

Witnesses;

Counsel,

Filed

Pleads,

day of June 1891

THE PEOPLE

vs.

John Brown

Attorney in the Third degree.  
[Section 498, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. J. Mohr

Foreman.

June 3rd  
Hendrick Guilley

S.P. 1 1/2 upd.

00 10

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Edward J. Hughes*  
aged *30* years, occupation *Police Officer* of *No*  
*the 25 Precinct Police* Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Ernest M. Melan*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

189*8*,

*Edward J. Hughes*

*A. J. White*  
Police Justice.

(3609)

0011

Police Court 14 District.

City and County } ss.:  
of New York,

of No. 147 East 48 Street, aged 24 years,  
occupation Lawyer being duly sworn

deposes and says, that the premises No. 147 East 48 Street, 19th Ward  
in the City and County aforesaid the said being a five story brick

dwelling and which was occupied by deponent as a living apartment on the  
fourth floor and in which there was at the time no human being, by name

attempted to be were BURGLARIOUSLY entered by means of forcibly opening the lock  
on the door by means of a picklock, and  
attempting to force open the door leading  
from the hall into the said apartment, with  
an iron instrument known as a jimmy  
on the 24th day of May 1899, in the day time, and the  
attempted to be following property feloniously taken, stolen, and carried away, viz:

A quantity of house hold goods, furniture  
&c of the value of five hundred  
dollars

the property of Deponent  
and deponent further says that he has great cause to believe, and does believe that the aforesaid  
attempted to be BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
John Brown, (now here)

for the reasons following, to wit: that at about the hour of  
8:30 o'clock A.M. on said date deponent  
locked and securely fastened the  
doors and windows of his apartment  
and the said property was in the premises.  
Deponent is now informed by Edward  
Nichols a Police Officer attached to  
the 25th Precinct Police. That he the officer  
saw this defendant on said date at about

0012

the hour of 2 o'clock P.M. in the said hall  
and attempting to break into the premises  
as before said.

Therefore the defendant prays  
that the defendant be held and dealt  
with as the law directs.

Ernest M. Welch

Sworn to before me this  
first day of May, 1898

H. J. White  
Police Justice

It appearing to me by the within depositions and statements that the crime herein 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  
One Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated \_\_\_\_\_ 1898  
Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated \_\_\_\_\_ 1898  
Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated \_\_\_\_\_ 1898  
Police Justice.

Police Court, District

THE PEOPLE, de.,  
on the complaint of

Office—BURGLARY.

vs.

1  
2  
3  
4

Date

1898

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

\$ \_\_\_\_\_  
to answer General Sessions.

00-13

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

Edward J. Hughes

of No. The 25 Precinct Police, Street, aged years,

occupation Police Officer being duly sworn deposes and says,

that on the 27 day of May 188

at the City of New York, in the County of New York, He arrested John

Brown, where, while in the act of

breaching into the premises No 147

East 4th Street and while having

burglar's tools in his possession.

Deponent asks that the defendant

be held to answer him to find the

complainant.

Edward J. Hughes

Sworn to before me, this

of May 188

day

188

day

188

day

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day

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day

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day

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day

188

day

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day

188

Police Justice.

00 14

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss

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

Question. What is your name?

Answer. *John Brown*

Question. How old are you?

Answer. *22 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *631-2nd Avenue - 2 years*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty*

*John Brown*

Taken before me this  
day of *March* 188*8*

Police Justice.

00 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 Defendant

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

Dated May 30 1889, R. J. White Police Justice.

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

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

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

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

00 16

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 vs. *Edward Hughes*  
ON THE COMPLAINT OF *John Brown*

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Dated *May 7-8* 1891

*White* Magistrate

*Hughes* Officer.

*95* Precinct.

Witnesses *Callahan Officer*

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

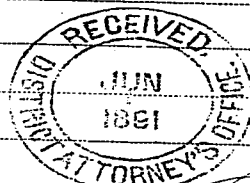
No. \_\_\_\_\_ Street.

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

\$ *10.00* to answer *C.S.*

*By May 24. 10 para*

*Ally 3*  
*Buss*  
*AT*





# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Brown*

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

*John Brown*  
attempting to commit the crime of  
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

*John Brown*

late of the *Nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty-seventh* day of *May* in the year of our Lord one  
thousand eight hundred and *ninety-one*, with force and arms, in the  
*day* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *Ernest M. Welch*

there situate, feloniously and burglariously did *attempt to* break into and enter, with intent to  
commit some crime therein, to wit: with intent, the goods, chattels and personal property  
of the said *Ernest M. Welch*

in the said dwelling house 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.

*De Lancey Nicoll,*  
District Attorney

00 18

**BOX:**

440

**FOLDER:**

4053

**DESCRIPTION:**

Buchner, Joseph K.

