

0626

BOX:

219

FOLDER:

2160

DESCRIPTION:

Madden, Robert

DATE:

05/20/86



2160

Witnesses:

Charles Sears
vs Edward G. Love

228

Counsel,

Filed 20 day of May 1886

Pleads Guilty (in)

THE PEOPLE

vs.

B

Robert Madden

MISDEMEANOR.

RANDOLPH B. MARTINE,

District Attorney.

Apr. 1887

A TRUE BILL.

Part II May 1887.

Pleads Guilty.

Wm. H. H. H. H.

Foreman.

13

0627

0628

E. G. LOVE, PH. D.,
Analytical and Consulting Chemist,
122 BOWERY,

New York, April 6th 1886

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, No 680; (C Madden, 1163 Second Ave. April 1st 86)
Received from B. F. Van Valkenburgh per W. W. Metcalf
on April 2^d 1886.

THE SAMPLE CONTAINS:

WATER,	- - - -	11.41%
ANIMAL AND BUTTER FAT,	- - - -	84.54%
CURD,	- - - -	0.80%
SALT,	- - - -	3.25%

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	- - - -	92.28%
SOLUBLE " " "	- - - -	7.16%
SPECIFIC GRAVITY OF THE FAT	- - - -	
AT 100° F.,	- - - -	0.9060

This sample is composed mainly of animal fat, and was not produced from unadulterated milk, or cream from the same. It was not produced from milk or cream alone. It contains coloring matter, whereby it is made to resemble butter, the product of the dairy; and it is in imitation and semblance of butter, produced from pure unadulterated milk or cream from the same. This sample contains about 40% of butter.

Respectfully yours,

E. G. Love (Ph D)

Mr. B. F. Van Valkenburgh

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

On the sixth day of April in the year
one thousand eight hundred and eighty-six before me personally came
E. G. Love to me known, and known to me to be the individual
described in, and who executed the foregoing instrument, and
acknowledged that he executed the same.

Frederick H. Bore
Notary Public

0629

No. 680.

April 6th 1886

(over)

1.9.86

0630

STATE OF NEW YORK,

County of New York

ss.:

350 Washington StreetWilliam W. Meeteer, being duly sworn, deposes and says:That he resides in the City of New York in the County of New York and State of New York, and is 41 years of age.and is an Assistant, appointed by Josiah K. Brown, New York State Dairy Commissioner;That on the 1st day of April, 1886, in theof New York occupied by him, No. 146 1/2 Beard Street, in the Cityof New York in the County of New York and State of New York, one Robert Madden, against the

form and statutes in such cases made and provided, and in violation thereof, and against the peace of the

people of the State of New York, had in his possession, with intent to sell the same for Butter made from unadul-

terated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not

Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with

and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of

animal fats, or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or

Cream; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter,

the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter,

the product of the Dairy: that the said Robert Madden

offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter

made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, one bag

as and for Butter, the product of the Dairy, and represented the same to be Butter at such time

and place; that the said substance, product and compound was not natural Butter produced from pure unadulterated

Milk, or Cream of the same, and was not Butter, the product of the Dairy, and was not made exclusively from Milk or

Cream, or both; that it contained some of the same, and was colored by some substance to resemble

Butter, and was in semblance of natural Butter; that the same was a substance known as Oleomargarine; that it had

been made, manufactured and rendered out of some animal fat, or animal or vegetable oils, not produced

from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure un-

adulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream

or Butter, a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or

Cream, with design and intent to render, make and produce an article, substance and human food in imitation and

semblance of natural Butter.

That the tube in which the same was contained did not have the words "Oleomargarine Butter"

upon the top or side thereof, and such words were not burned in or painted thereon with permanent

black paint, in a straight line not less than one half inch in length, where deponent could see such brand;

that no printed label, bearing the words "Oleomargarine Butter" was delivered therewith to the purchaser thereof.

Deponent further says that on said 1st day of April, 1886, he went to the said Robert Maddenin said City and County, and told a clerk in presence of saidthat he wanted to buy some butter; that said Robert Maddenshowed deponent one bag of the said Oleomargarine hereinbefore mentioned, offered thesame to deponent for sale, and sold the same to deponent; that he so sold to deponent one bagthereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of sixteen cents.that, as deponent believes and charges, the said Robert Madden at the time

of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as

hereinbefore stated; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not

Butter, the product of the Dairy; that deponent saw the tube in which the said Oleomargarine was contained, and no

printed label bearing the words "Oleomargarine Butter," was delivered by said RobertMadden to deponent with the Oleomargarine sold to him; that onApril, 1st, 1886, deponent delivered a sample of such Oleomargarine, sopurchased by him as aforesaid, to Edmund G. Love a chemist ofthe city of New York N. Y., and caused the same to be analyzed by

such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said RobertMadden and that he may be dealt with as the law directs.Sworn to before me this 4th day of May, 1886, by William W. Meeteer

Justice.

2nd District
Court of New York

County of New York

THE PEOPLE, &c.,

vs.

Robert Martin

Affidavit:

William Weston
350 Washington St

Witnesses:

Charles Lee
Residence 350 Washington St
Edward G. Lee
Residence 123 Myer

Residence

0632

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

Robert Madden 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

Robert Madden

Question How old are you?

Answer

46 years old

Question Where were you born?

Answer

Ireland

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

Answer

224 E. 76th St., about 1 year.

Question What is your business or profession?

Answer

Grocer.

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

Answer

I am not guilty and demand a trial by jury

Robert Madden

Taken before me this

day of

1886

Police Justice.

0633

Sec. 151.

Police Court 2nd 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 to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by William H. Cleeton of No. 350 Washington Street, that on the 1st day of April 1886 at the City of New York, in the County of New York,

one Robert Madden
did sell to William W. Macdon
one half pound of Oleomargarine
as said for butter on the premises
1463 Second Avenue in violation
of Chapter 458 of the laws of
1885

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 each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 2nd 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 4th day of May 1886.

Wm. C. Cleeton POLICE JUSTICE.

0634

11-03-20-76

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John W. McCutcheon

vs.

Robert Madden

Warrant-General.

Dated *May 4* 188*9*

John W. McCutcheon Magistrate

Robert Madden Officer.

The Defendant *Robert Madden*

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

Isaac Green Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice

The within named

0635

BAILED
No. 1, by John Tully
Residence 1897 3d Avenue
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence

Police Court 2 District. 664

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Wm W. Meeter
350 Washington
Robert Madden
Adulteration
of Food
Offence

Dated May 5 1886

Magistrate
Corso
Corso
Precinct.

Witnesses
Charles Otero

No. 357 Washington Street.

No. 84, 1st Ave

No. 177 Broadway Street,

698.54

No. 300 to answer
\$ 300
Bail
Bail

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

defendant

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

Dated May 5 1886 in presence of Police Justice.

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

Dated May 5 1886 in presence of Police Justice.

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

Dated 1886 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert Madden

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

Robert Madden

(Chap. 458, Laws of 1885, § 3.) of a Misdemeanor, committed as follows:

The said *Robert Madden*,

late of the City of New York, in the County of New York aforesaid, on the *first* day of *April*, — in the year of our Lord one thousand eight hundred and eighty-*six*, at the City and County aforesaid, *one half pound* of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more particular description of which said substance and compound, and of the ingredients and matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now be given), unlawfully did sell, and cause and procure to be sold to one *William W. Meeten*, for butter, the product of the dairy; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SECOND COUNT: (Chap. 246, Laws of 1882, § 1.)

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

Robert Madden

of a Misdemeanor, committed as follows:

The said *Robert Madden*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *William W. Meeten*, *one half pound* of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said *William W. Meeten*, —

to be butter; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

THIRD COUNT: (Section 430, Penal Code.)

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

- Robert Madden -

of a Misdemeanor, committed as follows:

The said Robert Madden,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one

William W. Meeteen, as an article of food ~~one half pound~~ of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FOURTH COUNT: (Chap. 238, Laws of 1882, § 3.)

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

- Robert Madden -

of a Misdemeanor, committed as follows:

The said Robert Madden,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing ~~one half pound~~ of a certain article and substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked upon the top and side with the words, "Oleomargarine Butter" only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law, to deliver to the purchaser, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail to one William W. Meeteen, —

from a certain ~~tub and box~~ which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said William W. Meeteen, — a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

0638

FIFTH COUNT : (Chap. 215, Laws 1882, § 2.)

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

- Robert Madden -

of a Misdemeanor, committed as follows :

The said *Robert Madden,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

William W. Meeter, one half pound

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT : (Chap. 458, Laws of 1885, § 2.)

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

- Robert Madden -

of a Misdemeanor, committed as follows :

The said *Robert Madden,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

William W. Meeter, one half pound

of a certain article, substance and compound in imitation and semblance of, and designed to take the place of natural butter produced from pure, unadulterated milk, or cream of the same the said article, substance and compound, so sold as aforesaid, being rendered and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the ^{30th} ~~thirteenth~~ day of April, in the year of our Lord one thousand eight hundred and eighty-five (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

RANDOLPH B. MARTINE,

District Attorney.

0639

BOX:

219

FOLDER:

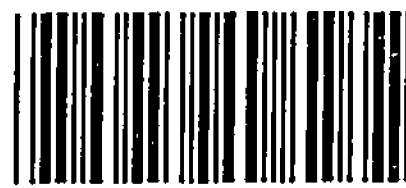
2160

DESCRIPTION:

Magner, Edward

DATE:

05/11/86



2160

POOR QUALITY
ORIGINAL

0640

Witnesses:

Patrick Smith

Sam Magner

Calvin Smith

Counsel,

Filed

11 day of May 1886

Pleads

Not guilty (12)

THE PEOPLE

vs.

Edward Magner

June 8, 1886.

Tried and acquitted

RANDOLPH B. MARTINE,

District Attorney.

Ordered to Court of Oyer and
Determiner for trial June 4, 1886

A True Bill.

John Van Dusen

Foreman
Counsel will try for

4 days trial
J. M. J.

POOR QUALITY
ORIGINAL

0641

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroners Office
No. 15 Chatham Street in the 4 Ward of the City of
New York, in the County of New York, this 24 day of April
in the year of our Lord one thousand eight hundred and 86 before

Coroner,
of the City and County aforesaid, on view of the Body of David Wagner
lying dead at
Upon the Oaths and Affirmations of
New good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
David Wagner came to his death, do
upon their Oaths and Affirmations, say: That the said David Wagner
came to his death by

Meningitis and Cerebritis from
fracture of the skull, the result of blows on the head inflicted with
an axe by Edward Wagner, the eldest son of deceased, who meant
the blow for the prisoner, Patrick Smith, on April 4/86 at 313
E. 26th St. We find that the prisoner is innocent and we
exonerate him from all blame, We further hold the said son of
deceased responsible for the death of his father.

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

JURORS.

Nathan Cooper
Chas. [unclear]
Hugh O'Neill
D B Butler
Julius [unclear]
John [unclear]
414 - 6th Ave.

354 N. 37th St.
142 E 86 St
173 Allen St
398 - 4 Ave
427 E. Houston
W. Theo. Goldberg 426

Mr. Work 347-4th Ave
Geo. Siegel 246 E 62
John [unclear]
278, 62

Ferdinand Levy
CORONER, N. Y.

POOR QUALITY
ORIGINAL

0642

CORONER'S OFFICE.

TESTIMONY.

Officer Thomas (Brow), 18th Precinct - being
sworn in, On April 24/86 about
7.15 P.M. The prisoner Smith came
to the Station House with his wife,
he said that he wanted protection
from being assaulted by Magnus
the Deceased while he was there
Magnus' son came in and asked
that an ambulance be sent for as
his father had been hurt by Smith
I went to 313 E. 26th St. where the prisoner
& deceased lived in rear house, I
went to the floor of Deceased (top floor)
I found him lying on the floor, his
head was bleeding his son said
I sent for an ambulance & he was
taken to Bellevue Hospital. Mr Smith
and his wife were detained in the Station
House till I investigated the matter,
when I came back I put Smith
under arrest. I visited the apartment
of the prisoner, On the side of the door
I found a mark as if it had been
hit by a hatchet, I took Mrs.
Smith with me when I went to investigate
I found an axe in the bedroom & I
asked Mrs Smith if that was the one
she said "No." & handed me another

Taken before me

this 24 day of April 1886
Ferdinand Levy

CORONER.

It appears from the
above that the
prisoner Smith
was taken into
custody by Officer
Brow on April 24/86
at 313 E. 26th St.
and was taken to
Bellevue Hospital
for treatment.

POOR QUALITY
ORIGINAL

0643

CORONER'S OFFICE.

TESTIMONY.

2

She told me that it was Wagner's
hatchet, she said that it had been
taken from Wagner by Smith or his
son, ^{Smith} said that the deed was
striking the side of the door, she
told me that Smith took the
hatchet from deceased at the
door of the apartment.

Thomas Bowes

Taken before me

Apr 24 day of April 1886

Ferdinand Levy

CORONER.

POOR QUALITY
ORIGINAL

0644

CORONER'S OFFICE.

TESTIMONY.

3

David Wagner living sworn says
I reside at 313 E. 26th St. Am a son of
the deceased, I was Messenger boy for
Manhattan Dist. Court I left 4 or 5 months
ago, since then I have been doing nothing
On April 4th in the eve. My father
was going down stairs with John
Lofman & another man, I had been
out I saw a can with beer and glasses
on the table. One of the men slipped on the stairs
and the other said "Damn your soul
don't be slipping" my father was behind
them, ^{and was behind him} there are 4 or 5 stories to that house
it was near dark, There is no gas in the
house, Mr Smith opened the door
and said that he was a "Molly
Maguire" ^{and found it to be some one's life} My father turned round
and Smith struck him on the
face with a knife, (I think a carving
knife). ~~My~~ This was outside Smith's
door, It was not dark, When the two
men saw my father struck with a
knife one man went down stairs & the
other remained with my father, Then
Smith struck my father on the top
of the head with a hatchet, when my
brother tried to protect my father
Mrs Smith ^{made to strike} ~~struck~~ ^{me} him with a hammer

Taken before me

24 day of April 1886

Ferdinand Levy

CORONER.

POOR QUALITY
ORIGINAL

0645

CORONER'S OFFICE.

TESTIMONY.

Smith then shot two shots out of a hole in his door, Smith threatened to shoot my father that same morning Smith said that I had beaten his son but I did not. My father and Smith never had any trouble before, Smith tore the shirt off me in the street because he thought I had assaulted his son. The two men went away after my father was struck. My father went to Smith's door and said that he could chastise his son without his interference or assaulting him in the street. My brother had nothing in his hand, he tried to get my father up stairs, my brother had not a stick with a knife tied to it. My father lay with his head up against the wall, his feet towards Smith's door. I have not talked to any one of this case. I tried to protect my father from Smith. My brother also when Mrs. Smith tried to strike us with a hammer, we dragged my father up stairs, he was not able to walk.

David Magner

Taken before me

this 27 day of April 1886

Ferdinand Levy

CORONER.

Subscribed & sworn to me this
26th day of April 1886
David Magner
J. W. Grace

POOR QUALITY
ORIGINAL

0646

CORONER'S OFFICE.

TESTIMONY.

5

Hannah Magnus - born [unclear]
residing at 313 E. 26th St. I am the
widow of the deceased, I did not
see the assault on my husband as I
was out when it happened, when I
returned my husband had been taken
to the Hospital, In the morning of the
same day I heard the prisoner Smith
say he was a "Molly Maguire" and
wanted to have some body's life" This was
about 10 AM, We never had a word, or
angry word, with the Smith family till
he beat my boy in the street, My husband
~~was arrested~~ ~~me~~, I had to pass Smith's
door all the time, The two men who visited
my husband that evening was one (former
a first Cousin of mine, They were about
1/4 hour in the house, I did not see any
beer in the house,

Hannah Magnus
mark

Sworn to before me this
16th day of April 1886
J. B. [unclear]
Justice

Taken before me

this 16th day of April 1886
F. B. [unclear]

CORONER.

