

0673

BOX:

263

FOLDER:

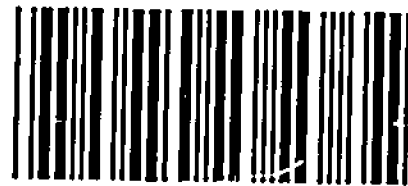
2533

DESCRIPTION:

Sealear, Charles

DATE:

05/17/87



2533

POOR QUALITY
ORIGINAL

0674

34a

Witnesses:

J. Hand

Wm O'Brien

Off Gray

Counsel,
Filed 17 day of May 1887
Pleads Not Guilty

THE PEOPLE

vs.

R

Charles Searles

H.D.

Grand Larceny in the
(MONEY)
degree.
(Sec. 528 and 530, Penal Code.)

RANDOLPH B. MARTINE,

Pr May 24/87 District Attorney.
Ind & acquitted

A True Bill.

G. H. Martin.

Foreman.

May 24/87

POOR QUALITY
ORIGINAL

0675

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

POLICE COURT, 1 DISTRICT.

Thomas Gray

of No. 110th Street, being duly sworn, deposes and says,

that on the 11th day of May 1889

at the City of New York, in the County of New York, there was a Complaint

made by James Hand against
Hayes Sealer for Rape from
the person in which one William
O'Brien is a material witness for
the people. That Deponent
believes that from the character
and method of living of both
Complainant and said witness
that they will not appear to
prosecute said Sealer when called
onks to have them legally detained
Thomas Gray

Sworn to before me this

1889

Notary Public

POOR QUALITY
ORIGINAL

0676

POLICE COURT— DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated..... 188

Magistrate.

Officer.

Witness,.....

Disposition

House of detention
A No

POOR QUALITY
ORIGINAL

0677

Police Court—1st District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 213 East 3rd Street, aged 28 years,
occupation Barber being duly sworn

deposes and says, that on the 9th day of May 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the night time, the following property viz:

Good and lawful money of
the United States of the
amount and value of one
hundred and fifty dollars

the property of

R. P. Murphy 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 Charles Sealer known here,

for the reasons following, to wit:
the said money was in the
possession of the defendant Murphy and having missed the same
deponent on the above date after this
deponent is informed by William
O'Brien (here present) that he
O'Brien saw the said defendant
and this deponent enter a lodging
house in premises 108 Bowery and
saw the defendant take things into
from the deponent and pay for two
beers in said house. The said deponent
was then very drunk. Said informant
further says that about a half hour

Sworn to before me, this
day
188

Police Justice.

POOR QUALITY
ORIGINAL

0678

after deponent and defendant had
gone to their beds the said defendant
left the said premises. Deponent
still further says that he afterwards
saw defendant with a large roll of
filts in his possession and knows
that previous to his entering the said
lodging house with the defendant
he was without any money.

Wherefore deponent charges
the said defendant with feloniously
taking, stealing, and carrying
away the aforesaid property from
his possession and person.

Sworn to before me }
this 11th day of May 1882 } James H. Jones
Mar.

Attest
Police Justice

POOR QUALITY
ORIGINAL

0679

CITY AND COUNTY }
OF NEW YORK, } ss.

William O'Brien
Porter of No

aged *21* years, occupation

146 Myrtle Avenue Brooklyn Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *James Hanna*

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

Sworn to before me, this *11th*
day of *May* 188*7*

William O'Brien

A. J. White
Police Justice.

POOR QUALITY
ORIGINAL

0680

Sec. 198-200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK.

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

Question What is your name?

Answer

Charles Dealer

Question How old are you?

Answer

20 years

Question. Where were you born?

Answer.

New York

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

Answer.

336 647th St. - 1 year

Question What is your business or profession?

Answer

Dealer

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

Charles Dealer

Taken before me this

day of

188

Police Justice.

0581

Residence

.....

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

POOR QUALITY
ORIGINAL

0682

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Seaborn

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

Charles Seaborn

of the crime of GRAND LARCENY IN THE *First* DEGREE, committed as follows:

The said *Charles Seaborn*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *ninth* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*seven*, at the Ward, City and County aforesaid, with force and arms, in the *night* time of the same day, *threw* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars *each*; *seven* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars *each*; *ten* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars *each*; *twenty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars *each*; *thirty* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar *each*; *seven* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each*; *ten* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each*; *twenty* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *ten dollars*.

of the proper moneys, goods, chattels, and personal property of one *James Hand*, on the person of the said *James Hand*, then and there being found, from the person of the said *James Hand*, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0683

BOX:

263

FOLDER:

2533

DESCRIPTION:

Seegelken, John

DATE:

05/18/87



2533

POOR QUALITY
ORIGINAL

0684

393

Counsel, *Heckly*
Filed, *18* day of *May* 1887
Pleads, *Not guilty*

Witnesses:

Off Smith

THE PEOPLE
vs.
John W. Sargent
109 West 10th St.
VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), page 1089, Sec. 5].

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Glynn Foreman.
Paikett June 6/87.
Complaint sent to Special
Sessions.

**POOR QUALITY
ORIGINAL**

0685

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 H. Deegham

The Grand Jury of the City and County of New York, by this indictment
accuse *John H. Deegham* —

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

The said *John H. Deegham,*

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

RANDOLPH B. MARTINE, District Attorney.

0686

BOX:

263

FOLDER:

2533

DESCRIPTION:

Seymour, Patrick

DATE:

05/09/87



2533

POOR QUALITY ORIGINAL

0687

122

Witnesses:
Geo. Widley
Officer Murginger

There being some doubt
as to the value of the
property taken and
upon being satisfied of
the defendants former
good character and
conduct that he be
punished to please
Pet. Lamy
Committee could
stand out the

Counsel, _____
Filed, 9 day of May 1887
Pleads, 'Chattel' (10)

THE PEOPLE
vs. J. B. Ross.
Patrick Seymour
Grand Larceny, second degree
[Sections 528, 53 Penal Code].
Accused & counsel
Chas. W. T. M.

RANDOLPH B. MARTINE,
District Attorney.
May 13/87
Filed 10/87
City Prison 10 days.
A True Bill.

Foreman.
J. H. W. M.
May 17

POOR QUALITY
ORIGINAL

0688



April 17th 1884

Mr E. B. Harrington
Supt. Union League Club
Dear Sir.

Your letter received this morn-
and telegraphed you to "watch him".
Patrick Seymour left this Club with a good
records as far as I knew at the time, but
have been satisfied within the past
few days, that it was probably an accident
that he did have it. He left here to go to
San Francisco as valet for a gentleman, who
said. On Dec. 24th while he was here a
gentleman visitor lost a set of diamond ear
drops, as he said in the Club House, but the
uncertainty of the loss and the failure of
Pinkerton to locate them - no blame was
attached to any employee. Four weeks ago
today a roomer lost a sapphire & diamond
scarf pin - button from his room - this was a
clear case. Keeping the loss quiet, and keeping
a general watch on that employee, I bided my
time. It came when aboy. Robert Cordeir, friend
& companion of Seymour; gave in his time

POOR QUALITY
ORIGINAL

0689



going to New York and intending to go to England
this summer. I found this boy Cordier was
intimate with a Bell boy of the Palmer
House named Whitney & who was under
suspicion there for the same thing. Friday
last his time was up & Friday night with the
aid of a Detective, took him from a train,
and in posse of South powder, not only ^{found} our
missing Phil but a fine opal set in
Diamonds, a fine that was probably stolen
from the Palmer House by Whitney.

The boys Cordier and Seymour roomed together
while here. Cordier told me that Seymour
was at the 'Albemarle' in New York, as was
two other boys named 'Kelly' and 'Van Gandt'.

I have no doubt that these five boys
Seymour - Cordier - Kelly, Van Gandt, and
Whitney are part of a gang of Hotel Thieves,
working for jewelry, and principally Diamonds.

If you have anything pointing towards
crookedness in this boy Seymour, you need not
hesitate to put him, but my advice would
be to put Detective on, and they will
probably be able to reach the fair, as

POOR QUALITY
ORIGINAL

0690

Chicago
May 11th 1881

Mr. F. D. Moorey

Sir I received
your message last night
concerning my son Patrick
and I could not possibly
go, you would do me a great
service by letting me know
for what Patrick is arrested
for and if it lays in my
power to help him I will
do so. He has gone from home and
I did not know where he
was up till I got your message
if you will see to him and
if you write to me, and

POOR QUALITY
ORIGINAL

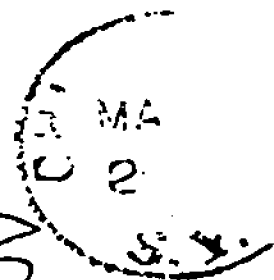
0691

Especially you are at the see
you say, Patrick has been
a very good boy right along
until he took a notion to
travel, I cannot imagine what
he has done you will greatly
relieve my peace of mind
by letting me know as soon
as you can it is the first
time he has been arrested and
he can get a good character
as Chicago. He is now 18
years and I hope on account
of his youth the Judge will
conclude it is his first time
and forgive and let him go
home
Yours Most Respectful
James Seymour
3124 1/2 St. Chicago

POOR QUALITY
ORIGINAL

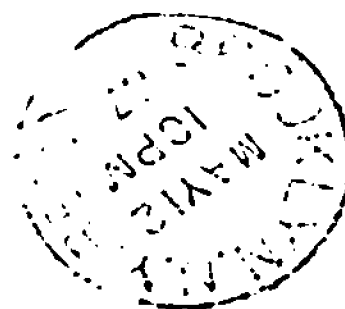
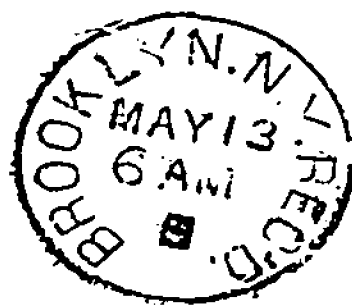
0692

Mr. Henry Wiley
No. 183 Merson St
Brooklyn N.Y.



