0360

BOX:
96

FOLDER:
1039

DESCRIPTION:
Maguire, Patrick

DATE:
03/29/83

1039

First offence
F.C.

B 302

Day of Trial

Counsel, McGiff.

Filed 29 day of March 1883

Pleads Not Guilty, apr

THE PEOPLE

vs.

B

Patrick Maguire

20
120 Mott

Violation of Excise Law.
~~Selling on~~ Sunday.

JOHN McKEON,
District Attorney.

D 2 April 9. 1883

A TRUE BILL. Plead. guilty.

Geo. C. Fisher
Foreman.

Fine $30 -
in
F.C.

0362

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Patrick Maguire

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

of the CRIME OF ***Exposing for Sale and Selling Spirituous Liquors on Sunday,*** committed as follows:

The said Patrick Maguire

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of march in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

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

~~JOHN McKEON, District Attorney.~~

0363

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

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

~~AGAINST~~

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

of the CRIME OF Giving away Spirituous Liquors on Sunday

committed as follows:

The said Patrick Maguire

~~The said~~

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did ~~expose for sale and sell as a beverage to~~ give away as a beverage

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

JOHN McKEON, District Attorney.

0364

Police Court First District.

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

Emil L Pfaehler aged 32 years a policeman attached to the 6th Precinct Police ~~of No.~~ ~~Street,~~ of the City of New York, being duly sworn, deposes and says, that on Sunday the 18th day of March 1883, in the City of New York, in the County of New York, at premises 120 Worth a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, Patrick Maguire [now here] did then and there expose for sale ~~and did sell, found, suffered and permitted to be sold, and given away~~ under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said Sunday the 18 day of March 1883 as required by law.

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

Sworn to before me, this 19 day of March 1883

Emil L. Pfaehler

Lucien S. Smith Police Justice.

0365

Police Court— 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Emil S. Fischer
vs.
1 Patrick Maguire
2
3
4

Offence, Violation Excise Law

BAILED,
No. 1 by John O'Hare
Residence 349 Mulberry Street,
No. 2, by
Residence Street,
No. 3, by
Residence Street,
No. 4, by
Residence Street.

Dated 19 March 188 6 Magistrate.
Emil S. Fischer Officer.
6 Precinct.

Witnesses,
No. Street,
No. Street,
No. Street,
No. 1 Street,
$ 100 for answer
Patrick Maguire

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

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

Dated 19 March 188 Andrew J. Mitchell *Police Justice.*

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

Dated March 19 188 Andrew J. Mitchell *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0366

Sec. 198—200.

18 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. Patrick Maguire.

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. Ireland

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

Answer. 120 Worth St. about 2 weeks

Question. What is your business or profession?

Answer. Bartender

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

Taken before me this 19 *day of* March 1885

Police Justice.

0367

BOX:
96

FOLDER:
1039

DESCRIPTION:
Mahon, George E.

DATE:
03/30/83

1039

The Dist Atty in open Court consents to the Bail being fixed at $4000 and that the Deft. may be bailed on this indictment.

F.S.

Deft bailed by Gerard Wendelken 815 10th Ave

B 274

Counsel,

Trial,

Filed 30 day of March 1873.

Pleads Not Guilty, Apr 2

THE PEOPLE

vs.

B

George E. Mahon

Beating—Homicide of the Degree of Murder, First Degree.

~~THOS. C. ROLLINS,~~

~~BENJ. K. PHELPS,~~

John McKeon

District Attorney.

A True Bill.

Geo. C. Fisher *Foreman.*

Thomas Mc Cos

0369

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
George E. Mahon

The Grand Jury of the City and County of New York by this indictment accuse George E. Mahon of the crime of murder in the first degree, committed as follows: The said George E. Mahon ——— late of the City of New York, in the County of New York, aforesaid, on the fourth ——— day of February ——— in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty three with force and arms, at the City and County aforesaid, in and upon the body of Michael Kelleher in the peace of the said people then and there being, feloniously, wilfully and with a deliberate and premeditated design to effect the death of him ——— ——— the said Michael Kelleher ——— did make an assault, and ~~that~~ he ——— the said George E. Mahon then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of ——— him ——— the said Michael Kelleher ——— did with great force and violence pull, push, cast and throw the said Michael Kelleher down unto and upon the ground then and there, and ~~that~~ the said George E. Mahon ——— with both the hands and feet of him the said George E. Mahon, and with a certain stool which he the said George E. Mahon in his right hand then and there had and held then and there, ~~and while the said Michael Kelleher was lying and being upon the ground,~~ him the said Michael Kelleher in and upon the neck, head, stomach, breast, belly, back, and sides of him the said Michael Kelleher then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of him the said Michael Kelleher divers times, with great force and violence, did choke, strike, beat and kick, and ~~that~~ the said ——— George E. Mahon ——— with both the hands, feet and knees of ——— him ——— the said George E. Mahon, and with the stool aforesaid ~~and while the said Michael Kelleher was so lying and being upon the ground as aforesaid,~~ him the said Michael Kelleher ——— in and upon the neck, breast, belly, head, stomach, and sides of him the said Michael Kelleher then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of him the said Michael Kelleher did with great force and violence, choke, strike, push, press and squeeze, giving to the said Michael Kelleher then and there, as well by the choking, pulling, pushing, casting and throwing of him the said Michael Kelleher down unto and upon the ground as aforesaid, and by the choking, striking, beating, and kicking of him the said Michael Kelleher ~~while he was lying and being upon the ground as aforesaid~~, in and upon the neck, head, stomach, breast, belly, back and sides of him the said Michael Kelleher

0370

as aforesaid, as also by the choking, striking, pushing, pressing, and squeezing of — him — the said Michael Kelleher ~~whilst he, the said Michael Kelleher was so lying and being upon the ground~~ as aforesaid, in and upon the neck, head, belly, breast, back, stomach, and sides of him — the said Michael Kelleher with the hands, knees, and feet of — him — the said George E. Mahon, and with the feet aforesaid in manner aforesaid, several mortal bruises, lacerations, and wounds, in and upon the neck, head, belly, breast, stomach, and sides of — him — the said Michael Kelleher — of which said several mortal bruises, lacerations, and wounds the said Michael Kelleher ~~from the said day of until the day of in the same year, in the said Ward, City and County last mentioned, did languish, and languishing did live; on which last mentioned day the said~~

~~of the said several mortal bruises, lacerations, and wounds,~~ then and there died; and so the jurors aforesaid, upon their oath aforesaid, do say that the said George E. Mahon, him the said Michael Kelleher — in manner and form and by the means aforesaid, feloniously, wilfully, and with a deliberate and premeditated design to effect the death of — him — the said Michael Kelleher — did kill and murder, against the peace of the people of the State of New York and their dignity,

John McKeon,
~~[illegible]~~,
BENJ. K. PHELPS, District Attorney.

0371

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the Officer at the Court-Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Charles Ferguson

of No. Bellevue Hospital Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 4 day of April instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

George E. Mahon

in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of April in the year of our Lord 188 .

JOHN McKEON, *District Attorney.*

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
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[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To John Hawkins

of No. Bellevue Hospital Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 4 day of April instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

George E. Mahon

in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of April in the year of our Lord 188 .

JOHN McKEON, *District Attorney.*

Same to Bellevue

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpœna is disobeyed, an attachment will immediately issue.
Bring this Subpœna with you, and give it to the Officer at the Court-Room door, that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To James A. Connor

of No. Bellevue Hospital Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 4 day of April instant, at the hour of eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

George E. Mahon

in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of April in the year of our Lord 188 .

JOHN McKEON, *District Attorney.*

0372

It appears that Michael Kelleher was killed by George E. Mahan, in the Alcoholic Ward of Bellevue Hospital, and that the prisoner Mahan committed the act while in a fit of delirium tremens. I am informed that the Coroner admitted him to bail in $500, and that subsequent to his discharge the indications of mania a potu returned, and his friends, deeming him dangerous, caused him to be re-committed. They visited me on Tuesday, March 6', and stated that he had entirely recovered, and desired that he be re-admitted to bail in the amount fixed by the Coroner. The letter from Dr. Hardy is written in response to one sent by me to the Warden on that day, inquiring into his condition. In view of the certificate of Dr. Hardy I see no reason why the bail fixed by the Coroner is not sufficient in amount.

March 9/83

Henry C. Allen

#181 274 B

M.

No. 381

1 Quar. 1883

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

Michael Kelleher

whereby it is found that he came to his Death by Injuries inflicted with a stool in the hands of George E Mahon a fellow patient in the Alcoholic Ward in Bellevue Hospital. Sunday morning February 4th 1883.

Inquest taken on the 4th & 5th *days of* February 1883 *before*

PHILIP MERKLE, Coroner.

George E Mahon held to bail $500,
Wm B Kennedy Surety 364 Third

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
Years.	Months.	Days.			
4			Ireland	Bellevue Hospital to 352 E 41st St	February 4. 1883

0374.

(1)

TESTIMONY.

Dr. M. J. O'Messemer being sworn says: At 3.52 P.M. 9th M. on February 5th 1893 I made an autopsy on the body of deceased. He was 5 feet 11 inches in length, and well proportioned. The left ear was split in two and was hanging attached to the head by only a few muscular fibres. There were eleven contusions on the left side of the head. A gaping lacerated wound on the right temple close to the eye one and a half inch long and half an inch wide, another immediately over the left ear two and a half inches by half an inch wide, still another in the centre of the region over the occipital bone in the form of an X two inches one way and one and a half inch the other and one behind the left ear two inches long and three quarters of an inch wide. All these wounds went completely through the scalp to the skull beneath. The Inferior Maxillary Bone (lower jaw) was fractured on the left near the symphysis (chin) and on the right side about an inch below the ear. On cutting through and throwing back the scalp it was found that blood had extravasated considerably between it and the skull. On sawing through the skull the dura mater was found adherent all over and had to be removed with the skull cap. The pia mater was thickened in a number places mostly on the left side. There was a fracture of the skull extending from the middle of the left parietal bone, forward through the frontal and fracturing the left orbital plate into nine pieces, and the left wing of the sphenoid into four, and proceeding downward fractured the left temporal bone into six pieces. A fracture was also found running from the centre of the middle fossa of the occipital bone, through the inferior fossa into the

Sworn to before me,

this day of 188

CORONER.

MEMORANDUM.

Attending	AGE. Years.	Months.	Days.	PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.

fracturing the orbital plate of the frontal bone, and fracture of the left temporal bone, and other fractures of the skull.

Verdict, Accidental death.

M.

No. _____

_____ Quar.

AN INQUISITION

On the **VIEW** *of the* **BODY** *of*

Michael Reicher

whereby it is found that he came to his Death by

Homicide

Inquest taken on the *day*

of 188

before

PHILIP MERKLE, Coroner.

