

0467

BOX:

481

FOLDER:

4398

DESCRIPTION:

Mahler, Augustus

DATE:

05/09/92



4398

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Witnesses:

Edouard

J. P. Kline

officer Raymond

Central office

A material witness named Kline is out of the State & there is little prospect of securing his attendance.

The complaining witness is in Europe & the defendant is in prison. There can be no conviction without Kline's presence.

I therefore recommend defendant's discharge upon his own recognizance.
June 30, 1892

V. M. Davis
Asst.

Counsel,

Filed

day of

1892

Plends,

THE PEOPLE

vs.

Augustus Mahler

Grand Larceny, Second Degree.
[Sections 52, 53, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Richard Patton
Foreman.

Part I. May 27th 92

Domestic.

On recon. Prob. Atty
deft. discharged on his own
recog June 30/92 R.B.M.

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STENOGRAPHER'S MINUTES.

First District Police Court

The People vs.
-v-
Augustus Mahler

BEFORE

Justice Saml. J. McCallum

April 4th 1892

WITNESSES.

	Direct.	Cross.	Re-Direct.	Re-Cross.
<i>Ernest Mowman</i>	<i>1</i>	<i>4</i>		
<i>John Klein</i>	<i>8</i>	<i>9</i>		<i>20</i>
<i>John Branch</i>	<i>16</i>	<i>17</i>		

DAVID S. VEITCH,
Stenographer,
101 CENTRE ST., N. Y.

Q Who were you informed by? A By Mr. Klein.

Q And who else? Is Mr. Klein present?

A Yes, sir.

Q Did you see the property since that time? A No, sir.

Q Did you see any part of it? A Not yet.

BY MR. HALLER:

Q Were you present when Mr. Mahler was arrested? A Yes, sir.

Q Did you have any conversation with him about the taking of these three pieces of silk? A Yes, sir.

Q In the presence of the two detectives who made the arrests? A Yes, sir.

Q What did he say as to having taken it? A He admitted it. On motion of defendant's counsel this answer was struck from the record.

Q What did he say? A He first said that he had not pawned the silk, that some else had pawned it.

THE COURT: That is not the question you were asked - what did he say about the taking of the silk?

A He had taken it.

BY MR. HALLER:

Q He said that he had taken it? A Yes, sir.

Q Just state what he said? A I merely asked him - I simply told him, Mr. Mahler you took that silk and pawned it-

just in about those words; and you took velvets and pawned them. He denied it, and afterwards admitted it.

Q State what you said, and what Mr. Mahler said in substance as you remember it?

A He immediately remarked to me when I told him that he pawned the silks as well as the velvets, he said that I knew very well it was not so, that Mr. Klein had done it. Mahler answered me and said that I knew very well that Klein had done it. I told him, Mr. Mahler it is not so, I have all the proofs and facts before me and I know everything; it is not only the silks and velvets, but a great many other things. He thought a little over and had to admit; he did admit that he had taken the silk and pawned it.

Q At where? A At Freund Brothers.

Q What was the value of the silk? A \$217.

Q Was anything said at that time about having taken velvets?

A Yes, sir.

Q How many pieces?

Defendant's counsel now objected to this question on the ground that he is not charged in the complaint with having stolen velvets; objection sustained.

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CROSS-EXAMINED BY MR MEYER:

Q Have you that silk here, Mr. Mommer? A I have not.

Q Do you know where it is? A It was pawned.

Q Do you know where it is? A I do not know where it is now.

Q Have you seen it since the 21st of February, 1891?

A I have not.

Q You do not know where it is now? A I do not.

Q Nor you cannot testify as to whether on or about that date you lost it, of your own knowledge?

A I testified that I know I lost it.

Q Now, Mr. Mommer, you and your firm are engaged in importing silks and velvets? A General dry goods.

Q And you received the silks and dry goods in bulk, in large quantities? A In single pieces, sometimes it depends upon the order, sometimes single pieces and sometimes ten pieces in a lot.

Q The same silk you receive, other firms also receive?

A I could not tell you, I do not know.

Q The silk which is the subject matter of this complaint, is the silk which you are the only importers of?

A We were the only ones in December, 1890, that imported it; it was shipped from Lyons in December, 1890.

Q In December 1890, there were shipped from the other side a quantity of silk to you? A Yes, sir.

Q Did you see it received here? A Yes, sir.

Q Did you see the cases opened?

A I do not know that I saw the cases opened, but I saw the silk.

Q How many cases did you see in 1890.

THE COURT: Confine yourself to this particular property.

He swears that this man told him that he took this silk.

Q Do you know of your own knowledge when that silk was taken from your place? A Not of my own knowledge.

Q Nor you did not know, until the arrest of the defendant, or just previous to that, that you missed any silk?

A Yes, sir, I did; some time in July, shortly before I went to Europe.

Q When was that? A July of last year.

Q Where was the defendant then? A In my place of business.

Q He called there every day? A Yes, sir.

Q And did business for you? A He tried to.

Q On the day of the arrest, you had a conversation with him?

A Yes, sir.

Q Now, where was Mr. Klein? A I could not tell you.

Q When did you miss Klein? A In October.

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Q Of what year? A Last year.

Q 1891? A Yes, sir.

Q When next did you see Mr. Klein?

A That was this year, about four or five or six weeks ago, I could not tell you exactly the date.

Q About the time? A I think it was about the beginning of March, somewhere between the 1st and 15th.

Q Then from the last part of October 1891, to the beginning or middle of March, 1892, you had never seen Klein?

A No, sir.

Q He had disappeared, hadn't he? A Apparently.

Q And up to that time, Mahler Bros. and Klein were the agents for you, were not they? in importing silks?

A No, sir.

Q What was their business with you?

A We had a deal with his brother in Paris; his brother, the defendant, was engaged to take orders for our account; and the orders were sent to our Paris house, and then given to Vitallis Mahler to place them.

Q There was such a firm as Mahler Bros. & Klein?

A I think they style themselves in that way; I was never informed that they had formed that firm officially.

Q You knew that Mahler had a brother on the other side?

THE COURT: What has that got to do with this?

Q Was not Mr. Klein a member of the firm of Mahler Bros. & Klein?

A I do not know what private arrangements they had.

Q Well, Mr. Klein represented you in the same capacity as Mr. Mahler?

A He tried to get orders of dress goods.

Q And this silk, these three pieces of silk, valued at \$217, was an order which had been sent from Mahler on the other side to you, wasn't it? A No, sir.

Q From what house was that?

A E. Mommer & Co. of Paris shipped them to E. Mommer & Co. of this City.

Q Have you ever seen these three pieces of silk?

A I think I have witnesses - I think I have seen them.

Q When last? A Some time in January.

Q What year? A Last year.

Q 1891? A Yes, sir.

Q You swear in your complaint that you missed them on or about the 20th of February, since that time have you seen them? A No, sir.

Sworn to before me this :
:
day of April, 1892. :

Police Justice.

JOHN P. KLEIN, a witness called by the prosecution, sworn,
deposes and says:

BY MR. HALLEN.

Q Where do you live? A 359 Second Avenue.

Q Are you acquainted with the firm of E. Mommer & Co.

A Yes, sir.

Q And with Augustus Mahler? A Yes, sir.

Q Do you know of your own knowledge of Mr. Mahler having
taken from the shelves of E. Mommer & Co. three pieces of
silk in the year 1891? A Yes, sir.

Q What did he do with that silk?

A He took them on Avenue B. to one Mr. Digger; he left
them there as security for \$65.

Q Did he get the \$65 when he left them? A Yes, sir.

Q How do you know that? A I was present.

Q Then what was subsequently done with the same goods?

A After that they were taken to the pawnbrokers, Freund
Bros., in Avenue B.

Q Were you present when they were taken there? A Yes, sir.

Q What was done with them?

A They were pawned there for I think, \$75.

Q Did you see the money paid for them? A Yes, sir.

CROSS-EXAMINED BY MR. MEYER.

- Q What was your business, Mr. Klein?
A I was selling goods on commission, and taking orders for foreign goods and domestic goods.
- Q Were you a member of Mahler Bros. & Klein?
A We had only a verbal agreement, no papers drawn up.
- Q Was there such a firm known as Mahler Bros. & Klein?
A We had some cards printed at his suggestion, because I was better known in the market than he.
- Q You used those cards? A Yes, sir.
- Q You had them printed? A Mr. Mahler had them printed.
- Q You gave them out to customers? A Yes, sir.
- Q And hold yourself out as a partner?
A As far as the cards were concerned.
- Q Do you recollect when it was about this silk?
A I think it was about the end of February.
- Q Of what year? A 1891.
- Q Were you with the defendant in the store? A Yes, sir.
- Q Of Mommer & Co.? A Yes, sir.
- Q Did you see him take the silk? A Yes, sir.
- Q Where from? A From the shelves of the store of Mommer & Co.
- Q You went away with him? A He asked me to help him carry

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over one piece of silk to this man.

Q You did that? A Yes, sir.

Q And where did you go after that?

A After we left Mr. Bigger's, we went home.

Q Did you see him leave this silk there? A Yes, sir.

Q On that very night? A Yes, sir.

Q You were with him then? A Yes, sir.

Q What happened after that? A I saw him get the money for the goods.

Q What happened after that? A I went home.

Q When next did you see Mr. Mahlor? A The next morning.

Q Where? A At the store.

Q What did you do then? A I do not remember; I went about my usual business.

Q When did you go to the pawnbrokers?

A We went to the pawnbrokers with some velvet.

Q What time were the goods left with Mr. Bigger?

A About the beginning of March?

Q And some goods were left with the pawnbroker? A Yes, sir.

Q Were they silk goods? A Yes, sir.

Q The goods which were left with the pawnbroker in the beginning of March, were they the same goods on which the gentleman loaned \$65?

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A These goods were left there - allow me to explain it .

Q Were the goods which were left with Mr. Bigger for \$65,
the same goods which were pawned with Freund & Co.

A Yes, sir.

Q And when were they pawned? A I cannot remember the
date now; perhaps it was three weeks after they were left
with Bigger.

Q And how many pieces of silk were left with Bigger?

A Three pieces.

Q And that was, you think, in February? A Yes, sir.

Q And your best recollection is that in three weeks after-
wards they were pawned with Freund Bros.? A Yes, sir.

Q You were there when they were pawned? A Yes, sir.

Q With Mr. Mahler? A Yes, sir.

Q You pawned them, didn't you? A No, I did not.

Q Who did? A Mr. Mahler.

Q Were you present in the place? A Yes, sir.

Q Anyone else? A Mr. Bigger.

Q When they were pawned? A Yes, sir.

Q And how much money did you get out of it?

A Nothing at all.

Q You got no money out of the \$75? A No, sir.

Q Nor out of the \$55? A I do not know that I did or not.

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- Q What is your best recollection? A He let me have the next day \$20.
- Q Wasn't that on account of the goods which were left with Bigger? A No, sir.
- Q You know when Mr. Mahler took the three pieces of silk from the shelf of Mommer & Co. that he had no right to take them? A He told me that he had a right to do with the goods as he pleased.
- Q Did you think that you had the same right to take goods from E. Mommer & Co. and go off and pawn them? A No, sir.
- Q You were both engaged as salesmen or agents for Mommer & Co.? A Yes, sir.
- Q After Mr. Mahler got the loan of \$65 from Bigger, did you say anything to Mr. Mommer about it? A No, sir.
- Q Not until three or four weeks ago? A No, sir.
- Q Now, these three pieces of silk were subsequently taken to Freund Bros.? A Yes, sir.
- Q Pawnbrokers? A Yes, sir.
- Q You went into the pawnbrokers shop? A Yes, sir.
- Q They were taken about that time? A Yes, sir.
- Q How did you become to be with him again when he went to the pawnbrokers shop? A He asked me to walk over with him; he said that he wanted to redeem the goods.
- Q He promised you to redeem them? A He told Mr. Bigger

that he would take them back at a certain time.

Q You went with him to redeem them? A I went with him.

Q Afterwards he redeemed the goods from Mr. Bigger?

A Yes, sir.

Q And then he went to the pawn office? A After they were redeemed, he pawned them. He paid Mr. Bigger his money after he got the money in the pawn office. Mr. Bigger told him he could not wait any longer; he agreed to take them to the pawnbrokers and pay Mr. Bigger.

Q All that conversation was in your presence? A Yes, sir.

Q You knew at the time that they belonged to E. Mommer & Co?

A Yes, sir.

Q You saw them taken from E. Mommer's shelf?

THE COURT: He has answered that two or three times already, that he was present when they were taken.

Q Were you present when they were pawned? A Yes, sir.

Q When did you leave the employ of E. Mommer & Co.?

A I was never in their employ.

Q When did you leave E. Mommer & Co.?

A Some time in the end of October.

Q In what year? A 1891.

Q And for what reason? A Because I was sick.

Q Is that the reason you want to give to the Court?

A I had trouble with my head entirely.

Q Did you have any trouble with E. Mommer & Co. about taking goods out of their store?

Question objected to by the prosecution.

Objection sustained.

Q When did you go back to E. Mommer & Co. after October?

A I came back about four weeks ago.

Q Now, between October and March, where were you?

Objected to; objection sustained.

MR. MEYER: I desire to show by this question that the witness had left the jurisdiction of our County, and had fled from our County for reasons that he had committed various larcenies on the concern of E. Mommer & Co.

THE COURT: I am ready to entertain a complaint against this witness for larcery.

Mr. HALLEN: We have no complaint to make if your Honor pleases.

Q When you came back to E. Mommer & Co. last March, you told Mr. Mommer something in reference to this matter, did you not? A Yes.

Q And it was in reference to this complaint upon which the defendant is now held? A Yes, sir.

Q Did you tell Mr. Mommer the same story that you told us today? A Yes, sir.

