

0372

BOX:

101

FOLDER:

1083

DESCRIPTION:

Steingerwald, Isaac

DATE:

04/16/83



1083

May 21 1883

The acts alleged as unlawful in within case have recently been taken out of the list of Criminal offenses by the Code of amendments Criminal to an order made April 1883 by Judge Goldsworthy this I must I should be dismissed

J. H. Williams

Asst. Dist. Atty

155 West
Filed 16 day of April 1883
Pleads Not Guilty

THE PEOPLE

vs.

B

Isaac Steingewald

JOHN McKEON,

Dist. Atty.

Dr. May 20/83
Ind. dismissed Has. dishd.

A True Bill.

M. W. Williams

Foreman.

POOR QUALITY
ORIGINALS

0373

0374

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New-York.

-----X
The People of the State of New-York :

- against -

Isaac Steingwald :

-----X
THE GRAND JURY OF THE CITY AND COUNTY OF NEW-YORK, by this indictment, accuse *Isaac Steingwald*
of the Crime of SABBATH BREAKING, committed as follows:

The said *Isaac Steingwald*
late of the City and County of New-York, on the *eleventh*
day of *February* in the year of our Lord one thousand eight
hundred and eighty three, the same being the first day of the
week, and commonly called Sunday, at the City and County afore-
said, unlawfully did publicly sell, and offer and expose for sale
publicly, *certain commodities, to wit:*
certain meats, after the hour of nine
o'clock in the morning of said day

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 Mc KEON,
District Attorney.

0375

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

Sworn to before me, this
18th day of February
1883.
J. J. Thompson
Police Justice.

Stephen H. Corvett
of 426 East 119th Street Precinct Police, being duly sworn, deposes and says
that on Sunday the 11th day of February 1883
at the City of New York, in the County of New York,

James Stegemann
[now here,] did unlawfully for keeping his Butcher Shop
in house No. 194 E 1st Avenue open at the
hours of 9.45 o'clock A.M. of said day
and did then and there expose
publicly for sale and did sell in
deponent's presence certain meats.
in violation of the Ordinances of the Section 264 of the Penal
Code

Stephen H. Corvett

0376

BALIED,
No. 1, by Isaac Steigman
Residence 199 1st Avenue
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence
Street,

174
Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Isaac Steigman

Isaac Steigman

Isaac Steigman

Dated Feb 16 1883

Morgan Magistrate.

Officer.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

No. 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 Isaac Steigman

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 Feb 16 1883 R. L. Morgan Police Justice.

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

Dated Feb 16 1883 R. L. Morgan 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.

0377

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

3 District Police Court.

Isaac Steigermald 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.

Isaac Steigermald

Question. How old are you?

Answer.

36 Years

Question. Where were you born?

Answer.

Germany

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

Answer.

144 2-Avenue

One year

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 did not sell or offer for sale any of my goods but was engaged in putting away my meats before closing for the day

Isaac Steigermald

Taken before me this

16

day of

July

1883

Police Justice

Police Justice.

0378

BOX:

101

FOLDER:

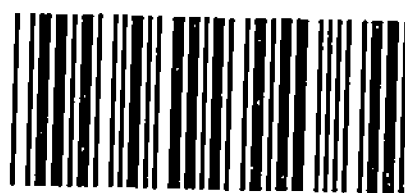
1083

DESCRIPTION:

Stiman, George

DATE:

04/18/83



1083

POOR QUALITY
ORIGINALS

0379

Direct for
Mr. Seeples
79.20 for
Provisions

Mr. Pulmanville
Grocer
20 Apr. 33 + 34

Mr. Seeples, rep.
much washed.
family, good
character.

Mr. Pullmanville.
works for train
6 or 7. days.
Character ordinary
good.

7.2

220-
Day of Trial, 22 April 1883
Counsel, J. Seeples
Filed, 22 April 1883
Pleads, J. Seeples

THE PEOPLE

vs.

P

George Stiman

JOHN McKEON,

District Attorney.

P. 22 April 20. 1883
Filed, 22 April 1883
A True Bill.

W. H. Seeples

Foreman.

1 Year 6 months

25

0380

Court of General Sessions of the Peace,
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

George Skiman

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

George Skiman
of the CRIME OF BURGLARY in the *second* Degree, committed as follows:

The said *George Skiman*
late of the *Fourteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *eleventh* day of *April* in the
year of our Lord one thousand eight hundred and eighty *three* with force
and arms, about the hour of *twelve* o'clock in the *night* time of the same
day, at the Ward, City and County aforesaid, the dwelling house of
William Fetterer
there situate, feloniously and burglariously did break into and enter, ~~by means of~~

whilst there was then and there some human being, to wit, one *Minnie*
Fetterer within the said dwelling-house, the said
George Skiman
then and there intending to commit some crime therein, to wit: the goods, chattels and
personal property of *William Fetterer*
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.

0381

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

George Stuman

of the CRIME OF Attempting to Commit Grand Larceny in the first degree
committed as follows:

The said George Stuman, late of the
fourteenth

Ward of the City of New York, in the County of New York, aforesaid,
on the eleventh day of April in the year of our Lord one thousand eight

hundred and eighty-three at the Ward, City and County aforesaid, with force and arms, in the night
nine of said day three promissory notes for the payment of money, being then and there due and unsatisfied (and of
\$1000.- the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one
thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied
(and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value
of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars,
and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and
there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars,
and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the
value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and
unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value
of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and
of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars
each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each:
one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind
known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each:
one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar
each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due
and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind
known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), be-
ing then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money
(and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten
promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsat-
isfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as
bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for
the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value
of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the
jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as
double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the
value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each:
fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold
coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the
kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors
unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver
coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually
known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as
quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually called dimes),
of the value of ten cents each: six hundred silver coins (of the kind usually known as half dimes), of the value of five
cents each: one thousand silver coins (of the kind known as three cent pieces), of the value of three cents each: silver
coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value
of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each: five hundred coins
(of the kind known as two cents), of the value of two cents each, five dresses of the

value of ten dollars each, five coats of the value
of ten dollars each, five vests of the value of three
dollars each, and five pairs of trousers of the
value of seven dollars each pair

of the goods, chattels, and personal property of one William Tetterer, in the said
dwelling house then and there tenanted, then and there being found,
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.

JOHN McKEON, District Attorney

0382

10.30 AM
The Ex^{ts} of R^{ts} ~~at~~
April 12/1883. Remanded
Applicant to hear his
Counsel then present
April 12. Defendant failed
to appear Counsel.

BAILED.
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court - 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Stuman
Burglary

Dated 11 April 1883

My Commissioner
Francis Crowley Officer.

Witnesses _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____
William Mitchell
J. S. Mitchell
J. S. Mitchell
J. S. Mitchell

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 George Stuman

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. until he be legally discharged

Dated 12 April 1883 Geo. Stuman Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0383

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

1st District Police Court.

George Stiman

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

Question. What is your name?

Answer.

George Stiman

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

Germany

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

Answer.

no home

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 boarded with *dw Jetteren*,
the Complainant, about a
year ago. I was out of work
for the *Month*. I was a home as money.
I was to sleep in 2 weeks
and I went there to sleep.~~

I boarded with the Complainant
about 1 year ago. I have been
out of work for the 3 months
last past - and was without
home or place to sleep for
two weeks. I went to
dw Jetteren that morning
to get a place to sleep.

George Stiman

Taken before me this

day of

April

1883

City Court

Police Justice.

0384

Police Court—First District.

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

of No. 170 Elizabeth Street, aged 46 years,
occupation Boarding House Keeper being duly sworn
deposes and says, that the premises No. 170 Elizabeth Street,
in the City and County aforesaid, the said being a brick building

and which was occupied by deponent as a dwelling house where deponent resides
and in which there was at the time ~~a~~ human being, by name William Fetterer
Minnie Fetterer, William Fetter and Alexander Fetterer
were BURGLARIOUSLY entered by means of forcibly raising a window
of the rear of the second floor by placing an iron ladder
against the wall in the rear of said premises and ascending
to the second story and forcibly raising said window and
entering therein

on the 11th day of April 1883 in the night time, and the
following property feloniously ^{attempted to be} taken, stolen, and carried away, viz:

a quantity of wearing apparel and other articles
and lawful money in all of about the
value of one thousand dollars

the property of deponent

and deponent farther says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY ^{was committed} and the aforesaid property ^{attempted to be} taken, stolen, and carried away by

George Stimar (now here)

for the reasons following, to wit: that at or about the hour of four
oclock and thirty minutes on the morning of said
day while deponent was asleep in his bed
deponent was aroused by his wife she says that
there was some person in the room deponent
immediately got out of bed and saw defendant
therein who started and ran out of said room
through the hall and down the stairs deponent
pursued said defendant and caught said

0385

in the yard of said ^{premises} and detained defendant until deponent got his cloths on, then deponent ~~took~~ defendant to the street looking for an officer and while going towards the station ^{house} defendant brake away from deponent and ran away deponent pursued defendant crying out stop thief which attracted the attention of officer crowley who arrested said defendant

William F. Fetter

Sworn to before me this 11 day of April 1883

clerk

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Burglary

188

Magistrate.

Officer.

Clerk.

Witnesses:

mitted in default of \$

led by

Street.

0386

BOX:

101

FOLDER:

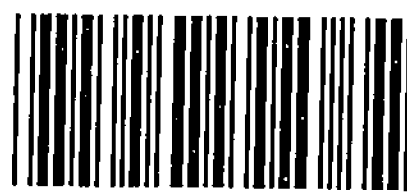
1083

DESCRIPTION:

Stokes, William E.D.

DATE:

04/25/83



1083

0387

BOX:

101

FOLDER:

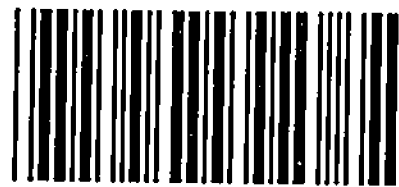
1083

DESCRIPTION:

Martin, William R.

DATE:

04/25/83



1083

POOR QUALITY
ORIGINALS

0300

Witnesses:

C. S. Stokes

Chas. R. Atuer

(301)

Exhibit "D" of the

Counsel, v. 2-35 Ma. C. C.
Filed 25 day of April 1893

Pleas, v. 2-35 Ma. C. C.
THE PEOPLE, vs. Defendant

William E. R. S. to know

William R. Martin

DE LANCEY NICOLL,

Supreme Court of the State of
Massachusetts, ss. the District
Attorney defendant vs. the
People, ss. the People.

Wm. R. Martin

Foreman.

Declarer disallowed

Admission to disburse, ss. 2-35 Ma. C. C.
denied, ss. 2-35 Ma. C. C.

0389

COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK

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

--against--

WILLIAM E. D. STOKES, and WILLIAM R.
MARTIN.
-----X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW
YORK, by this indictment accuse WILLIAM E. D. STOKES and
WILLIAM R. MARTIN, of the crime of Publishing a Libel,
committed as follows:

The said William E. D. Stokes and William
R. Martin, both late of the City of New York, in the
County of New York, aforesaid, on the thirtieth day of
June, in the year of our Lord one thousand eight hundred
and ninety two, at the City and County aforesaid, unlaw-
fully and maliciously contriving and intending to vilify
and defame one Edward S. Stokes, then being an officer,
towit: the president of a certain corporation known as
the "Hoffman House", and to injure and aggrieve him, the
said Edward S. Stokes, unlawfully and maliciously did
publish, and cause and procure to be published, a certain
false, scandalous, malicious and defamatory libel of and
concerning the said Edward S. Stokes, which said libel
exposed the said Edward S. Stokes to hatred, contempt

0390

and obloquy, and tended to cause him to be shunned and avoided, and had a tendency to injure him in his business and occupation, the same being in the form of a letter addressed to the said Edward S. Stokes, (so being then and there the president of the said corporation) by the name and description of "E. S. Stokes, Esq., President," and to one George W. Cornish, (then being the secretary of the said corporation) by the name and description of "Geo. W. Cornish, Secretary," containing the false, scandalous, malicious and defamatory words and matter following, of and concerning the said Edward S. Stokes, that is to say:

"New York, June 30, 1892.

E. S. Stokes, Esq., President.
Geo. W. Cornish, Secretary, Hoffman Ho.
Gentlemen:

I received on the 27th Mr. Cornish letter of 25th inst., written at the direction of the President, and learn that President Stokes refuses to call a special meeting of the directors of the Corporation to inquire among other things, "what course should be taken with officers who have taken the Company's funds, and not returned them", because he infers that he is the one who misappropriated the funds. This is a broader admission than I supposed he would make in writing, but he is mistaken in thinking ^{that} he can get out of it, by refusing to allow the directors to meet and investigate it. It is well for him that he is awake to the fact, and sees that it is important to make restitution of what he has taken from the Company before the Board meets, though not in the way he proposes in your letter, by making other false credits to wit: his Restaurant bills 15,048.92; a ~~claim~~ ^{claim} for salary, amount not stated; "thousand of Dollars" he claims he has paid out and not charged; \$12,750 for interest on bonds, and \$25,000 for bonds he wishes to pay in as cash. He must promptly pay back in cash.

There are other old subjects that require investigation, and which you have had a long while in hand. The President has stated that at least \$7,500 was stolen from Claremont, and that the account books had been stolen also. This Mr. Cornish was

0391

charged to examine and make up an account, and report at the June meeting, but nothing has been done. Why was it this was never charged against Fisher to his face, and nothing was done but a petty prosecution for \$4.80. Is this like the old story told to Mackay about the former Cashier, L. B. Smith, and his theft of the books, and \$200,000 defalcation and nothing in it.

Where to are the missing profits of the downtown restaurants. The President said they were ^{from, and more a year, until the accounts were} called for in December, 1891. Then there were conveniently made to disappear into some small sum reached by guess work. In whose pockets are these profits. Why had not enquiry been made into those losses. Has the President stopped this also?

In December 1891, when you were delaying so long in sending me the accounts and the accounts you did send, would not tally and I feared something was wrong, President Stokes told us he was no bookkeeper, and turned all the responsibility on Mr. Platner and Mr. Connish, to such an extent that I wrote that Mr. Platner should be watched. In response to a letter to Mr. Platner, he wrote me on January 3, 1892, that he would resign his position. When I approved this, Mr. ~~Stokes~~ President Stokes wrote to me that Mr. Platner was all right and he guaranteed his honesty, but that he had made a mistake in putting him up to write that letter. All this was a very ingenious play to parry my inquiries as to what had become of the profits, which ought to be on hand for the January dividend, but it did not work, for it is difficult, when books are "absolutely correct" as you say to make way with the money and then render accounts. But the explanation came out when he sent for me, and in the presence of Mr. Martin, in his private room, frankly confessed that the reason why Mr. Platner could not make out the accounts was that he had taken \$27,000, which was not entered in the books, and that he would make restitution from the January interest, and straighten out the accounts, and send them to me and asked me as a favor not to bother him until then and until the Mackay suit was over. I thought Platner should make a special report to the Board, how this \$27,000 was taken out without appearing on the books, and whether, and how it was restored. This would open a new page in the books.