**DATE:**

06/03/91



4053

00 19

POOR QUALITY  
ORIGINAL

13y ~~Exhibits~~ ~~Being~~ ~~Part~~  
athy Bail filed at  
\$100X *RCC*

Witnesses:

Counsel,

Filed

Pleads,

3 day of June 189

THE PEOPLE

vs.

Joseph K. Buchner

F

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Chas. J. Ambrose*

Foreman.

*7 Nov 16/99*

Countersigning trade mark  
Section 364, Penal Code

0020

Sec. 151.

Police Court \_\_\_\_\_ District.

CITY AND COUNTY }  
OF NEW YORK, } ss.*In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:*Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Christian S. Wellsof No. 22 Sumner Ave Jersey City N.J. Street, that on the 26<sup>th</sup> day of March1891 at the City of New York, in the County of New York, and on several dayssubsequent thereto Joseph K. Buchner of 150 Princeton Street New York, made and counterfeited a Trade Mark to wit "Rough on Rats" then said Buchner offered said counterfeited Trade mark to articles of merchandise knowing it to be false and counterfeit without the consent or consent of the lawful owner of said trade mark, that the said has sold and offered for sale articles of merchandise to which the said mark was attached.

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 3<sup>rd</sup> DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.Dated at the City of New York, this 27<sup>th</sup> day of May 1891John J. Ryan POLICE JUSTICE.

0021

Police Court 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Ephraim S. Wells  
vs.

Joseph K. Brainerd

Warrant-General.

Dated May 24 1889

Ryan Magistrate

Hay Officer.

The Defendant

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

Officer.

Dated \_\_\_\_\_ 188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

Dated

188

Police Justice

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

May 27 91

63 yrs

Russia

Manufactures

MD

St. Runglin

The within named

0022

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

*Joseph K. Buchner* 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.

*Joseph K. Buchner*

Question. How old are you?

Answer.

*6 years*

Question. Where were you born?

Answer.

*Russia Poland*

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

Answer.

*150 Rivington St - 6 months*

Question. What is your business or profession?

Answer.

*Deals in rat and insect powder*

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 sold "Roughen rats" but thought I was selling the proper article; and demand a trial or pay, if held -*  
*Joseph K Buchner*

Taken before me this  
day of *March* 1891

Police Justice.

## A F F I D A V I T.

State of New York. :  
City & County of New York. : S. S.

Ephraim S. Wells having personally appeared before me and being duly sworn deposes and says:

I am the manufacturer of certain proprietary articles, doing business at 22 Summit Avenue, Jersey City, N. J., Among other articles I manufacture a preparation for killing rats, mice and other vermin which I call "Rough on Rats" which I have largely advertised under that name and which is known throughout the entire civilized world under that name owing to the immense amount of advertising and distribution of the goods which I have carried on.

That on or about the sixth day of December, 1883 I commenced a suit in the United States Circuit Court for the Southern District of New York against one, Joseph K. Buchner for an infringement on my rights to the exclusive use of the Trade Mark, "Rough on Rats". Issue having been duly joined in that suit and testimony taken on behalf of myself and the cause brought up for final hearing and argued on my behalf it was on motion of my counsel finally adjudged and decreed "that the defendant and his attorneys, solicitors, servants, agents and workmen and each and every of them be and are hereby perpetually enjoined and restrained by the decree and injunction of the Court from directly or indirectly using the said Trade Mark mentioned in the complaint herein or causing or permitting the same to be used or any words or phrase substantially the same as the

"said Trade Mark or containing the said phrase 'Rough on  
 "'Rats' or any words simulating or liable to be mistaken  
 "for the same. A certified copy of such decree is hereto  
 "annexed.

That on or about the 26<sup>th</sup> day of March, 1891 learning  
 that the said Buchner was continuing or re-commencing this  
 infringement notwithstanding the said decree I caused my  
 salesman, M. A. Weart to investigate the matter with the  
 result set forth in his affidavit hereto annexed.

That the manufacture and sale of goods bearing the said  
 Trade Mark in counterfeit of my Trade Mark to which I have  
 an exclusive right is a great injury to my business and  
 the injury is heightened by the fact that as I am informed  
 and believe the compound so made and sold by the said Buch-  
 ner under the title "The Empire Rough on Rats and Mice"  
 is an inferior article and is sold at a lower price thus  
 tending to injure the reputation of the goods which I  
 manufacture and sell and the market therefor.

That the said Joseph K. Buchner has falsely made and  
 counterfeited said Trade Mark "Rough on Rats; that he has  
 affixed said counterfeit Trade Mark to articles of merchan-  
 dise knowing it to be false and counterfeit without the  
 consent of deponent. That the said Buchner has sold and  
 offered for sale an article of merchandise to which the  
 false or counterfeit Trade Mark has been affixed without  
 the consent of the deponent, the lawful owner of said



0025

Trade Mark.