Q And did Mr. Mommer make you any promises? A No, sir.

Q Have you been arrested, charged with any crime?

A No, sir.

Q Did you ever draw notes or checks to the firm name of Mahler & Klein? A No, sir.

Q Or a note? A Not that I remember, sir; I do not remember that I ever did draw a note to the order of Mahler & Klein.

Q Didn't you draw a note for \$170, dated 28th March, and sign it Mahler Bros. & Klein? A Not to my recollection, no, sir.

Q Will you swear to this Court that you did not have a note cashed, dated 28th of March, to the order of E. Warren, and signed Mahler Brothers & Klein, and have the note cashed in Harlem?

A I did, never.

Q Do you know a lawyer named Charles R. Allison?

A I do not.

Q Do you know a Mr. Warren? A No, sir, I do not know that I do.

Q Now, from the time these goods were pawned, have you ever seen them? A No, sir.

Q And the goods pawned, were three pieces of silk?

A Yes, sir.

Q The same sort of silk that other houses use in the silk business, or was it any special kind of silk?

A I think there was a special make.

Q What was it? A Poul de soie.

Q And are Homnor Bros. the only importers of that kind?

A That I cannot say.

Q Do you pretend to swear that the manufacturers do not sell to other importers similar silk to that? A No, sir.

Q From the day it was pawned until to-day, you have not seen that silk, have you? A No, sir.

Sworn to before me this:

day of April, 1892.:

Police Justice.

JOHN C. KRANCH, called by the People and sworn, deposes and says:

BY MR. HALLEN:

Q Where do you live? A 118 Willett St.

Q You are a detective? A Yes, sir.

Q Did you make the arrest of Mr. Mahler? A Yes, sir, in company with Mr. Titus.

Q Who was present when the arrest was made?

A Mr. Titus, myself and Mr. Mahler.

Q Was there any conversation with Mr. Titus and the prisoner?

A Yes, sir, there was.

Q Please state it? A After we arrested Mr. Mahler and charged him with the offence of stealing three pieces of silk, I believe, Mr. Mahler told Mr. Titus and myself that he had taken this property, which he had no right to take from the shelf of Mommer & Co's store, which was then, I believe, on 92 Grand Street. He admitted taking it and pawning it. Well, we went over to the pawn shops, and from information received from Mr. Mahler, he stated that a man named Bigger had the goods. I went to see Mr. Bigger -

Q Was this in the presence of the defendant?

A No, it was not.

THE COURT: We do not want to hear it.

Defendant's counsel now moved to strike out that portion of this witness's testimony which applies to admitting so and so.

THE COURT: I will allow it to stand.

CROSS-EXAMINED BY MR. MEYER:

Q Now, Mr. Kranch, you arrested the defendant when?

A Upon the day following the day that the warrant was issued, Saturday March 26th.

Q And where did you arrest the defendant?

A We arrested him at the store of B. Mowmer & Co. in Greene Street.

Q And when were you notified that a complaint was to be made in this case? (Objected to)

MR. MEYER: I want to show that from October 1891 until the time the defendant was arrested, he was in the employ and in the service continuously with Mowmer & Co.

THE COURT: Answer the question.

A It was a few days before the warrant was issued.

Q Did you have a conversation with Klein then? A No, sir.

Q Where did you first see Klein? A In the Police Court.

Q Did you have a conversation with him? A No, sir.

Q At no time? A No, sir.

Q Is Mr. Titus here? A He is engaged in Part Two of the General Sessions.

Q Where is this silk, have you got it here? A No, sir.

The prosecution now rested.

Defendant's counsel now moved to dismiss the complaint upon the ground that the people have failed to prove a case of larceny, in so far that they have not laid the foundation that the articles supposed to have been stolen, and

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the subject matter of this larceny have not been proven. We are charged in the complaint with the larceny, on the affidavit of Ewald Hommer; he knows nothing at all about the case except what he was informed by Mr. Klein, that three pieces of silk of the value of \$217 were taken from the possession of his firm, on or about the 20th of February, 1891. From his testimony he has never seen that silk at all. They have not identified anything or proven any larceny. They have not proven the gist of the case or the offense.

Motion to dismiss denied.

Defendant's counsel moved upon the additional ground, that the testimony of Mr. Klein is that of an accomplice, uncorroborated, and therefore this defendant cannot be charged with the crime of larceny.

This motion was also denied, the Court remarking that the witness was corroborated by the detective sergeant.

JOHN P. KLEIN, was now recalled, by the defense.

BY MR. MEYER.

- Q Are you a married man, Mr. Klein? A Yes, sir.
- Q What is your wife's initials? A M. S.
- Q What is the name? A Mary S.
- Q Do you know your wife's handwriting? A Yes, sir.
- Q Is that paper in your wife's handwriting? Do not read the letter - do you know the handwriting?
- A I think it is.

This letter was now marked Exhibit A. for identification.

- Q Look at that letter, is that your wife's handwriting?
- A I think so.

Marked Exhibit B. for identification.

- Q What are your wife's initials, did you say?
- A M. S.
- Q This is signed Mrs. J. P. Klein. Are your initials J.P.?
- A Yes, sir.
- Q On this letter? A That is the same; that signature don't look like hers.
- Q Well, how about the letter? A That does.
- Q Where were you in November 1891? (Objected to)
- THE COURT. What do you want to show?

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MR. MEYER: I want to show that he was a fugitive from justice in November 1891.

THE COURT: Don't answer the question, it has no bearing whatever on the matter.

Q Where were you on November 27th, 91?

Counsel said he desired to show by this question that which he proposed to show by the former question; the Court ruled as before.

Defendant's counsel now renewed his motion for the discharge of the prisoner on the ground stated in the motion at the close of the people's case; the Court ruled as before.

MR MEYER: We waive further examination.

THE COURT: Same bail.

Sworn to before me this :
:
day of April, 1892. :

Police Justice.

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First Dist Police Court

Ernest Morrison

Augustus Mabel

Stenographer's Transcript.

April 4th 1892

DAVID S. VEITCH,
STENOGRAPHER,
101 CENTRE STREET,
NEW YORK.

0492

Police Court _____ / District. Affidavit—Larceny.

City and County } ss: Ewald Mommers
of New York, }

of No. 137 Greene Street, aged 48 years,
occupation Dry goods being duly sworn,

deposes and says, that on the 20 day of February 1891 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the daytime, the following property, viz:

Three pieces of silk of the value
of two hundred and twenty
dollars

the property of E. Mommers & Co of which
firm deponent is a member

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by Augustus Mahler

from the fact that at the
time said Mahler had access
to deponent's goods at 96 and 98
Guad. Street and that deponent
is now informed by John
P. Stone of Grain Market Hotel
that on or about said date said
Mahler took from the store
of deponent's store said property
and pawned the same.

Deponent now says that said Mahler
had no right to take said property
and make such a disposition
of the same Ewald Mommers

Sworn to before me this _____ day of _____ 1891
Police Justice

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CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 52 years, occupation Salesman of No. John P. Kline

Grand Union Bldg Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Ewald Mommers and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 21
day of March 1892

John P. Kline

[Signature]

Police Justice

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Sec. 198-200.

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District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Augustus Mahler being duly examined before the under-
signed 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 h is; that the statement is designed to
enable h is if he see fit to answer the charge and explain the facts alleged against h is
that he is at liberty to waive making a statement, and that h is waiver cannot be used
against h is on the trial.

Question. What is your name?

Answer. Augustus Mahler

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. France

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

Answer. 64 merton st. One month

Question. What is your business or profession?

Answer. agent

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

Augustus Mahler

Taken before me this
day of August 1886
[Signature]
Police Justice.

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1847

Sec. 151.

Police Court _____ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Edward Rossmeyer of No. 137 Greene Street, that on the or about day of February 1891, at the City of New York, in the County of New York, the following article, to wit:

Silk
of the value of two hundred and seventy Dollars, the property of E. Rossmeyer was taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Augustus Mahler

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the _____ 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 25 day of February 1891
[Signature]
POLICE JUSTICE.

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Police Court  District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated.....189

Magistrate.

Titus Krauch Officer. S,

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

Officer.

Dated.....189

This Warrant may be executed on Sunday
or at night.

Police Justice.

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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 Dank

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

Dated, April 4 1895 W. M. [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0498

Bail fixed at
\$1000 RBE
Apr 28/92 J

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Eward Moninger
vs.
Augustus Mahler

2 _____
3 _____
4 _____

Dated, March 25 1892

Bluff Magistrate.
Titus Krauch Officer.
C.D. Precinct.

Witnesses J. P. Stone

No. 359 2. Ave Street.

No. _____ Street.

No. _____ Street.

\$ 2000 to answer G.D.

562
1894
Office David Green

0499

The presiding Justice
will hear and
determine the whether
case in my
absence
P. H. Coffey
Police Justice

Police Court--- District

1884

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Ewald Mommers
vs.
Augustus Mahler

Office
Lance Lane

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, March 20 189

P. H. Coffey Magistrate.

Titus Branch Officer.

OO Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. 2000 to answer G. D. Street.

\$ P. H. Coffey to answer

Mar 7 8 1/2 30

" 30 2.00

Apr 1 4 30

Apr 4 2 P.M.

TORN PAGE

0500

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Augustus Mahler

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

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

The said *Augustus Mahler*

late of the City of New York, in the County of New York aforesaid, on the *20th*
day of *February* in the year ~~1891~~ Lord one thousand eight hundred and
ninety-~~one~~, at the City and County ~~of New York~~, with force and arms,

*three pieces of silk of the
value of seventy dollars each
piece*

of the goods, chattels and personal property of one *Edward Momm*

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.

*De Lancey McCall,
District Attorney*

0501

BOX:

481

FOLDER:

4398

DESCRIPTION:

Mallenda, Theodore

DATE:

05/13/92



4398

0502

Witnesses:

off. Andrews
McLam
Geo. C. Fisher
Henry J. Singer
John M. C. ...

May 6, 92

Subscribed by
George Smith
108 Stanton

Counsel,

Filed

day of

1892

Pleads,

THE PEOPLE

vs.

B

Theodore Mallender

DE LANCEY NICOLL,

District Attorney.

B. F. June 10/98
A TRUE BILL. P. H. B. W.

Julius Catlin
Foreman.

30th Miller
93. 2/10

683

Stone & ...
Fashion ...

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Theodore Mollenda

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *Theodore Mollenda*

of the crime of *knowingly permitting a building to be used for unlawful purposes,* committed as follows:

The said *Theodore Mollenda,*

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

twelfth day of *May* in the year of our Lord one thousand eight hundred and ninety *two*, at the *City* and County aforesaid,

being the owner of a certain building there situate, known as number twenty seven Second Street, and did knowingly permit the said building

In case notice is given,
 to the insured and for the purpose of a
 review of the law and association,
 and a review and case for persons to
 visit for individual personal interests;
 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.

DeSancroft,

District Attorney

0505

BOX:

481

FOLDER:

4398

DESCRIPTION:

Malloy, Joseph

DATE:

05/05/92



4398

0506

Witnesses:

Five horizontal lines for witness signatures.

Counsel,

Filed

day of

1892

Pleads,

VIOLATION OF EXCISE LAW.
(Keeping Open at Unlawful Hours.)
III. Rev. Stat. (7th Edition), page 1889, Sec. 5.]

THE PEOPLE

vs.

73

Joseph Malloy

March 28/92

Not in the Court of Special Sessions for trial, by request of Counsel for Defendant.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Carter

Foreman.

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 Mallory

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

Joseph Mallory

of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING, a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed as follows:

The said *Joseph Mallory*

late of the City of New York, in the County of New York aforesaid, on the *28th* day of *May*, in the year of our Lord one thousand eight hundred and ninety-*two*, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed between the hours of one and five o'clock in the morning of the said day, and between the said hours of the said day, to wit: at the hour of *two* o'clock in the morning of the said day, the said place so licensed as aforesaid unlawfully did then and there open and cause and procure, and suffer and permit, at the time aforesaid to be open and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0508

BOX:

481

FOLDER:

4398

DESCRIPTION:

Marks, Harry

DATE:

05/16/92



4398

Witnesses:

383
Counsel
Filed 16th day of May 1892
Pleas, *Miquely 47*

THE PEOPLE

vs.

Harry Markes

POOL SELLING.
Laws of 1887, Penal Code and Chp. 479, Section 351, 352, 353, 354 and 355.

Transferred to the District of Specific Sessions for trial and final disposition.

Edward A. ... DE LANGHE ...

District Attorney.

A True Bill.

Lewis Cathin

Foreman.

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Harry Marks

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

Harry Marks,

of the crime of keeping a room for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows :

The said

Harry Marks,

late of the *6th* Ward of the City of New York, in the County of New York aforesaid, on the *tenth* day of *August* in the year of our Lord one thousand eight hundred and ninety *one* at the Ward, City and County aforesaid, and not upon any grounds or race track, owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses ; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

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

Harry Marks

of the crime of knowingly permitting a room to be used and occupied for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows :

The said

Harry Marks

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the *occupant* of certain room in a certain building there situate, with force and arms, unlawfully and feloniously did knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

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

Harry Marks

of the crime of keeping, exhibiting and employing devices and apparatus for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Harry Marks

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being the *occupant* of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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.

