

0291

BOX:

215

FOLDER:

2129

DESCRIPTION:

Kirk, William P.

DATE:

04/02/86



2129

Witnesses:

Charles B. Kaut

Barred in ~~Street~~ by
Andrew Martin,
444 Kearney Street

Oct 13/86

June 21st 1898
The troops should be dismissed.
There was never sufficient evidence
to justify its finding so far as
the second branch. The depth
and not a member of the Committee
which met at W. Campbell's
No. was the parent of the
early morning meeting by which the
Board of Aldermen of 1898.
People cannot say that individual
of 1898 means
Just City.

439
J. A. Brady

Counsel, _____
 Filed 2 day of April 1886
 Pleads Not Guilty—

THE PEOPLE

vs.

22

William P. Field

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Brat. B. F. L. L. L.

April 21/90

Foreman

Indulgence

Demise

State of New York
City & County of New York } ss.

Randolph B. Martine being
duly sworn deposes and says:

I am the District Attorney of
the County of New York.

On information and belief, I
accuse William P. Kirk of the crime of
bribery committed as follows:—

In the month
of July, 1884, the said William P. Kirk
was a member of the Board of Aldermen
in the City of New York, and as
such a member of the Common Council
in said City.

In the said month there
was pending before said Board of
Aldermen, a petition or application
by a corporation known as the Broadway
Surface Railway for permission to con-
struct and operate a railroad on the
street known as Broadway in the City
of New York.

In or about the said
month of July, 1884, the said William
P. Kirk being then and there a person
executing the functions of a public officer.

to wit, as aforesaid, a member of the Board of Aldermen, and as such a member of the Common Council of said City, did then and there, ask and receive and agree to receive a bribe, and sum of money amounting to several thousand dollars, upon the agreement and understanding that his vote, action and decision as a member of said Board of Aldermen, should be influenced by said bribe and sum of money, in the matter of the petition and application of said Broadway Surface Railway as herein above set forth.

The grounds of my information and belief as to all matters not herein stated on my own knowledge, are the proceedings of the said Board of Aldermen in reference to said application and petition of the said Broadway Surface Railway Company, as the same are recorded in the records of such proceedings; the facts and circumstances, which surround the incorporation of said railway, its excessive issue of bonds far beyond the cost of organizing and constructing the same, the lavish use of funds in various ways, and the secreting of large

sums of money during the period when the aforesaid application was pending before said Board, and certain confessions of the said Kirk to ^acertain person now within the City & County of New York, but whose name I do not now state, because I believe that the ends of public justice will be better served by withholding it; and other facts and circumstances which, upon the trial of indictment for the crime herein charged, I shall prove on behalf of the People.

I therefore pray that a warrant for the arrest of said William P. Kirk may be forthwith issued, to the end that he may be dealt with according to law.

Sworn to this 1st day of { Randolph B. Martine
 April, 1886, Before me }
 J. A. Gilderseeu.
 Judge's Sessions.

POOR QUALITY
ORIGINAL

0296

The People of the
State of New York, in the

Complaint of
Nathaniel B. Martin.

vs.

William P. Kirk.

Information to

POOR QUALITY
ORIGINAL

0297

Fol:1 COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New York.

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

against

William P. Kirk.
----- x

Please take notice that on the Indictment herein
2 filed April 2nd, 1886, and on all the proceedings thereon
had, and on the affidavits of William P. Kirk, the defend-
ant, and Thomas F. Grady, copies of which are hereto an-
nexed, I shall, in Part ^{1st} ~~III~~ of the Court of General Sessions
on the ^{11th} ~~28th~~ day of ^{April} ~~March~~, 1890, at 11 o'clock in the fore-
noon or as soon thereafter as Counsel can be heard, move
for the dismissal of said Indictment, under the provisions
of Section 668 of the Code of Criminal Procedure, and for
such further order as to the Court may seem just.

Yours, &c.,

Thos. F. Grady,
Att'y for Defendant.

To
Hon. John R. Fellows,
District Attorney.

**POOR QUALITY
ORIGINAL**

0298

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE,
of the City and County of New York.

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

against

William P. Kirk.
----- x

City and County of New York, ss:

William P. Kirk, being duly sworn, deposes and says:
That he is the defendant herein. That the indictment here-
in was filed on the 2nd day of April, 1886, and a copy there-
of is hereto annexed. That on said last-mentioned day de-
2 ponent was arraigned on said indictment and pleaded not
guilty and thereupon deponent gave bail in the sum of
\$25,000 to appear for trial.

That no further proceedings were had upon said in-
dictment until and on the 7th day of October, 1886, when de-
ponent and his Counsel attended at the Court of General
Sessions in obedience to a notice from the then District
Attorney, Hon. Randolph B. Martine, for the purpose of hav-
ing a day fixed for the trial of deponent.

That on said 7th day of October, 1886, deponent's
3 counsel, Hon. Benjamin F. Tracy, in response to the then
District Attorney announced that deponent was ready for
trial and thereupon it was agreed that on the following Mon-
day the trial of one Henry L. Sayles would be proceeded
with and that upon the conclusion of such trial the cases
of Patrick Farley and William H. Miller would be taken up

**POOR QUALITY
ORIGINAL**

0299

2

in the order named and that upon the conclusion of the trial of said Miller the trial of deponent would be begun and proceeded with.

That on the 13th day of October, 1886, said Henry
4 L. Sayles was called for trial but failed to appear and the
recognizance given by him was declared forfeited. That on
said 13th day of October, 1886, deponent was required to
give increased security for his appearance and did give
such security in the sum of \$40,000. That upon the occa-
sion of giving such increased security, deponent's Attorney,
Thomas F. Grady, appeared before Hon. Rufus B. Cowing, the
City Judge and urged as a reason why such increased securi-
ty should not be required from deponent, that deponent had
always been and then was ready for trial and that a speedy
5 trial had been promised deponent.

Since said 13th day of October, 1886, no proceedings
whatever in regard to said indictment against deponent have
been had nor have the trials of said Farley and Miller been
proceeded with as promised on said 7th day of October, 1886,
but in the meantime the cases of Francis McCabe, Arthur J.
McQuade, John O'Neill and Thomas Cleary under indictments
entirely similar to that filed herein against deponent have
been called and disposed of.

That the evidence given upon the trials had upon
6 such other indictments in nowise incriminated deponent.
That he did not sign the call for the special meeting of the
Board of Aldermen called for and held on the 30th day of
August, 1884, nor did he attend such meeting. That it was

**POOR QUALITY
ORIGINAL**

0300

3

never charged against deponent nor was it a fact that he was in any manner involved in any corrupt or unlawful combination of the members of said Board of Aldermen. That the only witness named on the back of the indictment herein as testifying before the Grand Jury was one Charles B. Waite. That in the testimony given by said Waite upon the
7 many trials had of indictments in all respects similar said Waite never mentioned deponent as in any way concerned in any offense connected with the indictment herein.

That deponent denies every allegation of said indictment charging him with any violation of the law or of his official oath and specifically denies that his official action was influenced or controlled by the promise or payment of money, and denies that any money was promised or paid him to influence or control such action and particularly with reference to the matters set forth in the indictment herein.

8 That the trial of deponent has not been postponed on his application and that the dismissal of said indictment is asked for because of the injury and injustice caused deponent by its continuance long after a trial thereon had been promised deponent.

Sworn to before me, this)
26th day of March, 1890.)

G. W. H. Kuis
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0301

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE,
of the City and County of New York.

----- X
The People of the State of :
New York, :
against :
William P. Kirk. :
----- X

City and County of New York, ss:

Thomas F. Grady, being duly sworn, deposes and says:
That he is the Attorney of the defendant herein and as such
Attorney has full knowledge of the proceedings had upon the
Indictment herein since April 2d, 1886, the day upon which
2 said Indictment was filed. That the trial of the defend-
ant has not been postponed at the request of deponent.

That in the month of October, 1888, in the City of
San Francisco, State of California, deponent met Charles
B. Waite, the only witness examined before the Grand Jury
herein as appears by the endorsement upon the Indictment
herein and that said Waite then voluntarily informed depo-
nent that he had no knowledge or information connecting the
defendant herein with the matters alleged in said Indictment.

Sworn to before me, this)
26th day of March, 1890.)

John P. Remy
County of Queens
C. J. B.

POOR QUALITY
ORIGINAL

0302

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William P. Kirk

The Grand Jury of the City and County of New York, by this indictment
accuse *Williams P. Kirk*
of the CRIME OF Bribery, committed as follows:

sidings, Heretofore, to wit, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City of New York, in the County of New York aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and incorporated under and by virtue of the laws of the State of New York, before then duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switches, turnouts, turntables, ~~sidings~~ and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said *William P. Kirk*, late of the City and County of ~~New York~~ aforesaid, being then and there a public officer, and a person executing the functions of a public office, to wit, an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the Common Council aforesaid, afterwards, to wit, on the said twenty-ninth day of August, in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and

POOR QUALITY
ORIGINAL

0303

betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did feloniously ask and agree to receive the sum of *Twenty*

Thousand Dollars in money, and a promise and agreement therefor, from *a certain person whose name is to the Grand Jury.* *foresaid, as yet unknown.* upon an agreement and understanding that the vote, ~~opinion, judgment,~~ action and official proceeding of him, the said *William P. Kirk* as such member of the Common Council aforesaid, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be thereby influenced, and that his vote, ~~opinion, judgment,~~ action and official proceeding as such member of the Common Council aforesaid upon and concerning the said petition and application, should be in favor of the granting and giving by the said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; 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

William P. Kirk
of the CRIME OF *Bribery*, committed as follows:

Heretofore, to wit, on the *said* twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City ~~of New York, in the County of New York~~ *and* aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and ~~incorporated~~ *existing* under and by virtue of the laws of the State of New York, *therefore* ~~before then~~ duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switches, sidings, turnouts, turntables and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

POOR QUALITY
ORIGINAL

0304

And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said

William P. Kirk

late of the city and county aforesaid, being then and there an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the said Common Council, afterwards, to wit: on the ~~said twenty-ninth day of August~~ ^{day and} in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did

feloniously accept from *a certain person whose name is to the Grand Jury aforesaid as yet unknown,*

a promise and agreement to give and furnish to him, the said

William P. Kirk,
the sum of *Twenty thousand*

dollars in money, and an undertaking to give and furnish the said sum of money to the said

William P. Kirk,
under an agreement and understanding that the vote, ~~opinion, judgment~~ and action of him, the said *William P. Kirk,*

as such member of the said Common Council, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be influenced thereby, and that his said vote, ~~opinion, judgment~~ and action should be given in the ~~cause~~ ^{cause}, matter and proceeding of, upon and concerning the said petition and application, in favor of the granting and giving by said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

POOR QUALITY
ORIGINAL

0305

329

489

Witnesses:

Charles B. Harte

Counsel,

Filed, 2 day of April 1836.

Pleads, Not guilty.

THE PEOPLE

vs.

William B. Kirk

BRIBERY. Chap 419.
[Section 72 Penal Code, and Section 89
of 1832.]

RANDOLPH B. MARTINE,

District Attorney.

[Signature]

A True Bill.

Chas B. Fackler

Foreman.

True Copy

57 Madison St
New York

POOR QUALITY
ORIGINAL

0306

General Second Court,
City and County of New York

The People of the State
of New York

against

William P. Hark

and
Affidavits and
Notice of Motion

THOMAS F. GRADY,

Attorney for

No. 3 Beekman Street,
N. Y. City,

Due and personal service of a copy of the
within notice *replied* admitted this
26th day of March 188

Att'y for

To

Att'y for

Sir :

Take notice that the within is a

copy of

entered herein in the office of the Clerk of the

on the

day of

188

Dated New York,

188

Yours, &c.,

THOMAS F. GRADY,

Attorney for

Office Address,

No. 5 Beekman St., New York City.

Att'y for

0307

In the name of the People of
the State of New York.

Information upon oath having been this day laid before me, that the crime of Bribery has been committed and accusing William P. Kirk thereof.

Dated at the City of New York this 1st day of April, 1886.

W. A. Greenlee.
Judge Genl Sessions.

POOR QUALITY
ORIGINAL

0300

The People of the
State of New-York
on complaint of
Randolph B. Martin

vs.

William J. Kirk

Warrant of Arrest

Court of General Sessions of the
Peace, of the City and
County of New York.

The People of the State
of New York,
against
William P. Kida.

The Grand Jury of the
City and County of New York, find
this indictment accuses William P.
Kida of the crime of Conspiracy -
committed as follows:

That on the nineteenth day of August, in the
year of our Lord one thousand
eight hundred and eighty-four,
at the City of New York, in the
County of New York aforesaid, a
certain petition and application of
the Broadway Street Railroad
Company, a corporation duly organ-
ized and incorporated under and
by virtue of the laws of the State
of New York, before then duly
presented to the Common Council
of the City of New York, was
and making application to the

said Common Council for its consent
and permission to construct, main-
tain, operate and use a street and
railroad for public use in the
conveyance of persons and property
in cars, upon and along the surface
of certain streets, avenues and
highways, in the said city, together
with the necessary connections,
switches, sidings, turnouts, turn-
tables and suitable lands for
the convenient operation of the
said road, now duly pending before
and under the consideration of the
said Common Council.

And the said petition and ap-
plication having been so as above-
said made and presented to the said
Common Council, and being so
pending and under its consideration
as aforesaid, the said William P. Hyde,
Deputy of the City and County aforesaid,
being then and there a public officer,
and a person executing the functions
of a public officer, do sit as an Alderman,
and a member of the Board of Aldermen
of the City of New York, and as such
being then and there a member of
the Common Council aforesaid, do

POOR QUALITY
ORIGINAL

0311

wards, to wit: on the said Twenty ninth
day of August in the year aforesaid,
and whilst the said petition and
application was yet pending before
and under the consideration of the
said Common Council, containing
and intending the duties of his
said Office, and the trust and confidence
thereof reposed in him, to prostitute
and betray, at the City and County
aforesaid, with force and arms, un-
lawfully, wickedly and contrary
did feloniously ask and agree to
receive, the sum of Twenty thousand
dollars in money, and a promise
and agreement thereof, from a
certain person whose name is to the
Grand Jury aforesaid as yet un-
known, upon an agreement and
understanding that the vote, action
and official proceeding of him the
said William P. Hyde, as such member
of the said common council aforesaid,
upon and concerning the said petition
and application of the said Pennsylvania
Surface Railroad Company, as
pending before and under the
consideration of the said common
council as aforesaid, should be

thereby influenced, and that his vote,
action and official proceedings, as such
member of the Common Council
aforesaid, upon and concerning the
said petition and application, should
be in favor of the granting and
giving by the said common council
of the consent and permission as
aforesaid, in and by the said petition
and application prayed and applied
for, 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
singling.

Second Count.

And the Grand Jury
aforesaid, by this indictment further
accuse the said William F. Hyde
of the crime of Conspiracy, committed
as follows:

That he, to wit, on the said
twenty ninth day of August, in
the year of our Lord one thousand
eight hundred and eighty four,
at the City and County aforesaid, a

**POOR QUALITY
ORIGINAL**

0313

certain petition and application to
 the Board of Public Works of the
 City of New York, a corporation duly
 organized and existing under and
 by virtue of the laws of the State
 of New York, the said petition pre-
 sented to the Common Council of
 the City of New York, praying and
 making application to the said
 Common Council for its consent
 and permission to construct, maintain,
 operate and use a street surface
 railroad, for public use in the
 convenience of persons and property
 in cars, upon and along the surface
 of certain streets, avenues and
 highways in the said City of New York,
 with the necessary conduits, pipes,
 conduits, tunnels, tunnels and
 other works for the construction
 and use of the said road, was duly
 presented and read, and under the con-
 sideration of the said Common Council.
 And the said petition and
 application having been so as aforesaid
 made and presented to the said
 Common Council, and being so read
 and under its consideration as
 aforesaid, the said Council did,

late of the City and County aforesaid,
 being then and there an alderman,
 and a member of the Board of
 Aldermen of the City of New
 York, and as such being then
 and there a member of the said
 Common Council, afterwards to
 wit: on the day and in the year
 aforesaid, and whilst the said
 petition and application was yet
 pending before and under the
 consideration of the said Common
 Council, continuing and intending
 the duties of his said office, and
 the trust and confidence thereby
 reposed in him, to execute and
 perform, at the City and County
 aforesaid, with force and arms,
 unlawfully, indecently and corruptly
 did the said respondent accept to give or
 retain person whose name is to
 the City and County aforesaid as yet
 unknown, a promise and agreement
 to give and furnish to him the
 said William C. Smith, the sum of
 twenty thousand dollars in money,
 and an undertaking to give and
 furnish the said sum of money
 to the said William C. Smith, under

an agreement and understanding
that the vote and action of him
the said William P. Hyde as such
member of the said common council,
upon and concerning the said petition
and application of the said Broadway
Bridge Railroad Company, as re-
specting the same and under the consideration
of the said common council, as above
said, should be influenced thereby,
and that his said vote and action
should be given in the matter,
cause, and proceedings, of, upon
and concerning the said petition
and application, in favor of the
granting and giving by the said
common council, of the consent
and permission, so as aforesaid
in and by the said petition and
application, granted and applied
for, against the form of the
Statute in such case made and
provided, and against the power
of the People of the State of New
York, and their delegates.

Respectfully,
Wm. P. Hyde,

City Attorney.

State of New York }
City & County of New York } ss.

Randolph B. Martine being
duly sworn deposes and says:

I am the District Attorney of
the County of New York.

