

0009

BOX:

156

FOLDER:

1596

DESCRIPTION:

Callahan, John

DATE:

11/19/84



1596

Witnesses:

John Reilly &
John London
Opp 4th Prec⁴

Counsel,

Filed 19 day of Nov 1881

Pleads

Proquidly

THE PEOPLE

vs. P
John Carrahan

H.D.

PETER B. OLNEY,

D.D. Nov 21/81 District Attorney.

Reads Robt 3rd 2nd

A True Bill.

Wm D MacCae

Foreman

S.P. 7 1/2 years.

00 10

0011

Police Court First District.

CITY AND COUNTY }
OF NEW YORK, } ss

of No House of Detention John Reilly
Occupation laborer Street, Aged 27 Years

16 day of November 1884, at the 4 Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money to the
amount and value of five
dollars and seventy five cents

of the value of deponent DOLLARS,

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

John Callahan (now here) ^{and an other person name}
^{unknown and just arrested}
the fact while deponent was on New
Bowery in said city, said defendant
seized deponent by the arms and
held deponent while said unknown
person thrust his hand into the
pockets of deponents clothing taking
therefrom the aforesaid monies

Wherefore deponent charges said
defendant with acting in concert
with said unknown person with
taking stealing and carrying away
from deponents person by force and violence
without his consent and against his will the aforesaid
property

John ^{his} Reilly
Mark

day of November 1884
Sworn before me, this
16
Police Justice.

0012

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK { ss

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

Question. What is your name?

Answer.

John Callahan

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

New York

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

Answer.

197 Madison St 5 mos

Question. What is your business or profession?

Answer.

Printer

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

Answer.

I am not guilty

John ^{his} Callahan
Mark

Taken before me this

day of *September* 188*8*

William J. Smith
Police Justice.

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

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

Dated 16 Nov 188 Andrew J. White Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

00 14

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

1744 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kelly
House vs. Detention
John Callahan

1 _____
2 _____
3 _____
4 _____

Offence

Dated 16 November 1884
J. J. White Magistrate.
John Condon Officer.
14 Precinct.

Witnesses Daniel O'Neil
No. 1 Precinct Police Street.

No. _____ Street,

No. _____ Street.

2000 to answer Sessions.

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Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Callahan

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

John Callahan
of the CRIME OF *Robbery in the first degree,*

committed as follows:

The said

John Callahan,

late of the *3rd* Ward of the City of New York, in the County of New York aforesaid, on the *5th* day of *November*, in the year of our Lord one thousand eight hundred and eighty *four*, at the Ward, City and County aforesaid, *did* and *there*

aided by an accomplice actually
perpetrated a robbery in the first degree,
to-wit: did unlawfully take from the person of
one John Kelly, then and there
lawfully carrying on his person
and in his possession
one hundred and one dollars
and one penny
in the form of United
States Treasury notes, the same
being then and there due and
unpaid, for the payment of
and of the value of five dollars,
and other moneys for the
payment of money of the kind then
as bank notes, the same being
then and there due and unpaid.

0016

which for the payment of and of the
value of five dollars, three other
promissory notes for the payment
of money of the said amount as
United States Treasury notes, the
same being then and there due
and unsatisfied for the payment
of and of the value of one dollar
each, two other promissory notes for
the payment of money of the said amount
as United States Treasury notes, the
same being then and there due
and unsatisfied for the payment
of and of the value of two dollars
each, and divers debts of the United
States of a number, kind and de-
scription to the said John Kelly
of various amounts, of the value
of five dollars and seventy five
cents, of the goods and personal
property of the said John Kelly,
from the person of the said John
Kelly against the said and any
indemnity to the person of the said
John Kelly, then and there due =
omission and violation of law,
to wit, to wit, and carry away:
against the said of the State
in such case made and provided
and against the person of the

0017

People of the State of New York
and their dignity
Peter P. O'Donnell
District Attorney

00 18

BOX:

156

FOLDER:

1596

DESCRIPTION:

Campbell, Milton L.

DATE:

11/17/84



1596

00 19

BOX:

156

FOLDER:

1596

DESCRIPTION:

Campbell, James C.

DATE:

11/17/84



1596

John A. Bailey

Filed 17 day of Nov 1884

Pleads Property

9.

vs.

Milton S. Campbell

$$n(\text{cases}) = B$$

James C. Campbell
(2 cases.)

PETER B. OLNEY.

District Attorney.

W. B. M. - passed Nov. 21/94

A True Bill

Victor McCloskey

Forem d.

3-11-53

0020

0021

Leo Augner

vs.

Jas. C. Campbell,

Auctioneer.

Hearing before the Mayor,

Robert Russell

vs.

April 3, 1882.

Jas. C. Campbell,

Auctioneer.

*The Complainant appearing in person
Jas C Campbell appearing with Mr John
Hannigan as counsel*

Leo Augner, Sworn by Mayor; examined by Mr. McDermott;

I live at 540 East Fifth street; I don't know Mr. Campbell here. I recollect going to No. 288 Greenwich street. It was on a Friday; last Friday week, I think. It was in the morning at about eleven o'clock. I saw Mr. Campbell's name on a regular auction flag at the door. An auction sale of segars was being conducted inside. Parties there were buying goods; there were a good many persons there. A lot of ten boxes of segars, supposed to be fifty in a box, was put up. They sold me the lot of segars for two dollars. I paid two dollars for the lot. The lot was knocked down to me. I gave the auctioneer a five dollar bill. I gave the money to the man supposed by me to be the auctioneer; he was conducting the sale. Then another lot of twenty boxes was put up, and an old gentleman there told me that he kept a segar store and that he would take half. I saw him there every day after that. I know the person who was conducting the sale; he

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wears spectacles. I do not know anything about his name. I never saw Mr. Campbell before this morning. Q. Did they offer any excuse why Mr. Campbell was not conducting the sale himself? A. No, sir. The man that I paid the money to gave me a memorandum but I left it down there. I bought a second lot of ten boxes for \$2.25, and then I expected to get 75 cents back out of my five dollars. Another man then gave me a bill which stated that I had bought twenty boxes for \$42.50 and \$5.00 deposit. I refused to take it and demanded my money back. I don't know the name of the person who gave me the bill; he was mixed in with the rest. He was was not the person conducting the sale. He was behind the counter keeping account of the sale and in conversation with the auctioneer. There was no name on the bill at all, only a number. When I refused to take the segars the old gentleman that I spoke of was standing by me and he said that he would take half the lot and that he could sell them two for a quarter. Another man, the man who kept the account of the sale, called me back as I was going out and said that he would allow me to take two boxes and give me a dollar. I took the two boxes and the dollar and walked out. When I got home I opened the boxes and found that some of the segars in one box were missing. I smoked one of the segars and found it bad. I am a salesman for *Loudon* & Johnson, teas, 181 Chambers Street. I have bought segars at private sale and know the brands of segars. I know the value of the segars that I bought there. I would not give fifty cents for a hundred. I took away with me two boxes of segars. The twenty boxes the second lot that was put up they kept down there. I re-

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fused to take them. They took four dollars of the five I handed in and gave me back one dollar. The man who kept the account of sales for the auctioneer did that. Mr. Campbell's name was on the auction flag at the door. Q. Was you sent to the place to make this purchase? A. No; I saw the flag with his name on and saw the place was crowded and went in. I did not hear anything said that any other auctioneer was conducting the sale.

I saw him down there last Saturday and there was another flag out with Brady's name on it. The same person who sold to me was carrying on the sale and knocking down bids. He is a man about Mr Campbell's size with a moustache and wears spectacles. He is about thirty-five years of age. I did not hear his name mentioned. I do not know any thing about his name. I do not know where he lives. I knew nothing about him until I saw him in that store. I do not know the name of the old gentleman. I did not know the name of the man who kept the account of the sales, all I know about him is that I saw him in that store.

Cross-examination by ex-judge Flanigan.

Q: What day of the week was this?

A: Friday morning.

Q: What day of the month?

A: I do not know.

Q: Are you sure it was last Friday week?

A: I am positive that it is true, it was last Friday week, I do not know the date. I have bought

A No, sir.

Q Could you have examined them if you had wanted to?

A No Sir, they did not give me a chance to examine them.

Q Did they refuse?

A I did not ask them and they did not refuse to let me examine them.

Q Did you try to examine them before you bid on them?

A I did not.

Q Did you ever see this gentleman, Mr Campbell, selling any Segars there?

A No, Sir.

Q Do you know whether any other persons there were authorized by him to sell in his name?

A I do not.

Q Did you ever see him converse with any of the parties who were selling there?

A I saw Mr Campbell down in Chamber St conversing with Mr Mendl. I cannot recollect what day it was but it was after the sale. It was last week some day.

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CORRECTION

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0031

- Q Was that the only time you ever saw him talking with any person connected with that store?
- A Yes, Sir.
- Q Did you ever see Mr Campbell before that?
- A No, Sir.
- Q What did you see on the Flag the day you bought?
- A I saw "Campbell, Auctioneer" I do not recollect whether I saw his first name or not. I know there was a first name on the Flag but I forget what name it was.
- Q How many names were there on the Flag?
- A There was a first name and a given name.
- Q Was that all?
- A That was all.
- Q What else was on the Flag?
- A "Auctioneer sale, today".
- Q Are you sure there was no middle name on the Flag?
- A Yes Sir.
- Q Did Mr Campbell at any time speak to you about these Segars?
- A Mr Campbell and Mr Wadd did.

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Q Were the cigars which you bought in Park Row stamped?

A Yes Sir. I do not know the amount of the stamp on each box.

Q What is the amount of the stamp on each of these boxes (indicating the boxes of cigars on the table)

A There is fifty cents on ~~either~~ ^{each}.

Q Did any person tell you that you could have ten boxes of cigars with a fifty cent stamp on each box for \$2.00?

A Yes Sir.

Q What is the name of the gentleman?

A I do not know, it was the old gentleman.

Re-direct examination by Mr. Mc Dermott

Q Suppose that I say that you ~~alleged that you~~ complained here on the 18th, which was last Wednesday week. Would you still swear that this transaction occurred on the 20th of the month?

A I could not swear, but I would have to find out what day it was. I know that this is the 4th time I have been here — twice

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on Tuesday — it must have been
last Friday two weeks ago.

Q About Mr Campbell's name, did
you look closely at the flag?

A I did not. I saw the name
Campbell but I did not know for
sure what the other name was.

Q Would you be willing to swear there
was no middle name on the
flag?

A I am not positive about that.
I am not willing to swear there
was no middle name on the flag.

Q How did you know Mr Campbell
when you saw him on Chambers
Street?

A I did not know him then, but
when Mr Campbell came up here
this week I remembered that I saw
Mr Campbell previously on Chambers
Street. That was last week some
time.

Q Where did you see them?

A I saw them go up Chambers St.
I do not recollect near what street.
I did not follow them I only saw
them passing by on the other side
of the street and happened to

look over and see them. I never saw him before that.

Q Do you mean to say that going along a street and looking at him casually and meeting him again a week after, that you could remember him?

A Yes, Sir.

Q When you bought the cigars over other persons standing between you and the boxes of cigars on the counter?

A Yes, Sir. I did not try to get near the boxes though or to handle the cigars. I only saw one of the boxes open in the auctioneers hands.

Q Were there other bids on the first lot?

A Yes, Sir.

Q How long did it take to sell the lot?

A It did not take two minutes. The room was crowded.

Q If you had wanted to, do you think you could have examined the cigars before you bid on them?

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A. I do not think I could.

Q. Did you try to get over there to examine the Segars?

A. No Sir, I did not. I saw ten boxes standing on the counter and the auctioneer said, "gentlemen here is a lot of Segars." He represented them as first class Segars. The old gentleman who stood near me said that it was a clear Havana Segar and that he got a quarter for two of them.

Q. Did the auctioneer say any thing about the brand?

A. No Sir, I do not think he said that it was a particular brand.

Q. Did you see the sample boxes that was shown?

A. I did not handle it, the auctioneer had it in his hand.

Q. Why did you refuse to take the Segars?

A. I refused because he wanted forty five dollars. I tried to examine the Segars when I bought them. I was willing to take

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both lots and pay \$4.25 for them. He refused and insisted upon my paying \$45.00.

Q How did you come to bid for the first lot?

A I supposed that I was getting into an auction store. I believed the representation of the auctioneer. He represented them as a first class cigar and he asked how much for the lot. I supposed I was buying the whole lot.

Q From your knowledge of cigars what sort of cigars were these?

A They are a ^{very} common cigar.

Q If you had known what kind of cigars they were and how they were being sold, would you have purchased them?

A I would not have given him five cents for the lot.

Q What do you consider these two boxes worth?

A Nothing.

Q Why?

A Because I cannot smoke them. I would not give fifty cents for them.

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Q Have you gone back with these cigars and asked for the return of your money?
A I asked the gentleman to return my money.

Re-cross examination by ex-Judge Hanigan

Q What is your age?

A I'm 22, I think.

Q Do you know how to read and write?

A Yes, Sir.

Q Where were you born?

A In Austria.

Q How long have you been in this country?

A I have been here going on six years.

Q Can you read English?

A I can read English but can not write very well.

Q Do you know what the meaning of the word positive is?

A When I am sure of any thing.

Q You said you were positive the day was last Friday week?

A I am not sure of the day of the month. I am sure it was Friday. I will swear it was not Friday of last week. I remember now.

I have a very poor memory.

Q Will you swear that the auctioneer represented that the whole ten boxes were to be sold for \$2.00

A Yes, Sir.

Q Did you see any other persons buy cigars besides yourself?

A Yes, Sir.

Q What did they buy?

A I do not know how much they bought.

Q Will you swear that the auctioneer did not say they were \$2.00 a box?

A Yes Sir. The auctioneer said 10 boxes for \$2.00, and I asked a gentleman who was there and he said it was so much for the lot.

Q Were there any other bids before you?

A There were two other bids before mine, lower than mine.

Q Give me the exact words that the auctioneer made use of.

A "Here is a lot for \$2.00" He represented them as a Havana Segar — a good segar.

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Q What else did he say?

A I do not recollect what else he said.

Q Have you ever bought Havana Segars?

A Yes, Sir.

Q How did you buy them?

A By the hundred.

Q What did you pay for them?

A About \$3.50 and \$4.00.

Q What is the difference between a clear Havana Segar and a segar with a Connecticut Wrapper and Havana filler?

A I have no idea of the stuff Segars are made of.

Q Did you not agree to take these 4 boxes for \$4.00?

A Yes Sir, but I had to. I could not get out of it.

Re-direct examination by Mr McQuinn

Q At the time that you were mangling about the two lots that were knocked down to you, did you examine or did he show you the Segars in these two boxes?

A No; he said it was a first class Havana Segar. He wanted

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\$4.00 for the two boxes. He had my money in his hand at the time. I gave him \$5.00 expecting to get back 75-cents change. I took two boxes of segars because I did not want to make any further fuss with him. I thought it was better to take the two boxes of segars and walk out.

Q Did you ask for your money back?

A Yes Sir. I asked him to give me the \$5.00 back again and he said he would give me two boxes of Segars and a dollar.

Q Did you know whether these segars were worth \$4.00 or not?

A I did not then.

Q Was the matter of taking these two boxes optional with you?

A They forced me to take the Segars — they would not return my money.

Q Are you now willing to give back the Segars to Mr Campbell and take back your \$4.00?

A Yes, Sir.

Q What was the condition of the

Segars in the two boxes when you opened them?

A The two boxes are the same now with the ~~one~~ exception of one Segar which I ~~tried~~ to smoke but could not.

Re-cross examination by ex-Judge Hanigan

Q You never tried to get your money from Mr Campbell?

A No, Sir.

Re-direct examination by Mr Mc Dermott

Q Where have these Segars been since you bought them?