Mr. Platner is now again keeping back the accounts, which I have often demanded, and now demand again, although he knows they are needed in determining on the July dividend as the By-laws require, Article XI., and I am much interested in watching what new plan will be devised for making the profits disappear, so that there can be no dividend, and yet keep the books, "absolutely correct" particularly since President Stokes is now awake to the danger of misappropriating the funds.

0392

Since the President relies on the votes of two of the Directors, Mr. Foote and Mr. Cornwell, to support him in the use he makes of the corporation funds, I have inquired here, and at Red Bank, New Jersey, from the highest authority, and I find they are each of them possessed of property, and adequately responsible as guarantors of the President, and I repeat the notice that I gave at the May Directors' meeting, that I will enforce this liability against them.

In respect to the Cröton taxes, which were unpaid, I would like a copy of the "satisfactory" explanation" which you say in your letter has been made. Was it satisfactory to Mr. Harris, the attorney of the Livingston Estate, so that proceedings to forfeit the lease are suspended. It has often been stated by you each that all these taxes were paid, and I would like an explicit answer to my question, what other taxes or water rents remain unpaid.

Will the President give a detailed statement of the "several thousand dollars in cash" which you say in your letter has been paid out for the benefit of the Company, and at the same time, of all the money which the company has paid out for his benefit.

Will he also state the grounds on which, as you say in your letter, he claims a credit for his restaurant services \$15,048.92, and what right he has to take \$23 a day at the restaurant, and whether it includes his friends. What other person is now, or does he propose to put on the free restaurant list? I have always paid my restaurant charges even when he was dining with me. He agreed, as he wrote to me, to pay for his rooms and restaurant charges, and I and Mr. Read were to pay ours.

What salary do the majority of the directors propose to give the President?

Do they know that he agreed with me, that he was to have no salary before August, 1891, and after that in writing under a sealed agreement, he was to receive \$400 a month, and he also agreed in writing to make no changes in the business without my consent.

I shall object to any payment being made to the President for coupons which he does not hold, and which he does not surrender, and where payments have been made to him for coupons which have not been surrendered I claim that the money shall be paid back by him.

I claim that the money to pay the coupons on the \$125,000 bonds I hold can be paid only to me.

These are adroit ways to reduce the balance which has been standing so long against him for moneys of the Company which he has taken without authority, turning a large balance in his favor, exhausting the profits which should belong to the Company, and enabling him to take all its money himself before reaching any dividend. The two di-

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rectors who aid him in their illegal schemes of depleting the Treasury will be held liable for it.

Or do you mean to tell me by your letter that there has been a meeting of the directors without notice to me, and the two directors and the President have agreed on these ways of fixing up his account. Your positive language looks very much like it.

Besides the small amounts held by Mr. Foote and Mr. Cornwall all the capital stock is held by the President, Mr. Reed and myself. The shares which I hold and those of Mr. Read, which are pledged to me, are very nearly one half of the whole. I also hold \$125,000 of bonds with the coupons as security for my loans to him and for his other obligations and guarantees to me. He is resorting to all the devices of bookkeeping, with the aid of Mr. Plather and Mr. Cornish to turn all the profits in his own pockets so that nothing shall be left for dividends. His personal a/c through which all the money passes amounts to over a million, yet no interest is charged upon it. This is worse than illegal, but Mr. Foote and Mr. Cornwall are good guarantors, and the legal methods of dealing with mismanaged corporations, and holding the officers and clerks to their responsibilities, are notably prompt and severe.

The President is indebted to Mr. Read for all his present position, for Mr. Read owned the whole business when he admitted him to the partnership. When he was on trial for his life Mr. Read befriended him with money and personal efforts. The President has in his hands all the bonds that came to Read, and which Read claims belongs to him. I will not be a party to anything that looks like wronging Mr. Read or any one else. I aided him two years ago on his appeal for money because he was in extreme distress, yet he refuses to pay back the money I loaned to him, and withholds the dividends on the stock owned by Mr. Read and by me. When he was on trial for his life I worked for him, and induced my father to advance very unwillingly, and after he had denied the appeals of his own father, the money that went towards the expenses of his trial and saved his life so that he can be where and what he is to-day. That accounts against him stands on the books of my father's estate at \$64,629.89, and to this day he has never repaid the first dollar of it.

He is carrying too far his course of injustice and violation of law. In times past he has had hundred of thousands of dollars in addition to the sums of his personal account on the books of this Company. His own friends are asking me where does his money go to. Is it his dredge, his outside speculations and gambling, or horse racing? Where does it go to?

I write this with regret; but I am not willing

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to stand by and see a Corporation mismanaged^d, and fail to give notice to my associate directors. I have been all these years my cousin's friend, and I have never done him anything but kindnesses.

Yours respectfully,

W.E.D.STOKES.

I unite in the foregoing letter.

W.R.MARTIN, Director."

which said libel, they, the said William E. D. Stokes and William R. Martin, did then and there unlawfully and maliciously send and cause and procure to be sent to the said Edward S. Stokes and George W. Cornish, to the great injury, scandal and disgrace of the said Edward S. Stokes, 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.

DeLANCEY NICOLL,

District Attorney.

0395

THE POEPLIN & CO.,

vs.

WILLIAM E. D. STOKES,
and William R. Martin

These defendants were indicted April 23rd, 1893, upon the charge of Criminally Publishing a Libel. This case involves some four or five other civil transactions as well as the famous case of the People vs. Edward S. Stokes which resulted in the conviction of the defendant some twenty-eight years ago.

Edward S. Stokes is the complainant in this case and has brought civil action for precisely this offense.

I have examined this case most carefully and am convinced of the utter inability of the prosecution to establish its case. Moreover, at least two months must be consumed in this trial.

One of the defenses of these defendants is that the communication was privileged. Another that the charges now alleged to be untrue were true, published for good and justifiable motives.

Upon all these facts I recommend the discharge of the defendants upon their own recognizance.

John Schuyler

Dep. Asst. Dist. Atty.

Dated, New York, November 8th, 1899.

I concur in the foregoing.

Wm. F. McHugh
Asst. Dist. Atty.

0396

FOL. 1

At a Criminal Term, Part 1, of the Supreme Court of the State of New York, held in and for the County of New York at the Criminal Courts Building in the Borough of Manhattan, of the said City of New York, on the 9th day of November, 1899.

Present,

HONORABLE Edgar C. Fursman
Justice.

THE PEOPLE OF THE STATE OF
NEW YORK

against

William E. D. Stokes
and
William R. Martin,

It appearing in the opinion of this Court, that it is proper that the indictment hereinafter named be tried herein :

Now, on motion of Asa Bird Gardiner, District Attorney of the County of New York, it is

FOL. 2

ORDERED, that the indictment found in the Court of General Sessions of the Peace of the City and County of New York on the 25th day of April, 1899, against the above named defendants, for the crime of Publishing a libel (§ 243 P.C.) be and the same is hereby removed into the Supreme Court of the State of New York in and for the County of New York.

E. C. Fursman
[Signature]

POOR QUALITY
ORIGINALS

0397

NEW YORK SUPREME COURT,
COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF
NEW YORK

against

Wm. E. D. S. Jones
Wm. A. Marden

Original
Order of Removal of
Indictment.

ASA BIRD GARDINER,
DISTRICT ATTORNEY,
CRIMINAL COURT BUILDING,
BOROUGH OF MANHATTAN,
NEW YORK CITY

0398

FOL. 1

At a Criminal Term, Part 1, of the Supreme Court of the
State of New York, held in and for the County of
New York at the Criminal Courts Building in the
Borough of Manhattan, of the said City of New
York, on the 9 day of Nov, 1899.

Present,

HONORABLE

Edgar L. Fursman
Justice.

THE PEOPLE OF THE STATE OF
NEW YORK

against

William E. D. Stokes
William R. Martin

It appearing in the opinion of this Court, that it is proper that the indictment
hereinafter named be tried herein :

Now, on motion of Asa Bird Gardiner, District Attorney of the County of New
York, it is

FOL. 2

ORDERED, that the indictment found in the Court of General Sessions
of the Peace of the City and County of New York on the 26 day of

April 1893, ~~1899~~, against the above named defendant, *William E. D. Stokes*
and William R. Martin, for the crime of *Publishing a Libel*

be and the same is hereby removed into the Supreme Court of the State of New York
in and for the County of New York.

E. L. Fursman
GC

POOR QUALITY
ORIGINALS

0399

General Sessions Court.

The People vs

vs.

William E. D. Stokes et al

Original

Notice of Argument, Notice of
Motion and Affidavit

HOLMES & ADAMS,

ATTORNEYS FOR Defendant Stokes

A. Oakley Hall 35 Wall Street,
Attorney for defendant Committee
132 Nassau St.
New York.

Service of the within is hereby admitted,

Dated New York,

Geo R. Bellows
Dist Attorney
per David W. Ryan
clerk
1894

0400

COURT OF GENERAL SESSIONS.

THE PEOPLE &C.
against
WILLIAM E. D. STOKES and WILLIAM R.
MARTIN

HON. JOHN R. FELLOWS, District Attorney,

S I R:

PLEASE TAKE NOTICE that on the pleadings and proceedings had herein and on this notice we shall at this Court, Part II. at the opening thereof on Tuesday, January 23rd 1894, bring on for re-argument, the demurrer filed to the indictment herein, in accordance with the leave heretofore given to re-argue the same, and also

PLEASE TAKE NOTICE that at the same time and place upon the same papers and upon the affidavit of Artemas H. Holmes, Esq., verified January 21st 1894, a copy of which, and of the Printed Papers on Appeal &c. therein described, is hereto annexed, we shall move the Court for an order or direction that the trial of this action be deferred until the determination of the issues of fact in the civil action set forth in said Papers on Appeal under the headings Second and Third therein folios 15 and 60 of the complaint in said civil action, the answer thereto being set forth beginning with Second at Folio 63 and ending at folio 81; and also

For such other or further order or direction in the premises as to the Court seem just.
Dated New York January 17th 1894

Yours &c.

Holmes & Adams,
Attys. for Deft. Wm. E.D.
Stokes,
35 Wall St. N.Y. City

A. Oakley Hall,
Atty. for Deft.
Wm. R. Martin,
Nassau St. N.Y. City

0401

Folio 1

COURT OF GENERAL SESSIONS.

""""""""""
THE PEOPLE &c. "
"
against "
"
"
WILLIAM E. D. STOKES and WILLIAM R. "
MARTIN "
"
""""""""""

CITY AND COUNTY OF NEW YORK) SS.

A R T E M A S H. H O L M E S being duly sworn says he is one of the law firm of Holmes & Adams, the attorneys for the above named defendant, William E.D. Stokes herein.

" 2

The indictment in this cause was found on or about April 25th 1893, more than three months after the civil libel action hereinafter described was begun.

The said law firm are also the attorneys for said William E.D. Stokes as defendant in a civil action for libel now pending in the New York Supreme Court, City and County of New York, wherein Edward S. Stokes is the plaintiff.

"3

Said civil action was begun on January 19, 1893, by service of a summons with notice. The complaint therein was served March 20, 1893, and sets forth three separate causes of action for three several alleged libels, for which plaintiff demands damages in the sum of \$250,000.

The first cause of action counts upon the com-

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"4

position and publication in the New York Herald by defendant of a letter concerning the plaintiff (pages 3 & 5 folios 8-15 of Printed Papers on Appeal). The second cause of action counts, among other things, upon the composition and publication concerning the plaintiff of the identical letter which is set forth in the indictment in the criminal action (pages 5 to 12, folios 15 to 34 of Printed Papers on Appeal). The third cause of action alleges the publication of other irrelevant, impertinent and scandalous matter referring to plaintiff in addition to the alleged libel set forth in the second cause of action (See pages 19-20, folios 57-60 of Printed Papers on Appeal &c.)

Defendant on May 15, 1893 joined issue upon all of said causes of action by duly serving a demurrer to said first cause of action and by duly serving an answer to said second and third causes of action (See pages 21-27 folios 61-81 of Printed Papers on Appeal &c.)

"5

The demurrer was duly argued on December 5th 1893 and an Order and Interlocutory Judgment overruling the demurrer were duly made and entered December 15th 1893. On December 28th 1893 defendant duly appealed from said Order and Interlocutory Judgment to the General Term of said Supreme Court; said appeal has been duly perfected, the printed papers thereon have been duly filed by defendant, with a Note of Issue for the now next February General Term, and Notice of Argument therefor has been duly served by defendant.

"6

Annexed hereto are true and complete copies of the said Papers on Appeal from an Interlocutory Judgment

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and order overruling Demurrer to Complaint, to which the above references in this affidavit are made as to Printed Papers on Appeal &c.

Issue of fact was joined by defendant's answer as to the said second cause of action in said civil action, which pleads and counts on the identical letter dated June 30th 1892 which is set forth in the Indictment in the criminal action, and also as to said third cause of action, on May 15th 1893, as hereinbefore alleged and as shown in said Printed Papers on Appeal &c.

"7

Plaintiff in said civil action has not noticed for trial the said issue of fact as to said second, or said third cause of action, for any circuit or trial term of the Supreme Court, although according to the rules and practise of said Court plaintiff might have noticed said issue of fact for trial at any one of five circuit or trial terms of said Court which have been duly held since said joinder of issue to wit, to either the June, October, November or December Term of 1893, or the January Term of 1894.

"8

Plaintiff in said civil action has not taken any steps or proceedings to speed the trial of said issues of fact therein.

Plaintiff in said civil libel action is the prosecutor in this criminal libel action.

Said criminal libel action has been several times moved in this Court, and has been actively proceeded with and pressed by the People.

Upon information and belief;

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"9

That plaintiff in the civil suit is, as pro-
secutor of said criminal action, seeking to use this
criminal prosecution in aid of his said civil action
for damages for the alleged libel pleaded in said sec-
ond cause of action, which said alleged libel is charged
upon the identical letter which is the subject of the
indictment in this criminal action.

Sworn to before me }
this 17th day of }
January 1894 }

Arthur V. Holmes

Arthur V. Holmes
Notary Public,
N.Y. City & Co.

0405

New York Supreme Court,

GENERAL TERM—FIRST DEPARTMENT.

EDWARD S. STOKES,
Plaintiff and Respondent,
against

WILLIAM E. D. STOKES,
Defendant and Appellant.

Papers on Appeal from an Interlocutory Judgment and
Order Overruling Demurrer to Complaint.

HOLMES & ADAMS,
Attorneys for Appellant.

JNO. J. ADAMS,
Attorney for Respondent.

NEW YORK :
THE EVENING POST JOB PRINTING HOUSE, 156 FULTON STREET.
(EVENING POST BUILDING.)