**POOR QUALITY
ORIGINAL**

0693



POOR QUALITY
ORIGINAL

0694

W. J. MURPHY,

WHOLESALE COMMISSION MERCHANT

No. 66 Chicago Wholesale Market, West Jackson Street.

Chicago, May 14 1883.

To Whom it may Concern

This is to certify that I have known
Patrick Seymour a good many years
and have a First Class reputation
being honest and sober and very industrious
and never had any trouble of any kind

W. J. Murphy

POOR QUALITY
ORIGINAL

0695

W. J. MURPHY,

WHOLESALE COMMISSION MERCHANT

No. 68 Chicago Wholesale Market, West Jackson Street.

Chicago May 14th 1885

To Whom it may concern

This is to certify that I have known Pat Seymour son of James Seymour of Jackson at Market Chicago every since he was a child and know he has a good reputation being honest & industrious and have never heard of his getting into any difficulty

George Jones.

40 West Jackson St
Chicago Ill.

**POOR QUALITY
ORIGINAL**

0696

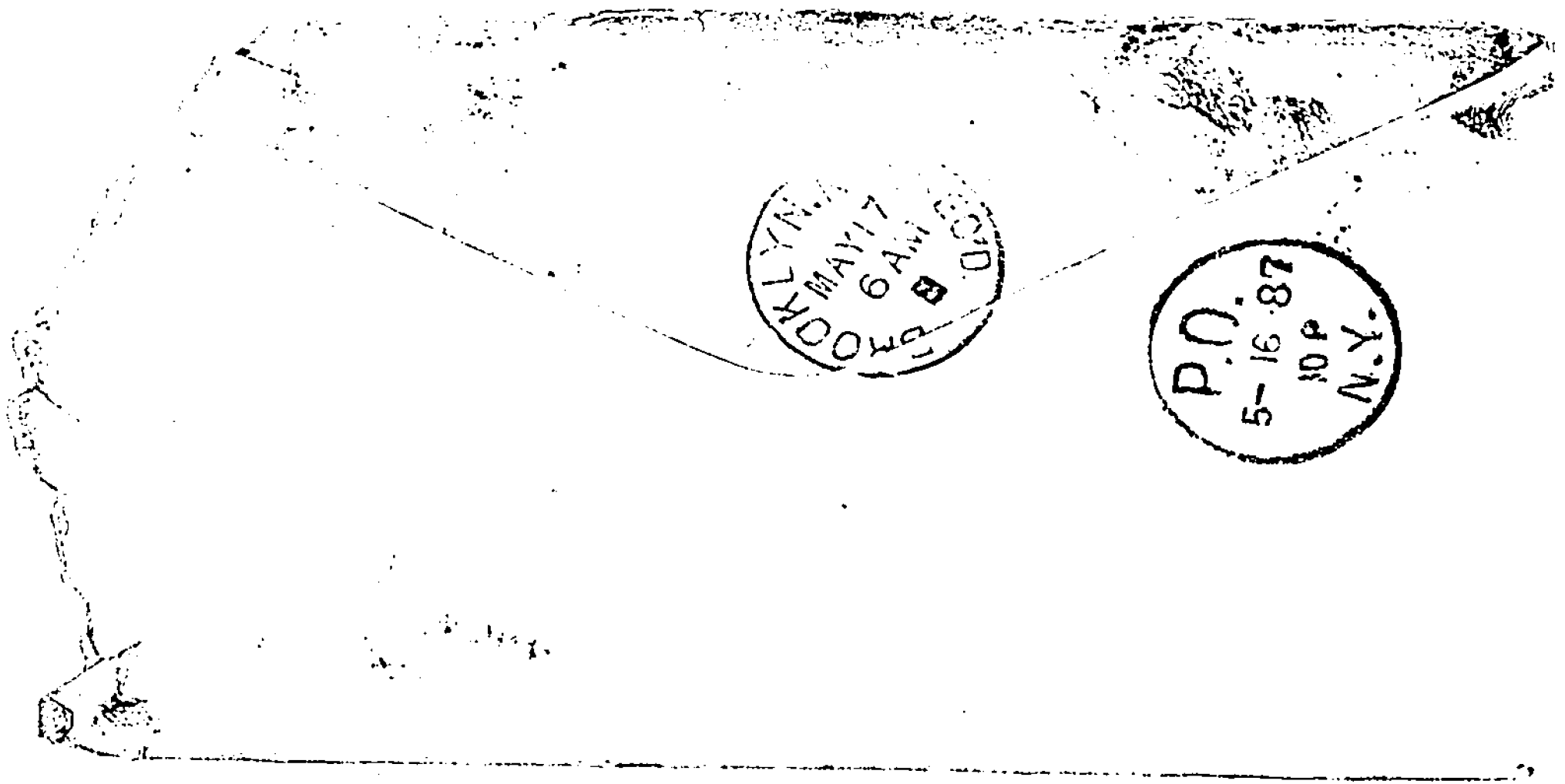
If not called for in Ten Days, return to
**W. J. MURPHY,
COMMISSION MERCHANT,
No 40 Chicago Wholesale Market,
WEST JACKSON STREET
CHICAGO.**



*Mr. Henry Morey
No 183 Marion St Bldg.
N.Y.*

**POOR QUALITY
ORIGINAL**

0697



POOR QUALITY
ORIGINAL

0698

• Calumet Club •
• Chicago •

Feb 28th 1887

This is to Certify That Patrick Seymour
has been in the employ of Club
for the past five months and Patron
and Bidding Room; has given good
satisfaction, He leans of his own
accord to try and better himself.

J. A. Moore Secy.

**POOR QUALITY
ORIGINAL**

0699

Calumet Club.
Chicago.

Patrick Symon
Mch 5-1887

Page

POOR QUALITY
ORIGINAL

0700

Grand Jury Room.

PEOPLE

vs.

Patrick Seymour

Geo. Midley
Chas Hallack.
John Bastable
off. Kurzinger.

District Attorney's Office.

Part Two
PEOPLE

vs.

Patrick Seymour

May 17 1887

Send Person
May 12
Carroll

P

ST3

POOR QUALITY
ORIGINAL

0701

Chicago May 14/87

To whom it may concern

This certifies that
I have known Patrick
Seymour for years &
have known him as a
good steady, honest &
faithful boy & one
deserving & meriting
the good will of his
fellow man =

Strictly temperate
whilst in Chicago and
well thought of & well
spoken of by those in
whose employ he

has been, I take
pleasure in commending
him to whom so ever
it may concern

J. Loewenstein 54 W. Jackson St.

Special attention given to the sale of Dressed Hogs, Beef, Mutton and Veal.



Chicago, 1887

SOLD FOR ACCOUNT AND RISK OF

BY S. LOEWENSTEIN,

COMMISSION MERCHANT,

And Wholesale Dealer in all kinds of Meats, Ribs, Loins, Etc.
WHOLESALE MARKET: STALL 54, W. JACKSON ST.

POOR QUALITY
ORIGINAL

0702

Police Court—^{a d} District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 55 West 26th Street, aged 40 years,
occupation Superintendent being duly sworn

deposes and says, that on the 3rd day of May 1887 at the City of New
York, in the County of New York, was feloniously ^{attempted to be} taken, stolen and carried away from the possession
of deponent, in the nighttime, the following property viz:

A silver mounted Banjo of the value
of Fifty Dollars (\$50.00)

the property of William E. Stewart and in deponent's
care and custody

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 Patrick Seymour (now here)
with the intent to deprive the true owner
of said property from the fact that
previous to said Larceny the said
property was in a room of premises
No 55 West 26th Street, and deponent is
informed by John Bastable that he
said Bastable found and discovered
said property hanging suspended from
a window of said premises by means of
into the Street underneath, by means of a
cord having been attached to the said
property, and that said Bastable soon
afterwards saw said Seymour
attempt to detach and carry away

Subscribed and sworn to before me this 11th day of May 1887

Police Justice

POOR QUALITY
ORIGINAL

0703

the same. Defendant therefore charges
said Patrick Symon ~~to~~ with ~~the~~
~~said larceny~~ having attempted to
commit said larceny and asks
that he may be dealt with as the
law may direct

Suon to before me this
4th day of May 1887

Geo. Medley

James C. Hill
Police Justice

POOR QUALITY
ORIGINAL

0704

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation John Pastable
Assistant - Superintendent of No.
112 West 63rd Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this 4th
day of May 1887

Samuel C. Hill

Police Justice.

John Pastable

POOR QUALITY
ORIGINAL

0705



There are in N.Y. now. Whitney left the
Palmer House on Thursday and was very
lively in the train with Cordier.
Cordier was freed as the gentleman
would not prosecute him, and he
will reach New York Monday or Tuesday.

If my surmise is correct, and there
is anything more I can do, do not fail
to ask. I think this a bad gang, and if
they are in a good way to get cleaned up
shall be pleased to help.

If you can get the letter of mine from
Seymour you will do me a kindness to
destroy it.

Yours truly
A. Armore
Juph

POOR QUALITY
ORIGINAL

0706

Sec. 198-200.

2-

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss

Patrick Seymour 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 Seymour

Question. How old are you?

Answer

17 years

Question. Where were you born?

Answer.

Chicago. Ills.

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

Answer.

No 426 Sixth Avenue & about 1 week

Question What is your business or profession?

Answer.

Domestic

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 was going to take it and I suspended the banjo from the window, but afterwards I repented and went down to bring it back to the place where it belonged

Patrick Seymour

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0 7 0 7

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2^d DISTRICT.

of No.

occupation

that on the

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

George Medley

Street, aged 40 years,

being duly sworn deposes and says,

that on the 3rd day of May 1887

he deponent was informed by James Bastable that he Bastable saw Patrick Seymour (now here) in the act of taking, stealing and carrying away a Banjo the property of Mr. Offley and in deponent's care and custody. Deponent therefore prays that said Patrick Seymour may be held until deponent may be enabled to bring said Bastable and any other witnesses as may be required to testify against said ^{Seymour} for

Sworn to before me, this

1887

Justice.

POOR QUALITY
ORIGINAL

0708

said attempted Larceny
Sworn to before me this
3-day of May 1887 Geo. Medley
Sam'l O'Reilly
Police Justice

Police Court, 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George Medley

vs.

