

0783

BOX:

226

FOLDER:

2220

DESCRIPTION:

Payton, Harry

DATE:

07/12/86



2220

0784

Witnesses:

Mary H. Babch

Counsel,

Filed *12* day of *July* 188*6*

Pleads *Not Guilty*

THE PEOPLE

vs.

Harry A. Payton

Grand Larceny, 2nd degree
[Sect. 628, 58 Penal Code.]

RANDOLPH B. MARTINE,

July 13/86
District Attorney.

Pleads P.D.
A True Bill.

James L. Hester
Foreman.

Pen: One year.

0785

3rd District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, } ss.

Henry Herbert Balch

of No. 11 West 11, Street,

being duly sworn, deposes and says, that on the 18 day of June 1886

at the City of New York,

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

the following property, viz :

One Coat, one Vest, and two pair of
Pants of the Value of thirty-dollar

Sworn before me this

day of

the property of deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Harry Payton (now here)

from the fact that said defendant was
in the employ of deponent as a servant
that on or about said 18th day of June
1886 deponent gave said clothing to
said defendant, for the purpose to
have them pressed, that about 3 days
later said defendant came to deponent
and told deponent that he wanted
\$5.00 to get the clothing and a trunk

Police Justice.

188

0786

defendant had previously given to said
defendant to be prepared, defendant gave
said \$5⁰⁰ to said defendant, he
brought the trunk to defendant, and
then left his employment.
The defendant did not return said clothing
to defendant, and defendant charges
that he did dispose of said property
and did deprive the true owner of
the use and benefit thereof.

Sworn to before me this } Henry Herbert Balch
6th day of July, 1886 }
J. H. Morgan
Police Justice

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION

0787

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, { ss

Harry Payton 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. Harry Payton

Question. How old are you?

Answer 25 years

Question. Where were you born?

Answer. Ireland

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

Answer. Shuman House on the Bowery 3 weeks

Question What is your business or profession?

Answer Servant & Cook

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

Harry A. Payton

Taken before me this

day of July

1888

Police Justice.

0788

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

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

Dated *July 6* 188 *6* *John Herman* Police Justice.

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

Dated 188 . Police Justice.

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

Dated 188 . Police Justice.

0789

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court-- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Herbert Smith
11 West 11th St
Hurry Payton

2 _____
3 _____
4 _____

Offence

Dated July 6 1886

Gruman Magistrate.
McCormick Officer.

11 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 to answer *G.S.*

Cur

0790

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Harry D. Carson

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

- Harry D. Carson -

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

The said *Harry D. Carson,*

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

*one coat of the value of seventeen
dollars, one vest of the value of
five dollars, and two pairs of
trousers of the value of six
dollars each pair.*

of the goods, chattels and personal property of one

Henry Herbert Balch, —

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

*Randolph B. Martin,
District Attorney*

0791

BOX:

226

FOLDER:

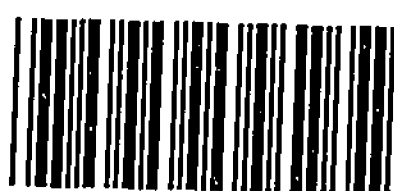
2220

DESCRIPTION:

Peterson, Carl

DATE:

07/20/86



2220

112

Witnesses:

John Sterling

Heardon Broadhead

This is a plain
Electronic complaint
and as the evidence
is not complete and
the complainant
are desirous of not
being a common
thief the indictment
be dismissed

Randolph B. Martine

at 11 o'clock

July 20/92

Counsel,

H. H. H. H.

Filed 20 day of July 1886

Pleads

THE PEOPLE

vs.

Carl Peterson

RANDOLPH B. MARTINE,

April 21/92 District Attorney

Indictment No. 13

A True Bill

James L. H. H.