1894.

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STATEMENT UNDER RULE 41.

The summons, with notice, was served January 19, 1893. The complaint was served March 20, 1893. Defendant demurred to the ~~final~~^{first} cause of action set forth in the complaint, and answered as to the other two causes of action. The names of the original parties in full are set out in the summons. There has been no change of parties or of their attorneys.

The opinion of the Court below on overruling the demurrer is set out at page of these papers on appeal.

0407

New York Supreme Court,

1

CITY AND COUNTY OF NEW YORK.

EDWARD S. STOKES,
Plaintiff,

AGAINST

WILLIAM E. D. STOKES,
Defendant.

Notice of Appeal
to the General
Term.

2

Take notice, that the above named defendant, William E. D. Stokes, hereby appeals to the General Term of this Court, to be held at the County Court House in this City, on the first Monday of February, 1894, from the interlocutory judgment entered in this action on December 15, 1893, in the office of the Clerk of this Court, overruling said defendant's demurrer to so much of the complaint herein as is contained in the first cause of action therein set forth; and also from the order or decision herein of Hon. Abraham R. Lawrence, a Justice of this Court, dated December 15, 1893, and entered the same day in the office of the Clerk of this Court, directing the entry of said interlocutory judgment, and on which the same was made and entered, and from each and every part of said interlocutory judgment and of said order or decision.

3

Dated December 28, 1893.

HOLMES & ADAMS,
Attorneys for Plaintiff,
35 Wall Street,
New York.

To JOHN J. ADAMS, Esq.,
Attorney for Plaintiff; and
HENRY D. PURROY, Esq.,
Clerk, &c.

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2

4 N. Y. SUPREME COURT,
PLACE OF TRIAL: CITY AND COUNTY OF NEW YORK.

EDWARD S. STOKES,
Plaintiff,

AGAINST

WILLIAM E. D. STOKES,
Defendant.

Summons.
With notice.

5

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer on the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service; and in case of your failure to appear, or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated New York, January 13, 1893.

JNO. J. ADAMS,
Plaintiff's Attorney.
Office, 320 Broadway,
N. Y. City.

6

NOTICE.

Take notice that upon your default to appear or answer the above summons, judgment will be taken against you for the sum of two hundred and fifty thousand dollars, with interest from January 13, 1893, and with costs of this action.

JNO. J. ADAMS,
Plaintiff's Attorney.

3

N. Y. SUPREME COURT.

7

TRIAL DESIRED TO BE HAD IN THE CITY AND COUNTY
OF NEW YORK.

EDWARD S. STOKES

AGAINST

WILLIAM E. D. STOKES.

Complaint.

The plaintiff complaining of the defendant, respectfully shows to this Court: 8

FIRST.

I.—That at all the times hereinafter mentioned, plaintiff was, and still is, the president and manager of the business of the corporation known as the "Hoffman House," carrying on in the City of New York the business of a hotel and restaurant, and was at said times, and still is, a large stockholder and owner of bonds in said corporation, and was during the same time engaged in other business enterprises.

II.—That during all of said times plaintiff was of good fame and credit and has never been guilty of any fraud, deceit, swindling, misappropriation of moneys or property of others, or of any offense charged against him in the libels hereinafter set forth. 9

III.—That the business of this plaintiff is in the capacity of president of the said Hoffman House, and the manager of the business thereof as aforesaid, and generally as a hotel proprietor, and this business as well as other enterprises and engagements have always depended largely on the good

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10 reputation and credit of this plaintiff and on the personal trust reposed in him by the public in consequence thereof.

IV.—That the said defendant, knowing the premises, about the 4th or 5th day of November, 1892, maliciously composed and maliciously caused to be published concerning the plaintiff, in a newspaper called the *New York Herald*, and published on said 5th day of November, 1892, in the City of New York, the false and defamatory matter following, and which publication in the said newspapers was read by a large number of persons in the City of New York:

11 "To the Editor of the *Herald*:

"In the letter of E. S. Stokes (meaning the plaintiff) which appeared this morning, he (meaning the plaintiff) proposes an arbitration of our (meaning the plaintiff's and defendant's) controversy, and offers what is equivalent to a bet of \$10,000 on the result. The meaning of this—escape from the argument coming on in Court to-day and to stave off the judgment I will be entitled to enter against him for about \$38,000 next week—was revealed by the remark of his counsel in open Court, that he (meaning the plaintiff) was short of money and could not pay back what he (meaning the plaintiff) had borrowed from me (meaning the defendant), only if I first gave up, not a part but the whole of the collateral, he (meaning the plaintiff) had pledged for this and his other guarantees and obligations to me (meaning the defendant).
12 "In all his career, this is the biggest and silliest bluff he ever attempted, although he is a prince in that line. What has become of the profits of the Hoffman House for the last two years—more than \$100,000 a year—no one knows, but by this confession (meaning that the said Hoffman House had earned as profits \$100,000 for two years, and that the said plaintiff had confessedly appropriated the same to his own use in fraud of the rights of the defendant and others as stockholders in said Hoffman House), public charities and private ones may explain it. When his money is gone, he must

5
"gain time (meaning that the said plaintiff had squandered the corporation's money in a disreputable way, and that his object in proposing an arbitration of the matters in dispute between him and the defendant was to gain time to raise money and means to replace his misappropriations).
13

"As to his notion of an arbitration, he may as well throw aside this worn out side play, together with some of his worn out sins. After choosing the arbitrament of the Court, he now shrinks from it. He prefers a private arbitration because then he is not sworn, nor held to the rules of evidence (meaning that the plaintiff's motive in proposing an arbitration of the disputes aforesaid was that his testimony, being without the sanction of an oath, he could testify falsely and without risk of the consequence of perjury). He has admitted openly that he has no defense to my claim for the repayment of the money he borrowed, and as a last desperate resort found this the most plausible plea for delay, but there is nothing to arbitrate. I am reminded of the sentence from De Quincy.
14 "If once a man indulges in murder, very soon he becomes to think little of robbing; from robbing he comes next to drinking, and from that to ill manners and procrastination. Once enter the downward path, and you know not where you will stop" (meaning that the plaintiff had been guilty of the crime of murder, and was also a robber and at the time of the publication of said false and defamatory matter had robbed defendant, and that he, the said plaintiff, was otherwise degraded and depraved).

SECOND.

15
For further and separate cause of action, plaintiff now repeats the allegations contained in the I., II. and III. paragraphs of the complaint, marked First herein, and alleges:

I.—That on or about the 27th day of December, 1892, defendant herein knowing the premises, maliciously composed and caused to be printed what purported to be a summons and complaint entitled in the New York Supreme Court, City and County of New York, wherein he described himself as a stockholder and creditor of the said Hoffman House,

04 10

6

16 and wherein this plaintiff and others as officers and directors of the said Hoffman House were described as defendants, and the prayer as printed in said complaint demanded a judgment against the defendants, including the plaintiff, to account for an alleged official misconduct in the management and disposition of the funds and property of the said Hoffman House purporting to be committed to their charge as such directors and officers, and for other relief claimed to be incidental thereto, including the appointment of a receiver of the assets of said corporation, as by said printed papers will more fully appear, and to which plaintiff begs leave to refer on the hearing and trial of this action with the same effect as though hereto annexed. That said defendant, as the plaintiff is informed and believes, caused a number of such printed copies of said papers to be delivered to certain newspapers published in the City of New York, among others in the *New York Herald*, *The Sun*, *The Times* and *The Tribune*, and also to the Chemical National Bank and the Madison Square Bank, all of which was done before commencing any action, and before serving any of the defendants therein, and which acts were done by the defendant for the malicious purpose of having the false and defamatory matter hereinafter complained of, published in said newspapers and communicated to said banks, and said false and defamatory matter so complained of was published in the issues of said newspapers, published on the morning of the 29th day of December, 1892, and such publications were read by large numbers of persons in the City of New York, and elsewhere, and the same was done by the defendant, and he acted in respect thereto with express malice against this plaintiff, and was using the judicial forms, and what purported to be the practice and procedure in a judicial action, in bad faith for the purpose of assailing plaintiff's character and reputation.

18 II.—That under cover of what purported to be a complaint in a judicial action, and under cover of

7

what purported to be a judicial procedure, the said defendant caused to be inserted in the said printed complaint much irrelevant, impertinent and scandalous matter referring to this plaintiff, maliciously, and for the sole purpose of injuring and damaging this plaintiff in his business and in his reputation, and knowing that the said irrelevant, impertinent and scandalous statements were unnecessary and improper in such a complaint and were untrue.

II.—That among the said matters so inserted in said printed complaint, as aforesaid, is the following: "He (meaning the defendant herein) alleges that the defendant Stokes (meaning this plaintiff) is personally insolvent and without sufficient means to pay his debts, that he is greatly embarrassed and has avoided open insolvency by wrongfully using the funds and property of the defendant corporation (meaning the Hoffman House Company) and of other persons," which charges so made were false and untrue.

IV.—That among the said matters inserted in said printed complaint was a copy of a certain letter bearing date June 30, 1892, appearing to be addressed to this plaintiff and one George W. Cornish, the secretary of the said Hoffman House Company, and written by the defendant, and in the words and figures following:

NEW YORK, June 30, 1892.
E. S. STOKES, Esq., President.
GEO. W. CORNISH, Secretary, Hoffman Ho.
GENTLEMEN:

I received on the 27th Mr. Cornish's letter of 25th inst., written at the direction of the President, and learn that President Stokes refuses to call a special meeting of the directors of the Corporation to inquire, among other things, "what course should be taken with officers who have taken the Company's funds, and not returned them," because he infers that he is the one who misappropriated the funds. This is a broader admission than I supposed he would make in writing, but he is mistaken

21

0411

8

22 in thinking that he can get out of it, by refusing to allow the directors to meet and investigate it. It is well for him that he is awake to the fact, and sees that it is important to make restitution of what he has taken from the Company before the Board meets, though not in the way he proposes in your letter, by making other false credits, to wit: his Restaurant bills 15,018.92; a claim for salary, amount not stated; "thousand of Dollars" he claims he has paid out and not charged; \$12,750 for interest on bonds, and \$25,000 for bonds he wishes to pay in as cash. He must promptly pay back in cash.

There are other old subjects that require investigation, and which you have had a long while in hand. The President has stated that at least \$7,500 was stolen from Claremont, and that the account books had been stolen also. This Mr. Cornish was charged to examine and make up an account, and report at the June meeting, but nothing has been done. Why was it this was never charged against Fisher to his face, and nothing was done but a petty prosecution for \$4.80. Is this like the old story told to Mackay about the former Cashier, L. B. Smith, and his theft of the books and \$200,000 defalcation, and nothing in it.

Where, too, are the missing profits of the downtown restaurants. The President said they were \$25,000, and more, a year, until the accounts were called for in December, 1891. Then they were conveniently made to disappear into some small sum reached by guess work. In whose pockets are these profits? Why had not inquiry been made into those losses? Has the President stopped this also?

24 In December, 1891, when you were delaying so long in sending me the accounts and the accounts you did send would not tally, and I feared something was wrong, President Stokes told us he was no bookkeeper, and turned all the responsibility on Mr. Platner and Mr. Cornish, to such an extent that I wrote that Mr. Platner should be watched. In response to a letter to Mr. Platner, he wrote me on Jan. 3, 1892, that he would resign his position. When I approved this, President Stokes wrote to me that Mr. Platner was all right and he guaranteed his honesty, but that he had made a mistake in putting him up to write that letter. All this was a very ingenious play to parry my inquiries as to what had become of the profits, which ought to be on hand for the January dividend, but it did not work,

9

for it is difficult, when books are "absolutely correct" as you say to make way with the money and then render accounts. 25

But the explanation came out when he sent for me, and in the presence of Mr. Martin, in his private room, frankly confessed that the reason why Mr. Platner could not make out the accounts was that he had taken \$27,000, which was not entered in the books, and that he would make restitution from the January interest and straighten out the accounts, and send them to me, and asked me as a favor not to bother him until then and till the Mackay suit was over. I thought Platner should make a special report to the Board how this \$27,000 was taken out without appearing on the books, and whether, and how it was restored. This would open a new page in the books.

Mr. Platner is now again keeping back the accounts which I have often demanded, and now demand again, although he knows they are needed in determining on the July dividend as the By-laws require, Article XI, and I am much interested in watching what new plan will be devised for making the profits disappear, so that there can be no dividend, and yet keep the books "absolutely correct," particularly since President Stokes is now awake to the danger of misappropriating the funds. 26

Since the President relies on the votes of two of the Directors, Mr. Foote and Mr. Cornwell, to support him in the use he makes of the corporation funds, I have inquired here, and at Red Bank, New Jersey, from the highest authority, and I find they are each of them possessed of property, and adequately responsible as guarantors 27 of the President, and I repeat the notice I gave at the May Directors' meeting, that I will enforce this liability against them.

In respect to the Croton taxes, which were unpaid, I would like a copy of the "satisfactory explanation" which you say in your letter has been made. Was it satisfactory to Mr. Harris, the attorney of the Livingston estate, so that proceedings to forfeit the lease are suspended. It has often been stated by you each that all these taxes were paid, and I would like an explicit answer to my question, what other taxes or water rents remain unpaid?

Will the President give a detailed statement of the

04 12

28 "several thousand dollars in cash" which you say in your letter he has paid out for the benefit of the Company, and at the same time, of all the money which the Company has paid out for his benefit?

Will he also state the grounds on which, as you say in your letter, he claims a credit for his restaurant services, \$15,048.92, and what right he has to take \$23 a day at the restaurant, and whether it includes his friends? What other person is now, or does he propose to put on the free restaurant list? I have always paid my restaurant charges, even when he was dining with me. He agreed, as he wrote to me, to pay for his rooms and restaurant charges, and I and Mr. Reed were to pay ours.

29 What salary do the majority of the directors propose to give the President?

Do they know that he agreed with me, that he was to have no salary before August, 1891, and after that in writing under a sealed agreement, he was to receive \$400 a month, and he also agreed in writing to make no charges in the business without my consent.

I shall object to any payment being made to the President for coupons which he does not hold, and which he does not surrender, and where payments have been made to him for coupons which have not been surrendered I claim that the money shall be paid back by him.

I claim that the money to pay the coupons on the \$125,000 bonds I hold can be paid only to me.

30 These are adroit ways to reduce the balance which has been standing so long against him for moneys of the Company which he has taken without authority, turning a large balance in his favor, exhausting the profits which should belong to the Company, and enabling him to take all its money himself before reaching any dividend. The two directors who aid him in their illegal schemes of depleting the Treasury will be held liable for it.

Or do you mean to tell me by your letter that there has been a meeting of the directors without notice to me, and the two directors and the President have agreed on these ways of fixing up his account. Your positive language looks very much like it.