Patrick Seymour

Dated May 3 1887

Sam'l O'Reilly Magistrate.

Witneses
Kearney Officer.
19.

Disposition, \$1000 &

May 4. 9 a. M.

POOR QUALITY
ORIGINAL

0709

BAILED,
No. 1, by Joseph Thimothy
Residence 576 West 24th St.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court-- 2636
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Muller
576 West 24th St.
Valentin Seymours

2

3

4

Offence Larceny
Felony

Dated

May 4 188

McBaily Magistrate.

Thirginich Officer.

Witnesses

Chas. Hebbeluck Precinct.

No. 5

John 1307 1/2 St. Street.

No. 6

John 112 1/2 St. Street.



No. 7

\$500 Street.

No. 8

\$500 TO ANSWER 28

Commenced

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

Patrick Seymours

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

Dated May 4 188 Sam'l C. Smith Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0710

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Esther Seymour

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

Esther Seymour

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

The said

Esther Seymour,

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

one bag of the value of

twenty dollars,

of the goods, chattels and personal property of one

William R. Stewart,

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

Charles B. Smith

District Attorney.

0711

BOX:

263

FOLDER:

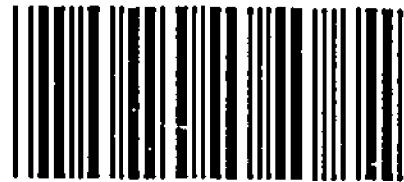
2533

DESCRIPTION:

Shanley, Peter

DATE:

05/04/87



2533

0712

BOX:

263

FOLDER:

2533

DESCRIPTION:

Shanley, Peter

DATE:

05/04/87



2533

Witnesses:

Officer M. Conley

59

W. H. H.

Counsel,

Filed *11* (day of *May* 188*7*)

Pleaded *Not Guilty*

THE PEOPLE

vs.

B

Peter Shanley

Violation of Excise Law.

(Sunday)

[Ill Rev. Stat., 7th Edition, page 1983 Sec. 21, and page 1989, Sec. 5].

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

G. J. H. H.

Foreman.

Part III May 11 '87.

Complained sent to Special Sessions

POOR QUALITY
ORIGINAL

0713

POOR QUALITY

0714

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 Shanley

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

- Peter Shanley -

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

The said

Peter Shanley

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

Enrique McCarthy, and to

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

SECOND COUNT:

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

- Peter Shanley -

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

The said

Peter Shanley

late of the Ward, City and County aforesaid, afterwards, to wit : On the day and in the year aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week

POOR QUALITY

0715

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to

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

THIRD COUNT:

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

- Peter Shandery -

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

The said

Peter Shandery

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

155 Cedar Street

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0716

BOX:

263

FOLDER:

2533

DESCRIPTION:

Shupe, Walter

DATE:

05/27/87



2533

POOR QUALITY
ORIGINAL

0717

Witnesses:

This Indictment

was found in 1887.

Officer Woods

tells me he knows

nothing about the

case, only made

the arrest. He does

not know the where-

abouts of complainant.

His residence in 1887

was the actor - the

owner of that Hotel

cannot give any

information whatever

regarding complainant.

He is now accompanying

March 8, 1887

Counsel,

Filed day of May 1887

Pleads,

"

THE PEOPLE

vs.

Walter H. Shupe

RANDOLPH B. MARTINE,

Attorney at Law, District Attorney.

May 4/93

Ball Discharged

A True Bill.

W. H. Shupe

Foreman.

demanded a trial by jury

Widgony for the People

on the demurrer 1887

Sept 6/87

07 18

**REDUCTION
CHANGED
TO 17x**

0721

**REDUCTION
CHANGED BACK
TO 14 X**

0722

1st DISTRICT POLICE COURT.

THE PEOPLE,
vs. COMPLAINT OF

Wm H. Jones Examination had April 19th 1887
Walter H. Jones before Hon. George W. L. Police Justice.

I *David C. Seltman* Stenographer of the *First* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *Augustus Sinclair* *Stevens E. Brown*, *Robt Mc Bride* & *William R. Crook* as taken by me on the above examination before said Justice.

Dated April 20 1887.

A. J. White
Police Justice.

D. C. Seltman
Stenographer.

Augustus Fairbairn being duly
 sworn deposes that on

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

of the day of month 18

A. H. Fairbairn

contained in the complaint against the
 suspect prostitute also. In business
 matters he is incompetent, in morals
 he is without principles, and is unworthy
 of any consideration, credit, or association
 with honest men and virtuous
 women touch him not.

Next, that to raise some figures
 at service of Hastings the money that
 he has wrongfully taken from him
 in the matter
 Record.

That he will return the \$50 trust
 funds with interest & costs.
 Third

That he will answer the proper
 authorities for his conduct under
 the penal code of New York.

Q Did you ever see the manuscript
 which contained those words?

A I did

Q where?

A I saw a part of it in the office 19
 Broadway and a part in the

Hotel Everett

Q Did you ever see and who introduced the
presenting of the paper?

A I do

Q And who?

A Mr. Schupe

Q The defendant?

A Yes sir

Q Did you ever see any copies of this
paper in the hands of Mr. Schupe
the defendant?

A Yes sir

Q Did you see him distribute them to any
person?

A Yes sir

Q And where?

A At 19 Broadway and the Hotel Everett

I don't remember the individuals
but those people were in the
office?

Q At the office what do you mean by
office?

A 19 Broadway.

Q Who was in charge of the office?

A Muschape was in charge of the
office of Broadcasting.

Whether the papers were distributed?
Answer: yes

Did you ever see Muschape at the
office of Mr. Bida, the police.
That this paper was printed?
Answer: yes

Did you see him give him any
orders?

Answer: yes

Did you see the paper after it was printed?
Answer: yes

Answer: yes

Did you ever see Muschape
and you met?

Answer: yes

What ~~directions~~ for announcements?
Answer: yes

What was the occasion of your
discharge?

He came in and said everything
is in suspense the government
has stopped the paper going

0727

6

through the mails
If you would an indicated condi-
tion at the time?
Answer



Howe & Brown some early evening
 dinner 4, says.

Yesterday received:

A Big East coast letter.

What is your business?

I am not in any business now.

I call your attention to the Editor of
 the extract of the Advocate (showing
 without the article referred to)

If there you have copies of the paper,
 please

write:

A at the office?

Where?

419 Broadway

Who has charge of that office?

A Mr. Sharp.

Will he exercise control there?

A He did

Will you ever see Mr. Sharp or
 any of those papers?

A I assisted him in the circulation
 of some of them?

By whose direction?

8

Q By Mr. Sharp's direction.

Q Do you know where they circulated?

A To different persons. I mailed them
and some went to Pittsburgh I mailed
them there by Mr. Sharp's directions

(The)

0730

9

Robert M. B. being duly sworn
deposes and says

That he saw and read
a Book

Which is from the
A. B. C.

And he saw at this Exhibit
a Book which was
sent to your office
A. B. C.

By a bookkeeper
A. B. C.

He gave the order for it
A. B. C.

And he printed it
A. B. C.



0731

William R. Port

William H. Shupe

All parties present the
examination proceeded April 7th 1887

William R. Port is the complainant
He is examined by the respondent
Wm H. Shupe who is an attorney

Q. You say you are a clergyman by
profession Sir?

A. Yes Sir

Q. Are you in charge of a church today
Sir?

A. Yes Sir I am

Q. Where?

A. Stoneville

Q. What state?

A. Pennsylvania

Q. What denomination of Christian people
is the Church of God?

Q. You are a minister in the Church
of God then?

A. Yes Sir

Q. How long have you been in that

ministry?

Q When was it 1874. 13 years in October
I think.

Q How long have you been in Plattsburgh
A Since October 5th 1876

Q What have you done you go to Plattsburgh as
a minister?

A City of Plattsburgh.

Q From what church?

A Church of God on Townsend Street.

Q Have you definitely reported to or
discharged of your church?

Objected to

A What do you mean by that?

Q Does the general question have you
definitely reported the ordinances
of your church?

A Yes sir & here.

Q Do you wash as of the ordinances
of your church?

A And sir the washing of the saints feet
is the ordinance of worshipping
God?

Q As minister of the Church of God

is it not one of your duties towards
people in circumstances towards the
feet of your prisoners?

Answer there is no written authority
for that.

Q I want an answer yes or no. Is it
your duty as a minister to wash
certain prisoners only?

A Only a certain number a certain
kind.

Q What kind?

A Backward feet.

Q Who are backward in your church?

A All that profess faith in Christ

We accept the new testament
as a rule of true faith & guide
to true principles.

Q What actions are essential to profession
do you admit to your church?

A We admit none.

Q Then is it not your duty to wash
the feet of all of your prisoners
Objected to.

By the Court.

11

I do discharge your function, as a
 minister connected with the ordinance
 of your church has it not been
 your habit at any time under
 any circumstances in the presence
 of anybody to show signs of levity
 or disrespect for that ordinance?
 Answer

I have said I ask you have you in the
 discharge of that duty at that time
 while you were washing feet looked
 up & smiled at the reporters you
 had given testimony to, to answer that
 I repeat your proceedings are a
 scandal.

Answer

If in your affidavit you quote this
 sentence from the correspondence of
 article 3 "Covered the pulpit
 prostitute" I ask you ^{what you} to assess
 the meaning of that sentence to be
 that is libelous?

Objected to

By the Court

5

If Bayne understood that that meant
you?
Then Sir

If there be a prospect permitted I want
to know whether you charge me that
you the practitioner the prospect or
whether you lead me into the
prospect to prosecute it in court
Objected to
By the Court

If you must charge it, "In business
matters he is incompetent." In
matters he is without principle
and is unworthy of any considera-
tion. Credit or association with
him is an error. "His virtues are
few and his faults many." I ask you what
this hypothetical question assuming
that a man passed as an attorney
in fact for another and as such
attorney in fact institute a suit
to recover right in real estate
for the person for whom he
acted as attorney without

assuming that the person had
any interest of the same estate or
more. We in ignorance of the fact
that the party had transferred all
his interest in that same estate
assumed and a person he bound
to the charge that in business
matters he was incompetent.

Objected to

(By the Court)

If you did not you had not an attorney
in fact for James Conant in the
matter of his claim in the Nelson
Conant matter under the will
dated of 1686.

Objected to

(By the Court)

If I ask you now are a fact and you
not concerned? This suit? did
you not commence an action
for James Conant to recover his
rights in that property when the
fact was that you did not know
whether he had any rights or

what was a fact. She had
 conveyed away all the rights she
 owned here?

Ans.

If that you give notice that you were
 about to bring such a suit and
 so called money to pay expenses
 of such a suit?

Objected to.

By the Court

Objection withdrawn

A motion may attorneys give notice
 of Mrs. Conant in answer to the
 notice that your attorney gave
 was any money furnished to
 you by Charles auto for the purpose
 of that suit?

A I don't think there was any for
 that suit

Is any money given to you by
 anybody. Chairman is that
 matter to conduct any other suit
 than that is the Foreman matter

A This money was sent to the bank

Q. Was any money given to you personally
individually?

A. At any time since?

Q. At any time?

A. Not time as an individual neither.

Q. Did you get it in your hands as
broker or otherwise?

A. Yes Sir

Q. From whom?

A. I repeat to it never. He either
became a confidential relation to
any parties he has ever engaged
then he has no right to give them
insurance to any parties as the other
side are this proceeding but if
the gentleman will put his
propositions in the form to show
a misuse or misappropriation
of the funds received no objection
will be made.

A. I repeat to answer the question
Q. I now read as viz. "That he
will return to James H. Scriber
of Hastings Ontario the money

9

that he has wrongfully taken from
him in this matter I quote further
in saying "not intending by inculcating
thereby inducing any understanding to
impute any liability imputing to
any agent that he was guilty of the
commission of perjury; I am, you
see, that in what points and in
any other matter point to perjury

Adopted to

By the Court

Q. Have you ever fully taken any money
from James H. Scriber from
Huntington's Bonds?

A. No, I never did.

Q. Did you sell James H. Scriber of
Huntington's Bonds \$1 share of the
stock in the Harlan Common matter?

A. No, I did not.

Q. Did John H. Scriber ever pay you
\$10 dollars for \$1 share of the
stock?

A. John Scriber paid me \$10 dollars
for \$1 share of the stock certificate

This document of the State
 of Ohio is to document a share is it not?
 Answer:

If How much did you pay for that
 stock to share?

Objected to
 By the Court.

If Now you buy it for 8 dollars a share?
 Answered to

By the Court

If Did you tell James H. Scriber that you
 paid 10 dollars for that stock?
 Answered to.

By the Court

If Did you write to James H. Scriber
 that you had paid 10 dollars a share
 for that stock?

Objected to
 I do not identify that letter as yours?
 Answer:

Moved Ex. 1 for identification

If will you say to me whether to
 your best knowledge & belief those
 telegrams were sent by you.

11

James H. Scribner?
 Answer:

Forwarded for identification E 2 & 3.
 I assure you that at that time and
 you are correct in your view that beginning
 to Col. John A. McDermott to your best
 knowledge. We search on the day
 that is dated.

There is an answer in the card
 in regard to that and otherwise it
 is right.

Forwarded by E 2 for identification
 of when the subject did you find see
 James H. Scribner referred to in the
 preceding?

A In my church Sunday Evening
 200 or more & I think 12 or 13 1885
 of the heard you preach on that
 Sunday and to most,

A That Sunday Evening yes
 I was that was the Sunday preceding
 of the meeting of the Clergymen
 of the Western Union at the
 Hotel Hotel Pittsburg.

14

A The present meeting of the Salem
 Lyceum you see
 of which that meeting occurs in the
 week?

A It was Tuesday or Wednesday about
 the 15th or 16th of November there is
 very no connection now.

Q Between the day of the founding
 and the day of the meeting or say
 between the Sunday by the following
 Tuesday night and you and from
 a partnership with John H. Smith
 mentioned in your I Amused. of your
 City to buy for common account
 the whole of certain shares of trustees
 Certificates of which this St. was
 estimated to be $\frac{1}{3}$.

A Now Mr Arnold formed it by the
 St. shares was not $\frac{1}{3}$.

Q Were you a member of that partnership
 that Mr Arnold formed with Mr
 Smith?

A I was one of the 3. years 8

Q Whatever profits arose from that

Indication, never to go but he decided
 not to go. The Boy-then, was they
 not?

A There was a verbal agreement.

Q The stock was to be bought for
 common interest, was it not?

A The stock was bought before this.

Q It was bought?

Answered.

Q When you receive the stock you considered
 that transaction of purchase until
 after Mr. Scriber went away?

A I considered the buying of that
 stock before Mr. Scriber went away.

Q And before Mr. Scriber came to Pittsburg
 on Saturday the 11th of November?

Q I see you and Mr. Covert and you
 not write to Mr. Scriber on the 19th
 of December 85, I just asked
 my contract with Scriber did you
 not write that?

Objected to unless the ^{letter} ~~contract~~
 be placed in evidence.

A There were 3 contracts

Q On Saturday the 19th did you make
 write to him that you had paid
 1000 dollars worth? And that you must
 sell 1400 worth did you not write
 that on that day?

A I wrote that I had about 11000
 at night.

Q Did you as a fact sell 1000 dollars
 worth?

A That is substantially true. I sold
 as a fact that that station was made
 upon the hypothesis that the
 stock cost 2500, that the stock
 2500 was to be paid for the
 stock?

Witness

Q Did you 2000 for the stock?

A I paid more.

Q In what?

A In expenses and such

Q Whose expenses did you pay?

A My own expenses advertising and
 railroading and all that.

Q Did not John McCreary pay

you \$10 on account of that date?
 A Not at that day. Enclosed letter.

If the said James H. Smith pay you
 \$10 dollars for St. Charles after the date
 certificate?

A Not at that date. As in my bought
 11/18 shares up to that date I had
 Mrs. Shupe's receipt for \$12.50 dollars
 up to December 29. In my \$20
 dollars from James H. Smith
 up to that date?

If you have a receipt from Mrs. Shupe?
 Answer,

I object to any testimony being produced
 with reference to the receipt unless
 the receipt itself is produced

By the Trust

If Mrs. Conrad has item of 500 dollars
 don't you know that that was made out
 of one item of \$200 in cash?

Answer as a fact I was to receive 500
 dollars in cash and a commission
 and pay 2000 for the stock

If your letter reads as follows?

The amount I am to pay on this
day Sunday is \$4500. Now you write
that to pay on

Objected to
By the Court

If your letter dated Saturday December
19 1885 refers to the following Tuesday
the day the case will be heard on the
Friday; the amount I am to pay
that day is 1750 that is what your
letter says is the true;

A. I was to pay 2500 for the State

If as a fact I am to draw on you
that day for 1750 dollars;

Answer: I paid 1750 dollars

If on Saturday night when you wrote
that letter the said telegrams was
not in New York at your own
knowledge;

Objected to
By the Court

A. You left Pittsburgh Saturday Evening
9th. I was to pay 2500 for the
State and to receive 200 as a commission

17

Q I want to pay the expenses I paid
and the railroad the hotel expenses
the advertising expenses. The
500 commission I want to receive
I expect to come early on Tuesday
you sent a definite draft will
be sent by registered letter for
\$76. explain how that amount to
amount to that?

A That was a balance of the 1950
if you pay me a dollar besides
that?

Answer:

Q In what?

A I sent through the mail 104
on account of the 1950.

Q When?

A at different times through the mails
there was 450 of the 1950 to be paid
in expenses.

Q The day that you said in this letter
I want to pay 1950 and you pay it
or any part of it on that day?

A I don't remember if it was Tuesday

on Wednesday I sent \$26 in a draft
 Mr 300 in a due bill

Q. Did you send your own due bill?
 A. Yes Sir

Q. Did you send a registered letter
 except in that letter for \$26 dollars
 or you sent your due?

A. I sent a letter for \$26 by a due bill
 of 300.

Q. When did you send the note and not
 the due bill money?

A. That is my business

Q. Did you pay that due bill with a check
 when you came to New York? Did you
 not receive that due bill with a
 bank draft paid you by Scriber
 for 100 on account of the store
 and I sent you one hundred
 for that due bill? Did you not
 pay it with a check sent here by
 Scriber to your order?

A. A money order draft, I received the
 300 dollars due bill with a
 draft

Q What was sent here to me by you?
 A None.

Q What was sent by Mr. Arnold? Mr. Arnold sent it to Wallingburg so Mr. Arnold after receiving it would.

Q And you would believe you took up your mate?

A Yes Sir.

Q And when you gave up that death did I not give you one hundred dollars as before?

A Yes Sir you gave me a hundred dollars as before.

Q And you received from Peribee and pay to me \$10 on account of 11 shares of that stock?

A I answered that before.

Q And you pay me for 11 shares at the rate of 10 dollars a share?

A Yes Sir.

Q And shares as Peribee paid you for he paid you at the rate of ten dollars.

A Such shares as he bought from Arnold & Co.

Just please to find you for
Answer

If you bought them for eight dollars a share
And I get from you any thing more
than \$500 after the sale.

Also a fact you were to get 2000 in
Cash?

If you want the identical shares that
you put out to ^{for \$10. dollars} double, ^{at} you
must eight.

Answer Sir who was to pay many
expenses. They cost me \$50000 each
outside of my expenses.

If I ask you Sir did you not buy
that stock at \$50000 each
on account of a partnership
made up by you and
Perrin? Now if you would write
to Perrin that you paid 10 dollars
a share for that stock and make
him pay 10 dollars a share for
it. We taking from him 16 2/3 dollars
more than he paid for it on
partnership account.

Objected to

By the Court Sustained

Questioner or complainant that I say
 you that you are unacquainted of the
 society with least notice? and
 visitation numerous I ask you if
 during the year 1886 at any time
 before bringing this proceeding
 and before this publication you
 have ever been in house of
 prostitution in the city?
 Answer Sir

Just no time.
 Answer Sir

Plundered any circumstances?
 Answer Sir

Given anybody?
 Answer Sir

Is that your signature (showing
 witness a paper)?

Answer Sir

Paper moved for interpretation
 Exhibit 6.

Is that the 750 dollars that you say

0752

72.

was the balance of 2500 dollars
A That is the 25000 dollars are on fraudulent
stock. About I bought from you
the balance to be paid at
the end of the last period.

If you received that in time?
Did you send it?
And Sir

If you had agreed to put it in
bank and keep it until the time
was finished and kept it on
I sent the rest.

A I agreed to that.

If you agreed to put it in the bank
A I agreed to whatever the contract
says.

If you put that money 750 in
bank?

And Sir

Where you that 750 now?
A I never had 750 dollars.

If you never put it in bank?

And Sir and I never had it to
put in bank?

Q And you can authorize your witnesses
to say that you have the money in
your pocket. We would pay it?
A Yes if the Court ordered it so.
Q Your answer is that you never had
500 dollars?

A Yes; I had stock if that is what
you call money?

Q Did I not offer us a public meeting
in the City of Belleville ordered before
a whole audience there offer to
accept that stock at a price a
share more than I gave it to you
for? And did you not refuse to give
it up to me? I told you I was ready
to take it?

A I told you I was ready to carry out
my contract. And I am ready to
carry it. We have been and always
expect to be.

Q When say you have not received
the money on that stock from
anybody?

A I have received some money on the

Q You share the stock and bonds?
 A Yes I share it.

Q Do you again as a member of the
 board but I don't expect to receive
 that stock of you at 10 dollars a share
 after I paid it to you for eight dollars
 you will expect it?

A You were expected to pay my expenses

Q How many shares of the stock
 has you left in your possession?

A I have 32 shares.

Q 32 shares at \$1000 each would be 3200
 dollars unless is the balance of
 the \$1000 of the stock?

A I used the stock for advertising
 purposes. I gave it away to a great
 many parties.

Q Did you give away the difference
 between the 32 that you had and
 what you said it was worth 113
 and you gave away the difference
 between that and the 443 shares that
 you bought?

A That I paid you for.

Q Did you give it away the distance
between 188 & 189 and if
because did you give away I am
asking you?

A I don't know I should judge from
my best I know.

Q You know did you give it?

A I cannot give the names and I
can in the clock book.

Q You have recovered from your church
in Townsend shall pitting to
plantation?

Answer

Q We don't you know that church in
account of this presentation?

Answer

Q Did not the authorities of your ^{church} ~~denied~~
denied of you are by plantation
of this matter?

Answer

Q And did you not decline to make
it we resign your parcel?

Answer

Q Did you resign your church?

Answer:

Have you connected with your school yet?

A I am charged by the authority of the Board

of I want to ask you if its true that the money you paid the stock for is in the hands of Mr. Arnold.

A Mr. Arnold received a certain sum of money from me to pay his expenses?

Q Did Mr. Arnold get part of the money?

Answer:

Q Did he get all of it?

Answer:

Q Who got the rest of it?

A The railroad got part of it

Q And you spent the rest?

Answer:

Q Did you pay Mr. McCree any of it?

A I gave Mr. McCree the money to pay the 750 dollars

Q Did you ever make any special

deposited in bank all balance of the
money that you got for that store
which you say is worthless.

A All moneys received from that
store was put in the bank by
me.

Q What about now?

A In the national bank ^{and} the dollar
savings bank.

Q Did you put the money that you
received for the author of the book

What you did not give away

What did you do with the
money?

A I put it in my bank.

Q Do you know that you put the
book, there now?

A I told you I spent that money for
for advertising.

Q It went there now is it?

A Not the identical money I received.

Q Have you that much there now?

Did you spend the whole of it?

A I have sworn to that already.

If you were put out of the syndicate
would you not?

A I never claimed so.

If are you sure why?
A No I am not.

If Mr. Conant are you a legitimate heir
to any of the estates, the father's
of Douglas or Charles up in New York?
A I never claimed to be.

If did you not sign full an application
in writing that you were one of
the heirs certifying upon the ground
that you were a legitimate heir
of John Conant?

A No Sir

If as a fact don't you know as a moral
man that you are not an heir
a legitimate heir

A I don't claim to be any heir I told you
so.

The further hearings were adjourned
to April 8th 11 am.

0759

29

April 8th 1897

All parties present, the Executive
Proceedings.Complaints and other matters were
examined.If Mr. Court you would now bring on
the book of the registry No 99.
is that yours? You issued the
certificate?As I had carried it that is what may
have happened.If Ashford's handwriting is it?
A. Malgoumery.I made by your direction?
Ayreson I think it is his.If the certificate 99 that is where
you commenced issuing is it not?
As you said there is so to the end of
my being?If and all the certificates of registry
from 99 to 210 inclusive were
issued by you is that so.

Ayreson

If either you or Mr. Arnold?

Answer

Q How are the numbers from 69 to 210 represented in issue for but are shown each, one above each?

A Yes Sir to the best of my recollection of numbers 211 to 212 are torn out from the book without an entry in the index since they issued to anybody or simply removed without issuing?

A Not issued to anybody.

Q They are now in your custody?

Answer

Q Then from 211 to 241 inclusive they are increased by signed and sealed by a letter to shape as in many your possession

Answer

Q When you commenced issuing there was 108 issued including the the first one you sold?

A That is 108 sold.

Q The first 98 certificates represent 909 phones sold before you took

Ask him?

Answer me before I turn the book
of Before you visited the shore?

A The book was in my possession before
of the date you commenced the visit
I had owned 107 shares before?
There was altogether 250 shares was
there not?

Answer

of 107 shares left 143 shares on the 18th
of December?

Answer

On the 18th of December there was
paid 107 shares leaving 143 shares
to sell which were passed over
to you under the contract made
with you?

Answer

Answer say you got 143 shares on that
day did you not? that remained
unsold?

Answer

If you got the book representing that?
Answer

If you have received any more
 Answer

If no person ever received notice from this
 board except you or by your authority
 Answer

If he had the same power you did
 Answer

If either you or he did it
 Answer

If on the 18th of December 1885 you paid
 any dividend of shares of this stock
 to Joseph H. Scriber

Objected to the book of shares
 for itself etc.
 Answer Those shares were sold before the
 meeting, before that date whatever
 remained unpaid at the close of
 the syndicate Mr Scriber told Mr
 Answer that he wanted to see the
 or whatever was left Mr Waldron
 would take $\frac{1}{4}$ I found 143
 were still unpaid Mr Scriber
 took $\frac{1}{3}$ of the 143 which
 left $47\frac{2}{3}$ and the $47\frac{2}{3}$ was paid

by Mr. Arnold on Tuesday
 If so that your arrangements then with
 Mr. Scribn. Mr. Arnold was made
 before the meeting?

Answer

If you got the stock on the 15th?
 Answer: I had the book before that
 If your arrangements were made in
 expectation of getting the stock?
 Answer: you had agreed to deliver me
 the stock.

Answer?

A Newcastle

If I put the date as December 18th
 and you on that date December
 18th had you in your possession any
 moneys that persons had paid
 you for this stock for which certificates
 were issued?

Answer

If I have owned and you have in
 hand at the time of such moneys
 A I cannot state the exact amount
 now without going over the books

Q Will you state what amount you had
and bank on Saturday before I came
from Newcastle. You met me in the
door steps of the Hermer Hotel.

Answered to

By the Court / Objection Sustained

Q Did you ever say to James H. Stiles
E. Fincham, William Esq's nephew
was sitting in the reading room of
Hermer Hotel on Monday morning
the 19th because of some money that
you had all such money ready
to pay over all your bank balances
340 hundred dollars?

Answered to

By the Court

Q I now ask you if as a fact you
did ever have between 3 or 4 hundred
of such money in bank at
that time?

Answered to

By the Court

Q I now ask each one of those
certificates given to you on the

18th of December were signed by
 me and the said 10 shares in
 exchange 10 dollars paid for it
 but at the same 10 in certificate
 213 were not all those certificates
 filled out in the same way. As the
 then representing that 10 dollars was
 paid for it to me?

Ans. yes.

Q. As a man if you sold any
 certificates of any number before
 or after for the greater sum of
 10 dollars

Answered to

By the Court

Q. As a fact have you not sold some
 for 50 dollars a share each?

Ans. yes.

Q. As a fact did you not contract to
 sell at fifty dollars a share each
 to Mr. Perne of your town this?
 A. As a fact Mr. Perne agreed to take
 1000 shares at 50 dollars a share
 each.

Q And as a further fact did he make
any more?

Answer he did not.

Q Did you ever see this stock quoted in
the stock exchange of Pittsburg?

Objected to

Q Did you ever see it quoted at 10 dollars
a share?

Objected to

By the Court.

Q Did you ever see it quoted at 50 dollars
a share?

Objected to

By the Court.

Q Did you or Mr. Arnold of your own
knowledge make a written
consulting between you and
those quotations to be made?

Objected to

By the Court.

Objection.

Q as a fact was not these 2 quotations
made by you or Mr. Arnold
in book in concert during

the moon before you saw one at
Newcastle on the 16th which your
paper says Sunday?

Objected to,
By the Town.

If as a fact was that this moon was
the moon that I mentioned in my
paper and on Sunday, on Friday when
you saw one at Newcastle which
was found as following the prediction

Objected to

If on the day that you saw one at
Newcastle which is Friday the
13th or 14th as appears on that day
had you ever seen a stone after
10 o'clock?

Objected to
By the Town

If as a fact had you seen a stone after
on that day?

Objected to
By the Town

If you have published & said and
more here that that stone is

would be as it was that you said
so?

Objected to

By the time

If I saw you when you first became
satisfied that the stone was useless

Objected to

By the time

If I saw you when you first became
satisfied that the stone was useless
and when you gave that stone
away for advertising purposes?

At the age of 3 months in 1877 was given
to me by W. R. Oment for advertising
purposes when I was seeing
for him?

If I mean when you took the stone
At the age of 3

If I mean when you took the stone?

At Dr. J. P. Epps was given to him
for seeing to stone, of 1879

To W. R. Oment I gave it to some
person, I charged myself with
it and I assigned it to somebody

W it is most charged on the state though
 15 to 16 J. Alex. Murray Pittsburg I
 received one each for it

Q Did you give it to him?
 Answer: Yes

Q What is the amount?
 A I had not that one.

