

0463

BOX:

162

FOLDER:

1657

DESCRIPTION:

Bagge, Albert

DATE:

01/06/85



1657

0464

Witnesses:

Frank Beach
294 Canoe St

James Graham
15 Bond St

Wm Keller (previously)
Counsel,
Filed *July 7/95* 1885
Pleads *Not guilty*

THE PEOPLE
vs. *R*
Grand Larceny 2nd degree
[Sections 528, 531 Penal Code]

Albert Bagge

RANDOLPH B. MARTINE,
~~PEPPER B. OLNEY~~
District Attorney.

A True Bill.

Wm W. Watson
July 7/95 Foreman.
Attends Court
Sp. R. 2 1/2 of para. 8,
July 7/95

0465

Police Court—21 District.

Affidavit—Larceny.

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

Frank Roach
of No. 29 1/2 Canal Street, aged 44 years,
occupation Hotel Clerk being duly sworn
deposes and says, that on the 4 day of January 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

one imitation watch & washed
chain value five dollars
one gold topaz ring value
fifty dollars
one pair gold cuff buttons
value ten dollars

all of the value of sixty
five dollars
the property of Complainant

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 Albert Bagge (now present)
from the fact that said
Bagge, was found loitering
in the hotel about 2 o'clock
in the morning, having a
suspicion that the property
missing was taken by said
Bagge, officer Patrick Mc
Cormac of the 8th Precinct
Police arrested and informs
deponent that he found
the property as above described
in said Bagge's possession

Frank Roach

Subscribed and sworn to before me, this
day of January 1885
of New York
Police Justice.

0466

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick W. Cosgrove
aged 26 years, occupation police man of No.

128 Prarie Street, being duly sworn deposes and

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

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

Sworn to before me, this 7
day of March 1885

Patrick W. Cosgrove
Deputy
Police Justice.

0467

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss

Albert Bagge 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

Albert Bagge

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Sweden

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

Answer.

In home

Question. What is your business or profession?

Answer.

Mailman

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

Answer.

I have nothing to say

Albert Bagge.

Taken before me this

day of

188

Police Justice.

0468

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

Albert Bagge

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.

Samuel L. Duff
Dated

188

Police Justice.

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

Dated 188

Police Justice.

There being no sufficient cause to believe the within named

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

Dated 188

Police Justice.

0469

Police Court-- 2 District. 8

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Rouch
294 Canal St
Albert Bayge

Offence
Larceny

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated 1895

Magistrate.

Officer.

Precinct.

Witnesses James Parker

No. 15 Bond Street.

No. Street,

No. Street,

\$ 500 to answer Sessions.

Cm

0470

Mr Judge

Wednesday Jan 7th 1885-

The Reverend Patrick
Morantha will have to take a plea
to the charge as I was in the ship's
company at the time it happened and
I am innocent of the charge that
I am pleading guilty to as I have
now means to hire a Lawyer to defend
me I leave myself in the mercy
of the Court

Yours

Patrick Morantha

0471

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Bagge

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

Albert Bagge

of the CRIME OF GRAND LARCENY in the ~~second~~ degree, committed as follows:

The said Albert Bagge,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the ~~fourth~~ day of ~~January~~ in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,

one watch of the value of
four dollars and fifty cents,

one chain of the value
of fifty cents, —

one ring of the value of
fifty dollars, —

and two gold buttons of
the value of five dollars
each, —

of the goods, chattels and personal property of one Frank

Reach, —

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.

Randolph A. Martine

District Attorney

0472

BOX:

162

FOLDER:

1657

DESCRIPTION:

Barritt, Charles

DATE:

01/30/85



1657

0473

In view of the death of the chief witness for the prosecution Fred. B. Churchill I am satisfied no conviction could be had here and I doubt if a conviction could be had in any event upon the facts as they are now set forth to me by all parties concerned. I recommend that within indictment be dismissed.

N.Y. April 12, 1886.

Randolph B. Martine
District Attorney

See Affidavits of Joseph H. Weller, John Sparhawk Jr. and George Richards herewith filed.

1244 (124)

Counsel,
John H. McChesney
Geo. Ripley,
Filed 30 day of Jan 1886
Pleads, Mark W. McChesney

THE PEOPLE
vs.
Charles H. Barritt
[recess]

RANDOLPH B. MARTINE,

District Attorney.
Res. on Ind. of Kelly
Reasons for Dismissal

A True Bill.

[Signature]

Foreman

Guilty

\$100.00 - fine

Indictment dismissed

Witnesses:
F. B. Churchill
43 Park Row

W. J. McChesney
357 Broadway

Bailed on 1st
indictments by

William S. Dunn,
of H. C. Chaplin &
140 Church Street

Wich

0474

Police Court— / District.

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

John F. Mitchell
of No. *Green* attached to *28* years,
Occupation *Police Officer* being duly sworn
deposes and says, that on *29* day of *December* 188*8* at the City of New
York, in the County of New York, *in the night time*
he was violently and feloniously ASSAULTED and BEATEN by *Vincenzo*
Battiste (now present) who
first fired off a pistol
at deponent loaded
with powder and ball

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

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

Sworn to before me, this *29* day }
of *December* 188*8* } *John F. Mitchell*
[Signature] Police Justice.

0475

Sec. 198—200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

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

Question What is your name?

Answer

Vincenzo Battiste

Question How old are you?

Answer

32 years

Question Where were you born?

Answer

Italy

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

Answer

117 Baxter St (resided there 2 yrs)

Question What is your business or profession?

Answer

Labour

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

Vincenzo X Battiste
mark

Taken before me this

day of *March* 188*9*

Police Justice.

0476

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

Vincenzo Ballisto

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

Dated

December 29

188

[Signature]

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.

0477

BAILED,

No. 1, by _____

Residence _____ Street, _____

No. 2, by _____

Residence _____ Street, _____

No. 3, by _____

Residence _____ Street, _____

No. 4, by _____

Residence _____ Street, _____

Police Court--1 District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John F. Mitchell
6th Precinct
Vincenzo Battista

2 _____

3 _____

4 _____

Dated *December 29* 188*4*

Wm. F. Mitchell Magistrate.

J. F. Mitchell Officer.

6th Precinct.

Witnesses *Wm. Fearon*

No. *125- Bay Ave* Street.

No. _____ Street,

No. _____ Street,

\$ *1000* to answer *Wm. F. Mitchell*

0478

CORRECTION

0479

BOX:

162

FOLDER:

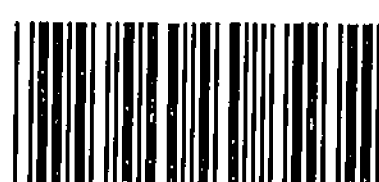
1657

DESCRIPTION:

Barritt, Charles

DATE:

01/30/85



1657

0480

Witnesses:

J. E. Churchill
43 Park Row

W. J. Sherry
357 Broadway
Bailed on bond
indictments by
William S. Dunn,
of H. K. Claflin &
140 Church Street
N.Y.C.

B.N. Jan 30. 1885
(124)

Counsel, John H. McDermott
410 Richards
Filed 30 day of Jan 1885
Pleads, et al & al, Mch 23

tr & con
Mch. 23/85
THE PEOPLE
vs. B
Charles H. Barritt
[2 cases]

[Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000]

RANDOLPH B. MARTINE,

District Attorney.

Res. on Ind. of Valley
Reasons Ind. of

A True Bill.

MR. White

Foreman

Bail in bond.

\$10000-

April 1st 1885.

Indictment dismissed

The People vs

vs

Charles H. Barrille.

City & County of New York ss:

Joseph H. Miller,

being duly sworn says that
 he is a member of the firm
 of Jeff. Miller & Co. of New
 York City. That defendant said
 firm received from the said
 Charles H. Barrille the notes re-
 ferred to in the indictment
 herein, in good faith, for
 collateral security for goods
 sold and delivered by them
 to said Barrille's firm, Messrs
 Barrille & Co. of Philadelphia.
 That said notes have since
 been paid or settled for by
 the maker thereof. That the
 charge in the indictment
 herein, noted, as defendant is
 informed and believes solely
 on the statement of one Charles
 H. - who has since died -
 and that there is room for

0482

great doubt as to the manner
in which the said Barritt be-
came possessed of the said
notes - and as to whether the crime
of larceny was committed
by the said Barritt in dispo-
sing of the said notes =

Done to before me

this 7th day of

April - 1886

Andrew Shirley

Notary Public

Kings Co
City of New York

Joseph H. Keller

0483

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 W. Barrett

The Grand Jury of the City and County of New York, by this indictment, accuse Charles W. Barrett

of the CRIME OF *Extortion in the first degree*

committed as follows:

The said Charles W. Barrett,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *Sixth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with *force and arms*, one written instrument and evidence of debt, to wit: a certain promissory note for the payment of money, signed *A. V. Davidson*, and bearing date *Dec. 6th 1884*, and giving a written promise on the part of one *Alexander V. Davidson* to pay to the order of himself four months after the date thereof the sum of *Twenty Five Hundred Dollars* in money for value received, at the *Bank of New York*, the said note being then and there fully satisfied and of the value of *Twenty Five Hundred Dollars*,

0484

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 W. Barrett

The Grand Jury of the City and County of New York, by this indictment, accuse Charles W. Barrett

of the CRIME OF *Extortion in the first degree*

committed as follows:

The said Charles W. Barrett,

late of the *Third* Ward of the City of New York, in the County of New York aforesaid, on the *Sixth* — day of *December*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with *force and arms*, one written instrument and evidence of, to wit, to wit, a certain promissory note for the payment of money, signed *A. V. Davidson*, and bearing date *Dec. 6th 1884*, and giving a written promise on the part of one *Alexander V. Davidson* to pay to the order of himself four months after the date thereof the sum of *Twenty five hundred Dollars* in money for value received, at the *Bovery National Bank* in the City of New York, the same being then and there fully satisfied and of the value of *Twenty five hundred Dollars*,

0485

of the goods, personal property and valuable things of the said Alexander V. Davidson, feloniously did take from the possession of one Fred ~~and~~ B. Churchill, with intent to deprive and defraud the said Alexander V. Davidson of the same, and of the use and benefit thereof and to appropriate the same to his own use, and the same goods, personal property and valuable things did then and there and thereby feloniously steal against the form of the Statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

Randolph B. Martin
District Attorney

0486

In view of the death of the chief witness
for the prosecution, Fred B. Churchill I am
satisfied no conviction could be had herein
and I doubt if a conviction could be had
in any event upon the facts as they are
now set forth to me by all parties concerned.
I recommend that within indictment be
dismissed.
N.Y. April 12. 1886
Randolph B. Martine
District Attorney

1207 (123)
N.Y. Jan 30, 1886

Counsel,
Richard M. Dwyer
Filed 30 day of Jan 1886
Pleads, April 23, 1886

THE PEOPLE
vs.
Charles H. Barritt
(Excess)
Indictment
and 1 con.
Sections 52, 53, 54, 55, 56, 57, 58, 59, 60 Penal Code.