Besides the small amounts held by Mr. Foote and Mr. Cornwell all the capital stock is held by the

President, Mr. Reed and myself. The shares which I hold and those of Mr. Reed, which are pledged to me, are very nearly one-half of the whole. I also hold \$125,000 of bonds, with the coupons, as security for loans to him, and for his other obligations and guarantees to me. He is resorting to all the devices of bookkeeping, with the aid of Mr. Platner and Mr. Cornish, to turn all the profits in his own pockets so that nothing shall be left for dividends. His personal account through which all the money passes amounts to over a million, yet no interest is charged upon it. This is worse than illegal, but Mr. Foote and Mr. Cornwell are good guarantors, and the legal methods of dealing with mismanaged corporations, and holding the officers and clerks to their responsibilities, are notably prompt and severe.

The President is indebted to Mr. Reed for all his present position, for Mr. Reed owned the whole business when he admitted him to the partnership. 31 When he was on trial for his life Mr. Reed befriended him with money and personal efforts. The President has in his hands all of the bonds that came to Reed, and which Reed claims belong to him. I will not be a party to anything that looks like wronging Mr. Reed or any one else. I aided him two years ago on his appeal for money, because he was in extreme distress, yet he refuses to pay back the money I loaned him, and withholds the dividends on the stock owned by Mr. Reed and by me. When he was on trial for his life I worked for him, and induced my father to advance very unwillingly, and after he had denied the appeals of his own father, the money that went towards the expenses of his trial and saved his life so that he can be where and what he is to day. That account against him 32 stands on the books of my father's estate at \$64,629.89, and to this day he has never repaid the first dollar of it.

He is carrying too far his course of injustice and violation of law. In times past he has had hundreds of thousands of dollars in addition to the sums of his personal account on the books of this company. His own friends are asking me where does his money go to. Is it his dredge, his outside speculations and gambling, or horse racing? Where does it go to? 33

I write this with regret, but I am not willing to stand by and see a corporation mismanaged and fail to give notice to my associate directors. I have been

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34 all these years my cousin's friend and I have never done him anything but kindnesses.

Yours respectfully,
W. E. D. STOKES.

I unite in the foregoing letter.

W. R. MARTIN,
Director.

V.—That among the said matters inserted in said complaint as aforesaid is the following: "That no other meeting of the Board of Directors (meaning the directors of said Hoffman House) was held until the 1st day of July, 1892, at which meeting the plaintiff (meaning the defendant herein) had been previously notified to prove the charges against the defendant Stokes (meaning this plaintiff) as president of the corporation; that at that meeting the plaintiff (meaning the defendant herein) and the said W. R. Martin presented a written communication to the board (meaning the Board of Directors of the said Hoffman House) showing the mismanagement complained of, of which the following is a copy:

NEW YORK, 11th July, 1892.

To the President and Board of the Hoffman House:

I.—The specified object of this meeting, as stated in the letter of Mr. Cornish, Secretary, is to "investigate the truth or falsity of charges against the President, Secretary and bookkeeper," viz.:

36 1st. "That in December last the President appropriated \$27,000 of the funds of the company and made no entry on the books."

2d. "That the President is now resorting to all the devices of bookkeeping, aided by Messrs. Cornish and Platner, to turn all the profits of the company into his own pockets."

II.—In the first charge, what is it that the President denies?

That he took the money or that he made no entry of it.

The second charge is shown by his refusal to render any account of the profits on 1st January last—although often demanded.

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His announcement by letter of 30th June, 1892, 37 that he and two other directors were in favor of passing the dividend, due 1st July, 1892.

This shows that the profits were not available for dividends, and must have gone somewhere.

III.—There were profits in the hotel. There have always been during all its management, for many years, but this year they have been made to disappear.

By his letter, 11th February, 1891, Mr. Platner certified the profits from 1st July, 1890, to 1st February, 1891, to be.....

Down-town restaurants, est.....	\$60,152 04
Claremont.....	6,250 00
	2,100 00

For first seven months..... \$68,502 04

38

This was reported to the Board, and appears in the Minute Book, 21st January, 1891, page 28. This was nearly \$10,000 a month.

Mr. Cornish, in his letter of 17th November, 1891, makes a statement of profits from 1st September, 1890, to 1st September, 1891:

Hoffman House.....	\$110,960 94
Down-town cafés.....	5,373 77
Hotel Claremont, est.....	5,000 00

\$121,342 71

This was over \$10,000 a month.

On the 15th August, 1891, the president wrote: "Moderately speaking, we should make \$125 M the next 9 months, or business fall of which I don't anticipate, and the down-town places good for 25 more." 39

The business of the hotel has been as good the second year as the first, and no doubt much better. If it is assumed to be from July, 1891, to July, 1892, \$10,000 per month, it makes.....

Out of which has been paid for interest on bonds.....	\$120,000
1st January, 1892.....	\$13,500
1st July, 1892.....	12,750

26,250

Leaving..... \$93,750
which ought to appear as profits.

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46 The President has no right or authority whatever to have these large dealings with the Corporation, particularly when in fact, they were large loans to himself without security, and without the knowledge of the Board, the balances against him often standing over \$20,000 or \$30,000. It was a violation of duty for the other officers and the bookkeeper to allow this.

These entries are evidences against the President, but the credits in the account are not evidence in his favor. There should be a careful investigation, and such credits only allowed as were actually received in cash.

By Mr. Cornish's letter of June 25, 1892, he then owed \$12,624.35.

IX.—A credit of \$25,000 is given him on 16th May, 1892. At that date the balance against him was, on the books, \$37,782.26. Apparently this is for his bonds at par.

This he had no right to do. He cannot pay his debts for cash taken from the Corporation, except in cash. If the Corporation wishes to pay off \$25,000 of its bonds, the President has no right to sell at par in preference to any other bondholder.

This he has attempted to support by inserting in the minutes of the May Directors' meeting, a resolution authorizing this method of paying his debts.

No such resolution was passed. W. E. D. Stokes had at that meeting offered this resolution.

"III. That each officer and employee indebted to this Corporation be hereby required to pay up 'his indebtedness forthwith.' Which was voted down.

48 After the meeting had adjourned he said to the President that he ought to pay back his debt, or if he was not ready, then to put up \$50,000 of his bonds as security. He answered that he would sell 25,000 and perhaps 50,000, but no resolution was offered or passed, nor was any approval expressed. The Company has no right to use the money applicable to dividends to buy bonds from the President to relieve him from embarrassment.

X.—The President personally loaned Mr. Read \$3,000, viz.:

1871, May 19.....	\$1,000
" 20.....	1,500
June 24.....	500
	<hr/> \$3,000

and charged the amount against Mr. Read in the 49 books of the corporation.

XI.—The foregoing appear on the face of the books, but there are other accounts where the mismanagement of the corporation amounts to gross negligence.

XII.—*Claremont*. At the May meeting the President said that at least \$7,500 had, in his opinion, been stolen from Claremont. Mr. Cornish said the same thing. Also that the books had been taken, so that the profits could not be ascertained.

There are different stories about this. The President and Mr. Cornish charged Mr. Fisher with taking this money and the books. Fisher denies it. Mr. Platner wrote, 29th December, 1891, that Mr. Cornish "said Mr. Fisher left the books in such shape that he was compelled to approximate the profits at \$5,000.

Mr. Fisher was arrested and prosecuted criminally, and nothing was said of this \$7,500 or the books; he was acquitted. At the May meeting Mr. Cornish was directed to make an investigation and report, but nothing has been done.

If this money was stolen it was either from the bank, which is denied, or from the office. It could not have been taken at one time, for large sums were not kept there. If it was taken in different sums and at different times, how was it overlooked by Mr. Cornish, whose duty it was, and who did regularly, twice a week, examine these books?

XIII.—*Of the Down town Cafes* no investigation has been made. They are kept in Exchange Place, and do not appear in the books of the corporation.

Mr. Platner wrote, 29th December, 1891: "The down-town cafes have been very much mixed." That he thinks they will, for the two months then past show a profit of \$1,500 per month.

Mr. Graham, under same date, writes to the President of the down-town cafes and Claremont: "I am aware they have been uncertain for reasons you are aware of."

What were these reasons? They were reputed and asserted by the President to be making a profit of \$25,000 a year. How could the accounts be in

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52 this condition if Mr. Cornish did his duty? These profits have disappeared, and the President and Mr. Cornish and Mr. Platner, who knew it all, are willing to let it rest without investigation. It should interest them to find out where these profits have gone.

XIV.—The leases and privileges, at a recent meeting, were ordered to be investigated by the President, and a report made, with the papers, but the leases have not been presented nor the report made.

It is obvious from the business done that they pay a very large profit, and it ought to be known to whose benefit it goes.

53 XV.—In the winter of 1891 and 1892 the President stated to the undersigned, when giving his reasons why the accounts could not be made up, that he had been obliged to take \$27,000 for himself that did not appear on the books; and he said he would return it from the same any interest and dividends. The falsity of this is now asserted.

This charge is misstated. We did not say the President had taken it, but that he had said that he had taken it.

He and Mr. Cornish and Mr. Platner should explain why this does not appear on the books, whether it has been returned and now appears there.

XVI.—The officers should produce the evidence that the taxes, Croton rents have been paid, since notice has been received from the Livingston estate that they would forfeit the lease for non-payment.

54 They should also produce the leases on which the hotel property stands, and show that the rents have been paid, and that the leases have been assigned to and are held by the corporation.

XVII.—These statements show that the president has of the funds of the corporation:

Fenwick Hall.....	\$6,584 61
Yacht	13,008 20
Interest	6,750 00
C. H. Read & Co., say.....	25,000 00
Personal Acct.	12,624 35
Credit	25,000 00
C. H. Read	3,000 00
Not including interest.	
	\$81,967 16

The 30th June balances have not been furnished, 55 and these can be corrected when that is produced. The other items:

Claremont,
Down-town cafés,
The \$27,000,
The leases and privileges,

should at once be thoroughly investigated, and if any of the moneys have been taken by the President, they should be charged to him.

He should pay at once all that he owes in cash, and a dividend to the stockholders declared.

Respectfully submitted,

(Sgd.) W. E. D. STOKES,
W. R. MARTIN.

VI.—That the defendant published said written 56 communication with intent to impute to this plaintiff gross dishonesty in his conduct of the business of the said Hoffman House, as president thereof, by appropriating to his own exclusive use the property of said corporation, and the profits derived from the business thereof, and by manipulating and falsifying the books of said corporation to cheat and defraud the stockholders thereof, and that said communication was so understood by all who read it.

THIRD.

For a further and separate cause of action the plaintiff now repeats the allegations contained in the 57 I., II. and III. paragraphs of the complaint marked First herein and alleges:

I.—That after causing the said printed papers which purported to be the summons and complaint in the said action referred to in the allegations in the cause of action marked Second herein, to be published, he caused the same to be served on this plaintiff, and thereafter upon the other defendants.

II.—That under cover of making and verifying a complaint in a judicial action, and under cover of what purported to be a judicial pro-

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58 cedure, and under the pretense of alleging a cause of action, the said defendant caused to be inserted in said printed complaint a large mass of irrelevant, impertinent and scandalous matter referring to this plaintiff maliciously, and for the sole purpose of injuring and damaging this plaintiff in his business and in his reputation, and knowing that the said irrelevant, impertinent and scandalous statements were unnecessary and improper in such a complaint, and were untrue. That the said matters referred to are fully set forth in paragraphs 15, 16, 17, 18, 19, 20, 21, 24, 27, 28, 29, 30, 31, 32, 33 and 34 in said printed complaint, to which complaint plaintiff begs leave to refer on the hearing and trial of this action with the same effect as though the same was fully set forth at length herein.

59 That by reason of the premises the plaintiff has been injured in his reputation and credit and property to his damage in the sum of \$250,000.

Wherefore, plaintiff demands judgment against the defendant in the sum of \$250,000, with costs of this action.

JNO. J. ADAMS,
Plaintiff's Attorney,
320 Broadway, N. Y. City.

City and County of New York, ss.:

60 EDWARD S. STOKES, plaintiff above named, being duly sworn, says he has read and knows the contents of the foregoing complaint; that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

E. S. STOKES.

Sworn to before me this }
20th day of March, 1893. }

GEO. J. VESTNER,
Com. of Deeds,
N. Y. Co.

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NEW YORK SUPREME COURT,
CITY AND COUNTY OF NEW YORK.

EDWARD S. STOKES,
Plaintiff,

AGAINST

WILLIAM E. D. STOKES,
Defendant.

Demurrer and
Answer.

FIRST.

Demurrer.

1. The above named defendant, William E. D. Stokes, by Holmes & Adams, his attorneys, demurs to so much of the complaint of the above named plaintiff herein as is contained in the cause of action therein set forth and marked First, or as a first cause of action, and included within the four first paragraphs thereof marked I., II., III. and IV., on the ground that upon the face of so much of said complaint as sets forth said alleged first cause of action, it does not state facts sufficient to constitute a cause of action.

Wherefore, defendant prays judgment that the complaint herein, as to the said alleged First cause of action, be dismissed, with costs.

SECOND.

Answer.

The above named defendant, William E. D. Stokes, by Holmes & Adams, his attorneys, by this his answer to so much of the complaint of the above named plaintiff herein as is contained in the alleged cause of action therein set forth and marked Second or as a second cause of action, and included within

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64 the five paragraphs thereof marked I., II., III., IV., V. and VI., under Second thereof, shows to the Court and alleges:

I.—Defendant admits each and every allegation contained in the paragraph marked I., under first in said alleged first cause of action contained in the complaint, except that defendant was not the owner but was a large holder of bonds in said corporation.

65 II.—Defendant denies that during all or during any of said times the plaintiff was of good fame and credit; and defendant denies that plaintiff has never been guilty of any fraud, deceit, swindling, misappropriation of moneys or property of others; and defendant denies that plaintiff has never been guilty of any offense charged against him in the alleged libels set forth in said second cause of action in said complaint.

III.—Defendant admits that the business of plaintiff is in part that of president of said Hoffman House and as manager of its business and as a hotel proprietor; and defendant denies that plaintiff's said business as well as other enterprises and engagements of plaintiff have always depended largely on the good reputation and credit of plaintiff and on the personal trust reposed in him by the public in consequence thereof.

66 IV.—Defendant for answer to the allegations contained in paragraph marked I., under "Second" in said second cause of action in the complaint herein, admits and alleges that on the 27th day of December, 1892, a summons was on that day prepared, dated, signed and issued for service in an action in this Court wherein defendant was and is plaintiff and the plaintiff herein, together with Elizur V. Foote, Millard F. Cornwell, George W. Cornish, James D. Leary, Howard McNutt and the "Hoffman House," a foreign corporation, were and are defendants; that said summons was so prepared,

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dated, signed and issued for service by Messrs. 67 Holmes & Adams, a firm of attorneys and counselors at law of this Court; that the complaint in said action accompanied said summons and was dated and signed by said Holmes & Adams, as plaintiff's attorneys in said action on said 27th day of December, 1892, and was verified by the plaintiff therein on said last named day. And defendant admits and alleges that said summons and complaint which were printed are the summons and complaint referred to and described in the paragraph marked I., under "Second," in said second cause of action in the complaint herein, to which defendant begs leave to refer upon the trial of this action as if the same were here set forth at length, and that said action is still pending and is now at issue, ready for trial. 68

Defendant denies that he maliciously composed or maliciously printed or caused to be printed or published said summons and complaint.