Q But what?
 A But no.

Q You gave that away for horses?
 Answer: Yes

Q What notes did you give away?
 A My Pray & Stanley Junior Chicago
 Q Did you never have a present of
 that?

Answer: No

Q Did he make you a present of anything?
 A I don't think he did, he may have.

Q Did he not give you horses?

A He may have I won't swear positive

Q Don't you know as a fact he
 did me my present?

A I don't know it as a fact,

Q What else?

A 59 I O Purching A B Pitching
 You that not given him for the
 more of his base for a meeting
 A 400 I paid for the base the base
 as a used for a meeting of the
 aggregate, there may have been
 703 issued by the Arnold I paid
 the names on a piece of paper
 to go to my family. We have to
 put them on a table. I am under
 the impression there were some
 sent to Fortis who are names are
 not on the table. I am under
 the impression that he goes are
 to be used. As I think to miss
 opening of Lancaster I may be
 mistaken about that. I remember
 of our letters.

You now will you point out and
 say how many of these certificates
 you gave for advertising after your
 own possession of the book from
 certificate 99?

The certificates charged to me

same given away. I said before
 the same man was in my possession
 but before the same took into my
 possession Mrs Sharp gave me 3
 shares. My charges were with 3 shares.
 And I gave one to Mr. Brown. the proprietor
 and the owners And I gave one to the
 Pott's long leader & I gave one to
 Mrs. Harrison and a partner

Of what paper?

A Commercial Gazette

Q Did you give any other shares to
 any persons connected with the
 newspapers?

A Not to the best of my knowledge.
 Q Those three shares you gave are shares
 which have been raised to you by
 some charges to you by some an
 account?

A No Sir I had 3 other shares

Q What did you do with the other 3?

A They were given to my friends

Q Which 3 shares are they? are they
 numbered after the 99

A Home. married a man.
 Q So that the 3 shares you paid for
 you bought? you gave to your niece
 instead of a daughter.

A Yes Sir

Q And I ask you to give it to you for
 a daughter's purpose. Did you
 not pay for it And then you gave
 it to your niece?

A Yes Sir

Q And I ask you as a fact as you
 proposed to give stock to the news-
 papers for influence and I don't
 refuse to bear any portion of your
 expenses And did I not charge it to
 you?

A Yes Sir I was acting as your agent?

Q As my agent you took 3 shares
 to give to the newspapers And didn't
 pay for it And then gave it to your
 niece?

A Long afterwards. the 3 shares you
 gave were for the newspapers.
 I paid you for.

Q If you say I gave you 3 shares to give
to 3 newspapers?

A The same day or.

Q If you received the cash for yourself
of above 104 shares?

A Yes, sir.

Q Did you give any other of these shares
above to any person on account of
the advertising?

A I gave 135 to O M Clark, an agent
Pennsylvania he is a reporter for
the Standard.

Q Do you see you gave?

A I don't remember of any more.

Q How the extent of the money that you
paid for advertising that has
been 3 shares at 30 dollars.

A Now I gave 3 shares and paid for
that last, I paid the reporters cost
in place of the 10 dollars that
I gave in stock to my friends.

Q That was an expense for advertis-
ing?

A Yes, sir.

If I what is it and you pay that 10 dollars to?

A I don't remember now.

If I have your attention to the paper the address is of date of 26th of March 84. Now I want you if you ever saw it. Now I want you if you ever saw it.

I have to

By the way

If you can see the terms of the receipt before?

A yes sir but I think I have a bit in the German National Bank. I don't recognize it I want to the bank that they said this was your father's. Now I have nothing to do with them. Now I want out and while I was in Germany there was a notice sent to my place that there was a draft there.

If what reason did you give if any before the audience in Geneva? But why did you not pay that

350 dollars?

If I agreed to pay it upon the ground that you had agreed to the same and the contract with me you were only to receive 250 dollars. We are pleased if that you insisted upon the you were committed and that could come to the courts. We you did not do it. We are sorry I must write to the Costa House. We he showed me an order for \$1000.00 and was to pay over the money to the syndicate. Mr. Boyce was present.

By Mr. White were present of the syndicate board?
Answer,

Yes, was it Mr. White said this after the meeting at the Everett Hotel in December 86 during the progress of that meeting. Mr. White came to me and told me this, this was the last meeting in December.

If this was the last meeting in December.

was it?

Answer: Sir

If you referred to paying it in July 1883?

Answer: Sir

If you say that you were advised with that
material in writing by Mr. White?

A Mr. White read the material to me
he gave me the written material to
read and I gave it back to him.

If I did not Mr. White call upon
you on that occasion in answer
to your proposition that you were
ready to pay the money over to
the advisory board? And not to me
A. I brought the money to my office
and authorized my attorney to pay
it and my attorney authorized me
not to pay it until everything was
properly settled.

If I did not Mr. White inform you that
he was authorized by the board to
show you a resolution authorizing
me to receive the money from
you?

0777

119

Wm. A. A.

Q/Did you pay it to me?

A/Yes I gave Mr. McCreary 250 dollars

and brought several hundred dollars worth of my own

Q/In December last when you gave that 250 to Mr. McCreary, where was the other 500?

A/In my pocket. Mr. McCreary said that if they would carry over then that suit 250 dollars would be due. And I gave over 250 dollars at that time.

Q/Where did you get the money from that you had in your pocket?

Answers to

By the Court

Continued

Q/Since you made this complaint against me have you been offering this stock for sale?

Answers to

By the Court

Continued

Q Between the 10th of July last and
the date of this paper in regard
have you been selling or advertising
or offering to sell that stock?

A I offered to sell and refused to sell
any of the stock until he entered
into the contract provisionally with
my attorney

Q To whom?

A I said I was to sell them to him
for 50 dollars each if the contract
was carried out, I never authorized
or paid attention.

Q Was it returned to you?

A Yes

Q Upon your telegraphic order?

A Yes

Q If you say you demanded the stock
to be returned?

A Yes

Q Did you propose to return the money
to those who had paid it to you?

A Yes to

Q By the United States

89.

If Mr. Corbett you acted as attorney in
fact for people that are litigants
in this matter?

A. Objected to

By the Court

Obstained

If Do you know Julius Ponkani?
Answer

If Do state the person that, that is
addressed to (showing)

Answer

If And you send me that paper (showing)
Answer

If And that (showing)
Answer

If ^{any} this?
Answer

If ^{any} this?
Answer

If I call your attention to the fact
that the words Indesmenus has
been reprinted so as to make the
sentence read the metropolitan
national bank ^{and} read the Index

mens bank instead of Pittsburgh
Adgersas.

Q^u That money could not be drawn
without a petition unless it were drawn
on a fund alien?

Answered:

Q^u Have you on July found clear drawn
any of that money?

Answered to

By the Court

Sustained

Q^u Are you today presenting that
suit?

Answer: the bill of Equity has been
filed in the United States Court
Q^u Have you before commencing
this action against one ever
published or said that Roscoe
Connelley was your counsel or
not?

Answered to

By the Court

Sustained

Q^u Have you at any time written said

as furnished that Roscoe Conklin
 was one of your counsel in the
 matter of the Heron transaction
 I have a written contract with my
 attorney to engage him if they
 pay for it. Chas P Cooley was my
 counsel. I have a written contract
 with him.

I have you ever said that Roscoe Conklin
 was your counsel and so furnished
 it?

A. Roscoe Conklin never said directly that
 he was my counsel.

I have never mentioned it?
 And so

I call your attention to that paper
 Pittsburg Press dated August 10th
 and call your attention to the article
 headed in it there is millions
 in it who sent that paper?

I think I sent that paper

I now call your attention to the
 article millions in it concerning
 the statement the Chinese story

32

is that reported true or not?
 objected to it

By the learned

Prothonotary

Paper appeared in Evidence Ex 11.

Q And the reporter report you correctly
 in that sir?

Answer

Q I call your attention to the Pittsburgh
 dispatch August 9 1857 did you
 read that?

A I cannot answer to it

Paper appeared and admitted in evidence
 Ex 12.

Q Do that statement true gone to New
 York to begin the Harlan case
 is that statement substantially
 correct?

A That is not correct.

Q Do that the reader paper to whom
 you gave some silver?

Answer

Q Do you mind this Mr. Oakes of
 Hastings Ontario?

58.

Answer

Q Did you pass on his channel?

A I preached in the Methodist Church
of New York. It is a member.

Q You stayed some days at his house?

Answer

Q His daughter made you a present
of a copy?

Answer

Q You know him to be a member of
the advisory board of the syn-
dicate?

Answer I think he is.

Q You know that he is a stock
holder?

Answer

Q Did you offer to subscribe in
Canada at his house and at
Amherst and Belleville that if
he would obtain the syndicate
and keep you you would give him
one half of the 2000 that you got?

Objected to

Q By the Court Sustained

Q/ Has Corbett been you at any time
received a call to preside a meeting
of the board of trustees of the
syndicate with a view to have one
displaced as trustee?

A I have no knowledge of such an
arrangement.

Q/ Has you had a conference with
John C. Sullivan the president on
that topic?

A I don't remember of any such
conference.

Q/ Will you state how that bank^{and}
see how much money you
have received from persons
in account of that stock?

A I judge I paid 200 shares payable
along this.

Q/ ^{and} for more than 10 dollars a
share?

A No sir for all that I paid I got 10
dollars a share.

Q/ You didn't receive more than 10 dollars
Answr.

55

Q What have you received for the 9.10 share
of stock at 10 dollars a share?

A \$900 was the cash value of the stock
and \$800 of that was for commissions

Q Is that all?

A So you agreed and agreed as for that
I had 32 shares of that stock. 320 dollars
10 shares that I gave away and did
not get cash for. The receipt
I received from Mrs. Shupe for 250
dollars that shows a balance of
\$330 dollars which I have.

Q Then all the money that you received
is how much from the people that
you were paid for the stock?

A \$580

Q How much of that have you paid
out to me or anybody else?

A \$250 dollars

Q And how much is there in your
hands now?