Forney

At June Term 1886

July 10/92

0793

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:POLICE COURT, 3 DISTRICT.John Steiblingof No 34 Attorney Street, being duly sworn, deposes and says,that on the 7 day of May 1886at the City of New York, in the County of New York, a person now present

who now calls himself Carl Peterson but who then called himself Carl Peters came to the polling place of the enrolled Republicans of the Sixth Assembly District in the City of New York at the hour of 9.30 P.M., at which time the Republicans of said District were holding a primary election. Deponent was at said time acting as challenger on behalf of a ticket headed by Theodore Brodhead. The defendant then and there claimed the right to vote at said primary election as Carl Peters, and Deponent then and there ~~deponent~~ said to Defendant "You are not Carl Peters, and if you vote on the name of Carl Peters I will have you arrested." The Defendant did then and there vote under the name of Carl Peters, and Deponent then and there caused the Defendants arrest and now charges that the Defendant did then and there by so voting, violate Chapter 154 Section 1 of the Laws of New York passed May 13 1882 as amended by ^{Chapter 380} Section 1 of the Laws of New York passed May 11 1883

0794

Deponent has known the Carl Peters whose name is ~~set~~ on the roll at the said polling place for many years, and the said Carl Peters did not vote at said election. Deponent also knows that there is no such name on the said roll as that of Carl Peterson which the defendant now says is the name he gave when he voted at said time. Deponent therefore asks that the defendant be dealt with as the law directs, he having by said acts voted at said election without the right to do so.

Sworn to before me
this 5th day of May 1886. John Stettin
J. E. Saffy
Police Justice

POLICE COURT—

DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Dated

188

Magistrate.

Officer.

Witness.

Disposition

0795

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Carl Petersen

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. *Carl Petersen*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *U. S. New York City*

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

Answer. *199 Clinton Street - 10 months*

Question. What is your business or profession?

Answer. *Peddler*

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

Answer. *I am not guilty. I demand a trial by jury*

Carl Petersen
Mark

Taken before me this

day of *May* 188*8*

Police Justice.

0796

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

Defendant

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

Dated May 8 188 *6* *W. H. Puffy* Police Justice.

I have admitted the above-named _____

Carl Peterson

to bail to answer by the undertaking hereto annexed.

Dated May 9 188 *6* *W. H. Puffy* Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

_____ Police Justice.

0797

BAILED.

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

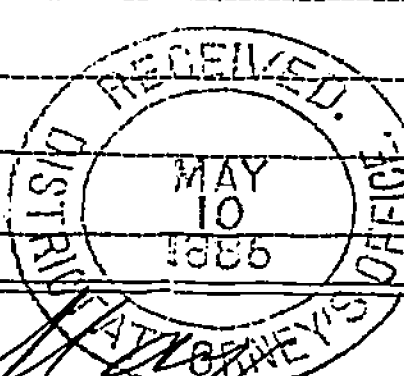
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Steibling
34 attorney st
Carl Peterson

1
2
3
4



Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

No.

Street.

\$

to answer

Bailed

677
Offence Violation of Election Law, Chap 3 to Sec 1
Lawyer of 1883

0798

spare the time.

We have another primary
the last of this month and
are very desirous of having
the case disposed of by or
before that time as it
will have a good effect.
I do not think Lee will appear
when the case is called. His
bail will probably be
forfeited and Mr. Snyder,
his bondsman, will state
his chances, aided by
Simpson, of getting off
the cheapest he can.

Respectfully Yours
Phedore Brodhead.
6th Assembly Dist.

0799

#320 Grand St.

New York Feb 9/14

Dear Sir:

Will you have
the kindness to call the case
of Carl Peters or Peterson,
who was arrested on May
7th last, for violating the
election laws at the prim-
ary election in the 6th Assem-
bly district. You informed
me that you would try and
have the case brought on
in the October term, but
I know you have been very
busy and could not well

0800

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Carl Peterson

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

ELIHU ROOT,
THERON G. STRONG,
SAMUEL B. CLARKE,
JOSEPH KUNZMANN.

LAW OFFICE OF
ROOT AND STRONG,
45 WILLIAM STREET,
NEW YORK.

April 16th, 1887.

The Honorable,

Randolph B. Martine,

District Attorney &c.

Dear Sir:-

Permit me to call your attention to the case of Carl Peterson on bail, indicted for illegal voting at the Republican Primary in the Sixth Assembly District on the 7th of May, 1886. The charge is voting on another man's name. The Republican Primaries for 1887 will be held on the 22nd of this month and I should like very much to have this case brought on and tried. There undoubtedly will be attempts, as there have been in the past, to control or affect the elections in some districts by the false personation of persons upon the roll on the part of those who are not entitled to vote.

I should like very much to have it distinctly understood that such acts are a crime under the Primary election law and it is the intent of the authorities to enforce that law. Nothing would conduce more to that result than to have this case brought to trial and disposed of. I understand that it has been frequently called and postponed from time to time. If you would

0801

ELIHU ROOT.
THERON G. STRONG.
SAMUEL B. CLARKE.
JOSEPH KUNZMANN.

LAW OFFICE OF
ROOT AND STRONG,
45 WILLIAM STREET,
NEW YORK.

direct that it be placed upon the calendar and tried before the
22nd, you would very much oblige ^{me} and would, I think, contribute
to the interests of good government in the matter affecting all
parties alike.

Yours very truly

Wm. Root
Chairman N.Y. C. Com.

0802

The People

Carl Peterson

Stacy

0803

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Rud Peterson

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

- Rud Peterson -

of the CRIME OF *voluntarily personating, and voting*
under the name of another person
at a political primary election,
committed as follows:

The said Rud Peterson,

late of the *First* Ward of the City of New York, in the County of New York afore-
said, on the *seventh* day of *May*, - in the year of our Lord
one thousand eight hundred and eighty- *five*, at the Ward, City and County aforesaid,

and at a certain political primary
election then and there being duly
held by a certain political organiza-
tion, to wit: by a certain organization
of a certain political party called
the Republican party, that is to
say, the so-called *Republican* of the
First Assembly District of the
said City and County, with force
and arms, did unlawfully and
voluntarily personate one Rud Peterson,
and vote under the name of the
said Rud Peterson, against the
form of the Statute in such
case made and provided and

0804

against the peace of the People
of the State of New York, and
their dignity.

Randolph B. Martin,
District Attorney.

0805

BOX:

226

FOLDER:

2220

DESCRIPTION:

Pethard, John

DATE:

07/09/86



2220

0806

No 37

Witnesses:

Counsel,
Filed 9 day of July 1886
Pleads

THE PEOPLE
vs.
John W. Bethard
[Section Penal Code]

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Geo L. Fisher
Foreman

Geo L. Fisher
Foreman

0807

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss

a District Police Court.

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

Question. What is your name?

Answer

John Peltand

Question. How old are you?

Answer

16 years

Question. Where were you born?

Answer.

India

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

Answer.

39 West 28th St 9 months

Question. What is your business or profession?

Answer

Cine Engineer

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

Answer.

I have nothing to say.

John William Peltand

I taken before me this

day of

1867

John Peltand
District Police

0808

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

Dated *July 5* 188*6* *Solomon B. Smith* Police Justice.

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

Dated 188 . Police Justice.

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

Dated 188 . Police Justice.

0809

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

Police Court

971 District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

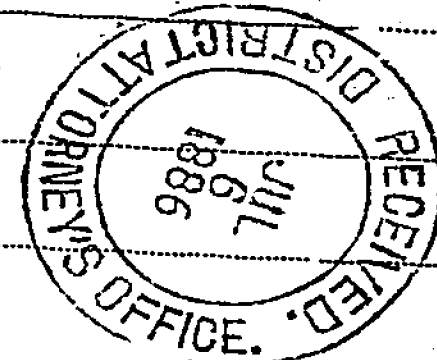
A. J. Bradley
29 vs. *Prict*
John Pethard

Offence
Arrested
Arrested

Dated *July 5* 188 *6*
Smith Magistrate.
A. J. Bradley Officer.
29 Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.



No. _____ Street.
\$ *500* to answer *G. S.*

Wom

08 10

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

Sworn before me, this 5th day of July, 1886, at the City of New York, in the County of New York, Andrew J. Bradley being duly sworn deposes and says, that on the 4th day of May, 1886, Dependent arrested John Pethard, now here at 39 West Twenty fourth Street living on a lounge apparently dying, and having in his possession a quantity of morphine and chloroform and declaring that he had taken portions of said substances for the purpose of ending his own life. Dependent asks that the said Pethard be dealt with as the law directs.

Andrew J. Bradley

Sworn before me, this 5th day of July, 1886, at the City of New York, in the County of New York, John J. Sullivan being duly sworn deposes and says, that on the 4th day of May, 1886, Dependent arrested John Pethard, now here at 39 West Twenty fourth Street living on a lounge apparently dying, and having in his possession a quantity of morphine and chloroform and declaring that he had taken portions of said substances for the purpose of ending his own life. Dependent asks that the said Pethard be dealt with as the law directs.

08.11

Department of
PUBLIC CHARITIES AND CORRECTION,

HENRY H. PORTER, Pres't.

THOMAS S. BRENNAN,

CHARLES E. SIMMONS, Commissioners.

Office of City Prison, Corner of Franklin and Center Streets,

JAMES FINN, WARDEN.

New York, July 19 1886

John M. Cowan Esq
Chief Clerk &c.

Dear Sir

John M. Pethard was
sent to Insane Asylum at Ward
Island on July 9th 1886

He was committed by Justice Smith
on a charge of attempt at suicide
July 5th 1886

Yours Respectfully

James Finn
Warden

[Handwritten signature]

08 12

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 W. O'Farrell

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

— John W. O'Farrell —
of the CRIME OF Attempting suicide, —

committed as follows:

The said

John W. O'Farrell,

late of the First Ward of the City of New York, in the County of New York afore-
said, on the fourth day of July, in the year of our Lord
one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid,
with intent to take his own life,
did feloniously administer into himself
and take and swallow down into
his body certain deadly poisons
called morphia and chloroform,
the same being an act dangerous
to human life, against the form
of the Statute in and case made
and provided, and against the
and dignity of the said People.

Charles B. Martin,

District Attorney.

08 13

BOX:

226

FOLDER:

2220

DESCRIPTION:

Phillips, Mary

DATE:

07/08/86



2220

08 14

25

Witnesses:

James Levinson
Charles S. Murray

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

N. Y.,

188

District Attorney.

Counsel,

Filed

Pleas,

Wm. D. Baylson

day of

188

July 1886

THE PEOPLE

vs.

Mary E. Phillips

Aug. 4/86

Grand Larceny, 1st Degree.
(From the Person)
Sections 528, 529, 530, Penal Code.

RANDOLPH B. MARTINE

District Attorney.

Aug 9/86

A True Bill.

Wm. D. Baylson

Foreman.

Aug 6 & 7
9.5.86

08 15

1/2
The People
vs.
Mary D. Phillips.

{ Court of general Sessions, Part I.
Before Judge Cowing.

Aug. 4, 1886..

Indictment for grand larceny in the first degree.

James Quinn sworn. I am stopping at Asbury Park at present, I was in the city of New York on June 23, about ten P. M. I met the prisoner on Third Avenue in this city near 8th Street. I was talking to a woman on Third Avenue and the prisoner came up to me; the woman I was talking to was a little intoxicated, the prisoner came up and interfered, I told her I was not doing anything to the lady and she says, I am surprised to see a gentleman like you talking to a lady like that. I says, she stopped me and I had to speak to her. I then left this woman and she the prisoner, came up and walked along with me and got in conversation with me and told me that her name was Mrs. Mary D. Phillips, that she was the wife of Gus Phillips. She asked me if I knew Mr Gus Phillips and I told her yes. We walked up Third Avenue a little ways and went into a saloon and had a drink, I went down to 48 Clinton Place with her and while there she took this necktie off me and took a stud with it of the value of sixty dollars, it belonged to me, it was on the necktie, this was about eleven o'clock in the night time.