A I left the Segars here when I made the complaint. I made the complaint the day after I got them. That was on a Saturday morning and I then left the two boxes of Segars here and have not had them since.

Adjourned till Tuesday April 4th at eleven o'clock.

Mayors Office Tuesday April 4th.
 James B. Campbell sworn by Mayor.
Direct Examination by ex-Judge Hanigan

Q What is your business?

A I am a licensed auctioneer in this city.

Q Since when?

A I received my license on the 7th day of March 1882.

Q How many auctioneers flags have you with your name on?

A Only one.

Q Where was that flag on the day when this sale was made to Mr Anger?

A At #288 Greenwich Street. It was not there last Friday week to my knowledge. Last Friday two weeks ago my flag was there. I took my flag down on the 20th on an order from the Mayor. Previous to that I had been selling every day at #288 Greenwich Street. Since I received my license on the 7th of March or about a week after I got license — from the 14th to the 20th my flag was flying at 288 Greenwich Street.

Q Were you present at this sale

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to Mr Augner?

A No, Sir.

Q Was your flag flying at that time?

A I presume it was; I do not know positively that it was. I believe I made sales there every day.

Q Last Friday two weeks ago did you make any sale at 288 Greenwich St.

A I think I did sell that day. There were sales made on that day by Morris Hanff.

Q Does he answer the description given by Mr Augner of the old man?

A No, Sir; he is a young man with a black moustache.

Q Were you at the store on that day?

A No, Sir; I was not there on that day at all.

Q I thought you said just now that you sold on that day?

A I did not say that I was there. I left the management of the sale in Mr Hanff's hands. He sold Segars there that day. Mr Wendt employed me to make that sale. I rented my flag at 5 per

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cent and was to be guided ^{by} their books. — Mr Mendl's books — as to the amount of my commission.

Q Do you know any thing about the character or ownership of the Segars sold there that day? ^{A.} All I know about this sale is that Mr Mendl called on me and told me about it. After I made the agreement with Mr Mendl I had an affidavit drawn up by Mr Hanff and filed in the County Clerk's office. I appointed Mr Hanff as my clerk about a week after I got my license. This understanding was arrived at about a week after I got my license.

~~Cross-Examination by Mr. McDerrodt.~~
Q Who introduced you to Mr Mendl?

A I was introduced to Mr Mendl by a man named Viles. Prior to this I had made no sales whatever. This was my first agreement as auctioneer after the Fair. I procured my license and was to the effect that Mr Mendl had some Segars to sell and was to appoint Mr Hanff clerk. He was Mr Mendl's auctioneer I believe. The original agreement was that I was to

sell myself and I finally agreed to appoint Mr Hanff to sell for me and to file an affidavit to meet the requirements of the law. After that was done I gave Mr Hanff my flag and allowed him to go on with the sale for me. The accounts of the sales were presented to me every day about 4 o'clock and my commission was paid to me. I usually went down there every evening.

Q Did you go there on the 17th?

A I went there on the 17th about 4 o'clock.

Q Did you hear any complaints on that day in regard to Mr Augner buying cigars?

A No, Sir.

Q Did you ever have any transaction with Mr Hanff before?

A Never before in my life. I was introduced to Mr Hanff by Mr Vilee.

Q How long had you known Mr Vilee?

A I knew him before that about

a year and a half. I was connected with him in business.

Q Do you know how Mr Viles and Mr Mendl came to make these arrangements?

A No, Sir.

Q Do you know how many sales Mr Hauff made in your name?

A I know Mr Hauff made sales, but I could not tell the number exactly. I looked over the account of sales but I did not keep any account myself. All he did was to show me the books and I intrusted every thing to the honesty of Mr. Mendl and Mr. Hauff.

Q Did you see the names of the purchasers?

A Yes, Sir.

Q Were these accounts kept in a book?

A No, Sir; on pieces of paper, and I used to take them and count up what the sales was. I do not recollect now the names of the purchasers or the amount of the goods.

Q Were these books or papers

containing the account of sales in your possession?

A They are in their possession.

Q Could you procure them if you wanted them?

A I do not think I could, without I procured them by process of law.

Q Have you ever asked them for the books?

A No, Sir. They might and they might not let me have them.

Q When did you receive this notice from the Mayor?

A I received notice on the 21st, dated the 20th, to refrain from selling.

Q Did the notice state the reason?

A It stated that one of my bondsmen, Abram A. Whitney, had withdrawn.

Q How long had you known Mr Whitney before he went on your bond?

A About two or three months.

Q What is his business?

A He is a builder.

Q Do you know any buildings that he put up?

A He erected some buildings at 150th Street and Walton Ave.; I believe there are six houses.

Q Had Mr Whitney ever been on any bond for you before that?

A No, Sir.

Q Who asked Mr Whitney to go on your bond?

A I did.

Q Did he state to you any reason why he withdrew from your bond?

A The only reason he claimed was that Mr White sent for him and asked him to do it. He did ^{not} give me any other reason.

Q Did not he state to you that the reason was that you were engaged in selling cigars in Greenwich Street?

A He did not know anything about the business.

Q When you took out your license were ^{you} not informed that if you sold cigars your license would be taken away?

A Nothing was said about any particular place. I did not understand what he meant by it.

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Q Before you were ordered by the Mayor to refrain from selling did you not know that a complaint had been made against you?

A I never heard of any complaint except the one by Mr Augner.

Q Were you not told that if you engaged in the sale of Segars that you would be looked after?

A Mr White is the only man who said any thing to me about it.

Q Do you know any thing about the sale of Segars claimed by Mr Augner to have been made to him and testified to yesterday by him, to have been made at #288 Greenwich Street on or about the 17th of March, except what you were told?

A No, Sir.

Q Will you swear that you did not receive any part of the proceeds of the sales made to Mr Augner and testified to by him yesterday?

A I must have received five per

cent on the sales if he bid there, certainly. I suppose I received it. I do not know any thing to the contrary.

Q Did you advise Mr. Harff as to the mode of selling at that place?

A I trusted every thing to Mr. Harff; ^{the} only instructions I told him, I showed him the pamphlet containing the laws and told him to read them over carefully and go accordingly. The only thing that I gave him was that pamphlet.

Q Did you not think that it was a suspicious circumstance that Mr. Harff did not take out a license himself.

A I did not, on account of Mr. Nash's selling there. I would not ^{have} sold there if Mr. Nash had not sold there before. I did not know any thing about the character of the sales there before I went there. They told me that they were going to sell cigars and leaf tobacco.

Q Did they ever sell any leaf

tobacco?

A They did not sell any to my knowledge.

Q Have you procured another bondsman?

A Mr Whitney has withdrawn from my bond but has gone back again.

Q How long have you known Mr Whitney?

A Two or three months.

Q Did you ever have any business transactions with him?

A No, Sir.

Q Who got Mr. Whitney to go your bond?

A He was influenced to go on my bond by my other bondsman Mr Loutrel.

Q How long have you known Mr Loutrel?

A Six or seven months. I told Mr Loutrel to procure me another bondsman; he said he could get Mr Whitney to go on the bond. I saw Mr Whitney and told him that I knew Judge Flanigan; that it would

be all right.

Q Did you not know that Mr Whitney was a professional bondsman?

A No, Sir; only what Mr. White said.

Q Did you pay him any thing for going your bond?

A He did not receive any pay from me. Neither Mr Loutrel or any other person paid him any thing directly or indirectly for me.

Q Do you know whether he owns any property?

A He referred me to the records, and looking over the records I find that he owns two lots on 90th Street, that they are free and clear of all encumbrances and that the consideration was \$30.00. I do not ^{know} any thing about it except what I saw on the liber of deeds.

Q Do you know that he paid \$30.00 for it?

A I was not present when he paid the money.

Q Do you know whether there was any encumbrance on it?

A I do not I know nothing about it other than from looking over the title in the liber of deeds.

Redirect Examination by Ex Judge Flanigan

Q Do you admit the statement made by Mr. Augner to be true?

A I contradicted the statement that he made. From the books I contradicted it. From my own knowledge I ~~do~~ not know.

Q Were you sick at that time — or about the 17th?

A Yes, Sir; I was not sick on that day but I was taken sick after that.

Q Did you not sell in Harlem before you went down there?

A No, Sir. Mr. Nash was there before I was. I have forgotten the date.

Q Do you know Mr. Nash?

A I do not know him only by representation — I have seen him.

Q Who introduced you to Mr. Mundl and Mr. Hanff?

A. Mr Viles, It seems Mr Viles was around looking for some body to sell and he heard by some means that I had obtained a license and was going into the business and he came to me and asked me to take five per cent, and that I would get sales every day. I said Yes. I was looking for a store in Harlem and I thought that in the mean time I would make some money, and I went down and made arrangements. I stopped in to see Mr. Wash and he was not in. I did not know the character of the place before I went there. Mr Mendl only stated the terms to me and that he wanted to have Mr. Harff sell and that he would have Mr. Harff file his affidavit in the County Clerk's office. I suppose that they did not want me there. That was my impression.

Q Will you swear that they did not want you there?

A No, Sir.

Q Did Mr Mendl represent to you

0055

the character or the quality of the cigars that were to be sold:

A No Sir, Mr Hanff said that Mr Mendl assigned the goods to be sold there — that he was a manufacturer.

Q Did you give him any instructions how to sell?

A I did not give him any instructions except the pamphlet.

Q Do you know any thing personal about this sale to Mr Tugner?

A No, Sir; only what is on the books. Mr. Tugner's name is on the books.

Q Did you receive the five per cent on the sales?

A Yes Sir.

Re-cross Examination by

Mr. Mc Dermott:

Q Who received the proceeds of the sales?

A The clerk who takes in the money. I never handled a dollar of it. I only got my percentage. They showed me the books and made up the five per cent on the amount of the sales and

gave it to me. I did not have any transactions with the purchasers. I trusted that all to them — Mr Mendl and Mr Hanff. Mr Mendl said Mr Hanff would take care of the sales and it was my impression that they did not want me there.

Q That was your presumption from their statements?

A Yes Sir

Q Did you receive a notice of Mr Augner's complaint?

A Yes Sir about the 18th.

Q What did you do about it?

A I then sent down a Dr's certificate that I was sick. I made an inquiry about it and found out about the complaint. They told me that the man had bought Segare as he stated.

Q When was that?

A That was about the 18th or 19th. I was in bed and could not go down to answer the complaint.

Q Were there any sales after you received notice of this complaint?

A I believe there was.

Q Do you know the nature of the complaint made by Mr Auger on the 18th of March?

A Yes, Sir.

Q Was there a sale on the 20th?

A I think there was. I know I took down my flag on the 21st. I sent down and had my flag taken down.

Q When did you send down?

A I did not send down until after I received notice from the Mayor to refrain from selling.

Q Why did you take down your flag?

A The reason why I took down my flag was on account of the notice of the Mayor.

Q After you received notice of Mr Auger's complaint how many sales were held there in your name?

A There was one.

Q You know there is a second complaint against you?

A Yes, Sir; I heard about the second complaint. I did not authorize that sale.

Q Will you swear positively that your flag was not there when that sale

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was made?

A I will not swear positively. I know I sent a man down there who told them to take in my flag.

Q Who did you send?

A My brother. He went in and told Mr Mendl about the notice from the Mayor.

Q How do you know that?

A All this information is from conversations had with my brother.

Q How do you know your flag was taken down?

A I know my brother took the flag down.

Q How do you know that?

A I have a right to have confidence in my brother, and he told me so. After I got well and came down to the store, there was no sale being conducted in my name.

Q How long after the 21st did you go down to the store?

A I think it was about a week after. I do not remember the date, but I know they were conducting no business.

Q Are you prepared to swear that

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There were no sales there under our flag after the notice to refrain was received?

A To the best of my knowledge and belief they did not sell. If they did, they had no authority from me. I did not send any orders down countermmanding my instructions not to sell. If sales were made after that in my name that was a fraud.

Q Do you know of your own knowledge whether they had sales then or not after you sent instructions not to sell?

A I do not. I saw no advertisement.

Q Did you do any thing with the affidavit in the County Clerk's office after the 2nd?

A No, Sir.

Q Did you discharge Mr Hauff as your clerk?

A I have not. All that I have done is to send down my brother to take down my flag and notify Mr Hauff not to sell.

Q Have you received any commission from any sale made to Mr

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Russell who made the second complaint.

A I have not. I have not received a cent from any sales made there since the 21st.

Q Will you swear positively that you have not?

A I will swear positively that I did not receive a cent.

Re-direct examination by Ex Judge Flanigan:

Q When were you notified that Mr Whitney had withdrawn from your bond.

A On the 21st

Q What did you do then?

A The notice was sent to 288 Greenwich Street and afterward brought up to my house. I was sick at the time. I sent down my brother to notify Mr Harff to take in my flag.

Q Have you notified any body to sell there after 21st?

A I have not.

Q Have you authorized any person to use your flag since that date?

A No, Sir.

Q Have you received any commission or demanded any commission on any sales held there since that date?

A I have not, because I did not think they would pressure to sell under those circumstances.

Re-cross examination by Mr. McDermott:

Q For the interval from the time that you sent your brother down on the 21st up to the time that you called there about a week afterward, had you called at that place or sent any one there?

A My brother went down. I sent my brother after they had taken the flag down, to see that they did not sell.

Q When was that?

A That was after the 21st; my brother stopped there every day. I sent him down on the 21st with the notice. The second morning, the 22nd, I told him to go down and see that they did not sell. The 23rd I think he went down again.

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Q Are you positive of that?

A I am not positive, but I think he went down.

Q How about the 24th?

A The 24th ——— I do not know.

Q During the week after you sent him down with the notice how many times did your brother call there?

A He went there three or four times. The dates I do not know.

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Robert Russell
against
James C. Campbell
Auctioneer

Robert Russell sworn by Mayor
Examined by Mr McDermott.

Q Where do you live?

A At # 445 West 56th St

Q What is your business?

A Stone Cutter.

Q Have you ever bought any Segars
at # 288 Greenwich Street?

A Yes, Sir.

Q When?

A I think it was Monday a week
ago, the 27th, I think.

Q Tell how you came to buy the
Segars?

A Well I was down in that
neighborhood and having an hour
to spare I walked around and
I saw an auction flag.

Q Are you sure there was a flag?

A I think there was a flag, and
they were bidding.

Q Did you see any name on the

Flag?

A I think I did, but I would ~~not~~ swear. There was a crowd and they were bidding on Segars.

Q Did you inquire what Auctioneer made the sale?

A I did not.

Q Do you know whose Flag was there?

A I did not.

Q Do you know the name of the man ^{who} was acting as Auctioneer?

A No, Sir; they were all strangers to me.

Q Had you ever been there before?

A No, Sir.

Q Did you inquire whose place it was and who ^{was} conducting the sale?

A No, Sir.

Q Or whether the man was licensed who was acting as auctioneer?

A I did not know at that time. I first saw him here when he came there to answer the complaint.

James C. Campbell sworn, examined by Mr. McHernott.

Q What is your brother's name?

A Wallace R. Campbell.

Q Is that the one you sent down there?

A Yes, Sir.

Q Have you any other brother?

Wym A I have got another brother named Charley. Wallacer. R. is the only one that has been in this place #288 Greenwich Street.

Robert Russell recalled examined by Mr. Mc Ginneth.

Q You purchased some cigars at #288 Greenwich St?

A Yes, Sir; I bought some cigars at Reister there.

Q Did you bid on them?

A I did. There was one or two bids before mine and I bid \$2.25, as I supposed for the whole lot, but afterward I found that they were sold by the box. I asked them if I was buying the "whole", meaning the whole lot, and he said Yes. There was one box open and they were standing all together in the counter.

Q How many?

A Twelve I think. That was what I supposed. There was nothing

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said that it was for the
"gle" lot. He did not put
"lot" to it. It was very impressive
that it was for the "gle" lot.
Q. That impression was formed
before you told him that it
was for the "gle" lot.

