

- Q. How long were you lying there..
- A. It was not very long, it could be about five minutes, I can't tell because I did not know what was going on the same minute.
- Q. Will you please describe to the Jury how your counter is arranged behind which you were when Bruen shot at you.
- A. Yes.
- Q. As you come into the store on which side is the counter.
- A. When we come in the store the counter is on the left hand side and the bread case is standing on the end of the counter, right near the door; if the door stands open the door covers near up the bread case; ^{next} ~~comes~~ to the bread case is a small little penny case with drawers in, it is about six inches wide.
- Q. What is that bread case made of.
- A. Of wood.
- Q. With glass panels.
- A. Yes sir, with glass panels.
- Q. Then on the bread case were the scales.
- A. There is only one scale standing between the candy case and the cigar case and that is about two and a half feet.
- Q. And then where is the till.
- A. The till is just between the candy case and the cigar case.
- Q. And where were you standing when Bruen reached across the counter and struck you.
- A. I stood by the candy case, I left the drawer on my left side.
- Q. Where did Bruen stand.
- A. He stood right there. (Pointing.)
- Q. Where I am standing now.

0870

A. Yes, close to it.

Q. How wide is this counter.

A. I think about two feet, I do not know the measure of it.

Q. Did you look at that bread case the next morning or any time after this affair.

A. No, I looked the same night when I came in again.

Q. What was its condition, was it bruised.

A. It is in the same condition only the bullet went through the corner and a piece of wood was taken off.

Q. There are pieces of wood in the corner of the bread case with panels and glass between.

A. Yes sir.

Q. There was a piece of wood taken off one of those frames.

A. Yes sir, there was a piece taken out from the inside, not the outside.

Q. When you fell down where did you fall, was your head toward the window or from the window.

A. I felt my head was against the window.

Q. Toward the window. A. Yes sir.

Q. And you fell on your right side.

A. Yes sir, I fell on my right side.

Q. Where was your left hand.

A. My left hand was under my head keeping the blood still.

Q. Was there anything under the window where you fell or on the floor.

A. There was a couple of boxes and a couple of rolls of paper.

Q. So you were not lying flat but slanting.

A. Yes sir.

Q. Was that right behind the bread case where you were lying.

A. Yes sir.

Q. Could you see Owen Bruen where he was standing.

0071

A. Not then any more, after I fell I did not know nothing.

Q. You lost your head. A. Yes sir.

Q. Was anybody else in the store at that time.

A. There was nobody else only my brother, and my wife stood in the back of the store.

Q. Your brother is August Bruns, and your wife stood in the back of the store.

A. Yes sir..

Q. Were there some barrels in front of this counter.

A. There was two barrels standing, one was a sugar barrel and a couple of potato barrels.

Q. How far from Owen Bruen was the nearest barrel.

A. The sugar barrel was close by him.

Q. That was between him and the door.

A. Yes sir.

Q. I hand you now a piece of lead and ask you if you have ever seen that before.

A. I did not.

Q. You have never seen it before. A. No sir.

Q. Do you know whether your wife found anything in the store there the next morning.

A. She found that bullet the next morning, the time I was to market; when I came home she showed me it.

Counsel: I object.

The Court: That wont do: you have got the wife here.

By Mr. Jerome. Q. What time was it when Bruen first got the \$1.50 from you that night .

A. It must be about nine o'clock, I was out in the afternoon to Ft. Lee and I took the half past seven o'clock boat and this was right after, about fifteen minutes after I came

0072

home.

Q. As near as you can tell what time was it.

A. It was about a quarter past nine.

Q. And how long was it before Bruen came back that night after getting the dollar and a half from you.

A. It was about ten or fifteen minutes, I cannot tell the minutes.

Q. Was Bruen drunk that night.

A. Not that I noticed I cannot tell.

Q. Did he appear to be under the influence of liquor at all.

A. I do not know, sir.

Cross Examined by Counsel.

Q. You said you have known Bruen for two or three years.

A. I do, sir.

Q. And he lives next door to you, does he not.

A. Yes sir.

Q. He has been in the habit of coming into your store quite often I take it.

A. He had so, yes sir.

Q. Up to this time, the time of this alleged assault, you and Bruen had been on very friendly terms.

A. No, not so very friendly, I keep tobacco, segars and cigarettes; all those fellows comes in once in a while and buys them.

Q. He borrowed money before this.

A. Sometimes he borrows ten cents and sometimes he borrowed half a dollar and sometimes I got it back and sometimes not

Q. You never borrowed any money of him.

A. No sir, I did not.

Q. How often do you suppose he borrowed money of you, ten cents or fifty cents.

0073

A. I cannot tell, I never took notice, I was always sure I would not get it back again,.

Q. You did get it back.

A. Not all the time: sometimes he said, "there is twenty or twenty-five cents, give me a paper of tobacco and I owe you a few cents, keep it".

Q. Had you ever seen that revolver he had in his hand before that night.

A. I did not.

Q. You never saw it before that night.

A. No sir.

Q. You never had it in your hands.

A. I had not.

Q. You tell us you never loaned him any money on that revolver before that night.

A. No sir, I did not.

Q. Never saw it before.

A. No sir.

Q. You never have loaned him as high a sum as \$1.50 had you, upon it. A. No sir, fifty cents, seventy-five cents, ten cents, that was about it, not more.

Q. I think you went bail for Buren on ~~the~~ occasion, did you not

A. I did, twice already.

Q. Twice. A. Yes sir.

Q. And yet you say he was not a friend of yours particularly.

A. No sir, not him but his parents was dealing with me, it was always for his mother.

By the Court. Q. His mother asked you I suppose. A. Yes sir.

By Counsel Q. Do you know Thomas Breen. A. No sir.

Q. Do you know Micheal Reed. A. No sir.

0074

- Q. Don't you know Michael Reed. A. No sir.
- Q. Never saw him to your knowledge.
- A. Not what I know.
- Q. Don't know a man by that name, who is the habit of coming to your store.
- A. No sir.
- Q. Did Michael Reed ever sell you any butter, tea, sugar or coffee. A. No sir.
- Q. You never saw such a man and don't know such a man.
- A. I do not.
- Q. When Bruen came in that night he asked you to lend him \$1.50, didn't he.
- A. Yes sir.
- Q. And you did lend it to him.
- A. I did, I gave it to him.
- Q. And he went out and went across the street, didn't he.
- A. I don't know where he went.
- A. How long after that before he came in.
- A. About ten or fifteen minutes.
- Q. Then didn't he leave his revolver with you when you gave him the \$1.50. A. No sir.
- Q. Didn't you lend the \$1.50 to him on that revolver as security. A. I did not, I did not see no revolver.
- Q. How on this occasion come you to give him \$1.50 when you say the highest you ever gave him before was fifty cents.
- A. Because he looked kind of bad and without having any trouble with him I gave him \$1.50.
- Q. Because he looked kind of bad.
- A. He did so.
- Q. You did not take the revolver.

0875

A. I did not.

Q. You never saw the revolver only when he come back --- didn't he ask you to give him fifty cents more to make two dollars, on the revolver.

A. When he came in the second time to ask for two dollars more.

Q. He did not ask you for fifty cents.

A. No sir.

Q. You would not give him fifty cents.

A. He asked me for two dollars.

Q. You would not have given him two dollars or any other sum

A. No sir.

Q. When he asked for two dollars the second time, where were you standing.

A. I stood the same place where I was when he asked me for ~~fifty cents~~ \$1.50.

Q. Where was that.

A. That was just on the end of the counter.

Q. And he stood out in front of you. A. Yes sir.

Q. Then you passed around behind the counter. A. Yes sir.

Q. So that the counter was between you and him, was it.

A. Yes sir.

Q. Did I understand you to say it was a bread-case that was between you and Bruen.

A. I did not stand behind the bread-case, I stood in front of him where the till was, the bread case was on the right hand side of him.

Q. How far away.

A. There was not much room between us, there was only a candy case standing there.

0876

- Q. The first thing he did was to throw that weight, was it.
- A. The first thing he took a pistol and struck me on the back of the head.
- Q. Where did he get the pistol from.
- A. I do not know.
- Q. When was the first that you saw the pistol.
- A. When I seen that he had something shining in his hand, that is the first I saw of the pistol.
- Q. He struck you with the pistol first, did he.
- A. Yes sir.
- Q. He had the pistol in his right hand and you were behind the counter.
- A. I was.
- Q. And he stood in front and he struck you with this pistol.
- A. Yes sir, the next thing he did he took up a two pound weight and fired that at me.
- Q. He threw the weight at you. A. Yes sir.
- Q. Which hand did he throw the weight with.
- A. I cannot tell, sir.
- Q. You cannot tell which hand.
- A. No, the time that he hit me with the pistol I stood a little bit away from the place I was standing before and then the weight came.
- Q. You did not see him throw the weight.
- A. I seen that he was firing something but I cannot tell with which hand he done it.
- Q. Was it the same hand he had the revolver in.
- A. I cannot tell.
- Q. Can you swear that you saw him fire the weight at all.
- A. Yes sir.
- Q. You saw him throw the weight.

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A. Yes sir, because there was nobody else.

Q. Is not this the fact, you were struck with the pistol and you turned your head.

A. Yes sir.

Q. The weight came and you supposed it came from Bruen because nobody else could throw it, that is what you supposed.

A. I saw the two pound weight lying on the counter and then I got the weight just in the back of my ear, nobody else was in the store only my brother was sitting on a barrel, he did not move.

By the Court. Q. You did not throw the weight at yourself.

A. No sir.

By Counsel. Q. You supposed from those facts that it was Bruen threw it. A. Yes sir.

Q. Did the weight hit you.

A. Of course it hit me right in the back of the ear.

Q. Then what next occurred after that.

A. The next was the shot.

Q. You heard the shot.

A. Yes sir, and it struck me too, I was getting kind of hot in my face.

Q. The shot went through the bread case first.

A. The shot went through the counter in this bread case we have been talking about.

Q. And glanced off into you. A. Yes sir.

Q. Now understand it, assume that Col. Fellows is Bruen and I am you, your position was the same as ours, Bruen was right in front of you.

