

0009

**BOX:**

311

**FOLDER:**

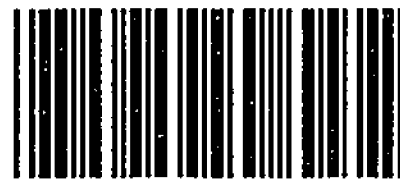
2954

**DESCRIPTION:**

Haas, Frank

**DATE:**

06/08/88



2954

WITNESSES:

Off. Warner  
W. W. Post

Counsel,

Filed

day of June 1888

Pleads

Wm. C. Emilly (11)

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and  
page 1989, Sec. 5.]

Frank Staas

Dec 17/88

Off. C. G. Gully

JOHN R. FELLOWS,

District Attorney.

June 30

12 30 PM (cont.)  
Long 2 days

A TRUE BILL

Wm. C. Emilly

Foreman.

Transferred to the Court of Special  
Sessions for trial and final dis-  
position.

Dated... Dec 3 1888

0010

00 11

Excise Violation-Selling on Sunday.

POLICE COURT-

30<sup>th</sup> DISTRICT.

City and County } ss.  
of New York,

George Garner  
of the 11<sup>th</sup> Division Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the day  
April 1888, in the City of New York, in the County of New York, at

premises No. 6 Division Street,  
Frank A. Aar (now here)

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

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

Sworn to before me this day of June 1888.

of Police Justice.

00 12

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

*Frank Haas*  
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* to 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 may think will tend to your  
exculpation?

Answer.

*I am not guilty  
and I demand a  
trial by jury*

*Frank Haas.*

Taken before me this

day of

188

Police Justice.



0013

BAILED,  
No. 1, by Melrose Schumann  
Residence 11 Riverside Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court 3  
District 556

THE PEOPLE, &c.,

vs.

Charles D. Dagg  
vs.  
People of the City of New York

Offence, Being of the

Date April 8 1888

Magistrate.

Officer.

Precinct.

Witnesses

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

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

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

\$ \_\_\_\_\_ to answer

Bailed

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

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

Dated April 8 1888 A. J. Smith Police Justice.

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

Dated April 8 1888 A. J. Smith Police Justice.

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

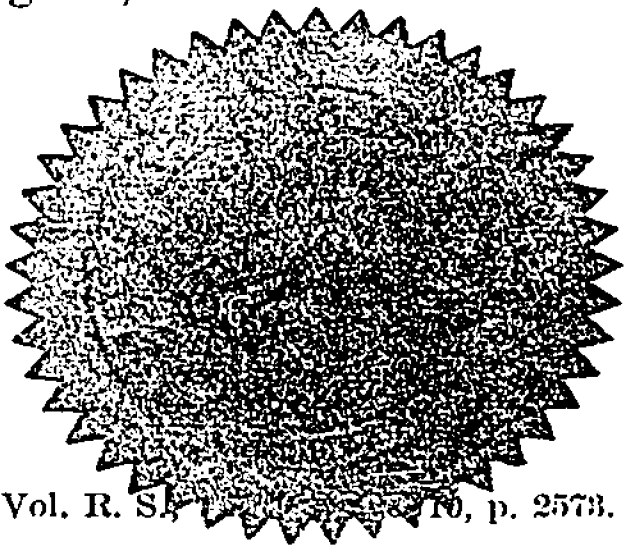
Dated \_\_\_\_\_ 1888 \_\_\_\_\_ Police Justice.

00 14

I, **JOHN SPARKS**, Clerk of the Court of General Sessions of the Peace, and Clerk of the Court of Oyer and Terminer held in and for the City and County of New York, (each being a Court of Record and having a Common Seal,) do hereby certify that the annexed is a copy of

*A M Undertaking to answer*

now on file in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom and of the whole of such original.



3d Vol. R. S. 1879, p. 2573.  
Laws 1879, p. 611, Sec. 933.

GIVEN UNDER my hand and attested by the seal  
of the said Court this *Sixth* day  
of *December* in the year of our Lord one  
thousand eight hundred and eighty *eight*

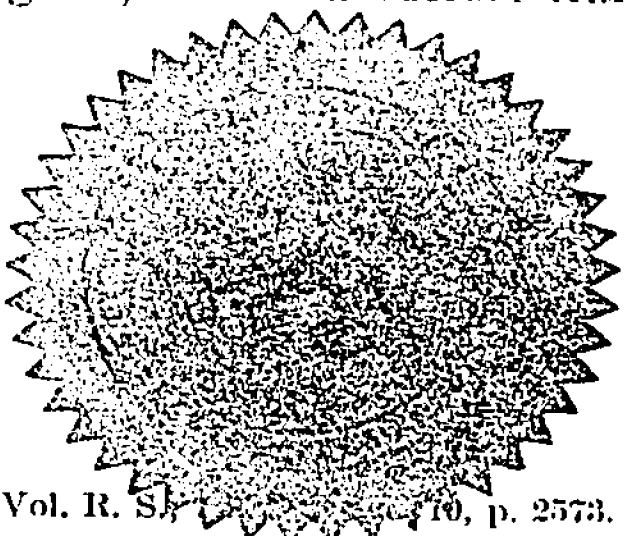
*John Sparks*

00 15

I, **JOHN SPARKS**, Clerk of the Court of General Sessions of the Peace, and Clerk of the Court of Oyer and Terminer held in and for the City and County of New York, (each being a Court of Record and having a Common Seal,) do hereby certify that the annexed is a copy of

*All Undertaking to answer*

now on file in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom and of the whole of such original.



3d Vol. R. S. Sec. 10, p. 2573.  
Laws 1879, p. 611, Sec. 933.

GIVEN UNDER my hand and attested by the seal  
of the said Court this *Sixth* day  
of *December* in the year of our Lord one  
thousand eight hundred and eighty *eight*

*John Sparks*



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

An order having been made on the 5<sup>th</sup> day of April 1888, by Justice White, a Police Justice of the City of New York, that Frank Haas be held to answer upon a charge of Violation of the Excise Law, upon which he has been duly admitted to bail in the sum of \$100 hundred dollars :

We, Frank Haas — defendant, residing at No. 9 Christie Street, in the said City of New York, occupation Saloon Keeper, and Gustav Schumann residing at No. 18 Division Street, in said City, occupation Restaurant, surety, hereby jointly and severally undertake that the above-named Frank Haas, shall appear and answer the charge above mentioned, in whatever Court it may be prosecuted, and shall at all times render himself amenable to the orders and process of the Court; and, if convicted, shall appear for judgment, and render himself in execution thereof; or if he fail to perform either of these conditions, that we will pay to the people of the State of New York the sum of \$100 hundred dollars.

Taken and acknowledged before me, } Frank Haas Principal.  
this 8 day of April 1888 } Gustav Schumann, Surety.

J. M. White  
Police Justice



0017

State of New York,  
CITY AND COUNTY OF NEW YORK, } ss.

*J. Gustav Schumann* the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or *Henry Levy*  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said *Paul Haas*, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my execution as surety therein.

Dated *December 18th* 188*8*

*Gustav Schumann* Surety. [L. S.]

*Certified Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.  
ON THE COMPLAINT OF

Recognition to Answer.

vs.

*Paul Haas*

Taken the *8th* day of *April* 188*8*

Approved as to Form and Sufficiency

488

Dated

*Wm. J. Wood*  
~~District Attorney~~

Identified by

Filed *9th* day of *April* 188*8*

1537.

0018

State of New York,  
CITY AND COUNTY OF NEW YORK, ss.

*Jacob Schumann* the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or *Henry Levy*  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said *Paul K. Naas*, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my execution as surety therein.

Dated *December 6th* 188*8*

*Jacob Schumann* Surety. [L. S.]

*Certified Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.  
ON THE COMPLAINT OF

Recognition to Answer.

vs.

*Paul Naas*

Taken the *8* day of *April* 188*8*

Approved as to Form and Sufficiency

188*8*

Dated

*Henry Levy*  
District Attorney

Identified by

Filed *9* day of *April* 188*8*

1537

00 19

*Supr and Termmer*  
**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Frank Haas*

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

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

The said

*Frank Haas*

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

*George Warner*

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

SECOND COUNT—

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

*Frank Haas*

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

The said

*Frank Haas*

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

**JOHN R. FELLOWS,**  
District Attorney.

0020

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Hackett, John

**DATE:**

06/25/88



2954



0021

**BOX:**

311

**FOLDER:**

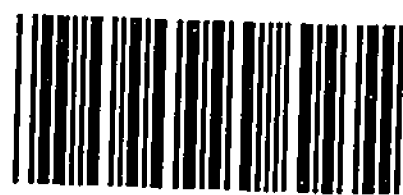
2954

**DESCRIPTION:**

Ward, Howard O.

**DATE:**

06/25/88



2954

State of New York,  
CITY AND COUNTY OF NEW YORK, } ss.

I, Justav Schumann the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or Henry Levy  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said Paul Haas, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my exoneration as surety therein.

Dated December 1888

Justav Schumann Surety. [L. S.]

*Certified Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.

ON THE COMPLAINT OF

Recognition to Answer.

vs.

Paul Haas

Taken the 8 day of April 1888

Approved as to Form and Sufficiency.

488

Dated

Henry Levy  
~~District Attorney~~

Identified by

Filed 9 day of April 1888

1537

State of New York.  
CITY AND COUNTY OF NEW YORK, } ss.

I, Justus Schumann the surety mentioned  
in the annexed undertaking to answer, do hereby authorize and empower any  
Policeman of the City of New York, or Henry Levy  
or either of them, in my name, place, and stead, to take, seize and  
surrender the said Frank Haas, (in the said  
undertaking held as defendant,) to the Court wherein he is bound to  
appear for trial, or deliver him to the custody of the authorities of said city  
and county, in my exoneration as surety therein.

Dated December 6th 1888  
Justus Schumann Surety. [L. S.]

*Certified Copy*

NEW YORK

Court of General Sessions of the Peace.

THE PEOPLE, ETC.  
ON THE COMPLAINT OF

Recognition to Answer.

vs.

Frank Haas

Taken the 8 day of April 1888

Approved as to Form and Sufficiency

Dated 7th day of April 1888

John J. [unclear]  
District Attorney

Identified by

Filed 9 day of April 1888

1537

0019

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Frank Haas*

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

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

The said

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

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

SECOND COUNT—

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

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

The said

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

**JOHN R. FELLOWS,**

District Attorney.



0020

**BOX:**

311

**FOLDER:**

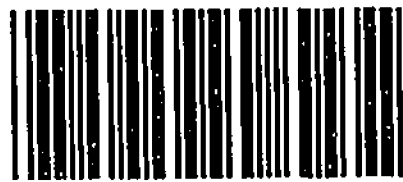
2954

**DESCRIPTION:**

Hackett, John

**DATE:**

06/25/88



2954

002 1

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Ward, Howard O.

**DATE:**

06/25/88



2954

Office Cooper

than distinct  
 of grass also. The  
 deposit is an elastic  
 mass and broken in  
 places. It has only  
 since you out of the  
 common as well as  
 the form of the circulator  
 mass of cement like  
 nodules upon the an  
 perpendicular  
 perpendicular.  
 July 26<sup>th</sup> '95 - W.D.A.

Robert L. Anderson

Filed: 25 day of June 1888

Pleads *Not Guilty*

# THE PEOPLE

**vs.**

John Brackett

Howard O. Ward

RANDOLPH B. MARTINE,

*District Attorney.*

# A True Bill.

Edmund A. Murrey  
May 18/95

Mr. Carl O. Heringford  
 4002 Ray 5799  
 Rail discharged  
 Foreman.



Officer Carter

than ever, about  
 3 years ago. The  
 symptom is an Elong  
 man dead broken in  
 health. He has long  
 since gone out of the  
 business, as was of  
 mention of these circumstances  
 Mrs Jennings & her  
 Goshop upon his own  
 & Recognition.

Wm. G. Mumford.  
July 26<sup>th</sup> 95.

243

Best L  
Arthur Crook

Filed 25 day of June 188

Pleads *C. H. Gandy* - 26

THE PEOPLE

28.  
John Hackett  
and

RANDOLPH B. MARTINE,

*District Attorney.*

# A True Bill.

Oct 8 / 1895  
Edmund A. Otterrey  
Haby 28 / 95

Mr. Paul Discharged  
 1002 Jan 5/99  
 Bail Discharged



0024

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

POLICE COURT,

2

DISTRICT.

James G. Cooper  
of No. 300 Mulberry Street, being duly sworn, deposes andsays that on the 20<sup>th</sup> day of June 1888

at the City of New York, in the County of New York, And at and within

Room No. 7 Standard Theater Building, 6<sup>th</sup> Avenue and 3<sup>rd</sup> Street, deponent found and arrested John Hackett and Howard O. Ward, both now here, engaged together in the act of violating Section 351 of the Penal Code of the State of New York, in this, viz:

That deponent entered said room and found said defendants together therein. That deponent then handed the sum of two dollars to the defendant, Hackett, at the same time saying to him, "I want to put this on Shamrock." That said Hackett took said money from deponent and handed deponent a paper pad and told deponent to write thereon the horses names and place in race. That deponent thereupon wrote on the paper as follows, - "Shamrock, place 1<sup>st</sup> Race. J. G. C." and then handed the paper to said Hackett who took the same. That he, Hackett, then placed said money and the memorandum so made by

deponent into an envelope and gave the same to the defendant Ward who took said envelope, memorandum and money from said Hackett. That said money, memorandum and envelope are hereto attached. That on the day previous the said Hackett stated to deponent that he, Hackett, got a Commission of five per cent on all moneys received by him to be by him transferred to the Coney Island Race track to be wagered on horses there running in races. That a horse named "Shamrock" is advertised to run in a race with other horses at Coney Island track on the afternoon of June 20<sup>th</sup> instant. That deponent, therefore, charges said defendants with becoming the Custodians of said money so stated, wagered and pledged by deponent upon said horses in said races, for hire or reward. Sworn to before me this James L. Cooper 20<sup>th</sup> day of June 1888  
 John J. Forman Police Justice

Police Court District.

THE PEOPLE, &amp;c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 188

Magistrate.

Officer.

Witness.

Disposition.

0026

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

2 District Police Court.

John Hackett 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 Hackett

Question. How old are you?

Answer.

59 years 2 age

Question. Where were you born?

Answer.

New York State

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

Answer.

170 East 75 St. 2 years

Question. What is your business or profession?

Answer.

I am not in any business

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

Answer.

I have nothing to say.

John Hackett

Taken before me this

21 day of March 1888

John J. Sullivan  
Police Justice.



0027

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Howard O. Ward* 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. *Howard O. Ward*

Question. How old are you?

Answer. *23 years of age*

Question. Where were you born?

Answer. *New Haven, Conn.*

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

Answer. *438 West 47 St. one year*

Question. What is your business or profession?

Answer. *I have no business at present*

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

Answer. *I have nothing to say*  
*Howard O. Ward*

Taken before me this

day of *January* 188*8**John J. McManis*  
Police Justice.



0028

BAILIED,  
No. 1, by John DeLucy  
Residence 237 E 49<sup>th</sup> St.  
No. 2, by John DeLucy  
Residence 1239 E 44<sup>th</sup> St.  
No. 3, by John DeLucy  
Residence 5 day 5 notice  
No. 4, by John DeLucy  
Residence 5 day 5 notice  
No. 5, by John DeLucy  
Residence 5 day 5 notice  
No. 6, by John DeLucy  
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No. 7, by John DeLucy  
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No. 8, by John DeLucy  
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No. 100, by John DeLucy  
Residence 5 day 5 notice

Police Court 243 917 District  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
James S. Cropper  
vs.  
John Hackett  
Hanna C. Maud  
Offence Paul Kelling  
Vice Sec 351 Penal Code  
Dated June 20 1888  
Magistrate  
Corporal  
Criminal Officer  
Witnesses  
No. 1 Anthony Cropper  
No. 2 Anthony Cropper  
No. 3 Anthony Cropper  
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No. 100 Anthony Cropper

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

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

Dated June 20 1888 John Hackett Police Justice.

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

Dated June 20 1888 John Hackett Police Justice.

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

Dated June 20 1888 John Hackett Police Justice.

In the case of the People vs. James T. Diery- Reported in 12 Misc. Reports, p. 545, the learned court concludes as follows: "That the 'Ives Pool Law' repealed the provisions of the Penal Code relative to pool selling and book making and the adoption of the new Constitution abrogated the 'Ives Pool Law', and at the time of the commission of the offenses named in the indictment (while the same were made unlawful by the terms of the Constitution), no punishment was prescribed for such offenses, and the subsequent amendment of the Penal Code cannot effect the defendant for the reason that its provisions, in so far as they relate to the crime charged in the indictment, are ex post facto."

In view, therefore, of the foregoing, I recommend the discharge of the defendant's bail.

*Wm. S. 99.*

*Robert J. McLean.*

Asst. Dist. Atty.

against

*John Madgett and  
Howard O. Ward*

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

*John Madgett and Howard O. Ward*

of a Misdemeanor, committed as follows:

The said *John Madgett and Howard  
O. Ward, both* —

late of the *Twentieth* Ward of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *June* — in the year of our Lord one thousand eight hundred and eighty-eight, at the Ward, City and County aforesaid, did unlawfully keep a certain *room* in a certain *building* there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Second Count, And the Grand Jury aforesaid, by this indictment further accuse the said *John Madgett and Howard O. Ward*

of a Misdemeanor, committed as follows

The said *John Madgett and Howard  
O. Ward, both* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the ~~occupants~~ of certain room in a certain building there situate, with force and arms did unlawfully and knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

**Third Count,** And the Grand Jury aforesaid, by this indictment further accuse the said John Macbeth and Edward O. Ward

of a Misdemeanor, committed as follows:

The said John Macbeth and Edward O. Ward, both

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the ~~occupants~~ of a certain room in a certain building there situate, with force and arms, did unlawfully therein keep, exhibit and employ divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and selling pools upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.



~~Court of General Sessions of the Peace~~~~OF THE CITY AND COUNTY OF NEW YORK.~~~~The People of the State of New York~~~~against~~Frank Runk.

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

*Further accuse the said John Macbeth*  
*and Howard O. Ward -*

of the CRIME OF RECORDING AND REGISTERING A BET AND WAGER, committed as follows :

The said *John Macbeth* and *Howard*

*O. Ward, both.*

*Macbeth*  
late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *fourteenth* day of *June*, in the year of our Lord one thousand eight hundred and eighty-eight, at the Ward, City and County aforesaid, with force and arms, did unlawfully record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between *James*

*McCoone and a certain other person or persons to the Grand Jury unknown,*

upon the result of a certain trial and contest of speed and power of endurance of and between *a certain horse called "Steamer" and other* divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *The Town of Greenvale* in the County of *Queens* in the State of *New York*, and commonly called the *Long Island* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*x 2<sup>th</sup>*  
**Second Count.**—And the Grand Jury aforesaid, by this indictment, further accuse the said *John Macbeth* and *Howard*

*O. Ward, both.*

of the CRIME OF RECORDING AND REGISTERING BETS AND WAGERS, committed as follows :

The said *John Macbeth and Howard O. Ward, both* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms did unlawfully record and register, and cause to be recorded and registered, divers bets and divers wagers then and there made by and between divers persons to the Grand Jury aforesaid unknown (a more particular description of which said bets and wagers is to the Grand Jury aforesaid unknown), upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Ganessend* in the County of *Kings* in the State of *New York* and commonly called the *Conover Island* Race Track,

and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests is to the Grand Jury aforesaid unknown), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*Sixth*  
**Third Count.**—And the Grand Jury aforesaid, by this indictment, further accuse the said *John Macbeth and Howard O. Ward*

of the CRIME OF SELLING A POOL upon the result of a trial and contest of speed and power of endurance of horses, committed as follows:

The said *John Macbeth and Howard O. Ward, both* —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did unlawfully sell, and cause to be sold, to one *James J. Cooper, and divers other persons to the Grand Jury unknown*

a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between *a certain horse called "Shamrock" and divers other* horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Ganessend*, in the County of *Kings* in the State of *New York* and commonly called the *Conover Island* Race Track,

0033

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

~~Saved~~  
**Fourth Count.**—And the Grand Jury aforesaid, by this indictment, further accuse the said *John Macbeth and Howard*

*Howard*  
of the CRIME OF SELLING POOLS upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said *John Macbeth and*

*Howard O. Ward, both*

of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, did unlawfully sell and cause to be sold to divers persons to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown), thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the Ham B. Ground* in the County of *King* in the State of *New York* and commonly called the *Convent Island* Race Track

and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests, and of the pools aforesaid upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*John B. Martine*  
**RANDOLPH B. MARTINE,**  
District Attorney.



0034

**BOX:**

311

**FOLDER:**

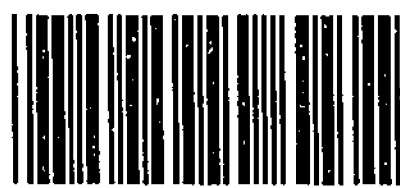
2954

**DESCRIPTION:**

Haines, Napoleon J. (Jr.)

**DATE:**

06/19/88



2954

Additional Bail  
of \$500. must be given  
June 25/88 R.M.

Witnesses:

John H. de Witt  
Jm. Fullerton.

Office 22 1898

These Indictments should be  
acquitted - The man  
wanted for the People is  
dead, and no one can be  
made out. J.R. Fellows  
Dist. Ct.

173 309

Counsel,

Filed 19 day of June 1888

Pleads *Not Guilty*

*Indictment withdrawn by  
Jm. Fullerton*

*THE PEOPLE  
Exonerated to July 2*

*Marion James Jr.*

JOHN R. FELLOWS,  
District Attorney.

A True Bill

*Spaulding & Berry*  
Foreman.

*Indictment Dismissed*

*False Pretenses,  
Larceny, etc.*

[Section 528, and 530, Penal Code].

0038

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

The People of the  
State of New York,  
against  
Napoleon J. Haines, Jr.

State of New York  
City and County of New York.

ss.

Napoleon J. Haines, the elder, being sworn  
says:

I have been informed that this affidavit is to be used upon a motion in the above-entitled action. I am the father of the above named defendant and the plaintiff in the action in the N. Y. Court of Common Pleas entitled Napoleon J. Haines against John H. De Mott and John L. Durant. In the <sup>early</sup> ~~last~~ part of January, 1883, I sent my son-in-law Thomas Floyd-Jones to the office of De Mott and Durant to direct them to sell my Northern Pacific Stock mentioned in said complaint in said suit in the N. Y. Court of Common Pleas. Said Floyd-Jones reported to me that he was informed at their office (office of De Mott and Durant) that said stock had already been sold. Knowing



that I had given no order for its sale I was surprised but thought there must be some mistake. I again sent in said January 1883, said Floyd-Jones to said office on the same errand and he again reported to me that he was there informed that said stock had been sold. I was then alarmed and went personally to said office on about January 15<sup>th</sup>, 1883. On this visit I saw a Mr. Allison, who, as I am informed, was the bookkeeper for said Dr. Mott and Ducent. Said Allison in reply to my questions informed me that I had no stock in that office. I expressed great surprise and said Allison took me to certain books of account and pointed out what purported to be the closing out of my account. He then gave me a statement which he said showed that my account was closed out. I told said Allison that that was all wrong and that there must be some mistake. Then said Allison said I had better see Mr. Dr. Mott. ~~Subsequently~~ Allison sent for Mr. Dr. Mott and he could not be found. Subsequently, within two or three days, I again called at said offices and saw said Dr. Mott. I asked Mr. Dr. Mott, how about my stock

He replied that it had been sold; that I had  
 better see my son about it; ~~I replied that~~  
 that he would telegraph immediately for  
 him, and he ordered a telegram to be  
 sent. I replied that my son <sup>had nothing</sup>  
 whatever to do with it; that he <sup>(Dr. Hott)</sup> was the  
 custodian of my property and I looked to  
 him; that I did not wish to see my son  
 about it. At that time I was not on  
 friendly terms with my son and had  
 not spoken with him for some time.  
 Dr. Hott then left the office and I  
 returned home. Subsequently, two or  
 three days thereafter, I went again to  
 said office with my brother Francis  
 W. Haines to make a formal legal demand  
 for my stock on said Dr. Hott. Mr. Dr. Hott  
 was sent for and I said to him ~~there~~  
 that I had come to demand my stock  
 and that I was prepared to pay all  
 charges that might have accrued upon  
 it either in green-backs or certified  
 check. He said he could do nothing for  
 me. I then asked him if he wanted  
 me to see him and he then became  
 angry and ordered us out of the office  
 and I left. My <sup>said</sup> brother is dead. After  
 this I saw nothing more of either  
 Mr. Dr. Hott or Mr. Durant until the

time of the trial in the Court of Common  
Pleas to the best of my recollection.

Sworn to before me

this 31<sup>st</sup> day of

December, 1888.

at New York City  
Wm. J. Haines

Wm. J. Haines  
Notary Public,  
New York Co.



0040

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.  
OF NEW YORK, }

An information having been laid before Maurice J. Pauer a Police Justice  
of the City of New York, charging Napoleon J. Haines Jr. 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, Napoleon J. Haines Jr. Defendant of No. 155th  
Street 4th 11th Avenue Street, by occupation a clean  
and Napoleon J. Haines of No. 245 Lenox Avenue  
Street, by occupation a Prison Mfr. Surety, hereby jointly and severally undertake that  
the above named Napoleon J. Haines Jr. Defendant  
shall personally appear before the said Justice, at the 1 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 200  
Hundred Dollars,

Taken and acknowledged before me, this 24th  
day of February 188 8

W. J. Cover POLICE JUSTICE.

0041

CITY AND COUNTY OF NEW YORK, ss.

day of *February* 188*8*

Sworn to before me, this

*21st*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear during the Examination.

vs.

188

day of

Taken the

Justice.

*Napoleon J. Harris*  
the within named Bail and Surety being duly sworn, says, that he is a resident and *Free*  
holder within the said County and 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 *Thirteen (13) lots of land*

*situated on the west side of Alexander*  
*Avenue, extending from 132<sup>d</sup> Street*  
*to Southern Boulevard and is worth Twenty*  
*thousand dollars clear of all debts*  
*and encumbrances*

*N. Harris*

The People vs

vs.

Napoleon J. Haines, Jr.

2 Cases.

State of New York,

City and County of New York.

ss.

Napoleon J. Haines, Jr., being sworn, says —  
 I am the defendant in the above-entitled action. On March 16<sup>th</sup> 1888 or about that day I had a number of pianos in my possession which were mine, and in number I had more than seven. I went to Mr. Dr. Mott and asked him to loan me \$1,000<sup>00</sup>. This he agreed to do and gave me a check for that amount viz. \$1,000<sup>00</sup>. I then, after receiving the check aforesaid volunteered to give said Dr. Mott, the complainant herein, some security and to secure him I gave him a bill of sale for seven \$25 pianos which I then owned and had in my possession. The bill of sale was given after the check for \$1,000<sup>00</sup> was given me and I at no time made any representations or statement in regard to them until after I had received said check. Said Dr. Mott afterwards sued me for the



amount of the loan to wit \$1,000<sup>00</sup> and recovered judgment against me and I satisfied the judgment. I allowed judgment to go against me by default. I never gave said DE Lott nor his firm of DE Lott & Durant either directly or indirectly or in any way whatsoever any order or direction to buy or sell any stock for or on account of my father Napoleon J. Henries, Sr.. I never at any time represented in any way to said DE Lott nor to his firm of DE Lott & Durant that I was authorized to represent or did represent my father in any stock transactions with said DE Lott or his said firm. When my account was settled with said firm of DE Lott and Durant I simply sent to them and asked for "the balance of my account" and they sent me a check drawn to my order, N. J. Henries, Jr., for the amount which was over \$800<sup>00</sup> ~~and~~ and there never was paid to me at any time any sum of \$187<sup>42</sup> as stated in the affidavit of complainant herein in the police court. A copy of said check is found at

p. 34 of the Appeal Book in the case  
 of J. Haines against John H. De Lott  
 and ans. now pending in the  
 Court of Appeals. My letter to them  
 requesting the balance of my account  
 is found at the same page in said  
 Appeal Book. I am informed that  
 this affidavit is to be used upon a  
 motion herein in the Court of  
 General Sessions of the Peace of the  
 City and County of New York.

Sworn to before me  
 this 18<sup>th</sup> day of September } J. Haines Jr.

1889  
 Wm H. Von Gerichlein  
 Notary Public 46  
 N. Y. Co.

## COURT OF GENERAL SESSIONS.

City and County of New York.

-----x  
 THE PEOPLE OF THE  
 STATE OF NEW YORK

against

NAPOLEON J. HAINES the  
 Younger.  
 -----x

NOTICE OF MOTION.

Please take notice, upon the affidavits hereto  
 annexed and upon the indictment against the defendant here-  
 in and upon all the papers and proceedings herein, The plea  
 of not guilty entered July 25, 1888, <sup>will be</sup> ~~is~~ withdrawn and a motion  
 will be made before the Honorable RANDOLPH B. MARTINE, or  
 one of the Judges of the above Court at the Chambers of  
 Part I. of the said Court, to be held at the Court House,  
 City of New York, on the 28th day of June 1888, at the  
 opening of the Court on that day, or as soon as Counsel  
 can be heard for an Order setting aside the indictment and  
 that the said defendant be discharged from custody herein,  
 in accordance with the provisions of the Code of Criminal  
 Procedure, Sections 256, 270, 313, 317 and 319 and the Statutes  
 of this State in such cases made and provided and for such  
 other and further Order as may be just and proper herein.  
 Dated New York, June 28, 1888.

John D. Quincy,  
 Att'y. for Defendant,

To

John R. Fellows,  
 District Att'y.,  
 For the City and County of New York,  
 New York City.,



COURT OF GENERAL SESSIONS.

City and County of New York.

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLÉON J. HAINES the  
Younger.

INDICTMENT FOR GRAND  
LARCENY SECOND  
DEGREE.

City and County of New York, ss:

NAPOLEON J. HAINES Jr. being duly sworn, says,  
that he is the defendant in the above entitled proceeding.

That on the 24th day of February 1888, one JOHN H. De MOTT, made a Complaint before Police Justice POWERS alleging that the defendant was guilty of the offence of Grand Larceny and among other things that he was guilty of the offence of Grand Larceny of the sum of \$187.42.

That upon this charge the defendant waived an examination and was held subject to the action of the Grand Jury.

That on or about the 13th day of April 1888, the Grand Jury for the April Term after due consideration and deliberation dismissed the said Complaint and refused to find an indictment upon the said charge against said defendant.

That during the month of June 1888, the defendant was indicted by the Grand Jury for the June Term of this

2.

Court for Grand Larceny, Second Degree upon the same charge.

That deponent is informed by his Counsel that the said indictment was found by the said Grand Jury without warrant of law and in direct violation of defendant's legal, constitutional and substantial rights, and in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State in such cases made and provided.

Deponent therefore prays this Honorable Court that the indictment above set forth against him may be set aside and an Order made herein discharging defendant from custody thereon.

Deponent refers to the annexed affidavit of his Counsel as to the facts and circumstances taken in these proceedings and upon which this motion is based.

No previous application has been made for this Order.

Sworn to before me this

25th day of June 1888.

*Napoleon J. Kainer Jr.*

*Wm. M. McDonald*  
*Clerk of District Judge*

## COURT OF GENERAL SESSIONS.

City and County of New York.

-----x  
 :  
 THE PEOPLE OF THE :  
 STATE OF NEW YORK :

against

NAPOLÉON J. HAINES the :  
 younger. :  
 -----x

INDICTMENT FOR GRAND  
 LARCENY, SECOND  
 DEGREE.

City and County of New York, ss:

JOHN D. QUINCY, being duly sworn, says, that he  
 is the Attorney for the defendant herein.

That on the 24th day of February 1888, one John  
 H. DeMott made a complaint in writing and upon oath, before  
 Police Justice Powers, alleging that the defendant was  
 guilty of the offence of Grand Larceny and among other things  
 that he was guilty of the offence of Grand Larceny, of the  
 sum of \$187.42.

That upon this charge the defendant waived and  
 examination before the Police Justice, whereupon the said  
 Justice held the defendant to bail, subject to the action  
 of the Grand Jury.

That on or about the 26th day of March, the papers in  
 the said case was filed in the Office of the District  
 Attorney and on or about the 13th day of April 1888, the  
 Grand Jury for the April Term after due consideration and



2.

deliberation dismissed the said Complaint and by direction of the said Grand Jury, directed the foreman of the said Grand Jury to endorse upon the said papers the following:

Dismissed April 13th 1888.

W. J. C. Berry,  
Foreman.

That on or about the 22nd day of May 1888, the District Attorney obtained leave from Judge Rufus B. Cowing to resubmit the case to the Grand Jury and the following endorsement was made upon the papers, which had been before the previous Grand Jury to wit: "On motion of the District Attorney that this case be re-submitted to the Grand Jury May 22, 1888,

R. B. C."

That on or about May 23, deponent called at the Office of the District Attorney and was informed that Assistant Deputy Attorney Lindsey had charge of the Haine's case and upon an interview with the said Lindsey, deponent was informed by him that not only would the charge contained in the indictment which had been set aside but also the other charge against the said Haines, would be submitted upon the Monday following to the Grand Jury, then in session.

That in pursuance of the said Order on Monday May 28, 1888, the case was re-submitted by the District Attorney to the Grand Jury then sitting for the May Term, of which Mr. William M. Flies was foreman.

On Tuesday the 29th day of May 1888, the Grand

2.

deliberation dismissed the said Complaint and by direction of the said Grand Jury, directed the foreman of the said Grand Jury to endorse upon the said papers the following:

Dismissed April 13th 1888.

W. J. C. Berry,  
Foreman.

That on or about the 22nd day of May 1888, the District Attorney obtained leave from Judge Rufus B. Cowing to resubmit the case to the Grand Jury and the following endorsement was made upon the papers, which had been before the previous Grand Jury to wit: "On motion of the District Attorney that this case be re-submitted to the Grand Jury May 22, 1888,

R. B. C."

That on or about May 23, deponent called at the Office of the District Attorney and was informed that Assistant Deputy Attorney Lindsey had charge of the Haine's case and upon an interview with the said Lindsey, deponent was informed by him that not only would the charge contained in the indictment which had been set aside but also the other charge against the said Haines, would be submitted upon the Monday following to the Grand Jury, then in session.

That in pursuance of the said Order on Monday May 28, 1888, the case was re-submitted by the District Attorney to the Grand Jury then sitting for the May Term, of which Mr. William M. Flies was foreman.

On Tuesday the 29th day of May 1888, the Grand

3.

Jury for the May Term were duly discharged without finding an indictment against the said defendant upon this charge.

That after the May Grand Jury had been discharged and on or about June 1st. 1888, deponent called at the office of the Chief Clerk of the District Attorney's Office to inquire about the case and was informed that the case had been before the Grand Jury for the May Term, on May 28th and May 29th, 1888, but that the Grand Jury were discharged without finding an indictment upon this charge.

Deponent has carefully examined the papers and the records of this case on file in the Office of the District Attorney and alleges that no other Order has been made in these proceedings directing or authorizing the re-submission of the case to the Grand Jury for the June Term and that the action of the District Attorney in re-submitting the case without such Order and the Grand Jury in considering the same was in direct violation of the legal, constitutional and substantial rights of the defendant and also in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State, in such cases made and provided and that therefore this indictment is without authority of law and should be set aside and an Order to that effect be duly made herein. No previous application has been made for this Order.

Sworn to before me this  
28th day of June 1888.

*John D. Lacey*  
*John D. Lacey*  
Clerk of District Court



The paper in the case having  
been submitted to Mr. Seaman  
for examination the hearing  
was set for <sup>the day</sup> Monday  
March 2nd, 1889 at his office  
in New York upon which matter  
the case stands as submitted  
a copy of the Motion Bookcase  
the defendant is still held  
secured.  
Dated Dec. 27/89 *JS*

COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLEON J. HAINES  
the Younger

NOTICE OF MOTION TO SET  
ASIDE INDICTMENT FOR  
GRAND LARCENY, SECOND DEGREE  
AND AFFIDAVIT IN SUPPORT  
OF MOTION.

John D. Quincy,  
Att'y. for the Defendant  
287 Broadway,  
N. Y. City.

For copies of a copy  
of the within is hereby  
admitted.

Wm. J. P. 28th/1889

Wm. J. P. Tallon  
Deputy

COURT OF GENERAL SESSIONS.

City and County of New York.

-----X  
THE PEOPLE OF THE  
STATE OF NEW YORK

-----X  
against

NOTICE OF MOTION.

-----X  
NAPOLEON J. HAINES the  
Younger.

-----X  
Please take notice, upon the affidavits hereto  
annexed and upon the indictment against the defendant here-  
in and upon all the papers and proceedings herein, The plea  
of not guilty entered July 25, 1888, <sup>will be</sup> withdrawn and a motion  
will be made before the Honorable RANDOLPH R. MARTINE, or  
one of the Judges of the above Court at the Chambers of  
Part I. of the said Court, to be held at the Court House,  
City of New York, on the 28th day of June 1888, at the  
opening of the Court on that day, or as soon as Counsel can  
be heard for an Order setting aside the indictment and that  
the said defendant be discharged from custody herein, in  
accordance with the provisions of the Code of Criminal Pro-  
cedure, Sections 256, 270, 313, 317 and 319 and the Statutes  
of this State in such cases made and provided and for such  
other and further Order as may be just and proper herein.  
Dated New York, June 26, 1888.

John D. Quiney,  
Att'y. for Defendant,

To

John R. Fellows Esq.,  
District Att'y.  
For the City and County of New York,  
New York City.

COURT OF GENERAL SESSIONS.

City and County of New York.

-----X  
THE PEOPLE OF THE  
STATE OF NEW YORK

against

-----X  
NAPOLEON J. HAINES the  
Younger.

INDICTMENT FOR GRAND  
LARCENY, FIRST  
DEGREE.

City and County of New York, ss:

NAPOLEON J. HAINES, being duly sworn, says, that  
he is the defendant in the above entitled proceeding.

That on the 16th day of April 1888, an indictment  
was presented to this Court by the Grand Jury of the April  
Term charging the said defendant with the crime of Grand  
Larceny, First Degree.

That the above indictment was set aside upon a  
motion of defendant's Counsel by an Order which was duly  
made and entered by Justice Rufus B. Cowing, presiding in  
Part I. of said Court.

That during the month of June 1888, defendant was  
again indicted by the Grand Jury for the June Term of this  
Court for Grand Larceny, First Degree upon the same charge.

That deponent is informed by his Counsel that the  
said indictment was found by the said Grand Jury without



2. .

warrant of law and in direct violation of defendant's legal, constitutional and substantial rights, and in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State in such case made and provided.

Deponent therefore prays this Honorable Court that the indictment above set forth against him may be set aside and an Order made herein discharging defendant from custody thereon.

Deponent refers to the annexed affidavit of his Counsel as to the facts and circumstances taken in these proceedings and upon which this motion is based.

No previous application has been made for this Order.

Sworn to before me this

27th day of June 1888.

*Wm. McDonald*  
*Com. of Deeds*  
*N.Y.C.*

:  
:  
: *Napoleon J. O'Hames Jr.*

COURT OF GENERAL SESSIONS.

City and County of New York.

-----X  
THE PEOPLE OF THE STATE :  
OF NEW YORK. :

against :

NAPOLÉON J. HAINES the  
Younger. :

INDICTMENT FOR GRAND  
LARCENY, FIRST DEGREE.

-----X  
City and County of New York, ss:

JOHN D. QUINCY, being duly sworn, says, that he  
is the Attorney for the defendant herein.

That on the 16th day of April 1888, an indictment  
was presented to this Court by the Grand Jury of the April  
Term, charging the said defendant with the crime of Grand  
Larceny, First Degree (False pretense).

That on or about the 18th day of April 1888, a  
motion was made before the Court to set aside the said  
indictment upon the ground that the same was found upon  
illegal and incompetent evidence.

That on the 23rd day of April 1888, said motion was  
duly argued before Justice Rufus B. Cowing, City Judge,  
presiding in part 1, of said Court.

That on or about the 21st day of May 1888, the  
said Judge rendered a decision granting the motion made in  
behalf of the defendant to set aside the indictment and

OFFICE OF THE DISTRICT ATTORNEY  
COURT OF THE DISTRICT OF COLUMBIA

2

directing that the case be again submitted to another Grand Jury for their consideration.

That upon the said decision an Order was duly entered upon the minutes of this Court, on or about May 21, 1888, setting aside the indictment and directing that the case be again submitted to another Grand Jury for their consideration and the following endorsement was duly made upon the said indictment, "On motion of Counsel for the defendant, this indictment set aside by the Court, Judge Cowing with directions to re-submit to another Grand Jury May 21, 1888.

On or about May 23, Deponent called at the office of the District Attorney and was informed that Assistant District Attorney Lindsey had charge of the Haine's case and upon an interview with the said Lindsey, deponent was informed by him that the case would be submitted upon the Monday following to the Grand Jury then in session for the May Term. Deponent informed Mr. Lindsey at this interview that the complainant had brought a civil action based upon the same complaint against the defendant and that defendant had paid the complainant in full and submitted to him the satisfaction piece, executed by the complainant, who was the plaintiff in the Civil Suit acknowledging full satisfaction of the claim against the defendant and stated to Mr. Lindsey that if the matter was



to be re-submitted that these facts should also be presented to the Grand Jury at the same time.

That in pursuance of the Order above mentioned, on Monday May 28, 1888, the case was re-submitted by the District Attorney to the Grand Jury then sitting for the May Term of which Mr. William M. Flies was Foreman.

That on Tuesday May 29th, 1888, the Grand Jury for the May Term were duly discharged without finding any new indictment against the said defendant in this case.

That after the May Grand Jury had been discharged and on or about June 1st, 1888, deponent called at the Office of the Chief Clerk of the District Attorney's Office to inquire about the case and was informed that the case had been before the Grand Jury for the May Term on May 28, and May 29th 1888, but the Grand Jury were discharged without finding an indictment.

Deponent has carefully examined the papers and the records of this case on file in the Office of the District Attorney and alleges that no other Order has been made in these proceedings directing or authorizing the re-submission of the case to the Grand Jury for the June Term and that the action of the District Attorney in re-submitting the case without such Order and the Grand Jury in considering the same was in direct violation of the legal, constitutional

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and substantial rights of the defendant and also in viola-  
tion of the provisions of the Code of Criminal Procedure  
and the statutes of this State, in such cases made and  
provided and that therefore this indictment is without  
authority of law and should be set aside and an Order to the  
effect be duly made herein. No previous application has  
been made for this Order.

Sworn to before me this

27th day of June 1888.

*Wm. McDonald*  
*Com. of Deeds*  
*N.Y. Co.*

: *John A. Quincy*  
:  
:

COURT OF GENERAL SESSIONS

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPLLEON J. HAINES  
the Younger.

NOTICE OF MOTION TO SET  
ASIDE INDICTMENT FOR  
GRAND LARCENY, FIRST DEGREE  
AND AFFIDAVIT IN SUPPORT  
OF MOTION.

John D. Grimes  
Att'y. for the Defendant  
287 Broadway,  
New York City.

To  
Hon. J. J. Feltus, District Attorney,  
New York City.

Received  
Hon. J. J. Feltus, District Attorney,  
New York City.  
July 12, 1888



COURT OF GENERAL SESSIONS.

City and County of New York.

-----X  
THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLSON J. MATTERS the  
Younger.

NOTICE OF MOTION.

Please take notice, upon the affidavits hereto  
annexed and upon the indictment against the defendant here-  
in and upon all the papers and proceedings herein. The plea  
of not guilty entered July 25, 1888, <sup>will</sup> withdrawn and a motion  
will be made before the Honorable RICHARD B. MARTINE, or  
one of the Judges of the above Court at the Chambers of  
Part I. of the said Court, to be held at the Court House,  
City of New York, on the 28th day of June 1888, at the  
opening of the Court on that day, or as soon as Counsel can  
be heard for an Order setting aside the indictment and that  
the said defendant be discharged from custody herein, in  
accordance with the provisions of the Code of Criminal Pro-  
cedure, Sections 256, 270, 313, 317 and 319 and the Statutes  
of this State in such cases made and provided and for such  
other and further Order as may be just and proper herein.  
Dated New York, June 23, 1888.

John D. Quinoy,  
Att'y. for Defendant,

To

John R. Fallows Esq.,  
District Att'y.  
For the City and County of New York,  
New York City.,

COURT OF GENERAL SESSIONS.

City and County of New York.

-----x  
THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLEON J. HAINES the  
Younger.

INDICTMENT FOR GRAND  
LARCENY, SECOND  
DEGREE.

-----x  
City and County of New York, ss:

NAPOLEON J. HAINES Jr. being duly sworn, says,  
that he is the defendant in the above entitled proceeding.

That on the 24th day of February 1888, one JOHN  
H. De MOTT, made a Complaint before Police Justice POWERS  
alleging that the defendant was guilty of the offense of  
Grand Larceny and among other things that he was guilty of  
the offence of Grand Larceny of the sum of \$187.42.

That upon this charge the defendant waived an ex-  
amination and was held subject to the action of the Grand  
Jury.

That on or about the 13th day of April 1888, the  
Grand Jury for the April Term after due consideration  
and deliberation dismissed the said Complaint and refused  
to find an indictment upon the said charge against said  
defendant.

That during the month of June 1888, the defendant  
was indicted by the Grand Jury for the June Term of this

2.

Court for Grand Larceny, Second Degree upon the same charge.

That deponent is informed by his Counsel that the said indictment was found by the said Grand Jury without warrant of law and in direct violation of defendant's legal, constitutional and substantial rights, and in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State in such cases made and provided.

Deponent therefore prays this Honorable Court that the indictment above set forth against him may be set aside and an Order made herein discharging defendant from custody thereon.

Deponent refers to the annexed affidavit of his Counsel as to the facts and circumstances taken in these proceedings and upon which this motion is based.

No previous application has been made for this Order.

Sworn to before me this  
27th day of June 1888.

: Napoleon J. Haines Jr.  
: *J. M. E. McDonald*  
: Com of Deeds N.Y.C.



COURT OF GENERAL SESSIONS.

City and County of New York.

-----X	:	
THE PEOPLE OF THE STATE	:	
OF NEW YORK	:	
	:	INDICTMENT FOR
against	:	GRAND LARCENY, SECOND
	:	DEGREE.
NAPOLEON J. HAINES the	:	
Younger	:	
-----X	:	

City and County of New York, ss:

JOHN D. QUINCY, being duly sworn, says, that he is the Attorney for the defendant herein.

That on the 24th day of February 1888, one JOHN H. DEMOTT made a Complaint in writing and upon oath, before Police Justice POWERS, alleging that the defendant was guilty of the offence of Grand Larceny and among other things that he was guilty of the offense of Grand Larceny of the sum of \$187.42.

That upon this charge the defendant waived an examination before the Police Justice, whereupon the said Justice held the defendant to bail, subject to the action of the Grand Jury.

That on or about the 26th day of March the papers in the said case were filed in the Office of the District Attorney and on or about the 13th day of April 1888, the Grand Jury for the April Term after due consideration and

2.

deliberation dismissed the said Complaint and by direction of the said Grand Jury directed the foreman of the said Grand Jury to endorse upon the said papers the following:

Dismissed April 13th, 1888.

W. J. C. Berry,

Foreman.

That on or about the 22nd. day of May 1888, the District Attorney obtained leave from Judge Rufus B. Cowing to re-submit the case to the Grand Jury and the following endorsement was made upon the papers which had been before the previous Grand Jury to wit: "On motion of the District Attorney that this case be re-submitted to the Grand Jury May 22, 1888.

R. B. C."

That on or about May 25, deponent called at the Office of the District Attorney and was informed that Assistant Deputy Attorney Lindsey had charge of the Haine's case and upon an interview with the said Lindsey deponent was informed by him that not only would the charge contained in the indictment which had been set aside but also the other charge against the said Haines, would be submitted upon the Monday following to the Grand Jury then in session.

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1  
That in pursuance of the said Order on Monday May 28th 1888, the case was re-submitted by the District Attorney to the Grand Jury then sitting for the May Term of which Mr. William M. Flies was foreman.

On Tuesday the 29th day of May 1888, the Grand Jury

3.

for the May Term were duly discharged without finding an indictment against the said defendant upon this charge.

?  
That after the May Grand Jury had been discharged and on or about June 1st, 1888, deponent called at the Office of the Chief Clerk of the District Attorney's Office to inquire about the case and was informed that the case had been before the Grand Jury for the May Term, on May 28th and May 29th 1888, but that the Grand Jury was discharged without finding an indictment upon this charge.

Deponent has carefully examined the papers and the records of this case on file in the Office of the District Attorney and alleges that no other Order has been made in these proceedings directing or authorizing the re-submission of the case to the Grand Jury for the June Term and that the action of the District Attorney in re-submitting the case without such Order and the Grand Jury in considering the same was in direct violation of the legal, constitutional and substantial rights of the defendant and also in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State, in such cases made and provided and that therefore this indictment is without authority of law and should be set aside and an Order to that effect be duly made herein.

No previous application has been made for this

Order.

Sworn to before me this

25th day of June 1888.

*John D. Quincy*  
:  
:  
:  
*Wm E. McDonald*  
*Com of Deeds N.Y. Co.*



COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE  
STATE OF NEW YORK

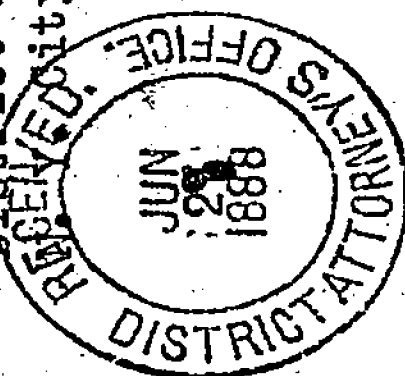
against

NAPOLEON J. HAINES  
the Younger.

NOTICE OF MOTION TO SET  
ASIDE INDICTMENT FOR  
GRAND LARCENY, SECOND DEGREE  
AND AFFIDAVIT IN SUPPORT  
OF MOTION.

John B. Quincy,  
Att'y. for the Defendant,  
287 Broadway,  
New York City,

To Hon. John R. Fellows,  
District Att'y.  
New York City.



*Postponed to 2<sup>nd</sup> Monday  
of July or in argument  
for Sept. Judge*

*1<sup>st</sup> Monday in July*

COURT OF GENERAL SESSIONS.

-----X  
The People &c. :  
against : Two Cases  
Napoleon J. Haines, Jr., :  
-----X

- (1) Indictment for Grand Larceny first degree.
- (2) Indictment for Grand Larceny second degree.

Motion in each case to set aside the indictment on the following grounds:

In case number one a previous indictment was found and set aside by order of Court with direction to submit to another Grand Jury.

Dated May 21st, 1888.

In case number two complaint was dismissed by Grand Jury April 13, 1888, but was directed to be resubmitted to Grand Jury by order of Court.

Dated May 22d, 1888.

The indictments at bar were found June 19th, 1888.

The point on which Counsel for defendant relies is, that in pursuance of said orders for resubmission the complaints were presented to the Grand Jury sitting at the time such orders were made, that is in May, and that said Grand Jury adjourned without finding indictments thereon; consequently the complaints were submitted to the June Grand Jury without an order of Court and the indictments found thereon should be set aside.

POINTS.

I.

The orders of Court did not require that the resubmission should be made to the Grand Jury (May) then in session. It were competent for that or the next Grand Jury in number one case, or of any Grand Jury in number two case, to find indictments on the complaints.

Code Crim. Proc., Secs. 270-317.

II.

The indictments were found by the next (June) Grand Jury; therefore defendant is not entitled to his discharge.

Ibid., Secs. 319-317.

III.

There is no legal proof in the moving affidavits, nor is there anything in the record, to show that the complaints were submitted to, considered or acted upon by the May Grand Jury.

(a) Even if Mr. Lindsay did promise to submit the cases to the Grand Jury "on Monday following in May" (Mr. Quincy's affidavit, page 2) it was not binding on the District Attorney and it is not sufficient to support a legal presumption that a submission was in fact made.

(b) There is no proof by record that the cases were submitted to the Grand Jury May 28. Mr. Quincy is not a competent witness to prove whether or not the cases were submitted. A mere naked statement, even if sworn



to, unsupported by any fact or circumstance and made by a person who is not supposed to possess knowledge on the subject, is not sufficient.

(c) The mere fact that Mr. Quincy was informed by some (unnamed) person in the Clerk's office that a submission was had is of no force whatever. Hearsay, even if true, is not proof of a fact.

IV.

If the defendant's position be correct, that these complaints were before the May Grand Jury and subsequently before the June Grand Jury (without orders therefor), then the indictments were found without legal evidence (secs. 255, 256 Code Crim. Pro.), and as the motion is to set aside the indictment under Sec. 313, that section regulates the practice and prescribes the causes for which an indictment may be set aside on motion, and the moving papers here do not show or claim the existence of any of those causes as mentioned in subdivisions one and two of said section. Violations of or non-compliance with Secs. 255, 256 are not causes for setting aside under Sec. 313.

The motion should be denied.

JOHN R. FELLOWS,

District Attorney,

per John W. Goff,

Assistant.

*Court of General Sessions*

THE PEOPLE OF THE STATE OF  
NEW YORK,

*against*

*Napoleon J. Wamers*

*Brief in opposition to  
Motion to set aside  
Indictments*

JOHN R. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,  
NEW YORK CITY.



COURT OF GENERAL SESSIONS.

City and County of New York.

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLEON J. HAINES the  
Younger.

NOTICE OF MOTION.

Please take notice, upon the affidavits hereto

annexed and upon the indictment against the defendant herein and upon all the papers and proceedings herein, The plea of not guilty entered July 25, 1888, <sup>will be</sup> ~~is~~ withdrawn and a motion will be made before the Honorable RANDOLPH B. MARTINE, one of the Judges of the above Court at the Chambers of Part I. of the said Court, to be held at the Court House, City of New York, on the 28th day of June 1888, at the opening of the Court on that day, or as soon as Counsel can be heard for an Order setting aside the indictment and that the said defendant be discharged from custody herein, in accordance with the provisions of the Code of Criminal Procedure, Sections 256, 270, 313, 317 and 319 and the Statutes of this State in such cases made and provided and for such other and further Order as may be just and proper herein. Dated New York, June 28, 1888.

John D. Quincy,  
Att'y. for Defendant,

To:

John R. Fellows Esq.,  
District Att'y.  
For the City and County of New York,  
New York City.,



## COURT OF GENERAL SESSIONS.

City and County of New York.

-----x  
 THE PEOPLE OF THE  
 STATE OF NEW YORK

against

NAPOLEON J. HAINES the  
 Younger.

-----x

INDICTMENT FOR GRAND  
 LARCENY, FIRST  
 DEGREE.

City and County of New York, ss:

NAPOLEON J. HAINES, being duly sworn, says, that  
 he is the defendant in the above entitled proceeding.

That on the 16th day of April 1888, an indictment  
 was presented to this Court by the Grand Jury of the April  
 Term charging the said defendant with the crime of Grand  
 Larceny, First Degree.

That the above indictment was set aside upon a  
 motion of defendant's Counsel by an Order which was duly  
 made and entered by Justice Rufus B. Cowing, presiding in  
 Part I. of said Court.

That during the month of June 1888, defendant was  
 again indicted by the Grand Jury for the June Term of this  
 Court for Grand Larceny, First Degree upon the same charge.

That deponent is informed by his Counsel that the  
 said indictment was found by the said Grand Jury without

2.

warrant of law and in direct violation of defendant's legal, constitutional and substantial rights, and in violation of the provisions of the Code of Criminal Procedure and the Statutes of this State in such case made and provided.

Deponent therefore prays this Honorable Court that the indictment above set forth against him may be set aside and an Order made herein discharging defendant from custody thereon.

Deponent refers to the annexed affidavit of his Counsel as to the facts and circumstances taken in these proceedings and upon which this motion is based.

No previous application has been made for this Order.

Sworn to before me this

25th day of June 1888.

*Wm. M. Donald*  
*Com. of Deeds & Reg.*

*Napoleon J. Kainer Jr.*

## COURT OF GENERAL SESSIONS.

City and County of New York.

-----X	
THE PEOPLE OF THE	:
STATE OF NEW YORK	:
	:
against	:
NAPOLION J. HAINES the	:
Younger.	:
	:
-----X	

INDICTMENT FOR GRAND  
LARCENY, FIRST DEGREE.

City and County of New York, ss:

JOHN D. QUINCY, being duly sworn, says, that he  
is the Attorney for the defendant herein.

That on the 16th day of April 1888, an indictment  
was presented to this Court by the Grand Jury of the April  
Term, charging the said defendant with the crime of Grand  
Larceny, First Degree (False pretense).

That on or about the 18th day of April 1888, a  
motion was made before the Court to set aside the said indictment  
upon the ground that the same was found upon illegal and in-  
competent evidence.

That on the 23rd day of April 1888, said motion was  
duly argued before Justice Rufus B. Cowing, City Judge,  
presiding in Part I, of said Court.

That on or about the 21st. day of May 1888, the



2.

said Judge rendered a decision granting the motion made in behalf of the defendant to set aside the indictment and directing that the case be again submitted to another Grand Jury for their consideration.

That upon the said decision an Order was duly entered upon the minutes of this Court, on or about May 21, 1888, setting aside the indictment and directing that the case be again submitted to another Grand Jury for their consideration and the following endorsement was duly made upon the said indictment, "On motion of Counsel for the defendant, this indictment set aside by the Court, Judge Cowing with directions to re-submit to another Grand Jury May 21, 1888."

On or about May 23, Deponent called at the Office of the District Attorney and was informed that Assistant District Attorney Lindsey had charge of the Haine's case and upon an interview with the said Lindsey, deponent was informed by him that the case would be submitted upon the Monday following to the Grand Jury then in session for the May Term. Deponent informed Mr. Lindsey at this interview that the complainant had brought a civil action based upon the same complaint against the defendant and that defendant had paid the complainant in full and submitted to him the satisfaction piece, executed by the complainant, who was the plaintiff in the Civil Suit acknowl-

3.

edging full satisfaction of the claim against the defendant and stated to Mr. Lindsey that if the matter was to be re-submitted that these facts should also be presented to the Grand Jury at the same time.

That in pursuance of the Order above mentioned, on Monday May 28, 1888, the case was re-submitted by the District Attorney to the Grand Jury then sitting for the May Term of which Mr. William M. Flies was Foreman.

That on Tuesday May 29th, 1888, the Grand Jury for the May Term were duly discharged without finding any new indictment against the said defendant in this case.

That after the May Grand Jury had been discharged and on or about June 1st, 1888, deponent called at the Office of the Chief Clerk of the District Attorney's Office to inquire about the case and was informed that the case had been before the Grand Jury for the May Term on May 28, and May 29th 1888, but the Grand Jury were discharged without finding an indictment.

Deponent has carefully examined the papers and the records of this case on file in the Office of the District Attorney and alleges that no other Order has been made in these proceedings directing or authorizing the re-submission of the case to the Grand Jury for the June Term and that the action of the District Attorney in re-submitting the case without such Order and the Grand Jury in

0078

4.

considering the same was in direct violation of the legal,  
constitutional and substantial rights of the defendant  
and also in violation of the provisions of the Code of  
Criminal Procedure and the Statutes of this State, in such  
cases made and provided and that therefore this indictment  
is without authority of law and should be set aside and  
an Order to the effect be duly made herein. No previous  
application has been made for this Order.

Sworn to before me this :

28th day of June 1888. :

*John D. Quiney*  
*John D. Quiney*  
*Com of Deeds N.Y.C.*



COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLEON J. HAINES  
the Younger.

NOTICE OF MOTION TO SET  
ASIDE INDICTMENT FOR  
GRAND LARCENY, FIRST DEGREE  
AND AFFIDAVIT IN SUPPO  
OF MOTION.

John D. Quincy,  
Att'y. for the Defendant  
287 Broadway,  
New York City.

*For service of a copy  
of the within is hereby  
admitted.  
Wm. J. Quincy  
John D. Quincy  
Dr. 1 Atty*

0079

COURT OF GENERAL SESSIONS.

THE PEOPLE OF THE  
STATE OF NEW YORK

against

NAPOLEON J. HAINES  
the Younger.

NOTICE OF MOTION TO SET  
ASIDE INDICTMENT FOR  
GRAND LARCENY, FIRST DEGREE  
AND AFFIDAVIT IN SUPPO  
OF MOTION.

John D. Quincy,  
Att'y. for the Defendant  
287 Broadway,  
New York City.

*Are service of a copy  
of the within is hereby  
admitted.  
my June 28, 1888  
John D. Quincy  
Dr. 1 Atty*

0080

00001

Police Court—1st District.

Affidavit—Depony.

City and County }  
of New York, } ss.

of No. 57 West 4th Street, aged 48 years,  
occupation Stock Broker being duly sworn

deposes and says, that on the 16th day of March 1886 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property viz :

Good and lawful money of the  
United States consisting of Bank  
notes and bills of the denomination  
and values of

One thousand 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 Napoleon J. Harris Jr

for the reason that on said day  
said deponent came to the office  
of deponent at 19 New Street and stated to  
deponent that he was very short in  
money and that he desired to hire a  
thousand dollars from deponent  
and that if deponent would let him  
have the same, he would give deponent  
good security for the return of said  
money, and that the security would  
consist of a bill of sale which  
deponent made out and which is  
hereto annexed and marked by a  
of 7 pages in his increasing arguments

Sworn to before me, this  
1886 day

Police Justice.



store at 41 Union Square, South East corner  
 of Union Square West Broadway, which  
 were his property, Dependent believing  
 the representation to be true moved by said  
 defendant to be true and said defendant  
 paid money and accepted the said  
 bill of sale which is hereto annexed  
 and named A. as security for the return  
 of said property. Dependent is informed  
 by Edmund J. Oldham of 16 1/2 Exchange  
 Street that on the 14th day of July 1886  
 he entered at the said premises described  
 in said bill of sale and which defendant  
 stated was his, to take the said property  
 away and said defendant after having  
 had repeated demands made for  
 him by letter and verbally by dependent  
 failed to pay said money. That when  
 said Oldham went to said premises  
 he was informed by — Robert —  
 a clerk in said premises that he was  
 employed for a long time as a clerk  
 in said premises and that he knew whom  
 the owner of the stock of pianos in said  
 place belonged to and that said defendant  
 was not the owner of any property in  
 said premises and had no interest in any  
 of the business at said premises. That said  
 Oldham was further informed by  
 John Speir also a clerk in said premises  
 that the said property in said premises  
 was the property of Harris Bros. and that  
 said defendant had no interest in the  
 said property or said business and had at  
 no time such property in said premises  
 as described in said bill of sale named  
 Ex A. Dependent therefore charges said  
 defendant with having obtained  
 the said property by false & fraudulent  
 representations & charges him with the  
 conversion of same by John H. De Mott.  
 From before me  
 this 16th day of August 1886  
 W. J. Owen Deput. Justice

0083

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edmund T. Oldham*  
aged *34* years, occupation *Lawyer* of No. *16*  
*W 18 Exchange* Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *John H. E. Matt*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *6* day of *February* 188*8*  
*Edmund T. Oldham*

*W. J. Owens*  
Police Justice.

0084

Sec. 198-200.

1<sup>st</sup> District Police Court.CITY AND COUNTY } ss.  
OF NEW YORK, }

*Napoleon J. Haines Jr.* 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 may think will tend to your exculpation?

Answer.

*I am not guilty. As I am and  
an exculpation  
Napoleon J. Haines Jr.*

Taken before me this

24<sup>th</sup>

day of February 1888

Police Justice.



0085

Sec. 151.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss

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

Whereas, Complaint on oath, has been made before the undersigned, one of the Police Justices in and for the said City, by John H. DeMott

of No. 57 West 54th Street, that on the 16th day of March 1888 at the City of New York, in the County of New York, the following article to wit:

Good and lawful currency of the United States consisting of Bank notes and bills of the value of One thousand Dollars, the property of Complainant w a taken, stolen, and carried away, and as the said complainant has cause to suspect, and does suspect and believe, by Napoleon J. Steinhilber

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 1888

John H. DeMott POLICE JUSTICE.

POLICE COURT. 1- DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John H. DeMott

vs.

Napoleon J. Steinhilber

Warrant-Larceny.

Dated

Feb 6 - 1888

Bower Magistrate

Denial Officer

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

John H. DeMott Officer.

Dated Feb 24 - 1888

This Warrant may be executed on Sunday or at night.

John H. DeMott Police Justice.

REMARKS.

Time of Arrest, Feb 24 - 1888

Napoleon J. Steinhilber  
155 St 11 Ave

Native of

118

Age,

39 yrs

Sex

M

Complexion,

Tan

Color

M

Profession,

Blank

Married

Yes

Single,

Read,

Yes

Write,

Yes

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

There being no sufficient cause to believe the within named

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

to bail to answer by the undertaking hereto annexed.

I have admitted the above named

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Hundred Dollars, and be committed to the Warden and Keeper of

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

John H. Co  
57 West 5th  
Hapale and J. H. H.

Offence

Dated February 2nd 188

Magistrate.

Officer.

Precinct.

Witnesses

No.

No.

No.

\$ 1000 to answer

Sailed

Bond renewed  
June 25/88

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Street

Street

Street

1000 for expenses  
pay to me 12-10 am  
10 am

000

DE MOTT & DURANT,  
BANKERS & BROKERS.

19 New Street,  
New York, N.Y. Dec 16 1886.

J. De Matt.

Bought of  
Chas. Haines & Co.

To Seven Number. Five  
Haines Bldg. Paris -

New in stock at  
The stone number  
111. Union Square  
S E for 17 " 1.500 -  
Recd Payh.

Chas. Haines & Co.



0000

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

188

People  
v  
W J Haynes for  
Mr Goff -

A motion  
to dismiss Indictment is  
pending in above case -  
I understand it has  
been postponed by default  
several times & now is set  
for Thursday. I wish you  
would press it to a conclusion  
then.

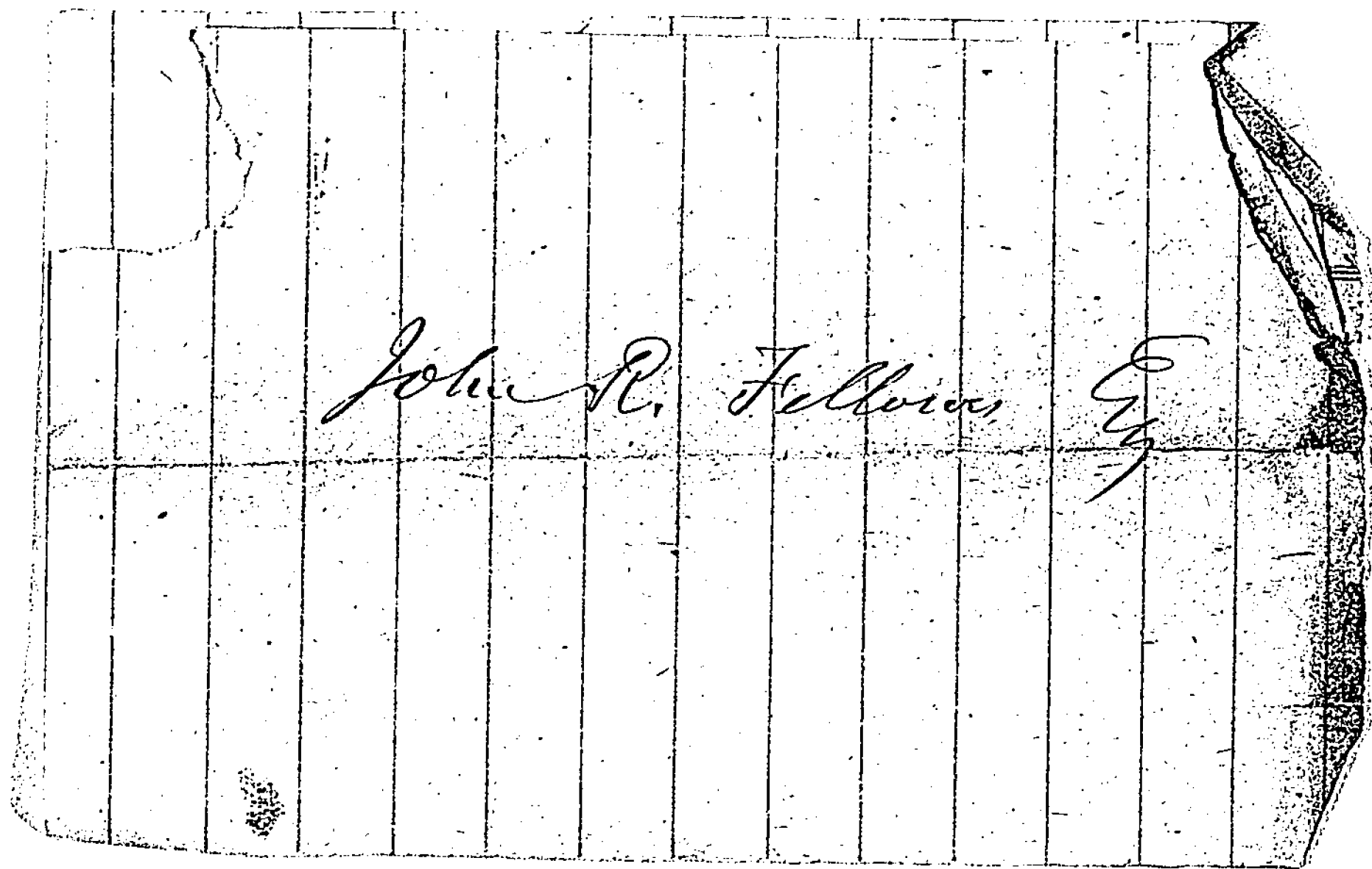
Very truly  
Yours  
J. H. McLean

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

John W Goff Esq  
Capt Dist Atty.

POOR QUALITY  
ORIGINAL

0089



The People  
v  
Haines

I suggest that the indictment against  
Haines be dismissed.

1 The statute of limitations has run  
against the offence

2 The principal witness for the people  
is dead

I was interested for the People & that  
that is the reason why I venture to suggest the  
dismissal

Fellows



The People }  
v  
Haines }

I suggest that the indictment against  
Haines be dismissed.

1 The statute of limitations has run  
against the offence.

2 The principal witness for the people  
is dead.

I was interested for the People & ~~that~~  
that is the reason why I venture to suggest the  
dismissal. Fuller.

POOR QUALITY  
ORIGINAL

0092

John R. Fellows, Esq

P.L.V. # 12790  
 we

Endorsed  
Certificate of Incorporation  
 — of the —  
East River Electric Light Company

We, the undersigned, John Carroll, Edward Duffy, and Seymour S. Smith desiring to form a company pursuant to the provisions of an Act passed by the Legislature of the State of New York, February 17, 1848, and entitled, "An Act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes" and of the several acts extending<sup>and</sup> amending the same do hereby certify:

First.

That the corporate name of said company is the "East River Electric Light Company."

Second.

That the objects for which said company is formed are the manufacture and sale or leasing of appliances for electric lighting and the transmission of electricity for the production of heat, light and power.

Third.

That the amount of the capital stock of the said company is Thirty thousand dollars.

Fourth.

*[Signature]*



That the term of the existence of said company is to be fifty years from the filing of this certificate according to law.

Fifth.

That the number of shares of which the said capital stock consists is three hundred shares of the par value of one hundred dollars each.

Sixth.

That the number of the Trustees who shall manage the concerns of said company is three.

Seventh.

That the names and residences of the Trustees for the first year are as follows:-

Names.

Residences.

John Carroll

City<sup>and</sup> County and State of New York

Edward Duffy

Do.

Seymour E. Smith

Plainfield, New Jersey.

Eighth.

That all of said trustees are citizens and residents of the United States and that a majority of them are citizens and residents of the State of New York.

Ninth.

That the name of the town, or city and county in which the operations of the said company are to be carried on is the City and County of New York.

In Witness Whereof we have hereunto set  
our hands this 4<sup>th</sup> day of February, 1887.

In presence of  
Wm A. Bloutier

John Carroll (Seal)  
Edward Duffy (Seal)  
Seymour D. Smith (Seal)

State of New York -  
City and County of New York }

On this 4<sup>th</sup> day of February, 1887, before me personally  
appeared John Carroll, Edward Duffy to me known and  
known to me to be the individuals described in and  
who executed the foregoing certificate, and they severally  
before me signed the said certificate and acknowledged  
that they executed the same.

David J. Wendell

Notary Public (56)  
New York Co.

State of New York -  
City and County of New York }

On this 5<sup>th</sup> day of February, 1887,  
before me personally appeared Seymour D.  
Smith to me known and known to me to be  
one of the individuals described in and who executed

the foregoing certificate and he before me signed  
the said certificate and acknowledged that he  
executed the same.

J. F. Loffin,  
Notary Public,  
Kings Co.  
(Cert. filed in N.Y. Co.)

STATE OF NEW YORK,  
City and County of New York, } ss.

I, JAMES A. FLACK, Clerk of the said City and County, and Clerk of the Supreme Court  
of said State for said County, Do CERTIFY, That I have compared the preceding with the original  
Certificate of Incorporation of

*the East River Electric Light  
Company*

on file in my office, and that the same is a correct  
therefrom, and of the whole of such original.  
Endorsed Filed

In Witness Whereof, I have hereunto subscribed my name, and affixed my  
official seal, this 29<sup>th</sup> day of *February* 1887  
*James A. Flack* Clerk.

*Certificate of*

*Incorporation*

*of the*

*East River Electric*

*Light Company*

*Armed & Kelly & Mulcahy*

*1690-254*

*1701-199*

*1841-176*

*Sept 5, 1884, Anna Kelly & Charlotte Kelly 84-464*

*Thomas Kelly & Anna Kelly 1528-430*

*John & Anna Kelly & Thomas Kelly 1528-431*



**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

AGAINST

*Napoleon J. Haines*  
*The manager*

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

*Napoleon J. Haines The manager*

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

The said *Napoleon J. Haines The manager*

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*  
day of *March*, in the year of our Lord one thousand eight hundred and  
eighty-*six*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one John W. Demott*

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*  
*John W. Demott,*

That *the said Napoleon J. Haines The manager* was then the owner of seven  
pianos called "Hammond Five Harmonic Pianos"  
which were then in stock in the store of *him*  
*the said Napoleon J. Haines* at number  
45 Union Square in said City. That *the said*  
*pianos* were then *his* sole and absolute property  
and the entire title and interest in and to  
same was in *him*. That *the said Napoleon*

of the said ~~James~~ <sup>James</sup> had then the legal right to sell, lease, convey or dispose of the same as he saw fit, and that a certain paper initialed in the words and figures following to wit: "New York, July 16 1886, of J. H. Dermott Bought of J. H. James for \$1.00 Under this James and James - Now in Nevada at my store number 41 Union Avenue St. Louis Mo. \$1.50 - Paid for J. H. James for ~~was then~~ <sup>was then</sup> ~~which~~ <sup>which</sup> he the said Napoleon J. James the younger then and there delivered to the said John H. Dermott was then and there agreed and valid bill of sale of the said James and constituted a legal transfer of the same to the said John H. Dermott as security for the repayment of a loan of the sum of one thousand dollars which he then and there applied and the said ~~for~~ <sup>for</sup> and admitted from the said John H. Dermott.

And the said John H. Dermott then and ~~there~~ <sup>there</sup> believing the said false and fraudulent pretenses and representations so made as aforesaid by the said ~~Napoleon J. James the younger~~ <sup>Napoleon J. James the younger</sup>

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said

~~Napoleon J. James the younger the sum~~ <sup>Napoleon J. James the younger the sum</sup> of one thousand dollars in money lawful money of the United States and of the value of one thousand dollars,

of the proper moneys, goods, chattels and personal property of the said ~~John H. Dermott~~ <sup>John H. Dermott</sup> -

And the said ~~Napoleon J. James~~ <sup>Napoleon J. James</sup> did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said ~~John H. Dermott~~ <sup>John H. Dermott</sup> by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said ~~John H. Dermott~~ <sup>John H. Dermott</sup> -

of the same, and of the use and benefit thereof, and to appropriate the same to ~~his~~ <sup>his</sup> own use

Whereas, in truth and in fact, the said ~~Napoleon J. James~~ <sup>Napoleon J. James</sup> the younger was not then the owner of same or any person called "Under this James and James" ~~spans~~ <sup>spans</sup> then in Nevada in the store at number 41

Union Square in said City and he the said Napoleon J. Hanis the younger did not then have a store at said place, and the said premises were not nor were any mine at said place, his sole and absolute property and the entire title and interest to and in the same was not in him, and he the said Napoleon J. Hanis the younger did not then have any legal right to sell, pledge, convey or in any manner dispose of the same, and the said paper writing which he as aforesaid then and there delivered to the said John H. Dermott was not then and there a good and valid bill of sale of the said premises and did not constitute a legal transfer of the same to the said John H. Dermott as security for the repayment of said loan or for any purpose, and the said paper writing was then and there wholly void and worthless. —

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Napoleon J. Hanis the younger to the said John H. Dermott was and were

then and there in all respects utterly false and untrue, as he the said Napoleon J. Hanis the younger at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Napoleon J. Hanis the younger in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said John H. Dermott

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.

JOHN R. FELLOWS,

District Attorney.



No 789

173

Witnesses:

John H. de Woot  
Napoleon J. Haines Jr.

Counsel,

Filed day of April 1888

Pleas  
*[Signature]*  
THE PEOPLE

[Section 528, and 530, Penal Code].  
(False Pretenses).  
LAWRENCE, 25 200

Napoleon J. Haines Jr.

on the 13th day of April 1888  
before me, the undersigned  
District Attorney,  
in and for the County of  
Hennepin, State of  
Minnesota, personally  
appeared *[Signature]*  
and acknowledged to me  
that he is the author of  
the within and true bill.  
Witness my hand and  
seal of office this 13th day  
of April 1888.  
District Attorney.  
J. H. de Woot  
Foreman.

April 13 1888

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

AGAINST

*Raymond J. Staines*  
*the defendant*

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

*Raymond J. Staines the defendant*

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

The said *Raymond J. Staines the defendant,*

late of the City of New York, in the County of New York aforesaid, on the *ten*th  
day of *May*, 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 *John W. De Witt and John S. De Witt,*  
*co-partners doing business in and by the name and*  
*style of De Witt & De Witt, who were then indebted to*  
*Raymond J. Staines the defendant in the sum of one*  
*hundred and eighty seven dollars and forty cents,*  
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*  
*John W. De Witt and John S. De Witt,*

That *the said Raymond J. Staines the*  
*defendant had then and was then and there*  
*fully authorized and empowered by the*  
*said Raymond J. Staines the elder, then and*  
*there to act, demand and receive of and*  
*from the said John W. De Witt and John*  
*S. De Witt the amount then due and*  
*owing by them to the said Raymond J.*  
*Staines the elder, for and on account of*

of the said Wardlaw Haines the manager  
said; \_\_\_\_\_

And the said John W. Darnett and John S. Darnett  
then and <sup>there</sup> believing the said false and fraudulent pretenses and representations so made  
as aforesaid by the said Wardlaw Haines the manager

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and  
representations so made as aforesaid, to deliver, and did then and there deliver to the said  
Wardlaw Haines the manager the said  
sum of one hundred and eighty seven  
dollars and forty two cents in money  
and valuable property of the United States and  
of the value of one hundred and eighty  
seven dollars and forty two cents,

of the proper moneys, goods, chattels and personal property of the said John W. Darnett and John S. Darnett \_\_\_\_\_

And the said Wardlaw Haines the manager,  
did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and  
personal property, from the possession of the said John W. Darnett and John S. Darnett  
by color and by aid of the false and fraudulent pretenses and representations aforesaid, with  
intent to deprive and defraud the said John W. Darnett and John S. Darnett  
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 Wardlaw Haines the manager had not  
then and there received the same in any manner



authorizing or empowered by the said  
Napoleon J. Wines the owner then  
and there to act, demand or receive  
of and from the said John W. De  
Mott and John S. Durant the  
amount so due and owing by them  
to the said Napoleon J. Wines  
the owner, for and on his account.