A. Yes, Sir.

Q. You say there were bids before
yours?

A. There were at least two bids
before mine; then I bid \$9.25;
and afterward they told me it
was a "bump". I was staggered
at that.

Q. (Bill shown to witness) Have you
seen that bill before?

A. I received that bill up at
my house after I bought
the cigars. When they told me
they were \$2.25 a box, I found
I did not have enough money,
and I gave my address and then
they sent them to my house at
night. I asked the party who
brought them up if the cigars
were all the same as those on
top and he said he would
warrant them the same.

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Q What sort of a man was he?
A He was a gentlemanly looking
fellow.

Q Had you seen ^{him} before?

A I think he was there at the
sale. I think he was the one
who was passing the boxes
back after they were sold.

Q Did you say that if I did
not like them that I could
bring them back and that
they would sell them for
me again? He said that
he would give me a receipt
in full and he gave me
this receipt.

Receipt offered in evidence and
marked "Exhibit - (42)"

Q Did you ask him any thing
about Mr. Campbell?

A Not a word. I was not
of that as to that. I was
not the place where he
was.

Q I did not.

Q Did you ever show Mr.
Campbell this bill?

A No, Sir. He never said any

thing that would lead me
to suppose that he was there.

Q. Were you attracted there by
the flag?

A. My impression is that it
was the flag that first
attracted me; the crowd in
the store was what attracted
my attention most.

Q. Did you ever attend an
auction sale of Segars before?

A. I never bought Segars at
an auction before.

Q. Had you ever been in that
neighborhood before making
purchases?

A. No, Sir; I never bought goods
at auction before. This was
my first experience and will
probably be my last.

Q. According to your opinion
what are these Segars worth?
(indicating the Segars alleged to
have been bought by Mr.
Russell, at 288 Greenwich St.)?

A. According to my opinion they
are worth nothing.

(Segars offered in evidence marked
"Exhibit B") They are worth

nothing to me. I do not think they are worth anything at all.

Q. How many are there in a box.

A. There are supposed to be 50. I smoked a few out of one box, I tried to smoke them at night, but I did not give it up.

Cross examination by ex-judge
Platigan.

Q. (Referring to Exhibit A.) What is Campbell in it whose name is in that paper

A. I will swear that it is this gentleman there (indicates Mr. Campbell as witness, defendant)

A. I am not able to swear. I suppose it is that gentleman. I am not able to swear except through inference.

Q. Did you ever see Mr. Campbell at that place.

A. No, Sir.

Q. Did you ever see this flag there?

A. I never saw this flag there.

Q Did you ever have any person connected with the store about the time of the trial?

A I never had any person connected with any person except the young man who brought the cigars up to my house, and he said she would give him Campbell's receipt.

Q Did you hear any body say to that man that the Campbell was connected with the store?

A I did not.

Q Were the cigars boxes all stamped?

A Yes, Sir.

Q What amount of stamps was on each?

A I never looked what the amount of the stamps was.

Q (pointing to one of the boxes of Exhibit B) What is the amount of stamps on that box?

A That box I suppose it is a fifty cent stamp.

Q Are you sure there was a flag at the store?

A My impression is that there

was a flag.

Q. How you swear that there was a flag?

A. I could not swear that there was a flag there.

Q. Did you examine the cigars before you bought them?

A. No, Sir. After I bought them, I invited one to smoke and asked for one to try on my way home and ^{he} refused saying that it would break his license if they were at retail.

Q. Did you look at the cigars before you paid for them at your house?

A. I opened our box and just glanced at the face of the cigars and asked the young man whether he would warrant them to be the same all the way through, and ^{he} said he would warrant ^{them}.

Re-direct examination by Mr. Mc Dermott.

Q. Would you know that young man if you saw him again?

A Yes Sir.

(James). G. Campbell recalled;
examined by Mr. The Attorney.

Q (Exhibit A. shown to witness.) In
whose hand writing is that?

A I do not know that hand-
writing. I think the first
part is in Mr Mendel's hand-
writing but I am not positive
about that.

Q In whose hand writing is the
"received payment" and the
name and any words following?

A I am not positive about the
writing.

Q Is it Mr. Hauff's?

A I will not say that it is
Mr Hauff's writing.

Q Whose writing is it?

A I do not know positively whose
hand writing it is. I could
not tell whose hand writing
it is. They stated to me that
they had sent up the Segars
and that they had collected
\$24.75.

Q Who stated that?

A Mr Mendel stated that, and
he said he could assure

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and that she did not see
under any flag and that he
sold these. So says to me
Russell. "Dear Bill".

Q. Did you ask him about the
flag?

A. Did not.

Q. Do you know your brother's
hand writing?

A. I think I do.

Q. Would you swear positively
that the receipt on that
bill is not in your brother's
hand writing?

A. I would not swear positively
that it is my brother's hand
writing or that it is not.
I do not think that is my
brother's hand writing.

Q. Will you swear that it is
not?

A. I will not swear that it
is not.

Q. Will you swear that it does
not resemble your brother's
hand writing?

A. I could not swear.

Q. Will you swear positively

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that your brother has not been
seen to collect bills?

A I will not.

Q Will you swear positively that
your brother has not been
seen to collect bills for Mr
Menden after the 1st of March?

A I could not say.

Q Will you swear that she has
not?

A I could not swear positively.
I do not know any thing about
that. He might have done it
for all that.

Q What is your brother's business?

A He has not been in any business
for some time.

Q Where was he last employed?

A By Mr Herbert in Hackett St.

Q What is Mr Herbert's business?

A Card Writer.

Q From the 21st of March up to the
30th of March what business
has your brother been engaged
in?

A I do not know.

Q Was he not employed at #288
Greenwich Street?

A According to my brother's state-

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want they had no sales. There
from the 1st to the 20th of March.
He went in there almost
every day and came out again.
He was not there other than
calling there from the 1st to
the 20th of March.

Q Are you prepared to swear
that he has not been employed
there during that time?

A I am not.

Q Do you know where your brother
was on the 20th of March?

A I do not.

Deposition taken Wednesday the 1st
at 11 o'clock A. M.

Please Office April 5th 1882
 Q. Did the flag ever come by the
 Express, and by any other means?
 A. I don't know.
 Q. At #106, Waverly Street, Boston, where
 it was taken down, at
 #288 Green Street, during
 the month of March?
 A. Yes, Sir.
 Q. Did Mr. Campbell have access
 to the flag during that month?
 A. Yes, Sir.
 Q. What?

A. I received notice from Mr.
 J. B. Campbell, and took it in
 his flag on the 21st. I guess
 I have got the written notice.
 It was brought to me on the
 21st in the morning about
 9 or 10 o'clock.
 Q. Are you positive of that?
 A. I am positive. I took off the
 flag from the pole.
 Q. Has Mr. Campbell's flag been
 used there since 21st of March?
 A. No, Sir. I used another flag
 without any name on it.
 Q. Have you ever seen this gentleman
 before (indicating Mr. Russell)?

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A. I think I saw Mr. Russell before.

Q. How did you find out that he was at your place on the 29th day of March last?

A. It was not. There was a red flag out but no name on it at all.

Q. Do you recollect the circumstances under which Mr. Russell began to dig?

A. Please state them?

Q. These were sold by what name "Long Hill"?

Q. How much did he pay for them?

A. These goods were sold to Mr. Russell for \$100 a box. The lot he purchased was 12 boxes. After he purchased these goods he decided that they were sent to him by any mine up to forty feet five for the evening.

Q. How did you send up with the bundle?

A. I do not positively know of any mine and sent up. That is out of my line. I do

not attend to that part of the business. The next morning I received the money for these goods, a balance of \$4.75. I came late in the store and the money was there. I did not make any further business.

Q Where the Segars sold to Mr Russell stamped?

A All the Segar boxes were stamped.

Q How much in each box?

A 30 cent revenue stamp on every box to certify a hundred.

Q What was said to the parties present when this package of Segars was offered for sale?

A I was present. My clerk, Morris Hanff said "Gentlemen, I have got 12 boxes of Segars in this lot. The buyer has to take the lot at so much a box. Is there any body here would give me \$5.00 a box. \$4.75 - \$4.50 \$4.25 - \$4.00, \$3.75, \$3.50, \$3.25 - \$3.00, \$2.75 -" & so on downwards until some purchase bought them. To my knowledge Mr Russell, when my clerk said \$2.25, Mr Russell bought

this lot of 12 boxes.

Q Where were these goods sold there at a high price per box?

A These were goods sold for \$2.50.

Q How did Mr Russell buy these Segars?

A He bought them at so much per box.

Q Where did Segars open for inspection when they were sold?

A No, Sir; otherwise a man would not buy.

Q Had you declined to let him take a segar out of the box after he bought them as he has testified?

A I never declined to let him take a Segar out of the box.

Q Had you or any person in your employ say to him that he should not take a Segar because that would be selling at Retail and would break your license?

A No, Sir.

Q What is your business?

A I am a Broker in leaf Tobacco

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and Segars.

Q Have you some in business at
other places?

A I was some time ago at #299
Pearl Street, and before that
at #148 Water Street.

Q Are all the Segars sold in
your store stamped with
Revenue stamps?

A Yes, Sir.

Q When you sell at Auction do
you always advertise the time
of the sale?

A Yes, Sir. This was not an
auction sale, so that I could
not advertise.

Q Had Mr Campbell any thing
to do with that sale?

A He had nothing to do with
that sale.

Q Since the 21st of March has
Mr Campbell been interested in
your sales?

A No, Sir.

Q Has he received any thing from
you since the 21st of March?

A No Sir.

Cross - examined by Mr. McCreary.

Q Where is your place of business?

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A At 262 West Street, at present.
I arrived there on the first of
April.

Q How long have you known Mr.
Campbell?

A I have known Mr Campbell a
couple of months I could not
tell exactly how long.

Q How did you get acquainted
with him?

A Through Mr. Vilas who was
working for me.

Q When was that?

A About 5 weeks ago. I made
arrangements with him to give
him five per cent commission
I to pay the assistants and
advertising.

Q Was he ever at the store?

A He was not there very often
and to my knowledge my
clerk was deputized to sell in
his place. Mr Campbell was
there every day to get his
commission. When I engaged
Mr Campbell he said he had
real estate business to attend
to and I authorized ~~the~~ a man

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to sell for him Morris Harff,
my clerk. Mr Harff was
working with me before
that a couple of months.
After I made arrangements
with Mr Campbell I said
I had a clerk who would
do the selling in his absence.

Q And he was satisfied with that?
A Of course he was satisfied
when he saw Mr Harff. I
do not know who made the
suggestion to have Mr Harff
appointed as clerk.

Q Will you swear that you did
not make the suggestion to
him?

A I will not swear Yes or No.

Q Had Mr Campbell made any
sales at auction before that?

A I do not know. He was a
stranger to me. Mr Viles
introduced me to him.

Q Who is Mr Viles? is he in
your employ?

A Mr Viles is not a clerk in
my employ, but he was until
last week.

Q How long had he been in

employ?

A Along about six or seven months.
On account of stopping selling I discharged him.

Q Had he ever made any other agreement with ^{any} ~~any~~ other auctioneer for you?

A Not to my knowledge. I got introduced to some Auctioneers but not through Mr Viles. He did not introduce me to any other Auctioneer.

Q Did you know from Mr Viles if he was acquainted with Mr Campbell?

A I do not.

Q Had you heard Mr Campbell's name mentioned before that?

A I do not recollect that I ever did.

Q Who conducted Auction sales at your place since the 21st of March?

A Since the 21st of March there was no auctioneer conducting my sales until the 29th of March, ^{when} I made arrangements with Mr Benjamin F. Brady. The stock of Segars do not belong to me.

Q What agreement did you make with Mr Brady?

A Same kind of agreement that I made with Mr Campbell.

Q Has Mr Brady done any actual selling for you?

A Mr Brady opened the sales there twice and he designated my clerk to sell for him.

Q What clerk?

A Same clerk Mr Haff.

Q Have you ever had an auctioneer to conduct sales at this place personally?

(Objected to)

Q When was it you saw Mr Campbell after he sent you the notice not to sell.

A I saw Mr Campbell at his house when he was sick. I could not tell you exactly the date.

Q Was it the 27th of March?

A I could not tell whether it was the 27th of March. It was during the time from the 21st until to-day.

Q Was it day before yesterday?

A It was earlier than day before yesterday.

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yesterday. He was lying abed. I guess it was the 2nd or 23rd. I am not positive. I know it was after I was notified.

Q Why did you go there?

A I went there as a friend to see him, because I heard he was sick.

Q Do you know when Mr Campbell got the notice?

A I do not.

Q If Mr Campbell should swear that he received the notice on the 20th would you contradict it?

A I should not.

Q When were you notified not to sell?

A On the 21st.

Q How were you notified?

A A few lines came from Mr Campbell, were sent down that I should not sell.

Q Who brought the letter?

A I do not know who brought it. I could not identify the party who brought it.

Q What did he write to you?

A He wrote me down I should cease selling at once. This sale was advertised but I did not sell.

Q Was that the whole contents of the message?

A It was. I had no conversation with the messenger who brought the word. A few days after I went to see Mr Campbell.

Q When did you find out why he was notified to stop selling?

A I found out afterward incidentally from Mr White.

Q Do you know Mr Campbell's brother?

A I might know him and I might not. I know a great many. I could not swear that I do not know him.

Q Was it his brother that brought the notice?

A I do not know if it was his brother or not his brother.

Q Is Mr Campbell's brother in your employ or has he been in your employ?

A I refuse to answer because it does not belong here. I do not answer because I do not need to.

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Q Do I understand you to swear that this was Mr Campbell's brother that brought you this note from Mr Campbell or was it a stranger?

A I could not swear who it was. I had no conversation in relation to the business with no one from Mr Campbell from the 18th of March until the 27th of March. I am positive that I had no conversation with any one from Mr Campbell in relation to not selling any more, except Mr White. I do not think I had any conversation with Mr Campbell or any one from him in relation to selling or not selling.

Q Was it the same person who went up to Mr Russell's house that brought the note?

A No, Sir; that I am positive of.

Q Do you know the facts in relation to any complaint made here by Mr Ruger?

(Objected To)

Q Do you know the name of the person you sent to Mr Russell's

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house to collect this money?

A I do not.

Q Was he in your employ?

A He must have been in my employ because otherwise he would not get the goods. I do not know which of my men he collect the money.

Q Did you send up two men or one?

A I do not know whether I sent two men with the package or one, because I was not there. I left the instructions with my clerk Mr Viles to have the money collected. The package was put up at the time Mr Russell purchased the liquor, and he said to collect any time after half past five.

Q When was that package put up?

A Just Dinner time. After the sale was over twelve o'clock. It was just twelve o'clock, it might be a few minutes after.

Q Did he have any conversation with any one in your employ in relation to the payment of the money?

A My book-keeper had conversation with him.

Q Where were you at the time?

A I was there sitting on a chair right by the stove; Was about 15 feet away, it might ^{not} be so much. There were several purchasers there and the sale was going on.

Q Was his lot the last one purchased before the sale closed?

A I do not know whether it was or not. There were several purchases made at the sale. Right after the purchase Mr Russell went over to the book-keeper and made arrangements about the payment of the money. I never bothered with the business. During all the time Mr Russell was there, bidding was going on and purchases being made.

Q How many persons were there at the time?

A There were six, seven, eight parties there, I do not know how many. I was not paying

attention to the business. I was sitting at the store and reading The Herald. I did not take any notice.

Q Who is Mr Viles?

A He is my Book-keeper. I took no part at all with the arrangements with Mr Russell. I never had a conversation with Mr Russell. I never saw him in my life before. I saw ^{him} at that time. That is all.