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Foreman

Wm J. Mord
Deputy for Reading
Indictment
Swaps

Witnesses:

Fred B. Churchill
23 Park Row

W. J. Mord
357 Broadway

Bailed on both
indictments by

John S. Dwyer of
S. B. Clayton Esq
140 Church St.

0487

RICHARDS & HEALD,
ATTORNEYS AND COUNSELLORS AT LAW,
62 WALL STREET,

GEORGE RICHARDS,
JOHN OXENBIDGE HEALD,
EICKINSON W. RICHARDS.

NEW YORK, March 26th 1886

Peoples v. Chas. H. Barritt

The Hon. R. B. Martine
District Attorney.

Dear Sir:-

Mr. Nichol# has informed us that
it is your intention to have this action dismissed.
We have submitted to you papers upon which
we think we are abundantly entitled to this dispo-
sition of the case. Mr. Claflin's partner only
agreed to act as bondsman for the year which is
just expiring, and if you can find it possible to
dispose of this matter at an early day we shall es-
teem it a great favor.

Yours respectfully,

Richards & Heald.

(Dictated)

0488

City and County of New York ss.

George Richards being duly sworn deposes and says upon information and belief as follows, to wit;—

I am Counsellor at law for Charles H. Barritt of Philadelphia who was lately indicted for larceny by the Grand Jury of the City of New York. My office is at 62 Wall Street and my residence at 32 West 17th Street in said City.

I am satisfied that said Barritt is not guilty of larceny and my opinion is substantiated by the following facts.— The allegations contained in the complaining affidavit of Joseph H. Weller verified January 2^d, 1885, are true, except the last allegation, namely that Jefft Weller & Co. were the owners of the notes therein described, but while otherwise correct, said affidavit is misleading and incomplete as hereinafter appears.

The \$5635.34 worth of goods bought by said Barritt between November 22 and 28, 1884, were not sold by Jefft Weller & Co. upon the faith or in consideration of the said Davidson notes, nor is it alleged that they were, but upon the credit and promises of said Barritt. The sources of my information upon this point are an interview

0489

with said Weller at which he himself told me so; also the dates of the said Davidson notes which are all subsequent to the times of this purchase; also the allegation of said Weller in his said complaining affidavit which states that said four promissory notes made by said Davidson, were delivered to Jefft Weller & Co. by said Barvitt, December 9th, 1884, nearly two weeks later than the latest date of said purchase.

The \$5635.34 worth of goods so bought by Barvitt were by him sold almost immediately upon their receipt and the proceeds used as hereinafter explained, before the Davidson notes came into existence at all.

A day or two subsequent to December 9, 1884, when the Davidson notes had been submitted to Jefft Weller & Co. as payment for the past purchase of \$5635.34 of goods and for expected future purchases, and before any goods, except the said purchases of November 22 to 28, had been delivered to Barvitt by Jefft Weller & Co., Jefft Weller & Co. came to the conclusion that the said Davidson notes were unsatisfactory and that they would not take them, though they had previously and on or about December 9, 1884, agreed with Barvitt so to do, and on December 12, 1884. they wrote the following letter

0490

to said Barvitt the original of which is in
my possession

" Office of
" Jefft, Weller & Co.
" successors to
" Jefft, Griswold & Co.
" 320, 322, 324, 326, 328 & 330 Broadway
" P.O. Box 1842. New York Dec 12-1884
" Mr Barvitt
" of Gunnis Barvitt & Co.
" Phila.

" Dear Sir
" From information recd, after your
" interview with our Mr Braman yesterday, we
" do not feel entirely satisfied with the security
" left with us and can not, therefore, consistently
" ship the goods as selected. If you wish our
" when next here we will explain more fully and
" only regret that we had not recd the informa-
" tion sooner so as to be able to before you
" left the City and thus have saved you this an-
" noyance.

" Yours truly
" Jefft Weller & Co. "

Said Barvitt very shortly thereafter
called upon Jefft Weller & Co. and saw Mr
Jefft of that firm and also said Weller.
Said Jefft then and there told said

Barritt that the Davidson notes were no good, and that said firm would not accept them, and that if their credit clerk had consulted him about it, he should have declined them in the first place. Barritt replied that if they were not satisfied with said notes, they could return them, and he would take them back, and it was then and there agreed between them unconditionally that they should return and said Barritt should receive the said notes. Barritt had prior to this selected the \$12926.67 worth of goods, no part of which however had been delivered to him. Barritt then and there, by means of his representations concerning his own financial solvency, induced Jefft Weller & Co. to let him have the \$12926.67 worth of goods, simply upon the present security of drafts to that amount upon Gunnis, Barritt & Co., which were accordingly made and accepted in payment for said goods, and the \$12926.67 worth of goods were accordingly delivered to Barritt. The said Davidson notes being up stairs, Barritt left the store of Jefft Weller & Co. without taking them with him, but Jefft Weller & Co. promised unconditionally to return them to Barritt, and subsequently, in accordance with this

0492

promise did return them enclosed in the letter hereinafter described. Barritt expecting to get back the notes, told Churchill that he could not use them and would return them to said Churchill.

The sources of my information are an interview with said Weller at which he told me that said \$12926.67 worth of goods were not delivered to said Barritt by Jefft Weller & Co. upon the faith of the said Davidson notes, but upon the faith of the personal representations of Barritt as to his solvency and upon the faith of the said drafts upon Gunnis Barritt & Co. and also because said Jefft Weller & Co. felt regret at having repudiated their agreement with said Barritt whereby they promised to accept the said Davidson notes and especially as said Barritt had given them to understand that he had taken said Davidson notes himself only to place them with said Jefft Weller & Co.

Further sources of my information are the said drafts upon Gunnis, Barritt & Co. which amounted to the whole sum of \$12000 and upwards, showing that the said Davidson notes were not considered as an absolute cash payment of Ten thousand Dollars, which said Jefft.

0493

Weller & Co. now claim. I know that they claim this because I have seen their account against said Gunnis, Barnitt & Co., signed by them. in which the said Davidson notes of \$10 000 are credited as an absolute payment of \$10 000 cash, and also because their Counsel at law have informed me that such was their claim before its settlement as hereinafter described. A further and important source of my information is the following letter from Jefft, Weller & Co. the original of which is in my possession.

" P.O. Box, 1842. Office of
 " Jefft, Weller & Co.
 " successors to
 " Jefft, Griswold & Co.
 " 320, 322, 324, 326, 328, 330 Broadway
 " New York, Dec 15 1864
 " Messrs Gunnis Barnitt & Co.
 " Philadelphia Pa.
 " Gentleman
 " We have this day made two drafts
 " at ten and twenty days date for \$6364³¹ \$6364³⁵
 " for bills as shown by enclosed statement Order of
 " the North West Bank of this City who will send
 " them for acceptance. This is per arrangement
 " made with Mr Weller.

0494

" Very respectfully yours
" Wm. H. Weller & Co. "

and important.

A further source of my information is the following letter from Jefft, Weller & Co. the original of which is in my possession and which was received by Barritt on or about December 31, 1884. the very day that the first of said drafts upon Gunnis, Barritt & Co. given to Jefft, Weller & Co. in payment of said \$12 000 and upwards of goods. became due. and several days after the said goods had all been sold by said Barritt and the proceeds paid out to his creditors.

" Jefft, Weller & Co.
" 320, 322, 324, 326, 328 & 330 Broadway
" successors to
" Jefft, Griswold & Co.
" P.O. Box 1842. New York, Dec 30th 1884
" Mess Gunnis Barritt & Co.
" Philadelphia.
" Dear Sirs
" Agreeable to promise made to you
" Mr Barritt and after the conversation with
" Mr Weller as understood by Mr Barritt I
" herewith return the notes signed by Mr A. V.
" Davidson & endorsed by you viz—

0495

" 1 Note 11 mos Dec 6 - due Sept 7 - 2500
 " 1 " " " " 10 " Apr 13 2500
 " 1 " " " " 13 " " 16 2500
 " 1 " " " " 17 " " 20 2500

" Thus leaving the % opened. When you
 " Barritt calls as arranged the last of this
 " work we will see him & will explain more
 " fully - Please acknowledge receipt of notes
 " & confer a favor upon

" Yours truly
 " Jefft Weller & Co. "

I particularly request the Hon. District Attorney to compare this last letter of Jefft Weller & Co. admitting that they were on December 30, 1884 under obligation to Barritt to return to him the Davidson notes, "Thus leaving the % opened" with the said complaining affidavit of said Weller by which I think he clearly intended to have you understand that from the 17th day of December, 1884. (if not before) and until the 29th day of January, 1885, Jefft. Weller & Co. were the owners and holders of said notes for value.

When the said letter of December 30, 1884 and the said Davidson notes were received by Barritt, Gunnis, Barritt & Co. and said Barritt were insolvent and

unable to pay the said draft, then just matured, and said Barvitt being then in great financial straits and being distressed that the Davidson notes should happen to come back just when a default on the Gunnis, Barvitt & Co. draft was inevitable, unfortunately, without taking legal advice in regard to this complication immediately returned the said Davidson notes to said Tefft, Weller & Co. without any new benefit to accrue to himself and without changing in the least the position of Tefft, Weller & Co.

Whereafter said Barvitt sought legal advice of John Sparhawk, Jr. a most reputable and highly respected attorney of Philadelphia, Penn. and after the indictment of said Barvitt and his arrest in Philadelphia and extradition to New York had been accomplished at the instigation of Tefft, Weller & Co., he sought legal advice from deponent.

Deponent honestly advised said Barvitt that in deponent's opinion the said Davidson notes did not belong to said Tefft, Weller & Co. and that said Tefft, Weller & Co. were under legal obligations to return the same to said Barvitt, or at his request to the maker, said Davidson, and that

meanwhile he said Barritt was under no legal obligations to account to anybody for any proceeds of said notes for the reason that no proceeds had been received by him or his said firm of Gunnis, Barritt & Co. and that his said firm were still indebted to Jefft, Weller & Co. in the amount of upwards of \$18 000. to wit, for all the goods purchased at the different times from Jefft, Weller & Co.