Defendant denies that before commencing any action or before commencing said action so begun on December 27, 1892, he caused a number or any number of such printed copies of said summons and complaint to be delivered to any newspapers published in the City of New York, or to the Chemical National Bank, or to the Madison Square Bank.

Defendant alleges that on December 28, 1892, the summons and complaint in said action was duly and personally served upon all of the defendants named 69 in said action, except the defendants Elizur V. Foote and Millard F. Cornwell, that like service was made on defendant Foote on December 30, 1892, and that on January 11, 1893, a notice of appearance for all of the defendants in said action was duly served by John J. Adams, Esq., as attorney for all the defendants in said action.

Defendant denies that any of the acts alleged in said paragraph I. of said second cause of action to have been done by him were done by him for the malicious purpose of having the alleged false and defamatory matter complained of published in the

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70 newspapers, or communicated to the banks mentioned, or in any newspapers or banks.

Defendant denies that any of the acts alleged in said paragraph were done by defendant, or that defendant acted in respect thereto with express or with any malice against the plaintiff; that defendant denies that he was using judicial forms and what purported to be the practice and procedure in a judicial action in bad faith, or for the purpose of assailing plaintiff's character and reputation.

V.—Defendant denies each and every allegation contained in the paragraph marked II., under “Second” in said second cause of action, contained
71 in the complaint.

VI.—Defendant denies that the quotations contained in the paragraph marked III., under “Second” in said second cause of action, contained in the complaint, were false and untrue; and denies that “said matters so inserted in said printed complaint” (meaning the said quotations) were by defendant caused to be inserted in said printed complaint maliciously, or for the purpose, or for the sole purpose of injuring and damaging the plaintiff in his business and in his reputation; and alleges that the same were made upon information and belief.

VII.—Defendant admits that as part of said
72 printed complaint there was set forth therein a copy of a certain letter bearing date June 30, 1892, addressed to Edward S. Stokes, Esq., President, and to George A. Cornish, Secretary of the said Hoffman House corporation, a substantial copy whereof is contained in the paragraph marked IV. under “Second” in said cause of action, contained in the complaint; that it was written by defendant and was united in by William R. Martin, a co-director with the defendant of said corporation.

VIII.—Defendant admits all the allegations contained in paragraph marked V. under “Second” in

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said second cause of action, contained in the complaint, except that the words “last day of July” should read “the 11th day of July.” 73

IX.—Defendant denies each and every allegation contained in the paragraph marked VI. under “Second” in said second cause of action, contained in the complaint, except as in this answer admitted.

THIRD.

I.—The defendant by this his answer to so much of the complaint herein as is contained in the alleged cause of action set forth in the complaint and marked “Third,” for a further and separate or third cause of action, repeating all the allegations, admissions and denials hereinbefore in this answer contained, and particularly repeating all the allegations, admissions and denials contained in the paragraphs of this answer marked I., II. and III., under “Second,” and except as herein in this answer admitted, shows to the Court and alleges: 74

Defendant denies each and every allegation contained in the alleged cause of action in the complaint set forth and marked Third, or as a further and separate or third cause of action.

FOURTH.

I.—The defendant, repeating all the allegations, admissions and denials hereinbefore contained, and for a further and separate defense to the alleged causes of action set forth in the complaint, and marked “Second” and “Third” respectively, and to each of said alleged causes of action shows to the Court and alleges: 75

II.—Defendant alleges that whatever was written or stated of or concerning the plaintiff, as set forth in the complaint in said “Second” and “Third” causes of action, defendant wrote and stated and pleaded in the printed complaint of defendant containing the same in the full belief of the truth and verity

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76 thereof and not from any motive of malice towards this plaintiff.

III.—Defendant denies that the alleged libelous matters set forth in plaintiff's complaint were false and defamatory.

IV.—Defendant alleges that the alleged libelous matters set forth in the complaint in this action are true of the plaintiff.

77 V.—Defendant alleges that at the time of the writing of the alleged libelous matters set forth in plaintiff's complaint the plaintiff was the president, the manager of the business of and a director and a stock and bond holder of the Hoffman House Corporation; that the other four directors of said corporation, the Board of Directors of which was composed of five directors or trustees and no more, were Elizur V. Foote, Millard F. Cornwell, William R. Martin and defendant; that defendant had large pecuniary interests in said corporation as the owner and holder of a large amount of its bonds and its preferred and common stock; and that the same state of facts existed at the time of the alleged publication of the alleged libelous matters by the printing and alleged publication thereof in the complaint of plaintiff in said action begun on December 27, 1892, except that defendant and said William R. 78 Martin had resigned as directors of said corporation and had ceased to be directors thereof.

VI.—Defendant alleges that at the time of the writing and of the sending of the alleged libelous matters in the letters set forth in plaintiff's complaint that the said letters and each of them were privileged communications because of the matters, reasons and circumstances in this answer and in the alleged libelous letters set forth and contained.

VII.—Defendant alleges that at the time of the signing, verifying, issuing for service, and at the

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time of the alleged publication of the complaint in 79 the action wherein this defendant is plaintiff and the plaintiff herein and others are defendants, that the said alleged libelous matters were privileged communications, because of the matters, reasons and circumstances in this answer and in the alleged libelous letters set forth and contained.

VIII.—Defendant alleges all the facts, matters and circumstances hereinbefore set forth or referred to in justification as well to the alleged Second as to the alleged Third cause of action in the complaint set forth.

IX.—Defendant in mitigation of any damages to which plaintiff might otherwise be entitled by reason 80 of said supposed and alleged libelous matters in the plaintiff's complaint contained, repeats and alleges all and singular the matters hereinbefore in this answer set forth or referred to and will give evidence thereof in mitigation of damages alleged in, as well as in justification of, the alleged Second and Third causes of action in the complaint set forth.

Wherefore, defendant prays judgment in his favor and for the costs of this action.

HOLMES & ADAMS,
Attorneys for Defendant.

City and County of New York, ss.:

WILLIAM E. D. STOKES, the plaintiff above named, 81 being duly sworn, says: That he has read and knows the contents of the foregoing complaint; that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true.

(Sigd.) W. E. D. STOKES.

Sworn to before me this 15th }
day of May, 1893.

EDW. B. HAWKINS,
Notary Public,
City and Co. of N. Y.

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N. Y. SUPREME COURT,
CITY AND COUNTY OF NEW YORK.

EDWARD S. STOKES
AGAINST
WILLIAM E. D. STOKES.

83 I, ABRAHAM R. LAWRENCE, one of the Justices of the Supreme Court, before whom this action was tried, do make and render the following decision, the above named defendant having demurred to so much of the complaint herein, as is contained in the cause of action therein set forth and marked first, or as a first cause of action, and included within the four first paragraphs thereof marked I., II., III., and IV., on the ground that upon the face of so much of said complaint as sets forth said alleged first cause of action it does not state facts sufficient to constitute a cause of action.

84 And said demurrer having come on duly to be heard, now, after hearing Artemus H. Holmes, Esq., of counsel for defendant, in support of said demurrer, and Melville H. Regensburger, Esq., of counsel for plaintiff, in opposition thereto, and after reading and filing the said complaint and the said demurrer, and upon due deliberation thereon, I do make the following conclusions of law:

So much of the complaint herein as is contained in the cause of action therein set forth and marked First, or as a first cause of action, and included within the four first paragraphs thereof marked I., II., III. and IV. states facts sufficient to constitute a cause of action.

The plaintiff is entitled to judgment overruling said demurrer, with costs, which are hereby awarded

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to the plaintiff to be paid by the defendant to the plaintiff, but with leave, however, to said defendant to answer said portion of said complaint demurred to as aforesaid, upon payment of said costs. 85

And I hereby order and direct that said costs be adjusted by the Clerk of this Court, and that an interlocutory judgment be entered herein which shall direct that said demurrer is overruled with costs to the plaintiff, to be paid by the defendant, but with leave, however, to the defendant to answer the said portion of the complaint demurred to as aforesaid, within twenty days after the service of said interlocutory judgment, upon the attorney for the defendant, upon payment by said defendant to plaintiff's attorney of said costs, so as to be adjusted as aforesaid, and to be included in said interlocutory judgment. 86

Dated New York, December 15, 1893.

ABRAHAM R. LAWRENCE,
J. S. C.
HENRY D. PURROY,
Clerk.

N. Y. SUPREME COURT,
CITY AND COUNTY OF NEW YORK.

EDWARD S. STOKES
AGAINST
WILLIAM E. D. STOKES.

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This cause having been regularly brought on for trial upon the issues of law formed by the plaintiff's complaint, and the demurrer of defendant to so much of the complaint herein as is contained in the

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88 cause of action, and included within the four first paragraphs thereof marked I., II., III. and IV., at a Special Term of the Supreme Court, Part I., held by Hon. Abraham R. Lawrence, one of the Justices of this Court, who having heard the parties by their respective counsel, and after due deliberation has duly made and filed his decision, in writing, dated December 15th, 1893, directing an interlocutory judgment to be entered, overruling the said demurrer of the defendant, with costs, which costs have been heretofore adjusted at the sum of \$71.87;

Now, on motion of John J. Adams, attorney for the plaintiff, it is

89 Adjudged and decreed, that the said demurrer be overruled, with \$71.87 costs to the plaintiff, to be paid by the defendant, William E. D. Stokes, but with leave, however, to said defendant to answer the portion of the complaint demurred to as aforesaid, within twenty days after the service of this interlocutory judgment upon the attorneys for the defendant, upon payment by said defendant to the plaintiff's attorney, of said costs, amounting to the sum of \$71.87, so adjusted as aforesaid by the Clerk of this Court.

Dated N. Y., December 15, 1893.

ABRAHAM R. LAWRENCE,
J. S. C.

Opinion of Lawrence, J., Overruling Demurrer. 91

SUPREME COURT,
SPECIAL TERM—PART I.

STOKES
AGAINST
STOKES.

LAWRENCE, J.—A demurrer is taken in this action 92 by the defendant as to the first cause of action stated in the complaint, contained and included within the first four paragraphs thereof, on the ground that, upon the face thereof, it does not state facts sufficient to constitute a cause of action.

It is perfectly well settled that words which tend to diminish the respectability of the person to whom they relate, and to expose him to disgrace and obloquy, although they do not impute the commission of a crime, and would not be actionable *per se* if only spoken, are, when printed and published, libelous and actionable, although no special damages are alleged or proved.

Winchell *vs.* The Argus Co., 69 Hun, p. 93 354.

Samuel *vs.* The Evening Mail Association, dissenting Opinion of Davis, P. J., 9 Hun, p. 294; affirmed and approved of in 75 N. Y., p. 604.

Henderson *vs.* Commercial Advertiser Association, 46 Hun, p. 504.

Sanderson *vs.* Caldwell, 45 N. Y., p. 398.

Bergmann *vs.* Jones, 94 N. Y., p. 51.

Moore *vs.* Francis, 121 N. Y., p. 199.

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94 The letter which is set forth as the first cause of action in the complaint in this case is certainly calculated to hold the plaintiff up to ridicule and obloquy, and also by fair construction in my opinion charges him with the commission of a crime. Under such circumstances it is difficult to see how a demurrer can be sustained. The demurrer will, therefore, be overruled, with leave to the defendant to answer over upon payment of costs.

95 We, the undersigned, the attorneys for all the parties interested, hereby stipulate, pursuant to Section 3301 of the Code of Civil Procedure, that the foregoing are true copies of the notice of appeal herein, and of all the papers used before the Court upon which said order or decision and the interlocutory judgment appealed from herein was made; that the same may be used and filed with the Clerk of this Court as if the same were so certified by the Clerk of this Court, and certification thereof is hereby waived.

New York, January 4, 1894.

JNO. J. ADAMS,
Attorney for Plaintiff and Respondent.

HOLMES & ADAMS,
Attorneys for Defendant and Appellant.

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POOR QUALITY
ORIGINALS

0424

Court of General Sessions

The People vs

vs

William E. D. Stokes and
William R. Martin

Opinion

Rufus B. Cowing

City Judge.

(Filed July 15/93)

Date.....

HE DECLARES THAT THE HOFFMAN
HOUSE MANAGER IS A BAD MAN
A RECEIVER FOR THE CORPORA-
TION WANTED DEFENDANT STOK-
CARRIE ALLIANCE IN SOLVENT.

E. D. Stokes said last night that he had into the Hoffman House to help his cousin, with the kindest feelings toward him. He did not, however, lend his aid to having any errand run in any except an honest way. Ed. S. Stokes was not to be found at the Hoffman House.

POOR QUALITY
ORIGINALS

0426

Court of General Sessions

The People vs

vs

William E. D. Stokes and
William R. Martin

Opinion

Rufus B. Cowing

City Judge.

Filed May 15/92

POOR QUALITY
ORIGINALS

0427

Court of General Sessions.

The People vs
vs:
William E. D. Stokes and
William R. Martin.

By an indictment, filed in this court, on the 25th day of April 1893, the Defendants are charged with committing a criminal libel.

On the 8th of May, the Defendant, Stokes filed a demurrer to the indictment, which if sustained the Defendant, Martin claims must enure equally to his benefit.

The demurrer sets forth two distinct grounds of objection to the indictment:

First:- That the facts therein stated do not constitute a crime.

Second:- That upon the face of the indictment, the alleged libelous matter appears to be privileged and therefore not criminal.

0428

Upon the argument of the demurrer, the counsel for the Defendant, Martin, by way of motion, moved to dismiss the indictment, upon the ground that the Complainant, having been convicted and sent to State Prison for a felony, is disqualified to testify as a witness and is also thereby rendered incompetent to be a Complainant in a criminal libel suit.

Without passing upon the regularity of Defendant, Martin's motion, I am of the opinion that his objections to the indictment are not tenable.

Section 112 of the Penal Code expressly provides that a person convicted of a felony is no longer, as at common law, rendered incompetent to testify as a witness, but this section expressly makes him a competent witness in any cause or proceeding civil or criminal, leaving his conviction to be proven against him to affect his credibility only.

0429

3

This express provision of law, makes it unnecessary for me to refer to the effect a pardon has in restoring a convicted felon to competency as a witness.

A criminal libel is prosecuted in the name of the people not for the purpose of redressing an injury done to an individual, but is so prosecuted and punished as a crime for the reason that it tends to provoke animosity and violence and to disturb the public peace and repose, and certainly it will not be for a moment contended, that the threatened danger to the public peace is not as great when the person libeled is a bad man as when he is a good man.