A \$330 dollars

Q And how long has that been in your
hands?

56

A In my hands ever since Decemr
18 1885.

If you had it when that draft was made
upon you for 200 dollars.

Answer: I refused to pay it under
a protest of my account, because
the contract was not carried out.
Case closed.

0787

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before August J. White a Police Justice
of the City of New York, charging Walter H. Shuppe Defendant with
the offence of Rebel

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

We, Walter H. Shuppe Defendant of No. 130
Park Road Street; by occupation a Trustee
and Henry Nichols of No. Carnegie Deuman Co.
Street, by occupation a Shake Surety, hereby jointly and severally undertake that
the above named Walter H. Shuppe Defendant
shall personally appear before the said Justice at the 130 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York, the sum of Five
Hundred Dollars.

Taken and acknowledged before me, this 31
day of November 1888

August J. White POLICE JUSTICE,

Walter H. Shuppe
Henry Nichols

0788

CITY AND COUNTY OF NEW YORK, ss.

Henry Nicholas
Served before me, the
Police Justice.

the within named Bail and Surety being duly sworn, says, that he is a *proprietor* and holder within the said County and State, and is worth *one* Hundred Dollars exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *lands in Carmel*

Sutnam County, New York known as
Nichols property of the full
value of One thousand dollars
Henry Nicholas

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs,

Undertaking to appear during
the Examination.

Taken the day of 188

Justice,

1st District Police Court

City & County of New York ss.

William H. Covert, being duly sworn, deposes and says that he is a citizen of the State of Pennsylvania temporarily, residing at the Astor house, in the first Ward of this city and County. That he is a clergyman by profession.

That on or about the 29th day of December, 1886, one Walter H. Chape, residing in said city and County, did publish, and print, or caused to be published and printed, in said city and County, on or about the date aforesaid, a printed sheet, entitled the "Advocate Extra" "Harlem Commons Syndicate" "Third Annual Meeting" New York December 29th 1886 "Trustees Third Annual Statement."

That said printed sheet did contain, a malicious printed publication, which exposed this deponent, to hatred, contumacy, and ridicule, or obloquy, and which caused or tends to cause deponent, to be shunned or avoided, and which has a tendency, to injure deponent in his occupation, which said malicious printed publication describes deponent, in the following language, to wit:

Exhibit the said printed publication also, that said malicious printed publication as aforesaid, contains among other references, to deponent, the following words, to wit:

In business matters
he is incompetent, in
morals he is without prin-
ciple, and is unworthy
of any consideration, cre-
dit, or association with
honest men, and virtuous

common, touch him not."

That said publication also contains the following in reference to deponent:

First. That he will return to James H. Dorian, of Houston, entire, the money that he has wrongfully taken from him in the matter." Meaning and intending, and by innuendo, thereby meaning and intending to impute, and thereby imputing to this deponent, that he was guilty of the crime of Larceny.

Second. That he will replace the \$750. trust funds with interest and costs".

Meaning and intending, and by innuendo, thereby meaning and intending, to impute, and thereby imputing, to this deponent, that he was guilty of the crime of Larceny.

Third. That he will answer the proper authorities for

his conduct, under the Penal Code, the New York. Meaning and intending to impute, and thereby meaning, and intending to impute, and thereby imputing to this deponent that he had been guilty of a crime, under the Penal Code of the State of New York under which he could be compelled to give bail.

That deponent further states the said extracts above set forth from said publication, are published and printed, under the printed name of said Walter H. Chape, and are false, malicious and defamatory, and against the form of the Statute made and provided, and deponent therefore prays said, Walter H. Chape, may be apprehended and dealt with as the law directs.

Overlooked

I have the honor to be
Yours truly
J. M. Smith

Wm. H. Chape
J. M. Smith

0793

Sec. 151.

Police Court 1st District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
 Justices for the City of New York, by John R. Corst
 of Astor House Street, that on the 30 day of December
 1888 at the City of New York, in the County of New York,

Walter H. Shupe did
publish and print a certain Malicious
and seditious libel, to wit:
John R. Corst

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
 Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him
 forthwith before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence
 or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
 be dealt with according to law.

Dated at the City of New York, this

30 day of December 1888
Charles J. White

POLICE JUSTICE.

0794

Police Court / District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm R. Covert

vs.

Walter H. Shupe

Warrant-General.

Dated Dec 30 - 188 6

White Magistrate

Wood Officer.

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

A. Wood Officer.

Dated Dec 31 - 188 6

This Warrant may be executed on Sunday or at
night.

Police Justice.

58 Mr.

W.

MS.

Publisher

m

Yrs

120. Park Ave

Dated

188

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

The within named

Police Justice.

0795

Sec. 198-200

10th

District Police Court.

CITY AND COUNTY
OF NEW YORK

Walter H. Shupe 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. *Walter H. Shupe*

Question. How old are you?

Answer. *58 years*

Question. Where were you born?

Answer. *Ohio*

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

Answer. *120 Park Row two months*

Question. What is your business or profession?

Answer. *Inspector*

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*

Walter H. Shupe

Taken before me this

day of

Police Justice

0796

BAILED,

No. 1, by

Alvin Nichols

Residence

166 E 81st St

Street

No. 2, by

Residence

Street

Street

Street

Police

District

THE PEOPLE, &c.

vs.

Alvin Nichols

Defendant

Magistrate

188

Offence

Dated

May 20, 1889

188

Alvin Nichols

Magistrate

Alvin Nichols

Officer

Alvin Nichols

Officer

Witnesses

No.

May 20, 1889

Street

No.

May 20, 1889

Street

No.

May 20, 1889

Street

No.

May 20, 1889

Street

No.

May 20, 1889

Street

No.

May 20, 1889

Street

ing to me by the within depositions and statements that the crime therein mention

and that there is sufficient cause to believe the within named

Alvin Nichols

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

Dated

May 20, 1889

188

A. J. White

Police Justice.

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

Dated

May 20, 1889

188

A. J. White

Police Justice.

There being no sufficient cause to believe the within named

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

Dated

188

Police Justice.

POOR QUALITY
ORIGINAL

0797

BAILED,

No. 1, by

Wm. Nichols

Residence

166 E 81st St

Street

No. 2, by

Residence

Street

Street

Street

Police

District

THE PEOPLE, &c.

CHIEF CLERK

167

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

Offence

Dated

May 20 1889

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

188

Justice of the Peace

Magistrate

Officer

Witnesses

No.

May 20 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

No.

May 13 1889

Street

ing to me by the within depositions and statements that the crime therein mentioned
and that there is sufficient cause to believe the within named Defendant

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

Dated May 20 1889 A. J. White Police Justice.

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

Dated May 20 1889 A. J. White Police Justice.

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

Dated _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0798

COURT OF GENERAL SESSIONS.

-----X

The People

vs.

Brief on Demurrer.

Walter H. Shupe

-----X

The indictment charges the defendant with the malicious publication of a libel of and concerning one W.R. Covert.

The matters set forth charge in substance Covert with being a "pulpit prostitute" -

Again the article proclaims an intention to debar Covert from appearing at the annual meeting of the Harlem Syndicate until he should have given security to return money which he had "wrongfully taken" - and had replaced "the \$750. trust funds" - and "should answer the proper authorities for his conduct under the Penal Code" &c. &c.

The concluding portion of the article is as follows:

"In business matters he (meaning Covert) is incompetent. - In morals he is without principle, and is unworthy of any consideration, credit or association with honest men or virtuous women - touch him not."

By Section 242 of the Penal Code, a libel is defined to be a malicious publication by printing &c. "which exposes any living person to hatred, contempt, ridicule or obloquy, or which causes or tends to cause any person to

**POOR QUALITY
ORIGINAL**

0799

be shunned or avoided".

If the matter set forth in the indictment, or any part thereof upon its face comes within the above description, it is libellous per se, and no innuendo to explain its meaning is necessary under Section 289 of the Criminal Code.

It is undoubtedly true that an innuendo is still necessary and essential in an indictment to explain an ambiguous expression claimed to be libellous and defamatory, and that its absence in such case renders the indictment fatally defective."

People v Isaacs. I. N.Y. Cr. 152.

But we respectfully submit that in the present case there is nothing ambiguous in the matters set forth.

The question in this case is simply this: Is the matter per se against the complainant Covert. If yes, the indictment should be sustained and judgment given for the People upon the demurrer.

See above case, 151.

If the matter set forth in the indictment herein is not libellous per se we can see no way of explaining its meaning or rendering it libellous by way of innuendo. We cannot extend the meaning of the matter; for that is not the purpose of an innuendo, and if the court shall hold that the matter itself as set forth, or any portion thereof is not within the description defined in Section 242 this prosecution must fall.

**POOR QUALITY
ORIGINAL**

0000

The demurrer should be overruled and judgment ordered
thereon in favor of the People.

Randolph B. Martine

District Attorney.

POOR QUALITY
ORIGINAL

0801

Atty. General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Walter H. Shapiro

Brief On
Demurrer.

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

POOR QUALITY
ORIGINAL

0002

Telephone No. "333 John."

Law Offices of
Morgan J. O'Brien,
20 Nassau St.,

MORGAN J. O'BRIEN.
HORACE K. DOHERTY.

New York, May 29 1887

People
vs
Walter H. Shupe } Indicted for libel.

Dear Mr. Sample:

The dept in above case
is anxious for a speedy trial,
& if possible wishes the case
tried next week. Can the
case be set down for trial
for some day soon?

With kind regards-

Yours sincerely,
Peter A. Hendrick

POOR QUALITY
ORIGINAL

0003

Proff

v

Walter H. Thayer

Richard

POOR QUALITY
ORIGINAL

0004

Court of General Sessions.

.....
The People

-vs-

Walter H. Shupe.
.....

Defendants Brief.

I. The indictment does not purport to state the exact words of the libel. They are only set forth "according to their tenor and effect". It is undoubtedly the case that in the Courts of other states and in England, the word "tenor" has been considered as being equivalent to "the exact words"; but in this State it has no such sense, and is construed as having the meaning attached to it in its ordinary acceptation which makes it only synonymous with "purport" (Websters Dic.).

In Wood v Clark 2 Johns 10,12 the Court say: "With respect to declaiming it has been repeatedly resolved that 'it is not sufficient to set forth the tenor, effect or import of the words used.'"

That the exact words must be set forth is too well settled to admit of argument.

The fact that the words set forth are in quotation marks does not affect the question.

Commonwealth v. Wright / Cushing et al

**POOR QUALITY
ORIGINAL**

0005

2

II. All that portion of the indictment which relates to the portion of the publication after the first part referred to is insufficient and fails to charge any offense for the reason that it fails to charge that, this latter matter was published "concerning the said William R. Covert".

The indictment stripped of verbiage charges simply that the defendant published in a certain paper, a libel concerning Covert in one part thereof. (that is, of that paper) and then attempts to set out what that libel was.

Having finished with that libel it then attempts to set forth that in the same paper there was another libel, but it does not state that this second libel was published concerning any one. This was held to be a fatal defect in *State v Bronlow* 7 Humphrey (Tenn) 63.

III. As to the first so called libel, the words charged "the pulpit prostitute" are not of themselves libelous. They do not import either a crime, or that the party has a contagious disease. Nor is it possible to make out what they do mean. Such being the case, it was required that an innuendo should be added showing what it was claimed was the meaning to be attached to them, if for no other reason, to enable the defendant in justifying to know what facts he was required to prove.

People v Isaacs 1 Connolly & Milas 148.

**POOR QUALITY
ORIGINAL**

000000

3

IV. Assuming for argument's sake that the Court will not sustain our second point still the matters secondly set forth are insufficient.

I. As to the larger portion thereof when taken together, it charges the defendant with falsely saying that Mr. Covert would not attend a certain meeting or if he did so it would not be except on certain conditions. If any other sense was intended the proper innuendo should have been used. (People v Isaacs, supra.)

2. In any event the specification of these conditions did not constitute a libel.

People v Isaacs (supra)

Brooke v Coffin 5 Johns 138.

3. In respect to the words near the end charging the said Covert with being incompetent in business matters, and without principle or morals -

As to the former, as there is no claim that Covert was in any business the words did not have any relation to any business and were not actionable per se. As to the latter no fact is stated existing outside of the mind of the party complaining.

In a careful examination of all authorities, we have been unable to find a case where it has been held libelous to charge with words anything except a fact which would admit of proof by way of justification. A man may be without principles in morals, and yet from fear of the law never

**POOR QUALITY
ORIGINAL**

0007

4

have committed an offense against it. Every day men are brought before this Court who for years must have had most depraved minds, and yet their conduct was above all suspicion - A single crime exposing that which for a life time had been kept in hiding.

To libel a man therefore, a palpable fact must be asserted rather than a mere bent of mind. It has, therefore been held libelous to say of another that he is of bad reputation, because the fact in that respect can be established

(Cooper v Greely) 1 Denio 347, but nowhere so far as we have been able to discover has a charge relating to a mere bent of mind been adjudged libelous.

The demurrer should be sustained.

Respectfully submitted.

George H. Thompson
LaRozel Love

POOR QUALITY
ORIGINAL

0000

General Sessions Court.

The People

Plaintiff

against

William H. Thayer

Defendant

Defendant's Brief

FOSTER & STEPHENS,

Attorneys for Defendant

132 NASSAU STREET,

NEW YORK CITY

To

Esq.

Attorney for

Due and timely service of a copy of the within

is hereby admitted.

Dated

188

Attorney for

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

The People of the State of New York
against
Walter W. Shupe

The defendant, hereby
demurs to the indictment in this action,
and specifies the grounds of objection
thereto as follows: That the facts therein
stated do not constitute a crime.

Walter J. Foster }
George W. Stebbins }
Counsel for Defendant

POOR QUALITY
ORIGINAL

08 10

County of Grand Jurors Court.

City of New York.

The People vs.

Plaintiff

against

Walter H. Stephens

Defendant

Demurrer

FOSTER & STEPHENS,

Attorneys for defendant

132 NASSAU STREET,

NEW YORK CITY.

To Randolph B. Westcott Esq.

Attorney for District Attorney

Due and timely service of a copy of the within

is hereby admitted.

Dated 188

Attorney for

C. B. MERWIN PRINTER 218 FULTON ST. N. Y.

Respondent to leave this
day given the defendant
hisly demure to the
indictment herein

Dated August June 1st 1887

Foster & Stephens

Attorneys

POOR QUALITY
ORIGINAL

0011

DIRECTIONS.

The Grand Jury Rooms are in the third story of large brown stone Building in Chambers Street, near Centre Street, adjoining the New Court House in the Park.

When you arrive at the witness room, hand this Subpoena to the officer or Clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF
GENERAL SESSIONS.

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

ASK to see Mr. Bedford
At 11 1/2 o'clock A.M.

To

of No.

Mr R. Covert

Astor House

Street

YOU ARE COMMANDED to appear before the Grand Jury of County of New York, at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of March 1893 at the hour of 10 1/2 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Walter A. Schupke

Dated at the City of New York, the first Monday of
in the year of our Lord 1893

DE LANCEY NICOLL, District Attorney.

POOR QUALITY
ORIGINAL

0012

The Grand Jury calls witnesses in whatever order the Foreman pleases. The Foreman knows best for the public good. If you wait patiently on the day of attendance until your turn comes, it may save you waiting hereafter.

If it is very inconvenient for you to attend on the day designated, let the District Attorney's Officer or Clerk in the witness room know this at an early moment.

If you do not obey this Subpoena, or do not explain your absence, the Court will enforce your attendance by attachment, and fine you.

If you are ill when served, send timely notice of that fact to the District Attorney.

If other witnesses in this case are called, and another ~~case~~ taken up, you may know—unless otherwise advised—that the Grand Jury do not care to examine you; and you may then retire, mentioning your withdrawal to the officer or clerk.

If the Grand Jury adjourn, and you have not been called without explanation, inquire of the Chief Clerk in the District Attorney's office, if you are wanted again and where.

Not there & does
not know of any
such man. Could
give no further
information

POOR QUALITY
ORIGINAL

08 13

Court of General Sessions.

THE PEOPLE

vs.

Walter H. Schuppe

City and County of New York, ss:

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the

City and County of New York. On the

I called at

Joe H. Shannon being duly
217 Mulberry
7th day of March 1893
Astor House

the alleged

residence of Wm. R. Covert.

the complainant herein, to serve him with the annexed subpoena, and was informed by

the clerk of the Astor House
that no one of the name of
Wm. R. Covert resided there
& he could not give me
any information in regards
to him

Sworn to before me, this

day

of

March

1893

John J. Buckley
Cm. of the City of New York

Joe H. Shannon
Subpoena Server.

POOR QUALITY
ORIGINAL

08 14

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Walter H. Schupke

Offense:

~~JOHN R. FELLOWS,~~
Deputy District Attorney.

Affidavit of

for H. Shannon

Subpoena Server.

Failure to find Witness.

POOR QUALITY
ORIGINAL

08 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Walter H. Sturge

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

— Walter H. Sturge —

of the CRIME of Libel, —

committed as follows:

The said Walter H. Sturge,

late of the First Ward of the City of New York, in the County of New York afore-
said, on the Twenty-ninth day of December, in the year of our Lord
one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid,

maliciously and maliciously continuing
and intending to vilify and defame one
William R. Robert, and to bring him
into public scandal and disgrace, and
to injure and oppress him the said
William R. Robert, and to innuendo
and cause it to be believed that the said
said William R. Robert was a person
of evil disposition and wicked ways and
had been guilty of divers crimes and
offenses, did maliciously and maliciously
publish, and cause and procure to be
published, in a certain printed paper,
sheet and publication called "The
Advocate Extraordinary of the Commonwealth

Syndicate. ~~Third Annual Meeting~~
New York, December 29, 1886. Surtees
"Third Annual Statement," a certain
false, scandalous, malicious and defam-
atory libel of and concerning the said
William R. Conant, containing therein,
among other things, certain false,
scandalous, malicious and defamatory
and libellous words and matters of and
concerning the said William R. Conant,
that is to say: in one part thereof
according to the tenor and effect
following, that is to say:

Impressed by that narrow escape
from the awful fate of a dead lawyer, I—
well, I reformed, and have not picked a
pocket, stole a horse, or burglarized a
spring-house or hen-roost since, but I
have been in bad company, — with Hooker,
the genealogy fraud, Covert, the pulpit
prostitute, (meaning the said William R.
Conant) Emery, the never-do-well tooth-puller-
statesman, and Martin, the pollwag lawyer,
of Newcastle, Pa. A pollwag lawyer is one who
knows how to get a \$1,500. fee, but the
don't know how to earn it.

and in another part thereof, according to
the tenor and effect following, that is to say:

Mr Conant (meaning the said William R. Conant)
says that "personally or by counsel, he will be at

the annual meeting, and ask to be heard;" - he (meaning the said William R. Conant) will do no such thing till after he (meaning the said William R. Conant) has given approved security to proper authorities for three matters:

First. - That he (meaning the said William R. Conant) will return to Jas. H. Stringer, of Hastings, Ontario, the money that he (meaning the said William R. Conant) has wrongfully taken from him in this matter.

Second. - That he (meaning the said William R. Conant) will replace the \$750. trust funds, with interest and costs.

Third. - That he (meaning the said William R. Conant) will answer the proper authorities for his (meaning the said William R. Conant's) conduct under the Penal Code of New York.

After this is done - and it will be done if he (meaning the said William R. Conant) comes, or he will stay awhile - he (meaning the said William R. Conant) will not be admitted to the meeting, or, if he (meaning the said William R. Conant) be admitted, no business will be done till he (meaning the said William R. Conant) goes out, or is put out - no unworthy person, if known, will be admitted, any one belonging to the syndicate who wants to can withdraw and follow him (meaning the said William R. Conant) no one who follows him (meaning the said William R. Conant) can join or stay in the syndicate.

In business matters he (meaning the said William R. Conant) is incompetent - in morals he (meaning the said William R. Conant) is without principle, and is unworthy of any consideration, credit or association with honest men or virtuous women - touch him not.

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

Donald J. MacArthur

District Attorney.

00 19

END
ROLL