Deponent based his said opinion mainly upon two considerations; first, that the return of said Davidson notes by said Barritt to Jefft, Weller & Co. was clearly a mistake upon the part of said Barritt and ought legally and equitably to be rectified by Jefft, Weller & Co. who could without any loss to themselves reinstate themselves and said Barritt in the same position in which they were before the mistake was made; second, that under any aspect of the case Jefft, Weller & Co. could do at most no more than claim that they held them as part payment or as collateral security for an antecedent debt, that is, a debt already existing before the time of the delivery of the notes to them, and deponent was and is honestly

of the opinion that such a holding gave no title to Jefft, Weller & Co. as against the maker of said notes who had received no consideration for the same.

Deponent understood and understands such to be the firmly established law of this State as laid down by many adjudications, as for example

Moore v. Ryler 65 N.Y. 1441

Wardell v. Howell 1 W. 114

Duncan v. Gösele 21 How. Pr. 344

Bury v. Coddington 20 Conn. 637

Bank v. Penfield 7 Ham. 281

Bank v. Noxon 45 N.Y. 162

Clark v. Gallagher 20 How. Pr. 308

Bank v. Constock 55 N.Y. 211

Daniells on Neg. Inst. p. 614

Said Barritt accordingly made a demand upon Jefft, Weller & Co. for the return of said Davidson notes under the advice of deponent. but said Jefft, Weller & Co. refused to return the same. Said Sparhawk and deponent so far persuaded said Davidson that the views and facts hereinabove set forth were correct that said Davidson under advice of Morgan J. O'Brien Esq. discontinued an action brought by him against said Barritt for alleged conversion of the said notes by said

Barritt and retained deponent as his. to wit. said Davidson's Counsel to defend him upon the facts hereinabove set forth against any suits which might be brought against him by Jefft, Weller & Co. upon the said notes to collect the same. Said Sparhawk and deponent also persuaded H. B. Chaplin & Co. the largest New York creditor of said Barritt that the charge of larceny against said Barritt could not be sustained and induced Mr Dunn one of the members of that firm to go bail for said Barritt for his appearance at his trial upon said charge of larceny.

Gunnis, Barritt & Co. have for some years been auctioneers in the City of Philadelphia. selling upon commission goods consigned to them. Barritt had been living somewhat extravagantly and found suddenly that he could not meet his obligations upon the consignment accounts. The factor law of Pennsylvania is very stringent. Barritt was also interested in a boiler company in the ultimate success of which he had great faith, but he needed money at once to tide him over his immediate difficulties. To accomplish this he conceived the plan of

0500

getting goods upon credit from H. B. Chaplin & Co. and Jefft, Weller & Co. to stave off the evil day until a more convenient season, and so pressing were his pecuniary necessities arising upon the consignment accounts that he sold some of the New York goods for less than the purchase price.

It is not likely that he would have gone to such houses as Chaplin or Jefft, Weller & Co. the only New York houses that he bought goods of if he had been cooking up a criminal scheme or had not supposed that he could ultimately straighten out his affairs. The claims of H. B. Chaplin & Co., of Jefft, Weller & Co. and of said Davidson, have all been settled and disposed of and the said Davidson notes have been delivered up by said Jefft, Weller & Co. for cancellation.

Upon the conceded facts of this case I do not believe it possible that any jury would convict Barritt of larceny, nor do I believe it possible that without any testimony on the part of the defence the prosecution could make any progress towards proving its case in the absence of the con-

0501

plainant Fred. St. Churchill. to whom it is claimed said Barritt ought to have accounted for said notes or their proceeds, and who is now dead and upon these points I can speak not only as counsel for said Barritt, but also as counsel for said Davidson whose notes were alleged to have been stolen.

Shortly after Barritt's arrest his wife's father, Mr Reeder died in consequence of the shock which that occurrence brought on. About the same time Barritt's wife gave birth to a child which died shortly after birth, and Mrs. Barritt has since continued to be in delicate health in consequence of the facts above related. We are desirous to avoid the

evil effects of any further unnecessary public proceedings and so pray ^{that the action} ~~for a~~ ~~and indictment may be dismissed~~ ~~note~~ ~~prosecution~~. I am not aware of any public interests to which such a proceeding would be prejudicial

Sworn to before me this

24th day of October 1885

James O. Carpenter

Notary Public

New York City & Co.

George Richard

G.R.

0502

The People of
the State of New York

against

Charles W. Barnett

Affidavit of George
Richards for Demand
of Action.

Richards & Head
Atty for Deft.
62 Wall St,
N.Y.

0503

Commonwealth of Pennsylvania, }
 City and County of Philadelphia. } S. S.

John Sparhawk, Jr. being duly sworn according to law deposes and says: That he is a member of the Bar of the City and County of Philadelphia, State of Pennsylvania, and has been Counsel for several years last past for Charles N. Barritt, and the firm of Gunnis, Barritt & Co; that in the month of March 1885, deponent was present at a conference between John L. Adams, Esq. Counsel for Jefft. Keller & Co. of New York and Charles N. Barritt, at which time said Adams urged upon said Barritt the payment of a claim due by the firm of Gunnis, Barritt & Co. to the said Jefft. Keller & Co; that on the 20th day of March 1885, some days thereafter, deponent was sent for to the Continental Hotel, Philadelphia, and upon arriving there found the said Charles N. Barritt under arrest upon a requisition from the Governor of the State of New York; that deponent was thereupon waited upon by J. Joseph Murphy, Esq.

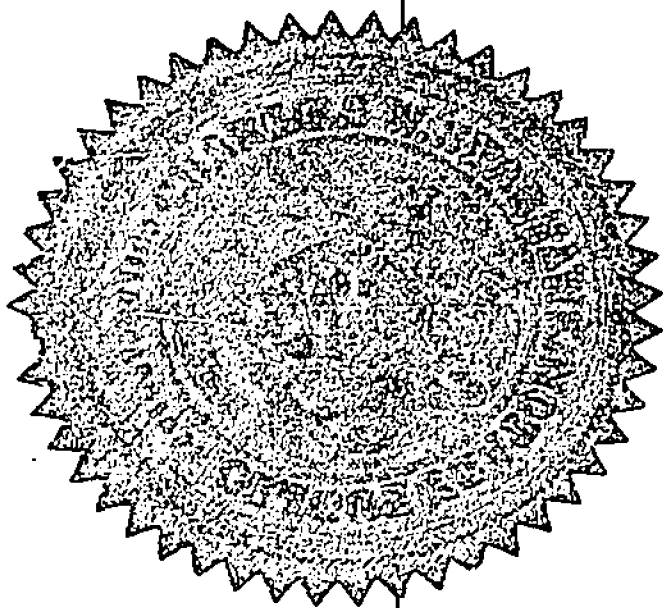
0504

attorney-at-law, of this city, (representing himself as the Philadelphia Council of Left. Keller & Co and as associated with the said John J. Adams. Esq. then also present in the room) and a request made of deponent that he would arrange for a settlement of the claim due by said Gunnis, Barritt & Co to said Left. Keller & Co, the said Murphy representing to deponent that if the said settlement should be made, the matter of the requisition could be arranged for and there be no necessity for the extradition of said Barritt; that deponent was then and there informed by said Adams that he had held the requisition papers since the month of January, 1880, before causing service to be made thereon in March; that deponent being unable on behalf of the said Barritt to make the settlement requested of him, the said Barritt was, on the following day, to wit: the 21st day of March, remanded by the Judges of Court of Common Pleas No 3 to the custody of an officer from the city of

0505

New York, and the formal extradition
of said Barritt accomplished.
John Parkawick

Sworn and subscribed
before me, this 24th day of
October, A.D. 1885.
Charles W. Parkawick



0506

The People
against
Charles H. Barnett

Affidavit of John Sparrow
lawt Jr. for dismissal
of action -

Richards & Alred
Atty for deft.
62 Wall St.
N.Y.

0507

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 W. Bennett

The Grand Jury of the City and County of New York, by this indictment, accuse Charles W. Bennett

of the CRIME OF *Forgery in 1st degree*

committed as follows:

The said Charles W. Bennett,

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on the *19th* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with *force and arms*, one written instrument and evidence of it, to wit: a certain promissory note for the payment of money, signed *A. J. Davidson*, and bearing date *Dec 12 1884*, and bearing a certain promise on the part of *one A. J. Davidson* to pay to the order of *himself* four months after the date thereof, the sum of *Twenty Nine Hundred Dollars* in money for value received at *the Pecony National Bank* in the City of *New York*, the same being then and there duly endorsed by the said *Alexander J. Davidson*

0508

and being wholly unratified, and
of the value of twenty five hun-
dred dollars, — one other ^{written} instrument
and evidence of debt, to wit: a cer-
tain other promissory note for
the payment of money, signed
A. V. Davidson and bearing date
Dec 17, 1884, and being then and
there a written promise on the
part of the said Alexander V.
Davidson to pay to the order
of himself the sum of twenty
five hundred dollars in money,
four months after the date
thereof for value received, at
the Denver National Bank in the
City of New York, the same being
then and there duly endorsed by
the said Alexander V. Davidson,
and being wholly unratified
and of the value of twenty five
hundred dollars, of one other written
instrument and evidence of debt,
to wit: a certain other promissory
note for the payment of money,
signed A. V. Davidson and bearing
date Dec 10 1884, and being then
and there a written promise on the
part of the said Alexander V.
Davidson to pay to the order of

0509

thence, two months after the date. Thereby the sum of twenty five hundred dollars in money at 12.5 percent annual. Paid in the City of New York, for value received. The same being then and there duly endorsed by the said (Alexander V. Davidson), and being wholly undisputed and of the value of twenty five hundred dollars, of the goods, personal and valuable things property of the said (Alexander V. Davidson), feloniously did take from the possession of one Fred B. Churchill, with intent to deprive and defraud the said Alexander V. Davidson of the same, and to the use and benefit thereof, and to appropriate the same to his own use, and the same goods, personal property and valuable things did then and there and thereby feloniously steal against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Randolph B. Martin

District Attorney

0510

In view of the death of the chief witness for the prosecution Fred. B. Churchill I am satisfied no conviction could be had hereon and I doubt if a conviction could be had in any event upon the facts as they are now set forth to me by all parties concerned. I recommend that within indictment be dismissed.

N.Y. April 12, 1886. Randolph B. Martine
District Attorney

See Affidavits of Joseph H. Keller, John Sparhawk Jr. and George Richards herewith filed.

1887 Jan 30, 1887

(124)

Counsel,
John H. McChesney
Geo. Richards,
Filed 30 day of Jan 1887
Pleads, 1st & 2nd, incl 33

THE PEOPLE
vs.
Charles H. Barritt
[Sealed]

RANDOLPH B. MARTINE.