In a civil action, brought by an individual to obtain satisfaction for an injury to his reputation, caused by the publication of a libel, the bad reputation of the complainant becomes material as affecting the measure of damages,

0430

while in a criminal action brought in the name of the People, the individual libeled, so far as personal redress and satisfaction are concerned, is not considered.

By the demurrer the Defendant Stokes claims that it appears upon the face of the indictment that the alleged libel is privileged, and therefore not criminal.

This contention of the Defendant is predicated upon Section 753 of the Penal Code, which reads as follows:

"A communication made to a person entitled to or interested in the communication by one who was also interested in or entitled to make it or who stood in such a relation to the former as to afford a reasonable ground for supposing his motives innocent, is presumed not to be malicious and is called a privileged communication."

0431

5

Undoubtedly a written defamatory statement published against a person in good faith and without malice under the circumstances stated in Section 253 of the Penal Code, does not constitute a criminal libel and if the Grand Jury should find an indictment upon such a statement charging its publication to be a criminal libel, the Defendant would be entitled to an acquittal by the trial jury, but the Court cannot as matter of law and without evidence find that such statement is true and was published in good faith and without malice, to be sure said section provides that a written statement published under the circumstances therein defined is presumed to be published without malice, yet this is not a conclusive presumption any more than are the legal presumptions that a person is innocent.

0432

7 6
or sane and accountable for his acts, it merely stands as a fact proven in the absence of any evidence to the contrary.

Therefore, whether the statement referred to in the indictment is privileged or not under said Section 252, can only be determined upon a trial upon the merits where evidence pro and con can be adduced.

The law does not permit one in bad faith, even under the circumstances mentioned in said section to publish an untrue statement to another's injury and the people have an undoubted right to show, if they can, by evidence, that the statement is untrue, that it was published in bad faith and with malice, which cannot be done on the trial of a demurrer but only upon the trial on the merits before a jury.

The contention of the Defendants that the alleged defamatory letter is vague and uncertain and

0433

that the indictment is defective for the reason that it does not set forth any explanatory matter showing its application to the Complainant is fully answered by Section 289 of the Code of Criminal Procedure, which provides that: "an indictment for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the indictment is founded; but it is sufficient to state generally that the same was published concerning him and the fact that it was so published must be established on the trial."

This indictment avers that the alleged defamatory letter was published concerning the Complainant and if it does not clearly so appear by the letter itself, under this section of the Code it becomes matter of evidence and not of pleading to make it so appear.

0434

The further contention of the Defendants that the indictment is fatally defective for the reason that the averment of publication only shows that it was made by sending it to the Complainant himself and that under the circumstances of this case this is no publication at all; but it will appear on inspection of the indictment that there is an allegation that the letter in question was sent to a third party, to wit: George W. Cornish, and if the jury should find that the said letter was not a privileged communication then the sending of it to Cornish would be a complete publication.

The Defendants further claim and insist that the alleged defamatory letter contains no matter which is libelous per se, as against the Complainant; as to whether this contention is

0435

9
true or not, I think there is
at least enough doubt about
it, to make it a question of
fact for the jury instead of
a question of law for the Court.

Undoubtedly, most of the
questions raised upon the
demurrer and the motion to
dismiss, may be again raised
on the trial upon the merits
where they can be more properly
disposed of than upon a
demurrer or a motion to
dismiss.

The motion to dismiss is
denied and judgment
ordered for the People on
the demurrer with leave
to the Defendants to answer
over.

Wm R. Cowing
City Judge

0436

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 _____

Alfred

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, Dec 31 189 2 _____ *W. J. Brady* Police Justice.

I have admitted the above-named _____

Alfred

to bail to answer by the undertaking hereto annexed.

Dated, Dec 31 189 2 _____ *W. J. Brady* Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated, _____ 189 _____ *W. J. Brady* Police Justice.

0437

Sec. 198—200.

1882

District Police Court.

City and County of New York, Es:

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

Question. What is your name?

Answer.

William E. D. Stokes

Question. How old are you?

Answer.

31 years

Question. Where were you born?

Answer.

New York

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

Answer.

269 W-78th Street 3 years

Question. What is your business or profession?

Answer.

Builder

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

1/28/12

Taken before me this

day of

March 1912

Police Justice.

0438

**POOR QUALITY
ORIGINAL
DOCUMENT(S)**

0439

GLUED PAGES

0440

of the day of his occupation. *President* being duly sworn, deposes and says, that on the 25th day of November 1892, at the City of New York, in the County of New York,

W. B. D. Stokes did falsely maliciously and scandalously, frame and write and compose in a certain daily newspaper published and circulated in the City and County of New York and circulated throughout the United States known as the *New York Herald*, the certain false scandalous and libelous writing of, concerning and against this defendant and which is hereto annexed and marked Exhibit A and which is made a part of this complaint, the defendant further says that the Exhibit A hereto annexed is false and untrue, and that the said publication has a tendency to injure defendant in his business and occupation, and to hold him up to hatred contempt ridicule or obliquy and that it was so published with the full knowledge of defendant that the same was false and untrue, wherefore Defendant prays that said defendant may be apprehended and dealt with as the law in such case mode and provided.

Sworn to before me this 30th day of December 1892

Edw. L. Hayes

Thos. H. Brady
Police Justice

BAILED, *Wm. Stokes*
No. 1, *Wm. Stokes*
Residence *8 - W- 53* Street,

Wm. Stokes
No. 2, by _____
Residence _____ Street,

Wm. Stokes
No. 3, by _____
Residence _____ Street,

Wm. Stokes
No. 4, by _____
Residence _____ Street,

Police Court... District

THE PEOPLE, &c.,
vs.
THE COMPLAINANT OF

Charles D. Moore
J. C. Moore

1. _____
2. _____
3. _____
4. _____

Offense _____

Dated, Dec 31 1892

Magistrate.
Henry Campbell
Coun. Officer.

Witness's.

No. _____ Street _____
No. _____ Street _____
No. _____ Street _____

No. _____ Street _____
to answer _____

Filed

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 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. *Wm. J. [Signature]*

Dated, 10th Dec 1892 W. H. B. B. B. Police Justice.

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

Dated, Dec 3 / 189 2 Wm. J. M. M. Police Justice.

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

Dated,.....189..... *Police Justice.*

0445

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

William E. D. Dineen 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.

William E. D. Dineen

Question. How old are you?

Answer.

38 years

Question. Where were you born?

Answer.

New York

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

Answer.

269 - W - 78th Street 3 years

Question. What is your business or profession?

Answer.

Builder

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 here.

1/20/1882

Taken before me this

day of December 1892

Wm. J. Brady

Police Justice.

POOR QUALITY
ORIGINALS

0446

COURT OF GENERAL SESSIONS OF THE PEACE.
CITY AND COUNTY OF NEW YORK.

V

OCT. 9. 1896

I Certify that the annexed is a copy of certain affidavits now on File in the Clerk's Office, and that the same has been compared by me with the original, and is a correct transcript therefrom, and of the whole of said original

Robert H. Carr
Clerk of Court.

POOR QUALITY
ORIGINALS

0447

FROM THE
NATIONAL PRESS
6
Murray Street,
New York City
P.O. Box
2747
INTELLIGENCE *CO*

Additional copies of the paper from which
the attached article was taken may be had through
this agency. Name paper and its date, and number

POOR QUALITY
ORIGINALS

0448

of ~~the~~ ~~affair~~ ~~name~~ Street, aged ~~27~~ years,
occupation ~~President~~ being duly sworn, deposes and says,
that on the ~~27th~~ day of ~~December~~ 1892, at the City of New
York, in the County of New York,

~~M. C. R. Stokes~~ did falsely and maliciously
and scandalously frame and
write and compose in a certain
Daily Newspaper published and
circulated in the City and County
of New York and circulated throughout
the United States and known as the
New York Times the certain false
scandalous and libelous writing of
concerning and against the de-
ponent and which is hereto annexed
and marked Exhibit A. and which
is made a part of the complaint
and deponent further says that the
Exhibit A hereto annexed is false
and untrue and that the said publication
has a tendency to injure deponent
in his business and occupation and to
lead him up to hatred contempt ridicule
or obloquy and that it was so published
with the full knowledge of defendant
that the same was false and untrue
wherefore deponent prays that said
defendant may be apprehended
and dealt with as the law in
such case may require

Sworn to before me 1892 }
this 30th day of December }
Edw. Stokes

Thos. F. Brady
Notary Public

0449

BOX:

101

FOLDER:

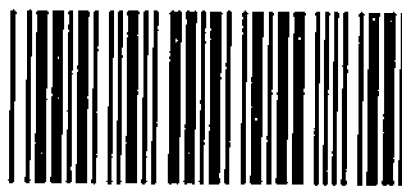
1083

DESCRIPTION:

Storner, George

DATE:

04/16/83



1083

Not Connected

Records

Ed

166

Day of Trial

Counsel,

Filed 16 day of April 1883

Pleads Not Guilty 17

THE PEOPLE

vs.

Violation of Excise Law.
Selling on Sunday.

J. H. Ridge

B

George Stoner

JOHN MCKEON,

District Attorney.

2 April 25, 1883

A TRUE BILL. Glad to quack.

W. M. McKee

Foreman.

Am 7/20.

19

0450

0451

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

George Storer

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

of the CRIME OF *Exposing for Sale and Selling Spirituous Liquors on Sunday*, committed as follows :

The said *George Storer*

late of the *Twist* Ward of the City of New York, in the County of New York aforesaid, on the *eight* day of *April* in the year of our Lord one thousand eight hundred and eighty *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 whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did expose for sale and sell 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.

~~JOHN MCKEON, District Attorney~~

0452

Court of General Sessions of the Peace

~~OF THE CITY AND COUNTY OF NEW YORK~~

~~THE PEOPLE OF THE STATE OF NEW YORK~~

~~AGAINST~~

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

George Storer

of the CRIME OF Giving away Spirituous Liquors
on Sunday.

committed as follows:

The said George Storer

~~the said~~

late of the First Ward of the City of New York, in the County of New York aforesaid, on the eight day of April in the year of our Lord one thousand eight hundred and eighty 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 whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did ~~expose for sale and sell as a beverage to~~ give away as a beverage

~~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.

JOHN McKEON, District Attorney.

0453

Police Court 5 District.

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

of No. 3 W. 10th St. Coyle Street,
of the City of New York, being duly sworn, deposes and says, that on Sunday the 7 day
of April 1883 in the City of New York, in the County of New York,
at premises 61 Ridge
a place where intoxicating liquors and wines were kept for sale, and sold as a beverage,
[now here]
did then and there expose for sale and did sell, caused, suffered and permitted to be sold, and given away under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, to be drunk in
the house or premises aforesaid, contrary to and in violation of law; and did not keep said place closed on said
Sunday the 7 day of April 1883 as required by law.

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

Sworn to before me, this 7 day
of April 1883

John T. Coyle

Thos. J. Coyle
POLICE JUSTICE.

0454

BAILED,
No. 1, by Frederick M. M.
Residence 57 West 14th St.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court 3 District 2

THE PEOPLE, &c.,
vs. John J. L.
William J. L.
Offence, Exhibit 1

Dated April 9 1883

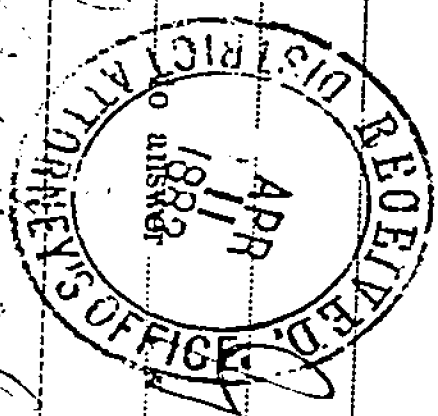
W. J. L. Magistrate.
W. J. L. Clerk.

Witnesses, _____

No. _____ Street, _____

No. _____ Street, _____

No. 107 Street, W. J. L.



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 George J. L.

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 April 9 1883 W. J. L. Police Justice.

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

Dated April 9 1883 W. J. L. 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.

0455

Sec. 198-200

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

George Horner 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.

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

George Horner

Taken before me this

day of

1883

August Lawrence Police Justice.

0456

BOX:

101

FOLDER:

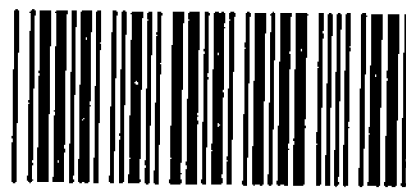
1083

DESCRIPTION:

Strange, James

DATE:

04/05/83



1083

POOR QUALITY
ORIGINALS

0457

33

Day of Trial,
Counsel, *Ch. O'Keefe*
Filed, *April* 1883
Pleads *Not guilty.*

Assault in the First Degree.

THE PEOPLE

vs.

P

John McKee
vs. O'Keefe

JOHN MCKEON,
District Attorney.

A TRUE BILL.

W. K. McKee
April 12/83

Foreman.

W. K. McKee
Heard & heard 3 days.
Per. Care year.

POOR QUALITY
ORIGINALS

0458

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 Strange

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

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

The said *James Strange*

late of the City of New York, in the County of New York, aforesaid, on the *twentieth* day of *March* in the year of our Lord one thousand eight hundred and eighty *three* with force of arms, at the City and County aforesaid, in and upon the body of *James Egan* in the peace of the said people then and there being, feloniously did make an assault and *in* the said *James Egan* with a certain *knife* which the said *James Strange*

in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound with intent *in* the said *James Egan* 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

James Strange

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

The said *James Strange*

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 *James Egan* then and there being, feloniously did, wilfully and wrongfully, make an assault and *in* the said *James Egan* with a certain *knife* which the said

James Strange

in *his* right hand then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, wilfully and wrongfully then and there 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.

JOHN McKEON, District Attorney.

POOR QUALITY
ORIGINALS

0459

500 1/4 St. New York
200 000

BAILED.
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

200 000
Police Court - 14-
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Wells
115 1/2 Sullivan St
James Strange

Offence Police Court
Bail

Date March 20 1883

Magistrate
John H. Harris
S.P.S.

Witnesses
John H. Harris
No. 1 to office
Street

No. 2 to office
Street

No. 3 to answer
\$1000
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 James Strange
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 March 20 1883 W. H. Harris 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.

0460

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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 Strange

Question. How old are you?

Answer.

32

Question. Where were you born?

Answer.

Richmond Va

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

Answer.

20 Monetta Lane, with my wife & 2 children

Question. What is your business or profession?

Answer.

Pantryman of Steamer Stoughton

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.