On information and belief, I
accuse William P. Kirk of the crime of
bribery committed as follows:—

In the month
of July, 1884, the said William P. Kirk
was a member of the Board of Aldermen
in the City of New York, and as
such a member of the Common Council
in said City.

In the said month there
was pending before said Board of
Aldermen, a petition or application
by a corporation known as the Broadway
Surface Railway for permission to con-
struct and operate a railroad on the
street known as Broadway in the City
of New York.

In or about the said
month of July, 1884, the said William
P. Kirk being then and there a person
executing the functions of a public officer.

to wit, as aforesaid, a member of the Board of Aldermen, and as such a member of the Common Council of said City, did then and there, ask and receive and agree to receive a bribe, and sum of money amounting to several thousand dollars, upon the agreement and understanding that his vote, action and decision as a member of said Board of Aldermen, should be influenced by said bribe and sum of money, in the matter of the petition and application of said Broadway Surface Railway as herein above set forth.

The grounds of my information and belief as to all matters not herein stated on my own knowledge, are the proceedings of the said Board of Aldermen in reference to said application and petition of the said Broadway Surface Railway Company, as the same are recorded in the records of such proceedings; the facts and circumstances, which surround the incorporation of said railway, its excessive issue of bonds far beyond the cost of organizing and constructing the same, the lavish use of funds in various ways, and the secreting of large

sums of money during the period when the aforesaid application was pending before said Board, and certain confessions of the said Kirk to a certain person now within the City & County of New York, but whose name I do not now state, because I believe that the ends of public justice will be better served by withholding it; and other facts and circumstances which, upon the trial of indictment for the crime herein charged, I shall prove on behalf of the People.

I therefore pray that a warrant for the arrest of said William P. Kirk may be forthwith issued, to the end that he may be dealt with according to law.

Sworn to this 1st day of April, 1886, Before me
 { Randolph B. Martine
 J. T. Gilderseum.
 Judge's Sessions.

POOR QUALITY
ORIGINAL

0319

The People of the
State of New York, on the

Complaint of
Randolph B. Martin

vs.

William P. Kirk.

Information etc

POOR QUALITY
ORIGINAL

0320

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New York.

----- x
The People of the State of
New York
against
William P. Kirk.
----- x

Please take notice that on the Indictment herein
2 filed April 2nd, 1886, and on all the proceedings thereon
had, and on the affidavits of William P. Kirk, the defend-
ant, and Thomas F. Grady, copies of which are hereto an-
nexed, I shall, in Part ^{1st} ~~III~~ of the Court of General Sessions
on the ^{11th} ~~28th~~ day of ^{April} ~~March~~, 1890, at 11 o'clock in the fore-
noon or as soon thereafter as Counsel can be heard, move
for the dismissal of said Indictment, under the provisions
of Section 668 of the Code of Criminal Procedure, and for
such further order as to the Court may seem just.

Yours, &c.,

Thos. F. Grady,
Att'y for Defendant.

To
Hon. John R. Fellows,
District Attorney.

**POOR QUALITY
ORIGINAL**

0321

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE,
of the City and County of New York.

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

against

William P. Kirk.
----- x

City and County of New York, ss:

William P. Kirk, being duly sworn, deposes and says:

That he is the defendant herein. That the indictment here-
in was filed on the 2nd day of April, 1886, and a copy there-
of is hereto annexed. That on said last-mentioned day de-

2 ponent was arraigned on said indictment and pleaded not
guilty and thereupon deponent gave bail in the sum of
\$25,000 to appear for trial.

That no further proceedings were had upon said in-
dictment until and on the 7th day of October, 1886, when de-
ponent and his Counsel attended at the Court of General
Sessions in obedience to a notice from the then District
Attorney, Hon. Randolph B. Martine, for the purpose of hav-
ing a day fixed for the trial of deponent.

3 That on said 7th day of October, 1886, deponent's
counsel, Hon. Benjamin F. Tracy, in response to the then
District Attorney announced that deponent was ready for
trial and thereupon it was agreed that on the following Mon-
day the trial of one Henry L. Sayles would be proceeded
with and that upon the conclusion of such trial the cases
of Patrick Farley and William H. Miller would be taken up

**POOR QUALITY
ORIGINAL**

0322

2

in the order named and that upon the conclusion of the trial of said Miller the trial of deponent would be begun and proceeded with.

That on the 13th day of October, 1886, said Henry
4 L. Sayles was called for trial but failed to appear and the
recognizance given by him was declared forfeited. That on
said 13th day of October, 1886, deponent was required to
give increased security for his appearance and did give
such security in the sum of \$40,000. That upon the occa-
sion of giving such increased security, deponent's Attorney,
Thomas F. Grady, appeared before Hon. Rufus B. Cowing, the
City Judge and urged as a reason why such increased securi-
ty should not be required from deponent, that deponent had
always been and then was ready for trial and that a speedy
5 trial had been promised deponent.

Since said 13th day of October, 1886, no proceedings
whatever in regard to said indictment against deponent have
been had nor have the trials of said Farley and Miller been
proceeded with as promised on said 7th day of October, 1886,
but in the meantime the cases of Francis McCabe, Arthur J.
McQuade, John O'Neill and Thomas Cleary under indictments
entirely similar to that filed herein against deponent have
been called and disposed of.

That the evidence given upon the trials had upon
6 such other indictments in nowise incriminated deponent.
That he did not sign the call for the special meeting of the
Board of Aldermen called for and held on the 30th day of
August, 1884, nor did he attend such meeting. That it was

**POOR QUALITY
ORIGINAL**

0323

3

never charged against deponent nor was it a fact that he was in any manner involved in any corrupt or unlawful combination of the members of said Board of Aldermen. That the only witness named on the back of the indictment herein as testifying before the Grand Jury was one Charles B. Waite. That in the testimony given by said Waite upon the 7 many trials had of indictments in all respects similar said Waite never mentioned deponent as in any way concerned in any offense connected with the indictment herein.

That deponent denies every allegation of said indictment charging him with any violation of the law or of his official oath and specifically denies that his official action was influenced or controlled by the promise or payment of money, and denies that any money was promised or paid him to influence or control such action and particularly with reference to the matters set forth in the indictment herein.

8 That the trial of deponent has not been postponed on his application and that the dismissal of said indictment is asked for because of the injury and injustice caused deponent by its continuance long after a trial thereon had been promised deponent.

Sworn to before me, this)
26th day of March, 1890.)

G. W. H. Kins
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0324

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE,
of the City and County of New York.

----- X
The People of the State of :
New York, :
against :
William P. Kirk. :
----- X

City and County of New York, ss:

Thomas F. Grady, being duly sworn, deposes and says:
That he is the Attorney of the defendant herein and as such
Attorney has full knowledge of the proceedings had upon the
Indictment herein since April 2d, 1886, the day upon which
2 said Indictment was filed. That the trial of the defend-
ant has not been postponed at the request of deponent.

That in the month of October, 1888, in the City of
San Francisco, State of California, deponent met Charles
B. Waite, the only witness examined before the Grand Jury
herein as appears by the endorsement upon the Indictment
herein and that said Waite then voluntarily informed depo-
nent that he had no knowledge or information connecting the
defendant herein with the matters alleged in said Indictment.

Sworn to before me, this)
26th day of March, 1890.)

John H. Remy
County of Queens
N. Y.

POOR QUALITY
ORIGINAL

0325

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William P. Kirk

The Grand Jury of the City and County of New York, by this indictment
accuse William P. Kirk
of the CRIME OF Bribery, committed as follows:

sidings, Heretofore, to wit, on the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City of New York, in the County of New York aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and incorporated under and by virtue of the laws of the State of New York, before then duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switches, turnouts, turntables, ~~sidings~~ and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said William P. Kirk, late of the City and County of New York aforesaid, being then and there a public officer, and a person executing the functions of a public office, to wit, an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the Common Council aforesaid, afterwards, to wit, on the said twenty-ninth day of August, in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and

**POOR QUALITY
ORIGINAL**

0326

betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did feloniously ask and agree to receive the sum of *Twenty*
Thousand Dollars in money, and a promise and agreement therefor, from *a certain person whose name is to the Grand Jury.*
doresaid, as yet unknown. upon an agreement and understanding that the vote, ~~opinion, judgment,~~ action and official proceeding of him, the said *William P. Kirk*
as such member of the Common Council aforesaid, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be thereby influenced, and that his vote, ~~opinion, judgment,~~ action and official proceeding as such member of the Common Council aforesaid upon and concerning the said petition and application, should be in favor of the granting and giving by the said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; 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
William P. Kirk
of the CRIME OF *Bribery*, committed as follows:

Heretofore, to wit, on the *said* twenty-ninth day of August, in the year of our Lord one thousand eight hundred and eighty-four, at the City *and* ~~of New York, in the County of New York~~ aforesaid, a certain petition and application of the Broadway Surface Railroad Company, a corporation duly organized and *existing* ~~incorporated~~ under and by virtue of the laws of the State of New York, *therefore* ~~before then~~ duly presented to the Common Council of the City of New York, praying and making application to the said Common Council for its consent and permission to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of certain streets, avenues and highways in the said city, together with the necessary connections, switchs, sidings, turnouts, turntables and suitable stands for the convenient working of the said road, was duly pending before and under the consideration of the said Common Council.

**POOR QUALITY
ORIGINAL**

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And the said petition and application having been so as aforesaid made and presented to the said Common Council, and being so pending and under its consideration as aforesaid, the said

William P. Kirk

late of the city and county aforesaid, being then and there an alderman and a member of the board of aldermen of the City of New York, and as such, being then and there a member of the said Common Council, afterwards, to wit: on the ~~said twenty-ninth day of August~~ ^{day and} in the year aforesaid, and whilst the said petition and application was yet pending before and under the consideration of the said Common Council, contriving and intending the duties of his said office, and the trust and confidence thereby reposed in him, to prostitute and betray, at the city and county aforesaid, with force and arms, unlawfully, wickedly and corruptly, did feloniously accept from a certain person whose name is to the Grand Jury aforesaid as yet unknown, a promise and agreement to give and furnish to him, the said

William P. Kirk,
the sum of *Twenty thousand*

dollars in money, and an undertaking to give and furnish the said sum of money to the said

William P. Kirk,
under an agreement and understanding that the vote, ~~opinion, judgment~~ and action of him, the said *William P. Kirk,*

as such member of the said Common Council, upon and concerning the said petition and application of the said Broadway Surface Railroad Company, so pending before and under the consideration of the said Common Council as aforesaid, should be influenced thereby, and that his said vote, ~~opinion, judgment~~ and action should be given in the ~~cause~~ ^{cause} matter and proceeding of, upon and concerning the said petition and application, in favor of the granting and giving by said Common Council of the consent and permission so as aforesaid in and by the said petition and application prayed and applied for; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

Witnesses:

Charles B. Harte

57 Madison St
New York

329

489

Counsel,

Filed, 2 day of April 1886.

Pleads, Not guilty.

THE PEOPLE

vs.

William R. Kirk

BRIBERY. Chap 410, [Section 72 Penal Code, and Section 69, of 1882.]

RANDOLPH B. MARTINE,

District Attorney.

[Signature]

A True Bill.

Charles B. Fordick

Foreman.

True Copy

POOR QUALITY
ORIGINAL

0328

POOR QUALITY
ORIGINAL

0329

General Second Court, City and County of New York	
The People of the State of New York against William P. McK Affidavits and Notice of Motion	
THOMAS F. GRADY, Attorney for Defendant No. 5 Beekman Street, N. Y. City,	
Due and personal service of a copy of the within notice affidavits admitted this 26 th day of March 1883	
Att'y for	
To	
Att'y for	

Sir:

Take notice that the within is a
copy of
entered herein in the office of the Clerk of the
on the
day of
188
Dated New York,
Yours, &c.,
THOMAS F. GRADY,
Attorney for
Office Address,
No. 5 Beekman St., New York City.

Att'y for

POOR QUALITY
ORIGINAL

0330

City & County of New York ss.

In the name of the People of
the State of New York.

To any peace officer in this
state:

Information upon oath having been this
day laid before me, that the crime of
Bribery has been committed and accusing
William P. Kirk thereof.

You are therefore commanded, forthwith
to arrest the above named William
P. Kirk and bring him before me
at The Court of General Sessions at the City Hall
^{in the City of New York}
or in case of my absence or inability to
act, before the nearest or most accessible
magistrate in this county, to answer the
said charge, and to be dealt with according
to law.

Dated at the City of New York this 1st day of April, 1886.

W. H. Spidensleeve
Judge Genl Sessions

POOR QUALITY
ORIGINAL

0331

The People of the
State of New-York
on complaint of
Randolph B. Martine

vs.

William C. Kirk

Warrant of Arrest

Court of General Sessions of the
Peace, of the City and
County of New York.

The People of the State
of New York,
against
William P. Kida.

The Grand Jury of the
City and County of New York, find
this indictment against William P.
Kida of the crime of Perjury -
committed as follows:

That on the nineteenth day of August, in the
year of our Lord one thousand
eight hundred and eighty-four,
at the City of New York, in the
County of New York aforesaid, a
certain petition and application of
the Broadway Bridge Railroad
Company, a corporation duly organ-
ized and incorporated under and
by virtue of the laws of the State
of New York, before them duly
presented to the Common Council
of the City of New York, praying
and making application to the

said Common Council for its consent
and permission to construct, main-
tain, operate and use a street and
railroad for public use in the
conveyance of persons and property
in cars, upon and along the surface
of certain streets, avenues and
highways, in the said city, together
with the necessary connections,
switches, sidings, turnouts, turn-
tables and suitable stands for
the convenient working of the
said road, now duly pending before
and under the consideration of the
said Common Council.

And the said petition and ap-
plication having been so as above-
said made and presented to the said
Common Council, and being so
pending and under its consideration
as aforesaid, the said William P. Hyde,
Mayor of the City and County aforesaid,
being then and there a public officer,
and a person executing the functions
of a public officer, do not an Alderman,
and a member of the Board of Aldermen
of the City of New York, and as such
being then and there a member of
the Common Council aforesaid, do hereby

POOR QUALITY
ORIGINAL

0334

wards, to wit: on the said Twenty ninth
day of August in the year aforesaid,
and whilst the said petition and
application was yet pending before
and under the consideration of the
said Common Council, containing
and intending the duties of his
said Office, and the trust and confidence
thereby reposed in him, to prostitute
and betray, at the City and County
aforesaid, with force and arms, un-
lawfully, wickedly and corruptly
did feloniously take and agree to
receive, the sum of Twenty thousand
dollars in money, and a promise
and agreement thereof, from a
certain person whose name is to the
Grand Jury aforesaid as yet un-
known, upon an agreement and
understanding that the vote, action
and official proceeding of him the
said William P. Hyde, as such member
of the said Common Council aforesaid,
upon and concerning the said petition
and application of the said Broadway
Surface Railroad Company, as
pending before and under the
consideration of the said Common
Council as aforesaid, should be

being influenced, and that his vote,
action and official proceeding, as such
member of the common council
aforesaid, upon and concerning the
said petition and application, should
be in favor of the granting and
giving by the said common council
of the consent and permission as
aforesaid, in and by the said petition
and application granted and applied
for, 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
Sovereignty.

Second Count.

And the Grand Jury
aforesaid, by this indictment further
accuse the said William P. Kirk
of the crime of Conspiracy, committed
as follows:

Wherefore to wit: on the said
thirteenth day of August, in
the year of our Lord one thousand
eight hundred and eighty four,
at the City and County aforesaid, a

certain petition and application to
the Broadway Bridge Railroad
Company, a corporation duly
organized and existing under and
by virtue of the laws of the State
of New York, the same being pre-
sented to the Common Council of
the City of New York, praying and
making application to the said
Common Council for its consent
and permission to construct, maintain,
operate and use a street surface
railroad, for public use in the
convergence of various and various
in cars, upon and along the surface
of certain streets, avenues and
highways in the said city, together
with the necessary connections, switches,
sidings, turnouts, turntables and
certain plants for the convenient
operation of the said road, was duly
presented before and under the con-
sideration of the said common council.
And the said petition and
application having been so as aforesaid
made and presented to the said
Common Council, and being so pending
and under its consideration as
aforesaid, the said William R. Field,

Take of the City and County aforesaid,
 Henry Sher and there an Alderman,
 and a Member of the Board of
 Aldermen of the City of New
 York, and as such Henry Sher
 and there a member of the said
 Common Council, afterwards to
 wit: on the day and in the year
 aforesaid, and whilst the said
 petition and application was yet
 pending before and under the
 consideration of the said common
 council, continuing and intending
 the duties of his said office, and
 the trust and confidence thereby
 reposed in him, to prostitute and
 betray, at the City and County
 aforesaid, with force and arms,
 unlawfully, indecently and corruptly
 did he knowingly accept from a
 certain person whose name is to
 the Grand Jury aforesaid as yet
 unknown, a promise and agreement
 to give and furnish to him the
 said William P. Thibault, the sum of
 Twenty thousand Dollars in money,
 and an undertaking to give and
 furnish the said sum of money
 to the said William P. Thibault, under

an agreement and understanding
that the vote and action of him
the said William P. Hyde are such
members of the said common council,
upon and concerning the said petition
and application of the said Frederick
Bridges Railroad Company, as set
out before and under the consideration
of the said common council, as afore-
said, should be influenced thereby,
and that his said vote and action
should be given in the matter,
cause, and proceedings, of, upon
and concerning the said petition
and application, in favor of the
granting and giving by the said
common council, of the consent
and permission, so as aforesaid
in and by the said petition and
application, granted and applied
for, against the form of the
Statute in such case made and
provided, and against the power
of the People of the State of New
York, and their Legislature.

Frederick P. Hyde,

Attorney.

033.9

BOX:

215

FOLDER:

2129

DESCRIPTION:

Konrust, Ida

DATE:

04/20/86



2129

0340

Emma Mitchell

Filed 20 day of April 1886

Grand Larceny, 2nd degree [Sections 628, 63, Penal Code].

六

238. *Edy Konvinst*
 RANDOLPH B. MARTIN

District Attorney.

A True Bill.

Wm. Foreman.
9 mas 1847

Foreman.

POOR QUALITY
ORIGINAL

0341

Police Court—Second District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Emma Wettelstaedt

of No. 5 Twister Street, aged _____ years,
occupation Hair Dresser being duly sworn
deposes and says, that on the 26 day of November 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

One Black Silk Bobet Baggage of the
value of three dollars.

One Black Silk Shirt of the value of fifteen
dollars.

One Pocket Book containing Eighty seven
Cents in Silver and Copper Currency of the
United States, One Pair of Woolen Stockings
and various articles of Underclothing
of the value of Ten ⁴⁷/₁₀₀ dollars in all of
the value of Forty Seven ⁴⁷/₁₀₀ dollars.

the property of Clara Stone, and this deponent
and the same in the care and charge
of this 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 Ida Tourist, from the fact
that said Ida Tourist was in the employ
of this deponent as a domestic for the
space of five days immediately preceding
the 26th day of November last, and on
the morning of said last mentioned date,
the said deponent without notice and
without knowledge of this deponent left
the house and employ of this deponent
between the hours of 5 and 7 o'clock and
shortly thereafter this deponent missed
the said pocket book containing the
money aforementioned, and subsequently
by this deponent the above mentioned
articles. Therefore this deponent charges

Subscribed before me this _____ day of _____ 1885

Police Justice

POOR QUALITY
ORIGINAL

0342

The said Defendant Ida Tourment with
having feloniously taken, stolen and
carried away the property as above
described from the Defendants premises
and therefore this Defendant prays that
said Defendant Ida Tourment may be
arrested and dealt with as the Law
directs.

Emma Mitchell
Sworn to before me
this 9th day December 1885
Solomon B. Smith
Magistrate

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 1885
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1885
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1885
Police Justice.

Police Court, 2nd District.

THE PEOPLE, &c.,

on the complaint of

Emma Mitchell

vs.

Ida Tourment

1

2

3

4

Offence—LARCENY.

Dated

1885

December 9th

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions.

POOR QUALITY
ORIGINAL

0343

Sec. 108-200.

12

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer *Ida Sturust*

Question How old are you?

Answer *27 years*

Question Where were you born?

Answer *Germany*

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

Answer *55 West 10th Street N.Y. 3 months*

Question What is your business or profession?

Answer *Domestic*

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 admit stealing the black silk skirt and one pocket book containing fifty cents and a small Savings bank containing about two dollars, and one umbrella.*

The Governor

Taken before me this

12

day of

Police Justice

POOR QUALITY
ORIGINAL

0344

Sec. 151.

2^d District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police
Justices in and for the said City, by Emma Wittelschmidt

of No. 5 Waver Street, that on the 26th day of November
1885 at the City of New York, in the County of New York, the following article \$ to wit :

One Black Silk belote Bagpa, One Black Silk
Skirt, One Pocket Book, and various articles
of Hinderlotting

of the value of Forty Seven 47 Dollars,

the property of Deborah and Clara Horne

w a taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by Ida Horne

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith
bring her before me, at the 2^d DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 26th day of November 1885
Solomon R. Smith POLICE JUSTICE.

POLICE COURT. 2^d DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Emma Wittelschmidt

vs.

Ida Horne

Warrant-Larceny.

Dated December 9th 1885

Smith Magistrate

Waver Officer

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

Ida Horne Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, November 12/11

Native of Ida

Age, 27

Sex Female

Complexion, White

Color White

Profession, Waver

Married Single

Single, Single

Read, Write

Write, Write

10 4 3 at

**POOR QUALITY
ORIGINAL**

0345

The within named
_____ having been brought before me under this Warrant, is committed for examination to the
WARDEN or KEEPER of the City Prison of the City of New York.

Dated _____ 188

Police Justice.

*This Warrant may be executed in the
County of Richmond*

*Charles J. Fullman
Justice of the Peace*

POOR QUALITY
ORIGINAL

0346

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

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anna Whitehead

Eda Howard

2 _____
3 _____
4 _____

Offence *Grand Larceny*

Dated *April 12* 188 *6*

James Murphy Magistrate
Robert Street Precinct

Witnesses

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

\$ *500* to answer *A.S.*

Anna

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
John guilty thereof, I order that *she* 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 *April 12* 188 *James Murphy* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0347

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

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

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

The said

Ida Hannum
late of the First Ward of the City of New York, in the County of New York aforesaid
on the *twenty sixth* day of *November*, in the year of our Lord
one thousand eight hundred and eighty-*five*, at the Ward, City and County
aforesaid, with force and arms,

*one vase of the value of thirty
dollars, one shirt of the value of
fifteen dollars, one pocket watch
of the value of one dollar, one large
paring knife of the value of fifty
cents, one umbrella of the value of five
dollars, one pair of stockings of the value
of one dollar, and divers coins, of a
number, kind and denomination to the Grand
Jury aforesaid unknown of the value of two
dollars and fifty cents, —
of the goods, chattels and personal property of one*

Emma Mittelstaedt.

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.

*Randolph B. Martin,
District Attorney*

0348

BOX:

215

FOLDER:

2129

DESCRIPTION:

Kostka, Pavel

DATE:

04/30/86



2129

0349

THE CITY OF NEW YORK
DEPARTMENT OF RECORDS AND INFORMATION SERVICES
MUNICIPAL ARCHIVES

SEPARATION SHEET

INSTRUCTIONS: For each item or unified group of items separated, complete two exactly duplicate forms. Place one form within the collection at the exact place the separated item would occupy if it could remain in the collection. File the other form with the separated item in its new location.

DESCRIBE ORIGINAL LOCATION OF ITEM (S):

1. Record Group:
COURT OF GENERAL SESSIONS
INDICTMENTS

2. Subgroup:

3. Series:
COURT OF GENERAL SESSIONS
INDICTMENTS

4. File Unit & Box No.

Kostha, P. "K" 4/1886
Box 215 Folder 2129

5.

BRIEF DESCRIPTION OF ITEM (S):

FLYER FOR A Boycott
ORGANIZED AGAINST THE
USE OF SCABS. LITERATURE
NOT IN ENGLISH LANGUAGE.

#6

SEPARATED TO:

6. New Location:

Oversize box

7. Room:

8. Date Separated:

1-23-98

9. Separated By:

M.L.

**POOR QUALITY
ORIGINAL**

Boycott!

Boycott!

**JOSEFINU LANDGRAFOVOU,
českou pekařku, 157 2. ul.**

Dělníci všech oborů práce, žádáme Vás co spolubratry, byste nás v spravedlivém našem boji podporovali, a doufáme, že naši žádost neoslyšíte.

Lakota, mamón, zarytost a nepřítelství proti dělníkům pekařským vzal u všech českých pekařských pracedajců převahu, tak že nám naše malé požadavky docela zamítli.

Viděli jsme se nuceni, práci zastavit a pí. Josefina Landgráfová, česká pekařka z druhé ulice, čís. 157, najala sobě německé skéby, a když ještě na tom dosti nebylo, najala též četnou hromadu pouličních lofrů, by výboru, ustanovenému k prohlídce pekáren, zdaliž tam žádní skébové nepracují, napráskali, což se také skutečně stalo, neboť když výbor od německé unie své spolubratry napomenouti chtěl, při tom také k úrazu přišel.

Pročez jest proti zmíněné paní **BOYCOTT** ustanoven a my voláme všem spoludělníkům, kteří přání našemu vyhoví, hlučné Na zdar!

Boycotní výbor

českých dělníků pekařských

Unie čís. 22, Central Labor Union v New Yorku.

BOYCOTT!

BOYCOTT!

**Josephina Landgraf's
BÄCKEREI,**

No 157 Zweite Strasse.

Wir ersuchen höflichst alle Arbeiter, Bürger und Menschenfreunde, uns in unserem Kampf, wo es sich bloß um unsere Existenz handelt, behüßlich zu sein, um diesem **Sklavensystem** Widerstand leisten zu können.

Der Grund des Boycotts ist: Nachdem wir unsere sehr geringe Forderungen den sämtlichen Arbeitsgebern unterbreitet haben und schmähtlich abgewiesen wurden, mußten wir die Arbeit einstellen. Frau Josephina Landgraf nahm Scabs und arbeitete weiter. Bei der Controße des von uns gesandten Committee, ob keine Scabs in den Werkstätten arbeiten, wurde das Committee von den von Frau Josephina Landgraf aufgenommenen Loafers und von den dort beschäftigten Scabs überfallen und körperlich verlegt, daher

Boycott Landgraf's Brod!

Das Boycott Committee

der Böhmischen Bäcker Union No. 22, nebst Cent. Lab. Union in New York.

**POOR QUALITY
ORIGINAL**

0351

Boycott!

Boycott!

**JOSEFINU LANDGRAFOVOU,
českou pekařku, 157 2. ul.**

Dělníci všech oborů práce, žádáme Vás co spolubratry, byste nás v spravedlivém našem boji podporovali, a doufáme, že naši žádost neoslyšíte.

Lakota, mamon, zarytost a nepřízeň proti dělníkům pekařským vzala u všech českých pekařských předajců převahu, tak že nám naše malé požadavky docela zamítli.

Viděli jsme se nuceni, práci zastavit a pí. Josefina Landgráfová, česká pekařka z druhé ulice, čís. 157, najala sobě německé skéby, a když ještě na tom dosti nebylo, najala též četnou hromadu pouličních lofrů, by výboru, usťhobenému k prohlídce pekáren, zdaliž tam žádní skébové nepracují, napráskali, což se take skutečně stalo, neboť když výbor od německé unie své spolubratry napomenouti chtěl, při tom také k úrazu přišel.

Pročež jest proti zmíněné paní **BOYCOTT** ustanoven a my voláme všem spoludělníkům, kteří přání našemu vyhovějí, hlučně Na zdar!

Boycotní výbor

českých dělníků pekařských

Unie čís. 22, Central Labor Union v New Yorku.

BOYCOTT!

BOYCOTT!

Josephina Landgraf's

BÄCKEREI,

No 157 Zweite Strasse.

Mit grossem Interesse alle Arbeiter, Bürger und Menschenfreunde, uns in diesem Moment, wo es sich um unsere Brüder handelt, behilflich zu sein, um diesem **Boycott** den besten Erfolg zu bringen.

Wir sind sehr dankbar, dass wir unsere sehr geringe Forderung an den **Boycott** Committee haben und schmähtlich abgewiesen wurden, und wir sind sehr dankbar, dass Frau Josephina Landgraf nach Scabs und Arbeiter gehen. Der **Boycott** Committee, ob seine Scabs in den Bäckereien arbeiten, und das Committee von den von Frau Josephina Landgraf abhängenden Arbeitern und den dort beschäftigten Scabs überfallen und körperlich verletz, daher

Boycott Landgraf's Brod!

Das Boycott Committee

der Böhmischen Bäcker Union No. 22, nebst Cent. Lab. Union in New York.

0352

BOX:

215

FOLDER:

2129

DESCRIPTION:

Arnold, Frank

DATE:

04/30/86



2129

0353

BOX:

215

FOLDER:

2129

DESCRIPTION:

Budelofsky, John

DATE:

04/30/86



2129

0354

BOX:

215

FOLDER:

2129

DESCRIPTION:

Hermam, Alois

DATE:

04/30/86



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0355

BOX:

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FOLDER:

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DESCRIPTION:

Huda, Frank

DATE:

04/30/86



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0356

BOX:

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FOLDER:

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DESCRIPTION:

Kosnar, Maik

DATE:

04/30/86



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DESCRIPTION:

Kostka, Pavel

DATE:

04/30/86



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DESCRIPTION:

Kulkanek, Edward

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04/30/86



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DESCRIPTION:

Lindhard, Albert

DATE:

04/30/86



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Mayer, John

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DESCRIPTION:

Naprava, John

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Oprava, John

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DESCRIPTION:

Pollak, Moritz

DATE:

04/30/86



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FOLDER:

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DESCRIPTION:

Schiller, Alfred

DATE:

04/30/86



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BOX:

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FOLDER:

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DESCRIPTION:

Snizek, John

DATE:

04/30/86



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DESCRIPTION:

Snizek, Richard

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04/30/86



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DESCRIPTION:

Stastig, John

DATE:

04/30/86



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BOX:

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FOLDER:

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DESCRIPTION:

Zerrisek, Frank

DATE:

04/30/86



2129

Commenced, 10.213 1874 Apr 30/86

Made at 11774 an

667

5322 30 2000 April 1886.

3 read 1874, May 5. 1886

The People,

1. Pavel Kostian, B
2. Moritz Pollak, B
3. John S. Kasting, B
4. Frank Zernick, B
5. Albert Zernick, B
6. John Zernick, B
7. Edward Zernick, B
8. Alois Hermann, B
9. John Naprawa, B
10. John Oprawa, B
11. John Mayer, B
12. John Smigelski, B
13. Richard Smigelski, B
14. Frank Arnold, B
15. Mark Korman, B
16. Alfred Schirck, B
17. Frank Hundak, B

18. May 17/86 all enrolled 1/10

Blond 1874 B. 1874.

Ordered 1874 B. 1874.

and 1874 B. 1874.

A True Bill.

July 5, 1886

Nov. 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1886.

" 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1886.

Mr. Landy ref
Capt. McCullough
Luhm Run
Moritz Kayer

Paul Geper
at 11774 B. 1874.

1874 B. 1874.

Gen. of bail
waile.

L. K. D.

Nov. 3 and 8 failed by
Charles Krachovsky
1/16 Third Street.

Nov. 2 by Frank Epischil,
6/16 East 5th Street

Nov. 1 by Neryl Suchomel,
6/16 Third Street

Nov. 4 by Adolph Blaka
222 Second Street

Nov. 6 by Joseph Spindel
216 Second St.

Nov. 12 by John Grigels
190 East Third St.

Nov. 14 by Augustus Perina
165 Second Street

Nov. 15 by Mrs. Gora
577 Fifth Street

Nov. 5, 7, 9, 10, 11, 13, 16 and 14
by Peter Stastny, 1341
Avenue A.

People
vs
Josephine Sandgras
Divine Defendants

People's Brief for Trial.

1. The old English Statute.

(Until 1676 the English common law understood by conspiracy, simply, an abortive combination to have a man indicted or appealed, or impleaded. Such is the definition of conspiracy in the

1384

Stat 33d, or rather 21 Edw. I stat. 2.
2 Hawk P.C. 119. Ch. 72.

Its ordinance was but in affirmance of the common law.
2 Inst. 562.

The prevailing criterion of this old crime was the falsity of allegation which it involved; conspiracy, champerty, and maintenance are all covered by 33 Ed. I stat. 2, and make

2.

a common title in the ancient books,
known as the crimen falsi, and all pun-
ished with the villainous judgment
Juryman Cordwainer of New York
1811, N.Y. Select Cases III. Arguendo,
Samson for defendant.

1353.

In the Book of Assizes, 27 Ed III ch 44,
in the Articles of the Charge of Inquiring by
the King's Bench, there is a

Nota; that two were indicted of con-
federacy, each of them to maintain the
other, whether their matter be true or
false, and, notwithstanding that no-
thing was supposed to be put in execution,
the parties were forced to answer to it,
because the thing is forbidden by the
law, which are the very words of the book;
which proves that such false confederacy
is forbidden by the law, although it
was not put in use or execution.

The Poulter's Case 9 Co Rep. 55.

See State v Buchanan, 5 Harris &
Johns. (Md.) 836.

1355

In 1355 the common petitioned "that the
points of confederacy may be declared; consid-
ering how the judges judge rashly thereof." The

thing made answer: "None shall be punished for confederacy, but where the statute speaks expressly upon the points contained in the same statute."

1 Paul. Hist. 289.

This petition related to each judgment on the statute of Edward I concerning confederacies.

Cornth v Hunt, 1842, 4 Meech, 111.

Rantoul argued, for defendants.

1716

Hawkins' Pleas of the Crown contains the following passage:

"It seems certain that a man may not only be condemned to the pillory, but also be branded, for a false and malicious accusation; but since it doth not appear that such offender is indictable upon the statute (what statute?) it seems to be more safe and advisable to ground an indictment of this kind upon the common law, since there can be no doubt that all confederacies whatever wrong, fully to prejudice a third person, are highly criminal at common law; as when divers persons confederate together by indirect means to

4.

impoverish a third person, or falsely and maliciously to charge a third person with being the father of a bastard child, or to maintain one another, in any manner, whether it be true or false."

1 Hawk. PC. c 72. p 191

Sealer's edit.

This passage was cited, shortly before 1811, in Philadelphia, in a case of indictment of certain journeymen shoemakers, charging them with a conspiracy, at common law, to raise their wages, and where punishment was inflicted, and was relied on as an authority to show that they were indictable at common law.

The report of the Philadelphia case was in the hands of Mr. Samson, counsel for the defence in *The People against the journeymen Cordwainers of New York*, tried in New York in 1811, at 4. Select Cases p. 111, and he there argues that the Philadelphia authority was grossly mistaken. "The whole of this passage," he says, "when understood, shows the contrary of what it was cited for. The author ratifies the common law definition of conspiracy and maintenance, and justly observes that all indictments

for false and malicious conspiracies, (for of such only he is treating,) are more safely laid at common law, and that for such false and malicious accusations men may be branded.

"What has the case of a confederacy of mechanics for the regulation of their own concerns to do with the doctrine of false and malicious accusations?"

"The notion that 'wrongfully to prejudice' or 'by indirect means' to impoverish a third person, is indictable at common law, is so purely a mistake, that I feel distressed to be under the necessity of exposing it. Hanskins' words must be taken secundum subjectam materiam. A slight acquaintance with law pharmacology, or with the popular idioms of one or two centuries past, will suffice to clear away any difficulty which the terms 'prejudice' or 'indirect means' may occasion, if taken in their present vulgar acceptation.

Rectum is synonymous with ius, and means law or right; and was anciently used even for the accusation, or trial;

Bracton, lib. 3.

Directum, which has the same root, means the same thing, and has been corrupted by

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the French into the word droit or droit, and in the English, by merely throwing away the Latin termination, makes direct. The prefix partile in, inverts the sense, and it becomes indirect, which, in the old law phrase, meant nothing but unlawful."

The phrase indirect means" is used in the indictment in *King v Journeymen Taylors of Cambridge*. The case which became leading in matters of this kind; it was borrowed in *King v Eccles* and in the indictments, not only in *The Cordwainers of New York*, but in the celebrated case of *Lambert v The People*, 9 Cow. 600, without, there, any notice of its having any other than its present "vulgar acceptation".

But the proper translation of this phrase has since come to be appreciated.

"The offence originally consisted in a combination to convict an innocent person by perversion of the law"

3 Inst. 143;

1 Hawkins 446 note

People v Powell, 1875 63 N.Y. 492 Andrus

J.

"Sergeant Hawkins' entire work," says Mr Sampson, argues, whisper, "in

two volumes, was published in 1716.

1800.

The statutes of Edward I are reprinted
in New York, Laws of N.Y. vol 1 pa 343, sec.
24 c 87, somewhere about 1800"

The Sampson, appended, in N.Y. Cord.
union.

It is not, however, in force at present.

**POOR QUALITY
ORIGINAL**

0377

8

2. The Statutes of Labourers.

A free course of trade in labor is a modern doctrine, wherever the English law has had or now has sway. The rule that a working man shall fix the price of his labor, and work when and where he will, if he be out of prison, and not an applicant for poor rates, is modern. English statute law for 400 years from 1350 regulates the labor of workingmen and its price. In the beginning, and in the fourteenth, fifteenth, and sixteenth centuries, this repression of free trade in labor was by statute law.

N. Y. Evening Post, "Picket" Apr 29. 1886.

"Prior to 1825 the English statutes of labourers so elaborately provided for every species of offense by a workman against his employer that there was no need of invoking common law doctrines in his behalf, and with the exception of one case of doubtful authority [probably *K. Cordwainers of Cambridge*, 1721, 8 Mod. 172, is meant,] there is no case reported in the books of an earlier date than 1825, which was not decided under one or more of these statutes."

N. Y. Eve Post, *ubi supra*.

10.

In England, down to 1825, there were statutes of labourers. These statutes are the final descendants of pestilence and public calamity; and by them, and their consequences, the most useful class in England was (in 1811) rendered the most miserable, and grew poor as its oppressors grew rich.

x + 00 "In that nation one million out of nine were (then, - 1811,) beggars, receiving alms."

Sampson, *aguerdo in the Journeymen Cordwainers of New York 1811, 14. Select Cases* p. 111.

1315

1316

"The statutes of labourers were blind struggles of the feudal nobles to avert from themselves the effect of great national calamities. Every one of these statutes had a local and temporary cause. In the famine of 1315 and the plague of 1316, parliament vainly strove to alleviate the universal distress by fixing a legal price for provisions. But the scarcity increased, so that the king, going to St. Albans, 'had much ado to get victuals to sustain his family.' (Parl. Hist. 172) And some months later, mothers ate their children (Monk of Malmesb. 166. Maltingham's Chronicle, 107, 108). From the same motives, and

1349 with no better success, the plague of 1349
was followed by that remarkable statute
de servientibus, from which have been
derived all subsequent statutes of labor-
ers. Stat 25 Ed. III. 1 Paul. Dist. 274. 2
1350 Reever's Hist. 2d edit. 338. This pestilence
was a general and destructive one any record-
ed in history. The deaths in London were
mostly of the laboring classes; Maxime
operariorum et servientium; 5 Rymer's
Foed. 693. King Edward had just been de-
basing his coin. Daniel in 1 Kennet's Hist.
224. From then on the wages of labor
rose rapidly, and the law undertook to fix
them. But in spite of fines, imprisonment,
and the pillory, wages and prices continued
to rise, Knighton's Chronicle 2600"

Rantoul, aguerdo, in Court's Hist.,
1842, 4 Note. III.

"Mr. Reever, in his valuable history of the
English law, thus introduces these statutes.

"The next parliamentary regulation
relating to the clergy, was stat. 36 Ed III stat 11
c 28, which was occasioned by the late plague
that had depopulated the church as well as
the laity. The priests having from thence
taken occasion to make high demands

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for their services, certain limits were fixed by statute for the attendance of parish and other priests?

"The then prices from the priests to the laborers, who, it seems, were no better after the plague than the priests. This public calamity, by having thinned the lower classes of the people, servants and laborers took occasion to demand very extravagant wages. An ordinance was therefore made by the king and council, to whom it was thought properly to belong as an act of police and internal regulation, especially as the parliament were prevented from sitting by the violence of the plague. This ordinance was afterwards made an act of parliament, and constituted statute of 23 Ed. III - -

'The contents of this statute are worthy of notice, as they are the first provisions of the sort, and the foundation of the system to which the community were subject for many years after.'

In the 25th year of the king the commons complained in parliament that the above ordinance was not observed, wherefore a statute Northmen were to bring their implements openly into town, and there be hired in a common place, and by no means in a secret one -

Servants to be sworn twice a year - Artificers who absented themselves from their work were to be branded with a hot iron on the forehead with the mark of the letter S to denote the felony they had been guilty of in breaking the oath by which, R. 34 Ed III c 10.

In the following reign - additions. The lower order of people were, in consideration of law, servants, labourers, artificers, and beggars.

1389 Statute - places which had them not, fined a hundred shillings, 12 Ric. II c 3 p 223.

1424 "In the time of Henry VI it appears that macanues to hold confederacies and meetings, to concert schemes for opposing the statutes of labourers. To prevent the effects of them it was enacted that any one carrying such chapters or congregations to be assembled, should be adjudged guilty of felony, 3 Hen VI c 1.

1562 "In the time of Elizabeth 5 Eliz. c 14, 1562, all these statutes were repealed; "for that the wages and allowances limited and rated in many of the said statutes are in many places too small, and not answerable to this present time, respecting the advancement of prices of all things belonging to the said servants and labourers, the said laws cannot, without the great grief and burthen of the poor labourer and hired man, be put into good and

14

the execution? It then enacted that the justices were to fix the wages of the workmen, and whoever gave more, as well as he who took more, was imprisoned, &c., stocks, &c."

Sampson, argued in *The Cordwainers of New York*.

Mr. Rantoul, in *Countess Hunt* 1842, 4 Met. 111, examined in the same manner, the subsequent statutes of laborers,

1547 34 Ed III c 10, 12 Ric II c 4, Henry VI c 17, 4 Hen V c 4, 2 Hen VI c 18, 3 Hen VI c 1, 23 Hen VII c 12, and especially 13 Ed VI c 3, (1547) 2 & 3 Ed VI c 15, 3 & 4 Ed VI c 16;

1562 which statutes, continued or modified by 5 Eliz c 4 (1562) and 1 Jac I c 6 (1604).

1604 1604 were the law of England at the time of the settlement of Massachusetts, and were afterward continued by 3 Car I c 5, and 16 Car I c 4, and were unrepealed at the time of the American revolution.

"By these statutes," said Mr. R., "a mere refusal to work was criminal in an individual; and by 2 and 3 Ed VI c 15, a combination to refuse to work, became criminal for the first time. Such combinations are now legalized by 54 N c 40."

Rantoul, argued, in *Countess Hunt*,

1842, 4 Met. 111.

1799.

As late as 1799 and 1800 English law suppressed every form of combination, even the most peaceable, by workmen, to raise their own wages, and the law was in force till

1824

1824. The English legislation of 1824 was intended to put the law regulating labor on the new footing of free trade in labor in which everybody could be free to buy and sell it, and every laborer to consult and act with his associates in fixing the price. The mediæval law on the subject was swept away. Mr. Joseph Hume was the reputed father of that legislation. It may be fairly considered the starting point of modern English law on the subject.

N E Eve Post, "Picket", Apr 29, 1886.

**POOR QUALITY
ORIGINAL**

0385

16.

3. Decision.

1636

That "a conspiracy to do an unlawful thing is punishable without any overt act done" appears to have been held in Lord Gray's Case, and Scrogg and Midwinter's Case in the Star Chamber, in 1636.

Rex v. Stirling and others, 1 Lev. 125.

1676

Rex v. Alderman Stirling and others

1 Lev. 125. Cited as The Lub. women v.

The Brewers of London,

15 & 16 Car. II in B. R.

Information against Alderman Stirling and 17 others that they, with divers others of the brewers of London, did assemble themselves, and conspire to impoverish the Excisemen, and made orders that no small beer should be made for so long a time to be sold to the poor, nor no ale but of such a price, with intent to move the common people to pull down the Excise House and impoverish the Excisemen, and disable them from paying their rent (118,000 £ per annum) to the King.

Found guilty of assembling and consulting to impoverish, and not guilty of the residue.

Kings' Council: A conspiracy to do an unlawful thing is punishable without any overt act done" Poulterers' Ca. 90. Mon. 788. And the same in Lord Gray's Case and Srogg and Midwinter's Case in the Star Chamber, 1636.

The Court: Judgment for the King. That the bare conspiracy to diminish the King's revenue, without any act done, is punishable. Here was a condemnation."

This was the case referred to, in H. v. The Journeymen Cordwainers of Cambridge, or the Tubwomen or the Brewers of London. The small beer was hawked about as similar beverages are in many countries, and sold in the streets by women, who, from their occupation, were called Tubwomen.

Arguendo, in the N.Y. Cordwainers.

The principle of the decision seems to have been that "rege habent longas manus."

Sampson arguendo, in the N.Y. Cordwainers.

It is the first instance found of a decision that there was a conspiracy where there was no allegation of a falsum.

"In the English books, if the gentlemen look for precedents, they may find them where the same wretch Liter Oster has been alternately triumphant amiser and degraded culprit, eulogized and reprobated by the same Judge Scroggs, executed and honored, whipped and caressed, pilloried and pensioned."

Sampson, *arguendo*, in *14 Cordwain*,
in, *14. Select Cases*, p. 111.

1699. L. 12 Mod. Rep. 248 (case 427) is an anonymous case of the 10 Will. III, 1699, where leave was given to file an information against several plate button makers, for combining by covenant, not to sell under a set rate.

Per Holt, C.J. "It is fit that all confederacies by those of a trade to raise their rates, should be suppressed."

This is the whole of the report.

A brilliant instance of judicial legislation.

"Adam Smith says that in England the master tradesmen are in permanent

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conspiracy against the workmen; so much so, that it passes unobserved, as the natural course of things, which challenges no attention."

Sampson, *arguendo*, in *M. Cordwain's Case*.

1705

A conspiracy may be laid without any overt act.
Reg. v. Bell, 4 T. R. 540, 2 Ld. Raym. 1167.

1711

In 1711 two Presbyterian clergymen were arrested in New York colony by Lord Cornbury for preaching in an illegal conventicle. See the case of Mr. Hampton and Mr. Kermie, Smith's History of New York, p. 126. They were brought to trial, and the prosecution was founded on the idea that the acts of conformity and uniformity were in force, and that the queen's church supremacy was to govern in the colony. The jury refused to find a special verdict at the desire of the prosecutor; but acquitted the defendants. The matter was then dropped, and no such prosecution has ever since been attempted.

Sampson, *arguendo*, in *The New York Cordwainers' Case*.

1721.

King v. Journeymen Taylors of Cambridge
8 Mod. 11.

Indicted for a conspiracy among
them selves

themselves to raise their wages.

Argued, that no crime appears upon the face of the indictment, for it only charges them with a conspiracy and refusal to work at so much per diem, whereas they are not obliged to work at all by the day, but by the year, by stat 5 Eliz. c. 4.

It was answered that the refusal to work was not the crime, but the conspiracy to raise the wages.

The Court: The indictment, it is true, sets forth that the defendants refused to work under the wages which they demanded; but although there might be more than is directed by the statute yet it is not for the refusing to work, but for conspiring, that they are indicted, and a conspiracy of any kind is illegal; although the matter about which they conspired might have been lawful for them, or any of them, to do, if they had not conspired to do it, as appears in the case of the Subwomen v the Brethren of London (a)

(a) Note left blank. It appears that the case referred to was King v Alderman Sterling and others 1 Lev. 125.

"This case" (i. e. King v the Journeymen

Taylor of Cambridge) remarks Mr. Han-
twell, argues for the doctrine in Com. Ct.
in 1847, 4 All. 111, "was decided
after Hankins' work was published, and is
not a part of the law laid down by him in
his first edition."

"In that case it can be held that a con-
spiracy among workmen, to refuse to work
under certain wages, is an indictable offence.
The case of correctly reported, introduced new
law. The report is not to be depended upon.
The book is of no authority, and is en-
titled to no respect, 1 Bur. 386, 3 Bur.
1376. Yet this is the only authority for the
repetition of the same doctrine in the num-
erous books in which it is now found."

"The case is 8 Mod. 10," says Mr. Han-
twell, further, "was about the time of the
bursting of the great south sea bubble,
when laborers sought to withstand the opera-
tion of affairs then existing."

"Another paragraph is cited (in the
case of the Codringtons in Philadelphia)
from what is called Reacher's Hankins. which
paragraph Hankins never wrote, nor could
have written, viz.

"that all confederations are unlawful."

ful, though the object of them be law-
ful.

The case from which this strange sentence
is borrowed is that of the journeyman La's
son of Cambridge, in the 7th year of George
I. The death of Queen Anne, and the access-
ion of George, happened in 1714. The case
must have been decided about 1721. Ser-
geant Hawkins' entire work, in two vol-
umes, was published in 1716. His passage
is interlined in small type in the new
edition. The book from which this doctrine
has been extracted is, I think, the last
book of English reports under which the
shelf goes. 1 Burr. 256. 3 Burr. 1326.

Sampson, *arguendo*, in the New York
Courts, 14. Special Cases, 111.

Cobden, *arguendo*, on the same side,
in the same case, says. "If a conspiracy,
whether to do right or wrong, be unlaw-
ful, (as maintained in Philadelphia)
the parties to every association would be
offenders; all our religious, benevolent,
charitable, and political societies, would
be violations of the law. And I do not
know why men who unite their means
and exertions for mercantile gain, would

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must be criminal."

1724

"I have conspiracy to do a lawful act to an unlawful end is a crime."

Hein v. Edward 11 Geo 2 S. 800. 821.

R. v. Berenger, 1814, 3 M. & S. 72.

1741

"I have had an opportunity of examining the records of the criminal proceedings of our [the New York] criminal tribunals for a great number of years back. I have found an information which was preferred in the year 1741 against certain baker for combining not to take bread but on certain terms. The indictment concludes 'contrary to the form of the statute,' & it appears that no judgment was ever rendered upon it."

Colder, a grand juror, in the New York Courthouse.

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1745

"If a general conspiracy exists, you may go into general evidence of its nature, so as to implicate those who stand charged with acting upon the terms of it, years after those terms have been established, and who may reside at a great distance from the place where the general plan

is carried on; such as was done, in the case
of the Stab. Trials in 1745.

See Kenyon, in Rex v. Stammers &
Hebb, 2 Esp. 719.

1746

Conspiracy to marry a man personating
another one. Was proved and held the jury
must collect from the circumstances
whether there was an intention or design
to do a future injury to the party person-
ated.

Rex v. Robinson, 1 Leach, 37.

So, when the defendants had severally
bribed the jurors to 'approbate' to put
guilt into his count, he being a card maker,
their being all of one family, and con-
cerned in card making, was held evidence of a
conspiracy.

R. v. Cope, 1 Sta. 144.

In the above case no notice was taken
of the fact that the conspiracy in question was
not forbidden by the statute of Edward I, nor
the act forming the subject matter of the
conspiracy by any other statute.

1762.
25

The illegal combination is the gist of the

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offence.

Reg v Ripac, 3 Burr 1321. 1 Bl. 368.
cited in Reg v Ender 1 Leach 276.

1763.

Conspiracy to accuse one Kemp of murder
by pretended conversations and communica-
tions with a ghost. Known as the Cock
Lane Ghost case. This, it will be noticed,
might have been brought under the statute
of Edward I. Lord Mansfield declared
that there was no occasion to prove the
actual fact of conspiring, but that it
might be collected from collateral cir-
cumstances; quod mens negant.

King v Parson, 1 W Black 392.

1765.

A conspiracy may be laid without any
overt act.

The conspiracy was to accuse a man of
sodomy. The defendant was a clergyman.

Reg v Himmerley 1 Stra. 193.

1783.

King v Ender, 1 Leach 276.

A conspiracy to impoverish a man
by preventing him from working at his trade,
is good, though the indictment do not state
the means used to effect the object.

See 18 Eact 230.

At 24 Geo III B.R. Mr. Dwyer, M.D.
note of that case (which is also noticed by him
in Miller's R. 583. n.a.) states, &c. &c. Means,
fido C. J. The conspiracy is stated, and its
object: it is not necessary that the means
should be stated. Buller J. The indictment
would have been good if it had not added
"by indirect means"; and that will not
make it bad.

It was observed of this case in Rex v.
Turner, 1810, 13 East 250, by Lord Ellen-
borough that King v. Eider was considered
as a conspiracy in restraint of trade; and so
far a conspiracy to do an unlawful act,
affecting the public. But cases of conspir-
acy against individuals must not be
pushed further.

There is the first check to the tendency
which had rather to prevail among the judges
of sustaining every indictment of a
conspiracy which was presented; and by
rules of evidence in almost every respect
the contrary of those which were held respecting
every other species of crime. It would seem
as though the bench had here preserved a
loop-hole for letting into the administration
of justice all the evil they were gradually

banishing by their other adjudications.

King & Turner was a conspiracy to have a hunt in a man's rabbit warren.

1799.

Indictment against journey men shoemakers, for a conspiracy to raise their wages. It was stated, on the part of the prosecution, that a plan for a combination amongst the journey men shoemakers had been formed and printed in the year 1792, regulating their meetings - the subscriptions for their mutual support, and other matters for their mutual government in forwarding their designs.

The defendant's counsel objected to this, until it was brought home to the defendants, and they were made parties to the combination.

Lord Kenyon. If a general conspiracy exists, you may go into general evidence of its nature so as to implicate men, who stand charged with acting upon the terms of it years after those terms have been established, and who may reside at a great distance from the place where the general plan is carried on, such as was done in the cases of the State Trials in 1745; --

His Lordship therefore permitted a person who was a member of this society,

to prove the printed regulations and rules of the society, and that we and others acted under them in execution of the conspiracy charged upon the defendants. Hammond v. Cobb, an evidence - introductory to the proof that they were members of this society, and equally concerned. - but added, that it would not be evidence to affect the defendant, until they were made parties to the same conspiracy.

In the course of the evidence it was stated that the demand of the journeymen had been occasioned by some of the masters giving wages below what were the usual ones in the trade.

Lord Kenyon said that masters should be cautious of conducting themselves in that way, as they were as liable to an indictment for a conspiracy as the journeymen. - and there was a caveat a master, from showing too great indulgence to his men, had become himself the object of a prosecution.

Defendant found guilty.

R v. Hammond & Cobb. 2 Eccl. 719.

R v. Roberts, 1808, 1 Campb. 399.

"I hold in my hand a minute report of a similar case (to the New York Codewarriers)

in Philadelphia, where the law was fully and ably discussed at the bar and where it appeared, *ex concessis*, that no such precedent existed in America. The only opinion against 1811 to sanction it is that of a single judge, *viz.* Lewis, the recorder of Philadelphia. I shall leave the doctrine to be laid down to the jury.

“*xx* He admits, however that a single journeyman may refuse to work, but many journeymen, jointly, must not *xx*”

Sampson, *agendo* 1814 Cordwainers
1811 at 9. Select Cases III.

“I am maintaining, in Philadelphia, that a conspiracy, whether to do right or wrong is unlawful?”

Golden, *agendo*, in same case.

1811. Journeymen Cordwainers of New York.

1814. Select Cases, *per* III.

9 Counts.

That defendants, being journeymen cordwainers, designing, &c. together with divers other workmen, &c. did unlawfully assemble, and did then unjustly conspire &c. that none of them would work for any master, who should employ any journeyman not being a

members of the said club, or combination,
after notice given, &c. &c.

Motion to quash.

Sampson and Colden for defendants;

Witter and Emmet for prosecution.

The court adjourned, and, for some reason, no decision was made on the motion.
The cause was tried.

Charge of the Court. The injury produced by unlawful combinations might affect any person or number of persons as in the present case the master workmen, or the fellow journeyman of the defendants, or other individuals. It appeared in evidence that the society of journeymen, of which the defendants were members, had established a constitution, or certain rules for its government, and which they had endeavored to enforce. These rules were made to operate on all the members of the society, or others of their trade who were not members, and through them on the master workmen, and all were coerced to submit, or else the members of the society, which comprehended the best workmen in the city, were to stop the work of their employers. One of the regulations even required that every person of their trade, whom they thought worthy of

notice, should become a member of the society, and of course become subject to its rules, and in case of neglect or refusal, it imposed fines on the person guilty of disobedience. When the society determined on any measure, it found no difficulty in carrying it into execution. If its ordinary functions failed, it enforced obedience by decreasing what was called a strike against a particular shop that had transgressed, or a general turn out against all the shops in the city, terms which had been explained by the artists; and were sufficiently understood. These steps were generally decisive, and compelled submission in all concerned.

"The means thus employed were arbitrary and unlawful, and they had been directed against several individuals in the present case."

^{Defendants found guilty, and fined 10 pence.}
The trial in this case is also reported under the name of *People v. Melvin*, in 2 *Meeker's Civ. Cas.* 262.

Another account of the argument for quashing the indictment in the same case, is given in the case of *People v. Emanuel*, 1823, 6 C. & R. 33, very well condensed.

It was incidentally held in the same case that one conspiracy will not excuse another.

1820. Henry Hunt and others were indicted for conspiring unlawfully to meet to excite discontent, &c. (a reform meeting). Henry Hunt was proved to have presided. It was proved that he had just before presided at another meeting, elsewhere, and that there certain resolutions were passed which, it was pretended, were intended to be also passed at this meeting. Held admissible evidence.

Re Hunt et al. 3 Ham & Ald, 866.

1823. *People v Emanuel, 6 C & H 1833.*

Emanuel was an indictment by sailors' boarding house keepers against an innkeeper. Decided that the acts of the parties conspired against cannot be proved in defence.

1823. *People v Henry Treguire, R. 1 Meeles' Cases, Cas. 142.*

Hatter, conspiracy to force boat to discharge a cab. The court left it to the jury to say

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whether the act of the defendants amounted to a conspiracy or not. The jury found all guilty.

1830

People v. Mather (Morgan, the abducted man) 4 Bond. 258

Murray

In conspiracy the crime may be laid in any county in which it can be proved that an overt act was done by any one of the conspirators in furtherance of their common design (Arch. Cr. R. 6)

King v. Brier 14 East 164.

King v. Bower et al., referred to in King v. Brier.

The fact of conspiracy need not be proven (meaning, I suppose by direct evidence).

2 Day R. 205.

1 W. R. 392.

If the parties concern in doing the act, although they were not previously acquainted with each other, it is a conspiracy.

See Mansfield, 1 Stark. Ch. 12 sec. 2, notes.

See Morgan, King v. Hammond 2 Esp. 119.

All who accede to a conspiracy after its formation, and while it is being executed, are conspirators.

1835.

People v. Fisher & others 14 Wend. 9

Savage Ch. J. Conspiracy in journeyman
to combine for the purpose of raising their
wages. (Same facts substantially as in People
v. Henry, Sequence)

1716

to

1835.

By these and other decisions the doc-
trine of conspiracy at common law became
completely transformed from what it had
been in 1716 and previously; henceforth
all authors say that conspiracies con-
sist either in a combination to do some
act, which, if done by an individual, is
indictable; or in a combination to do
some act which, if done by an individual,
is not indictable, by means which are
indictable; the third kind, a combination
to do an act not indictable by means
not indictable, where the combination
converts the design into criminality, is
not mentioned by any elementary writer,
but is found in the Reports, in *Journeyman
Taylor v. Cambridge, Vetter v. Elmer*, and
other cases.

1827.

Lambert & The People, 9 Crwen 606.

Stobbs sen. The difficulty lies in defining with precision what object, or what means of effecting the object, give a criminal character to the combination.

[Here the Senator first takes Tailors of Cambridge and Titus & Clive to prove that both object and means may be lawful, and still the combination constitute a conspiracy; and then sets up that unless either end or means are unlawful, there is no offence. See this species is when the mere conspiracy is in itself a crime, though for a lawful end, and by lawful means, as Tailors of Cambridge, Titus & Clive, &c.]

In conspiracy, where the object is not on its face unlawful, (as in case of a conspiracy to defraud) the means adopted must be set out in the indictment, to enable the court to judge whether the conspiracy was a crime or not.

Decided by the casting vote of the

speaker of the Senate.

1842. *Corn v. Hunt, 4 McTealy, 111. Shaw C.J.*
Indictment that defendant con-
spired not to work for any boss who em-
ployed journeymen, not members of
their society.

Hartout for the defense.

C.J. Shaw held that no indictable
offense was charged. The court could not
perceive that the object of the association
to which journeymen were expected to be-
long was shown by the indictment to be
unlawful.

Cases are distinguished: If a large
number of men engaged for a certain
time, should combine together to violate
their contract, and quit their employment
together, it would present a very different
question. Suppose a farmer employed a
large number of men engaged for the
year, and suppose that just at the moment
that his crops were ready to harvest, &c.,
would surely be a conspiracy to do an un-
lawful act.

1848

The case in 5 Mass R. 106 and *Lambert v.*
The People, 9 Cowen 578, decide that where a conspir-

any consummator, you cannot separate the agreement to conspire from the overt act by which it is accomplished. There are all instances of merger."

Lohman v. The People, 1st. 4. 384.

1874.

"It is said that in an indictment for a conspiracy to cheat, or defraud, another of his property, by false tokens or pretences, it is sufficient to aver the combination and the object, without setting out the means or the pretences by which the end was to be attained. This question underwent an elaborate examination and discussion in the Court of Errors, in the case of *Lombert v. The People* (9 Cow 578). The defendant and others were indicted for conspiracy, and the indictment charged in general terms a conspiracy to cheat and defraud the Sun Insurance Company of their property, by wrongful and indirect means, and that, in pursuance of the conspiracy, and by undue, indirect, and unlawful means, the defendants obtained the property of the company. The defendants were convicted; and on error to the Supreme Court the conviction was affirmed. The Court of Errors, by the casting vote of the

president, reversed the judgment of the
 Supreme Court, and held the indictment
 bad. The law of conspiracy was fully con-
 sidered in the able and learned opinions
 delivered by Senators Spencer and Stebbins
 in that case, and nearly all the Eng-
 lish and American cases on the subject
 up to that time were examined. The dif-
 ference of opinion between the mem-
 bers of the court arose mainly from the
 different views entertained as to what
 constituted the criminal offense of con-
 spiracy at common law. The majority
 of the court held the offense consisted either
 in a combination to do a criminal act,
 or to do an act not criminal in itself by
 criminal means; that in the one case
 the object, and in the other the means, deter-
 mined the criminality of the combination.
 The minority of the court were of the opinion
 that a confederacy to injure another in his
 person, property, or character, was a conspiracy
 at common law, although the act to be done,
 if done by an individual and without any
 combination with others, would not be indictable.
 He. The court held that, an obtaining the prop-
 erty of another by cheating and fraud, did
 not, necessarily, import an indictable offense,

it was necessary, in an indictment for a conspiracy to defraud, to set out the means by which the fraud was to be effected, so that the court can see whether a crime was intended. * * * The case of *Lambert v The People* has been followed by the courts in Massachusetts and Pennsylvania (Com. v Eastman, 1 Cenk. 190; *Eastman v Com.* 5 Bar 60) It has not been overruled in this state, and the legislature has since adopted the principle of the case in defining the offense of conspiracy. We are aware that *Rex v. Hix* (2 B. & Ald. 204) and other English cases, are adverse to the doctrine of *Lambert v The People*, but we think this case was well decided, and that, at all events, we should adhere to the authority of that decision.

Andrew J. People v. Brady, 56 N.Y. 189.

Modern English Legislation.

1824.

The English legislation of 1824 was intended to put the law regulating labor on the new footing of free trade in labor in which every body could be free to buy and sell it, and every laborer to consult and act with his associates in fixing the price. The medieval law on the subject were swept away. Mr. Joseph Hume was the reputed father of that legislation. It may fairly be called the starting point of the modern English law on the subject.

The law begins with a long section of repeal and exclusion. It declares that nobody shall be "subject or liable to any indictment or prosecution for conspiring under the common or statute law," for combining to fix or increase wages, or to induce another to leave or refuse work or service, or to regulate the carrying on of any business. It gives a similar exemption to employers. But on the other hand, (and here comes in a distinction,) it punishes criminally any one who, singly or in combination, by "threats or intimidation," forces another to depart from his hiring, or to comply with trade union rules, or to make alter-

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ations in the mode of carrying on business.

This law was in force only a year. It practically encouraged combinations not denounced by it. It was even thought to have swept away common law crimes heretofore punishable, about which there was much uncertainty.

1825. The law of 1825 repealed that of 1824, and all that the latter had repealed. It began by forbidding, instead of permitting, but it omitted the punishment of conspiracy, thus seeming to intend to leave them to the common law. The really new and important features of the law of 1825 were that which punished the employment of threats, intimidation, molestation, or obstruction to attain the objects of trades, unions, or to make a strike effective.

1867 A parliamentary commission was created in 1867, which reported in 1869, and led up to the new law of 1871.

1869
1871 The law of 1871 began by the declaration that no trades, unions, shall be deemed unlawful "by reason merely that they are in restraint of trade." It then punished any one who, with a view to coerce another, for

trade purposes, did either of several enumerated acts. It also declared that nobody should be punished for restraining trade unless the act was one of those enumerated. Thus trades unions were generally relieved of the stigma of illegality, and it was fancied that the ordinary procedure of a strike was legalized. Clearly, it seems to have been legalized, unless violence, or threats, or molestation, or obstruction, be used.

1875.

"Conspiracy, and Protection of Property Act." Out of this law, and the prosecutions instituted in pursuance of it came the new English law of 1875, by which, and its predecessor, our New York law was largely inspired. It specifically protects certain combinations in contemplation or furtherance of trade disputes between employers and workmen, and declares that no combination shall be indictable unless the act agreed upon shall be a state prison offence if done by one person. The effect of the law of 1875 is, that a breach of contract of labor is for the civil side of the court unless it concerns gas or water, in which case even a peaceable strike, if sudden, may be criminal. That law, however, like our New York law, de-

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viewed as a crime, a breach of a contract
of service, if there be reasonable ground to
believe, that such breach will injure life
or seriously damage property, and it
makes intimidation and "picketing"
criminal.

Picket, N. Y. April 29, 1886 in Evening Post.

5. Modern New York Legislation.

1882

Section 168. Conspiracy defined. — If two or more persons conspire, either

5. To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof; or

6. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or destruction of justice, or of the due administration of the laws;

Each of them is guilty of a misdemeanor.

Section 170. No other conspiracy punishable.

— No conspiracy is punishable criminally unless it is one of those enumerated in the last two sections, and the orderly and peaceable assembly or cooperation of persons employed in any calling, trade, or handicraft, for the purpose of obtaining an advance in the rate of wages, or compensation, or of maintaining such rate, is not a conspiracy, if none of the acts or things prohibited

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thereby is done or agreed to be done by the persons assembling or cooperating.

Section 171. Overt act, when necessary.
— No agreement, except to commit a felony upon the person of another, or to commit arson or burglary, amounts to a conspiracy, unless some act beside such agreement be done to effect the object thereof, by one or more of the parties to such agreement.

653 Coercion. — A person who, with a view to compel another person to do or abstain from doing any act which such other person has a legal right to do or abstain from doing, unlawfully or unlawfully;

1. Uses violence or inflicts injury upon such other person or his family, or a member thereof, or upon his property, or threatens such violence or injury; or

2. Deprives any such person of any tool, implement, or clothing, or hinders him in the use thereof; or

3. Uses or attempts the intimidation of such person in any manner;

Is guilty of a misdemeanor.

Section 673. Endangering life by refusal to labor. — A person who, wilfully and maliciously, either alone or in combination with others, breaks a contract of service or hiring, knowing, or having reasonable cause to believe, that the probable consequence of his so doing will be to endanger human life, or to expose valuable property to destruction or serious injury, is guilty of a misdemeanor.

Section 451. Unlawful assembly. — Whenever three or more persons

1. Assemble with intent to commit any unlawful act by force; or

2. Assemble with intent to carry out any purpose, in such a manner as to disturb the public peace, or to give ordinary persons reasonable ground to apprehend a breach of the peace; or

3. Being assembled, attempt or threaten any act tending towards a breach of the peace, or an injury to person or property, or any unlawful act;

Such an assembly is unlawful, and every person participating therein, by his presence, aid, or instigation, is guilty of a misdemeanor.

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C. Modern Syndication.

1829

"Soon after the case of Lambert & the People was decided the crime of conspiracy was defined by statute; and by that definition a conspiracy to cheat and defraud another of his property is indictable when accompanied by overt acts; and when the means to be used are criminal; or such as would, if the fraud were accomplished, constitute the offense of cheating, or obtaining money or property by false pretences. (2 R. S. 692 § 8)"

Andrew J. in People's Herald, 5th May, 1901.

1825

Shortly after the passage of the act of 1825
 Renshaw's Case was litigated; the
 leader of a trade union in London, who
 had no immediate personal interest in the
 matter, insisted that an employer should
 pay his men a certain rate of wages, and
 in order to compel him so to do, persuaded
 his men to leave his employ until he did
 so, and prevailed on others not to enter his
 employment. This was held to be an indictable
 conspiracy. ^{This is 1851.}

conspiracy at common law, Mr Justice Erle ruled that all combinations of workmen to affect wages were at common law illegal, that the Act of 1825 only made a limited exception, and that the only proper remedy for workmen was to petition for redress of their grievances at common law; that workmen could not, if they thought proper, properly combine together for their own protection and to obtain such wages as they chose to agree

to demand, but "a combination for the purpose of injuring another is a combination of a different nature, directed personally against the party to be injured; and the law allowing them to combine for the purpose of obtaining a lawful benefit for themselves gives no sanction to combinations which have for their immediate purpose the hurt of another."

cc. This question clearly made illegal all the steps necessary to make a strike effective, one of which consisted in the injury of the employer. ~~These~~ ^{such} ~~deceptions~~ ^{deceptions} were followed in a number of cases, all based upon the principle that combinations which tended to impede and interfere with the free course of trade and commerce were indictable at common law.

N. Y. Evening Post 1886,

1844.

A definition ^{was given by} Chief Justice Tindal, in an opinion stated to the House of Lords in 1844. This is in these words: "The crime of conspiracy is complete if two or more than two should agree to do an illegal thing; that is, to effect something in itself unlawful, or to effect, by unlawful means, something which, in itself, may be indifferent, or even lawful. That it was an offence known to the common law, and not just created by the statutes 33

Ed. I is manifest."

"George Chace," May 3. 1886. Evening Post.

1849. *Lamb v The People*, 7 Barb. 391, cited in
H. Lanson's *Crim. Defences*, 530.

An indictment for a cheat must
set forth the means by which the cheat was
effected. *Lamb v The People*.

Pratt J. - "The R.S. have put that ques-
tion at rest by defining the crime, in accord-
ance with the decision of the majority of
the court in that case; and thus restricting
the offence to much narrower limits than
the dissenting members of the court appeared
the law to restrict it."

1881 While the law of 1825 was in existence, in
England, and down to 1881, there were reported
fourteen criminal suits growing out of trade
union organizations.

One case, *Atton v Eckenley*, raised the
question whether a bond binding eight Lancashire
cotton spinners to conduct business
as a majority might decide, and to counteract
trade union, might be enforced. Of three jud-
ges, one said the bond was void because showing
an indictable conspiracy in restraint of trade;

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another deemed the bond enforceable, a third said the bond did not show an indictable conspiracy, but was void as restraining trade. The Exchequer court, on review, said the bond was void.

The result of the decisions was unsatisfactory to labor, because the decisions reduced to a nullity the liberty to combine to raise wages.

Picket & Apr. 29. 1886. in Evening Post.

1859.

Of course, an agreement or combination by two or more persons to do or promise to be done any of the acts described in section 7 of the act of 1875, in England, which are

1. Use violence or intimidates such other person, or his wife, or children, or injures his property; or

2. Persistently follows such other person about from place to place; or

3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of, or hinders him in the use thereof; or

4. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

5. Follow, such other person with two or more other persons in a disorderly manner in or through any street or road, in contemplation or furtherance of a trade dispute between employer and workmen, is indictable as a conspiracy. Such is the plain intent of section 5 (which under like our section 6, 3), and so eminent an expounder of the criminal law as Sir James F. Stephen, in reviewing these enactments, refers to the part played by the judges between 1825 and 1859 "in defining, and indeed, in a sense creating, the offence of conspiracy." "They defined it," he says, "I think too widely; but that their definition was substantially right is proved by the fact that the act of 1875 has made provision for punishing, practically, 'all the acts which they declared to be offences at common law.'"

14. Evening Post, 1886.

1867

Reg. v. Drmitt, 10 Cox 592.

Picketing explained.

Speech by sergeant Ballantyne for prosecution. By Coleridge 2 C. for defence.

Bramwell B. - "Liberty - not liberty of body only, but of mind and will. The liberty of a man's mind and will, to

say how he should bestow himself and his means, talents, and industry, was as much a subject of the law's protection, as was that of his body.

" x x x If two or more persons agreed that they would by coercion or compulsion cooperate together against that liberty, they would be guilty of an indictable offense. That was the common law of the land, and it had been in his opinion sanctioned by an act of parliament passed in the 6th year of George IV (1825) which provided in effect that any person who should by threats, force, or endeavor to force any journeyman from hiring, should be liable. That act was passed forty one years ago, and by a statute of 1869 it was enacted that no workman, merely by reason of his endeavoring, peaceably, and in a reasonable manner, and without threats or intimidation, direct or indirect, to persuade others from working or ceasing to work, should be guilty of an offense under the former act.

" x x x It was perfectly lawful to endeavor, or to persuade persons who had not hitherto acted with them to do so, provided that persuasion did not take the shape of compulsion or coercion. What was the object of this pick-

eting? Was it that the names and addresses of the non-striking workmen ought be found out, or was it for the purpose of coercion and intimidation? Even if the jury should be of opinion that the picket did nothing more than his duty as a picket, and if that duty did not extend to abusive language and gestures such as had been described, still, if that was calculated to have a deterring effect on the minds of ordinary persons, by exposing them to have their motions watched, and to encounter black looks, that would not be permitted by the law of the land.

"The probabilities were that it was known to the leading members of the association (the defendants) what the pickets were doing."

1866. Reg. v. Shephard 11 Cox 325.

4 Lammie's Crim. Rep. 618.

Lush J. This case was like Reg. v. Drutt, except that for all that appeared, the conduct of the pickets had been entirely peaceable and civil. I am left to the jury whether violence was used, or threats, intimidation, or molestation.

Defendants acquitted.

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1872.

A very interesting case, bearing upon the point that interference with the working of a railway in the hands of a receiver, is contempt of court, is cited in Sir James F. Stephens' "History of the Criminal Law of England" vol. III page 275. He gives it: "In 1872. certain gas stokers struck, the result of which was, that a great part of London was for a time involved at night in complete darkness. They were indicted for a conspiracy to coerce or molest their employers in carrying on their business; and it was held that this was on two grounds an indictable conspiracy, though no offence was committed under the statute. The first ground was that it was an indictable conspiracy to force the company to carry on their business contrary to their own will by an improper threat or molestation. It seems to have been considered the great public inconvenience which such a strike would cause, and the nature of the employers' known engagements, might cause a threat to strike suddenly to be an improper molestation. Also a threat of a simultaneous breach of contract was regarded or was pointed out to the jury as a conspiracy to prevent the employer from carrying on his business.

Upon this second charge the defendants were convicted and sentenced to eight months' imprisonment. This case substantially decided that although a strike could no longer be punished as a conspiracy in restraint of trade, it might, under such circumstances, be of such a nature as to amount to a conspiracy at common law to molest, injure, or impoverish an individual, or to prevent him from carrying on his business."

1875

People v. Powell 63 N. Y. 92. Andrew J.

"To make an agreement between two or more persons to do an act, innocent in itself, a criminal conspiracy, it is not enough that it appears that the act which was the object of the agreement, was prohibited, the confederation must be corrupt (3 Greenl. Ev. 75)

"The agreement must have been entered into with an evil purpose, as distinguished from a purpose simply to do the act prohibited, in ignorance of the prohibition. This is implied in the meaning of the word conspiracy. The actual criminal intention belongs to the definition of the offence, and must be shown to justify a conviction for a conspiracy. * * I am

58

of opinion that proof that the defendants agreed to do an act prohibited by statute, followed by overt acts in furtherance of the agreed purpose, did not conclusively establish that they were guilty of the crime of conspiracy."

1876. *Hamm v. The People, 94 Ill. 2d 121*

Where two or more persons confederate together to accomplish an illegal purpose, the acts and declarations of either in regard to the common design, are admissible against all.

The offence under section 8 of 2 R. S. page 692 (714 of Edm.) is as follows:

(Slightly different from the present form)

Section 8. If two or more persons shall conspire.

5 To cheat and defraud any person of any property by any means, which, if executed, would amount to a cheat, or to obtaining money or property by false pretences
x x x

1876

U.S. v. Goldberg, 110 U.S. 715

4 *Lanran's Crim. Def.* 565.

Charge to jury.

Dyer J. "It is sufficient if two or more

persons, in any manner, or through any contrivance, positively or tacitly, come to a mutual understanding, to accomplish a common and unlawful design.

U.S. v. Babcock, 3 Cent. L. J. 144.

"You must be convinced that the conspiracy alleged was formed; and that, in pursuance thereof, the person or persons found guilty did one or more of the overt acts laid in the indictment.

"It is no competent to prove an alleged conspiracy by circumstances, or by direct evidence.

1 Wh. Cr. L. sec. 235

"The contribution must be proved.

"The overt act must be one to effect the object of the conspiracy.

"What is claimed by the prosecution as having taken place in execution of the conspiracy, must not merely be proved to have been done towards the formation of the conspiracy.

"Mere intention will not convict.

"One party may do an act or part of an act, and another another act, or part of another act.

3 Archb. Cr. P. 622.

"When once a conspiracy is established,

60

every participator is bound by the participation and acts of his colleagues
1 Whart. 702.

In a case depending upon circumstantial evidence the hypothesis of delinquency or guilt of the offense charged in the indictment should flow naturally from the facts proved, and be consistent with them all, and, second, the evidence must be such as to exclude every reasonable hypothesis but that of his guilt of the offense imputed to him; or, in other words, the facts proved must be all consistent with and point to guilt only, and must be inconsistent with innocence.

People v. Bennett, 49 N.Y. 137

1878. U.S. v. Hall, 5 Dillon 58 Mo.

4 Lamson Crim. Def. 561.

Dillon J. "The English courts have sustained indictments for conspiracy, which were framed in the most general manner, and without alleging any overt acts."

Key v. Eile, 2 Bam & Ald. 204

"This laxity, and departure from principle, have been regretted in the more recent cases in that country, and have been sought

to be remedied by giving to the defendant, where the count is general, and the charge indefinite, the right to call for a "bill of particulars."

Regina v Stapleton, 2 Cox & Par. 69.

Key v Hamilton, 7 C. & P. 448.

Green v Kendrick 5 Ad. & E. (N.S.) 49.

"We have no such anomalous practice in this country, and the settled doctrine of the American courts is that an indictment for a conspiracy, like all other indictments must inform the defendant of the nature and cause of the accusation."

"Const. U. S. 6th Amendment.

and must set forth the offense with clearness and certainty.

U. S. v Crutcher, 92 U.S. 542.

1881. *Com. v. Sheriff, Penna* C.P. Philad. 1881.

Leg. Int. vol. 38 pa 412. 15 Pa. R. 393.

4 Sanborn's Cr. Id. 616.

Allison (Cf. Prior to the (Penna) Act of June 14, 1872, and the supplemental Act of April 20, 1876, the law as then settled, would have required this question

Does going to a shop and saying that a strike would be ordered, and that all hands (who were members of unions)

62

must, on the succeeding day, stop
working
constituted a misdemeanor
in the affirmative

3 Hk. & L. ser. 2322

Rich. & L. ser. 230, 231.

3 Russell on Crimes.

Com. & v. Cartile, Hughes, R.
40. Edition

Loose Co. v. Barclay, 18 & 19 Smith,
186, 19 Green C.J.

But the act of '72 declares lawful for work-
ing men to refuse to work whenever continu-
ing to work would be contrary to the rules of
such organization.

This act sweeps away in a few words
nearly all the law which had been long esta-
blished in England, and adopted in this coun-
try, touching organizations or combinations
of working men having for their object the
regulation of remuneration to be paid to them
for their work by combinations in clubs or
societies.

The act contains, however, the materi-
al proviso that whoever shall hinder persons
to perform so doing, &c.

What constituted such hindrance was
defined in 1876, that the use of lawful and

peaceable means shall not be regarded
as hindering

1884

Reg. Manning England Q.B.
4 Law. Crim. Def. 578.

When two persons are indicted for a
conspiracy in one indictment, both must
be acquitted, or both convicted.

1885.
Aug 6.

Legal Steamship Co. v. The Egeon, Son,
& Co. 15 Q.B.D. 476.

This decision accepts as still sound law
Reg. & Eder.

It also shows how idle and unreasoning
is the declamation against the conspiracy
law that they are levelled only against the
poor, and would not be applied against the
rich. For it is a case in which only rich
parties are concerned, since it is based upon
a charge made by the owner of a steam-
ship line against a large number of
wealthy ship owners, that the latter have
been "boycotting" the former, and seeking
to prevent them from obtaining any freight,
and thus to destroy their business. The steam-
ships were engaged in the carrying trade
between Chinese ports and London, and the
defendants prepared circulars and issued

them to exporters in China, promising them special benefits in the rebate of freight money, if they should ship their cargoes by other lines. Lord Coleridge says in his opinion:

"We do not entertain any doubt that if such a conspiracy were proved in point of fact, and the intiters of the conspirators were made out to be, not the mere honest support and maintenance of the defendants' trade, but the destruction of the plaintiffs' trade, and their consequent ruin as merchants, it would be an offence for which an indictment for a conspiracy, and, if an indictment, then an action for conspiracy, would lie."

7. Recapitulation.

That notwithstanding nothing be put in execution, the parties are forced to answer to it,

1353, 1609 *Ponttem's Case* 9 Co. Rep. 55

State v. Buchanan (Md) - 11 G. 836

1676 *Rex v. Alderman Stirling* 1 Lev. 125.

1765 *Rex v. Minnensley* 1 Stra. 195.

Rex v. Best 4 Term 2d Raym. 1167.

1762 *Rex v. Shipal* 3 Term 1321 1 W. 368.

is no longer the law

1827 *Lambert v. The People*, 9 Cow. 600.

1874 *People v. Brady*, 56 N.Y. 189.

1830. *People v. Mather* 4 Term 258.

1876 *U.S. v. Goldberg* 7 Biss. 175

1878 *U.S. v. Halsey*, 5 Dillon 88.

N.Y. Penal Code § 171. Except certain

kind of conspiracies, common law.

Const U.S. 6th Amendment.

None shall be punished for confederacy, but where the statute speaks expressly upon the points contained in the same statute.

1355 1 Paul Hist. 249.

N.Y. Penal Code § 170.

J. Recapitulation.

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1353, 1609 Pontreus's Case 9 Co. Rep. 55

State v. Buchanan (Md.) - H. of. 836

1676 Rex v. Alderman Sterling 1 Serring 125.

1765 Rex v. Kinnemore 1 Haa. 195.

Rex v. Beot H. Hume 2 L. Raym. 1161.

1762. Rex v. Ripal 3 Haa 1321 1 Haa. 368.

is no longer the law

1827 Lambert v. The People, 9 Cow. 600.

1874 People v. Brady, 56 N.Y. 189.

1830. People v. Mather 4 Haa. 5. 258.

1876 U.S. v. Goldberg 7 Biss. 115

1878 U.S. v. Halth, 5 Dillon 58.

N.Y. Penal Code § 171. Except certain

kinds of conspiracies, common law.

Constitution U.S. 6th Amendment.

None shall be punished for confederacy,
but where the statute speaks expressly upon
the points contained in the same statute:

1355 1 Paul Hist. 249.

N.Y. Penal Code § 170.

1874 People v. Brady 56 N.Y. 190.
This is still in force.

A conspiracy not forbidden by the statute
of Ed. T. may be forbidden at common law.

1676. Rex v. Alderman. Starting Hearing 125.

1699. Anon 12 Mod. R. 248.

1721. The Journeymen Taylors of Cambridge,
8 Mod. 11.

1746 R. v. Robinson 1 Leach 37.

R. v. Cope 1 Stra. 144.

1724 R. v. Edwards 11 Geo. II 8 Mod. 321.

R. v. Berenger 1814, 3 M. & S. 72

R. v. Eccles 1783, 1 Leach 276.

1810 R. v. Lunn 13 East 230.

1799 R. v. Hammond 2 Esp. 119.

Philad. v. Cordwainers.

1811 Cordwainers of New York v. The Select C. 111.

1762 Rex v. Ripal 3 Bur. 1321.

1820 R. v. Hunt 3 Bam. & Ald. 566.

1823 People v. Emanuel 60 N.Y. 33.

1823 P. v. Regnier, 1 Wh. Cr. Cas. 148.

1835 R. v. Fisher, 14 Wend. 9.

1827 L. v. People, 9 Cowen 600.

Not in force to day, in consequence of § 110
of the N.Y. Penal Code.

Here
1/11

Confederates to raise or maintain
wages, should be suppressed.

1699 *Howe*, 12 Mod. 248.

1721 *R. v. Jernegan* Taylor of Cambridge.
8 Mod. 11

1741. *New York* baker.

1783. *R. v. Exler* 1 Leach 276

1799 *R. v. Hammond* 2 Esp. 719.

Whitaker Cordwainers.

1811. *R. v. M. Cordwainers* 14 Select Cas. 111.

1823 *R. v. Leguier*, 11th Cr. Cas. 147.

1835. *R. v. Fisher* 14 Wend. 9.

No longer in force, section 170 of the Penal
Code of N. Y.

1842 *Com. v. Hunt*, 4 Mete. 111.

A conspiracy is illegal, though to do an
act which, without a conspiracy, would not
constitute a crime.

1721. *R. v. Taylor* of Cambridge. 8 Mod. 11.

1724 *R. v. Edwards* 8 Mod. 321.

1814 *R. v. Bawger* 3 M. & S. 12.

1783 *R. v. Exler* 1 Leach, 276.

Phila da Cordwainers.

1811. *N. H. Cordwainers* 14 Select Cas. 111.