District Attorney
Res. on 1st & 2nd of 1st
Reasons for 1st & 2nd

A True Bill.

[Signature]

Foreman

Painted

\$100000-
exp. 12/16, 1887

Spalding, dis. and

Witnesses:
F. B. Churchill
43 Park Row

W. J. [Signature]
337 Broadway

Bailed on 1st & 2nd
indictments by

William G. Dunn,
of N. Y. Clapham & Co
140 Church Street,
N.Y.

0511

BOX:

162

FOLDER:

1657

DESCRIPTION:

Battiste, Vincenzo

DATE:

01/08/85



1657

0512

Witnesses:

John H. Mitchell
J. H. H. H. H.

Filed 8 day of Jan 1885
Pleads guilty.

THE PEOPLE
vs.
I
Vincenzo Battista
Assault in the First Degree.
(Firearms.)
Sec. 21 and 218

RANDOLPH B. MARTINE,
JOHN MCKEON,
District Attorney.

A TRUE BILL.

Alfred W. H. H.
Chary 26/15
Foreman.
J. H. H. H. H.
of Olexand 3 day
P. H. H. H. H.

20

0513

Police Court— / District.

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

John F. Mitchell
of No. *Green* attached to *28* years,
Occupation *Police Officer* being duly sworn
deposes and says, that on *29* day of *December* 188*8* at the City of New
York, in the County of New York, in the night time
he was violently and feloniously ASSAULTED and BEATEN by *Vincenzo*
Battiste (now present) who
fired off a pistol
at *deponent* loaded
with powder and ball

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

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

Sworn to before me, this *29* day
of *December* 188*8* &

John F. Mitchell
Police Justice.

05 14

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK. { ss

Vincenzo Battiste 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

Vincenzo Battiste

Question How old are you?

Answer

32 years

Question Where were you born?

Answer

Italy

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

Answer

117 Baxter St (resided there 2 yrs)

Question What is your business or profession?

Answer

Labour

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

Vincenzo Battiste
Mark

Taken before me this

day of *March* 188*7*

Police Justice.

05 15

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

Vincenzo Ballisto

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *500*
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated

December 19

188

[Signature]
Police Justice.

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

Dated

188

Police Justice.

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

Dated

188

Police Justice.

05 16

Police Court-- 1 District

THE PEOPLE, &c.,

IN THE COMPLAINT OF

John F. Mitchell
Vincenzo Battiste

Officer
Armand H. Zaffar

BAILED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street,

Dated December 29 1884

Supp. Magistrate,
J. F. Mitchell Officer,
61 Precinct.

Witnesses John Pearson

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ 1000 to answer

C. H.

05 17

The People vs. Vincenzo Attisto. Court of General Sessions, Part I.
Before Judge Gering.

Monday, January 24, 1935.

Indictment for assault in the first degree.

John P. Mitchell sworn and examined, testified. I saw the prisoner on the 20th of December standing in front of 113 Baxter Street. I asked him in English where he lived. I told him to keep quiet, he told me he lived in 113 Baxter. That was the next day, I talked to him as he was on the stairs. He went up stairs and put his head out of the front window and said, "You son of a bitch police, no good". I pointed my finger at him, I said, if you come so close to me I will go up and lick you. He said, you son of a bitch, I will fix you and the first thing I knew was two flashes right down before me. I made a run for the hallway and there was another shot fired. I ran for assistance. We surrounded the house and I found him in bed. He was on the first floor at the window about fifteen feet I guess from me. I saw the two flashes from the pistol. I saw the man. I was speaking to him previous to the firing. Another shot was fired as I was going in. I ran for assistance and I got a man from Hester and Canal Street and the Sergeant and Rouben came. Some of them surrounded down stairs and I went up stairs and found the man. (The prisoner) in bed and dressed as he is now. We searched the room and found a revolver hid under a baby in the crib. I was ordered by Judge Duffy to unload it and there was four blank cartridges fired and three loaded. Sergeant Young took it in charge. The barrels were loaded with powder and ball.

Cross Examined. What I mean by blank cartridges that have been fired off, there was the-

05 18

have been on the force one year; before I went on the force I was a glass cutter and worked for Gallagher & Gilroy, I am twenty-nine years of age, I should judge I have made fifty arrests since I have been on the force, I have never accepted one bribe for a high crime. This was about two o'clock in the morning coming from the jail it took to Philadelphia to the station house, I did not have any watch, it was twenty minutes past two in the morning in the station house. This night it was after midnight, it had been raining, it was very dark, the lamp post was close at hand, right opposite 117 Fifth Street; it is a double fronted house, if there is a car house to it; quite a number of families live in it. How long have you been on this force? Off and on the last eight months; I have two posts together, one takes Chatham and Bayard, I am familiar with that locality; a large number of people live in this tenement house, 151-17 Fifth St., I do not think there are a hundred and fifty or two hundred of them, the building is fourteen or three stories high; there was five families in the front I guess and five or six in the rear, I guess and twelve families all told in the two buildings, I guess there were about fifty or sixty Italians, I think most of them are laborers in that building. There was no one else in the street but the prisoner when I first saw him, I was conversing with him at the window after he had left the street and gone up stairs, I should judge about five minutes, I told him to keep quiet, he was singing and shouting in the street in the doorway of 119; I saw him go up stairs from the outside, I stood along side the telegraph pole looking around, I never thought of anything until he put his head out of the window, to the best of

05 19

MY judgment I was standing there five minutes talking with the person who is prisoner but he went out and commenced to sing again, I noticed my dinner and told him I would look him up when he finished. I fired two shots at me; he said, you see of a high calibre, no good, I did not see the pistol in his hand but I saw the flash. The pistol is a self-cocker and I should judge there was about a second between the firing of the first and of the second shots, it took me so suddenly that I had not time to do anything.

Vincenzo Battista stated and declared in his own behalf the following: I live at 117 Baxter Street, in New York, six years of age and am married; my family is in Italy, my wife and child, I have been in this country nearly two years and am a laborer. I worked up town on a street when I was arrested. I did not say those words the officer said I used in the window, I cannot speak English, I never was among English speaking people. On this day I went to see a friend of mine, I had some beer there and I had not eaten much that day and they made me drink. About as much as I can recollect I went home at ten or eleven o'clock and then I was arrested. That is all I know about the whole thing.

Cross Examined. I never saw that officer before today, I was not singing in front of my house the night I was arrested, I do not know who arrested me, in the morning I found myself in the Tombs, I was in my house in my bed when I was arrested, I was drinking and I went home and lay on my bed and in the morning I found myself arrested. There is another man lives in that room with me, I did not fire three pistol shots, I never saw the pistol

0520

now shown in store, this is not my pistol, I never had it
in my hand and I never fired it at the policeman.

The jury rendered a verdict of guilty of assault in
the third degree.

0521

Testimony in the case
of
Vincenzo Rattio
pled Jan. 1887.

0522

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Vincenzo Battista

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

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

The said *Vincenzo Battista*

late of the City of New York, in the County of New York aforesaid, on the
twenty ninth day of *December*, in the year of our Lord
one thousand eight hundred and eighty *four* with force and arms, at the City and
County aforesaid, in and upon the body of *John S. Mitchell*
in the peace of the said People then and there being, feloniously did make an assault,
and to, at and against *him* the said *John S. Mitchell*
a certain *pistol* then and there loaded and charged with gunpowder and one
lead bullet, which the said *Vincenzo Battista*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with
intent *to kill* the said *John S. Mitchell*
thereby then and there feloniously and wilfully to kill, against the form of the Statute in such
case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT.

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

of the Crime of assault in the second degree, committed as follows:

The said *Vincenzo Battista*

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid,
with force and arms, in and upon the body of the said *John S. Mitchell*
Mitchell then and there being, feloniously did, willfully and wrongfully,
make an assault, and to, at and against *him* the said *John S. Mitchell*
Mitchell, a certain *pistol* then and there loaded and
charged with gunpowder and one lead bullet, which *he* the said
Vincenzo Battista
in *his* right hand, then and there had and held, the same being an instrument
likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and
there shoot off and discharge

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,

~~JOHN McKEON~~, District Attorney.

0523

BOX:

162

FOLDER:

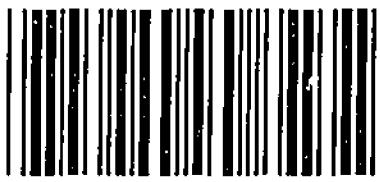
1657

DESCRIPTION:

Beck, Henry

DATE:

01/19/85



1657

0524

Witness:

John, [unclear]

13 [unclear]

#173

Day of Trial,

Counsel,

R. H. K.

Filed 17 day of

June

Pleads

Monday 20

1885

THE PEOPLE

vs.

B

Henry Beck

Violation of License Law.

(Sunday)

RANDOLPH B. MARTINE,

JOHN MCKEON

District Attorney.

May 31/85

Transferred to City S. S.
A TRUE BILL. true by court.

[Signature]

Foreman.

July 29/88

0525

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Seida

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

OF THE CRIME OF Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday, committed as follows:

The said

Henry Seida,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *seventh* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*five*, 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 strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~at~~ certain ~~the~~ 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

Henry Seida

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

The said

Henry Seida,

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: On the said *seventh* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the Ward, City and County

0526

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~and~~ certain ~~and~~ 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

James J. [illegible]

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

The said *James J. [illegible]*,

late of the First Ward of the City of New York, in the County of New York aforesaid, after-
wards, to wit: on the said *Eleventh* day of *January* in
the year of our Lord one thousand eight hundred and eighty-*five* 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 *Twenty*

Three Third Avenue,

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.

~~JOHN McKEON~~ District Attorney.

0527

BOX:

162

FOLDER:

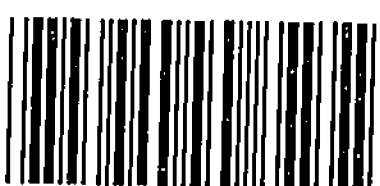
1657

DESCRIPTION:

Behrman, Henry

DATE:

01/30/85



1657

0528

11-3-97
Keeping open on Sunday.
Day of Trial,
Counsel, Geo. S. Baker
Filed 30 day of Jan 1885
Pleads 1st 1st 1st 1st 1st

THE PEOPLE
vs.
Henry Behrman
Violation of Excise Law.
U.S. v. 1983 & 21
U.S. v. 1989 & 35

RANDOLPH R. MATTINE
JOHN McKEON,
District Attorney.

