0390

BOX:
490
FOLDER:
4475
DESCRIPTION:
Cook, Henry
DATE:
08/05/92

0391

POOR QUALITY ORIGINAL

Counsel,
Witnesses:

Filed 5th day of Aug 189 5

Pleads, Guilty

THE PEOPLE

vs.

Henry Cook

Grand Larceny, Degree.
(Sections 528, 531, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Foreman.

0392

POOR QUALITY ORIGINAL

Witnesses:

Counsel,

Filed 3 day of Aug 189 2

Pleads, Guilty

THE PEOPLE

vs.

Henry Cook

(2 cases)

Grand Larceny, Second Degree.
[Sections 528, 531 Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Jan 1 Sch.

A TRUE BILL.

Foreman.

0393

POOR QUALITY ORIGINAL

New York.
November 11th 1892.

I was brought up in luxury, my father being a very rich man gave me every indulgance; educated me at Eton & Cambridge Eng. & sent me round the world with a Private Tutor. I studied Law untill I found it too dry & obtained a Commission in the Army instead in 1873.

Through my father's influance, have held following appointments outside my Regimental Commission. A.D.C. to the Governor of New Zealand & Victoria Australia 1874-76. A.D.C. to Col Lennox English Military Attachè with the Turks 1877 & Deputy Queens Messenger (Foreign Service Messenger) from November 1876 to July 1877. Asst. A.D.C. to General Sir Fred Roberts Kurum Field Force, Affganistan. India & to relief of Candahar 1878-79-80. Volunteer Staff Officer under Gen Valentine Baker Pasha to relief of Hicks Pasha in Egypt 1881-82. Then Medical Student untill 1886. Surgeon of Atlantic Steamer (Ross Line) 1886-87. Instructor in the Bulgarian, Servian & Austrian armies untill June 1889. Arrived in St Petersburg 1889 & have worked on Several R.R.'s as "Expert on Railway Signals" & have earned good salary untill I lost my position in the Spring of this year.

Last year a relative of mine in the Old country wrote me as follows "Provided you can get some orders & start a business & apply yourself to business, I will let you have some Coal (a cargo) & see if you cannot do some good in the World for yourself." When I lost my R.R. work, I tried everywhere to get work without success. I could not see my wife & love & was foolish enough to listen to the scheme I spoke to me by P. Kennedy 110 North 11th St. Philadelphia & J.W. Wilson, to get Coal

0394

POOR QUALITY ORIGINAL

out of my Uncle. Williams Wilson & Co was to have been the firms name – Several Cheques were given me by Wilson & Williams was to have given us warfage in Buffalo N.Y. – Wilson was to find the funds to make a start & get our notes cashed, but he failed to raise the money, as he expected, & has, since my arrest, committed Suicide etc. Wilson went west & I was left to face the consiquences. Williams I never knew, except through the correspondence Wilson had with him.

I know ~~as I~~ did wrong in going into such a scheme, but sooner than see my wife & have, & not being able to get work at the time, I did it, & have not only punished myself (I have been 4 months in jail) but have brought disgrace & trouble on my poor wife & relatives. My poor wife is in a delicate condition & the shock nearly killed her. But with the assistance of my friends & relatives I have made full restitution, but have, should I be sent to the Penitentiary probably lost the small sum I receive as "Half Pay Capt" Indian Army ~~& for~~ (Reserve Officer) & prohibited & debarred myself from ever again obtaining employment under the British Government – The punishment therefore falls upon my poor wife

As I have a position to go & commence work at once if another chance is given me & as my poor wife has given up all she had to make restitution & is entirely dependant on me for support; & taking into consideration the 4 months I have been in prison – and the necessity of providing for my wife's confinement I hope & trust a chance will be given me to prove my repentance & desire to lead a different life –

0395

POOR QUALITY ORIGINAL

JACOB H. DENENHOLZ,
ATTORNEY AND COUNSELLOR AT LAW,
114 EAST 117TH STREET,

In re

New York, Sept 4 1894

To

District Attorney

As Counsellor to Henry Wood, indicted for forgery in 7th degree, who is to be called for trial to day I have to request your not to call the Case before 12 o'clock M. upto which time it will be impossible for me to be in Court. I have to confer with you about it before the trial, hence I ask for the opportunity of seeing you before the case is called. If by any impossibility I can reach court earlier I will do so but in no event do I want to be disappointed

Yours truly

Jacob H. Denenholz

0396

POOR QUALITY ORIGINAL

0397

POOR QUALITY ORIGINAL

[illegible]

0398

POOR QUALITY ORIGINAL

Rutland Railroad Company,
Rutland, Vt.
PERCIVAL W. CLEMENT, President.

July 28, 1892.

Wm.H.Tait, Esq.,
Co. Godfrey Dunscomb,
11 Wall St, N.Y.

Dear Sir:-

In reply to your favor of the 27th. I inclose herewith the letter from Wilson received the 10 of June. I shall be in New York next week and if I can be of any service to you, Mr.Dunscomb or Mr. Hammond in this matter I shall be pleased.

Yours truly,

P.W. Clement

0399

POOR QUALITY ORIGINAL

Godfrey Dunscomb,
Commercial Paper,
30 Pine Street,
New York, June 4th 1892.

Dear Clement

Just arrived in town & as you told me to make use of your office when in town I called. — Mr Dunscomb made himself very agreable. — I shall hope to see you before Brethren

Yours very truly
J. M. Wilson

Received 189
Answered 189
Book ..... Folio .....

P. M. Painter

0400

POOR QUALITY ORIGINAL

Police Court 1 District. Affidavit—Larceny.

City and County of New York, } ss:

Samuel Hammond

of No. 62 Wall Street, aged 43 years,

occupation Jeweler being duly sworn,

deposes and says, that on the 9 day of June 189 2 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:

A Gold Watch valued at Two hundred and Seventy Dollars ($270.00)

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 Henry Cook (nowhere) for the reasons following, to wit:

on said date the defendant was introduced to deponent by Mr Godfrey Dunscomb of no 11 Wall Street, as a Mr Wilson and they examined some watches in deponents place of business no 62 Wall Street — they then went away — in about a half hour thereafter Mr William H. Tait — book keeper for the said Dunscomb called on deponent and asked him to bring the watches, that Dunscomb and the defendant were looking at, to Dunscombs office — deponent went to Dunscombs office with the watches and there saw the defendant who selected the above mentioned watch

Sworn to before me this ___ day of ___ 189 ___

Police Justice

4751

0401

POOR QUALITY ORIGINAL

and said on the representations made to deponent and Mr Duncomb, by defendant and believing the same to be true deponent gave said watch to defendant - deponent further says that he has since learned that the defendant was not the person he represented himself to be - and that on the next day (June 10 - 1892) he defendant pawned said watch at Diamond & Co's Pawnshop - 174 Park Row

Deponent charges defendant with Larceny and prays that he be dealt with according to law

Samuel G Lammond

Sworn to before me, this 3 day of Aug 1892

D Hennessy Police Justice

0402

POOR QUALITY ORIGINAL

(1885)

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Henry Cook

Question. How old are you?

Answer. 38 yrs

Question. Where were you born?

Answer. England

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

Answer. 215 E 10th Street 2 months

Question. What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty

Refuse to sign my name

Taken before me this 3 *day of* May 1892

Police Justice.

0403

POOR QUALITY ORIGINAL

BAILED.

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Police Court--- 1 --- District.

939

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Samuel Kaltenmeyer
of 67 Walker
Henry Cook
2
3
4

Offense Larceny

Dated, August 3 189 2

Magistrate.

Officer.

Precinct.

Witnesses Godfrey Dunsend
No. 11 Wall Street.
Mrs H. Smith
No. 11 Wall Street.
Chas W. O'Brien
No. 1570 Street.

$ to answer

RECEIVED AUG 4 1892 DISTRICT ATTORNEY'S OFFICE

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

Dated, Aug 3 189 2 A. McMahon Police Justice.

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

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

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

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

0404

POOR QUALITY ORIGINAL

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Henry Rooks

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

— Henry Rooks —

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

The said Henry Rooks,

late of the City of New York, in the County of New York aforesaid, on the ninth day of — June, — in the year of our Lord one thousand eight hundred and ninety- two, at the City and County aforesaid; with force and arms,

one watch of the value of two hundred and seventy dollars,

of the goods, chattels and personal property of one Samuel Hammond,

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.

A true bill.
Nancy McNeill
District attorney

0405

BOX:
490
FOLDER:
4475
DESCRIPTION:
Cooper, Richard
DATE:
08/03/92

Witnesses:

#41

Counsel,

Filed 3 day of Aug 1892

Pleads,

THE PEOPLE

19
32 Complts
Jockey

vs.

Richard Cooper

Grand Larceny, Degree.
[Sections 528, 583, Penal Code]

Five Years

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Allen O. Apgar
Foreman.

Sept 2—Aug. 11, 1892
Tried and convicted
S. P. 4 yrs.

12

0406

POOR QUALITY ORIGINAL

0407

POOR QUALITY ORIGINAL

Police Court 2nd District. Affidavit—Larceny.

City and County of New York, } ss:

John Smith

of No. 192 Delancey Street, aged 33 years,

occupation Fruit Store Keeper being duly sworn,

deposes and says, that on the 27 day of July 189? at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the Night time, the following property, viz:

Good And Lawful Money of the United States of the Amount And Value of Two Hundred Dollars

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Richard Cooper Rookere / And two other Men Not Known Forrester / acting in Concert with Each Other the Said at about the hour of three o'clock and Fifty Minutes A.M. Deponent Sat down on a Step in Bleecker Street near South 5th Avenue waiting for a Bleecker Steps Car and Deponent Fell asleep And at the time Deponent had Said money in the right hand Side pocket of Deponents Pantaloons Deponent further Says that he was awakened by Rough Shove of two 329 Boys who informed Deponent that the Said Defendants Take Steal And Carry away Said Sum

Sworn to before me this ... day of ... 189?

4750

0408

POOR QUALITY ORIGINAL

of money from the pantaloons pocket
of Clapshaw while said two other men
of Leicester was standing by looking
on said Moore positively identified
the defendant as the person who did
take steal and carry away said money
from the person of Clapshaw

Sworn to before me
this 20th day of Jan 1892

his
John J Smith
mark

John J Ryan
Police Justice

0409

POOR QUALITY ORIGINAL

1877

CITY AND COUNTY OF NEW YORK, } ss.

Robert Moore

aged 19 years, occupation Bush boy of No. 329 Bowery Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of John Smith and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 28 day of July 189 2 } Robt Moore.

John Ryan
Police Justice.

04 10

POOR QUALITY ORIGINAL

(1835)

Sec. 198–200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Richard Cooper 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. Richard Cooper

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. Baltimore

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

Answer. 44 Cornelia St Brooklyn

Question. What is your business or profession?

Answer. Laborer

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

Answer. I am not guilty

Richard Cooper

Taken before me this 2 day of Feb 1895

Police Justice.

0411

POOR QUALITY ORIGINAL

BAILED,

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Police Court, ... District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Smith
232 Selden St.

Richard Roe

1
2
3
4

Dated, May 27 1892

Offense, Larceny from the person

Magistrate.

Officer.

Precinct.

Witnesses, Paul Stone
372 Dover St.

No. 4 Tenth Ave.

No. Alpha Police Station Street.

No. 3 Tenth Ave Street.

No. ..... Street.

..... to answer

RECEIVED
AUG 1 1892
DISTRICT ATTORNEY'S OFFICE.

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

Dated, May 27 1892 John O'Ryan Police Justice.

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

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

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

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

0412

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 2 DISTRICT.

Michael Birmingham

of No. 19 Precinct Police Street, aged ..... years,

occupation Police Officer being duly sworn deposes and says,

that on the ..... day of 188

at the City of New York, in the County of New York, Robert Moore Com

here is a necessary and materiae witness against Richard Cooper who is charged with having committed a Larceny. and deponent is led to believe that said Moore will not appear at said trial he therefore asks that said Moore may be held to await the said trial of said Cooper or find surety for his appearance at said trial

Michael J Birmingham

Sworn to before me this ..... day of 188

Police Justice.

0413

POOR QUALITY ORIGINAL

Court of General Sessions.

City and county of New York.

The People vs. Richard Cooper	Before the Hon. Rufus B. Cowing and a jury

Indicted for grand larceny in the First Degree.

Indictment filed August 3, 1892.

Tried August 11, 1892.

Appearances:

Assistant District Attorney Bedford for the People .

Mr. for the defence .

J O H N S M I T H being called for the people, and duly sworn testified that he resided at 292 Delancy street, New York, and worked in West Washington Market as a loader of fruit. On the 28th of July about half past three O'clock A. M. complainant sat down on a stoop in Bleecker street for the purpose of waiting for a surface car to take him home having in his pocket $20I.

0414

POOR QUALITY ORIGINAL

He was not drunk and has not been drunk for two years . Complainant's work is in the night time commencing at about 8 or 9 o'clock P. M. and ending at 3 or 4 and some times 5 o'clock in the morning. He sleeps in the day time. The money in question was complainant's, andhe had his hand on it at the time of sitting down to wait for the car. After sitting there 4 or 5 minutes complainant fell asleep, and was awakened by a person who tapped him on the breast or shoulder, and said "Have you lost anything?" Complainant said "Yes, my money." The person said "How much did you lose?" I said "$20I" Complainant at the same time discovered his pocket had been torn or cut, and he never got the money back again. The de fendant was arrested at quarter to 6 o'clock A. M. and complainant was robbed at about from half past 3 to 4 o'clock in the morning . Complainant works for 5 or 6 persons in Washington Market loading fruit; often has $200 and more in his pocket being collected from complainant's employers. At the time complainant went to market that day he had in a lump sum $20I besides some silver change. Complainant does not leave money at home or deposit in bank as he sleeps all day, and attends to his employes at night. At the time in question

0415

POOR QUALITY ORIGINAL

complainant came from the Ocean Steamship Company dock at the foot of Spring street, and had been to Pier 29 North River, th e Pennsylvania R. R. Co. which is near Desbrosses street, and subsequently walked into Bleecker street, thinking it was nearer in order to get home . The money was rolled up in a rubber band. Complainant saw the officer take some money out of defendant's pocket and the officer said it was $18. There was one $20 bill in the roll of complainant's money with the corner torn off. Complainant employs 8 or 10 men, and usually has the money to pay the men with, as he (complainant) does not get his money until Saturday night, and he wants his men to come to him at any time for it.

R O B E R T M O O R E being duly sworn testified that he lived at 329 Bowery New York, and is a brushboy in a barbor shop. Witness was in the neighborhood of Bleecker street about half past 3 o'clock A. M. on July 28th and saw the complainant sitting down on a door step asleep. Witness saw the defendant on the same morning sitting about 3 or 5 yards from where the complainant was sitting. Defendant at the time was sitting in company with two other young men. Defendant called

0416

POOR QUALITY ORIGINAL

witness to him and asked him if he had any sense in his head. Witness said he had as much as anybody else. Defendant said he hadn't any, and he would take a knife and cut his guts out, or take a brick and knock his brains out. A gentleman passing by at the time said "Let the boy alone; is he troubl ing you?" Defendant said no. Then witness walked back to where he was before. Witness did not know the defendant but only met him once or twice in a week or two weeks. After he had witness said I had no sense he saw defendant go to complainant in company with his two companions and rob complainant by using an instrument to cut his pocket, and all three went away up the street. Witness was afraid to do any thing because defendant had threatened to cut his (witness) guts out and there were two others with him besides. Then witness awoke the complainant, and they both went around in South 5th avenue in the direction Roberts took, and did not find them right away. Witness had worked in the Grand Central depot, went to work at quarter to 7 o'clock and his duties expired at 8 o'clock. Witness general hour for retiring was about 11 o'clock. On the evening in question witness went to Cooper Union

0417

POOR QUALITY ORIGINAL

and stayed there until it was out about IO o'clock, and then went to Bleecker street, and was walking from half past IO to half past 3 o'clock. Witness had left his employment and had no place to go to work on the following morning. Did not stop at any place in Bleecker street. Resides at 329 Bowery, and has lived there 3 months. Eugene keeps that place. Since that time has been in the House of Detention; before that lived in the Royal Hotel, and paid for his lodgings to a man named "Tom" and have lived at the "Universal" belonging to the same man, and was working at that time at Cornwall-on-Hudson. Have lived in New York about 2 years; never was in court before. The reason witness states what he does state is because he thinks he is telling the truth, that it is right. Witness is not actuated by a feeling of revenge, but wants the defendant punished for depriving complainant of his property, and because he threatened him, and the man in company with him threatened him (witness), and witness knew it was right to come forward and testify. At the time of the occurrence witness did not see any officer around.

M I C H A E L B I R M I N G H A M being duly sworn, testified that he was an officer attached to the 19th Pre-

0418

POOR QUALITY ORIGINAL

cinct, and arrested defendant at half past 5 or quarter to 6 o'clock, July 27, 1892, in the hallway of 149 West 27th street, New York. Witness and his partner had been told that defendant and others were in this house by the janitor. As soon as we went up on the stoop and opened the door, saw the defendant and another man in the hall. They made a dive and jumped down into the basement, and tried to escape through the basement door. Witness ran down and his side partner went outside to intercept the defendant and his companions. Witness grabbed the defendantjust as he got to the gate. The defendant was identified by the man who saw him cut the pocket of complainant. Witness took defendant to the station house, and asked him if he had any money, and he said that he did not have ac ent. At the station house witness searched the defendant and found $18 in small bills rolled up in a wad in a lawn tennis shirt. It was stuck in over his belt loose in a bundle. Defendant said there is $17 there. Complainant charged him with stealing $200, and when we counted it it was only $18. Never saw the defendant before the morning he was arrested. Complainant complained of having been robbed

0419

POOR QUALITY ORIGINAL

of $200 in Bleecker street. Witness did not search Robert Moore, the accuser, and he was a stranger to wit ness except he gave his residence as 329 Bowery, a lodging house .

0420

POOR QUALITY ORIGINAL

Court of General Sessions.

City and county of New York.

The People vs. John Clark	Before the Hon. Rufus B. Cowing and a jury.

Indicted for burglary in the third degree.

Indictment filed August 2, 1892.

Tried August 18, 1892.

Appearances:

Assistant District Attorney Bedford for the People.

Mr for the defence.

J O H N B O Y L E being called by the People, and duly sworn testified that he is in the liquor business, having a store at 557 First avenue, New York. On the night of the 22d of July at 11:45 o'clock P. M. he securely fastened his store. There was in the store at the time $5 in change, couldn't say how many segars and different kinds of liquors. Subsequently in the morning

0421

POOR QUALITY ORIGINAL

about 4 o'clock complainant was awakened by a young man in consequence of which complainant went to his store, and found the panel of the door cut out. Complainant took the key, and opened the front door, and went into the store, and a lot of wooden chips lay on the floor in the hall. There are apartments up stairs, and the hall was used by the tenants. The orifice in the door was large enough to reach in and unlock the door for any man. The cross bar on the door had been removed. Complainant's loss was $4.70, the contents of a box of segars, the empty box being on the table by the back door. The money was in the register.