Coroner's Office. TESTIMONY.

occipital foramen. The brain was covered with large surface clots which were thicker on the left than the right side. The lungs were oedematous and congested and the heart fatty, the valves being normal. Old pleuritic adhesions were discovered covering the right lung. The liver was slightly enlarged, granular and nutmegged in appearance. The spleen normal. The kidneys were both congested. The stomach and intestines were greatly distended by gases. There was a slight congestion of the mucous membrane of the stomach, ~~[illegible]~~ and catarrh in the stomach and intestines. Death in my opinion was due to Shock from Multiple Fractures of the Skull and Compression of the Brain. Injuries were caused by a blunt instrument.

M. J. B. Messemer, M.D.

Taken before me
this 9th day of February 1883.

Philip Merkle CORONER.

0377

Coroner's Office. **TESTIMONY.**

Michael Kellehar - Aet. 41 - Ireland - Tailor - 382 E. 9th St. was brought to Ward 15, 3d Surg. Div., Bellevue Hospital Feb. 4th at about 8.45 a.m. He had several lacerated wounds of the scalp, contusions about the face and head, bleeding from the nose, fracture of the lower jaw, a lacerated wound under the chin, and his left ear was badly lacerated.
He died 10:10 a.m. Feb. 4., of concussion.
Immediate causes of death, Heart failure and Oedema of the Lungs.

Harry Seabrook M.D.,
House Surgeon.

Taken before me
this 9th day of February 1883.
Philip Merkle CORONER.

0378

Coroner's Office. **TESTIMONY.**

Henry Kopkiewicz sworn says:
I reside at Bellevue Hospital. I am a physician. I graduated at the College of Physicians & Surgeons New York. I am employed as House Physician of Bellevue by the Commissioners of Public Charities and Correction. The ward is composed of a hallway from which open six cells, three on each side. This ward is set apart for male patients suffering from alcoholism. Generally there are two patients in each cell. That is the rule. Occasionally we have to crowd as many as three or four in a cell. Kelleher and Mahan were not in one cell to my knowledge. Delirious patients are kept in cells. Convalescents only are allowed in the corridor. I heard there were four patients in the corridor on the morning of the homicide a man by the name of Campbell another named Gray besides Kelleher & Mahan. The rule is, that as soon as a patient is committed to the cells the doctor is to see him immediately. The orderly comes to my room and I go

Taken before me
this 9th day of February 1883.

Philip Merkle CORONER.

0379

(2)

Coroner's Office. | **TESTIMONY.**

down & see the patient immediately in most cases. The first question I ask is how long the patient has been drinking and whether he is a case of alcoholism. I ask the orderly his condition immediately upon admission. I also ask his friends who may be present about his disposition. I try to form my own opinion of a case independent of the history given me by his relatives. If he is quiet at the time of his admission and if his previous condition leads me to suspect there may be trouble I order the orderly to watch him closely. The history given me by the relatives of Mahan was given me sometime after his admission. I had to take the history from the patient himself at first. His friends were not present so I had to take the history from the patient himself. I did not see his friends at the first admission. They put in no appearance until after the occurrence. If I thought the immediate condition of the patient demanded it I would have his friends notified. When the patient was admitted the first time to the cells he was quiet

Taken before me

this 9th day of February 1883.

Philip Werker CORONER.

0380

(3)

Coroner's Office. 8 **TESTIMONY.**

orderly and not delirious, I asked him how long he had been drinking or, rather he had been drinking at all. He said, yes doctor I have been drinking for some time, but I cannot tell you how long. That day I put him under Medicinal treatment because he was a little bit irritable and nervous so I put him on Bromide of Potash to quiet him; next morning at rounds I learned the patient had slept well during the night and was not at all delirious, he spoke very rational and said, doctor I have my business to attend to and would like to go home. I examined him and as he was very quiet and rational and seeing no reason why he should be detained I discharged him. This was on February 1/83. On his second admission on Feby 3/83 he was admitted at 7 A.M. he was quietly reading the newspaper and was not delirious when I saw him. He seemed a little sulky

Taken before me

this 9th day of February 1883.

Philip Eberhle CORONER.

0381

Coroner's Office. 8 TESTIMONY.

and I asked him if he had been drinking meanwhile and he said "yes very hard". I gave orders to have the man watched and put him on bromide of Potassium 90 grains a day. At evening rounds I found the patient a little excited, he imagined that his two brothers had been shot on the avenue and that he was going to die. I promised to come down and see him again. That was about eight o'clock. I gave orders to watch the patient until I came back. I gave them to the night orderly whose name I do not know. I came down in about three quarters of an hour after going through my rounds I found him walking around a little excitable. I asked him to go to bed and he went immediately without any resistance. I led him to bed myself. I gave him the thirty second of a grain of Hyoscyamine hypo—

Taken before me
this 9th day of February 1883.

Philip Merkle CORONER.

0382

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Coroner's Office. 8 TESTIMONY.

dernically, I also ordered that one of the attendants was to sit beside the bedside of the man until he was asleep. I came down about an hour afterwards about ten o'clock and found the man asleep. I ordered the cell door closed and the patient to be constantly watched and if he were noisy or restless in any way to report to me. I came down at one a.m. Feby 4th and found my patient soundasleep. The next morning I went down ~~before~~ without being called before breakfast at 8.45 A.M. to see another case and found the place in uproar. The doors of the cells were locked nobody could get in and I could not find any evidence ~~Sworn~~ The first thing I went for was for some strong men to break in the door of the cell. Whenever I give a

Taken before me

this 9th day of February 1883.

Philip Merkle CORONER.

0383

Coroner's Office. 8 TESTIMONY.

hypodermic I always watch the patient. I went to look after him to see how the hypodermic worked. Mahon was the only bad case I had on that day. Mahan was in that cell alone on that night. Kelleher was killed at 8.45 V.T. that is he was injured at that time. When I came down I found him still alive. The orderly is supposed to consult me before taking a convalescent out of his cell. It was an oversight on the part of the orderly who permitted the patients to go into the corridor without my permission. I do not know the name of the night orderly who had been in charge at that time. The night orderly should communicate his instructions to the day orderly at the time he relieves him. I did not see the relatives of Mahan or speak to them until the deed had been committed. The cells were about 8 by 10 feet. They are nearly square. There was an empty cell and I put Mahan in. In this

Taken before me

this 9th day of February 1883.

Philip Merkle CORONER.

0384

Coroner's Office. 8 TESTIMONY.

case the orderly would have the right to put another patient in the same cell without reporting to me or awaiting my instructions. I did not consider Mahan dangerous. I would have put anybody in the cell whom I cared a great deal about. It is usual to admit patients in these wards after one o'clock at night. I am notified as soon as any patient comes in whether by day or night. If my orders were obeyed.

Henry Tomlin

Taken before me
this 9th day of February 1883,
Philip Morkel CORONER.

0385

(8

Coroner's Office. 8 **TESTIMONY.**

James Connolly being sworn says; I reside at Bellevue Hospital. I am an orderly. I had charge of the male cells in question. I relieved the night orderly at ~~one~~ 7 P.M. He was gone a few minutes before I returned. It is a rule for him to await me but he went across the way to his breakfast or something to that effect. This Mahan came in on Thursday was quiet came back again on Saturday and was quiet all day. I saw nothing excitable at all about the man. I saw Mahan walking up and down apparently quiet. I asked him how he felt. He said I have slept well and feel better. I asked him whether he would have two or three fresh eggs. He said I have had a good supply of coffee. I went up stairs ~~up stairs~~ to church and when I came down the occurrence took place. There are generally two helpers. The doctor is over me. He prescribes and I go according to his direction. I am over seventy years of age. I have to place restrained on patients. Mahan had been let out of his cell ~~and~~ was walking up and down when I arrived.

Taken before me

this 9th day of February 1883.

Philip Merkle CORONER.

0386

9

Coroner's Office. 8 **TESTIMONY.**

The doctor said nothing to me about working. Mahan. I hear pretty well. If I were very thirsty, I would take a bed out of the cell and would throw two ticks across. There were four convalescent patients in the corridor at the time the occurrence took place. The other helper's name is John Perkins. I left for church at eight o'clock and returned about a quarter to nine or about nine o'clock. The two helpers whom I left in charge are not paid by the city. They had been patients. I have been seven years in the Hospital. I do not think it was unsafe to leave the patients in charge of the two helpers as they were all convalescents. I would have left acute patients in their charge.

James Lowry

Taken before me
this 9th day of February 1883.

Philip Merkle CORONER.

0387

(10

Coroner's Office. **TESTIMONY.**

Dr. Vieplick recalled says:

What we mean by closing a door is that on each door is a lock and two bolts. We simply bolt it. It is the strict duty of an orderly in Bellevue or any hospital to watch a patient as he would his own child. After a man has been put under active treatment in the evening I should feel surprised to find him in the corridor on the following morning. The night orderly told me he had not been permanently or regularly employed as orderly and had received no instructions as what manner to act or how to regulate his actions. I have never seen him under the influence of intoxicating liquors. I did not give the orders to the orderly knowing that this was a violent case but because it is usual to do so.

Taken before me
this 13th day of February 1883.

Philip Wilkes CORONER.

0388.

Coroner's Office. **TESTIMONY.**

James F. O'Rourke being sworn says: I am the Warden of Bellevue Hospital. All the employes in the different wards or departments are under my control subject to the orders of the Commissioners of Public Charities or Correction. We have never had a paid orderly in the cells at night. The night orderly had been there six or seven weeks. He was a convalescent. I considered him a competent person to be left in charge for night duty but not for day duty. There are paid night watchman that visit that ward all night long. Of course they have nothing to do with the care of the patients. This is the first accident of the kind that ever happened in Bellevue Hospital, at least to my knowledge. It is the custom of the night orderly to permit convalescents out into the corridor in the morning without orders from the doctor because the doctor generally does not get down till 9 o'clock.

Taken before me

this 13th day of February 1883.

Philip Merkle CORONER.

0389

12

Coroner's Office. — **TESTIMONY.**

I visit the alcoholic ward from time to time, so do the commissioners. I was there the day before the accident. Commissioner Freeman was in the cell the day before the occurrence and Mr. Porter called there on the day of the accident.

Jas. F. McCanks
Warden

Charles Ferguson being sworn says: I reside at Bellevue Hospital. I am a convalescent patient. I was not present in the morning of the occurrence. I was at church at the time. The day orderly and I were at the same church. I saw Nahan before I went to church. He was in the corridor taking some coffee. He looked very quiet. I have been in Bellevue Hospital as a convalescent patient for the last seven weeks. I was not present when Nahan was let out of the cell. I saw him out at twenty minutes past eight. I was in one of the cells the whole time.

Taken before me this 13th day of February 1883.

Philip Marble CORONER.