A True Bill.
J. W. Little

Foreman.
J. W. Little

Witnesses:
James C. Argue
J. C. Smith

0529

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Belman

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

Henry Belman

OF THE CRIME OF Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday, committed as follows:

The said

Henry Belman

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*three*, 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 strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~and~~ certain ~~of~~ 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

Henry Belman

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

The said

Henry Belman

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: On the said *eighteenth* day of *January* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County

0530

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~and~~ 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.

THIRD COUNT:

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

Henry Behrman

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

The said

Henry Behrman

late of the First Ward of the City of New York, in the County of New York aforesaid, after-
wards, to wit: on the said *eighteenth* day of *January*, in
the year of our Lord one thousand eight hundred and eighty-*nine*, 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 *1514*

First Avenue,

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,

JOHN McKEON, District Attorney.

0531

BOX:

162

FOLDER:

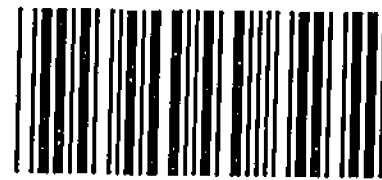
1657

DESCRIPTION:

Behrmann, Henry

DATE:

01/14/85



1657

Witnesses:

James H. Kelly
23 Thomas

Day of Trial, *Lansberg*
Counsel, *Lansberg*
Filed *4* day of *May* 188*5*
Pleads *Adquid* to

THE PEOPLE

vs.

B

Henry Behmann

Ad. 23/9

Violation of Excise Law.
(Sunday)
R. S. page 1985 21
page 1989 25

RANDOLPH D. MARTINE.

JOHN McKEON.

District Attorney.

A True Bill.

Foreman.

0532

0533

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Behrman

The Grand Jury of the City and County of New York, by this indictment, accuse *Henry Behrman* —

OF THE CRIME OF **Exposing for sale and selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday**, committed as follows :

The said *Henry Behrman*, —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *28th* day of *December*, in the year of our Lord one thousand eight hundred and eighty- *four*, 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 strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to —

~~and~~ certain ~~and~~ 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

— *Henry Behrman* —

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

The said *Henry Behrman*, —

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit : On the said *28th* day of *December*, in the year of our Lord one thousand eight hundred and eighty- *four*, at the Ward, City and County

0534

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~at~~ certain ~~of~~ 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

— Henry Behrman —

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

The said Henry Behrman,

late of the First Ward of the City of New York, in the County of New York aforesaid, after-
wards, to wit: on the said 20th day of December in
the year of our Lord one thousand eight hundred and eighty- four 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 1514

First Avenue, —

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.

JOHN McKEON, District Attorney.

0535

BOX:

162

FOLDER:

1657

DESCRIPTION:

Benjamin, Henry

DATE:

01/20/85



1657

Witnesses:
James H. Carey
140 W-3rd St

4318

Counsel, *M. W. May*
Filed *20* day of *Aug* 188*5*
Pleads *Not guilty*

THE PEOPLE
vs. *P*
Henry Benjamin
Grand Larceny, 2nd degree
[Sections 528, 531, Penal Code]

RANDOLPH B. MARTINE
PETER B. OLNEY
District Attorney.

A True Bill.

W. M. W. [Signature]
July 5/85 Foreman.
Frederick [Signature]

0536

0537

3rd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY }
OF NEW YORK, } ss.Julius Rattenburs and 25 yearsof No. 154 Catherine Street, 0being duly sworn, deposes and says, that on the 15 day of November, 1888

at the _____ City of New York,

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

of deponent on the day line

the following property, viz :

a quantity of written papers and inculcsin all of the value of forty two \$100piecesthe property of deponent Julia Rattenburs and
in care and charge of deponent_____ and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken,
stolen, and carried away by Henry Benjamin (now herefrom the fact that on the day deponent
gave said property to said Henry as
Commissioner to sell for deponentthat he was to return the property or the
money therefor about the 20th day of
December 1888 The said deponent
did not receive return of said property
to deponent nor did he pay deponent
for said property, deponent thereforeSubscribed and sworn to before me this 15th day of November 1888
Police Justice,

0538

Charges that said defendant did feloniously receive said property and did appropriate the same to his own use without defendant's consent, and that he did steal said property as aforesaid.

Julius Rottenberg

Committed before me, by
Magistrate of Jersey City

John J. Homan Plea not guilty

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0539

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, { ss

District Police Court.

Henry Benjamin 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. *Henry Benjamin*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Greenwich*

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

Answer. *153 Broadway New York*

Question. What is your business or profession?

Answer. *Editor*

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. The complainant gave me 18 dollars worth of property when I left the City, and he was to send 24 dollars worth to me at Plainfield New Jersey, I was in Plainfield waiting for my goods and it did not come. I waited for three days and the goods did not come, it was raining at the time and I could not do any business, I returned home, and brought about 10 dollars worth of goods home. I did not want to go away again as the complainant made me go, he threatened to arrest me if I did not go. I again went to Plainfield and found my goods in the Adams Express Company. I was away six weeks, I brought no money home, the weather was bad and I had to buy. Henry Benjamin.*

Taken before me this *14*

day of *February*

1886

Henry Benjamin
Police Justice.

0540

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

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

Dated July 19 1885 John J. Gorman Police Justice.

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

Dated _____ 1885 _____ Police Justice.

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

Dated _____ 1885 _____ Police Justice.

0541

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court--

3

District.

THE PEOPLE, &c.,
OF THE COMPLAINT OF

Julius Rothman
154 Attorney St.
Hew. Benjamin

1
2
3
4

Dated

Jan 17

1881

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ to answer

0542

LAW OFFICES
OF
KINTZING, SIMONSON & MEYER,
WILLIAM F. KINTZING, G. L. SIMONSON,
MAURICE MEYER.
No. 13 CENTRE STREET.

People }
Henry Benjamin } Lawyers
New York, July 2 - 1880 -

John M. Cowan Esq
Chief Clerk District Court
My dear sir

Will you kindly
put the above case on the
calendar for to-morrow
(Tuesday) & greatly oblige
Truly Yours
Maurice Meyer
Att

0543

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Denny Benjamin

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

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

The said *Denny Benjamin*,

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

five reams of paper of the value
of ten dollars each ream, and
ten thousand envelopes of the
value of one cent each,

of the goods, chattels and personal property of one *Sena Rottenberg*,

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.

Randolph B. Martine

District Attorney

0544

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed
as follows :

The said

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

of the goods, chattels and personal property of one

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

unlawfully and unjustly did feloniously receive and have ; the said

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

PETER B. OLNEY,
District Attorney.

0545

BOX:

162

FOLDER:

1657

DESCRIPTION:

Benkenstein, Charles

DATE:

01/05/85



1657

0546

Witnesses:

Edward Benkenstein

610 W 49th St

Counsel,

Filed *5* day of *Jan* 188*5*

Pleds *Magdalen (6)*

THE PEOPLE

vs.

Charles Benkenstein

Grand Larceny, *2nd* degree [Sections 526, 528, 529, Penal Code].

R. B. Olney
RANDOLPH B. OLNEY
PETER B. OLNEY

District Attorney.

A True Bill.

W. B. Olney

W. B. Olney Foreman.

W. B. Olney 2 day

W. B. Olney

0547

Police Court—

2^d District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Edward Bentkenstein

of No.

610 West 47th

Street, aged 56 years,

occupation

Cabinet-Maker

being duly sworn

deposes and says, that on the

about 30th

day of

November

1884 at the City of New

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

Three gold coins each of the value of Ten Dollars, Three bills or notes each of the value of Five Dollars and one bill or note of the value of Two Dollars; in all good and lawful money of the United States of the value of Forty-seven dollars

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Charles Bentkenstein, now here, from the following facts: On the night of November 29th 1884 deponent went to bed at his residence No 610 West 47th street having said money in a pocket of deponent's pantaloons, which deponent placed under his pillow. In the next morning deponent missed said money and said Charles Bentkenstein, deponent's son who resided with deponent had left the house during the night and has not since returned and said Charles now admits and confesses that he stole said money.

Affirmed Louis Kampman

Sworn to before me, this
31st day of
December 1884
David C. McNeill
Police Justice.

0548

Sec. 198—200.

22

District Police Court.

CITY AND COUNTY OF NEW YORK, { ss

Charles Bentzenstein 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. Charles Bentzenstein

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. New York City

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

Answer. 610 West 42nd Street, 6 weeks

Question. What is your business or profession?

Answer. Butcher

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 took the money

Chas Bentzenstein

Taken before me this

day of December 1881

Samuel C. Sullivan

Police Justice.

0549

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated Dec 31 1884

Samuel C. Kelly Police Justice.

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

Dated _____ 188 _____

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____

Police Justice.

0550

Police Court--

2^d 1873 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Bentzenstein
610 1st 47 St

Charles Bentzenstein

2 _____
3 _____
4 _____

Officer
Lambert

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated December 31st 1884

O'Reilly Magistrate.
John Hardy Officer.
29th Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1000 to answer _____ Sessions.



0551

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 Benjamin

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

Charles Benjamin

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

The said Charles Benjamin,

late of the *22nd* Ward of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County aforesaid, with force and arms, in the night time of the same day, three gold coins of the United States, of the said known as eagles, of the value of ten dollars each, three promissory notes for the payment of money, of the said community, called United States Treasury notes, the same being, then and there due and unsatisfied, for the payment of and of the value of five dollars each, and one other promissory note for the payment of money of the said community called United States Treasury notes, the same being, then and there due and unsatisfied, for the payment of, and of the value of two dollars,

of the goods, chattels and personal property of one *Edward Benjamin*, in the dwelling house of the said *Edward Benjamin*, there situate, then and there being found, in the dwelling house aforesaid ~~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.

Randolph B. Martin

District Attorney

0552

BOX:

162

FOLDER:

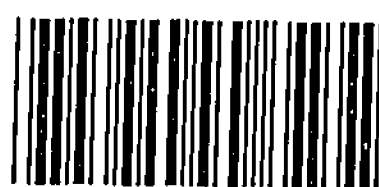
1657

DESCRIPTION:

Bennett, Henry

DATE:

01/08/85



1657

0553

BOX:

162

FOLDER:

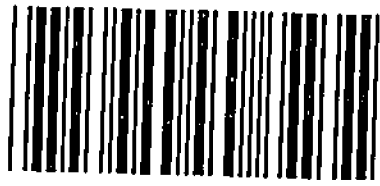
1657

DESCRIPTION:

Kirwin, Michael

DATE:

01/08/85



1657

0554

Counsel,
Filed 8 day of Jan 1885
Pleds Twenty 4

THE PEOPLE
vs.
Henry Bennett
and
Michael Kirwin
Burglary in the THIRD DEGREE.