*Chas. W. Wells*

~~Sworn to and subscribed before me this 20<sup>th</sup> day of~~

*May 1891.*

*W. B. Bridgford*

*Notary Public*

*Arg. Co (131)*

*Sworn to before me this 27<sup>th</sup> day of  
May 1891*

*John J. Ryan*

*Police Justice*

0026

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*

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

Dated *May 27-* 18 *91* *John Ryan* Police Justice.

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

Dated..... 18 ..... 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..... 18 ..... Police Justice.

0027

BAILED.

No. 1, by Adolph Leszczynski  
Residence 114 Rivington Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court---

District.

~~not~~ THE PEOPLE &c.,  
ON THE COMPLAINT OF

Ephraim S. Wells  
22 Sumner St.  
Joseph K. Buchanan

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated May 27 1891  
Ryan Magistrate.

Pay Officer.  
Court Precinct.

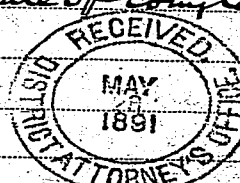
Witnesses M. A. Weast

No. Case of Complainant

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

No. 500 to answer E. J. Street.

Am. B. W. R.



Offence Trade mark Law

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Joseph H. Rudman*

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

Indictment accuse *Joseph H. Rudman*

of the crime of *falsely making and counterfeiting a trade mark, —*

committed as follows:

The said *Joseph H. Rudman, —*

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

*Twenty-second* day of *April*, in the year of our Lord one thousand eight hundred and ~~eighty~~ *ninety-one*, at the City and County aforesaid,

*intentionally did knowingly falsely make and counterfeit a certain trade mark, name, design and label adopted by one Edmund S. Wells, the maker and seller of a certain article of merchandise called "Rough on Rats", the said trade mark of the said Edmund S. Wells consisting of the words or phrase "Rough on Rats". The same being a mark used by the said Edmund S. Wells to indicate himself as the maker and seller of the said article of merchandise, and being by him usually applied to the same to denote*

that the same was manufactured, produced, sold and prepared by him, and said of the said and counterfeited Trade mark is as follows: that is to say: "The Engine Brought on Rats and Mice"; 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 of this indictment further accuse the said Joseph H. Budner of the crime of selling an article of merchandise to which was affixed an imitation of the Trade mark of another, without the latter's consent, committed as follows:

The said Joseph H. Budner, late of the City and County aforesaid, did, to wit: on the day and in the year aforesaid, at the City and County aforesaid, without the consent of one Ephraim S. Wells, the maker and seller of a certain article of merchandise, to wit: a certain preparation for the destruction of rats and mice, who was then and there the owner of a certain Trade mark consisting in the words or phrase "Brought on Rats,"

The said Trade mark having been thrust upon  
 duty and fraudulently adopted by the said  
 Edmund S. Wells, and having a mark  
 there and there used by him to indicate  
 himself as the maker and seller of the  
 said preparation, and fraudulently advised to  
 the same by him to deceive that the same  
 was manufactured, produced, sold and  
 prepared by him, fraudulently did  
 knowingly sell to one M. A. West a  
 certain article of merchandise, to wit: a  
 quantity of a certain other preparation  
 for the destruction of rats and mice, cockroaches,  
 bed bugs, ants and all other insects, the  
 same being contained in a certain wooden  
 box and the which was then and there  
 advised an imitation of the said Trade-  
 mark of the said Edmund S. Wells, to wit:  
 the said box then and there <sup>printed</sup> ~~resembling~~ a label  
 placed thereon containing among other things  
 the words or phrase following that is to  
 say "The Empire Bait Bough on Rats  
 and Mice" which said words or phrase  
 were then and there <sup>printed</sup> ~~resembling~~ and arranged  
 as to color resemble the said genuine  
 Trade mark of the said Edmund S. Wells and  
 to be likely to induce the belief that it was  
 genuine; against the form of the Statute  
 in such case made and printed, and

against the peace of the People of the State  
of new rights, and their dignity.