0390

Coroner's Office. — **TESTIMONY.** 13

night. I let myself out. Mahan was out before the day orderly got there. I went to church a little before eight. ~~I saw the day orderly~~ I was not confined in the cell.

Charles Ferguson

John Hawkins being duly sworn says; ~~resides~~ stop at Bellevue Hospital I reside at 41 Tenth Ave. I am a convalescent patient. I was present in the morning of Feby 4/83 when the day orderly examined. When I got up in the morning at about 10 minutes before disc., Mahan was out of his cell and was seated in the corridor. There was another convalescent patient who was there. I do not know what his name was. Mahan took coffee with the rest of the convalescents in the corridor. The day orderly asked me to cook two eggs. I cooked them and as Mahan would not eat them I took them away again.

Taken before me
this 13th day of February 1883.

Philip Merkle CORONER.

0391

14

Coroner's Office. — **TESTIMONY.**

Mahan was sitting near Kelleher when Mahan remarked "You have got a pistol in your pocket I can kill him with one of the benches. I hollered "Jim" and I did not see him around. One of the patients named Campbell jumped over the table and ran, I ran after him and Gray followed me. Campbell got down to the part of the hall where the bathroom is situated and when I got there Campbell was there ahead of me. I saw there was no help I pulled a bar out and called the night orderly who was seated before his bed but was not yet in bed. Two others took out two more bars out of the window and got the night orderly out. Several men then went into the corridor and secured Mahan. After he was subdued he was secured to a bed. The night orderly was one of the first to come. The day orderly came shortly after I got up

Taken before me

this 13th day of February 1883.

Philip Merkle CORONER.

0392

Coroner's Office. **TESTIMONY.**

The nightworderly was not there then. I think he had gone out. Jim Connors had charge of the ward. He is the man who was hurt. I was not locked up & I slept in the corridor on that night. There were two beds in Mahan's cell one was taken out on which I slept. Mahan slept on the other in his cell. The bed was taken out by order of the nightworderly. The bars are of iron and are screwed on, and are more for show than security.

John Hamilton

Taken before me
this 13th day of February 1883.

Philip Merkle CORONER.

0393

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroner's Office

No. 1375 Chatham *Street, in the* 4th *Ward of the City of New York, in the County of New York, this* 4 *day of* February *in the year of our Lord one thousand eight hundred and* 83 *before*

PHILIP MERKLE, CORONER,

of the City and County aforesaid, on view of the Body of Michael Kelleher *now lying dead at*

Upon the Oaths and Affirmations of good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Michael Kelleher *came to his death, do upon their Oaths and Affirmations, say: That the said* Michael Kelleher *came to his death by* injuries inflicted on the 4th of Febr. 1883 at the alcoholic Ward of Bell. Hosp. by George C. Makon & that in view of the evidence before us we believe that due care was not exercised by the officers in charge of the alcoholic Ward in said Hospital & that in our opinion the system of management is very defective. That the Wards should be at all times in charge of a responsible employe & that the Orderlies are highly censurable for leaving the Ward without putting the patients in charge of responsible persons. We further recommend, that the furniture of the rooms, as tables & windows ~~bars~~ be of such a character & so secured as to prevent the possibility of their use as weapons of offence by patients

In Witness Whereof, *We, the said Jurors, as well as the* **CORONER**, *have to this Inquisition set our hands and seals, on the day and place aforesaid.*

JURORS.

W. Jones
Smith Ely Jr.
Wm H. Wickham
C. Schwarzwalder
John Ulrich
John Pepper
E. Hawkins
Wm Palmer

Philip Merkle
CORONER, *L. S.*

0394

TESTIMONY.

James O'Connor (Sect.) sworn says I am a helper to Orderly Connolly 3rd Ward in Bellevue Hospital. On Feby 4/83 at about 8.30 A.M. I was just getting through cleaning dark room stove which is a cell when I heard a dull thud. I heard another thud and some man crying murder, "for god's sake do not hit me". Michael Kelleher uttered this exclamation, groaned and died. George Mahon had a bench in his hand at that time. On going across the hallway a bench was in my way, which I was about lifting out of the way when George Mahon rushed at me, and attempted to strike, I warded off the blow with a stool, he then stooped and picked up a spittoon and said "God damn it throw them pistols away or I will brain you" and then struck me on the head and forehead causing a compound fracture from which Dr. Seabrook removed two pieces of bone. George Mahon was brought into Bellevue Hospital in the forenoon of February 3/83 suffering from Delirium. They are supposed to be suffering from Alcoholism when they are put in the cells. I nursed him, giving him milk or food. He was suffering from hallucinations that ~~he~~ somebody wanted to shoot him through last night but slept pretty well between the times when he was excited. James O'Connor

Sworn to before me,
this 4 *day of* Feby 1883
Philip Morris
CORONER.

0395

District Attorney's Office.
City & County of
New York.

Geo. E. Mahan
Witness.
James O. Connor. B. H.
John Hawkins. "
Charles Ferguson. "
James F. O'Rourke. Warden B.H.
Dr Henry Stoplick B.H.
Dr Seabrook. "
Dr Meacham Coroner Office

0396

BOX:
96

FOLDER:
1039

DESCRIPTION:
Mahoney, Thomas

DATE:
03/28/83

1039

B 288

Day of Trial,

Counsel,

Filed 28 day of March 1883

Pleads Not Guilty apl 2

THE PEOPLE

vs.

B

Thomas J. Mahoney

4 Roseveltt

Violation of Excise Law.
Selling without License.

JOHN McKEON,
District Attorney.

A TRUE BILL.

Geo. C. Fisher
Foreman.

No Witnesses.

JRG

Jury Term

Not

0398

Court of General Sessions of the Peace

and County

OF THE CITY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Thomas Mahoney

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

of the CRIME of ***Selling Spirituous Liquors without a License,*** committed as follows:

The said Thomas Mahoney

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty second day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, certain strong and spirituous liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in quantity less than five gallons at one time, to Thomas F. Egan

and to certain other persons whose names are to the Grand Jury aforesaid unknown, without having a license therefor, as required by law, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

JOHN McKEON, District Attorney.

0399

EXCISE VIOLATION—WITHOUT LICENSE.

Police Court— 1st District.

City and County of New York, } ss.

Thomas F Glascott 28 Years

~~of~~ No. An Officer attached to the 4th Precinct Street,

of the City of New York, being duly sworn, deposes and says, that on the 22 day

of March 188 , in the City of New York, in the County of New York, at

No. 4 Roosevelt Street,

Thomas Mahoney

did then and there sell, and caused, suffered and permited to be sold, under his direction and authority, strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than five gallons at a time, to be drunk in the house or premises aforesaid without having a proper license therefor contrary to and in violation of law.

deponent bought a glass beer and drank it on said premises

Thomas Mahoney

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

Sworn to before me this 23 day of March 188 3

Thomas F. Glascott

J. Henry [illegible] Police Justice.

0400

Bail accepted
Mar. 23 1883
Thos. Mahoney
1 Jones Alley
Thos. Mahoney
Jones Alley

BAILED,

No. 1, by [illegible] Street.
Residence [illegible]

No. 2, by ____ Street.
Residence ____

No. 3, by ____ Street.
Residence ____

No. 4, by ____ Street.
Residence ____

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas McCosker

vs.

1 Thomas Mahoney
2 ____
3 ____
4 ____

Offence Violation Excise Law

Dated March 23 188 3

Witnesses: Officer in Charge
No. ____ Street.
Jas. H. Clark
No. ____ Street.
Thos. Clark
No. ____ Street.
$ 100 to answer

Precinct.
Officer.
Magistrate.

Bailed

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 Thomas Mahoney

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

Dated March 23 188 3 J. Henry Ford *Police Justice.*

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

Dated Mar 23 d 188 3 J. Henry Ford *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0401

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question What is your name?

Answer. Thomas Mahoney

Question. How old are you?

Answer. 36 Years

Question. Where were you born?

Answer. Buffalo

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

Answer. 9 Roosevelt about one year

Question. What is your business or profession?

Answer. Bar tender

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

Answer. I sold him a glass of beer

Thos Mahoney

Taken before me this 2d *day of* March 188 8

E. Murphy Jr. *Police Justice.*

0402

BOX:
96
FOLDER:
1039
DESCRIPTION:
Mangold, George
DATE:
03/29/83

1039

B 301

Day of Trial

Counsel, [illegible]

Filed 8th day of March 1883

Pleads [illegible] Guilty Apr 4

THE PEOPLE

vs.

B

George Mangold

Violation of Excise Law.
~~Selling on~~ Sunday.

JOHN McKEON,
District Attorney.

A TRUE BILL.

Geo. C. Fisher
Foreman.

04004

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

George Mangold

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

of the Crime of ***Exposing for Sale and Selling Spirituous Liquors on Sunday,*** committed as follows:

The said George Mangold

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

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

~~JOHN McKEON, District Attorney.~~

0405

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

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

of the CRIME OF Giving away Spirituous Liquors on Sunday

committed as follows:

The said George Managold

~~The said~~

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eighteenth day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did ~~expose for sale and sell as a beverage to~~ give away on a Sunday

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

JOHN McKEON, District Attorney.

0406

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas O'Flynn
vs.

1 George Mangold
2
3
4

Offence Viol Exc. Law

BAILED,
No 1, by Henry Konig
Residence 86 Chrystie Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street.

Dated March 19 1883
Patterson Magistrate.
Flynn Officer.
10 Precinct.

Witnesses
No. Street.
No. Street.
No. Street.
$ 100 to answer

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 George Mangold

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

Dated March 19 188 3 J. D. Patterson *Police Justice.*

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

Dated March 19 188 3 J. D. Patterson *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 . *Police Justice.*

0407

Sec. 198—200

3rd District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

George Mangold 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. George Mangold

Question. How old are you?

Answer. 49 years

Question. Where were you born?

Answer. Germany

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

Answer. 95 Christie Street since 1867

Question. What is your business or profession?

Answer. Saloon 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 had the door open because I reside in the rear of the saloon

George Mangold

Taken before me this 19 *day of* March 1883

Patrick Callanan

Police Justice.

0408

Police Court 3rd District.

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

James F. Flynn of the 10th Precinct Police Street, of the City of New York, being duly sworn, deposes and says, that on Sunday the 18 day of March 1883, in the City of New York, in the County of New York, at premises 95 Delancey St. a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, George Mangold [now here] did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said Sunday the 18 day of March 1883 as required by law.

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

Sworn to before me, this 19 *day of* March 1883 } James Flynn

J. McPauson POLICE JUSTICE.

0409

BOX:
96

FOLDER:
1039

DESCRIPTION:
Manning, Michael

DATE:
03/08/83

1039

B 59

Day of Trial

Counsel,

Filed 8 day of March 1883

Pleads Not Guilty 12

THE PEOPLE

vs.

B

Michael Manning
134 Chatham St

Violation of Excise Law.
Sunday.

JOHN McKEON,
District Attorney.

A TRUE BILL.

Foreman.

0411

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Michael Manning

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

of the CRIME OF ***Exposing for Sale and Selling Spirituous Liquors on Sunday,*** committed as follows:

The said Michael Manning

late of the First Ward of the City of New York, in the County of New York aforesaid, on the fourth day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

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

~~JOHN McKEON, District Attorney.~~

0412

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK~~

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

~~AGAINST~~

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

of the CRIME OF Giving away Spirituous Liquors on Sunday

committed as follows:

The said Michael Manning

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Fourth day of March in the year of our Lord one thousand eight hundred and eighty Seven, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did ~~expose for sale and sell and barter to~~ give away as a beverage to

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

JOHN McKEON, District Attorney.

0413

Police Court 3 rd District.

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

of ~~No~~ the 6th Precinct Police William Looney aged 34 years ~~Street~~

of the City of New York, being duly sworn, deposes and says, that on Sunday the 4th day of March 1883, in the City of New York, in the County of New York, at premises 134 Chatham street a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, Michael Mannina [now here] did then and there expose for sale ~~and did sell~~, ~~caused, suffered and permitted to be sold, and given away~~ under his direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said Sunday the 4th day of March 1883 as required by law.

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

Sworn to before me, this 5th *day of* March 1883 } William Looney

Solon B. Smith POLICE JUSTICE.

0414

Police Court— 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1 Michael Manning

2

3

4

Offence Violation Excise Law

113

BAILED,

No. 1, by Daniel O'Sullivan

Residence 244 Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street,

Dated 5th March 1883

Witnesses

Magistrate.

Officer.

Precinct.

No.

Street.

No.

Street,

No.

Street,

$ 100

Answered

DISTRICT ATTORNEY'S OFFICE

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 Michael Manning

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

Dated 5 March 188 3 Solon B Smith *Police Justice.*

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

Dated March 5 188 3 Solon B Smith *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated 188 *Police Justice.*

0415

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Michael Manning 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. Michael Manning

Question. How old are you?

Answer. 47 years

Question. Where were you born?

Answer. New York city

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

Answer. 134 Chatham st - 3 years

Question. What is your business or profession?

Answer. Oysterman

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

Answer. I am not guilty

his
Michael X Manning
mark

Taken before me this 3 *day of* JANUARY 1888

Solon B. Smith
Police Justice.

0416

BOX:
96

FOLDER:
1039

DESCRIPTION:
Marcus, Julius

DATE:
03/07/83

1039

Filed Finger
$3500
F S
April 9th 1883
Bailed by
Mr. Carmichael
Jewelry
47 Front St.
N.Y.

Taken from the Case
following that the prisoner
appeal owing for the prisoner
testimony in another case
the attendance cannot
be procured before
next term.

File made

B No 21

B Wynne
Mch 15/83

Counsel, W F Howe

Filed 7 day of March 1883

Pleads Not Guilty, Apl 9

THE PEOPLE

vs.

~~No. 2~~ B

Julius Marcus
513 Eat 82

Grand Larceny, ~~2nd~~ degree, and Receiving Stolen Goods.

Pl. Apr 9/83
arraigned Com. Jd

JOHN McKEON,
District Attorney

Pl. May 21/83
Bail discharged.

A True Bill.

Foreman.

~~Sentenced~~

Pl. May 16/84
Indict. dismissed

The defendant having made a motion this day for a dismissal of the indictment, and on careful examination of this case having become convinced that a conviction cannot be obtained owing to the death of complainant who had the transactions with the defendant, and finding it therefore impossible that a material witness can be obtained from Philadelphia, I recommend a dismissal of the indictment in accordance with the motion. NY May, 16th 1884

Geo. Ashdown
Asst District Attorney

0418

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Julius Marcus

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

The said Julius Marcus late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 15th ~~on the~~ day of February in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms four written instruments and valuable securities of the kind commonly called warehouse receipts, the same being warehouse receipts executed by E. S. Miles and Company for twenty five barrels of whiskey each and the same being then and there unsatisfied and in full force and effect and of the value of five hundred dollars each, and one other written instrument and valuable security of the kind commonly called warehouse receipts, the same being a warehouse receipt executed by E. S. Miles and Company for five barrels of whiskey, and the same being then and there unsatisfied and in full force and effect, and of the value of one hundred dollars, of the goods, chattels and personal property of one George A. Starkweather then and there being found, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John McKeon
District Attorney

0419

POOR QUALITY
ORIGINAL
DOCUMENT(S)

0420

dred
wait
defen

...rive he to the amount ...
...dered by the jury against ...

Small-Pox in Its Worst Form.

Assistant Sanitary Superintendent Jane yesterday ordered the removal of Annu Ahrens, a three-year-old child, from the tenement No. 348 West Fortieth street to the Small-Pox Hospital. The child wa found by the Health Inspector suffering from the dread malady in its worst form Last fall the disease almost entirely dis appeared from the city, but since January 1 twenty cases have been reported, nearly all of which have been of the hemorrhagic type, and the mortality has been nearly 50 per cent.

In cases of hemorrhagic, or what is commonly called the "black" small-pox, the chances of the patient's recovery are very meagre.

The Health Officers do not anticipate an epidemic of the disease, but are very much puzzled to account for the prevalence o the more virulent type of the malady.

An Overdose of Belladonna.

At 8 o'clock yesterday morning, O. F

0421

DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Julius Mauer

Send down papers
& the subpoenas for
Friday

Geo Klein

People v.
Julius Hansen

Notice of Motion

0423

Court of General Sessions
City and County of New York.

The People of the State of New York
against
Julius Marcus.

EXAMINATION OF SURETY.

State, City and County of New York, ss: James Carmichael being duly sworn, deposes and says:

I am a citizen of the United States of America. I am 44 years of age I reside in the State of New York, and have so resided 28 years and upwards. I am a Truckman & am married My dwelling house is No. 35 Common Street, in the City of New Yo My wife and family reside with me at that place. My business is that of Truckman and I carry on business as such at No. 10 Counties Slip ~~Street~~, in the City of New York

I own real estate in the City of New York. It consists of two brick dwelling houses, situate, lying and being at Numbers 35 and 37 Common Street in said City, together with the lots of ground on which said houses are erected

I paid for that property the sum of $ 18,000 The land, exclusive of the buildings, which I have above mentioned, is worth at least $10,000 (Ten thousand Dollars) The buildings are worth at least $8000 (Eight thousand Dollars) The title to that property was examined for me by M who told me that the title was

This was about the year 1872

The buildings on the above-mentioned land are insured against loss by fire, as follows: $5000 in New York and Brooklyn Fire Insurance Company and $5000 in the Stuyvesant Fire Insurance Company

By the policy of Insurance any loss which may accrue on said buildings is made payable to me The conveyance of the land and premises above mentioned was from Brink and was recorded in the office of the Register of the County of New York about the year 1872 That conveyance is, to my best knowledge and recollection, a Warrantee deed. It conveyed the premises to me, in my own right. It is made to me in my individual name, and the title is now, and ever since I purchased the property has remained, in my individual name, and I do not hold said property, or any part of it, or any share or interest of any kind in it, in trust for, or in any wise for the benefit of, any other person than myself. It is absolutely and exclusively my own.

As to mortgages, One Mortgage amounting to Ten Thousand Dollars.

As to taxes and assessments None.

As to judgments None.

I am in partnership with no one.

My debts and liabilities are as follows: I owe nothing.

Except as above stated I am not liable as bail, bondsman, surety, endorser, guarantor, indemnitor, or otherwise, in any manner whatever; and except as so stated I do not owe any money, and am not indebted to any person, firm or company in any sum, or upon any account whatever. No person holds a power of attorney from me for the sale or disposal of the property I have mentioned. I have not received any consideration, nor do I expect any, for going on the undertaking in the above mentioned case. I have not been indemnified I hereby agree to justify in Court, if required so to do so.

Sworn to before me, this 16th *day of* April 188 3.

N.Y. General Sessions

The People &c.

vs.

Julius Marcus

Notice of Motion.

Howe & Hummel
Attys. for said Marcus
87 & 89 Centre St.
N.Y. City.

To Hon: John McKeon
Dist. Atty.

0425

New York General Sessions.

The People &c
vs.
Julius Marcus

To
Hon. John McKeon,
District Attorney,
New York County.

Sir.

Please take notice that we shall move before Honorable Frederick Smythe at the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the opening of said Court on the 17th day of April 1883, that the Surety named in the within Undertaking, whose property is as within described, will be offered for the bail for said Julius Marcus in the amount set by said Recorder Smythe.

Dated this 16th day of April 1883.

Yours Respy.
Howe & Hummel,
Attorneys for said Marcus.

0426

P.O. Box 3088.

New York Feb 15th 1883

Geo. A. Starkweather Jr.

Mr J Marcus City

Duplicate

Bought of Starkweather & Co.
Importers & Commission Merchants
20 South William St

Terms Cash

To avoid errors, we do not authorise our Agents to collect Bills.

50 Bbls Miles Bourbon Nov '80 in bond o.g. S. Nos 15037/86 2327.46 gal @ 47½	1105	55
55 Bbls Miles Bourbon Dec '80 in bond o.g. S. Nos 15723/72 15633/7 2554.10 gal @ 47½	1213	20
	2318	75
Less accrued storage		
Nov '80 50 Bbls 27 mo @ $2.50 mo 67.50		
Dec '80 55 " 25½ " " 2.75 " 70.12	137	62
	$2181	13

0427

District Police Court. Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss.

George A. Starkweather Jr

of No. 20 South William Street,

being duly sworn, deposes and says, that on the 15th day of February 1883

at the 1st Ward City of New York,

in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, with the intent to deprive the true owner of his property the following property, viz.:

One Hundred and Five Barrels of Bourbon Whiskey of the Value of Twenty One Hundred and Eighty One Dollars and thirteen Cents ($2181.13/100)

the property of Deponent and his Co-partners, Edward W. Ashley

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 Julius Marcus, who represented to Deponent that he had a Customer for said property described above.

That on the 16th day of February 1883 said Marcus, sold the property above described to the firm of Heide and Ellis of Philadelphia Pennsylvania, for the sum of Sixteen Hundred Dollars being nearly six Hundred Dollars less than the market price. That said

Sworn before me this day of 188 Police Justice.

0428

property was delivered to said Marcus on February 15. 1883, who fraudulently disposed of said property the next day and who has therefore as deponent charges, feloniously obtained said property with the intent to cheat and defraud deponent and his co-partner as aforesaid

Therefore Deponent prays that said Marcus may be apprehended and dealt with as the law directs

Sworn before me this 3d day of March 1883

Andrew J. White

George A. Stramathan

Police Justice

Warrant

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George A. Stramathan

vs.