[Section 498]

RANDOLPH E. MARTINE,
PETER B. OLNEY,

D. v. H. 2/2/85.
District Attorney.
Burglary acquitted.
A TRUE BILL.

Wm. W. W. W.

Foreman.

Witnesses:

Wm. W. W.

Wm. W. W.

Wm. W. W.

0555

Police Court—11 District.

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

of No. 531 West 43rd Street, aged 46 years,

occupation Junk Dealer being duly sworn

deposes and says, that the premises No. 538 West 43rd Street,

in the City and County aforesaid, the said being a frame building

and which was occupied by deponent as a Junk Shop

and in which there was at the time ~~a~~ ^{not} human being, by whom

were BURGLARIOUSLY entered by means of forcibly breaking
a hole through an adjoining wall.

on the 1 day of January, 1885 in the Night time, and the
~~attempt to~~ following property feloniously taken, stolen, and carried away, viz:

Junk & rags of the value of two
hundred dollars

the property of deponent

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

Henry Bennett
Michael Kervin

for the reasons following, to wit: That on the night in

question deponent's attention was
attracted by a light in said prem-

ises: That upon looking into said
premises deponent saw deponents

therein: & that deponents were not
authorized to be in said prem-

ises.
His
Averil Cullen
Witness

This is a copy of the original of the deposition of Henry Bennett & Michael Kervin taken before me on the 1st day of January 1885 at New York City.

0556

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question What is your name?

Answer

Michael Kerwin

Question. How old are you?

Answer

14 years

Question. Where were you born?

Answer.

Massachusetts

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

Answer.

608 West 38 St. one year

Question What is your business or profession?

Answer

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

Answer.

Bennett was drunk and
I drank with him in the
Michael Kerwin
Mark

Taken before me this

day of

1886

Police Justice.

0557

Sec. 198—200.

District Police Court.

CITY AND COUNTY {
OF NEW YORK, ss

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

Question What is your name?

Answer

Henry Bennett

Question. How old are you?

Answer

15 years

Question. Where were you born?

Answer.

New York City

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

Answer.

585-11th Avenue. 4 Months

Question . What is your business or profession?

Answer

None

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 a little tight and
went into the place to sleep.

Henry Bennett

Taken before me this

day of January 1885

District Justice.

0558

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 Alphonse Santis

guilty thereof, I order that ^{he} ~~they~~ be held to answer the same and ~~they~~ 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 January 2 1885 John J. [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0559

Police Court-- H District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Amey Cullen
531 West 43rd St

1 Henry Bennett
2 Michael Keenan

3 _____
4 _____

Dated January 2 1885

Murray Magistrate.

Cookling Officer.

42 Precinct.

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 5 to answer Police Court

Amey

0560

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry Bennett and
Michael Kirwin

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

Henry Bennett and Michael Kirwin
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows :

The said *Henry Bennett and*

Michael Kirwin, each

late of the *Twenty-second* Ward of the City of New York, in the County of
New York aforesaid, on the *first* day of *January*, in
the year of our Lord one thousand eight hundred and eighty-*four* with force
and arms, at the Ward, City and County aforesaid, a certain _____ building
there situate, to wit: the *shop* of one *Steven*

Rullen,

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

Steven Rullen

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

Randolph S. Martine

District Attorney

0561

BOX:

162

FOLDER:

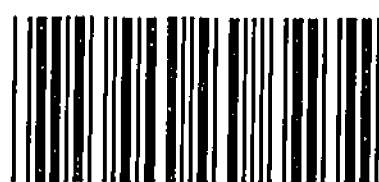
1657

DESCRIPTION:

Bergin, Andrew

DATE:

01/30/85



1657

0562

Day of Trial.
Counsel, *James Callahan*
Filed *30* day of *Jan* 188*5*
Pleads *Not Guilty* *per*

THE PEOPLE
vs.
B
Andrew Bergin
Violation of Excise Law.
(Sunday)
1885 - Jan 30 - 1885

JOHN McKEON,
District Attorney.

Att. Gen.
1/30

Wm. W. Little
Feb 11/85
Paul D. Keating
Foreman.

23 to 24

Officer C. D. Whelan
16 - 17

Feb 11/85.
The District Attorney failing to find the
principal witnesses in the case - Charles L. Whelan.
I consent that the bail be discharged

J. S. B
A. D. A

0563

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

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

Question What is your name?

Answer

Question. How old are you?

Answer

Question. Where were you born?

Answer.

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

Answer.

Question What is your business or profession?

Answer

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

Answer.

*I am not guilty of the charge
I appeared at the Court of Special
Andreas Bengier
man*

Taken before me this

day of January 1888

Police Justice.

0564

Excise Violation—Keeping Open on Sunday.

POLICE COURT— 2^d DISTRICT.

City and County } ss.
of New York,

of No. 140 West 17th Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 18th day

of January 1887, in the City of New York, in the County of New York,

Andrew Bergin (now here)

being then and there in lawful charge of the premises No. 140 West 17th

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be

drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of

the statute in such case made and provided.

WHEREFORE, deponent prays that said Andrew Bergin
may be arrested and dealt with according to law.

Sworn to before me, this 19th day

of January 1887

Chas L. Whitney

Police Justice.

0565

97
Police Court, 2 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

James J. McQuinn
16" L. 28.

Richard B. 7 qua

EXCISE VIOLATION.
KEEPING OPEN ON SUNDAY.

Dated 19 day of January 1885

W. C. McQuinn, Magistrate.

J. Whitney, Officer.

Witness,

Bailed \$ 100 to Ans., Sessions.

By James McQuinn

416 West 14th Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Twenty Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 19 day of January 1885
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated 19 day of January 1885
Police Justice.

0566

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue
Bring this Subpoena with you, and give it to the Officer at the Court
Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA
FOR A WITNESS TO ATTEND THE
Court of General Sessions of the Peace,

The People of the State of New York,

To

of No.

Street.

GREETING :

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the day of instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

A. Bergin
in a case of Felony whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of

in the year of our Lord, 188

RANDOLPH B. MARTINE, *District Attorney.*

in

GLUED PAGE

0567

Court of General Sessions.

THE PEOPLE

Andrew Bergin

City and County of New York, ss.:

Charles Merritt

sworn, deposes and says: I reside at No. 307 West 20th 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 10th day of February 1886, I called at the 16th Precinct Police Station where Charles L. Whitney the complainant herein ~~the alleged~~ was stationed as an Officer of the Police force ~~the complainant herein~~, to serve him with the annexed subpoena, and was informed by the Sergeant in command that the said Charles L. Whitney is not a member of the Police force and has not been for nearly a year past. That he does not know where the said Whitney resides or where he can be found and has not seen him since he left the force.

Sworn to before me, this 11th day

of February 1886

Rudolph L. Schaff
Comr of Deeds

Charles Merritt

Subpoena Server.

0568

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Andrew Bogan

District Clerk

0569

Court of General Sessions,

Part One

THE PEOPLE

vs

INDICTMENT

For

Andrew Bergum

Excuse

To

M Thomas Proctor

No.

416

W-16

Street.

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

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

RANDOLPH B. MARTINE,

District Attorney.

0570

Shoo. Mora
416 1/2 10 1/2

0571

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Andrew Bergin

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

OF THE CRIME OF **Exposing for sale and selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday,** committed as follows:

The said

Andrew Bergin

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *18th* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*four*, 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 strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell as a beverage to

~~and 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.

SECOND COUNT:

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

Andrew Bergin

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

The said

Andrew Bergin

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: On the said *18th* day of *January* in the year of our Lord one thousand eight hundred and eighty-*four*, at the Ward, City and County

0572

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

and ~~the~~ 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.

THIRD COUNT:

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

Andrew Beragin

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 *Andrew Beragin*,

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said *18th* day of *January* in the year of our Lord one thousand eight hundred and eighty-*five* 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 *448*

West 17th 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.

CAROLPH B. CLASTINE.
JOHN McKEON, District Attorney.

0573

BOX:

162

FOLDER:

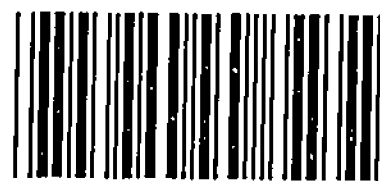
1657

DESCRIPTION:

Bertrand, Henry B.

DATE:

01/20/85



1657

0574

Exhibit
Sept 1st 1885
Sullivan appears
The action is
deficit Ch in good
order as the
-18

Richardson
Counsel,
Filed 20 day of Jan 1885.
Pleads guilty.

THE PEOPLE
vs.
Henry B. Bertrand
Forgery in the Second Degree.
(Sections 511 and 521.)

JOHN McKEON,
District Attorney.
Chadwick
A True Bill.

Foreman.
H. B. Bertrand
V. H. B. Bertrand
H. B. Bertrand
H. B. Bertrand
H. B. Bertrand

0575

\$134.00

In money

the order of H. H. H. H. H.

For Receipt of cash this

at the Bank of H. H. H.

Value received

No. 1
Dues 1/10 1100 #3090

0576

14/11/2007

0577

on this 1st day of July 1885
after date promise to pay to

by 1000 Dollars

United States of America,
State of New York, ss.
City and County of New York.

On the 3 day of July 1885
at the request of H. Clausen Brewing Co
J. James Brown a Notary Public of the State
of New York, duly commissioned and sworn, did present the original Notes
hereunto annexed, to H. Clausen, Treasurer
of H. Clausen, Brew & Bank

and demanded payment who refused to pay the same
Notes good (No Account)

Whereupon I, the said Notary, at the request aforesaid, did Protest, and by these presents
do publicly and solemnly Protest, as well against the Drawer and Endorsers of the said
Notes as against all others whom it doth or may concern, for exchange,
re-exchange and all costs, damages and interest already incurred, and to be hereafter incurred
for want of Payments of the same.

Thus Done and Protested in the City of New York, aforesaid, in the
presence of John Doe and Richard Roe, witnesses.

IN TESTIMONIUM VERITATIS.

Jas Brown
Notary Public.

United States of America, }
State of New York, }
City and County of New York. }

I, Jas Brown a Notary Public of
the State of New York, duly commissioned and sworn, do hereby
Certify, that on the 3 day of July 1885
Notice of the Protest of the before mentioned
was served upon H. Clausen, Brew & Bank
H. Clausen, Brew & Bank
Jas Brown
Notary Public

Protest. \$ 4 34 -

Husted Beal

FOR

11 Chausson Street

Braintree Co

New York, May 13 1884

Was before

Notary.