J O H N E. R O G A N being duly sworn testified that he was an officer attached to the 21st Precinct, and was on duty in the neighborhood of 557 First avenue. On the morning of July 22 or 23, while standing on the corner, it was about quarter to 4 o'clock A. M. witness saw two men coming out of the hallway of 353 32d street, the side entrance of 557 First avenue, the premises in question. Witness knew the men, one as John Anderson and the other as John Clark. Witness went to the side door, and saw the panel cut out. Witness and officer Hare immediately went after the defendant and

0422

POOR QUALITY ORIGINAL

Anderson and grabbed them at 31st street and Third avenue. On Anderson witness found a knife which he claimed washis. After locking the prisoners up witness went back to the premises in question with the knife, and found pieces of the broken blade of Anderson's knife on the floor. Anderson pleaded guilty afterwards. They both denied it before the Police Magistrate, claiming that witness ordered them off the truck stationed at the side door, of complainant, and they were not there after being ordered off. About an hour and a half afterwards witness saw them coming out of the side door. First saw Anderson at about half past two o'clock in the morning there and when they walked away witness noticed defendant had a crutch. About quarter to 4 saw them again going out of the side door. Upon discovering the breaking in witness went after them about a half hour afterwards. The change that was found on the prisoners corresponded with what complainant had in his drawer when he left it. Nothing was found on defendant outside of a few pennies when he was searched at the station house.

J O H N C L A R K, the defendant, being called by the

0423

POOR QUALITY ORIGINAL

defence and duly sworn testified that he was employed at brush making at 44th street, and only knew Anderson slightly about two days. He met defendant on 34th street and asked him to have a drink. Defendant went and had a drink The policeman saw us together and told us to go away, and they went up Third avenue and had another drink together. Defendant does not know anything about the burglary; was taking an early breakfast when the officer arrested him, and was not in company with Anderson, and defendant was arrested when he was alone. Defendant did not go into the saloon in question of complainant's and take money, segars; and the officer is mis taken in that regard. Defendant was sitting on a truck in front of the store of complainant. There were no pennies on defendant, but 50 cents was found on him. Got acquainted with Anderson on 35th street, and sat down on the truck because defendant was tired. When defendant met Anderson he did not talk about anything, and he invited defendant to take a drink; and was there only a minute or two when the officer told defendant to move on. Defendant has served a year in the Penitentiary and was fined $50 not because he was guilty but because

0424

POOR QUALITY ORIGINAL

the evidence was against him on a certain charge . His case was tried before Recorder Smyth.

##########

0425

POOR QUALITY ORIGINAL

523

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard Cooper

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment, accuse Richard Cooper of the CRIME OF GRAND LARCENY IN THE first DEGREE, committed as follows:

The said Richard Cooper late of the City of New York in the County of New York aforesaid, on the 28th day of July in the year of our Lord one thousand eight hundred and ninety-two at the City and County aforesaid, with force and arms, in the night time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of one hundred dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of one hundred dollars; divers United States Silver Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of one hundred dollars; divers United States Gold Certificates, of a number and denomination to the Grand Jury aforesaid unknown, of the value of one hundred dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of one hundred dollars

$100.00

of the goods, chattels and personal property of one John Smith, on the person of the said John Smith then and there being found, from the person of the said John Smith 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.

DE LANCEY NICOLL,
District Attorney.

0426

BOX:
490
FOLDER:
4475
DESCRIPTION:
Corbett, Michael
DATE:
08/05/92

Witnesses:

0428

POOR QUALITY ORIGINAL

(1335)

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. Michael Corbitt

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. England

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

Answer. 457 10 Av. 7 years

Question. What is your business or profession?

Answer. Driver

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

Answer. I am not guilty.

Michael Corbitt

Taken before me this 1 day of Oct 1894

Police Justice.

0429

POOR QUALITY ORIGINAL

BAILED,

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Police Court, 2 District.

THE PEOPLE, &c., ON THE COMPLAINT OF

Thomas J. Kenney

vs.

Michael Corbett

1 2 3 4

Offense, Assault

felony

Dated, August 1 1892

Magistrate. Kenney

Officer. 20 Precinct.

Witnesses John Masters

No. 38 St Fred Pfeiffer Street.

No. Chas Wood 4 Aug Subpoenaed Street.

No. 500 to answer Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Michael Corbett 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, August 1 189 ..... Police Justice.

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

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

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

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

0430

POOR QUALITY ORIGINAL

Police Court. 2 District.

CITY AND COUNTY OF NEW YORK, ss:

Thomas G Kennedy

of No. 20th Precinct Police Street, aged 29 years,

occupation Police Officer being duly sworn, deposes and says, that

on the 1st day of August 1892 at the City of New York,

in the County of New York, at the hour of about 3 A.M

he was violently ASSAULTED and BEATEN by Michael Corbett (now

here) and others whose names are unknown

to deponent. deponent was patrolling his

post in uniform and the defendants knocked

deponent down, kicked and beat deponent,

and took away deponents club

without any justification on the part of the said assailant.

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

Sworn to before me, this 1 day of August 1892

Thomas G Kennedy

A J White Police Justice.

0431

POOR QUALITY ORIGINAL

491

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Corbett

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

Michael Corbett

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

The said Michael Corbett

late of the City of New York, in the County of New York aforesaid, on the first day of August in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, in and upon the body of one Thomas G. Kennedy in the peace of the said People then and there being, with force and arms, unlawfully did make an assault, and him the said Thomas G. Kennedy did then and there unlawfully beat, wound and illtreat, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0432

BOX:
490
FOLDER:
4475
DESCRIPTION:
Corless, Michael
DATE:
08/03/92

0433

POOR QUALITY ORIGINAL

#11

Witnesses:

Counsel, [illegible]

Filed 3 day of Aug 189 2

Pleads, Guilty

THE PEOPLE

vs.

Michael Conless

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

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Allyn A. Organ

Augustus Van Wyck
Foreman.

Guilty as Acquitted

0434

POOR QUALITY ORIGINAL

(1855)

Police Court— C District.

CITY AND COUNTY OF NEW YORK } ss.

James Curry of No. 766 9th Avenue Street, aged 49 years, occupation Car Driver being duly sworn, deposes and says, that on the 28 day of July 1892 at the City of New York, in the County of New York, he was violently ASSAULTED and BEATEN by Michael Corbett (worker) who struck deponent a violent blow in the eye with some hard substance, injuring deponents eye. Said assault was committed with the intent to do deponent grievous bodily harm without any justification on the part of the said assailant.

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

Sworn to before me, this 29 day of July 1892

his
James X Curry
mark

Police Justice.

0435

POOR QUALITY ORIGINAL

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Michael Corless

Question. How old are you?

Answer. 38 Years

Question. Where were you born?

Answer, U.S.

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

Answer. 506 West 6C Street. 7 months

Question. What is your business or profession?

Answer, Car Owner

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 struck the blow in self defense.

Michael Corless

Taken before me this 23 *day of* [illegible]

[illegible] *Police Justice.*

0436

POOR QUALITY ORIGINAL

BAILED,

No. 1, by Miguel Jacoby Residence 202 W. 60 Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Police Court--- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Edward Lyle
166 6th Ave
Wounded Officer

1. Chas Miller
2.
3.
4.

Offence Assault

Dated July 23 1892

Morris Magistrate.

22 Precinct.

Officer.

Witnesses. P.O. Raymond
No. 352 W 37 Street.

No. ..... Street.

No. ..... Street.

$ 500 to answer. Chas. Miller

RECEIVED DISTRICT ATTORNEY'S OFFICE JUL 25 1892

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 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 23 1892 *Police Justice.*

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

Dated July 24. 1892 Charles N Taintor *Police Justice.*

There being no sufficient cause to believe the within named .....

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

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

0437

POOR QUALITY ORIGINAL

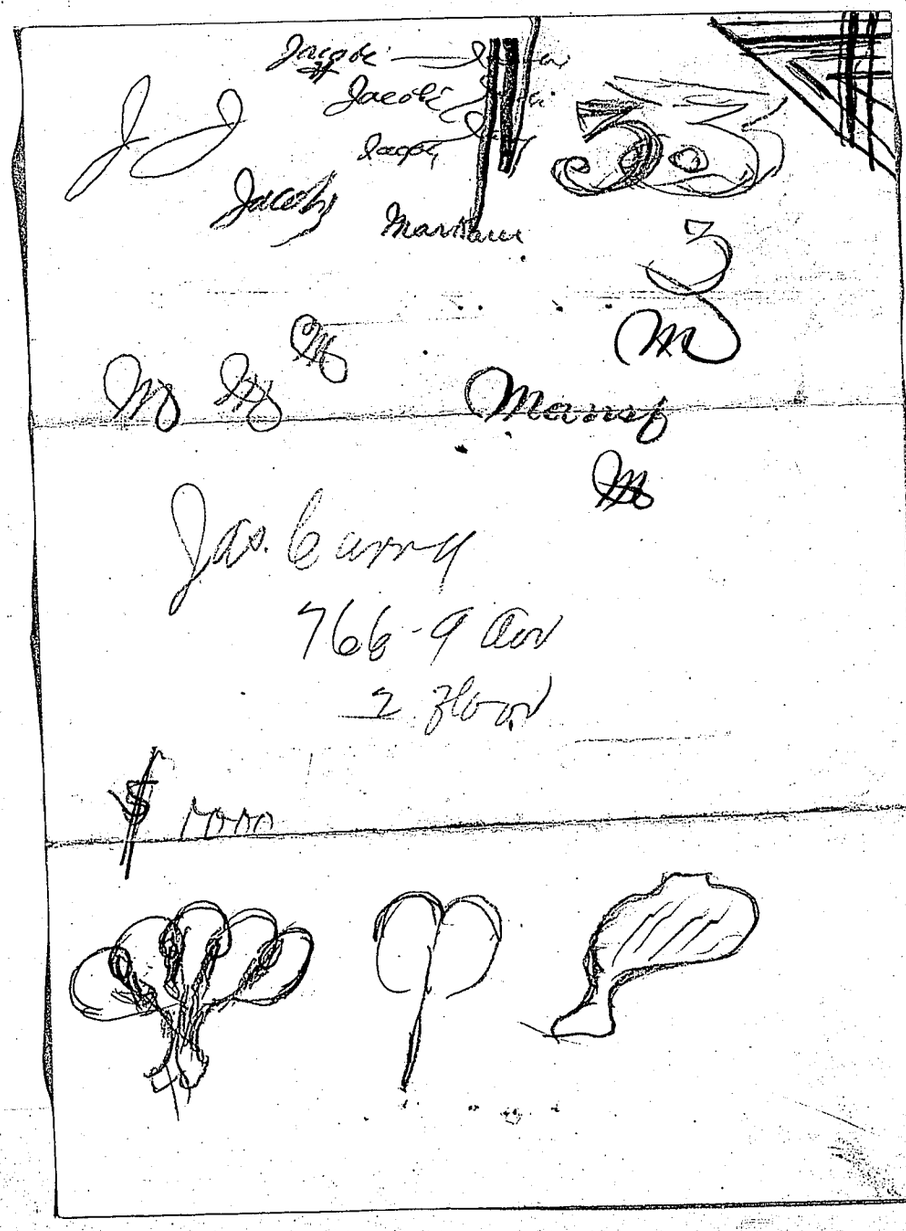
352 W. 51 St. New York.
July 21. 1892.

To Whom it may concern.

This is to certify that Mr James Curry is suffering from an injured eye since Monday night. The left eye must have received a severe blow with some thing for it was broken into, and injured that it will in all probability be lost for sight, and may have to be removed to prevent

0438

POOR QUALITY ORIGINAL



0439

POOR QUALITY ORIGINAL

injury and loss of sight to the other eye.

The front of the eye was blood in it, and to so great an amount that the full extent of injury cannot be seen, at present.

A. J. Heyward. M. D.

0440

POOR QUALITY ORIGINAL

420

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Conless

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

Michael Conless

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

The said Michael Conless

late of the City and County of New York, on the eighteenth day of July in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, in and upon one James Curry in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said Michael Conless, with a certain hard substance to the Grand Jury ~~with a certain~~ aforesaid unknown, which he the said Michael Conless in his right hand then and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, him, the said James Curry then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

0441

POOR QUALITY ORIGINAL

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Michael Corless of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Michael Corless late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said James Curry in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said Michael Corless the said James Curry with a certain hard substance to the Grand Jury aforesaid unknown, which he the said Michael Corless in his right hand then and there had and held, in and upon the face of him the said James Curry then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said James Curry to the great damage of the said James Curry against the ~~form~~ of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0442

BOX:
490
FOLDER:
4475
DESCRIPTION:
Crowley, William
DATE:
08/18/92

0443

BOX:
490
FOLDER:
4475
DESCRIPTION:
Corcoran, John D.
DATE:
08/18/92

0444

BOX:
490
FOLDER:
4475
DESCRIPTION:
Kennedy, James J.
DATE:
08/18/92

Witnesses:

Joseph Schilling

Officer Dan'l O Meara

Doctor

Nos 1. 2. 3 R.O.P

No 2 El Rep

1 Adjourned

2 [illegible]

3 Remand

Counsel,

Filed 16 day of Dec 189

Pleads

THE PEOPLE

vs.

William Crowley

John D. Corcoran

James J. Kennedy

Burglary in the [illegible] degree, Section 496, 528, 530 and 531.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

OVER

0495

POOR QUALITY ORIGINAL

Witnesses:

Joseph Schilling
Officer Con Mealy
Dept 1st gr
Nos 1. & 3 Rep
No 2 Ee Ref - Fr

1 Address
2 Bill
3 Record

Counsel,

Filed 18 day of Aug 189

Pleads

THE PEOPLE

vs.

William Crowley
I

John D. Corcoran
B

James J. Kennedy
B

Burglary in the 1st degree, Grand Larceny 1st, Section 496, 5 & 6, 528, 533 and 537 P.C.

DE LANCEY NICOLL,
District Attorney.

Sept 1st gr
even day Sept. 1st gr
Sept 1st Complaint
A TRUE BILL. D. G. Mealy

Alias P. apprd 27
Sept 27 gr
Foreman.
Sept 27 gr
Pleads Guilty 2d deg
Sept 27 gr

OVER

0446

POOR QUALITY ORIGINAL

0447

POOR QUALITY ORIGINAL

Court of General Sessions
New York County

The People &c.
vs
John Corcoran

M. J. McConville being duly sworn deposes & says that he is the Manager of the Furniture Store of John Monarty of No. 1. 4th Ave in the City of New York and has known the above defendant intimately for four years last past during the period above mentioned the defendant was in the employ of Mr Monarty and was fully trusted & relied by Mr Monarty and deponent is was to defendants own knowledge considered an honest hardworking young man deponent is satisfied that this is the first time that defendant has been arrested or charged with crime and feels assured that if this honorable Court will extend its fullest measure of clemency in this case it will not be misplaced deponent further says that should this Court suspend judgment on defendant that deponent would be willing to take him back into his employ in case a vacancy or can. feeling as deponent does that Corcoran

0448

POOR QUALITY ORIGINAL

who always heretofore bore a first class character will not again in any way abuse the confidence which defendant has heretofore & would willingly place in him defendant is well acquainted with many citizens & people who know Corcoran well & they one & all speak of him as a young man of steady sober & industrious habits. For the foregoing reasons defendant prays that this Honorable Court may extend to defendant all the clemency possible consistent with its duty

Sworn to before me this 26th day of Sept. 1892
Julius Alexanderoff
Notary Public
nyc.

M J McCarville

0449

POOR QUALITY ORIGINAL

Court of General Sessions
County of New York

The People Etc
agst
John Corcoran

City and County of New York. S.S.

Thomas M. Hart being duly sworn deposes and says that he resides at No 286 Avenue A. in the said City - and is by occupation a clerk in the Dept of Buildings that he knows the above named defendant for a period of Five (5) Years and knows him to be a good honest and industrious boy - that his character and reputation are of the very best in the neighborhood where he lives that deponent has had other people speak of him in the highest terms of praise

Thos M Hart

Sworn to before me
this 26 th day of Sept
1892

NOTARY PUBLIC KINGS COUNTY,
CERTIFICATE FILED IN NEW
YORK COUNTY.

0450

POOR QUALITY ORIGINAL

Court of General Sessions
New York City and County

The People &c
vs.
John Corcoran

Daniel J. Murphy being duly sworn deposes and says that he resides at 510 East 16th St in the said City and is by occupation a Dealer in Hay and Feed at 529 East 16th St in said City - that deponent has known the above named defendant - for the last Eight Years and knows him to an Honest Industrious Sober Boy having been employed since he has been able to work that his Character has always been the very best - and that he never was arrested before in his life or charged with any Crime -

Sworn to before me
this 26th day of
September 1892

Daniel J Murphy

Peter Mayer No 233
Notary Public

Court of General Sessions
City & County of New York

The People &c

agst

John Carcoran

Affidavits &c

BLAKE & SULLIVAN,
COUNSELLORS-AT-LAW
World Bl'd'g.-2d floor Room, 27.
Defts' attys

0451

POOR QUALITY
ORIGINAL

Court of General Sessions
City & County of New York

The People &c

ags[t]

John Corcoran

Affidavits &c

BLAKE & SULLIVAN,
COUNSELLORS-AT-LAW
World Bl'd'g.-2d floor Room, 27.
Defts Attys

0452

POOR QUALITY
ORIGINAL

0453

POOR QUALITY ORIGINAL

CHURCH OF THE

IMMACULATE CONCEPTION.

New York, Sept. 26. 1892

I hereby certify that the following is a correct transcript from the Baptismal Register of this Church:

Baptized January 2nd. 1876.

"James C. Kennedy Born December 23rd 1875.

Parents James " and Eliza Burke

Sponsors Thomas Donlon and Annie Kennedy

Sworn to before me, this

_____ day of _____ 18____

_____

Signed, John Stevens

Pastor.

0454

POOR QUALITY ORIGINAL

Court of General Sessions
The People
vs
William Crawley

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23D STREET,

New York, August 11th 1892.

CASE NO. 66747 OFFICER Kiring
DATE OF ARREST August 9th 1892
CHARGE Burglary
AGE OF CHILD Fourteen years
RELIGION Catholic
FATHER William
MOTHER Maggie
RESIDENCE 415 E. 17th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on July 14th 1888 boy was arrested for felonious assault - in cutting with a razor a boy twelve year old. The day following on his father's complaint of juvenile delinquency he was committed to the Catholic Protectory. On Sept. 6th 1891 he was arrested for burglary but on September 29th the Grand Jury dismissed the complaint. On June 15th 1892 he was arrested for acting in a suspicious manner but was discharged as there was no evidence upon which to hold him. Home is fair. Parents are said to be respectable.

All which is respectfully submitted,

To

0455

POOR QUALITY ORIGINAL

Court of General Sessions
The People
vs
William Crawley

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.
100 EAST 23D STREET,
New York, August 11th 1892.

CASE NO. 66747 OFFICER Koenig
DATE OF ARREST August 9th 1892
CHARGE Burglary
AGE OF CHILD Fourteen years
RELIGION Catholic
FATHER William
MOTHER Maggie
RESIDENCE 415 E. 17th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on July 14th 1888 boy was arrested for felonious assault - in cutting with a razor a boy twelve years old. The day following on his fathers complaint of juvenile delinquency he was committed to the Catholic Protectory. On Sept 6th 1891 he was arrested for burglary but on September 29th the Grand Jury dismissed the complaint. On June 15th 1892 he was arrested for acting in a suspicious manner but was discharged as there was no evidence upon which to hold him. Home is fair. Parents are said to be respectable.

All which is respectfully submitted,

To

Court of

General Sessions

The People

vs

William Crawley

Burglary

PENAL CODE 458

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

New York City.

POOR QUALITY ORIGINAL

Court of

General Sessions.

The People

vs

William Crawley

Burglary

PENAL CODE §§

Report of the New York Society for the Prevention of Cruelty to Children.

ELBRIDGE T. GERRY,

President, &c.,

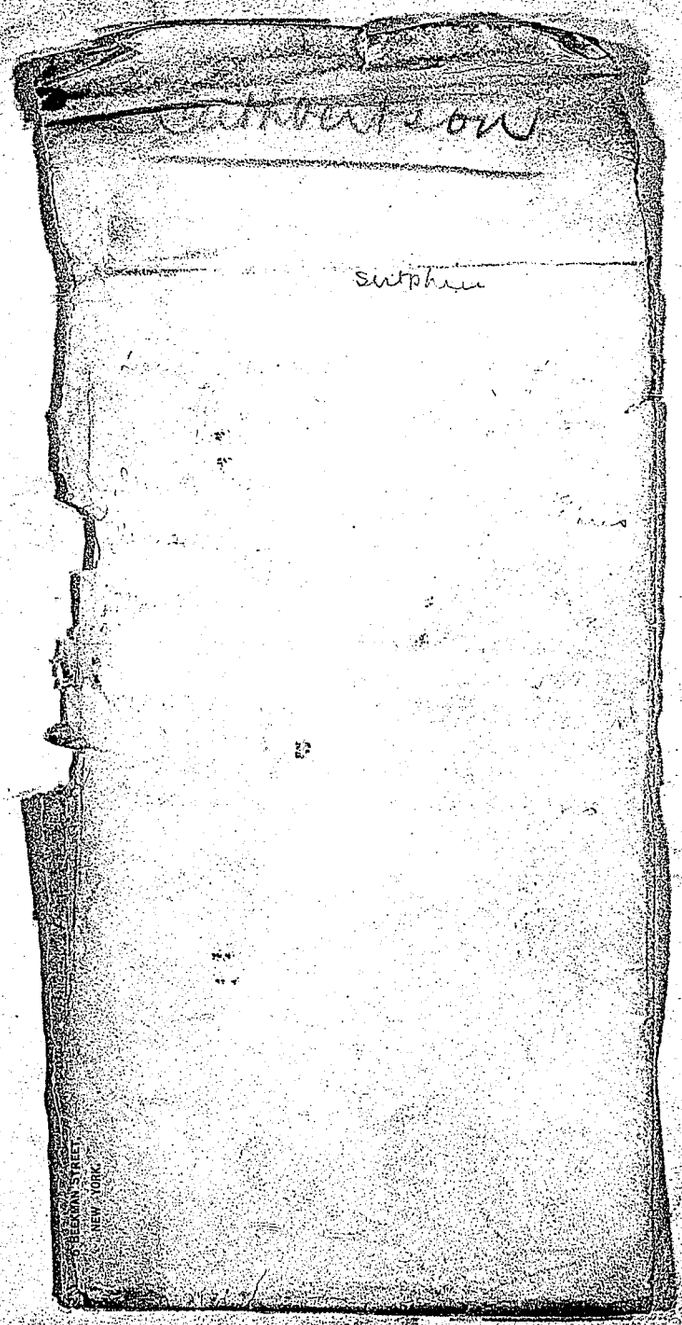
100 East 23d Street,

NEW YORK CITY.

POOR QUALITY ORIGINAL

0458

POOR QUALITY ORIGINAL



0459

POOR QUALITY ORIGINAL

7-0/92

THE PEOPLE

vs

JAMES J. KENNEDY,
jointly indicted with
WM. CRAWLEY & JOHN D. CORCORAN.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTHE.

Thursday, September 22, 1892.

Indictment for burglary in the first degree.

A Jury was empannelled and sworn.

JOSEPH SCHILLING, sworn and examined:

What is your business? Tailor, at 603 East 13th Street. What part of those premises do you occupy? I have got the store on the ground floor. I live back of the back of the store. I have three rooms in the back. On the 8th of August, this year, were you living there? Yes, with my wife and four children. What time did you close your store that night? I closed the store at half past nine. And how did you close the front of the store? There is an iron railing on the windows, on the two windows, it was one of those corss gratings. Did you have a sort of show window there? Yes, two show windows. Did you put the grating on that nightYes. The door was closed and locked. What did you leave in your show window that night? A couple of pairs of pants in the window and the pants came out of the window. I had 16 pairs of pants there altogether. What was the value of those pants that were taken away? $25.00. What time were you awakened? Half-past one. Who woke you up? The man across the street woke me up; I went and looked for an officer right away. You were in your bed when they woke you up, you got up and went into your store?Yes How did you find things in your store? I found the window broken and the pants away; they put the iron railing aside and got the window out, a pane of glass was broken. How large a break in it? It is this high (showing). Was the whole pane

0460

POOR QUALITY ORIGINAL

of glass broken? Yes, on the side; 16 pair of pants were missing. I had 40 pairs of pants in the window and 16 pair of pants they got on the same side they took the window out. I went out to look for an officer; I found him right away; I do not know his name. I saw the pants before I got into bed, I saw the pants the first time again in the 57th Street statin house, in the court. Officer Miley showed them to me. Are these the particular pants that were stolen from your place that night (showing pantaloons)? Yes, those are the pants taken out of the window. I saw the pants for the first time in the 57th Street court. I told right away the pants belonged to me. I saw four pair of pants in the 57th street Court. The dwelling house is in the rear of the store? In the back, on the same floor; the store is in the front and the rooms in the back. How is the store divided from the rooms? It is not partitioned off; here is the store, here is the door in the rooms (showing). There is a wall between the store and the rooms. You can walk from the store into the rooms. So that any one who came into your store could go right through the store and get to the place where you live? Yes. What is the name of the man who called you out and told you? I do not know his name, he has got a saloon on the other side of the street, he came and woke me up. He did not knock, he pulled on the door. Pulled the bell? No, with the hand, and called me, he told me to come out. My wife and children were in bed and I was in bed. When you got up you found that one of the indows was broken? Yes. The glass taken out? Yes. How big was the pane? 20 inches high and 7 inches wide. When I went to bed that night the pants were hung up in the window. And the four pair of pants that you saw in the Police Court were four of the sixteen pair of pants that lay in your window that night? Yes Do you know what ward you live in? No.

POOR QUALITY ORIGINAL

I have lived there five months.

CROSS EXAMINATION:

How long a period of time elapsed from the time your place was burglarized to the time when you went to the station house and identified those goods? (No answer). What day was it that you went to the station house or court? The 9th of August. What day was it that you say your store was broken open? On the day before ; I went to the 57th Street Court on the morning of the 9th and then I saw the pants.

FREDERICK P. KAMPF, sworn and examined:

Where do you live? 507 East 16th street; I am an upholsterer. On the morning of the 9th of August did you see this defendant Kennedy? Yes, I seen him from 202, the number I cannot say, the same street, carrying two bundles. 202 What street? 202 16th Street, carrying two bundles to the cigar store; he was with the rest of the party that had the goods, he was with Crawley and Finnegan. Corcoran was there but he did not carry any goods away? He took one bundle first and he carried it down to the cigar store. I saw him first with one bundle; there was no one with him. Who has the cigar store? A party named Hart, I could not tell you the number, I can figure it correctly enough, it must be 516 East 16th Street. After he carried that bundle away did he go into the cigar store with it? He went into the cigar store, he left the bundle there and came back again, came to 502 East16th Street and got another bundle and carried it to the same place. How did you see in that hallway, 502 East 16th Street, where he got the bundles from? That was a party named Crawley, Kennedy, Finnegan and Corcoran wasin the barber shop. The barber shop is 502 East 16th Street. I saw them all in there. Next I seen

POOR QUALITY ORIGINAL

Finnegan come with a great big bag, as big as a coffee bag you can put 110 pounds of coffe in and what was in I could not tell you but it was distributed and sent to the pawn shop by different ones. He came out of where? The hallway of 502 East 16th Street; they go bundles, some parts I seen was clothing, put up in bundles and taken to the pawnbroker's shop by Crawley and Finnegan. Did you see what was in the bundles that Kennedy took to the cigar shop? I sent the officer into the cigar store to get those bundles, not before I did not see what was in them, afterwards I seen when the officer had them. Then I reported it to the station house; Officer Miley was sent out on the caseI met Officer Miley coming through First Avenue, between 19th and 20th Streets, and we saw Crawley and Finnegan there, they each had a bundle, officer Miley caught Crawley and Finnegan and went into the pawn borker's shop. Finnegan got out the back way some way or another. Tha we went up 16th Street to this party who had those pantaloons Kennedy left in the cigar store. The officer went in and brought out two bundles. They were similar in appearance to the bundles that Kennedy took in, they were wrapped in newspaper and the ones he had were done up in newspaper. We searched around further for this Finnegan because he got away; he was not caught until Sunday a week ago. Did you notify Mr. Schilling about it? No, I did not.

CROSS EXAMINATION:

What time in the morning was this? It was a quarter past eight. Your place of business is where? 507 East 16th Street Is it not a fact that this defendant brought but one bundle to this cigar store? No, he brought two bundles and two different times. Could you not be mistaken about the boy? I know I am not mistaken about the boy or the bundles. Were you in Court when those two boys (Crawley and Corcoran) plead-

0463

POOR QUALITY ORIGINAL

ed this morning? No, I id not see them this morning. It is admitted that the boys Crawley and Corcoran are the boys the witness saw in the hallway 502 East 16th Street, on the morning of the 9th of August, with the defendant Kennedy.

LUKE MILEY, sworn and examined:

You are a police officer attached to the 18th precinct? Yes. When did you first learn anything about this alleged burglary? On the 9th of August, about ten o'clock in the morning. Mr. Kampf came to the station house; I went out from the station house with him. We went down First Avenue, we got to 21st street. When I got to the corner of 21st Street and First Avenue there was a boy in the middle of the block with a bundle on his arm; Mr. Kampf pointed him out as one of the boys he had seen in the hallway. The boys name is Finnegan. I wanted Mr. Kampf to catch this Finnegan; Crawley was on the corner. You went up First Avenue with Kampf? Yes. You saw a boy with a bundle, what is the name of the boy you saw? Finnegan. Where did he go? He went in a pawnshop. Whose pawn shop? The owner's name is White. I saw Crawley on the corner of 20th Street with a bundle. I got Crawley and Finnegan got away through the pawn shop. I took Crawley to the station house, I found two pair of pants, they were subsequently identified by Schilling as part of the property that had been taken from his store. I went back to the station house and reported what I had seen and done. That was all I done in the case of Kennedy Then Mr. Kampf came up and said there was two pair of pants left in the cigar store. I went down into this cigar store, 516 East 16th Street, it is kept by a German woman, named Hart. I found two pair of pants , they were wrapped up separately in newspaper, one pair in each bundle, I took them to the station house. They were identi-

POOR QUALITY ORIGINAL

fied by Schilling as part of the stolen property. Kennedy was arrested a couple of nights afterwards by another officer, he was brought into the station house. Did you have any conversation with Kenndy in regard to the pants you found in the cigar store? No. I asked him about the bundle. He said a boy gave them to him, he did not know who the boy was, he admitted taking them into the cigar store; he said those pants had been given to him by some boy to bring into the cigar store. A few nights after the burglary I found another pair of pants, on the person of Corcoran. The premises 603 East 13th Street are in the 11th ward.

CROSS EXAMINATION:

Mr. Kampf was examined, was he not , down in Part Three, in the case of Crawley? No, in the case of Finnegan. Charged with participation in this same offence? Yes. And he identified those goods? Yes. And he stated just exactly what took place? Yes, as far as I know? You were present were you not? Yes. And the Jury in that rendered a verdict of acquittal? I do not know.

THE CASE FOR THE DEFENCE:

MAGGIE MORAN, sworn and examined:

Where do you reside? 636 East 14th Street; I am a widow. The defendant is my brother. Do you remember the 8th day of August last? Yes. Your brother is charged, in company with some other boys with breaking into this gentleman's place? Did you see your brother on the 8th of August? No, on the 9th, Tuesday morning. Between eight and nine o'clock he came up to me with a pair of pants and they were damp as if they were in water or something; I asked him where did he get them pants? and he said he wanted to try them on. I said, where did you get them? He says, "Johnny Corcoran gave them to me

0465

POOR QUALITY ORIGINAL

me" and if they fit he will sell them to me for 25 cents. I says, take them pants back to Johnny Corcoran and tell him you think if you want a pair of pants your father is able to get them for you. His brother Stephen was eating his breakfast at the time. I says, "Stephen, you go with him. His brother Stephen went with him. The defendant lives with his father. He had no paper around them. I gave him a newspaper to wrap them up. That is all I know about the pants. Steve went with him, it was between eight and nine o'clock. Did you look at the pants? No, he held them in his hand, he said, "I want to try them on," I said no, he could not try them on, to take them back. I could not exactly tell whether they were mens or boys pants, I did not take much notice of them. I gave him the paper to wrap them up in; I did not wrap them up.

CROSS EXAMINATION:

You say they were damp? Yes. I went over and just knocked against them and said, why, them pants are wet. I did not tak them in my hand at all. Did they look as though they would fit him. I did not take notice, he only had one pair. Do you know Nohnny Corcoran? Yes, by sight, I saw him around the door one evening with the boys. I know him by sight about three of four months. Did you ever see him with your brother? Yes, I seen him with the older boy. I never seen him with the defendant to my knowledge. Your brother did not live with this one, James? Not that one, he lives with his father; he did live with me until two months ago, then his father got married and he went to live with his father and his older brother came with me.

STEPHEN KENNEDY, sworn and examined:

Where are you employed? I was working in the Hotel Hawthorne,

POOR QUALITY ORIGINAL

in West 59th Street. I worked there nearly a year. I remember the 8th day of August. Do you remember your brother coming to the house of your sister? That was on the 9th. Between nine and half past nine I was sitting at the table eating my breakfast, when he came in with a pair of pants and he laid them on the table and went in the corner and I heard him taling about something. I asked him where did he get the pants. He said from a fellow named Johnny Corcoran. I says, bring them back to him and I will come along with you. So I put on my hat and coat and I went along with him and I walked down and met Corcoran in 16th Street, near Avenue A, it was right near the barber shop, my brother seen Johnny there. My brother went up and he handed the pants to Corcoran; Corcoran said will he please bring them down to the candy and cigar store kept by Mrs. Hart. So he brought them down and told her to leave them there and went down the street. I went up the street and my brother came down. I went into Mrs. Hart's to get a match to light my cigarette and when I came in I saw a policeman in there. So I came out again; Mrs. Hart told me that it was a detective. So I came out and went up the street and I seen Crawley, Corcoran and my brother there. So I told my brother, "Keep away now, don't you have nothing to do with them." He came away with me; I left him at 16th street and went down to the house. Were you ever arrested in your life? No.

CROSS EXAMINATION:

You say that you saw Miley in Mrs. Hart's, found out he was a detective, went right out and found your brother, Crawley and Corcoran and told your brother to keep away from the? Yes, they were up the street, near Avenue A. And when you went away with your brother to 16th street you wentright around to

POOR QUALITY ORIGINAL

502 East 16th Street, did you, to the barber shop? No. He went in and he met Corcoran up near the barber shop. There is a hallway right alongside the barber's? Yes. New houses? No. Same house with the barber shop. Did you help your brother to wrap those pants up? Yes, I wrapped them up in the house. Why did you wrap them up? Because I did not want to let any one see it. They were mens pantaloons. Your brother was going to try them on? Yes. He does not wear mens pants? No. Do you think they would fit your brother? No; he said they had been given him from under a gang plank for horses, in 16th street. I seen him home the night this burglary was committed I as not home all the time but about 9 o'clock I left him at 14th Street and Avenue A to go hom e and he went straight home. How do you know, did you see him home? No, my father did.

JAMES J. KENNEDY, sworn and examined:

What is your business, what do you work at? The last time I worked I worked for Major Duffy, I worked for him two or three months. How long ago was it? It is about three months ago. Did you, on the 9th of August, get a pair of pants? Yes, I got them off Johnny Corcoran at 16th Street and Avenue A, I wa not in any hallway. I have known Johnny Corcoran for about a year. I met him at 16th Street and Avenue A ,about between eight and nine o'clock; he did not have no other pants with him. He asked me do I want to buy a pair of pants? I says what kind are they? He said they was the only parcel he had. He said they would just about fit me; I brought them down to the house. He said, "If they will fit you I will sell them to you for 25 cents." I brought them down to the house; I wanted to try them on; my sister and my brother putme out of

POOR QUALITY ORIGINAL

the house. My brother helped me to wrap them up. We brought them up to Corcoran. We met Johnny Corcoran at 16th Street and Avenue A. It was not in any hallway, I met him in the middle of the street. Where were you on the eight of August? I was home at 9 o'clock, quarter after 9 right time; I left my brother at 9 o'clock at Avenue A and 14th Street. I live with my father; my father was home; he saw me when I came in. How many rooms does your father occupy there? Four; I sleep next to the kitchen, my father sleeps in the front room, it is two rooms away from me. From the time that you went home that evening until the following morning did you leave your house? No, not a bit, I went into bed, I was in bed at a quarter to 10. What time did you get up the following morning? I got up at 7 o'clock, I was looking for work. Did your father see you when you came in that night? Yes. Did he see you the following morning? No, he did not see me because he went out before me. Did your step-mother see you? Yes, my stepmother seen me. Have you ever been arrested in your life? No, never arrested before. Did you enter that place and take these pants? No, I was not out that night, I was home a quarter after 9. Were those pants damp or wet when you got them? Yes, they were wet. What is the reason your sister put you out of the house with those pants? I do not know, she just told me to go.

CROSS EXAMINATION:

You say you went up to meet Corcoran about 8 o'clock? Yes. Where did you meet Crawley? I did not see Crawley; this Crawley went away with Finnegan, they say; Corcoran told me that Crawley went away with Finnegan; he told me that when I met him; I did not ask Corcoran where Crawley was; he just said, here is a pair of pants I want to sell and he said that Caw-

POOR QUALITY ORIGINAL

ley has gone away with Finnegan, just like that, to me. And I said, I do not think the pants will fit me, anyhow. He said just try them, and I will sell them for 25 cents. I brought them down to the house and my sister and brother put me out; the pants were all wet. How did you come to speak to Crawley and Finnegan? He told me that Crawley and Finnegan went away. I did not ask him about Crawley and Finnegan. I know Crawley about six months; I know Finnegan about nine months. Had you seen Crawley the day before? Yes. What time did you see Finnegan before? I did not see Finnegan; I was arrested for Finnegan; when the policeman arrested me he said, "I know what you are arrested for, Finnegan." I said, "My name is Kennedy" I was put down for Finnegan. Do you look like Finnegan? No, he is bigger than me. Would those pants fit Finnegan? I do not know. Where did Corcoran get those pants from? I did not see him; I seen him that morning. Did you see him take them from any place? No, he had them in his hand, it was between 8 and 9 o'clock, that was the first time I met Corcoran. As soon as you met him he offered you those pants and told you that Crawley and Finnegan had gone away? Yes. He just said, "Here is a pair of pants, you can buy them for 25 cents." Do you know what Corcoran works at? He is assistant book-keeper, he works for Moriarty, the furniture place. He does not sell pant loons? No. I did not ask him where he got those pants, I did not ask him anything about it, he told me that he got those pants from a man who put them under a gang plank; I did not see him take them from under a gang plank; they were all wet like as though they had come from under a gang plank. The room I sleep in is right next the kitchen, there is a door from the kitchen into the hall. The last time I worked was three months ago; since that time I have been doing no work,

POOR QUALITY ORIGINAL

I have been looking f r it. I did not go with Crawley and Finnegan much, I just talked to them. You have been in the Tombs with Crawley and Finnegan? No, I was down with Corcoran I was out on bail; I did not go down to see any of them; I never seen any of them since I have been out on bail. I was only in the Tombs one day, I was with them that day. I was in the same cell with them for 15 or 20 minutes, then we were separated.

JAMES KENNEDY, sworn and examined:

What is your business? I am a horse-shoer; I live in 401 East 14th Street. Your boy James lives with you? Yes. Do you remember the night of the 8th of August? Yes. What time did your boy get home that night? He came into the house at half past 9, I saw him come in, I saw him in bed in the morning when I was going out to my work. After he came in he went right to bed, he told me to call him, that he was going to work, that he was going to get a job in the morning. I could not say what time he left the house the following morning, I left the house at six o'clock, I had to be at work; he was in bed at that time; I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed the night before, did you? Monday night I seen him in bed. What time? Half past 9 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed; I seen him in bed at 10 o'clock. I went to bed myself and my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

The Jury rendered a verdict of GUILTY of RECEIVING STOLEN GOODS, with a RECOMMENDATION TO THE MERCY OF THE COURT.

0471

POOR QUALITY ORIGINAL

Testimony in the case of James J. Kennedy

Filed Aug. 1, 1922

DIRECT EXAMINATION:

Where do you live? I live at 104 Ernst Street. Have you a phone there? I am a horse-shoer? I live in Ernst Street. How long have you been living there? Two years. Do you remember the night of the 28th of March? Yes. After that did you go home that night? He came into the house at half past 8, was with some one, I was with him in bed in the morning. I could not say what time he left the house the following morning. I got up to go to work; he was in bed at first time! I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed at a night before, did you? Monday night I mean him in bed. After that I left home 6 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed! I seen him in bed at 10 o'clock. I went to bed, he was left by my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

The only tangible evidence of QUILTY OF RECEIVING STOLEN GOODS, after a RECOMMENDATION TO THE MERCY OF THE COURT.

DIRECT EXAMINATION, Owen Mc Enerney:

What is your profession? I am a horse-shoer? I live in 104 Ernst street. Have you a shop there with you? Yes. Do you remember the night of the 28th of March? Yes. After that did you go home that night? He came into the house at half past 8, I saw him come in, I saw him in bed in the morning. I could not say what time he left the house the following morning, I got up to go to work; he was in bed at first time! I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed at a night before, did you? Monday night I mean him in bed. After that I left home 6 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed! I seen him in bed at 10 o'clock. I went to bed, he was left by my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

The only tangible evidence of GUILTY OF RECEIVING STOLEN GOODS, after a RECOMMENDATION TO THE MERCY OF THE COURT.

DIRECT EXAMINATION, Owen Mc Enerney:

What is your profession? I am a horse-shoer? I live in 104 Ernst street. Have you a shop there with you? Yes. Do you remember the night of the 28th of March? Yes. After that did you go home that night? He came into the house at half past 8, I saw him come in, I saw him in bed in the morning. I could not say what time he left the house the following morning. I got up to go to work; he was in bed at first time! I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed at a night before, did you? Monday night I mean him in bed. After that I left home 6 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed! I seen him in bed at 10 o'clock. I went to bed, he was left by my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

The only tangible evidence of GUILTY OF RECEIVING STOLEN GOODS, after a RECOMMENDATION TO THE MERCY OF THE COURT.

DIRECT EXAMINATION, Owen Mc Enerney:

What is your profession? I am a horse-shoer? I live in 104 Ernst street. Have you a shop there with you? Yes. Do you remember the night of the 28th of March? Yes. After that did you go home that night? He came into the house at half past 8, I saw him come in, I saw him in bed in the morning. I could not say what time he left the house the following morning. I got up to go to work; he was in bed at first time! I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed at a night before, did you? Monday night I mean him in bed. After that I left home 6 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed! I seen him in bed at 10 o'clock. I went to bed, he was left by my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

I have been looking it up. I did not go with Crowley and Flannegan much. I just talked to them. You have been in the house with Crowley and Flannegan? No, I was down with cornoten only in the house one day, I was with them that day. I was out on bail! I did not go down to see any of them! I never seen any of them since I have been out on bail. I was in the same cell with them for 12 or 30 minutes, then we were separated.

DIRECT EXAMINATION, Owen Mc Enerney, sworn and examined:

What is your profession? I am a horse-shoer? I live in 104 Ernst street. Have you a shop there with you? Yes. Do you remember the night of the 28th of March? Yes. After that did you go home that night? He came into the house at half past 8, I saw him come in, I saw him in bed in the morning. I could not say what time he left the house the following morning. I got up to go to work; he was in bed at first time! I told my wife to call him. Did you see him in bed? Yes, I saw him in bed.

CROSS EXAMINATION:

You did not see him in bed at a night before, did you? Monday night I mean him in bed. After that I left home 6 o'clock, he was not in bed, he was into the house, I saw him in bed before I went to bed! I seen him in bed at 10 o'clock. I went to bed, he was left by my wife locked the door and she took the key out of the door and left it inside on the mantel piece.

The only tangible evidence of GUILTY OF RECEIVING STOLEN GOODS, after a RECOMMENDATION TO THE MERCY OF THE COURT.

0472

POOR QUALITY ORIGINAL

1877.

CITY AND COUNTY OF NEW YORK, } ss.

Luke Milly

aged [redacted] years, occupation Officer of No. [redacted]

18th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Jacob Schulein and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 11 day of Aug 189 2 } Luke Milly

J. Vissette
Police Justice.

1877

CITY AND COUNTY OF NEW YORK, } ss.

Fred Krumpf

aged 41 years, occupation Upholsterer of No. 509 East 16 Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Jacob Schulein and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 11 day of Aug 189 2 } F P Krumpf

J. Vissette
Police Justice.

0473

POOR QUALITY ORIGINAL

Police Court— 4 District.

City and County of New York, } ss.:

of No. 603 East 13th Street, Joseph Schilling aged 42 years,

occupation Merchant Tailor being duly sworn

deposes and says, that the premises No. 603 East 13 Street, Ward 11th

in the City and County aforesaid the said being a four story brick

tenement and which was occupied by deponent as a store and living apartments

in the rear on the ground floor and in which there was at the time human beings by name deponent and

deponent's families

were BURGLARIOUSLY entered by means of forcibly pulling a wire

screw from the mudsill of the store and

breaking a pane of glass in the transom

on the 8 day of August 188[illegible] in the night time, and the

following property feloniously taken, stolen, and carried away, viz:

Sixteen pairs of pants of the value of

about Forty five dollars

$45.00

the property of Aforesaid

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

William Crawley, John Corcoran

and James Kennedy all of whom are, and two unknown

men not arrested. for the reasons following, to wit: That at about the hour of 10.30

o'clock P.M. said date deponent locked and

securely fastened the doors and transoms of

the premises. That the said wire screw of the

said transom was also securely fastened. That

the said property was inside the transom. That

at about the hour of 11.50 o'clock P.M. deponent

was informed by [illegible] and informant that

the said burglary had been committed. That upon

deponent came into the store he found that the

0474

POOR QUALITY ORIGINAL

said midnight had been broken open and the said property taken. That deponent is informed by Frank Kemp of this he Kemp saw three of the three defendants, to wit, and the said two unknown men not arrested, in company with each other, about the hour of 8.15 O'clock P.M. on the 9th of August with some bundles in their possession, in the hallway of the premises No 502 East 16th Street. That deponent is further informed by Police Officer Luke Miley of the 18th Precinct that he the officer arrested the defendant Quigley, with part of the property in his possession, that he the officer arrested the defendant Kennedy who had left part of the property in a barber shop in East 16th Street. That he the officer was informed that said Quigley in company with the other defendants at the time the aforesaid burglary was committed. Wherefore deponent prays that Quigley Kennedy and Conway (the other arrested men not appearing to have participated in the burglary) may be committed. That deponent charges the defendants with burglariously entering the premises as aforesaid and feloniously taking, stealing and carrying away the said property and prays that he be dealt with according to law.

Sworn before me this 11th Day of August 1883

Jerry Golding.

Police Justice.

There being no sufficient cause to believe the within named ~~[illegible]~~ guilty of the offence within mentioned, I order him to be discharged.

Dated _____ 188 _____ Police Justice.

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

Dated _____ 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.

Dated _____ 188 _____ Police Justice.

Police Court, _____ District.

THE PEOPLE, &c., on the complaint of

vs.

1 2 3 4

Offence—BURGLARY.

Dated _____ 188

Magistrate.

Officer.

Clerk.

Witnesses, _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____

No. _____

$ _____ to answer General Sessions.

0475

POOR QUALITY ORIGINAL

Sec. 198—200

4 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. William Courtier

Question. How old are you?

Answer. 14 yrs

Question. Where were you born?

Answer, N.Y.

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

Answer. 104 East 117 St — 6 months

Question. What is your business or profession?

Answer, Work in a factory

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

Wm Brownley

Taken before me this 11 *day of* Dec 1894

J. Mulqueen

Police Justice.

0476

POOR QUALITY ORIGINAL

Sec. 198—200

4 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. John Corcoran

Question. How old are you?

Answer. 18 yrs

Question. Where were you born?

Answer, U.S.

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

Answer. No 510 East 16 St 6 yrs

Question. What is your business or profession?

Answer, Assistant Bookkeeper

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

Answer. I am not guilty

John Corcoran

Taken before me this 11

day of May 1895

J. W. Williams

Police Justice.

0477

POOR QUALITY ORIGINAL

4th District Police Court.

Sec. 198—200

CITY AND COUNTY OF NEW YORK, } ss.:

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

Question. What is your name?

Answer. James Kennedy

Question. How old are you?

Answer. 16 years

Question. Where were you born?

Answer, U.S.

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

Answer. No 401 East 14 St. 2 months

Question. What is your business or profession?

Answer, Student

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

James J Kennedy

Taken before me this 1 day of July 1874

J. Williams

Police Justice.

0478

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, 4 DISTRICT.

Luke Miley

of ~~No.~~ 189 Greene Street, aged ... years,

occupation Police officer being duly sworn, deposes and says

that on the 9 day of August 189 2

at the City of New York, in the County of New York he arrested

William Crawley (Colored) on a charge of larceny. That deponent has not been able to find an owner for property found in his possession and deponent prays that said Crawley may be held until such time as deponent can produce an owner in Court

Luke Miley

Sworn to before me, this 9 day of August 189 2

Police Justice.

0479

POOR QUALITY ORIGINAL

3000

Police Court, 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

William Charles
(V- 900.- 7/10-97)

AFFIDAVIT.

Dated Aug 9 189 2

Kilbreth Magistrate.

Miley Officer.

18

Witness:

Ef for Aug 10
at 10
Disposition Aug 11- 10am

0480

POOR QUALITY ORIGINAL

Police Court— 4 District.

(1002)

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offence Burglary

Dated August 11 1892

Magistrate.

Officer.

Precinct.

Witnesses.

No. Fifty County Street.

No. 503 Degraw Street.

No. 142 Clark Street.

$ 1000 to answer.

BAILED, No. 3 by John Wayne Residence 413 E 14 Street.

No. 2, by Residence Street.

No. 8, by Residence Street.

No. 4, by Residence Street.

RECEIVED DISTRICT ATTORNEY'S OFFICE AUG 15 1892

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named defendant guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, 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 August 13 1892 J. Williams Police Justice.

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

Dated August 13 1892 J. Williams Police Justice.

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

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

0481

POOR QUALITY ORIGINAL

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 Crowley, John D. Corcoran and James J. Kennedy

The Grand Jury of the City and County of New York, by this indictment, accuse William Crowley, John D. Corcoran and James J. Kennedy of the CRIME OF BURGLARY in the first degree, committed as follows:

The said William Crowley, John D. Corcoran and James J. Kennedy, all late of the Eleventh Ward of the City of New York, in the County of New York aforesaid, on the eighth day of August, in the year of our Lord one thousand eight hundred and ninety-two in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Joseph Schilling,

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said Joseph Schilling,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, the said William Crowley, John D. Corcoran and James J. Kennedy and each of them, being then and there assisted by a confederate, actually present, to wit: each by the others, and also by 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.

~~District Attorney.~~

~~Deputy Attorney.~~

0482

POOR QUALITY ORIGINAL

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said William Crowley, John D. Corcoran and James J. Kennedy —— of the CRIME OF Petit LARCENY, —— committed as follows: The said William Crowley, John D. Corcoran and James J. Kennedy, all —— 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,

sixteen pairs of trousers of the value of one dollar and fifty cents each pair,

of the goods, chattels and personal property of one Joseph Schilling, ——

in the dwelling house of the said Joseph Schilling, ——

there situate, then and there being found, from the dwelling house 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.

0483

POOR QUALITY ORIGINAL

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said ——— William Crowley, John D. Corcoran and James J. Kennedy of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said William Crowley, John D. Corcoran and James J. Kennedy, all ——— late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

sixteen pairs of trousers of the value of one dollar and fifty cents each pair,

of the goods, chattels and personal property of one Joseph Schilling, ———

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

unlawfully and unjustly did feloniously receive and have; the said William Crowley John D. Corcoran and James J. Kennedy 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.

DE LANCEY NICOLL,
District Attorney.

0484

BOX:
490
FOLDER:
4475
DESCRIPTION:
Cuthbertson, Archibald
DATE:
08/16/92

4475

Witnesses:

Deft has made
Restitution and this Money
Ch'd as
Dy
Dee appeals Pecty

160

Counsel,

Filed, day of 189

Pleads,

THE PEOPLE

vs.

B

Archibald Cuthbertson

Grand LARCENY, 2d degree.
(False Pretenses.)
[Section 528, and 531, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL

Foreman.

Sept 13 92

Indicted
Sept 30/92

POOR QUALITY ORIGINAL

0485

Witnesses:

Dept Rec'd Restitution
Acct. this Money
Charges
Fee allowed Petit

160

Counsel,

Filed, 16 day of May 1892

Pleads, Guilty 18

THE PEOPLE

vs.

B

Archibald Cuthbertson

Grand LARCENY, 2nd degree.
(False Pretenses.)
[Section 528, and 581, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Part I

A TRUE BILL.

New York
Daniel

Allen J. Apgar
Foreman.

Sept 13 92

Tried & Convicted
Sept 30/92

Sept 30 92

0486

POOR QUALITY ORIGINAL

0487

POOR QUALITY ORIGINAL

PHILLIPS & MOWER, 32 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part I

The People
vs.
Archibald Cuthbertson

BEFORE
His Honor Recorder Smyth

September 1892

WITNESSES.	Direct.	Cross.	Re-Direct.	Re-Cross.
Elsie A. Garretson	1	13	36	
Algernon S. Frisell	38	—		
Bertha E. Cuthbertson	39	—		
Archibald Cuthbertson	40	46		
The Recorder's charge				
Exhibits.				

0488

POOR QUALITY ORIGINAL

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part I

The People
vs.
Archibald Cuthbertson

BEFORE

His Honor Recorder Smyth

September 1892

WITNESSES.	Direct.	Cross.	Re-Direct.	Re-Cross.
Elsie A. Garretson	1	13	36	
Algernon S. Frisell	38	—		
Bertha E. Cuthbertson	39	—		
Archibald Cuthbertson	40	46		
The Recorder's charge				
Exhibits				

0489

POOR QUALITY ORIGINAL

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part I

The People
vs.
Archibald Cuthbertson

BEFORE

His Honor Recorder Smyth

September 1892

WITNESSES.	Direct.	Cross.	Re-Direct.	Re-Cross.
Elsie A. Garretson	1	13	36	
Algernon S. Frisell	38	—		
Bertha E. Cuthbertson	39	—		
Archibald Cuthbertson	40	46		
The Recorder's Charge				
Exhibits				

0490

PAGE (S) OUT OF SEQUENCE

0491

POOR QUALITY ORIGINAL

Defendant's Exhibit I.

September 12th, 1892.

139 Amity Street, Brooklyn.

Dec. 2'91.

To
Prof. Archibald Cuthbertson,
Everett Building,
107 Nassau St., N.Y. City.

Dear Sir;

I did not give you my full name, and will do so now.

The more I consider this matter we were discussing this morning, the more I feel that I should like to undertake the work as I am down town quite often I may call in and talk it over again before I do home for the money.

Very truly,

(Miss) Elsie Garretson.

DEFENDANT'S EXHIBIT 2.

September 12th, 1892.

Bound Brook, Dec. 6th'91.

Mr. Cuthbertson:-
107 Nassau St., N. Y. City.

Dear Sir:-

After thoroughly talking over the matter with my father and sister they have decided favorable upon it, but still Papa thinks it all quite a risk to take.

My sister thinks the magazine one that will be of great benefit to all those interested on the subject, and will work in behalf of it towards getting subscription for it. She also thinks it cannot be advertised too extensively.

I will be down Wednesday, A.M. unless I hear from you unfavorably, I mean unless you change your mind in regard to editing the magazine which I hope you will not.

Very resp'ly., E. Garretson.

0492

POOR QUALITY ORIGINAL

Defendant's Exhibit 3.

Sept. 12, 1892.

TERMS OF AGREEMENT OF PARTNERSHIP IN BUSINESS RELATING TO THE MAGAZINE "PHYSICAL CULTURE", BETWEEN MR. ARCHIBALD CUTHBERTSON & MISS ELSIE GARRETSON.

I The magazine having been issued twice the cash outlay being about $1,000 the name copy-right and literary work so far put on the publication increase the present value, to $2,000.

II2 MISS ELSIE GARRETSON, by paying to the present owner, MR. ARCHIBALD CUTHBERTSON, the sum $300., IS TO receive one fourth of the stock, or, in other words, five shares of the present stock of the par value of $100 each. The said $300 to be paid in three monthly payments of $100 each.

III In further return for said $300 to be paid by MISS ELSIE GARRETSON, she to become an active partner, entitled, "EDITOR OF THE LAD'S DEPARTMENT", for which active partnership and money paid she shall receive fifty dollars ($50), per month during twelve months.

IV As collateral security while paying the said $300, MISS ELSIE GARRETSON is to receive each month an order on THE AMERICAN NEWS CO. for $100. At the end of three months these said orders on the NEWS CO. are to be relinquished by said holder, MISS ELSIE GARRETSON, provided she has received $150. cash.

V This agreement is to continue for one year from this date, Dec. 9th, 1891.

VI In the event of the death of the present owner, MR. ARCHIBALD CUTHBERTSON, before the end of the twelve months

4

0493

POOR QUALITY ORIGINAL

of this agreement, the claims of the surviving partner, MISS GARRETSON, are to be first satisfied.

VII The value of the magazine shall be estimated as follows, viz: The profits to be considered a 10% investment, till such time as the publication shall be earning a surplus over printing expenses and editors salaries, each issue to be estimated as worth twice the cash out-lay i.e. if the cash expenditure is $150., such issue to be worth $300.

VIII NEITHER PARTNER SHALL have power to sell or in any manner transfer the shares of the business without the consent of the other partner.

IX Should the returns from all the sources of the business exceed $150. per month, the excess to be divided between the partners in the proportion of two thirds to the senior and one third to the Junior partner.

X At the end of the year, if either partner wishes to sell out his or her shares, the other partner shall have first choice of buying and shall have the advantage of buying at the rate of a 60% investment, any others shall pay full price. Should the business be earning a monthly surplus, the partner who wishes to retain the business shall have the first privilege of buying and on the basis of a 10% investment, any other purchaser shall pay at the rate of a 6% investment.

XI In event of the death of either partner, the surviving partner shall have the first right to buy, and on the basis mentioned in Section X.

XII In event of the death of either partner the first

5

POOR QUALITY ORIGINAL

claims to be settled shall be the liabilities of the business. After the debts have been paid, the sale and disposal of the business to be carried out as directed in the previous sections. In the event of the death of either partner one executor named by the deceased shall be a representative for the deceased in settling the business.

XIII It is most expressly and emphatically stipulated and agreed to by both partners that neither one shall in any manner or circumstance be accountable or responsible for the debts of the other, whether such debts shall have been contracted before or during this partnership.

XIV ANY FUTURE CONDITION WHICH MAY NEED TO BE INCLUDED IN THIS AGREEMENT shall be settled by mutual consent of the partners.

Archibald Cuthbertson,

Elsie Garretson.

POOR QUALITY ORIGINAL

Defendant's Ex. 6, Sept. 12th, 1892.

TERMS OF AGREEMENT OF PARTNERSHIP IN BUSINESS RELATING TO THE MAGAZINE, "PHYSICAL CULTURE", BETWEEN ARCHIBALD CUTHBERTSON AND MISS ELSIE GARRETSON.

1 The magazine having been issued twice the cash outlay being about $1,000., the name, copyright and literary work so far put on the publication increased the present value to $2,000.

2 MISS ELSIE GARRETSON, by paying to the present owner $300., is to receive one fourth of said stock or, in other words five shares of the stock of the par value of $100. each. The said $300. to be paid in three monthly payments of $100. each.

3 In return for said $300., paid by Miss ELSIE GARRETSON, she to become an active partner, entitled, "Editor of Ladies Department", for which active partnership and services she is to receive $50., per month during 12 months.

4 As collateral security while paying the said $300., MISS GARRETSON is to receive each month an order on the AMERICAN NEWS COMPANY for $100. at the end of three months these said orders on the AMERICAN NEWS COMPANY are to be relinquished by said holder, MISS ELSIE GARRETSON, provided she has received $150. in cash.

6 In event of the death of the present owner, ARCHIBALD CUTHBERTSON, before the end of the twelve months of this agreement, the claims of the surviving partner are to be first satisfied.

5 This agreement to continue for one year from this date, Dec. 9th, 1891.

0496

POOR QUALITY ORIGINAL

7 The value of the magazine shall be estimated as follows: viz:- The profits to be considered the earnings of a 10% investment. Till such time as the publication shall be earning a surplus over printing expenses and editors salaries, each issue to be estimated as worth twice the cash outlay, i. e, if the cash expenditure is $150., such issue to be rated as worth $300.

8 Neither partner shall have power to sell or in any manner transfer the shares of the business without the consent of the other partner.

9 Should the returns from all sources of the business exceed $150. per month, the excess to be divided between the partners in the proportion of two thirds to the senior partner and one third to the junior partner.

10 At the end of one year if either partner wishes to sell out, his or her share, the other partner shall have first choice and shall have the privilege of buying at the rate of 60 per cent. at the par value:- any others who buy shall pay full price. Should the business be earning a monthly surplus, the partner who wishes to retain the business shall have the first privilege of buying, and on the basis of a 10 per cent. investment, any other purchaser shall pay at the rate of a 6 per cent. investment.

11 In event of the death of either partner the surviving partner shall have the first right to buy and on the basis mentioned in Section 10.

12 In event of the death of either partner, the first claims to be settled shall be the liabilities of the business. After this the sale and disposal of the business to

POOR QUALITY ORIGINAL

be carried out as directed in the previous sections. In event of the death of either partner one executor appointed by the deceased shall be a representative for the deceased, in disposing of the business.

13 It is most expressly and emphatically stipulated and agreed to by both partners that neither one shall in any manner or circumstance, be accountable or responsible for the debts of the other, whether such debts shall have been contracted before or during this partnership. Neither shall either partner give, as collateral security, his or her interest in this business, for any purpose, without the consent of the other partner.

Should any other considerations require to be included in these conditions, such shall be mutually agreed upon either between ourselves or failing that by arbitration. Each partner shall chose one representative, and these may select a third if they wish one to help them.

0498

POOR QUALITY ORIGINAL

Defendant's Exhibit 7, Sept. 12th, 1892.

Price $2.00 a year, Single No. 20 cents.

Office of

P H Y S I C A L C U L T U R E,

A monthly Magazine Devoted to Subjects which Relate to Health of Body and Happiness of Mind.

----------oOo----------

Room 1 (2nd Floor), Everett Building, Ann and Nassau Sts.

Archibald Cuthbertson, Editor.

New York, May 7th, 1892.

Office.

Mr. Cuthbertson:-

I have been trying for three days to see you, I have tried every way to reason with you and be just in spite of your manner and words which have so shocked me.

Meet me Monday at two o'clock at the vacant office 2nd floor. I say 2 o'clock, as I cannot seem to meet you in the morning, still I may be at the office before.

I am going on with my work, doing the best I can in spite of what you think.

Yours truly,

Elsie Garretson.

10

0499

POOR QUALITY ORIGINAL

Defendant's Exhibit 8.

Round Brook, N. J., June 7'92.

Mr. Cuthbertson:-

If you will get someone to go security I think I can borrow $500., for you at six per cent. for two years.

Could you not get your father-in-law to go security for that amount?

You could in the meantime sell out the magazine, and by running it yourself be under no expense. I think if your intentions are honorable you will be willing to do this, and give me what I have put in the magazine. You can then sell also my shares which you say are worth $300., I will take $325. for them and you will be making by the sale nearly the amount you borrowed. Let me hear from you at once, before parties put the money out elsewhere.

Hastily,

E. Garretson.

P. S.

I will also send you every month articles of interest and if you send me 25 or 50 copies of the magazine I will give this out.

I am not at all well, and as my sister is not strong I shall not be able to do writing for any paper for some time.

E. G.

0500

POOR QUALITY ORIGINAL

Defendant's Exhibit 9.

Librarian of Congress,
Copyright Office,
United States of America.

LIBRARY OF CONGRESS,

No. 213,302. Copyright Office, Washington.

To wit: BE IT REMEMBERED,

That on the 3rd day of July anno domini, 1890, ARCHIBALD CUTHBERTSON, of Brooklyn, N. Y. had deposited in this Office the title of a Book or Periodical the title or description of which is in the following words, to wit:-

PHYSICAL CULTURE,

A MONTHLY MAGAZINE,

No. 1.

Oct.,1890.

The right whereof he claims as proprietor in conformity with the laws of the United States respecting Copyrights.

A. R. Spoffards,
Librarian of Congress.

I hereby certify that the foregoing is a true copy of the original record of Copyright in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 24th day of August,1892.

A. R. Spofford, R.,

Librarian of Congress.

121

POOR QUALITY ORIGINAL

The People

- vs. -

Archibald Cuthbertson.

THE RECORDER'S ~~CHARGE~~.

~~RECORDER SMITH~~ CHARGED THE JURY AS FOLLOWS:-

Gentlemen of the Jury: I propose to say very little to you in this case. I shall be satisfied when I tell you what the law is by which you are to be governed and the statute under which this indictment is framed, because the responsibility of determining the question whether this man is guilty or innocemt, does not devolve upon the Court, but upon the Jury; and when I have called your attention to the rules of law by which you are to be governed in this case and the Statute of this state defining larceny in the degree which is charged here, I shall have discharged my duty, and then the responsibility rests upon you as to whether you will on your consciences and your oaths discharge yours.

This defendant is indicted for the crime of grand larceny in the second degree. Grand larceny in the second degree ordinarily consists in feloniously taking personal property of the value of upwards of twenty-five dollars and not exceeding five hundred dollars in value with the felonious intent to appropriate the property to the takers own use and to deprive the true owner of its possession. Prior to the adoption of the present Penal Code, under which this indictment has been framed and presented, the crime for which this defendant is now on trial was known as obtaining money by false representations and pretenses. ~~That would make a~~

0502

POOR QUALITY ORIGINAL

separate and distinct crime from the crime of larceny, but the real distinction between false pretenses and larceny is so insignificant in some cases that the legislature of this state deemed it wise to provide that where a person obtained property by means of fal se representations and pretenses he should be deemed guilty of the crime of larceny, so that the two crimes of larceny and false pretenses are embraced in one section -- and that is the reason that this case instead of being one of false pretenses is charging this defendant with the crime of larceny by means of false representations. Now, the language of this statute is extremely clear and concise and easily understood by men who desire to understand plain and ordinary language, and it is easily applied by them to the facts in any particular case they may be called upon to determine. The first question for you to determine here will be whether the District Attorney has brought this case within the provisions of the Statute to which I am now about to invite your attention. The Statute says, "A person who, with intent to deprive or defraud the true owner of his property, or of the use and benefit thereof, or to appropriate the same to the use of the taker, or of any other person, either (1) takes from the possession of the true owner, or of any other person, or obtains from such possession by color or aid of fraudulent or false representations or pretenses, or of any false token or writing; or secrets withholds or appropriates to his won use, or that of any other person other than the true owner, any money, personal property, thing in action, evidence of debt or contract, or article of value

0503

POOR QUALITY ORIGINAL

of any kind steals such property, and is guilty of larceny". Now, can there be any language more clear, more concise, and more easily understood than that? The particular portion of this sub-division of Sec. 528 which I read to you from the Code, under which this indictment is framed is this ~~I will read it again~~ "A person, who, with intent to defraud the true owner of his property obtains ~~from~~ such possession ~~that is the possession of~~ the true owner, by color or aid of fraudulent and false representations or pretenses, is guilty of larceny.

This indictment charges that on the 8th day of December, 1891, at the City of New York ~~that this~~ defendant, with intent to deprive and defraud Miss Garretson of her money and to appropriate the same to his own use feloniously fraudulent, and falsely pretended and represented to her that he was the owner of a certain publication called the Physical Culture Magazine and of the capital stock of said magazine, that there was a capital stock of $2,000. ~~of said magazine~~ divided into twenty shares of the par value of $100. each share, and that the said ~~Archibald Cuthbertson~~ defendant then had in his possession and for sale five shares of the capital stock ~~of said magazine~~. ~~These are the allegations of the indictment, and those are the representations which the prosecution claimed that this defendant made to this woman Garretson.~~ The indictment further alleges that by color and aid of such false and fraudulent pretenses and representations made by this defendant ~~that he from~~ feloniously and fraudulently obtained from the possession of Miss Garretson the sum of $100. lawful money of the United

0504

POOR QUALITY ORIGINAL

States and appropriate the same to his own use. It then alleges that those representations were false, ~~that they were~~ and known to the defendant at the time that he made them to be false, and that they were made by him with a fraudulent intent to induce Miss Garretson to part with her money, and that she relying upon the truth of those representations, and believing this defendant to be the owner of that magazine, ~~believing~~ believing that there was a certain stock worth $2,000., and believing that he had five shares of that stock for sale parted with the possession of her money property. Now, the first question you will have to determine in this case ~~will be~~ is this, ~~did~~ this defendant Burch substantially ~~make~~ made the representations set out in the indictment ~~and~~ which I have read to you. It is not necessary that every word of those representations as stated in the indictment should be established; it is necessary that the representations should be substantially established by evidence satisfactory to you and beyond all reasonable doubt. ~~The first question for you to consider is, did he make those representations? And~~ That question is to be determined upon the evidence of Miss Garretson and upon the evidence of this defendant. She says, as is claimed ~~by~~ by the District Attorney, that he did make those representations to her substantially as they are alleged in this indictment. ~~He~~ The defendant denies that he made ~~those~~ that representations ~~to her~~, and he has given you his statement of what he says took place between him and her upon the occasion when she says that he made those representations. It ~~will be~~ is for you to determine between ~~those two people~~, the complainant on the one side and this defendant upon the other which of them have

0505

POOR QUALITY ORIGINAL

told the truth. Assuming that you come to the conclusion -- and it is a mere assumption on my part because as I have told you the responsibility rests upon you to determine all questions of fact -- that he did make those representations set out in the indictment, then the next question for you to determine will be, were those representations false and known to him to be false at the time that he made them? That is a question for you also to determine. He says that such representations as he did make were made in perfect good faith. He undertakes to tell you that although he is an educated man and somewhat accustomed to business, he knew nothing about stock or the formation of stock companies or corporations, and what he did upon this occasion he thought that he had a right to do and he did it in perfect good faith. ~~That is a question for you to determine and not for me.~~ Assuming again -- and it is a mere assumption on my part -- if you come to the conclusion that he did make those representations and that he knew the representations were false at the time he made them, then the next question will be for you to determine were they made with a felonious intent to cheat and defraud the complainant out of this sum of $100.? If you come to the conclusion that he made the representations and that he knew they were false and knowing them to be false he made them to the complainant, you have a right to infer from that fact that they were made with a felonious intent. Then the next question is, did the complainant ~~in this case~~ relying upon ~~the truth of~~ those representations, believing them to be true part with the possession of this sum of $100? ~~If you find that question~~

POOR QUALITY ORIGINAL

she in the affirmative -- and there is no question here that she did part with the sum of $100. upon this occasion and that this man received it and appropriated it to his own use -- the question then would be whether this woman, believing the representations alleged to have been made by the defendant to her to be true, did she part with the possession of that $100? If you can answer all these questions in the affirmative upon the evidence in this case then this defendant is guilty of the crime of grand larceny in the second degree, because the amount taken and appropriated in that way exceeded twenty-five dollars and did not exceed five hundred dollars in value.

Gentlemen, I have given to you the statute and I have called your attention to the allegations of this indictment and I have presented to you the questions which you are bound under your oaths to pass upon on the evidence in this case. It is only necessary for me now to call your attention to one or two other matters. In the first place, there is a conflict between the testimony of the complainant and of this defendant, and it is for you to determine the credibility of witnesses in this case, and to say to which of those two parties you believe credit should be given. For the purpose of enabling you to determine that question properly, the law authorizes you to take into consideration not only the testimony of those witnesses, the nature of the evidence which they have given, the manner in which they have testified, but the other surrounding facts and circumstances, and where the defendant's testimony conflicts with that of the testimony offered her on the part of the people the Jury should also take into considera-

POOR QUALITY ORIGINAL

ation the fact that ~~this man~~ the defendant is charged with the commission of a criminal offence, and it ~~would~~ be for you to say whether for the purpose of relieving himself from the consequences which may result to him in the event of a conviction under this ~~indictment~~ that would furnish him with a sufficient motive or inducement to come here and wilfully and corruptly testify falsely. Your own good judgment and common sense will tell you that that is a proper rule to be applied under such circumstances. Where a Jury are called ~~upon to decide questions of credibility between two people, it is eminently proper that they should take that fact into consideration upon that question. You will take that fact into consideration.~~ This defendant has introduced some evidence ~~here~~ tending to show that he has heretofore borne a good character. In criminal cases evidence of good character is always admissible and it is to be considered by a Jury with all the other facts and circumstances in the case and given such weight as a Jury think under all the facts and circumstances, it is justly and properly entitled to and no more. It is not enough that a man charged with the commission of crime should come into a Court and where the crime has been proved against him to the satisfaction of a Jury to say, "I am a man of previous good character", and have himself acquitted; but the evidence as to character is to be taken into consideration upon the question of guilt or innocence with all the other facts and circumstances in the case, ~~and the Jury will give it just such weight in each case as the facts and circumstances in their judgment entitle it to, and no more.~~ He is entitled to the

0508

POOR QUALITY ORIGINAL

benefit of every reasonable doubt. A reasonable doubt is a doubt which arises out of the evidence ~~in the case~~, because the Jury are bound by their oaths to determine the question of guilt upon the evidence and upon nothing else, and they must not go outside of the evidence either to find facts upon which to convict or to acquit. They are ~~circumscribed~~ bound by their oaths to the evidence which has been given to them from the witness stand. The reasonable doubt to which I have referred must arise out of the evidence and must be such a doubt as men of intelligence and integrity may entertain after a full, fair and impartial examination ~~upon~~ of the evidence upon both sides; ~~and~~ if after such an examination as that, and with an honest effort on the part of the Jury to arrive at the truth, they can say they entertain a reasonable doubt upon the question of the guilt or innocence of this defendant, that is the doubt which the law recognizes and no other. The law does not require an impossibility. It does not require that the District Attorney shall satisfy a Jury beyond all doubt because that would be requiring an impossibility. There is nothing human beyond all doubt. The law is satisfied when the evidence establishes a case of guilt beyond a reasonable doubt. If the evidence in this case satisfies your mind beyond a reasonable doubt of this defendant's guilt of the crime charged in this indictment, it is your sworn duty to convict him; if it fails to do that, then it is not only your duty, but it will undoubtedly be your pleasure to acquit. Your verdict in this case will be either guilty or not guilty.

POOR QUALITY ORIGINAL

Counsel: I ask your Honor to charge that if the defendant's acts be a crime at all they constitute forgery and the Jury must acquit.

The Court: I decline to charge ~~that~~.

Counsel: Note an exception.

That it is necessary for the people to prove the substance of the charges made in the indictment.

The Court: I so charged substantially, and I decline to charge further than I have upon the subject.

Counsel: Give me an exception.

That the burden of proving all the allegations in the indictment is upon the prosecution, and the people must prove not only the representations alleged to have been made, but also there falsity.

The Court: The prosecution are bound to establish by satisfactory proof of the guilt of this defendant before the Jury are called upon to convict. Beyond that I decline to charge.

Counsel: I except.

That this indictment for false pretenses may not be founded upon the assertion of an existing intention although it did not in fact exist--- that there must be a false representation as to an existing fact.

The Court: I decline to charge that.

Counsel: Note an exception.

The Court: The statement that this man was the owner of ~~this~~ the magazine, that there was stock of the value of $2,000. and that he had five shares of that stock for sale is ~~an~~ a statement of existing fact ~~stated by him~~.

Counsel: I except to your Honor's remark.

05 10

POOR QUALITY ORIGINAL

Counsel: That there can be no conviction of this offence without proof of guilty knowledge and guilty intent.

The Court: I decline to charge other than I haved charged.

Counsel: I except.

And the guilt or innocence ~~OR~~ of the person ~~accused~~ accused depends upon the circumstances as they appear to him.

The Court: I decline to charge other than I have charged.

Counsel: I except.

That where a person is trusted upon his own credit he commits no larceny in receiving the property of the one who trusts him.

The Court: I decline to charge except as I have charged.

Counsel: I except.

That in order to make out the crime of obtaining property by false pretenses it is necessary to prove the false pretenses, that in reliance thereon and under the inducement thereof the property was parted with, and also that the false pretenses were made with intent to cheat and defraud. Mere silence or suppression of the truth, a mere withholding of knowledge upon which another may act is not sufficient to constitute false pretenses.

The Court: There is no doubt at all about that. I charged the Jury fully on that subject. I will not charge ~~any such proposition as that beyond~~ what I have charged.

Counsel: I except.

That if the property is parted with on the inducement and promise to perform some act in the future no criminal offense is committed.

The Court: I decline to charge other than I have. ~~That has no~~

0511

POOR QUALITY ORIGINAL

application in this case.

Counsel: I except.

I ask that all the Exhibits both of the defense and of the prosecution may go to the Jury?

Mr. Weeks: The Jury may have any Exhibits.

The Jury retired to deliberate upon their verdict and subsequently returned to the Court room to have the direct examination of the complainant read.

The Jury rendered a verdict of guilty.

Counsel: I except to that portion of his Honor's charge where the words are used, that it is not necessary that the exact words of the representation should be charged in the indictment. To that portion of the charge which said, "where the defendant's testimony conflicts with the testimony of the complainant the fact that this man is charged with the crime and is testifying in his own defense, in whatever words his Honor used. To that part where his Honor says, "it is eminently proper that they should take that fact into consideration." I except to that portion of his Honor's charge wherein he says that the defendant has hitherto borne a good character etc.

The defendant was remanded for sentence.

0512

POOR QUALITY ORIGINAL

The People
vs
Archibald Cuthbertson

Stenographer's Transcript
September 1923

Filed

261 Sing

0513

POOR QUALITY ORIGINAL

The People
vs.
Archibald Christian

Stenographer's Transcript

September 1892

Vol

24/long

0514

POOR QUALITY ORIGINAL

The People	)	Court of General Sessions,
vs.	)	Part I.
Archibald Cuthbertson	)	Before Recorder Smyth.

Monday, September 12th, 1892.

Indictment for grand larceny in the 2nd degree.

Assistant Dist. Atty. Weeks for the People.

Mr. Clarence C. Ferris for the defendant.

A jury was empanelled and sworn.

Mr. Weeks opened the case for the People.

Counsel: I object to the presence of any member of the bar not in the employ of the District Attorney's office in the box of the District Attorney in Court.

The Court: Objection overruled, exception. I never heard of that objection being made before.

Counsel: I take an exception.

ELSIE A. GARRETSON, sworn and examined by Mr. Weeks.

Q Where do you live? A. My home is at Brooklyn.

Q What number, what street. A. No. 139 Amity Street.

Q What is your profession? A. Literary writer.

Q When did you first meet the defendant Cuthbertson?

A. About the first part of September.

Q How did you come to meet him? A. I advertised for the position of literary work and Mr. Cuthbertson answered it.

Q As the result of that answer what happened? A. He wrote me and asked me to call at his office on Nassau Street.

Q By the Court: Have you got the letter? A. No, I have not got that letter, it is destroyed, I could not find it.

05 15

POOR QUALITY ORIGINAL

By MR. Weeks:-

Q He wrote and asked you to call at his office in Nassau Street? A. I called and he told me the nature of the business.

Q When was it you called? A. It was the last of November or the first of December.

Q Tell us the conversation you had with him? A. I asked him what the literary work was. The letter stated he wished me to call at his office such and such a time.

By the Court:-

Q Tell us what you said to that man in his office on that occasion and what he said to you give tthe language as near as you can? A. I told him I wanted literary work; he understood that by the advertisement -- and then he explained what the magazine was; he picked up the magazine and showed me the magazine and told me that he had been burned out; it was a burnt copy, burnt on the edge, saying that now he intended -- he spoke of being burned out and picked up the magazine that had been issued a year or two before; it was burnt out, sayomg that he was going to start the magazine anew and had the January number partly made out, and he was going to open a new department or he wanted a new department, a lady's department -- that he never had and he thought he would add to the magazine and he said in order to get into it he wanted me to invest some money. I asked how much money he wanted to put into it, and he thought about three or four hundred dollars, and he concluded three hundred dollars. Then he told me about the capital stock, that it was two thousand dollars, and that was twenty shares and he would sell five shares or a quarter ofmit for three

05 16

POOR QUALITY ORIGINAL

hundred dollars, and that they really were worth -- his valuation was put on it one hundred dollars and in buying five shares or a quarter of the magazine for three hundred dollars, I thought of course I was all right. He explained how it would be a steady position and what my salary would be; my salary would be fifty dollars a month.

Q What position were you to occupy? A. To take charge of the lady's department of the magazine.

By the Court:-

Q How much was the salary to be? A. Fifty dollars a month.

By Mr. Weeks:-

Q Well, what happened then? A. And one third interest; he spoke ----

Q That your salary was to be fifty dollars a month?

A. And one third interests in the profits.

Q Now what did you do then, was anything else said at that interview? A. And then he ~~xxxxxxxxx~~ wanted to know -- I was to pay one hundred dollars each month till it was paid; and I paid in first one hundred dollars on the 8th of December.

Q What did you do between the date of that interview and the 8th of December when you paid the one hundred dollars -- have you told all that occurred on that occasion?

A. Yes, sir, then he told me to go home and talk it over, I went home and talked it over; they thought it would be a very good thing. I also went to Mr. Foster of Frank Leslie's, I asked him what he thought of it.

Q Did Cuthbertson at that interview refer you to anyone?

A. He referred me to Rutgers College, that he had been

0517

POOR QUALITY ORIGINAL

there two or three years, and to the Y. M. C. A. of New Brunswick where he had taught physical culture.

Q What did you do then? A. I looked up his references.

Q Did you go to New Brunswick? A. I went to New Brunswick.

Q Then on the 8th of December did you again call at Cuthbertson's office? A. Then I called at his office and made the first payment.

Q How much did you then pay?. Paid one hundred dollars.

Q What conversation did you have with him at that time that you paid him the one hundred dollars? A. The proposition was, I was to take my position ----

By the Court:-

Q When you went there to pay that money, that one hundred dollars on the 8th of December, what did you say to him, you paid him the money? A. I wanted to know what I was to have to show for that. He said when it all was paid in I would receive a certificate, something to show that I owned a quarter of the magazine.

By Mr. Weeks:-

Q Now, did you have any further conversation with him on that day? A. No, no further conversation about stock, as I can remember.

Q When did you begin your employ as editor of the lady's department? A. It dated from that payment, it was supposed to date from that payment.

Q How long did you continue? A. Until the issue of the May number.

Q Did you receive your salary during that period? A. No, I did not according to agreement.

05 18

POOR QUALITY ORIGINAL

Q How much of it did you receive, can you remember?

A. I have it all made out just what I received, a hundred and three dollars altogether I think as I have it down.

Q What is your recollection of the amount that you received?

A. It is there on the paper, it is one hundred and three dollars, the last three dollars was paid in May.

Q That was from the first of December down to the issue of the May number? A. Yes, sir.

Q You have told us that on the 8th of December you paid one hundred dollars, when did you next pay anything on account of the three hundred dollars that you were to pay?

A. On the 5th of January.

Q How did you pay that? A. That was paid by check.

Q Is that the check that you gave to Cuthbertson? (showing check) A. That is the check.

Q This endorsement upon the back of the check is Cuthbertson's endorsement? A. That is Mr. Cuthbertson's endorsement.

Mr. Weeks: I offer the check in evidence.

Marked People's Exhibit 1.

Q When was it that you received this certificate of stock?

A. That was the same day. I paid in two hundred dollars, I thought I should have something to show for what I paid in. He went out and brought back in a very short time that certificate and filled it out.

Q Filled this out in your presence? A. Filled it out in my presence. ~~Exxkinxxx~~

Q Were those ink marks -- all these writing marks ---

By the Court:-

Q Is it in the condition it was when he gave it to you?

05 19

POOR QUALITY ORIGINAL

A. Just the same.

By Mr. Weeks:-

Q And the writing in here and the pen marks on it were placed by Cuthbertson in your presence on the fifth of January?

A. Yes, sir.

Mr. Weeks: I offer that in evidence.

Marked People's Exhibit 2.

Witness: I asked him if it was all right.

Q At the time of the receipt of this certificate what other conversation did you have with Cuthbertson? A. Then he paid me in $41, $9 left of my salary saying that that would go on for another month. Of course I supposed it would be all right and did let it go on another month and I was to pay in a hundred dollars the next month according to agreement, and I paid in fifty dollars, minus of course the nine dollars, it went on that account for the fifty dollars and the other fifty dollars of my salary. I asked him if he would not take my salary as payment for the remainder of the fifty dollars and he agreed.

Q That is in the month of February instead of drawing your salary the $50 went toward the balance of the three hundred dollars? A. Yes, sir.

Q How long did you continue in the employ of the magazine of Physical Culture? A. Until the May number was out.

Q What happened then? A. The May number came out about the middle of May but I did not write from the last of April for the magazine, my writing was all made up for the first of May, in March, before the March number came out.

By the Court:-

Q You remained there until the last of April, is that right?

0520

POOR QUALITY ORIGINAL

A. Yes, sir, to the first of May.

Q The May number came out then? A. The middle of May.

By Mr. Weeks:-

Q In the month of March, did you have any conversation with Cuthbertson in regard to the shares of stock that you held or that you thought you held? A. He wanted then more money to print the March number and I could not understand why he should want more money to pay that according to agreement; he told me that he would not get any return from the ~~magazinexx~~ American News Company until the magazine was issued three times, and that the March number would make the third issue and he would have money enough after that to run the magazine, and that my shares were worth $800 and I was safe enough in paying the money. I thought I was safe enough too if that was so, and I took his word for it and advanced $75 for which he gave me promissory notes that he would pay it back at the rate of $25 a month and one dollar for the expense of getting it.

Q At or about the time that the May number came out did you have any conversation with him in regard to the shares? A. The May number would have been out the 4th of May, it was all ready.

By the Court:-

Q Did you have any conversation with him? A. Yes, sir; and then the same question came up, he had not money to print the May number; I could not understand that, he wanted me to advance some money.

Q Did he tell you all this? A. Yes, sir.

Q Please answer the questions that were put to you, what did

0521

POOR QUALITY ORIGINAL

he say to you? A. He said he would have to have more money for the Magazine. He says, Miss Garretson you have to get it. I said, I cannot get it, I have already advanced $75 and I have not been paid my salary, I have nothing to advance. Then he says, the magazine goes down; I said, I could not help that, but he finally got the money for the paper and the Magazine came out, but after refusing to advance any more money after the $75 I never got my salary.

By Mr. Weeks:-

Q Now, did you have any conversation with him in June -- let me ask you; did the June number of the magazine come out?

A. Then he said he would issue one more month.

Q Did the June number of the magazine came out? A. It did not.

Q Did you in the month of June have any conversation with him in regard to the shares? A. I did.

Q Where did you have that conversation? A. I went to his house.

Q Where was that? A. Oh, I had a conversation the first of May in reference to my shares, which I would like to tell first.

Q In the month of June I asked you, you say you had a conversation at his house, now, where was his house?

A. I do not know what street it is, it is on the city line between Flatbush Brooklyn.

Q Did you go alone? A. I went alone.

Q What conversation did you have with him there?

A. He told me that he intended to issue -- and I called

0522

POOR QUALITY ORIGINAL

and asked him if the June number was out? He said no, he was going to issue the next number and call it the July number. I asked him why he would call it one number? He said that was none of my business nor the subscribers either. I said it was necessary, I wanted an explanation. He said that made no difference to me and then he wanted me to transfer my shares all over to him and that he would sell them. I told him after he had sold my shares it was time enough to transfer the papers. He had told me all along he would sell the shares.

Q Did you have a conversation with him at the close of June?

A. This was at the close of June I had reference to.

Q What was said then by him in regard to the shares or the stock of the company? A. Then I asked him about the shares, about there being worth four hundred dollars. He said, yes, he wanted me to say what I would sell them for. I said I would sell them for $400.

Q Use his exact language as near as you can recollect it?

A. He simply said that there were no shares and no capital stock and that he would have to get clear of the magazine in some way.

Q Go on please, Miss Garretson, he told you that there were no shares and no capital stock, what else?

By the Court:-

Q What did you say to that, did you say anything?

A. I thought he would issue the number again and then get clear of the magazine, I waited a month.xxxx

By Mr. Weeks:-

Q What did you say when he told you that? A. I expected

0523

POOR QUALITY ORIGINAL

that he would sell out the magazine and return me what I put into it, I asked for no more than the money I put in -- whatever he made on it he was welcome to it. He said he would have to issue it again in order to do that, that the number was a very inferior one and he could not sell it out.

Q Issue what again? A. Issue the magazine once more and call it the July number. I waited believing that he would do so.

Q How long did you wait? A. I waited until the 1st of August.

Q What happened then? A. Then I called at his office at 710 Broadway.

Q Alone? A. Alone, and I asked him about the magazine. He says, yes, it is out, just out. I asked if I might not see a copy. He said yes, he thought he had one right here in the office; he went back to look and I went back with him to look; he said, well, I thought I had one, but I have not any here, I will send you several copies. I believe he really did not hesitate to say that, I did not think it was such a decided falsehood. I waited two or three days expecting the copies and then I went to the American News Company and asked them if they had handled anymore of the Physical Culture Magazines since the May number. They looked over their books and over their stock and they said no, they had not.

Q Well, did you have any other conversation with Cuthbertson after that? A. That is the last, I knew then I had been ----.

Q What did you then do after that conversation? A. I placed

POOR QUALITY ORIGINAL

it before a friend; and they said ----.

Q What did you do? A. I had nothing more to say.

Q Did you go to the Police Court? A. I went to my lawyers and consulted them.

Q From your lawyers did you go to the Police Court? A. Yes, sir, they went to the Police Court.

Q And in the Police Court did Cuthbertson say anything in regard to the corporation of the stock? A. Yes, he admitted that there was ---.

Q What did he say? A. He said there was none and I objected to the partnership, and those were the notes. Then he was asked to explain about those notes, that he had given those notes because I objected all along to the partnership.

Q Will you please tell me as near as you can what Cuthbertson said in the Police Court in regard to the corporation and the shares of stock? A. That is all I can say.

Q Use his language as near as you can, that is all I want to know, I don't want any of these other things you are trying to talk about? A. That is all I heard.

Q What did you hear him say? A. I heard him say that I had objected when Justice McMahon asked him why he had given those notes, by what authority? He said because I objected to the partnership and he had given me those notes for the money.

Q Confine yourself to what he said in regard to the corporation and the stock, did he say anything at the police court in regard to the corporation? A. Only that there was none, that is all I heard, I could not hear all his conver-

0525

POOR QUALITY ORIGINAL

sation.

By the Court:-

Q What did you hear him say? A. That there was no capital stock.

By Mr. Weeks:-

Q That there was no capital stock? A. That there was no capital stock.

Q Anything else? A. That is all I heard him say.

Q Did he use the word corporation? A. No, he did not use the word corporation.

Q Now, on December 8th, when you paid this $100., you say that the defendant represented to you that there were twenty shares of stock of this corporation of the par value of $100. each and that for $300. he would sell you five shares, is that right? A. That is right.

Q Was it relying upon that representation of his that you paid him the $100 on December 8th? A. Yes, sir, it was; he spoke of the capital stock being $2,000 and I believed that it was so, I simply took his word.

Q Had you not so believed you would not have given him the money? A. No, certainly I would not.

Q Have you ever received from the defendant or from anybody any capital stock of the Physical Culture Magazine?

A. I never have, no more than that paper shows (People's Exhibit 2.)

Counsel: I ask without going into the cross examination at the moment that upon that certificate of stock, Exhibit No. 2 for the People, which has no statement of any incorporation on it -- that it does not state it is incporporated

0526

POOR QUALITY ORIGINAL

under the laws of the State of New York and is nothing more than a receipt, that on that ground, the insufficiency in law, that your honor dismiss the indictment.

The Court: No, sir, I will not.

Counsel: Note an exception. I ask your honor to direct an acquittal upon the exhibits and upon the evidence already put in.

The Court: No.

Counsel: I will take an exception.

CROSS EXAMINED BY COUNSEL.

Q When you first called upon Prof. Cuthbertson, it was about what day? A. It was about the first of December.

Q Prof. Cuthbertson told you that he was the sole proprietor of the Physical Culture Magazine? A. That he was the sole owner it says on the certificate.

Q That two numbers of the magazine had already been issued? A. Yes, sir.

Q He explained the business to you? A. Yes, sir, he said the capital stock ----

Q He told you that the capital of the magazine, the assets were worth about $2,000 and two numbers having been issued, for the copyright, etc.? A. He said that the capital stock was $2,000.

Q Did he use the word"capital stock"? A. "Capital stock", he made that very emphatic. I went into the magazine ----

Q Did he tell you there was anybody else interested in the magazine than Archibald Cuthbertson, did he say that there was any owner or stockholder than Archibald Cuthbertson?

0527

POOR QUALITY ORIGINAL

A. No, he did not say anything about that.

Q Did he tell you that there were any assets?

Question withdrawn.

By the Court:-

Q Did he say that there were any assets? A. No, I do not know that he did.

By Counsel:-

Q You said a few moments ago that you paid $100 on the 8th day of December, did you pay $100 then? A. On the 8th of September.

Q Did you not pay fifty dollars then as part payment for a fourth interest in the magazine, nothing being said about capital stock at that time or anything about a corporation?

The Court: Suppose you divide that question up?

By Counsel:-

Q Did Cuthbertson ever tell you that this magazine was incorporated? A. He did not speak, he said the capital stock was that, and I took it.

Q Did he ever call this magazine a corporation? A. No, he did not, he called it capital stock, I went into the magazine to learn the business and he imposed on my ignorance, I did not know anything about it.

Q Did he call it a corporation ever? A. No, he did not call it a corporation, I thought capital stock was the same thing -- in fact I went into it not knowing -- he did not say.

Q Did you thoroughly consider this matter before going into it? A. I did.

Q You consulted with your friends? A. I did.

0528

POOR QUALITY ORIGINAL

Q With your father? A. Yes, sir, I did.

Q Did you tell your father that there was no capital except the magazine and Mr. Cuthbertson's own credit and the copyright and the good will of the business? A. I told him just what Mr. Cuthbertson had told me, that the capital stock was $2,000.

Q Did you tell him that this Physical Culture Magazine ----

The Court: She has answered your question.

By Counsel:-

Q Is this a letter of yours? (Letter shown) A. Yes,sir.

Counsel: This is defendant Exhibit No. 1. The counsel read the letter.

Q What did you tell Mr. Cuthbertson was your name when you first called upon him?

By the Court:-

Q What name did you give when you first called? A. I just gave my initials, I do not remember what I gave him.

By Counsel:-

Q Did you not give him the name Elsie G. Wortman?

A. I did not.

Q I show you another letter for identification, did you write that letter?

By the Court:-

Q Is that your handwriting? A. Yes, it is.

Counsel: Mark it defendant's Exhibit No. 2.

Witness: It is my nom de plume.

Counsel read defendant's Exhibit No. 2.

By Counsel:-

Q Miss Garretson you first ~~xxxx~~ paid fifty dollars, did you not for your one fourth interest in the magazine?

0529

POOR QUALITY ORIGINAL

A. As I remember it no.

By the Court:-

Q What was the first payment you made? A. $100.

By Counsel:-

Q When was that paid? A. The 8th of December.

Q Did you enter into an agreement of partnership at the same time? A. No.

Q Did you agree upon certain business relations at that time? A. None whatever but the salary and one third interest in the profits.

Q Did you later on sign a document purporting to make you partner with Archibald Cuthbertson?

Objected to.

Counsel: I call upon Miss Garretson to produce the agreement of partnership.

By the Court:-

Q Have you any such agreement as that? A. Yes, sir, a statement there.

Mr. Weeks: I will produce a paper, not an agreement of partnership.

Q Is that the agreement that you made? (Showing witness a paper) A. That agreement was drawn ---- that is the agreement that I received the middle of January.

By the Court:-

Q Is that the paper that you did sign? A. That is the paper I signed the middle of January, yes. There is quite an explanation to that. xxxx

Counsel: This is Defendant's Exhibit No. 3 which I will read.

0530

POOR QUALITY ORIGINAL

Q Miss Garretson, do you admit your signature there and do you admit Mr. Cuthbertson's that that is his? A. Yes, sir.

Q Miss Garretson, as a further consideration for your first payment did you receive a promissory note made by Mr. Cuthbertson and endorsed by his wife? (No answer.)

By the Court:-

Q Did you receive a promissory note from the defendant?

A. For what amount?

Q Never mind, did you receive a promissory note signed by the defendant and endorsed by her, answer that question, please? A. I do not remember.

Counsel: I except to that answer. Answer yes or no.

The Court: She cannot answer yes or no.

By Counsel:-

Q Did you at any time receive a promissory note from Mr. Cuthbertson endorsed by his wife? A. I do not remember ever receiving it.

Q Did you receive an order on the American News Company in the month of December for fifty dollars? A. In the month of December -- I have that here -- no, not for fifty dollars.

By the Court:-

Q Did you receive that paper now shown you, and if so, from whom did you receive it? A. No, I never saw the paper.

The Court: Mark that No. 4 for identification.

Counsel: I offer this in evidence.

Mr. Weeks: Objected to.

The Court: I will exclude it on the ground that she says

0531

POOR QUALITY ORIGINAL

she never saw the paper.

Counsel: I will put it in evidence later.

Q Miss Garretson, did you ever see that paper? (Showing paper which was marked defendant's Exhibit No. 5 for identification). A. I do not remember that paper at all.

Q Miss Garretson, did you ever try to transfer your shares of this alleged stock? A. No, I never did.

Q Did you propose to Mr. Cuthbertson that he should take your stock so called? A. I did.

Q When? A. It was about in April, about the first part of April, 1892.

Q But you considered that it really was no stock? A. I was advised not to transfer my stock.

Q You considered it was no stock? A. I did not know it then.

Q Did you consider yourself after this agreement of partnership an owner of the fourth part of the magazine?

Objected to; objection overruled.

A. Yes, sir, I did.

Q Why did you want the certificate of stock so called?

A. I did not ask for the certificate, I asked for a receipt or any paper to show that I had actually paid in that amount, that I owned a quarter of the magazine, I did not know what the paper must be, I had gone into the business to learn the business and I trusted Mr. Cuthbertson.

Q Do you know Professor J. R. Judd? A. I do in a business manner.

The Court: Professor of what?

Mr. Weeks: Of Physical Culture in 14th Street.

0532

POOR QUALITY ORIGINAL

By Counsel:-

Q Did you offer to sell your interest in the business to him?

A. I did not, I will explain that.

Q In what business were you engaged Miss Garretson, before you became a literary writer? A. In none.

Q Did you ever keep a boarding house at Bound Brook, New Jersey? A. Yes, sir; my sister has.

Q Did you? A. I assisted her.

Q Did you receive the money from the guests? A. No, I did not.

Q Did you buy the supplies? A. No.

The Court: What has all this got to do with the case?

By Counsel:-

Q What was your occupation immediately before going into the Physical Culture Magazine with Mr. Cuthbertson?

By the Court:-

Q Did you assist your sister in keeping a boarding house?

A. Yes, sir.

Q Was that your occupation? A. You may call it what you want to.

Q Was that your only occupation? A. I wrote short stories also for magazines.

By Counsel:-

Q You dvertised in the paper for literary work, did you not last fall? A. I did.

Q You offered to pay fifty dollars if you received a situation, did you not? A. I did.

Q Mr. Cuthbertson answered your advertisement? A. He did.

POOR QUALITY ORIGINAL

Q When did you receive the certificate of stock, so called?

A. The 5th of January, as it is dated.

Q But you understood that you were owner of a fourth part of the business before that, did you? A. I did.

Q And that the certificate of stock gave you no additional security, did you understand that? A. Please repeat it.

Q Did you understand that the certificate of stock gave you any additional security? A. I understood they could be sold out at any time, that is all the security I suppose.

Q Did Mr. Cuthbertson tell you anything but the business interests could be sold? A. He told me the shares could be sold at any time, I don't know what you call that.

Q Have you ever seen that before? (Showing a paper.)

A. I saw those papers in December after I had paid in $100.

Counsel: Let this be marked defendant's Exhibit No. 6 for identification. I now offer it in evidence.

Mr. Weeks: I object to it as immaterial. It appears to be a draft of an exhibit that is already in evidence.

The Court: If one paper is a mere draft of the other paper and you have got the original paper what is the use of lumbering up this record?

Counsel: Before the original was signed that draft, which is almost the original word for word was in the witness's possession for some time, taken by her and shown to her father and to her friends.

Mr. Weeks: Upon that statement I withdraw my objection.

Witness: I can explain all that.

0534

POOR QUALITY ORIGINAL

By Counsel:-

Q How long did you have this in your possession, the last paper this draft in your possession? A. About three or four days, I took it home.

Q To whom did you show it? A. I showed it to my sister.

Q Did you show it to your father? A. I told them what was in it, he was not in.

By the Court:-

Q Did you show it to your father? A. No, I did not.

By Counsel:-

Q Did you show it to your mother? A. My mother is not living.

Q Did you show it to your lawyer? A. No, I did not.

Q How long after you received this did you sign the original? (Defendant's Exhibit No. 3) The original agreement of partnership? A. I had asked for the agreement whatever it was.

Q When? A. The middle of January, sometime; when that was signed it was long after the first.

Counsel: I move to strike that last part of the answer out.

The Court: Strike it out.

By Counsel:-

Q What did Professor Judd first say to you when you proposed to sell your interest to him?

Objected to. Objection sustained.

Question withdrawn.

Q Is that your signature, did you write that letter? (Letter shown)

By the Court:-

Q Is that your signature? A. Yes, sir.

0535

POOR QUALITY ORIGINAL

By Counsel:-

Q Did you write that letter? A. Yes, sir.

Counsel: I offer it in evidence marked defendant's Exhibit No. 7 and will read it to the Jury.

By Counsel:-

Q Miss Garretson, did you propose in June to procure a loan for Mr. Cuthbertson of five hundred dollars? A. Yes, sir.

Q What were to be the conditions of that loan? A. I asked for a good security or to give me back simply what I put into it, that was all I asked, and the additional amount would run the magazine, I thought it would be better for him to run it alone.

By the Court:-

Q You were asked to get a loan of five hundred dollars for him, did you agree to get it? A. I agreed to get it.

Q Out of which he was to pay you $400.? A. That was my bargain; I wanted him to give me back just what I had put into it; he wanted money to run the magazine and I thought if he had such faith in the magazine it would be safe enough in taking that amount if he would give good security, I thought I could get it.

Q That is you thought you could get a loan of $500. for him if he could give you security, is that it? A. Yes, sir.

Q And then what else, when he got the loan of five hundred dollars, was he to pay you back? A. He was to pay me back what I put into it.

Q And run the magazine on his own account? A. And run it on his own account.

0536

POOR QUALITY ORIGINAL

By Counsel:-

Q Did Mr. Cuthbertson ask you for this loan? A. No, he did not; he asked me several times for money.

Q You got very sick of this business, had you not? A. I should say so.

Q Had you any friends who were telling you that Cuthbertson was not dealing honestly with you?

By the Court:-

Q Did anybody tell you?

By Mr. Weeks:-

Q Answer yes or no? A. Yes, sir.

By Counsel:-

Q Did you ever suspect so before they told you so?

A. Yes, sir.

Q When first? A. After I had paid him the $75.

Q What $75.? A. In March.

Q When you had made him the loan of $75? A. The loan of $75.

Q Why did you then suspect that he did not mean to do right by you? A. Because he told me the shares were worth $800., and when I thought the matter over I could not understand; I asked him why he thought they were worth $800. and he would not answer me.

Q Did you have a good deal of faith in the magazine?

Objected to. Objection sustained.

Q Did he express his confidence in the business during the winter? A. Yes, sir, he did.

Q In the success of the magazine? A. yes, sir.

0537

POOR QUALITY ORIGINAL

Q Did you think it would be successful? A. I did, I thought it would be a success.

Q When you did not succeed in getting as much money out of it as you thought you would then you disliked it? A. I was to get my salary.

By the Court:-

Q You would yet like to have your salary? A. Certainly.

By Counsel:-

Q How much salary did he pay you during the winter?

A. It is all down on paper. I asked you how much?

A. $103, I remember on that paper.

Q When was your salary to begin? A. With the January number.

Q Did he pay you some salary in January? A. He paid me $41.

Q Did he pay you some in February? A. That was to go on the last $100. of the $300. -- no.

By the Court:-

Q He did not pay you anything? A. He paid me no salary in February.

Q You understood that $100. was to go on the last?

A. On the last $100. of the three, the last payment.

Q There was $50. on the $100., was there? A. Yes, sir.

By Counsel:-

Q In February how much did you pay in part payment of your interest in the magazine? A. I must have paid $41., there was $9. due.

Q How much did you pay in February for your part of the interest in the magazine, what part of the $300. which you

0538

POOR QUALITY ORIGINAL

agreed to pay for the one fourth interest in the magazine?

A. $50.

Q And how much did you keep back of that for salary?

A. None.

Q Did you not keep back the whole $50. for salary?

A. Why, that went on my last payment, I received no salary in February.

By the Court:-

Q Were you to pay for your stock monthly? A. Monthly.

Q Are you acquainted with Mr. Cuthbertson's father-in-law, Mr. Payne?

By the Court:-

Q Do you know Mr. Payne? A. I saw him once or twice.

By Counsel:-

Q When was that? A. I went to him and told him about ----

Q When did you go to him? A. I forget.

By the Court:-

Q You saw Mr. Payne once, did you, is that all?

A. It was sometime in July I saw Mr. Payne, it was in July.

By Counsel:-

Q What was the object of your visit? A. I wanted to know what he knew about the magazine.

Q What did he tell you? A. He told me that he rearely saw Mr. Cuthbertson.

Q Did you propose to him to repay you all you had invested in the magazine? A. I did not.

Q Why did you go to see him? A. Because I wanted to know how much his friends knew of this magazine; I felt that

0539

POOR QUALITY ORIGINAL

they did not know his dishonorable transactions.

Counsel: I move to strike that out.

The Court: She has a right to tell why she went if you chose to ask her.

By Counsel:-

Q Did you give your attention to the business of the writing and canvassing for the magazine diligently? A. I did.

Q How many subscribers did you get? A. I cannot tell for I got them by letter and I never signed my own name.

Q How many of your friends did you get to subscribe? A. Only one I can remember of.

Q Did you promise Mr. Cuthbertson to visit ladies schools and gymnasiums and other places and to solicit advertising for the magazine? A. I most certainly did, I did so as long as I had the money to do so.

Q How many stores did you visit? A. I cannot tell, I certainly have not it down in figures.

Q Did you visit five? A. I do not know the number.

Q Did you visit one? A. Certainly, more than that, but I do not know what the number was.

Q How many schools did you visit? A. I do not remember the number of schools.

By the Court:-

Q Did you visit any, how many schools? A. I cannot say, about half a dozen perhaps.

By Counsel:-

Q When did you first become dissatisfied with your partnership agreement, with your business relations with Mr. Cuthbertson? A. After he refused to explain to me why the shares were worth $800.

0540

POOR QUALITY ORIGINAL

Q When was that? A. That was in April.

Q Did you think he had no right to estimate his shares at a very high value?

The Court: You need not answer that question.

By Counsel:-

Q If you thought Mr. Cuthbertson was intending to deceive you why were you willing to loan him five hundred dollars to carry on the magazine?

The Court: She said she would try to get a loan of $500. for him.

Counsel: I will offer this letter in evidence.

By Mr. Weeks:-

Q Is that your hand writing, Miss Garretson? A. I think it is.

By Counsel:-

Q Is that your signature, Miss Garretson? A. It is.

Counsel read in evidence Defendant's Exhibit No. 8, the letter of June 7th.

The Court adjourned.

Tuesday, September 13th, 1892.

ELSIE A. GARRETSON, recalled by Counsel for further cross-examination.

Counsel: If your honor please I must object to the presence of Mr. Mooney as an attorney for the prosecution.

The Court: You made that objection yesterday; it is a frivolous one, I ruled upon it and gave you the benefit of an exception. He has a perfect right to be here.

Q By Counsel:- Miss Garretson, in what way did you make your first payment for your fourth interest in the magazine?

0541

POOR QUALITY ORIGINAL

By the Court:-

Q By check or in money or what? A. No, it was by cash.

By Counsel:-

Q On what day about? A. The 8th day of December.

Q And you paid them how much? A. $100.

Q What security did you receive for that $100. that you say you paid? A. None.

Q You understood that you had purchased a fourth part of the interest in the magazine and had partly paid for it by that payment, did you not? A. I did, a quarter of the stock.

Q Do you not recollect asking for additional security? A. After the second $100., yes, sir.

Q Before that? A. No, I did not.

Q Did you not receive securities on the first payment of $100. which you say you made? A. I did not.

Q Do you not recollect agreeing with Mr. Cuthbertson at the beginning of your negotiations that you should receive orders each month, an order of $100. on the American News Company which you were to hold as security for three months? A. Yes, sir, I remember that.

Q You received such an order then? A. I did not at the time.

Q When did you receive it? A. Last December.

Q Before you received the alleged certificate of stock?

By the Court:-

Q Did you receive an order on the News Company before you received the certificate of stock? A. Yes, sir, I did, one order.

0542

POOR QUALITY ORIGINAL

By Counsel:-

Q You also received a promissory note before you received the alleged certificate of stock? A. I do not remember anything about the promissory note.

By the Court:-

Q Do you know what a promissory note is? A. I do.

Q If you do you know whether you received one or not? A. No, I did not.

By Counsel:-

Q Did you at any time receive a promissory note ~~sent~~ signed by Cuthbertson and endorsed by Mrs. Cuthbertson? A. I do not remember about that.

Q You might or might not have received such an order?

The Court: That won't do.

By Counsel:-

Q What did Cuthbertson tell you that the American News Company owed him when you began your negotiations with him? A. He thought there was somewhere between sixty and seventy dollars standing.

Q And when you made your first payment he gave you an order for fifty dollars against that balance due him by the American News Company, did he not?

By the Court:-

Q Did he give you an order on the American News Company, you have already stated he did, do you know whether it was given to you to be held against the balance in the American News Company, did he say anything of that sort? A. No, he did not.

By Counsel:-

Q But he told you that the American News Company owed him

0543

POOR QUALITY ORIGINAL

$60. or $70?

The Court: You need not answer that, you have already answered it.

By Counsel:-

Q I pass People's Exhibit No. 1 to Miss Garretson, (the check), which payment was that, Miss Garretson, for your part of the interest? A. That was the second payment.

Q And that check is dated when? A. January 4th.

Q You had made the first payment previous to that? A. I had.

Q And had received the security?

The Court: She told you all that. You need not answer it again.

Counsel: I except.

Q What collateral security as it is called in your agreement of partnership here did you receive for your payment of the second $100.? A. That certificate.

Q Did you not receive an order on the American News Company for $100. for this second payment? A. Yes, sir, I did.

Q When were you to relinquish these different securities, Miss Garretson? A. After I had received $150. salary, payment for salary.

Q You relinquished the first securities at what time, the securities for the first payment, the December payment? A. Nothing was ever said, it was not given up.

By the Court:-

Q Nothing was given up? A. Nothing was given up.

By Counsel:-

Q Did you not insist on the securities for the first payment,

0544

POOR QUALITY ORIGINAL

and receive them -- you have said, have you not that you received for the first payment, an order on the American News Company? A. Yes, sir, I did.

By the Court:-

Q I understood you to say the second payment made January 4th was made by that check, is that right? A. January 4th, by that check.

Q And I understood you also to say in answer to the counsel's question that you got as security for that payment a certificate of stock and an order on the American News Company for $100., is that right? A. Yes, sir.

By Counsel:-

Q What understanding was there with Mr. Cuthbertson as to your lack of knowledge of the business, what rebatement was to be made to him on that account?

The Court: What abatement you mean.

By Counsel:-

Q In view of the fact that you knew nothing of the business, were not your services during the first six months to be considered as of little value and the so-called wages merely a turning back to you, a return of your investment? A. No.

Q When was your salary to begin? A. From the 8th of December, as I understood it.

Q Was not the understanding that the salary was not to begin until February? A. It was not the understanding.

Q How did you spend the month of March, Miss Garretson, what work did you do for the magazine in the month of March?

0545

POOR QUALITY ORIGINAL

By the Court:-

Q Did you do any work for the magazine in the month of March?

A. Yes, sir, the same as the other month.

Q Did you do any work for the magazine? A. I did.

By Counsel:-

Q What work was it? A. Soliciting advertisements.

Q How many did you get? A. That I cannot say.

Q Did you get any? A. I did.

Q Did you not spend most of the month of March at home, dress-making or somewhere else dress making? A. I did not, I am not a dress maker.

Q In making your own garments? A. I did not, I made one dress for myself nights and mornings, it did not interfere with the magazine.

Q That took a good while, did it not? A. It did not.

By the Court:-

Q Not during business hours? A. No, sir.

Q What were the business hours? A. I was to be in the office one half day, only one half of my time was to be taken up on the magazine, I had the privilege to write for other papers.

By Counsel:-

Q How long did you apply yourself assiduously to the work of soliciting advertisements and visiting schools and writing for the magazine? A. Until May, the middle of May.

Q Why did you not continue with your work of carrying out your contract after that? A. Because Mr. Cuthbertson told me he would not pay me my salary; he had no intention

Q Did he imply by that, that he would not?

Objected to; objection sustained.

POOR QUALITY ORIGINAL

Q Could Mr. Cuthbertson, from the proceeds of the business pay you the salary?

Objected to; objection sustained; exception.

Q Did you not go to Mr. Cuthbertson during the month of May and get a written statement from him saying he was willing that you should sell your interest? A. That he was willing I should transfer my interest -- I had a paper to that effect.