This complainant attacked me twice this morning in the pantry & when I was in charge on the Steamer Stoughton. He did not resent the first assault, which was a blow on my mouth - but appealed to the Steward for protection in the discharge of my duty. The Complainant came into the Pantry again shortly afterwards again, and began another assault on me by again striking me in the mouth & bleeding it. Then I used the knife and struck him in the arm with it in self defence. I have been two years in the employment of the Stoughton Line & can produce testimonials of good character.

James Strange

Taken before me this

20

day of March 1888

W. J. Davis

Police Justice.

0461

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

KT District Police Court.

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 Strange*

Question. How old are you?

Answer. *32*

Question. Where were you born?

Answer. *Nehamva Va*

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

Answer. *20 Muncie Lane, with my wife & 2 children*

Question. What is your business or profession?

Answer. *Pantryman of Steamer Stoughton*

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. *This complainant attacked me since this morning in the pantry & when I was in charge on the Steamer Stoughton. He did not resent the first assault which was a blow on my mouth. But appealed to the Steward for protection & the discharge of my duty. The Complainant came ^{into the Pantry} ~~in the Pantry~~ again shortly afterwards again, and began another assault on me by again striking me in the mouth & bleeding it. Then I used the knife and struck him in the arm with it in self defence. I have been two years in the employment of the Stoughton Line & can produce testimonials of good character.*

James Strange

Taken before me this *20*

day of *March* 188*8*

W. J. O'Connell

Police Justice.

Police Court- / District.

THE PEOPLE, Etc.,
ON THE COMPLAINT OF

James G. Gills

James Strang

AFFIDAVIT-A. & B.
FELONIOUS.

Dated *March 20* 188

M. J. Gower Magistrate

Officer.

Precinct.

Witnesses,

0462

0463

Police Court— 1st District.

CITY AND COUNTY
OF NEW YORK

Steamboat
of No. 115 Sullivan

James Gibbs 25 Years waiter ma
115 Sullivan Street,

being duly sworn, deposes and says, that
on the 20th day of March
in the year 1883 at the City of New York, in the County of New York,
he was violently and feloniously ASSAULTED and BEATEN by

James Strange (now here) who did
unlawfully cut deponent twice on the
Shoulder and did also cut deponent on
the leg with the blade of a Carving Knife
then and there held in his ^{defendants} hand causing
Serious Wounds

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

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

Sworn to before me, this 20 day
of March 1883

James Gibbs
Mark

W. J. Van

POLICE JUSTICE.

0464

BOX:

101

FOLDER:

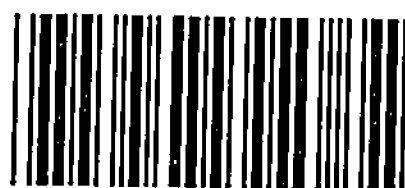
1083

DESCRIPTION:

Strasser, Daniel

DATE:

04/25/83



1083

0465

306

Specklin

Day of Trial,

Counsel,

Filed 25 day of April 1883

Pleads Not Guilty (30)

THE PEOPLE

v. M. M. M. M. M.

B

Daniel Starnes

456 General

Violation of Excise Law.
Selling to minor.

Case of 1877-Case 420, 81

JOHN McKEON,

District Attorney.

22 Nov 16/1883

Pleads guilty, Fined \$25.
A TRUE BILL.

W. M. M. M. M.

Foreman.

1883

0466

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 Strasser

The Grand Jury of the City and
County of New York by this indictment
accuse Daniel Strasser of the crime
of Selling Strong and Spirituous Liquors
to a minor under the age of fourteen
years, committed as follows:

The said Daniel Strasser, late
of the First Ward of the City of New
York in the County of New York, does
said, on the fourteenth day of April
in the year of our Lord one thousand
eight hundred and eighty three, at
the Ward, City and County aforesaid,
with force and arms, one gill of a
certain strong and spirituous liquor,
to wit: one gill of whiskey, unlawfully
did then and there sell to one
Mary Siddlewood, who the said Mary
Siddlewood being then and there a
minor under the age of fourteen
years, to wit: of the age of twelve

POOR QUALITY
ORIGINALS

0467

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 Strasser

The Grand Jury of the City and
County of New York by this indictment
accuse Daniel Strasser of the crime
of Selling Strong and Spirituous Liquors
to a minor under the age of fourteen
years, committed as follows:

The said Daniel Strasser, late
of the First Ward of the City of New
York in the County of New York, does
said, on the fourteenth day of April
in the year of our Lord one thousand
eight hundred and eighty three, at
the Ward, City and County aforesaid,
with force and arms, one gill of a
certain strong and spirituous liquor,
to wit: one gill of whiskey, unlaw-
fully did sell and there sell to one
Mary Siddlewood, who the said Mary
Siddlewood being then and there a
minor under the age of fourteen
years, to wit: of the age of twelve

POOR QUALITY
ORIGINALS

0468

years; the said Daniel Strosser then and there knowingly such minor to be under such age, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

And the Grand Jury aforesaid by this indictment further accuse the said Daniel Strosser of the crime of Selling Strong and Spirituous Liquor to a minor under the age of fourteen years, committed as follows:

The said Daniel Strosser, late of the Ward City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid with force and arms, one gill of a certain strong and spirituous liquor to wit: one gill of whiskey, unlawfully did then and there sell to one Mary Siddlewood, the said Mary Siddlewood, being then and there a minor under the age of fourteen years, to wit: of the age of twelve years; the said Daniel Strosser

POOR QUALITY
ORIGINALS

0469

them and there having reason to
believe such minor to be under such
age, 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 McLean

District Attorney

0470

BAILED,
No. 1, by David Strasser
Residence 436 Greenwich Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

306 W. 10th St.
Police Court - 1st District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Augustine Wilson

David Strasser

1 _____
2 _____
3 _____
4 _____

Offence Misdemeanor
Selling Liquor to minors

Dated 17 April 1888

J. White Magistrate.

J. White Officer.

David Strasser Defendant.

Witnesses Harry Littlewood (Affiant)

No. 34 Dooley Street.

No. 100 East 10th Street.

No. 100 East 10th Street.

No. 100 East 10th Street.

No. 100 East 10th Street.

No. 100 East 10th 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 David Strasser

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 17 April 1888 Andrew White Police Justice.

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

Dated April 17 1888 Andrew White Police Justice.

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

Dated _____ 1888 _____ Police Justice.

0471

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me, this
16 day of April, 1888
at New York, N.Y.
Justice

William Steinhardt
the within named Bail and Surety being duly sworn, says, that he is a resident and house
holder within the said County and State, and is worth six 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 & liquor at
premises No 417 Greenwich Street
in said city, of the value of one thousand
dollars Henry H. H. H.

12 District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Daniel Strauss

Taken the 16 day of April, 1888

W. H. White Justice.

0472

Sec. 192.

1st District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK,

An information having been laid before Audrey J. White Esq a Police Justice
of the City of New York, charging Daniel Strausser Defendant with
the offence of selling liquor to minors

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

We, Daniel Strausser Defendant of No. _____
456 Greenwich Street; by occupation a Bar tender
and Henry Steinhardt of No. 143 Broome
Street, by occupation a merchant Surety, hereby jointly and severally undertake that
the above named Daniel Strausser Defendant
shall personally appear before the said Justice at the First District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of three
Hundred Dollars.

Taken and acknowledged before me, this 16
day of April 1888

Audrey J. White POLICE JUSTICE.

Daniel Strausser
Henry Steinhardt

0473

Sec. 151.

Police Court 1st District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Augustine Wilson
of No. 100 East 23rd Street, that on the Saturday 14 day of April
1883 at the City of New York, in the County of New York,

one John Doe, a young man of about 20 to 25 years
old, 5 feet 6 inches high, florid complexion, with
slight mustache, did unlawfully and
sell a certain strong and spirituous liquor to wit,
100th worth of whiskey, to a minor under the
age of 14 years, to wit, to Mary Littlewood aged
12 years.

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 1st DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York this 16th day of April 1883

Andrew Smith POLICE JUSTICE.

Warrant
POLICE COURT. 1st DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Augustine Wilson
vs.

John Doe of

436 Greenwich St.

Dated 16th April 1883

Smith Magistrate

Smith Officer.

The Defendant John Doe

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

Smith Officer.

Dated April 16th 1883

This Warrant may be executed on Sunday or at
night.

Police Justice.

Warrant-General.

REMARKS.

Time of Arrest, 11:30 A.M.

Native of N.Y.

Age, 22

Sex

Complexion,

Color W

Profession, Waiter

Married No

Single

Read

Write,

436 Greenwich St.

0474

Sec. 198-200.

182

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Daniel Strausser

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York

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

Answer.

456 Greenwich St. about 4 years

Question. What is your business or profession?

Answer.

Bar tender

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
Daniel Strausser

Taken before me this

day of

April

1889

Police Justice.

0475

1st District Police Court.

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

Augustine Wilson
of Number *100 East 23rd Street* being duly sworn
deposes and says, that on the *Saturday 14th* day of *April* 1883, at the
City of New York, in the County of New York *one John Doe* (a
young man about 20 years old, 5 ft 6 in. high, - florid complexion
with slight mustache) *unlawfully and wilfully did* at and in a certain Liqueur
Saloon, called "Rectifying Establishment" situated at
N^o 456 Greenwich Street said City
sell a certain strong and spirituous liquor, *to wit, Bourbon Whiskey* *et*
commonly known as *Whiskey*
to one *Mary Littlewood*
who then and there was a minor, under the age of fourteen years, to wit of the age of
twelve years, then and there knowing and having reason to believe such
minor to be under such age of fourteen years:

Wherefore, the complainant prays that the said *John Doe*

may be apprehended, arrested and dealt with according to law, and more especially according to
the following laws made and provided, to wit:

"An Act in relation to Mendicant and Vagrant children," passed April 3d, 1874, "An Act to prevent and punish certain wrongs to
children," passed April 14th, 1876, "An Act to amend Chapter 628 of the Laws of 1857, entitled 'An Act to suppress intemperance and
to regulate the sale of intoxicating liquors,'" passed June 5th, 1877, "An Act for the protection of children, and to prevent and punish
certain wrongs to children, passed June 6th, 1877.

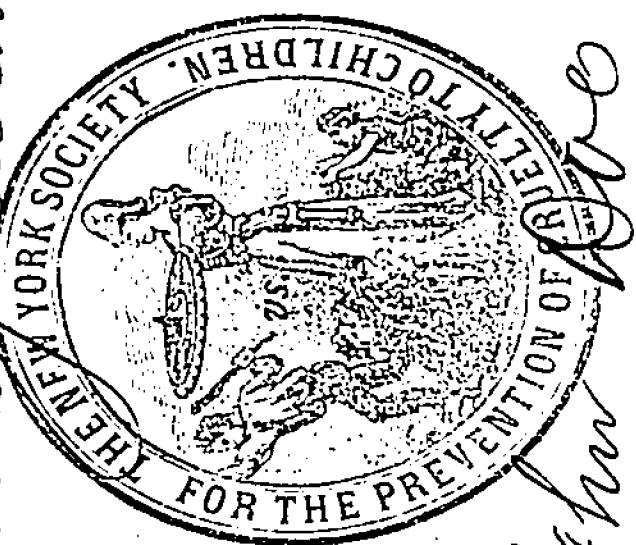
Sworn to before me, this *16th*

day of *April* 1883

Augustine Wilson
Andrew White
Police Justice.

Warrant
POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Augustine Wilson



CRUELTY TO CHILDREN:
SELLING LIQUOR TO MINOR.

John Doe
DATED *10 April* 188*3*
Whitely Magistrate.

Witnesses:
Clerk.
Officer.

E. FELLOWS JENKINS, Sup't.
100 East 23d Street.

Marj. L. Llewellyn
134 West 10th St.

Disposition, *300 Bona fide* 4 PM
Ex. on Apr. 17/83 *APM*

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWENTY-EIGHT OF THE LAWS OF EIGHTEEN HUNDRED AND FIFTY-SEVEN, ENTITLED "AN ACT TO SUPPRESS INTemperance, AND TO REGULATE THE SALE OF INTOXICATING LIQUORS."

§ 1. Section fifteen of Chapter six hundred and twenty-eight of the Laws of eighteen hundred and fifty-seven, entitled "An Act to Suppress Intemperance, and to Regulate the Sale of Intoxicating Liquors," is hereby amended so as to read as follows:

§ 15. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall, either personally, or by his wife, servant, employee, or other agent, sell or give any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, or within the knowledge of such agent, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother, or guardian.

Whoever shall, either personally or by his wife, servant, employee or other agent, offend against either of these provisions, shall forfeit ten dollars for each and every offence, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall, either personally, or by his wife, servant, employee, or other agent, sell or give away any strong or spirituous liquors, ale, beer or wine to any Indian in this State, or shall sell any beer, ale, wine or any strong or spirituous liquor to any minor under the age of fourteen years, knowing or having reason to believe such minor to be under such age, shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine of twenty-five dollars for each and every offence.

§ 2. This Act shall take effect immediately.

Laws of 1877, chap. 420, § 1.
Laws of 1877, chap. 420, § 2.

0476

0477

District Police Court.

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

Augustine Wilson
of Number 100 East 12th Street being duly sworn
deposes and says, that on the Saturday 14th day of April 1883, at the
City of New York, in the County of New York, in Steinhardt Brothers'
Liquor Saloon call a Rectifying Establishment situate at 456 Greenwich
one Daniel Strasser Bartender
unlawfully and wilfully did

sell a certain strong and spirituous liquor to wit, Double Whiskey for 10 cents
commonly known as Whiskey
to one Mary Littlewood
who then and there was a minor, under the age of fourteen years, to wit of the age of
12 years, then and there knowing and having reason to believe such
minor to be under such age of fourteen years:

Wherefore, the complainant prays that the said Daniel Strasser
may be apprehended, arrested and dealt with according to law, and more especially according to
the following laws made and provided, to wit:

"An Act in relation to Mendicant and Vagrant children," passed April 3d, 1874, "An Act to prevent and punish certain wrongs to
children," passed April 14th, 1876, "An Act to amend Chapter 628 of the Laws of 1857, entitled 'An Act to suppress intemperance and
to regulate the sale of intoxicating liquors,'" passed June 5th, 1877, "An Act for the protection of children, and to prevent and punish
certain wrongs to children, passed June 6th, 1877.

Sworn to before me, this 16th day of April 1883, Augustine Wilson
Police Justice.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF



CRUELTY TO CHILDREN;
SELLING LIQUOR TO MINOR.

DATED 18

Magistrate.

Clerk.

Officer.

Witnesses:

E. FELLOWS JENKINS, Sup't.
100 East 23d Street.

Disposition,

STILES & CASH, STEAM PRINTERS, 77 EIGHTH AVENUE, NEW YORK.

AN ACT TO AMEND CHAPTER SIX HUNDRED AND TWENTY-EIGHT OF THE LAWS OF EIGHTEEN HUNDRED AND FIFTY-SEVEN, ENTITLED "AN ACT TO SUPPRESS INTemperance, AND TO REGULATE THE SALE OF INTOXICATING LIQUORS."