Fees	75-
On Police,	30
Postage,	4
	10 cts. Fine
	<u>1.19</u>

W. Reid Gould, Stationer and Printer, 105 Nassau St., N. Y.

0578

0579

City and County of New-York, SS.:

Henry Clausen, Jr., being duly sworn, deposes and says:
I reside at the North-west corner of 23rd. Street and Avenue A,
in said City, and am engaged in the brewing business in this
City. On the first of November, 1904, I R. Bertrand
called upon me and requested me to cash for him a note purporting
to have been drawn by Koster and Gial for the sum of \$434, for
which I gave the said Bertrand the cash. Upon the maturity of said
note I ascertained that the same was a forgery. At this time the
said Bertrand was in my employ, engaged in selling goods on com-
mission. The said Bertrand left the City and State of New-York
a few days before the said note came due, and as I am informed
and believe is now in the City of Baltimore, in the State of
Maryland.

Sworn to before me, this :

19th day of January, 1905. :

William M. Davis

Notary Public, N. Y. Co.

Henry Clausen, Jr.

0580

Ex Master
of
H B. Bertrand.

Witnesses:—
Harry Clausen, Jr.,
W. W. can 83rd St. and A.
John Koser,
23rd St. 6th Ave.

Spilled Jan 1915

0581

City and County of New-York, SS.:

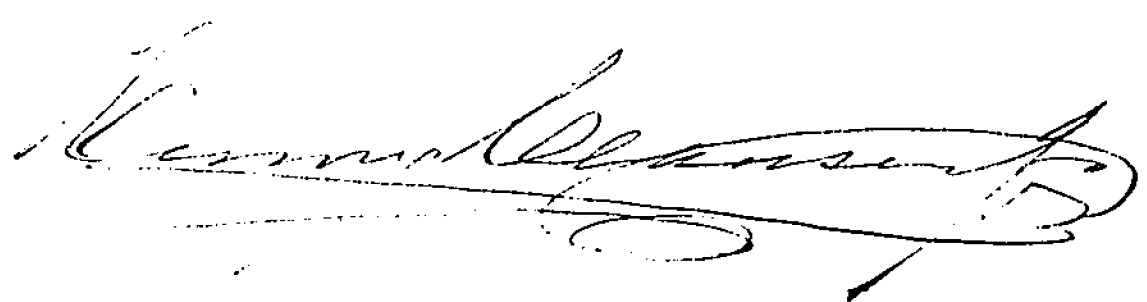
Henry Clausen, Jr., being duly sworn, deposes and says:
I reside at the North-west corner of 83rd. street and Avenue A,
in said City, and am engaged in the brewing business in this
City. On the first of December, 1884, H B. Bertrand
called upon me and requested me to cash for him a note purporting
to have been drawn by Koster and Bial for the sum of \$434, for
which I gave the said Bertrand the cash. Upon the maturity of said
note I ascertained that the same was a forgery. At this time the
said Bertrand was in my employ, engaged in selling goods on com-
mission. The said Bertrand left the City and State of New-York
a few days before the said note came due, and as I am informed
and believe is now in the City of Baltimore, in the State of
Maryland.

Sworn to before me, this :

19th day of January, 1885. :

Wm M Davis

Notary Public, N. Y. Co.



0582

In the presence
of J.B.
H. B. Bertrand

Witnesses:—

Henry Clausen, Jr.,
U.C. Cor. of 85th St. + Ave. C.

John Koser

25th St. + 6th Ave.



0583

Police Court, 4 District, 1

City and County } ss.
of New York,of No. 113 West 24th St. cor. Ave. A & E 3rd St., aged 47 years,
occupation Receiver being duly sworn, deposes and says,
that on the 31st day of October 1884, at the City of New

York, in the County of New York, I certain false forged
fraudulent and counterfeit instrument
partly printed and partly written to be
made - to wit - the promissory note
dated October 31st 1884
for the sum of four hundred and
thirty four dollars and purporting
to be the debt and deed of the firm
of Foster & Bial, has forged and
uttered by S. B. Bertrand and purporting
to be an order for money to the amount
of four hundred and thirty four dollars
upon the aforesaid Foster & Bial and
what said Bertrand did then and there
write and forge the name of Foster & Bial
to and upon said order with the
felonious intent to cheat and defraud
this deponent to whom he Bertrand
uttered and presented said order and
obtained payment thereon ^{on December 1st 1884} or the said
firm of Foster and Bial whose firm
name was forged and written upon said
note drawn upon the Garfield National
Bank of New York as deponent is now
informed and charges said Bertrand
with fraudulently feloniously and by the
means aforesaid obtaining said money with
intent to cheat and defraud -

Sworn to before me this
17th day of January 1885
Wm. J. Morris Police Justice

Henry Blaisdell

City and County of New York, I John Foster of
113 West 24th Street being duly sworn deposes

0584

And says that the annexed note was not made
or signed by ~~him~~ him or by his authority
or consent and that the ~~alleged~~ signature
of Roster and Bial to said note is false
forged and counterfeit

John Roster

Subscribed before me this
17th day of January 1886

Wm. M. Messersmith
Notary Public

0585

W 83
Police Court-4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Harry Clausen
av. at 83 St.
H B Bertrand

1
2
3
4

Offence, 107

Dated February 17 1885

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street.

\$ to answer Sessions

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

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

There being no sufficient cause to believe the within named

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

Dated 188 Police Justice.

0586

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Henry B. Bertrand, whose
real Christian name is to
the Grand Jury unknown

The Grand Jury of the City and County of New York, by this indictment, accuse Henry
B. Bertrand, whose real Christian name is
to the Grand Jury aforesaid unknown
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Henry B. Bertrand,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the
thirty first day of October in the year of our Lord one thousand eight hun-
dred and eighty-four, with force and arms, at the Ward, City and County aforesaid, feloniously
did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain
instrument and writing, to wit: a certain promissory
note for the payment of money,

which said forged promissory note,
is as follows, that is to say:

\$434⁰⁰/₁₀₀

New York October 31st 1884

Two months after date we promise to
pay to the order of H. B. Bertrand Four
Hundred and thirty four ⁰⁰/₁₀₀ Dollars at the
Garfield National Bank of New York
Value received

No.

Due Jan'y 3/85

Koster & Bial

with intent to defraud, 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.

0587

SECOND COUNT.

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

Henry B. Bertrand

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

The said Henry B. Bertrand,

late of the Ward, City and County aforesaid, afterwards, to wit, on the said thirty first
day of October, -- in the year of our Lord one thousand eight hundred and
eighty-four, ~~with force and arms~~, at the Ward, City and County aforesaid, ~~with intent to defraud~~,
a certain forged instrument and writing, to wit: a certain promissory
note for the payment of money.

which said last-mentioned forged promissory note
is as follows, that is to say:

\$434 ⁰⁰/₁₀₀

New York October 31st 1884

Two months after date we promise to pay
to the order of H. B. Bertrand Four hundred
and thirty four ⁰⁰/₁₀₀ Dollars at the Garfield
National Bank of New York

Value received

No.

Due Jan'y 3rd 1885

Koster & Bial

with force and arms, and with
intent to defraud, the said forged promissory note
then and there feloniously did utter, dispose of and put off
as true, he the said Henry B. Bertrand,
then and there well knowing the same to be forged, 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,

JOHN McKEON, District Attorney.

0588

BOX:

162

FOLDER:

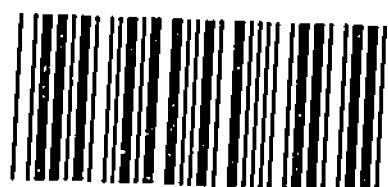
1657

DESCRIPTION:

Binkley, David E.

DATE:

01/28/85



1657

0589

Witnesses:
Michael Binkley
Edward E. G.
J. J. G.

315
McArthur

Counsel,
Filed day of July 1885
Plends July 14

23 THE PEOPLE
vs.
David E. Binkley
[2 cases]

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

RANDOLPH B. MARTINE,
PETER B. OLNEY,

District Attorney.

late for one year

A TRUE BILL.

W. W. White

Ordered to N.Y. Court of
Order and Minister for trial
Feb. 3, 1885

Foreman.

Feb. 4, 1885

Tried and convicted 2nd time

0590

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Peter Dentt

of No. 210 Mulberry
occupation ExpressmanStreet, aged 49 years,
being duly sworndeposes and says, that on the 20 day of January 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:One tub containing about fifty
pounds of Butter of the value
of Twelve dollarsthe property of Frederick Hall in the care and
charge of deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by ~~David G. Brinkley~~ (now here)
that deponent is informed by Officer
Connolly of the 5th Precinct Police
that he found said property in
the possession of said defendant
in Franklin Hudson Street
in said City

Peter Dentt

Sworn to before me, this 21st day
of January 1885

Police Justice.

0591

Sec. 198-200

CITY AND COUNTY
OF NEW YORK ss.

District Police Court.

~~James D~~ *David E Brunkley* 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. *David E Brunkley*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Pennsylvania*

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

Answer. *Pennsylvania*

Question. What is your business or profession?

Answer. *Baker*

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

Answer. *Necessity forced me to steal
David E Brunkley*

Taken before me this

21

day of

May

189*5*

Police Justice.

0592

CITY AND COUNTY }
OF NEW YORK, } ss.

Michael Connolly
aged *25* years, occupation *Police officer* of No.
511. Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Peter Swett*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *21*
day of *July* 188*8*

Michael Connolly

Police Justice.

0593

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 *dyndark*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *3* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Jan 21* 188*5*

James J. [unclear] Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0594

Police Court

71
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Peter Swath
210 Washington St.

David E. Bonville

2
3
4

Officer

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated Jan. 21 1885

D. B. Reilly Magistrate.
M. Connolly Officer.
5 Precinct.

Witnesses
No. Street.

No. Street.

No. Street.

\$ 3.00 to answer Sessions.

Comm

0595

Police Court—¹⁰¹⁻ District.

City and County { ss.:
of New York,

Michael Connolly
Police

of the 51st Precinct Police Street, aged 25 years,
occupation Police Officer being duly sworn

deposes and says, that on 20 day of January 1885 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by David E.
Briswell (now here) who willfully
and maliciously cut and stabbed
deponent on the arm shoulder and
hand with a knife then and there
held in the hand of said deponent
cutting him severely

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

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

Sworn to before me, this 21 day
of January 1885.

Michael Connolly

James A. Reilly Police Justice.

0596

Sec. 198-200

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

David E Brinkley 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. David E Brinkley

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. Pennsylvania

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

Answer. Lancaster Penn

Question. What is your business or profession?