Q Did you hear any of the conversation with Mr Viles?

A I did not hear any part of the conversation at all. My Book-keeper informed me about it. All I know about it is what my Book-keeper tells me. I left that to him. When the fact came about this complaint and the trouble with Mr Russell I went and asked Mr Viles in relation to it.

Q Did Mr Viles tell you about the complaint?

A I do not know whether he told me any thing or not. I met-

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Mr Campbell and he told me about the complaint, and I told him that I had sold some goods down hill for which I did not need to have a licensed Auctioneer.

Q Have you seen Mr Harff since you saw Mr Campbell in relation to this sale?

A I have not. I do not think I had any conversation with Mr Viles about it. Mr Viles told me some thing about it. He was discharged on the 1st April before I had this interview with Mr Campbell. I had a conversation with Mr White; he said Mr Campbell was selling after he had received notification from the Mayor not to sell, and I answered him that he was not selling.

Q When was that?

A I think that was on the 28th or 29th. I won't swear which date. Yes, I am positive that it was on the 28th or 29th. I was informed by Mr White that some party

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had complained against Mr
Campbell. I guess he told me
the name.

Adjourned to Saturday April 8th -
12. M.

Mayors Office April 8th 1882.

Adolph Muehl recalled.

Gross-examination continued.

Q (Exhibit A shown witness)

Have you ever seen that bill before?

A That is a regular form of bill given to a purchaser at my place — my regular form of bill head.

Q Printed by your orders?

A Yes, Sir.

Q Did you receive ^{the} amount of money named in the bill?

A Yes, Sir.

Q How long have you had that form of bill heads?

A I have had bill heads of that kind for seven or eight months, and parties purchasing goods at my place at regular auction or down hill, I give them receipted bills on this head if they ask for them. Every body can have a bill.

Q Do you ^{know} the kind of cigars that Mr Russell bought there?

A Yes, Sir.

Q Do you know the quality of the Segars that Mr Russell bought?

(Objected to as immaterial + irrelevant. Objection overruled; Exception.)

A Pretty fair Segar.

Q Have they any particular trade mark?

A There is no particular trade mark or brand.

Q Who is the Manufacturer of these Segars?

A I do not know the Manufacturer of those Segars myself. I am a Broker in leaf Tobacco and Segars and selling goods on Commission. I sold these goods on commission.

Q Who consigned these Segars to you?

A This Segar was consigned by Robert Jackson of this City; Place of business #40 First St.

Q Do you know who owned the lot of Segars that was sold to Augner?

A I do not.

Q Are you a good judge of Segars

and Tobacco?

A Yes, Sir.

Q Was the price at which you were to sell these Segars limited?

A I had no limit. I had a right to get any price that they would fetch.

Q Are these Segars of any particular brand?

A There is no brand of these Segars. The brand is not material when there is no Trade Mark, and any manufacturer may use any brand he pleases so long as there is not a trade Mark.

Q (Segars in exhibit B. ^{shown withers.} H. Have you examined these Segars?

A Yes, Sir; I do not know them as the Segars I received from Mr Jackson.

Q Are these Segars known in the market by any particular name or brand?

A These Segars are known in the market, but I can have them with any brand I want.

Q Are these Segars known in the market by any particular brand or quality, or name?

A I do not understand the question.

Q Is there such a quality of Segars now in the market purchasable by any particular brand or name?

A Not by any particular name.

Q If I was to take out a Segar and take off the paper ring, would the Segar be known by any particular brand, or name?

A No, Sir.

Q Is there any such Segar in the market known by any particular name, brand, or quality?

A I can purchase those Segars but not by any name, brand, or quality. There is such a Segar in the Market but without any name, or brand.

Q Are these Segars known in the market by any particular name, quality, brand, or kind?

A Not to my knowledge. Any person can give a name to any quality of Segars.

Q What are these Segars worth a box?

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A That depends on the purchaser.

Q If you were buying that Segar what would you give for it?
(Objected to)

Q What is the market value of these Segars?

A \$30 to \$35 a thousand, I used to get.

Q Have you sold any at that price to jobbers within this month?

A Since this month I did not sell any to the jobbing trade. They are worth about \$35 a thousand, cash price, 20 boxes.

Q Have you sold during the month of March last any Segars at that price to jobbers?

A I have sold those Segars but not to jobbers.

Q How do you know that is the value of them?

A I say that is my judgment as to the market value of these Segars.

Q Of what material are they made?

A The wrapper is a good Pennsylvania wrapper, I do not know about

the quality of the filler. If I bought on my own account I would examine them, but if I sell on commission I do not examine them. I do not represent the quality of the goods when I sell at auction. I tell the kind but not the quality.

Q (Bill, exhibit A. shown witness)
Whose writing is that?

A That was written by Mr Viles. The receipt at the bottom I do not know who it was written by. The receipt is Campbell's. That is wrong.

Q Is not part of the writing yours?

A No, Sir.

Q Do you know the name of the young man who collected the money?

A I do not.

Q On the day of the sale to Mr Russell, did you have an Auction flag flying?

A I had a flag flying with no name on it. It was a red flag - made of red flannel about a yard long, fastened to a pole and flying

on the side. My clerk sold under that flag but there was no name.

Q Was any thing on the flag - were the words "Auction sale this day" on it?

A Those words was not on it; I do not know what was on it. I never had a flag in my possession with those words on it.

Q Were you positive there was no name on the flag?

A I am positive.

Q Will you swear there was nothing at all on it?

A I will not swear that there was nothing at all on it.

Q Who made the sale?

A Mr Hanff.

Q How did this sale differ from an ordinary sale at Auction?

A The sale was different entirely from an ordinary sale. He put up the Segars and said "who will give me \$3.00, \$4.75, \$4.50, \$4.25" and so on down; he named the price himself.

Q Did you hear what he said?

A Yes, Sir.

Q Every word?

A I should not swear positively that I heard every word he said.

Q What did he say?

A I heard him put up the lot of Segars and say "gentlemen, I have got 12 boxes here, who ever buys this lot has to take the lot at so much a box. Can I get \$5.00 for them".

Q Were any of the boxes open?

A Two or three of the boxes were open.

Q Did you see the lot that was sold to Mr Russell prior to the time they were knocked down?

A I would not swear that I saw them.

Q Will you swear that the whole 12 boxes were like those 2 boxes (indicating exhibit B.)?

A I think they were all alike.

Q Do you know that of your own knowledge?

A I do not know of my own

knowledge.

Q Have you examined them?

A I have not.

Q Do you recollect what sort of boxes they were?

A I do not recollect the boxes because it was a couple of weeks ago.

Q Will you swear that the Segars were all the same quality?

A I could not swear that all the boxes are of the same quality.

Q Have you ever authorized Mr Hanff to make any particular representation in regard to Segars?

A No, Sir.

Q Can you name a jobber or dealer that you have sold any Segars to at more than \$25 a thousand during the past four years?

(Objected to; question withdrawn)

Q Have you had any conversation with Mr Campbell during the past week about ~~these~~ these cases?

A Yes, Sir. He told me that there was a complaint against him for selling 12 boxes of Segars, and

that he did not sell them. I said that is true. He asked me if I would not go up to the Mayor's Office and state that he had not sold those Segars.

Q Did not you know that there was a complaint against him before the 27th of March?

A Yes, I had a doctor's certificate up here that Mr Campbell was sick. To my knowledge he was called up here before the 27th of March and I went there and he was sick. I brought the certificate up here and gave it to Mr White.

Q Did you know what the complaint was when you called here?

A I do not know whether I did or not. I knew through Mr White that it was in connection with my place.

Q Did not Mr Campbell tell you about it?

A He did not tell me any thing about it.

Q Do you know whether Mr Campbell had made any

sales at any other place before he came to you?

A I do not. I never bothered myself about Mr Campbell's business.

Q Had you not been ordered on the morning of the 27th of March to take in Mr Campbell's flag?

A I do not know any thing about it. Mr Campbell's flag was not out on the 27th of March. It was not put out.

Q Did not an officer or inspector from the Mayor's office order you to take in the flag?

A I did not see any officer or inspector. I did not see any man going into my store for that purpose. There was no flag put out except the red flag to my knowledge.

Q Were you there all the time that day?

A I was not there all the time. I got down there about half past nine and went away a few minutes afterwards, and came back about a quarter to eleven. When I was there, there

was nothing but a red piece of flannel out.

Q What other things were you there?

A I do not recollect any more. I was so often out ~~that~~ day that I do not recollect. The time I was there, there was only a red piece of flannel out.

Q Were you there when Mr Russell purchased the goods?

A I was. I know I was there in the neighborhood of 12 o'clock, and then I was there after half past 2 until 3 o'clock, and then I had to go away. That I am positive of. The remainder of the day I am not certain of.

Q Have you told every thing that was said by Mr Pariff prior to the time of the sale to Mr Russell?

A To my knowledge what I heard I have told you.

Q Did you own the Segars that were sold to Mr Russell?

A No Sir, they belonged to Mr Jackson.

Q Were the Segars in the same

condition when received from Mr Jackson as they are now?
 A Yes, sir; stamp and all. I did not brand the Segars or stamp the boxes. I do not think any of the stamps were broken.

With the exception of the broken ^{one} on this box, they are in the same condition, and the Segars are in the same condition.

Q What were Mr Jackson's instructions to you about the sale of these Segars?

A Mr Jackson authorized me to sell them in any way I wanted to.

Q How long have you been in business selling segars?

A For years and years.

Q Have you sold any down hill before?

A Yes I have sold a good many down hill.

Q State what you mean by down hill?

A I have already stated it. There is goods put up and the highest bidder gets them. The man

who sells the goods asks parties there who is willing to give \$5.00 or \$4.75 and so on.

Q Who pays Mr Hanff?

A I do.

Q Who's clerk is he?

A He is my clerk and has been for a long time.

Q Did Mr Campbell pay him?

A He did not.

Q Did Mr Campbell lease the place?

A No, Sir.

Q Did Mr Campbell employ any one at all in your place?

A Mr Campbell did not employ any one there to my knowledge.

Q Was Mr Campbell there at all during sale?

A Mr Campbell came there for the first couple of days.

Q At the time Mr Campbell deputized Mr Hanff was Mr Hanff your clerk?

A He was my clerk.

Q And up to the time of this sale to Mr Russell?

A Yes, Sir.

Q Is Mr Hanff your clerk now?

A Yes Sir.

Q Was he your clerk at the time he made this affidavit that he was clerk to Mr Campbell.

A Yes, Sir.

Re-direct examination by Judge
Hannigan.

Q What is your business?

A Broker in leaf tobacco and Segars.

Q How long have you been in business in New York.

A Since 1877. I have been a whole sale commission merchant.

Q Have you ever sold at retail?

A No, Sir.

Q Are you still engaged as a whole sale commission merchant?

A Yes, Sir.

Q How long has Mr Hanff been in your employ?

A For a few months.

Q From the time he was appointed as clerk to Mr Campbell, are you aware of his manner and custom of selling Segars at auction?

(Objected to on behalf of the

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complainant)
Adjourned till Tuesday April 11th
at 12.0: clock.

April 11th - Adjourned till April 12th
12.0: clock

April 12th - adjourned till April 13th
at 12.0: clock.

Mayor's Office April 13th 12. 0: clock.
Adolph Mendt recalled.

Cross examination resumed by
Mr. Mc Dermott

Q Can you name a retail dealer or jobber that you have sold Segars of this character to during the past four years for \$25- or more a thousand?

A I do not recollect what kind of goods I sell. If I look over the book I can find out. I can not remember any at present. I am convinced that I did sell them higher than that.

Q Give the name and address of any person to whom you have sold them?

A I can not give any name or address at present. I would have to look through the books.

Q Did you give Mr. Ganff any instructions as to how to sell on the 27th of March?

A I told him to sell down hill.

Q The books of sale that were kept for Mr Campbell in your store, are they the same books

that were kept for sales made to parties subsequently to the time when you were selling under Mr Campbell's name?

A At the time of Mr Campbell I kept a separate book.

Q The books used since Mr Campbell was there; are they the old books of sales or are they books that were purchased recently?

A I do not know whether I bought a ~~new~~ new book or whether I had it already in the store. I do not know whether it was an old book or not. I used a different book for Mr Campbell's sales. The accounts of Mr Campbell's sales were not kept in an old book. The book I kept under Mr Campbell's flag was a different book. (Counsel for the defendant objects to any question in regard to the accounts of sales by Mr Campbell as Auctioneer, and that the Mayor has no power to make such inquiries. Objection over-ruled by Mayor. Exception.)

Q Will you swear positively that the account of sales made in the name of Mr Campbell are now in a separate book from any other account of sales?

A Yes, Sir

Q Where is that book now?

A I do not think I saw it since the 21st of March. Since that time I did not sell and have not seen it. I had no business to look for the book since the 21st of March.

Q Did you buy this book yourself?

A I do not know whether I did.

Q Are you positive that there are no entries in that book except those made while selling under Mr Campbell's flag?

A Yes, Sir.

Q Where is that book now?

A I do not know whether it is in my house or in Mr Campbell's house.

Q Was there any other book kept except this account book of sales?

A I have got so much business that

I have got a regular Book-keeper.

Q Who keeps your accounts?

A I keep the accounts myself.

Q Do you keep the account of sales book yourself?

A I do not keep the auctioneer's book. That is Mr Hargis's business. He keeps the auctioneer's book.

Q Did you ever examine the Auctioneer's books?

A Yes, I guess I did.

Q How do you know it is correct?

A I took mostly Mr Hargis's word for it.

Q Will you swear that you saw that book on the 27th of March last?

A I did not. Mr Campbell did not sell for me then.

Q When did you see the book last?

A I saw that book on the evening of the 20th of March.

Q Were you present when Mr Hargis made his affidavit as clerk for Mr Campbell?

A I am not positive whether I was present or not. I do not know who was present. I have got too large a business and I do not

recollect.

Re-direct examination by ex Judge
Harrigan.

Q Did you ever authorize Mr Hauff,
Mr Campbell's auction clerk, to
warrant the character or quality
of any square sold by him?

A Yes, Sir; I never said anything
to him on that subject. I
only about the quality, nothing
about the quality.

Albert H. Viles, sworn by Mayor
Examined by Mr McDermott.

Q What is your business?

A I was a general clerk for Mr.
Murdle up to then two weeks
ago. I was a clerk for him
during the first part of March.
I never received any permanent
salary; I had a commission
on the sales.

Q Did you introduce Mr Campbell
to Mr Murdle?

A Yes, Sir.

Q Have you introduced other
auctioneers to Mr Murdle?

A I do not think I did. I do
not recollect whether I did or

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not. I could not say whether I introduced Mr Mendel directly or not to any other auctioneers. I have introduced Mr Mendel to several auctioneers but never for employment, only in a social way.

Q While you were in Mr Mendel's employment, were you in his place constantly?

A I was there every week day.

Q Were you there during the month of March?

A I was there every week day during the month of March.

Q Did you keep the books?

A I did not keep any books; I was general clerk.

Q What did you do?

A I did anything that Mr Mendel told me to.

Q Did you make out the bills?

A I made out nearly the whole of the bills.

Q (Exhibit-A shown to witness) Mr Mendel's hand writing is that?

A The upper part of the bill is in my hand writing.

Q In whose hand writing is the

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balance of the bill:

A I do not know. I was not there when these goods were delivered. I left the bill on the package. I made out nearly all the bills made out at that place.

Q Who received the money?

A I do not know any thing about the money that was received for this lot.

Q Who was ordered to take the goods to Mr Russell's house and receive the money?

A I do not know.

Q Was it not to your interest that the goods should bring as much as possible at that place? ^{a. yes. a. is}

Q Do you know about the value of the cigars sold there?

A I do not. I know what they retail for. I am no expert in cigars.