1827 *Lambert v People*, 9 Cowen 600.

It is no longer in force, at least, not to be considered, in view of Section 170 of the N. H. Penal Code.

The fact of conspiracy may be proved by circumstantial evidence.

1746 *R v Robinson*, 1 Leach 37.

R v Cope, 1 Stra. 144.

1763. *Cock Lane Ghost* 1 W. Bl. 392.

1799. *R v Hammond* 2 Esp. 719.

1808 *R v Roberts*, 1 Campb. 399.

1820. *R v Hunt* 3 Barr & Ald. 566.

1830. *P v Mather* 4 Hard. 258.

1876 *Adams v People* 9 Hun 94.

1876. *U. S. v Goldberg* 7 Refs. 175.

This principle is still in force.

The indictment need not state the means by which the conspiracy is to be accomplished.

1783. *King v Euler*, 1 Leach 276.

Key v Key 2 B & Ald. 204

Key v Ede 2 B & Ald. 204

No longer in force

1827. Lambert v People 9 Cowen 600.

Cow v Eastman 1 Cench 190.

Kartman v. Courtth 5 Barr 60.

1874 P. v Brady 56 N.Y. 189.

1849 March v The People 7 Barb. 391.

1878 H. L. v Walsh 5 Dillon 58

Court U.S. 6th & 7th.

The acts of the parties conspired against,
cannot be proved in defense.

1873. P. Emanuel - 6 C. H. R. 33.

1811 P. v Cordwainers N.Y. Select Cas. III

Supposed to be still in force.

R. v. Smith, 10 Cox 192, seems to lay
down the rules specially applicable to a case of
boycotting or "picketing".

New York June 19, 1886

Choepp

62 Cedar St. New York.

POOR QUALITY
ORIGINAL

0440

People ex cel
Landgraf

u.
Pavel Kozlka
& others

Brief for prosecution.

Indyank
Kafay

Chapman
62 Cedar St.
New York

POOR QUALITY
ORIGINAL

0441

People ex cel
Landgraf

u.
Pavel Kozlra
& others

Brief for prosecution.

Indyank
Kafan

Chas. H.
62 Cedar St.
New York.

**POOR QUALITY
ORIGINAL**

0442

If not called for in 10 days, please return to

ASHBEL P. FITCH,

Attorney and Counsellor at Law,

93 & 95 NASSAU STREET,

BENNETT BUILDING, N. Y.

Wm. Carter Perkins

POOR QUALITY
ORIGINAL

0443

No. 112

New York, April 19 1886

Germania Bank
OF THE CITY OF NEW YORK

Pay to the order of Baker's Union No. 32 Journeyman

One hundred 00/100 Dollars

\$ 100.00

John Kopczyk

215 Broadway, cor. Livingston St.

KLIM, LINDER & BAUER 10 WARREN ST. N.Y.

POOR QUALITY
ORIGINAL

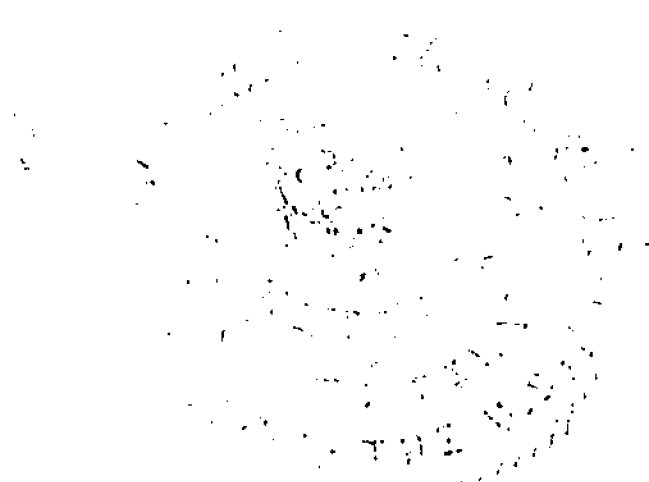
0444

John Kopecky

Paul Koska
president

Josef Oprava
Vice president

Anton Suchy
Chairman



POOR QUALITY
ORIGINAL

0445

J. P. M.

STENOGRAPHER'S MINUTES.

The People

vs

John Doe
& al

BEFORE

The Grand Jury

Handwritten Report

Apr 26 1886

WITNESSES.

Mrs. Landgicuff
Mrs. Stiegel
Capt. McCullough

Direct. Cross. Re-Direct. Re-Cross.

1

3

5

Henry W. Winger

Steno to Grand Jury

32 Chambers St.

POOR QUALITY
ORIGINAL

0446

BEFORE the GRAND JURY.

The People of the State of New
York

against

J.OHN DOE and RICHARD ROE.

Landgraff Boycott.

New York, April 26th 1886.

Mrs. LANDGRAFF, being first duly sworn by the
Foreman, testified as follows, through Grand Juror Selig-
man Adler, acting as Interpreter.

She says she had five working people; three were
Germans and two Bohemians; the two Bohemians got up and
went on strike-- these two men went away; she says they
came at eleven o'clock at night, about eighteen persons,
and they told her workman to quit work, and threatened
them, and even spit upon them, and other people came in
and interfered; she says she knows all the people that
were there; she can identify them; she has their names
on this paper here. (Witness produces paper, and hands
same to the Foreman.

**POOR QUALITY
ORIGINAL**

0447

New York, April 29th 1886.

MORITZ NAGEL, being first duly sworn by the Foreman, testified as follows through Interpreter Dollin :

By the Foreman--

Q Will you ask him if he is a workman with Mrs. Landgraff ?

A Yes sir.

Q Ask him if Mrs. Landgraff's business has been disturbed by Boycotting ?

A Yes sir.

Q Ask him if he knows by whom-- what people-- what names ?

A Yes sir, he knows them.

Q What are the names ?

A Franz Janischek, 59 Fourth Street; Albert Leinhardt, 616 East Fifth Street; Edward Gulheinig, 616 East Fifth Street; Paul Gustav, President of the Boycotters, his address is 206 East Seventh Street; Johann Stassney, 513 Fifth Street; Moritz Pollak, 206 Seventh Street; Frank Arnold, who lives at 157 Second Street; Michael Kosnar, 206 Ninth Street, and others.

Q Now, what did these people do ?

A They were talking outside; they gave the people cards, and prevented them from going in.

Q What time was this ?

A Between five and half-past six in the morning.

**POOR QUALITY
ORIGINAL**

0448

Q Were there many people passing at that time ?

A Yes sir; it is the principal time when they buy bread-- there were plenty of people passing by.

Q How did they intimidate men from buying bread ?

A They gave them a piece of paper on which stood they shouldn't go into this store.

Q Did they carry any placards on their breasts-- these boycott placards ?

A They didn't carry no placards-- they only gave these circulars.

Q Now, ask him if the people who took these circulars, who were in the habit of going in, stopped, and then refused to go in, or hesitated on account of it.

A Yes sir, they were people that used to go in there, and after they got this notice they didn't go in.

By a Grand Juror--

Q Ask him if those men didn't come at 11 o'clock at night ?

A There was a committee of seven that came in the evening at ten o'clock.

Q Were these the people which he mentioned ?

A They were amongst them.

Q See if he can identify these names, which is the list Mrs. Landgraff handed us as the men that were doing this boycotting ?

A Yes sir.

**POOR QUALITY
ORIGINAL**

0449

CAPTAIN McCULLOUGH, being first duly sworn by the Foreman, testified as follows :-

By the Foreman--

Q We want you to help us out of this matter; will you look at this list Mrs. Landgraff has handed us as being men she can identify as being men who entered into a conspiracy against her business. (Showing witness list).

A Not one of these men have been arrested. I don't know anything about the case whatever; I ~~didn't~~ didn't know what I was subpoenaed for until this morning.

Q There have been no men arrested from that place ?

A Not to my knowledge; I have been very busy for the last two weeks with the Third Avenue strike, and I have not been at the station-house three hours out of the twenty-four.

Q So you don't know anything about these people ?

A All I know about the case is it was reported to the station-house that she was annoyed by people there; I sent men to protect her there, and when the men went, there was nobody there, and I also went around myself, and she said the people didn't buy bread from her, and that was all she said.

Q Captain McCullough, do you know anything about the Third Avenue riot ?

The testimony of ~~the~~ Capt. McCullough following this had reference solely to the Theiss Boycott.

5

POOR QUALITY
ORIGINAL

0450

W. L. plans about
the other being
the other reflecting
untrue

Before the Grand Jury

In re
Landgraff Boycott

Stenographer's Transcript.

April 26 & 28 1886

Henry W. Wenger
Steno to Grand Jury

POOR QUALITY
ORIGINAL

0451

Boycott, Boycott, Joseph
Landgraf, bakery, No 187
Second St. We respectfully
request all laborers, citizens
and friends of the human
race to assist us in our
battle, where it is for our
mere existence to resist
the slave system. The
grounds of this boycott
are that having made our
slight demands to the
several bosses, we
were rejected and were
compelled to desist from

POOR QUALITY
ORIGINAL

0452

from our work. Mrs Josephine
Landgraf employed Scaps
and continued her work by
the control of our Committee
which was sent when
scaps were at work in
her bakery, the committee
was ejected by the Coopers
and scaps employed by
Josephine Landgraf and
bodily assaulted - for that
reason boycott Landgraf
bread.

The Bohemian Bakers
Union No 22 besides the
Central La Union in New

Thursday Morning July 8. 1886.

The People

vs
the same
17 defendants

Trial continued

Peoples Evidence

Maurice Nagle (through R. L. Scharf sworn as interpreter)

Adolph Popper sworn as interpreter

Louis Schnell (through R. L. Scharf interpreter)

Nos. 1, 2, 3, 8, 9, 13, 14, 15, 16 & 17 discharged by Court

Defendants Evidence

Joseph Fishel

—

Isaac Pick

Otella Schmidt (through interpreter)

Peter Stasny sworn as interpreter

William Flaron

—

Edward Kulkant

Joseph Edward Mejly

sworn as interpreter

Albert Lindhard

—

John Meyer

John Budelofsky

—

~~Ignatz Sinzick~~

Frank Jorisek

—

Ignatz Sinzick

The Jury return to the bar & say they find
the defendants Frank Jorisek, Albert Lindhard —

John Budelofsky, Edward Kulkant, John Opera

John Meyer

Guilty of conspiracy (rec. to murder)

Ignatz Sinzick

Not Guilty

Wednesday Morning July 7th 1886.

242

The People

20

1 Pavel Kostka

2 Moritz Pollak

3 Johan Stastig

4 Frant Zerrisek

5 Albert Lindhard

6 John Budelofsky

7 Edward Kulkanek

8 Alois Herman

9 John Kaprava

10 John Opava

11 John Mayer

12 John ^{Wagnatz} Linzek

13 Richard ^{Joseph} Linzek

14 Frank Arnold

15 Maik Kosnar

16 Alfred Schiller

17 Frank Huda

On Trial
for
Conspiracy
and
Coercion

filed April 30, 1886.

J.R. Fellows & A.W. Purdy for People
Moses Herman & John W. Loff for Defendant

Jurors balloted & sworn

- | | | | |
|---|--------------------|----|-------------------|
| 1 | Julius G. Bierck | 7 | Charles Mattmann |
| 2 | Robert M. Hamilton | 8 | George W. Cabel |
| 3 | John Ryan | 9 | Edward Carlsback |
| 4 | James Allan | 10 | Solomon A. Patman |
| 5 | Joseph A. Didier | 11 | Henry Krewolf |
| 6 | James Murphy | 12 | William Lathers |

Peoples Evidence

Robert C. Ralph sworn as Interpreter
Josephine Sandgraff (through Interpreter)

- 17 Defendants committed to custody of the Warden of the City Prison of the City of New York until thence delivered by due course of law.

Jurors separate by consent.

At 5.40 P.M. Court adjourns till ten o'clock to-morrow morning

The Supreme Court of the State of New York,
1st Ind^t Dist^t - Oeyen and Termmer,

The People
vs
Paul Kavtha
et al.

The Defendants and each of them
demur to the indictment herein on the
ground

That the facts do not constitute
a crime.

Wherefore defendants demand
Judgment that the indictment be dis-
missed.

Moses Herman,
Attorney for Defendants.