And Whereas, in truth and in fact, the pretenses and representations so made  
as aforesaid by the said Napoleon J. Wines the owner  
to the said John W. De Mott and John S. Durant were  
and were  
then and there in all respects utterly false and untrue, as — the — the said  
Napoleon J. Wines the owner —  
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said  
Napoleon J. Wines the owner  
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,  
chattels and personal property of the said John W. De Mott  
and John S. Durant,  
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.

JOHN R. FELLOWS,  
District Attorney.

172 312

Witnesses:

*John F. De Mat*  
*William J. De Mat*

Counsel,

Filed 19 day of June 1888

Pleads *Not Guilty* to the charge of

*to wit: by June 28*

THE PEOPLE

*view extended to July 2*

vs.

[Section 528, and 531, Penal Code].  
(False Pretenses).  
LAWSON, J.

*James J. Lawson*

JOHN R. FELLOWS,  
District Attorney.

A True Bill

*Edwin C. Murray*

Foreman.

*Indictment*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

AGAINST

*Napoleon J. Haines,*  
*the younger*

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

*Napoleon J. Haines, the younger*

of the CRIME OF

LARCENY

committed as follows:

The said

*Napoleon J. Haines, the younger*

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*  
day of *March* in the year of our Lord one thousand eight hundred and  
eighty-*six*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one John H. De Mott*

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*

*John H. De Mott*

That the said *Napoleon J. Haines, the younger* was then the  
owner of seven pianos called "*Number One Haines Brothers*" pianos  
then in stock in the store of him the said *Napoleon J. Haines, the*  
*younger* at number 41 Madison Square in said City. That the  
said pianos were then his sole and absolute property, and the  
entire title and interest to and in the same was in him. That he, the  
said *Napoleon J. Haines, the younger* had then the legal right to  
sell, pledge, convey or dispose of the same as he saw fit, and that  
a certain paper writing in the words and figures following, to wit:



"New York, Mich. 16. 1886, J. H. De Mott Bought of N. J. Haines Jr  
To Seven Number Five Haines Bros Pianos - now in stock at my  
store number 41 Union Square N. E. Cor 17th St. Bway N. Y. - Recd paymt  
N. J. Haines Jr, which he then said Napoleon J Haines the younger then  
and there delivered to the said John H. De Mott was then and there a  
good and valid bill of sale of the said pianos, and con-  
stituted a legal transfer of the same to the said  
John H. De Mott as security for the repayment of a loan  
of the sum of one thousand dollars which he then and there ap-  
plied for and solicited from the said John H. De Mott.

And the said

<sup>there</sup>  
then and ~~there~~ believing the said false and fraudulent pretenses and representations so made  
as aforesaid by the said Napoleon J Haines the younger -

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and  
representations so made as aforesaid, to deliver, and did then and there deliver to the said  
Napoleon J Haines the younger, the sum of  
one thousand dollars in money, lawful money  
of the United States and of the value of one  
thousand dollars.

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

J. H. De Mott.

And the said Napoleon J Haines, the younger  
did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and  
personal property, from the possession of the said John H. De Mott

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with  
intent to deprive and defraud the said John H. De Mott -

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 Napoleon J Haines, the  
younger was not then the owner of seven or  
any pianos called "Number Five Haines Brothers"  
pianos then in stock in the store at number 41

Union Square in said city, and he the said Napoleon J. Haines the younger did not then have a store at said place, and the said pianos were not nor were any pianos at said place his sole and absolute property, and the entire title and interest to and in the same was not in him, and he the said Napoleon J. Haines, and he the said Napoleon J. Haines the younger did not then have any legal right to sell, pledge, convey, or in any manner dispose of the same, and the said paper writing which he, so as aforesaid then and there delivered to the said John H. De Mott was not then and there a good and valid bill of sale of the said pianos, and did not constitute a legal transfer of the same to the said John H. De Mott as security for the repayment of such loan or for any purpose, and the said paper writing was then and there, wholly void and worthless.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said Napoleon J. Haines, the younger to the said John H. De Mott — was and were

then and there in all respects utterly false and untrue, as he the said Napoleon J. Haines, the younger at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said Napoleon J. Haines, the younger in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said John H. De Mott

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.

JOHN R. FELLOWS,

District Attorney.

173 309

Additional Bail  
of \$500. must be given  
June 25/88 P.M.

Witnesses:

John H. DeWitt  
Jm. J. Fullerton

Exire 202 1890

Three Indictments returned by  
dequined. The main  
indictment for the People is  
dead, and no one can be  
made out. J. R. Fellows  
Dist. Ct.

Counsel,  
Filed 19 day of June 1888  
Pleads *Not guilty*  
*Indictment withdrawn by 2/3*  
*THE PEOPLE*  
*Excluded to July 2*

[Section 528, and 530, Penal Code].  
(False Pretenses).  
LARCENY, 1st degree.

Napoleon J. Haines Jr.

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL

*Charles J. Haines Jr.*  
*Attorney at Law*  
*Foreman.*



0109

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Rosenstein, Reuben

**DATE:**

06/22/88



2954

0110

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Hair, Edward

**DATE:**

06/22/88



2954

Bail fixed at \$500.  
June 25/88  
R.B.M.

Witnesses:

Dana Michaelson  
Officer Sullivan  
" Shelley

I have examined this card and am of the opinion that there is not sufficient evidence to convict the defendant. Rosenstern and therefore recommend that he be discharged on his own recognizance.  
July 3/88 John W. Goff  
Arch. E. H. Harty

Repts Ch. G. and  
their subordinates  
to Comber. agree  
to employ him  
P.P.

916  
2

Counsel,  
Filed 22 day of June 1888  
Pleadings by [unclear]

THE PEOPLE  
vs.  
Edward Star  
and  
Rudben Rosenstern  
P  
[Sections 528, 532, 552 - Penal Code].  
PETIT LARCENY.

JOHN R. FELLOWS,  
District Attorney.  
July 3. Part I.

A True Bill.

Edmund C. Barry  
No. 1 July 3/88 Foreman.  
J. J. [unclear]  
W. J. [unclear]  
No. 2 D. [unclear] by Court



0112

Police Court— 3 — District.

Affidavit—Larceny.

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

Davis Michaelson

of No. 413 Grand Street, aged 26 years,  
occupation Manufacturer being duly sworndeposes and says, that on the 8 day of June 1888 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:One hundred pieces of leather of the value of  
one dollar

the property of Dependent and copartner

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 Edward Han (now here)who acknowledged and confessed to  
deponent in the presence and hearing  
of Richard Sullivan and Edward  
Shalvey that he took said and  
carried away said property and  
thereafter sold the same to Reuben  
Rosenstein for the sum of thirty  
cents. Deponent further says that says  
Rosenstein knew that said Han was  
in his employ and said Rosenstein  
induced said Han to steal said  
property from deponent and stated  
that he would purchase the same from  
said Han thereafter Wherefore deponent

Sworn to before me, this

188

Police Justice.

charges said Edward Hair with feloniously taking stealing and carrying away said property and Reuben Rosenstein with feloniously and unlawfully receiving the same he well knowing the same to have been feloniously stolen as aforesaid

Deponent further says that said Hair feloniously took stole and carried away divers pieces of leather at divers times of the value of Thirty dollars and thereafter sold the same to Reuben Rosenstein and that part of said property was found in the possession of said Reuben Rosenstein

Brought before me  
this 19 day of June 1888  
by  
David Michaelson  
Deputy Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
1 2 3 4	
Offence—LARCENY.	
Dated	1888
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street.
No.	Street.
No.	Street.
No.	to answer
Sessions.	

0114

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward Shalvey*

aged \_\_\_\_\_ years, occupation \_\_\_\_\_ of No. \_\_\_\_\_

*12th Precinct Police*

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Dans Michaelson*

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

Sworn to before me, this

*19*

*Edward Shalvey*

day of

*June*

188 *8*

*Samuel C. Smith*

Police Justice.



0115

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward Har*

aged \_\_\_\_\_ years, occupation \_\_\_\_\_ of No \_\_\_\_\_

~~Street~~, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

*Davis Michaelson*

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

Sworn to before me, this

*19 18*

*E. Har*

day of *June* 188

*Samuel C. Smith*

Police Justice

0116

CITY AND COUNTY }  
OF NEW YORK, } ss.

Richard Sullivan

aged \_\_\_\_\_ years, occupation \_\_\_\_\_ of No. \_\_\_\_\_

1211 Precinct

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Davis Michaelson

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

Sworn to before me, this

19

188

Richard Sullivan

day of

June

188

Samuel C. Sullivan

Police Justice.

0117

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer.

*Edwarda Haur*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*England*

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

Answer.

*102 Allen St*

*22 mos*

Question. What is your business or profession?

Answer.

*Shoemaker*

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*  
*E. Haur*

Taken before me this  
day of June, 188

19

*Samuel J. Kelly* Police Justice



0118

Sec. 108-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Reuben Roosenstein

Question. How old are you?

Answer. 40 years

Question. Where were you born?

Answer. Poland

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

Answer. 205 Broome St 5 years

Question. What is your business or profession?

Answer. Shoemaker

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.

The defendant has told  
me had the privilege  
to sell said property

Reuben his Roosenstein  
mark

Taken before me this

day of

June

188

81

Police Justice.

0119

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

126  
Police Court-3  
District 915

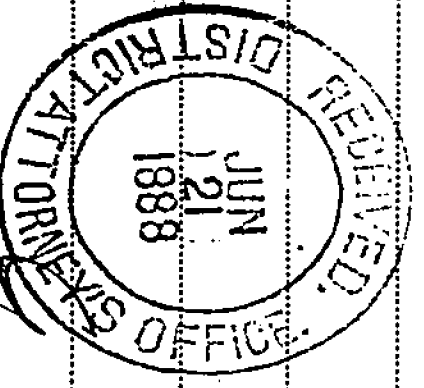
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
David Michaelson  
413 25<sup>th</sup> Street  
Edward Jan  
Ruben Rosenfeld  
Offence. Larceny  
Receiving Stolen Property

Dated June 19 1888

JOSEPH B. KELLY Magistrate  
Sullivan T. Shalvey Officer  
1/2

Witnesses  
Officers

No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
\$1000 to answer



Committed to Prison  
for 30 days  
for 30 days

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

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

Dated June 19 1888 Sam'l C. Kelly 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 h to be discharged.

Dated \_\_\_\_\_ 1888 \_\_\_\_\_ Police Justice.

0-120

**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 Hair and*  
*Reuben Rosensterin*

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

*Edward Hair and Reuben Rosensterin*  
of the CRIME OF PETIT LARCENY committed as follows :

The said *Edward Hair and Reuben Rosensterin*

late of the City of New York, in the County of New York aforesaid, on the *eight*  
day of *June* in the year of our Lord one thousand eight hundred and  
eighty-~~eight~~, at the City and County aforesaid, with force and arms,

*one hundred pieces of leather of the*  
*value of one cent each piece*

of the goods, chattels and personal property of one *Davis Michaelson*

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.



0121

SECOND COUNT----

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

*— Reuben Rosenstein —*

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

The said

*Reuben Rosenstein*

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

*one hundred pieces of leather of the  
value of one cent each piece*

of the goods, chattels and personal property of one

*Davis Michaelson*

*and one Edward Stein, and*

by ~~by~~ certain ~~person~~ <sup>other</sup> persons to the Grand Jury aforesaid unknown, then lately before  
unlawfully stolen, taken and carried away from the said

*Davis Michaelson*

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

*— Reuben Rosenstein —*

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

JOHN R. FELLOWS,  
District Attorney.

0122

**BOX:**

311

**FOLDER:**

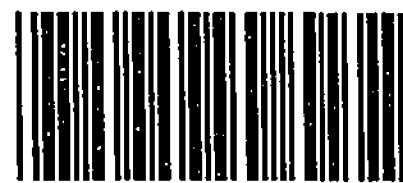
2954

**DESCRIPTION:**

Harms, Charles

**DATE:**

06/07/88



2954

0123

Witnesses,

Officer Jackson.

Counsel,

Filed

7 day of June 188

Pleads,

*E. H. Kelly*

THE PEOPLE

vs.

*Charles Harned*

*Chaunt, second degree*

[Section - 218 - Penal Code.]