Q Do you know about this sale to Mr Russell?

A I know that Mr Russell bought cigars. I was present at the sale.

Q Whose flag was flying?

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A No flag was flying. Only a piece of flannel. There was no name on it. The same sort of flag you see flying at a bankrupt sale.

Q Was not Mr. Campbell's flag flying?

A Mr Campbell's flag was taken in when he received notice to refrain from selling. I saw the notice myself. It was in type work, signed by Mr. Irvine, Secretary.

Q Did you see any letter from Mr Campbell to Mr Mendel?

A No, Sir. Mr Mendel told me verbally that we could not sell any more under Campbell's flag.

Q When did you first hear of Mr Russell's complaint?

A On Tuesday or Thursday. I heard of it when Mr Campbell received the notification. I was informed that Mr Russell had made some kind of complaint at the Mayor's Office.

Q Were you present when Mr Campbell made his arrange-

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with Mr Mendl?

A No, Sir.

Q How long ago was it that you introduced Mr Campbell to Mr Mendl?

A Three or six weeks ago. I can't say positively how long.

Q Do you know how long he had been an auctioneer before that?

A I could not say. Mr Campbell informed me that he had an auction license.

Q How long have you known Mr Campbell?

A About three years.

Q Was Mr Campbell present at any of the sales under his flag?

A Some times. At some times came in and sat beside the stove. I could not say how many times he came in.

Q How many times was he present when sales were going on?

A I do not know.

Q Were you present when Mr Hanff made the affidavit

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that was filed in the county clerk's office as clerk to Mr Campbell?

A I was not.

Q Do you know any thing about a Mr Augner making a complaint against Mr Campbell?

A I do not.

Q Were you present when Mr Augner purchased Segars?

A I do not know whether I was or not.

Cross-examination by ex-Judge
Harrigan.

Q At the sale of Segars on the 27th of March to Mr Russell, how were those Segars sold?

A Down hill.

Q What do you mean by down hill?

A A lot of Segars is put up and the auctioneer says "Who will give me \$5.00, \$4.75, \$4.50, \$4.25, \$4.00, \$3.75, \$3.50, \$3.25, \$3.00, \$2.75, \$2.50, \$2.25, never take a cent less". If they are not sold they are put back on the shelf.

Q Is that the way the Segars were sold to Mr Russell?

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A Yes Sir.

Q Was Mr Campbell's flag put out at Mr Mendl's place after the 21st of March?

A It was not.

Q Do you recollect a young man going into the store and buying two boxes of cigars?

A I do not.

Morrie Hauff known by Mayor.
Examined by Mr Mc Dermott.

Q Where do you live?

A At 1821 Second Ave.

Q What is your business?

A I am a clerk for Mr Mendl.

Q How long have you been a clerk for Mr Mendl?

A For a couple of months.

Q Were you a clerk for him during the month of March last?

A Yes, Sir.

Q Did you receive a salary from Mendl?

A Yes, Sir.

Q Did you keep the account of sales made under Mr Campbell's flag?

A I kept the slip of the sale

made to each purchaser, and at the end of the day I turned it over to Mr Mendl.

Q Did you keep any account book or make any other memoranda

A No, Sir.

Q Did you see the slips after you gave them to Mr Mendl?

A I did not.

Q After the sales were through, give a general outline of your duties?

Objected to.

Q Did you perform any work for Mr. Campbell during the time that sales were being conducted at this place for Mr Campbell?

A No, Sir.

Q Did you perform any duties at all for Mr Campbell during the month of March?

A No Sir. All I did in connection with this place was to make out the slips and hand them to Mr Mendl at the end of the day's sale.

Q (Paper shown to witness) Is that your hand writing?

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A The signature is in my writing.

Q Did you swear to that affidavit?

A I did.

Q Have you ever made a similar affidavit for other Auctioneers?

A I have.

Q (Another affidavit shown witness)
Is that your signature?

A Yes, Sir.

Q (Another affidavit shown to witness)
Is that your signature also?

A Yes, Sir.

Q How many affidavits have you made that you were acting as clerk for Auctioneers during the last six months?

Objected To.

Affidavit of Morris Hanff as clerk for James C. Campbell Auctioneer offered in evidence mark "Exhibit-C".

Affidavit by Morris Hanff as clerk for Meyer Elsas offered in evidence. Mark "Exhibit-D".

Q Do you recollect the fact of Mr Russell's buying cigars there on the 27th of March last?

A I do.

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Q Do you recollect what sort of a flag was up?

A I recollect that there was a red flag there.

Q Did you act as auctioneer?

A I did not. There was no auctioneer. They sold down hill.

Q Did you not receive bids at that sale?

A The only bids that I received was when I said you can take them or leave them at \$2.25. I was very careful. I know it is against the law to sell at regular auction without a license, but it is not against the law to sell down hill. For that reason I did not accept any bids.

Q Have you acted as clerk for other auctioneers?

A Yes Sir.

Q Did you make any sales at Mr Mendle's place in Greenwich Street on the 18th of March last?

A Yes, Sir.

Q On the 17th?

A I believe I did.

Q On the 16th?

A I am not positive.

Q Can you testify now as to the days auction sales were made at that place?

A Partly so.

Q Did you sell on the 19th of March?

A I did, if it was not Sunday. I believe I sold all that week from the 11th to the 18th of March. I did not sell the succeeding week from the 19th to the 26th.

Q Did any one other than yourself act for any auctioneer at that place from the 14th to the 23rd of March last?

A I conducted all the sales made there during that time. I am positive of that. I was there every day from the 14th to the 23rd of March except the Sunday intervening.

Q And for all the services that you rendered at that place you received your salary from Mr Mendl?

A Yes, Sir. I got pay from Mr Mendl for all the services that

I rendered at his store.

Q Where is that store?

A #288 Greenwich Street. He is now in West Street.

Q Are you working for him still?

A Yes, Sir.

Q Did you ever receive any salary or compensation from Mr Campbell?

A No, Sir. He received his commission.

Q Did Mr Campbell ever come to that store?

A Mr Campbell was down there most every day, some times three or four times a day during the time that sales were being made under his name. He would just stop there and then go out again.

Q Mention the days that sales were made at this store in Greenwich Street under Mr Campbell's name?

A I think it was 14th, 15th, 16th, 17th, 18th, and I think the 20th if I am not mistaken. I am quite certain that during those days Mr Campbell passed the store and was in there three or four times during the day.

At the times he called, sales were being conducted. He did not always call when sales were going on. He some times called after four o'clock.

Q How often have you seen him there?

A Two or three times. I am positive I saw him there twice.

Q Were you there every day?

A I was there every day until the store closed up.

Q Will you swear that those times when you saw Mr Campbell there it was not after 4 o'clock?

A I will not.

Q How many more times was he there?

A I can not tell.

Q How long was the store kept open after the sales were closed?

A Some times an hour.

Q When did Mr Campbell receive his commissions?

A I do not know any thing about his business with Mr Mendel.

Q You do not know whether he

received his commissions the next morning after each sale or not.

A I do not.

Q Did you not arrange with Mr Campbell in relation to the commission he should receive?

A No, Sir.

Q You did not talk with him in relation to his commissions.

A I did not talk with him in relation to any commissions.

Re Cross-examination by Judge Marigan.

Q Do you recall a man named Wagner buying cigars at your place?

A Yes, Sir.

Q Did you sell at auction on that day?

A I did.

Q What did you sell to him?

A I believe I sold him ten boxes. He bought ten I believe it was at \$2.00 a box.

Q Did he pay for them?

A He did not pay for ten boxes he took and paid for two. He said he did not have the

money to take the balance.

Q Did you on that occasion tell him that he could have the ten boxes for \$2.00?

A No, Sir.

Q When you sold those Segars in what way did you sell them — what did you say?

A There was ten boxes of Segars put up and I said "Gentlemen there is ten boxes of Segars the buyer must take the lot at so much a box".

Q Did you use those words on that occasion?

A I use those words on every occasion when I sell.

Q Were the goods sold to Mr. Augner stamped?

A Yes, Sir.

Q Were any of the boxes open for inspection?

A One, I think, was.

Q Did he have an opportunity to inspect them if he wanted to?

A He did.

Q Did you warrant the Segars

sold to Mr Augner as Havana
Segars?

A I did not. I never warrant
Segars I sell. I did not say any
thing on that occasion to
warrant those Segars.

Q Then if Mr Augner swears
that you warranted those
Segars he swears falsely?

A Yes Sir.

Q Did you get notice from
Mr Campbell not to sell
under his flag?

A Mr Mund told me that he
had a notice not to sell. I
was instructed to take down
Mr Campbell's flag. I took
down the flag between 9 and
10 o'clock.

Q Have there been any sales
under Mr Campbell's flag
since that time?

A No, Sir.

Q Did you sell Segars there
on the 27th of March?

A I sold down hill.

Q Was there a flag up that day?

A There was a piece of red flannel
out on that day.

102

Q Did you on that occasion represent those Segars as being of any particular quality or brand?

A I did not. I did not make any representation as to their character.

Q ~~Was~~ ^{Could} Mr Russell ~~there~~ ^{have} inspected them had he wished to?

A Yes, Sir.

Q Were you acting as clerk for Mr Campbell on that day?

A No, Sir.

Re-direct examination by Mr McDermott

Q Are you a Judge of the quality of Segars?

A No, Sir.

Q Do you know the brand or quality of the Segars sold to Mr Rugner?

A I do not.

Q Do you know any thing about the quality or brand of the Segars sold to Mr Russell?

A I do not. I received the Segars from Mr Mendl and sold only such as were given to me to sell by Mr Mendl. I do

105

not know any thing about the quality or brand.

Robert Russell recalled:

~~Examined~~ Examined by Mr. Mc Dermott

Q Have you heard the testimony of Mr Mendel and Mr Hariff in relation to the sale of Segars to you down hill?

A Yes, Sir.

Q Did you bid on the Segars you bought?

A I made the last bid that was made, and my bid was the highest. There had been other bids made previous to mine. The sale was conducted the same as any other auction. There were three or four bids before mine and all lower than mine.

Cross-examination by ex-judge Flanagan.

Q What was the first bid?

A I think the first bid was \$1.25 or \$1.50. It rose up to \$2.00; that was the bid before mine.

Q Are you willing to swear that you heard one single bid made there that day?

A Yes, Sir.

Q Will you swear that yours was the highest bid that was made?

A Yes, Sir.

Q You say there were other bids before yours?

A If a man makes a bid \$1.50 to \$2.00 then it was a bid.

Q Did not Mr Harff say on that occasion "here are 10 boxes of Segars the buyer to take the lot at so much a box, who will give me \$3.00 \$4.75" and so on down as he has described it?

A He did not say any thing of the kind.

Q Did not you make the lowest bid?

A No, Sir.

Q Did you see any of these gentlemen there?

A I saw Mr A. H. Viles and Mr Harff. I did not see Mr Mendl.

Q Did you examine the Segars before you bought them?

A I only saw the upper part of the Segars in one box.

Q Did the man who sold the Segars to you warrant them?

A He did not. His clerk did after the sale — the man who brought the Segars up to my house.

Q Do you know who he was?

A I did not.

Q Did this gentleman (indicating Mr Hanff) warrant the segars at the time of the sale?

A No, Sir.

Morris Hanff recalled
Cross-examined by ex Judge
Hanigan.

Q You have heard the testimony just given by Mr Russell in regard to the sale. Is it true?

A No, Sir.

Q Were any bids made there that day?

A No, Sir.

Q Is it true that he gave the highest bid?

A It is not. There were no bids made at all.

Re direct examination by Mr McDermott

Q Would you have sold them for more than \$2.25 if you could have done so?

A Yes, Sir.

Q Then you in fact sold them to the highest bidder did you not?

A No, Sir. I sold them down hill.

Mr Albert H. Viles, ^{recalled;} cross-examined
by ex Judge Hanigan.

Q Where you present at the sale and did you hear what was said?

A Yes, Sir.

Q Is Mr Russell's testimony in regard to that sale true?

A It is not.

Q Were any bids made?

A No bids were made there.

Q How many boxes were in the lot?

A 12 Boxes were put up in that lot.

Q How were they sold?

A Mr Haniff said "gentlemen here are 12 boxes of Segars the

buyer must take the lot at so much a box; will any body give me \$3.00. \$4.75-\$4.50. \$4.25-\$4.00. \$3.75-\$3.50-\$3.25-\$3.00-\$2.75-\$2.50-\$2.25, never take another cent less". A man not familiar with that way of selling might think there was an auction.

Q How much did Mr Russell pay?

A Mr Russell gave \$2.25.

Q Were all the goods sold there that day sold in that way?

A They were only sold just that way.

Q Were any sold for less than \$2.25?

A Some may have been sold for less.

Q When Mr Russell is mistaken when he says it was a regular auction and his was the highest bid?

A Yes, Sir.

Q Did you have any conversation with Mr Russell after the sale?

A After the goods were bought and the bill was made out Mr Russell said that he or

0135

165
mistaken about the number of
boxes and that he only wanted
two boxes. Finally agreed to
take them all and have
them sent up to his house.
I took his full name and
marked it on the boxes and
made the bill out C. O. D.
When I left that afternoon
I left general instructions for
any body to take the goods to
his house and collect the
money. I left a general order.
I did not leave the order with
any body in particular.

Case closed.

111
Leo Argauer

Geo. Campbell

Auctioneer

License refused

June 15-1889.

0136

2^d

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 262 West 73rd Street,

John O. Bailey

being duly sworn, deposes and says, that on the 7th day of November 1884

at the City of New York,

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

One piece of silver coin of the denomination and value of one dollar

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

Walter L Campbell (nowhere) that said defendant took stole and carried away said money from the hand of deponent in store no 697 Broadway in said City

John O. Bailey

Sworn before me this

8th day of Nov

1884
POLICE JUSTICE,

0137

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

Milton L. Campbell 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.

Milton Campbell

Question. How old are you?

Answer.

24

Question. Where were you born?

Answer.

Canada

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

Answer.

17 Gracie Ave 2 weeks

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

I am not guilty

Milton L. Campbell

Taken before me this

day of

188

Police Justice.

0138

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 10
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated Nov 8th 188 4 Samuel C. Kelly Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0139

Witness
John H. Bailey

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

104 ~~MA~~ 10431
Ordered
Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John O. Bailey
~~264 West 10th St.~~
73 Madison St.
Hilton L. Campbell

2 _____
3 _____
4 _____

Offence Larceny from person

Dated Nov 8 1884

O. Ruddy Magistrate.

Curry Officer.

Court Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer _____ Sessions.

0140

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

William B. Fairchild

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

- William B. Fairchild -

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

The said *William B. Fairchild* 7

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

*one silver coin of the United States
of America, of the kind known as
dollar, of the value of one
dollar,*

1884

of the goods, chattels and personal property of one *John W. Bailey* —
on the person of *the said John W. Bailey* —
then and there being found, from the person of the said *John W. Bailey* —
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.

Peter B. Olney
District Attorney

0141

Will paper at \$100.00

75

Witnesses:

John M. B. Jones

104

Pleasant

Counsel,

Filed 14 day of Nov 1884

Pleads (Wynne's 130)

Grand Larceny 2nd degree
(From the person.)
[Sections 528, 529, — Penal Code.]

THE PEOPLE

vs.

P

Milton Campbell

(3 cases)

PETER B. OLNEY,

District Attorney.

A True Bill.

Walter Maclean

Foreman.

0142

2 only

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.of No. 202 West Blucher Street,

being duly sworn, deposes and says, that on the

7th day of November 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 by trick and artifice

the following property, viz :

good and lawful money consisting
of one piece of silver coin of the denomi-
nation and value of one dollar

Sworn before me this

day of

the property of

deponent a waiter - 24 years
of age

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 Milton L. Campbell and James

C. Campbell (now here) - That deponent
went in No 694 Broadway where an auction
was going on, and at the time the Auctioneer,
whose name is unknown was auctioning
off boxes of cigars - viz: 12 boxes of cigars
for the sum of two dollars. That a person
whose name is unknown who was in said
place at said time, said to deponent, if
you give one dollar I will pay the other

Barnes-Jessup

188

0143

dollar and we will divide 12 boxes of segars. That deponent paid one dollar to said defendant Milton L. Campbell and put the money in the drawer. That deponent went to where said James C. Campbell was standing and he said James C. Campbell presented a bill for \$11.00 and said to deponent, that is the amount due on six boxes of segars they being two dollars a box. That deponent demanded his money on the segars and he said James C. Campbell refused to give it then and called deponent vile names and threatened him violence. Wherefore deponent prays that said defendants may be held to answer for feloniously taking, stealing and carrying away said money as aforesaid.

Taken before me this 8th day of November 1887
 J. M. Bailey
 Sheriff & Police Justice

District Police Court.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

23.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0144

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

Milton L Campbell 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. *Milton L Campbell*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *17 Greennd Ave 2 weeks*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty*
Milton L Campbell

Taken before me this

8

day of

188

Police Justice.

0145

Sec. 198-200.

CITY AND COUNTY OF NEW YORK

2nd District Police Court.

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

Question. What is your name?

Answer.

James C Campbell

Question. How old are you?

Answer.

Twenty eight

Question. Where were you born?

Answer.

Montreal Canada

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

Answer.

No 131 Charlton street - 18 months

Question. What is your business or profession?

Answer.

Broker

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

Answer.

I am not guilty

James C Campbell

Taken before me this

day of

Nov

188

Samuel C. Kelly

Police Justice.

0146

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 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 Nov 8th 1884 Samuel C. Peck Police Justice.

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

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0147

Bail \$500. for

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by Louis Helliok

Residence 60 Albany Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

92/1731 2 only
Police Court-- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John A. Bailey
John A. Bailey
262 West Gleason St.
73 Madison Av.
1 Milton L. Campbell
2 James C. Campbell
3 _____
4 _____
Offence arson

Dated November 8th 1884

O'Rully Magistrate.

Curry Officer.

Court Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer _____ Sessions.

Come

0148

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William S. Paine
and James C. Paine

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

William S. Paine and James C. Paine
of the CRIME OF Obtaining money from another by
the practice known as made auctions,
committed as follows:

The said William S. Paine and James
C. Paine, each

late of the Fifth Ward of the City of New York, in the County of
New York aforesaid, on the Seventh day of November, in
the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City
and County aforesaid, feloniously did obtain from
one John S. Smith, two silver coins of
the United States of America of the
kind known as half dollars, of the
value of fifty cents each, of the paper
money and property of one Ellen
Carroll, by certain practices known
as made auctions, in the manner
following, that is to say:

The said William S. Paine and
James C. Paine, on the day and
in the year aforesaid, at the Ward,
City and County aforesaid, did felon-
iously set up and carry on a certain
made auction, and in the carrying
on of the said made auction, did
feloniously then and there cause and

various other persons, these names
 are to the Grand Jurors, and in
 in a certain building, that, to the
 and remain, pretending to bid, and
 making false bids, for certain prop-
 erty and pretended property, and
 these fraudulently pretended to be
 offered for sale at public auction
 to the highest bidder. And did then
 and there fraudulently and in the pur-
 sue of the said mock auction, cause
 great quantities of property and pre-
 tended property, to be offered for
 sale, and did then and there cause and
 procure ^{to be} pretended, and did
 then and there fraudulently pretend to
 the said John C. Campbell, that the
 property and pretended property, to
 be offered for sale as aforesaid, was
 offered for sale in good faith, and
 at auction, and now then and
 there publicly and honestly for
 sale to the person who should make
 the highest bid, therefore, that the
 said property and pretended property
 aforesaid, was then and there made
 of good quality and fair value.

And the said William C. Campbell
 and John C. Campbell in the further
 carrying out and conduct of the said

0151

where judgment is obtained and receive
the said money by means of the
parties aforesaid. The same being
the parties known as made
and also: 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.

Counsel,

Filed

Placed

188

Printed Copy

Footnote

Witness Attorney

7

Attorney

1888-1889

0152

Second COUNT.

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

William S. Campbell and James C. Campbell
of the CRIME OF Perjury —
committed as follows:

The said William S. Campbell and James C. Campbell, each —
late of the Fourth Ward of the City of New York, in the County of New York, on the
Seventh — day of November, in the year of our Lord one thousand
eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms,

Two silver coins of the United States of
America, of the kind commonly called
of the value of fifty cents each,
lawfully delivered to the agents, and now
owned property of one Ellen Corbin, then
and there residing, and then and there
intentionally 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.

Third Count:

And the Grand Jury aforesaid
by this indictment, further accuse
the said William S. Campbell and
James C. Campbell of the crime of
Perjury, committed as follows:

The said William S. Campbell
and James C. Campbell, each late
of the Fourth Ward of the City of
New York, in the County of New

0153

[illegible]

Peter B. Diney
District Attorney

District Attorney

✓

John S. Harris
425. 2d

Edw. J. Murphy

116 Wasser-Pommes

Wm. B. Bailed in ~~1880~~ 1881

by two indictments

~~Wm. H. Dyer~~

Dr. Johann ~~Schneider~~
Phil. Schneider

[illegible]

Joseph Holzner

11 and 13 Cannon St

W. Jackson Brooks

Counsel,

Filed Nov. 14 day of Nov. 1884
 Pleads Not Guilty (20)

THE PEOPLE
vs.
MILTON CAMPBELL
(3 cases) and
JAMES P. CAMPBELL
(2 cases)

PETER B. OLNEY.

District Attorney.

A True Bill.

Wm. Maccey
Foreman.

Horeman.

Dec. 9. 1884

2nd Count rec. to mercy
Prize of Swiftness.
Dear Sir

0155

Milton L Campbell was on the 9. day of Dec 1884
duly tried and convicted by a Jury of Petit Larceny
for which he had been indicted
for having on the 7th day of Nov. 1884 at the City and
County of New York, taken, stolen and carried away two silver coins,

of the value of ONE ——— dollars
the personal property of Ellen Cassidy
and was thereupon, to wit, on the ——— day of ——— 188
sentenced to be imprisoned in the Penitentiary for the term of

0156

2^d

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 425 Second

Street,

Brooklyn

being duly sworn, deposes and says, that on the

7th

day of November 1884

at the

City of New York,

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

of deponent on the day time by trick and artifice

the following property, viz :

good and lawful money consisting
of two pieces of silver coin of the
denomination and value of Fifty
cents each

Seventy-five me this

the property of Ellen Cassidy ~~on the~~ and
deponent's mother deponent is 19 years
old and is a medical student

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 William Campbell (now here)

That deponent went in no 697 Broadway
where an auction was going on
at the time the Auctioneer whose name
is unknown was auctioning off boxes
of cigars viz 12 boxes of cigars for
the sum of Three dollars. That a person
whose name is unknown who was
in said place at said time said
to deponent if you give me dollar

Police Justice,

188

0157

I will pay the other dollar and we
will divide 12 boxes of cigars. That
deponent paid one dollar to said
defendant Milton L Campbell and
he put the money in the drawer
that deponent went to where
said James C Campbell was standing
and he said James C Campbell
presented a bill for \$11.⁰⁰/₁₀₀ and
said to deponent that is the
amount due on the six boxes of
cigars they being two dollars a
box. That deponent demanded
his money or the cigars and he
said James C Campbell refused
to give either and called deponent
vile names and threatened him
with violence. Wherefore deponent
prays that said defendants may
be held to answer for feloniously
taking stealing and carrying away
said money as aforesaid.

Brought before me *L. C. Crick*
this 8th day of Nov, 1884
Samuel O'Reilly Police Justice

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

ARBITRARY - Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0158

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

2 District Police Court.

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

Question. What is your name?

Answer.

James C Campbell

Question. How old are you?

Answer.

Twenty eight

Question. Where were you born?

Answer.

Montreal Canada

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

Answer.

10131 Charlton St. 18 years

Question. What is your business or profession?

Answer.

Broker

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

Answer.

I am not guilty

James C Campbell

Taken before me this

day of *Nov*

188*8*

James C Campbell

Police Justice.

0159

Sec. 108—200.

CITY AND COUNTY { ss
OF NEW YORK,

2

District Police Court.

Milton L Campbell 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. Milton L Campbell

Question. How old are you?

Answer. 24

Question. Where were you born?

Answer. Canada

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

Answer. 17 Grand ave 2 weeks

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty
Milton L Campbell

Taken before me this

day of

188

Police Justice.

0160

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 dynamo

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated Nov 8 188 Samuel C. Peck Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0151

John L. Corish

99 ordered 1731
Police Court *2* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John L. Corish
425 2nd St.
Wilton L. Campbell
James C. Campbell

8
Q
Offence

BAILED,

No. 2, by

Louis Mellick
Residence *60 Attorney* Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

Nov 8

188

A. Reilly

Magistrate.

Curry

Officer.

Curry

Precinct.

Witnesses

E. J. Murphy

No. 116

73rd

Street.

No.

Street.

No.

Street.

\$ *1000*

to answer

G

Sessions.

0162

2

①

The People
vs.
Milton L. Campbell.
Jointly indicted with
James C. Campbell.

Court of General Sessions, Part I.
Before Judge Gildersleeve.

December 9, 1884.

Indictment for grand larceny in the second degree.

John L. Corish sworn. I am a medical student, on the 7th of November last I went into the store 693 Broadway, there is two stores on the same block of the same number, they had 697 on this store. It was a desolate looking place, on the outside they had a sign out E. C. Northcote & Co., Auctioneers, I went inside and there was a crowd of men in there, I went in with my friend Mr Murphy and while we were in there they were auctioning off cigars. There was a man standing behind some kind of a structure elevated above the crowd behind the counter, he put twelve boxes of cigars on the counter and the two boxes on the top were filled with cigars, at least there was a row of cigars on the top of each box and some of these were auctioned off. A gentleman stepped up to me and tapped me on the shoulder and he asked me if I would put in a dollar and he would put in a dollar and we would get the twelve boxes. I should judge about twelve or fifteen people were in the store, the man who tapped me on the shoulder was not arrested, I saw the other defendant, James Campbell in the store. The auctioneer says, here you are now a lot of cigars, something to that effect, how much will you bid? Some men in the store bid on the cigars various figures from a dollar up. The bids were being made upon the twelve boxes of cigars. I was so busy in the store looking around and talking to the gentleman that tapped me on the shoulder that I could not hear much what the auctioneer stated but I heard the

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cigars bid up to \$1.75 for the lot that was on the counter, then I bid on the cigars up to \$2, then I put over the counter two fifty cent pieces. Milton Campbell, the defendant here was behind the counter and he was taking cigars and putting the money on top of them and passing them down to the other end of the counter to James Campbell, I passed in my money which was two fifty cent pieces and he put them on top of six boxes, I went to the other end of the counter but I kept my eye on the boxes and the money all the time. When I got to the other end of the counter Milton Campbell passed the two boxes and the fifty cent pieces to James Campbell and he was wrapping up the cigar boxes. I waited until my turn came, as I was in a hurry I asked him to wrap up my boxes. Instead of giving me the cigars he passed over a piece of yellow vanilla paper about three by four inches and on it was placed, Due \$11. I says, what is that for? He says, that is eleven dollars you owe on these cigars. I says, how do you make that out. He says, six boxes of cigars at \$2, is \$12 and you paid one dollar and there is eleven dollars due. I says, no you can't try that racket on me because I want my money back. He would not even give me the cigars or the money back. So my friend who was with me told him to give me the money back and he would not do it, but James Campbell all the time threatened to kick us out of the store and called us vile names and said for one pin he would kick us out of the store. So we went and got a warrant out for him. Milton Campbell took the twelve boxes of cigars off the shelf and placed them on the counter. I saw some boxes of cigars auctioned off before the same way. I could not exactly state the words which

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the auctioneer used because he talked very fast.

Gross Examined. The auctioneer put his hand on the boxes of cigars but he did not say that the twelve boxes were for two dollars, he asked for a bid on the lot. I paid two dollars or at least I bid two dollars in conjunction with the partner that went into the agreement with me.

Edward T. Murphy sworn. I was in company with MrCorish on this day in question, we went into the store together. I was looking at the theatrical litho graphs in the window and my friend advanced a little further than I did inside into the store and I gradually followed him and I saw the auctioneer standing up over the counter, auctioning off cigars, I believe one lot had ten boxes and another lot had twelve boxes and in every instance he asked how much am I bid for the lot. Then there was a gentleman in the place came up to me friend, he was a little nearer to the rear of the store and he gradually crept toward the front, I do not know what the gentleman said to my friend, I could not swear to that, I heard the auctioneer selling the lot of cigars, I don't know that my friend bid on them, he was not more than six feet from me but I was not paying much attention to him. After the cigars were sold he went up to pay his dollar, he took out two silver half dollars and he passed them to the defendant and when he took them in his hand he asked Corish, have you got a bill and he said no, I have not and I would not give one if I had. Then I made some remarks to my friend about buying the cigars and told him he made a mistake. Finally we went to the rear of the store expecting to get the cigars and I said, let us try one of

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them. We did not try one of them because the cigars were removed from the counter and laid on the back, we could not get near them and then another man behind the counter took the cigars to put them up, I believe his name was James C. Campbell. After he had the cigars done up he made a small check, an itemized bill, I could not swear what was on that check, I did not read it, he handed it to Corish and said, I want eleven dollars. Corish said, how is that? He says, you bought six boxes of cigars at two dollars a box and deposited one dollar, balance due \$11. Corish said that was not so, he bought the whole lot and wanted it. He said he could not have them. I said to Corish, come out and we will see what we can do, we will go round to the Station House. Corish said, no, I want the cigars. I made the remark he had better give him the money. When I did that an elderly gentleman said, will you take this box of cigars? Handing a box of nice cigars, and call it square. This was in the presence of Campbell. He would not take the box of cigars from this aged gentleman and so then I took Corish by the arm to bring him away and as I did so James Campbell began to abuse me for interfering. It was continued abuse from that time until we went out, we afterwards left the store and went to the Jefferson Market Court.

Cross Examined. There was a good many people in the store, I did not hear my friend bid on the cigars. I thought it was rather a large store in Broadway to have such a stock. I say I don't know whether my friend bid or not, I did not hear him, I know that the lot were selling.

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The Case for the Defence.

Jacob Holzman sworn. I am a dealer in leaf tobacco at 11 & 13 Cannon Street and have been in this business over twelve years, I was in this auction place on the day in question, the place belongs to Mr Northcote as far as my knowledge goes because I have seen Mr Northcote always; there is a sign over the door, Northcote, Auctioneer, and a red flag. I know the defendant Campbell for the last four or five years, I know his character for honesty is good. I was there at the time of the sale to the complainant, it was on the 7th of November and after two o'clock. I came in to see Mr James C Campbell on account of a pair of diamond ear-rings to have them exchanged for me, which I bought about a year ago or more. I stood at the show-case listening to the sales, there was at least about twenty in there bidding on the goods, I saw the young man bidding two dollars on these goods, I heard the auctioneer, hollowing, gentlemen here is twelve boxes of cigars, these cigars are sold to the highest bidder, there are worth so much a box and the buyer takes the lot at so much a box. I heard that said at the time of the sale. I was there until about half past three when the officer came and arrested Mr Campbell. Milton Campbell simply took deposits, that is all he even done there, I have been there many a time, he never acted as auctioneer.

Cross Examined. I have been there a dozen times during all times of day, I was there two or three days before this occurrence for pretty near an hour; that time I was speaking to Mr Campbell about these ear-rings, but I did not have them with me; it might be five or six days before that I was there pretty near an hour, I generally

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spent pretty near an hour there and sometimes more, sometimes I went in the morning and sometimes in the afternoon, I think I went there the first time in July, I went to see Mr Campbell simply on friendship, Mr James G. Campbell only had to make the bills out and the other brother handed them to the buyer and there was another gentleman, a tall man, who took the money. The counter was in front and there was a shelf behind and Milton Campbell helped to hand the boxes of cigars to the auctioneer. On the 7th of November there was made about a dozen sales probably, but I did not take any particular notice. It was a little after two when I went in and I remained till half past three when Mr Campbell was arrested. I went afterwards to the Court and offered myself as bail for both of them, it was too late, the Justice was not in, I afterwards gave a bond for these defendants. I did not sell tobacco or cigars at this place, I had no dealings with them, I was not connected with either of these stores, I was not a capper in this store. Mr Northcote has been introduced to me in the store, I think that was in August or September. He was a tall man and I guess he had side whiskers, I can only recollect the moustache but the side whiskers I cannot tell, he was around fifty years of age, I did not take particular notice whether he was there or not on the 7th of November, I have seen him every time I have been there, I cannot tell what ^hthe first sale on that day was, I was not turned to the auctioneer that time, I was speaking to Mr Campbell, I could understand every word the auctioneer said, the same thing was hollowed over and over again.

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John Bailey stood up. I saw that man in there that day, I saw him buy some cigars, I did not see him thrown out of the store, I saw a gentleman passing me by as I stood at the show-case going down to see his goods, the goods were handed over to him on the counter and picked up with the bill to it, I did not hear any words or disagreement about the purchase, he did not say a word only walked out, he says, I will fix it; that is all I heard, he said, that is two dollars you have got from me, it was about twenty or thirty minutes before I saw Murphy and Corish in there. There were no other disputes there about purchases I am sure about that, I saw a good many taking goods out, full packages. I saw nobody put out whilst I was in there that day. What did you hear Corish say, did he make any bid at all whilst you were there? I did not hear him bid exactly but I heard him say, I will give you one dollar. The auctioneer said, here is twelve boxes of cigars which I sell, the buyer has to take the lot, so much a box. I did not go over to attend any auction sale but went to see Mr Campbell. I live at 120 Columbia Street and have got pretty near sixty employees. I do not remember hearing the auctioneer state anything about when or how the cigars were to be paid for. After the sale was done the auctioneer holloaed, gentlemen, a deposit is required, he did not state what the deposit must be. When the officer came in there was there another man quarreling there about his money, an elderly man with greyish side whiskers? No sir. You are certain of that? I am certain of that.

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John L. Corish recalled. This money that you delivered to this man Campbell on the day in question, whose property was it? That was my mother's property, Ellen Cassidy. Mr Vincent. I withdraw the mock auction count and only ask a conviction on the count for petty larceny.

Albert Schroeder sworn. I am a manufacturer of picture frames and live in Williamsburgh; I know the defendant and was in his place on the 7th of November, it is Northcote's place, I remember seeing the complainant in there, I was there part of the time during the sale, I did not hear him bid but I saw him pay his money; the auctioneer put up a lot of cigars on the box and said, these cigars are sold in unbroken lots only at so much a box whatever was bid on them, he said that nearly every time he put up a new lot on the counter, Milton L. Campbell took the money from the young man's hands and handed it over the counter, that is all he did that I saw. I saw that colored man Bailey there, I did not see Mr Murphy and Corish go there after the sale.

Cross Examined. I suppose I got there about half past one, I had not been there the day before, ~~before~~ the last time I had been there before that was about half a month ago I guess, I went over there to see Mr Northcote, the auctioneer on business, he was at that time 693 Broadway, I was waiting for him to come in, he paid me the rent for that place, I was the lessee and I sub-let it to Mr Northcote, I suppose they occupied it about three or four months, I had never used it for anything, I made Northcote's acquaintance through a man named Van Houten whom I knew long before I saw Northcote. Northcote is a dapper little Englishman, very well dressed, a kind of half

0170

Jewish chap, rather foppish in his appearance, I have seen Northcote nearly every time I went there, he paid me the rent every two weeks, I always collected the rent, either from Northcote or Van Houten, Van Houten seemed to represent him when he was not in. I was in this store on the 7th of November, anywhere between half an hour and an hour before this thing happened, the first sale that I noticed was a sale of cigars to the gentleman sitting there, twelve boxes were on the counter, I saw him hand up money to Mr Campbell, I did not know what it was at the time but a little while after that he stepped up and says, young fellow, that was two dollars I handed you. Mr Campbell said, I understand it, you will be credited with it, I did not hear him demand his money back, he went away without saying anything so far as I know, I suppose I was twelve or fifteen feet from him when he ~~went~~ went out, I guess there was about fifteen or twenty people in the place at the time as near as I could judge, I do not know who the auctioneer was on this occasion, he is a man to my recollection, of about fifty years of age, kind of long, narrow face and light moustache, I cannot tell how many boxes were in the first lot that was sold that day, I cannot be positive what was in the next lot, I did not see lots of five offered there, I guess I left there between half past two and three, I heard people bid before Gorish bid, they were strangers to me, I think it was \$2.50 a box was the bid that was immediate offered before his, there was other men bidding on the same goods that Gorish bid on, I never bid on cigars there, I carry on business at 397 First Street, Williamsburgh.

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Milton I. Campbell sworn. I am twenty-four years old and am hired in the auction house of E. C. Northcote, 693 Broadway, to receive deposits from purchasers buying goods and nothing else, Mr Northcote is a regularly licensed auctioneer, they have auction sales there, on the 7th of November they had an auction sale of cigars, there was an advertisement of that sale published in the Herald and the Staats Zeit ung, the advertisement now shown me is the one. Counsel reads. Auction sales, E. C. Northcote, auctioneers sales this day, 693 Broadway, large stock of cigars in lots at so much perbox, no lots broken." I never acted as auctioneer there, I never was arrested for crime in my life and never had my character questioned. What took place between you and Mr Corish, the complainant, at that time? The young man came in and was amongst the crowd that assembled to buy goods and after two lots had been sold the third lot which was put up was a lot of twelve boxes; the auctioneer described the cigars that is, the brand of them and showed two sample boxes with the privilege of looking at any of them, and after those two sample boxes had went around and everybody had seen them, Mr Corish examined them and bid at two dollars; seemingly he was the highest bidder and the auctioneer knocked them down to him; then I took the lot in charge and asked him his name, he gave me his name immediately; put his hand in his pocket and handed me up two dollars; he called my attention to it and said, young man that is two dollars I gave you. I says, yes and that was all the conversation I had, he paid me a dollar. I make a mistake, the young man you speak of gave me a dollar, I thought that was the complainant you was speaking of, Corish gave me a dollar and gave me his name and I told him when he wanted his goods to let me know, I placed his

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dollar on the six boxes of cigars that he purchased and in a few moments he asked me for his goods, I told him to step down to the book-keeper about twenty or thirty feet away from me, I placed the dollar on the top of the box giving the book-keeper his name and telling him what the had sold for and the deposit given which he had got credit for. I was employed there on a salary of twelve dollars a week, I got none of the money received from Corish, Mr Northcote received that, I acted simply in the capacity of a clerk, I made no representations to the complainant of any kind, I had no conversation with him whatever, he simply handed the money to me and I took it.

Cross Examined. . There was about fifteen or twenty people probably in there at the time, I did not recognize Bailey until the sale. A lot of twelve boxes went up and he bid at two dollars I think, he was the highest bidder when the goods was knocked down to him I asked him his name just the same as the other young men and he put his hand in his pocket and handed me two silver dollars. He says, young man that is two dollars. I says, that is all right, I will give you credit for it; that was all the conversation I had with him, I am positive that is all that I said to him, he gave me the deposit, then this young colored man asked me for his goods, the deposit that he gave me was on the top of his six boxes, I brought him down to the book-keeper and told him his name and immediately returned to my place, that is all I heard until I was arrested, I live home with my father and mother, my father and sister are in Court; the first sale commenced at one o'clock in the morning, there is a morning sale and a afternoon sale, we adjourn at twelve o'clock for dinner and then we commence our sale again about one o'clock.

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We only had two sales between ten and twelve; we sold about two lots before the complainant began to purchase, I should think we made about fifteen sales all the day. As soon as they give me their deposit they give me there name, they ask me for their goods, I take them down to the book-keeper who gives them credit for the amount they paid. Everybody paid for the goods and there was no further trouble in the place; the firm sold nothing else but cigars since I have been in the place. When the auctioneer took a lot down from the counter whether they were Key West or Royal C, it is immaterial the brand, he takes two boxes off for a sample with the privilege of opening any box they wish, these to be sold in lots at so much a box positively no lots broken. He says, any further questions you wish my clerk will answer, pointing to me, I am along side when the sale is going on; then he went right along until the bidding arose to \$1.75, he was looking for a further advance when this young colored man deliberately bid \$2, it seems he was the highest bidder in the place and they were knocked down to him. As soon as they were knocked down to him I collected his money. I am speaking about the sale to Gorish at that time? The goods were sold to both parties in the same manner. Gorish bid two dollars and they were knocked down to him, the auctioneer had no further conversation with him, I took charge of the lot. He always says after he had knocked down the goods, step right up and give your name to the clerk and a deposit, that is optional with the purchaser, I receive their fifty cents from them, the auctioneer states, give the young man something to secure the sale. . . No one can take away goods until he pays cash for them; in this

0174

case Gorish handed me a dollar and gave me his name, the dollar was deposited on six boxes of cigars, the terms of the sale are given out by the auctioneer, I suppose he heard them, I cannot be responsible, if they ask me I will tell them the terms of the sale, they are advertised in different papers. The colored man delivered me a deposit in the same manner, he called my attention to giving me two dollars and said he would like to take his goods and that is what Gorish said, we had no conversation about a deposit; then I took them down to the book-keeper Mr Van Houten, I say, whatever his name is, two dollars deposit on six boxes, he takes my money, puts it in the drawer, takes the bill out and gives me credit for what I give him on the bill, I go right back to the auctioneer, I have nothing to do with delivering the goods, my duty is only taking deposits. The colored man made no reply when I said, it is all right, I will give you credit for two dollars, I merely said, I will give you the goods when you want them and then he called for the goods, I brought him down to the book-keeper and told him what he had given me. When these twelve boxes was knocked down the young man when he handed me up the two dollars he says, I guess I will only take ^{and} give six to this gentleman and I said, all right and this gentleman handed me up the two dollar bill. So I put them separate, put both deposits on each lot, it was one lot was taken and two men were taking it, the sale was marked down as one sale. We often let lots be split in order that the buyer may get the benefit of the different brands. I have nothing to do with the direction of that business, I am simply a clerk there to do as I am bid.

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Did you ask Corish for this dollar? No sir, I put out my hand when it was knocked down to him, I generally say, cash, who is the buyer, that is about the remark I make. Is this deposit supposed to be a forfeit in case the balance of the money is not paid down? That is exactly what I do not know, I do not know the constitution of the house what they can compel a man to do. You have got no right to give any money back? No sir. You have no right to settle any disputes? No sir, none whatever, I have got nothing to do only to take deposits, that is all the responsibility I have, I work according to the rules of the house. How much do they tell you to receive by way of deposit? They never stated any particular amount, they told me I was to take deposits or take full payment and acquaint the book-keeper of the purchases. How long were you employed there? A little over two months, I think it was in October sometime I went there, my father is here in Court, he knows when I went; previous to that time I was occupied with Herbert 127 Fulton Street, he is a stationer, I have been with Mr Herbert two or three years. Who employed you at this place in Broadway? Mr Van Houten the book-keeper for E. G. Northcote. Was Mr Northcote in the store that day? Not to my knowledge. Who was the auctioneer this day? His clerk, Hannup they call him, I do not know whether Mr Northcote was in the place or not, to the best of my knowledge he was there almost every day, I saw him very near every day. I did not see him on the morning of the 7th of November, I believe I saw him there through the month of October, I do not know as I saw him at all in September, I should say my brother had been employed there about a month before me.

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David S. White sworn. I am connected with the Mayor's office, I know that a person named Northcote had a license as an auctioneer in the city of New York, he give an office address 147 Duane Street in August.

Robert Herbert sworn. I am an engraver and stationer at 141 Fulton Street, New York, I am a major in the national guard, of the second division in Brooklyn, I know the defendant, he has been employed by me a little less than twelve months, off and on for five and six years, principally as an errand boy, I have had occasion to trust him with small amounts of money, I had no reason to doubt his character at all, I always found him to be honest and upright in all his transactions, the last time I had him in my employ was for two weeks in last December.

Lyman H. Kendell sworn. I am in the furniture business and have known the defendant for the last five years; in my estimation his character has been good, I have known him in a business way and socially, I always found him to be honest and upright in all his dealings so far as I have been concerned, I do not think the young man is capable of any wrong, knowingly, I know his family.

John H. Bailey called by Mr Vincent. I am a waiter and was in this store in Broadway on the 7th of November last when they were auctioning cigars, the auctioneer was auctioning twelve boxes for two dollars. One of the by-standers says to me, aint them cheap, I bid on them, I laid one dollar on the counter and the other man was going to pay another dollar, I laid it before Milton L. Campbell,

0177

I had two silver dollars in my hand, I had taken one of the dollars in my hand to lay it on the counter which was my part for the cigars; he reached his hand out over the counter and pulled the other out of my hand, he put it back in the drawer behind him and took the twelve boxes off the counter and put them on the shelf and told me to get out. I saw Mr. Corish at the Police Station.

James Curry sworn. I am an officer attached to the Jefferson Market Police Court, I accompanied Corish and Murphy to this place on Broadway on the 7th of November about a quarter to four o'clock, I arrested both the Campbells on a warrant. There was confusion in the place at the time. There was a gentleman there, a low sized, grey headed man, growling, he said he would smash everything there if he didn't get his money. I had all I could do to mind the two prisoners without interfering with him, I was not in uniform.

The jury rendered a verdict of guilty with a recommendation to mercy.

0178

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Milton S. Campbell
and James C. Campbell

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

Milton S. Campbell and James C. Campbell
of the CRIME OF Obtaining money from another by
means of the practices known as mock
auctions,

committed as follows:

The said Milton S. Campbell and James
C. Campbell, each

late of the Fifth Ward of the City of New York, in the County of
New York aforesaid, on the Seventh day of November, in
the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City
and County aforesaid, with force and arms, feloniously
did set up, conduct and carry on a certain
mock auction, and in the carrying on and
conduct of the said mock auction did then
and there feloniously, falsely pretend to
offer for sale great quantities of property
and pretended property at public auction
to the highest bidder thereof, and did
then and there cause and procure divers
persons whose names are to the Grand
Jury aforesaid unknown, then and there
to falsely pretend to make honest bids,
and to make false bids for such property
and pretended property so offered and pretended
to be offered as aforesaid; and in the further
carrying on and conduct of the said mock
auction, the said Milton S. Campbell and

James C. Campbell did then and there feloniously
 cause and procure a certain person whose
 name is to the Grand Jury aforesaid un-
 known then and there to falsely pretend
 to one John H. Bailey then and there
 being, that the said work auction so as
 aforesaid then and there being carried on
 and conducted, ~~was~~ an honest sale of
 property at public auction to the highest
 bidder, and that the property and pretended
 property aforesaid then and there consisted of
 cigars of good quality and fair value, and
 that the same were then and there being
 sold at much below their real value, and
 that twelve boxes then and there exhibited
 and offered for sale by the said William
 Campbell and James C. Campbell, then and
 there contained cigars of good quality
 and fair value, and that the same could
 be, ~~and~~ purchased for the sum of two dollars,
 and that the same were then and there of
 much greater value, and did then and
 there ^{feloniously} cause and procure the said person
 to falsely offer to jointly buy with the
 said John H. Bailey the said twelve boxes
 of cigars for the sum of two dollars.