§ 1. Section fifteen of Chapter six hundred and twenty-eight of the Laws of eighteen hundred and fifty-seven, entitled "An Act to Suppress Intemperance, and to Regulate the Sale of Intoxicating Liquors," is hereby amended so as to read as follows:

§ 15. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall, either personally, or by his wife, servant, employee, or other agent, sell or give any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, or within the knowledge of such agent, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother, or guardian.

Whoever shall, either personally or by his wife, servant, employee or other agent, offend against either of these provisions, shall forfeit ten dollars for each and every offence, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall, either personally, or by his wife, servant, employee, or other agent, sell or give away any strong or spirituous liquors, ale, beer or wine to any Indian in this State, or shall sell any beer, ale, wine or any strong or spirituous liquor to any minor under the age of fourteen years, knowing or having reason to believe such minor to be under such age, shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine of twenty-five dollars for each and every offence.

LAWS OF 1877, chap. 430, § 1.

§ 2. This Act shall take effect immediately.
LAWS OF 1877, chap. 430, § 2.

0478

0479

BOX:

101

FOLDER:

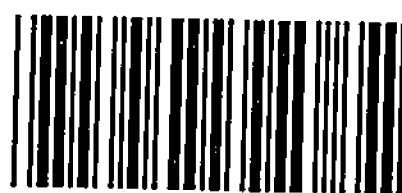
1083

DESCRIPTION:

Strong, Charles

DATE:

04/05/83



1083

POOR QUALITY
ORIGINALS

0480

411 West Monroe
Day of Trial,
Counsel, *Harvey AB*
Filed *OT* day of *April* 1883
Pleads *Not Guilty (9)*

THE PEOPLE
vs.
B
Charles Strong
[Two cases]
Keeping Gambling Establishment,
etc.
(Section 843, Penal Code.)

JOHN McKEON,
District Attorney.

A True Bill.
M. W. Zimbray
May 10 1883.
Foreman.
Paul G. Dinkhaver

The officers in this
case got no paper
and only made a play
of 10¢ it is the same
as Henrys case and
I think could not get a
conviction.

W. W. Logan
March 18 83

POOR QUALITY
ORIGINALS

0481

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 Strong

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

Charles Strong

of the CRIME OF KEEPING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Charles Strong

late of the First Ward of the City of New York in the County of New York aforesaid, on the tenth day of February in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing lottery policy where money and property was dependent upon the result, 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

Charles Strong

of the CRIME OF KEEPING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Charles Strong

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said tenth day of February, in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, unlawfully did keep a room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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 McKean
District Attorney

0482

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

POLICE COURT, 3rd DISTRICT.

^{40 years}
of ^{5th} ~~that~~ ^{Inspector} District Police ~~Street~~ being duly sworn, deposes and
says that on the 10th day of February 1883

at the City of New York, in the County of New York, ~~Charles Strong~~

(nowhere) did unlawfully receive from
deponent the sum of ten cents good and
lawful money, which money was paid to him,
by deponent in the nature of a bet or wager
or insurance on the drawing or drawn numbers
of a certain Lottery unauthorized by the
Laws of this State, and the said deponent
did thereupon sell and vend to deponent
for said money a Lottery Policy denominated
17.19.21. in the Kentucky Lottery

John Gilmore

Sworn to before me, this

March 1883

24

J. M. Dawson
Police Justice.

0483

BAILLED,
No. 1, by Frederic Delapack
Residence 142 2nd Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court 3 District 9th

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John W. Hunt

Charles Strong

Here Violation of
Lottery Law

Dated March 22 1888

Patterson Magistrate.

Hunt Officer.

1000p. Hunt Precinct.

Witnesses John Williams

No. 1000p. Hunt Street.

No. 1000p. Hunt Street.

No. 1000p. Hunt Street.

\$ 1000 to answer 1000p. Hunt



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 Strong

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 1000 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 March 23 1888 J. M. Patterson Police Justice.

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

Dated March 23 1888 J. M. Patterson Police Justice.

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

Dated _____ 1888 _____ Police Justice.

0484

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Charles Strong

Question. How old are you?

Answer.

40 years of age

Question. Where were you born?

Answer.

Germany

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

Answer.

50 Chrystie St. about 5 months

Question. What is your business or profession?

Answer.

Regar dealer

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

Answer.

I am not guilty

~~*Charles Strong*~~

Charles Strong

Taken before me this

day of *March*

188*3*

J. M. Patterson Police Justice.

0485

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

John W. Heath, aged 30 years,
of 1st Inspection District, being duly sworn, deposes and says, that on the 22nd
day of January 1883, at No. 311 Chrystie
Street, in the City and County of New York,

Charles Strong, now here
did unlawfully and feloniously sell and vend to deponent
for the sum of twenty-five cents
Certain numbers, viz: "37 first"
~~certains papers and documents~~, the same being what is commonly
known as, and is called a Lottery Policy, and which said Lottery
Policy, ~~and numbers~~ ^{and numbers} ~~is a policy, and document~~ is as follows, that is to say:
in the nature of a bet, wager and
insurance upon the drawing or drawn
numbers of a Certain Lottery not
authorized by the laws of said State
Wherefore deponent prays that the said Charles Strong
may be dealt with according to law.

John W. Heath

Sworn to before me, this 22nd
day of March 1883 }

[Signature]
Police Justice.

0486

34

Day of Trial,

Counsel, *Anthony B.*

Filed *7* day of *April* 188*8*

Pleads *Not Guilty (4)*

THE PEOPLE

vs.

B

Charles Strong

(2 cases)

*Keeping Gambling Establishment,
etc.
(Section 343, Penal Code.)*

JOHN McKEON,

District Attorney.

A True Bill.

A. H. Martin

Foreman.

May 18/88.

John D. Drachman

0487

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 Strong

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

Charles Strong

of the CRIME OF KEEPING A room TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Charles Strong

late of the First Ward of the City of New York in the County of New York aforesaid, on the twenty second day of January in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a room in a certain Building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called playing lottery policy where money and property was dependent upon the result, 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

Charles Strong

of the CRIME OF KEEPING A room TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Charles Strong

late of the First Ward of the City of New York in the County of New York aforesaid, afterwards, to wit: on the said twenty second day of January, in the year of our Lord one thousand eight hundred and eighty-three, at the Ward, City and County aforesaid, unlawfully did keep a room in a certain Building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public or private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers, and documents, 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 McKeon
District Attorney

0400

Police Court District 3 260

THE PEOPLE, &c.,
ON THE COMPLAINT OF
John Williams
1st Deputy District

1 Charles Strang

2

3

4

Offence Vice Lottery Law

BAILED,
No. 1, by William Schuch
Residence 174 4th St.
No. 2, by
Residence
No. 3, by
Residence
No. 4, by
Residence
Witnesses
No. 1 Charles Strang
No. 2 Charles Strang
No. 3 Charles Strang
No. 4 Charles Strang
Dated March 24 1883
Magistrate
Officer
Precinct
APR 1 1893
CLERK

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 Strang

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 March 31 1883 J. M. Pinner Police Justice.

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

Dated March 31 1883 J. M. Pinner 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 _____ 1883 _____ Police Justice.

0489

Sec. 198—200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Strong 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 Strong*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *30 Chrystie Street, 5 months*

Question. What is your business or profession?

Answer. *Cigar dealer*

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

Answer. *I am not guilty of the charge*
Chas. Strong

Taken before me this

day of

March

1883

St. John
Police Justice.

0490

BOX:

101

FOLDER:

1083

DESCRIPTION:

Sullivan, Cornelius

DATE:

04/05/83



1083

0491

WITNESSES:

Counsel,
Filed 5 day of April 1883
Pleads Popularity (6)

THE PEOPLE

vs.

P

Cornelius Sullivan

INDICTMENT.
LARCENY FROM THE PERSON.

JOHN McKEON,

District Attorney.

P 2 April 20 1883
This is certified to.
A True Bill.

[Signature]

Foreman.

[Signature]
[Signature]

0492

COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Cornelius Sullivan

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

Cornelius Sullivan

of the CRIME OF ~~Force from the person~~ *Grand Larceny in*
the First Ward
committed as follows:

The said *Cornelius Sullivan*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the ~~twenty ninth~~ *March* day of ~~March~~ *March* in the year of our Lord
one thousand eight hundred and eighty-~~three~~ *three*, at the Ward, City and County
aforesaid, with force and arms, *in the night time of*
said day, one watch of the
value of twenty dollars, and
one chain of the value of
five dollars

of the goods, chattels and personal property of one *Dennis C. Drane*
on the person of the said *Dennis C. Drane* then and there being found,
from the person of the said *Dennis C. Drane* 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.

JOHN McKEON, District Attorney.

0493

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jessie C. O'Neil

1. Cornelius Sullivan

Offence Larceny from person

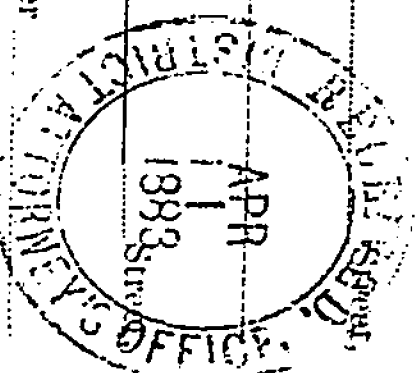
Dated 22 March 1883

John A. Smith Magistrate.

27 Precinct.

Witnesses Patricia A. Stenel

No. 27 Precinct



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 Cornelius Sullivan

guilty thereof, I order that he be held to answer the same and ~~to be admitted to bail in the sum of~~ be legally discharged

Dated 22 March 1883 John A. Smith Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0494

Sec. 198-200.

1st District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Cornelius Sullivan 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.

Cornelius Sullivan

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.

111 1/2 Washington Street about 1 year

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 am not guilty. The chain is my brother's

Cornelius Sullivan

Taken before me this

day of

March

1887

Sealed Trust Police Justice.

0495

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick T Feeney
aged 34 years, occupation a Policeman attached
to the 2nd Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Henry O Hall
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 30th
day of March 1887 } Patrick T. Feeney

Solomon Hunt
Police Justice.

0496

First

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK }

ss.

occupation ~~Business~~
of No. 7 New Church

Henry Hall aged 50 years

Street,

being duly sworn, deposes and says, that on the 29 day of March 1883

at the in the night time at the City of New York,

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

of deponent, and from deponent's person with intent to deprive the true owner of the use and benefit thereof
the following property, viz:

One Rubber covered Watch with gold trimmings
and a Gold ^{plated} chain attached in all of the
Value of twenty five dollars

the property of this 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 Cornelius Sullivan (now here)

from the fact that deponent was standing
on West Street in said City, leaning against
a carriage wheel, ^{when} some unknown person came
up to deponent and snatched the aforesaid
property from the vest then and there worn
by deponent as a part of his bodily clothing
and ran away subsequently deponent
was informed by Officer Patrick Feeney
that he arrested said defendant and found

Sumner deponent

affidavit

Adm. Justice

188

0497

a gold chain (here shown) in said defendants possession, deponent fully identifies said chain as his property which was attached to the above described watch and stolen as aforesaid. Wherefore deponent charges said defendant with taking stealing and carrying away from deponents person the aforesaid property.

Sworn to before me this

30 day of March 1883 Henry E. Hall

~~Soldier & Son~~

Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0498

BOX:

101

FOLDER:

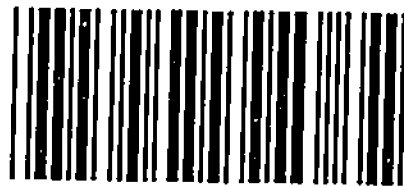
1083

DESCRIPTION:

Sullivan, John

DATE:

04/05/83



1083

0499

WITNESSES:

Counsel,
Filed 5th day of April 1893
Pleads to the charge

THE PEOPLE
vs.
John Sullivan
no 65 Road
INDICTMENT.
LARCENY FROM THE PERSON.

JOHN McKEON,
District Attorney.

Pr. April 11, 1893
Fried & convicted
A True Bill.

W. J. Sullivan
Foreman.

W. J. Sullivan
F. J.

Received
P. J. Sullivan
108 Barclay St
P. Henry & Co
106 Barclay St

Chas. W. Sullivan
Jas. J. Sullivan

0500

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 Sullivan

The Grand Jury of the City and County of New York, by this indictment, accuse
John Sullivan
of the CRIME OF ~~Robbery from the person~~ *Grand Larceny in*
the second degree
committed as follows:

The said *John Sullivan*

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *twenty third* day of *March* in the year of our Lord
one thousand eight hundred and eighty-*three* at the Ward, City and County
aforesaid, with force and arms, *one watch of the value*
of ten dollars

of the goods, chattels and personal property of one *Leonard Swanton*
on the person of the said *Leonard Swanton* then and there being found,
from the person of the said *Leonard Swanton* 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.

JOHN McKEON, District Attorney.

0501

BAILED.

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward J. Sullivan
383 North 4th St.
John Sullivan

Dated *March 27* 188*3*
John Sullivan
Magistrate.

James
Officer.

John
Precinct.

Witnesses _____
No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

John Sullivan
TO ANSWER

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

guilty thereof, I order that he be held to answer the same and he be ~~admitted to bail in the sum of~~ *he be legally discharged*
~~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 *March 27* 188*3* *John Sullivan* 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.

0502

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

1st District Police Court.

John Sullivan 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.

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 I did not take
the watch but I know who did.

John Sullivan

Taken before me this

day of

March 1888

Charles J. Smith Police Justice.

0503

1st
District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 383 Millingby avenue Street, Brooklyn

being duly sworn, deposes and says, that on the 23^d day of March 1883

in the daytime at the

City of New York,

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

of deponent and from his person with the unlawful intent to cheat and defraud the
owner of
the following property, viz :

One double cased Silver Watch
of the value of ten dollars — \$10

Sworn before me this

day of

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 John Sullivan (nouch) from the fact

that while deponent was standing in Nassau Street
near Pine in said city at about 10^{minutes} of 12 o'clock AM,
on said day deponent he was attracted by a
Kicker who was pulling Tim Dogs, that after standing
there a short time he felt some thing tugging at
his Watch which was in the left hand Pocket
of the Vest then and there worn by deponent
as a part of his bodily clothing, deponent im-
mediately looked and saw said deponent's
hand moving from the direction of his Pocket

0504

Deponent immediately looked for his Wallet and discovered that it had been feloniously stolen. That when deponent again looked for the said defendant he discovered that he had sneaked away in the crowd. Deponent is positive that the said defendant is the person who stole said property and when he accused him of taking it he said that he did not steal the Wallet but that he knew who did. He then for asks that he maybe held to answer and dealt with according to law.

Andrew J. [Signature]
Police Inspector

Leonard Swanton

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION