

0338

BOX:

304

FOLDER:

2891

DESCRIPTION:

Mac, Henry

DATE:

04/25/88



2891

Witnesses :

Counsel,

Filed, 25 day of April 1888

Pleads, *Indigently*

THE PEOPLE,

vs.

*34
18
John
B*

Henry Mac

Section 527 & 2, Penal Code.

advertising concerning

JOHN C. FLETCHER

RANDOLPH B. MARTINE,

*off for the term by
The Court of the 27*

A True Bill.

M. J. Berry

9. Paris, May 15, 1888

Foreman.

Indigently

*SR. W. J. Berry 24th 1888
New York 6. Mrs. Berry
1000 Fine P.S. 21*

*N. J. Berry
A. Chapman*

0340

Police Court, 1st District.

City and County } ss.
of New York,

of No. 5th Precinct Police Street, aged 41 years,
occupation Police Officer being duly sworn, deposes and says,

that on the 1st day of April, 1888 at the City of New
York, in the County of New York, Henry Mack Crawley

did feloniously circulate, distribute
and utter a letter and circular
purporting to offer for sale
Counterfeit paper money, to wit:
"Greenbacks and Silver Bills"
and did assist in the pro-
moting, operating, and carry-
ing on of a scheme or device
to defraud by means of a
letter and circular concerning
the sale of said "greenbacks",
and did knowingly receive and
and take from the mails a letter
addressed to him (defendant) in a
false and assumed name and
in a name other than his own,
the contents of said letter
being used in the operating,
promoting, and carrying on of
the sale of said "greenbacks" in
violation of Section 527 of the
Penal Code for the reasons
following, to wit: Defendant
is informed by Louis Simon
(Chen Ymsun), that on or about
the 5th day of April the said
defendant came to defendant's
store at 400 Canal and
requested the said ~~defendant~~ Simon
to receive any mail that would
be sent for him (defendant),
and for them to him when he
would call for the same. On the
14th day of April the annexed

0341

Letter marked Exhibit "A" was received by said Simon and a few days previously the same letter marked Exhibit "B" was received by said Simon. Said Simon further informs defendant that the said defendant came to defendant's store and asked if there was any mail for him (defendant). Said Simon gave to the defendant the said letters. Defendant seized hold of defendant and read the said defendant take the said letters from his defendant's papers and throw them on the show case. All present afterwards reviewed the said letters, which letters the said Simon fully identifies as being the letters received by the defendant from Simon.

Simon to defendant }
This 16th day of April 1884 }

Edward Howard
J

John Brown

Police Justice 1884 Dated Police Justice

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

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

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.

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

Police Court-- District. THE PEOPLE, &c., ON THE COMPLAINT OF ss. 1 2 3 4 Offence, Dated 1884 Magistrate. Officer. Clerk. Witnesses, No. Street, No. Street, No. Street, \$ to answer Sessions.

0342

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation Louis Simon of No.

400 Canal Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Edward Handy

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

Sworn to before me, this 6 day of April 1888 } Louis Simon

Henry J. ...
Police Justice.

0343

Sec. 198-200.

First District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Henry Mack*

Question. How old are you?

Answer. *32 years*

Question. Where were you born?

Answer. *England*

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

Answer. *18 Laight Street*

Question. What is your business or profession?

Answer. *Street cleaning*

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

Answer. *I am not guilty*

Henry Mack

Taken before me this

16

John J. Smith
188

Police Justice.

444E0

Police Court

606 District

THE PEOPLE, & C.,
ON THE COMPLAINT OF

Edward Haudy,
5th Prec.
Henry Mack

BAILABLE

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

Dated April 16 1888

Murray
Dan Haudy
Magistrate
Officer.

Precinct

Witnesses

James Timm
No. 1st Canal Street

No. Street

No. Street

\$ 1000 to answer

Coke

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

reference

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 April 16 1888

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

Dated 1888

Police Justice.

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

Dated 1888

Police Justice.

asked by court officers why or how he could get 20,000 for \$800, if they were good. He would answer no questions. He only said he could do as he pleased with his own property, and as there was no proof against him or that the coin was base he was handed his money and he left the court room. On his way out he gave the Mexican a look that would pierce a ten-inch plank, as much as to say: you fool, you lost a friend. The Mexican said to officer Henderson afterwards he was sorry he did not buy the 20,000. All that is known of Leopold is that he came from Belgium, and has recommendations from prominent bankers in Germany. He is about 35 years of age, very gentlemanly in appearance, and highly educated, speaking no less than four languages fluently. He was employed in this country at the San Francisco mint and for a time with Mackay, Flood & O'Brien, the wealthiest gold mine owners in the world. He was employed by them as superintendent and gold expert, but left them for a position in the mint as chief director of the coining department. He is a fine chemist and is said to have a secret metal or alloy, which he offered to the Government as a substitute for gold. He wanted \$300,000 for it, but the Government officials offered him about \$15,000 or \$20,000. His secret is said by brokers and mining experts, if he really has a substitute for gold, and that it is of the same composition as the coins found in his trunk then he is a very dangerous man to the Government, a thousand times more so than the nefarious rascals who manufacture greenbacks, as there are chances of detecting spurious paper money but not one chance in five thousand of detecting those passing the kind of coins found on the Belgian Leopold.

It is positively asserted by well-known gold brokers in California that Leopold has some valuable secret, and that if the coins found on him are spurious it cannot be denied that they are the finest in the world, and next to impossible to ever detect them. It is certain that those in the secret can make their thousands freely, safely and quickly. The Government cannot act in the matter as they have nothing to act on. So far they have no other proof than what the Mexican told. If Leopold has discovered a metal or even manufactured one that cannot be distinguished from gold, how can a person be detected and convicted of using coins manufactured from this metal or alloy, as it is well known amongst scientific men that there are four metals more valuable than gold, and eight more valuable than silver.

The country seems pretty well flooded with green goods circulars, and it seems very strange that there has been so few arrests made as there is so much spurious money in circulation it would seem dangerous for those handling or passing it. So far there is little known about this new gold coin enterprise. There has been no complaints, and it is firmly believed that these coins can be freely circulated without the least fear of detecting the rascals, and as the case stands the Government is powerless in the matter.

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of her parents and the adored object of a young "Saint," who sought her hand and heart, she fell in love with a Gentile, a young lawyer, at the time a resident of Salt Lake. Her love was reciprocated, and in their stolen interviews they pledged themselves—as lovers have ever done—to be true to death.

As a marriage in the City of Saints was an impossibility, the young couple determined to elope, and elope they did, fleeing to California. The elopement was discovered soon after their flight, and a resolute band of Mormon boys, armed and on fleet horses, pursued the infatuated twain, determined to rescue a flower of the Church from the polluted touch of the hated Gentile.

But the hunt was in vain. The gallant disciple of Blackstone distanced his fierce pursuers, and thus escaped being served with an illegal and peremptory *habeas corpus*. The scandal at the time created a great sensation among the Mormons, as the elopement of a Mormon girl with a Gentile was a rare thing in those days, and it shocked and grieved the whole community.

Annie's father being a leading member of the Church, the trusted friend and advisor of the then Great Mogul, Brigham Young, made the elopement all the more scandalous. When the run-away couple found themselves safe beyond the boundaries of the saintly Zion they drew a breath of relief, for had the lawyer been captured he would certainly have been shot to death instantly by his infuriated pursuers, while Annie would have been brought back to be in time the reigning mistress of some wealthy Mormon's harem.

But before long the lawyer husband changed to the legal Lothario, and the cup and the gambling table did the rest. To make a long story short, Annie Taylor found herself all alone in the great city of San Francisco, with only a few hundred dollars. She took elegant apartments in a large lodging-house on Kearney street.

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POOR QUALITY ORIGINAL

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A WONDERFUL INVENTION

AND
Dangerous to the Government if true.

SAN FRANCISCO, January 20, 1888.
Henry J. Leopold, a Belgian, was arrested on the complaint of Velasque Lirredo, a Mexican. He charged Leopold with offering to sell him \$20,000 in Gold Coin of the denominations of 5s, 10s and 20 pieces for \$800. The price being so small actually frightened him, and the Mexican became suspicious and caused Leopold's arrest. He was taken before Judge Alexander, now acting for Judge Noah J. Daniels, who is in Europe on a vacation. Lirredo says he first met Leopold in a conversation with him that he had worked in the principal gold coining mints of Europe, and ten years in the employ of this government; and said he had a secret for making metals by chemical process that was equal to eighteen karat gold, and had the same weight, color and ring of pure gold. It would stand the test of the strongest acids known to science. He also claims that the Government offered him \$15,000 for his valuable secret, and that he refused their offer. During this conversation he asked Lirredo if he would like to go in partnership, that he needed about \$10,000 ready cash for machinery, dies, tools and crucibles for melting the metal to make the 5, 10 and 20 pieces, as the machinery and dies he had would not run them off quick enough, and that he wanted to strike off at least 500,000. He also showed a lot of ten and twenty pieces he had in his pockets. He charged about a dozen of them in all to prove to me that they were fine. I then went with him to Geo. Newbold's jewelry store on State street, where he bought a diamond ring, and handed in payment six twenty pieces. I then left him, promising to meet him at the Grand Pacific Hotel next day. I met officer Armstrong and related what I had heard, and with him went to Judge Alexander's Court. The strongest part of the case is that Leopold's room was searched, and in his trunk was found between six and eight thousand of the coins of the denominations of 5, 10 and 20 pieces. Leopold strongly denied that they were counterfeit, and demanded the charge be proved. The Government experts and two gold brokers were sent for, and after a thorough examination the coins were pronounced genuine. He was one party in Colorado has used

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letters which I had given to him out
I throw them behind the counter.
ers referred to and their contents
ffered in evidence.
llowing are the contents of the letters:
accident, and thinking you were in a position to handle some of my
write you, trusting you will not betray the confidence I place in
before heaven to act as honorable to you as the mother who
est workmanship, as nothing is used in their make but the purest
the strongest acid. They have the full weight, and we are using
Our metal has the exact look, weight and ring of gold,
in this country to distinguish ours from the genuine. This is the
when you come here I will allow you to test them in any manner you
u, then I will promise you on my solemn and sacred oath to pay all
have sent some of these articles through our banks and passed them
I tell you, there has not been one complaint. I am dealing with
and they speak highly of the goods, and the best proof is that
in three months. I intend to sell to not more than two or three
men in each State. That you may have full confidence in me when you arrive here, I will allow you to
select some of the goods and use them while you are here. It will convince you beyond a doubt that my
words are gospel truth. I can gain nothing by asking you here to examine a poor article, for if they
were not as I tell you, of course, you would not purchase from me, and then I would have to pay all
your expenses to and from home, which I promise before almighty God in heaven to do if the coin does
not please you and give you full satisfaction in every way. Have confidence in me and I will not deceive
or betray the trust you place in me. These coins are not counterfeit, as certain as there is a Christ above.
The composition of valuable metals is our secret, and not known to a living soul on the face of the earth
but two of us. Our alloy and metal is as fine as gold,—has the same weight and ring, and will stand
any test of the most powerful acids known to science. My partner spent 26 years in the different coining
mints of Europe, and was employed 10 years in the California mint, and was discharged because he would
not give his valuable secrets to the Government for a paltry sum, \$15,000.
He was also accused of using the Government dies for making 10 and 20 dollar gold pieces. All the
proof against him was a Mexican, a dirty, low traitor. He betrayed him, and said he offered to sell him
\$20,000 in 5s, 10s and 20s gold pieces for \$800. My partner's trunk was searched and \$6,000 in gold coin
found, but after the severest tests by the experts of the gold mint they could not swear on their sacred
oath that the coins were counterfeits. They even cut a dozen of the gold pieces in half, and tried strong
acids on them, but could not prove anything. I ask you in God's name not to attempt to betray or ex-
pose me in any manner. If I have made a mistake I ask you on your mother's and father's and your own
honor not to harm a man who will befriend you if you need his help, for I can and will help you, so help
me heaven. There is not one in 10,000 who can tell the difference in these gold pieces from those made
by the Government. Bear in mind, I ask no money in advance, not even if you were willing to send it,
I want you to examine them and convince yourself, and if all is not as I tell you then, before God, I will
pay all your expenses to and from home, this I promise you on my oath, and as sure as I expect to meet
my God. These goods are one hundred times safer than paper money, and as there is so much paper
money sold in the country to day it is dangerous to use it.
Be guided by me and don't buy any from any one offering to sell it to you. There are but few people
in the United States or Canada handling my stock, and those who I take in my confidence can rest assured
of certain safety, and make from \$20,000 to \$40,000 in six months. I will promise this on my solemn
oath, and time will prove my words true. I will expect the return of this letter. It will prove you mean
me no harm. I will reply to no letter unless it is returned at once.
Now, friend, once again I tell you these goods are not counterfeits. Just as true as you and I have
an almighty God to meet, the Government cannot prosecute any person using them, unless they can prove
they are base coins, which they cannot do. The secret I hold, and the enclosed newspaper cutting will
give you a strong hint as to the profits on them. My terms are as follows:

500.00 will buy 12,000.00 800.00 will buy 20,000.00 1200.00 will buy 33,000.00

I will expect my price in greenbacks, as I do not care for gold coin, as I can furnish an article just as fine and safe as the best gold coin in use, as true as there is a God above, for should you bring gold with you some of it is liable to be my own manufacture, as the case has often happened.

BISHOP TAYLORS
 A Romantic Career
 from her home
 The romantic career of
 daughter of John Taylor, the
 President of the Mormon Church
 volume, and it strikingly ill-
 adage that "truth is strange"
 Annie Taylor always uses her
 though she has been thrice mar-
 now a widow apparently forty
 but still well preserved. She is
 looking woman, and it is easy to
 has known better days and has had
 well ing for
 out on a

igar and also asked if there were any letters. At that moment Detective Handy came in and asked me if this was McMahon and I told him it was; just at that minute the deft. Mac took the letters which I had given to him out of his pocket and threw them behind the counter.

The letters referred to and their contents were offered in evidence.

DEAR SIR: The following are the contents of the letters:

I obtained your name by mere accident, and thinking you were in a position to handle some of my hardware, I have taken the liberty to write you, trusting you will not betray the confidence I place in you, for on my solemn oath I swear before heaven to act as honorable to you as the mother who bore you. These goods are of the finest workmanship, as nothing is used in their make but the purest material; they will stand the test of the strongest acid. They have the full weight, and we are using metals and chemicals equal to the finest gold. Our metal has the exact look, weight and ring of gold, and we defy the best coin experts in this country to distinguish ours from the genuine. This is the truth, and to prove my words true, when you come here I will allow you to test them in any manner you wish, and if things are not as I tell you, then I will promise you on my solemn and sacred oath to pay all your expenses to and from home. I have sent some of these articles through our banks and passed them on our most expert business men, and I tell you, there has not been one complaint. I am dealing with about eight people in the South and West, and they speak highly of the goods, and the best proof is that one party in Colorado has used \$14,000 in three months. I intend to sell to not more than two or three men in each State. That you may have full confidence in me when you arrive here, I will allow you to select some of the goods and use them while you are here. It will convince you beyond a doubt that my words are gospel truth. I can gain nothing by asking you here to examine a poor article, for if they were not as I tell you, of course, you would not purchase from me, and then I would have to pay all your expenses to and from home, which I promise before almighty God in heaven to do if the coin does not please you and give you full satisfaction in every way. Have confidence in me and I will not deceive or betray the trust you place in me. These coins are not counterfeit, as certain as there is a Christ above. The composition of valuable metals is our secret, and not known to a living soul on the face of the earth but two of us. Our alloy and metal is as fine as gold,—has the same weight and ring, and will stand any test of the most powerful acids known to science. My partner spent 26 years in the different coining mints of Europe, and was employed 10 years in the California mint, and was discharged because he would not give his valuable secrets to the Government for a paltry sum, \$15,000.

He was also accused of using the Government dies for making 10 and 20 dollar gold pieces. All the proof against him was a Mexican, a dirty, low traitor. He betrayed him, and said he offered to sell him \$20,000 in 5s, 10s and 20s gold pieces for \$800. My partner's trunk was searched and \$6,000 in gold coin found, but after the severest tests by the experts of the gold mint they could not swear on their sacred oath that the coins were counterfeits. They even cut a dozen of the gold pieces in half, and tried strong acids on them, but could not prove anything. I ask you in God's name not to attempt to betray or expose me in any manner. If I have made a mistake I ask you on your mother's and father's and your own honor not to harm a man who will befriend you if you need his help, for I can and will help you, so help me heaven. There is not one in 10,000 who can tell the difference in these gold pieces from those made by the Government. Bear in mind, I ask no money in advance, not even if you were willing to send it, I want you to examine them and convince yourself, and if all is not as I tell you then, before God, I will pay all your expenses to and from home, this I promise you on my oath, and as sure as I expect to meet my God. These goods are one hundred times safer than paper money, and as there is so much paper money sold in the country to day it is dangerous to use it.

Be guided by me and don't buy any from any one offering to sell it to you. There are but few people in the United States or Canada handling my stock, and those who I take in my confidence can rest assured of certain safety, and make from \$20,000 to \$40,000 in six months. I will promise this on my solemn oath, and time will prove my words true. I will expect the return of this letter. It will prove you mean me no harm. I will reply to no letter unless it is returned at once.

Now, friend, once again I tell you these goods are not counterfeits. Just as true as you and I have an almighty God to meet, the Government cannot prosecute any person using them, unless they can prove they are base coins, which they cannot do. The secret I hold, and the enclosed newspaper cutting will give you a strong hint as to the profits on them. My terms are as follows:

- 560.00 will buy 12,000.00
- 860.00 will buy 20,000.00
- 1200.00 will buy 33,000.00

I will expect my price in greenbacks, as I do not care for gold coin, as I can furnish an article just as fine and safe as the best gold coin in use, as true as there is a God above, for should you bring gold with you some of it is liable to be my own manufacture, as the case has often happened.

GLUED PAGE

POOR QUALITY ORIGINAL

0353

BISHOP TAYLOR'S
A Romantic Career
from her home

The romantic career of
 daughter of John Taylor, the
 President of the Mormon ch
 is strikingly ill
 truth is strange
 Annie Taylor always uses her
 though she has been three m
 but still well preserved. She is
 a widow apparently forty
 looking woman, and it is easy to
 know better days, and has ha
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The letters referred to and their contents were offered in evidence.

DEAR SIR: The following are the contents of the letters:

I obtained your name by mere accident, and thinking you were in a position to handle some of my hardware, I have taken the liberty to write you, trusting you will not betray the confidence I place in you, for on my solemn oath I swear before heaven to act as honorable to you as the mother who bore you. These goods are of the finest workmanship, as nothing is used in their make but the purest material; they will stand the test of the strongest acid. They have the full weight, and we are using metals and chemicals equal to the finest gold. Our metal has the exact look, weight and ring of gold, and we defy the best coin experts in this country to distinguish ours from the genuine. This is the truth, and to prove my words true, when you come here I will allow you to test them in any manner you wish, and if things are not as I tell you, then I will promise you on my solemn and sacred oath to pay all your expenses to and from home. I have sent some of these articles through our banks and passed them on our most expert business men, and I tell you, there has not been one complaint. I am dealing with about eight people in the South and West, and they speak highly of the goods, and the best proof is that one party in Colorado has used \$14,000 in three months. I intend to sell to not more than two or three men in each State. That you may have full confidence in me when you arrive here, I will allow you to select some of the goods and use them while you are here. It will convince you beyond a doubt that my words are gospel truth. I can gain nothing by asking you here to examine a poor article, for if they were not as I tell you, of course, you would not purchase from me, and then I would have to pay all your expenses to and from home, which I promise before almighty God in heaven to do if the coin does not please you and give you full satisfaction in every way. Have confidence in me and I will not deceive or betray the trust you place in me. These coins are not counterfeit, as certain as there is a Christ above. The composition of valuable metals is our secret, and not known to a living soul on the face of the earth but two of us. Our alloy and metal is as fine as gold,—has the same weight and ring, and will stand any test of the most powerful acids known to science. My partner spent 26 years in the different coining mints of Europe, and was employed 10 years in the California mint, and was discharged because he would not give his valuable secrets to the Government for a paltry sum, \$15,000.

He was also accused of using the Government dies for making 10 and 20 dollar gold pieces. All the proof against him was a Mexican, a dirty, low traitor. He betrayed him, and said he offered to sell him \$20,000 in 5s, 10s and 20s gold pieces for \$800. My partner's trunk was searched and \$6,000 in gold coin found, but after the severest tests by the experts of the gold mint they could not swear on their sacred oath that the coins were counterfeits. They even cut a dozen of the gold pieces in half, and tried strong acids on them, but could not prove anything. I ask you in God's name not to attempt to betray or expose me in any manner. If I have made a mistake I ask you on your mother's and father's and your own honor not to harm a man who will befriend you if you need his help, for I can and will help you, so help me heaven. There is not one in 10,000 who can tell the difference in these gold pieces from those made by the Government. Bear in mind, I ask no money in advance, not even if you were willing to send it, I want you to examine them and convince yourself, and if all is not as I tell you then, before God, I will pay all your expenses to and from home, this I promise you on my oath, and as sure as I expect to meet my God. These goods are one hundred times safer than paper money, and as there is so much paper money sold in the country to day it is dangerous to use it.

Be guided by me and don't buy any from any one offering to sell it to you. There are but few people in the United States or Canada handling my stock, and those who I take in my confidence can rest assured of certain safety, and make from \$20,000 to \$40,000 in six months. I will promise this on my solemn oath, and time will prove my words true. I will expect the return of this letter. It will prove you mean me no harm. I will reply to no letter unless it is returned at once.

Now, friend, once again I tell you these goods are not counterfeits. Just as true as you and I have an almighty God to meet, the Government cannot prosecute any person using them, unless they can prove they are base coins, which they cannot do. The secret I hold, and the enclosed newspaper cutting will give you a strong hint as to the profits on them. My terms are as follows:

- \$50.00 will buy 12,000.00
- \$80.00 will buy 20,000.00
- 1200.00 will buy 33,000.00

I will expect my price in greenbacks, as I do not care for gold coin, as I can furnish an article just as fine and safe as the best gold coin in use, as true as there is a God above, for should you bring gold with you some of it is liable to be my own manufacture, as the case has often happened.

CROSS-EXAMINATION:

The deft. told me that these letters concerned lottery tickets. I did not know that it was against the law to sell lottery tickets.

EDWARD HANDY, a witness for the People, testified:

I am the detective spoken of by the last witness. On the 14th of April while I was in the cigar store of Mr. Simon this man McMahon came in; he got two letters from Mr. Simon and put them in his pocket and when I caught him and told him I was a police officer he threw the two letters away. I identify the letters which are shown me as the letters which he threw away on that occasion.

CROSS-EXAMINATION:

I did not know the deft. before that time. He was pointed out to me by M. Simon as the man.

JAMES W. O'BRIEN, a newspaper publisher, testified that the newspaper clipping on page 2 was not a clipping from any newspaper.

CHARLES E. DOSSER, an employe of the Post-Office, testified as to the two letters in question having passed through the mails of the United States.

D E F E N C E.

POWELL MANGELS, a witness for the deft., testified:

I live at No. 633 Greenwich in this City. I have known the deft. about 4 years. His character is good. I know his handwriting. I do not think the handwriting on these two letters shows the handwriting of the deft.

CROSS-EXAMINATION:

I have seen the deft. write but not very often.

I stood over him at the time I saw him write.

THEODORE W. NESBIT, testified as to the good character of the deft.

JOSEPH RICHTER gave similar testimony.

HENRY J. BUT LER testified that he was a letter-carrier and delivered several letters in the care of M. Simon, No. 400 Canal St. from April 19 till May 12; in all seven letters. He did not deliver any before April 19th.

HARRY Mc MAHON, a son of the deft., testified that the handwriting on the letters marked in evidence was not that of his father.

HENRY MAC, the deft., testified:

I live at No. 18 Laight St. Fifteen years ago I was arrested on a charge of man-slaughter but I was acquitted of it. In regard to receiving these letters I have to say that I did it for other persons. I met a man named Folsom and a man named Ramsden whom I had known by sight for some time, one day in a liquor saloon; they told me they were going out of town and asked me if I would call at Simon's place in Canal St. and get some letters for them which might come there while they were away. They told me that they were in the habit of getting letters at that place. I went there once or twice and got letters from Mr. Simon which I delivered to these two

men on their return to the city. I did not know what the contents of these letters were. I have never been in the business of advertising counterfeit money and have never had any correspondence with any person in the city of New York or out of it in regard to the circulation of counterfeit money.

CROSS-EXAMINATION:

I shot a man named Luke Walsh. I have been in the street cleaning business and in the liquor business during the last four years. I have been in the habit of buying cigars at Simon's cigar-store. Mr. Ramsden boarded in a hotel opposite where I lived and I knew his face very well for some time. I never spoke to him before this day I met him in this saloon. These two men, Ramsden and Folsom gave me the names on a slip of paper to which the letters would be directed, in care of Mr. Simon. When the officer came up to me in Simon's place I at once suspected that there was something crooked about the letters and I immediately threw them down as I did not want to have anything to do with them.

The Jury found the prisoner guilty as charged in the indictment.

Indictment filed Apl.25.1888

COURT OF GENERAL SESSIONS

Part III.

--X--

The PEOPLE &c.

against

HENRY MAC

Abstract of testimony on

trial May 14th 1888.

0357

Indictment filed Apl. 25, 1888

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

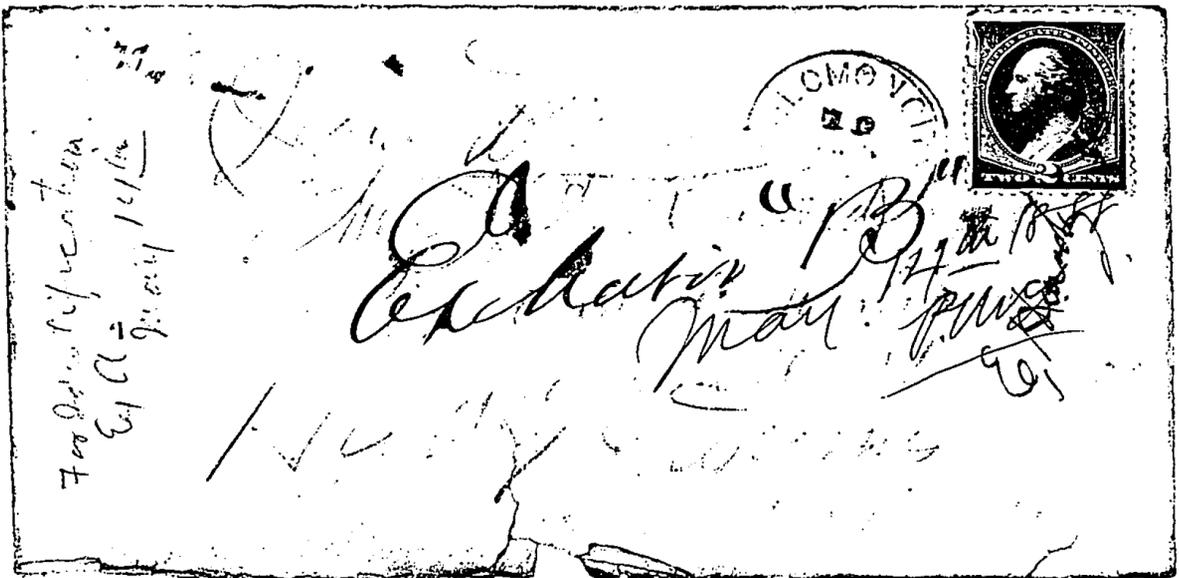
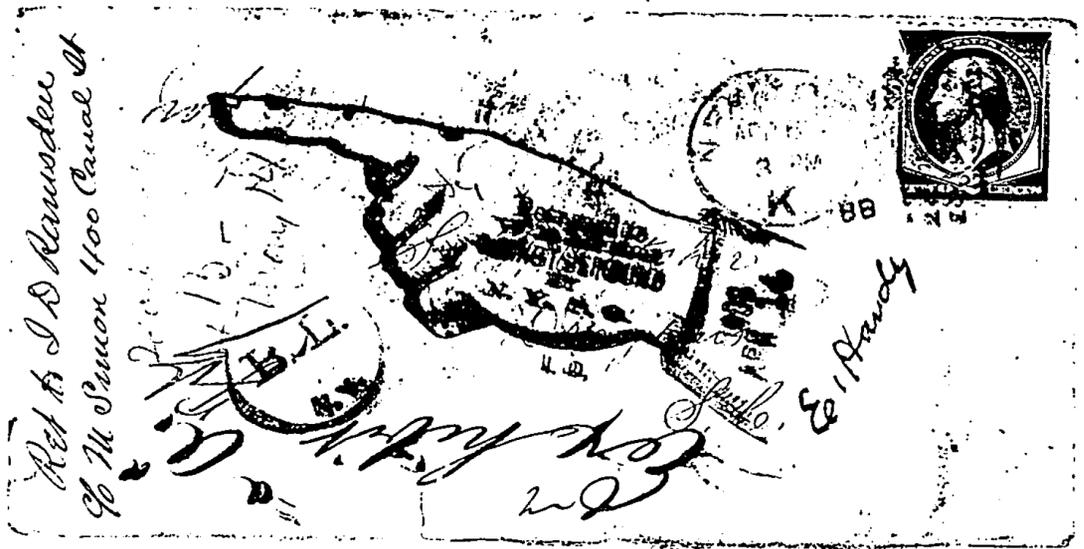
HENRY MAO

Abstract of testimony on

trial May 14th 1888.

0358

0359

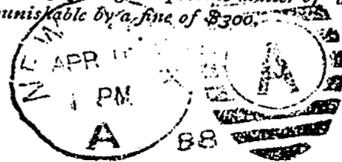


0360

Post Office Department.
POST OFFICE AT NEW YORK, N. Y.
OFFICIAL BUSINESS.

*This envelope can lawfully be used only by an
Officer of the United States on Official Business
of the Government. The use of it to avoid pay-
ment of postage on private matters of any kind is
punishable by a fine of \$300.*

*A - it's done
"F" May 11
Pm*



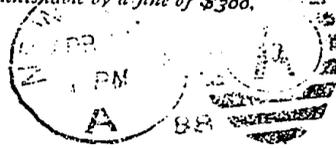
M. Falsom

Hco Canal St

0361

Post Office Department.
POST OFFICE AT NEW YORK, N. Y.
OFFICIAL BUSINESS.

*This envelope can lawfully be used only by an
Officer of the United States on Official Business
of the Government. The use of it to avoid pay-
ment of postage on private matters of any kind is
punishable by a fine of \$300.*



*718
"F" May 1899
Pm*

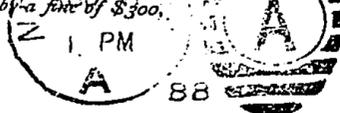
Mr. Hanson

McC Canal St

0362

Post Office Department.
POST OFFICE AT NEW YORK, N. Y.
OFFICIAL BUSINESS.

*This envelope can lawfully be used only by an
Officer of the United States on Official Business
of the Government. The use of it to avoid pay-
ment of postage on private matter of any kind is
punishable by a fine of \$300.*



*17-18
Sept 18
May 18
P.M.*

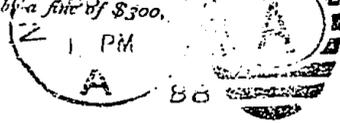
J. D. Ramsden

1100 Canal St.

0363

Post Office Department.
POST OFFICE AT NEW YORK, N. Y.
OFFICIAL BUSINESS.

*This envelope can lawfully be used only by an
Officer of the United States on Official Business
of the Government. The use of it to avoid pay-
ment of postage on private matter of any kind is
punishable by a fine of \$300.*



*W.D.
May 11
P.M.*

J. H. Raymond

111 Canal St.

0364

(N. Y., 87 E. Ed. 5-1,000.)

Post Office, New York, N. Y.

Office of the Postmaster.

..... 1887

To any person claiming mail matter addressed to Mr. Salsona

.....

You are hereby notified that in accordance with Postal Regulations, and pending further instructions from the Post Office Department, all mail matter addressed as above will be placed on the General Delivery of this office, from whence it will be delivered to any person calling for the same after he shall have been identified to the satisfaction of the undersigned.

.....
Postmaster.

0365

J. D. Ramsden
care M. Simon
400 Canal St
Elmer ⁹ 14th 1888
p.m.

0366

(N. Y., 87 E. Ed. 5-1,600.)

Post Office, New York, N. Y.

Office of the Postmaster.

..... 11/19 1887

To any person claiming mail matter addressed to J. D. ...

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.....

Postmaster.

N. Y. P. O. PRINT.

GOOD QUALITY
ORIGINAL

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Ex "a"
FD

POOR QUALITY
ORIGINAL

0369

E. H. Hardy

0370

Ed B.

Wm. B. "A"
14th / 8th St.
Purd.

DEAR SIR :

I obtained your name by mere accident, and thinking you were in a position to handle some of my hardware, I have taken the liberty to write you, trusting you will not betray the confidence I place in you, for on my solemn oath I swear before heaven to act as honorable to you as the mother who bore you. These goods are of the finest workmanship, as nothing is used in their make but the purest material; they will stand the test of the strongest acid. They have the full weight, and we are using metals and chemicals equal to the finest gold. Our metal has the exact look, weight and ring of gold, and we defy the best coin experts in this country to distinguish ours from the genuine. This is the truth, and to prove my words true, when you come here I will allow you to test them in any manner you wish, and if things are not as I tell you, then I will promise you on my solemn and sacred oath to pay all your expenses to and from home. I have sent some of these articles through our banks and passed them on our most expert business men, and I tell you, there has not been one complaint. I am dealing with about eight people in the South and West, and they speak highly of the goods, and the best proof is that one party in Colorado has used \$14,000 in three months. I intend to sell to not more than two or three men in each State. That you may have full confidence in me when you arrive here, I will allow you to select some of the goods and use them while you are here. It will convince you beyond a doubt that my words are gospel truth. I can gain nothing by asking you here to examine a poor article, for if they were not as I tell you, of course, you would not purchase from me, and then I would have to pay all your expenses to and from home, which I promise before almighty God in heaven to do if the coin does not please you and give you full satisfaction in every way. Have confidence in me and I will not deceive or betray the trust you place in me. These coins are not counterfeit, as certain as there is a Christ above. The composition of valuable metals is our secret, and not known to a living soul on the face of the earth but two of us. Our alloy and metal is as fine as gold,—has the same weight and ring, and will stand any test of the most powerful acids known to science. My partner spent 26 years in the different coining mints of Europe, and was employed 10 years in the California mint, and was discharged because he would not give his valuable secrets to the Government for a paltry sum, \$15,000.

He was also accused of using the Government dies for making 10 and 20 dollar gold pieces. All the proof against him was a Mexican, a dirty, low traitor. He betrayed him, and said he offered to sell him \$20,000 in 5s, 10s and 20s gold pieces for \$800. My partner's trunk was searched and \$6,000 in gold coin found, but after the severest tests by the experts of the gold mint they could not swear on their sacred oath that the coins were counterfeits. They even cut a dozen of the gold pieces in half, and tried strong acids on them, but could not prove anything. I ask you in God's name not to attempt to betray or expose me in any manner. If I have made a mistake I ask you on your mother's and father's and your own honor not to harm a man who will befriend you if you need his help, for I can and will help you, so help me heaven. There is not one in 10,000 who can tell the difference in these gold pieces from those made by the Government. Bear in mind, I ask no money in advance, not even if you were willing to send it, I want you to examine them and convince yourself, and if all is not as I tell you then, before God, I will pay all your expenses to and from home, this I promise you on my oath, and as sure as I expect to meet my God. These goods are one hundred times safer than paper money, and as there is so much paper money sold in the country to day it is dangerous to use it.

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560.00 will buy 12,000.00 860.00 will buy 20,000.00 1200.00 will buy 33,000.00

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Direct as follows :

0371

E. Handy

A WONDERFUL INVENTION AND Dangerous to the Government if true.

SAN FRANCISCO, January 20, 1888.

Henry J. Leopold, a Belgian, was arrested on the complaint of Velasquez Laredo, a Mexican. He charged Leopold with offering to sell him \$20,000 in Gold coin of the denominations of 5s, 10s and 20 pieces for \$800. The price being so small actually frightened him, and the Mexican became suspicious and caused Leopold's arrest. He was taken before Judge Alexander, now acting for Judge Noah J. Daniels, who is in Europe on a vacation. Laredo says he first met Leopold in the Grand Pacific Hotel, and during the conversation told him that he had worked in the principal gold coinage mints of Europe, and ten years in the employ of this government; and that he had a secret for making metals by chemical process that was equal to eighteen karat gold, and had the same weight, color and ring of pure gold. It would stand the test of the strongest acids known to science. He also claims that the Government offered him \$15,000 for his valuable secret, and that he refused their offer. During this conversation he asked Laredo if he would like to go in partnership, that he needed about \$10,000 ready cash for machinery, dies, tools and crucibles for melting the metal to make the 5, 10 and 20 pieces, as the machinery and dies he had would not run them off quick enough, and that he wanted to start off at least \$50,000. He also showed a lot of gold and twenty pieces he had in his pockets. He changed about a dozen of them in all to prove to Laredo that they were fine. Laredo then went with him to Geo. Newbold's jewelry store on State street, where he bought a diamond ring, and handed Laredo payment six twenty pieces. Laredo then left him, promising to meet him at the Grand Pacific Hotel next day. Laredo met officer Armstrong and related what he had heard, and with him went to Judge Alexander's Court. The strongest part of the case is that Leopold's room was searched, and in his trunk was found six and eight thousand of the coins of the denominations of 5, 10 and 20 pieces. Leopold strongly denied that they were counterfeit, and demanded the charge be proved. The Government experts and two gold brokers were sent for, and after a thorough examination the coins were pronounced genuine. He was asked by court officers why or how he could sell \$20,000 for \$800, if they were good. He would answer no questions. He only said he could do as he pleased with his own property, and as there was no proof against him or that the coin was base he was handed his money and he left the court room. On his way out he saw the Mexican a look that would pierce a ten inch plank, as much as to say: you fool, you lost a friend. The Mexican said to officer Henderson afterwards he was sorry he did not buy the \$20,000. All that is known of Leopold is that he came from Belgium, and has recommendations from prominent bankers in Germany. He is about 25 years of age, very gentlemanly in appearance, and highly educated, speaking no less than four languages fluently. He was employed in this country at the San Francisco mine, and for a time with Mackey, Flood & O'Brien, the wealthiest gold mine owners in the world. He was employed by them as superintendent and gold expert, but left them for a position in the mint as chief director of the coinage department. He is a fine chemist and is said to have a secret metal or alloy, which he offered to the Government as a substitute for gold. He wanted \$200,000 for it, but the Government officials offered him about \$15,000 or \$20,000. His secret is said by brokers and mining experts, if he really has a substitute for gold, and that it is of the same composition as the coins found in the trunk, then he is a very dangerous man to the Government, a thousand times more so than the nefarious rascals who manufacture greenbacks, as there are chances of detecting spurious paper money, but not one chance in five thousand of detecting those passing the kind of coins found on the Belgian Leopold.

It is positively asserted by well-known gold brokers in California that Leopold has some valuable secret, and that if the coins found on him are spurious it cannot be denied that they are the finest in the world, and next to impossible to ever detect them. It is certain that those in the secret can make their thousands freely, safely and quietly. The Government cannot act in the matter as they have nothing to act on. So far they have no other proof than what the Mexican told. If Leopold has discovered a metal or even manufactured one that cannot be distinguished from gold, how can a person be detected and convicted of using coins manufactured from this metal or alloy, as it is well known amongst scientific men that there are four metals more valuable than gold, and eight more valuable than silver.

The country seems pretty well flooded with green goods circulars, and it seems very strange that there has been so few arrests made as there is so much spurious money in circulation it would seem dangerous for those handling or passing it. So far there is little known about this new gold coin enterprise. There has been no complaints, and it is firmly believed that these coins can be freely circulated without the least fear of detecting the rascals, and as the case stands the Government is powerless in the matter.

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BISHOP TAYLOR'S DAUGHTER.
A Romantic Career Since She Eloped
from her Mormon Home.

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The romantic career of Annie Taylor, a daughter of John Taylor, the lately deceased President of the Mormon church, would fill a volume, and it strikingly illustrates the old adage that "truth is stranger than fiction." Annie Taylor always uses her maiden name, though she has been thrice married, and is now a widow apparently forty years of age, but still well preserved. She is a dignified looking woman, and it is easy to see that she has known better days and has had more luxurious surroundings than now attend her. This daughter of the "President, Prophet, Seer and Revelator," as her father was officially titled, is at present a resident of San Francisco, and lives in a small room in an obscure lodging-house on Miuna street, near Third.

She has for years been at the mercy of fate, and has lived from hand to mouth, as the saying is, constantly changing her abode from Stevenson, Clementina and Minna streets and vice versa. Annie Taylor well knows what the pangs of poverty are, and she has for years lived a most precarious existence and always uncomplainingly. It is said that it is a long road that has no turn, and it is very likely that in her case the turn has come. The deceased Mormon president was a very wealthy man, and it is not at all likely that in his will he has forgotten his erring yet favorite daughter Annie.

When Annie Taylor was a beautiful young woman of some twenty years of age, the pride of her parents and the adored object of a young "Saint," who sought her hand and heart, she fell in love with a Gentile, a young lawyer, at the time a resident of Salt Lake. Her love was reciprocated, and in their stolen interviews they pledged themselves—as lovers have ever done—to be true to death.

As a marriage in the City of Saints was an impossibility, the young couple determined to elope, and elope they did, fleeing to California. The elopement was discovered soon after their flight, and a resolute band of Mormon boys, armed and on fleet horses, pursued the infatuated twain, determined to rescue a flower of the Church from the polluted touch of the hated Gentile.

But the hunt was in vain. The gallant disciple of Blackstone distanced his fierce pursuers, and thus escaped being served with an illegal and peremptory habeas corpus. The scandal at the time created a great sensation among the Mormons, as the elopement of a Mormon girl with a Gentile was a rare thing in those days, and it shocked and grieved the whole community.

Annie's father being a leading member of the Church, the trusted friend and advisor of the then Great Mogul, Brigham Young, made the elopement all the more scandalous. When the run-away couple found themselves safe beyond the boundaries of the saintly Zion they drew a breath of relief, for had the lawyer been captured he would certainly have been shot to death instantly by his infuriated pursuers, while Annie would have been brought back to be in time the reigning mistress of some wealthy Mormon's harem.

But before long the lawyer husband changed to the legal Lothario, and the cup and the gambling table did the rest. To make a long story short, Annie Taylor found herself all alone in the great city of San Francisco, with only a few hundred dollars. She took elegant apartments in a large lodging-house on Kear

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BISHOP TAYLOR'S DAUGHTER.

A Romantic Career Since She Eloped From her Mormon Home.

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But the hunt was in vain. The gallant disciple of Blackstone distanced his fierce pursuers, and thus escaped being served with an illegal and peremptory habeas corpus. The scandal at the time created a great sensation among the Mormons, as the elopement of a Mormon girl with a Gentile was a rare thing in those days, and it shocked and grieved the whole community.

Annie's father being a leading member of the Church, the trusted friend and advisor of the then Great Mogul, Brigham Young, made the elopement all the more scandalous. When the run-away couple found themselves safe beyond the boundaries of the saintly Zion they drew a breath of relief, for had the lawyer been captured he would certainly have been shot to death instantly by his infuriated pursuers, while Annie would have been brought back to be in time the reigning mistress of some wealthy Mormon's harem.

But before long the lawyer husband changed to the legal Lothario, and the cup and the gambling table did the rest. To make a long story short, Annie Taylor found herself all alone in the great city of San Francisco, with only a few hundred dollars. She took elegant apartments in a large lodging-house on Kear

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POOR QUALITY
ORIGINAL

0377

Ex "B" 1888
May 14th P.M.L.

POOR QUALITY
ORIGINAL

0378

Ex^o "B" 1888
May 14th P.W.L.

POOR QUALITY
ORIGINAL

0379

Sumo 1/13

0381

(N. Y., 87 E. Ed. 5-1,600.)

Post Office, New York, N. Y.

Office of the Postmaster.

..... *Apr. 19*, 188*5*.

To any person claiming mail matter addressed
to *C. D. ...*

..... *110 Canal St.*

You are hereby notified that in accordance with
Postal Regulations, and pending further instruc-
tions from the Post Office Department, all mail
matter addressed as above will be placed on the
General Delivery of this office, from whence it will
be delivered to any person calling for the same after
he shall have been identified to the satisfaction of
the undersigned.

..... *[Signature]*

Postmaster.

N. Y. P. O. PRINT.

0383

400 Canal Street" in said City. The same
was found this road and true address.
against the name of the State in
such case made and provided, and
against the name of the State of the
State of New York, and their signature

John A. Johnson,
District Attorney

0384

BOX:

304

FOLDER:

2891

DESCRIPTION:

Mager, Peter

DATE:

04/27/88



2891

0385

424

Counsel,
Filed 27 day of April 1888
Pleads

56
1071.247
Peter Mager
B
VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and
page 1089, Sec. 5.]

JOHN R. FELLOWS,
District Attorney.

A True Bill. *James*
W. J. Berry
James D. Berry Foreman.
James D. Berry
Juryed 30th. P.B. M.C.S.
April 27. 1888.
Case.

WITNESSES:
.....
.....

0386

Excise Violation—Selling on Sunday.

POLICE COURT- 1st DISTRICT.

City and County } ss.
of New York.

John Sinclair
of No. *1st District Police Court* Street,
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the *29th* day
of *January* 188*8*, in the City of New York, in the County of New York, at
premises No. *107 1/2^d Avenue* Street,
Peter Magar (now here)

did then and there SELL, CAUSE, SUFFER and permit 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 as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said *Peter Magar*
may be ~~arrested~~ dealt with according to law.

Sworn to before me, this *30th* day } *John Sinclair*
of *January* 188*8*. }
Deputy Police Justice.

0387

Sec. 193-200.

District Police Court.

(CITY AND COUNTY OF NEW YORK) ss.

Peter Magar

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

Question. What is your name?

Answer. *Peter Magar*

Question. How old are you?

Answer. *50 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *1071 Scotch Avenue 14 years*

Question. What is your business or profession?

Answer. *Saloon keeper*

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

Answer. *I am not guilty if need
demand a trial by jury at the
Court of General Sessions*

Peter Magar

Taken before me this *24th*
day of *November* 188*8*
W. J. Givens
Police Justice.

8880

Dated _____ 1888
Police Justice.

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

I have admitted the above-named
to bail to answer by the undertaking hereto annexed.
Dated _____ 1888
Police Justice.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars, and be committed to the Warden and Keeper of
the City Prison of the City of New York, until he give such bail.
Dated _____ 1888
Police Justice.

Police Court / District
656
William Lewis

THE PEOPLE, &c.,
ON THE COMPLAINT OF
J. M. Dineen
Peter Maga

Dated _____ 1888
Magistrate.
Quinn
Officer.
P. C. Quinn

Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.
§ 150 to answer
Dineen

BAILED
No. 1, by John Bennett
Residence 334 E 56th Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Peter Mager

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

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

The said

Peter Mager

late of the City of New York, in the County of New York aforesaid, on the *twenty ninth* day of *January* in the year of our Lord one thousand eight hundred and *eighty-eight*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

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

SECOND COUNT—

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

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

The said

Peter Mager

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

JOHN R. FELLOWS,
District Attorney.

0390

BOX:

304

FOLDER:

2891

DESCRIPTION:

Maguire, Philip

DATE:

04/20/88



2891

WITNESSES:

Counsel,

Filed

20 day of April 1888

Pleads

Guilty

THE PEOPLE,

vs.

B

Philip Maguire

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 193, Sec. 21 and
page 189, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

Pr vs 3/11

Assigned to a of \$5 for trial
by

A True Bill.

M. G. C. Berg
Foreman.

April 19/88

0392

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Philip Maguire

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

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

The said *Philip Maguire*

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

Hugh Martin

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

SECOND COUNT—

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

Philip Maguire

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

The said *Philip Maguire*,

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

JOHN R. FELLOWS,
District Attorney.

0393

BOX:

304

FOLDER:

2891

DESCRIPTION:

Maier, Bernhart

DATE:

04/11/88



2891

0394

2932

WITNESSES:

Counsel,

Filed 11 day of April 1888

Pleads *Chiquity (13)*

Violation of Excise Law.
(Selling on Sunday, Sec. 21, and page 1989, Sec. 5.)

THE PEOPLE,

vs.

B

Bernhart Maier

April 11

RANDOLPH B. MARINE,

District Attorney.

A True Bill.

M. J. Berry
Foreman

April 11 1888

*Went to trial they
can be sent to
special session
J. D. C. Blackman*

0395

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff's

against

Beruhart Mauer
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *February* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, the same being the first day of the week commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Thomas Hill

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

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Bellows
RANDOLPH B. MARTINE,

District Attorney.

0397

BOX:

304

FOLDER:

2891

DESCRIPTION:

Maier, Bernhart

DATE:

04/11/88



2891

0398

2032

WITNESSES:

Counsel,

Filed 11 day of April 1888

Pleas Chiquita (12)

THE PEOPLE,
vs.
B
Bernhart Maier
April 11

Violation of Excise Law.
(Ballington Sunday, page 1983, Sec. 21, and
page 1989, Sec. 5.)

RANDOLPH B. MARINE,
District Attorney.

A True Bill. Edward
M. J. Berry
Foreman.

April 11, 1888

Would that they
could be sent to
special session
J. D. C. Blackman

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff's

against

Beruhart Maier
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twenty sixth* day of *February* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, the same being the first day of the week commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Thomas Hill

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

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Bellows
RANDOLPH B. MARTINE,

District Attorney.

0396

BOX:

304

FOLDER:

2891

DESCRIPTION:

Maloney, John

DATE:

04/03/88



2891

0401

BOX:

304

FOLDER:

2891

DESCRIPTION:

Norman, William

DATE:

04/03/88



2891

0402

72-13.

Counsel, 3 day of April 1888
Filed
Pleads, Chaguinta

THE PEOPLE
vs.
John Maloney
William Norman
Burglary in the Third degree,
and Petit Larceny
[Section 498, 506, 528 and 532]

JOHN R. FELLOWS,
April 1888
District Attorney.

John
Spicer & Longstreet of
De Witt Johnson
A TRUE BILL.
Pen 30 days.

W. J. Berry
Foreman.
April 1888
Pen

Witnesses;

April 1888
Chas. J. Pleasants
Pen 30 days

42

The People vs John Maloney
Court of General Sessions. Part I
Before Judge Corning. April 10, 1888.
Jointly indicted with Wm. Norman for
burglary in the third degree.
John M. Bray, sworn and examined,
testified. Do you belong to the police force of the
New York? Yes sir. Do you know the defendant?
Yes sir. Did you see him on the first of
April last? Yes sir. State where and where
what occurred? I saw him about a quarter
past one on the morning of April first
standing on the north east corner of Sixty
First St and Second Avenue, I was going
up Second Avenue at the time, I got as far
as Sixty third St. and came back to Fifty ninth
St., and on the way between Sixty and Sixty
first Sts. I heard some noise on the corner
of Sixty first St. I went up kind of quick,
I saw Maloney, I saw the shutter lying on
the sidewalk off the fruit stand. I saw this
Maloney and the other prisoner walking up
Second Avenue. Maloney went into the
hallway, the other man came, I walked up
the Avenue, I came back then and looked
at the pea nut stand. Maloney came
out of the hallway in the mean time and
went into the corner store, Sixty First St.
I accused him of breaking the pea nut

stand. He wanted to know what stand?
I told him the one on the opposite corner.
He said, I don't know anything about it.
I saw his coat pocket kind of bulged out, his
coat was all lined with peanuts; he
said he bought them going down to the
theatre; he bought a quartish worth. He said
he did not know anything about it, he
did not break it. I waked up the proprietors
of the place, the stand and sent a
young fellow up on the corner; he lived
within a couple of doors of the stand;
he got up and came down and found
the pea nuts missing out of the box, a
foot square. I brought him to the station
house and afterwards the sergeant told
me to get the other man. I went to the house
and brought him up to the station house.
He said Maloney bursted the shutter
off the pea nut stand - the secured man
I arrested. Cross examined. I cannot
state to the jury that I saw the defendant
take the peanuts. I found them in his
possession but I don't know where he got
them; his pockets were full of them. This
man was the only man who was
on the corner at the time this shutter
was dropped on the sidewalk. How long

before had you seen that window? About
fifteen minutes before that. Had it been
broken open? No, not then. And when
you saw it again what time in the

before had you seen that window? About fifteen minutes before that. Had it been broken open? No, not then. And when you saw it again what time in the morning was this? A quarter past one. Was there any person passing at the time? Not at all, not at the time. Was there anybody else there but these two men that is all that I could see on the avenue or even on the side street. How far had he been gone? He was gone through Sixty third street back to Fifty ninth street. I was about a hundred feet away when I heard the noise, the crashing of the shutter on the sidewalk. You went immediately back? Yes sir. These were the only men you saw? These were the only men I saw.

Vincenzo Aiello sworn and examined. I live at Sixty First St. and Second Ave. My peanut stand is on the corner of 61st and Second Ave. in this city. I left the stand on the night of April 1st at half past ten. I locked it up before I left. I returned a quarter past one when I was called. I found the stand broke and the door from under it was taken away and the peanuts were missing.

about fifty cents worth were missing.

Eric W. Mason I had
John Maloney

John Maloney, sworn and examined testified. I reside No 155 East Fifty second st. I am a truck driver. I dont know anything about the breaking of the complainants pea nut stand. State to the court and jury where you got the pea nuts that were found on you? I was to Harry Miners theatre on Saturday night and when I came out I bought the pea nuts, I fell asleep in the car. I got up to Sixty second st. to see my brother and during that time I met Norman; we got talking, I went to the middle of the block to get a drink, it was closed, I went into another saloon and got a drink. I was arrested when I came out; the officer asked me if I knew anything about the stand I was fifteen minutes on that corner. There were two strangers went down the street. I dont know whether or not they had their pockets full of pea nuts. I was never arrested before. I bought the pea nuts from Italian down the Brewery. I dont know where he lives. I did not subpoena him as a witness.

The jury rendered a verdict of guilty
of petty larceny

FOR QUALITY
ORIGINAL

0407

Testimony of
each of
John Maloney
filed April
1988

POOR QUALITY ORIGINAL

0408

Police Court— District.

City and County } ss.:
of New York }

of No. 1166 Second Avenue Street, aged 37 years,

occupation Fruit Stand ^{being duly sworn} 180m 2d Ave and 6th Street

deposes and says, that the premises (Fruit Stand) ^{Street} 19 Ward

in the City and County aforesaid the said being a wooden structure

and which was occupied by deponent as a Fruit and Peanut stand
~~and in which there was at the time a human being, by name~~

were **BURGLARIOUSLY** entered by means of forcibly prying off
an Iron Bar enclosing ~~said~~ stand with intent to commit a
felony

on the 1st day of April 1888 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of Peanuts
of the value of fifty cents

the property of Deponent

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

John Maloney and William Norman
both now here

for the reasons following, to wit: that at about 10 o'clock

P.M. of March 31st 1888 deponent
securely locked and fastened said
stand and went home. That

deponent is informed by Officer John
M. Bray of the 55th Precinct that
at about 1¹⁵ o'clock A.M. of said
first day of April 1888 while he
was on 2^d Avenue near 6th Street

He heard a noise which sounded like the falling of a shutter - upon the ground and he then walked to the N.E. Cor of 2nd Avenue and 1st Street and saw each of said defendants acting in concert with each other - near by said stand said officer arrested said Maloney and found concealed upon his person a quantity of peanuts and subsequently arrested said Ammon who informed him that said Maloney had broken open said stand with an Iron Bar and informed said officer that he could find said Bar lying behind said stand, said officer then went to said stand and found said Bar.

Wherefore defendant prays that each of said defendants be held to answer and be dealt with according to law.

Done before me this 7th day of April 1888
 Police Justice
 Michael Chello
 Mark

I have admitted the above named defendant to bail to answer by the undertaking hereto annexed.
 Dated 1888
 Police Justice

There being no sufficient cause to believe the within named defendant guilty of the offence within mentioned, I order him to be discharged.
 Dated 1888
 Police Justice

I appear to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named defendant guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
 Dated 1888
 Police Justice

Police Court, District

Office - BURGLARY

THE PEOPLE, &c.,
 on the complaint of

vs.

1
 2
 3
 4

Dated 1888

Magistrate

Officer

Clerk

Witness, No. Street

No. Street

No. Street

\$ to answer General Sessions.

0410

CITY AND COUNTY }
OF NEW YORK, } ss.

John M. Gray
aged *31* years, occupation *Police Officer* of No
the 25th Avenue Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Vincenzo Killo*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of *April* 188*7*

John M. Gray

Henry Truman
Police Justice.

0411

Sec. 198-200.

1. District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Maloney 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. *John Maloney*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 155 East 52nd Street Manhattan*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty*
John Maloney

John J. Maloney
1889
Police Justice.

0412

Sec. 198-200.

H District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Norman 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. *William Norman*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *St Johns Newfoundland*

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

Answer. *No 1165 St Andrew! 2 years*

Question. What is your business or profession?

Answer. *Wood worker*

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

Answer. *I am not guilty*
William Norman

Taken before me this
day of

188

Police Justice.

0413

202
Police Court--
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Chicago Falls

1166 2nd Ave

John Maloney

William Moran

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Street

Street

Street

Street

Street

No. 3

No. 4

Dated

April 1st

1888

Magistrate

Officer

Precinct

Witnesses

No.

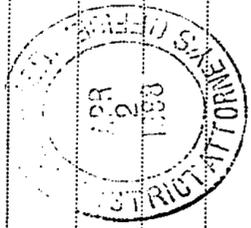
Street

No.

Street

No.

Street



\$ 500.00
to answer

(C. M.)

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 Maloney*

and William Moran guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

Hundred Dollars, Cash 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 1st* 1888 *John Maloney* Police Justice.

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

Dated *April 1st* 1888 *John Maloney* Police Justice.

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

Dated *April 1st* 1888 *John Maloney* Police Justice.

0414

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 Madoney and
William Norman*

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

John Madoney and William Norman

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

The said *John Madoney and William Norman, both* —

late of the *nineteenth* Ward of the City of New York, in the County of New York, aforesaid, on the *first* day of *April*, in the year of our Lord one thousand eight hundred and eighty-~~eight~~, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *residence* of one

Francis Aello. —

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

Francis Aello, —

in the said *residence* 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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said

John Madoney and William Norman

of the CRIME OF *Peck* LARCENY . — committed as follows:

The said *John Madoney and William Norman*.

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, in the *night* time of the said day, with force and arms,

Two quarts of peanuts of the value of twenty cents each quart,

of the goods, chattels and personal property of one *Vincenzo Aiello*.

in the *dwelling* of the said *Vincenzo Aiello*.

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

John R. Kellous
District Attorney

04 16

BOX:

304

FOLDER:

2891

DESCRIPTION:

Martin, John

DATE:

04/24/88



2891

POOR QUALITY ORIGINAL

0417

Apr 29 7

Keeping open on Sunday.

Counsel,
Filed, 24 day of April 1888
Pleads, Ch. 7, July

ENTERED
F. J. W.
THE PEOPLE,
vs.
B
John Martin
VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1889, Sec. 5.]

JOHN R. FELLOWS,
District Attorney.

May 10/98.
Indictment
Dismissed.
A True Bill.

M. J. O'Leary
Foreman.

Apr 23/88

Witnesses:
Officer Ed Walsh
S. P. O'Leary

There is no claim by the People that there was any actual sale in this case; not even. The People prove that the liquors alleged to have been exposed for sale were strong and spurious; nor are the circumstances surrounding the case such as would warrant a conviction under the decision of the Court of Appeals in *People v. Owens*, 148 N. Y. 648.

I therefore recommend that this indictment be dismissed.

Dated, New York, May 9th 1898
Daniel O'Leary
Assistant District Attorney.

0418

COURT OF GENERAL SESSIONS, Part 3

THE PEOPLE

INDICTMENT

vs.

For

John Martin

To

Henry M. Cordts

No. *67 North Moore* Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Trial* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on _____ the 18 day of DECEMBER instant, at eleven o'clock in the forenoon.

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

DE LANCEY NICOLL,

District Attorney.

0419

Hold for
Death certificate
Leary

0420

Excise Violation—Keeping Open on Sunday.

POLICE COURT—*Fifth* DISTRICT.

City and County } ss.
of New York. }

Edward Walsh
of No. *Fifth Precinct Police* Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the *15* day
of *April* 188*8* in the City of New York, in the County of New York,

John Martin (now here)
being then and there in lawful charge of the premises No. *441 Washington*
Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be
drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of
the statute in such case made and provided.

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

Sworn to before me, this *15* day
of *April* 188*8* } *Edward Walsh*

John Martin Police Justice.

12421

1109
4-19
645 W.

Police Court - 599 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Edward Walsh

vs.
John Martin

Offence *Law*

BAILED,

No. 1, by Henry W. Corlitz

Residence 67 North Moore Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated April 15 1888

Magistrate Ford

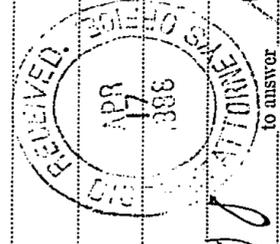
Officer Walsh

Precinct 5

Witness Officer Fresh

No. 5 Precinct Street

No. _____ Street.



No. 108 to answer Street

Bailed

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

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

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

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

There being no sufficient cause to believe the within named

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

Dated _____ 1888
Police Justice

Dated _____ 1888
Police Justice

0422

Sec. 198-200.

First District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Martin 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. *John Martin*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New Jersey*

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

Answer. *444 Washington St. 4 years*

Question. What is your business or profession?

Answer. *Bartender*

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

Answer. *I am not guilty and demand
an examination*

John Martin

Taken before me this

Day of *April* 188*8*

J. W. ...
Police Justice.

0423

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 Martin

The Grand Jury of the City and County of New York, by this indictment, accuse *John Martin* - of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

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

JOHN R. FELLOWS,

District Attorney.

0424

BOX:

304

FOLDER:

2891

DESCRIPTION:

Martin, John

DATE:

04/30/88



2891

0425

27445 338

WITNESSES:
Wm. J. C. Berry
Co.

Counsel,
Filed *20* day of *April* 188*8*
Pleads *Amquely*

THE PEOPLE,
vs.
B
John Stanton
Transferred to the Court of Special
Sessions for trial and final disposition
Part 2 *May 1887*

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
(7th Edition), page 198, Sec. 21 and
page 189, Sec. 5.)

JOHN R. FELLOWS,
District Attorney.

A True Bill.
W. J. C. Berry
Foreman.

April 1888

0426

WITNESSES:

Wm. J. G. Cooper
H. W. Co.

1895

Counsel,

Filed *20*

day of *April* 188*8*

Pleas

Guilty

THE PEOPLE,

vs.

B
John Stanton

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
(7th Edition, page 198, Sec. 21 and page 198, Sec. 2)

Transferred to the Court of Special Sessions for trial and final disposition.

Part 2. May 7, 1895.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. J. C. Berry
Foreman.

April 20, 1888

0427

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 Martin

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

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

The said

John Martin

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

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

SECOND COUNT—

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

John Martin

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

The said

John Martin

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

JOHN R. FELLOWS,
District Attorney.

0428

BOX:

304

FOLDER:

2891

DESCRIPTION:

Mayer, William

DATE:

04/13/88



2891

0429

No 153.

Counsel,
Filed 13 day of April 1888
Pleads,

THE PEOPLE
vs.
P
William Mayer
Grand Larceny Second degree.
[Sections 528, 581, 552 Penal Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

M. J. G. Berry
April 13th Foreman.
W. H. G. G. G. G.
S. P. 2 1/2 900 - April 13th
April 1888

Witnesses:

For
J. H. M. M. M.
344 N 42

0430

101

Police Court— 2 District.

Affidavit Larceny.

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

Herman Speer

of No. 580 Eighth Avenue Street, aged 35 years,

occupation Saloon Keeper being duly sworn

deposes and says, that on the 8 day of February 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz :

One gold watch and gold chain attached of the value of about one hundred and twenty five dollars (\$125.)

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 William Meyer (now

here) for the reason that the said property was missed on the said date from deponent's room on the 6th floor of said premises. The

defendant was seen by deponent in said house on said date. Deponent is informed by Frank Remy, now here, that the defendant

subsequently pledged the same property with him on security for the loan of thirty dollars, and the defendant now admits in open court that he stole the said property.

Herman Speer

Sworn to before me, this 10th day of February 1888 at New York N.Y.
John B. Smith
Police Justice.

0431

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Kuntz

aged 49 years, occupation Cutter of No.

105 Essex Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Herman Peen

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

Sworn to before me, this 8 day of April 1888 Frank Kuntz

Solou B. Smith
Police Justice.

0432

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

William Henry Meyer 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 Henry Meyer*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *344 West 42 Street 4 months*

Question. What is your business or profession?

Answer. *Gold Dealer*

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

Answer. *I am guilty*

William Meyer

Taken before me this

August 12 1934
James J. Brumby
Office Justice.

0433

Police Court No. 557 District 2

THE PEOPLE, & c.,
ON THE COMPLAINT OF

Herman Speer

vs.
Wm. Myer

Offence *Disorderly Person*

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated *April 5* 188*8*

Magistrate *Smith*

Officer *Murphy*

Precinct *20*

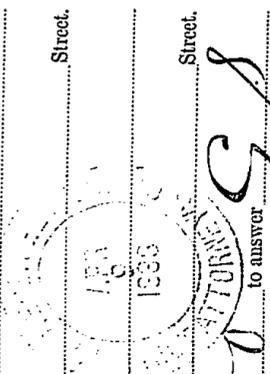
Witness *Francis King*

No. *105 Essex* Street.

No. Street.

No. Street.

\$ *1000* to answer



Comptroller

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

Wm. Myer 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.

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

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

Dated *April 5* 1888 Police Justice.

Dated 1888 Police Justice.

0434

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Mayer

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

William Mayer

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

The said *William Mayer,*

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

One watch of the value of one hundred dollars, and one chain of the value of twenty five dollars.

of the goods, chattels and personal property of one *Herman Speer*

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

William Mayer

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

The said William Mayer

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

One watch of the value of one hundred dollars, and One chain of the value of twenty-five dollars

of the goods, chattels and personal property of one Herman Speer

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

unlawfully and unjustly, did feloniously receive and have; the said

William Mayer

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

JOHN R. FELLOWS,
District Attorney.

0436

BOX:

304

FOLDER:

2891

DESCRIPTION:

McBride, Edward

DATE:

04/20/88



2891

0437

No 243
Robme a

Counsel,
Filed 20 day of April 1888
Plends, *Chiquely*

THE PEOPLE
vs.
Edward McBride
[Signature]

Robbery, - first - degree
[Sections 224 and 225, 559 Penal Code]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. J. Berry
Foreman.
Discharged by Court
on his own recognizance
April 19/88

Witness:
[Signature]

[Faint, illegible text]

0439

being duly sworn, deposes and says he
State of New York,
City and County of New York, } ss.
Attorney or one of his assistants.
there brought out, please state the same to the District
the Magistrate, or if a fact which you think material was not
If you know of more testimony than was produced before
Attorney's office.
If ill when served, please send timely word to the District
this early to the District Attorney, in the Court.
If inconvenient to remain, and you prefer another day, state
Office about it, and you may save time.
Should the case not be called on for trial, and no reason
assigned in Court, please inquire in the District Attorney's

THE PEOPLE

ss.

Edward Mc Bride

City and County of New York, ss.:

Jacob Deubert being duly
sworn, deposes and says: I reside at No. 161 Essex Street
Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the
City and County of New York. On the fourth day of May 1888,
I called at No. 231 East 24th Street

the alleged residence of John A. Pine
the complainant herein, to serve him with the annexed subpoena, and was informed by the
landlady of the boarding-house situated
at said number, that he, said John A.
Pine, had left her house on April 25th,
1888. She stated that he was attached
to Barrum's Circus and was now in
the City of Washington, with said circus. She further
stated that he would probably return
to said house next spring.

Sworn to before me, this 4th day of May, 1888 } Jacob Deubert
of Wee J. J. Ferone Subpoena Server.
Notary Public,
New York County

Court of General Sessions.

THE PEOPLE, on the Complaint of

John H. Price

vs.

Edward McBride

Offense

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

Jacob A. Deubert

Subpoena Server.

Failure to Find Witness.

0440

GLUED PAGE

0441

PART III.

The Court Room is in the First Story.

If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

THE

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York

To *Walter Wood* of No. *231 East 24th St*

WE COMMAND YOU, That all business and avocations, ceasing, you appear at your home person, before the Court of General Sessions of the Peace to be holden in the Court Room of New York, at the Sessions Building, in the Park of the said City, on the day of *the 4th* day of *May* 1888, at the hour of *ten* in the forenoon of the said day, to testify the truth and give evidence in our behalf against *Edward McEwen* in a case of Felony, whereof *he* stands indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of **APRIL**, in the year of our Lord, 1888.

JOHN R. FELLOWS, District Attorney.

being duly
served
by the
1888

Edward McEwen
the
it
then
stated
news

Edward

City and County of

sworn, deposes and say
Street, in the City of N
City and County of Ne
I called at No. *231 East 24th St*

the alleged *circus*
~~the complainant~~ *witness* herein

landlady
stated as
John A
Edward
that he

and was now in no way of Washington
with said circus. She further stated
that he would probably return to said
house next spring.

Sworn to before me, this *4th* day
of *May*, 1888

Jacob Deubert
Subpoena Server.

Wm. H. Jones
Notary Public
Kriegel Co.

044

being duly sworn, deposes and says he
State of New York,
City and County of New York, ss.
Attorney or one of his assistants.
If you know of more testimony than was produced before
the Magistrate, or if a fact which you think material was not
there brought out, please state the same to the District
Attorney's office.
If ill when served, please send timely word to the District
Attorney's office.
If inconvenient to remain, and you prefer another day, state
this early to the District Attorney, in the Court.
If inconvenient to remain, and you prefer another day, state
Office about it, and you may save time.
assigned in Court, please inquire in the District Attorney's
Should the case not be called on for trial, and no reason

THE PEOPLE

vs.

Edward Mc Bride

City and County of New York, ss.:

Jacob Deubert being duly sworn, deposes and says: I reside at No. *161 Essex Street* Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York. On the *fourth* day of *May* 188 *8*, I called at *No. 231 East 24th Street* -

the alleged *witness* residence of *Maurice Doody*, a ~~the complainant~~ herein, to serve him with the annexed subpoena, and was informed by *the* landlady of the boarding house, situated at said number, that he, said *John A. Maurice Doody* had left her said house on *April 25th*. She stated that he was attached to *Barnum's Circus* and was now in the city of *Washington* with said circus. She further stated that he would probably return to said house next *Spring*.

Sworn to before me, this *4th* day of *May*, 188 *8*

Jacob Deubert
Subpoena Server.

Wm. James Jerome
Notary Public,
Kew York Co.

0443

Court of General Sessions.

THE PEOPLE, on the Complaint of

Maurice Doody

vs.

Edward McBride

Offense

RANDOLPH B. MARTINE,
District Attorney.

Affidavit of

Great Rentist,
Subpoena Server.

Failure to Find Witness.

0444

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT—FOURTH DISTRICT.

John N. Pyne
of No. 231 East 24th Street
being duly sworn, deposes and saith, that on the 15th day of April
1888, at the Eighteenth Ward of the City of New York, in the
County of New York, was feloniously taken, stolen, and carried away, from the person of deponent,
by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money
of the United States of the
Amount and value of Thirty
Cents and One Scarf Pin,
together of the value of
About two dollars \$2.⁰⁰/₁₀₀

of the value of _____ Dollars,
the property of _____

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

Edward McBride (now here)
Several others whose names
and whereabouts are unknown to deponent
and who are not yet arrested,
from the fact that at about 11³⁰
O'clock PM of the above date while
deponent was walking along
the East side of 3rd Avenue between
24th and 25th streets three or four
unknown persons grabbed hold of
deponent and pulled him in an
alley way and forcibly took the
above described property from
deponent's possession and person
and when deponent came out of said
Alley way he saw said deponent
McBride run away and deponent
pursued him and caused his arrest.
Deponent is informed by Officer
Michael Barrett of the 18th Precinct that
he found upon the person of said McBride
the above described Scarf Pin

John N. Pyne

Sworn to before me this
15th day of April 1888
Michael Barrett
Police Justice

0445

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Edward M. Bride 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.

Edward M. Bride

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

Philadelphia Pa.

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

Answer.

No 157 East 24th St. Dumbo

Question. What is your business or profession?

Answer.

Driver

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

Answer.

I am not guilty.

Edward M. Bride

Taken before me this 11th day of May 1887. M. J. ... Police Justice.

POOR QUALITY ORIGINAL

0446

231
Police Court--
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John A. Pine
231 East 24th St
Edward M. ...

Offence
1
2
3
4

Dated *April 17* 188*8*
Magistrate
Edward M. ...

Officer
Edward M. ...

Precinct
231 East 24th St

Witnesses
Edward M. ...

No. *Edward M. ...* Street

BAILABLE

No. 1, by
Residence Street

No. 2, by
Residence Street

No. 3, by
Residence Street

It appearing by the within affidavits that it is impossible to secure the attendance of Edward M. Pine & material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein Edward M. Pine be discharged on his own recognizance.

W. M. ...
N. Y., *May 29* 188*8*

Gunning S. ...
Acting District Attorney

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

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

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 1888 Police Justice.

Dated 1888 Police Justice.

Dated 1888 Police Justice.

0447

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward McBride

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

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

The said *Edward McBride*.

late of the City of New York, in the County of New York aforesaid, on the *27th* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*eight*, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one *John W. Payne* — in the peace of the said People, then and there being, feloniously did make an assault, and

one silver coin of the kind called quarter dollars, of the value of twenty-five cents, two silver coins of the kind called dimes of the value of ten cents each, three nickel coins of the kind called five-cent-pieces of the value of five cents each, and one gold coin of the value of one dollar and seventy cents, —

of the goods, chattels and personal property of the said *John W. Payne*, from the person of the said *John W. Payne*, against the will, and by violence to the person of the said *John W. Payne*, then and there violently and feloniously did rob, steal, take and carry away, *(The said*

Edward McBride being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown)

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the said

Edward McBride —

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said *Edward McBride*.

late of the City of New York, in the County of New York aforesaid, on the *17th* day of *April*, in the year of our Lord one thousand eight hundred and eighty *eight*, at the City and County aforesaid, with force and arms,

one pearl pin of the value of one dollar and seventy cents.

of the goods, chattels and personal property of *John R. Payne*.

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *John R. Payne*.

unlawfully and unjustly, did feloniously receive and have ; the said

Edward McBride.

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

JOHN R. FELLOWS,
District Attorney.

0449

BOX:

304

FOLDER:

2891

DESCRIPTION:

McCaffery, John

DATE:

04/26/88



2891

0450

10707

Witnesses:

John W. ...
J. ...

Counsel,
Filed, 26 day of April 1888
Pleads *Guilty*

THE PEOPLE,
vs.
B
John W. Coffey
VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[111 Rev. Stat. (7th Edition), Page 1082, Sec. 5.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. J. LeBerry
Foreman.

April 26 1888
Par. 111
Complaint sent to Special Sessions

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

John McCaffery

The Grand Jury of the City and County of New York, by this indictment, accuse *John McCaffery* of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

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

JOHN R. FELLOWS,

District Attorney.

0452

BOX:

304

FOLDER:

2891

DESCRIPTION:

McCarthy, John

DATE:

04/06/88



2891

0453

WITNESSES :

Counsel,
Filed *April 1888*
Pleads *July 23*

THE PEOPLE,
vs.
B
John McCarthy
April 30/88
for trial by
jury

Violation of Excise Law.
(Selling on Sunday, &c.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21, and
page 1989, Sec. 5.]

JOHN R. FELLOWS,
RANDOLPH B. MARTINE,
District Attorney.

April 30th
AHND

A True Bill.

M. J. O'Brien
Foreman.

April 5/88

No 45

0454

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs

against

John Mc Carthy
Defendant.

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendant of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows :

The said defendant, late of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *March* in the year of our Lord one thousand eight hundred and eighty-*eight* at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Patrick J. Feeney

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

SECOND COUNT :

And the Grand Jury aforesaid, by this indictment, further accuse the said defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows :

The said defendant, late of the City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John P. Willows
RANDOLPH B. MARTINE,

District Attorney.

0455

BOX:

304

FOLDER:

2891

DESCRIPTION:

McCartney, Thomas

DATE:

04/13/88



2891

0456

BOX:

304

FOLDER:

2891

DESCRIPTION:

McCartney, Thomas

DATE:

04/13/88



2891

POOR QUALITY ORIGINAL

0457

Witnesses:

Edward H. Gault
107 E. 116 St.
Herbert A. Kingsbury
191 Lexington Ave

112
Counsel, *Wm. O. Thompson*
50 Court St. Brooklyn
Filed *13* day of *April* 188*8*
Pleads, *Ch. Guilty (3)*

(Section 96 of the Penal Code)

THE PEOPLE
March 21 White
Thomas Mc Carthy
vs
Thompson

JOHN R. FELLOWS,
District Attorney.

17/10/1888

A True Bill

W. J. O. Berry
Foreman.
July 17 1888

Spied & convicted
7th 6th 1888
July 20 1888

POOR QUALITY ORIGINAL

0458

Witnesses:

Edward J. Tait
107 E. 116th St.
Herbert A. Kingsbury
191 Lexington Ave

112
Counsel,
50 Court St. Brooklyn
Filed
13 day of April 1887
Pleads, *Not guilty (3)*

THE PEOPLE
March 21 1887
Thomas Mc Carthy
16 1/2 W 11th St
Section - 96 - of the Penal Code.

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. J. O'Brien
Foreman.
July 17 1887.

Spivey & Conrictat
7 1/2 W 116th St
July 20 1887

Court of General Sessions, Part I.

----- xx
 :
 The People of the State of New York; :
 against : Before Hon. Fred. Smyth
 : and a Jury .
 :
 T H O M A S M c C A R T N E Y . :
 :
 ----- xx

Indictment filed April 13, 1888

New York, July 13, 1888.

A P P E A R A N C E S

For the People, Asst. District Attorney Goff,
 For the Defendant W. C. Thornton, Esq.

Transcript of Judgment in the case of George Elford and Charles E. Elford against Thomas McCartney for \$132.61, filed July 25, 1884 offered in evidence. Also a certificate of said judgment is unsatisfied of record.

Transcript of judgment in favor of Joseph W. Hilyard against Thomas McCartney and others, for \$475.85 is offered in evidence. Also report of sale in the same case.

J O H N J. W I L B U R, testified that said papers were taken by him from the files of the County Clerk's office of ^{Russ} ~~Queens~~ County.

C H A R L E S E. E L F O R D, testified that said judgment was obtained by the firm of Elford & Son against McCartney for painting done to a house in StMarks Ave., Brooklyn.

0460

2 2

G E O R G E H. F A H R B A C H testified that he was the recording clerk of the County Clerk's office of New York County and produced from the files of that office the following papers which were offered in evidence:

Judgment roll in the case of Julius Lazynsky against Samuel Lazynsky, filed Oct. 27, 1887 for \$12,971.26

Undertaking on appeal from a judgment in said case, filed November 12, 1887, The said undertaking was executed by Thomas McCartney and J. P. Johnson Howard.

H E R B E R T A. K I N G S B U R Y, a witness for the People, testified. I am a lawyer and a member of the firm of Stern & Meyers who were attorneys for the plaintiff in the case of Lezynsky against Lezynsky. I have personal knowledge of the transactions in that matter. I was present in Court upon the justification of the sureties. I saw the defendant McCartney called to the bar of the Supreme Court Chambers and I heard Judge Barrett administer the following oath to himself and the other sureties Howard- " You and each of you do solemnly swear that you will true answers make to such questions as shall be put to you touching your sufficiency as sureties in the case of Lezynsky against Lezynsky" whereupon each of them kissed the bible and bowed his head. I then took them to another room and proceeded to examine them. I reduced their depositions to writing. After I had finished the deposition of the defendant McCartney I read it over to him and he

0461

3

signed his mark to it. I then took both the sureties before Judge Barraett again and he swore them to their depositions.

The deposition of the defendant McCartney was then read to the Jury, the substance of which is as follows:

"I live at No. 194 Wyckoff street, Brooklyn. I own a farm 2 1/2 miles north of Patchogue, Suffolk County, L.I. I bought it in 1870 or 1871. I ~~x~~ paid \$16,000 in cash for it. I bought the property with my own money free and clear of all incumbrance. I own a house and lot on Smith Avenue East New York near Atlantic, the lot is 25 x 100, the house is framed with two stories and attic, with a cellar. I bought it ten years ago from a man named James Wheeler for \$5,000. I own two houses and lots Nos. 19 and 20 Fifth Avenue Brooklyn. I bought the land some 30 years ago from a man named William WSelforth. I took it ~~x~~ in payment for ~~work~~ work I had done for him digging cellars &c. I built the two houses about four years ago, they cost \$7,000 each and are paid for. The houses are 21 feet in depth by 45 feet in width. The lots are 22 feet in width by 70 feet in depth. The houses are three story Philadelphia brick front. The property is entirely unincumbered. I own a house and lot on the west side of 20th street adjoining the last mentioned two lots; the lot is 25 feet by 70 feet and the house is 21 x 40. The house cost me \$8,000. Mr. Austin Corbin offered me \$17,000 for the farm at Patchogue about three weeks ago. I own 11 lots and house at Elm Park, Staten Island for which I paid ~~\$9x~~ \$9,000 about four years ago. There is ^{no} incumbrance of any kind

0462

4

on it. I am not on any other bond or undertaking except a revenue bond of \$100. I owe \$1150. There are no judgments against ~~me~~ me anywhere and no suits pending against me. I am worth at least \$70,000 over all my debts and liabilities."

CROSS EXAMINATION

Mr. Howard, and Mr. Julius Lezynsky and Mr. Joachim-
sen were present at the examination. I don't recollect any corrections being made in the paper. I am certain the paper was read over to McCartney.

AUSTIN COPBIN, a witness for the people, testified.

I am President of the Long Island Railroad. I do not know the defendant, ~~He~~ I never offered to buy a farm at Patchogue from him or a farm at any other place. I never authorized any one to make such an offer.

WILLIAM H. CAMPBELL, Jr., a witness for the people, testified

I am a searcher of the records in the Register's Office of Kings County. I have made a search of those records for conveyances to Thomas McCartney. I found a deed from Henrietta McCartney to Thomas McCartney dated December 15, 1883. I also found a deed from Thomas Stewart and wife to Thomas McCartney dated December 6th 1859. These are the only two I find. My search covered from 1856 to 1887.

Deed from Henriette McCartney to Thomas McCartney of property on the northerly side of St. Mark's Avenue Brooklyn, offered in evidence. Also deed from Thomas

Stewart and others to Thomas McCartney of property 275 feet easterly from the south easterly corner of Jay and Chapel streets in the City of Brooklyn. Also deed from George D. Reynolds to Thomas McCartney, conveying the same property. Also deed from William Selpho to Thomas McCartney conveying property at 20 street and fifth avenue in the city of Brooklyn.

WILLIAM H. VON GERICHTEN, a witness for the people, testified:

I am a clerk in the district attorney's office. I know the defendant McCartney. I recollect him signing the bond which is shown me on the 21st of September 1887. It was a bail bond.

JOSIAH W. CARY, a witness for the people testified:

I am a real estate agent and have been in that business about nine or two years. I am acquainted with property on Fifth Avenue, Brooklyn at its commencement. There are no such numbers as 19 and 20 Fifth Avenue. The block where those numbers should be if they existed is the block between Atlantic and Pacific streets. The houses on both those streets run back considerable distance on 5th avenue and take up most of the block. There are no houses fronting on fifth avenue on that block.

CROSS EXAMINATION.

I have charge of several buildings in the vicinity of 5th avenue and Pacific street. I am well acquainted with that locality. One building does face on 5th avenue but it is simply a part of another building which faces on Flatbush Avenue.

0464

6

SAMUEL N. GARRISON, a witness for the people, testified:

I am a lawyer, residing in the city of Brooklyn. I am the owner of property on the northed y side of 20th street, Brooklyn. It formerly belonged to my father and I have a reversionary interest in it under his will.

Deed of said property from G. H. Stevens, Referee, to Samuel Garrison offered in evidence. This deed conveys two lots on the northely side of 20th street distant 100 feet westerly from the northwesterly corner of 20th street and 5th avenue running parallel with 5h avenue 100 feet.

There are two houses on this property, two story and basement frame houses.

CROSS EXAMINATION

I have known the defendant 16 years. The property which I have spoken of was formerly owned by Mrs. McCartney

JAMES MAGUIRE, a witness for the people, testified:

I am a real estate agent. I am acquainted with the property in the vicinity of Smith Avenue, East New York. I do not know of any two story frame house and attic with a cellar on Smith Avenue near Atlantic.

CROSS EXAMINATION.

I have known the defendant four or five years. He came to my place at one time and talked very strangely about his property; he said he had several farms to exchange and was going to build a large number of houses, and after he got through all this I had to loan him five cents to pay his

0465

17

fare home.

BERNARD W. TRITTELL, a witness for the people, testified:

I am a lawyer. I am familiar with the records of Kings County. I have recently searched the records in the County Clerk's office of Kings County for conveyances to Thomas McCartney. I made a memorandum of the search. I found no conveyance to Thomas McCartney of the property described in his deposition as on the westerly side of 20th street near 55 5th avenue. I did not find any conveyance to Thomas McCartney of property described by him in said deposition as a house and lot on Smith Avenue East New York. I examined Fifth avenue and I found that there are no such numbers as 19 and 20. I also examined the locality of 20th street and 5th avenue which is nearly two miles distant from where Nos. 19 and 20 would be if they existed. The houses on 20th street were in a rather dilapidated condition.

CROSS EXAMINATION.

I was retained by the firm of Stern & Meyers to examine into this matter after the justification of the sureties. On my examination I did find a deed from William Selpho to Thomas McCartney dated Jan. 27, 1868. I also found that the same property mentioned in that deed was quit claim to Samuel Garrison by a deed dated April 2, 1874.

Bond and undertaking in vacating of judgment in the suit of Robert Gears against the Rustic Mfg. Co. offered in evidence. This bond was executed by the defendant Thomas McCartney.

WILLIAM LINDSEY, the attorney for the plaintiffs, in the action of Gair against the Rustic Mfg. Co. testified that he recognized the defendant McCartney as the surety on the undertaking in that case.

W. JAMES H. TOBIN, produced a book from the Surrogates Court and testified that the defendant McCartney was on several bonds in that office. One bond was offered in evidence

WILLIAM N. PENNEY, testified that he was clerk and Secretary in the District Attorney's office. That the defendant executed a bond in that office in the case of the People against John Jern on the 1st of August 1887.

HENRY MERZBACH, a clerk in the District Attorney's office, testified that the defendant executed a bond in the case of the people against Edward Stone. Both bonds offered in evidence

D e f e n d e e .

THOMAS MCCARTNEY, the defendant, testified:

I am 75 years of age. I have lived in the City of Brooklyn 15 years. MY business was that of a contractor and builder. I formerly owned three houses on St. Mark's Avenue near Washington Avenue. I also owned property on 5th avenue near 20th street which I held in the name of my wife. I owned a house on Canton street near Myrtle Avenue. I also owned a house on Smith Avenue East New York between Pacific and Dean street. I owned a farm within three miles of Patchogue and two other farms, between Huntington and Babylon, L. I. I also owned another house

0467

9

on Baltic street near Hoyt in the city of Brooklyn. I also owned a house in Chapel street between Bridge and Jay streets. I also owned a lot of property at Big Sandy River, Kentucky. I also owned two houses on Wyckoff street and a house on Carroll street. I also owned some property in Spring Valley on the Hudson and a farm at Ellenville, Ulster County, also a house and barn in Passaic County, N. J. That is all the property I can remember. I remember the circumstances of signing this bond, but I did not write my name to it, I simply signed a cross. I can not read or write. He did not ask me many questions; he asked me where I owned property and then he wrote down. He never read it over to me at all. I don't know where No. 19 and 20 fifth avenue is. I did own property on 20th street near 5th avenue which I bought from a man named William Selpho. While I was building those houses there came a very heavy wind up one day and I jumped out of the second story window to the sidewalk. I was badly hurt and I haven't been the same man since. I spent some time in the hospital.

Q Are you still the owner of these farms and property?

A Not now, I am not.

Q How much of it do you own? A I thought I did own it until late. I think sometimes yet I do.

CROSS EXAMINATION.

I think I at one time owned the land upon which the Brooklyn City Hall is built. I believe I bought it from the Pierpont family. I cannot tell you how many bonds I have gone on in my life. I have frequently been in the District Attorney's office.

Q Who asked you to sign this bond in the Lezynsky matter?

A A man named Wesley Lyons. I signed a bond every time he asked me. He gave me \$25 for signing this bond and then I gave it back to him and I never got anything back except one dollar. I don't remember going on the bond of John Jorn in the District Attorney's office.

Q Haven't you been continually going on bonds in the Surr-gate's court, the District attorneys office and the other courts of the city of New York for the past five years?

A No, sir, I have not.

Q When did you first become acquainted with Howard, the colored man who went on this bond? A I have been acquainted with him since he was a little boy.

Q Did you know at that time that Howard was under indictment for giving straw bail in Brooklyn? A I did not.

Q Do you know where No. 19 and 20 5th avenue are?

A No, sir.

Q Have you ever been sworn in your life to tell the truth?

A I don't know as I was, I might be for all I know.

Mary McCartney, a witness for the defendant, testified:

I am the wife of the defendant. I remember the time that the buildings on 5th avenue fell about 18 years ago. Up to that time my husband had always enjoyed good health. Since that time his mind has been wandering. and he has acted at time like a man that was crazy. Sometimes he wander through the street all night with a sword or some other weapon and would imagine that people were after him. At other times he would go to the station house and com-

plainto the police that people were perseauting him and ask for protection. While he was in the hospital he was raving at times. After he went to Europe he seemed to be a little better for a time and then he got bad again. When he would go out in the morning he would tell me that he had to be looking after his real estate. At times he would lose his merory. He imagined that all the property he once owned he still owned. Whenever he left the house he genereally went through the back yard and would go over the neighbors fences.

CROSS EXAMINATION.

I have been married 30 years and have six children. I don't remember ever seeing Mr. Traitell at my house. Myself and my husband did own a farm at Patchogue at one time. I have never seen Mr. Austin Corbin. I never told anybody that we had been offered \$17,000 for that farm. My husband very often received letters and after receiving them he would go to New York. I never knew he was going on any bondsover here until this matter came up. I don't know who read the letters for him.

CATHERINE F. MCCARTNEY, witness for the defendant, testified:

I am a daughter of the defendant. I remember the time of the buildings on 5th avenue when my father was injured. Since that time he has been a different man. I remember one night that he went out of the house about 12 o'clock and walked around until the police caught him and brought him to the station house. I remember while he was in the Long Island College hospital that he believed the statues around the room were people who were presecuting

0470

12

him. I remember his going to the station house at different times and giving himself up.

CROSS EXAMINATION.

I never went over this story which I have told with my father. I was 12 years of age when these buildings fell. I remember everything that I have testified to. I don't remember visiting my father at any time in the Raymond street jail. He went to Europe twice after he came out of the hospital. I often saw my father in church and he sometimes acted differently, from other members of the congregation. My father very often had his beard cut off. I did not know that the detectives were looking for him at our house in Brooklyn. Several men called there and I told them I did not know where he was.

JOHN MCGRATH, testified that he was acquainted with the defendant 30 years, that he was a man of good character, that he remember the fall of the buildings on 5th avenue, and that since that time McCartney had acted in a very strange manner.

BERNARD W. TRITTELL, a witness for the people in rebuttal, testified:

Last December I called at McCartney's house on Wyckoff street and as I passed to go up the stoop I saw the prisoner in the window. I went to the house and was informed by Mrs. McCartney that her husband was not at home Mrs. McCartney said her husband would be home about 9 o'clock.

The Jury found the prisoner guilty of perjury.

COURT OF GENERAL SESSIONS
Part 1.

The People of the State of New
York

against

THOMAS McCARTNEY

Abstract of Testimony on Trial.

New York, July 13, 1888

COURT OF GENERAL SESSIONS
Part 1.

The People of the State of New
York

against

THOMAS McCARTHY

Abstract of Testimony on Trial.

New York, July 13, 1888

Indictment filed April 13, 1888

COURT OF GENERAL SESSIONS,
Part 1.

The People of the State of New
York

against

THOMAS McCARTNEY

Abstract of Testimony on Trial
July 14, 1888

0473

0474

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

June 25, 1889.

Sir:

Application for Executive clemency having been made on behalf of Thomas McCartney..... who was convicted of perjury.....
.....in the county of New York.....and sentenced June 20, 1888,
to imprisonment in the Sing Sing Prison.....for the term of seven years, six months.....I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

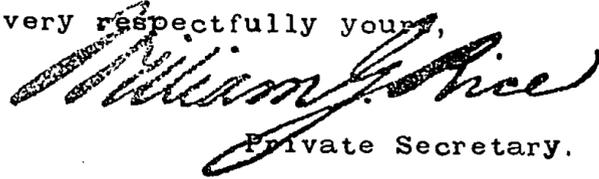
It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

very respectfully yours,

Hon. J. R. Fellows,

District Attorney,


Private Secretary.

New York City.

POOR QUALITY ORIGINAL

0475

Part 1
April/78

Answered
August 1989
J. R. S.

SECRET

0476

VI

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

Sir :

June 28, 1889.

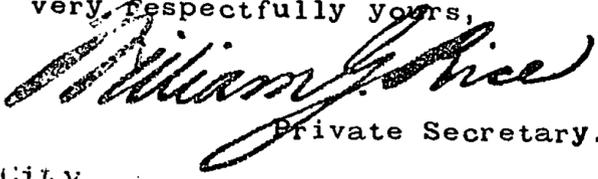
Application for Executive clemency having been made on behalf of Thomas McCartney..... who was convicted of perjury..... in the county of New York.....and sentenced July 20, 1888, to imprisonment in the Sing Sing Prison.....for the term of seven years, six months.....I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

I am,

Hon. Frederick Smyth,
Recorder,

New York City.

very respectfully yours,

Private Secretary.

*Am... in the
K... ..
of
... ..
... ..
... ..*

SECRET
RECEIVED 6/20/68
DIVISION OF

POOR QUALITY
ORIGINAL

0478

[Faint, illegible handwritten text, possibly a signature or list of names]

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

The People of the State
of New York
against
Thomas McCartney

The Grand Jury of the City and
County of New York, by this indictment accuse
Thomas McCartney of the crime of Perjury
committed as follows:

Heretofore, to wit: on the twenty-seventh
day of October, in the year of our Lord
one thousand eight hundred and eighty
seven, at the City of New York, in the
County of New York, aforesaid, one Julius
Leszyusky, the plaintiff in an action for
damages then pending in the Supreme Court
of the State of New York in the First Judicial
District thereof, to wit: in and for the City
and County of New York aforesaid, in due
form of Law recovered a judgment in the
said court against one Samuel H. Leszyusky,
the defendant in the said action, for the
sum of twelve thousand, nine hundred
and seventy one dollars and twenty-six
cents.

And after the recovery of the said

judgment as aforesaid, to wit: on the twelfth day of November, in the year aforesaid, the said Samuel H. Leszyusky, feeling aggrieved thereby, an appeal was by him duly taken from the said judgment to the General Term of the said Supreme Court in and for the First Judicial Department thereof, and notice of said appeal duly served as required by law, and for the purpose of staying the execution of the said judgment a written undertaking, duly signed and executed by the said Thomas Mc Bartney and one, J. P. Johnson Howard as sureties to the effect that the said Samuel H. Leszyusky, such appellant as aforesaid, would pay all costs and damages which might be awarded against him, if such judgment so appealed from should be affirmed, or any part thereof, or the appeal be dismissed, together with all costs and damages which might be awarded against the said appellant thereon, not exceeding five hundred dollars, and wherein and whereby the said Thomas Mc Bartney and J. P. Johnson Howard, did jointly and severally undertake that the said appellant would do, was on the day and year last aforesaid duly given by the said appellant and filed with the clerk of the said Supreme Court, pursuant

to the statute in such case made and provided, and a copy of the said undertaking, with notice of the filing thereof, was on the same day duly served upon the attorney for the said Julius Leszyusky, the respondent upon the said appeal, by the giving of which said undertaking as aforesaid, the execution of the said judgment was then and there stayed pending the determination of the said appeal.

And afterwards, and within ten days after the service of the said copy of the undertaking aforesaid and notice of the filing thereof as aforesaid, to wit: on the sixteenth day of November, in the year aforesaid, at the City and County aforesaid, the attorney for the said Julius Leszyusky, such respondent as aforesaid, duly served upon the attorney for the said Samuel H. Leszyusky such appellant as aforesaid, a written notice that he excepted to the sufficiency of the said sureties upon the said undertaking; whereupon, to wit: on the seventeenth day of November, in the year aforesaid, notice was duly given that the said Thomas Mc Bartney and J. P. Johnson Howard would justify as such sureties upon the said undertaking as required by law, on the twenty-second day of November then next ensuing, before the judge of the said Supreme Court who should be sitting and presiding

at the Chambers thereof on the said last mentioned day.

And afterwards, to wit: on the said twenty-second day of November in the year aforesaid, at the City and County aforesaid, the said Thomas Mc Cartney did personally come and appear before the Honorable George C. Barrett, one of the judges of the said Supreme Court and the justice then sitting and presiding at the Chambers thereof for the purpose of justifying as such surety upon the said undertaking.

And the said Thomas Mc Cartney was then and there in due form of law sworn, and did take his corporal oath, by and before the said The Honorable George C. Barrett, Justice as aforesaid, that he the said Thomas Mc Cartney would true answers make to such questions as might be put to him touching his sufficiency as such surety upon the said undertaking, he the said The Honorable George C. Barrett Justice as aforesaid, having then and there full and competent power and authority to administer the said oath to the said Thomas Mc Cartney in that behalf.

And the said Thomas Mc Cartney being so sworn as aforesaid, and being then and there examined touching and con-

cerning his sufficiency as such surety upon the said undertaking, for the purpose of such justification, before the said the Honorable George C. Barrett, Justice as aforesaid, the proceeding being an inquiry and hearing and an occasion in which an oath was required by law and might be lawfully administered, upon his oath aforesaid, of and concerning his circumstances and property, and his responsibility and sufficiency as such surety (it being then and there necessary and material that the said, the Honorable George C. Barrett, Justice as aforesaid, should know the true circumstances and property of the said Thomas Mc Bartney in order that he might determine whether he would and should approve and allow the said Thomas Mc Bartney as such surety upon the said undertaking) on the said inquiry, hearing and occasion, in answer to certain proper questions put to him for the purposes thereof, then and there, to wit: on the said twenty-second day of November in the year aforesaid, at the city and county aforesaid, feloniously wilfully, knowingly and corruptly, did falsely swear, testify, declare and say, amongst other things, in substance and to the effect following, that is to say:

① That he the said Thomas Mc Cartney then owned a house and lot on Smith Avenue near Atlantic Avenue in East New York in Kings County in the State of New York. That said lot was twenty five feet by one hundred feet and the house a two story and attic frame building with cellar. That he had bought the said house and lot from one James Wheeler about ten years then previous and had paid for the same the sum of five thousand dollars in cash. That he had bought the same free and clear of all encumbrances and the same was then yet free and clear thereof.

② That he the said Thomas Mc Cartney then owned two houses and lots of land known as numbers nineteen and twenty Fifth Avenue in the City of Brooklyn in the County of Kings aforesaid. That he had become possessed of the said lots about thirty years then previous from one William Salpho and had taken the same in payment for work which he had done for said William Salpho.

* That he had built two houses upon said last-mentioned lots at a cost of seven thousand dollars each and the same were paid for. That the said houses were twenty-one feet in width by forty-five feet in depth and the said lots were twenty-two feet in width by seventy feet in depth each. That said houses were three story brick front buildings and

the said property was then entirely unencumbered.

3

✓

That he the said Thomas Mc Bartney then owned a three story brick front house and lot on the west side of Twentieth Street in said City of Brooklyn; that said lot was twenty-five feet by seventy feet and said house twenty-one feet by forty feet. That said house was built by him at a cost of eight thousand dollars and the same adjoined the two lots last above mentioned.

4

✓

That he the said Thomas Mc Bartney then owned eleven lots and a house at Elm Park, on Staten Island in said State of New York, which he had purchased from a widow named Greeley then about four years previous and had paid nine thousand dollars in cash for the same, and the same was then unencumbered.

5

Smith

✓

That he the said Thomas Mc Bartney then owned a farm two and one half miles north of Patchogue, on Long Island, in Suffolk County in said State. That he had purchased the said farm in 1870 or 1871, within two years of that time, from a man named Smith and had paid sixteen thousand dollars in cash for the same. That one Austin Corbin had offered him seventeen thousand dollars for said farm about three weeks then previous.

6

✓

That he the said Thomas Mc Bartney then owed only about eleven dollars and fifty cents; that there were then no judgments against

B.

him anywhere and that he was then worth at least seventy thousand dollars over all his debts and liabilities.

Whereas in truth and in fact, the said Thomas Mc Bartney did not then own a house and lot on Smith Avenue near Atlantic Avenue in East New York in Kings County aforesaid, and the said lot was not twenty-five feet by one hundred feet and the house was not a two story and attic frame building with cellar. And the said Thomas Mc Bartney had not bought the said house and lot from the said James Wheeler about two years then previous, and had not paid for the same the sum of five thousand dollars in cash, and had not bought the same free and clear of all encumbrances and the same was not then yet free and clear thereof.

And whereas in truth and in fact, the said Thomas Mc Bartney did not then own two houses and lots of land known as numbers nineteen and twenty Fifth Avenue in the said city of Brooklyn, and he had not become possessed of the said lots about thirty years then previous from the said William Salpho and had not taken the same in payment for work which he had done for said William Salpho, and the said Thomas Mc Bartney had

not built two houses upon said last-mentioned lots at a cost of seven thousand dollars each and the said houses were not twenty one feet in width by forty five feet in depth, and the said lots were not twenty two feet in width by seventy feet in depth each, and the said houses were not three story brick front buildings and the said property was not then entirely unencumbered.

And whereas in truth and in fact the said Thomas Mc Bartney did not then own a three story brick front house and lot on the west side of Twentieth Street in said City of Brooklyn; that said lot was not twenty five feet by seventy feet and said house was not twenty one feet by forty feet. That said house was not built by him at a cost of eight thousand dollars and the same did not adjoin the two lots last above mentioned.

And whereas in truth and in fact the said Thomas Mc Bartney did not then own eleven lots and a house at Elm Park on Staten Island in said State of New York and he had not purchased the same from a widow named Greely then about four years previous and had not paid nine thousand dollars in cash for the same.

And whereas in truth and in fact, the said Thomas Mc Bartney did not then own a farm

two and one half miles north of Patchogue on Long Island in Suffolk County in said State, and he had not purchased the said farm in 1870 or 1871, within two years of that time from a man named Smith and had not paid sixteen thousand dollars in cash for the same. And the said Austin Corbin had not offered him seventeen thousand dollars for said farm about three weeks then previous.

And whereas in truth and in fact the said Thomas Mc Bartney then owed a much greater sum than eleven dollars and fifty cents; that there were then divers unsatisfied judgments against him in divers places and he was not then worth at least seventy thousand dollars over all his debts and liabilities, but was in truth then insolvent and wholly irresponsible financially.

And whereas in truth and in fact all the matters so as aforesaid by him, the said Thomas Mc Bartney then and there sworn to, testified, declared and said upon the said hearing, inquiry and occasion in manner aforesaid, were then and there in all things utterly false and untrue, as he the said Thomas Mc Bartney then and there well knew.

And so the Grand Jury aforesaid do say that the said Thomas Mc Bartney, in

manner and form aforesaid, feloniously,
wilfully, knowingly, falsely and corruptly
did commit wilful and corrupt perjury;
against the form of the Statute in such
case made and provided, and against the
peace of the People of the State of New
York and their dignity.

John R. Fellows,
District Attorney.

0490

BOX:

304

FOLDER:

2891

DESCRIPTION:

McCorken, Owen

DATE:

04/09/88



2891

0491

Witnesses:

Vol. 1073

Counsel,
Filed, 9th day of April 1888
Pleads, C. M. G. M. G. 114

THE PEOPLE,

vs.

B

Owen Mc Cronken

VIOLATION OF EXCISE LAW

(Keeping Open on Sunday.)
(III Rev. Stat., 7th Edition), page 1889, Sec. 5)

JURY CASE

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

J. J. G. M. G.

M. J. Berry

Forfeited

Foreman

Ind. and Arg. 11/18

April 9/88

0492

Excise Violation-Keeping Open on Sunday.

POLICE COURT - 2nd DISTRICT,

City and County of New York, ss.

Henry McCardle
of No. 16th Avenue Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 17th day
of November 1887, in the City of New York, in the County of New York,

Erwin McEwen (now here)
being then and there in lawful charge of the premises No. 87 9th Avenue

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be
drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of
the statute in such case made and provided.

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

- Sworn to before me, this 20th day } Henry McCardle
of November 1887 }
J. J. Caffrey
Police Justice.

0493

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *Owen M. Crocker*

Question. How old are you?

Answer. *23 years old.*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *260 W 21 St A. Corp*

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 and
I drink and a habit by my way*

Owen M. Crocker

Taken before me this

day of *March* 188*8*

W. B. Kelly

Police Justice.

4644

Dated _____ 188____
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.

Dated Mar 20 188____
Police Justice.
I have admitted the above-named
to bail to answer by the undertaking hereto annexed.

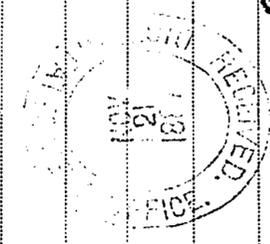
Dated Mar 20 188____
Police Justice.
It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars, and be committed to the Warden and Keeper of
the City Prison of the City of New York, until he give such bail.

1200
Police Court--
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Henry McArde
vs.
Carroll McArde
1
2
3
4
Office McArde

Dated Mar 20 188____
Magistrate.
Officer.

Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.
\$ 100 to answer
Bailed



May
2-17-

BAILED,
No. 1, by Queen Hammond
Residence 160 8th Avenue Street.

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

0495

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff's

against

Owen Mc Cronken
Defendant.

The Grand Jury of the City and County of New York. by this indictment accuse the above named defendant of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

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

John R. Fellows

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