And the said John H. Bailey, being greatly
 deceived by the fraudulent and deceitful
 practices aforesaid, and believing the said
 pretences and offer aforesaid to have been

made in good faith did then and there deliver to the said Milton D. Campbell and James C. Campbell, one silver coin of the United States of America of the kind known as dollars of the value of one dollar, of the proper money and property of the said John H. Bailey, as and for his share in payment for the said twelve boxes of cigars. And the said Milton D. Campbell and James C. Campbell did then and there feloniously obtain the money aforesaid from the said John H. Bailey by the practices aforesaid, the same being the practices known as mock auctions: 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.

And the Grand Jury aforesaid, by this Indictment further accuse the said Milton D. Campbell and James C. Campbell of the Crime of **Petit Larceny**, committed as follows:

The said Milton D. Campbell and James C. Campbell, each late of the Ward, City and County aforesaid on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, one silver coin of the United States, of the kind known as dollars, of the value of one dollar, of the goods and personal property of one John H. Bailey, 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.

Peter B. Olney,

District Attorney.

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BOX:

156

FOLDER:

1596

DESCRIPTION:

Cantwell, Patrick

DATE:

11/12/84



1596

Witnesses:

Lizzie Cantwell

Surgeon

Mr. Goodman

Carl. deane

John McClellan

Car King & Co.

Mr. Bunsie

67 King St

Topic 71

more 2nd
Dept. Wash. D.C.
Horseshoe & Co.
get down

Counsel,

Filed 12 day of Nov 1884

Plends

THE PEOPLE

vs.

F

Patrick Cantwell

Assault in the First Degree, etc.
[Sections 217 and 218 Penal Code]

PETER B. OLNEY,

District Attorney.

A True Bill.

Wm. Macleay
Clerk for Foreman.

Wm. Macleay
Clerk for Foreman.

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0183

Police Court—3d District.

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

of No. 264 St. Houston Street,

being duly sworn, deposes and says, that
on Wednesday the 5th day of November
in the year 1884 at the City of New York, in the County of New York

he was violently and feloniously ASSAULTED and BEATEN by Patrick
Cartmell (now here) who did then
and there wilfully cut deponent
over the right eye with a knife
then held in this hand

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

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

Sworn to before me, this 6th day
of November 1884

Jessie Cartmell

Samuel C. Bell POLICE JUSTICE.

4180

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 he so waives cannot be used
against him on the trial.

Question. What is your name?

Answer. Patrick Carroll

Question. How old are you?

Answer. 43 years

Question. Where were you born?

Answer. Ireland

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

Answer. 26 1/2 St. John St.

Question. What is your business or profession?

Answer. Journeyman

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

Answer.

James J. Carroll
Patrick Carroll
Carroll

Taken before me this 6th day of November 1887
Samuel C. Bailey Police Justice.

0185

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Patrick Cantrell 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 *Patrick Cantrell*

Question. How old are you?

Answer *43 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *262 W. Houston*

Question What is your business or profession?

Answer *Longshoreman*

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

Answer. *I am guilty of the charge*

Patrick Cantrell.
mark

Taken before me this

6th

day of

December 1887

David C. Kelly

Police Justice.

0186

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 Appendix

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated Nov 16th 188 4 Samuel C. Kelly Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0187

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court-- 24 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

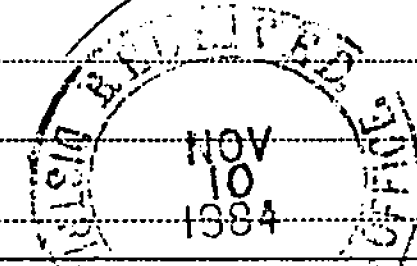
Leggie Pantwell
264 1/2 H. Baustad St
Patricia Pantwell

2

3

4

Dated *November 10* 189*4*



Offence Felony

O'Reilly Magistrate.

Gardner Officer.

Court Precinct.

Witnesses.....

No. Street.

No. Street,

No. Street.

\$ *1000* to answer *45* Sessions.

0 188

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Patrick Cantwell

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

Patrick Cantwell

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

The said *Patrick Cantwell*

late of the City of New York, in the County of New York aforesaid, on the *29th* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*four*, with force of arms, at the City and County aforesaid, in and upon the body of one *Siggie Cantwell* in the peace of the said People then and there being, feloniously did make an assault and *then* the said *Siggie Cantwell* with a certain *knife*

which the said *Patrick Cantwell* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

with intent *then* the said *Siggie Cantwell* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

Patrick Cantwell

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

The said *Patrick Cantwell*

late of the City and County of New York, on the *29th* day of *November*, in the year of our Lord, one thousand eight hundred and eighty-*four*, at the City and County aforesaid, with force and arms, in and upon the body of one *Siggie Cantwell* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *then* the said *Siggie Cantwell*

with a certain *knife*

which *she* the said *Patrick Cantwell* in *his* right hand then and there had and held, the same being an *instrument* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. O'Neary
District Attorney.

0 189

BOX:

156

FOLDER:

1596

DESCRIPTION:

Casey, Peter

DATE:

11/26/84



1596

0190

232

Witnesses:

Thomas W. Cornick
Jury 20th Dec

Counsel,

Filed 26 day of Nov 1884

Pleads Not Guilty vs

THE PEOPLE
vs.
Peter Casey
of the County of New York
Burglary in the THIRD DEGREE
[Sections 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

PETER B. OLNEY,

District Attorney.
Advised both by counsel of
By and Examined for
A True Bill, filed Dec 30th

Wm. M. McCleary

Foreman.
Pleads guilty of Robbery
Dec 31st 1884

F. R. 10th

0191

Police Court—2nd District.

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

of No. 11 North East Corner of Avenue E 24th Street, aged 42 years,
occupation Dealer in Lumber being duly sworn

deposes and says, that the premises No. 11 North east Corner of Avenue E 24th Street,
16th Ward in the City and County aforesaid, the said being a two story frame building
the ground floor of
and which was occupied by deponent as a Stable for his horses
and in which there was at the time no human being, by

were BURGLARIOUSLY entered by means of forcibly removing an
iron bar which fastened one of the windows
facing the yard and leading into said
premises

on the 21st day of November 188✓ in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

four horse blankets of the
value of fifty dollars

the property of

Deponent

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

Peter Casey (now here)

for the reasons following, to wit: that deponent is informed by
one of his teamsters David Allen of No. 630 Tenth
avenue, that he closed and locked said stable
about 6 o'clock p.m. on said date - that about
the hour of 6 o'clock a.m. on the following
day the said David Allen found that said
premises were burglariously entered as aforesaid
and the afore-described property was missing -
That Deponent is further informed by officer

0192

Thomas McGovern of the 20th Police
Precinct that he arrested the said
defendant on suspicion ^{about 10 o'clock p.m. on 21st instant} and found
two horse blankets in his possession
which blankets defendant has seen
and fully identifies the same as part
of the property stolen from his possession

Sworn to before me
this 22nd day of November 1884 J. S. Trimble

Samuel C. Reilly
Police Justice

Police Court _____ District.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0193

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 37 years, occupation Thomas McCormick
Officer of the 20th Precinct of No.

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James D. Tumble

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

Sworn to before me, this 22
day of November 1888 } Thomas McCormick

Sam'l O'Reilly
Police Justice.

0 194

CITY AND COUNTY }
OF NEW YORK, } ss.

David Allen

aged 44 years, occupation Seamster of No.

630 Tenth Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James D. Trimble

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

Sworn to before me, this 22
day of November 1888

David Allen

Samuel C. Beck
Police Justice.

0195

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK.

2nd District Police Court.

Peter Casey 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

Peter Casey

Question How old are you?

Answer

20 years

Question. Where were you born?

Answer

Scotland

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

Answer.

North east corner of 23rd Street & 1st Avenue 4 weeks

Question What is your business or profession?

Answer.

Lawyer

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

Answer.

I am not guilty
Peter Casey

Taken before me this

22

day of *December* 188*4*

Samuel D. Smith

Police Justice.

0196

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 Peter Casey

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated November 22 1884

Samuel C. Riff Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0197

Police Court--

2nd 173-8 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James D. Trimble
North East Cor 11th Ave & 24th

1 Peter Casey
2 NOV 24 1884
3
4

And
Offence Being
Larceny

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated November 22 1884

O'Reilly Magistrate.
Thomas McCormick Officer.
20th Precinct.

Witnesses David Allen
No. 630 Tenth Avenue Street.
Thomas M. McCormick
Officer 20th Police Precinct Street.

No. Street.

\$ 1000 to answer General Sessions.

0198

EBEN PEEK,
DEALER IN
YELLOW PINE,
FOR
TRIM MOULDINGS, STEPS, FLOORING, CEILING AND WAINSCOTING,
ALSO COMB GRAIN FLOORING,
24TH STREET AND 11TH AVENUE,

New York, Dec 8th 1884.
Hon Judge Barrett,
of Supreme Court.

Dear Sir,

Your Prisoner —
John Younger was in my employ
about 18 months, during that
time, I did not hear anything
against his character, I have
not known anything as to his
habits or occupation since he
left me, which was about
3 years ago.

Yours Very Respy

Eben Peek,
Pratt.

0199

New York Dec 8. 184
Hon Judge Barrett
Dear Sir

Mr John Spring
Was in my employ about
two years and during that
time he was steady and
industrious, being a good
steady workman

Respectfully

A. C. Hewitt

0200

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter Roney

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

Peter Roney

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

The said

Peter Roney

late of the *Sixteenth* Ward of the City of New York, in the County of New York aforesaid, on the *21st* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*four*, with force and arms, at the Ward, City and County aforesaid, a certain *store* building there situate, to wit: the *store* of one *James D. Trumble*.

Trumble,

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

James D. Trumble

in the said *store* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0201

SECOND COUNT.

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

- Peter Carey -

of the CRIME OF *Grand* LARCENY in the *Second Degree*,
committed as follows:

The said *Peter Carey*

late of the *Sixteenth* Ward of the City of New York in the
County of New York aforesaid, afterwards, to wit: on the said *21st* day of
November, in the year of our Lord one thousand eight hundred
and eighty *four* at the Ward, City and County aforesaid, in the *night*
time of said day, with force and arms,

four blankets of the

value of thirteen

dollars each,

of the goods, chattels and personal property of one *James D. Smith*
Smith in the *State* of
the said James D. Smith
there situate, then and there being found, in the *State* aforesaid, then and
there feloniously did steal, take and carry away, against the form of the Statute in
such case made and provided, and against the peace of the People of the State of New
York, and their dignity.

0202

THIRD COUNT.

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

Peter Casey

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

The said

Peter Casey

late of the *Sixteenth* Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said *21st* day of *Nov* *1888*, in the year of our Lord one thousand eight hundred and eighty-*eight* with force and arms, at the Ward, City and County aforesaid,

two blankets of the

value of fifteen

dollars each

of the goods, chattels and personal property of one

James D. Smith

Smith

by ~~a certain person~~ persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen of the said *James D. Smith*

unlawfully and unjustly did feloniously receive and have (the said

Peter

Casey

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

PETER B. OLNEY, District Attorney.

0203

BOX:

156

FOLDER:

1596

DESCRIPTION:

Chester, Owen

DATE:

11/19/84



1596

0204

BOX:

156

FOLDER:

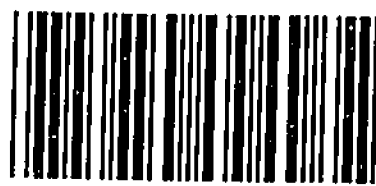
1596

DESCRIPTION:

Chester, Joseph O.

DATE:

11/19/84



1596

0205

Witnesses:
Hugh Lewis
Patrick Pollis
Oppr Court

157
Counsel, *Shackles*
Filed day of *Nov* 188 *4*
Ind
Pleads *McKinley 21.*

THE PEOPLE
vs.
Owen Chapter
and
B
Joseph P. Chester
Assault in the Third Degree.
(Section 219.)

PETER B. OLNEY,
JOHN MCKEON,
District Attorney.

10/10/88
A True Bill.
And Macclae
Foreman.

pm 7/15
Thursday - 9/18/88
Wednesday

Off Court 6/19/88

0206

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Owen Chester and
Joseph O. Chester

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

Owen Chester and Joseph O. Chester

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

The said Owen Chester and Joseph

O. Chester, each —

late of the First Ward of the City of New York, in the County of New York afore-
said, on the 22nd day of November, in the year of our Lord one
thousand eight hundred and eighty. Four, at the Ward, City and County
aforesaid, in and upon the body of one Hugh Lewis, —
in the peace of the said people then and there being, with force and arms, unlawfully
did make an assault and ruin the said Hugh Lewis. —
did then and there unlawfully beat, wound and illtreat, to the great damage of the
said Hugh Lewis, — 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.

PETER B. OLNEY,

~~JOHN~~ McKEON, District Attorney.

0207

BOX:

156

FOLDER:

1596

DESCRIPTION:

Clay, John

DATE:

11/26/84



1596

Witnesses:

John Benson
Richard Crofton
Appl. 8th St. Court.

are officer
Septadmiral
Henry Brown
Dean for Lawrence
S. D. Macer the
Counsel 17th

2/17

Counsel, McBeach
Filed 26 day of Nov 1884
Pleads Not Guilty 28

THE PEOPLE
vs.
John Clay
Assault in the First Degree, etc.
[Sections 217 and 218 Penal Code].

PETER B. OLNEY,
District Attorney.
April 20

A True Bill.

Wm. Macclay
2nd Dec 1884 Foreman.
Wm. Macclay 2d.
24th St. P.

0209

Police Court—2d District.

CITY AND COUNTY
OF NEW YORK, ss.

of No. 196 South 54th Avenue Street,

being duly sworn, deposes and says, that
on the 20 day of November

in the year 1888 at the City of New York, in the County of New York.

he was violently and feloniously ASSAULTED and BEATEN by John Clay
(now here) who cruelly and mali-
ciously cut and stabbed
deponent on the left
with a knife then and
there held in the hand
of said defendant.

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

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

Sworn to before me this 20 day
of Nov 1888

John Benson

Sam'l C. Bell

POLICE JUSTICE.

02 10

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

John Clay being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is *him* 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 *him* waiver cannot be used against *him* on the trial.

Question What is your name?

Answer

John Clay

Question. How old are you?

Answer

22 years

Question. Where were you born?

Answer.

New York

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

Answer.

9th Ave & 35th St

6 mos

Question What is your business or profession?

Answer

Drum

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 did not cut him with a knife I struck him with my fist

John Clay

Taken before me this

day of

Nov

188*8*

Police Justice.

0211

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

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

Dated Nov 20 188 4 Samuel O'Brien Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

02 12

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Benson
196 South 5th St.

1 John Clay
2
3
4

1761
Offence Fel apaul

Dated Nov 20 188

L O. Reddy Magistrate.

R. Clarkson Officer.

8th Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$ 10.00 to answer Sessions.

0213

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Ray

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

John Ray

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

The said *John Ray*

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 *four*, with force of arms, at the City and County aforesaid, in and upon the body of one *John Benson* in the peace of the said People then and there being, feloniously did make an assault and *in* the said *John Benson* with a certain *knife*.

which the said *John Ray* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

with intent *in* the said *John Benson* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *John Ray* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *John Ray*

late of the City and County of New York, on the *twentieth* day of *November*, in the year of our Lord, one thousand eight hundred and eighty- *four*, at the City and County aforesaid, with force and arms, in and upon the body of one *John Benson* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *John Benson*.

with a certain *knife*.

which *in* the said *John Ray* in *his* right hand then and there had and held, the same being a *instrument* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. O'Meara
District Attorney.