A. I do not understand what you mean by this.

Q. You see where Col. Fellows and I are; this is the counter,

0078

you were right opposite to Bruen when he struck you with the pistol were you. A . Yes sir.

Q. You were opposite him when he threw the weight at you.

A. I stood a little further back on the right hand side.

Q. And the bread box was over here was it, to your right.

A. The bread case was on the right side too.

Q. So the shot first struck the bread case and glanced off into you, is that it.

A. Yes sir.

Q. Do you know Thomas Murphy.

A. I think I remember him.

Q. Did you know John Donohue.

A. Donohue, yes, I do.

By Mr Fellows. Q. Mr Bruns, you have stated that you became surety for Bruen in two cases, what were those cases.

A. The first case was his mother told me he was in trouble about that Hans case when Sullivan got shot on the corner of Leonard Street.

Q. Then it was some criminal charge where you went bail.

A. Yes, right here.

Q. In this building. A. Yes sir.

Q. What was the second case about.

A. The second case he was arrested in Elizabeth Street Station House and his mother asked me I should do another favor and that would be the last, I should bail him out.

Q. What amount was the first bond.

A. It was fifteen hundred dollars.

Q. What was the second. A. It was five hundred dollars.

Q. Now from time to time you loaned Bruen money you have said.

A. Yes sir.

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Q. And this night you loaned him \$1.50.

A. Yes sir.

Q. Why did you loan him money.

A. Why of course I am always frightened for those fellows, if I can't get rid of them I would rather give them \$1.50 rather than have any trouble.

By Counsel. Q. What fellows.

A. Those upon the street.

Q. They come into your store, and patronize you, buy goods.

A. Yes sir, they buy cigars and cigarettes.

Q. And sometimes buy whiskey.

A. I do not keep whiskey.

Q. Or beer. A. No sir.

Q. Have you never sold whiskey or beer in your place.

A. No sir, not in that place.

Q. In that place I am asking you about.

A. No sir.

Q. Never sold or given away any whiskey or beer.

A. I give away if a fellow comes in I do.

Q. You have got no license. A. No sir.

Q. You give away whiskey to those men because you are afraid of them.

A. No sir.

Q. Why did you give whiskey away without a license.

A. I suppose I can treat any fellow that comes in my place.

By Mr. Jerome. Q. You live right in the rear of your store.

A. I do, sir.

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August Bruns sworn and examined.

By Mr. Jerome. Q. Where do you live. A. 33 Park Street.

Q. Are you a brother of Herman Bruns, the complainant.

A. Yes sir.

Q. Do you remember the night of Labor Day of this year.

A. No sir.

By the Court. Q. Ask him if he recollects the night that his brother and the defendant had a difficulty in that store.

A. Yes sir, I know that.

By Mr. Jerome. Q. Were you there that night in the store.

A. Yes sir, I was.

Q. Tell the Jury just what happened that night between your brother and Owen Bruen.

A. He came in, Owen Bruen came in and he asked my brother for \$1.50, my brother gave it to him; after a while he came again and he said, "I want two dollars more; my brother said, "I can't give you two dollars, I have none." He said, "give it to me."

By the Court. Q. Bruen said so.

A. Yes, he says in English that Bruen said "give it to me." Then my brother said, "no"; then Bruen went out and going out he said, "all right." After a short while he came in again, then he said again, "give it to me"; then my brother said, "no"; then Bruen hit him with the pistol on the head, hit my brother with a pistol on the head; my brother fell to the floor; then he threw a two pound weight at my brother and at the same moment a shot was fired, then Owen Bruen went out, that is all.

By Mr. Jerome Q. Who was in the store at this time.

A. My brother's wife was in the rear, that is all.

By the Court. Q. Was he not in the store.

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A. I was present.

Q. Ask him where he was standing at the time that Owen hit his brother with that pistol.

A. I was sitting on a sugar barrel.

Q. Behind that counter or in front of it.

A. In front of the counter.

By Mr. Jerome. Q. Where did Bruen get the pistol from.

A. I do not know.

Q. Did Bruen fire the pistol .

A. Yes sir.

Q. And was it pointed at his brother Herman Bruen.

Objected to as leading. Objection sustained.

Q. How was it pointed.

A. That way he shot the pistol. (Showing.)

Q. In what direction.

A. In the direction of my brother, where my brother was lying.

Q. And where was his brother lying.

A. He was lying behind the counter.

Q. Towards the window or away from the window.

A. At the window.

Q. And where was Bruen standing.

A. About that distance he stood away from my brother as I am from you.

Q. Is that the weight. (Weight shown.)

A. Yes sir, that is the weight.

Q. Did you ever see that bullet before. (Bullet shown.)

A. Yes sir -- not before, he said.

By the Court. Q. When did he ever see it, what the District Attorney wants to get at is, did he ever see it before now.

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A. Yes sir, I saw it before to-day.

Q. Where did you see it.

A. My brother's wife found this bullet in a soda box behind the counter.

Q. Did he see her find it.

A. No sir.

The Court: Strike out that evidence.

By the Court. Q. Ask him if he saw that piece of lead or bullet, whatever it is, in his brother's wife's hands any time.

A. Yes sir.

Q. When did he see it.

A. She had it in her hand the next morning.

Q. Where was she, in the store or in the room.

A. She was in the store and I was in the store and she showed it to me.

Cross Examined.

By Counsel. Q. Ask him how long he had been sitting on that barrel that night before Bruen came in.

A. That sugar barrel?

Q. Yes, that sugar barrel, about how long.

A. I do not know.

Q. Was he sitting on the barrel at all .

A. Yes sir, I was sitting on it.

Q. When did he take his seat on the barrel, after Bruen came in or before he came in.

A. I do not know if I sat on the barrel before Bruen came in.

Q. Ask him if he had a coal shovel in his hand that night.

A. No sir.

Q. Ask him if he did not meet Bruen coming out of the place as he was coming in with a coal shovel in his hand.

A. I do not know that.

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Q. When Bruen came in what was the first thing that Bruen said.

A. He said he shall give him some money.

Q. Who shall. A. Bruen said to my brother.

Q. What did the brother say.

A. I could not understand much what my brother said because my brother was talking English to him.

Q. Was not Bruen talking English too.

A. Yes sir; Bruen spoke English too.

Q. Ask him if he has talked with anybody about this case since that occurrence. A. No sir.

Q. Has not spoken to anybody about it at all.

A. No sir.

Q. Not a single soul, not to his brother even.

A. I saw that he was beating my brother.

By the Court. Q. Ask him if he spoke to his brother about what he saw this man do to his brother.

A. In the same evening, we did not talk any more.

Q. Did he any time.

A. Yes sir, we talked.

Q. Ask him if he talked to his brother's wife about what he saw.

A. Yes sir.

Q. Did he talk to anybody else. A. No sir.

By Counsel. Q. He testified that Bruen first asked his brother for \$1.50, ask him if that is true.

A. Yes sir, that is true.

Q. And his brother let him have it, did he.

A. Yes sir.

Q. What next was said.

18 A. Then he left.

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Q. Then when he came back again what was said.

A. Then Bruen said that he wants two dollars more.

Q. Then what did his brother say.

A. He said, "no, I have not got it."

Q. How long has he been in this country.

A. Three months. I could understand so much.

Q. But all this conversation was in English, was it.

A. Yes, my brother said in English "I have not got none", my brother answered, "I have got none."

By the Court. Q. Ask him if he talks any English at all.

A. I cannot speak much but I understand more.

By counsel. Q. Did not his brother tell him what it was that Bruen said to him and what he had said to Bruen.

A. No sir, he did not tell me.

Q. All this time he was sitting on that barrel, was he.

A. I do not know at what time I sat down on the barrel.

Q. Was he sitting on the barrel when Bruen asked for the two dollars.

A. I do not know if I sat on the barrel then, when he came in for the third time I was sitting on the barrel.

Q. Ask him if he was sitting on the barrel when he came in for the first time and asked for the \$1.50.

A. I do not know, I do not think that I was sitting on the barrel.

Q. Was he in the place at all, was he not outside of the place all this time.

A. When he came in the first time I was in the store inside.

Q. And when he came in the second time where was he.

A. Also inside the store.

Q. You are sure that after he asked for the two dollars and

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his brother refused to give it to him, he went out of the store, did he, Bruen.

A. Yes sir, I saw him go away.

Q. How long was he gone.

A. About ten or fifteen minutes.

Q. And were you sitting on the sugar barrel all this time.

A. I do not know at what time I sat down on the barrel.

Q. When he came in the third or last time what was the first thing that Bruen did or said.

A. He said in English, "give it to me, give it to me."

Q. What did the brother say in English.

A. He said, "no."

Q. What did Bruen then do.

A. Then he hit my brother with a pistol.

Q. Did you see the pistol in his hand. A. Yes sir.

Q. Were you sitting on the sugar barrel that time.

A. Yes sir, I was sitting on the barrel.

Q. How far was the barrel from Bruen.

A. From here to the table.

Q. When he struck your brother with the pistol.

A. Yes sir.

Q. What is the next thing that Bruen did.

A. Then my brother fell, then he threw that two pound weight at him.

Q. Who, Bruen. A. Yes sir, at my brother.

Q. Which hand did he have the pistol in when he struck your brother.

A. I do not know, but I saw that he hit my brother.

Q. Can you tell which hand it was in. A. No sir.

Q. Did you see him pick up the weight.

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- A. Yes sir.
- Q. Which hand did he have the weight in.
- A. I could not be precise about it.
- Q. Was it the same hand that the pistol was in .
- A. I do not know.
- Q. And you were as near to him, within two feet of him, still sitting on the barrel.
- A. Yes sir, I was frightened.
- Q. Did not get off the barrel though. A. No sir.
- Q. Why did not you get off the barrel and run away if you were frightened..
- A. I do not know why I did not do it.
- Q. What is the next thing that Buren did after he picked up the weight and threw it.
- A. At the same time a pistol was fired off.
- Q. He did not see who fired the pistol, did he.
- A. Yes sir, I saw.
- Q. Who fired it.
- A. Buren.
- Q. In which hand. did he have the pistol when he fired it.
- A. My brother was lying behind the counter and he shot in the direction of my brother.
- Q. Which hand did he have the pistol in when you say that he fired at your brother, in that direction.
- A. I think it must have been in the right hand.
- Q. Can he tell us from that point which hand he threw the weight with. A. No sir.
- Q. How long after he threw the weight before the pistol went off, before he fired the pistol.
- A. At the same moment.