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

Harry Marks

of the crime of becoming the custodian and depository, for hire and reward, of money staked,

wagered and pledged upon the result of trials and contests of speed and power of endurance of horses, committed as follows:

The said *Harry Marks*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the occupant of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein then and there become the custodian and depository, for hire and reward, of certain money, to wit: the sum of *two* dollars in lawful money of the United States of America, which said money was then and there by one *George A. Doran* staked, wagered and pledged upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Les En* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situate at *Saratoga* in the County of *Saratoga* in the State of *New York* and commonly called the *Saratoga* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the circumstances and manner of, upon, and in which the said money was so staked, wagered and pledged as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

Fifth Count, And the Grand Jury aforesaid, by this indictment, further accuse the said *Harry Marks* of the crime of recording and registering a bet and wager, committed as follows:

The said *Harry Marks*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose

of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

George A. Doran

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Les En* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *Saratoga* in the County of *Saratoga* in the State of *New York* and commonly called the *Saratoga* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Harry Marks

of the CRIME OF POOL SELLING, committed as follows:

The said

Harry Marks

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one *George A. Doran* and to divers other persons, to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Les En* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year afore-

said, at a certain place and race track situated at Saratoga
in the County of Saratoga in the State of New York
and commonly called the Saratoga Race Track,
and which said trial and contest was had, holden and run on the day and in the year aforesaid at
the place and race track aforesaid (a more particular description of which said trial and contest,
and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid
unknown, and cannot now be given), against the form of the Statute in such case made and pro-
vided, and against the peace of the People of the State of New York and their dignity.

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

Harry Marks

of the crime of recording and registering bets and wagers, committed as follows :

The said

Harry Marks

late of the Ward, City and County aforesaid, afterwards, to wit : on the day and in the year
aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned,
leased, or conducted by any association incorporated under the laws of this State, for the purpose
of improving the breed of horses, where racing was then lawfully had, with force and arms, did
unlawfully and feloniously record and register, and cause to be recorded and registered, divers
bets and wagers, then and there made by and between divers persons to the Grand Jury aforesaid
unknown, upon the result of divers certain trials and contests of speed and power of endurance of
and between divers horses (a more particular description whereof, and of each of them, is to the
Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year
aforesaid, at a certain place and race track situated at Saratoga
in the County of Saratoga in the State of New York
and commonly called the Saratoga Race Track, and which
said trials and contests were had, holden and run on the day and in the year aforesaid, at
the place and race track aforesaid (a more particular description of which said trials and contests
and of the said bets and wagers so as aforesaid then and there made upon the same, is to the
Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Harvey Marks

of the crime of pool selling, committed as follows :

The said

Harvey Marks

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to divers persons, to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at

Saratoga in the County of *Saratoga* in the State of *New York* and commonly called the *Saratoga* Race Track,

and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests and of the pools upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

DE LANCEY NICOLL,
District Attorney.

05 16

BOX:

481

FOLDER:

4398

DESCRIPTION:

Marono, Antonio

DATE:

05/24/92



4398

0517

Witnesses:

Marion F. Galambos
Mary Clement
Mary Clement
and

James - Oron
84 James St

250
Kearney & Bay
Opt. on Car Cent.

Counsel,

Filed 24th day of May 1892

Pleads *Not Guilty*

vs
THE PEOPLE
vs.
Anthony J.

Antonio Marone

Burglary in the
[Section 40] *Second*
degree.

DE LANCEY NICOLL,
Dist. & Gen. S. S. District Attorney.
trial not from 2nd degree

A TRUE BILL.

Luhio Catin
Foreman.
Part 2 - June 2, 1892.
trial and verdict of Acquittal
in the 2nd degree
June 2, 1892
J. J. H.
June 17th 1892

0518

COURT OF GENERAL SESSIONS OF THE PEACE,

City and County of New York.

The People,

vs.

ANTONIO MARONO.

"
"
"
"
"
"

Before

HON. JAMES FITZGERALD,

and a Jury.

Tried JUNE 6TH, 1892.

Indicted for BURGLARY in the second degree.

Indictment filed MAY 24TH, 1892.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

For THE PEOPLE.

HUGH COLEMAN, ESQUIRE,

For THE DEFENCE.

05 19

2

MARIA F. GOLANDO, THE COMPLAINANT, being examined through the official interpreter, Mr. Cutano, testified that she lived at 138 Mott street and occupied two rooms, on the ground floor, at that number. She, the complainant, remembered the 20th of May, 1892. On that day, she, the complainant, left her rooms, at seven o'clock in the morning, locking the doors behind her. She, the complainant, returned to her rooms about three o'clock in the afternoon. Upon her return, she, the complainant, found all her boxes broken open and the drawers out. She, the complainant, missed two silk handkerchiefs and a pair of ear-rings. The value of the missing property was eight dollars. The door of her rooms had been broken open and the lock broken, and she, the complainant, found strangers in her rooms. She, the complainant, identified the locks shown to her by the District Attorney as the locks which had been on her trunks. After the burglary, the two silk handkerchiefs had been returned to her, the complainant, but she had not seen the ear-rings. They were the same handkerchiefs that had been stolen.

In cross-examination the complainant testified

0520

3.

that she was a married woman, and had a son fifteen years of age. Two other families lived on the same floor of the house with her, the complainant. It was a three story house.

OFFICER MICHEAL SULLIVAN testified that he was attached to the 10th police precinct. He, the witness, received the defendant from another officer, in front of 136 Mott street, and he, the witness, took the defendant to the station house. On the way to the station house, he, the witness, asked the defendant if he had been in the house of the complainant. The defendant said that he had not.

In cross-examination the witness testified that the arrest was made at half-past one o'clock, on the afternoon of May 20th.

MARIA CLEMENTE, being examined through the official interpreter, Mr. Cutano, testified that she lived at 136 Mott street, on the second floor. She, the witness, knew the rooms occupied by the complainant. She, the witness, saw the defendant in thos premises on the 20th of May, 1892. She, the witness, saw the defendant jump from the com-

0521

4

plainant's window and run to a water-closet in the yard and lock himself in. She, the witness, sent her son to call a police officer. She, the witness, did not know what time it was. She, the witness, did not see the defendant near the door of the complainant's apartments.

In cross-examination the witness testified that she was going down stairs for water, and, when passing the complainant's door, she, the witness, noticed that the lock had been broken. She, the witness, called a neighbor of hers, and together they tried the door and found it open. Then they went to the yard, and saw the defendant climbing out of the complainant's window. When the defendant was coming out of the window, she, the witness, saw his face. That was the first time that she, the witness, had seen the defendant.

JOSEPH CLEMENTE testified that he resided at 136 Mott street, and was the son of the preceding witness. On the afternoon of the 20th of May, his, the witness's, mother, pointed out the defendant to him. He, the witness, and his, the witness's, brother, kept track of the defendant and call-

0522

5

ed a policeman. The policeman caught the defendant in Mulberry street, between Hester and Canal streets, and took him back to 136 Mott street and delivered him, the defendant, to Officer Sullivan. From the time his, the witness's, mother pointed out the defendant to him, the witness, he, the witness, did not lose sight of the defendant.

JAMES CLEMENTE testified that he was present when his, the witness's, mother pointed out the defendant to his, the witness's, brother, the preceding witness. He, the witness, recognized the defendant as the man that his, the witness's, mother, had pointed out to his, the witness's, brother. He, the witness, walked in front of the defendant and his, the witness's, brother walked behind the defendant, and when they were in Mulberry street, between Hester and Canal streets, they met a policeman and had the defendant arrested. The policeman took the defendant back to 136 Mott street, and delivered him, the defendant, to Officer Sullivan.

0523

6

FOR THE DEFENCE, ANTONIO MARONO, THE DEFENDANT, testified that he was twenty years of age, and had never been arrested before. He, the defendant, had been in this country for three years and a half. He, the defendant, lived with his uncle, at 44 Mulberry street. He, the defendant, was not in the complainant's premises on the 20th of May, 1892, and he was not in Mulberry street on that day. He, the defendant, did not know the complainant's house until the policeman took him there. He, the defendant, was not in the back yard of the complainant's house on the 20th of May, 1892. He, the defendant, had heard the testimony of the preceding witnesses, and when they said that he was in the water-closet of the complainant's house on the day in question, they told an untruth. He, the defendant, did not take any silk handkerchiefs from the complainant's house on the day in question. He, the defendant, did not know what a silk handkerchief was.

0524

Police Court— / District.

City and County } ss.:
of New York,

of No. 136 Mott Street, aged 36 years,
Mary F. Golardo
Housekeeper being duly sworn

deposes and says, that the premises No. 136 Mott Street, 14 Ward
in the City and County aforesaid the said being a 2 Story Brick dwelling
House - the 1st floor back of
and which was occupied by deponent as a Dwelling
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly breaking the
locks securing the door leading from the hall
way to said premises

on the 20 day of May 1892 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

Two silk hand-kerchiefs and a pair of ear-rings all together
and Eight Dollars

the property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by
Antonio Marano

for the reasons following, to wit: deponent securely locked and fastened
the door leading to said premises at seven A.M. on
said date and deponent is informed by Maria
Bellements of 136 Mott Street, that she saw the said
lock freed at 1. P.M. on said date and saw
the deponent leave said premises by getting out
of the window into the rear yard and going
into the water closet. Deponent further says that
she afterwards found the two handkerchiefs

0525

in the said water closet. Wherefore
deponent charges the defendant with
Burglary

Mary F. Glands
mark

Sworn to before me, this

21

Mary F. Glands
Police Justice

Dated _____ 188

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

Police Justice

Dated _____ 188

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

Police Justice

Dated _____ 188

of the City of New York, until he give such bail.

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

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

Police Court, District

Office—BURGLARY.

THE PEOPLE, &c.,
on the complaint of

vs.

1. _____

2. _____

3. _____

4. _____

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witness.

No. _____ Street,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer General Sessions.

0526

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation Maria Clemente
Housekeeper of No.

136 Mott Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Mary F. Golando

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

Sworn to before me, this 21
day of May 1892

Maria Clemente
mark

J. G. Duffy
Police Justice.

0527

(1395)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Antonio Marano

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. *Antonio Marano*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *44 Mulberry Street. 6 years*

Question. What is your business or profession?

Answer. *Latimer*

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
Antonio X Marano
mark

Taken before me this *21*
day of *May*
John J. Beckley
Police Justice.

0528

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

defendant

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

Dated, May 21 189 2 *[Signature]* Police Justice.

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

Dated,..... 189..... Police Justice.

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

Dated,..... 189..... Police Justice.

0520

622
1894

Police Court--- District.

THE PEOPLE, &
ON THE COMPLAINT OF

Mary F. Colander
136 Matt St

1 Antonio Marins

2

3

4

Offense. Burglary

Dated, May 21 189 2

Duffy

Magistrate.

Sullivan

Officer.

10

Precinct.

Witnesses Mary Clements

No. 136 Matt Street.

136 Matt Street.

No. Street.



No. Street.

\$ 1000 to answer G.S.

Mary

Burg 2
P.L.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0530

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Antonio Marono

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

Antonio Marono

of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said *Antonio Marono*

late of the *14th* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *May* in the year of our Lord one thousand eight hundred and ninety-*two* in the *day* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Mary F. Golando*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Mary F. Golando*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

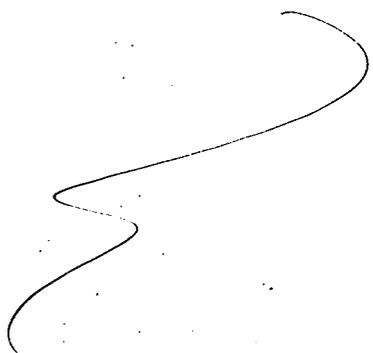
And the Grand Jury aforesaid, by this indictment further accuse the said

Antonio Marono
of the CRIME OF *Petit* LARCENY committed as follows:

The said *Antonio Marono*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *day*-time of the said day, with force and arms,

two handkerchiefs of the value of one dollar each, and one pair of earrings of the value of five dollars



of the goods, chattels and personal property of one

Mary F. Golando

in the dwelling house of the said

Mary F. Golando

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

De Lancey Nicoll,
District Attorney.

0532

BOX:

481

FOLDER:

4398

DESCRIPTION:

Marshall, Gustave

DATE:

05/25/92



4398

0533

Witnesses:

.....
.....
.....
.....

52
Cant & Goye and Garrison

Counsel,

Filed, 15 day of May 1892

Pleas, Not Guilty (sum)

THE PEOPLE

Transferred to the Court of Special Sessions for trial and final disposition

Part 2. Fran. Ch. 1893

Gustave Marchell

VIOLATION OF EXCISE LAW
(Keeping Open at Unlawful Hours)
(Ill. Rev. Stat. (7th Edition), page 1889, Sec 5.)

DE LANCEY NICOLL,

District Attorney.

James J. Lane
June 28 92

A TRUE BILL.

[Signature]

Foreman.

0534

~~Supreme and Terminals~~
Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

488

THE PEOPLE OF THE STATE OF NEW YORK
against
Gustave Marshall

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

Gustave Marshall

of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING, a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed as follows:

The said *Gustave Marshall*,

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *June*, in the year of our Lord one thousand eight hundred and ninety-*—*, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed between the hours of one and five o'clock in the morning of the said day, and between the said hours of the said day, to wit: at the hour of *two* o'clock in the morning of the said day, the said place so licensed as aforesaid unlawfully did then and there open and cause and procure, and suffer and permit, at the time aforesaid to be open and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0535

BOX:

481

FOLDER:

4398

DESCRIPTION:

Martin, William

DATE:

05/20/92



4398

0536

BOX:

481

FOLDER:

4398

DESCRIPTION:

Johnson, Charles H.

DATE:

05/20/92



4398

619 *deed*

Counsel
Filed *20 May* 1892
Pleads *19 July 23*

Section 498, 42 C. 338
Burglary in the Third Degree

THE PEOPLE

vs.

William Martin
and
Charles H. Johnson

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Judith C. [unclear]

Robt May Jr
Foreman.

Jacob & Countess of

James Foley

Edw. J. [unclear]
May 31/92

31

Witnesses:

Ryan Bros
205 E 07 St

Therese [unclear]
Opp [unclear]

W. [unclear]

Hoboken

The People
 William Martin
 and
 Charles H. Johnson

Court of General Sessions. Part I
 Before Judge Fitzgerald. May 26. 1892.
 Indictment for burglary in the third degree.
 Frank Panizzi, sworn and examined. What
 is your business? Shoe maker. Where do you
 live? No. 200 East 109th street. What floor of this
 building do you occupy? The first floor. How
 many rooms? One room. Is it in the front
 or rear of the building? The front of the building.
 How many doors have you leading into your
 room? Two; the windows of the room are in
 the front. On the 15th of May did you have any
 property in your room? Yes. There was one
 gold watch and a gold chain, one silver
 watch and a gold plated chain, two pair
 of ear rings and two rings. The whole prop-
 erty was worth about seventy dollars. Where
 was this property on the morning of the 15th
 of May? In the bureau drawer in my room.
 What time did you leave the room? Nine o'clock.
 my wife and I left the room together in the
 morning. Before going out did you notice the
 door? Yes, everything was tight and closed I
 took the key with me. What time did you
 go back to the room? I went back about half
 past nine. You were only away a short while?
 Yes, about an hour or so; my wife called
 me. When you got back what did you
 find? I found the two doors open.

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The door leading from the hall and the door leading from the room into the other room? ^{yes}. The hall door was open from the back room from the inside, and the other door was broken, the door leading from my room to the other room; it was smashed and the hinge was broken, the hasp was broken off. I looked around and I missed the stuff; the bureau drawers were opened by scissors and I found part of the scissors broken in the drawer. I went out and saw a policeman on the corner; he sent me down to the station house, and the Sergeant sent a detective with me; he came right up to the room; he looked around and examined all the rooms. I saw these boys, the defendants, when I first moved in the rooms; the mother of one of them - Johnson - rented me the rooms. I knew these boys by sight before the burglary; they both lived in the house. ^{What} room did they occupy in the house on the 15th of May? The room next my room, the room which is connected with mine by a door. I found that door broken open. The next time after the burglary that I saw the defendants was in the station house. I saw them on the 16th in the cells. I saw my property in the

station house, detective Parley had it. I identified it as my property. (The jewelry was shown to the witness) That is the property that you left in the drawer? Yes, it was in a box too.

Cross

Examined: Is the front door down stairs usually open? No, it is all the time closed, all locked. How do you get in usually? I have got a key of the hall door leading to the street. Was it closed that day? Yes sir. Who was left in the house beside you and your wife and these defendants and the mother, any other lodgers beside? O yes. How many others? I don't know how many people. I don't know how many families live up stairs; there is one family on each floor and there are four floors! You saw these boys on that morning did you? I did not see them; my wife saw them. When did you go to live there? About the first of May. You never lived in that house before the first of May? I never lived there before that. Did you ever have a talk with those boys? No, never. Was the door between the room they occupied and your apartment locked on the other side? Yes, there was hooks on it. I put them on; they were broken. Was the door of their room open that went into the hall? Yes. My door was closed tight; the defendants

Slept in the room next to me, the mother told me so, but I do not know that. Was there a door from their room that went into the hall? No. How did they get out of their room into the hall do you know? From the other room, I mean the back room, the kitchen. They had to go back into the kitchen to get out into the hall? Yes sir. I asked the officer to arrest the boys because my wife saw them, she told me she saw the two boys. They went out when she went up stairs. Were you present in the station house when they were searched? No sir. Did you ever see those boys in possession of any of that property? I never saw them take the property out of their pockets, I never knew they had it. This room that you and your wife lived in, did you eat in that room? No, we slept there. Was that the only part of that house that you occupied? Yes. Where did you get your meals? Down in the store. You occupy the store too? Yes. Charles F. Farley, sworn and examined. Are you a police officer of this city? Yes. I am now connected with the 27th Precinct. On the morning of the 15th of May did you see the complainant? Yes. Where did you meet him? At the station house and then I went

to 200 East 109th street, that is his residence. I found his front door open, the bureau drawer all tore out and things on the floor, and the door leading into the room that those two young men occupied burst open from the inside of their room, and after they gained an entrance to this main room they burst the door open from the inside of his room to the hallway in order to get out in the hall. What was the condition of the door and the lock? The castings were all off the lock; the little side where the lock fits in was off on both doors, so that both doors would swing open of their own volition; the hook or catch on the inside of his door that led to their room was burst open - it was drawn from its fastenings, the hook, not the bolt. Did you notice anything as to the bureau drawers? There was an instrument of some kind used on the drawer to force it open, the drawer was all scratched and marked, where an implement of some kind was used. I found in the drawer what seemed to me to be the top of a pair of scissors, about from a quarter to half an inch long. I found that not in the drawer but at the bottom of it on the floor. I found

a mark on the drawer. What did you do?
I first off went to the lady who occupies
the floor that he hired the room off. Her
Johnson; she admitted that she knew the
boys; she was excited. You talked with her
and where did you go? I went down stairs
and enquired of several people where those
boys were in the habit of visiting where they
spent their evenings. I went to the club room
in 105th street between First and Second
avenues and found out that they had
been members of the club. I stayed around
the club house until five o'clock in the
evening from the description I had of the
young men and found them coming out
of the club room and arrested them. I
first off got Johnson. Martin was down at
the foot of the stairs - the club house was
in the basement - I called Martin up; he
was about to turn back to run in the
club room and I threatened him. I told him
if he did not come up I would shoot him.
With that he walked up the steps to me.
I put the two of them under arrest. I took
them up Second avenue and met a
fellow officer. On the way Martin says
to Johnson in a whisper, he asked him
to drop the stuff. What were the words?

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"Charlie, drop the stuff." That was said?
I said if he dropped the stuff it would be
worse for himself. In the mean time
I sent a citizen for an officer and a crowd
gathered around. The stuff was either
passed or thrown away. Was anything further
said? No, there was nothing further said
at all. Did you see any of the stuff in
their hands or in their possession? No sir.
Did you search them? No. I did not have
a chance, I had hold of both of them then
what did you do and where did you go?
After I put them both under arrest I took
them to the station house with the assistance
of another officer. Did you see the complainant
there? No sir. I did not. When did you see
him? Not until the next morning. When the
men were locked up were they? Yes sir.
Look at this property (showing the property of the
complainant) have you ever seen that? Yes.
Where did you see it for the first time? That
Sunday night about twelve o'clock in the
station house. A lady, I think by the name
of Schwartz brought it in there. When did
you see it again? On the next morning
when I brought it to Court. Did you see
the complainant there? Yes. Did he iden-
tify the property in the presence of these
men? Yes sir. What was done with

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these defendants after that? They were taken to the Police Court and held. Did you speak to them about this offence? Yes, Johnson told me. Tell us where that conversation was held? I had a conversation in the station house that Sunday night after the arrest with Johnson. Was the other man present? No sir. Tell us what was said by Johnson in the station house? I asked Johnson where the stuff was, and he said he would not tell me where the stuff was till his mother came. I went and got his mother. His mother was present when he told me that he had passed the stuff to a fellow named Schwartz, and he told me where Schwartz lived. I went to his house and put him under arrest. Did you bring him to the station house? Yes. Did you show him to Johnson? Yes sir. Did he say anything to Johnson in your presence? Yes. What did he say? Johnson then denied in the station house that he handed him the stuff. What did Schwartz say to Johnson? Schwartz did not say anything to him only, "you know Charley I picked it up in the street." What did Johnson say? Johnson denied again that he handed him the stuff when he ^{saw} that Schwartz was under arrest for ~~stuff~~.

stolen goods. What did Johnson say? Johnson identified Schwartz; he said, "that is the one." What further was said by Johnson, if anything? There was nothing further said.

Cross Examined. Did you search the defendants when you got to the station house? Yes sir. Did you find anything on them? No sir. Did you search them both thoroughly? Yes sir. What did you find? I did not find anything on them. No pocket knives, keys or anything? No. At what street or place was it you heard Martin or Johnson, whichever it was, whisper, "Drop the stuff, Charley?" Between 103^d and 104th street on Second Avenue; it was on the east side of Second Avenue, going towards the station. Where was this ^{other} officer at the time? He was standing half a block away when I sent a citizen after him. Then when this remark was made by Martin, Johnson and the other officer was not with you? No sir. Who was the other officer? His name was Goodson; he is not here, he is at the station house I expect. What part did he take in this? I merely handed this young man over to him and told him to make a prisoner of him. I took charge of Martin and he took charge of Johnson. Did you have any

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further talk with Johnson on the way down
It was Martin I had on my way down
Did you ask him any questions? Yes I did.
I told him the best thing he could do was
to tell where that stuff was and things
would be made lighter for him. What an-
swer did he make to you? He said he
did not know where the stuff was. Was
that his particular answer or that he
did not know anything about it? No.
Did you say stuff? No sir. Did you
describe it other than the word stuff?
No sir. Did you get any information
from anybody else except the complaining
witness in this case, the gentleman who
preceeded you on the stand that these
defendants had broken in there and
had taken this property? No sir. I do not.
You simply test his statement to that
effect and went for the boys without
a warrant? Yes. Was there any exam-
ination at the Police Station of these boys?
Yes. What did Martin say when he
was accused of this offence before the Magis-
trate do you remember? They had nothing
to say. Do you say he refused to
answer or denied it? I did not hear
him say a word - I do not remember

0548

3

that either one of them said anything. They listened to my statement and also to the statement of the complainant. I do not remember them saying anything to the Judge. I made enquiry about these boys if members of the club they belonged to. What character did they give them? They had expelled Martin a few days before that because they heard he was crooked, and they refused to admit Johnson into the club because they heard he was a crook. Where did you get that from? The President of the Club. I do not know his name. What is his business? He is a painter. Where is his place of business? I do not know, he works as a journeyman I guess. Do you take anybody's statement about whether a person is a crook or dishonest without knowing who they are, or is it an instinct of your craft that induces you to believe that, answer the question? I do not take their statements at all times. You never saw any of this property in their possession did you? No sir. At the time that you arrested these two were coming out of the club who was there at that time besides you and the two defendants? There was a lady who owns the house;

she was standing on the stoop. Then I put them under arrest and started to walk with them. The station house is in 88th St. between First and Second Avenues. How far did you walk before this conversation occurred about the stuff? About two blocks and a half. Were you alone up to this time? Yes. Were you alone at the time this conversation was had? Yes, there was nobody there but the two defendants and myself. I had hold of both of them and was between them. One said to the other, "Drop the stuff;" meaning the jewelry. What did you do then just at that instant? I told them it would be worse for them if they dropped the stuff. What did they say to that? They did not say anything to it. Did you keep your eye on them? Yes - How far was this officer off at that time? About half a block. Up to the time that you met him did anybody else come along? A crowd gathered round and was following us. Where did that crowd commence to gather? To the corner of 105th street and Second Avenue. About how many people? About two or three dozen. Did they follow you down to where this officer was? Yes sir.

It was on the way going down this conversation happened? Yes sir. Did you keep a close eye on the two defendants? Yes. Did you see anything changed? No sir. You watched close and saw nothing? Yes, saw nothing. And then you gave one of them to a uniformed officer? Yes, sir. You took this other man to the station house yourself? Yes. In the station house you made a search? Yes. The first time that you saw any of this stuff, as you call it, was when Mrs. Schwartz came into the station house with it? Yes.

You say you got information in reference to the men? Yes. I went to Schwartz house. Whom did you see? I saw two brothers, his sister in law, and his little sister, a little girl about ten years old. I arrested one and brought him to the station house. What time was that? A quarter to twelve at night. What time was it after that lady came? She came right down after us; she brought the jewelry to the station house.

By counsel You stated that there were hooks upon the inner door leading to the defendants room, as you understand it, were those hooks to prevent the door opening towards

their room or to prevent the door being open
in the direction of the complainant's room.
The hooks were in the complainant's room
to prevent the door opening towards the boys.

Yes. You say that that door was broken
in so that these boys or any one from
their room might have broken into that
door? Yes. Did that door jam in
against the room occupied by the com-
plainant? Yes. Was that door broken from
the complainant's room in towards the boys
room? No. How do you account for
that? The hooks were taken off the door
that was going in towards the boys room.

Can you account how anybody could
have gone within that door to have taken
off the casings and then taken off the
hooks all being inside of the door? By
pulling the knob of the door towards their
room they dragged them out; the door
was broken in from their room. Did
the door ordinarily open into the complainant's
room or into what you call the boys room.
It opened in towards the boys room.

Could not the door have been opened
from the hallway just as well as from
the boys room? No sir, it could not.
What makes you think the door was

broken open from the boys room in the
 first instance rather than from the hall.
 The marks were all on the inside from
 their room, the marks where they forced it
 open, they had been working with some
 sort of an instrument inside their room.
 Was the woodwork torn away? Yes sir.
 Did you notice whether there were splints on
 the floor in the boys' room? Yes sir, there
 was. There was no marks in the complain-
 ant's room at all; it was all inside
 their room. How long do you suppose
 it would take an experienced burglar
 to get in and make that character of
 destruction to get into the room? About
 twenty minutes. The complainant thinks
 his wife was absent half an hour, would
 that be abundance of time to break in?
 Yes. These premises were in the Twelfth ward
 Gitana Jaruzzi, sworn and examined
 through the Interpreter. Are you the wife of the
 complainant? Yes. Where do you live? No. 200
 One hundred and Ninth street. What time
 did you leave your room on the morning
 of the 15th of May? I went out in the morning
 for business. What property did you leave
 in the bureau drawer? I left the bureau
 locked and in it there was a bracelet.
 Are those your things (showing witness jewelry)

Those are the articles belonging to me. You left those in the bureau drawer? Yes. She says a policeman found a pair of scissors broken off. Do you recollect how you left the door leading from your room into another room, whether it was open or shut? There was a hook on my side in my room - there was a hook to that door leading into the other room. What time did you come back? I was away for about an hour. When you came back did you meet any one as you came up stairs in the hallway? I met the two boys, the defendants, they looked very sharp at me and they did something with their hands in their pockets, one of them was fastening his shoes. I don't know his name. Had you ever seen those boys before that morning? I knew their mother, but the boy I had never seen before. Did you see which way the boys went when they left you? Yes, they went down stairs and went out in the street and I found the door open - the door of my room. What did you find about the bureau? It was half out. What about the property? It was all mixed up in the drawer; the things that I had were all mixed up and the jewelry was in a box. Did you

see that when you got back there (the jewelry) that was missing. I kept it in a box and when I came back it was missing. When did you next see the property? I do not recollect, a day or two after, the police man came to my house and showed it to me. How near were those boys to your room door when you saw them that morning? I met them in the middle of the first flight of stairs going up from the street, but they were going down and I was going up. Do you know who occupied the room joining yours and connected by a door? I don't know who was sleeping in that room next to mine before that day. When we hired the room, the mother said it was a very quiet house and I did not enquire who was sleeping there. How was the door of your room when you came back after you had been out an hour? The door leading from my room into the hall, the lock was broken off from the inside and the door leading from my room into theirs was also broken and the locks were all torn out. There was one hook and that hook was torn out.

Cross Examined. How was the front door, was it open or locked? It was always kept locked I had a key made to open the street

door from the outside to go into the hall. My husband has the key. I don't know what kind of a key it is; it is a flat key. Did you notice whether there was much wood torn off the door between your inner room and where those boys were said to sleep. There were marks; you could see marks which looked like as if they were made with scissors; they were between the door and the jam or casing of the door. I did not notice any pieces of wood on the floor near the door, but I noticed the marks. I thought it was opened by force. The door leading from my room into the hall there were splinters of wood broken away from the door, but on the door leading out of the room there was only marks.

Friday, May 27th 1892
~~The Case for the Defense.~~

Frederick Hemmelt, sworn and examined by Mr. Townsend for the people testified: I live at No. 250 East 101st street and am a driver. Do you recollect the afternoon of the 15th of May? Yes. Where were you that afternoon? In the afternoon I was at the stable; between five and six o'clock I was coming from the stable after fixing my horse and was going to the house where I live.

What happened to you, did you see anything?
Yes, as I was going home and crossed
the street I picked up a small package
about that size (showing) Where did you pick
that up? ~~Proo~~ 1st street and Third Avenue.
I was crossing from the east side to the
west side of the Avenue. There was a small
puddle of water. The package was not lying
on the sidewalk but it was lying by the
gutter; it was about a foot from the
sidewalk. I picked up the package; there
was a small yellow paper around it
and a pink string; the same as drug-
gists use. Do you know either of the
defendants, look at them? I know that
young man (pointing to Johnson) he
worked a couple of days for my boss I
could not tell you his name. Did you
see them or either of them that after-
noon? No, I did not. What did you do
with the piece of paper? I took it up
to my house and told my mother I found
a small package. I gave it to my mother.
Where did you go? I went up to the
Harlem Museum. I came home and I
went to bed. Did you go to the Court house
or station house? No sir. Did you
go there sometime? I did not go to
the station house until the gentleman

the officer took me out of bed. Was he officer Farley? Yes. I went to the station house. When was that? That was last Sunday week. At the station house did you say anything there? Yes; my mother had the jewelry down there. Look at that (showing the jewelry) did you see that there? Yes. And that was the jewelry that you had give to your mother? Yes. And that you picked up in the street? Yes, all the things are there. Who had it at the time when you saw it in the station house? My mother had it. Then was officer Farley there? Yes. Did you see officer Farley that afternoon on the street anywhere? No. I did not. You are positive about that? Yes sir.

Cross Examined: What did Johnson do when he was working for your employes two days? He was working on an ice wagon. Did you ever know him before? No sir. Did you ever see this property that you just handled in the possession of either Johnson or Martin? No. Do you know the premises No. 208 East 109th street where the complaining witness lives? Yes. You have been in there? No. I never was in his place, but I was around there for three years steady, working there for Mr. Brown. Do you know the house

where these boys live? No sir. Would you not know it if you saw it? Yes, if I seen it I would know it. Did you ever visit in that neighborhood? No sir. Did you know the complainant, the shoemaker? Only from being around their working. You knew he lived up stairs? No sir. I did not. Do you know Martin? No sir. Did you ever see him before? Not to my knowledge. That time Sydney was it you found this package? Between five and six o'clock. Do you know where this club is, 105th street? No sir. I don't know anything about it? No sir. I do not.

How long were you on Second Avenue that afternoon before you found this? I was just coming down from the stable about ten minutes. You did not see Parley come along there with two prisoners? No sir, I did not. Where were you at nine o'clock on the morning this happened? I was in the stable.

Mary Bennett, sworn and examined.

You are the mother of the boy who just left the witness stand? Yes sir. You recollect on the 15th of May your son bringing you a package? I do. About what time was it? Between five and six o'clock. I was up at my front window. I sent my girl out for wood. My son came

up and he told me he found something in the street as he was crossing. I asked him what he found? He said, "Mother, I do not know." I opened the paper and I found jewelry. Did you take it to the station house that night? Yes sir, about half past one to my knowledge. Did you give it to Officer Parley? I did not. I left it with the Sergeant in the station house. When you went down to the station house did you see either of these young men, the defendants? No sir. Did you see them at any time? No sir. I never did to my knowledge.

By Counsel

Do you know either of these defendants? No. I do not. I never seen them. You never saw this property in their possession? I did not. Did you notice when your son brought the package to you had a string about it? Yes sir. I cut it open with a knife because the paper was wet. I rolled it up in a newspaper and left the brown paper underneath it. It was fancy twine, such as drug stores have.

The Case for the Defence.

Charles H. Johnson, sworn and examined.
I reside at No. 200 East 109th street, on the

morning of the 15th of May I was home
My room was next to the complainant's
Mr. Martin lodged with me there for about
two months. How long had you known
Martin? I guess a little over a year; he
was a bar tender when I first knew him.
He was not working at that occupation on
the 15th of May; he was out of a situation
then; and had been for two weeks; he
had been working steadily up to that time
for somebody in Eighty First Street and
Second Avenue. I do not know who the
party was. I did not visit him. Did
you see much of him in companionship
during the whole time you knew him?
No sir, not much. Did he sleep home
nights and work in the day time? Yes.
He used to work for an ice wagon, for
Mr. Lyons, and prior to that time he
worked for Mr. Ryan for over a year.
I was a helper on the wagon and I did
the collecting. When I left Mr. Ryan there
was no difference between us. I left him
as soon as the ice business stopped; he
had two wagons running I could not
tell you exactly what month it was in, it
was in the winter time, the early part
of last winter. The next place I worked.

was for Lyons. I only worked there two days.
Had you any occupation meanwhile? No sir.
My mother supported me. What board did
he pay at home do you know? Five dollars
a week for board and lodging. Do you
know whether or not he paid it regularly
to your mother? Yes, he did. You have
heard the story of the woman and the man
who owned this property ~~about~~ the door
between your room and theirs being
broken open, about the door being opened
apparently with scissors and being rifled
of its contents? Yes. What have you to say
about that circumstance upon that morn-
-ing? I never got out of bed that morn-
ing till half past ten; it was eleven o'clock
in the morning before I left the house.
The complainant says that she met you
two lads going down stairs together, is
that true? Yes. down in the entry, close
to the entrance to the door; we were
opening the door going out and she
came in. Something was said about
one of you putting your hand some-
where as in a state of excitement
and confusion, as though you were
hiding something away, is that true?
No sir. Did you ever see this property?

0562

No sir. I did not. You never saw it in your life before you were arrested? No. I did not. When you were arrested did you deny this to the officer? Yes. The officer says he was taking you down the Avenue towards the station and he was between you and that Martin made a statement, "Charlie, you had better get rid of the stuff" or, "drop the stuff", is that true? No sir, it aint true. Did you have this property at that time? No. I did not. Did you drop it? No sir. Which side of the way do you remember you were taken down from 109th street, where ever this club was? It was 105th street, it was on the east side of the ^{Second} Avenue towards the river. You walked on that side of the Avenue as far as the 101st station? Yes, we walked all the way on that side. You did not cross the street till you got to the station? No sir, we walked all the way on the east side down 88th street. Were you ever arrested before? No sir. Were you ever in any sort of a scrape before in your life? No. How long have you worked? Ever since I was fifteen years old. I have not been in the city long. For whom

did you first work and where? Portland, Me.
 What was the business? Bottling soda
 water for Murdoch and Freeman. How long
 did you work for them? Two years. I was
 twenty years old this April. After I worked
 for this bottling party I worked in the
 fish business at Portland. I was at that
 business until I came to New York, about
 two and a half or three years ago. Then
 you came to New York and worked in the
 ice business with Mr. Ryan for two days?
 Yes. Have you ever worked anywhere else?
 No sir. Were you a member of the club
 this officer speaks of? Yes. Were you ever
 expelled from it? No; it is called the
 Alfred Pleasure club for social enjoyment;
 the club consists of twenty nine members.
 I do not remember the President's name.
 Had you been in the club room with
 Martin? No. I was not in the club room
 that morning; we were not in the club
 room that day at all. He went down
 105th street to the club room. Martin
 started to go down over the stairs. I was
 up stairs on the street. The officer came
 up and asked my name. I told him
 I lived in 109th street. He said, "Come
 along with me, I want you." I called

Martin up out of the cellar. Martin walked over to him, and the officer caught hold of him, and he walked us down to the station house. You are quite positive no such words were used by Martin to you or you to Martin? Yes, I am. Was Martin with you about the 15th of May and left together with you? Yes, he left with me. Is there any door between your room going out of it through Janizzi's, can you get into the hall directly from your room? No, you have got to go into the kitchen through my brother's bedroom. Did you commit this offence and take this property? No sir. I did not

Cross Examined. We always sleep late Sunday morning; my mother never gets up before nine or half past nine o'clock. I went to bed about ten or half past ten o'clock Saturday night. Martin and I slept till about ten o'clock the next morning in the same bed. I had 28 cents in money at the time. We went down Third Avenue to 106th Street and took the Third Avenue Elevated down town; we took the Eighth Street cars to Christopher and we went across the ferry to River Street to Martin's mother's house. We stayed there until four o'clock

that afternoon. That is the first time I was there. This was in Jersey; and his cousin came over to New York with us; we went in a saloon and had a glass of beer. I met the cousin over at his mother's; the cousin paid for the beer. I paid the car fare and he paid the ferrage. Martin had not been working the whole week. We went down to the club room to see if there was anybody there. We had no key because they did not have enough made. It is No. 20 River street, Hoboken where Martin's mother lives. I am sure we crossed the Christopher street ferry. I only had 8 cents when I got to the club room. I got up at ten o'clock in the morning on the 15th of May. I slept with Martin the night before in the room adjoining the complainant. I got my breakfast in the kitchen with Martin. We met the complainant's wife when we went down stairs; we opened the door to go out and she came in. Was there anybody else in your house that morning with the exception of you, Martin and your mother until you met the complainant? No. Are you sure about that? Yes. I did not notice that the door from our room into the complainant's was broken.

William Martin, sworn and examined, testified:
How long did you live at the premises No. 200
East 109th street? About two months. Was the
15th of May Sunday? Yes. You two boys got
up and dressed about ten o'clock? Yes, half
past ten; we started to go out at eleven
o'clock. Who took breakfast with you
beside Charlie? His mother; she took break-
fast with us at the same time. Were
you working on the 15th of May? No.
You had been out of work how long? About
three weeks. I had worked in Eighty First St.
and Second Avenue about a month. I
worked over on the West side before that for
my uncle, Barney Meyer; he had a
saloon and I was bar tender. I worked
for him about seven months and he sold
his store - the Sheriff sold his store. Then
drove a wagon for a baker in Ninth
avenue for about seven months; he was
a Frenchman; he is not there now; he
sold out. Before that I worked for Wilson
and Armour at the fish business; they
sold out; they moved away and I did
not go with them. I was living at 105th
street and Ninth Avenue; we moved
down to Forty First street between Ninth
and Tenth Avenues. My mother lived

with me then. Is your mother a widow? Yes, she was married twice. When did she move to Jersey? About three months ago. How often had you been to see her during the last three months? About four or five times. How many children has your mother? Two. What is the other, a boy or a girl? There is two girls and myself. Did you say to Martin, the defendant, when you were arrested by the officer, "Charlie, you had better drop the stuff," or words to that effect? No sir. Did the officer accuse you of stealing anything the day he arrested you? No sir. Did he show you a warrant? No sir. What did he say to you first? When he got hold of Charlie he asked him his name and he told him. He was down stairs in the club room and he walked away with Charlie, he (Charlie) called me up and I walked up and he got hold of me too. What did he say to you? He did not say anything except, "Come along with me!" Did you have any conversation going down to the station house? He was asking if I had the stuff. Was there any other conversation in the station house you heard? No sir. Were you present at any time, when Charlie

made a remark that he would not say where the stuff was until he had seen his mother? No sir. Did not hear him say that. Did you drop any of these goods on the street? No sir. Did you ever have possession of them? No sir. Did you ever see them before you were arrested? No sir. Did you have anything to do with breaking in the door of this room? No sir.

Cross Examined. I saw the female complainant that morning. I passed her on the stairway. I did not notice the doors leading into her room as I passed. I did not pass by her door. I did not have to pass by it in order to get out. Did you notice the door leading from her room into your room? I did not take notice there is a machine up there and a couple of boards up against the bureau and some stuff. Was it open or closed when you left? It was always closed. The door between your room and her room was closed? Yes sir. You are positive about that? Yes sir. You were directly down stairs? Yes sir. On your way down you met Mrs. Parvizza? Yes. How much money did you have? Had about 30 cents. Where did you work before that? I was not working two weeks before that. I was looking for work.

Charles Ropa, sworn and examined, testified: I reside at 349 East 125th street. I know the defendants. I am a brother-in-law of Johnson. I married his sister. I am a painter, a carriage painter. I work at 127th street between Second and Third avenues. I worked at that place about two weeks. I learned my trade with a man named Golden. I was with him about seven months. I worked in Mulberry st. for a man named Smith. and then I worked in the Empire Wagon works. Did you visit the home of your wife frequently? No. the last year or two we have not got along very well. Did you frequently ~~see~~ this kid? I have not seen him in about six months. I have known him for four years and I don't know any thing wrong about him: he has been to my house a good deal. I always found him truthful and honest. I know his reputation to be good.

Officer Parley recalled by District Attorney. Do you recall, can you fix the time you arrested the defendants? About five o'clock in the evening. I went down on the east side of Second avenue.

The jury rendered a verdict of guilty of burglary in the third degree. The defendants were remanded for sentence.

0570

Testimony in the
Case of
Jm^m Martin and
Chas. H. Johnson

filed May
1892.

So On

0571

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Charles F. Forley

aged _____ years, occupation *Detective* of No. _____

Henry W. Brewer

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Frank Sawyer*

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

Sworn to before me this

16

Charles F. Forley

day of

May

186*9*

Conrad

Police Justice.

0572

Police Court District.

City and County of New York ss.:

of No. 200 East 109th Street, aged 28 years, occupation Shoemaker being duly sworn

deposes and says, that the premises No. 200 East 109th Street, 12th Ward in the City and County aforesaid the said being a Fire Story Brick

dwelling and which was occupied by deponent as a ^{in part} living apartment in the front room ~~and in which there was at the time a ~~bar~~ being ~~open~~~~

were BURGLARIOUSLY entered by means of forcibly opening the door leading from another room on the same floor ~~into~~ ^{from} deponent's room

on the 15 day of May 189 in the day-time, and the following property feloniously taken, stolen, and carried away, viz:

One open face gold watch, one open face silver watch, one gold chain, one gold plated chain, one gold bracelet, two pair of gold earrings and two gold rings altogether of the value of about seventy dollars

the property of deponent and deponent's wife and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by

William Martin and Charles Johnson, both unknown, while acting in concert

for the reasons following, to wit: That the doors and windows

leading into the said premises were secretly latched and fastened. That at about the hour of 9.30 P.M. on the 15th of May deponent came back to the premises and found that the premises had been entered as aforesaid and the said property stolen. That these two defendants stopped in the room adjoining deponent's

0573

and from which the door had been forced open. That defendant was informed by his wife that the men threatened defendant carrying out of the hallway of the premises. That defendant is informed by Charles J. Carley a detective attached to the 37th Precinct Police that he, the detective arrested the defendants and that they the defendants admitted the said burglary and feloniously took, stole, and carried away the said property. Wherefor defendant prays that he be held to answer the said indictment as the law directs.

Sworn to before me this 10 Day of May 1894

Frank J. ...

W. M. ...

Police Justice

Dated 1894 Police Justice

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

Dated 1894 Police Justice

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

Dated 1894 Police Justice

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

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

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 1894

Magistrate, _____

Officer, _____

Clerk, _____

Witness, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

§ _____ to answer General Sessions.

0574

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

William 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *William Martin*

Question. How old are you?

Answer. *19 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *603 East 109 St - One month*

Question. What is your business or profession?

Answer. *Student*

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

Answer. *I am not guilty*

William Martin

Taken before me this

day of *July* 189*7*

W. H. Mead
Police Justice

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY } ss:
OF NEW YORK, }

Charles Johnson 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 sees 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 Johnson*

Question. How old are you?

Answer. *20 years old*

Question. Where were you born?

Answer. *Portland Maine*

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

Answer. *6 No East 107 St New York*

Question. What is your business or profession?

Answer. *Driver*

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*

Chas. H. Johnson

Taken before me this

day of

189

W. J. ...
Police Officer

0576

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

Defendants

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

Dated, May 10 1897 W. C. M. W. Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

057

619
Police Court

592
1884
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Sawyer
Wm. Clayton
Chas. Johnson

Magistrate

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, _____ 1890

James H. Sawyer Magistrate.

Gannon & Child Officer.

_____ Precinct.

Witnesses *Callahan officers*

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1,000 to answer *G. H. Sawyer*



Callahan
10/22

0578

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

THE PEOPLE OF THE STATE OF NEW YORK

against
William Martin and
Charles N. Johnson

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

William Martin and Charles N. Johnson

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

The said *William Martin and Charles N. Johnson, both*

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the
fifteenth day of *May* — in the year of our Lord one
thousand *two* hundred and ninety-*two*, with force and arms, in the *day* time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

Frank Panizzi

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Frank*
Panizzi in the said dwelling house then and there being, then and there
feloniously and burglariously to steal, take and carry away, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

William Martin and Charles N. Johnson

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

The said

William Martin and Charles N. Johnson, both

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *day* - time of said day, with force and arms,

one watch of the value of thirty dollars, one other watch of the value of ten dollars, one chain of the value of ten dollars, one other chain of the value of two dollars, one bracelet of the value of five dollars, four earrings of the value of two dollars each and two finger-rings of the value of five dollars each

of the goods, chattels and personal property of one

Frank Farinuzzi

in the dwelling house of the said

Frank Farinuzzi

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

W. Danney Nicoll
District Attorney

0580

THIRD COUNT:

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

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

The said

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid,

of the goods, chattels and personal property of

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

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

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

DE LANCEY NICOLL,

District Attorney.

0581

BOX:

481

FOLDER:

4398

DESCRIPTION:

Masin, Vincenz

DATE:

05/12/92



4398

0582

237
1737

Witnesses:

.....
.....

Counsel,

Filed, 12th day of May 1892

Pleads, *Not Guilty*

THE PEOPLE

vs.

B

Winery Tavern

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(III. Rev. Stat. (7th Edition), Page 1989, Sec. 5.)

Transferred to the Court of Sessions for trial and final disposal
Paris 9th Sept. 14th 1892

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Julius Carter

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Benjamin Masius

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

Benjamin Masius

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

The said

Benjamin Masius

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

DE LANCEY NICOLL,
District Attorney.

0584

BOX:

481

FOLDER:

4398

DESCRIPTION:

Mastersen, John

DATE:

05/19/92



4398

469

169

Witnesses:

Counsel,

Filed, 19 day of May 1892

Pleads, *Magally 73*

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(Ill. Rev. Stat. (7th Edition), Page 1980, Sec. 5.)

THE PEOPLE

vs.

B

John Maesteren

May 16 92

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luigi Catinis

Foreman.

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 Mastersen

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

John Mastersen

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

The said *John Mastersen*
 late of the City of New York in the County of New York aforesaid, on the *8th*
 day of *June* in the year of our Lord one thousand eight hundred and
 ninety-, the same being the first day of the week, commonly called and known
 as Sunday, being then and there in charge of and having the control of a certain place
 there situate, which was then duly licensed as a place for the sale of strong and spirituous
 liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said
 place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day
 the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer
 and permit to be open, and to remain open, against the form of the statute in such case
 made and provided, and against the peace of the People of the State of New York and
 their dignity.

DE LANCEY NICOLL,
District Attorney.

0587

BOX:

481

FOLDER:

4398

DESCRIPTION:

Masterson, Patrick

DATE:

05/26/92



4398

0500

886
B. C.

881

Witnesses:

Counsel,

Filed,

26 day of May 189

Pleaded

Arquels Joney

THE PEOPLE

vs.



Patrick Masterson



Dr. Lancel Nicoll
District Attorney

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday)
(Ill. Rev. Stat. (7th Edition), Page 1889, Sec. 5)

A TRUE BILL.



Foreman.

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 Mastersow

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

Patrick Mastersow

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

The said *Patrick Mastersow* late of the City of New York, in the County of New York aforesaid, on the *19th* day of *October* in the year of our Lord one thousand eight hundred and ninety-*_____*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0590

BOX:

481

FOLDER:

4398

DESCRIPTION:

Matto, Rocco

DATE:

05/26/92



4398

Witnesses:

9241
A. J. O.

Counsel,

Filed *26* *May* 1892
Plends, *Arguilla June 2*

THE PEOPLE

vs.

B

Proco Martis

May 22

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
(III. Rev. Stat. (11th Edition), page 1063, Sec. 21, and page 1064, Sec. 22.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luis Catina

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rocco Matta

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

The said Rocco Matta

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

Peter Gallagher

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

SECOND COUNT—

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

The said Rocco Matta

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

DE LANCEY NICOLL,
District Attorney.

0593

BOX:

481

FOLDER:

4398

DESCRIPTION:

Mayer, Hermann

DATE:

05/26/92



4398

0594

Court of One and Termino.

Counsel,

Filed, 26 day of May 1892

Pleads,

THE PEOPLE

vs.

Herman May

VIOLETION OF EXCISE LAW.
Selling on Sunday. Etc. [Ill. Rev. Stat. (7th Edition), page 1988, § 21, and page 1989, § 2.]

DE LANCEY NICOLL

District Attorney.

Ordered to the COURT of
General Sessions
of the COUNTY of NEW YORK,
for trial (entered in the minutes)
James R. May

A TRUE BILL.

For Petal
Foreman.

Witnesses:

Witness signature lines

0595

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.
of New York,

of No. 27th Precinct Police Street, Daniel Dagan

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 1st day
of June 1888 in the City of New York, in the County of New York,

at premises No. 1517 Avenue A Street,
Hessman Meyers (now here)

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

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

Sworn to before me, this 3 day
of June 1888

[Signature] Daniel Dagan
Police Justice.

0596

COURT OF OYER AND TERMINER,
CITY AND COUNTY OF NEW YORK.

(2040)

THE PEOPLE

vs.

INDICTMENT

For

Herman Mayer.

To

M.

Gottfried Kappus

No.

1574 Ave

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *pleading* at the Court of Oyer and Terminer in the New Court House, in the Park of the said City, on the

28th day of

JUNE

instant, at ten-thirty o'clock in the forenoon.

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

DE LANCEY NICOLL,

District Attorney.

Kappus can't be found.

0597

Sec. 198-200.

51

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Herman Meyer 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. *Herman Meyer*

Question. How old are you?

Answer. *28 years old*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1177. Ave A*

Question. What is your business or profession?

Answer. *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
and demand a trial
my
Hermann Mayer*

Taken before me this _____ day of _____ 1894.
[Signature]
Police Justice.

0598

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
Dated, June 2 189 [Signature] Police Justice.

I have admitted the above-named [Signature] to bail to answer by the undertaking hereto annexed.
Dated, June 2 189 [Signature] Police Justice.

There being no sufficient cause to believe the within named..... guilty of the offense within mentioned, I order h to be discharged.
Dated,..... 189..... Police Justice.

0599

157 B.S. 8/8
Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Daniel August
vs.
Herman Meyer

Offense *None*

2
3
4

BAILED,

No. 1, by *Gottfried Kappus*
Residence *157 1/2 Avenue* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, *June 2* 1890

Kappus Magistrate.

Meyer Officer.

_____ Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *100* to answer *J.S.*

Paul



Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Hermann Mayer

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

The said

Hermann Mayer

late of the City of New York, in the County of New York aforesaid, on the *1st* day of *June* in the year of our Lord one thousand eight hundred and ninety-*9*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors, and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell, as a beverage to one

Daniel Dugan

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 New York and their dignity.

SECOND COUNT—

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

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

The said

Hermann Mayer

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

DE LANCEY NICOLL,

District Attorney.

0601

BOX:

481

FOLDER:

4398

DESCRIPTION:

McCann, John

DATE:

05/27/92



4398

0602

Witnesses:

Step Walker

*The wife is to
15 years of age
and appears simple
minded
Sentences suspended
B.*

*1037/1037
638*

Counsel,

Filed *27* day of *May* 189*2*

Pleads,

THE PEOPLE

vs.

John McCann

Grand Larceny, *second* Degree,
[Sections 628, 631, Penal Code.]

Constance

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Louis Cathin

Foreman.

*James J. [unclear]
Henry J. [unclear]
Suspended*

District Attorney's Office,
City and County of New York.

City and County } ss.
of New York, }

Alexander Walker

of No. 79 1/2 West End Avenue Street, aged _____ years,
occupation _____ being duly sworn, deposes and says,
that on the 24th day of May 1892, at the City of New
York, in the County of New York,

the following described property, to wit,
one horse of the value of three hundred
dollars, one wagon of the value of
one hundred and fifty dollars, one
set of harness of the value of forty
dollars, one blanket of the value of
ten dollars, was stolen from the
possession of deponent in the following
manner.

The said property was standing in front
of premises, No. 105 East 86th Street, on the
said date; and while deponent was in the
said premises, the said property disappeared.
Deponent is informed by Samuel W. Waldron
that he saw the said property being driven away
by a certain person, at that time unknown
to deponent.

Deponent was informed on May 25th, that the
said property had been found in Jersey City,
and that one John McCann had been arrested
for the larceny thereof. Deponent then
went to said City of Jersey City, and saw
the property there, and identified it as the
property which had been stolen.

The said John McCann admitted to
deponent that he had stolen the said
property.

Sworn to before me
this 27th day of May, 1892

Alexander Walker.

justices
court of record
city of New York

0604

638

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alexander Walker

vs.

John Mc Ann

Grand Jurors
second degree
Offence

Dated May 27th 1882

Witnesses, Samuel W. Waldron

No. 105 East 86th Street,

off Aloncle
Co. Street,

No. Street,

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 McCann

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

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

The said

John McCann

late of the City of New York, in the County of New York aforesaid, on the *24th* day of *May* in the year of our Lord one thousand eight hundred and ninety-*two* at the City and County aforesaid, with force and arms,

one horse of the value of three hundred dollars, one wagon of the value of one hundred and fifty dollars, one set of harness of the value of forty dollars and one blanket of the value of ten dollars

of the goods, chattels and personal property of one *Alexander Walker*

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.

De Lancey Nicoll
District Attorney

0606

BOX:

481

FOLDER:

4398

DESCRIPTION:

McCarthy, John

DATE:

05/04/92



4398

34.

34

Witnesses:

Adams & Sons

Counsel,

Filed,

4 day of *May* 1892

Pleads,

THE PEOPLE

vs.

B

John a Mc Carthy

F

DE LANCEY NICOLL,

District Attorney.

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(III. Rev. Stat. (7th Edition), Page 1089, Sec. 5.)

A TRUE BILL.

John a Mc Carthy

Foreman.

F. J. Jones

0600

COURT OF GENERAL SESSIONS, PART *One*
THE PEOPLE } INDICTMENT

vs.
John M. Crosby

For
not found

To
M. *Jacob Medberg*
No. *4 West 125* Street.

The indictment against the above-named defendant for whose appearance you are bound, has been placed upon the Calendar for *pleading* 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 _____ the _____ 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.

DE LANCEY NICOLL,
District Attorney.

0609

Excise Violation—Keeping Open on Sunday.

POLICE COURT— 5 — DISTRICT.

City and County } ss.
of New York,

29th Adam Cross

of the Precinct Police
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 11th day

of May 1890, in the City of New York, in the County of New York,

John McCarthy (now here)
being then and there in lawful charge of the premises No. 2400-3rd Avenue

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be drunk upon the premises, DID NOT KEEP SAID PLACE CLOSED, contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 11th day of May 1890

Adam A. Long
Police Justice.

06 10

Sec. 198-200.

5th District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name?

Answer.

John McCarthy

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

New York State

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

Answer.

243 East 124 St - 2 years

Question. What is your business or profession?

Answer.

Bar tender

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

Answer.

I am not guilty and demand a trial by jury
John McCarthy

Taken before me this

day of

March

188*7*

John J. [Signature]

Police Justice.

06 1 1

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

Dequardant
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, May 16 1890 Sam [unclear] Police Justice.

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

Dated, May 16 1890 Sam [unclear] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

06 12

Keeping open on Sunday ^{of} 13
Police Court--- 5 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adam Cross
vs.
Joshua M. Clouty

Offense
Swindled

2. _____
3. _____
4. _____

Dated, May 11th 1890

Murray Magistrate.
Sgt. Adam Cross Officer.

29 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 150 to answer

By _____
Sgt. L. M. M.
P. B. B. B.



BAILED,
No. 1, by Jacob Medberg
Residence 67 West 175 Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

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 McRath

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

John McRath

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

The said *John McRath*,

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

DE LANCEY NICOLL,
District Attorney.

06 14

BOX:

481

FOLDER:

4398

DESCRIPTION:

McCaughey, Patrick

DATE:

05/26/92



4398

Court of Oyer and Terminer.

Counsel,

Filed, 26 day of May 1892

Pleads, Not Guilty (Jury)

Transferred to the Court of Special Sessions for trial and final disposition.

THE PEOPLE

Part 5... 135.01

Patrick Maloney

VIOLATION OF EXCISE LAW. Selling on Sunday, etc. [III. Rev. Stat. (7th Edition), page 1983, § 21, and page 1989, § 5.]

DE LANCEY NICOLL

District Attorney.

Ordered to the Court of Sessions... June 28 1892

TRUE BILL,

[Signature]

Foreman.

Witnesses:

Witness signature lines

06 16

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick McCaughey

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

The said

Patrick McCaughey

late of the City of New York, in the County of New York aforesaid, on the day of *August* in the year of our Lord one thousand eight hundred and ninety-*3rd*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors, and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell, as a beverage to one

Francis A. Creamer

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 New York and their dignity.

SECOND COUNT—

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

The said

Patrick McCaughey

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

DE LANCEY NICOLL,

District Attorney.

06 17

BOX:

481

FOLDER:

4398

DESCRIPTION:

McCormack, Charles

DATE:

05/05/92



4398

06 18

Witnesses:

*I am the within certifying
and a R. D. Fair - I am
a satisfaction in that
the R. D. Fair is true.
I and the other persons
a guarantee of
the subject.*

Wm. W. W. W.

May 18 1892

75. De Lancey

Counsel,

Filed, *5* day of *May* 189*2*

Pleads,

THE PEOPLE

vs.

B

Charles Mc Comack

De Lancey

DE LANCEY NICOLL,

District Attorney.

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(III. Rev. Stat. (7th Edition), Page 1889, Sec. 3.)

A TRUE BILL,

Sp. Lyes
May 18 1892

Foreman.

Indictment
Examined

06 19

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Charles McCormack

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 McCormack*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *N.E. cor 42 St and 10 Avenue about 6 months*

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 am not guilty and demand a trial by jury if held for trial.*
Charles McCormack

Taken before me this

day of

May 1897

Police Justice.

0620

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

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

Dated May 19 18890 To [Signature] Police Justice.

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

Dated May 19 18890 To [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

062

BAILED.

No. 1, by William L. Hangan

Residence 53 West 34 Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Keeping open on Sunday
Police Court - District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

M. Castellano

vs. Celso McCormack

2
3
4

Offence

Seize

Dated May 19 18890

D. J. Reilly Magistrate

Castellano Officer.

130 Precinct.

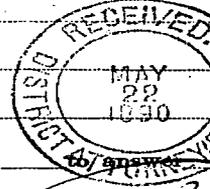
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100



J. S.
[Signature]

0622

Form No. 51.

259

NEW YORK, May 13, 1892

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

15087

OF Charles McCormick

This is to certify that I, Louis W. Schultze, Coroner, in and for the City and County of New York, have, this 27 day of April, 1892, viewed the body of Charles McCormick, found at Manhattan Eye & Ear Hospital in the 21 Ward of said city and county; that I have held an inquest upon the said body, and that the verdict of the jurors is that he came to his death by

Suicide pending.

Louis W. Schultze, Coroner.

I hereby certify that I have viewed the body of the deceased, and from ex and evidence, that Charles McCormick died on the 26th day of April, 1892, at 4 P. M., and that the cause of his death was caused by other diseases

Place of Burial Calvary Cem.
Date of Burial April 28, 1902
Undertaker Wm. Thompson
Residence, 80th St Ave

Geo. M. Marshall, M. D.
Medical Attendant at Inquest.

Date of Death	Name	Age	Color	Single, Married or Widowed	Occupation	Place of Birth	How long in U.S. If foreign born	How long resident in New York City	Father's Name	Father's Birthplace	Mother's Name	Mother's Birthplace	Place of Death	Last place of Residence	Class of Dwelling (A tenement being a house occupied by more than two families)	Direct cause of Death	Indirect cause of Death	Date of Record
April 26, 1892	Charles McCormick	29 years	White	Married	Driver	U.S.				Ireland		Ireland	Manhattan Eye & Ear Hospital			as above		April 27, 1892

A True Copy.

C. Goldman

Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

0623

Excise Violation-Keeping Open on Sunday.

POLICE COURT- 4 DISTRICT.

City and County } ss.
of New York,

Matthew Castellanos

of the 22^d Precinct Police

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 18th day

of May 1891, in the City of New York, in the County of New York,

being then and there in lawful charge of the premises No. 765 Sixth Avenue Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be drunk upon the premises, DID NOT KEEP SAID PLACE CLOSED, contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 19th day of May 1891 } Matthew Castellanos

Police Justice.

State of New York.

City and County of New York.

Thomas Hickson of
 said City, being duly sworn says, that he per-
 sonally knew Charles M^r. Barrick, of said City, in
 his lifetime. That said M^r. Barrick was ar-
 rested in said City on the 16th day of May, 1890, for
 an alleged violation of the liquor laws applicable
 in the City and County of New York; and was at
 the said time of his said arrest employed as a
 bartender in said City. That said Charles M^r.
 Barrick, departed this life on the 26th day of April,
 in the year 1892, at the Manhattan Hospital,
 in the 21st ward in said City and County
 of New York, aged about 47 years.

Sworn to before me this

13th day of May, 1892.

Thomas Hickson
 765 - Sixth Ave.
 Notary Public

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 McDonald

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

Charles McDonald

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

The said *Charles McDonald*,
late of the City of New York, in the County of New York aforesaid, on the *18th*
day of *May*, in the year of our Lord one thousand eight hundred and
ninety—, the same being the first day of the week, commonly called and known
as Sunday, being then and there in charge of and having the control of a certain place
there situate, which was then duly licensed as a place for the sale of strong and spirituous
liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said
place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day
the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer
and permit to be open, and to remain open, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

DE LANCEY NICOLL,
District Attorney.

0626

BOX:

481

FOLDER:

4398

DESCRIPTION:

McCormick, Thomas

DATE:

05/25/92



4398

0627

Witnesses:

Carl De Oger and Sarina

Counsel,

Filed, 25 day of May 1892

Pleads, *Mc Cormick*

VIOLATION OF EXCISE LAW.
(Keeping Open at Unlawful Hours.)
[III. Rev. Stat. (7th Edition), page 1880, Sec 5.]

THE PEOPLE

vs.

B

Thomas Mc Cormick

May 29 92

DE LANCEY NICOLL,

District Attorney.

General Deaconson

A TRUE BILL.

W. J. Allen

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK
against
Thomas McParinda

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

Thomas McParinda

of the crime of KEEPING OPEN, BETWEEN THE HOURS OF ONE AND FIVE O'CLOCK IN THE MORNING, a place licensed for the sale of strong and spirituous liquors, wines, ale and beer, committed as follows:

The said *Thomas McParinda,*

late of the City of New York, in the County of New York aforesaid, on the *22nd* day of *June*, in the year of our Lord one thousand eight hundred and ninety-*---*, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed between the hours of one and five o'clock in the morning of the said day, and between the said hours of the said day, to wit: at the hour of *two* o'clock in the morning of the said day, the said place so licensed as aforesaid unlawfully did then and there open and cause and procure, and suffer and permit, at the time aforesaid to be open and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0629

BOX:

481

FOLDER:

4398

DESCRIPTION:

McGarry, Martin

DATE:

05/27/92



4398

0630

948
940

Witnesses:

Counsel,

Filed,

Pleads,

By day of *May* 189
Myrdell J. Gunn

THE PEOPLE

vs.

B

Martin Mc Barry

April
1890

May 10 70

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday)
(Ill. Rev. Stat. (7th Edition), Page 189, Sec. 5.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis C. ...
Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Martin Mc Barry

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

Martin Mc Barry

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

The said

Martin Mc Barry

late of the City of New York, in the County of New York aforesaid, on the *21st* day of *December* in the year of our Lord one thousand eight hundred and ninety-_____, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0632

BOX:

481

FOLDER:

4398

DESCRIPTION:

McGloin, John W.

DATE:

05/16/92



4398

Witnesses:

John F. [Signature]

Mr. [Signature] & Mr. [Signature] in the [Signature] case have commenced their acceptance of a plea of guilty to the crime of [Signature] on the 21st day of [Signature] 1912. All the people can obtain a true and correct copy of the same submitted to a jury. [Signature] [Signature]

377 376 X
Counsel,

Filed 16 day of May 1892
Pleas, [Signature]

THE PEOPLE

52 W 3rd St.
407 York B
John W. McElwain
Assault in the First Degree, Etc.
(Breasts)
(Sections 217 and 218, Penal Code.)

City Prison
2 months
[Signature]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

John S. [Signature] Foreman,
Pleas Assesment 3rd deg
at Post Office June 8 1912

City Prison [Signature]
Post Office June 9th 1912

0634

Police Court 4 District.

City and County } ss.:
of New York,

of No. 306 West 68 Street, aged 42 years,
occupation soda-water manufacture being duly sworn
deposes and says, that on 9 day of May 1887 at the City of New
York, in the County of New York,

he was ~~assaulted~~ ASSAULTED ~~by~~ John W. McGowan
(now here) who pointed a pistol loaded with
cartridges at deponent, threatening to
take the life of deponent, and has written
letters to deponent, which are hereto annexed,
threatening deponent with bodily harm if
he should not give certain information
dependent

~~with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant~~

Wherefore this deponent prays that the said assailant may be ~~bound to answer~~ bound to answer for the above assault, etc., and dealt with according to law.

Sworn to before me, this 10th day }
of May 1887 } John F. Behlmer

[Signature]
Police Justice.

0635

(1885)

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

John W. McEllon

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

Question. What is your name?

Answer. *John W. McEllon*

Question. How old are you?

Answer. *52 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *402 W. 31 St - 1 year*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty*

John W. McEllon

Taken before me this
day of *May* 10
188*5*

Police Justice

[Signature]

0636

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 May 10 1892 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

063

564

Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

John F. Reilmer
306 7th vs. 68
John W. McElroy

Assault
Blow
Offence

1
2
3
4

BAILED, May 17/92
No. 1, by John Campbell
Residence 298-7 Ave Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated May 10 1892

Hofan Magistrate.
Brunner Officer.
24 Precinct.

Witnesses John Kaurahan

No. 232 W. 39 Street.

Char. E. Newman

No. 1578-13th Street.

No. Street.

\$ 500



Cum
Assault
Blow
Offence

0638

POLICE COURT DISTRICT. 1351

City and County of New York, ss.:

THE PEOPLE

vs.

John W. McEllon

On Complaint of

John F. Deblum

For

Assault

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated *May 10* 189 *2*

[Signature]

Police Justice.

John W. McEllon

Court of General Sessions of the peace, held
in, and for the City and County of New York.

People
v.s.
John W. Mc Cloin.

City and County of New York } s.s.

William Schultz, being
duly sworn deposes and says, That I reside at n^o
58-7th St my business is that of Police
Captain of the 16th precinct police of the City of
New York - That I am personally acquainted
with the defendant for the past 25 years. That
I know numbers of other people who know him.
That I have never known him to be other than
a quiet and peaceable man, and his general charac-
ter of the best. and that to my knowledge since
I first knew him and my belief of which I have
heard of him previous to my acquaintance with
I know he was never arrested before, or charged
with any crime whatever. I also know that
he is an honest, upright and hard working man,
and I earnestly recommend him to ^{the mercy of} this Honorable

Court
Sworn before me this
24th day of May 1892
Edw. H. Dornell
Notary Public
N.Y. Co

Wm Schultz
Captain
16th

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

People }
v.s. }
John W. McDonald }

City and County of New York } s.s.

George Washburn
being duly sworn, deposes and says, that I
reside at No. 513 W 154th St my business is
that of Police Captain of the City of New York,
That I am personally acquainted with the
defendant for the last 25 years, that I know
numbers of people who know him - that
his general character for peace and quietness
is of the very best, and I ^{never} know he was ever
arrested before for or charged with any
crime whatever. I also know that he is
an honest - hard working man and take
pleasure in cheerfully recommending him
to the mercy of this Honorable Court.

Sworn before me this 7

25th day of May 1892

Reynolds Sundt -

George Washburn

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

People }
vs. }
Wm. W. McElroy }

City and County of New York } s.s.

John J. Delany
being duly sworn, deposes and says, that I re-
side at 441 W. 24th St. my business is that
of lawyer. That I am personally ac-
quainted with the defendant for the past 15
years, that I know many other people who
know him. that his general character for
peace and quietness is of the best. And to my knowl-
edge he has never been arrested before, or
charged with any crime whatever. I also
know that he is an honest, hard working
man and cheerfully recommend him to the
mercy of this Honorable Court
sworn before me this
24th day of May 1892

John J. Delany

Cornelius H. Allen
Commissioner of Weeds.
N. Y. Co.

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

People
vs.
John W. McClom }

City and County of New York ss.

Jacob Frank
being duly sworn, deposes and says, that I
reside at 41 East 76th St. my business is
that of Asst. Fire Marshall of the City of
New York, that I am personally acquainted
with the defendant for the past 30 years,
that I know a great many people who know
him - that his general character for peace
and quietness is well known and is of the very
best. and I know he was never arrested
before for or ever charged with any crime
whatever. I also know he is an honest,
hardworking man and take the greatest of
pleasure in recommending him to the mercy
of this Honorable Court.

Sworn before me this

24 day of May 1892

Jacob Frank

Edw. J. Halvey
Com. of Deeds
NY City

Court of General Sessions of the Peace, held in
and for the City of New York.

People

vs.

John W. Cloin

City and County of New York } s.s.

George D. Scott being
duly sworn, deposes and says, that I reside at
No. 111 - W. 133rd St. - my business is waste
plumber and gas fitter.

That I am personally acquainted with the
defendant for the past 16 years - that I know
a great number of people who know him -
that his general character is of the best - more
especially as to peace and quietness - and I know
he was never to my knowledge and belief arrested
or charged with any crime whatever - I also
know that he is an honest, hard working
man and cheerfully recommend him to the
mercy of this Honorable Court.

Sworn before me this

25th day of May 1892

John W. Keave
Juror of Dept
N.Y. Co.

George D. Scott

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

People }
vs. }
John W. McGloin }

City and County of New York } s.s.
Joseph F. McMillan
being duly sworn, deposes and says: - That I
reside at Marion Springs, Mo. - my business
is that of Chief of Battalion of the Fire Dept.
of the City of New York - that I am personally
acquainted with the defendant for the past
40 years - that I know a great number
of people who know him - that his gener-
al character for peace and quietness is well
known and is - and has always been of the best.
and I know he was never arrested before for
any crime, or was ever charged with any
crime whatever - I also know that he is an
honest - hard working man - and cheerfully
recommend him to the mercy of this Honor-
able Court.

Sworn before me this } J. F. McMillan
25th day of May 1892 }
John W. Keenan
Clerk of Peace

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

People

vs.

John W. M. Glavin

City and County of New York } s. s.

George Ormsby.

being duly sworn, deposes and says, that he reside
at No. 152 Leonard St. his business is that
of Mason and Builder.

That he is personally acquainted with the
defendant for the past 40 years. that he know
a great number of people who know him. that
his general character for peace and quietness is of
the best. and he know he was never arrested
before for any crime. or charged with any
crime whatever. he also know that he is an
honest, hard working man and cheerfully re-
commends him to the mercy of this Honorable
Court.

Sworn before me this } George Ormsby
25th day of May 1892

John W. M. Glavin
Clerk of Court
N. Y. Co.

Court of General Sessions of the Peace, held
in and for the City of New York.

People }
vs.
John W. Glavin

City and County of New York } ss.

James Fraser
being duly sworn, deposes and saw, that I reside
at No. 358 W 28th St. - my business is that of
Carpenter - that I am personally
acquainted with the defendant for the past
12 years - that I know numbers of people
who know him - that his general character
for peace and quietness is of the very best and I
know that since my acquaintance with him
and from my general knowledge of his life
previous to my acquaintance with him, that
he was never before arrested - or charged
with any crime whatever - I have also
known him to be an honest - hard working
man and I cheerfully recommend him to
the mercy of this Honorable Court
sworn before me this } James Fraser
25th day of May 1892 }

John W. Kearney
Clerk of Court
N.Y.C.

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 W. Mc Gloin

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

John W. Mc Gloin

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

The said

John W. Mc Gloin

late of the City of New York, in the County of New York aforesaid, on the *ninth* day of *May* in the year of our Lord one thousand eight hundred and ninety-*two*, with force and arms, at the City and County aforesaid, in and upon the body of one *John T. Behlmer* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *John T. Behlmer* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *John W. Mc Gloin* in *his* right hand then and there had and held, the same being a deadly and dangerous *arm, point and present with intent to* weapon, wilfully and feloniously did then and there shoot off and discharge, with intent *the same* *him* the said *John T. Behlmer* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

John W. Mc Gloin

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

The said

John W. Mc Gloin

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *John T. Behlmer* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *John T. Behlmer*

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said

John W. Mc Gloin

in *his* right hand then and there had and held, the same being a weapon and an instrument, likely to produce grievous bodily harm, then and there *aim, point and present with intent to* feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0648

BOX:

481

FOLDER:

4398

DESCRIPTION:

McGowan, Edward

DATE:

05/25/92



4398

0649

Court of Ayer and Terminer.

Counsel,

Filed, 25 day of May 1892

Pleads Not Guilty 27.

THE PEOPLE

vs.

B

Edward McJannet

DE LANCEY NICOLL

District Attorney,

SUPREME COURT PART I,

December 22 1899
INDICTMENT DISMISSED,

A TRUE BILL.

[Signature]
Foreman.

VIOLATION OF EXCISE LAW
Selling on Sunday, Etc. [III. Rev. Stat. (7th Edition), page 1988, § 21, and
page 1989, § 5.]

Witnesses:

FILED DEC 15

1899

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward McGowan

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

Edward McGowan

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

The said *Edward McGowan*,

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

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 New York and their dignity.

SECOND COUNT—

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

Edward McGowan

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

The said *Edward McGowan*,

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

DE LANCEY NICOLL,

District Attorney.

0651

BOX:

481

FOLDER:

4398

DESCRIPTION:

McGregor, Alexander

DATE:

05/26/92



4398

0652

Court of Oyer and Terminer.

Counsel,

Filed, 26 day of May 1892

Pleads, Not Guilty (juror)

THE PEOPLE

vs.

B

Alexander McGregor

Transferred to the Court of Sessions for trial and final disposal

Run 2... Page 16... 1893

VIOLATION OF EXCISE LAW. [Ill. Rev. Stat. (7th Edition), page 1988, § 21, and page 1989, § 5.]

De LANCEY NICOLL

District Attorney.

A TRUE BILL.

[Signature]

Foreman.

Witnesses:

Witness lines

0653

2087

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Alexander McGregor

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

The said

Alexander McGregor

late of the City of New York, in the County of New York aforesaid, on the day of *August* ^{*3rd*} in the year of our Lord one thousand eight hundred and ninety-*9*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors, and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell, as a beverage to one *Francis A. Creamer*

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 New York and their dignity.

SECOND COUNT—

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

Alexander McGregor

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

The said

Alexander McGregor

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

DE LANCEY NICOLL,

District Attorney.

0654

BOX:

481

FOLDER:

4398

DESCRIPTION:

McGuire, John

DATE:

05/26/92



4398

0655

Court of Oyer and Terminer.

Counsel,

Filed, 26 day of May 1893

Pleads,

THE PEOPLE

VIOLATION OF EXCISE LAW.
Selling on Sunday, Etc. § 21, and
[III. Rev. Stat. (7th Edition), page 1988, § 5.]

THE LANCEY NICOLL

District Attorney.

Foreman.

A TRUE BILL.

*Ordered to the COURT of
the COUNTY of NEW YORK,
for trial (to be held in the Minutes)
June 28 1893
John Mc Guire*

[Signature]

Witnesses:

Vertical lines for witness signatures.

0656

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John McQuinn

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

The said *John McQuinn*,

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

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
New York and their dignity.

SECOND COUNT—

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

The said *John McQuinn*,

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

DE LANCEY NICOLL,
District Attorney.

0657

BOX:

481

FOLDER:

4398

DESCRIPTION:

McKay, Lawrence

DATE:

05/26/92



4398

0658

Court ofayer and Terminer.

Counsel,

Filed, 26 day of May 1892
Plends, Not Guilty (June 2)

THE PEOPLE

vs.

Lawrence Mc Kay

~~VIOLATION OF EXCISE LAW.
Selling on Sunday. Etc. § 22, and
[Ill. Rev. Stat. (7th Edition), page 1888, § 5.]
page 1889, § 5.]~~

DE LANCEY NICOLL

District Attorney.

SUPREME COURT PART 1,

December 22 1899

A TRUE ENDOCTMENT DISMISSED.

Foreman.



Witnesses:

Witness signature lines

FILED

163.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Lawrence Mc Kay

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

The said *Lawrence Mc Kay*

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

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 New York and their dignity.

SECOND COUNT—

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

Lawrence Mc Kay

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

The said *Lawrence Mc Kay*

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

DE LANCEY NICOLL,

District Attorney.

0660

BOX:

481

FOLDER:

4398

DESCRIPTION:

McKenna, John

DATE:

05/25/92



4398

0661

103. *[Handwritten]*

Court of Oyer and Terminer.

Counsel,

Filed, *25* day of *May* 189*2*

Pleads,

THE PEOPLE

vs.

B

John McHenna

[Handwritten signature]

DE LANCEY NICOLL

District Attorney.

VIOLATION OF EXCISE LAW.
Selling on Sunday. Etc. [Ill. Rev. Stat. (7th Edition), page 1988, § 31, and page 1989, § 5.]

[Handwritten note:] ... and could not sue ...
[Handwritten note:] ... part of Sept by Judge ...

A TRUE BILL.

[Handwritten signature]

Foreman.

If witnesses:

Vertical lines for witness names

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
John McKeena

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

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

SECOND COUNT—

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

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

DE LANCEY NICOLL,
District Attorney.

0663

BOX:

481

FOLDER:

4398

DESCRIPTION:

McLaughlin, Edward

DATE:

05/19/92



4398

0664

Witnesses:

Counsel,

Filed, 19 day of May 1890

Pleads,

Abquid, 1890

VIOLATION OF EXCISE LAW.

THE PEOPLE

vs.

3

Edward McLaughlin

McLaughlin

For the Contracted...
...for which, by request
...General for the...

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Catton

Foreman.

(Keeping Open on Sunday.)
[III. Rev. Stat. (7th Edition), Page 1989, Sec. 8.]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Mc Laughlin

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

— Edward Mc Laughlin —

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

The said *Edward Mc Laughlin*, —

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

DE LANCEY NICOLL,

District Attorney.

0666

BOX:

481

FOLDER:

4398

DESCRIPTION:

McLoughlin, William

DATE:

05/23/92



4398

0667

697.

Witnesses:

Counsel,

Filed, *13* day of *May* 189*8*
Pleads, *Wm. McLaughlin*

VIOLATION OF EXCISE LAW,
(Keeping Open on Sunday.)
(Ill. Rev. Stat. (7th Edition), Page 1889, Sec. 5.)

THE PEOPLE

vs.

B

William McLaughlin

Transferred to the Court of Sessions for trial and final disposition April 17, 1898.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Julius Cather
Foreman.

0668

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
William McLaughlin

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

William McLaughlin —

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

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

DE LANCEY NICOLL,
District Attorney.

0669

BOX:

481

FOLDER:

4398

DESCRIPTION:

McLoughlin, William

DATE:

05/31/92



4398

0670

1001
7001

Witnesses:

Counsel,

Filed,

1892

Plead,

THE PEOPLE

vs.

B

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(III. Rev. Stat. (7th Edition), Page 1989, Sec. 5.)

William McDoughlin

Feb 27/93

Wm. McDoughlin
No. 1001
No. 7001

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Cathin

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William McLaughlin

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

William McLaughlin

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

The said *William McLaughlin*, late of the City of New York, in the County of New York aforesaid, on the *25th* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*one*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.