David Court. -

And the Grand Jury of said  
County further accuse the  
said Joseph H. Gardner of the crime of  
feloniously making and counterfeiting a  
trade mark, committed as follows:

The said Joseph H. Gardner,  
late of the City and County of said,  
afterwards, to wit: on the day and in  
the year aforesaid, at the City and County  
aforesaid, unlawfully did knowingly  
feloniously make and counterfeit a certain  
trade mark thereof and lawfully  
adopted by one Ferdinand S. Wells, the  
maker and seller of a certain preparation  
for the destruction of rats and mice, the  
same consisting of the words or phrase  
"Rough on Rats", and being a mark  
then and there used by the said Ferdinand  
S. Wells to indicate himself as the maker  
and seller of the said preparation and  
being by him usually affixed to the  
same to denote that the same was  
manufactured, produced, sold and  
prepared by him, which said trade and  
counterfeit trade mark is as follows,

0032

that is to say: "Bona fide on Date", 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

Deborah Hill,

Attorney at Law



that is to say: "Borough on Note", against  
 the form of the Statute in such case  
 made and provided, and against the  
 force of the Bonds of the State as  
 new note, and their dignity.

Detamery Hill,

Detamery Hill.

0034

**BOX:**

440

**FOLDER:**

4053

**DESCRIPTION:**

Bungardt, Theodore

**DATE:**

06/24/91



4053

0035

**BOX:**

440

**FOLDER:**

4053

**DESCRIPTION:**

Cofone, Salvatore

**DATE:**

06/24/91



4053

Witnesses:

In the within case it appears that the Complainant desires to withdraw his complaint as it appears that the Apts were employees in the premises when the complaint entered who was an officer but not in uniform and who failed to so answer himself as such officer. The facts as explained by the Complainant are sufficient for me to recommend that the indictment be dismissed which I therefore do

Stanchfield  
June 29<sup>th</sup> 1911  
J. H. Kelly and H. B. Kelly

*Wm. Gallagher*  
Counsel,  
Filed *24* day of *June* 1897  
Pleads, *August 25*

THE PEOPLE  
vs.  
*Theodore Bungardt*  
and  
*Salvatore Cofone*

Assault in the Second Degree.  
(Section 218, Penal Code).

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.  
*Chas. J. Mahon* Foreman.  
*June 29/11*  
*Indictment dismissed*  
*as to both*

General Lessor }  
City of New York }

The People

P.

Thos. Bungartz and  
Sebastien Bonfoni.

Thomas A. Butler being duly sworn  
deposes and says,

That on the morning of the 16<sup>th</sup> June a/c - deponent  
not being then in uniform entered the lodging house at  
#96 Brown and ~~at down on the steps of the stairs~~ leading  
~~to the upper floors of that house.~~

That defendants came out of the office of that  
lodging and ordered deponent to leave the house -  
and on deponent trying to explain why he was there  
~~sitting on the steps~~, the defendants proceeded and on general  
measures wherein deponent was struck several times  
by defendants and deponent struck back the defendants.

That having subsequently examined the facts  
and circumstances I have become satisfied that  
the assault of defendant was not vicious or  
malicious - That one of the defendants is a night  
watchman and the other a clerk of that house,  
and deponent is satisfied that they believing it their  
duty to oust deponent from that house because he  
was not a guest therein acted violently towards deponent  
I did not inform the defendants that I was an officer.

0038

In view of the facts as ascertained by deponent  
deponent, as far as it is in his power, is  
willing to withdraw the charge made against  
the defendants.

Thomas W. Dutton

0039

Police Court— District.

City and County } ss.:  
of New York,

Thomas a Butler  
 of 10th Precinct Police Street, aged 27 years,  
 occupation Police officer being duly sworn  
 deposes and says, that on 16 day of June 1891 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Theodore  
 Bungardt my Salvatore Cofone (nowhere)

Deponent says that said Bungardt gave  
 said Cofone the club now here shown and  
 said to him give it to him. That  
 said Cofone then and there wilfully  
 and maliciously struck deponent twice  
 on the head with said club cutting  
 and injuring him severely. Deponent  
 charges said defendants with acting  
 in concert in the aforesaid unlawful  
 act

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 'S

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 16 day }  
 of June 1891 }

Thomas A. Butler  
 Charles W. Fainter Police Justice.

0040

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *Theodore Bungardt*

Question. How old are you?

Answer. *46 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *115 Stanton St - 2 years*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I have nothing to say*  
*Theodore Bungardt*

Taken before me this

*16*  
*day of June 1914*  
*Charles W. Stanton*  
Police Justice



0041

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Salvatore Cofone 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.

Salvatore Cofone

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

Italy

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

Answer.

96 B'way Three years

Question. What is your business or profession?

Answer.

Watchman

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 taking an empty barrel up stairs when Complainant was sitting down on the stairway. I asked him to get out of the way and let me pass. ~~and~~ The Complainant caught hold of me by the privates and pulled me down the stairs and struck me on the head with a club.

Salvatore Cofone  
mark

Taken before me this

16

Charles J. McArthur  
Police Justice.

0042

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 Dyondant

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, Each 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. 16 1891 Charles McIntosh Police Justice.

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

Dated Jan. 16 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0043

858

Police Court--- / District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas A. Butler  
vs.  
Salvatore Leone  
Theodore Bungardt

Office  
J. H. [unclear]

3.  
4.  
Dated June 16 1921  
C. J. Tantor Magistrate.  
Butler Officer.  
10 Precinct.

Witnesses  
Patk Rafferty  
No. 53 E-Houston Street.  
James C. Horton  
No. 96 Baring Street.  
James B. Adcock  
No. 10 Precinct Police Street.  
to answer 570 each 4.5

AM Adlt-2

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

0044

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against  
*Theodore Bungardt*  
and  
*Salvatore Cofone*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

*Theodore Bungardt and Salvatore Cofone*

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

The said

*Theodore Bungardt*  
and *Salvatore Cofone*, both

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

*Thomas A. Butler*  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make an assault; and the said *Theodore Bungardt*  
and *Salvatore Cofone*,

with a certain *club* which *he* the said  
*Theodore Bungardt and Salvatore Cofone*  
in *their* right hands then and there had and held, the same being then and there  
a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm,  
*him*, the said *Thomas A. Butler* then  
and there feloniously did wilfully and wrongfully strike, beat,  
bruise 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.

*De Lancey Nicoll,*  
*District Attorney,*

0045

**BOX:**

440

**FOLDER:**

4053

**DESCRIPTION:**

Burns, Samuel F.

**DATE:**

06/18/91



4053

Witnesses:

Deated Sept 19, 1891

Benot Wasserman  
301 Broadway  
N.Y.C.

At 10/15 heard this indictment  
went manufacturing. The Com-  
plainant brought a civil  
suit for damages for the same  
amount that suit has  
been settled by the payment  
of the complainant for  
the factory owner. Both  
such circumstances I do not  
think very proper and  
it is fairly try say this  
and retirement as therefore  
incommodious that it is a  
miserable. Delaney's name  
is not mentioned.

137  
Counsel, *Proseutors McLeod*  
42 Wall St  
Filed day of June 1891  
Pleads *Wasserman* *Sept 17/91*

THE PEOPLE

vs.

B

*Samuel F. Burns*

Assault in the Second Degree.  
(Section 218, Penal Code).

*John R. Nicoll*  
JOHN R. FELLOWS

District Attorney.

*Part II. Sec 92*  
*May 9 1892*  
*Downs*

A True Bill.

*John F. Nichols*  
Foreman.

Oct 6<sup>th</sup> Part II  
Part 3 *Wasserman* *Sept 29*  
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City and County of New York, ss.

Subscribed by R. G. Lathray of  
Ward 28<sup>th</sup> Street, declared contractor  
at 28 Ward 24<sup>th</sup> Street, being duly  
sworn deposes and says, that on  
the 27<sup>th</sup> day of April <sup>1891</sup> he was  
assaulted by one Samuel X. Burns  
proprietor of the oyster saloon on  
6<sup>th</sup> Avenue between 44<sup>th</sup> & 45<sup>th</sup> Street  
in this City, who struck deponent a  
violent blow on the head with a  
water bottle which he held in his  
hand: that said assault was wholly  
unprovoked and unjustifiable.

Sworn to before me

On 12<sup>th</sup> day of June 1891 | R. G. Lathray

Just. of Peace

For. of Peace

City of New York

0048

Sec. 568.

15 District Police Court.

UNDERTAKING TO ANSWER.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An order having been made on the 15 day of May 1889 by

Edward Hyatt Police Justice of the City of New York. That

Samuel Burns be held to answer upon a charge of

Assault

upon which he has been duly admitted to bail in the sum of One Hundred Dollars.

We, Samuel Burns Defendant of No. 743

West Avenue Street; Occupation Restaurant and

Melvin Simpson of No. 157-6-Avenue Street;

Occupation Grocery Surety, hereby undertake jointly and severally

that the above-named Samuel Burns shall appear and answer the charge above-

mentioned, in whatever Court it may be prosecuted; and shall at all times render h—self amenable to the orders

and process of the Court; and if convicted, shall appear for judgment, and render h—self in execution thereof

or if he fail to perform either of these conditions that we will pay to the People of the State of New York the sum

of One Hundred Dollars.

Taken and acknowledged before me this 15

day of May 1889

[Signature] POLICE JUSTICE.

[Signature]  
Melvin Simpson



0049

CITY AND COUNTY } ss.  
OF NEW YORK,

Police Justice.

the within-named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five Hundred Dollars, exclusive of property exempt from execution and over and above the amount of all his debts and liabilities, and that his property consists of Stock and Furniture of Grocery Store situated at No 757 5th Avenue - and worth Five hundred

Dollars free and clear of all incumbrances  
William Simpson

Undertaking to Answer.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James C. Duran

Taken the 11 day of May 1889

Justice.

Filed 11 day of May 1891

0050

Police Court— First District.

CITY AND COUNTY } ss,  
OF NEW YORK,

Robert J. Rathay  
of No. 42 Broad Street, aged 28 years,  
occupation Clerk being duly sworn, deposes and says, that  
on the 27 day of April 1891 at the City of New York,  
in the County of New York,

he was violently ASSAULTED and BEATEN by Samuel Burns

who struck deponent a blow on the  
forehead with a bottle cutting and  
injuring him severely.

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 5  
day of May 1891

Robert J. Rathay  
[Signature] Police Justice.

0051

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

Samuel Burns 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 sees 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.

Samuel Burns

Question. How old are you?

Answer.

38 years

Question. Where were you born?

Answer.

N. Y.

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

Answer.

783 Sixth Ave. 1 year

Question. What is your business or profession?

Answer.

Restaurant Clerks

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 deny the charge and  
demand an Examination

Samuel Burns

Taken before me this  
day of May 1938

Police Justice

0052

*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.....18.....Police Justice.*

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

*Dated.....18.....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.....18.....Police Justice.*

0053

Police Court---District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OFRobert J. Rattray  
vs. 7 W 28 St1. Samuel F. Burns  
183 1<sup>st</sup> Ave

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Offence Assault in the  
second degree

Dated June 18 1891

Magistrate.

Officer.

Precinct.

Witnesses Duncan E. Cameron  
23 S. William St

No. 810 Fifth Avenue

Cladio Rubia Jr  
142 E 40<sup>th</sup> St

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

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

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

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

0054

Sec. 151.

CITY AND COUNTY  
OF NEW YORK,

ss.

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

POLICE COURT, 15 DISTRICT.

**Whereas**, Complaint in writing, and upon oath, has been made before the undersigned one of the Police  
Justices for the City of New York, by Robert Rathway  
of No. 42 Broad Street, that on the 27 day of April  
1891 at the City of New York, in the County of New York,

he was violently **Assaulted and Beaten** by Samuel Burns

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

**These are Therefore**, in the name of the PEOPLE of the State of New York, to command you, the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring  
forthwith before me, at the 15 DISTRICT POLICE COURT, in the said city, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this

day of

May 1891

[Signature]  
POLICE JUSTICE.

0055

Police Court.....District.....

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-A. & B.

Dated.....188

Magistrate.

Officer

The Defendant.....

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

Officer.

Dated.....188

This Warrant may be executed on Sunday or at  
night.

Police Justice.

38 yno  
W  
U-5  
S.  
yes  
Restaurant  
783-6 Ave

Dated.....188

WARDEN and KEEPER  
of the City Prison of the City of New York.

having been brought before me under this Warrant, is committed for examination to the

The within named

Police Justice

0056

Sec. 193-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

Samuel Burns 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. Samuel Burns

Question. How old are you?

Answer. 38 years

Question. Where were you born?

Answer. N.Y.

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

Answer. 783 Sixth Ave 4 years

Question. What is your business or profession?

Answer. Restaurant KeeperQuestion. 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 deny the charge and  
demand an Examination  
Samuel Burns  
AT

Taken before me this  
day of May, 1911

Police Justice



0057

Sec. 151.

POLICE COURT, 154 DISTRICT.

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

**Whereas**, Complaint in writing, and ~~under~~ oath, has been made before the undersigned one of the Police  
Justices for the City of New York, by Chadwick Ruben  
of No. 346 73rd Street, that on the 27 day of April  
1888 at the City of New York, in the County of New York,

he was violently **Assaulted and Beaten** by Samuel Burns

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

**These are Therefore**, in the name of the PEOPLE of the State of New York, to command you, the said  
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring  
forthwith before me, at the 154 DISTRICT POLICE COURT, in the said city, or in case of my absence  
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to  
be dealt with according to law.

Dated at the City of New York, this 5 day of April 1888,  
[Signature] POLICE JUSTICE.

0058

Police Court..... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

Warrant-A. & B.

Dated May 5 1889

Hogan Magistrate.

English Officer

The Defendant

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

..... Officer.

Dated..... 188

This Warrant may be executed on Sunday or at  
night.

..... Police Justice.

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

Dated..... 188

The within named

Police Justice

38 yrs  
W  
N S  
S  
yes  
Restaurant  
783-6

0059

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

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

Dated May 7 1891 E. J. Hogan Police Justice.

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

Dated May 7 1891 E. J. Hogan 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0060

Paroled until  
May 7<sup>th</sup> 3 P.M.

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---First District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

I hereby consent that this case be  
transferred to the Court of Special  
Sessions for trial and final  
position.

*[Handwritten signatures and notes]*

Offence Assault

1891

Magistrate.

Officer.

Witnesses

Smith

No. 23 William

George Curtis

No. 16 W 53rd St

Charles Brown

No. 23 W 53rd St

Edward Brown

No. 23 W 53rd St

St James

No. 23 W 53rd St

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St James

0061

No. 8.

410

~~GRAND JURY ROOM.~~

*Part 3*  
PEOPLE

US.

*Samuel H. Burns*

*March 22*

*To fix day for trial*

0062

No. 1.

District Attorney's Office.

PEOPLE

vs.

*S. Barnes*

*Assault*

*Put this warrant  
to file day for  
trial. Do not  
out power. Write  
it up as soon  
as possible. January 29th*

*J. L. N.*

*Walters - June 25-92*  
*Walters*

0063

District Attorneys Office.  
City & County of  
New York.

June 13th 1891

John F. Randall Esq.

Clerk of the Court of Special  
Sessions of the Peace,  
New York City.

Dear Sir,

The Grand Jury have this day  
filed an indictment against Samuel  
B. Burns for assault in the second  
degree upon one Robert J. Rathbone  
committed in this City, on the 23rd day  
of April last. This is the same offense  
for which as I am informed a complaint  
is now pending in the Court of Special  
Sessions charging the assault as a  
misdemeanor.

The indictment being for a felony  
of which the Court of Special Sessions  
has exclusive jurisdiction I would advise  
that the papers in the case now on file  
in your office be transmitted to this

0064

District Attorneys Office.  
City & County of  
New York.

Dear Sir,

Very respectfully yours

Deane Smith,

District Attorney

J. S.



0065

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

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

Dated May 7 1891 E. J. [Signature] Police Justice.

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

Dated May 7 1891 E. J. [Signature] Police Justice.

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

Dated May 7 1891 E. J. [Signature] Police Justice.

0066

Paroled until  
May 7<sup>th</sup> 3 P.M.

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

William Simpson  
757-6-Avenue Street.

Police Court--- 15<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Gladio Rubring

Sessions for trial and final dis-

position.

May 11<sup>th</sup> 1891

English

Court

Magistrate.

Officer.

Precinct.

Witnesses

Duncan Cameron

223 South William St

George Curtis

16<sup>th</sup> St.

Charles Giese

231<sup>st</sup> St.

Reginald Sayre

285 Fifth Avenue

E. J. G. G. G.

No. 16<sup>th</sup> St.

to the

ATTORNEYS

Offence

1891

Magistrate.

Officer.

Precinct.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Street.

Transferred to General Sessions

0067

Sec. 568.

District Police Court.

UNDERTAKING TO ANSWER.

CITY AND COUNTY }  
OF NEW YORK } ss.

An order having been made on the 7 day of May 1898 by  
Edward Hogan Police Justice of the City of New York. That  
Samuel F. Burns  
be held to answer upon a charge of

Assault

upon which he has been duly admitted to bail in the sum of 100 Hundred Dollars.

We, Samuel Burns Defendant of No. 783-  
Sixth Avenue Street; Occupation Restaurant and  
William Simpson of No. 757- Sixth Avenue Street;  
Occupation Grocery Surety, hereby undertake jointly and severally  
that the above-named Samuel F. Burns shall appear and answer the charge above-  
mentioned, in whatever Court it may be prosecuted; and shall at all times render himself amenable to the orders  
and process of the Court; and if convicted, shall appear for judgment, and render himself in execution thereof  
or if he fail to perform either of these conditions that we will pay to the People of the State of New York the sum  
of 100 Hundred Dollars.

Taken and acknowledged before me this 7 day of May 1898

POLICE JUSTICE.

Samuel F. Burns  
William Simpson

0068

CITY AND COUNTY } ss.  
OF NEW YORK,

William Simpson  
House

the within-named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth - Two - Hundred Dollars,

exclusive of property exempt from execution and over and above the amount of all his debts and liabilities, and that his property consists of

Stock and Fixtures of  
Grocery Store situated at No 787  
Sixth Avenue and worth Five  
Hundred dollars free and clear of  
all encumbrances

William Simpson

Police Justice.

Underlying to Answer.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James H. Burns

Taken the day of 188

Justice.

Filed 11 day of May 1889

0069

Police Court—

District.

CITY AND COUNTY } ss,  
OF NEW YORK,

of No. 346 Broadway Street, aged 35 years,  
occupation murderer  
on the 27 day of April being duly sworn, deposes and says, that  
in the County of New York, 1897 at the City of New York,  
he was violently ASSAULTED and BEATEN by Samuel Burns

who struck deponent a blow on the  
face with his fist knocking him down  
and cutting his lip severely  
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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 5 day of May 1897 } Edadio Rubira Jr.  
[Signature] Police Justice.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Daniel F. Burns*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse

*Daniel F. Burns*

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

The said *Daniel F. Burns*,

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

*Robert F. Rathway*.

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said *Daniel F. Burns*

with a certain *glass bottle* which *he* the said *Daniel F. Burns*

in *his* right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, *him*, the said *Robert F. Rathway* then and there feloniously did wilfully and wrongfully strike, beat, bruise 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.

## SECOND COUNT—

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

*— Daniel F. Burns —*

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

The said *Daniel F. Burns,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Robert J. Rathay,*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *Daniel F. Burns,* the said *Robert J. Rathay,* with a certain *glass bottle*

which *he* the said *Daniel F. Burns,*

in *his* right hand then and there had held, in and upon the

*head* of *him* the said *Robert J. Rathay.*

then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Robert J. Rathay,*

to the great damage of the said *Robert J. Rathay,* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*John R. Fellows*  
**JOHN R. FELLOWS,**

*District Attorney.*

0072

**BOX:**

440

**FOLDER:**

4053

**DESCRIPTION:**

Buschke, Albert

**DATE:**

06/24/91



4053



Witnesses;

Counsel, *J.P.*  
Filed *24* day of *June* 1891  
Pleads, *August 25*

THE PEOPLE

vs.

*F*  
Albert Buchke

*Section 498, Penal Code.*  
Burglary in the Third degree.

*JOHN R. FELLOWS*

District Attorney.

A True Bill.

*Chas. J. Miller*  
*June 25/91* Foreman.  
*Charles W. Bayley*  
*Emm. R. J.*

0074

Police Court— District.

City and County } ss.:  
of New York,of No. 19 New Street, aged Charles A. Gosford years,  
occupation Restaurant being duly sworndeposes and says, that the premises No. 19 New Street,  
in the City and County aforesaid, the said being a Six story andBasement Brick Building  
and which was occupied by deponent as a Restaurantand in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly entering a  
window leading from the stairs, into a water  
closet, and then forcing and breaking in a  
door leading from the said Water Closet into the Restaurant  
in the Basement of said premiseson the 20 day of June 1889 in the Night time, and the  
following property feloniously taken, stolen, and carried away, viz:A quantity of cigars and  
silverware, all of the amount  
and value of Two hundred  
dollars (\$200)the property of Deponentand 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 byAlbert Buschkefor the reasons following, to wit: That deponent is informed by  
Officer William Bros of the First Precinct Police  
that about the hour of 10 o'clock P.M. of the  
aforesaid date he tried the front door of the  
said Restaurant, and that at that time  
he saw the said door leading from the  
Water Closet into deponent's place of business  
closed, and that about the hour of 11.45  
o'clock P.M. of the aforesaid date he found

0075

of said water closet  
 the said door broken into, and the said  
 defendant standing in the said Restaurant,  
 in said Basement, and who on being  
 discovered by said Officer, attempted to  
 escape, and secrete himself in a Coal  
 Bin. Deponent therefore charges the defendant  
 with having committed a Burglary, and  
 asks that he may be held and dealt  
 with, as the Law may direct -

Sworn to before me } Charles A. Gofford  
 this 22 day of June 1891

Charles A. Gofford  
 Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No.

Sired.

0076

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

*William Boos*  
*Police Officer*  
*First Precinct Police*

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

*Charles A. Gifford*

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

Sworn to before me, this

day of *June* 188*8*

*William Boos*

*Charles N. Lainto*

Police Justice.

0077

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. Albert Buschke

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. Germany

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

Answer. 75 Chrystie St 1 month

Question. What is your business or profession?

Answer. Laborer

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 stealing.  
I broke in to get my  
apron  
Albert Buschke

Taken before me this

22day of June 1891Charles H. Tanner

Police Justice.

0078

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

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

Dated June 22 1891 Charles T. Smith Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ 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 \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

0079

Police Court--- /s District. 841

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles A. Goffard  
19 2nd St  
Albert Buschke

2

3

4

Office Burglar

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

22 June 1891

C. A. Tanta

Magistrate.

Boos

Officer.

1st

Precinct.

Witnesses

William Boos

First Precinct

Street.

No.

Street.

No.

Street.

\$

to answer

1000 G S  
Boos 3

0080

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 Buschke

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

Albert Buschke

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

The said

Albert Buschke

late of the First Ward of the City of New York, in the County of New York  
aforesaid, on the twentieth day of June in the year of our Lord one  
thousand eight hundred and ninety-one, with force and arms, in the  
night - time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one a certain building, to wit:

the building of one Charles A. Gozford

there situate, 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 Charles A. Gozford

restaurant  
in the said ~~dwelling house~~ 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.

De Lancey Nicoll,  
District Attorney