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Q. The weight and the pistol went off in the same minute, did they.

A. First he threw the weight and immediately he fired the shot.

Q. And the brother was lying down behind the counter, was he not and the counter was between Bruen and your brother.

A. Yes sir.

Q. And did he point the pistol down.

A. He shows it.

Q. How high was the counter, stand up and show us how high was the counter.

A. About that height. (About three feet.)

Q. Then what did Bruen do after that.

A. Immediately he went out.

Q. And you remained sitting on the barrel.

A. I was sitting still.

Q. How long did you continue to sit on that barrel.

A. When my brother got up then I got down from the barrel.

Q. Who else was in the room when Bruen fired the pistol and fired the weight.

By the Court. Q. Who was in the store when he fired the pistol.

A. I myself, my brother and my brother's wife was in the rear

By Counsel. Q. In the rear of the store. A. Yes sir.

Q. In another room, wasn't she.

A. I do not know exactly, but it was in the rear.

Q. Was it in the same room or in the adjoining room.

A. I do not know, she was in the rear, I do not know if she was in the store.

Q. Is there a door between the store and the rear room.

A. Yes sir.

Q. Was the door open or closed.

A. Open.

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Annie Bruns sworn and examined.

By Mr. Fellows. Q. Mrs. Bruns, don't you understand English.

A. No, I understand English a little bit, not much, I cannot speak.

Interpreter: I understand some, she says, but cannot speak.

By the Court. Q. Mrs. Bruns, where d you live.

A. 33 Park Street.

By Mr. Fellows. Q. You are the wife of Mr Hermann Bruns.

A. Yes sir.

Q. Do you remember Monday, the 3rd of this month, when the Labor parade was.

A. Yes sir .

Q. Were you in the store with your husband that night.

A. I was in my room in the back.

Q. Were you at any time that night in the store with your husband.

A. We was out that day.

Q. You came back home.

A. Yes sir.

Q. Now at any time during that evening was you in the store - you went in after your husband was hurt, didn't you.

A. No, I was in the back all the time that night.

Q. Didn't you go out in the store.

A. No sir.

Q. You live in the back of the store, do you not.

A. Yes sir.

Q. And is there a door leading from where you live into the store.

A. Yes sir.

Q. Was that door open or shut during the time that your husband was in the store.

A. It was open.

Q. Did you see the defendant who is now here, Owen Bruen, in the store that night.

A. Yes sir.

Q. Was your husband there at the same time.

A. Yes sir.

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- Q. What did Bruen say or do, if you know, when he first came in the store.
- A. He said, "I want \$1.50"; my husband told him he was short of money, then he give him \$1.50.
- Q. When Bruen got the \$1.50 what did he do.
- A. He went out.
- Q. He went out of the front door. A. Yes sir.
- Q. Did he come back again.
- A. He came back again, yes.
- Q. During the time that Bruen was out of the store did your husband remain in the store.
- A. He was in the store, yes sir.
- Q. How long was it before Bruen came back.
- A. I cannot tell exactly.
- Q. Give us your best idea.
- A. A little after that.
- Q. Shortly after. A Yes sir.
- Q? Ten or fifteen minutes. A. I guess so, it must be.
- Q. When he came back the second time what did he do.
- A. He asked him for two dollars more, I want \$2.00 more.
- Q. Bruen said to your husband, "I want \$2.00 more."
- A. Yes sir.
- Q. What did your husband say.
- A. My husband said he can't get it; "I am very short of money, I aint got it to spare."
- Q. And then what did Bruen do or say.
- A. Bruen said to him, "give it to me, give me the \$2.00."
"I tell you I haven't got it to spare, you can't get it,"
he told him.
- Q? That was your husband's answer.

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A. That was what my husband told him; then he went out all right.

Q. Then Bruen went out.

A. Yes sir.

Q. What then.

A. My husband come in the back and I told him we wanted to eat our supper; a little after that he came back.

Q. Who came back. A. Bruen came back.

Q. How soon was it. A. A little after that again.

Q. A few minutes. A. I cannot tell exactly.

Q. It was very soon was it. A. Yes sir.

Q. Then what did he do.

A. Then my husband was in the back, in the room, I told my husband the fellow is back and my husband went behind the counter and he stood.

Q. Bruen stood in front of the counter and your husband went back of the counter.

A. Yes sir, back of the counter.

Q. Go on.

A. Then I did not see that he hurt him with the pistol, I was in there.

Q. You was in your room. A. I was in my room.

Q. If Bruen struck your husband with a pistol, you did not see.

A. No, I did not see.

Q. What did you see, if anything.

A. Then I looked out and he throwed that pound.

By the Court. Q. The weight.

A. The weight, over to him.

By Mr. Fellows. Q. You looked out of your room, did you.

A. I looked out of the room when he threw it over.

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- Q. And you saw Bruen throw something.
- A. That over to him.
- Q. You saw him throw this weight. A. Yes sir.
- Q. Did you see whether it hit your husband or not.
- A. No, I did not see that.
- Q. Your husband was behind the counter.
- A. He was behind the counter.
- Q. What happened after the weight was thrown, did your husband fall. A. Then he shot, I did not see that, I was in the back, he was behind the counter, I cannot see that.
- Q. You cannot see behind the counter from your room.
- A. No sir.
- Q. But you could see Bruen where he stood in front of the counter. A. Yes sir.
- Q. You saw him throw something. A. Yes sir.
- Q. You could not see whether it hit your husband or whether he fell.
- A. No, I did not look in just that time.
- Q. What did Bruen do.
- A. He took the pistol and shot at him.
- Q. You saw him shoot. A. Yes sir.
- Q. In what direction did he point the pistol behind the counter.
- A. Behind the counter, over the counter.
- Q. Over the counter and fired. A. Yes sir.
- Q. Mrs. Bruns, did you at any time after that find a bullet behind the counter.
- A. The other morning.
- Q. The following morning. A. Yes sir.
- Q. And about what time in the morning.

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A. Seven o'clock or whether later I cannot tell exactly.

Q. It was early in the morning, was it.

A. Yes sir.

Q. What did you do with the bullet after you found it.

A. I picked it up and showed it to my husband's brother and that weight too.

Q. You found the weight behind the counter.

A. Yes sir.

Q. What did you do with the bullet afterward.

A. I laid it behind the counter on the shelf.

Q. Policeman came there, didn't they.

A. Right away.

Q. Did not some policeman come there to talk with you about this case.

A. Yes sir.

Q. Did you give him the bullet.

A. No, my husband gave it to him.

Q. Look at the bullet I show you, take it in your hand and state whether that is the bullet you found.

A. Yes sir, that is the bullet what I found.

Q. Did you see your husband's vest.

A. Yes sir I saw my husband's vest that night, I saw him right away when he took the vest out; there was a hole in it and he told me it hurts him, here.

Q. You discovered a hole in the vest.

A. Yes sir.

By the Court. Q And he told you his back was hurt.

A. Yes, I looked on the back.

By Mr Fellows. Q Then you looked and you found these holes in the vest.

A. Yes sir.

Q. Did you see your husband's head that night.

A. I went in the store, he went out, then I went in the store, I thought my husband was dead and he was standing up, he

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had his hand on his head and the blood runs down.

Q. Blood was running down.

A. Yes sir, running down.

Q. Did you see the cut in his head.

A. I saw that too.

Q. About what time of night was it that Bruen came in for the last time.

A. That must be after nine: we was home at nine o'clock.

Q. You was not home until nine. A. NO.

Q. It was some time after that, between that and ten.

A. Yes sir.

Cross Examined by Counsel.

Q. The back room off the store is the living room is it, where you live. A. Yes sir.

Q. What were you doing that night in this room.

A. I was making my supper.

Q. You were getting supper ready. A. Yes sir.

Q. There is a stove in there, is there not.

A. Yes sir.

Q. What time did you begin to get your supper ready.

A. It must be nine o'clock.

Q. You were cooking on the stove, were you busy at that all the time. A. Yes sir.

Q. When Bruen first came in what attracted your attention to him.

A. He was standing in the store near by the door, I was in the room.

Q. And then he went over to where your husband was, did he.

A. My husband was standing too by him.

Q. You were busy cooking all the time and you could hear all

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that he said.

A. Yes sir, I heard what he said.

Q. Did you see the revolver, I mean when he first came in.

A. No sir.

Q. You heard this conversation.

A. Yes sir.

Q. Who else was in the store.

A. My husband's brother.

Q. What was he doing.

A. I do not know what he was doing, he was around in the store.

Q. Did you see him in the store.

A. Yes sir.

Q. Can you tell us what he was doing.

A. No, I cannot tell you that.

Q. Then Bruen went out after he got the \$1.50.

A. Yes, he went out.

Q. Did your husband take the \$1.50 out of his pocket and give it to him.

A. Yes sir.

Q. How long was Bruen gone.

A. It must be a little after that.

Q. Then you were busy all the time getting your supper.

A. I make my supper.

Q. When he came back you were still busy getting supper.

A. I looked out.

Q. Why did you look out.

A. I know the fellow too, I wanted to know what he wants with my husband.

Q. So you stopped cooking the supper to look out.

A. Yes.

Q. Then he had this conversation and he went out again, did he

A. Yes.

Q. When he came in the third time what is the first thing that he did.

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A. What I see he throwed that on him, the weight.

Q. How far were you away.

A. I was in the back of my room with the door open.

Q. As far as from here to this table.

A. Yes sir I guess so, a little farther.

Q. You saw him throw the weight. A. Yes.

Q. Which hand did he throw the weight with.

A. This hand, the right hand.

Q. And what then did he do.

A. Then he shot him here with the pistol.

Q. Was the pistol in the same hand.

A. Yes sir.

Q. The weight and the pistol was both in the same hand.

A. He was throwing the weight and then he had the pistol.

By the Court. Q. You saw him throw the weight, did he throw it with his right hand.

A. Yes.

Q. What is the next thing you saw him do.

A. Then he shot him, he had the pistol.

Q. Where did he get the pistol, did you see it.

A. No sir.

Q. You only saw the pistol in his hand. A. That is all.

By Counsel. Q. How long after he threw the weight did he fire the pistol. A. Right away.

Q. You saw him throw the weight and fire the pistol and all with the same hand.

A. Yes sir, it was the same hand.

Q. How long was he gone the second time that he went out.

A. A little longer that second time.

Q. You think fifteen minutes.

30 A. Yes sir.

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Q. Are you sure that he was in there three minutes.

A. Yes sir, I am sure.

Q. You can't be mistaken about that.

A. No sir.

Q. The first time he got the money, the second time he came back and wanted two dollars and the third time when he came back the difficulty occurred.

A. Yes sir.

Q

Edward O'Brien sworn and examined.

By Mr. Jerome. Q. You are an officer of the municipal police of this city.

A. Yes sir.

Q. Attached to what precinct.

A. The eighth precinct.

Q. Did you arrest the defendant at the bar, Owen Bruen.

A. Yes sir.

Q. When did you arrest him.

A. Last night was a week, on the 10th of September.

Q. Whereabouts.

A. In front of 69 Thompson Street.

Q? State the circumstances of that arrest and if he said anything to you.

A. I arrested Bruen and he asked me, "what am I going in for?" I says nothing, I will tell you when I get to the Station House. When I got there I told the Sergeant he was wanted in the sixth precinct for firing at a man, shooting at a man. They telegraphed from the eighth to the sixth and Officer Chrystal came over and got him.

by the Court. Q. You belong to the eighth precinct, you found this man.

A. Yes sir.

by Mr. Jerome. Q. When were you first informed that Bruen was wanted.

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A. On Sunday night, the 9th.

Q. What did Bruen say when you told the Sergeant that he was wanted.

A. The Sergeant asked him to make an explanation; he said he would not make none there.

By the Court. Q. Was Officer Chrystal the officer that took him over. A. Yes sir.

Thomas J. Chrystal sworn and examined
by Mr Jerome.

Q. You are an officer of the municipal police of this city.

A. Yes sir.

Q. Attached to the sixth precinct. A. Yes sir.

Q. Did you arrest the defendant, Owen Bruen.

A. I took him from the eighth precinct Station House over to the sixth.

Q. Did you have any conversation with him in reference to the charge upon which he is now on trial.

A. Yes sir.

By the Court. Q. State what he said to you and you said to him.

A. When I took him out of the Station House I said to him, "I told you that revolver would get you in trouble." He says he did not know why he shot at him. That was about all the conversation I had with him at that time.

Q. He did not know why he shot at him.

A. He did not know he shot him.

Q. At who. A. At Bruns, the complainant.

By Mr. Jerome. Q. Did you have any more conversation with him about the shooting affair.

0898

A. Going down to the prison he told me that he would beat it only for Capt. McCullagh, he told me he could beat it only for Capt. McCullagh.

Q. He said he could beat it only for Capt. McCullagh.

A. Yes sir.

Mr. Fellows: We offer this weight and bullet in evidence and we rest.

The Case for the Defence.

Counsel: I ask your Honor to advise the Jury, to take from the consideration of the Jury the first count of the indictment

The Court: No.

Counsel: Note my exception.

Counsel for the Defendant opened the case.

Owen Bruen sworn and examined by Counsel.

Q. Bruen, you are the defendant in this case.

A. Yes sir.

Q. How long have you known Mr. Bruen, the complainant.

A. Three years.

Q. During that three years what has been your intimacy with him.

A. My best friend.

Q. Your best friend. A. Yes sir.

Q. Have you ever borrowed money from him before.

A. Borrowed it thousands of times off him.

Q. Thousands of times. A. Yes sir.

Q. Have you always paid him back.

A. Yes sir, always paid him back.

Q. In what sums were you in the habit of borrowing of him.

A. Well, borrowed a dollar, five dollars, fifteen, twenty,

twenty-five, I could borrow anything that he had.

0899

- Q. He would always give it to you.
- A. Yes sir.
- Q. You always paid it back.
- A. Always paid him back.
- Q. This revolver you had on the night in question, how long had you had that pistol.
- A. About a couple of months.
- Q. Had you ever borrowed money on that and left that ^{as} security with him.
- A. Yes sir, dozens of times.
- Q. Now in your own way, slowly, so we can understand it, you state the beginning and the end of this difficulty you had with Mr. Bruns on that occasion.
- A. The last time I borrowed money on the pistol before this time, he took a liking to it and he wanted to buy it, I told him I would sell it to him for \$3.50 when I would be short of money: he gave me \$1.50 this night.
- Q. You went in, what was the first thing you said.
- A. I asked him did he want to buy this pistol? He said yes, he told me he would give me \$3.50 but he had only \$1.50 taken in, he said he would give me the other ^{two} dollars ^{if} I come back in half an hour. I came back and he would not give it, I asked him what he took me for and I hit him, he had a pistol in his hand, I grabbed him.
- Q. When did he tell you to come back after the two dollars.
- A. In about half an hour when he would take the money in; I asked him to pay me two dollars and he told me he would not give me the two dollars or the pistol; he took the pistol from under the counter, he had it in his hand, I caught him and hit him and he hit me, I ^{threw} ~~grabbed~~ the weight

0900

at him first and grabbed the pisrol, I took the pistol off him and struck him on the side of the head with it.

Q. With the butt of the pistol.

A. With the butt of the pistol.

Q. He fell down did he.

A. Yes, he fell down: the pistol was a self-cocking pistol and it went through the bread-case or show-case, the bullet.

Q. Did you point the pistol at him.

A. No sir, the man was two feet away from me: if I wanted to shoot him I could have shot him, I did not want to shoot him, I had no reason to shoot him, I would not shoot him.

Q. Then you went out, went away.

A. Yes sir.

Q. Two witnesses say you were there three times.

A. No, twice.

Q. It was not three times.

A. When I was coming out I met that boy, he had a shovel in his hand, he was after giving a woman coal or something: he did not see it: he was after shoveling a pail of coal for a woman, out of the coal box.

Cross Examined by Mr Fellows.

Q. Bruen, what do you work at.

A. I work with my father, he is a junk man.

Q. What do you do.

A. I work with my father, buy old junk.

Q. You buy old junk, you go around through the city to buy it.

A. No, on the river, along the East River., from the ships.

Q. Buy old junk from the ships.

A. Yes sir.

Q. Is it a necessary implement of your trade as a purchaser

0901

of old junk, a loaded revolver.

A. No sir.

Q. Have you any license from the municipal authorities of this city, to carry one. A. No sir.

Q. How long have you been accustomed to carry a loaded pistol about with you.

A. I do not know, it is very seldom I carry a pistol, I was arrested a couple of times with a revolver on me and never carried it since until, that night.

Q. You are quite sure of that, Euren.

A. Yes sir, I was arrested twice for carrying a pistol.

Q. When was that.

A. I was fined ten dollars each time, once was in May 1886, and the other was in last February.

Q. Now don't get confused or embarrassed at all in your story Euren, you are certain about that, are you.

A. Yes sir..

Q. That since that time -----

A. Since last February I never carried a revolver till that night.

Q. If that is so how happened it that you was able very frequently to borrow money on that revolver from the same complainant.

A. I kept it in the house.

Q. And then when you borrowed money on it you did not take it to him.

A. Certainly, I gave it to him as security and when I would get the money I would get it off him and bring it back and put it in the drawer.

Q. From time to time you did carry a pistol, you at least

0902

carried it from your house to him to get money on it.

A. Yes sir, to get money on it.

Q. You carried it back and that occurred very frequently.

A. Yes sir.

Q. Was it always loaded. A. Not all the time.

Q. Most of the time.

A. Yes sir, most of the time it was loaded in the house, I have kept it loaded in the house.

Q. You have used that pistol several times.

A. No sir.

Q. Or one like it.

A. No sir, I always had that pistol, I had that pistol for two or three months.

Q. You have used that pistol or one like it, haven't you.

A. No sir.

Q. Never have. A. No sir.

Q. Was the discharge of that pistol that night the first time you had ever fired one.

A. Yes sir, out of that pistol.

Q. I am talking about that or any other pistol, did you ever shoot at anybody else. A. Yes sir.

Counsel: I object.

The Court: I will, exclude it.

By Mr Fellows. Q. Have you been in Canada recently.

A. Yes sir.

Q. Did you go there on business. A. No sir.

Q. What. A. Yes, I went there on business.

Q. What business was it Bruen.

Objected to on the ground that it is immaterial and irrelevant. Objection overruled. Exception.

0903

Witness: Am I to answer?

The Court: Yes.

Witness: I went there to see an aunt and uncle of mine, I went there on a trip to see an aunt and uncle of mine.

By Mr Fellows. Q. You saw them.

A. Yes sir.

Q. How long was you absent.

A. A couple of weeks.

Q. Anything especial occur with you in the city just before you left. A. No sir.

Q. What. A. No sir.

Q. Quite sure. A. Quite sure.

Q. Do you know a man by the name of Cummings.

A. It was Crimmins, it was a man named Hurley shot Crimmins, I am blamed for it.

Q. I have not said anything about shooting Crimmins, do you know a man named Crimmins. A. Yes.

Q. Crimmins was shot.

Objected to. Objection overruled. Exception.

A. Yes sir.

Q. That was immediately before your going to Canada, wasn't it. A. Yes sir.

Q. Indeed it was the night before, wasn't it.

A. No, it was not, near a week, about four or five days.

Q. Where was you during the four or five days.

A. Four or five days after Crimmins was shot I went to Canada

Q. Where was you during the four or five days before you went to Canada. A. I was home.

Q. On the street. A. All around the street.

Q. When you went in the store of this German that night you

0904

had no idea of doing him any injury.

A. No sir.

Q. How much had you ever borrowed on that revolver.

A. Borrowed as high as three dollars, four dollars, two dollars.

Q. You had borrowed as high as four dollars on it.

A. Yes sir.

Q. You had given them to this German that revolver as security for four dollars.

A. No, he told me he would buy it for \$3.50, I did not give it to him for four dollars that night.

Q. You told me that you had borrowed as high as four dollars on that pistol.

A. About \$3.50 was as high as ever I went.

Q. And having borrowed it this complainant was willing to take the pistol as security for \$3.50.

A. Yes sir.

Q. Then that pistol, which he had from time to time loaned you \$3.50 upon, you were willing to offer that night to sell it for \$3.50.

A. Yes sir.

Q. Why.

A. I wanted to get rid of it.

Q. Anxious to get rid of it.

A. Yes sir.

Q. For what reason.

A. I did not want to have it in the house or have it with me or anything else.

Q. But you had that some years or another one.

A. No, I had that pistol two or three months.

0905

- Q. You had that only two or three months.
- A. Yes sir.
- Q. You had other pistols hadn't you.
- A. Yes, I had other pistols.
- Q. What occasioned this sudden desire on your part to get rid of this pistol.
- A. I did not want to have it with me, in case I got in trouble I would not have it.
- Q. You were anticipating trouble.
- A. No sir, I did not want to carry it with me, it was no article for me to carry.
- Q. Pretty high tempered, aren't you.
- A. Yes sir.
- Q. A little apt to get in quarrels.
- A. No sir, not on my own account.
- Q. Well, on other peoples account.
- A. I do not know sir, I never got in trouble with anybody.
- Q. Have not engaged in several quarrels.
- A. I have only been engaged in one quarrel; I was a witness in two murder cases that there was a quarrel and trouble in but I never had nothing to do with it.
- Q. You were present when these quarrels occurred.
- A. Yes sir.
- Q. Do you know an organization on the east side known as the Whyos.
- A. I do not know the meaning of the word, I heard the police say, I do not know the Whyo's.
- Q. You do not know anything about them.
- A. No sir.
- Q. You are sure of that.

0906

A. I heard the police say they existed..

Q. Do you remember being examined as a witness on the trial of Driscoll for the murder of Beazy Garrity.

Objected to on the ground that a true answer to this question would tend to criminate or degrade the Defendant.

The Court: If you believe by answering that question it would either tend to criminate or degrade you, you need not answer it.

Counsel: I object to the Court putting any question to the witness.

Witness: I do not wish to answer it.

By Mr. Fellows. Q. I ask you again if you remember being a witness in the trial of Daniel Driscoll.

The Court: I have instructed the witness that he had a right to decline to answer if he believed that his answer would either tend to criminate or degrade him; he says that he declines to answer.

by Mr. Fellows. Q. Do you decline to answer that question upon the ground that an answer to the question would tend to criminate or would tend to degrade you.

Objected to. Objection sustained.

Q. Was you examined as a witness.

A. I decline to answer.

by the Court. Q. Why do you decline to answer.

Objected to.

Q. Do you do it on the ground that it would either tend to degrade or criminate you.

A. It would criminate me.

The Court: You need not answer.

By Mr. Fellows. Q. Have you ever been examined under oath as to your acquaintance with an association known as the Whyo gang.

0907

Objected to, on the ground, first, that it is immaterial, irrelevant and incompetent -- and secondly, that a true answer might tend to criminate or degrade him.

Q. I understand you decline to answer on the ground that it would criminate you.

A. Yes sir.

The Court: You have a right to decline to answer that question if you believe that your answer would either tend to criminate or degrade you.

Counsel: Do I understand the Court to overrule my objection?

Witness: I decline to answer.

By the Court. Q. On that ground, that it would either tend to criminate or degrade you.

A. Yes sir.

Counsel: I except to the question being put to the witness after I have made the objection and his being compelled to testify and to put himself upon his privilege. I think that will raise the point.

By Mr. Fellows. Q. Now Bruen, when you entered this store and asked for this money the second time, where was this complainant.

A. Behind the bar, behind the counter.

Q. You were not behind the counter.

A. No sir, I was out in front.

Q. You was out in front of it. A. Yes sir.

Q. How wide was that counter.

A. About two feet.

Q. Then you say the complainant struck you.

A. No sir, I did not say that at all, I say I wanted two dollars and me and him got growling, he hit me and I hit him and I chucked the weight at him.

0908

- Q. You did say the complainant struck you.
- A. Yes sir.
- Q. What did he hit you with. A. With his fist in the face.
- Q. And that was across this counter, he on one side and you on the other.
- A. Yes sir.
- Q. Did you strike him first.
- A. I could not tell who struck first.
- Q. You was angry because he refused to give you the two dollars.
- A. I was angry and drunk.
- Q. Angry and drunk. A. Yes sir.
- Q. You had spent the \$1.50 he had given you in the liquor saloon opposite.
- A. Yes, it was my money, I had license to spend it.
- Q. You came back to his store inflamed with liquor.
- A. I come back for my two dollars.
- Q. You was under the influence of liquor.
- A. I was not what you would call very drunk.
- Q. You were somewhat drunk.
- A. Yes sir, I was not in my sober senses.
- Q. You were not in your sober senses.
- A. No sir.
- Q. But you know just what was done.
- A. Yes, I remember what was done.
- Q. And every word that was spoken.
- A. Yes sir, very nearly.
- Q. This man did not hurt you seriously when he struck you.
- A. No, but he had my pistol in his hand, he might have hurt me

0909

if I would let him.

Q. He was on one side of the counter with a loaded pistol in his hand. A. In his hand.

Q. And you not only succeeded in striking him with the weight but in taking that pistol out of his hand and then striking him over the head with the pistol.

A. Yes sir, and he fell sideways towards the end of the showcase and the pistol was a self-cocking pistol and it went off, it went through the bread-case down on the floor.

Q. Bruen, I am perhaps not as familiar with weapons as you are but I did not quite understand what you meant by a self-cocking pistol, did you ever see a pistol that could cock itself.

A. Yes sir.

Q. What!

A. It has a double action.

Q. But in order to produce that double action somebody has to press upon the trigger with their finger.

A. I might have done it, I do not know.

By the Court. Q. You know perfectly well that you cannot cock a pistol without pulling the trigger of the pistol, what you mean by self-cocking is you do not have to lift the cock.

A. Yes sir.

By Mr. Fellows. Q. You mean a pistol that can be cocked by pulling the trigger. A. Yes sir.

By the Court. Q. So you have to pull the trigger to cock the pistol.

A. I might have had it in my hand, I did not want to shoot the man.

By Mr. Fellows. Q. When you talk of a self-cocking pistol, you do not mean a self-cocking pistol, you mean a pistol a man cocks

09 10

by pulling the trigger.

A. Yes sir, that is the kind of pistol it was.

Q. Until somebody had pulled that trigger and pulled it sufficiently to bring the lock back and then pulled it sufficiently to drive the lock forward, the pistol, could not be discharged, could it.

A. Yes sir, it could, it could be done accidentally, that is how it was done.

Q. Accidentally or purposely, somebody had to pull that trigger, didn't they.

A. I do not know, sir; it might have been cocked in his hand for that matter.

By the Court. Q. Suppose you lay that pistol down on the counter, do you think it would cock itself.

A. No sir.

By Mr. Fellows. Q. It would not get mad and cock itself.

A. No.

Q. Somebody had to do it of course, and that required some human agency, didn't it, taking hold of the trigger and pulling it.

A. It was all done in excitement, accidentally.

Q. You owned that self-cocking pistol.

A. Yes sir.

Q. You know all about it.

A. Yes sir.

Q. You knew enough about it to know that somebody had to pull the trigger, didn't you, before the pistol could be cocked or discharged.

A. I know I never meant to shoot the man.

Q. Do you know that somebody had to pull the pistol.

0911

- A. The pistol had to be pulled.
- Q. Before it could be discharged. A. Yes sir.
- Q. Did you pull the pistol.
- A. Not that I remember, I remember the pistol going off, the man was two or three feet away from me.
- Q. You remember that is the one went off and it was in your hand. A. Yes sir.
- Q. At that time where was the complainant.
- A. Right in front of me, not two feet over on the outside of the counter.
- Q. Standing right face to face with you.
- A. Yes sir, when we was growling I hit him with the pistol ~~and the weight~~ and he went back.
- Q. And when that pistol was discharged you and he were standing right face to face, just about as we are.
- A. Yes sir.
- Q. Looking into each others faces.
- A. No, not when it was discharged. After I hit him with the pistol he kind of staggered and he went toward the other side of the bread-box and the pistol went off.
- Q. I want to know how the complainant was standing with relation to yourself when the pistol was discharged, was he looking at you.
- A. He was looking side of me.
- Q. He was a little side of you.
- A. Yes sir.
- Q. But facing you. A. Sideways, toward me.
- Q. At that time you had hit him with the weight.
- A. The weight did not hit him.
- Q. You know that.

09 12

A. I am positive the weight did not hit him.

Q. You were not so much intoxicated as that you did not know that plainly, that the weight did not hit him.

A. The weight did not hit him, no sir.

Q. Which did you use first, the weight or the pistol.

A. As soon as he had the pistol I grabbed the pistol, I took the weight and flung it, I got the pistol out of his hand and hit him on the side of the head with it, he staggered back and the pistol went off.

Q. You threw the weight first and then took the pistol and struck him across the counter.

A. Yes sir.

Q. What part of the pistol did you strike him with.

A. I do not know, I could not say, I think it was the front part of it.

Q. Did you have hold of the butt of the pistol and strike him

A. Yes sir.

Q. It was not the time you struck him that the pistol went off, was it. A. No sir.

Q. It was after that blow had been delivered and you had staggered back. A. Yes sir.

Q. That the pistol went off.

A. Not to pull the pistol down, after I struck him the pistol went off and shot went through the bread-case down on the floor.

Q. You had hold of the butt of the pistol in this way, you struck him over the head and he staggered back.

A. Yes sir.

Q. Then the pistol was discharged.

A. When I lowered the pistol the pistol went off and the shot

09 13

went through the bread-case down to the floor: I never wanted to shoot the man, the man was two feet away from me.

Q. You don't know anything about how the pistol came to be discharged. A. No sir.

Q. You did not want to hurt him.

A. I would rather get shot myself.

Q. And yet you were willing to throw that weight at his head.

A. I did not know what I was doing.

Q. You did throw it at him, did you. A. Yes sir.

Q. You were willing to take this pistol and hit him over the head after you disarmed him and cut his head.

A. Yes sir.

Q. Still you did not care to hurt him, you would rather get hurt yourself.

A. I did not know what I was doing, he made me mad, he would not give me two dollars.

Q. All this story you have been telling us, is it guessed at.

A. I knew what I was doing, I did not mean to do it, in fact, I done it through temper.

Q. You meant to do whatever you did that night, didn't you.

A. I do not know sir, whether I did or not.

Q. You meant to throw the weight.

A. I must have meant it when I threw it.

Q. You meant to hit him with the pistol, didn't you.

A. Yes sir.

Q. You had known this man Bruns for some time.

A. Yes sir.

Q. He is a small man, a rather delicate man, you had got the pistol away from him. A. Yes sir.

0914

Q. You was in no danger then, was you.

A. No sir.

Q. There was no trouble about your going out of the saloon.

A. I did not know what danger I might have been in.

Q. You had a loaded pistol you had just taken away from him, that left him without any weapon.

A. He had plenty of weapons around.

Q. What were they.

A. Carving knives, weights and everything else around there.

Q. I know he had weights, you found them and used them, you had used the weights, he did not attempt to use any, did he.

He would have shot me I think, only I got the pistol away from him.

Q. After you got the pistol away he could not shoot you with that pistol, it was after that you struck him over the head with the pistol and cut him.

A. Yes sir.

Q. At that time he had no weapon.

A. No sir.

By the Court. Q. Bruen, where is that pistol.

A. I threw it overboard the night I done this thing, on the East River, the Dover Street dock.

Q. After you did this.

A. Yes sir.

Q. How many chambers did they have and were they all loaded with ball.

A. Yes sir, five.

The Jury rendered a verdict of guilty of assault in the first degree.

0915

Testimony in the
case of
Owerr Gulen
filed Sept.
1888

0916

Police Court— / 24 District.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 33 Park Street, Aged 28 Years

Occupation Green being duly sworn, deposes and says, that on the

3d day of September 1888, at the 6th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Gold & lawful money of the
United States,

of the value of One 00/100 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

William J. Brown (now here) for the
reason following to wit: That
about the hour of 9 o'clock P.M.
on the night of the aforesaid day
said defendant came to deponent's
premises aforesaid and demanded of
deponent one dollar and a half
which deponent gave him, that
about an hour thereafter said defen-
dant again returned to this deponent
and said to him "I want
more when deponent replied "I have
not got it," "I have to pay my rent"

day of

Sworn to before me, this

188

Police Justice.

0917

Tomorrow I have not got it to spare, when said
defendant said god damn you, give it to
me you son of a bitch, you are getting to
freak, you son of a bitch you will give it to
me. Defendant then drew a revolver from his pocket
and struck defendant on the head with the
same. and then picking up a two pound
iron weight threw it at defendant striking
him on the ear, defendant then falling on
the floor, thereupon said Queen fired
a shot at defendant as he was lying on
the floor the ball of which grazed defendant's
neck, Defendant further says that he
parted with the said money by reason
of fear of injury to his person. I say said
defendant

Sworn to before me
the 11th day of September 1888

Solomon B. Smith
Police Justice

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

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

Police Court, District,	Offence—ROBBERY.
THE PEOPLE, &c., on the complaint of	
1.	
2.	
3.	
4.	
Dated 1888	Magistrate.
	Officer.
	Clerk.
Witnesses,	
No. Street,	
No. Street,	
No. Street,	
\$ to answer General Sessions.	

0918

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. ~~What is your name.~~

Answer.

Question. How old are you ?

Answer.

Question. Where were you born ?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

1988

Taken before me this 11 day of October 1888
Robert M. Smith
 Public Notary

09 19

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.....

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

Dated *Sept 11* 188 *John B. Smith* Police Justice.

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

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

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

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

0920

Sent 11 3 PM.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court--- 1429 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August Bruno
33 Park
Offence

Dated *September 11* 188*8*

Smith Magistrate.

Crystal Officer.

6 Precinct.

August Bruno

No. *33 Park* Street.

No. Street.

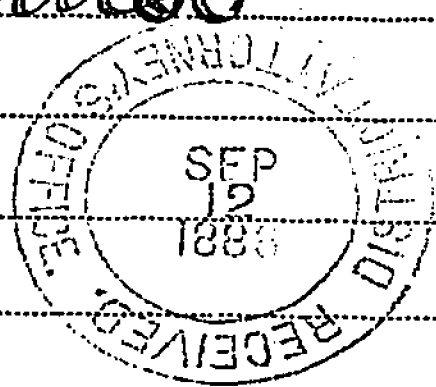
No. Street.

No. Street.

No. Street.

No. *3000* to answer *Es*

Com



0921

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Omer Brown

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

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

The said Omer Brown,

late of the City of New York, in the County of New York aforesaid, on the third day of September, in the year of our Lord one thousand eight hundred and eighty-eight, in the County of New York aforesaid, with force and arms, in and upon one Herman Brown, in the peace of the said People, then and there being, feloniously did make an assault, and

one promissory note 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 and value of one dollar; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of one dollar; one United States Silver Certificate of the denomination and value of one dollar; one United States Gold Certificate of the denomination and value of one dollar;

one silver coin of the United States of the kind called dollars, of the value of one dollar, three other silver coins of the United States of the kind called half dollars of the value of fifty cents each, and divers other coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one dollar and fifty cents,

and in the presence of the goods, chattels and personal property of the said Herman Brown from the person of the said Herman Brown, against the will, and by violence to the person of the said Herman Brown in fear of some immediate injury to his person, then and there violently and feloniously did rob, steal, take and carry away, the said Omer Brown being then and there armed with a dangerous weapon, to wit: with a certain pistol then and there charged and loaded with gunpowder and lead;

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.

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SECOND COUNT—

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

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

The said

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

of the goods, chattels and personal property of

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

unlawfully and unjustly, did feloniously receive and have ; the said

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.

JOHN R. FELLOWS,
District Attorney.

0923

Second COUNT.

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

Owen Brown

of the CRIME of Extortion, —

committed as follows:

The said Owen Brown,

late of the City and County aforesaid, afterwards to wit: On the day and in the year aforesaid,
at the City and County aforesaid,

one promissory note 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 and value of one dollar — ; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of one dollar — ; one United States Silver Certificate of the denomination and value of one dollar — ; one United States Gold Certificate of the denomination and value of one dollars — ;

one silver coin of the United States, of the kind called dollars, of the value of one dollar, three other silver coins of the United States of the kind called half dollars, of the value of fifty cents each, and divers other coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one dollar and fifty cents, of the goods, chattels and personal property of one Herman Brown, feloniously did

0924

obtain from the said Herman Bruns,
with his consent, induced by a wrongful
use of fear, to wit. fear on the part
of the said Herman Bruns then and
there induced by the said Owen Brown
by a threat then and there made by
him to the said Herman Bruns, to
do an unlawful injury to the person
of the said Herman Bruns, to wit. to
then and there unlawfully assault, beat
and wound him, against the form of
the Statute in such case made and
provided, and against the peace of
the People of the State of New York,
and their dignity.

John W. T. Collins,

District Attorney

0925

Witnesses:

Counsel,

Filed

13 day of Sept 188

Pleads,

Chitiquilla 12

THE PEOPLE

vs.

Owen Brown

(2 cases)

degree.

Robbery, [Sections 224 and 228, Penal Code].
and [Sections 224 and 228, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. [Signature]
Foreman.

0926

The People vs }
agst
Owen Bruen. }

Assault in the first degree.

Time.

Place. 33 Park Street.

Facts.

The defendant came in to the complainant's grocery store from a saloon on the opposite side of Park Street, where he had been carousing with a number of men, and in a threatening tone demanded \$⁵⁰/₁₀₀ from the complainant. The complainant being afraid of him gave him without further conversation the money demanded, and the defendant left the store and returned to the saloon. In about minutes the defendant returned to the grocery store and said "Herman, give me two dollars more". The complainant replied that he could not let him have the money as he could not spare it having to pay some bills. Defendant said "Go on give it to me. You're getting too fresh, you son of a bitch". The complainant had walked behind his counter, two feet in width, and the defendant stood immediately in front of him. The complainant again told the defendant that he could not let him have the money. Defendant then said in a threatening manner

0927

"Are you going to give it to me now?" and when the complainant replied that he could not let him have the money, the defendant exclaimed "I'll get it any how" and drawing a pistol leaned across the counter and struck the complainant a blow on the head with it. The complainant was somewhat staggered and before he could recover himself, the defendant seized a two pound iron weight lying on the counter and threw it at him. The weight struck him on the ear and knocked him down. The defendant, as the complainant lay on the floor, aimed across the counter and fired one shot at him which passed through the back of complainant's vest but did not wound him. The defendant then left the shop at once. The pistol must have been within six feet of the complainant when discharged. August Bruns, the brother of the complainant, was in the store and saw the whole affair. Next morning, Annie Bruns, complainant's wife picked the bullet up on the floor. It had passed through the molding on a bread case before striking the complainant.