Cross Examined. I am an actor, I did not know who the lady was I met on Third Avenue; there was another person with me at the time I met the defendant by the name of Miller, a musician, he went with me and the defendant to the saloon in Third Avenue, we had two drinks of beer, we left the saloon about a quarter to ten and

I

08 16

went directly from there to the house in Clinton place, we got there about a quarter to eleven, I went upstairs with this woman and while I was there she asked me to have a drink, I said I would have beer and she said she did not have any, I said I would take a little whiskey and she brought out some whiskey in a glass and I drank it and after I drank the whiskey I sat on a chair and felt a kind of feeling come over me, I was not exactly drunk but I was not sober, Mr Miller came with me to the house in Clinton Place and he took a drink too and he was just the same as I was. She says, you must stop here all night, I says, I cannot stop all night, she took the necktie with her into the other room and I went to follow her up and she shuts the door and she came back and shoved the necktie into my pocket. I took the necktie after she did that and saw the stone was gone. She told me to get out of the house or else she would throw me down stairs or get somebody to do it, I left the house and made no effort to recover the stone, my friend was with me, I was in the house about three quarters of an hour and left my friend there, he was lying on the bed asleep, I went home and went to bed at 9 Washington Place about twelve o'clock. About the 3rd of July I made application to the police about the loss of this diamond stud, I made the complaint about two days after the 23rd of June, I went around and saw this lady and tried to get my stud back, she would not give it to me and when I asked her for it she told me to go to hell, I went to the 17th precinct and had her arrested. When the prisoner took off your necktie why didn't you prevent her from doing it? It was taken off so quick I did not know

0817

she was going to take it, she came around and took the neck tie off, slipped it off and got it in her hand; she asked me if it was a diamond and I said yes; she took it into the next room, I thought she wanted to look at it, she brought the scarf in and shoved it, I called her back I thought it was all right, I thought she would bring it back, before I got right to the door she shut the door, I started up to prevent her, she came out five minutes after and shoved me out of the room, I did not permit her to take the scarf pin, I gave her ten dollars that night because she told me she was the wife of Gus Phillips and I was very well acquainted with him, she cried to me, she said she was hard up, I took pity on her and took the ten dollars out of my pocket and gave it to her. I will swear positively I did not stay there all night.

Mary D. Phillips sworn and examined. I am the wife of Gus Phillips the actor, I am not living with him now, I separated from him three years ago, I was on the stage while I was living with Mr Phillips. I met Mr Quinn Wednesday night before I was arrested which was Sunday, I do not remember the date, I was going up Third Avenue towards 9th Street elevated station and he was talking to a woman on the street and as I passed along this woman asked me if I knew any hotel around there where she could take this gentleman. I asked her, are you a stranger in the city and she says, yes I am. I said, there are many hotels around the neighborhood but not hotels I would recommend a gentleman like Mr Quinn to; I says, very likely he knows some hotel he would much prefer to take you to.

08 18

With that he was staggering to and fro in the street and this woman had the hiccoughs very badly, evidently he was making believe he was intoxicated which he was not; he tapped me on the shoulder and said, you are just the style of woman I like, you join us in a drink; the consequence was I went up to Sharkey's and in the meantime there was a gentleman sitting on the steps just within possibly a block from where we had been standing; as we went along he hailed this gentleman by name, Jack or Jim; he said, what are you waiting for? He said he was waiting for a car. He asked this gentleman to take a drink; we went to Sharkey's and we staid there and had drinks of whiskey and beer.

Evidently they were not pleased with the conduct of this other woman and threw out slurs and she got offended and left; I was in company with the two gentlemen Mr Quinn and his friend; it was near daylight before we left Sharkey's and he had a quarrel with the proprietor and paid twenty-six cents for the drinks; he was very indignant over it and paid two dollars and left the saloon and walked down to the corner of 13th Street and 3rd Avenue and stood there talking for a while. I said finally, you might as well walk down as far as I go, I was on my way down to 8th Street and Third Avenue, I was to walk down to University place; in the meantime there was more drinks suggested; there is a place around the corner of Cooper Union open all night and we went in and had more rounds of beer. After the beer was drunk we came on the sidewalk and Mr Quinn insisted that I should take him home at that hour. I told him no, it was impossible, I could not take him home that hour in the morning, I told him it would not be prudent and I would prefer to see him the next day. We stood under an

08 19

electric light and two policemen evidently heard the conversation; his friend was standing under the telegraph pole. I got ahead of my story. While we were in Sharkey's he said he was connected with minstrels, that he was the manager and proprietor. I says, I am Oofy Gooft's wife, he said I have seen your lithographs and have seen you play. I told him I had been unfortunate and had not got along in the world and had to depend upon my own resources. He pretended to have great sympathy and told me he was not a poor man and any time I wanted twenty-five dollars I could have it. This was previous to the trip to Third Avenue in this last liquor saloon. I told him I was broke when I was standing on the corner. He said, I am not going to let you go home broke, I will give you a couple of dollars for luck. He gave me a couple of dollars and I put it in my pocket-book. He says, you might take me home. I said, it is impossible. After that he takes me by the arm and said, to show you I have plenty of money you will probably make more out of me than anybody else, he took out his wallet and gave me a ten dollar note in the presence of his gentleman friend, it was daylight, about five or six o'clock in the morning before I reached 43 Clinton Place. I said, if you will call upon me to-morrow you will find me home up to nine o'clock. The next day came and Quinn did not show up. I did not take him home, I left him on the corner. I went home and went to bed, Mr Quinn never called that morning or afternoon, I went out at ten o'clock to take a walk and in going over the same neighborhood I saw Mr Quinn coming from the same direction I first met him Wednesday night with another gentleman friend. He gave a paltry excuse why he didn't call and

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13
#

suggested to have drinks. We had several rounds of drinks it was about half past eight or nine and I invited the two gentlemen down to 43 Clinton Place and told them they could have whiskey and brandy downthere. Mr Quinn was evidently getting very much intoxicated and said he would like to lie down, I asked him to my room and that was near daylight before we went to the room and I helped him to take off his things and he slept until half past seven, alone by himself, his friend went home, I did not go to the room but continued to drink with my friends in the house, I rapped at the door between half past seven and eight. He gave me that stud, I had it in my jewel case on the top of the bureau. He left the house between half past seven and eight o'clock and I saw nothing of him until Saturday night at half past ten or eleven I met him on the corner of University Place and 8th Street and the next I saw of him was Sunday night when I was arrested at the corner of 9th Street and Third Avenue.

Cross Examined. I was married to Gus Phillips about seven years ago in the city of New York, I was introduced all over the country as his wife and though the newspapers, I was never married by a police magistrate or minister to Phillips. He certainly gave me that diamond stud, and money. I had no idea of stealing the stud.

The Jury rendered a verdict of guilty.

0021

Testimony in the
case of
Mary S. Phillips
filed July
1888

0822

District Police Court.

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK, ss.of No. 9 Washington Place Street, 39 Years old, Actor
being duly sworn, deposes and says, that on the 23rd day of June 1886

at the _____ City of New York,

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

of deponent taken from his person in the night time

the following property, viz :

A Diamond Stud
of the value of about sixty dollarsthe 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 Mary D Phillips nowResident—That on the day in question
about ten o'clock P.M. deponent met
said Mary in 3rd Avenue and went
with her to a room in premises 48 Clinton
Place That while drinking in said room
the defendant deliberately took the stud
from deponent's scarf and then ejected
deponent from the house. That deponent
has since seen the stud in the pawn office
of one Schlang, at 360 Bowery
and identifies the stud as the one stolen
from him — James QuinnSworn before me this
day of June
1886
Police Justice.

0823

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

District Police Court.

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

Question. What is your name?

Answer

Mary D Phillips

Question. How old are you?

Answer

35 Years

Question. Where were you born?

Answer.

Philadelphia

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

Answer.

48 Clinton Place

Question. What is your business or profession?

Answer

Theatrical business

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

Answer.

I am not guilty of the charge

Mary D. Phillips

Taken before me this

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Police Justice.

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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 _____

Nary D Philips
guilty thereof, I order that *She* be held to answer the same and *She* 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 *She* give such bail.

Dated *June 28* 188

[Signature]
Police Justice

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

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

Police Court

940 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1
2
3
4

Dated

188

Magistrate

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street,

\$

to answer

(Com)

0826

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary D. Phillips

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

- Mary D. Phillips -

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

The said *Mary D. Phillips,*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *Twenty third* day of *June,* — in the year of our Lord one thousand eight hundred and eighty-*five*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one and of the value of ninety
dollars,

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

Randolph B. Smith,
District Attorney