

0914

BOX:

544

FOLDER:

4952

DESCRIPTION:

Mintz, Marks

DATE:

12/13/93



4952

09 15

Witnesses:

affair Ed Phelan
12th Precinct

Counsel,

Filed

day of

1893

Pleads

THE PEOPLE

vs.

Marks Mintz
Dec 13/93
Plead. 2deg
S.P. 3 years

BE LANCEY NICOLL,

District Attorney.

Grand Larceny, Second Degree.
[Sections 538, 539, Penal Code.]

A TRUE BILL.

B. Lockwood

Foreman.

0918

1012

Police Court—

3rd District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 234 Miner Street, aged 23 years.
occupation Millman being duly sworn,

deposes and says, that on the 1st day of December 1893 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 night time, the following property, viz:

One horse valued at
One hundred and seventy-
five dollars. 175⁰⁰
100

Sworn to before me, this

189

day

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Marcus Muntz for the

reasons following to-wit: on the said date deponent missed the said horse from his stable in 283 Miner Street. He saw the said horse which was found in the possession of the deponent as in Harristown New York. Wherefore deponent prays that the said defendant be apprehended and bound to answer said complaint.

L. Begman

John H. Lawrence Police Justice

091

Sec. 198—200.

1882
District Police Court.

City and County of New York, ss:

Marks Muntz 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.

Marks Muntz

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Poland

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

Answer.

2 Jefferson Street - 3 years

Question. What is your business or profession?

Answer.

Baker

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

Answer.

I am guilty

Marks Muntz

Taken before me this

John H. [Signature]

6 11
1893

Police Justice.

0918

1847

Sec. 151.

Police Court 3 District.

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

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 Memo Montz of No. 234 Street, that on the 1 day of December 1893, at the City of New York, in the County of New York, the following article, to wit:

One horse valued at
One hundred and twenty-five Dollars,
the property of Complainant
w. as taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Memo Montz

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 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 3 day of December 1893.

John W. Cochrane POLICE JUSTICE.

0919

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

State of New York
County of Rockland

This warrant was made
in the County of Rockland
State of New York
this 5th day of Jan 1899
H.D. Nathaniel
Police Justice

Warrant-Larceny.

Dated 189

Magistrate.

Officer.

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

Officer.

Dated 1899

This Warrant may be executed on Sunday
or at night.

Police Justice.

State of New York
County of Rockland
I swear that I believe in the City of New York and that
the name of John A. West is known to the within named
person in the house and of said John A. West who is
a Police Justice of the City of New York by whom this
warrant was issued
Subscribed and sworn to
before me this 5th day of
January 1899
H.D. Nathaniel
Police Justice

To the Police Judge - Every Market Court.

Dear Sir,

I have arrested and committed for a further examination one Marks ~~Smith~~ for stealing a horse in the City of New York. He has confessed to me and to the Chief of Police James Call of New York N.Y. that on Friday morning Dec 1st 1893 he stole took and carried away feloniously the Horse and was faced with it at New York N.Y. He said that he took the Horse from the stable of one Louis Hoffmann of the City of New York No. 234 Monroe Street. The owner is now here and identifies the horse as his.

H. Stetson

Police Judge
New York N.Y.

James Call

Police Constable

New York N.Y.

Dated Dec 3rd 1893

New York N.Y.

0922

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 100 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 Dec 6 1893 R. M. Ryan 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 offence within mentioned. I order h to be discharged.

Dated _____ 189 • _____ Police Justice.

092

X 250
Police Court--- District. *1300*

THE PEOPLE, &c.
ON THE COMPLAINT OF

Louis Bregman
234 Mont...
Mamie Wintz
1
2
3
4

Mamie Wintz
Office

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated 189

Wm. H. Shalby
Magistrate. Officer. Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *GL*



C GL

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Marks Mintz

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

Marks Mintz
of the CRIME OF GRAND LARCENY IN THE *Second* DEGREE, committed
as follows:

The said

Marks Mintz

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

*one horse of the value of
one hundred and seventy-five
dollars*

of the goods, chattels and personal property of one

Louis Bregman

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.

Dehaency Nicoll
District Attorney

0924

BOX:

544

FOLDER:

4952

DESCRIPTION:

Moore, Michael

DATE:

12/22/93



4952

0925

Copy deposited to District

309

Witnesses:

Martin O Smith

Counsel,

Filed *22* day of *Dec* 189*3*

Pleads, *Not Guilty 28*

THE PEOPLE

vs.

Michael Moore

MISDEMEANOR.

[Chap. 877, Laws of 1887, as amended by Chap. 187,
Laws of 1888.]

DE LANCEY NICOLL,

Jan 31/99 District Attorney.

Bail Discharged

A TRUE BILL.

M. Lockwood

Foreman.

0926

Copy furnished to District Attorney

309

Witnesses:

Warton C Smith

Counsel,

Filed 22 day of Dec 1893

Pleads, Not Guilty 28

THE PEOPLE

vs.

Michael Moore

MISDEMEANOR.
[Chap. 877, Laws of 1887, as amended by Chap. 187,
Laws of 1888.]

DE LANCEY NICOLL,

Jan 31/94 District Attorney
Bail Discharged

A TRUE BILL.

M. Lockwood

Foreman.

0927

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Michael Moore

Question. How old are you?

Answer.

59 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

335 West 55th St. 5 years

Question. What is your business or profession?

Answer.

Amusement

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 innocent - and demand a jury trial

Michael Moore

Taken before me this
day of *March*
189*4*

Police Justice.

[Signature]

0928

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

Alfred

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 3 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, _____ 189

William 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.

0920

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

Martin O. Smith

vs. Nick Aaron

1 _____

2 _____

3 _____

4 _____

Dated, *Dec 27* 189 *2*

Alfred Smith Magistrate.

George W. Smith Officer.

Edw. J. Smith Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ _____ to answer

1622

1894

Offense *No. 1622*

0930

DISTRICT POLICE COURT.

State of New York, City and County of *New York*

ss.:

Martin O Smith being sworn says: I am *44* years of age; I reside at *104 Ridgewood Ave Bklyn* My business is that of *Detection*

I am the agent of the George Russell. Said George Russell is engaged in bottling and selling soda water and other beverages, in bottles and boxes, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles and boxes, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of Brooklyn, and County of Kings, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles and boxes, and a description thereof is as follows, viz: on bottles, "George Russell," on boxes, G. Russell.

Said description of said name and other marks and devices so as aforesaid, used by the said George Russell, upon said bottles and boxes, was on the 8th day of March, 1889, duly filed in the office of the Clerk of Kings County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 6th day of March, 1889; and such description was by said George Russell, thereafter caused to be printed and was printed ~~for three weeks successively~~ for three weeks successively in two daily newspapers, published in the City of Brooklyn and County of Kings. The said George Russell has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said George Russell is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles and boxes, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles and boxes, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Michael Moore

who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles and boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said

Michael Moore
Neg. Premises known and described as
No 225 East 21st City of New
York & County of New York. Now
occupied by the aforesaid
Michael Moore as a Mineral Water
Bottling Factory

All of which the said

Michael Moore

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles and boxes, from the said George Russell. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the *13th* day of *Dec* 189 *Deponent* *has bottles so marked*

& distinguished that have
been filled with some beverage
& sold by the aforesaid
Michael Moore

Subscribed and sworn to before me,
 this *23* day of *Dec* 189 *if*

Martin O Smith

Charles J. Linton

Police Justice
City of New York

State of New York,

City and County of *NY* ss:

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

To any Peace Officer in this State or in the County of *New York*.

Proof by affidavit having been this day made before me, by

104 Ridgewood Ave, Brooklyn *M. D. Smith*

that the following described property, to wit: divers bottles and boxes, the number of which is unknown to deponent, the property of George Russell, having branded, blown, etched and otherwise produced on said bottles "George Russell," on boxes G. Russell.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Michael Moore

and that there is probable cause for believing that the said divers bottles and boxes are now in the possession of the said

Michael Moore

and are now concealed in and upon the following described premises used and occupied by said

Michael Moore
Nig. Premises known and described
as No 225 East 21st St. City
of New York & County of New York
now & occupied by the aforesaid
Michael Moore as a Mineral
Water Bottling Factory

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said

Michael Moore

situate as aforesaid, and there make immediate search for the said divers bottles and boxes, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said

Michael Moore

forthwith, before me, at

4th District Police Court New York City

to be dealt with as the law directs

Dated at

New York the

23rd

day of

Dec

1892

Charles A. Linton

Police Justice
City of New York

0932

Inventory of property taken by
warrant was executed, from

by whom this

in whose possession it was found,

from

from whom it was taken,

where the property was found, no person being there.

Bottles Filled,	2
Bottles Empty,	1
Boxes,	
Total,	3

COUNTY OF

New York

ss:

I

Michael Hartigan

the officer by whom this warrant was

executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on this warrant.

Sworn to before me, this

24 day of

Dec

1892

Michael Hartigan

J. H. [illegible]
Police Justice

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

vs.

SEARCH WARRANT

AND

WARRANT OF ARREST.

0933

THE PEOPLE

against

Michael Moon.

This indictment is based upon Chapter 377 of the Laws of 1887 as amended and superseded by Chapter 181 of the Laws of 1888.

Chapter 376 of the Laws of 1896 contains (at page 346 of the Session Laws) a provision repealing all of Chapter 377 of the Laws of 1887 and all of Chapter 181 of the Laws of 1888--- but it contains no saving clause and the said Acts of 1887 and of 1888 were not in force when Chapter 376 of the Laws of 1896 took effect. The penal statute substantially re-enacting the said Act of 1888 was subsequently passed by the same Legislature. (See Chapter 933 of the Laws of 1896.) There was an interim of some weeks between the passing of the said acts of 1896.

Under the decision of the Court of Appeals in the case of Hartung against The People, 22 N.Y. 95--

"After expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted for a violation of the law committed while it was in force, unless some special provision be made for that purpose by statute."

Moreover,

"The repeal of a law imposing a penalty though it takes place after conviction, arrests judgment, and when the repeal is after judgment, the judgment is to be reversed upon error."

A Fortiori, where the statute repealing an Act upon which this indictment is founded, ^{was enacted} criminal process

JAN 28 1899

thereon is thereby arrested.

In view of the fact that the statute upon which this indictment is based was repealed without a saving clause in the repealing act, and that the re-enacting statute, Chapter 933 of the Laws of 1896 must be regarded as prospective in its operation, I am constrained under the well settled cases of Hartung against the People to recommend the discharge of the defendant upon his own undertaking.

New York, January, 28th 1899.

Alfred D. Mansueti

Assistant District Attorney.

THE PEOPLE OF THE STATE OF NEW YORK
IN SENATE
JANUARY 11, 1892
REPORT OF THE COMMISSIONER OF THE LAND OFFICE
TO THE SENATE

6225

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Moore.

The Grand Jury of the City and County of New York, by this indictment accuse *Michael Moore* of a misdemeanor, to wit: the crime of offending against the provisions of the second section of the Act of the Legislature of this State, passed May 18th, 1887, entitled: "An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," as the same was amended by a certain other Act of the Legislature of this State, passed April 26th, 1888, entitled: "An Act to amend Chapter three hundred and seventy-seven of the Laws of eighteen hundred and eighty-seven, entitled 'An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,'" committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *the firm of Minick Brothers and Company* having *its* principal place of business in the said City of *New York*, being at all the times hereinafter mentioned engaged in bottling and selling *soda water, ginger ale, lager beer* and other beverages in bottles, with *its* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of *New York*, to wit: on the *25th* day of *February* 18 *89*, and also in the office of the Secretary of State of the State of New York, to wit: on the *21st* day of *February* 18 *89*, a description of the name, marks and devices so used by *it* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of *New York*, as required by the Statute in such case made and provided, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, and a description of which had been so duly filed and published as required by law as aforesaid, the said *firm* used the name "*Minick Bros. & Co*" upon such and the letter "*M*" upon such bottles.

And the said *Michael Moore*, late of the City and County *of New York*, afterwards to wit: on the *24th* day of *December*, 1892, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *firm* divers to wit: *five* certain bottles, which and each of which were and was then

and there marked and distinguished as aforesaid, with and by the said name, *mark and device* of the said *Jurim* being the name *mark and device* of which a description had been so filed and published as aforesaid, which said bottles had not been purchased from the said *Jurim*; 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 *Michael Moore* of the same misdemeanor, committed as follows:

Heretofore and prior to the day of commission of the crime and misdemeanor hereinafter alleged, *the firm of Munch Brothers and Company, Brooklyn in Kings County* having *its* principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling *soda water, ginger ale, Lager beer* and other beverages, in bottles with *its* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the *25th* day of *February* 18 *89*, and also in the Office of the Secretary of State of the State of New York, to wit: on the *21st* day of *February* 18 *89*, a description of the name, marks and devices so used by *him*, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, and a description of which had been so duly filed and published as required by law, as aforesaid, the said *and the firm of Munch Bros. & Co.* used the name *"Munch Bros. & Co."* upon such *bottles*.

And the said *Michael Moore* late of the City and County of New York aforesaid, afterwards, to wit: on the *24th* day of *December* 189 *2*, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *Jurim* divers, to wit: *five* certain bottles, which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name *mark and device* of the said *Jurim*, being the name, *mark and device* of which a description had been so filed and published as aforesaid, and which said bottles, had not been purchased from the said *Jurim*; 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 *Michael Moore* of the same misdemeanor, committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *the firm of Munch Brothers and Company, Brooklyn, in Kings County* having *its* principal place of business in the said City of New York, being at all the times herein-

0937

after mentioned engaged in bottling and selling *soda water, ginger ale, lager beer* and other beverages in bottles, _____ with *its* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of *New York*, to wit: on the *25th* day of *February* 18*89*, and also in the office of the Secretary of State of the State of New York, to wit: on the *21st* day of *February* 18*89*, a description of the name, marks and devices so used by *it* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of *New York* as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, the said _____ used the name "*Munich Bros. & Co.*" and the letter "*M.*" upon such *bottles*.

And the said *Michael Moore*, late of the City and County *of New York* aforesaid, afterwards, to wit: on the *24th* day of *December* 189*2*, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said _____ divers, to wit: *five* certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name *mark and device* of the said _____ being the name, *mark and device* of which a description had been so filed and published as aforesaid, and which said bottles _____ had not been purchased from the said _____ against the form of the Statute in such case made and provided against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0938

Copy furnished to Dist. Ct. 1/1/99

309

Witnesses:

Martin O. Smith

Counsel,

Filed

day of

189

Pleads,

Not guilty 28

THE PEOPLE

vs.

Michael Moore

MISDEMEANOR.
[Chap. 877, Laws of 1887, as amended by Chap. 181,
Laws of 1888.]

DE LANCEY NICOLL,

District Attorney.

Jan 21/99
Bail Discharged.

A TRUE BILL.

B. Lockwood

Foreman.

0934

Sec. 198-200.

4th

District Police Court.

CITY AND COUNTY OF NEW YORK ss.

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

Question. What is your name?

Answer. *Michael Moore*

Question. How old are you?

Answer. *57 Years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *353 West 55 St 5 Years*

Question. What is your business or profession?

Answer. *Mineral water*

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 jury trial**Michael Moore*

Taken before me this

27 day of December 1922

Police Justice.

J. H. Moore

0940

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 _____
_____ 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, *December 24* 1892 _____ *H. J. Smith* 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.

094

1622
1334

Police Court--- 4th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin C. Smith
vs.
Michael Moore

2
3
4

Offense

Dated, *December 24* 189 *2*

Kellereith Magistrate.

Hartigan Officer.

Court Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ to answer *G. S.*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

State of New York,
City and County of *NY*

ss:

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

To any Peace Officer in this State or in the County of *New York*

Proof by affidavit having been this day made before me, by *Martin O Smith*

104 Ridgewood Ave. Brooklyn

that the following described property, to wit:

divers bottles and boxes, the number of which is unknown to deponent, the property of Frederick W. Witte, having branded, blown, etched and otherwise produced on said bottles "Fred. W. Witte," other bottles "Fred. W. Witte" and the letters "F. W. W." in a monogram, other bottles "F. W. Witte," boxes F. W. Witte.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Michael Moore

and that there is probable cause for believing that the said divers bottles and boxes are now in the possession of the said

Michael Moore

and are now concealed in and upon the following described premises used and occupied by said

Michael Moore

*Ny. Premises known and described
as No 225 East 21st St. City
of New York & County of New York
and occupied by the aforesaid
Michael Moore as a Mineral
Water Bottling Factory*

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day

to enter the building and premises of the said

Michael Moore

and there make immediate search for the said divers bottles and boxes, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said

Michael Moore

forthwith, before me, at

4 District Police Court N.Y. City

to be dealt with as the law directs

Dated at

New York the

23^d

day of

Dec

1892

Charles Hainton

*Police Justice
City of New York*

Inventory of property taken by _____
warrant was executed, from _____ by whom this
in whose possession it was found, from _____ from whom it was taken,
where the property was found, no person being there.

Bottles Filled,	1
Bottles Empty,	1
Boxes,	
Total,	2

COUNTY OF New York } ss: _____
I Michael Hartigan the officer by whom this warrant was
executed, do swear that the above inventory contains a true and detailed account of all the
property taken by me on this warrant.
Sworn to before me, this _____
24 day of Dec 189 2
Michael Hartigan
Police Judge

DISTRICT POLICE COURT.

State of New York, City and County of *New York* ss.:*Martin O. Smith* being sworn says: I am *44* years of age; I reside at *104 Ridgewood, Clee Brook*. My business is that of *Detective*. I am the agent of the Owen McShane.

Said Owen McShane is engaged in bottling and selling soda water and other beverages, in bottles and boxes, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles and boxes, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of Brooklyn, and County of Kings, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles and boxes, and a description thereof is as follows, viz: on bottles, "Owen McShane" and the letters "Mc" within one of the loops of the letter "S" in the aforesaid monogram; on boxes O. McShane.

Said description of said name and other marks and devices so as aforesaid, used by the said Owen McShane upon said bottles and boxes, was on the 3rd day of May, 1889, duly filed in the office of the Clerk of Kings County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 25th day of April, 1889; and such description was by said Owen McShane, thereafter caused to be printed and was printed ~~in the City of Brooklyn and County of Kings~~ for three weeks successively in two daily newspapers, published in the City of Brooklyn and County of Kings. The said Owen McShane has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Owen McShane is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles and boxes, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section 1, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles and boxes, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Michael Moore
who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles and boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said

Michael Moore
Viz. Premises known and described as No. 225. East 21st St. City of New York & County of New York
which are occupied by the aforesaid *Michael Moore* as a Mineral Water Bottling Factory

All of which the said

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles and boxes, from the said Owen McShane. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the *13th* day of *Dec* 189 *Deponent* *has bottles so marked & distinguished that have been filled & sold by the aforesaid*
Michael Moore

Subscribed and sworn to before me,
this 23 day of *Dec* 189 *28*

*Martin O. Smith**Charles N. Linton**Police Justice
City of New York*

DISTRICT POLICE COURT.

State of New York, City and County of New York

ss.:

Martin O. Smith being sworn says: I am *44* years of age; I reside at *104 Ridgewood Ave., Bklyn.* My business is that of *Wholesale*

I am the agent of Henry Downes. Said Henry Downes is engaged in bottling and selling soda water, root beer, weiss beer and other beverages, in bottles and boxes, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles and boxes, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of Brooklyn, and County of Kings, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles and boxes, and a description thereof is as follows, viz: on bottles, Henry Downes; on boxes H. Downes.

Said description of said name and other marks and devices so as aforesaid, used by the said Henry Downes upon said bottles and boxes, was on the 15th day of May, 1889, duly filed in the office of the Clerk of Kings County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 13th day of May, 1889; and such description was by said Henry Downes thereafter caused to be printed and was printed ~~in~~ for three weeks successively in two daily newspapers, published in the City of Brooklyn and County of Kings. The said Henry Downes has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Henry Downes is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles and boxes, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section 1, of Chapter 377, of the Laws of the State of New York for 1887, passed May 18th, 1887, that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles and boxes, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by *Michael Moore*

who *is* bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and *and has been* unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles and boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said *Michael Moore*

Viz Francis Kenna and described as No 225 East 21st St. City of New York & County of New York. Said premises occupied by the aforesaid Michael Moore as a Mineral Water Bottling Factory

All of which the said *Michael Moore*

is doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles and boxes, from the said Henry Downes. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the *13th* day of *Dec* 189 *Deponent* *has bottles so marked &*

disturbance that the aforesaid Michael Moore was given with a box & paper & sold

Subscribed and sworn to before me, }
this *23rd* day of *Dec* 189*2* *Martin O. Smith*

Charles W. Linton,
Police Justice
City of New York

State of New York,
City and County of *NY*

ss:

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

To any Peace Officer in this State or in the County of *New York*.

Proof by affidavit having been this day made before me, by *Martin O. Smith*

104 Redwood Ave Brooklyn

that the following described property, to wit:

divers bottles and boxes, the number of which is unknown to deponent, the property of Henry Downes, having branded, blown, etched and otherwise produced on said bottles "Henry Downes," on boxes H. Downes.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Michael Moore

and that there is probable cause for believing that the said divers bottles and boxes are now in the possession of the said *Michael Moore*

and are now concealed in and upon the following described premises used and occupied by said

Michael Moore

*Viz. Premises known & described as
No 225 East 21st New York City
& County of New York. And are
occupied by the aforesaid Michael
Moore as a Mineral Water
Bottling Factory*

E

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said *Michael Moore*

situate as aforesaid,

and there make immediate search for the said divers bottles and boxes, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said *Michael Moore*

forthwith, before me, at *4 District Police Court N.Y. City*

to be dealt with as the law directs

Dated at

New York the

23rd day of *Dec* 189*2*

Charles W. Linton

*Police Justice
City of New York*

094

Inventory of property taken by
warrant was executed, from

by whom this

in whose possession it was found,

from

from whom it was taken,

where the property was found, no person being there.

Bottles Filled,
Bottles Empty,
Boxes,

None

Total,

COUNTY OF

ss:

I Michael Hartigan the officer by whom this warrant was
executed, do swear that the above inventory contains a true and detailed account of all the
property taken by me on this warrant.

Sworn to before me, this

24th day of

Dec

1892

Michael Hartigan

Police Justice

0948

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty and during a jury trial

Michael Moore

Taken before me this
day of

188

Police Justice.

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

_____ guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 3 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, _____ 189

_____ 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.

0951

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

258
Police Court---

1622
1894
District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Martin Smith
Michael Moore

2 _____

3 _____

4 _____

Dated, *Dec 24* 189

W. H. Smith Magistrate.

W. H. Smith Officer.

W. H. Smith Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ _____ to answer

Charles
Dec 29-10 PM

THE PEOPLE ~~indict~~ ^{charge} the statute repealing the Act
against ~~this indictment is founded, criminal justice~~
~~is thereby arrested.~~

Michael Morris

In view of the fact that the statute upon which

this indictment is based was repealed without a saving
clause in the repealing act, and that the reenacting

This indictment is based upon Chapter 377
of the Laws of 1887 as amended and superseded by Chapter
181 of the Laws of 1888.

Chapter 376 of the Laws of 1896 contains
(at page 346 of the Session Laws) a provision repealing
all of Chapter 277 of the laws of 1887 and all of
Chapter 181 of Laws of 1888---but it contains no saving
clause and the said Acts of 1887 and of 1888 were not
in force when Chapter 376 of the Laws of 1896 took effect.

The penal statute substantially reenacting the said Act
of 1888 was subsequently passed by the same Legislature.
(See Chapter 933 of the Laws of 1896.) There was a interim
of some weeks between the passing of the said acts of
1896.

Under the decision of the Court of Appeals in
the case of Hartung against The People, 22 N. Y. 95,---

"After expiration or repeal of a law, no
penalty can be enforced, nor punishment inflicted
for a violation of the law committed while it
was in force, unless some special provision be
made for that purpose by statute."

Moreover,

"The repeal of a law imposing a penalty
though it takes place after conviction, arrests
judgment, and when the repeal is after judgment,
the judgment is to be reversed upon error."

A Fortiori where the statute repealing ^{the} Act upon which this indictment is founded, ^{was made} criminal process thereon is thereby arrested.

In view of the fact that the statute upon which this indictment is based was repealed without a saving clause in the repealing act, and that the reenacting statute, Chapter 933 of the Laws of 1896, must be regarded as prospective in its operation, I am constrained under the well settled case of Hartung against the

People to recommend the discharge of the defendant upon his own undertaking.

New York, January 38 1899.

Assistant District Attorney.

0953

RECEIVED
JAN 10 1893
CITY OF NEW YORK
CLERK OF THE COURT
OF THE CITY AND COUNTY OF NEW YORK

6225

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Michael Moore

The Grand Jury of the City and County of New York, by this indictment accuse *Michael Moore* of a misdemeanor, to wit: the crime of offending against the provisions of the second section of the Act of the Legislature of this State, passed May 18th, 1887, entitled: "An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," as the same was amended by a certain other Act of the Legislature of this State, passed April 26th, 1888, entitled: "An Act to amend Chapter three hundred and seventy-seven of the Laws of eighteen hundred and eighty-seven, entitled 'An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,'" committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *one Henry Danner*, *Brooklyn, in the County of Kings*, having *his* principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling *soda water, port beer, weiss beer* and other beverages in bottles, *with his* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the *15th* day of *May* 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the *13th* day of *May* 1889, a description of the name, marks and devices so used by *him*, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, *and used the said Henry Danner upon such bottles*, and a description of which had been so duly filed and published as required by law as aforesaid, *the said* *used the name "Henry Danner" upon such*

And the said *Michael Moore*, late of the City and County aforesaid, afterwards to wit: on the *thirteenth* day of *December*, 1892, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *Henry Danner*, divers to wit: *ten* certain bottles, *which* and each of which were and was then

0954

and there marked and distinguished as aforesaid, with and by the said name _____
_____ of the said Henry Downer, being the name
_____ of which a description had been so filed and published as
aforesaid, which said bottles _____ had not been purchased from the said Henry
Downer; 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
Michael Moore of the same misdemeanor, committed
as follows:

Heretofore and prior to the day of commission of the crime and misdemeanor hereinafter
alleged, one Henry Downer

having this principal place of business in the City of New York, being at all the times
hereinafter mentioned engaged in bottling and selling soda water, root beer, mineral water and
other beverages, in bottles _____ with this name and
other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced
thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 15th
day of May 1889, and also in the Office of the Secretary of State of the
State of New York, to wit: on the 13th day of May 1889,
a description of the name, marks and devices so used by him, and did duly cause such description to be
printed and published for three weeks successively in two daily newspapers published in the said City of
New York, as required by the Statute in such case made and provided, and among the marks and
devices aforesaid, so as aforesaid produced upon such bottles, and caused by the
said Henry Downer and a description of which had been so duly filed and published as required by law, as aforesaid, the said
was the name "Henry Downer."
upon such

And the said Michael Moore late of the City and County,
aforesaid, afterwards, to wit: on the 13th day of December 1892, at
the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury
aforesaid unknown, without the consent of the said Henry Downer
_____, divers, to wit: ten certain bottles, _____ which
and each of which were and was then and there so marked and distinguished as aforesaid, with and by the
said name _____ of the said Henry Downer, being the name _____
_____ of which a description had been so filed and published as aforesaid, and which said bottles,
_____ had not been purchased from the said Henry Downer,
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 Michael
Moore of the same misdemeanor, committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter
alleged, one Henry Downer

having this principal place of business in the City of New York, being at all the times herein-

0955

after mentioned engaged in bottling and selling ~~podawata~~ *root beer, whiskey* and other beverages in bottles, _____ with ~~his~~ *him* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of ~~New York~~ *New York*, to wit: on the ~~15th~~ *15th* day of ~~May~~ *May* 18 ~~89~~ *89* and also in the office of the Secretary of State of the State of New York, to wit: on the ~~13th~~ *13th* day of ~~May~~ *May* 18 ~~89~~ *89*, a description of the name, ~~marks and devices~~ *marks and devices* so used by ~~him~~ *him* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of ~~New York~~ *New York*, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, ~~and so marked~~ *and so marked* by the said ~~Henry Bowmes~~ *Henry Bowmes* and a description of which had been so duly filed and published as required by law, ~~the said~~ *the said* ~~was~~ *was* used the name "~~Henry~~ *Henry* Bowmes."

~~upon such~~

And the said ~~Michael Moore~~ *Michael Moore*, late of the City and County aforesaid, afterwards, to wit: on the ~~13th~~ *13th* day of ~~December~~ *December* 189 ~~2~~ *2* at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said ~~Henry Bowmes~~ *Henry Bowmes* divers, to wit: ~~the~~ *the* certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name _____ of the said ~~Henry Bowmes~~ *Henry Bowmes* being the name

of which a description had been so filed and published as aforesaid, and which said bottles _____ had not been purchased from the said ~~Henry Bowmes~~ *Henry Bowmes*, against the form of the Statute in such case made and provided against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0956

Copied furnished to Dist. Atty.

Witnesses:

Martin O Smith

309

Counsel,

Filed

day of

1893

Pleads,

Not Guilty 28

THE PEOPLE

vs.

B

Michael Moore

MISDEMEANOR.

[Chap. 377, Laws of 1887, as amended by Chap. 181, Laws of 1888.]

DE LANCEY NICOLL,

District Attorney.

Jan 31/99.
Bail Discharged.

A TRUE BILL.

M. Lockwood

Foreman.

THE PEOPLE

against

Michael Mann

This indictment is based upon Chapter 377 of the Laws of 1887 as amended and superseded by Chapter 181 of the Laws of 1888.

Chapter 376 of the Laws of 1896 contains (at page 346 of the Session Laws) a provision repealing all of Chapter 377 of the Laws of 1887 and all of the Chapter 181 of the Laws of 1888--- but it contains no saving clause and the said Acts of 1887 and 1888 were not in force when Chapter 376 of the Laws of 1896 took effect. The penal statute substantially reenacting the said Act of 1888 was subsequently passed by the same Legislature. (See Chapter 933 of the Laws of 1896.) There was an interim of some weeks between the passing of the said acts of 1896.

Under the decision of the Court of Appeals in the case of Hartung against The People, 22 N. Y. 95--

"After expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted for a violation of the law committed while it was in force, unless some special provision be made for that purpose by statute."

Moreover,

"The repeal of a law imposing a penalty though it takes place after conviction, arrests judgment, and when the repeal is after judgment, the judgment is to be reversed upon error."

A Fortiori where the statute repealing the Act upon which this indictment is founded, criminal process ^{was made}

WENTWORTH

AND RECEIPT

2

thereon is thereby arrested.

County of General Sessions of the Peace

In view of the fact that the statute upon which
OF THE CITY AND COUNTY OF NEW YORK.
this indictment is based was repealed without a saving clause
in the repealing act, and that the reenacting
statute, Chapter 933 of the Laws of 1896, must be looked
upon as prospective in its operation, I am constrained
under the well settled case of Hartung against The People
to recommend the discharge of the defendant upon his
own recognizance.

New York, January 28th 1899.

Robert J. Mansueti

Assistant District Attorney.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Moore

The Grand Jury of the City and County of New York, by this indictment accuse *Michael Moore* of a misdemeanor, to wit: the crime of offending against the provisions of the second section of the Act of the Legislature of this State, passed May 18th, 1887, entitled: "An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," as the same was amended by a certain other Act of the Legislature of this State, passed April 26th, 1888, entitled: "An Act to amend Chapter three hundred and seventy-seven of the Laws of eighteen hundred and eighty-seven, entitled 'An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,'" committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *one George Russell* having *his* principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling *soda water* and other beverages in bottles, with *his* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the *8th* day of *March* 18*89*, and also in the office of the Secretary of State of the State of New York, to wit: on the *6th* day of *March* 18*89*, a description of the name, marks and devices so used by *him* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, and a description of which had been so duly filed and published as required by law as aforesaid, the said *George* used the name "*George Russell*" upon such *bottles*.

And the said *Michael*, late of the City and County aforesaid, afterwards to wit: on the *24th* day of *December*, 189*2*, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *George* divers to wit: *three* certain bottles, which and each of which were and was then

and there marked and distinguished as aforesaid, with and by the said name _____ of the said _____ being the name _____ of which a description had been so filed and published as aforesaid, which said bottles _____ had not been purchased from the said George Russell ; 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore and prior to the day of commission of the crime and misdemeanor hereinafter alleged, George Russell having his principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water and other beverages, in bottles _____ with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York to wit: on the 18th day of March 18 89, and also in the Office of the Secretary of State of the State of New York, to wit: on the 6th day of March 18 89, a description of the name, marks and devices so used by him, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, as aforesaid, the said George Russell used the name "George Russell" upon such bottles.

And the said Michael Moore late of the City and County aforesaid, afterwards, to wit: on the 24th day of December 189 2, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said George Russell divers, to wit: three certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name _____ of the said _____ being the name _____ of which a description had been so filed and published as aforesaid, and which said bottles, _____ had not been purchased from the said George Russell, 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, George Russell having his principal place of business in the said City of New York, being at all the times herein-

after mentioned engaged in bottling and selling soda water and other beverages in bottles, _____ with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 8th day of March 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the 6th day of March 1889, a description of the name, marks and devices so used by _____ and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, the said George used the name "George Russell" upon such bottles.

And the said Michael late of the City and County of New York aforesaid, afterwards, to wit: on the 24th day of December 1889, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said George divers, to wit: three certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name _____ of the said _____ being the name _____

of which a description had been so filed and published as aforesaid, and which said bottles _____ had not been purchased from the said George against the form of the Statute in such case made and provided against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

thereafter arrested.

THE PEOPLE

against

Michael Moore

This indictment is based upon Chapter 377 of the Laws of 1887 as amended and superseded by Chapter 181 of the Laws of 1888.

Chapter 376 of the Laws of 1896 contains (at page 346 of the Session Laws) a provision repealing all of Chapter 377 of the Laws of 1887 and all of Chapter 181 of the Laws of 1888--- but it contains no saving clause and the said Acts of 1887 and of 1888 were not in force when Chapter 376 of the Laws of 1896 took effect. The penal statute substantially re-enacting the said Act of 1888 was subsequently passed by the same Legislature. (See Chapter 933 of the Laws of 1896.) There was an interim of some weeks between the passing of the said acts of 1896.

Under the decision of the Court of Appeals in the case of Hartung against The People, 22 N.Y. 95--

"After expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted for a violation of the law committed while it was in force, unless some special provision be made for that purpose by statute."

Moreover,

"The repeal of a law imposing a penalty though it takes place after conviction, arrests judgment, and when the repeal is after judgment, the judgment is to be reversed upon error."

A Fortiori, where the statute repealing an Act ^{was enacted} upon which this indictment is founded, criminal process

ДНЕ БИОБЛ

thereon is thereby arrested.

In view of the fact that the statute upon which this indictment is based was repealed without a saving clause in the repealing act, and that the re-enacting statute, Chapter 933 of the Laws of 1896 must be regarded prospective in its operation, I am constrained under the well settled case of Hartung against the People to recommend the discharge of the defendant upon his own undertaking.

New York, January, 28th 1899.

Assistant District Attorney

CLERK OF THE LEGISLATURE AND THAT THE LEGISLATURE
THIS INDICTMENT IS PASSED AND RECORDED WITHOUT A SEALING
IN VIEW OF THE FACT THAT THE STATUTE UPON WHICH
THEREON IS BASED IS OBSOLETE.

6225

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Moore

The Grand Jury of the City and County of New York, by this indictment accuse *Michael Moore* of a misdemeanor, to wit: the crime of offending against the provisions of the second section of the Act of the Legislature of this State, passed May 18th, 1887, entitled: "An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," as the same was amended by a certain other Act of the Legislature of this State, passed April 26th, 1888, entitled: "An Act to amend Chapter three hundred and seventy-seven of the Laws of eighteen hundred and eighty-seven, entitled 'An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,'" committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *one Frederick W. Witte* having *his* principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling *soda water, mineral water and other beverages* in bottles, *with his* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the *14th* day of *March*, 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the *11th* day of *April*, 1889, a description of the name, marks and devices so used by *him* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, *and a description of which had been so duly filed and published as required by law as aforesaid*, the said *Frederick W. Witte* used the name "*Frederick W. Witte*" upon such bottles, *the name "Frederick W. Witte, and the letters "F. W. W."* in a monogram upon other bottles, and *the name "F. W. W. Witte" upon others.*

And the said *Michael Moore*, late of the City and County aforesaid, afterwards to wit: on the *23rd* day of *December*, 1892, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *Frederick W. Witte* divers to wit: *nine* certain bottles, *which and each of which were and was then*

and there marked and distinguished as aforesaid, with and by the said name marks and devices of the said Frederick W. Witte being the name marks and devices of which a description had been so filed and published as aforesaid, which said bottles _____ had not been purchased from the said Frederick W. Witte; 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore and prior to the day of commission of the crime and misdemeanor hereinafter alleged, one Frederick W. Witte

having this principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water, mineral water and other beverages, in bottles _____ with this name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the 14th day of March 18 89, and also in the Office of the Secretary of State of the State of New York, to wit: on the 11th day of April, 18 89, a description of the name, marks and devices so used by him, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, as aforesaid, the said Frederick W. Witte used the name "Fred. W. Witte", upon some of such bottles, the name "Fred W. Witte" and upon such the letters "F. W. W." in a monogram upon other bottles, and the name "F. W. Witte" upon others.

And the said Michael Moore, late of the City and County of New York, aforesaid, afterwards, to wit: on the 23rd day of December 1892, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said Frederick W. Witte

_____ divers, to wit: nine certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name, marks and devices of the said Frederick W. Witte being the name, marks and devices of which a description had been so filed and published as aforesaid, and which said bottles, _____ had not been purchased from the said Frederick W. Witte 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, one Frederick W. Witte

having this principal place of business in the said City of New York, being at all the times herein-

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after mentioned engaged in bottling and selling ~~soda water~~ ^{mineral water} and other beverages in bottles, _____ with ~~him~~ ^{his} name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of ~~New York~~ ^{Franklin}, to wit: on the ~~14th~~ ^{11th} day of ~~March~~ ^{April} 1889, and also in the office of the Secretary of State of the State of New York, to wit: on the ~~11th~~ ^{11th} day of ~~April~~ ^{April} 1889, a description of the name, marks and devices so used by ~~him~~ ^{him} and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of ~~New York~~ ^{New York}, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, the said ~~Frederick W. Witte~~ ^{Frederick W. Witte} used the name "~~Fred. W. Witte~~" upon some ~~soda water~~ ^{soda water}, the name "~~Fred. W. Witte~~" and the letters "~~F. W. W.~~" in a ~~upon such~~ ^{upon such} ~~monogram upon other bottles~~ ^{monogram upon other bottles}, and the name "~~F. W. Witte~~" upon others.

And the said ~~Michael Moore~~ ^{Michael Moore}, late of the City and County aforesaid, afterwards, to wit: on the ~~23rd~~ ^{23rd} day of ~~December~~ ^{December} 1892, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said ~~Frederick W. Witte~~ ^{Frederick W. Witte}, divers, to wit: ~~nine~~ ^{nine} certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name ~~marks and devices~~ ^{marks and devices} of the said ~~Frederick W. Witte~~ ^{Frederick W. Witte} being the name ~~marks and devices~~ ^{marks and devices} _____ of which a description had been so filed and published as aforesaid, and which said bottles _____ had not been purchased from the said ~~Frederick W. Witte~~ ^{Frederick W. Witte} against the form of the Statute in such case made and provided against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

Copy furnished to Dist. Atty.

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Witnesses:
Martin O Smith

Counsel,

Filed

day of

189

Pleads,

Not Guilty

THE PEOPLE

vs.

B

Michael Moore

MISDEMEANOR.
[Chap. 377, Laws of 1887, as amended by Chap. 181,
Laws of 1888.]

DE LANCEY NICOLL,

District Attorney.

Jan 31/99.
Ball Discharged

A TRUE BILL.

A Lockwood
Foreman.

0967

State of New York,
City and County of *N.Y.* ss:

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

To any Peace Officer in this State or in the County of *New York*

Proof by affidavit having been this day made before me, by *Martin O. Smith*

164 Ridgemoor Road Brooklyn that the following described property, to wit:
divers bottles and boxes, the number of which is unknown to deponent, the property of Minck Bros. & Co., having branded, blown, etched and otherwise produced on said bottles "Minck Bros. & Co." and the letter "M." on boxes M. B. & Co.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Michael Moore

and that there is probable cause for believing that the said divers bottles and boxes are now in the possession of the said *Michael Moore*

and are now concealed in and upon the following described premises used and occupied by said

Michael Moore

Viz. Premises known and described as No 225 East 21st St. City of New York & County of New York used and occupied by the aforesaid Michael Moore as a Mineral Water Bottling Factory

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said *Michael Moore*

situate as aforesaid, and there make immediate search for the said divers bottles and boxes, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said *Michael Moore*

forthwith, before me, at *4 District Police Court. My City* to be dealt with as the law directs

Dated at *New York* the

23

day of

Dec

189 *2*

Charles N. Linton

*Police Justice
City of New York*

Inventory of property taken by
warrant was executed, from

by whom this

in whose possession it was found, from

from whom it was taken,

where the property was found, no person being there.

Bottles Filled,
Bottles Empty,
Boxes,

3
2

Total,

5

COUNTY OF

New York

ss:

I, Michael Hentigan the officer by whom this warrant was
executed, do swear that the above inventory contains a true and detailed account of all the
property taken by me on this warrant.

Sworn to before me, this

24 day of Dec 1892

Michael Hentigan

THE PEOPLE, ETC.,

ON THE COMPLAINT OF

vs.

SEARCH WARRANT
AND
WARRANT OF ARREST.

Michael Moore
age 57. Irish
Res 225 E. 21 St.
Officer Hartigan

DISTRICT POLICE COURT.

State of New York, City and County of *New York* ss.:*Martin O. Smith* being sworn says: I am *44* years of age; I reside at *104 Ridgewood Ave. Brooklyn* My business is that of *Detective*

I am the agent of Minck Bros. & Co. Said Minck Bros. & Co. are engaged in bottling and selling soda water, ginger ale, lager beer and other beverages, in bottles and boxes, with their name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles and boxes, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of Brooklyn, and County of Kings, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles and boxes, and a description thereof is as follows, viz: on bottles, "Minck Bros. & Co." and the letter "M"; on boxes M. B. & Co.

Said description of said name and other marks and devices so as aforesaid, used by the said Minck Bros. & Co. upon said bottles and boxes, was on the 25th day of February, 1889, duly filed in the office of the Clerk of Kings County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 21st day of February, 1889; and such description was by said Minck Bros. & Co., thereafter caused to be printed and was printed ~~in the City of Brooklyn and County of Kings~~ for three weeks successively in two daily newspapers, published in the City of Brooklyn and County of Kings. The said Minck Bros. & Co. have in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Minck Bros. & Co. are the owners of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles and boxes, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles and boxes, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by*Michael Moore*who *is* bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and *is*, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles and boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said*Michael Moore**viz. Premises known and described as No 225 East 21st St City of New York & County of New York and occupied by the aforesaid Michael Moore as a Mineral Water Bottling Factory*

All of which the said

*Michael Moore**is*
doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles and boxes, from the said Minck Bros. & Co. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the *13th* day of*Dec 1892* Deponent *has seen* *divers bottles so marked and distinguished that have been filled with a beverage & sold by the aforesaid Michael Moore*

Subscribed and sworn to before me,

this 23 day of

*Dec 1892**Martin O. Smith**Charles V. Laintor**Police Justice City of New York*

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Michael Moore*

Question. How old are you?

Answer. *57 years*

Question. Where were you born?

Answer. *Illinois*

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

Answer. *6355 West 54th*

Question. What is your business or profession?

Answer. *Mural Painter*

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

Answer. *I am not guilty of the charge against me on trial*

Michael Moore

Taken before me this

day of

188

Police Justice.

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

Alfred A. [Signature]
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 3 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, Dec 27 1892 J. M. [Signature] Police Justice.

I have admitted the above-named Alfred A. [Signature]
to bail to answer by the undertaking hereto annexed.

Dated, Dec 27 1892 J. M. [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.

097

1622
1884

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin Smith
vs.
Nick Moore

2
3
4

W. J. Sullivan
Officer

Dated, *Dec 14* 189
W. J. Sullivan Magistrate.
W. J. Sullivan Officer.

Complainant in
Witnesses
Care of Bklyn & L.I. Bth Prot Union
No. *Park Ave & Schenck* Street.
Brooklyn, N.Y.

No. *300* Street.
\$ *to answer*
Paul

Notify defendant
direct

BAILED,
No. 1, by *William Russell*
Residence *344 E. 22* Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

DISTRICT POLICE COURT.

State of New York, City and County of New York ss.:
Martin O. Smith being sworn says: I am 44 years

of age; I reside at 104 Ridge Road Ave. Bklyn. My business is that of Selection, I am the agent of the Frederick W. Witte
Said Frederick W. Witte is engaged in bottling and selling soda water, weiss beer, and other beverages, in bottles and boxes, with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced upon such bottles and boxes, and whose principal place of business was at the times hereinafter mentioned, ever since has been, and now is at the City of Brooklyn, and County of Kings, and State aforesaid. The name and other marks and devices so as aforesaid produced upon said bottles and boxes, and a description thereof is as follows, viz: on bottles, "Fred. W. Witte"; other bottles "Fred. W. Witte" and the letters "F. W. W." in a monogram; other bottles "F. W. Witte"; on boxes F. W. Witte.

Said description of said name and other marks and devices so as aforesaid, used by the said Frederick W. Witte upon said bottles and boxes, was on the 14th day of March, 1889, duly filed in the office of the Clerk of Kings County in the State of New York, and also in the office of the Secretary of State of the State of New York, on the 11th day of April, 1889; and such description was by said Frederick W. Witte thereafter caused to be printed and was printed for three weeks successively in two daily newspapers, published in the City of Brooklyn and County of Kings. The said Frederick W. Witte has in all things complied with Chapter 377 of the Laws of the State of New York for 1887, as amended by Chapter 181 of the Laws of the State of New York for 1888. That said Frederick W. Witte is the owner of the following described property, marked and distinguished as hereinbefore stated, viz: divers bottles and boxes, the number of which is unknown to deponent. That the same are so marked and distinguished as aforesaid with and by the said name and other marks and devices of which a description has been, as hereinbefore stated, duly filed and published as provided in Section I, of Chapter 377 of the Laws of the State of New York for 1887, passed May 18th, 1887, that deponent has reason to believe and does believe and avers the fact to be that said property, namely, said divers bottles and boxes, so marked and distinguished as aforesaid are being unlawfully used, filled, had, bought, sold, disposed of and trafficked in by

Michael Moore

who is bottling and selling soda, mineral and aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, weiss beer, white beer and other beverages, and has been unlawfully filling, using, buying, selling, giving, taking and otherwise disposing of, and trafficking in said divers bottles and boxes, so marked and distinguished as aforesaid, in and upon the following described premises used and occupied by the said

Michael Moore

Ny. Dennis Kinnon and described as No 221 East 21st St. City of New York & County of New York and occupied by the aforesaid Michael Moore as a Mineral Water Bottling Factory

All of which the said Michael Moore is

doing contrary to the Laws of the State of New York in such case made and provided, and without having obtained the written consent of or having purchased the said divers bottles and boxes, from the said Frederick W. Witte. That the reason for deponent's said belief, and the further facts upon which this affidavit is based, are that on the 13th day of Dec 189 Deponent

Saw bottles so marked & distinguished that had been filled with a beverage & sold by the aforesaid Michael Moore

Subscribed and sworn to before me, this 23 day of Dec 1892 Martin O. Smith

Charles N. Linton

Police Justice City of New York

State of New York,

City and County of *NY* ss:

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

To any Peace Officer in this State or in the County of *New York*

Proof by affidavit having been this day made before me, by *William O. Smith*

104 Ridgewood Ave Brooklyn

that the following described property, to wit:

divers bottles and boxes, the number of which is unknown to deponent, the property of Owen McShane, having branded, blown, etched and otherwise produced on said bottles "Owen McShane" and the letters "O S." in a monogram with the letters "Mc" within one of the loops of the letter "S." in the aforesaid monogram, on boxes O. McShane.

Was unlawfully taken, and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in contrary to the provisions of Chapter 377, Laws of the State of New York, for the year 1887, passed May 18, 1887, as amended by Chapter 181 of the Laws of the State of New York for the year 1888, passed April 26, 1888, and that there is reasonable ground to believe that the said property was unlawfully taken and has been and is being unlawfully had, used, filled, bought, sold, disposed of and trafficked in, contrary to the provisions of said act by

Michael Moore

and that there is probable cause for believing that the said divers bottles and boxes are now in the possession of the said *Michael Moore*

and are now concealed in and upon the following described premises used and occupied by said

Michael Moore

*Viz. Premises known and described
as No 225 East 21st St. City
of New York & County of New York
used & occupied by the aforesaid
Michael Moore as a Mineral
Water Bottling Factory*

You are, therefore, in the name of the People of the State of New York, commanded and authorized, with proper assistance, in the day-time, or at any time of the day to enter the building and premises of the said *Michael Moore*

and there make immediate search for the said divers bottles and boxes, and if you find the same, or any part thereof, then you are likewise commanded to bring the same so found, together with the said *Michael Moore*

forthwith, before me, at *4 District Police Court N.Y. City* to be dealt with as the law directs

Dated at *New York* the

23^d

day of

Dec

1892

Charles V. Linton

*Police Justice
City of New York*

097

Inventory of property taken by _____ by whom this
 warrant was executed, from _____
 in whose possession it was found, from _____ from whom it was taken,
 where the property was found, no person being there.

Bottles Filled,	4
Bottles Empty,	5
Boxes,	
Total,	9

COUNTY OF

New York

ss:

I Michael Hartigan the officer by whom this warrant was
 executed, do swear that the above inventory contains a true and detailed account of all the
 property taken by me on this warrant.

Sworn to before me, this

24 day of Dec 1892

Michael Hartigan

J. H. Smith
Police Justice

0978

Sec. 198-200.

4th

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Michael Moore

Question. How old are you?

Answer.

57 Years

Question. Where were you born?

Answer.

Ireland

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

Answer.

383 West 55 St 5 Years

Question. What is your business or profession?

Answer.

Mineral water

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
jury trial

Michael Moore

Taken before me this

day of

188

Police Justice.

[Signature]

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 3 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, December 24 1892

[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.

0981

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court--- 11th District. 1622 1334

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martin O. Smith
vs.
1 Michael Moore

2 _____
3 _____
4 _____

11th Dist.
Franklin
Clerk

Dated, December 24, 1892
Kelbuth Magistrate.

Hartigan Officer.
Court Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ _____ to answer G. S.

THE PEOPLE

against

Michael Monz

This indictment is based upon Chapter 377 of the Laws of 1887 as amended and superseded by Chapter 181 of the Laws of 1888.

Chapter 376 of the Laws of 1896 contains (at page 346 of the Session Laws) a provision repealing all of Chapter 377 of the Laws of 1887 and all of Chapter 181 of the Laws of 1888---but it contains no saving clause and the said Acts of 1887 and of 1888 were not in force when Chapter 376 of the Laws of 1896 took effect. The penal statute substantially reenacting the said Act of 1888 was subsequently passed by the same Legislature. (See Chapter 933 of the Laws of 1896.) There was an interim of some weeks between the passing of the said acts of 1896.

Under the decision of the Court of Appeals in the case of Hartung against The People, 22 N. Y. 95---

"After expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted for a violation of the law committed while it was in force, unless some special provision be made for that purpose by statute."

Moreover,

"The repeal of a law imposing a penalty though it takes place after conviction, arrests judgment, and when the repeal is after judgment, the judgment is to be reversed upon error."

A Fortiori, where the statute repealing ~~the~~ ^{was made} Act upon which this indictment is founded, criminal process t

1990年12月

In view of the fact that the statute upon which this indictment is based was repealed without a saving clause in the repealing act, and that the reenacting statute, Chapter 933 of the Laws of 1896, must be regarded ^{as} prospective in its operation, I am constrained under the well settled case of Hartung against The People to recommend the discharge of the defendant upon his own undertaking.

New York, January 28 1899.

Robert Zimmerman.

Assistant District Attorney.

0983

IN SENATE
JANUARY 12, 1892
REPORT OF THE COMMISSIONER OF THE LAND OFFICE

6225

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Moore

The Grand Jury of the City and County of New York, by this indictment accuse *Michael Moore* of a misdemeanor, to wit: the crime of offending against the provisions of the second section of the Act of the Legislature of this State, passed May 18th, 1887, entitled: "An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," as the same was amended by a certain other Act of the Legislature of this State, passed April 26th, 1888, entitled: "An Act to amend Chapter three hundred and seventy-seven of the Laws of eighteen hundred and eighty-seven, entitled 'An Act to protect the owners of bottles, boxes, syphons and kegs used in the sale of soda water, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,'" committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, *one Owen McShane* having *his* principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling *soda water* and other beverages in bottles, with *his* name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the *third* day of *May* 189*2*, and also in the office of the Secretary of State of the State of New York, to wit: on the *twelfth* day of *April* 189*2*, a description of the name, marks and devices so used by *him* and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid so as aforesaid produced upon such bottles, and a description of which had been so duly filed and published as required by law as aforesaid, the said *Owen McShane* used the name "*Owen McShane*" upon such

and the letters "*me*" within one of the loops of the letter "*S*" in the aforesaid monogram upon each bottle.

And the said *Michael Moore*, late of the City and County aforesaid, afterwards to wit: on the *twelfth* day of *December*, 189*2*, at the City and County aforesaid, did unlawfully buy from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said *Owen McShane* divers to wit: *two* certain bottles, which and each of which were and was then

and there marked and distinguished as aforesaid, with and by the said name, marks and devices of the said Owen McShane, being the name marks and devices of which a description had been so filed and published as aforesaid, which said bottles — had not been purchased from the said Owen McShane; 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore and prior to the day of commission of the crime and misdemeanor hereinafter alleged, one Owen McShane

having his principal place of business in the said City of New York, being at all the times hereinafter mentioned engaged in bottling and selling soda water and other beverages, in bottles — with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the second day of May 1889, and also in the Office of the Secretary of State of the State of New York, to wit: on the twenty-fourth day of April 1889, a description of the name, marks and devices so used by him, and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles,

and a description of which had been so duly filed and published as required by law, as aforesaid, the said — used the name "Owen McShane" and the letters "Mc" within one of the loops of the letter "S" upon such in the aforesaid monogram, upon said bottles.

And the said Michael Moore, late of the City and County aforesaid, afterwards, to wit: on the 24th day of December 1892, at the City and County aforesaid, did unlawfully take from a certain person or persons to the Grand Jury aforesaid unknown, without the consent of the said Owen McShane — divers, to wit: two certain bottles, — which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name, marks and devices of the said Owen McShane being the name, marks and devices of which a description had been so filed and published as aforesaid, and which said bottles, — had not been purchased from the said Owen McShane, 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 Michael Moore of the same misdemeanor, committed as follows:

Heretofore, and prior to the day of the commission of the crime and misdemeanor hereinafter alleged, one Owen McShane —

having his principal place of business in the said City of New York, being at all the times herein-

0989

after mentioned engaged in bottling and selling soda water and other beverages in bottles, _____ with his name and other marks and devices branded, stamped, engraved, etched, blown, impressed and otherwise produced thereon, did duly file in the office of the Clerk of the said County of New York, to wit: on the second day of May 1892, and also in the office of the Secretary of State of the State of New York, to wit: on the twenty-first day of April 1892, a description of the name, marks and devices so used by him and did duly cause such description to be printed and published for three weeks successively in two daily newspapers published in the said City of New York, as required by the Statute in such case made and provided, and among the marks and devices aforesaid, so as aforesaid produced upon such bottles, _____ and a description of which had been so duly filed and published as required by law, the said Owen McShane used the name "Owen McShane", and the letters "mc" within one of the loops of the letter "S" in the aforesaid monogram, upon such bottles.

And the said Michael Moore late of the City and County aforesaid, afterwards, to wit: on the twenty-fourth day of December 1892, at the City and County aforesaid, did unlawfully traffic in and dispose of in a manner and by means to the Grand Jury aforesaid, unknown, without the consent of the said Owen McShane, divers, to wit: — Five — certain bottles, _____ which and each of which were and was then and there so marked and distinguished as aforesaid, with and by the said name marks and devices of the said Owen McShane being the name marks and devices of which a description had been so filed and published as aforesaid, and which said bottles _____ had not been purchased from the said Owen McShane, against the form of the Statute in such case made and provided against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0986

BOX:

544

FOLDER:

4952

DESCRIPTION:

Moriarty, Patrick

DATE:

12/15/93



4952

0987

ANSELMO PELLEGRINO.
BOOTS & SHOES

—* MADE TO ORDER. *

REPAIRING NEATLY DONE.

BEST WORKMANSHIP.

246 TENTH AVENUE,

Between 24th & 25th Streets,

NEW YORK.

Police Court, 2 District.

1901

City and County of New York, ss. (Maithu) Cregan
 of No. 16th Street Street, aged 24 years,
 occupation Polish
 that on the 9 day of December being duly sworn, deposes and says,
 1897, at the City of New
 York, in the County of New York,

Patrick Monahan, now
 in New York, received a quantity of goods
 knowing the said goods to be
 stolen, reported arrested James
 O'Keefe, James Hunter and
 Dennis Ahern for burglary
 Part of the stolen goods were
 found in possession of the
 said Patrick Monahan at No
 506 West 26th Street where
 defendant lives, and the said
 stolen property was hid under a
 bed, and defendant denied
 that he had it. Defendant charges
 that the defendant O'Keefe is a brother in
 law of defendant and that the defendant's
 house was a regular rendezvous for stolen goods.

SWORN TO BEFORE ME

THIS DAY OF

POLICE JUSTICE.

Maithu Cregan

0980

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Patrick Moriarty

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

England

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

Answer.

506 West 26 St - 1 month

Question. What is your business or profession?

Answer.

Longshoreman

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

Pat Moriarty

Taken before me this

10

day of

Sept 10 1933

Police Justice.

0990

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.....

Datuk Murarty

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 *Dec 16* 18*93* *[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 h to be discharged.

Dated.....18..... Police Justice.

099

1323

Police Court---2--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Martha J. Cryan
vs.
Patrick Moriarty

1
2
3
4

James Moriarty
Offence

Dated *Dec 11* 189*5*

Koch Magistrate.

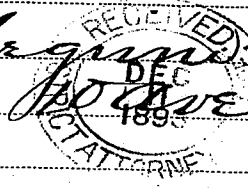
Cryan Officer.

16 Precinct.

Witnesses *to prove burglary*
get indictment

No. _____ Street.

A. Pellegrini
No. *246* *10 Ave* Street.



No. _____ Street.

\$ *1000* to answer *E.S.*

Pellegrini *PSG*

BAILED,

No. 1, by _____

Residence _____ 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

Patrick Moriarty

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

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

The said

Patrick Moriarty

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

*Eight shoes of the value of
two dollars each*

of the goods, chattels and personal property of one *Anselmo Pellegrino*,
by *Denis Ahearn, James Hunter and Jeremiah Keefe* and
by certain *other* persons to the Grand Jury aforesaid unknown, then lately
before feloniously stolen, taken and carried away from the said *Anselmo Pellegrino*

unlawfully and unjustly did feloniously receive and have; the said

Patrick Moriarty
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0993

BOX:

544

FOLDER:

4952

DESCRIPTION:

Morgan, Owen

DATE:

12/08/93



4952

0994

215

Witnesses:

COURT OF OYER AND TERMINER.

Counsel,

Filed,

day of

1893

Pleads,

THE PEOPLE

vs.

Owen Morgan

General Sessions

Dec 22 93

DE LANCEY NICOLL,

District Attorney.

SUPREME COURT PART 1,

December 22 1899

INDICTMENT DISMISSED.

R. J. [Signature] Foreman.

VIOLATION OF THE EXCISE LAW.
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

A TRUE BILL

0995

Excise Violation-Selling on Sunday.

POLICE COURT- 4 DISTRICT.

City and County } ss.
of New York,

of No. 412 1/2 Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 16 day

of July 1893 in the City of New York, in the County of New York,

at premises No. 221 Lexington Ave Street,

John Morgan (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
may be arrested and dealt with according to law.

Sworn to before me, this 16 day
of July 1893

Police Justice.

0998

Sec. 198-200.

CITY AND COUNTY } ss:
OF NEW YORK,

4 District Police Court.

Charles Morgan being duly examined before the under-
signed 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 Morgan*

Question. How old are you?

Answer. *27 years of age*

Question. Where were you born?

Answer. *Quebec*

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

Answer. *221 Leroy St. - Hawthorne*

Question. What is your business or profession?

Answer. *Portlander*

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 I demand a
trial by jury**Charles Morgan*

Taken before me this

day of

189

Police Justice

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

Charles A. Smith
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, July 16 1893 Wm. J. Ryan Police Justice.

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

Dated, July 16 1893 Wm. J. Ryan 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.

0998

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Selling on Sunday, 758
Police Court--- District.

THE PEOPLE &c.,
vs. THE COMPLAINT OF

2

3

4

Dated

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

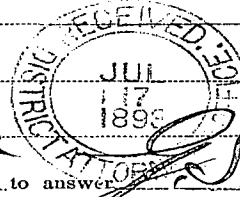
Street.

No.

Street.

\$

to answer



Bruce

Court of Oyer and Terminer

631

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Owen Morgan

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

Owen Morgan

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Owen Morgan*

late of the City of New York, in the County of New York aforesaid, on the *16th* day of *July* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

Thomas F. Connor

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

Owen Morgan

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Owen Morgan*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Thomas F. Connor

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.

DE LANCEY NICOLL,

District Attorney.

1000

BOX:

544

FOLDER:

4952

DESCRIPTION:

Morris, Patrick

DATE:

12/15/93



4952

**POOR QUALITY
ORIGINAL**

Witnesses:

James Dunn

Barred Dec 20

by John O'Rourke

91st St. bet 3 & 4 Ave

Fort Hamilton

N. Y.

complainant's interest

not appearing, and

his debts being

under the indictment

being 5 years old

I recommend that

the def. be discharged

on his own recognizance

Apr 6-98

James O'Rourke

Test. T. but not, Aug.

O'Connor

John W. W. W.

Assistant Atty.

Counsel

Filed

day of

1893

Pleads

THE PEOPLE

vs.

ENTRERED
T. J. W.

Patrick Morris

Assault in the Third Degree.

(Section 219, Penal Code)

Andrew D. D.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. L. Woodward

Foreman

1892

" 19 "

Discharged on his

own recognizance on motion

of D. L. W. W.

Apr 7-98

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patricia Morris

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

Patricia Morris

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

The said *Patricia Morris*,

late of the City of New York, in the County of New York aforesaid, on the *fifth*
day of *December*, in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, in and upon the body of one *James*
Dunn, in the peace of the said People, then and there being, with force
and arms, unlawfully did make an assault, and *again* the said *James Dunn*,
did then and there unlawfully beat, wound and illtreat, 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.

1003

BOX:

544

FOLDER:

4952

DESCRIPTION:

Morris, Solomon

DATE:

12/13/93



4952

1004

Witnesses:

affair Samuel Price
Central office

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Solomon Morris

Dec 13/92

Pleadings
Elmer R

DE LANCEY NICOLL,

District Attorney.

B tockwood

A TRUE BILL.

Foreman.

Grand Larceny, second Degree.
[Sections 528, 529, Penal Code.]

Police Court / District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 33 Canal Street, aged 28 years,
 occupation Dry Goods being duly sworn,
 deposes and says, that on the 6 day of December 1893 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession of the deponent, in the day time, the following property, viz:

Three hundred and sixty nine dollars
in Bills and checks

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Solomon Morris (now here) for the

reason that on said date defendant was in deponent's employ. Deponent gave the defendant the aforesaid money to deposit in deponent's bank. Defendant did not ~~again~~ return to deponent's place of business. Deponent is informed by Officer Samuel Price of the Central Office that the defendant admitted to him, that he did not deposit said money to deponent's credit, but instead appropriated the same to his own use.

Wherefore deponent charges the defendant with Grand Larceny

Samuel Morris

Sworn to before me, this

1893

day

Samuel Morris
 Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel Price
aged 37 years, occupation Policeman of No. Central Office Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Samuel Stamm
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me this, 7 } Samuel Price
day of December 1890 }

Charles
Police Justice.

1007

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK

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

Question. What is your name?

Answer.

Solomon Morris

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Russia

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

Answer.

100 Henry Street - 3 months

Question. What is your business or profession?

Answer.

Clark

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

Answer.

I am guilty -

Solomon Morris.

Taken before me this

day of

1893

Police Justice.

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

Alpendant
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 Dec 7 1893 William J. [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 offence within mentioned. I order h to be discharged.

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

1004

27
Police Court--- District. 1317

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Stamm
33 Canal
Solomon Morris

1
2
3
4

Grand
Jury
Office

BAILED.

No. 1, by _____

Residence _____ Street

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated Dec 7 1893

Price Magistrate.

Price Officer.

l.o. Precinct.

Witnesses Samuel Price

No. Central Office Street.

No. _____ Street.

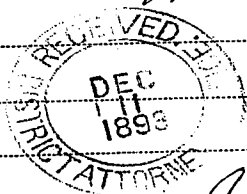
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer

Committed



10 10

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Solomon Morris

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

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

The said

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

the sum of three hundred
and sixty-nine dollars in
money, lawful money of the
United States of America, and
of the value of three hundred
and sixty-nine dollars,

of the goods, chattels and personal property of one

Samuel Starn

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.

W. Laurey Nicoll
District Attorney

101

BOX:

544

FOLDER:

4952

DESCRIPTION:

Morrissey, William P.

DATE:

12/15/93



4952

10 12

Witnesses:

officer J.M. Mahoney
23rd Precinct

165

INCH

Counsel,

Filed

day of

1893

Pleas.

Dec 15
Hugely 11

THE PEOPLE

vs.

William J. Morrissey

Burglary in the Third Degree.
[Section 498, Penal Code]

DE LANCEY NICOLL,

District Attorney.

Part 3. January 1794
on info. of District Attorney
Def. discharged from custody
under his indentment and
delivered to officer of Elmira
Reformatory as Parole Delinquent.
A TRUE BILL.

B. Lockwood

Foreman.

John H. Hark
No witnesses

1013

Police Court Fourth District.

City and County } ss.:
of New York,

of No. 954 First Avenue Street, aged 45 years,
occupation Keep House being duly sworn

deposes and says, that the premises No 954-100 Street, 19 Ward
in the City and County aforesaid the said being a fine story brick

dwelling and which was occupied by deponent as a liquor store on the ground
floor and in which there was at the time a human being, by name

attempted to were BURGLARIOUSLY entered by means of forcibly

opening the
landlight over the door which door leads
from the street into the premises

on the 9 day of December 1883 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of liquors and cigars of the
value of about seventy five dollars

the property of

Alfredus Rustad
and deponent further says, that she 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 Morrissey, (Forkman)

for the reasons following, to wit:

That at about the hour of 11:40
O'clock on the 9th of December, Alfredus
locked and securely fastened the doors
and windows leading into the premises
that the aforesaid property was therein.
That Alfredus passed up to the room at 11:30 AM
on the 9th of December that the said premises
had been attempted to be entered as aforesaid.
That Alfredus is informed by Officer Mahoney

of the 73 Precinct, that at about the hour
of 10 o'clock A.M. said gate in the office room
the defendant in the act of breaking open
the said gate and attempting to enter
the premises.

Wherefore I request you
that the said defendant be dealt with to the
law's end.

I am to inform you that 3 days of December 1883

Wm H. Burke
Police Justice

Wm H. Burke

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1883
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1883
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1883
Police Justice.

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of

1. _____
2. _____
3. _____
4. _____

Offence—BURGLARY.

Date 1883 _____

Magistrate. _____

Officer. _____

Clerk. _____

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
\$ _____ to answer General Sessions.

10 15

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged

years, occupation

Jeremiah Mahoney

Officer

of No.

The 73rd Precinct

Street, being duly sworn, deposes and

Louisa Steer

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day

of

189

Jeremiah W. Mahoney

Charles Broke

Police Justice.

10 16

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK ss:

William Morrissey

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 Morrissey

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

New York City

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

Answer.

63rd East 154th St - 7 years

Question. What is your business or profession?

Answer.

Bricklayer

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

Wm. P. Morrissey

Taken before me this

day of

Sept 1899
John W. Smith

Police Justice.

1017

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

Refused
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Fifteen 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, Dec 3 189 Am H Burke 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.

10 11

131
189

Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louisa Keer
M. W. Mornsey

2

3

4

Dated,

189

Magistrate

Officer

Precinct

Witnesses

No.

Street

No.

Street

No.

Street

\$

to answer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



N. Y. S. REFORMATORY PAROLE DELINQUENT.

No. *5196* Name *Wm Marrissey*

Alias *—*

*{ Sentenced March 14-1892
By Hon. James Fitzgerald, New York,
Court of General Sessions*

Received *March 19th 1892* Crime *Burglary 3rd deg.* Term *5 years*

DESCRIPTION: Age (now) *23* Height *5' 6 1/2"* Weight *128 lbs.*

Complexion *Dark* Eyes *Brown* Hair *Dark*

Marks: *Ink letters "WPM", 2 hands, wreath, cross & a woman on right forearm. Ink marks betw. right thumb & forefinger, also on right index finger & on right ring finger. Mole on right arm above elbow. Scar on left little finger & index finger; Ink stars betw. left thumb & forefinger; Scars on left forearm, left arm above elbow, right knee pan, left shoulder, left side forehead, right side & back of head, on back of neck, over left eye, on right side right eye; on chin, breast & stomach.*

RELATIVES: *Mother: Mary Marrissey, 322 E. 54th St., NY City*
Brother: James — — —, 82nd St. & 2nd Ave., NY City. Bricklayer.

PAROLED *November 6 '1893* to *Messrs. Gillespie Bros., 5th Ave. & 98th St. NY City.*

REMARKS



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

THE PEOPLE OF THE STATE OF NEW YORK
against

William P. Morrissey

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

William P. Morrissey of attempting to commit

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

The said

William P. Morrissey

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the
ninth day of December in the year of our Lord one
thousand eight hundred and ninety-three in the night-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the store of
one Otto Star

attempt to
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
Otto Star in the said store
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.

DeLancey Nicoll,
District Attorney

1021

BOX:

544

FOLDER:

4952

DESCRIPTION:

Mostachia, Thomas

DATE:

12/15/93



4952

1022

Witnesses:

Officer Michael McEnough
28th Precinct

Sent for officer
for 28th.

Counsel,

Filed,

Pleads,

149 ~~Henry~~
~~Burlingame~~
day of Dec 1893
Guilty

24 THE PEOPLE
305 E. 111th St.
vs.
Piddler

Thomas Mostachio
Feb 2 - Dec. 22, 1893.
Guilty and convicted.

CONCEALED WEAPON.

(Section 410 Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Guilty

A TRUE BILL.

B. Lockwood

Foreman.

34 M. J. P. Fry
Dec 28/93

Police Court, 5 District.

(1852)

City and County } ss. Michael McDermott
of New York, }
of No. 28th Precinct Police Street, aged years,
occupation Police Officer being duly sworn, deposes and says,
that on the 7th day of December 1893, at the City of New
York, in the County of New York,

Thomas Mostachin
(now here) did, with the intent
to use the same against
another feloniously carry and
have in his possession a certain
unlawful weapon. To wit: a
dangerous knife. in violation
of Section 410 of the Penal
Code of the State of New York.
deponent further says that at
about the hour of 11 O'clock
P.M. said date. he found this
defendant in front of no 305
East 111th St. and that there had
been a fight at said place.
and deponent saw this
defendant drop the aforesaid
dangerous knife from under
his coat.
Wherefore deponent prays the
said defendant may be held
and dealt with according to law.

Sworn to before me } Michael M. Donough
this 8th day of Dec 1893 }
Wm. M. M. M.
Police Justice

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

5 District Police Court.

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

Question. What is your name?

Answer.

Thomas Mostachia

Question. How old are you?

Answer.

27 years old

Question. Where were you born?

Answer.

Italy

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

Answer.

East 109th St bet 1st & 2^d Ave Four months

Question. What is your business or profession?

Answer.

Creddler

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 -
Thomas ^{his} Mostachia
mark

Taken before me this
day of *Aug* 189*2*

Police Justice.

1029

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, Dec 8 1893 Wm. H. Bell Police Justice.

I have 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.

1028

1313

Police Court, 5 District.

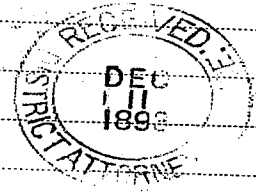
THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michl McBrrough
vs.
Thos Mustachia

Joseph J. Carroll
Conceded Mapm.

2 _____
3 _____
4 _____
Dated, *Dec 8* 189 *3*
Melde Magistrate.
McBrrough Officer.
28 Precinct.

Witnesses _____
No. _____ Street.
No. _____ Street.
No. _____ Street.



\$ *200* to answer *G.S.*
Chas. Conklyn

BAILED,

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

COURT OF GENERAL SESSIONS OF THE PEACE, Part 11.

City and County of New York.

The People,

vs.

THOMAS MOSTACHIA.

"

"

"

"

"

"

Before

HON. FREDERICK SMYTH,

and a Jury.

Tried, DECEMBER 22ND, 1893.

Indicted for CARRYING CONCEALED WEAPONS.

Indictment filed DECEMBER 15TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY THOMAS J. BRADLEY,

For THE PEOPLE.

JACOB BERLINGER, ESQUIRE,

For THE DEFENSE.

MICHAEL McDONOUGH, THE COMPLAINANT, being duly sworn, testified that he was a police officer, connected with the 28th precinct. On the night of the 7th of December, 1893, his post was Second avenue, from 106th to 116th streets. On that night he was standing on the corner of Second avenue and 111th street, and a woman went up to him and told him to hurry around the corner, that there was a man around there who wanted to kill her. He went around the corner, "and it seemed to be a quarrel between her and her husband." He searched the man, but he did not find any revolver on him. The woman said that the man wanted to shoot her. A sister of the woman then went up and said that the man wanted to shoot her, too. The defendant then walked up the street and stood directly behind him, the complainant. The defendant had his over-coat on at the time, and he had his left hand under his over-coat. He told the man and the woman to go to court with him, and he then told the defendant to get out of his way; and, as he struck the defendant's hand, a large knife

dropped from the defendant's hand to the side-walk. The defendant picked the knife up, and threw it into a little push-cart. He said to the defendant, "What have you that for?" And the defendant said, "Me don't know." He asked the defendant what he did with that knife, and the defendant said he used it for cutting lemons. He then searched the defendant and found a revolver, fully loaded, in the defendant's possession. He also found a small knife in the defendant's pocket. The defendant did not offer any explanation as to why he had the revolver.

FOR THE DEFENCE, THOMAS MOSTACHLO, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he lived in 111th street. He had formerly lived in 109th street, and was moving from one house to the other on the day of his arrest. He was a lemon vendor. He did not have the knives on his person with intent to use them on anybody. He was carrying them from one house to the other. The larger knife he used for opening boxes of lemons. The smaller knife was an

ordinary pocket-knife. He had never been arrested before. He had been in this country four years.

In cross-examination the defendant testified that he was simply carrying the revolver to the house into which he was moving. He had found the revolver in his house, about two years previous, at which time it was loaded, and he had not unloaded it. He saw a crowd in the street, and he stopped to see what was the matter. His brother-in-law, his sister-in-law and his sister were in the crowd.

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 Mostachia

The Grand Jury of the City and County of New York, by this indictment accuse
Thomas Mostachia
 of a FELONY, committed as follows:

The said *Thomas Mostachia*
 late of the City of New York, in the County of New York aforesaid, on the *seventh*
 day of *December*, in the year of our Lord one thousand eight hundred and
 ninety-*three*, at the City and County aforesaid, with force and arms, feloniously did furtively
 carry, concealed on his person, a certain instrument and weapon of the kind commonly known as
dirk, dagger and dangerous knife with intent then and there
 feloniously to use the same against some person or persons 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
Thomas Mostachia
 of a FELONY, committed as follows:

The said *Thomas Mostachia*
 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, feloniously did possess a certain instrument and
~~weapon of the kind commonly known as~~ *dirk, dagger and dangerous knife*
 by him then and there concealed, and furtively carried on his person, with intent then and there
 feloniously to use the same against some person or persons 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.

DE LANCEY NICOLL,
 District Attorney.

1032

BOX:

544

FOLDER:

4952

DESCRIPTION:

Muller, John

DATE:

12/11/93



4952

1033

175 Dec 11/93
2104

Witnesses:

Notary John C. Coleman
10 Wall St. N.Y. two (2)
days in advance of trial
Will produce witnesses.

Filed Dec 12
by Frank Falk
312 W. 145th St

FILED DEC. 15
1896

COURT OF OYER AND TERMINER.

Counsel,

Filed,

Pleads,

11th day of Dec 1893
Frank
Byault 19

THE PEOPLE

vs.

John Muller

General Sessions
Dec 11 d 93

RE LANCEY NICOLL,

District Attorney.

SUPREME COURT PART 1,

A TRUE BILL

December 22 1899

INDICTMENT DISMISSED.

R. J. Cross

Foreman.

VIOLATION OF THE EXCISE LAW
selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

NUMBER 12.

Premises: 425 Amsterdam Avenue.

Licensee: John Muller.

McCully and Briggs entered premises Sunday October 22, 1893, at 10.10 P. M. Both bought whiskey; paid twenty cents for same; have sample of whiskey.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Muller

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

John Muller

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

John Muller

late of the City of New York, in the County of New York aforesaid, on the *Thursday* day of *October*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to *one R. B. McElroy, J. W. Bragg.*

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 Muller

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

John Muller

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to *one R. B. McElroy, J. W. Bragg.*

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.

DE LANCEY NICOLL,

District Attorney.

1038

BOX:

544

FOLDER:

4952

DESCRIPTION:

Mulligan, James

DATE:

12/20/93



4952

103

BOX:

544

FOLDER:

4952

DESCRIPTION:

Gallagher, James

DATE:

12/20/93



4952

Witnesses:

officer Thos O'Neill
12th Precinct

In this case I have carefully examined the complainant and police officer and find that the complainant is not disposed to press the complaint. He does not suffer any injuries. It appears that the defendants are industrious young men; and that this is the first trouble that they have been in.

Under the circumstances I think that it would be proper for the defendants to be discharged on their own recognizance.

Respectfully,

Thomas J. Bradley
Deputy

Approved

Wm. McInelly
Notary

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

B

James Mulligan
and
James Gallagher

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

B. Lockwood

Foreman.

Call off Court

on odd days 29th.
Next after Dec 31st on
then on 1st of Jan
no of Jan 1st 1894

Police Court—29 District.

1081

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

of No. 412 Madison Owen Hannaman
 occupation Saloon Keeper Street, aged 49 years,
 deposes and says, that on the 17 day of Dec 1893 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Mulligan
and James Gallagher both (now dead)
One James Mulligan who stabbed
deponent with a knife which he
held in his hand in the left leg and
James Gallagher who struck
deponent on the head with a
chair

~~Owen Hannaman~~

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

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

Sworn to before me, this 17 day }
 of Dec 1893 }

Owen Hannaman

John P. Cochrane Police Justice.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

James Mulligan

Taken before me this
day of *March* 1893

John W. ...
Police Justice.

Sec. 198-200.

3

1882

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty.
James Gallagher

Taken before me this

day

1882

Police Justice.

1042

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

Refendants
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five ⁽¹⁰⁾ 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 Dec 17 1893 John H. Woolley 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 offence within mentioned. I order he to be discharged.

Dated _____ 189 _____ Police Justice.

Police Court

District

THE PEOPLE, &c.
ON THE COMPLAINT OF

Wm. H. Hannon
412 Madison
James Mulligan
James Gallagher

1339

Office
Det. O'Connell

BAILED,

No. 1, by *Patrick Smyth*
Residence *334 E. 69th* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Dec 17* 189*8*
Voorhis Magistrate.

Mail Officer.
12 Precinct.

Witness *John Quinn*
No. *419 Cherry* Street.

Patrick Keenan
No. *525 Grand* Street.

No. _____ Street.
\$ *1000* to answer.

G.D.
DEC 18 1893
DISTRICT ATTORNEY

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUSJames Mulligan
&
James Gallagher

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

I am satisfied that the stabbing done by Mulligan was accidental rather than intentional, that he did not desire to and actually did not inflict any great injury upon me. The defendant Gallagher did not strike a blow, but simply raised a chair. I feel that both of the defendants have been sufficiently punished, and that this experience will be a lesson to them. They are both young and industrious men; and I think that the ends of justice would be served by their discharge.

Sworn to before me
this 20th day of March 1894

Wm. H. Broderick
Clerk of the Court

Owen Hannon on

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

THE PEOPLE OF THE STATE OF NEW YORK
against

James Mulligan and
James Gallagher

The Grand Jury of the City and County of New York, by this indictment, accuse
James Mulligan and James Gallagher
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *James Mulligan and James Gallagher*
late of the City of New York, in the County of New York aforesaid, on the *seventeenth*
day of *December* in the year of our Lord one thousand eight hundred and
ninety-*three*—, with force and arms, at the City and County aforesaid, in and upon
the body of one *Clwen Hoannavan* in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
Clwen Hoannavan with a certain *knife*

which the said *James Mulligan and James Gallagher*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,
with intent *him* the said *Clwen Hoannavan*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
James Mulligan and James Gallagher
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *James Mulligan and James Gallagher*
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
Clwen Hoannavan in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Clwen Hoannavan*
with a certain *knife*

which the said *James Mulligan and James Gallagher*
in *their* right hands then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, 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

James Mulligan and James Gallagher
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *James Mulligan and James Gallagher*

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 said *Oliver Hammaran* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* *Oliver Hammaran*

which *they* the said *James Mulligan and James Gallagher* in *their* right hand then and there had and held, in and upon the *leg* of *him* the said

Oliver Hammaran
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Oliver Hammaran

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.

1047

BOX:

544

FOLDER:

4952

DESCRIPTION:

Munch, Joseph

DATE:

12/07/93



4952

1048

Witnesses:

142
COURT OF OYER AND TERMINER.

Counsel,

Filed,

day of

1893

Pleads,

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

Part 2 of Dec 1893

Joseph Munnell

General Sessions

Dec 8 to 9

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Cross

Foreman.

VIOLATION OF THE EXCISE LAW,
Selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Joseph Munch

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

Joseph Munch
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

Joseph Munch

late of the City of New York, in the County of New York aforesaid, on the day of *November* ^{12th} in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

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

Joseph Munch
of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Joseph Munch

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Thomas Suffin
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.

DE LANCEY NICOLL,

District Attorney.

1050

BOX:

544

FOLDER:

4952

DESCRIPTION:

Munzinger, Henry

DATE:

12/06/93



4952

Witnesses:

14
original

COURT OF OYER AND TERMINER.

Counsel,

Filed,

6th day of Dec 1893

Pleas,

Guilty 14

THE PEOPLE

vs.

B
Henry Munzinger

General Sessions
Dec 8 & 9 93.

VIOLATION OF THE EXCISE LAW.
selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]

By LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Cross

Foreman.

Concept of Special Jury
Dec 20 1893

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Munzinger

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

Henry Munzinger

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said *Henry Munzinger*.

late of the City of New York, in the County of New York aforesaid, on the *second* day of *July* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

Joseph Manion

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

Henry Munzinger

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Henry Munzinger*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

Joseph Manion,

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.

DE LANCEY NICOLL,

District Attorney.

1053

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murphy, Edward J.

DATE:

12/22/93



4952

1054

BOX:

544

FOLDER:

4952

DESCRIPTION:

Pye, William H.

DATE:

12/22/93



4952

1055

BOX:

544

FOLDER:

4952

DESCRIPTION:

Waters, Joseph R.

DATE:

12/22/93



4952

1056

BOX:

544

FOLDER:

4952

DESCRIPTION:

Kirk, Albert J.

DATE:

12/22/93



4952

1057

BOX:

544

FOLDER:

4952

DESCRIPTION:

Glavin, Charles F.

DATE:

12/22/93



4952

POOR QUALITY
ORIGINAL

1058

COURT OF OYER AND TERMINER.

Filed *22* day of *Dec*, 189*3*.

Pleas, *Not Guilty (27)*

THE PEOPLE

vs.
B
Edward J. Murphy,
William H. Rye,
Joseph R. Waters,
Albert J. Kirk,
Charles J. Glavin.

(Inspectors of Election and Poll Clerks of
Election District of
Assembly District.)

DE LANCEY NICOLL,

District Attorney.

March 2 1894
Indictment dismissed as to
all the defendants

A True Bill.

R. J. Cross Foreman.

Making a false statement of the result of a
canvass of the ballots cast at an election.
[Section 41n, Penal Code.]

Michael J. Blake
Robert J. Sandler
Thomas D. Mullin
Henry B. Bolron
Charles W. Bolron
Thomas X. Wymul
C. X. Connersdale
W. K. Second
Robert H. H. H. H.
Connelin H. H. H.
James E. Anderson
George A. Clarke
Humphrey Isaac
Samuel Isaac
George H. Blake
Alman W. H. H.
D. C. Connersdale

No. 1. Bailed Dec. 24/93

By Louis H. Muller
15 King Street

No. 2. Bailed Dec. 24/93

By Stephen McFarland
191 Prince St.

No. 3. Bailed Dec. 24/93 by

Louis H. Muller
15 King St.

No. 4. Bailed Dec. 24/93 by

Anna S. Kroeger
186 Prince St.

No. 5. Bailed Dec. 24/93 by

Louis H. Muller
15 King St. City

CANVASSERS' STATEMENT.

STATEMENT OF VOTES given for Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, Associate Judge of the Court of Appeals, Delegates-at-Large to Constitutional Convention, District Delegates to Constitutional Convention, Senators, Member of Assembly, Judge of the Court of Common Pleas, Justices of the City Court, Surrogate, Comptroller of the City of New York, Sheriff, District Attorney, Coroners and Justices of the District Courts,

at a General Election held in and for the 8th Election District of the 8th Assembly District, in the City and County of New York, on the Seventh day of November, 1893, made by the Inspectors and Poll Clerks of Election in and for the said District, on which said day the Polls were opened in said District at 6 o'clock A. M., and closed at 4 o'clock P. M.

The whole Number of Votes given for the Office of

SECRETARY OF STATE

was Two Hundred and Twenty Two
as follows:

CORD MEYER	received	<u>Two Hundred and Ten</u>	<u>210</u>
JOHN PALMER	received	<u>Twelve</u>	<u>12</u>
JOSEPH A. BOGARDUS	received		
DANIEL DE LEON	received		
JAMES WRIGHT	received		
	received		
	received		
	received		
there were DEFECTIVE			
there were BLANK			
Total Vote,			<u>222</u>

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed. The Vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

<u>James J. Murphy</u>	Inspectors.
<u>Joseph B. Watson</u>	
<u>Wm. H. Eng</u>	
<u>Robert J. Hinder</u>	Poll Clerks.
<u>Richard T. Frazier</u>	

The whole Number of Votes given for the Office of
COMPTROLLER

was	Two Hundred and Twenty Two	222
of which		
FRANK CAMPBELL.....	received Two Hundred and Ten	210
JAMES A. ROBERTS.....	received Twelve	12
GEORGE T. CHESTER.....	received	
JAMES WITHERS.....	received	
DE MYE S. FERO.....	received	
	received	
	received	
	received	
there were DEFECTIVE		
there were BLANK		
Total Vote,		222

The whole Number of Votes given for the Office of
TREASURER

was	Two Hundred and Twenty Two	222
of which		
HUGH DUFFEY.....	received Two Hundred and Ten	210
ADDISON B. COLVIN.....	received Twelve	12
WILLIAM R. HUNT.....	received	
WILLIAM F. STEER.....	received	
FRANK H. PURDY.....	received	
	received	
	received	
	received	
there were DEFECTIVE		
there were BLANK		
Total Vote,		222

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Thompson

Joseph R. Waters

Wm. M. Page

Inspectors.

Albert J. Korda

Charles E. R. R. R.

Poll Clerks.

The whole Number of Votes given for the Office of
ATTORNEY-GENERAL

was	Two Hundred and Twenty Two	222
of which		
SIMON W. ROSENDALE	received	Two Hundred and Ten
THEODORE E. HANCOCK	received	Twelve
EDWIN C. ENGLISH	received	
FREDERICK BENNETTS	received	
THADDEUS B. WAKEMAN	received	
	received	
	received	
	received	
there were DEFECTIVE		
there were BLANK		
Total Vote,		222

The whole Number of Votes given for the Office of
STATE ENGINEER AND SURVEYOR

was	Two Hundred and Twenty Two	222
of which		
MARTIN SCHENCK	received	Two Hundred and Ten
CAMPBELL W. ADAMS	received	Twelve
CHESTER BELDING	received	
CHARLES F. WILSON	received	
JOHN AVERIT WEBSTER	received	
	received	
	received	
	received	
there were DEFECTIVE		
there were BLANK		
Total Vote,		222

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Sam. J. Murphy	Inspectors.
Joseph R. Waters	
Wm. H. Page	
Arthur J. Kirk	Poll Clerks.
Charles T. Coffin	

4

was Two Hundred and Twenty Two } 222 }
as follows:

EDWARD T. BARTLETT, received. *Encl* 12

SILAS W. MASON.....received.....

FRANCIS GERAU *received*.....

LA WRENCE JERMAIN McPARLIN received.....

received

received _____

received.....

received _____

.....received.....

received.....

received.....

received.....

received.....

received

received.....

received.....

received

received.....

received

received

received

there were DEFECTIVE

there were BLANK

Total Vote, } **2 2 2**

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Wm. H. Pyle

Charles S. Gorman

Poll Clerks.

The whole Number of Votes given for the Office of

DELEGATES-AT-LARGE TO CONSTITUTIONAL CONVENTION

was <i>Thirty three and thirty</i>		3330
of which		
ALLEN C. BEACH received <i>Two hundred and ten</i>		210
HENRY BACON received "		210
CHARLES E. PATTERSON received "		210
JOHN HACKETT received "		210
NICHOLAS M. BANKER received "		210
JOHN D. HENDERSON received "		210
EDWARD H. HOYT received "		210
GEORGE J. MAGEE received "		210
MARTIN S. LYNCH received "		210
JACOB STERN received "		210
HALBERT S. GREENLEAF received "		210
J. HORATIO EARLL received "		210
EDWARD A. BATES received "		210
WILLIAM P. CANTWELL received "		210
CLARENCE A. FARNUM received "		210
JOSEPH H. CHOATE received <i>Twelve</i>		12
ELIHU ROOT received "		12
EDWARD LAUTERBACH received "		12
JESSE JOHNSON received "		12
FREDERICK W. HOLLS received "		12
MICHAEL H. HIRSCHBERG received "		12
J. RIDER CADY received "		12
JOHN T. McDONOUGH received "		12
JOHN M. FRANCIS received "		12
JOHN F. PARKHURST received "		12

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The Vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Thompson

Joseph R. Waters

Wm. H. Page

Inspectors.

Albert J. White

Charles T. Glavin

Poll Clerks.

A

8

COMMODORE P. VEDDER.....	received	<i>Xmas</i>	12
JOHN I. GILBERT.....	received	"	12
AUGUSTUS FRANK.....	received	"	12
WILLIAM P. GOODELLE.....	received	"	12
DANIEL H. McMILLAN.....	received	"	12
H. CLAY BASCOM.....	received	"	
MARTIN A. TUTTLE.....	received	"	
ANDREW J. COWLES.....	received	"	
THOMAS J. BISSELL.....	received	"	
W. T. WARDWELL.....	received	"	
GEORGE W. HALLOCK.....	received	"	
ISAAC K. FUNK.....	received	"	
STANLEY R. ROBERTS.....	received	"	
THOMAS G. SAYRE.....	received	"	
FRED. F. WHEELER.....	received	"	
GEORGE H. NIVER.....	received	"	
FRANCIS CRAWFORD.....	received	"	
WILLIAM R. RATHBUN.....	received	"	
WILLIAM E. BOOTH.....	received	"	
ALBERT J. RUMSEY.....	received	"	
ALEXANDER JONAS.....	received	"	
LUCIEN SANIAL.....	received	"	
CHARLES H. MATCHETT.....	received	"	
FREDERICK GERNER.....	received	"	
OTTO SCHMIDT.....	received	"	
ALBERT SCHMIDT.....	received	"	
JOHN H. MOORE.....	received	"	
JOHN SCHUCHMAN.....	received	"	

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Thompson
Frederic R. Waters
W. M. Pyle

Inspectors.

Albert J. White
Charles X. Egan

Poll Clerks.

A

CHARLES WENDELSTEIN *received*
AUGUST HEIMS *received*
HENRY KATZKY *received*
FREDERICK SCHAEFER *received*
HENRY GLYN *received*
ERASMUS PELLEZ *received*
LINNIE H. GRIFFIN *received*
THOMAS K. BEECHER *received*
HENRY A. HICKS *received*
PATRICK S. O'HENEY *received*
GEORGE F. CLARK *received*
JOHN TAFTE *received*
GEORGE GIFFORD *received*
JOHN J. LIPPERT *received*
AMBROSE L. NORTON *received*
EDWARD O. BALL *received*
DR. ROBERT BOOCOCK *received*
JOHN J. JUNIO *received*
THOMAS H. CONLEY *received*
DR. EDWARD B. FOOTE *received*
ANDREW MURRAY *received*
J. EVANS SCUDDER *received*
..... *received*
..... *received*
..... *received*
..... *received*
..... *received*
..... *received*

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Murphy

Joseph R. Waters

Wm. H. Pyle

Inspectors.

Albert J. Kirk

Charles F. Glavin

Poll Clerks.

received

there were BLANK

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NOTE.—All the Inspectors and Poll Clerks must sign every page.

Wm. D. Page

Charles H. Lefavour

Poll Clerks:

The whole Number of Votes given for the Office of

DISTRICT DELEGATES TO CONSTITUTIONAL CONVENTION

For the

Senate District

was <i>Eleven hundred and ten</i>	110
of which	
<i>William C. Whitely</i> received <i>Two hundred and ten</i>	210
<i>Wright Adams</i> received ..	210
<i>Delaney Hill</i> received ..	210
<i>John H. Bannard</i> received ..	210
<i>Arthur D. Williams</i> received ..	210
received ..	
received ..	
<i>Henry C. Badens</i> received <i>Twelve</i>	12
<i>John M. Mitchell</i> received ..	12
<i>Clarence A. Sears</i> received ..	12
<i>Engene D. Starkins</i> received ..	12
<i>Engene H. Healden</i> received ..	12
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	
received ..	

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The Vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Murphy
Joseph R. Waters
Wm H. Page

Inspectors.

Arthur J. Kirk
Charles F. Glavin

Poll Clerks.

received	
received	
received	
received	
received	
received	
received	
received	
received	
received	
there were DEFECTIVE	
there were BLANK	
Total Vote,	1110

The whole Number of Votes given for the Office of
SENATOR

For the	7 th	Senate District
was	Three hundred and Twenty Two	220
of which		
Maxim J. McMahon received	Three hundred and Ten	210
Andrew J. Campbell received	Twelve	12
received		
received		
received		
received		
received		
received		
received		
there were DEFECTIVE		
there were BLANK		
Total Vote,		222

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Sam. J. Murphy

Joseph R. Waters

Wm. H. Pye

Albany Rink

Charles X. O'Flavin

Inspectors.

Poll Clerks.

The whole Number of Votes given for the Office of

MEMBER OF ASSEMBLY

For the

8th

Assembly District

was Two hundred and Twenty Two
of which

222

Thomas J. Donnell received Two hundred and Ten

210

Charles LaMaida received Twelve

12

received

received

received

received

received

received

there were DEFECTIVE

there were BLANK

Total Vote,

222

The whole Number of Votes given for the Office of

JUDGE OF THE COURT OF COMMON PLEAS

was Two hundred and Twenty Two
of which

222

MILES BEACH received Two hundred and Ten

210

MORTIMER C. ADDOMS received Twelve

12

CHARLES E. MANIERRE received

ISAAC BENNETT received

received

received

received

received

there were DEFECTIVE

there were BLANK

Total Vote,

222

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Murphy

Joseph R. Waters

Wm. H. Pye

Inspectors.

Albert J. Kirk

Charles H. Glavin

Poll Clerks.

The whole Number of Votes given for the Office of
JUSTICES OF THE CITY COURT

was <i>Four hundred and forty four</i>	{ <i>444</i> }
of which	
JAMES M. FITZSIMONS received <i>Two hundred and ten</i>	{ <i>210</i> }
LEWIS J. CONLAN received <i>" " "</i>	{ <i>210</i> }
WILLIAM M. K. OLCOTT received <i>Twelve</i>	{ <i>12</i> }
JOHN O'CONNELL received <i>" "</i>	{ <i>12</i> }
ALFRED L. MANIERRE received	
JAMES H. LAIRD received	
ENOCH K. THOMAS received	
HENRY FOTH received	
NICHOLAS ALEINIKOFF received	
EDWARD W. CHAMBERLAIN .. received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
..... received	
there were DEFECTIVE	
there were BLANK	
Total Vote,	{ <i>444</i> }

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The Vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

<i>Edw. J. Murphy</i>	} Inspectors.
<i>Joseph R. Waters</i>	
<i>Wm. H. Page</i>	
<i>Alfred J. Wink</i>	} Poll Clerks.
<i>Charles F. Glavin</i>	

The whole Number of Votes given for the Office of
SURROGATE

was	<i>Two hundred and twenty two</i>		<i>222</i>
of which			
JOHN H. V. ARNOLD	received <i>Two hundred and ten</i>		<i>210</i>
WILLIAM H. TOWNLEY	received <i>Twelve</i>		<i>12</i>
THOMAS DREW STETSON	received		
CHARLES FRANZ	received		
WILBUR ALDRICH	received		
	received		
	received		
	received		
there were DEFECTIVE			
there were BLANK			
	Total Vote,		<i>222</i>

The whole Number of Votes given for the Office of
COMPTROLLER OF THE CITY OF NEW YORK

was	<i>Two hundred and twenty two</i>		<i>222</i>
of which			
ASHBEL P. FITCH	received <i>Two hundred and ten</i>		<i>210</i>
HENRY C. ROBINSON	received <i>Twelve</i>		<i>12</i>
FREDERICK C. ALBRECHT	received		
THEODORE BIRK	received		
H. ALDEN SPENCER	received		
	received		
	received		
	received		
there were DEFECTIVE			
there were BLANK			
	Total Vote,		<i>222</i>

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edu. J. Murphy

Joseph R. Waters

Wm. H. Pyle

Inspectors.

Albert J. Kirk

Charles T. Aganin

Poll Clerks.

The whole Number of Votes given for the Office of
SHERIFF

was Two Hundred and Twenty Two of which { 222 }

CHARLES M. CLANCY received Two Hundred and Ten { 210 }

THOMAS L. HAMILTON received Twelve { 12 }

WILLIAM SMAGG received _____

SAMUEL JACOBSON received _____

JOHN HAGGERTY received _____

_____ received _____

_____ received _____

_____ received _____

there were DEFECTIVE _____

there were BLANK _____

Total Vote, { 222 }

The whole Number of Votes given for the Office of
DISTRICT ATTORNEY

was Two Hundred and Twenty Two of which { 222 }

JOHN R. FELLOWS received Two Hundred and Ten { 210 }

CHARLES H. MURRAY received Twelve { 12 }

ATKINSON SCHAUMBERG received _____

HOWARD BALKAM received _____

THOMAS J. SANDFORD received _____

_____ received _____

_____ received _____

_____ received _____

there were DEFECTIVE _____

there were BLANK _____

Total Vote, { 222 }

The total must agree with the whole number of Votes.

Defective Ballots are those which are so irregular, ambiguous or informal, that they cannot be canvassed.

The Vote must be written in words at length in every instance, and also carried out in figures.

NOTE.—All the Inspectors and Poll Clerks must sign every page.

Edw. J. Murphy
Joseph R. Waters
Wm. H. Page

Inspectors.

Allen J. Kirk
Charles F. Glavin

Poll Clerks.

The whole Number of Votes given for the Office of
JUSTICE OF THE DISTRICT COURT
 For the 1st Judicial District

was Two Hundred Twenty Two { 222 }
 of which

Wendell B. Ingram received Two Hundred and Twelve { 212 }

Joseph E. Barring received Ten { 10 }

received _____ { }

received _____ { }

received _____ { }

received _____ { }

received _____ { }

received _____ { }

there were DEFECTIVE _____ { }

there were BLANK _____ { }

Total Vote, { 222 }

And we do certify that the foregoing statement is correct in all respects.

In Witness Whereof, we have hereunto subscribed our names this seventh
 day of November, in the year 1893.

The total must agree with the whole number
 of Votes.

Defective Ballots are those which are so irregular,
 ambiguous or informal, that they cannot be canvassed.

The Vote must be written in words at length in every
 instance, and also carried out in figures.

NOTE—All the Inspectors and Poll Clerks must
 sign every page.

Sam. J. Mumford

Joseph P. Waters

Wm. M. Page

Inspectors.

Albert J. Kirk

Emmett S. Barring

Poll Clerks.

Court of Oyer and Terminer
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward J. Murphy,
William H. Eng,
Joseph R. Waters,
Albert J. Kida,
Charles E. Kiffin

The Grand Jury of the City and County of New York, by this Indictment accuse *Edward J. Murphy, William H. Eng, Joseph R. Waters, Albert J. Kida and Charles E. Kiffin* of the crime of intentionally making a false statement of the result of a canvass of the ballots cast at an election, committed as follows:

Heretofore, to wit: on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and ninety-three (the same being the Tuesday succeeding the first Monday in the said month of November), there was held a general election throughout the State of New York, and in and throughout the said City and County of New York, and in and for the ~~Eight~~ Election District of the ~~Eight~~ Assembly District of the said City and County, at which said election divers persons were voted for, and divers ballots cast, for such persons in the said election district, by the electors thereof, for the following offices, to wit: the office of Secretary of State of the State of New York, the office of Comptroller of the State of New York, the office of Treasurer of the State of New York, the office of Attorney General of the State of New York, the office of State Engineer and Surveyor of the State of New York, the office of Associate Judge of the Court of Appeals of the State of New York, the office of Delegate-at-Large to the Constitutional Convention of the State of New York, the office of Delegate to the said Constitutional Convention for the ~~Second~~ Senate District of the said State, the office of Senator of the State of New York for the said Senate District, the office of Member of Assembly of the State of New York for the said Assembly District, the office of Judge of the Court of Common Pleas for the said City and County, the office of Justice of the City Court of the said City, the office of Surrogate of the said County, the office of Comptroller of the said City, the office of Sheriff of the said County, the office of District Attorney of the said County, the office of Coroner of the said City and County, and the office of Justice of the District Court of the said City for the ~~First~~ Judicial District thereof.

And on the day and in the year aforesaid, and at the said election, the said *Edward J. Murphy, William H. Eng, Joseph R. Waters, Albert J. Kida and Charles E. Kiffin* all late of the City and County aforesaid, were Inspectors of Election of the said Election District, duly appointed, qualified and then and there acting as such, and the said *Albert J. Kida and Charles E. Kiffin* both late of the same place, were Poll Clerks, of the same election district, likewise duly appointed, qualified and then and there acting as such.

And on the day and in the year aforesaid, at the City and County aforesaid, the polls of the said election, in and for the said election district having been closed, and the canvass and estimate of the ballots so cast at the said election, in the said election district by the electors thereof, having been ~~duly~~ made and completed, the said *Edward J. Murphy, William H. Eng, Joseph R. Waters, Albert J. Kida and Charles E. Kiffin* feloniously did wilfully and intentionally make a certain false statement of the result of the said canvass and estimate of the ballots so cast at the said election in the said election district, by the electors thereof, as aforesaid, to wit: a certain statement, partly written and partly printed, then and there purporting to be in the form prescribed by the statute in such case made and provided, and to contain a statement showing the whole number of votes given for each person voted for at the said election in the said election district by the electors thereof, and at the end thereof being a certificate that such statement was correct in all respects, the same being then and there made up and composed of divers, to wit: eight sheets of paper and each sheet of which, as well as the said certificate, being then and there subscribed by the said *Edward J. Murphy, William H. Eng, Joseph R. Waters, Albert J. Kida and Charles E. Kiffin*, and each of them, as such inspectors of election and poll clerks, respectively, which said false statement is as follows, that is to say:

which said statement was then and there false, in this, to wit: that it did not then and there contain a statement showing the whole number of votes given for each person voted for at the said election in the said election district by the electors thereof, and was also then and there false in divers other respects, and among them in this, to wit: that whereas the said statement purported to set forth and indicate and did in substance and effect signify and declare that at the said election the whole number of votes given in the said election district by the electors thereof for the said office of Associate Judge of the Court of Appeals was *Two hundred and Twenty Two,* —

that of the votes so given, Isaac H. Maynard received *Two hundred and Ten,* and Edward T. Bartlett received *Twelve,* that no other person was voted for, and no other ballots were cast for any other person for the said office, and that the said canvass and estimate of the ballots so cast at the said election in the said election district by the electors thereof had so shown;

in truth and in fact of the votes given at the said election in the said election district by the electors thereof the said Isaac H. Maynard did not receive *Two hundred and Ten,* and the said Edward T. Bartlett received *more than Twelve* other persons *one Elias W. Mason, was voted for, and ballots were cast for the said Elias W. Mason, for the said office, in the said election district by the electors thereof,* and the said canvass and estimate of the ballots so cast at the said election in the said election district by the electors thereof had so shown;

all of which they, the said *Edward J. Murphy, William H. Craig, Joseph P. Waters, Albert G. Hyde and Charles S. Kegan,* then and there well knew.

And the said *Edward J. Murphy, William H. Craig, Joseph P. Waters, Albert G. Hyde and Charles S. Kegan,* did then and there make and subscribe the said false statement, in the form and containing the matters hereinbefore set out, in triplicate, and within twenty-four hours after the said several statements had been subscribed, by the act and procurement of the said *Edward J. Murphy, William H. Craig, Joseph P. Waters, Albert G. Hyde, and Charles S. Kegan* — one of the said statements was duly delivered to the Clerk of the Board of Aldermen of the said City by one of the said Inspectors of Election, another of the said statements was duly delivered to the County Clerk of the said County, by another of the said Inspectors, and the other of the said statements was by the other of the said Inspectors duly delivered to the Chief of the Bureau of Elections of the Police Department of the said City, as and for the statements of the result of the canvass and estimate of the votes cast at the said election in the said election district by the electors thereof, required by the statute in such case made and provided, to be so made in triplicate and to be so delivered to the above named officers respectively in the manner aforesaid.

And so the Grand Jury aforesaid do say, that the said *Edward J. Murphy, William H. Craig, Joseph P. Waters, and Charles S. Kegan,* in manner and form aforesaid, feloniously did wilfully and intentionally make a false statement of the result of a canvass of the ballots cast at the said election, 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.

1077

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murphy, James

DATE:

12/21/93



4952

1078

BOX:

544

FOLDER:

4952

DESCRIPTION:

O'Brien, John D.

DATE:

12/21/93



4952

1079

Witnesses:

Officer

Mr F Lyman

14th Precinct

Subpoena Officer
+ compel
for 4th

226

~~McElhannin~~

Counsel,

Filed

day of

1893

Pleads,

22

THE PEOPLE

446

vs.

James Murphy

24th are silver plates
649² and

John D. O'Brien

H. D.

Robbery,
(Sections 224 and 225, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Thor Harris

Foreman.

Part 2 - Jan. 2, 1894

Part 2 - Jan. 2, 1894

Both Read a/c. 3rd day

Each

Pen one year

Jan 4/94

1080

AFFIDAVIT FOR COMMITMENT OF WITNESS.

4771

POLICE COURT 3 DISTRICT.

CITY AND COUNTY } ss.
OF NEW YORK, }

of the 14 Precinct Police, being duly sworn, deposes
and says that Abra Williams

(now here) is a material witness for the people against
James Murphy and John P. Brim charged
with Robbery.

As deponent has
cause to fear that the said Abra Williams
will not appear in court to testify when wanted, deponent prays
that the said Abra Williams be
committed to the House of Detention in default of bail for his
appearance.

William F. Lynam

Sworn to before me, this
day of December 1895

Wm F Lynam
Police Justice.

Police Court-- District.

CITY AND COUNTY } ss
OF NEW YORK,

3
of No. *23* *St Marks Place* Street, Aged *41* Years

Occupation *Artist* being duly sworn, deposes and says, that on the

13 day of *December* 188*3*, at the *17* Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-

ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money
of the United States of the
amount and value of two
dollars

\$ 2.00
2 100

of the value of _____ DOLLARS,

the property of *Deponent*

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

James Murphy and John W. O'Brien
both now here who were acting in
concert for the purpose following
to wit: on the said date this
deponent was, whilst on the Vesting
struck on the head
with a brick by defendant John W. O'Brien
and knocked down and whilst
he (deponent) was prostrate the
defendant Murphy placed his hands
on his chest and whilst he
was so held down the defendant
O'Brien took said money from
deponent's pocket. Officer William

day of

Subscribed before me, this

188

Police Justice

M. Hyman (now here) says he saw the defendants beating and kicking the prisoner whilst the prisoner was lying prostrate on the sidewalk.

Sworn to before me this 13th day of December 1893 A. L. Williams

John H. Ryan
Police Justice

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

ss.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 26 years, occupation Police Officer of No. 14th Avenue Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Abra Williams

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

Sworn to before me, this 13th day

of December 1897

William F. Lyman

John H. Ryan Police Justice.

1084

Sec. 198-206

03 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
John D. O'Brien

Taken before me this
day of *Sept* 189*3*

John D. O'Brien
Police Justice.

1085

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *James Murphy*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *142 East 64th St - 3 months*

Question. What is your business or profession?

Answer. *Painter*

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*

James O'Brien
James Murphy
mark

Taken before me this

day of

1893

Police Justice.

1086

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

Dependants
thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty 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 *Dec 3* 189 *3* 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 offence within mentioned. I order h to be discharged.

Dated 189 Police Justice.

1087

2823 1349
Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alva Williams
HOUSE OF DETENTION CASE.
James Murphy
John W. Brown

Officer
Robinson

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

3 _____

4 _____

Dated *Dec 13* 189 *3*

Ryan Magistrate.

Hyman Officer.

14 Precinct.

Witnesses *Officers*

No. _____ Street.

Henry A. Starnum

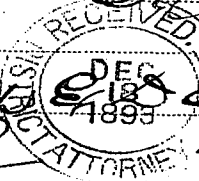
No. *95-1st* Street.

Camp in Home of

No. *Detention* Street.

2500 to answer *G. O. R.*

2500 Each *DEC 15 1899* *10 am*



1088

Wednesday Jan 3rd 94

Hon Judge. Cowing

Sir as the wife of the Prisoner
about to be sentenced I ask
your executive clemency on his
behalf he has always been a
good husband to me and I think
if you should extend your leniency
on this occasion he will develop into
a better husband and farther than before

I have the honor to be
Your Obedient Servant
Respectfully Emma O'Brien

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Murphy
and
John D. O'Brien

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

James Murphy and John D. O'Brien
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said

James Murphy and
John D. O'Brien, both
late of the City of New York, in the County of New York aforesaid, on the *thirteenth*
day of *December*, in the year of our Lord one thousand eight hundred and
ninety-*three*, in the ~~time of the said day~~ at the City and County aforesaid,
with force and arms, in and upon one *Alva L. Williams*
in the peace of the said People then and there being, feloniously did make an assault; and

the sum of two dollars in
money, lawful money of
the United States of America,
and of the value of two
dollars

of the goods, chattels and personal property of the said *Alva L. Williams*
from the person of the said *Alva L. Williams* against the will
and by violence to the person of the said *Alva L. Williams*
then and there violently and feloniously did rob, steal, take and carry away,

the said James Murphy and
John D. O'Brien and each of them
being then and there aided by an
accomplice actually present, to wit: Each by the other

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

1090

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murphy, John

DATE:

12/21/93



4952

Witnesses:

Officer John Sexton
1st Precinct

Has been in
General Reformatory in
1889

228

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

John Murphy

21 Pals.
40 Pals.
Barrington

DE LANCEY NICOLL,

District Attorney.

Burglar in the Third Degree.
Section 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

A TRUE BILL.

John Harris
Dec 21/93 Foreman.
Pleads Guilty
S. I. 3 years.

Police Court—1st District.

City and County } ss.:
of New York,

of No. 36 Bussing Slip Street, aged 26 years,

occupation Liquor Dealer being duly sworn

deposes and says, that the premises No 36 Bussing Slip Street,

in the City and County aforesaid, the said being a Store in the 5th
Floor Building

and which was occupied by deponent as a Liquor Saloon

and in which there was at the time ¹¹⁶ ~~a~~ human being, by name

were **BURGLARIOUSLY** entered by means of forcibly

Prising open
the latch on the front of door
of said premises and raising said
window and entering said store

on the First day of December 1883 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Three Boxes of Cigars
One Bottle of Claret wine
One Bottle of Whiskey
Gold and silver money of the
United States consisting of coins
of the value of Forty cents, Being in
all together of the value of
Seven Dollars
(\$7.00)

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

John Murphy (nowhere)
for the reasons following, to wit:

That at the night of the
aforesaid day said window was
securely fastened by means of
a catch, and said property was behind
the counter in said store and
deponent is informed by John Sexton
a police officer of the 1st precinct
police that about the hour of 2:30 a.m.
on the morning of the aforesaid

May said Sexton found the said
 window open and said defendant
 in front of said window with
 3 boxes of cigars in his possession
 and fifty cents in pennies in his pocket
 and arrested him, Defendant fully
 identifies said property so found
 in the possession of said defendant
 as being a portion of the within
 described property and being his
 property and he charges said defendant
 with Burglary

Subscribed before me this 2nd day of December 1913
 Frank Hemmes

Edward Martin
 Police Justice

Police Court — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bail.

Bailed by

No.

Street.

1094

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 24 years, occupation Police Officer of No.

First Police Office Street, being duly sworn, deposes and

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

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

knowledge.

Sworn to before me this, 3^d

day of September 1899

John Sexton

William Martin
Police Justice.

1095

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

John Murphy 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 Murphy*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *45 Oak Street, Greenwich*

Question. What is your business or profession?

Answer. *Dress Finisher*

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 Murphy

Subscribed and sworn to me this

24

Police Justice.

1096

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

Refused
(guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Eight* 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, *Dec 2nd* 189*3* *Thomas Martin* 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.

10

1280

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Franklin M. ...
vs. ...
John ...
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BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated,

Magistrate.

Officer.

Precinct.

Witnesses

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

No.

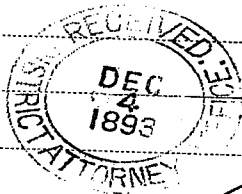
No.

No.

No.

No.

No.



\$1500 to answer

Commitment

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 Murphy

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

John Murphy

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

The said

John Murphy

late of the *1st* Ward of the City of New York, in the County of New York aforesaid, on the *first* day of *December* in the year of our Lord one thousand eight hundred and ninety-*three* in the *night* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *Saloon* of one

Frank Hemmer

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 Hemmer in the said *Saloon*

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

of the CRIME OF

Petite LARCENY

committed as follows:

The said

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 ^{night} time of said day, with force and arms,

three boxes of cigars of the value of two dollars each box, one bottle of claret of the value of one dollar, one bottle of whiskey of the value of one dollar, divers coins of the United States of America of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of forty cents

of the goods, chattels and personal property of one

in the

saloon

of the said

Frank Hemmer

there situate, then and there being found, in the

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.

1100

THIRD COUNT.

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

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

The said

John Murphy
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,

the same goods, chattels and personal property described in the second count of this indictment

Frank Hemmer
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

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

John Murphy
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.

1 10 1

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murphy, John

DATE:

12/22/93



4952

Witnesses:

R. D. Sander
Michael A. Blake
Joseph Mayhew
Daniel McPeck
James Wilson
Henry H. Hubbard

Filed by W. J. Pulla
454 Greenwich St
Dec 23/93

1403
 Court of Oyer and Terminer

Counsel,

Geschke & Co

Filed 22 day of Dec 1893

Plead *Not Guilty with*
leave till Jan 3/94 to demur

THE PEOPLE

60
576
Proctor
Butler

vs.

B
John Murphy,
alias "Sugar" Murphy

Proving illegal vote
[Section 414, sub 8 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A True Bill.

R. D. Cus Foreman.

March 1, 1894
Pleads Guilty
Def't fined \$250
fine paid in open court

COURT OF OYER AND TERMINER

Of the City and County of New York.

""""""""""
The People of the State of New York,"
against
John Murphy, otherwise called "Sugar"
Murphy.
""""""""""

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this Indictment accuse JOHN MURPHY, otherwise called
"Sugar" Murphy of the crime of advising, commanding and pro-
curing another to vote at an election, knowing that such other
was not qualified to vote thereat, committed as follows:

Heretofore, to wit: on Tuesday the seventh day of
November, 1893, there was held a general election throughout
the State of New York and in and throughout the said City and
County of New York, and the said John Murphy, otherwise called
"Sugar" Murphy, late of the City and County ^{then and there} aforesaid, did un-
lawfully advise, command and procure one Rudolph Beyer, who
had then already voted once at the said election, to wit:
in the Twenty-third Election District of the First Assembly
District of the said City and County, and who was thereby
disqualified from again voting at the said election, as he,
the said John Murphy, otherwise called "Sugar" Murphy then and
there well knew, to unlawfully vote again at the said election,
in the election district aforesaid; by reason and by means
whereof the said Rudolph Beyer did then and there, having so
voted in the said election district at the said election, un-

lawfully vote in the said election district again thereat;
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.

DE LANCEY NICOLL,

District Attorney.

1105

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murphy, Joseph

DATE:

12/07/93



4952

Witnesses:

officer Michael J. Galvin
14th Precinct

409

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Joseph Murphy

Grand Larceny, second Degree.

From the Person.

[Sections 528, 531, Penal Code.]

even days

Dec 7/93

DE LANCEY NICOLL,

District Attorney.

Reading G. L. 2 day

5.12 2 years

A TRUE BILL.

B. Lovickwood

Foreman.

1107

Police Court _____ District.

Affidavit—Larceny.

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

Solomon Spiers
 of No. *211 East Broadway* Street, aged *61* years,
 occupation *Composer* being duly sworn,
 deposes and says, that on the *30* day of *November* 189*3* at the City of New

and person *A* York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
 session of the deponent, in the *day* time, the following property, viz:

A Silver Watch valued at
Two dollars

the property of

Deponent

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

stolen and carried away by *Joseph Murphy (now here)*
 for the following reasons — deponent
 had said watch in the left hand upper
 pocket of the vest that he then wore and
 said watch was attached to the vest by
 a chain — deponent was sitting ^{against} an iron
 railing on Pearl Street — he felt a tug
 at his watch chain and saw the defendant
 running away — he (deponent) missed his watch
 and pursued the defendant — the defendant
 was arrested and Officer Galvin

of the 4th Precinct informed deponent that
 he found the watch in defendant's possession
 when he ^{arrested} ~~searched~~ him — deponent fully
 identified the watch found in defendant's possession
 as his (deponent's) property that had been stolen

Solomon Spiers,

Subscribed before me, this
30 day of *November* 189*3*
[Signature]
 Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Galvin
aged _____ years, occupation Police Officer of No. H P Street
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Solomon Spiers
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me this, _____
day of _____ 1893

Michael J. Galvin

Bernard Martin
Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Joseph Murphy

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

New York

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

Answer.

96 Park Row 2 years

Question. What is your business or profession?

Answer.

Printer

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

Answer.

I am not guilty

Joseph Murphy

Subscribed and sworn to before me this

James J. [Signature]

Police Justice.

1110

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, Dec 1 1893 James M. Martin 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.

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

10
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Solomon Spiers
211 E. Bowler
Joseph Murphy

2 _____
3 _____
4 _____

Dated, *December 1* 189 *3*

Mark Magistrate.

Galvin Officer.

4 Precinct.

Witnesses *Officer*

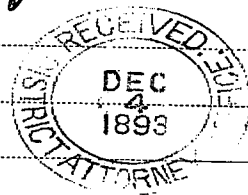
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G. J. v*

committed



Casey
the person
offense

1112

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 Murphy

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

Joseph Murphy
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:
The said *Joseph Murphy*

late of the City of New York, in the County of New York aforesaid, on the *thirtieth*
day of *November*, in the year of our Lord, one thousand eight hundred and
ninety-*three*, in the *day* - time of the said day, at the City and County aforesaid,
with force and arms,

*one watch of the
value of ten dollars*

Solomon Spiers
of the goods, chattels and personal property of one *Solomon Spiers*
on the person of the said *Solomon Spiers*
then and there being found, from the person of the said *Solomon Spiers*
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.

1113

SECOND COUNT—

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

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

The said

Joseph Murphy,
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,

*one watch of the value of
ten dollars*

Solomon Spiers
of the goods, chattels and personal property of one

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

unlawfully and unjustly did feloniously receive and have; the said

Joseph Murphy
then and there well knowing the said goods, chattels and personal property to have been
feloniously stolen, taken and carried away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

1114

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murray, John

DATE:

12/22/93



4952

Bail fixed at one thousand
(1000) dollars

Witnesses:

Henry Hildentrano
Michael F Blake
Patrick J Scully
Henry Washington
William S Young
William H Keeble

Feb 14 1894

Same recommendation as in
Case of People v John T Hall
for same reasons.

J. H. Keene
D. A.

COURT OF OYER AND TERMINER.

Counsel,

Filed 22 day of Dec 1893

Pleads, Not Guilty (21)

THE PEOPLE

vs.

P

John Murray

PERJURY.
[Section 96, Penal Code, and Chapter 680, Laws of
1892, section 104.]

DE LANCEY NICOLL,

District Attorney

A True Bill.

R. J. Carr

Foreman.

Feb. 14. 1894

Indictment dismissed
H. C. H.

1116

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Murray

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

of the crime of Perjury, committed as follows:

Heretofore, to wit: on Tuesday, the seventh day of November, in the year of our Lord one thousand eight hundred and ninety-three (the same being the Tuesday next succeeding the first Monday of the said month of November), there was held a general election throughout the State of New York and in and throughout the said City and County of New York;

And on the day and in the year aforesaid, and at the said election, the said *John Murray* late of the City and County, being a resident of the *Twenty-sixth* Election District of the *Twelfth* Assembly District of the said City and County, and a voter entitled to vote at the said election in the said election district, for the purpose of voting at the said election, did personally present himself at the duly designated polling place of the said election in and for the said election district, the polls of the said election in and for the said election district being then open, and to and before

Frederic W. Madison, John A. Dunphy and Charles G. Reage.
then and there being the Inspectors of Election of the said election district, at the said election, at a meeting of the said Inspectors of Election then being duly held in the said polling place for the purposes of the said election.

And the said *John Murray* did then and there desire and require of the said Inspectors of Election that he might select a person for the purpose of assisting him to receive and prepare his ballots, and who should be allowed to pass within the guard rail of the said polling place and receive his official ballots, and enter one of the voting booths of the said polling place, with him, and there assist him in preparing his ballot.

And thereupon he, the said *John Murray* was then and there in due form of law sworn, and did take his corporal oath, by and before the said Inspectors of Election, touching his right to select such person to assist him in receiving and preparing his ballots as aforesaid, they, the said Inspectors of Election, then and there having full and competent power and authority to administer the said oath to the said *John Murray* in that behalf.

1117

And the said John Murray being
so sworn as aforesaid, upon his oath aforesaid, before the said Inspectors of Election, then and there
feloniously, wilfully, knowingly and corruptly, did falsely swear, declare and say, that by reason of

defective equipment
he, the said John Murray was then
and there unable to receive or prepare his ballots without assistance.

Whereas, in truth and in fact he, the said John Murray was not
by reason of defective equipment

then and there unable to receive or prepare his ballots without assistance, as he then and there
well knew.

And so the Grand Jury aforesaid do say that the said John Murray
in manner and form aforesaid, feloniously, wilfully, knowingly, corruptly and falsely, did commit
wilful and corrupt perjury; 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.

1118

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murray, Michael

DATE:

12/15/93



4952

1119

POOR QUALITY
ORIGINAL

Witnesses:

Officer Michael C. O'Malley
21st Precinct

The acceptances
of a plea of
Not Guilty - made
in my presence
be proper in this
case

Dec-15th 93

Wm. J. Murray
District Attorney

140

Counsel,

Filed

day of Dec, 1893

Pleads,

THE PEOPLE

vs.

Michael Murray

Dec 15/93

Pleas of

DE LANCEY NICOLL,

District Attorney.

Pen 6 months

A TRUE BILL.

B. Lockwood

Foreman.

Grand Larceny, Second Degree
[Sections 528, 529, 530 Penal Code.]

1120

Police Court 11 District.

Affidavit—Larceny.

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

of No. 312 W 31st Street, aged 37 years,
 occupation Bar tender being duly sworn,
 deposes and says, that on the 6th day of Dec 1897 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
 session of the deponent, in the day time, the following property, viz:

One Over Coat and dress Coat
of the value of Thirty dollars
\$30.⁰⁰

the property of

Joseph Gero

Sworn to before me, this

day

of Dec 11 1897

Police Justice.

and that this deponent
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
 stolen and carried away by Michael Murray (now here)

from the fact that deponent missin
 said property on said date deponent
 is informed by Michael Murray that
 he saw said defendant take said
 and carry away part property
 from the premises 334 East 34th Street
 and caused his arrest by Officer
Michael C. Donohue of the 21st Precinct
 said Officer found in defendant
 possession a pawn which represented
 part of said property. Defendant
 admitted to said Officer that he
 had taken stolen and pawned part of said
 property

Joseph Gero

1121

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Michael Murray 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.

Michael Murray

Question. How old are you?

Answer.

28 yrs

Question. Where were you born?

Answer.

W S

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

Answer.

546 1st Ave 3 yrs

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

Michael Murray

Taken before me this

day of

Sept 20 1897
James W. Connelley

Police Justice.

1122

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 Sifundane

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Leu 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, Dec 7th 1899 Amos B. B. B. 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.

1123

1320
1884

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Gero
3/2 W. 3/2
Michael Murray

Offense *Larceny*
7/2

2
3
4

Dated, *Dec 7* 189*3*

Burke Magistrate.

Donohue Officer.

21 Precinct.

Witnesses *Michael Dunn*

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *500* to answer *Lit.*

Ma *9/2*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

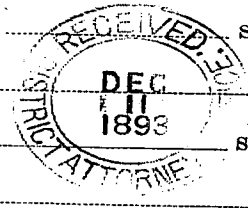
Residence _____ Street.

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

Michael Murray

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

Michael Murray

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

The said

Michael Murray

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

one overcoat of the value of twenty dollars, and one coat of the value of fifteen dollars

of the goods, chattels and personal property of one

Joseph Genn

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.

SECOND COUNT—

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

Michael Murray
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

Michael Murray

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,

*one overcoat of the value
of twenty dollars and one
coat of the value of fifteen
dollars*

of the goods, chattels and personal property of one

Joseph Gero

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

Joseph Gero

unlawfully and unjustly did feloniously receive and have; the said

Michael Murray

then and there well known the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

1126

BOX:

544

FOLDER:

4952

DESCRIPTION:

Murtaugh, James

DATE:

12/06/93



4952

1127

Witnesses:

115
COURT OF OYER AND TERMINER.

Counsel,

Filed,

6th day of Dec 1893

Pleads,

THE PEOPLE

vs.

B

James Murtough

General Sessions

93. Rink

De LANCEY NICOLL,

District Attorney.

Supreme Court Part 1,

December 22 - 1899

A TRUE BILL.

INDICTMENT DISMISSED.

R. J. Croft

Foreman.

~~VIOLATION OF THE EXCISE LAW.
selling, etc., on Sunday.
[Chap. 401, Laws of 1892, § 32.]~~

FILED DEC. 15
1896

1128

Excise Violation-Selling on Sunday.

POLICE COURT- 6th DISTRICT.

City and County } ss.
of New York,

Thomas Griffin
of the 33rd Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 15 day
of October 1893, in the City of New York, in the County of New York,

at premises No. 638 Southern Boulevard Street,

James Muntanigh (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 James Muntanigh
may be ~~arrested~~ and dealt with according to law.

Sworn to before me, this 16 day } Thomas Griffin
of October 1893 }

C. C. Simms Police Justice.

1129

Sec. 198—200.

6th District Police Court. 1892

City and County of New York, ss:

James Muntough 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 a charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him, on the trial.

Question. What is your name?

Answer.

James Muntough

Question. How old are you?

Answer.

60 years -

Question. Where were you born?

Answer.

Delaware

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

Answer.

638 South Broadway, 4 months

Question. What is your business or profession?

Answer.

Saloon Keeper

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

Answer.

*I am not guilty of the charge
and demand my trial*

James Muntough

Taken before me this

day of *October* 1893*Police Justice.*

1130

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 Oct 16th 1893 B. E. Simms Police Justice.

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

Dated Oct 16th 1893 B. E. Simms 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.

1131

BAILED,

No. 1, by Ludwig Krumm
Residence 3560 - 3rd Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Selling on Sunday. 1157107
Police Court--- 6th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas Griffin

James Muntau

2 _____
3 _____
4 _____

Offence Excise

Dated Oct 16th 1893
Griffin Magistrate.
Griffin Officer.
33rd Precinct.

Witnesses _____

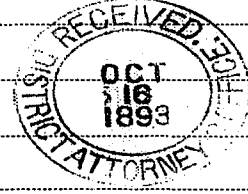
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer G.S.

Bailed



1132

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

James Murtough

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

James Murtough
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

James Murtough

late of the City of New York, in the County of New York aforesaid, on the *15*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*three*, at the City and County aforesaid, the same being Sunday, certain strong
and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill
of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spiritu-
ous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, to one

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

James Murtough

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS,
WINES, ALE AND BEER, committed as follows:

The said

James Murtough

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the
same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one
gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of
a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and
expose for sale to one

Thomas Griffin

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.

DE LANCEY NICOLL,

District Attorney.

1133

BOX:

544

FOLDER:

4952

DESCRIPTION:

Myer, George

DATE:

12/08/93



4952

72 ✓

Witnesses:

Andrew Galloway
officer Robert N Day
13th Precinct

Counsel,

Filed

Day of Dec

1893

Pleads,

THE PEOPLE

vs.

ENTERED
J. N. W.

George Myer

Burglary in the Third Degree.
[Section 466, 526, 528, 533]

DE LANCEY NICOLL,

District Attorney.

For reasons recited in
indictment filed Jan 30-1896

I recommend that the def
be discharged in the am
recognizing case.

April 19-98

James M. Callahan
Act. Dist. Atty

A TRUE BILL.

Thos Harris

Foreman.

Part 3 of April 19, 1898.

On motion of the D.A.
Disch. in his own recogn.
See endorsement.

[Signature]

1135

5th

Police Court— District.

City and County
of New York, ss.:

of No. 11 West- 135-

occupation Clerk

William J. Near

Street, aged 27 years,

being duly sworn

deposes and says, that the premises No. 318 West- 117 Street, 12 Ward

in the City and County, aforesaid the said being a four story brown-stone building

and which was occupied by deponent as a dwelling.

~~and in which there was at the time a human being, by name~~

~~was~~ BURGLARIOUSLY entered by means of forcibly entering said premises, with a Pick lock

on the 25 day of July 1893 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

One over-coat valued at about Twenty-five 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

George Meyer

for the reasons following, to wit: that on said date deponent securely locked and fastened said premises; and one Andrew Galloway saw the said defendant leave the said premises with the said property in his possession; Officer Hay of the 30th Precinct Police arrested the defendant with a Pick-lock and a gun in his possession; wherefore deponent.

Prays that the said defendant may be held to answer.

Sum to before me } J. F. Kear
this 23rd day of October 1893

H. A. Wells
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

1137

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation Jewelry of No. 366 West 117

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

Sworn to before me, this 23 day of October 1893, Andrew Galloway

W. H. [Signature]
Police Justice.

1138

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not Guilty.

George Meyer

Taken before me this *23* day of *October* 189*7*
[Signature]
Police Justice.

1139

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 October 23 1893

[Signature]

Police Justice.

I have admitted the above-named

Defendant

to bail to answer by the undertaking hereto annexed.

Dated

Oct 24 1893

[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

189•

Police Justice.

1140

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Rebecca Weisel
45 Essex Street.

Police Court---

1136 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William J. Near
11 W. 135th St.
George Meyer

2

3

4

Officer of Magistrate

Dated

October 23 1893

Melur

Magistrate.

Way

Officer.

30

Precinct.

Witness

Andrew Gallows

No.

366 West 117th Street.

504 W. 145th

Call the Officer

No.

1000

Street.

\$

to answer

RECEIVED
OCT 26 1893
DISTRICT ATTORNEY

13 ruled

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

THE PEOPLE OF THE STATE OF NEW YORK

against

George Myer

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

George Myer

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

The said

George Myer

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on the
twenty-fifth day of *July* in the year of our Lord one
thousand eight hundred and ninety-*three*, with force and arms, in the *day*-time
of the same day, at the Ward, City and County aforesaid, the dwelling house of one

William G. Near

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 *William*
G. Near 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

George Myer

of the CRIME OF ~~Grand~~ ^{Petty} LARCENY committed as follows:

The said

George Myer

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 overcoat of the value
of twenty-five dollars*

[Large flourish]

of the goods, chattels and personal property of one *William G. Near*

in the dwelling house of the said

William G. Near

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*

1143

**END OF
BOX**