Witnesses -

- (1) Herman Bruns - Complainant. As to all the facts.
- (2) August Bruns - Brother of complainant. As to all the facts.
- (3) Annie Bruns - Wife of complainant. As to finding bullet.

0928

Court of General Sessions.

-----x
The People

vs.

Owen Bruen.
-----x

City and County of New York, ss:

AMBROSE H. PURDY being duly sworn says that he is counsel for Owen Bruen; that said Bruen sent for him late Saturday afternoon and deponent was able to have a very brief consultation with him. Saturday being a half-holiday the District Attorney's Office was closed and deponent was not able to see the papers in his case or inform himself as to the nature of the charge. Deponent has not yet been able to see said papers but will do so at once.

From the statement made to him by said Bruen deponent is satisfied that said Bruen has a defence upon the merits to this charge and, if a reasonable time is allowed him to prepare his case, such defence will be presented to this Court.

Sworn to before me this)
18th day of September, 1888.)

H. H. Purdy

*W. C. Coy. }
Notary Public }
N.Y. Co. }*

0929

Court of General Sessions.

----- x
The People :
vs. :
Owen Bruen. :
----- x

City and County of New York, ss:

OWEN BRUEN being duly sworn says he is the defendant in the above entitled action; that deponent was called to plead to the indictments herein, one for robbery in the first degree and one for assault in the first degree, on Friday the 14th of September. At the time of his arraignment he had no counsel but the Court informed him that he must be ready for trial this day, being Monday. Deponent made every possible effort to procure the services of counsel but was unable to do so until late Saturday afternoon when he sent for Mr. Ambrose H. Purdy who then consented to take his case. Deponent was all this time confined in the City Prison and unable to communicate with his counsel.

Deponent further says that he has not had opportunity to consult with his counsel or to instruct him as to his defence. That deponent has a good defence to both of these indictments on the merits and if opportunity can be given him to subpoena his witnesses he will prove this to the Court. Deponent has many material witnesses whom he desires to subpoena to testify in his behalf, but owing to his not being able to have a full con-

0930

sultation with his counsel he is unable to state the facts to which these witnesses will swear, not knowing himself what facts are material and what are not.

Deponent is utterly unable to proceed to trial to-day but will do so at the earliest possible moment. This affidavit is made in good faith and not for the purpose of any delay. If a reasonable adjournment is given deponent he hereby stipulates and agrees to make no application for bail in the meantime.

Sworn to before me this)

17th day of September, 1888 .)

Edward Hall
J. D. [unclear]
George [unclear]
Maven Brown

0931

Court of General Sessions.

The People

vs.

Owen Bruen .

Affidavits on application
for adjournment.

Ambrose H. Purdy,
Counsel for Defendant,
280 Broadway,
N.Y. City.

Filed Sept 17 1888

0932

Court of General Sessions.

The People

vs.

Owen Bruen.

City and County of New York, ss:

OWEN BRUEN being duly sworn says that the witnesses he proposes to produce in his behalf are, first, Matthew Costello, the agent of the building in which the complainant has his place of business, and deponent expects to prove by him that plaintiff is a man of bad character and what is commonly known as a "fence", and, generally, a man not to be believed on oath; next, Thomas Murphy, of 43 Park Street, who knows the complainant, knows him to be a thief and that his character for truth and veracity is bad; next John J. Donahue, of 43 Park street who will prove the same facts as regards the character of the complainant, and Michael Feeney, of 33 Park street, who will testify to the same state of facts.

And deponent further says that this evidence is material, because the alleged assault, on which defendant is to be tried, took place between him and the complainant, no other witnesses being present, and the credibility of the complainant becomes, thereby, a necessary and material issue in the case and the verdict will turn on what weight the jury give to the evidence of the complainant.

Sworn to before me this 14 :
day of September, 1888. :

Edmund Hall
Deputy Clerk Court of General Sessions

Owen Bruen

0933

Court of General Sessions.

The People

vs.

Owen Bruen.

Affidavit of Owen Bruen.

Ambrose H. Purdy,
Counsel for defendant,
280 Broadway,
N.Y. City.

Filed Sept 17/82

0934

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Owen Bruen

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

Owen Bruen

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

The said Owen Bruen,

late of the City of New York, in the County of New York aforesaid, on the
— third — day of — September —, in the year of our Lord
one thousand eight hundred and eighty-eight, with force and arms, at the City and County
aforesaid, in and upon the body of one Herman Bruns,

Herman Bruns, with a certain pistol and also with a certain iron weight which the said Owen Bruen in his right hand then and there had and held, then and there wilfully and feloniously did strike beat Bruen and wound, and
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against — him — the said Herman Bruns, the said —
a certain pistol, then and there loaded and charged with gunpowder and one leaden

bullet, which the said Owen Bruen
in — his — right hand then and there ^{as aforesaid,} had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, the same being
such means and forces as were likely to produce the death of the said Herman Bruns,
with intent — ~~kill~~ — the said Herman Bruns,
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

Owen Bruen

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

The said Owen Bruen,

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 — Herman Bruns, — in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make

another assault, and to, at and against him the said Herman Bruns, with a — the said — certain
pistol, and also with a certain iron weight, which he the said Owen Bruen in his right hand
then and there had and held, the same being weapons and instruments likely to produce
grievous bodily harm, then and there feloniously did wilfully and wrongfully strike beat Bruen
and wound, and to, at and against him the said Herman Bruns, the said pistol, the same
being a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,

which the said Owen Bruen ^{as aforesaid}

in — his — right hand then and there had and held, ^{and so} the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully 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.

JOHN R. FELLOWS,

District Attorney.

0935

BOX:

318

FOLDER:

3029

DESCRIPTION:

Bruggeman, Charles

DATE:

09/27/88



3029

0936

WITNESSES:

#37 JB

Counsel,

Filed 27 day of Sept. 1888

Pleads Guilty Ver. 1,

THE PEOPLE,

vs.

A

Charles Bruggemann

VIOLETION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. H. Strayer

Foreman.

Part 3. December 7/88
Compliment sent to Special Session

0937

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Bruggeman

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

Charles Bruggeman

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

The said *Charles Bruggeman*,

late of the City of New York, in the County of New York aforesaid, on the
15th day of *July* in the year of our Lord one
thousand eight hundred and eighty-*eight*, at the City and County aforesaid,
the same being the first day of the week, commonly called and known as Sunday, with
force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine,
one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial,
one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer,
and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,
unlawfully did sell as a beverage to one *James E. Sutton*

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

SECOND COUNT—

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

Charles Bruggeman

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

The said *Charles Bruggeman*,

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

JOHN R. FELLOWS,

District Attorney.

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BOX:

318

FOLDER:

3029

DESCRIPTION:

Buckel, Lawrence

DATE:

09/07/88



3029

0939

#86

Racey

Witnesses :

Counsel,

Filed

day of

1888

Pleads,

Chiquita (1/2)

THE PEOPLE

Grand Larceny in the second degree.

(MONEY.)

(Sec. 528 and 531 Penal Code.)

to Volok P

184
Lawrence Rachel

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. Hooper

Part of September 1888

Foreman.

Pleads - Rachel & C. Hooper

184 - 110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/1280/1281/1282/1283/1284/1285/1286/1287/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0940

Police Court— District.

Amplavit—Larceny.

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

Pelletiere
Antonio, ~~Pelletiere~~

of No. *184 Norfolk* Street, aged *54* years,
occupation *Sailor* being duly sworn

deposes and says, that on the *26* day of *August* 188*8* at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the *night* time, the following property viz:

*Good and lawful money of
the United States of the amount
and value of our Sumaria and
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 *Laurance Buckel* (nowhere
from the fact that the said
deponent was a Boarder in
said house with deponent and
at the time he saw said money
be taken away in his bed and deponent
saw his money and caused the
arrest of the deponent and our
hair being removed by Officer Cowen
he also covered the above money he saw
in his stocking

Antonio Pelletiere

Sworn to before me, this
of 1888
Police Justice.

0941

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

3 District Police Court.

Lawrence Buckle 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. Lawrence Buckle

Question. How old are you?

Answer. 32 yrs

Question. Where were you born?

Answer. Italy

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

Answer. 121 Norfolk

Question. What is your business or profession?

Answer. Labour

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

Lawrence Buckle

Taken before me this 17

day of July

1884

Police Justice.

0942

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

James 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 Aug 27 1888 J. J. Deuff 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.

0943

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1344
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Antonio Pettino
1184 Norfolk
Larman District

2

3

4

Office

Henry Jones

Dated *Aug 27* 188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

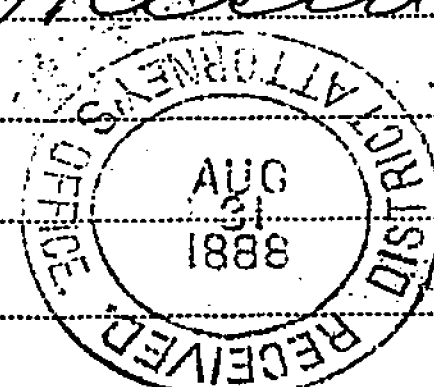
No.

Street.

No.

Street.

to answer



g. p. money

0944

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lawrence Buckel

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

— Lawrence Buckel —

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

The said

Lawrence Buckel

late of the City of New York, in the County of New York, aforesaid, on the *twenty-sixth* day of *August* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, with force and arms, in the *night* time of the same day, *five* promissory note 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*; *eleven* promissory note 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*; *Twenty-three* promissory note 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*; *fifty-seven* promissory note 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 & fifteen* promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of one dollar, and of the value of one dollar *each*; *five* promissory 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 twenty dollars *each*; *eleven* 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 ten dollars *each*; *Twenty-three* 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 five dollars *each*; *five* United States Silver Certificate of the

0945

denomination and value of twenty dollars *each* ; *eleven* United States Silver Certificate *of* the denomination and value of ten dollars *each* ; *twenty-three* United States Silver Certificate *of* the denomination and value of five dollars *each* ; *fifty-seven* United States Silver Certificate *of* the denomination and value of two dollars *each* ; *one hundred and fifteen* United States Silver Certificate *of* the denomination and value of one dollar *each* ; *five* United States Gold Certificate *of* the denomination and value of twenty dollars *each* ; *eleven* United States Gold Certificate *of* the denomination and value of ten dollars *each* ; *twenty-three* United States Gold Certificate *of* the denomination and value of five dollars *each* ; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *thirty dollars*

of the proper moneys, goods, chattels and personal property of one

Antonio Pellettieri

then and there being

found,

then and there

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

JOHN R. FELLOWS,

District Attorney.

0946

BOX:

318

FOLDER:

3029

DESCRIPTION:

Burns, John

DATE:

09/12/88



3029

0947

Witnesses;

Harold
a Penn
Penn
Burglar King
found on his
person

Am

#151

Counsel,

Filed

Pleads,

12 day of Sep 1888

THE PEOPLE

vs.

John Burns

John R. Fellows

JOHN R. FELLOWS,

District Attorney.

Burglary in the Third degree.

[Section 498, Penal Code]

A True Bill.

W. H. H. H.

Sept 13/88 Foreman.

Sept 13/88

Learned Jury Jury
24th 6th Mos 1888

0948

Police Court— / District.

City and County } ss.:
of New York,

Charles B. Scott

of No. 260 Front Street, aged 49 years,occupation Furniture Dealer & Manufacturer being duly sworndeposes and says, that the premises No 260 Front Street,in the City and County aforesaid, the said being a five story double brickhouse, the four upper stories ofand which was occupied by deponent as a factory,and in which there was at the time a human being, by name

attempted to be
were **BURGLARIOUSLY** entered by means of forcibly inserting a false
Key into the ~~the~~ lock on the outer door of said
premises and turning the knob in said door and
entering the hallway leading to said factory.

on the 5th day of September 1888 in the night time, and the
^{attempted} following property feloniously taken, stolen, and carried away, viz: a large quantity
of house hold, parlor furniture and office
fixtures valued in all in the sum of about
Seven thousand dollars.

the property of James W. P. Ayer, C. Pearson and deponent as co-partners
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
^{attempted to be} **BURGLARY** was committed and the aforesaid ^{attempted to be} property taken, stolen, and carried away by

John Burns (nowhere) and two other men
not yet arrested.

for the reasons following, to wit: That on said day the doors and
windows leading into said premises were
securely locked and fastened and all of
the said property was therein. Deponent
having locked and fastened the same on the
night of the 4th September, 1888. Deponent
is informed by Officer John F. Malarkey
of the Fourth Precinct Police that he Malarkey
was passing along said street and along by

0949

Said premises at about the hour of four
and one half o'clock in the morning of said 5 day
of September 1888 and discovered the defendant
leaving said premises and the said two unknown
men were standing on the sidewalk near said
doorway. Depovent thereupon arrested said defendant
and the two unknown men then escaped.
Depovent charges the said defendants with
said two men not arrested while acting
in concert attempt to commit said burglary

Subscribed before me } Charles B. Scott
this 9th day of September 1888 }

Samuel M. Smith
Police Justice.

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0950

CITY AND COUNTY }
OF NEW YORK, } ss.

John F. Maloney
aged 28 years, occupation Police Officer of No.

4th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Charles D. Scott

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

Sworn to before me, this 14th
day of September 1888

John F. Maloney

Samuel C. Kelly
Police Justice.

0951

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

14 District Police Court.

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 Burns.*

Question. How old are you?

Answer. *19 years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *No home.*

Question. What is your business or profession?

Answer. *Laborer.*

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

Answer. *I am guilty.*

John Burns

Taken before me this

day of *September* 188*8*

Samuel M. Kelly Police Justice.

0952

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.....

Dependant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Twenty~~ 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 Sept 7 188 8 Sam'l C. Mullen 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.

0953

Police Court---1418 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles P. Scott
260 Grand
John D. Dunsen
Offence *Drunk*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Sept 7* 188*8*

Crilly Magistrate.

Moloney Officer.

1st Precinct.

Witnesses _____

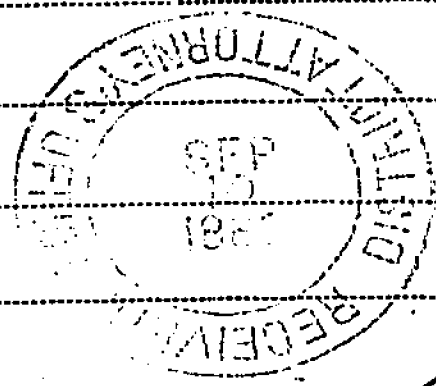
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1500.00* to answer *95*

Committed *Bung*



0954

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 Burns

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

John Burns

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

The said

John Burns

late of the ~~X~~ *fourth* Ward of the City of New York, in the County of New York, aforesaid, on the *Fifth* day of *September* in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *factory* of one

Charles B. Scott

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Charles B. Scott

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

John R. Fellows,
District Attorney.

0955

BOX:

318

FOLDER:

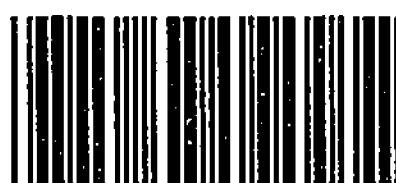
3029

DESCRIPTION:

Butler, James

DATE:

09/28/88



3029

0956

Witnesses:

Counsel,

Filed

day of Sept. 1888

Pleads,

THE PEOPLE

vs.

ATTEMPTING SUICIDE.

(Section 174, Penal Code).

James Butler

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

W. W. W. W.
Oct 1/88
Pleads Guilty

Sen pro. 1930

0957

CITY AND COUNTY }
OF NEW YORK, } ss:

aged 36 years, occupation Bridget Butler
Laundress of No.

616 E 16th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Arline A. Straussner
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 24
day of Sept 188 8 Bridget Butler

Sam J. C. Sullivan
Police Justice.

0958

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT

4 DISTRICT.

of No.

616 West 18th

Street, aged 38 years,

occupation

Housekeeper

being duly sworn deposes and says

that on the

10th

day of

September

1888

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

James Butler

(now here) was in

said premises

Street acting in a strange manner to wit:

That he imagined people
were talking to him and that he
had lost his Eyesight

deponent verily believes that the said

James Butler

is disordered in his senses and unfit to be at large, and prays that he may be committed to the
care and charge of the Commissioners of Charities and Correction for examination as to his
sanity.

Bridget Butler

Sworn to before me, this

of

Sept

1888

day

John J. Sullivan Police Justice.

0959

Police Court, V District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bridget Butler

vs.

James Butler

AFFIDAVIT—INSANITY.

Dated Sept 20 1888

Patterson Magistrate.

Strassner Officer.

Witness,

18
The defendant has
been returned to
prison as sane

Disposition:—Committed to the care and charge of the Commissioners of Charities and Correction for examination as to his sanity, for a period not to exceed five days.

J. M. Gleason

Police Justice.

0960

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 4 DISTRICT.

Antone A. Stansener
of No. 18th Street, aged 29 years,
occupation Police Officer being duly sworn deposes and says,
that on the 10 day of September 1888
at the City of New York, in the County of New York,

James Butler (now here)
did Commit upon himself
an act dangerous to human
life with intent to take
his own life.

Deposant was
informed at about 8 o'clock P.M.
of above date by Bridget Butler that
the said James had swallowed a
quantity of poison called Rye on
Rato
Antone A. St.

Sworn to before me, this

of

1888
Police Justice.

0961

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

14 District Police Court.

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

Question. What is your name?

Answer. James Butler

Question. How old are you?

Answer. 36 years

Question. Where were you born?

Answer. Ireland

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

Answer. No 616 East 18th St. 3 years

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

his
James Butler
mark

Taken before me this

day of

188

Police Justice.

0962

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.....

Dependant
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 Sept 27 188 8 Samuel Smith Police Justice.

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

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

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

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

0963

Sept 24
2 1/2 P.M

Police Court---

1508 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Antone W. Strassner
vs.
James Butler

Offence Attempted
Suicide

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

The Justice presiding
in this Court in
my absence will
please hear and
determine this case
JMBatterson Police
Just.

Dated Sept 18 1888

Patterson Magistrate.

Strassner Officer.

18 Precinct.

Witnesses Bridget Butler

No. 616 East 18th Street.

No. 9 1/2 East 19th Street.

No. 9 1/2 East 20th Street.

No. 9 1/2 East 21st Street.

\$ 500 to answer

Held for inquiry

and to his Parole

Committed 9 M P

0964

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 Butler

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

James Butler —

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *James Butler*.

late of the City of New York, in the County of New York aforesaid, on the

Tenth day of *September*, in the year of our Lord

one thousand eight hundred and eighty-eight, at the City and County aforesaid,

with intent to take *his* own life, did feloniously give and ad-

minister into himself, and take

and swallow down into his body

a quantity of a certain deadly

poison commonly called "Rough
on Rats"

the same being an act dangerous to human 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.

JOHN R. FELLOWS,

District Attorney.

0965

BOX:

318

FOLDER:

3029

DESCRIPTION:

Byrne, Patrick

DATE:

09/27/88



3029

0966

Witnesses:

Ex

Counsel,

Filed, 27

day of

Sept.

188

Pleads,

Chargely with

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

(Keeping Open on Sunday.)
[Ill. Rev. Stat. (7th Edition), Page 1889, Sec. 5.]

Patrick Byrne

to be 17/84

transferred to C. of J. S. S.
for trial by jury.

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Attest

Foreman.

Chas. Byrne

Counsel H. P. W.

0967

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Byrne

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

The said *Patrick Byrne* — late of the City of New York, in the County of New York aforesaid, on the *13th* day of *May* in the year of our Lord one thousand eight hundred and eighty *eight*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of, and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure, and suffer and permit to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.