Answer. Baker

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

Answer. I have been unable to obtain employment and having no money I stole the butter and while I was sitting down on a wagon with said butter the officer came up and asked me where I got the butter and I told him I bought it. The officer asked me where I told him around the corner. He took me around and when he found out that I did not buy the same he struck me on the face with his fist blackening my eye and struck me on the head with his club causing it to bleed and choked me and tore my coat & shirt. I asked him to please leave me alone and I would go with him quietly he again struck me with the club twice and I took the knife out of my pocket

Taken before me this

2

day of

188

Police Justice.

0597

and cut him in the hand. I have never
been arrested in my life before
and have always worked for a
living

David E. Bentley

Taken before me this
21. day of Jan'y 1885

Sam'l J. Hill Police Justice

0598

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100*
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated *Jan'y 21* 188*5* *Samuel J. Hall* 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.

0599

Police Court

99 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Michael Connolly
5 Precinct.

David E Brinkley

2

3

4

Officer

Thomas A. Paul

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

Jan 21

1885

D. O. Reilly

Magistrate.

Connolly

Officer.

5

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ 5

to answer

Sessions.

Connolly

0600

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David E. Binkley

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

— David E. Binkley —

of the CRIME OF PETIT LARCENY, committed as follows:

The said *David E. Binkley*.

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

one tub of butter of the value of
twelve dollars, and fifty pounds
of butter of the value of twenty
five cents each pound,

of the goods, chattels and personal property of one *Frederick*
Karr, ——— then and there being found, then and there
unlawfully did steal, take and carry away, against the form of the Statute in such case
made and provided, and against the peace of the People of the State of New York, and
their dignity.

Randolph B. Martine

District Attorney

Witnesses:

Michael Brumby
J. H. H. H. H.

Counsel, *W. C. Peckham*
Filed *24* day of *May* 188*5*
Pleads *Not Guilty*

THE PEOPLE

vs.

I

David C. Binkley

[Sealed]

People
Petit Jurors, and Peckham, Peckham
(Sections 22, 23, 24)

RANDOLPH R. MARTINE

WHEELER H. PECKHAM,

District Attorney.

A True Bill.

Ordered to M. H. Court of
Open and admission for trial
4th 3. 1885
Foreman.

0601

0602

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David E. Binkley

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

David E. Binkley

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

The said David E. Binkley,

late of the City of New York, in the County of New York aforesaid, on the twentieth day of January, in the year of our Lord one thousand eight hundred and eighty-five, with force of arms, at the City and County aforesaid, in and upon the body of one Michael Connolly in the peace of the said People then and there being, feloniously did make an assault and ruin the said Michael Connolly, with a certain knife

which the said David E. Binkley in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

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

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said David E. Binkley of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said David E. Binkley,

late of the City and County of New York, on the twentieth day of January, in the year of our Lord, one thousand eight hundred and eighty-five, at the City and County aforesaid, with force and arms, in and upon the body of one Michael Connolly in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and ruin the said Michael Connolly, with a certain knife

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

0603

THIRD COUNT--

And the Grand Jury aforesaid, by this indictment, further accuse the said
_____ David E. Binkley _____
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said David E. Binkley _____
late of the City County of New York, on the twentieth day of January,
in the year of our Lord one thousand eight hundred and eighty-five, at
the City and County aforesaid, with force and arms, in and upon the body of one
_____ Michael Connolly _____
in the peace of the said People then and there being, feloniously, did wilfully and
wrongfully make an assault, and ~~him~~ the said Michael
Connolly.

in and upon the ~~shoulder~~ arm and hand of ~~him~~ the
said Michael Connolly _____ did then and there
feloniously, wilfully and wrongfully strike, beat, stab, cut, _____
bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully
inflict upon ~~him~~ the said Michael Connolly _____
grievous bodily harm, to the great damage of the said Michael Connolly,
against the form of the statute in such case made and provided, and against the peace
of the People of the State of New York, and their dignity.

~~PETER B. OLNEY,~~

~~DEPUTY ATTORNEY~~

0604

Fourth COUNT.

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

David E. Binkley

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

The said David E. Binkley,

late of the City and County of New York, on the twentieth day of
January, — in the year of our Lord one thousand eight hundred
and eightyfive, at the City and County aforesaid, with force and arms feloniously
made an assault in and upon one Michael Connolly

then and there being a patrolman of the Municipal Police of the City
New York, and as such patrolman being then and there engaged in the lawful
apprehension of the said David E.
Binkley for a larceny,
and the said David E. Binkley, — him, the said
Michael Connolly, with a certain knife, which
the said David E. Binkley in his right
hand then and there had and held,
then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent
then and there to prevent and resist the lawful apprehension
of himself, — as aforesaid,
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 D. MARTINE,
JOHN McKEON,

District Attorney.

0605

BOX:

162

FOLDER:

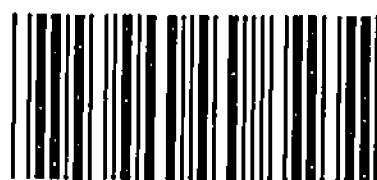
1657

DESCRIPTION:

Boyle, James

DATE:

01/21/85



1657

Witnesses:

George J. Lawrence
John P. [unclear]

1885
Counsel, *acquit*
Filed *21* day of *August* 1885
Pleads, *not guilty*

THE PEOPLE

vs.

P

James Boyle

Robbery, *second degree*,
[Sections 224 and 229, Penal Code].

RANDOLPH B. MARTINE,

Ex J. B. 345 District Attorney.

Acquitted

A True Bill.

August 21 - 1885

Foreman.

0606

0607

CITY AND COUNTY
OF NEW YORK, }

ss.

POLICE COURT—FOURTH DISTRICT.

George J. Lawrence
 of No. *220 West 125th* Street,
 being duly sworn, deposes and saith, that on the *13* day of *January*
 18*85* at the _____ Ward of the City of New York, in the
 County of New York, was feloniously taken, stolen, and carried away, from the person of deponent,
 by force and violence, without his consent and against his will, the following property, viz:

one overcoat in the pocket
of which there ^{was} one silk hand-
kerchief, & a pocketbook also
one imported silk hat

of the value of *twenty-six* Dollars,
 the property of *deponent*
 and that this deponent has a probable cause to suspect, and does suspect, that the said property
 was feloniously taken, stolen, and carried away, by force and violence as aforesaid, by

James Bayle (now here) from the
following facts to wit:
That on the day mentioned
as deponent was passing the
corner of 2nd Avenue & 79th Street
he was assaulted by deponent
who knocked his hat from
his head. That deponent picked
up said hat & carried it into
a saloon on said corner. That
deponent followed deponent
into said saloon for the pur-
pose of regaining his prop-
erty. That while in said saloon
deponent laid his overcoat (the
one described above) on a table
therein. That deponent took
said overcoat, & retained pos-
session of the same by force
& violence.

George Lawrence.

day of

Sworn to before me, this

1885

Police Justice.

0608

Sec. 198—200.

H District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

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

Question What is your name?

Answer

James Bayle

Question. How old are you?

Answer

27 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

535 Third Avenue 1 year

Question What is your business or profession?

Answer

Insurance Agent

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

Answer.

Dependent owes me some money (Sixteen dollars). He told me to take said coat & keep the same until he paid his debt. Took his coat into the saloon but did not keep it or intend to do so.

James Joyce

Taken before me this

day of December 1886

Police Justice.

0609

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of \$100
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated January 16 1885 Henry Murray Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

06 10

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

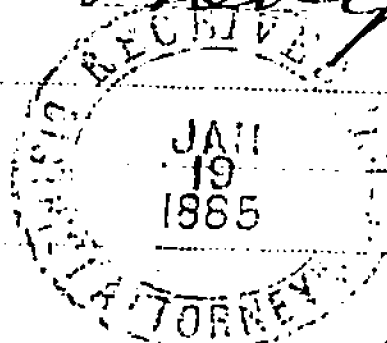
No. 4, by _____
Residence _____ Street.

Police Court-- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George J. Lawrence
320 West 12th Street

James Bayne



Dated January 16 1886

Murray
Mcanner

Magistrate.

Officer.

230076 Precinct.

Witnesses G. C. McDonald

No. 323 East 117th Street.

John Hudson
No. 331 East 119th Street,

No. 1574 2nd Street,

\$ 500 to answer

Miss Haick

32 77th

(Came)

0611

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Boyle

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

of the CRIME OF ROBBERY in the Second degree, committed as follows:

The said James Boyle,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the thirteenth day of January, in the year of our Lord one thousand eight hundred and eighty-five, in the time of the said day, at the Ward, City and County aforesaid, with force and arms, in and upon one George J. Lawrence in the peace of the said People, then and there being, feloniously did make an assault, and

one overcoat of the value of twenty dollars, one handkerchief of the value of two dollars, one pocket-book of the value of one dollar, and one hat of the value of five dollars,

of the goods, chattels and personal property of the said George J. Lawrence, from the person of the said George J. Lawrence, against the will, and by violence to the person of the said George J. Lawrence, — then and there violently and feloniously did rob, 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. Martinie

District Attorney

06 12

BOX:

162

FOLDER:

1657

DESCRIPTION:

Boyle, Martin

DATE:

01/30/85



1657

Witnesses =
Angela Martin
20 - Processed

Day of Trial,
Counsel, *Chicago*
Filed *20* day of *Jan* 188*5*
Pleads *Not Guilty for*

THE PEOPLE
vs. *B*
Martin Boyle
1157 - 2 - 20
1885
Violation of Excise Law.
(Sunday)
1157 - 2 - 20 - 1885

RANDOLPH P. MCKRONE
JOHN MCKRONE
District Attorney.

A True Bill.
John G. ...
Foreman.

06 14

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Martin Boyle

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

Martin Boyle

OF THE CRIME OF Exposing for Sale and Selling Strong and Spirituous Liquors, Wines, Ale and Beer, on Sunday, committed as follows:

The said

Martin Boyle

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
18th day of January, in the year of our Lord one thousand
eight hundred and eighty-five, 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 strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did
expose for sale and sell as a beverage to

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

Martin Boyle

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

The said

Martin Boyle

late of the First Ward of the City of New York, in the County of New York aforesaid, after-
wards, to wit: On the said 18th day of January, in the year of our
Lord one thousand eight hundred and eighty-five, at the Ward, City and County

06 15

aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain strong and spirituous 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away and dispose of as a beverage to

~~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.

THIRD COUNT:

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

Martin Boufe

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

Martin Boufe

late of the First Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the said *10th* day of *January* in the year of our Lord one thousand eight hundred and eighty-*five* 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 *1159*

Second Avenue,

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,

JOHN McKEON, District Attorney.