Julius Marcus

AFFIDAVIT—Larceny.

Dated March 3d 1883

White Magistrate.

Officer.

WITNESSES:

DISPOSITION

0429

General Sessions

The People

vs.

Julius Marcus

Copy Notice of Motion

ROSE & PUTZEL,

Attorneys for Julius Marcus

320 & 322 BROADWAY,

NEW YORK CITY.

Due and timely service of a copy of within is hereby admitted.

New York 188

C. B. Merwin, Printer, 218 Fulton St., N. Y.

0431

The People
against
Julius Marcus

To
Peter B. Olney Esq.
District Attorney.
Please take notice that upon the affidavits heretofore submitted to you, we shall move the Court of General Sessions, Part II on the 16th day of May 1884 at 11 o'clock in the forenoon that the indictment found herein against Julius Marcus be dismissed or for such other and further relief as to the Court may seem proper.

Dated New York May 14th 1884.
Roser & Putzel
Attorneys for Julius Marcus.

0433

Sec. 151.

1st 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 George A Starkweather Jr of No. 20 South William Street, that on the 15 day of February 1883 at the City of New York, in the County of New York, the following article to wit:

One hundred and five Barrels of Bourbon Whiskey

of the value of Two thousand one hundred and Eighty one Dollars, & thirteen cents the property of complainant and his copartner Edward Washley was taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Julius Marcus

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 bod 4 of the said Defendant and forthwith bring him before me, at the First DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 3 *day of* March 1883

Police Justice.

POLICE COURT, 1st DISTRICT. 179

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George A Starkweather Jr

vs

Julius Marcus

Warrant—Larceny.

Dated March 3 1883

A. Shute Magistrate

Officer

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

Officer.

Dated 188

This Warrant has be executed on Sunday or at night.

Police Justice.

RECEIVED DISTRICT ATTORNEY'S OFFICE. MAR 6 1883

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

0434

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.*

Witness
George N. Stanthwaite
Sgt 6 4th Pct

0435

People
v
Marcus

Indictment found Mar. 7, 83.
Deft pleaded Not Guilty, April 9, 1883.
Bailed; on May 21. 83, bail discharged, on defendant's motion, because D. Atty was not able to move the case.
Endorsement of Requisr, on the indictment is that complt states that principal witness are in another State & their attendance cannot be procured.

Affidavits, now submitted on application to the District Atty after a dismissal of indictment, show:
by Ashley, surviving partner of the firm of complainants, that Stackwrathers principal complt ~~is dead~~ died in Nov. last; that S. alone had the dealing with deft; that Ashley knows nothing about it except from hearsay.
by Essing, that deft has been earning an honest living and is now trusted by business men.

0436

2

The complaint in this matter shows that deft on July 15, 83 ~~bought~~ delivered Slattenbacher & Co Whiskey ~~for $2,181.13~~ to deft on his statement that he had a customer for it; the whiskey was billed to deft at the market price for $2,181.13, and deft next day disposed of it & delivered it to Mellin & Ellis for $1600.

Mellin & Ellis testified are other non resident witnesses, ~~and~~ and that they cannot be induced to come to Ky.

There is then no evidence in this case on which to convict deft; and it is impossible that a case cannot be made out, now that Slattenbacher is dead, even if the witnesses from Phil. could be secured.

Mr Allen tells me that other deft had defrauded in the same way a large number of people, to the amt of about $25000, and ran away to Oregon; that Mr McKeon went to the expense of about $1200 to bring Mason back, and that then the other creditors managed to settle

0437

3.

Mr Marcus, so that when the matter came up for trial, no witnesses could be ~~secure~~ secured; it is surmised that the Phil. people are of that class.

Under the circumstances, I think we should put the deft to his motion to dismiss, when the facts will be of record. As the case now stands, there is no reasonable doubt that the deft is guilty; and a motion in bar or cause now affords to procure the witnesses, and put the responsibility on the Court.

Memo for Mr Olney
Mar 17. 1884

G. M. H.

Proper
n
Marcus.

Memo of Gha.

Mar 17. 84

0439

BOX:
96

FOLDER:
1039

DESCRIPTION:
Marston, John B.

DATE:
03/30/83

1039

In this case I have conferred with various representatives of the Equitable Trust Co, who informs me that it is their desire that leniency be shown to the defendant: and the Company has made such recommendation in writing: and it has been suggested to me that restitution has been made. The defendant I have been informed has never before been charged with any offence, and has since this indictment led an exemplary life. I think the ends of justice would be fully met if this defendant were given an opportunity to reform instead of being tried on this charge. I recommend that within indictment be dismissed.

N.Y. July 1st 1885

Chas. H. B. Martine
District Attorney

B 276 BW Upend May 14

246

Counsel,

Filed 30 day of March 1883

Pleads

THE PEOPLE

vs.

N.A.

John B. Manston

Grand Larceny Second degree.

July 1/85

Indictment dismissed

(Recommendation)

JOHN McKEON,

District Attorney.

A True Bill.

Geo. C. Fisher

Foreman

0441

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
John D. Marston

The Grand Jury of the City and County of New York, by this indictment accuse John D. Marston of the crime of GRAND LARCENY, in the second degree, committed as follows:

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

$21325

of the goods, chattels, and personal property of the Equitable Trust Company then and there being found, feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney

0442

New York General Sessions.

PEOPLE ON MY COMPLAINT.

VERSUS

John H. Martin

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

In presence of
W. Prescott

Equitable Trust Co
by L. A. Rosendy
President

State of New York,
City & County of New York } ss:

On this 1st day of July, 1885, before me personally came Roswell G. Rolston, subscribing witness to the above instrument with whom I am personally acquainted, who being by me duly sworn said, that he resided in the City of New York at No. 327 West 73rd Street; that he was acquainted with James A. Rosendy, and knew him to be the President of the Equitable Trust Company, and the person who as such President executed the said instrument, and that he acknowledged to him the said Roswell G. Rolston, that he executed the same as such President, and by order of the said Equitable Trust Company, and that he signed his name thereto by the like order as President of said Company, and that he, said Roswell G. Rolston thereupon subscribed his name as a witness thereto.

Joseph G. Stern
Notary Public &c
Kings Co.
Cert. filed in N.Y. Co

0443

N. Y. General Sessions of the Peace

THE PEOPLE

OF THE STATE OF NEW YORK,

against

John P. Marston

H. R. Borden Equitt

Bench Warrant for Felony.

Issued May 14th 1883

Discharged

☞ The officer executing this process will make his return to the Court forthwith.

423, 25, 24th

Nov. 3rd 1883

The within named defendant. from information received is now in Europe.

Van Geichten & Reilly

0444

COUNTY OF NEW YORK, ss.

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

An indictment having been found on the 30 day of March 1883, in the Court of General Sessions of the Peace, of the County of New York, charging John B. Marston

with the crime of Grand Larceny second degree,

You are therefore Commanded forthwith to arrest the above named John B. Marston and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York.

New York City, the 14th *day of* May 1883.

By order of the Court,

Clerk.

#246

Mund & Lucas

L.P. Hinckson.

Equit. Mach. Co.

Bill forwarded for

G.L.

Memorandum.

As to charge for Jan. 17th 1883.

Letter of Coombs, Bell & Morris, dated 71 Wayne Jan. 15. 1883, marked as received here Jan. 17, showing enclosure of draft on W. L. & Co. No. 157946 for $213.25 in payment of interest of Neil McLachlan.

Letter press copy of letter acknowledging the preceding dated Jan. 17, signed by the treasurer, describing draft as of Hamilton Nl. Bk. on Winslow Lanier & Co. for $213.25

Entry in Interest ledger of credit to loan of Neil McLachlan of $213.25. This entry is in handwriting of J. B. Marston.

Check book, which is the book of original entry, shows no deposit of this money in bank. John B. Marston had charge of deposits and it was his duty to deposit all bankable checks, drafts and cash at once in the Bank of Commerce. Drafts on W. L. & Co. are not bankable. It was his duty with reference to these to procure therefore bankable checks of W. L. & Co. or cash, and deposit such checks or cash.

0447

As to charge for Feb 2 1883

Letter of Coombs, Bell & Morris dated at Ft. Wayne Jan. 31st 1883, marked as received Feb. 2, showing enclosure of draft on Winslow Lanier & Co. no. 158605 for $52.50 in payment of interest of Patrick Woulfe.

Letter press copy of letter acknowledging the preceding dated Feb. 2. 1883, signed by J. B. Marston describing draft as of Hamilton Nl. Bk. on Winslow. Lanier & Co. for $52.50.

Entry in Interest Ledger in handwriting of J. B. Marston, of credit to loan of Patrick Woulfe of $52.50.

Check book shows no deposit of this money. (See preceding.)

As to charge for Feb. 10. 1883.

Letter from Francis Smith & Co. dated at Indianapolis Feb. 1. 1883, marked as received Feb. 3. showing enclosure of draft of Fletcher & Sharp on Winslow Lanier & Co. No. 169605 for $52.50 in payment of interest of C. S. Rodney.

Letter to Smith & Co. Feb. 8, 1883 acknowledging preceding and returning draft for indorsement, upon which is writing of F. S. & Co. "we herewith return draft indorsed." This is marked as received Feb. 10.

Letter press copy acknowledging the return of preceding with draft described as above, signed by J. B. Marston.

Entry in Interest Ledger in handwriting of J. B. Marston of credit to loan of C. S. Rodney of $52. 50.

(see preceding.)

0449

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

Henry R. Bond, being duly sworn says:

I reside in the city and county of New London in the state of Connecticut; I am Secretary of the Equitable Trust Company, of New London, Connecticut, a corporation existing under the laws of the state of Connecticut and having an office at No. 16 Exchange Place in the City of New York; John B. Marston for several years prior to and up to the first day of March 1883 was a clerk in the employ of said Equitable Trust Company at its said office in New York. On the 17th day of January 1883, as I am informed and believe, the said John B. Marston, being then of full age, having in his possession as clerk as aforesaid money, to wit: the sum of two hundred and thirteen and 25/100 dollars in cash, which money rightfully belonged to the said Equitable Trust Company, did, with intent to deprive or defraud the said Equitable Trust Company thereof, appropriate the same to his own use.

On the 2nd day of February 1883, as I am informed and believe, the said John B. Marston having in his possession as clerk as aforesaid money to wit: the sum of fifty-two + 50/100 dollars in cash,

which money rightfully belonged to the said Equitable Trust Company, did with intent to deprive or defraud the said Company thereof, appropriate the same to his own use.

On the tenth day of February 1883, as I am informed and believe, the said John B. Marston having in his possession as clerk as aforesaid money, to wit: the sum of fifty-two + $\frac{50}{100}$ dollars in cash, which money rightfully belonged to the said Equitable Trust Company, did, with intent to deprive or defraud the said Company thereof, appropriate the same to his own use. At various other times as I am informed and believe, the said John B. Marston in like manner appropriated to his own use various ~~other~~ other moneys belonging to the said Company.

The grounds of my belief as to all matters not herein stated of my own knowledge are the books and papers of the said Equitable Trust Company which I have examined with knowledge of the rules and customs of the business of said Company, and statements made to me or in my hearing by the said John B. Marston within the last ten days.

Sworn to before me this 22nd day of March 1883.

Patrick Hogan
Notary Public
Kings Co

Henry R. Bond

Certificate filed in New York County Clerks office

0451

BOX:
96

FOLDER:
1039

DESCRIPTION:
Marthaler, Joseph

DATE:
03/16/83

1039

B 166

(II)

Day of Trial,

Counsel, Judge Callahan

Filed 16 day of March 188 3

Pleads Acquittal (9)

THE PEOPLE

vs.

B

Joseph Marthaler

Deft

JOHN McKRON,

District Attorney.

Tr. Sept 12/83

Tried & acquitted.

A True Bill.

Geo. C. Fisher

Foreman.

0453

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Joseph Mouthaler

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph Mouthaler of the CRIME OF keeping a room to be used for gambling committed as follows:

The said Joseph Mouthaler late of the City and County of New York, on the 26th day of February in the year of our Lord one thousand eight hundred and eighty-three, at the City and County aforesaid, with force and arms a certain room in a certain building known as number one hundred and sixty six Liberty Street in the said City, unlawfully did keep to be used for gambling, to wit: for the purpose of therein carrying on divers games of cards where money was dependant upon the result, and in which said games of cards divers persons to the Grand Jury aforesaid unknown therein habitually engaged, against the form of the Statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

John McKeon
District Attorney

0454

Third District Police Court.

The Queen on Complaint of Joseph N. Halliday

vs.

Joseph Farthalen

BEFORE HON.

John B. Smith

Justice

March 27 1883

STENOGRAPHER'S MINUTES.

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	R. D. Ex.	R. C. Ex.
Joseph N. Halliday,	1,	3,	9,	
Jacob Van Speichten,	10,			
William H. Wharton,	12,	14,		
Joseph N. Halliday (recalled)				14

JAMES A. LYON,
Stenographer.

Joseph N. Halliday, the Comp. farming witness being duly sworn testified as follows:

Direct Examination By "The Court"

Q Where do you reside?
A No. 178 Lexington Avenue, this City.
Q What is your business?
A I am an Attorney & Counsellor at Law.
Q What is your age?
A. 27 years
Q Are you acquainted with the premises No. 130 Liberty Street?
A Yes sir; I first visited there on the evening of Friday the 22d or 23d of February.
Q Did you visit there on the 24th February?
A Yes sir
Q What did you see there on the 24th?
A I saw all the necessary appurtenances for gaming. We first entered the Saloon downstairs, went through a door to the hall & up stairs to the second story; there we found two tables in one room — two round tables and they had a hole in the centre of them the same as a child's saving bank

has to drop pennies in and we found men playing poker there. There was checks on the table & some money. We remained there probably until ten minutes before 12 o'clock, it might be a few minutes after or before 12 o'clock. I saw the defendant there that night down stairs, he was behind the bar.

Q Did he appear to be exercising any control over the premises?

A Yes, because the night before we were invited to call again by the defendant & another man.

Q Did you have any conversation with him on the 24th?

A Yes, he expressed surprise when we came down stairs; I told him I took a notion to come down and see what was going on.

Q When did you visit there again?

A. The following Monday Evening

Q What did you see there?

A The same as I saw Saturday evening & I saw the proprietor the following Monday. We drank together down stairs

and exchanged salutes & we were brought upstairs and he introduced us to the crowd & we were admitted.

Q Did the bar have direct communication with ~~dwelling~~ upstairs.

A Yes, it is an old fashioned house you walk out of the bar room into the entry & up stairs.

Q Have you any other evidence or information as to the proprietorship of this place other than you have stated?

A Nothing more than that as Counsel which would not be admissable here

---

Cross Examination. By Mr. Callahan

Q How many times did you say you went there?

A Three times altogether.

Q What took place the first time?

A The first time it was too late and we didn't go upstairs. I had a conversation with the defendant that night about the weather and one thing

and another.

Q Did you ask him to go up stairs and play a little game with you, that you felt like it?

A. I am pretty sure I asked him if the up-stairs was open but I have no recollection of asking him to play.

Q. Who took you there the next time?

A I went there myself with two men in my Employ.

Q Did you meet a man there named William or "Bill" O'Connor?

A Yessir, I ~~didn't~~ didn't meet him there.

Q Did you meet him anywhere?

A Yessir.

Q Did you visit this place in the evening?

A Yessir, in the morning.

Q Was O'Connor with you?

A He was.

Q Did you know him

A Yessir.

Q Did you have a conversation with him?

A I saluted him & he saluted me.

Q You know him then?

A Yessir.

Q. You did meet him there in that house?
A. Yes sir.
Q. You are talking now about being there in the morning or Evening?
A. I am pretty sure it was the evening.
Q. Do you know a man named Beckel?
A. Yes sir.
Q. You are the Attorney in the matter between him & this defendant?
A. Yes, I am the attorney. where Matthaler sued him for $230.
Q. Mr. Matthaler commenced the proceeding through an attorney?
A. He must have
Q. Had he got a Judgment against him against some property belonging to him?
A. I believe he did attach some money that was in the hands of Mr. Henry S. Little as Receiver for the West Jersey Central Rail Road.
Q. Were you not the Attorney for Beckel in that action?
A. I was.
Q. When were you retained?
A. I could not say
Q. Was it previous to the 22d of February?

I think so, I am not certain.

Q After you were retained by Beckco you visited this main Establishment?

A I think I had been retained sometime in the case when I visited the place, I never knew Marshalen before that time, he was a stranger to me.

Q Did you meet there landowner him to play with you?

A I have no recollection that I ever asked him to play

Q Were you drinking that evening?

A I drink more or less every day. I drank the same as any other evening.

Q What did you drink there that Evening?

A I dont know; when I go in a place I call for a drink & pay for it

Q Do you drink considerable some time?

A Yes.

Q You can't recollect the conversation you had with him the first time you met him?

A I do; We exchanged words about the weather & one thing and another.

Q I am talking about the time you were there

at 12 o'clock at night?
A He said it was 12 o'clock & he used
have to lock up & go home & as a
general thing he had to go up town at a
certain hour every night & he waited to
close up.
Q He said he made it a rule to close at
12 o'clock nights & to keep closed on
Sundays?
A He didn't say anything about Sundays.
Q You went there again after this?
A Yes sir.
Q This conversation you have spoken of
occurred on the 22d or 23rd of February?
A On or about the 23d.
Q Describe this place again?
A You enter the door on the Liberty Street
& go inside & there is a screen
across to the left & a board partition
to the right - this is the store floor
& there is a screen - lattice work like,
you open the door inside & you are in
the barroom to the left when you face
South; to the right I think there is a board
partition & a little lunch table & you
walk a few feet & you go into a little
room & that room contains chairs and

Some tables & inside that room there is a door covered with iron which opens out into an Entry; you turn up stairs in the landing & from the landing to the door.

Q. The iron door is where?

A. Off the store

(Witness here drew a diagram so as to more clearly Explain the premises)

Q. Is there any other door but that one leading to the entry?

A. I don't Know.

Q. Did you find any difficulty in getting in or out?

A. No sir.

Q. It was not barred?

A. No sir. it was open every time I was there; any body could go in or out.

Q. Was there any gambling in the saloon?

A. Yes sir.

Q. Please describe the tables you saw upstairs?

A. They were round tables covered with green cloth, good sized tables & little larger than ordinary tables to be seen in lager beer Saloons; old fashioned & with

a hole in the centre. I saw several notices posted around the room — one was "the Kitty must be repaired." I saw playing there. There was another little room off this room with a table & some chairs in it & I believe there was another room, but, that door was locked.

Q. Have you described all?

A. I might have described it more fully.

By The Court. Cr. Direct Examn

Q. How many people did you see there on a night?

A. Quite a number

Q. How many tables?

A. Two & both were occupied by those playing draw poker, it was called.

Q. Were you familiar with the game?

A. Never before that evening I never played it.

Q. You can't tell whether it was a game of chance or not?

A. They explained the game to me & said it was a regular game of poker.

Q. Money was wagered on the games?

A. Yes, chips were put up & money was on

the table)

Q. What was the effect of the notices you saw posted up?

A. Two or three were for the general interest of the Proprietor; one was "The Kitty Must be looked after" (signed) Joseph Markhalter. & the other an agreement purporting to be signed by a number of Rail roadmen who have since claimed it to form a club, a social Club.

Q. Do you know what the word "Kitty" meant?

A. I do now, it was explained to me there by a man who was introduced to me by the name of Thompson, who was one of the players, he told me the successful party had to pay so much in there - in the "Kitty" & that was for the benefit of the proprietor. The notice was in the store the officer found it there.

Sworn to before me this 12th day of March 1883 } John A. Halloran.

Solon B. Smith Police Justice.

Jacob Vanderichter, for the prosecution being duly sworn testified as follows.

Direct Examination By The Court

Q What is your age, residence, occupation?
A I am 43 years old, reside at
and am a police officer attached to the
Central Office - the District Attorney's Office
Q Did you execute the certain warrant
issued by the Recorder on the 3rd of March
for the premises No. 136 Liberty St.?
A Yes sir.
Q Did you find the defendant there?
A Yes sir; he was downstairs in the
barroom
Q You went on the first & second floor
of that premises?
A Yes, in company with another officer.
Q What did you find there?
A Upstairs I found several men playing
cards and saw some chips exposed
on the table & some cards.
Q Did you see any money?
A No sir.
Q Did you take the checks and the cards?
A Yes sir & the tables.
Q Did you see these notices, marked A, B, C &
D?
A

A. Yes they were hung on the wall.
Q. Did you have any conversation with the defendant when you arrested him?
A. Yes, I asked him if he was not Joseph Marthaler; he was just about going to Jersey on an appointment & then the other officer & Ruland brought him to Headquarters.
Q. That is all the conversation you had?
A. Yes sir.

Sworn to before me this 12th day of March 1883 } Jacob Von Seichten

Police Justice

Defence

William H. Wharton a witness for the defence being duly sworn testified as follows.

Direct Examination By Mr. Callahan

Q. What is your age, occupation & residence?

(12)

A I am 37 years old, an oil merchant
reside at 474 Great 34th street.
Q Did you ever see "Exhibit 4" before this?
A Yes sir.
Q Is that your name on it?
A. Yes sir.
Q Were you associated with men to
form a Social Club at this place?
A Yes, Mr. Marthaler started this place he
has a good many warm friends & I am
one of them & we proposed to start a
Social Club at his place & take a room
upstairs & meet once a month or so, &
in the Summer have a Clam bake &
have a lounge & chairs & tables in the
room & we could lay down there if we missed
the train or felt tired. When I signed that
paper it was with that understanding.
I don't know the name of a gambler on
that paper. This publication has done
me & others a great deal of harm. I
have visited that house as a member
of that Club. It is not a gambling house
& nobody could get in there except
on invitation of one of the members. The
room is a private one & belongs to the Club.

Mostly the members are particular friends of mine & there are no gamblers in it.

Cross Examination By The Court

Q. You are familiar with the game of poker?
A. Yes, very. I like the game.
Q. It is a game of chance?
A. Yes sir.
Q. Money was usually wagered in these games?
A. Yes, we had a game once a week. At my house we play & my wife takes a hand in once in a while and I wouldn't like to see her arrested for it either.

Sworn to before me this 17th day of March 1883

William H. Harlan

Solan Smith.
Police Justice

Joseph N. Halliday the complaining witness recalled & Cross Examined by Mr. Callahan

Q. Did you play the game there?

(14)

A. Yes I bought chips & played up-stairs & had some chips redeemed & have some chips still in my possession.

Q. Did you win?

A. Yes, I got. but how much I cannot say, I think I limited myself to $7.

By The Court

Q. From whom did you buy your checks?

A. From the proprietor.

Q. How do you know the proprietor?

A. Because he sold me the checks and drinks.

Q. You never played a game before?

A. Never.

Q. Is it not a fact that you tried to bluff one of the players?

A. No sir.

Q. Did you raise a player $10. on a hand?

A. No sir.

Q. Do you know how to raise a man?

A. No sir.

Q. Do you know how to call when a man bets you?

A. I told you I never played before that Evening or since.

Q How did you come to go there to play?
A. The facts were laid before the officials of the Rail Road & the matter was referred to me and I went there as Attorney for the parties - in the offices of the Central R.R. of New Jersey.
Q Did they give you a retainer?
A. Yes sir
Q Why did you go to this room to play if you never played before — did you go there as a detective?
A. No sir. I went there with men whom I employed as detectives.
Q Who were they?
A Armstrong
Q Where does he live?
A Upstairs.
Q What street?
A I don't know exactly, I don't know the neighborhood
Q Above 4th street?
A. I can't say whether it is above or below on the East or West side.
Q What is the other man's name?
A. Litz
Q You didn't play to win?

A No sir.
Q How long did you stay there?
A. I want to state all that was going on
Q Did you leave ~~back~~ back nights you were there?
A Yes sir.
Q You didn't run at all?
A No sir, & my men lost too.
Sworn to before me this 12th day of March 1883
Solon B Smith

John A Halliday.
Police Justice

0472

Eckhart R

Notice

Gentleman

The Kitty must be looked after,

The rules of the game is one chip for the Kitty for 2 pair or better

Joseph Gaidhaler,

Proprietor

0473

Exhibit C

Notice

This Room must be closed at 12 Oclock, A. M. Sharp

Joseph Matthaler

Proprietor

~~Notice~~
~~Hereafter Breakfast will be served until 12 noon~~
~~Thursday, Friday & Saturday~~
~~By Order of City Council~~

O. Shiff

04774

Upon this out all
chiefs must be payed
for in advance

By Order of

Joseph Maethaler

0475

Eckert-1a

From this out all chifs must be payed for in advance,

By Order of
Joseph Marthaler

0476

Exhibit A

New York Aug 28 1882

We the undersigned have formed ourselves into a Social Club. and have rented three rooms of Mr Joseph Manthaler at 136. Liberty Street for which we agree to pay him 25.00 per month we further agree to pay an initiation fee of 10.00 and monthly dues of 50¢

H. S. Webb
Will Van Buskirk
John Byrne
Wilfred H. Morton
Jos Manthaler
E. A. Stoppel.
A. Schumacher
Scott Allen
G. Barclay Mackie
John O. Faus
R. J. Lynch
J. Callahan
M. Draper
W. Stevens

0477

BAILED,

No. 1, by John A. Mapes

Residence 134 Sixth St. Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court— 1st District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

1 Joseph Marthaler

2

3

4

Offence Keeping a Gambling House

Dated March 12 1883

Witnesses Robert A. Martin

Jacob Von Lenschter

C O

No. (Street.

No. Street,

No. Street,

$ 300 to answer

RECEIVED MAR 14 1883 DISTRICT ATTORNEY'S OFFICE

Ex Mar 12/83 2 PM

Magistrate.

Officer.

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

Dated March 12th 1883 Solon B. Smith *Police Justice.*

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

Dated March 12th 1883 Solon B. Smith *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0478

Sec. 151.

~~Police Court~~ ..... ~~District~~

CITY AND COUNTY OF NEW YORK, } ss

In the name of the People of the State of New York: To the Sheriff of the County of New York or any Marshal or Policeman of the City of New York, GREETING:

Whereas. Complaint in writing, and upon oath, has been made before the undersigned, ~~one of the Police Justices~~ Recorder

~~Justices of~~ the City of New York, by John A. Crossidy

of No. 154 Mercer Street, that on the 26th day of

1883 at the City of New York, in the County of New York, Joseph Marthaler

Joseph Rudolphia

Joseph Dinard

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Joseph Marthaler, Joseph Rudolphia, and Joseph Dinard

~~Sheriff, Marshal or Policeman~~, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at my ~~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 5th day of March 1883

Thos. Murphy

~~Police Justice~~ Recorder

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

~~POLICE COURT~~ ..... DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John A. Crossidy

vs.

Joseph Marthaler

Joseph Rudolphia

Joseph Dinard

Warrant—General.

Dated 188

..... ~~*Magistrate*~~

..... *Officer.*

The Defendant Joseph Marthaler taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Paul Von Geuchten *Officer.*

Dated 5th March 1883

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

REMARKS.

Time of Arrest, ...

Native of US

Age, 35 years

Sex .....

Complexion, ...

Color White

Profession, ...

Married .....

Single, ...

Read, ...

Rec 242 W 28St

Write, ...

at March 12/83. 2PM

THE PEOPLE

ON COMPLAINT OF

John H. Holliday

against

Joseph Manthalia

SEARCH WARRANT.

0480

City and County of New York, ss:

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

To any ~~Sheriff, Constable, Marshal, or Policeman~~ Peace Officer in the ~~City and~~ County of New York:

Proof, by affidavit, having been this day made before me, by John A. Holliday

that there is probable cause for believing that Joseph Manthalia has in his possession on the first and second floors of the building number 136 Liberty Street in the City of New York stills, gambling apparatus & devices with intent to use the same as the means of committing a public offence

You are therefore commanded, in the day time, to make immediate search in the building situated Number 136 Liberty Street in the City of New York,

for the following property: three gambling tables one thousand gambling chips and betting racks of cards

And if you find the same or any part thereof, to bring it forthwith before me at number twenty three Narrow Street in the said City, or in the case of my absence or inability to act, before the nearest or most accessible Police Justice in the said City.

Dated at the City of New York, the Ninth day of March 1893

Fred Wright
Recorder

0481

*Sec. 198—200.

First District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Marthale 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. Joseph Marthale

Question. How old are you?

Answer. 35 years

Question. Where were you born?

Answer. Elizabeth, New Jersey

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

Answer. 242 West 20th St. for four years.

Question. What is your business or profession?

Answer. Saloon & Restaurant 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 not guilty.

Joseph Marthale

Taken before me this 12th *day of* March 188[illegible]

Robert Deuscher Police Justice.

0482

Dem Gerichtshof 183

Serpen +c
vs
Joseph Clarkeites.

The Dept. may be committed to the custody of Judge Cunningham, to be proceeded before the Pres. Judges at the Tombs. Pres Court. Tomorrow Morning at 9. Qum

B.
Robert Byrnes.

F. Ray Cl
Recorder

People etc
against
Joseph Marshalia

Complaint

Warrant to Lench
Warrant issued
F.S.
Dec 3rd/83

0484

City and County of New-York, SS.:

John H. Halliday, of No. 178 Lexington Avenue, in the City of New-York, Counsellor at law, office room No. 56 Tribune Building, in said City, being duly sworn, deposes and says: That deponent was informed that one Joseph Marthaler occupied rooms on the first and second floors of premises No. 136 Liberty Street, in the City of New-York, for gambling purposes, and that on the 24' and 26' days of February last deponent visited the said premises and there found in a room on the second floor thereof several men engaged in gambling and making use of divers gambling apparatuses and devices for that purpose; that the said Joseph Marthaler is the proprietor of the said premises, and deponent saw him present on both occasions, exercising control over the business in said place; that deponent has reason to believe and does believe that the said Joseph Marthaler now has upon the said premises divers gambling implements, apparatuses and devices, to wit: divers cards, checks, gambling tables, &c., to be used for the purposes of gambling, and deponent prays that a search warrant may issue and that the said Joseph Marthaler may be arrested and dealt with as the law requires.

Sworn to before me, this :
3rd. day of March, 1883. :

John H. Halliday

F. Smyth
Rec'r 1-8

0485

BOX:
96

FOLDER:
1039

DESCRIPTION:
Martin, Charles J.

DATE:
03/15/83

1039

0486

BOX:
96

FOLDER:
1039

DESCRIPTION:
Adams, Jacob

DATE:
03/15/83

1039

0487

BOX:
96

FOLDER:
1039

DESCRIPTION:
Haley, James

DATE:
03/15/83

1039

B 89

Counsel, 1. Shepley
3 R. H. Strong

Filed 15 day of March 1883

Pleads Not Guilty 19
No 3 " " 26

THE PEOPLE

vs.

1 B Charles Martin
2 B Jacob Adams, and
3 B James Golden

Grand Larceny, ~~degree~~, and Receiving Stolen Goods.

JOHN McKEON,
District Attorney

A True Bill.

Geo. C. Fisher
Foreman.
May 10 83.

No 2 & 3. Tried & No. 2. Acquitted & No. 3. Jury disagree. 9 for A.

884

0489

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Charles G. Martin
Jacob Adams, and
James Bailey.

The Grand Jury of the City and County of New York, by this indictment, accuse Charles G. Martin, Jacob Adams and James Bailey

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

The said Charles G. Martin and Jacob Adams, and James Bailey

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the 13th ~~on the~~ day of April in the year of our Lord one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid, with force and arms forty bags of seed, of the value of eighty cents each bag

of the goods, chattels and personal property of one George S. Decker 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.

0490

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

of the Crime of Receiving Stolen Goods, committed as follows:

The said James Bradley

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Sixteenth day of April in the year of our Lord one thousand eight hundred and eighty-two, at the Ward, City and County aforesaid, with force and arms Forty bags of Seed of the value of eighty cents each bag

of the goods, chattels and personal property of George B. Decker by Charles J. Martin and Jacob Adams and by certain ~~person or~~ other persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said George B. Decker unlawfully and unjustly, did feloniously receive and have; he the said James Bradley then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN McKEON, District Attorney.

The People &c.
— agst —
Charles Martin
Jacob Adams
James Haley

66
40
·2 40 0
321
17 00

0492

The People of the State
of New York
— agst. —
Charles Martin
Jacob. Adams
and James Haley

City and County of New York ss.
Charles Martin being duly sworn says I have been in the employ of George V. Hecker & Co. Reside at 111 Murray St. ~~Rivington~~ for 17 or 18 years last past - latterly as feed delivery clerk for the last 7 or 8 years. The rule of the mills is that no feed shall be delivered before seven o'clock in the morning nor after six in the evening and on Saturdays delivery ceases at four P.M.
About 8 months ago William Fitzgerald employed by D. W. Bowen & Co. who had been in the habit of coming to the mills on business, proposed to me that he and I could make make some money by letting him have feed or giving it to a man named Haley. when he (Fitzgerald) would pay me at the rate of 5 or 6. dollars

per load of 40 bags so to make no return to the firm but to keep the money for myself ~~at that time feed was worth abo~~ feed at any time is worth more than 5 or 6 dollars a ~~bag~~ load ~~I let Fitzgerald have the feed~~ I told him at first that I wanted nothing to do with it but he continually urged me to do so and finally I delivered him at least five loads of 40 bags each which he took away on his truck. Fitzgerald then brought Haley to the mills and told me to deliver to Haley. I then objected to delivering any more feed in this manner they then both said that if I stopped delivering they would make trouble for me. Under the influence of this threat I continued to deliver the feed to Haley ~~from~~ about three times per week. The manner of delivery was this. ~~Haley~~ Fitzgerald at first and afterwards Haley would leave the empty bags at the mills during ~~the~~ day and under my instructions ~~the~~ night watchman would fill ~~the~~ bags during the night.

then under my general instructions in the morning before seven o'clock the bags would be passed down the shoot into the trucks on the street below. (first Fitzerald's truck and then Haley's) all these loads were made up of 60 pound bags.
Fitzerald & Haley fell out about four months ago and after that I dealt with Haley alone he paying me 8 dollars per load.
Before ~~the~~ seven o'clock in the morning the the gates are locked and there is no one but the night watchman supposed to be inside the mills.
Feed is at all times worth more than eight dollars per load.
I gave Haley during this time also two bags of oil meal worth about $1.60 each he gave me $1 per bag. while I kept.
I was in the habit of giving the watchman 25 to 50 cents on each occasion of delivering the feed and on two occasions $1
The Haley I refer to is ~~A~~ James Haley who was brought before the Police Justice with me.

Charles G. Martin

Sworn to this 17 day of December 1892 before me
Thos. Mc Mahon
Justice of Peace

0495

Sec. 212.

District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

It appearing to me by the within depositions and statement that the crime therein mentioned

Jacob Adams

has been committed, and that there is sufficient cause to believe the within named

Jacob Adams

guilty thereof, I order that he be held to answer the same, and the said crime being bailable by me, but bail not having been taken by me, I order that 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 at the City of New York, 15 April 1882

Police Justice

0496

Sec. 212.

95 District Police Court.

CITY AND COUNTY OF NEW YORK. } ss.

It appearing to me by the within depositions and statement that the crime therein mentioned Charles Martin v James Haley

has been committed, and that there is sufficient cause to believe the within named Charles Martin v James Haley

guilty thereof, I order that he be held to answer the same, and the said crime being bailable by me, but bail not having been taken by me, I order that he be admitted to bail in the sum of One Hundred Dollars Cash and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated at the City of New York, 15 April 1882

Andrew J. White Police Justice

0497

Sec. 208, 209, 210 & 212.

Police Court— 1 **District.** 336

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 Charles Martin
2 James Haley
3
4

Offence, Grand Larceny 3. Pos Stolen Goods

BAILED,

No. 1, by Francis Black Residence 294 E 4th Street,

No. 2, by Martin Gerard Residence 246 Pitt Street,

No. 3, by Johnson Michaels Residence 349 W 50 Street,

No. 4, by ..... Residence ..... Street,

Witnesses

No. ..... Street,

No. ..... Street,

No. ..... Street.

Dated ..... 188 ..... Magistrate. ..... Officer. ..... Clerk.

RECEIVED, DISTRICT ATTORNEY'S OFFICE, APR 17 1882

Rec'd J. Albert Ca[illegible] E. Tro. [illegible]

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 admitted to bail in the sum of ..... Hundred Dollars ..... and be committed to the Warden or Keeper of the City Prison until he give such bail.

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

I have admitted the above named Charles Martin & James Haley to bail to answer by the undertaking hereto annexed.

Dated 18 April 188 2 Andrew J. Mills *Police Justice.*

There being no sufficient cause to believe the within named .....

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

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

0498

Sec. 198—200.

DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. James Haley.

Question. How old are you?

Answer. Fifty years.

Question. Where were you born?

Answer. In Ireland.

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

Answer. 249 Atlantic Ave. Brooklyn. 6 years.

Question. What is your business or profession?

Answer. I keep a feed store

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.

Taken before me this 15 *day of* April 188 8

his
James × Haley
mark

Andrew J. White *Police Justice*

0499

Sec. 198—200.

DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Charles Martin.

Question. How old are you?

Answer. Thirty years.

Question. Where were you born?

Answer. In Philadelphia

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

Answer. 111 Monroe St. three years.

Question. What is your business or profession?

Answer. I am a clerk.

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

Answer I ~~am~~ have nothing to say at present.

Taken before me, this 15 *day of* April 188 2

Charles H. Martin

Andrew J. White *Police Justice*

0500

Sec. 198—200.

DISTRICT POLICE COURT.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Jacob Adams.

Question. How old are you?

Answer. Thirty one years.

Question. Where were you born?

Answer. In Germany

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

Answer. 44 Grand St. Brooklyn E.D.

Question. What is your business or profession?

Answer. Miller.

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.

Taken before me, this 15 *day of* April 188 9

Andrew J. White *Police Justice*

E. Jacobi Citizen

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Elijah Mauney

vs.

Charles Martin

Jesse Adams

James Haley

AFFIDAVIT—Larceny.

Dated 14 April 188 2

Magistrate.

Officer.

WITNESSES:

DISPOSITION

1-100-0-

1-500-

-1000-

E. April 10. 3 P.M.

1051

0502.

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY OF NEW YORK, } ss

Elijah T. Raney

of No. 267 Cherry Street,

being duly sworn, deposes and says that on the 13 day of April 1882

at the City of New York,

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

the following property, viz:

Rocky bags of mill feed in all of the value of Twenty two Dollars.

Sworn before me this 13 day of April 1882

P. Shanahan

Police Justice.

the property of George R. Hecker, George F. Hecker John T. Hecker & Edward B. Levin and in deponent's charge.

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 Charles Martin & Jacob Adams now present. The former a clerk and the latter a private watchman. From the fact they severally admitted taking and selling said feed to James Haley now present who admitted receiving the same.

E. T. Raney

0503

DISTRICT ATTORNEY'S OFFICE.

PEOPLE

vs.

Chas J Martin Et al

Martin to be used as a witness—

See Brady about Confession

J R Pellens

0504

Martin Engel
246 Broome St.

0505

Court of General Sessions, Part One

THE PEOPLE

vs.

Charles J. Martin

To

INDICTMENT

For

Mr Martin Engel

No. 246 Broome *Street.*

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for Trial at the Court of General Sessions of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on Tuesday the 8th day of May instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

JOHN McKEON,

District Attorney.

0506

BOX:
96

FOLDER:
1039

DESCRIPTION:
Masehke, Samuel

DATE:
03/28/83

1039

Selling without a License
Sunday Case
F.S.

B 290

Day of Trial

Counsel

Filed 28 day of March 1883

Pleads Not guilty. appl 2/83

THE PEOPLE

vs.

B

Samuel Masselike

No. 142 Division

Violation of Excise Law. ~~Selling on~~ Sunday.

JOHN McKEON,

District Attorney.

P 2 April 9, 1883

A TRUE BILL. Plead guilty

Geo. C. Fisher

Foreman.

~~Hodges C.P. Jones~~

#40.75 F.S.

Mw fined.

0508

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Samuel Masselke

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

of the CRIME OF ***Exposing for Sale and Selling Spirituous Liquors on Sunday,*** committed as follows:

The said Samuel Masselke

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Seventh day of March in the year of our Lord one thousand eight hundred and eighty three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

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

~~JOHN McKEON, District Attorney.~~

0509

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

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

of the CRIME OF Giving away Spirituous Liquors on Sunday.

committed as follows:

The said Samuel Masselke

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Seventh day of March in the year of our Lord one thousand eight hundred and eighty Three, at the Ward, City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous liquors and certain wines, to-wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did ~~expose for sale and sell as a beverage to~~ give away as a beverage

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

JOHN McKEON, District Attorney.

05 10

BAILED, Gerard F. Mackie

No 1, by [redacted] Street.

Residence

No. 2, by 113 Livingston St.

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court—B District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Samuel Mackie

Offence Violating Excise Law

Dated March 12 1883

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. 100 Street.

$ to answer

REC'D DISTRICT ATTORNEY'S OFFICE MAR 15 1883

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

Dated March 12 188 . *Police Justice.*

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

Dated March 12 188 . *Police Justice.*

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

Dated 188 . *Police Justice.*

05 11

Sec. 198—200

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Samuel Maschke 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. Samuel Maschke

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. Germany

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

Answer. 92 Division St (resided there 3 mos)

Question. What is your business or profession?

Answer. Keeps a Lager Beer Saloon

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. Was cleaning up my place when I was arrested

Sam Maschke

Taken before me this 14 *day of* May 1893

Police Justice.

0512

Police Court 3 District.

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

John King

of ~~No.~~ Police Officer 13 Precinct ~~Street,~~

of the City of New York, being duly sworn, deposes and says, that on Sunday the 11 day of March 1883, in the City of New York, in the County of New York, at premises 192 Division Street

a place where intoxicating liquors and wines were kept for sale, and sold as a beverage, Samuel Maschke [now here] did then and there expose for sale ~~and did sell~~, ~~caused, suffered and permitted to be sold~~, and ~~given away under his direction or~~ authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said Sunday the 11 day of March 1883 as required by law.

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

Sworn to before me, this 12 *day of* March 1883

John King

P. J. Duffy

POLICE JUSTICE.