JOHN R. FELLOWS,

*District Attorney.*

**A True Bill.**

*Edmund A. Murray*

*Foreman.*

*June 11/88.*

*Spencer S. Sargent,*

*43*



0124

CITY AND COUNTY  
OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

James M. Jackson  
of the 19<sup>th</sup> Police Precinct, aged 28 years,  
occupation Police Officer being duly sworn deposes and says,  
that on the 30<sup>th</sup> day of May 1888  
at the City of New York, in the County of New York, deponent arrested  
and apprehended Charles Harms (now here)  
for the reason that deponent saw said  
defendant place his, said defendant's, hand  
upon the clothing worn upon the persons of  
two women, unknown to deponent, while  
said women were standing in Madison Square  
in said City, looking at a parade passing by,  
with the intent to steal as a pickpocket.  
Deponent therefore charges said Charles Harms  
with being guilty of assault with intent to steal and  
asks that he may be dealt with as the law may direct.  
James M. Jackson

Sworn to before me, this  
of May 1888

Paul C. Schmitt, Police Justice.

0125

Sec. 108-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Charles Harms 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. Charles Harms

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. New York

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

Answer. I have <sup>no</sup> permanent residence

Question. What is your business or profession?

Answer. Cook

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

Answer. I am not guilty and demand a trial  
by Jury Charles Harms

Taken before me this

day of

May

1888

Sam'l C. Kelly Police Justice.

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



0127

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Charles Harris*

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

Indictment accuse *Charles Harris*

of the crime of *assault in the second degree,*

committed as follows:

The said *Charles Harris,*

late 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-*eight*, at the City and County aforesaid,

*with force and arms, in and upon a  
certain woman whose name is to the  
Grand Jury aforesaid unknown,  
then and there being, feloniously  
did make an assault, with intent  
to commit a felony, to wit: with  
intent to goods, chattels and personal  
property of the said woman (of a  
kind and description to the Grand  
Jury aforesaid unknown) on her person  
then and there being, from her  
person, then and there feloniously*

To steal, take and carry away,  
against the form of the Statute  
in and case made and provided,  
and against the peace of the  
People of the State of New York,  
and their dignity.

John R. Williams,

~~District Attorney~~

0129

**BOX:**

311

**FOLDER:**

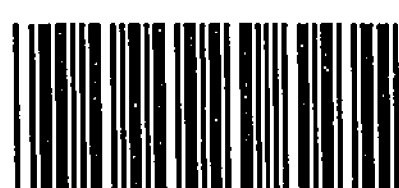
2954

**DESCRIPTION:**

Harris, Rachel

**DATE:**

06/12/88



2954



Witnesses;

*Officer Young*

Counsel,

Filed

12 day of June 1888

Pleads,

THE PEOPLE

vs.

*B*

*Rachel Harris*

VIOLATION OF EXCISE LAW.  
(SELLING TO MINOR).  
[III Rev. Stat. (7th Ed.) p. 1982, § 15.]

JOHN R. FELLOWS,

*Special Atty. District Attorney.*

**A True Bill.**

*Edmund A. Murray*

*Foreman.*

0131

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Rachel Harris*

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

*Rachel Harris*

of a MISDEMEANOR, committed as follows:

The said

*Rachel Harris*

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

*twenty sixth* day of *May*

in the year of our Lord

one thousand eight hundred and eighty-*eight*, at the City and County aforesaid,

certain strong and spirituous liquors, and certain wine, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell to one *Hyman Freed* -

who was then and there a minor under the age of fourteen years, to wit: of the age of *nine* years, as *the* said *Rachel Harris*

then and there well knew and had reason to believe; against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

JOHN R. FELLOWS,

District Attorney.

0132

**BOX:**

311

**FOLDER:**

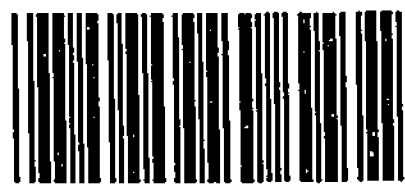
2954

**DESCRIPTION:**

Hartigan, Daniel

**DATE:**

06/11/88



2954



Witnesses:  
James Crawford  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

72  
Counsel,  
Filed 11 day of June 1888  
Pleads,

THE PEOPLE  
vs. P  
Grand Larceny Second degree.  
[Sections 528, 531, 532 Penal Code.]

Daniel Hartigan  
J. S. [Signature]

JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Edmund A. Murray  
Foreman  
Jury  
J. S. [Signature]  
Elmer H. [Signature] P.M.

Police Court—*First* District.

Affidavit—Larceny.

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

*Elmer Crawford*

of No. *13 Prince* Street, aged *21* years,  
occupation *Waiter* being duly sworn

deposes and says, that on the *4* day of *April* 188*8* 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 :

*A quantity of wearing apparel, consisting  
of one overcoat; one suit of clothes;  
three shirts and two suits of under-  
clothes all of the value of Forty  
five 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 *Daniel Hartigan, (now here)*

*for the following reasons to wit: that  
on said day this deponent and the  
defendant were occupying a furnished  
room at the above premises. That said  
property was in said room and  
having missed the same, found  
the same in the possession of the  
defendant on Sixth Avenue*

*Elmer Crawford*

Sworn to before me, this

*25*

day

188*8*

Police Justice

0135

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

*First* District Police Court.

*Daniel Hartigan* 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. *Daniel Hartigan*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *52 S. 5<sup>th</sup> Ave. 1 month*

Question. What is your business or profession?

Answer. *Waiter*

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

Answer. *I admit the larceny except as to the overcoat.*

*Dan. Hartigan*

Taken before me this

*28*

188

Police Justice.



0136

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

13  
Police Court-1  
District 821

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James W. Crawford  
1865  
Daniel J. Sullivan

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence Grand Larceny

Dated May 28 1888

Murray Magistrate

Calcutt Officer

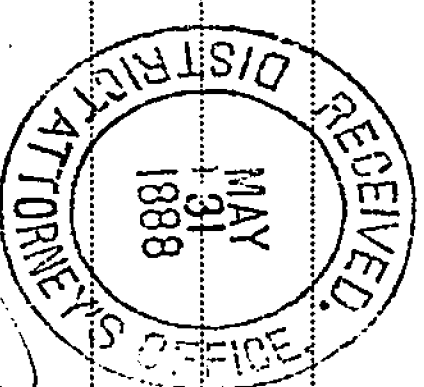
110 Precinct

Witnesses John Ford

No. 185 Precinct

No. 13 Precinct

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



No. 380-278 Street \_\_\_\_\_

\$ \_\_\_\_\_ to answer

(Craw)

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 \$300 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 28 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.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Daniel Hartigan*

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

— *Daniel Hartigan* —

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

The said

*Daniel Hartigan*

late 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 eighty hundred and eighty *eight*, at the City and County aforesaid, with force and arms,

*one overcoat of the value of twenty dollars, one coat of the value of seven dollars, one vest of the value of four dollars, one pair of trousers of the value of four dollars, three shirts of the value of one dollar each, two other shirts of the value of one dollar each, and two pair of drawers of the value of one dollar each*  
 of the goods, chattels and personal property of one *Elmer Crawford*—

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

— Daniel Hartigan —

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

The said

Daniel Hartigan —

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

One overcoat of the value of twenty dollars, one coat of the value of seven dollars, one vest of the value of four dollars, one pair of trousers of the value of seven dollars, three shirts of the value of one dollar each, two other shirts of the value of one dollar each, and two pair of drawers of the value of one dollar each pair

of the goods, chattels and personal property of one Elmer Crawford —

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

Elmer Crawford —

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

— Daniel Hartigan —

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

JOHN R. FELLOWS,

District Attorney.



0139

**BOX:**

311

**FOLDER:**

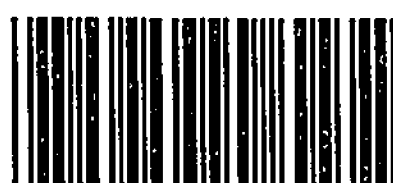
2954

**DESCRIPTION:**

Hartigan, John

**DATE:**

06/28/88



2954

Witnesses:

*Opp Cullen*  
*W. J. Mc*

*May 8.*  
*Selling on Sunday.*

**Act of Oyer and Terminer**

Counsel,  
Filed, *28* day of *June* 188*8*  
Pleads,

THE PEOPLE,

vs.

*John Hartigan*

**VIOLATION OF EXCISE LAW**  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1089, Sec. 21 and  
page 1089, Sec. 2.]

JOHN R. FELLOWS.  
District Attorney.

*Transferred to the Court of Special  
Sessions for trial and final dis-  
position.*

**True Bill.**

*W. J. Mc*

*Foreman.*

*Dec 21 1888*

0141

Excise Violation—Selling on Sunday.

POLICE COURT—✓ DISTRICT.

City and County } ss.  
of New York, }

The 2<sup>nd</sup> Precinct Police Henry Cullen  
of No. 1440 3 Avenue Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 1<sup>st</sup> day

of July 1888, in the City of New York, in the County of New York, at

premises No. 1440 3 Avenue Street,

John Hartigan (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,

to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said John Hartigan

may be arrested and dealt with according to law.

Sworn to before me, this 1<sup>st</sup> day of July 1888 Henry C. Cullen

Charles J. Smith Police Justice.



0142

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss

District Police Court.

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

Question What is your name?

Answer *John Hartigan*

Question How old are you?

Answer *29 years*

Question Where were you born?

Answer *Delaware*

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

Answer *144 W 19, 2 years*

Question What is your business or profession?

Answer *Barber*

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 have nothing to say  
in a plea and a faithful jury  
John Hartigan*

Taken before me this  
day of *July* 188*8*  
*James J. Smith*  
Police Justice.

0143

BAILED,  
No. 1, by Thammas Chatterjee  
Residence 440-36th Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 5, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court District 100  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John C. [unclear]  
John C. [unclear]  
Offence Exposure  
Dated July 1 1886  
Magistrate [unclear]  
Officer [unclear]  
Witnesses \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
No. \_\_\_\_\_  
Street \_\_\_\_\_  
to answer 100  
Robert [unclear]

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 Ayudant

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

Dated July 1 1886 [unclear] Police Justice.

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

Dated July 6 1886 [unclear] 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.

0144

Court of General Sessions, PART *One*

THE PEOPLE

vs.

INDICTMENT

For

*John Hartigan*

To

M

No.

*Thomas Hartigan*

*440 - 3<sup>rd</sup> ave*

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the *10<sup>th</sup>* day of *December* instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,

District Attorney.

Court of General Sessions, PART *ONE*

THE PEOPLE

vs.

INDICTMENT

For

*John Hartigan*

To

M

No.

*Thomas Hartigan*

*441. 3<sup>rd</sup> ave*

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the *MAY* day of *13* instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,

District Attorney.

32



0145

Mr. Hartigan  
440 3<sup>rd</sup> Ave  
32

No such person  
at this address  
Not at this  
address

Mr. Hartigan  
440 3<sup>rd</sup> Ave  
32  
Not found

Court of General Sessions, PART *one at this*

THE PEOPLE  
*vs.*

INDICTMENT

For

*Not known at this address*

*John Hartigan*

To

M *Thomas Hartigan*  
No. *1140* 3<sup>rd</sup> *ave* Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *the* day of *October* instant, at eleven o'clock in the forenoon.

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

JOHN R. FELLOWS,  
*District Attorney.*

Thos. Hartigan  
440 3<sup>rd</sup> Ave  
29  
Fail to find any  
such person at  
this address



# Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Hartigan*

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

*John Hartigan*

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

The said *John Hartigan*

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

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

## SECOND COUNT—

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

*John Hartigan*

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

The said *John Hartigan*

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

**JOHN R. FELLOWS,**

District Attorney.

0149

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Hatten, Daniel

**DATE:**

06/26/88



2954

Witnesses:

Off Laker  
25 Precinct

718 at. F. Mc Nicke  
280 Bypass  
Lower of Dyer and Summer

Counsel,

Filed, 26 day of June 1888

Pleads, Not Guilty 38

THE PEOPLE,

vs.

B

Daniel Statten

VIOLETION OF EXCISE LAW  
(Keeping Open on Sunday)  
[III Rev. Stat. (7th Edition), Page 1080, Sec. 5.]

Transferred to the Court of Special Sessions for trial and final dis-

JOHN R. FELLOWS.

District Attorney.

True Bill.

Foreman.

Part III December 11, 1888.

Complaint sent to Special Sessions



0151

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Daniel Hatten*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *Daniel Hatten* —  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG  
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

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

JOHN R. FELLOWS,  
*District Attorney.*

0152

**BOX:**

311

**FOLDER:**

2954

**DESCRIPTION:**

Hayes, Edward

**DATE:**

06/08/88



2954

34  
Court of Oyer and Terminer

Witnesses:

Off. M. McCormack  
J. T. Dist.

Counsel,

Filed,

Pleads,

188

day of

June  
Mr. Buckley (14)

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

(All Rights Reserved. Copyright Open on Sunday.)  
(11th Edition), Page 1080, Sec. 2.]

Edward Stanger

I hereby consent and demand  
this case against me be sent  
Court of Special Sessions  
and final disposition.

Dated: 8 April 1892

JOHN R. FELLOWS.....

District Attorney.

Due Bill.

Transferred to the Court of Special Sessions for trial and final disposition.  
Dated: 8 April 1892  
J. T. Dist.

Foreman.

Dec. 7 - 1892

W-29



# Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Edward Hayes*

The Grand Jury of the City and County of New York, by this indictment, accuse *Edward Hayes* — of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

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

JOHN R. FELLOWS,

*District Attorney.*