POOR QUALITY
ORIGINAL

0457

Deceased

McNoble

and

Paul Hoshida

+ 16 others

~~~~~

Filed July 7/75



POOR QUALITY  
ORIGINAL

0458

472

- ~~1. Pavel Kretka~~ indicted by Court
- ~~2. Moritz Pollak~~ do do
- ~~3. Johan Stastig~~ do do
- ~~4. Frank Jernisek~~ 6 P 30 days 5
- ✓ ~~5. Albert Lindhard~~ Pen 30 days 2
- ✓ ~~6. John Budelofsky~~ 10 days 4
- ✓ ~~7. Edward Mulkane~~ 10 days 1
- ~~8. Alois Herman~~ indicted by Court
- ~~9. John Kapraun~~ do do
- ~~10. John Opara~~ 6 P 30 days
- ✓ ~~11. John Mayer~~ 10 days 3
- ✓ ~~12. Ignatz Linzek~~ indicted as John Linzek 6  
(Not Guilty)
- ~~13. Richard Linzek~~ (real name Joseph)
- ~~14. Frank Arnold~~
- ~~15. Mack Koswar~~
- ~~16. Alfred Schiller~~
- ~~17. Frank Hada~~

Count of General Services of the Peace  
of the City and County of New York.

The People of the State  
of New York,  
plaintiffs  
against

Paul Norda, minority  
Pollak, John Skotky,  
Frank Rerwick, Albert  
Sindhaard, John Budd-  
ington, Edward Kullanda,  
Oliver Herman, John  
Nayana, John Drava,  
John Mauer, John Smigda,  
Richard Smigda, Brenda  
Arnold, Maida Korman,  
Alfred Schiller, and  
Brenda Binder, -  
defendants.

The People of the City  
and County of New York, by their  
Indictment accuse Paul Norda,  
minority Pollak, John Skotky, Frank  
Rerwick, Albert Sindhaard, John Budd-  
ington (whose real Christian name is  
to the People of the County of New York)  
Edward Kullanda, Oliver Herman,  
John Nayana (whose real Christian

name is to the said jury, (whose real  
Christian name is to the said jury,  
said unknown) John O'Connell, (whose real  
Christian name is to the said jury,  
said unknown) John O'Connell,  
(whose real Christian name is to  
the said jury, said unknown),  
John O'Connell (whose real Christian  
name is to the said jury, said  
unknown) Richard O'Connell, (whose  
real Christian name is to the said  
jury, said unknown) Brenda O'Connell,  
Marta O'Connell, Alfred O'Connell, and  
Brenda O'Connell, of the crime of  
Rape, committed as follows:

The said defendants, all of  
the City and County of New York,  
said, being and being persons,  
together with their said and said  
persons, whose names are to the said  
jury, said unknown, unlawfully,  
violently and maliciously, with  
and intending, by force, threats and  
intimidation, to prevent and hinder  
one Josephine Sandagall from using  
and exercising her lawful trade and  
calling as a laborer, which she then  
and there used, exercised and carried  
on in a certain house and tenement,  
situate, lying and being in the



conveying on the said said land and  
calling divers ignorances, and workmen  
in the said trade and calling, on the  
fourteenth day of April, in the year of  
our Lord one thousand eight hundred  
and eighty six, at the City and County  
aforesaid, unlawfully, wickedly and  
maliciously did conspire, combine,  
confederate and agree together, between  
and amongst themselves, by force,  
threats and intimidation, to prevent  
and hinder the said Joseph Sand-  
agat from using and exercising  
the said lawful trade and calling,

And the said defendants, together  
with the said other evil disposed persons,  
in pursuance and furtherance of, and  
according to the said conspiracy, con-  
solation, confederacy and agreement  
between and amongst themselves as  
aforesaid, afterwards, to wit: on the  
day and in the year aforesaid, at the  
City and County aforesaid, did unlawfully  
wickedly and maliciously, threaten  
the said Joseph Sandagat, to wit:  
that he should <sup>be</sup> excluded from all  
intercourse and dealing in the way of  
trading and calling and other business,  
and to shun him at all times and in all

places and to subject her to annoyance,  
 injury and loss in the pursuit of her  
 said lawful trade and calling, and to  
 hold her up to public hatred and contempt,  
 together with the said other evil-disposed persons,  
 and the said defendants, in the  
 further pursuance and furtherance of  
 and according to the said conspiracy,  
 combination, confederacy and agreement  
 between and amongst themselves or  
 of her said, afterwards, to wit: on the  
 day and in the year aforesaid, at the  
 City and County aforesaid, unlawfully,  
 maliciously and maliciously, by writing  
 and heretofore the said house and holding  
 of the said Josephine Sandagoff, and  
 by their threats, threatening notices,  
 placards, hand bills and printed  
 circulars, and also by solicitations,  
 falsehoods, and promises, did attempt  
 and endeavor to ~~persuade~~ intimidate  
 their persons whose names are to the  
 said Josephine Sandagoff unknown, being  
 the persons of heretofore with and doing  
 business with the said Josephine Sandagoff,  
 and to prevent, and deter the said  
 persons from so trading and doing  
 business with her.

And the said defendants, together  
 with the said other evil-disposed

persons, in the furtherance and  
furtherance of, and according to the  
said conspiracy, combination, confederacy  
and agreement between and amongst  
themselves as aforesaid, afterwards,  
to wit: on the day and in the year  
aforesaid, at the City and County  
aforesaid, did unlawfully, maliciously  
and feloniously, try so maliciously and  
deserting the said horse and property  
of the said Josephine Sandagoff, and  
by the threats, threatening notices,  
placards, handbills and printed circulars  
aforesaid, and try so attempting and  
endeavouring to intimidate the said  
persons from so deriving of trade  
and doing business with the said  
Josephine Sandagoff, and to prevent  
and deter them from so doing, and also  
by their other threats, and by intimidation,  
and other subtle and indirect means,  
and by their devices and stratagems,  
and unjust and oppressive acts, did  
greatly harass, annoy, mislead, em-  
barass and obstruct the said Josephine  
Sandagoff in the use and exercise  
of her said lawful trade and calling.  
to wit: for the better carrying of the  
said conspiracy, combination, confederacy



and agreements, into effect and ex-  
ecution: 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 Paul Horner, Monk Polak,  
John Skerby, Frank Reynolds, Albert  
Sindhard, John Budek, John Edward  
Shulka, Alois Stenman, John  
Naprawa, John Orava, John Mager,  
John Smirga, Richard Smirga, Frank  
Arnold, Mark Horner, Alfred Schiller  
and Brenda Stude, of the crime of  
Persecution, committed as follows:

The said defendants, all late of  
the City and County of New York,  
do sit on the day and in the year  
aforesaid, at the City and County  
aforesaid, with a view to compel  
the said Josephine Sandagall to

POOR QUALITY  
ORIGINAL

0465

disturbance from exercising their  
lawful trade and calling, which they  
do as aforesaid, then and there used  
force and arms, did unlawfully and  
wrongfully attempt the intimidation  
of them the said persons and persons  
by threats against the form of the  
Statute in such case made and  
provided, and against the peace of  
the People of the State of New York,  
and their dignity.

Randolph B. Martin,

District Attorney

POOR QUALITY  
ORIGINAL

0466

Remitted, \$2.13 1974 Apr 30/86

Mosko Kharin an

259 1974 April 30/86

Sided 30 days April 30/86

Reader Ashurst May 5. 1886

The People,

1. Pavel Kostikov, Ht. B
2. Moritz Polak, B
3. John's Kartig, B
4. Grant Zernick, B
5. Albert Lindhard, B
6. John Bidelofsky, B
7. Edward Kulland, B
8. Alois Hermann, B
9. John Napravat, B
10. John Oprav, B
11. John Mayer, B
12. John Smigels, B
13. Richard Smigels, B
14. Frank Arnold, B
15. Mark Norman, B
16. Alfred Schirer, B
17. Frank Munda, B

Read in S. meeting.

Order of S. meeting.

and Committee, for the purpose of

A True Bill.

John B. Kharin

July 5, 1886

Nov. 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 1886

1886

Mr Sandy ref  
Capt McCullough

John Remy  
Moritz Karyl

Paul Geper  
At 1175 1/2 Ch Ch

FR

From. of bail  
waits.

L. K. D.



0467

BOX:

215

FOLDER:

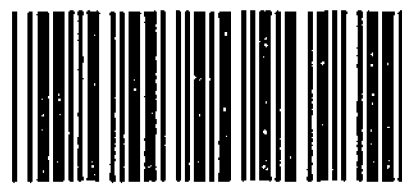
2129

DESCRIPTION:

Kreihauf, Ludwig

DATE:

04/19/86



2129

Witnesses:

Casper C. Morris

Henry H. H. H.

26 Bailey St

Reverend (Bros)

Shelton St.

See the paper

first of June

The hearing

was recorded

ED

10-147

Counsel,

Filed

Pleads

day of April

1886

THE PEOPLE

vs.

Inding H. H. H.

Grand Larceny in the 2nd degree.  
(MONEY)  
(Sec. 528 and 53 / , Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

John H. Brown  
April 19/86

Foreman.

See Ref. 10/86

POOR QUALITY  
ORIGINAL

0468

POOR QUALITY  
ORIGINAL

0469

Police Court—First District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 250 6th Avenue Street, aged 36 years,  
occupation Liquor Dealer being duly sworn

deposes and says, that on the 13 day of April 1886 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 in Bank bills of divers denomin-  
ations of the amount and value of;  
Twenty Seven 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 Ludwig Reichman (now here)

from the fact that the said defendant  
was in the employment of deponent  
as a laborer to clean up the store and  
deponent missed the aforesaid money  
from the money drawer in said store  
and deponent missed said defendant  
and when taken in custody by Officer  
John Foley of the 14th Precinct Police  
the defendant admitted and confessed  
to said officer that he had taken  
stolen and carried away the aforesaid  
money and while on the way to the  
station said defendant gave to said  
officer twenty three dollars and upon

Subscribed before me this

188

1887

Public Justice



POOR QUALITY  
ORIGINAL

0470

arriving at the station, Horse defendant  
gave the said officer two dollars & sixty  
five cents more and stated to said  
officer that it was the aforesaid money  
which he defendant had taken from and  
carried away from said deponent

Sworn to before me this

14<sup>th</sup> day of April 1886

Casper Moberg.

Wm. H. H. H.

Police Justice

POOR QUALITY  
ORIGINAL

0471

152

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation Police Officer of No.

146 Greenwich Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Cesare Morbin

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

Sworn to before me, this

day of April 1888

Henry Murray  
Police Justice.

POOR QUALITY  
ORIGINAL

0472

Sec. 198-200.

1st

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

*Ludwig Kreihoff* 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

*Ludwig Kreihoff*

Question. How old are you?

Answer

*22 years*

Question. Where were you born?

Answer.

*Germany*

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

Answer.

*237 6th Ave. 3 weeks*

Question What is your business or profession?

Answer

*Book Keeper*

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 of the charge*  
*L. Kreihoff*

Taken before me this

1888

Police Justice.



POOR QUALITY  
ORIGINAL

0473

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

Police Court District 15-321

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles M. Melius  
250-6th Ave.  
1 Ludwig's Tailors

Grand Larceny  
Offense

Dated April 14 1886

Thurman  
Magistrate  
John Foley  
Officer

Witnesses  
Call the Officer  
114 Precinct

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

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

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

\$ 500 to answer  
Criminal

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 \_\_\_\_\_ 1886 \_\_\_\_\_ Police Justice.

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

Dated April 14 1886 \_\_\_\_\_ 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 \_\_\_\_\_ 1886 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

0474

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Sindria Friedman*

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

*Sindria Friedman*

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

The said

*Sindria Friedman*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *fifteenth* day of *April*, — in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, with force and arms, in the *night* — time of the same day, *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 of twenty dollars, and of the value of twenty dollars — ; *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *five* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *one* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars — ; *two* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *seven dollars*.

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

~~on the person of the said~~ *Isaacson Moskowitz*, — then and there being found, ~~from the person of the said~~ — 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.

RANDOLPH B. MARTINE,

District Attorney.

0475

BOX:

215

FOLDER:

2129

DESCRIPTION:

Kroyetkek, Israel

DATE:

04/15/86



2129



Witnesses:

Minnie Levine

Mindy Levine

James A. Thompson

1092 Long

Counsel,

Filed

day of

1886

Pleads

Indigently

THE PEOPLE

vs.

Isaac Thompson

Grand Larceny in the  
(MONEY)  
(Sec. 528 and 53, Penal Code.)  
degree.

RANDOLPH B. MARTINE,

Attorney at Law,  
District Attorney.

Filed & Entered

A True Bill.

vs. 2d.

Isaac Thompson

Foreman.

5/14/86  
Lapez

0476

0477

The People  
vs.  
Isreal Kroyetek.

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

April 21, 1886.

Indictment for grand larceny.

Minnie Devine sworn and examined, testified.

I live 40 Forseith Street and remember the 8th of April last, I was on the corner of Ludlow and Hester Street in this city on that day and was accompanied by my husband, I had in my pocket \$27.50 in money and a ring worth \$15.50 and a pawn ticket for two rings, this was in a medium sized ladies pocket-book in the pocket of my dress on the right hand side, there was a crowd of people on the corner, it was between seven and eight o'clock in the evening, my child and husband were with me, when my husband caught the prisoner then I saw him and not before, I searched for my pocket-book because my husband asked me about it, I put my hand in my pocket and there was none, I saw the pocket-book when my husband caught him and I saw the pocket-book in the prisoner's hand, I got everything back when the policeman took him, I had him arrested on the corner, I was buying horse-reddish on the corner of Hester and Ludlow Streets, my husband was standing close to me and he held the baby, I did not see the prisoner take the pocket-book; when my husband had the pocket-book already in his hand I was about ten or fifteen paces away from him and there were people between me and him.

Morris Levine sworn. I am the husband of the last witness and remember being with her on the 8th of April near the corner of Ludlow and Hester Streets about half past seven in the evening, I took the pocket-book

0478

away from the prisoner on that corner I went to market with my wife and she had the pocket-book in her hand, afterwards I asked her where is her pocket-book and she said she put it in her pocket, she felt for the pocket-book and she had not got it. There was a whole crowd of people there, I ran after the prisoner and caught him and he had the pocket-book in his hand. The prisoner said, here is the pocket-book and let me go. I said to him, I cannot let you go, maybe the money is not there in the pocket-book, I counted the money in the court. I ran from the sidewalk to the middle of the street; the prisoner held the pocket-book in his hand and then held it up against my chest. The policeman brought a witness named Louis Waxman into the court I did not see the prisoner take the pocket-book.

Louis Waxman sworn. I live 37 Ludlow Street and remember the night of the 8th of April last, I was in the neighborhood of Ludlow and Hester Streets, I keep a stand on the corner, I remember seeing Mr and Mrs. Levine and the prisoner there about half past seven o'clock. I was on the corner on Thursday night which is a market day around there, I saw a whole crowd in the middle of the street and I happened to go over to see what the excitement was about, I saw the prisoner have the pocket-book in his hand and Mr Levine grabbed him. The prisoner said here is the pocket book and let me go, all the money is in it. I keep a vegetable stand, the complainant Mr Levine did not hold the pocket-book on the prisoner's chest. The officer told me to come to court.



0479

Jerome L. Renner sworn. I am an officer attached to the 10th precinct police and arrested the defendant on the night of the 8th of April last on the corner of Hester and Ludlow Streets about twenty minutes past seven on the complaint of Mrs. Levine. I saw a crowd collected at Hester and Ludlow Streets and asked what the trouble was, I went over in the center of the crowd and saw Mr. Levine having hold of the prisoner by the neck by the other hand. I said, is this the man who took your pocket-book? He said yes, he just gave it back to me and I want to see whether all the money is in there. I said, you will have to go to the Station House to find that out and so I arrested him.

Isreal Kroyetek sworn and examined in his own behalf, testified. I am the prisoner in this case but I am innocent, I was born in Poland, am thirty-one years old and served in the Russian army, was in the war in Turkey and was wounded in the head. I had a fruit business in Russia, I was two weeks in the country when I was arrested, I did not take a pocket-book out of Mrs. Levine's pocket. I passed the street, I saw that they were grinding horse-reddish with a machine, I never saw such a machine before and looked at it. This man came up to me and caught me by the collar and says, give me the pocket-book with the money, about two hundred people were around us, his wife came up and took the baby and the pocket-book fell out of the husband's hand on the ground. Then the wife said to him, you have the money, he got kind of confused and struck the pocket-book against me and said, here is the money.

The Jury rendered a verdict of guilty.

0480

Jerome L. Renner sworn. I am an officer attached to the 10th precinct police and arrested the defendant on the night of the 8th of April last on the corner of Hester and Ludlow Streets about twenty minutes past seven on the complaint of Mrs. Levine. I saw a crowd collected at Hester and Ludlow Streets and asked what the trouble was, I went over in the center of the crowd and saw Mr. Levine having hold of the prisoner by the neck by the other hand. I said, is this the man who took your pocket-book? He said yes, he just gave it back to me and I want to see whether all the money is in there. I said, you will have to go to the Station House to find that out and so I arrested him.

Isreal Kroyetek sworn and examined in his own behalf, testified. I am the prisoner in this case but I am innocent, I was born in Poland, am thirty-one years old and served in the Russian army, was in the war in Turkey and was wounded in the head. I had a fruit business in Russia, I was two weeks in the country when I was arrested, I did not take a pocket-book out of Mrs. Levine's pocket. I passed the street, I saw that they were grinding horse-reddish with a machine, I never saw such a machine before and looked at it. This man came up to me and caught me by the collar and says, give me the pocket-book with the money, about two hundred people were around us, his wife came up and took the baby and the pocket-book fell out of the husband's hand on the ground. Then the wife said to him, you have the money, he got kind of confused and struck the pocket-book against me and said, here is the money.

The Jury rendered a verdict of guilty.





0482

District Police Court. Affidavit—Larceny.  
 CITY AND COUNTY OF NEW YORK ss.  
 of No. 40 Forsyth Street, 24 Years old Housekeeper  
 being duly sworn, deposes and says, that on the 8<sup>th</sup> day of April 1886  
 at the \_\_\_\_\_ City of New York,  
 in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent And from Deponent's person in the instant time  
 the following property, viz:

A pocket book containing  
 Lawful Money to the Amount of  
 Twenty Seven Dollars And Fifty Cents  
 One gold Ring And two Paron tickets  
 Collectively of the Value of  
 About Forty Four 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 Isaac Koyetok Now

present from the fact that deponent  
 was standing in company of her husband  
 corner of Ludlow and Hester Streets about  
 half past seven O'clock P.M. on said day  
 that a crowd was standing around when  
 suddenly deponent's husband asked her if she  
 had her Money. That deponent then discovered  
 that her pocket-book had been taken from an outside  
 pocket of her dress. And saw her husband  
 take hold of the defendant who returned  
 the pocket-book with its contents to deponent's  
 husband  
 Minnie Levine

Sworn before me this

8<sup>th</sup> day of April

1886

Police Justice,

0483

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, ss

District Police Court.

*Israel Kuyetok* 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.

*I am not guilty of the charge*

*his*  
*Israel Kuyetok*  
*sworn*

Taken before me this

day of *April*  
188*8*

*W. S. Smith*  
Police Justice.



0484

Police Court 3 District.

THE PEOPLE &c,  
ON THE COMPLAINT OF

*William Lawrence*

*40 West 4th St*

*Charles Langley*

Offence *Larceny from person*

Dated *April 9<sup>th</sup>* 188

*John W. Lawrence* Magistrate.

*John W. Lawrence* Officer.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

*John W. Lawrence* Precinct.

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

*John W. Lawrence* 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 *April 9<sup>th</sup>* 188 *any one* 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.



0485

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Israel Shongketa*

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

*- Israel Shongketa -*

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

The said *Israel Shongketa*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *nineteenth* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, City and County aforesaid, with force and arms, in the *morning* time of the same day, *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 of twenty dollars, and of the value of twenty dollars; *two* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *three* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *thirteen* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *thirteen* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *one* promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars; *two* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *three* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; *one* - divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *seven* dollars,

*one* *ring* of the value of *ten* dollars, and *two* written instruments and evidences of contract of the kind commonly called *promissory notes*, of the value of *ten* dollars *each*,

of the proper moneys, goods, chattels, and personal property of one *Minnie Service* on the person of the said *Minnie Service*, then and there being found, from the person of the said *Minnie Service*, 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.

RANDOLPH B. MARTINE,

*District Attorney*

0486

# Court of General Sessions of the Peace

-OF THE CITY AND COUNTY OF NEW YORK.

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~against~~

*Second Count: -*

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

*Further accuse the said David Knapp* of the crime of GRAND LARCENY IN THE *First* DEGREE, committed as follows:

The said *David Knapp*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *nineteen* day of *April*, in the year of our Lord one thousand

eight hundred and eighty-~~five~~ at the Ward, City and County aforesaid, with force and arms,

in the ~~time of the same day~~, *one* ~~promissory note~~ *made* ~~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 ~~;~~ *two* ~~promissory notes~~ *for the payment of money, being*

then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the

denomination of ten dollars, and of the value of ten dollars ~~each~~ *;* *five* ~~promissory~~

~~notes~~ *for the payment of money, being then and there due and unsatisfied (and of the kind known as*

United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars

~~each~~ *;* *thirteen* ~~promissory notes~~ *for the payment of money, being then and*

there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomina-

tion of two dollars, and of the value of two dollars ~~each~~ *;* *twenty seven* ~~promissory notes~~ *for*

the payment of money, being then and there due and unsatisfied (and of the kind known as United

States Treasury Notes), of the denomination of one dollar, and of the value of one dollar ~~each~~ *;*

*one* ~~promissory note~~ *for the payment of money (and of the kind known as bank notes),*

being then and there due and unsatisfied, of the value of twenty dollars ~~;~~ *two*

~~promissory notes~~ *for the payment of money (and of the kind known as bank notes), being then and*

there due and unsatisfied, of the value of ten dollars ~~each~~ *;* *five* ~~promissory notes~~ *for*

the payment of money (and of the kind known as bank notes), being then and there due and unsatis-

fied, of the value of five dollars ~~each~~ *;* ~~divers coins, of a number, kind and~~

denomination to the Grand Jury aforesaid unknown, of the value of ~~seven~~ *dollars,*

*one ring of the value of ten dollars,*

*and two written instruments and evidence*

*of receipt of the said promissory*

*called green tickets of the value of*

*ten dollars each,*

*of the proper moneys, goods, chattels, and personal property of one* *Martin Levine,*

on the person of the said *one Martin Levine* then and there being.

found, from the person of the said *one Martin Levine* 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.

RANDOLPH B. MARTINE,

District Attorney.