POOR QUALITY
ORIGINAL

0647

CORONER'S OFFICE.

TESTIMONY.

6

Catherine Smith being sworn says I
resided at 313 E 26th St at the time of the
fatal occurrence, On April ~~3~~³/86 I sent
my little boy to the Dispensary for
Medicine when young Magner beat him
on the street, - My husband went to
8th Black Church ^{returned at 9 am on April 4/86} & then went to the
barber's and returned at 12 M. I do
not recollect my husband saying that
morning that he was a "Molly Maguire"
I have a cousin named Mary Maguire
whom my husband was speaking of
He had no trouble with any one
I was putting the dinner on the table
after dinner, Magner and his son
came down & knocked at the door
My husband said "Come in" there
was no answer, my little boy
opened the door, Magner said
"I'll have your life ^{before 9 o'clock tonight}" my husband
had a toy pistol, Magner took
a cork out of a hole in the door
My husband said to him "I'll shoot
you" & he said that he did not
care for his pistol, he then went up
the stairs and came back again, his
wife came with him and called my husband
bad names & wanted him out ^{out} & that he would

Taken before me

this 7th day of April 1886

Ferdinand Levy CORONER.

POOR QUALITY
ORIGINAL

0548

CORONER'S OFFICE.

TESTIMONY.

7
get all he wanted, my husband
went out & staid away for 2 hours,
I think my husband does not drink
at all, my husband is a plumber's laborer,
He came back and ~~was~~ asked for his
supper about 6 P.M. I went to put
the supper on the table when Wagner
came again and said he would have
revenge for his child, these two
men & his two sons and Wagner
with an axe in his hand, his eldest
son had another axe in his hand, and a
stick also, they knocked at the door
again, my husband staid in the room
Wagner came again to the door (the
fourth time) and pushed it in, and
threw me to the floor, as I was getting
up I saw Wagner hit my husband on
the shoulder with the axe, then
they wrestled for possession of the axe
the axe flew out of their hands towards
my window, then my husband tried to
put Wagner out, he put him out, the
eldest son was standing on the stairs
and in trying to strike my husband
over the shoulder of his father he struck
his father instead of my husband, on
the head with the axe, The hatchet an exhibit

Taken before me

this 2^d day of April 1886

Ferdinand Levy

CORONER.

POOR QUALITY
ORIGINAL

0649

CORONER'S OFFICE.

TESTIMONY.

8

I have never seen before the day of the fatal occurrence, Wagner was drunk that day, he acted like a crazy man, my husband never had any angry words with Wagner before that day. The eldest son trying to strike my husband, the door was closed and the hatchet struck the door post. I went to my husband and I & my son went to the Station House and told the occurrence, I went back to the house & there was such a crowd there that I took the knife and hammer with me for protection, when I went back to the Station House, The eldest son had a stick with a knife fixed to it and struck my husband on the face with it, ^{plus the + Wagner was striking} the youngest son: threw a piece of a brick into our compartment, My husband had nothing at all in his hands, My husband was never arrested and is generally sober.

Catharine Smith

Taken before me

the 2^d day of April 1886
Ferdinand Levy

CORONER.

Deposited to before me
this 2^d day of April 1886
Ferdinand Levy
Justice of the Peace

POOR QUALITY
ORIGINAL

0650

CORONER'S OFFICE.

TESTIMONY.

8

I have never seen before the day of the fatal occurrence, Wagner was drunk that day, he acted like a crazy man, my husband never had any angry words with Wagner before that day. The eldest son trying to strike my husband, the door was closed and the hatchet struck the door post. I went to my husband and I & my son went to the Station House and told the occurrence. I went back to the house & there was such a crowd there that I took the knife and hammer with me for protection when I went back to the Station House. The eldest son had a stick with a knife tied to it and struck my husband on the face with it. ^{when he & Wagner were fighting} The youngest son ^{for the hatchet} threw a piece of a brick into our compartments. My husband had nothing at all in his hands. My husband was never arrested and is generally sober.

Catharine Smith

Taken before me

my 2^d day of April 1886
Ferdinand Levy

CORONER.

Deposited to preserve me
this 2^d day of April 1886
Ferdinand Levy
Coroner's Office

POOR QUALITY
ORIGINAL

0651

CORONER'S OFFICE.

TESTIMONY.

9

Patrick Smith being sworn and
313 E. 26th St front House and
a laborer for Plumbers. I have ^{known} the
prisoner for (9) nine years, and so
be an upright, honest man and one
who will work all the time when he
can get it, I never knew him intoxicated
He is an industrious sober man,

Patrick ^{his} Smith
mark

Witness to before me
this 24th day of April 1886
H. W. L. (H. W. L.)
to be produced

Taken before me

this 24th day of April 1886
H. W. L. (H. W. L.)

CORONER.

POOR QUALITY
ORIGINAL

0652

CORONER'S OFFICE.

TESTIMONY. 10

Francis Reynolds being sworn says:
228 E. 29th St. At the time
of the occurrence I lived in the same
house with deceased. I have never spoken
to either Smith or the Deceased but
once when I asked the deceased for an
axe that he had lent up to me.
He said I must fight for it. Rather
than have any trouble I left the axe
with him, knowing his ugly disposition.
I have never spoken to Smith, I never had
any words with a neighbor since I have
been in the country and that was 40 years.
I heard Magner's voice many times that
day. I saw two strange men trying
to get Magner up to his room, he
struck one of them with a broomstick.
he held an axe in the other hand,
similar like the one exhibited in Court.
The son also had an axe in his hand
(the one that belonged to me). When I
saw what was going to happen, that
Magner wanted to get in to the prisoner's
room I went into my own room &
closed the door.

Francis Reynolds

Taken before me

this 24 day of April 1886
Andrius Levy CORONER.

deposited in the
office of the
Coroner's Office
for the purpose
of being used as
evidence in the
case of the
deceased

POOR QUALITY
ORIGINAL

0653

CORONER'S OFFICE.

TESTIMONY.

11

(Patrick) Smith being sworn depose
that I am a Plumber's laborer, I have lived
in this City since '65, On April 24th 1886
I was home for day on account of my
wife being sick, In the forenoon
-Young Wagner was going down stairs,
and I asked him why he was beating
my boy all the time, he said he did
not beat him, I said "yes", "My father
says you will have to swear to it"
I said, "my boy will tell the truth"
My wife sent our boy for medicine
to report how she was, the boy went
down stairs, and he then called "Papa"
that young Wagner was striking
him, I went down stairs, when I
saw my boy run away from Wagner
I went up to 2nd Ave, after my boy
I waited there till he came back
I said "go right down & see if they
bother you any more, As he was going
into the house young Wagner struck
him on the ear, I took him by the
back of the collar intending to give
him in charge of a policeman, I tried
to find a brick or something to throw
at me. On Sunday Morning I went

Taken before me

this 24th day of April 1886
Ferdinand Levy CORONER.

POOR QUALITY
ORIGINAL

0654

CORONER'S OFFICE.

TESTIMONY.

13

At Church about 8 AM, I got
back at 9 AM. I went to the
barber's and remained till 12 AM.
I did not call out "I am a" Molly
Maguire." I went to dinner at 12 AM.
Magnet came down & knocked at
the door, he opened it himself, his
wife and son was behind him. He
said "You struck my boy and tore
his shirt. Are you going to pay for
it?" I said "no". He said "I'll have
your life before 9 PM tonight". I
took a toy pistol, and told him
to get away from my apartment
as the place was mine as long as
I paid the rent. He pushed in the
door. He went up stairs and
returned again with his wife who
said if she had me in the alleyway
she would murder me with bricks
or stones. She gave some low language
for some time & I said to my
wife "I'll go out this afternoon
don't mind them". This is almost as
bad as Greene St. No light, they
are low characters. Keep the door
closed. I returned at 6 PM or a
little after. I asked my wife if

Taken before me

this 24 day of April 1886

Ferdinand Levy CORONER.

CORONER'S OFFICE.

1

TESTIMONY.

There had been any trouble and she said "No" that there were some men drinking upstairs in the afternoon, I was not more than 10 minutes in the house when there came a knock to the door, and Mr Wagner said if I would come out he would kick me out of me I told him I was not in the habit of fighting with women as he was in the habit of doing. The door was pushed in when I went to the door I saw two men take Mr Wagner up stairs he had an axe in his hands and was making efforts to get in the doorway. These 2 men took Wagner up stairs & while going up one of the men struck Wagner with a broomstick on the head. I saw Wagner said don't strike my father, I then shut the door. Bet. 5 + 10 minutes Wagner came down again and struck the post of the door with the axe my wife put her back to the door. I said to her, "Let them put it in" Then they did put it in, my wife fell on her face I went to the door and Wagner struck me on the shoulder

Taken before me

this 24 day of April 1886
Frederick Levy

CORONER.

CORONER'S OFFICE.

TESTIMONY.

14

with the axe and cut me on the face
with a knife, I wrestled with him
for possession of the axe, the eldest
son was to the right on the stairs
and in making a blow at me with
the axe he struck his father on the
head. Young Wagner was to the left
he had a brick and a broom handle
in his hand, he threw the brick into
our apartment, I closed the door
I put on my under & overcoat and
with my wife went to report the case
at the Station House, I never saw the
hatchet exhibited in Court before the
day of the quarrel, I never had any
trouble with Wagner before, I have never
been arrested before, In tussling for the
axe I put my foot to him & pushed
him out of the door, I had no bitter
feeling against the deceased, I did
not know the two men who were with
him that evening

Patrick's Smith
mark

Taken before me

this 24 day of April 1886

Ferdinand Levy

CORONER.

Sharon H. Legum
has taken my signature
Sharon H. Legum
Sharon H. Legum

CORONER'S OFFICE.

TESTIMONY.

— Autopsy —
Thursday April 15th 1886. 9.30 a.m.
At 313 E. 26th St.

David Wagner, white, age 45 years, married
Said to have died April 12th 86. 5 P.M. in Bellevue
Hospital.

Body fairly nourished.

On vertex of head just to left of median line,
there is a crucial incision of scalp and one
of which is $\frac{1}{2}$ inches in length. Upon remov-
ing scalp, there is found to have been removed
a quadrilateral piece of skull $\frac{1}{2}$ inches square
under seat of incision above described and
exposing outer membrane of brain. At the
posterior outer angle of said opening a button
of bone had been removed by trephine, under
the anterior side of opening a small fragment
of bone still remained. Removing brain find
under seat of opening a small area of softening
brain of left hemisphere. Also membranes cover-
ing left hemisphere filled with pus (meningitis)
~~just~~ About 1 inch back of opening above described
is an old depressed fracture of skull. Fracture
crossed in direction 2 inches in length passing
across the median line.

Pleura: Old adhesions of both. Liver: Fatty & cirrhotic.
Kidneys: same condition. Other organs normal.
Cause of death: Meningitis & Peritonitis from fracture
of skull above.

Taken before me

this 22 day of April 1886

Ferdinand Rosey

Wm. J. Gustine, M.D.

CORONER.

POOR QUALITY
ORIGINAL

0658

From *Bellum Hospital*

New York April 12 1886

To *Coroner* *Indemnity*

Sir:

Please hold an Inquest on the body of

Name: *David Wagner* Residence: *313, E. 26 St*

Age: *45* years *months* *days* Admitted *Sun* *+* day *April*

Nativity: *Pr* Father *✓* *4th* 1836, at *8* o'clock *P.M.*

38 in U. S., *38* in City. By *Ambulance* A

Civil Bond: *M.* Occup: *Laborer* Examined by *Dr. Brendon* B

Suffering from symptoms of *Fractured Skull* C

Said Injuries said to have been received *being struck on* D
head with an axe

Death took place *Mon* *day* *Apr 12/86* *in* *1886* at *8* o'clock *P.M.*

The Autopsy revealed F

Remarks: *Was in ward four & transferred* G
to Surgeon Pavilion where he died.
Under the care of Dr. Henderson.

M. D.

HOUSE SURGEON PHYSICIAN.

Ad. I. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name.

Ad. C. State whether from Natural causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal, or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short résumé of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.

POOR QUALITY
ORIGINAL

0659

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick K. Smith being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—*Patrick Smith*

Question—How old are you?

Answer—*35*

Question—Where were you born?

Answer—*Ireland*

Question—Where do you live?

Answer—*313 E. 26th St*

Question—What is your occupation?

Answer—*Laborer*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*Yes, as per Testimony given
hereto annexed,*

his
Patrick K. Smith
mark

Taken before me, this 24 day of April 1886

Ferdinand Levy

CORONER.

*Subscribed & sworn to before me
this 26th day of April 1886
John J. Smith
John J. Smith*

POOR QUALITY
ORIGINAL

0660

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
45 Years. - Months - Days.	Ireland	Albion Ave fr. Bellevue Hotel to 312 E. 5th St.	April 12/16

Andover, 147-1886
HOMICIDE.

AN INQUIRY

On the VIEW of the BODY of

David Magner
whereby it is found that he came to
his death by the hands of

Edward Magner

Inquest taken on the 24 day
of April 1886
before

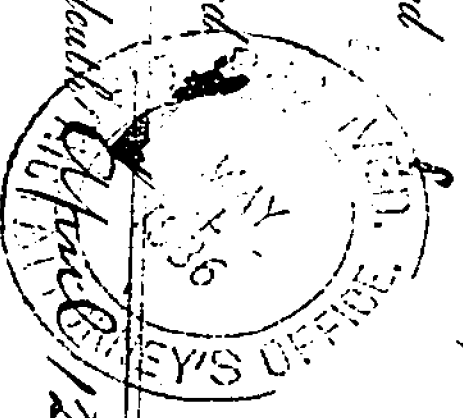
Richard Long Coroner.

Committed

Quitted

Discharged

Date of death April 12th 1886



POOR QUALITY
ORIGINAL

0661

4th Dist. Police Court
May 1st 1886

Deputy Hon. A. J. White
Police Justice

Patrick Smith being duly sworn says:
I reside at 318 East 26th St. Dueto
4th of April I saw David Wagner
hit his father with an axe at
my door between 6 & 7 P.M. Some
man came to my door about
6.15 P.M. & David Wagner kicked
the door. Two men were taking
him up stairs & he wanted to get
into my room. One of the men hit
him on the head with a broom
stick & Young Wagner said not to
hit him, it was his father.. They
Between that & a quarter of an
hour. I heard a stroke of an axe
on the door & my wife put her back
to it & the first thing I knew
she was thrown on her face. The

Younger son was on the right of the father & the elder one on his left. William had a knife tied to a stick and an axe and the other one had a brick and a broom handle. Old Mayner hit me with a knife and on the arm with an axe & I tried to get it away from him & the young man tried to hit me with the axe & missed me and hit his father on the head with it & the youngest one threw a brick at my door & they went up stairs & I went to the Station House & reported the matter.

Opp Exⁿ - by - W. Murray

It was a big one Edward Mayner had - between a big & small one, used for chopping wood & he had a knife tied on the end of a stick. The old man previously had

An axe & the son had one and a
knife also tied to a stick. I got
the old man's axe and threw
it in my kitchen. The axe
here produced is the one the
deceased had. I ain't sure
of it. It is not the one the
defendant Wagner had. My
wife was with me at the station-
house. Young Wagner came in
here for an ambulance.
He told the sergeant I hit his
father on the head with an axe.
The reason I didn't contradict
that charge was because I was
after stating my case. The
first time I said that Edward
Wagner killed his father was
when I gave my evidence before
the coroners jury. The son had
the largest axe. I can't
say what became of the axe
with which Edward Wagner

struck his father. I am sure at
the time of the fight that the
father and the two sons came down
to my door together. I had no hatchet
or weapon of any kind. I didn't
pass any weapon to my wife
while we were in the Station-
house which she secreted in her
breast. I didn't have either of
these weapons. I passed \$13.00
my wife in the Station-house.
The weapons she had with her
she got from the house I suppose
I don't know where she got them.

Catharine Smith of 313 East 26th
St. being sworn say:
I am the wife of the last witness
and recollect the night of the
4th of April 1886 between 6
& 7 o'clock when this trouble
occurred. Old Mayan ordered
H

My husband onto his room at 12
o'clock. M. beat him up - he said
he would be revenged before
10 o'clock. The mother and
the young son also came down.
There was a hole in the door
with a cork in it and he took
the cork out of the door and my
husband took my child's toy pistol
& put it onto the hole. Then
Wagner went up stairs. a little
while after that he came
again & threatened to cut my
husband up. My husband then
told me that he would go out
for a couple of hours and when
he returned maybe Wagner
would be sober & he went on &
returned. At supper Wagner
again come there & wanted to
cut him up. He had two men
and his two boys with him. He
said he would be revenged before
5

nine o'clock. The two men brought
 old Wagner up stairs & the son
 said not to hit him as it was
 his father. I didn't know where
 the two men went. The two boys
 and the father came down - stairs
 again & the old man was promis-
 ing to kill my husband. They
 were at the door and I put my
 back to it to keep them on it
 it went to fire & I found myself
 on my nose and face. I then
 saw Wagner hit my husband
 with an axe - the deceased did,
 and my husband took it away from
 him. (I have here shown witnesses who
 identified it as the axe) my husband
 then pushed him out and Edward Wagner
 was standing on the stairs, two steps
 up & in trying to hit my husband
 with the axe he hit his father
 and the deceased fell. At the
 time I thought it was from drink.

Edward Wagner made another
stroke at my husband with the axe.
After that my husband and I went
to the Station House. We didn't know
anything after that. The son came
in the Station house while we were
there for an ambulance for his father
he then said that my husband was
the man that hit his father. ~~This~~
~~knife and hammer.~~ When my husband
was put in the back room of the
Station house I went home to see if I
locked the door and shut the window
down and there was a crowd there
threatening to burn the house down
and I put this knife and hammer
in my breast. In the Station house
my husband gave me the money
and the policeman thought he
handed me something else.

Exp. Ex. - by - Wm. May
This hatchet belongs to Wm. Wagner

POOR QUALITY
ORIGINAL

0668

I never seen it until I seen it in my
room. When my husband and I came
out of our rooms, the two Magers
and the two men were there. We
didnt leave our rooms until we
went to the Station-house. I was in
the Station-house when young
Mayer came in & charged my
husband with striking his father.
My husband was then locked up.
I didnt say anything when my
husband was accused by the son
in the Station-house. I only told the
Sergeant & the Policeman he was
the man struck his father with
the axe, that same night I did.
Officer Jones was there at the
time. & he took me from the Station-
house back to my house. I dont
know what the son did after
he struck his father with the
axe because I shut the door
& he made another belt at my
J

husband with the axe. My husband had only a toy pistol. The knife & hammer I put in my breast & took from a tool box in the room.

Thomas Bowes an officer of the 18th Regiment sworn says: I arrested the Defendant Edward Wagner on the 4th of April at the Station-house, Patrick Smith & his wife were there at the time. After I took Mr. Wagner to the hospital I came back to the Station-house with the Defendant Wagner & he charged Smith striking his father on the head. They, Smith nor his wife didn't make any denial of the charge nor did either of them that charge that the defendant Wagner struck his father. I placed Smith under arrest.

And went with Mr Smith to her house to get the hatchet that was used & I took up a house carpenter's wood axe & asked her if that was the axe & she said "No". She then went in the front room & took this hatchet up and said "here it is." We returned to the station house & she was left. Go & her husband was held. She said this hatchet (now here) was the one. She didn't say how it got in her room nor did Smith either. Nothing was said by her or him as to how it got in her room or about Wagner throwing it in her room. In the station house I found the hammer & knife concealed on Mr Smith's person. When the doorman brought them out he saw Mr Smith pass something to Mr Smith & he said so & I felt Mr Smith & felt something

in her breast & opened her dress
and found the knife and hammer
concealed inside of her dress.
Going up to her house she said
it was money her husband gave
her. I don't know whether Mr. or
Mrs. Smith stated at the Station -
House that ^{the defendant} Wagner struck them out
I know Mrs. Smith said that old
Mr. Wagner did.

Correct Transcript of evidence
in above examination
Wm. May 3/86

John Lynn
Stenographer

POOR QUALITY
ORIGINAL

0672

Police Court,

4 District.

City and County } ss.
of New York,

of No.

occupation

that on the

York, in the County of New York,

day of

188

at the City of New

Street, aged

years,

being duly sworn, deposes and says,

Patrick Smith
313 E 26th
Laborer
14th
April
one Edward Magner
(now here) did willfully unlawfully
maliciously and with the intent
to take the life and cause the death
of one David Magner, feloniously
strike said David Magner with
an instrument known as an
axe upon the head of said
David Magner thereby causing
the death of said David Magner.
as deponent is informed and
believes and as per Coroner's
Certificate attached

Patrick Smith
Sworn to before me
this 26th day of April 1886.

Andrew J. White
Police Justice

POOR QUALITY
ORIGINAL

0673

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, { ss

H District Police Court.

Edward Wagner 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.

E. Wagner

Taken before me this

day of May 1888

Police Justice.

POOR QUALITY
ORIGINAL

0674

BAILED,

No. 1, by _____
Residence _____ Street _____

No. 2, by _____
Residence _____ Street _____

No. 3, by _____
Residence _____ Street _____

No. 4, by _____
Residence _____ Street _____

Police Court District. 501641

THE PEOPLE, &c.,
IN THE COMPLAINT OF
Edward M. Smith
vs.
Edward M. Smith
Offence _____

Dated April 20 1888
Magistrate
Officer
Precinct
Witness
No. 511 E 13
Street
Jesse Smith
No. 711 E 13
Street
Harris H. Smith
No. 228 E 13
Street
No. _____
Street
to answer
E. M. Smith May 1st 11 A.M.

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 April 26 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.

POOR QUALITY
ORIGINAL

0675

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Magner

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

Edward Magner,

of the CRIME OF Murder in the first degree,

committed as follows:

The said Edward Magner,

late of the Twenty first Ward of the City of New York, in the County of New York aforesaid, on the fourth day of April, in the year of our Lord one thousand eight hundred and eighty six, at the Ward, City and County aforesaid, with force and arms, in and upon one David Magner, then and there being, wilfully, feloniously, and of his malice aforethought, did make an assault, and from the said David Magner, with a certain awe which he the said Edward Magner in his right hand then and there had and held, in and upon the head of him the said David Magner, then and there wilfully, feloniously and of his malice aforethought, did strike, cut, wound and fracture, giving into him the said David Magner,

then and there, with the one above said,
in and upon the head of him the
said David Wagner, one mortal wound
and fracture, of the length of six inches
and of the breadth of four inches, of
which said mortal wound and fracture
he the said David Wagner, at the
City and County of Dorset, from the
said fourth day of April, in the year
above said, until the twelfth day of
April, in the same year above said, did
suffer, and languished, and did live,
on which said twelfth day of April,
in the year above said, he the said
David Wagner, at the City and County
above said, of the said mortal wound
and fracture, did die.

And so the Grand Jury above said
do say, that the said Edward Wagner,
him the said David Wagner, in
manner and form and by the means
above said, with fully felonious and
his malice aforethought, did kill
and murder, 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.

David P. Moline,
District Attorney

0677

BOX:

219

FOLDER:

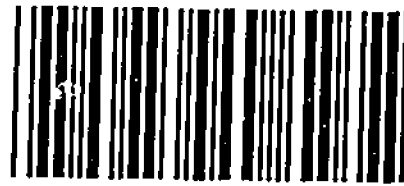
2160

DESCRIPTION:

Magrath, George S.

DATE:

05/03/86



2160

Witnesses:

Richard J. Herbert

The Compt. recommends clemency herein and among other things bases the recommendation upon the fact that deft. has furnished testimony to assist in the conviction of a former confederate. The deft. belongs to a good family and has made much restitution as is in his power. I think no conviction should be asked for herein and I recommend that within indictment be dismissed and that trial be discharged. March 9, 1887

Randolph B. Martine
Dist. Atty.

THE PEOPLE

vs.

B

George S. Magrath

Grand Larceny, 2nd degree
[Sections 528, 531 Penal Code]

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Attest: *Wm. B. Clapp*

Foreman.

Indictment dismissed

Counsel,

Filed

day of

1886

pleads

Magrath (4)

Wm. B. Clapp

10 Henry

POOR QUALITY
ORIGINAL

0679

STENOGRAPHER'S MINUTES.

J. J. J.
District Police Court.

THE PEOPLE &c. IN COMPLAINT OF

Richard J. Sherwood

vs.

George S. Magrath

BEFORE HON.

Jacob Patterson

POLICE JUSTICE.

February 18th 1886

APPEARANCES:

For the People,

W. Murray

For the Defence,

W. J. J.

188

INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Richard J. Sherwood
Joseph S. Muir
George S. Magrath

David C. Setman

Official Stenographer.

This Petition
Police Court

The People on the
Complaint of
Richard J. Herndon
against
George S. Magrath

Grand Jurors
Before Hon
Jacob M. Patterson
Peace Justice
18th
February 1886

Appears
William E. Duff. for the defendant.
James C. Murray for the complainant.
The complainant being duly sworn
deposes that says was examined on his
affidavit.

Q. Where do you reside?
A. 103 West 5th St. St. Louis

Q. And where are you now residing?
A. 26 Madison Ave.

Q. How long have you known the prisoner
Magrath?

A. Eight or ten years I should imagine.

Q. When did you first commence to do
business with him?

A I think I had a transaction with him
many years ago, when he was in
the occupation of Edward Smith.

Q And you have continued to do business
with him right along?

A He stopped a while and then
when the case was ended I commenced
again.

Q How long did that continue?

A I may say from the right of November
1854 as far as I can remember to June
85.

Q How much business during that time
have you done with him?

A That I can only look forward referring
to my books.

Q From the time you first commenced to
do business with him down to June
85 were the transactions daily, regularly
continuously?

A I don't know how to answer that.

Q Did you do business with him con-
tinuously let him have goods?

A Yes sir occasionally

Q. What was the value of the goods that you let him have, approximately?

A. Those goods that I gave him in exchange and which I think amount to about \$1500 dollars.

Q. Did you let him demand any other things that he was entitled to?

A. I let him demand the goods.

Q. What was the value of those goods that you returned him?

A. He gave receipts to me and I gave him notes. Now they were unsatisfied & think those notes amounted to us the right instead of \$1000 hundred dollars.

Q. Now how did you do business with Mr. Magawick from the beginning, state the first transaction from the time you commenced?

A. He came to me and I gave him various goods, I gave him these goods and he would either return them, saying that he had sold them or that he would keep them and use them and make an amicable settlement by way of my

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Q. according to the former time

Q. My land was and you continued to do
business that was until June?

A. Up and all up to June as far as my
business with some was.

Q. And up to that time you continued to give
your notes for a short time after June
month.

A. Up and after that, I don't doubt
some of the notes.

Q. When you received the last note of yours
from him?

A. There are ideas that it was for fifty
dollars, I think it was about
June 1881. I am not sure.

Q. Did you also on account of your books
with the Magrath in relation to the
taking of such goods as he might
take from you?

A. I cannot say. But I did open an account.

Q. Did you or did you not keep an account
of the transactions of the Magrath?

A. I had no running account with the
Magrath.

Q. How you that book present with you?
A. I have you see.

Q. Will you give it to me?
A. Yes.

Q. In what way the last was given to you
in June?

A. As far as I am concerned it was for a
dead and buried.

Q. Did you get a letter from him to
show the goods, every piece of goods a
journal that you delivered to him during
his transaction with you?

A. I never saw him until he died. I
saw him once or twice in his life and
understandings, they were in a
manner.

Q. What document was in your possession?

A. I mean by that that the title of the
goods are with me. But now when
they are at my command, and they
should be returned to me at any
time on demand unless the value
for them was handed to me for
them.

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Q Now you gave him permission to sell those goods if he could, and return to you the money?

A He had permission to return the goods on the money for the goods to come.

Q And you would you not give him permission to sell the goods that you delivered to him?

A He had the goods for the purpose of getting them?

Q Now you gave him permission to sell them?

A He had them to sell and if he sold them he had to return to you the value of the money. I accepted his note in settlement for it.

Q And you continued to accept his note down to June 1885 on all accounts?

A Yes all accounts or paper you would pay?

Q Now where did you let him have the two diamond studs in question?

A Those on the 25th of April

Q For what purpose did you let him

9.

Wolfe told me that he had a customer for them.

Q. In what persons did you let him have them?

A. That he had a number of persons.

Q. For the purpose of selling them to his customers?

A. Yes, sir.

Q. Did you give him permission to sell these stones when you delivered them to him?

A. I can describe it in no other way than the object was for him to sell them, and in the event of his selling them he was to receive the money by giving me the money, or if not he was to return the goods to me. We had some subject matter to which reference I was to make with him, they were at any demand to be returned to me, on account of being on memorandum.

Q. You have given Mrs Wolfe the privilege of selling these stones to any body

that he may fit?

A. I gave him my privileges as usual, in the
market.

Q. He was willing to return the two stories
to you on the market?

A. Yes, sir.

Q. Then you did give him the right to
sell them.

A. He had them for the purpose of selling them
and returning to me the money, and if he
didn't sell them he was to return the
goods.

Q. Did you give him the right to sell those
goods to any customer that he might
find?

A. I gave them to him for the purpose of
selling them to his customer.

Q. Will you show me the memorandum
you made in your book in relation
to those plates?

A. Yes, sir. William Shering a memorandum
on the 11th of June 1880. 100. 100. 100. 100.
100. 100. 100. 100. 100. 100. 100. 100. 100. 100.
100. 100. 100. 100. 100. 100. 100. 100. 100. 100.

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3rd of April again, 1899. the stone weigh
ing 1.8 lbs. one human and fifty (\$160.00)
dollars.

Q. Is that the only entry you have in your
book of account in relation to these
two stones?

A. Yes sir I have copied it into my pocket
in memorandum book.

Q. Are there two memorandums the only
entries you have in your book in
relation to these two stones?

A. Except the copies in the memorandum
book.

Q. How you let him have the two stones?
A. Yes sir

Q. After you let him have the two stones
when did you next have a conversation
with him in relation to these
two stones?

A. After he had obtained other goods,
memorandum I don't know the date
after I became suspicious

Q. How long after Mr Magrath received these
stones did he communicate with you in

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relation to them?

A One or two weeks, I cannot be sure of it.

Q That you are sure of?

A He had goods on memorandum and returned them, and I was expecting that anything was wrong would come to a settlement with him, sometimes he returned the goods. And if he said then I would make the terms. If he didn't get cash for them the arrangement would have to be made with me. I still had the title in the goods. I didn't part with my title in the property.

Q Did you involve the car, but you still he paid the two stones?

A No, he didn't.

Q When you asked him in relation to those two stones what did he say?

A He invariably said that he was likely to receive a reply or that he was about to receive a reply.

Q What did you say to him?

A Simply very well or something of that kind.

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Q Will you please state to me now, did you
be had sold those two steers?

A I will please.

Q After Mr Magrath had received those two
steers, did you let him have other goods?

A I do.

Q For how long?

A 9th of May.

Q Was that the last transaction you had
with Mr Magrath?

A No sir, there was a later sale made to
him.

Q When was it?

A In a note for which we arrived at a
settlement; I have this note unsatisfied.

Q Then for the goods you allowed Mr Magrath
to take you accepted his note in payment
therefore.

A Not at all.

Q For what purpose did you take his notes?

A When we arrived at a settlement I felt
satisfied with the transaction.

Q When was the last settlement you had
with Mr Magrath?

A I have not seen the name in the
last settlement.

Q Did you ever give out goods for your
Malpate when collecting security for
the debt you had against him for goods
or for the goods you had in his care
as merchandise?

A No, the goods I gave him you see, were
just what he needed and wanted.

Q What was that collection you speak of?

A It was what he wanted to be a fraudulent
assignment.

Q What was it?

A A claim against Malpate for his being
a prisoner, for an outfit for him
&c.

Q What was the amount of that collection
security?

A It was right about of \$15 or 14 hundred
dollars.

Q Had you received that assignment of the
Mr Malpate had those goods, those
two stores?

A Yes Sir decidedly.

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Q Since Mr. Malpate has been shown this
piece of paper, have you any money on
account?

A I have nothing on account on account of
his accounts being settled.

Q What was the amount that Mr. Malpate
paid you?

A Over three hundred, I think twenty five
dollars worth.

Q Tell us that and tell us if that is your
receipt or not?

A I believe that is my receipt; that is
for unpaid notes.

Papers offered in evidence and
marked Defendants Exhibit one;
Admitted by the Court.

Q Is that your signature (showing witness
a paper)?

A That is my signature and it is relevant
to the unpaid notes, and as to
the unincumbered accounts.

Q Show me a copy of the assignment that Mr.
Malpate made to you in the original
assignment?

A My solicitor has asked, I have not yet got it
it

Q Was that assignment to cover all the in-
debtedness of Mrs Walpole to you?
A No, not at all.

Q After you had received that assignment
did you ever see Walpole to return the
money?

A He did not come to me but to Mr. W.

Q What did you find out him to return
the money for the assignment?

A I don't remember the date but I went to
him in London.

Q And it was in July?

A It must have been in July, I cannot
remember exactly.

Q What did you say to him when you
went to him?

A I demanded the return of the money and
my goods.

Q What did he say?

A He made some excuses as he usually
did.

Q When was the next time you went

To him after July 2.

A I cannot remember the exact dates on
his several letters for the same occasion
given.

Q Did you not have a settlement with Mrs
Wolfe after the month of July covering
an indebtedness in regard to you and
him?

A I set eyes to the settlement, that relates
to the notes that he gave in a case and
that were unpaid's part.

Q That you did not authorize Mrs Murray
your attorney to make a settlement of
the claim you had against Wolfe
and what was included there two
demanded there?

A I do not.

Q And you do not have your name authorized
your attorney Mrs Murray to make
such a settlement?

A I do so as can

Q That you did not authorize him?

A Decidedly

Q Have you not received money on

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accounts of the whole indebtedness
of Mr Malguth & did you since the
first day of September 1885?

A In notes only and never anything else.
Q How much money has your account since
the first of September 1885 from Mr
Malguth?

A The amount of that account will
answer, it should be within
one hundred dollars.

Q When Mr Malguth paid to you any
money did he notify you by notes
upon what accounts he desired it
paid?

A For uncollected notes always.

Q Such as that called by you "receiving
note"?

A Yes Sir.

Letter offered in evidence and marked
Defendants Exhibit B. Admitted by the
Court.

Q Did Mr Malguth ever say to you that
when he paid you any money that
he desired to pay it on the notes that

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you know?

A He came here expecting to get the notes
of the bank in exchange for the money and
you anything, he didn't and you a
certain amount for the note you had
against him.

A I don't remember he was here any-
thing else, he was in a meeting but
not with me.

Q Now you tell us as near as you can
what you saw the conversation you
had with Mr. Wright when you
saw him here the two times?

A I remember one specific conversation
Q Now you tell him here the two times
upon the same place that you and he
had been doing business together before.
A To me or not, yes.

Q What he received goods from you before
and settled with you by note that
was all right was it not?

A No it was all wrong, he didn't settle
by the notes.

Q You took the notes in that fashion?

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didn't you?

Ayes Sir they were numerous.

Q And then you had given him those two plots?

A I don't understand your question.

Q After you had given him those two plots you had taken his note in settlement for all the goods you had him have, for water in June?

A Yes Sir.

Q And then he had sold away goods that he obtained from you when he paid you for the money, did you or did you not accept a note for the balance?

A I might have done so, possibly.

Q Was it not a fact that you have taken a note from him for the whole amount of my goods that you had him have?

A Yes Sir when I sold them to him.

Q How long have you been in this country?

A 12 years.

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Q How you are gone ^{an} under ^{an} other name
than Herbert?

Answer

Q What was your name on the other side
of the water?

A Herbert Richard Jacobs.

Q How long have you gone by the name
of Herbert?

A I have gone by that name as long as I live.
My certificate is used until I can
produce at any time that it is
necessary.

Q Why have you been named changed
by account of the regulations of this
country?

A That it was changed in Europe.

Q Have you always gone by the name
of Jacobs in this country?

Answer

Q Have you always gone by the name
of Herbert in this country?

Answer

Q What made you change your name?

A It was prior to my being married to

the body buried, the body buried
objected to the name of Jacob.

Q Did he ever change the name
by what name?

A Yes, we used in the early

Q When did you first receive these two
pieces from Mr. Magrath?

A I do not think we ever heard the
name of Jacob, I do not remember
the date of the arrival before I had
been arrested.

Q What did he say to you?

A I don't remember. With Mr. Murray
he said he had no recollection of
you, so he had received instructions from
his counsel not to say anything but
to leave it all to him to say.

Q When you received these two stones to
Mr. Magrath, you say there was no
particular conversation in relation
to them between you and he?

A I don't remember anything unless
you repeat my memory. They were
given to him on memorandum subject.

to my case.

Q Did you give him permission to see those
two stones to anybody that he might
find?

A He had a right to see them subject to
my permission.

Q Then do you mean to tell me that
before Mr. Montgomery could see a stone
he was obliged to come to you and
tell you who his customer was and
how much he was to get for it?

A Those stones were given to him for ten
hundred dollars, five dollars. And if
he sold those stones he had to bring
me that money for them.

Q Was it necessary for Mr. Montgomery to
tell you who he was going to see them
to?

A Except for cash he had to come to me
unless he came to me with the cash.
He had to get my permission.

Q If he got the cash for them he had the
right to sell them to whoever he saw fit.

A Provided he handed me the money.

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Q Did you first order him to hand you the money before he saw the stones?

A That is not likely.

Q Did he have the right to sell the stones before he gave you the money?

A He had the right absolutely, yes.

Q And if he got the money he was to bring it to you?

A Indeed we agreed to some other settlement.

Q And if you agreed to some other settlement he was not obliged to give you all the money?

A He would settle it by note or cash.

Q He had the right to do that, you gave him that right?

A He had no right to sell those stones unless he was to bring some the cash, or I agreed to some other settlement.

Q Were all your transactions with McFarlane memorandum transactions?

A Not always.

Q Was it the general rule that they were such transactions?

A Most of them were.

Q. What would he say to you when he
came to get the goods.

A. He would say that he had sent and sent
a written for sent and sent goods
and that he would take them as evidence
and then. And if he said that we would
make a settlement, either in cash or I
would take his notes.

Q. Were any other connections of the goods remaining
your property?

A. Yes.

Q. Was Magrath when he was selling goods
for you, selling on your name, acting
as a servant for you?

A. It was the distinct understanding that
those goods were my property, unless
I executed his notes in settlement.

Q. You gave him those two notes and
written mandamus?

A. I did.

Q. Did he ever tell you they were sold?

A. No never.

Q. Did he not tell you at the time you
saw his father in law they were sold?

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at the store?

A. I forgot them.

Q. What is your best recollection?

A. I think he said reply that he wanted to
in a way that he had in a memorandum
goods.

Q. After he got those goods did you record
the return of them from him otherwise
than a receipt demand?

A. By none.

Q. Did you send your agent for them?

A. Yes sir. But he said he wanted his own
man to go about them.

Q. Was that the first time he refused to
acknowledge those as memorandum
goods?

Reverend Communication

A. Upon my writing him with your
recommending the complaints (usually)

Q. That was in October was it not?

A. About that time certainly it was.

Q. You frequently wrote to him during
during those goods?

A. Frequently.

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Q Did you ever demand of him the names
of the parties to whom he had given the
goods?

A Yes Sir

Q What did he say?

A On one occasion he told me he would
consider it, and afterwards he would
write to me to let me know the names
of them.

Q Did you remember any particular date
when he promised to return these
goods in any one week? These particular
goods?

A Yes Sir on the 8th of July he promised
that the two stores at \$295 each hundred
and variety five dollars should be
returned this week.

Q Did you demand the return of these two
stores after that?

A Frequently.

Q He did not return them that week?

A He did not.

Q Do you remember writing him a letter

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on the 30th of June about those two stores
Assigns

Q And you then demand the goods to be
returned after that?

A I did.

Q Have you remembered the date of the assign-
ment that was spoken of?

A I have slight recollection it was some
where in July.

Q Was it before July?

A I am not sure about that.

Q What was that assignment for?

A It was to satisfy the unpaid notes

Q Was it solely for that?

A Purely.

Q Now by that assignment you simply
agreed to for bear suit against those
notes?

A Yes as Mr. Shipp's letters will show.

Q Did you ever enter into an agreement
with Messrs McGrath & Shipp about those
undrawn goods?

A Not at all except through you
Q Was there any arrangement for a

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Settlement made?

A There were settlements made.

Q Did you ever get security for those mules and deer goods?

A Never.

Q When Mr. Weygall arrived, you said you could get no deer or mules. He says as a general rule that he wanted them to make his customers?

A Generally.

Q Did you let him have them for the purpose of showing them to his customers?

A I did.

Q What name was the title of those goods to remain?

A Always in the owner's name.

Q Did he have any interest in the goods at the time you gave them to him?

A None whatever.

Q For what price was he authorized to sell them?

A In some stipulated price.

Q Could he sell them below that

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A Certainly not.

Q Could he sell them for a note?

A Not without my sanction, the understanding was that he was not to sell them for other than cash.

Q He could not sell them except for cash?

A Unless he came to me and I agreed to it.

Q Did you take notes for these particular goods, in this particular case?

A Yes.

Q Did he ever offer you notes for these stones?

A Yes; he did for others but not for these.

Q Whose property was the money that he would receive on the sale of the "stones"?

A My property.

Q Did he ever refuse to return them until this occasion in October?

A Yes; he was always going to return them.

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A Certainly not.

Q Could he sell them for a note?

A Not without any sanction, the understanding was that he was not to sell them for other than cash.

Q He could not sell them right for cash?

A Unless he came to me and I agreed to it.

Q Did you take notes for these particular goods, in this particular case?

A Yes.

Q Did you take notes for these plates?

A Yes. He did for others but not for these.

Q whose property was the money that he would receive on the sale of the plates?

A My property.

Q Did he never refuse to return the notes this occasion in October?

A No. He was always going to return them.

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Re-examination

Q Did you or did you not state to Mrs
Malgrath when he assigned to you all
of his estate, that that was not suf-
ficient to ensure you full income?

Answer

Q Did you ever write to him?

A Relative to the matter.

Q How do you say you did not say that?

A Only relative to the matter.

Q Now you say you never wrote that to him?

A I said I did write to him it was relative
to the matter.

Q Is that your signature (showing witness
a paper)?

A Yes that is mine

Paper shown in evidence An admitted
copy of the Court and the other Depositions
Exhibit it.

Q When was the first time Mr Malgrath
stated to you that he did not have any
money or other goods?

A I said you that already.

Q Did he state that to you personally?

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Ayosai in the presence of my sister
Resident Commissioner

Q Now at that time Exhibit 4 and state
what that letter refers to? what is the
last clause in that letter?

A It refers to the assignment of the train
that, it is in reference to the unloading
first note at which time Lasso saw
and the return of the goods.

Q I am the assignment of the train that
was previously referred to, which was
previously in reference to the unloading
note?

A Yes Sir

Q Did you ever demand the return of the
goods after that letter?

A Yes Sir I did of the merchandise goods

Q And you never considered that assignment
relating to the merchandise goods
at all?

A Never at all Sir

Q Did you ever understand that Magness
understood it so?

A I never did

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Q Did he ever tell you until I went over
there with you about this assignment
referred to the memorandum goods?
A Never

Re-examination

Q Mr Magrath had the right to see these
goods for two dollars didn't he as long
as you got the (29.50) two hundred and
ninety five, he had the right to see
them for any thing he liked didn't he?
A Certainly not.

Q For what price did he have the right
to see them?

A The price given in the memorandum

Q How much was that in this case?
A (\$29.50) dollars.

Q And he had a right to see them for two
hundred and ninety five dollars did
he?

Answer

I now to before me
this 19th day of February 1886

R. H. Herbert.

J. M. Patterson }
Justice

Joseph B. Mann being called as
a witness for the people being duly
sworn & sworn that says
By the Court

Q. where do you reside?
A. 33 West 31st Street

Q. what is your age?
A. 19 years

Q. what is your business?
A. Office boy.
Louis Examination

Q. were you ever present at the Court where you
the goods to Mr. McGrath on memorial
duress?

A. Yes Sir

Q. Do you remember any thing particular about
the two stones that he gave him?
A. I don't recollect.

Q. Did you ever demand the return of the
two stones from Mr. McGrath?

A. Yes Sir. He has sent me for them
to his office.

Q. where was his office?
A. 33 Liberty Street.

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Q What did he say when you demanded
the return of the goods?

A He said I will come up and see Mr. Herbert
about our clock.

Q He was said to deliver for any goods
or merchandise?

A Yes, to make.

Q Did he ever refuse to return them?

A Oh no he never said that; he said
he would.

Q He invariably made some excuse?
Answer:

Q How many times did you go up to
see Mr. Malgroth about the stores?

A That I cannot say.

Q When was the last time you went
there?

A That I cannot say, I went there so
often and he had given up the
office.

Q Did you go to Burns again saloon on
E Avenue?

A Yes I went up there but he was not
there.

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Q That was in the month of June was
it not?

A I cannot say exactly.

Q But you heard that it was between
April and June that you went to see
him in Liberty street?

A Yes Sir.

Q And he never claimed that they
were not emancipated slaves?

A Yes Sir.

I remain to before me } Joseph P. Meurer
this 18th day of February 1856 }

Peace Justice.

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George S McGloth the defendant
has a duty upon expenses. My copy in
his own book.
Next Examination.

Q when did you come over to deal with
Mr. Herbert?

A 1880.

Q what was your first transaction with
him?

A I bought a gold ring from him.

Q when did you next have a transaction
with him?

A In 1882.

Q what was that transaction?

A We bought two hundred dollars
worth of jewelry from him. In other
words it was a loan.

Q when was the next transaction after
that with him?

A That was in September 1882.

Q was that when you commenced to
deal with him regularly for your
self?

A Yes Sir.

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Q. And is it your business to sell for
Jesse?

A. Yes.

Q. Please state what time and on
what day he allowed you to take goods
and sell for him?

A. I was up there and I had some sewing
machines I wanted to sell ~~there~~ and
he had some furniture that he wanted me to
be paid for and he let me sell them and I
paid some of them and gave him some
back.

Q. But the Sheriff never gave you any
other instructions relating to the
goods he let you have at that time?
A. Yes.

Q. Did you sell at that time give you
the right to sell and dispose of those
goods to such customers as you
might find or find?

A. At the time he gave them to me he
just said to take them and see what I
could do with them.

Q. How long ago was that?
A. June 1885.

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Q. To the time you commenced to do business with him up to June 1880 did you do business with him with full understanding?

A. That was my understanding.

Q. How would you say for the goods you took from him in case you knew a sale?

A. He brought them back and did not sell them. It was all right to look them over if I did see them on June 1880. credit. I would give him a note for any arrangement he might make. If I saw them for cash, I get the cash.

Q. Have you given him any note for goods that you took on memorandum?

A. Yes Sir.

Q. Did you ever get any other goods from him except on memorandum?

A. Yes Sir no other way.

Q. Are all the goods that you ever received from Mr. Herbert the same way as you received the two last stones

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Answered

Q Did you find you met, seeing these two
places on the same mountain?

A If the other genus were a common
stone.

Q Now the way of these two stones
a series and a part of the transition
you had with this?

Answered

Q Can you tell me, would you
be satisfied from this, after you saw
the two stones?

A Can I understand a stone

Q Up to it time you reached these in
stone did you see any other
such like?

A No regular settlement.

Q Now these two stones were not by you
in the general manner of your
wife with this?

Answered

Q How did you understand that you
reached these two stones that you were
from the other?

A To see them and do the best I could with
them. My idea was to give them some
money.

Q Did you not give them any specific
instructions or instructions and a letter
to show them to the store?

A Yes sir.

Q Did you tell them that you would not
see them unless they got out for
them?

A Yes sir.

Q Did you tell them that you would not see
them unless they got out for them?
Did you tell them that you would not see
them unless they got out for them?
Did you tell them that you would not see
them unless they got out for them?

A Yes sir.

Q After you had received those two stores
from him, did you receive other goods
for which you had given him notes
or payment?

A Yes sir.

Q When was the last time you gave them
A June 1885.

410

Q. That is after you received those two
notes?

A. Yes.

Q. And after you had received those two
notes did you get the statement from a
partner and?

A. Yes.

Q. After you had received that
statement when did you get it?

A. I don't know when it was made or
given.
Q. About that statement have you
told me to what has been paid
with the money that I have been
paid? I thought he would not get it
out to me and come to me. I told
him the only thing I had was the
claim.

Q. And did you make that assignment
to him?

A. Yes.

Q. And what did that assignment cover?

A. It covered everything.

Q. And was present when that assignment
was made?

41.

A Mr Adams.

Q What was said between you and the boy
at the time the settlement was made
A He was satisfied with it. He took it
Q Was any thing paid in relation to the
memorandum goods that you had
at that time?

A I paid twenty eight or thirty nine hun-
dred dollars. I must be about right.
Q We said that. How and where
will you say that?

Q How much did you make the assign-
ment to him for?

A \$2900. so far.

Q How much more you indicated to
him at the time?

A 29 hundred and some odd dollars

Q After the time you received these
two times did you pay him any
money on account?

A Yes sir

Q How did you pay him any money?
A I sent check and sent cash.

Q And for what purpose did you send?

42

to him?

A So you have the difference that I owed him
on this claim of twenty nine hundred
dollars.

Q And it paid on the account and was
accounted on an account of those notes?

A An account of every thing.

Q But you did not authorize him
to make a settlement of this claim
for you?

A Yes, Sir.

Q And did that settlement cover all the
goods I owed him as between you and
him, is that right?

A Yes, Sir.

Q Now you sold those two stones?

A Yes, Sir.

Q And you told Mr. Beckett that you had
sold those two stones?

A Yes I stopped Sir then for a few days
afterwards, I told him I had a chance
to sell them but he said go on and
sell them and get ^{all} the cash I owed
and if not to sell them anyway.

43

And a few days after we were detained in
the town and we were storm and could
not go any farther and so had to
take a mate.

Q Did you think at that time you were
doing business with him just as
you were before?
Answer

Q Was it a mistake for you to give him
a mate?

Answer

Cross Examination

Q When did you say was the first time as
time?
A 1880.

Q What for?

A For a diamond ring?

Q Was it for your wife personally?
Answer

Q When you were with the firm then?
Answer

Q When did you enter the firm of Oester
Miller & Co? When would that

Q When did you get those antique

1/4

Ques?

A September 1880

Q Were you then doing business as you
own account?

A Yes sir

Q Where was your office?

A I had an office at 111

Q Where did you live?

A 105 South Second Street Brooklyn

Q How did you get these goods?

A He gave them to me

Q How did he come to give them to
you?

A I saw him there showing him some
diamond mountings. He showed me
them as being for sale to me and
not sell them and may be he asked
me to sell them to some retail store.

Q Where did you get the diamond
mountings from?

A Anybody, some from John Hobbins
and Co. and John Loder.

Q Did you get these goods from Mr
Hobbs on memorandum?

31.57.

Q She told me to take them they try to sell
them.

Q Do you see that to said?

Answer:

Q What did you understand that you
were to do with them?

A Sell them.

Q Any particular prices?

A She gave me prices and I asked a little
for anything over them.

Q Why did he give you prices?

A He wanted the goods at so much.

Q Was he expect to get that amount for
them & you were to bring him that
amount anyway?

A Yes sir.

Q Did you give notes for these goods
afterwards?

A Yes sir.

Q Are those notes paid?
He paid up them.

Q And they were all given for goods?
Answer:

Q When did you next get goods after that?

A Right straight along, probably inside day
of what were they?

A Reimburse, ten or three hundred dollars
worth.

Q How many?

A Maybe there was one and maybe a dozen
I don't know, some days, in one of the
some days there were all a dozen.

Q What would you do with these goods?

A Sell them or bring them back.

Q Why didn't you bring them back?

A Because I could not see them.

Q Why didn't you want to sell them for
anything?

A I didn't want to

Q Why didn't you want to?

A Because I could not pay my debt
if I was buying that way.

Q You don't remember the next trans-
action after that?

A Yes I bought a bill after that, I got

goods after that, I don't remember when

Q How much was the full amount
of the transactions you had with him

49.

A Son than and dollars.

I will you know that every day you get
goods from Mr. Herbert.

A Every day or two

I will you know it was every day in
the house.

A Yes sir but sometimes every other day.

I did you always when the goods
you could not see.

I have remembered getting goods from
Mr. Herbert on the 9th of December.

A Yes sir

I on the 30th of December.

I have remembered getting goods from him
on the 30th of December.

A I don't remember any dates I got them
every day.

I under what agreement were you to get
those goods?

A I saw them but not them if I got such

I did you make any arrangements with
him before you saw your customer?

48.

Ayea si

Q I was always after you saw your customer
that you would make arrangements with
him?

Ayea si

Q Did Mr. Herbert ever take your order from
you before you had sold your customer
Ayea si

Q On what particular transaction was it?
A I don't remember ever. I never buy
goods right there from him. We give
him my note.

Q Did you ever give Mr. Herbert any note
for the goods in this case?
Ayea si

By the Court.

Q What did you do with the goods in
this case?

A Sold them.

Q What did you do with the money?
A I used it.

Q Then you appropriated this man's money
to your own use?

A Yes si I used that money to pay some

49.

of the notes that I gave him.

Q What notes did you pay him?

A I have paid him seven or eight notes.

Q What was the amount of those notes?

A I don't know (I don't about) four thousand dollars worth of business with him.

Re Direct Examination

Q Subsequent to the time you received those two stones in question did you have any other dealings with him?

Answer

Q How many dealings have you had with him?

A Half a dozen.

Q Were they all on the same account?

Answer

Q Did you ever give him any notes in settlement after you received the two stones?

Answer

Q When was the last note you gave him?

A Latter part of June.

By the Court.

50.

Q you say you paid the two demands?
Answer:

Q And received the money?
Answer:

Q And you used it?
Answer:

Q Appropriated it to your own use?
Answer:

Q About the money you said him didn't include these two demands?

A I was paid on the notes.

Q Has he accepted any note in payment of these two demands, any particular note?

Answer:

Objection

Q How much money have you paid to Mr. Sherbest since you received the two demands?

A I don't remember

Q Have you paid him any money?
Answer:

Q What did you pay him the money for?
A Other notes that became due.

57

Q Did you pay him other moneys on account
of those two demands?

A Yes sir

Q How much?

A \$125 dollars.

By the Court.

Q On account of those two demands?

A On account of every thing.

I went to before court
the 18th day of February 1886 } Geo. J. Maggall

J. W. Patterson

Police Justice

The further hearing of this case
was then adjourned to February 20th
3. P.M.

February 2. 5th 1885

Examination Recrossed And the defendant

George A. Magrath Recrossed.

By the Court.

Q Did you pay any money on these
two diamonds in question?

A Yes sir.

Q How much did you pay?

A One hundred and twenty five (\$125.00) dollars.

Q Who did you pay it to?

A Part of it to Mr. Herbert, and part of it
to Mr. Smith my lawyer here.

Q Did you pay it in cash?

A Cash and check.

Q On these two particular stones?

A Yes sir.

Q And he understood when he received the
money that it was on these two particular
stones?

A I didn't owe him anything else.

Q You owed him for unsold notes?

A Yes sir.

Q And you didn't pay him, did you?

Q You told me the other day that you paid the money on the notes, and not on the diamonds?

A I don't understand you.

Q You want to have it connected this way that you didn't pay the money on the notes, but you did on the diamonds. Answer.

Q Did you get any receipts for it?

A Yes sir this is one of them. that you have there (referring to a receipt)?

Q Now the money the last money was paid on the two diamonds?

A No sir it doesn't state that.

Q Show me any receipt that you got that does show that?

A I don't see any of the receipts that do show that.

I swear to before me

this 25th day of February 1886

Geo. S. Maynard

Wm. Patterson, Police Justice

The further hearing was adjourned to
March

Whereas George S. Magrath
of the City of Brooklyn County of
Kings and State of New York
are justly indebted to Richard S.
Herbert of the City County and
State of New York, amounting now
to about \$3,000 - and whereas
the said City of Brooklyn is now
justly indebted to me for services
as fireman for three years amounting
to \$3,000 with interest -

Now therefore in consideration of
forbearance of the said Herbert for
the time being, which may however
be terminated by him at any
time, and of one dollar true
in hand paid receipt of which
is hereby acknowledged, and
for the purpose of securing to
said Herbert the payment of
my said indebtedness to him, I
do hereby sell assign transfer
and set over to the said Herbert
my said claim against the
said City as aforesaid. hereby
constituting and appointing him
my true and lawful attorney in
my place and stead, but in
my name if he shall so elect

to act, demand, receive, and
give a quitittance for the said
claim as fully and completely
as myself could be if person-
ally present and this assignment
had not been made.

It is understood nevertheless
that this assignment and authoriza-
tion is subject to the right and
claim of B. Valentine Esq to
receive one half of the amount
collected from said City for
services rendered in the col-
lection of the same according
to contract with him; and
also to a claim of \$200.00 -
in favor of one Steed -

Witness my hand and seal
this Eleventh day of July A.D.
1885

Geo. S. Hegnath

~~Witness~~

John P. Adams

POOR QUALITY
ORIGINAL

0736

George S. Magrath

— to —

Richard J. Herbert

Assignment of
Claims

of 1946

POOR QUALITY
ORIGINAL

0737

In Re
Geo. S. Magrath }

Offices of
WILLIAM E. ILIFF,
Attorney & Counselor at Law,
150 Broadway,
New York.

November 17th 1885

James C. Murray Esq

Dear Sir

Referring to the conversation we had on the 13th inst in relation to the above matter, I herewith submit to you the following proposition of settlement of R. J. Herbert's claim against George S. Magrath.

Magrath will pay to you \$75.00 on the 21st day of November and \$50.00 on the first day of each and every month thereafter untill the whole amount is paid

These amounts he is certain he can pay and I believe he will faithfully live up to it

Further Magrath feels reasonably certain that he will receive about \$750. on or about December 15th/85. which amount he will pay you in the event of his receiving it.

Also Magrath expects to get out of a matter now in my hands, enough money so that he can pay you about \$1000. on account which matter I believe will be consummated

**POOR QUALITY
ORIGINAL**

0738

Offices of
WILLIAM E. ILIFF,
Attorney & Counselor at Law,
150 Broadway,
New York.

188

between now and December 1st

The fact is Magrath wants to pay the claim and that as soon as he possibly can and as an evidence of his good faith he binds himself to pay the \$50,000 a month as a certainty.

Magrath is poor and this is the best he can do I believe he will carry it out and that you will get the whole claim within three months

The delay in sending this has been entirely my fault I have been so engaged for the past two days that it was simply impossible for me to write you. I trust you will excuse me.

Yours Respectfully

William E. Iliff

**POOR QUALITY
ORIGINAL**

0739

PE 5

Nov 13/50

Ship's Proprietor

POOR QUALITY
ORIGINAL

0740

New York, October 12th 1885

M. Geo. G. Magrath

From

R. J. HERBERT,

26 Maiden Lane, cor. Nassau St.

BROKER IN DIAMONDS.

Terms Cash.

6th on 7th of overdue notes

"Twenty five dollars" \$ 25⁰⁰

R. J. Herbert

Cheque. M. F. Haas
1st Natl Bank
Brooklyn N.Y.

POOR QUALITY
ORIGINAL

0741

pg 9

Brooklyn July 23/85.
Mr R. J. Herbert

Dr Sir.

I can
not see my party mother
this evening - I wish it
was all right

Yours respectfully
Geo S Magrath

See letter 167

**POOR QUALITY
ORIGINAL**

0742

Magrath
22 July 1955

POOR QUALITY
ORIGINAL

0743

De m
Magrath }

Offices of
WILLIAM E. ILIFF,
Attorney & Counselor at Law,
Continental Bank Building,
7 Nassau Street,
New York.

19th Decr

1885-

*Received from William E. Iliff
the sum of Twenty five ⁰⁰/₁₀₀ Dollars in
purchance of proposition of Nov 13th
James L. Murray.*

POOR QUALITY
ORIGINAL

0744

To Mr. Geo. S. Mc-rath. ^{Copy}
105 South 2nd St.
Brooklyn C.D.

From
R. J. Herbert!
26. Maiden Lane.
New York. August. 10th 1885

Dr Sir - Yours of 8th Inst. recd to day - please
send addresses of the holder of my memorandum
articles and I will try to get them returned -
in our last conversation you were going to
get the addresses for me

Awaiting further from you -

I am &c

R. J. Herbert

Do you not come to
the City any more?

PE411

**POOR QUALITY
ORIGINAL**

0745

*Herb
10 Aug 88*

POOR QUALITY
ORIGINAL

0746

JAMES C. MURRAY,
COUNSELOR AT LAW,
20 NASSAU STREET,
11 FINE ST.

Dear
Magrath

NEW YORK, 20th November 1885

William E. Slif Esq,
Dear Sir:

Your letter of the 17th inst
containing proposition in above
matter was received. I have
communicated the contents to
Mr Herbert and in reply would
state as follows: that Mr Herbert
is willing to accept the payments
proposed, but as was stated in
our conversation of the 13th inst
not as a settlement of his claim
and only upon the condition and
with the distinct understanding
that by his acceptance of the
money which may be paid by
Mr Magrath he does not thereby

waive or relinquish any right or
remedy against Mr Magrath: and
also that while Mr Herbert is in this
way ^{willing} to forbear action and give Mr
Magrath an opportunity, it is only
upon condition that his action in
so doing shall not be construed as in
any way an admission that Mr Magrath
had or now has the goods delivered
to him, otherwise than upon
memorandum. This as you
will remember was the gist of
our conversation of the 13th inst.

Trusting that the matter may
be thus arranged I remain

Yours truly
James C. Murray

Recd 4

POOR QUALITY
ORIGINAL

0747

JAMES C. MURRAY,
COUNSELOR AT LAW,
20 NASSAU STREET,
11 PINE ST.

In R. Magrath
Dec 4

NEW YORK, *2nd Dec* 188*5*

Received from William E.
Sliff Esq counsel for Geo S.
Magrath in above matter
cheque for \$25.00 under
proposition of 15th ult.

James C. Murray
T. H. Hafferty

POOR QUALITY
ORIGINAL

0748

pg 112

Relies on letter Aug 10 - 178

Brooklyn Aug 11/85
Mr R.J. Herkut
Dr Sir

Yours
received in reply would say
I think I can get you
in such a satisfactory man-
ner shortly that you will
not need any addresses.
I only ask you for a little
time and all will be
right you will get all
that belongs to you - I am
busy in Brooklyn at present
but expect to call on
you soon - Yours truly
Geo Magrath

**POOR QUALITY
ORIGINAL**

0749

Magrath
11 Aug 1885

POOR QUALITY
ORIGINAL

0750

\$25⁰⁰ New York 5th July 1886.
Received from William E
Stiff by cheque for Twentyfive
dollars in part purchase of
proposition
James C. Murray.

POOR QUALITY
ORIGINAL

0751

To Mr. Geo. S. McGrath
105 South 2nd St.
Brooklyn C. D.

Copy

From
R. J. Herbert!

26. Maiden Lane.

New York July 20th 1883

Dear Sir

Pls. 10

I received your postal card and would like to see you not later than Wednesday! I have some notes to meet 23rd Inst., and I can not put off payment as easily as you do - There is evidence sufficient now, that your "Memorandum Goods" are not all right - and I am more suspicious than ever! What of the 1 stone to be returned last week? Certain! and the note you said you held payable 13th July \$241? You had best give me full particulars & addresses of persons in whose hands these goods are and my solicitor can find whether it is a matter of swindling or if there is a probability of getting the goods back. I do not feel satisfied for affairs to rest in so unsatisfactory a state, you are too credulous - Awaiting reply

Yours truly

R. J. Herbert

**POOR QUALITY
ORIGINAL**

0752

*Herbert
30 July/80*

0753

CITY.

CITY.

675.00
485.00

485.00

3760

$\frac{250}{200}$
 $\frac{275}{200}$

10000

13 May —

221	}	2	Mid
243		3	"
242		4	"

160 } the water is the creek.
133 } 295-

by 20th the settled.

250	{	<u>573 -</u>
200		
118		

A. E. A. 1923

June	22	259	06
	30	187	50
July	6	173	35
	23	190	00
	26	123	80
	30	187	50
Aug	7	62	52
Sept	6	173	30

629. 91.

Refers to Letter 20 July
No 161

Species 1000. French. 1879.

**POOR QUALITY
ORIGINAL**

0754

memo 8 July/80

POOR QUALITY
ORIGINAL

0755

To
Mr. Geo. I. Magrath
105 South 2nd St.
Brooklyn, N.Y.

From
R. J. Herbert
26, Maiden Lane
New York, August 28, 1885

Sir,
I am hearing nothing from you,
nor have you called, as promised! -
I conclude that, your chances of deriving
any sufficient satisfaction for me, from
the people to whom you appear to have
given my goods, will not amount to
much; I have now sufficient proof in
the way Bough is doing, and presume the
Class is of the same, that you intend I
am to expect payment from - you must
please find me some better proof and
substantial evidence of my being paid
or getting the goods soon - the assignment
of claim I hold I don't feel at all
secure upon -
Awaiting reply
Yours truly

R. J. Herbert

**POOR QUALITY
ORIGINAL**

0756

Def 4x4

List of Sales to George S. Magrath.

1884 - Dec 9 th	1 pr brilliant	for \$210.00	Cash	115.90	paid
" - Dec 20 th	2 diam. drops	for 34.00			
	1 pr - drops	47.50			
	1 "	132.50			
1885 - Jan 30 th	11 1/2 carat small stones	for \$44.00	Cash		
" Feb 10	1 Brilliant & stud setting	\$56.75	note	100.00	paid
" Feb 21 st	w. scarf pin	for \$25.00	Cash		
" Feb 28 th	Diam. & drops & covers	\$325.00	note	200.00	paid
" March 10 th	1/2 diam. & drops	\$190.00	note	200.00	not paid
" March 11 th	To 12 brilliant	for \$189.00	note	200.00	paid
" March 19 th	To 3 Brilliant	for \$269.00	note	200.00	not paid
" March 24 th	To 1 Brilliant	for \$125.00	Cash		
" March 27 th	To a pair fine drops	for 375.00	note	200.00	not paid
" April 1 st	6 2 Brilliant & cross	for 520.00	note	200.00	not paid
" April 22 nd	8 studs & pair drops	\$143.80	note	200.00	not paid
" 4 June	1 Brilliant	\$62.50	note	200.00	not paid

List Memorandum Goods

1885 - 8 April	a pair diam. drops	for \$200.00
10 "	" " "	275.00
" 25 th	1 Brilliant	250.00
9 May	a pair " Drops	135.00
" " "	" " "	160.00
" " "	" " "	250.00
" " "	" " "	205.00
" " "	" " "	118.00
		\$1593

POOR QUALITY
ORIGINAL

0758

JAMES C. MURRAY,
COUNSELOR AT LAW,
29 WALL STREET,
11 Pine St.

In re ^{agst} The People

George S. Magrath

NEW YORK, 17th Sept. 1886

Hon Randolph B. Martine,
District Attorney.

Dear Sir:

As counsel for the complainant Mr R. J. Herbert in the above case I conducted the prosecution of the prisoner Magrath, who resides in Brooklyn, for the larceny of certain diamonds, and he was finally indicted and on May 11th 1886 held for trial. One of the witnesses for the People being about to leave the City I requested that the trial should be adjourned until September. That witness has now returned and everything is in readiness for the trial. As

the case is one of considerable importance to the wholesale diamond dealers in this City who have been victimized to a very large extent by the acts of the prisoner and men of his class and as they hope to prevent the repetition of these operations by the conviction of the leaders therein, I would respectfully request that, if possible, the above entitled case be called for trial and disposed of at the coming October term -

Respectfully Yours

James C. Murray,

Att. for Complainant.

POOR QUALITY
ORIGINAL

0759

To
Hon Randolph B. Martins
City

From
R. J. Herbert
26. Maiden Lane.
New York. November 30 1886

Re Magrath

Sir
As you suggested some time
since in the above case, that
if the deft were willing to give his
testimony, to assist in the conviction
of his former Confederates in crime,
and also to make such restitution as
was in his power, - I have perfected
the arrangements for such a result.
The defendant George A. Magrath
who was indicted for Grand Larceny in
second degree has already given his
testimony before Hon R. G. Duffy in
the preliminary examination of his former
Confederates whom I had arrested,
and it ought in my opinion to be
sufficient to secure a conviction -
Magrath has also made such
restitution as he was able to
make & I have accepted the same.
In view therefore of the evidence given
by Magrath and of the disgrace & ruin

POOR QUALITY
ORIGINAL

0760

To

From

R. J. Herbert?

26. Maiden Lane.

New York.

18

likely to result to himself & his wife & family from a sentence to State Prison & also of the fact that he has made such restitution as was in his power I would respectfully urge upon you that this is a case which should command itself to your merciful consideration & that his discharge would not in any way injure the interests of public justice but rather benefit & advance the same, & for that purpose I respectfully beg leave to withdraw my Complaint as to his crime, if it be necessary, and request that the indictment against the said George S. Magrath be dismissed, in furtherance of justice -

Remaining Sir

Most obediently

R. J. Herbert.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

George S. Maguire & L. J. Deeg.
Charles H. Deeg.

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 have known Defendant for a period of 8 years, and have had several business transactions with him personally and ^{directly} and everything straight and correct. He is respectably connected, and I am satisfied if permitted to withdraw my complaint and defendant is discharged it will be the means of saving him and his family from disgrace, and ruin. He is penitent and will make atonement and restitution.

I feel especially on account of defendant's family connections that this is a case wherein clemency might be properly exercised without any hindrance to public justice and earnestly desire that defendant be discharged.

Richard J. Herbert.

Nov. 13/86

0762

Affidavit—Larceny.

City and County }
of New York, } ss.
of No. 26 Maiden Lane Street, aged 47 years,
occupation Seaman and Broker being duly sworn
deposes and says, that on the 25th day of April 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz :

Two diamond stones of the
value of Two Hundred and
ninety - five Dollars

the property of

Exposure

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 George S. Magrath from the fact that on said date deponent gave to said George S. Magrath the said stones on memorandum to be returned to deponent on demand, or the value of said stones to be paid to deponent.

Wherefore the said defendant having failed to make any return for said stones, and having with held and appropriated the same to his own use deponent prays he be arrested and bound to answer the said complaint.

Depotens Foster

of South-western Italy

Robert Justice.

POOR QUALITY
ORIGINAL

0763

Says that on several other times, upon
glance to the said defend out does other
items together of the amount and
value of Twelve Hundred Dollars within
and appropriated the same to his own
use.

Sworn to before me
this 6th day of February ~~Richard~~ Herbert-
1886

Seal of the
Police Justice

Police Justice

**POOR QUALITY
ORIGINAL**

0764

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question What is your name?

Answer

George S. Magrath

Question. How old are you?

Answer

35 years of age

Question. Where were you born?

Answer.

Brooklyn, New York

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

Answer.

243 Broadway, Brooklyn, about a year

Question What is your business or profession?

Answer

Mechanic

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

Geo S. Magrath

Taken before me this

day of April

188 5

W. H. C. C. C.

Police Justice.

POOR QUALITY
ORIGINAL

0765

Sec. 151.

1st District Police Court.

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police
Justices in and for the said City, by Richard J. Herbert

of No. 26 Maiden Lane Street, that on the 25th day of April
1885 at the City of New York, in the County of New York, the following article to wit:

Two diamond stones of the
value of
of the value of Two hundred and ninety-five Dollars,
the property of Richard J. Herbert
was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
believe, by George J. Magrath

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 1st 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 6th day of February, 1885

Solomon D. Smith POLICE JUSTICE.

POLICE COURT, DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated

188

Magistrate

The Defendant

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

Officer.

Dated

188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest,

Native of

Age,

Sex

Complexion,

Color

Profession,

Married

Single,

Read,

Write,

POOR QUALITY
ORIGINAL

0766

Sec. 192.

District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Daniel O. Reilly a Police Justice
of the City of New York, charging George S. Magrath Defendant with
the offence of Grand Larceny

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned.

We, George S. Magrath Defendant of No. 343
Broadway Brooklyn; by occupation a Mechanic
and Andrew P. Gleason of No. 92 South Third St. Brooklyn
Street, by occupation, a retired mechanic Surety, hereby jointly and severally undertake that
the above named George S. Magrath Defendant
shall personally appear before the said Justice at the First District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of fifteen
Hundred Dollars.

Taken and acknowledged before me, this 8
day of February 1886

Daniel O. Reilly POLICE JUSTICE

Geo. S. Magrath
Andrew P. Gleason

POOR QUALITY
ORIGINAL

0767

CITY AND COUNTY OF NEW YORK, ss.

day of March 1898
Samuel C. McKee
Police Justice

Sworn to before me, this

Marion P. Gilliam
the within named Bail and Surety being duly sworn, says that he is a resident and prop
holder in the City of New York State, and is worth Twenty Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of a house and lot and
situated No 276 Division Avenue in the City
of Brooklyn State of New York and
is free and clear of \$4000 or over and
above all incumbrance

Marion P. Gilliam

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear during
the Examination.

ss.

Taken the day of March 1898

Justice,

POOR QUALITY
ORIGINAL

0768

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

Richard C. Herbert

George S. Magrath

2 _____
3 _____
4 _____

Offence Grand Larceny

Dated Feb 8 1886

Do Kelly Magistrate

McNaughton Officer.

Police Sergeant Precinct.

\$1500 bail for

Feb 11. 1886 2 P.M.

18 1886 2 P.M.

The Justice granting adjournment

this Court will hear and

admonish the case before

me of my absence

Samuel W. Kelly 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 _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0769

BAILED,
No. 1, by Andrew D. Sellers
Residence 92 Street 3^e Street.
No. 2, by John Patterson
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court-1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard H. Hackett
26 Madison Lane
George S. Magrath
Offence Larceny

Date April 26 1888

John Patterson Magistrate.

McHugh & McHugh Officer.

Central Office Precinct.

Witness Deen & Deen

No. Joseph J. Mann Street.

432 W. 31st

No. _____ Street.

No. _____ Street.

\$ 1500 to answer G. S. Street.

Deen & Deen

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

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

Dated April 26 1888 John Patterson Police Justice.

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

Dated April 26 1888 John Patterson 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.

POOR QUALITY
ORIGINAL

0770

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rogers S. Magawh

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

- Rogers S. Magawh -

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

The said *Rogers S. Magawh*.

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

two diamonds of the value of

one hundred and fifty dollars

each,

of the goods, chattels and personal property of one

Richard J. Stewart,

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

Figoraz S. Magarath
of the CRIME OF Larceny in the second degree,
committed as follows:

The said Figoraz S. Magarath,
late of the First Ward of the City of New York, in the County of New York, on the
Twenty-fifth day of April, in the year of our Lord one thousand
eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,
being then and there the holder of one
Richard J. Herbert, and as such holder
having then and there in his power,
possession, custody and control, certain goods,
chattels and personal property of the
said Richard J. Herbert, the true owner
thereof, to wit: two diamonds of the
value of one hundred and fifty dollars
each, the said Figoraz S. Magarath,
afterwards, to wit: on the day and in
the year aforesaid, at the Ward, City
and County aforesaid, with force and
arms, did ~~take~~ feloniously appropriate
the said goods, chattels and personal
property to his own use, with intent
to deprive and defraud the said Richard
J. Herbert of the same and of the use
and benefit thereof, against the form
of the Statute in such case
made and provided, and
against the peace of the

**POOR QUALITY
ORIGINAL**

0772

People of the State of New
York, and their signatures,
Randolph B. Martin,
District Attorney

0773

BOX:

219

FOLDER:

2160

DESCRIPTION:

Mahon, James L.

DATE:

05/21/86



2160

POOR QUALITY
ORIGINAL

0774

243

Counsel,
Filed 21 day of May 1886
Pleads.....

THE PEOPLE
vs.
James L. Mahon
[Sections 528, 532, Penal Code].
PETIT LARCENY.

off 25

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Witnessing the same
May 24/86 Foreman.
Offendant Guilty.
Rec'd Dec 27/86

Witnesses:
John S. Chase

POOR QUALITY
ORIGINAL

0775

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.

John S Chase
of No. *197 Chrystie* Street, aged *60* years,
occupation *Manufacturer* being duly sworn

deposes and says, that on the *10* day of *April* 188*6* at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the *day* time, the following property viz :

*Good and lawful money of the United States
consisting of two bills of the denomination
and value of Five dollars each*

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 *James Z. Markon (now free)*
*who did designedly obtain from deponent by means
of the false token hereto annexed and now
shown here shown said sum of money to
wit Ten dollars. That said deponent
at the time he presented said check and
received said money falsely represented
that the check was good and would be
paid and that it was made by Augustine
Daly. That this deponent relying upon said
representations gave to said deponent the
said sum of money as aforesaid. Deponent
says that said check is worthless said
Daly who is now on his way to England
as deponent is informed never signing*

of
Subscribing name, this

Police Justice.

or issuing said check or authorizing any person to sign his name and that said check is worthless. Depoent further says that said defendant came to his place of business No 197 Chrystie Street and asked him what his defendant's father indebtedness. That depoent informed him that it was \$75. That said defendant replied that it was his wish to pay the same by installments and gave depoent - the aforesaid check and requested depoent to send 2 barrels of paste to Broadway and 58th Street - which depoent did thereafter and there was no such person in said place to receive the same and it was returned. That depoent gave the aforesaid money to said defendant and gave defendant's father credit for the sum of \$11. in his account.

Wherefore depoent charges said defendant with feloniously taking stealing and carrying away said sum of money from the possession of depoent as aforesaid.

John S. Chase
Sworn to before me
this 19th day of May 1886
Samuel C. Smith Police Justice

POOR QUALITY
ORIGINAL

0777

Sec. 193-200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

James J. Mahon 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.

James J. Mahon

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New York

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

Answer.

159 E 51st St 16 years

Question. What is your business or profession?

Answer.

Bill Poster

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

Answer.

I am guilty of the charge

James J. Mahon

Taken before me this

19

day of

May

1886

James J. Mahon
Police Justice.

POOR QUALITY
ORIGINAL

0778

5th Avenue and 23d Street.

NEW YORK, *April 10* 188*6*

SECOND NATIONAL BANK.

Pay to *Mr James Mahon* For Bearer,

The sum of twenty five Dollars,

\$ *25⁰⁰*

Augustin Daly

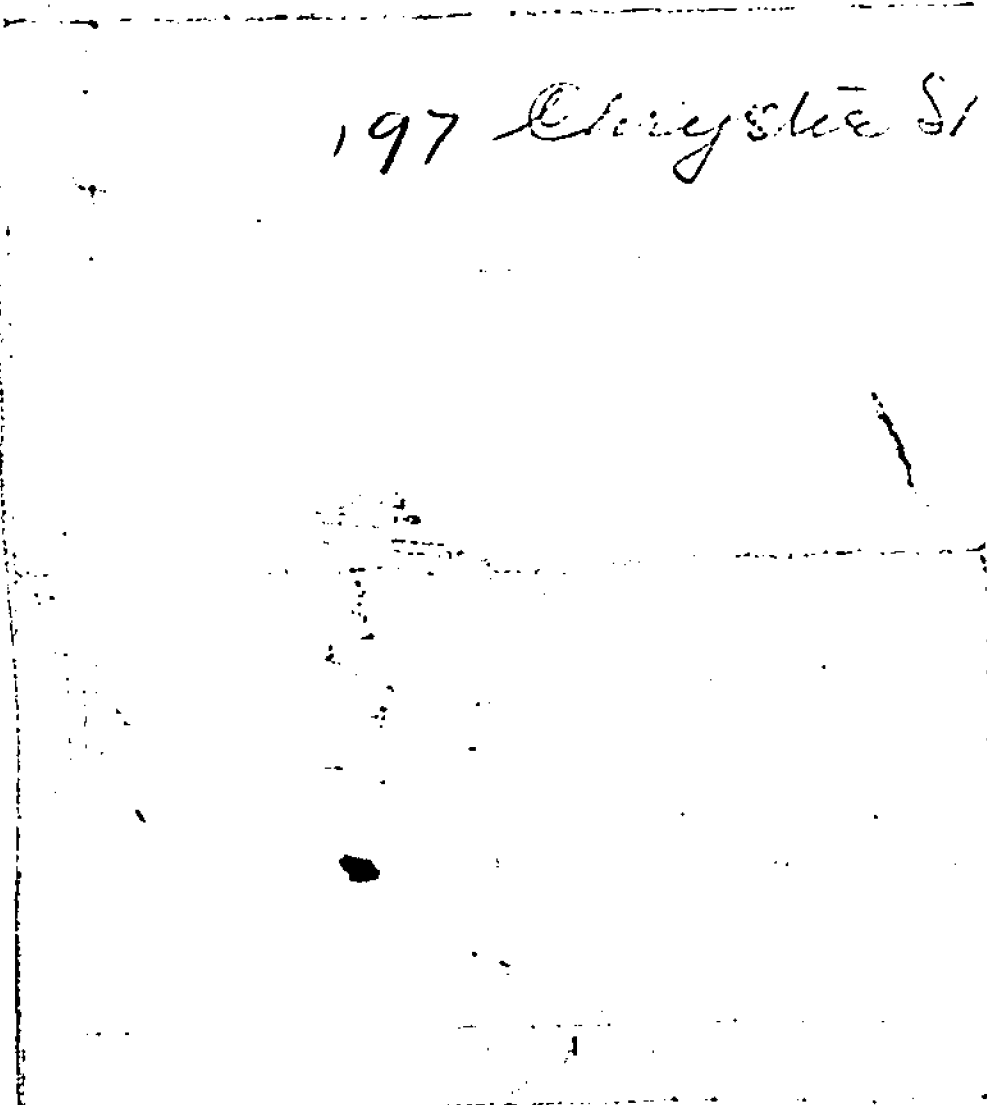
11-85-20M

**POOR QUALITY
ORIGINAL**

0779

James Mahon
John A. Chase

197 Chrysler St



POOR QUALITY
ORIGINAL

0780

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

Police Court / District.

713

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John B. Trase
197th Charlotte
James A. Watson

Offence Larceny

Dated May 19 1886

Daniel A. Reilly Magistrate.

Edgar W. Rogers Officer.

Detective Sergl. - Precinct.

Witness Officer with

Check _____ Street _____

No. _____ Street _____

No. _____ Street _____

\$1000 to answer

Committed

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 1000 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 19 1886 Daniel A. Reilly Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

078

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 D. Mahon

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

James D. Mahon

of the CRIME OF PETIT LARCENY, committed as follows:

The said *James D. Mahon*.

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

Two Promissory Notes for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as *United States Treasury Notes*, of the
denomination of *Five* dollars, and of the value of *Five* dollars each,

and *Two* Promissory Note for the payment of money, the same being then and there
due and unsatisfied, and of the kind known as *Bank Notes*, of the denomination of
Five dollars, and of the value of *Five* dollars each.

of the goods, chattels and personal property of one

John S. Rhoads,

then and there being found, then and there unlawfully 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.

Donald D. Ryan
District Attorney

0782

BOX:

219

FOLDER:

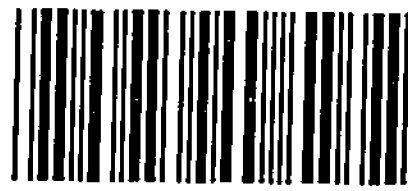
2160

DESCRIPTION:

Malloy, Patrick

DATE:

05/11/86



2160

0783

BOX:

219

FOLDER:

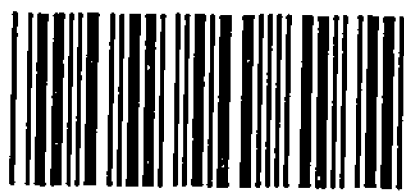
2160

DESCRIPTION:

Mahoney, Patrick

DATE:

05/11/86



2160

POOR QUALITY
ORIGINAL

0784

Counsel,
Filed *11 May 1886*
Pleads, *Indigently*

THE PEOPLE
17464 W. 35- vs. F
Patrick Malloy F
13 and F
Patrick Mahoney

[Sections 224 and 228, Penal Code].
Robbery, *First degree.*

RANDOLPH B. MARTINE,
Dr May 16/88 District Attorney.
has filed P.C.
for Dr. b/c a h. n. c. p.
A True Bill.

William Van Buren
Foreman.

not
9711 as Rev. 75
spot. desick 75

Witnesses:

Martin Zmala
off. Sup. Carmick

20 Precinct

POOR QUALITY
ORIGINAL

0785

General Sessions Court

The People

Valentine Manning

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23^d STREET.

New York, May 1st 1886

CASE NO. 23283 OFFICER James W. McNeill
DATE OF ARREST May 16/86
CHARGE Hitting

AGE OF CHILD 13 years
RELIGION Catholic
FATHER Valentin

MOTHER Bridget

RESIDENCE 471 West 35th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT Valentin

Manning does not attend school
has never been arrested before.
Family have a comfortable
home and means are reported

All which is respectfully submitted,

Wm. J. McNeill
S. J. McNeill

To

POOR QUALITY
ORIGINAL

0786

<i>General Business</i> <i>4 mch.</i>	<i>4th People</i>	<i>Black</i>
		PENAL CODE, N.Y.

Report of The New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

POOR QUALITY
ORIGINAL

0787

Police Court-- District.

CITY AND COUNTY } ss
OF NEW YORK,

Martin Bwalia
of No 314 West 39th Street, Aged 14 Years
Occupation go to school being duly sworn, deposes and says, that on the
5th day of May 1886, at the 20th 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:

One live dog of the

of the value of Fifty cents
the property of Dependent
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

Patrick Malloy. And Patrick Mahony
(both now here) from the fact that
deponent was standing on the north
west corner of 8th Avenue + 34th Street.
having the aforesaid dog attached
to a string and the end of the string
in deponent's right hand. When the
defendants came up to deponent and
Malloy said to deponent just what
we want are you going to give us that
dog. deponent answered no. When Malloy
struck him violently in the face knocking
deponent down and while deponent

day of

Sworn to before me, this

188

Police Justice

POOR QUALITY
ORIGINAL

0788

was lying prostrate. Mally caught
deprived violently by the throat saying
now we have got you. he then pulled
the string over the dog, ears and took
the dog and handed. the dog to the defendant
Mally and they then ran away.
Wherefore deprive charges the said defendant
with feloniously taking stealing and
carrying away from the person of deprive
by force and violence against his will
and without his consent the aforesaid
dog and prays they may be held
and dealt with according to law

Martin Gualina

Sworn to before me
this 6th day of May 1886

W. J. Saxe

Police Justice

Dated 1886 Police Justice.

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

There being no sufficient cause to believe the within named

Dated 1886 Police Justice.

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 1886 Police Justice.

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

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

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
vs.
1
2
3
4
Offence—ROBBERY.

Dated 1886

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0789

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK { ss

Patrick Malloy

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

Question What is your name?

Answer

Patrick Malloy

Question. How old are you?

Answer

16 years old

Question. Where were you born?

Answer.

England

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

Answer.

404 W. 25th St., 18 months.

Question What is your business or profession?

Answer

Work in a paper factory.

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

Patrick Malloy
Mark

I taken before me this

day of *July* 188

Wm. J. Smith
Police Justice.

POOR QUALITY
ORIGINAL

0790

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question What is your name?

Answer

Patrick Mahony

Question. How old are you?

Answer

13 years old

Question. Where were you born?

Answer.

New York city

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

Answer.

419. Dr. 35th St.

Question What is your business or profession?

Answer

Go to School.

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 I did not
take the dog. the big boy took the
dog.

Patrick Mahony
Mark

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0791

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

Police Court District.

671

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Martin Malloy
314 West 39th

Patrick Malloy
Patrick Mahoney

3 _____
4 _____
Offence _____

Dated May 6 1885

Magistrate

Barwick & M. R. Barwick, Officers

Witnesses _____ Precinct _____

No. 150 _____ Street _____

No. _____ Street _____

No. _____ Street _____

\$1000 each to answer _____
Guaranteed

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

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

Dated May 6 1885 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0792

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Salinda Mallory
and
Salinda Mahoney

The Grand Jury of the City and County of New York, by this indictment, accuse *Salinda Mallory and Salinda Mahoney* of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Salinda Mallory and Salinda Mahoney* -

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *May* in the year of our Lord one thousand eight hundred and eighty-*six*, in the ~~time of the said day~~ at the Ward, City and County aforesaid, with force and arms, in and upon one *Martin Quadria*, - in the peace of the said People, then and there being, feloniously did make an assault, and

one bag of \$5 the value of

fighting cents.

of the goods, chattels and personal property of the said *Martin Quadria*, - from the person of the said *Martin Quadria*, against the will, and by violence to the person of the said *Martin Quadria*, - then and there violently and feloniously did rob, steal, take and carry away, *to wit*

\$5 then the said Salinda Mallory and Salinda Mahoney, being then and there aided by an accomplice actually present

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

Randolph B. Martin,
District Attorney

0793

BOX:

219

FOLDER:

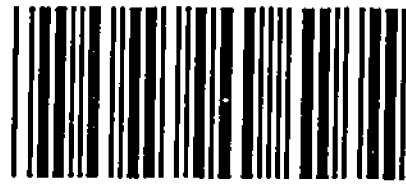
2160

DESCRIPTION:

Martin, Henry

DATE:

05/04/86



2160

POOR QUALITY
ORIGINAL

0794

18

Counsel, (Counsel)
Filed 4 day of May 1886
Pleads, Not Guilty.

Grand Larceny, 1st Degree.
(From the Person.)
[Sections 528, 529, 530 — Penal Code.]

THE PEOPLE

vs.

Henry Martin

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Henry B. Martine
May 7/86. Foreman.
Spencer H. Houghton.

Witnesses:

James Carroll

POOR QUALITY
ORIGINAL

0795

Police Court—2 District.

Affidavit—Larceny.

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

of No. 250 West 47th Street, aged 22 years,
occupation Stable-boy being duly sworn

deposes and says, that on the 1 day of May 1886 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

possession of deponent, in the night time, the following property viz:

One Double-Less Silver watch of the Value of
Eight-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 Nemoy Shorbin (wrong here) for the reason

that about the hour of 8.30 P.M. on the above date
said deponent was standing at 4th Avenue and 16th
Street attending a meeting of the "Workmen's Union"
he felt some one pulling at his watch chain one
end of which was attached to the above described watch
which was in the left hand pocket of the vest then and
there worn by deponent on his person as part of his
sackly clothing and the other end of which was buttoned
into one of the button-holes in the front of said vest.
That deponent saw the defendant who was alongside
of him in the act of withdrawing his hand from the
front of deponent's vest, whereupon deponent felt his
chain clanking and missed the above described watch
from his vest pocket: that the defendant immediately

Sworn to before me, this

of

188

day

Police Justice

POOR QUALITY
ORIGINAL

0796

rushed through the crowd, pursued by defendant, who did not lose sight of the defendant from the time he saw him, with dragging his hands from defendant's feet until he was placed in custody by the Officer who made the arrest.

Sworn to before me

this 2 day of May 1888 James Carroll -

John Murray Schu 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.

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	
vs.	
1	2
3	4
Offence—LARCENY.	
Dated	1888
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street.
No.	Street.
No.	Street.
No.	Street.
\$	to answer
	Sessions.

POOR QUALITY
ORIGINAL

0797

Sec. 198-200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK.

Henry Martin 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

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

Henry Martin

Taken before me this

188

Police Justice.

POOR QUALITY
ORIGINAL

0798

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

Police Court-- 1 District.

625

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Carroll
250 West 47th St

1 Henry Murray
2
3
4
Offence *Harboring*

Dated *May 1* 188*6*

Henry Murray Magistrate
James A. Cooper Officer
L. L. Prothonotary

Witnesses

No. _____
Street _____

No. _____
Street _____

No. *557*
Street *28*
to answer *Carroll*

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

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

Dated *May 1* 188*6* *Henry Murray* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0799

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Martin

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

- Henry Martin -
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said

Henry Martin,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
first day of *May*, in the year of our Lord one thousand
eight hundred and eighty-*six*, in the *night* time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one watch of the value of eight

dollars.

of the goods, chattels and personal property of one *James Randall.* -
on the person of the said *James Randall.* -
then and there being found, from the person of the said *James Randall.* -
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.

Quadruped B. Martin,
District Attorney

0000

BOX:

219

FOLDER:

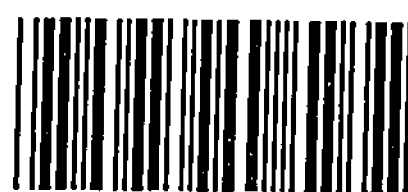
2160

DESCRIPTION:

Martin, John

DATE:

05/11/86



2160

POOR QUALITY
ORIGINAL

000

88
Counsel,
Filed 11 day of May 1886
Pleads, *Indigently* (12)

Grand Larceny, 1st Degree.
(From the Person.)
[Sections 528, 529, 530, 531 Penal Code].

THE PEOPLE

John Martin
vs. The People
Indigently

RANDOLPH B. MARTINE,

For May 19/86 District Attorney.

Pleaded & L. 5/20/86

A True Bill.

William Van Henschen

Foreman.

2.9 1886
24th 4 Mrs. Ben
F.S.

Witnesses:

[Signature]
Benjamin B. Blake

Mind you

Wm. Barber 520 Centre St.
John Martin 145 Ely St.

POOR QUALITY
ORIGINAL

0002

Police Court

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No.

occupation

deposes and says, that on the

day of

188

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

A gold watch of the value
of about seventy five dollars (\$75.00)

the property of

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

That deponent on said night was attending
a meeting in the Academy of Music &
144 St and was standing among a
crowd of whom the defendant was closest
to deponent that deponent felt the
defendant pushing him unnecessarily and
pushed him away that immediately
deponent discovered that the chain of
the watch was hanging in front of his chest
and the watch detached therefrom, and
taken from his chest pocket that deponent
shouted stop thief and then saw the
defendant throw the watch from him to
the ground when deponent caused his arrest

Ben Blake

Sworn to before me, this

188

Police Justice.

POOR QUALITY
ORIGINAL

0003

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, § 55

District Police Court.

John Martin 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

00004

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

Arrested
John Parker
270. Centre St
Sheets Place
John Parker
192. Georgetown

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William B. Blake

of the City of New York

vs

John Parker

Defendant

Offence

from prison

188

Magistrate

Thomas Parker

Officer.

Precinct.

Witnesses

Call the Officer

No. _____

Street.

No. _____

Street.

No. _____

Street.

\$ 1000 to answer

Call the Officer

(Don)

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 _____ 188 _____ Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0005



New Yc & November 17th 83

The bearer, John Martin
has been in my employ
for the past 3 years, and
I always found him
honest, and industrious

Wm. Bart
207 Cent-st.

POOR QUALITY
ORIGINAL

00005

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 Martin

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

John Martin —
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *John Martin*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
seventh day of *May*, — in the year of our Lord one thousand
eight hundred and eighty-*six*, in the *night* time of the said day, at the Ward, City and
County aforesaid, with force and arms,

one watch of the value of ten dollars

dollars.

of the goods, chattels and personal property of one *Benjamin B. Polak*,
on the person of the said *Benjamin B. Polak*. —
then and there being found, from the person of the said *Benjamin B. Polak*,
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.

Benjamin B. Polak,
District Attorney

0007

BOX:

219

FOLDER:

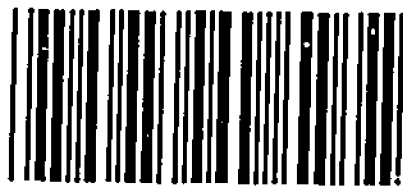
2160

DESCRIPTION:

Martin, John

DATE:

05/11/86



2160

POOR QUALITY
ORIGINAL

0000

82

Counsel,
Filed 11 day of May 1886
Pleads,

Grand Larceny, First Degree.
(DWELLING HOUSE.)
[Sections 528, 58 08, 34 Penal Code].

THE PEOPLE

vs.
John Martin

RANDOLPH B. MARTINE,

District Attorney.

pleads guilty. 18.21.

A True Bill.

William H. Conner
Foreman.

2
2. 4. 6 Juries 17

Witnesses:

August Linder
William M. M. -

Received 17 Juries
May 13. 1886

Lead officer
W. H. Ch. Anderson

77

Bar
McCur
86 Charles

POOR QUALITY
ORIGINAL

00009

Police Court

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No.

occupatio

deposes and says, that on the

York, in the County of New York, was feloniously

of deponent, in the

the following property viz:

Four Trunks containing Clothing Linens
Bed Clothing & all of the value of
fifty dollars and more

the property of

Philip Linder

has a probable cause to suspect and does suspect, that the said property

and carried away by

John Martin (nowhere)
from the fact that deponent after going to Bed
at about 10 o'clock heard a noise in the next room
which was used as a store room that she got up and
gave an alarm and she in company with a man
named Will who resides in the same house
went into the store room and caught him said
defendant in said room wrote a list of her husband
on his person and the contents of a Trunk scattered
about on the floor and a quantity of Clothing
taken from the Clothes Rack in said room.
Deponent from the facts stated, aforesaid charges
the said defendant with feloniously attempting
to take and carry away said property

Margaret Linder

Sworn before me, this 1886 day of May

Notary Public

POOR QUALITY
ORIGINAL

08 10

Sec. 198—200.

22 District Police Court.

CITY AND COUNTY
OF NEW YORK.

John Martin 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

John Martin

Question How old are you?

Answer

27 years

Question. Where were you born?

Answer.

W.S.

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

Answer.

129 West 43rd Street, New York

Question What is your business or profession?

Answer

Clerk

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

Answer.

I am guilty.

John Martin

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

001

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

Police Court 2d District. 672

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Margaret Linder
69 West Houston
John Martin
Office Attempted
Grand Larceny

Dated May 6 1886

W. J. Jones Magistrate
Metcalfe Officer
Re Precinct.

Witnesses Mr. Steel
No. 69 West Houston Street _____

No. _____ Street _____

No. _____ Street _____
Committed to answer B. B.

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

John Martin
guilty thereof, I order that he be held to answer the same and ~~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. he discharged thereof

Dated May 6 1886 W. J. Jones Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

00 12

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 Martin

The Grand Jury of the City and County of New York, by this indictment, accuse
John Martin of the crime
of attempting to commit
the CRIME OF GRAND LARCENY in the FIRST degree, committed as follows,

The said *John Martin*,

late of the *Eighth* Ward of the City of New York, in the County of New
York, aforesaid, on the *Twenty* day of *May*, — in the
year of our Lord one thousand eight hundred and eighty-*two*, — in the
night time of the same day, at the Ward, City and County aforesaid, with force and arms,

four hundred of the value of five
dollars each, one vest of the value of
five dollars, and other articles of
clothing and wearing apparel, of a
number and description to the Grand
Jury aforesaid unknown, of the
value of one hundred dollars, and
other articles of real-estate and
other, of a number and description
to the Grand Jury aforesaid unknown,
of the value of one hundred dollars.

of the goods, chattels and personal property of one *William Sander*,

in the dwelling-house of the said *William Sander*, —

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.

Randolph B. Martin,
District Attorney.

08 13

BOX:

219

FOLDER:

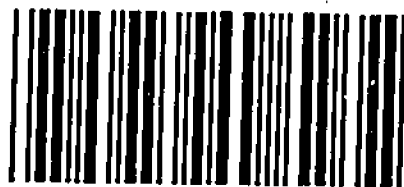
2160

DESCRIPTION:

Maynard, Alfred

DATE:

05/07/86



2160

POOR QUALITY
ORIGINAL

0014

Witnesses:

Nathan M. Huggins

William C. Allan

Other Cases,

aggr sept. 1886

is Dec 1886

Rd

Counsel,

Filed

1886

Pleas

THE PEOPLE,

vs.

vs.

[Sections 528 and 531, Penal Code]

Alfred Maynard

RANDOLPH B. MARTINE,

District Attorney,

vs. May 17/86

A TRUE BILL.

William Van Cense

Foreman

24th Nov 86

POOR QUALITY
ORIGINAL

08 15

No. 283
New York, April 8th 1886
Greenwich Bank,
Pay to the Order of *Wm. H. Carter*
Twenty Five Dollars.
\$39.25
C. J. Morgan
STYLES & CASH, STEAM PRINTERS, 77 EIGHTH AVENUE, NEW YORK.

0015

Schultheiss
Mützgen
Hilfmann & Co.
F. F. Schickel

~~CONFIDENTIAL~~

POOR QUALITY
ORIGINAL

0817

3rd

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 193 west 4th Street, 47 years, Butcher
being duly sworn, deposes and says, that on the 16th day of April 188 6
at the Butcher's Store No. 193 west 4th Street City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent in the night time

the following property, viz :

Good and Lawful money of the
United States amounting to twenty
Nine dollars and twenty five Cents
\$29²⁵/₁₀₀

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 Alfred Hayward (now

here) for the following reasons, to wit.
On said date about the hour of 8 o'clock
p.m. the said Hayward came into
deponent's Butcher's Store in said premises
and presented the annexed false token
to deponent in payment of a portion
of said defendant's indebtedness to deponent
amounting to ten dollars — That said
defendant represented to deponent that

Said false token was a genuine check drawn by C. F. Doogan on the Greenwich Bank New York City and in favor of one J. B. Evans and that said check was good for its face value. Dependant believing the representations so made by said defendant to be true handed to the said defendant Twenty Nine ^{25/100} dollars being the amount due defendant after deducting ten dollars which from said check which said defendant owed defendant. That defendant subsequently had said check returned to him ~~marked~~ by said Bank marked on the face "C. F. Doogan has no account in the Greenwich Bank N. Y. Haver Cashier. Wherefore defendant charges said defendant with the Larceny of said money through false and fraudulent representations as already recited.

Sworn to before me } Nathan Metzger
this 5th day of May 1886 }
J. J. Duffy
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

POOR QUALITY
ORIGINAL

08 19

Mr Alfred Boulton
South East Corner 10th St
& Greenwich St.
Edg.

POOR QUALITY
ORIGINAL

0020



Minneapolis, Minn.

New York

20th 1886

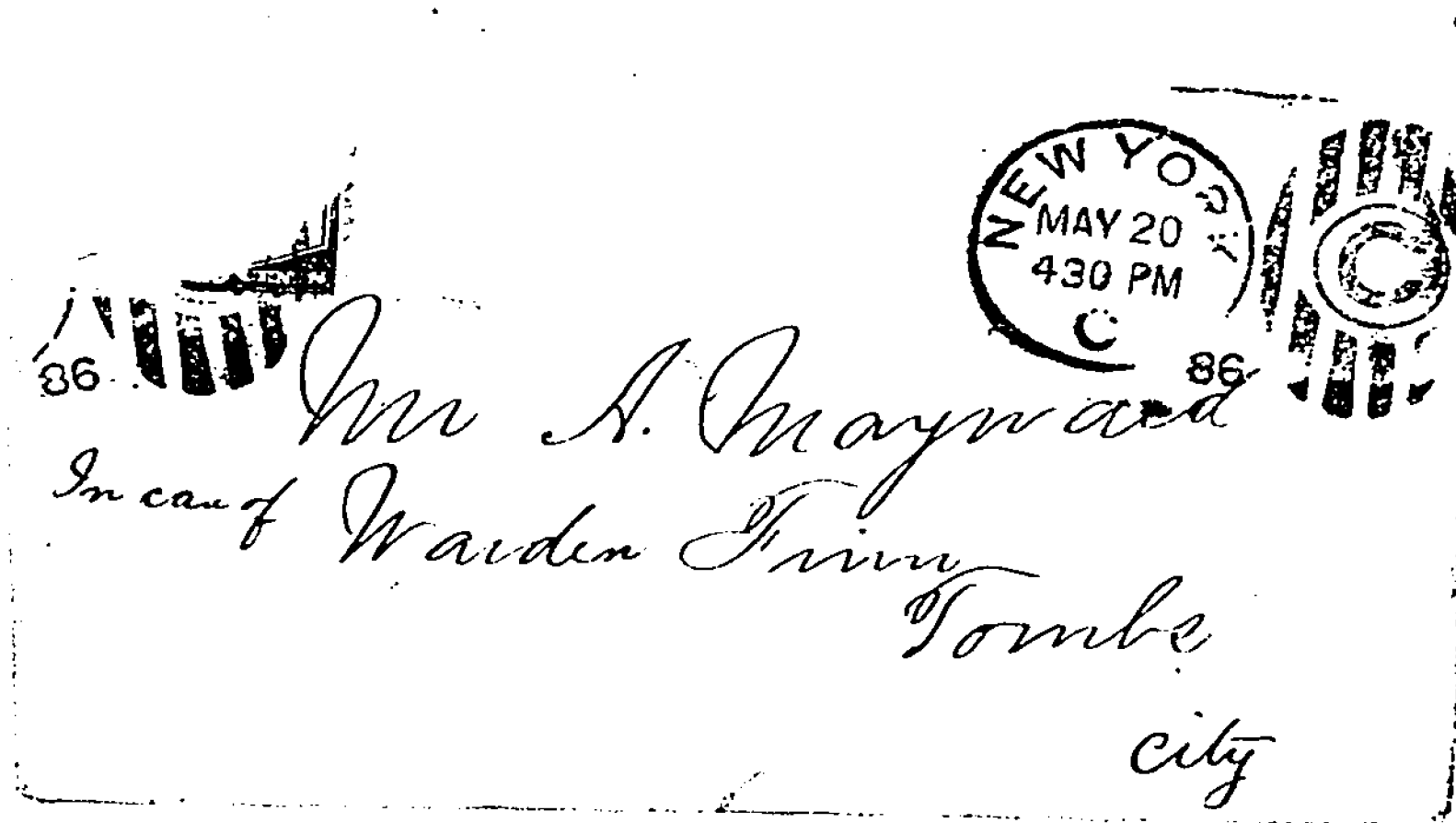
My Maynard Dear Sir

My Father Mr. Boulton
is away to New-burg about his boat
and he may not be back here
Saturday night as he said so
when he left so Maria open
your letter and when she saw
what was in them she thought
I had better write to you to
let you know I remain
yours Respectfully

Mrs. Peter Hibbs

POOR QUALITY
ORIGINAL

0021



POOR QUALITY
ORIGINAL

0022

Sec. 193-200.

3rd

District Police Court.

CITY AND COUNTY
OF NEW YORK } ss

Alfred Maynard 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.

Alfred Maynard

Question. How old are you?

Answer.

48 years

Question. Where were you born?

Answer.

Germany

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

Answer.

No 90 Fourth Avenue And 5 days.

Question. What is your business or profession?

Answer.

Agent

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

Answer.

I am not guilty - I received the check in good faith from one John Royster in part payment of a bill which he owed me
Alfred Maynard

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0023

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

Police Court 632
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William H. H. H. H.
193 West 14th St.

1. Alfred H. H. H.
2. _____
3. _____
4. _____

Offence Grand Larceny

Dated

May 5 188

Magistrate.

James H. H. H.
Officer.

Witnesses

1. H. H. H. H.
2. H. H. H. H.

No.

Greenwich (H. H. H.)
Street.

James H. H. H. H.
Street.

101-6th Ave
Street.

No.

500 to answer
Street.

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

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

Dated May 5 188 Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0024

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against

Alfred Maynard

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

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

The said *Alfred Maynard*.

late of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *April*, — in the year of our Lord one thousand eight hundred and eighty-*two*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud

one Nathan Metzger,

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said*

Nathan Metzger,

That a certain paper writing, which *he* the said *Alfred Maynard* then and there produced and delivered to the said *Nathan Metzger*, in the words and figures following, to wit:

No. 283

New York, April 27, 1886

3325

Frederick B. Banta,

Pay to the order of *T. B. Evans*

Twenty nine $\frac{25}{100}$ Dollars.

$\$29 \frac{25}{100}$

T. B. Evans.

(Upon the back thereof was then and there written these words following, purporting to be an endorsement thereof by the payee named therein, to wit: "T. B. Evans")

was then and there a good and valid order for the payment of money, and of the value of *Twenty nine* dollars and *Twenty five* cents. —

By color and by aid of which said false and fraudulent pretenses and representations, the said *Alfred Maynard* did then and there feloniously obtain from the possession of the said *Nathan*

Metzger, the sum of twenty-nine dollars and twenty-five cents in money, lawful money of the United States and of the value of twenty-nine dollars and twenty-five cents,

of the proper moneys, goods, chattels and personal property of the said *Nathan*

Metzger ———, with intent to deprive and defraud the said

Nathan Metzger, — of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said *Metzger* (so endorsed as aforesaid) *metzger* the said *Alfred Maynard* as aforesaid then and there produced and delivered to the said *Nathan Metzger* was not then and there a good and valid order for the payment of money, and was not then and there of the value of thirty-nine dollars and twenty-five cents, or of any value whatsoever, but was in truth then and there utterly void and worthless.

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And Whereas, in truth and in fact, the pretenses and representations so made as
aforesaid by the said *Alfred Maynard* —
to the said *Nathan Metzger* . — was and were
then and there in all respects utterly false and untrue, as *the* the said
Alfred Maynard . —
at the time of making the same then and there well knew.

And so the Grand Jury aforesaid do say : That the said
Alfred Maynard , —
the day and year first aforesaid, at the City and County aforesaid, in the manner and form
aforesaid, and by the means aforesaid, with force and arms, the said proper moneys, goods,
chattels and personal property of the said *Nathan Metzger* . —

then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said People.

RANDOLPH B. MARTINE,
District Attorney.

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**END OF
BOX**