Q You understood by that, that you might sell it? A. Either.

Q What do you mean by transferring without selling?

A. Simply give them over to some one else.

Q Give it away? A. Yes, sir; give it away.

Q What was the condition of this stipulation with Mr. Cuthbertson? A. It is already stated on the paper.

Q Well, I ask you? A. In case he agreed with the person.

Q The person was to be satisfactory to him? A. Certainly.

Q And the person to whom you then took the letter he gave you, was Prof. Judd? A. Professor Judd saw that letter, yes.

Q You gave it to him? A. I did not wish to transfer my shares to Professor Judd.

Q You turned over the interest you had in the business to Professor Judd? A. I did not.

Q You still considered yourself a part owner of the business, and a partner in this Physical Culture Magazine business?

A. I do not.

Q Why?

Objected to; objection sustained.

Q Have you sold your interest? A. I have not, nor have I

0547

POOR QUALITY ORIGINAL

tried.

Q It is yours still?

Objected to.

By the Court:-

Q Whatever you have got you have got yet, haven't you?

A. I have the certificate to show.

Q That is all you have got? A. That is all I have got.

Counsel: I must except to your honor's statement. It has a tendency to mislead the Jury, your Honor must allow me to say so.

By Counsel:-

Q You understood, did you not, Miss Garretson, that each issue of the magazine increasing the value of the business as it was supposed it would, would also increase the interest of each part, both yourself and Mr. Cuthbertson? A. Would increase the shares, the way I understood it.

Q Would increase the interest, the value of the business and the interest of each party? A. Would increase the shares, the only way I understood it.

By the Court:-

Q Increase the value of the shares? A. Increase the valuation of the shares.

By Counsel:-

Q What did Cuthbertson do with the money taken in from the subcribers? A. That I do not know.

Q What did you do with the money which you received in a clerical capacity there?

By the Court:-

Q Did you receive any money? A. What money I did receive

0548

POOR QUALITY ORIGINAL

part of it went back on the magazine.

By Counsel:-

Q What money did you receive? A. I received in all $103.

By the Court:-

Q Did you pay any of the money received from the subscribers or advertisers? A. No, sir.

Q You received no money from advertisers or subscribers? A. Only from one subscriber which I turned in to Mr. Cuthbertson.

Q Was it understood that you were to be the financial manager at all? A. It was not.

Q You were to be only the editor of the ladies' department? A. That is all.

Q It was provided, was it not, Miss Garretson, that in the event of the death of Mr. Cuthbertson before the end of your twelve months agreement, that your claims were to be first satisfied?

Objected to on the ground that the agreement is in writing. Objection sustained; exception.

Q When did you first take a personal dislike to Mr. Cuthbertson, if you did?

Objected to; objection sustained; exception.

Q Do you know Mr. Cuthbertson's general reputation for honesty and good character?

By the Court:-

Q Do you know what general reputation means? A. I do.

By Counsel:-

Q I mean by his general reputation what other people think of him, not what you and your friends and people who may take

0549

POOR QUALITY ORIGINAL

sides with you think of him?

Mr. Weeks: I move that be stricken from the record.

The Court: That portion of the question as to her friends may be stricken out.

Counsel: I except.

Mr. Weeks: I move it be stricken from the record because it was a statement of the counsel's meaning and not his question.

By the Court:-

Q Do you know what general reputation means? A. I think I do.

Q What is your idea of what it means? A. I think it is public opinion.

Q What other people say about him? A. Yes, sir.

Q Now, then, do you know this man's general reputation? A. I do.

By Counsel:-

Q What is it?

By the Court:-

Q Is it good or bad? A. It could not be called good.

By Counsel:-

Q I ask you is it good or bad? A. I should say bad.

Q I asked you is it good or bad?

The Court: She answered the question and answered it properly.

RE-DIRECT EXAMINATION.

By Mr. Weeks:-

Q Now let me understand, Miss Garretson, this agreement, defendant's Exhibit No. 3, when was that signed?

0550

POOR QUALITY ORIGINAL

A. The middle of January.

Q It was given to you after you had paid your first $100.?

A. After the second $100.

Q When did you first see it? A. The three papers I saw after the first $100. was paid.

Q Defendant's Exhibit No. 6 was given to you after you had paid your first $100.? A. After.

Q You kept that a few days and showed it to your sister and spoke to your father about it and subsequently in January, after you had paid the second $100., and after you had received the so-called certificate, People's Exhibit No. 2, this agreement was signed? A. That was signed.

Q It was not signed until after you had received that certificate, People's Exhibit No. 2? A. It was not.

Q Now, when you first paid the $100., did you or did you not receive any order on the American News Company?

A. Yes, sir.

Q When you paid the first $100. What was that order given you as security for? A. For the first $100.

Q For the first $100. or for your wages? A. It was for both, I think, I do not understand that.

Q When did you receive your next order on the American News Company? A. After the second $100.

Q Did you ever present them? A. No, I never did.

Q Did you ever receive anything from anybody? A. I never did.

Q When you paid this money to Cuthbertson, the various payments aggregating $300., did you pay them for anything except the stock of the magazine? A. That is all, the stock.

0551

POOR QUALITY ORIGINAL

Q Did you ever receive any stock or any certificate of stock except this from the defendant for your money, except this People's Exhibit No. 2?

Objected to as irrelevant. Objection overruled; exception.

A. I have never.

Q And subsequent to the receipt of that the defendant told you that there was no stock of the magazine? A. After that.

Mr. Weeks: The people rest.

THE CASE FOR THE DEFENCE.

Counsel for the defendant opened the case to the Jury.

ALGERNON S. FRISELL, sworn and examined, by Counsel.

Q Mr. Frisell, you are a resident of the City of New York? A. I am.

Q You are a banker? A. Yes, sir.

Q The President of the Fifth Avenue Bank? A. I am.

Q You have had considerable experience in the examination of different corporate securities? A. I have.

Q In passing upon certificates in your business? A. Yes, sir.

Q You are acquainted with the usual forms of giving certificates which are made out to show interest in corporate business? A. I am.

Q And businesses which are not corporate? A. Yes, sir.

Q Will you look at this certificate and say whether in your opinion it indicates that there was any corporation?

0552

POOR QUALITY ORIGINAL

THE COURT: That won't do.

By Counsel:-

Q Will you be kind enough to say from the examination ----

Objected to; objection sustained; exception.

Q You are acquainted with the defendant, Mr. Cuthbertson?

A. I am.

Q How long do you know him? A. 7 or 8 years.

Q You know his business reputation in this city? A. I do not know whether I know his business reputation or not.

Q You know his general reputation for honor and uprightness?

A. Yes, sir.

Q What is it?

By the Court:-

Q What is his general reputation? A. Good.

By Counsel:-

Q His general reputation for integiryt is good, is that it?

A. yes, sir.

Mr. Weeks: No questions.

BERTHA E. CUTHBERTSON, sworn and examined.

By the Court:-

Q You are the wife of the defendant? A. Yes, sir.

By Counsel:-

Q I think his honor has asked you if you are not the wife of the defendant, and you replied, yes? A. I cannot hear.

Q You are the wife of Mr. Cuthbertson, the defendant here?

A. I am.

Q On or about the 9th day of December last did you endorse a promissory note made by Mr. Cuthbertson, in favor of Elsie Garretson? A. I did.

0553

POOR QUALITY ORIGINAL

Mr. Weeks: I object.

The Court: You are rather late in objection.

Counsel: I call for the protection of all notes and papers of whatever kind in the possession of the prosecution?

Mr. Weeks: Miss Garretson testified that she never saw such a note.

The Court: ~~Mr.~~ You will have to prove it in some other way.

By Counsel:-

Q Mrs. Cuthbertson, did you ever ----

By the Court:-

Q Did you see it given to her? A. I did not see it given to her, but Mr. Cuthbertson ----

Q Did she ever tell you that she received it? A. No.

Counsel: I ask for the production of whatever notes or securities?

Q You understood that Mr. Cuthbertson had given such a note, the onethat you signed?

The Court: Excluded.

Counsel: I except.

Mr. Weeks: No questions.

ARCHIBALD CUTHBERTSON, sworn and examined by Counsel.

Q Mr. Cuthbertson, will you tell the Court, and the Gentlemen of the Jury, about the transactions which you had with Miss Garretson? A. About the beginning of December last, I saw an advertisement in the New York Herald of a literary lady who wanted a position as secretary of a newspaper.

POOR QUALITY ORIGINAL

The advertisement said she would give $50. to secure a situation; the direction given was 139 Amity Street, Brooklyn. I answered the letter directing it to the literary lady, and the following day a lady called who did not give her name.

Q Who was that lady? A. Subsequently the ladt gave her name as Miss Garretson.

Q What name did she give Mr. Cuthbertson? A. She said she had been going under the name of Elsie G. Wortman, that is how she signed herself in the articles; she subsequently wrote to me that her name was Miss Garretson and that she had been trying to publish a novel that she had written but she could not get a publisher to accept of it; she wanted to go into literary work, she said and wanted to know what the magazine was. I told her that I had published two numbers of it and the cash outlay had been fully one thousand dollars; I considered my work on the publication was worth a thousand dollars and I thought it fair to consider the thing worth $2,000. ; I said that I was willing to dispose of a quarter interest in the business for $300.; I said I would rather borrow the money because I had confidence in the publication that it would succeed again and if it did not succeed I did not want any person to lose by it but myself, but I said I could not borrow the money out of the bank, and the publication was no real estate and if I could get any person to invest, especially a lady who would take charge of the ladies' department that I would prefer that. We had some conversation; she wanted to know what the earnings of the publication were. I said from

0555

POOR QUALITY ORIGINAL

advertising, from subscriptions and from sales to the American News Company. She said is there any other property with it? I said no, only an office and office furniture, I was burnt out on the corner of Ann and Nassau Streets in September, so I have nothing but the good will and the copyright of the publication. She said she would call again. In the meantime she wrote to me; she called again and went over the ground thoroughly. She said that she wanted to earn something at the same time; she said her educational advantages had not been sufficient to make her a writer on anything, but she was willing to study in all departments, in English composition, grammar and get up on her spelling, and even study physiology. She wanted to get literary work, she could not get the novel published, she said she would like a salary not lessthan fifty dollars a month, she would require that to keep her. I said the advertising and the subscriptions would be about ~~$xxx~~ $150. per month, but I said you will be required to go out and solicit advertising; we expect to have the American News Company sell -- they are the sole agents for the trade, and we want also to increase, if we can, in the subscribers, and those put together I think I said should increase the capital earnings to $35. or $50. over the running expenses. I said I make my living by teaching in gymnasiums and therefore whatever surplus comes will be your wages. I said I thought she might get thirty-five dollars, but if fifty all the better. She said she would go home and ask her friends about it. He went home and on the following Saturday evening or sometime during that week, I do not remember exactly she talked to her father and elder sister and wrote to me; the letter

0556

POOR QUALITY ORIGINAL

has been produced. They said they thought she was risky, but she was determined to go into it and she would go in and make arrangements and get the money. She said she could not pay the whole $300. down at once, she could pay $100. per month, she could give $50. at that time and $50. a little later. On the 9th of December she paid $50., and I gave her that promissory note endorsed by my wife for $50. She said at the same time, now, you may die or something may happen before the business is established, what security can you give me for my money till the business is established? I said I have no real estate but my wife has a small lot on Long Island estimated at about $80., and for the second I will give you an order on the American News Company for $50. and after the magazine is out we shall deliver to the News Company 2,000 copies at ten cents each and for your ~~$xxxx~~ second $100. I can give you security for another $100. and so on while your money is being paid. She accepted that and we began to make out the agreement. I thought that we should get the papers drawn by a lawyer. She asked what it would cost. I said it will cost perhaps $35. She said, I think we can save the expense and draw up the papers ourselves. Every parr-graph was written first on paper and carefully and correctly written off by a type-writer; we have an Odell typewriter in the office. She suggested some and I suggested some until the agreement was fully made out as you see it. Then before obtaining her $50. she took that agreement gome and let her father and her elder sister see it to see that it was satisfactory. I was particular about that,

0557

POOR QUALITY ORIGINAL

because they objected to her going into it; I thought she was too enthusiastic, she was inclined to be too sanguine and they were inclined to keep her back. She took the agreement home and they examined it; she came back and said her father and her sister considered it satisfactory and she went on with her work again. She tried to get advertising, to write articles and work for the magazine. On the 19th of December she said another $50. for which she received an order upon the American News Company; these securities she was to hold until such time as she began to get her wages in cash; then she was to relinquish them; she relinquished two securities for $100.; she said she had mislaid the promissory note and could not find it. She gave me the receipt that she gave me first, the $50. promissory note endorsed by my wife, I gave her a receipt, I took the note and had my wife endorse the note and gave it. She surrendered the order on the American News Company and the receipt she said when she found it she would give it, she said she mislaid it. She then went on with her work and in January she paid another $100. She said, now, I think I ought to have something besides keeping an agreement to show that I own a quarter of the business, five shares of stock. I knew I could not write that out, I was dubious about the other and I suggested to have a lawyer, I was sure I could not write this out, I thought if I could get a certificate of stock ---- I never saw one before and went and bought three lest I might spoil one or two and I filled it out as it has been shown to you there. I took care not to let it go as incorporated stock, a stock company, I thought it would do if I would make this out showing

0558

POOR QUALITY ORIGINAL

it was a certificate. I understand since the document is superfluous. However, I gave it to her, I did not know any better. The document is there. Miss Garretson went on in February; she said she could not give the whole $100, she would prefer to retain fifty dollars for her services. She paid me on February 2nd, $10., February 10th, $23, February 11th, $10., She paid in February in all $43., so that she had paid in for this share in the business $243., and so she continued to work on until the end of April. She requested specially that she be called only the literary editor, that her partnership in the business should be kept back, that her name should not appear in business documents, that the business should not be done in her name; she said she did not want to be held responsible for any of the debts belonging to the business. At the end of April she did not like to work, she did not like canvassing for advertisements; she was offered a situation, she said she would take a situation and offered to sell out her share in the business. I saw she did not like the work, she did not take to it, she did not study up her subjects, and I would try to get somebody to buy out the business. She said in her letter she was sick and she would try to sell it. I advertised twice in the New York Herald for people to take her interest, and several gentlemen looked at it; they thought it was good enough but they wanted a larger advantage than can be guaranteed. That is the business as far as it has gone.

Counsel: I would like to pass to the Jury Exhibit No. 2 of the People and also, Exhibit No. 1. I wish to offer in

0559

POOR QUALITY ORIGINAL

evidence a certificate of the copy-right of the magazine.

Mr. Weeks: I have no objection to it.

The Court: It may be admitted -- the certificate of the copy-right. Marked defendant's Exhibit No. 9.

Counsel: I put in evidence copies of the magazine published from October last as showing the substantial part of the business.

Witness: Miss Garretson's time began in January, 1892.

Mr. Weeks: I object to the introduction of the magazine. Does your Honor admit these, they are offered in evidence?

The Court: Yes, I will admit them for what they are worth. I do not see what bearing they have upon this question; the only question is whether this defendant made the false representations to the complainant.

Counsel: I except to your Honor's remarks just made.

The Court: If the Jury want to see the magazines by and by, I will let them see them, but in the meanwhile the case must be continued.

CROSS-EXAMINED BY MR. WEEKS.

Q Where were you born, Mr. Cuthbertson? A. Scotland.

Q When? A. 1850.

Q When did you come to this country? A. 1884.

Q What was your employment on the other side? A. I was at farming and then I went to school and College and took an education after that.

Q You went to College? A. Yes, sir.

Q What college did you attend? A. The University College at Toronto.

Q Did you graduate from there? A. No, sir.

0560

POOR QUALITY ORIGINAL

Q How many years did you attend College? A. About four years.

Q And how old were you when you ceased attending the University of Toronto? A. About 33.

Q From Toronto you came to the United States? A. New York.

Q Here you have been engaged in what occupation? A. Teaching in gymnasiums.

Q Anything else? A. I helped to edit a paper in Flatbush for a while when I dwelt there.

Q Anything else? A. Nothing else but trying to establish this magazine.

Q The paper that you helped to edit, what was the character of the paper? A. A town paper.

Q And I understood you to testify that prior to the fifth of January, 1892 when you got this blank and filled it in you had never seen a certificate of stock? A. No, sir.

Q Did not know what it was? A. Not specially, no, it was something like that, I never seen one to know what it was.

Q You testified that you took care not to let it go as an incorporated organization or stock company? A. Yes, sir.

Q Now, why did you take care to do that? A. Because mine was not that.

Q Yours was not a company? A. No.

Q It was your intention to have this paper recite exactly what your agreement was with this young lady, was it not? A. As nearly as possible, yes.

Q Were there any shares that had any numbers or that had any value of $100. each in your magazine or in anything connected with it? A. No, sir, more than I said just in my estimation of the business as I stated to her, the outlay

0561

POOR QUALITY ORIGINAL

on the business.

Q Is there any share number, 1, 2, 3, 4, or 5? A. Not, excepting as I stated there.

By the Court:-

Q Was there any actual papers, was there any actual shares? A. No actual papers but that.

By Mr. Weeks:-

Q Was your magazine incorporated? A. No, sir.

Q In any way into a stock company? A. No, sir, not at all.

Q Or a corporation of any character? A. Not at all.

Q Were there ever any certificates of stock issued except this one? A. Not at all.

Q Was there ever any entry in any book by which these five shares could be transferred by the holder thereof, or by anybody in any imaginable way? A. There was just the ordinary accounts of the business.

Q Was there any company that had any books on which this certificate of stock or this certificate, whatever you may call it could be transferred? A. The only company was out two selves, that was all.

Q Was there any company at that time? A. None, for we did not form a company.

Q Is there any company now that has a book on which the stock can be transferred? A. I do not quite understand your question.

Q Have you any books on which the stock can be transferred? A. Well, we have our accounts that can show that Miss Garretson ----

By the Court:-

Q Why don't you answer that question? A. If this is not a

0562

POOR QUALITY ORIGINAL

company as we are, I cannot answer otherwise.

By MR. Weeks:-

Q Have you any books on which a stock can be transferred?

A. Well, I cannot answer it.

By the Court:-

Q Have you got any book, and if so, what is the name of that book upon which stock can be transferred? A. No, we have no such book.

By Mr. Weeks:-

Q And you never did have? A. Never did have according to her idea of stock company books.

By the Court:-

Q When you gave this woman that certificate of stock was there any entry made upon any book of the delivery of that stock?

A. There was simply an entry made ----

Q Was there any entry made on any book of the delivery of that stock? A. Yes, sir, in a book that I keep the entry was made.

Q What book? A. The book account of the business.

Q A common account book? A. A common account book, that is all.

Q No stock ledger? A. No stock ledger.

By MR. Weeks:-

Q What was the entry made in that book? A. Simply that Miss Garretson had paid the money which entitled her to own a quarter of the business.

Q When was the word share of stock or shares of stock first mentioned between you and Miss Garretson? A. When did I first speak of the business?

POOR QUALITY ORIGINAL

Q When you first spoke of the business there was a conversation between you and Miss Garretson in regard to shares of stock? A. Shares of the business, we did not talk of shares of stock, but shares of business.

Q Did you say to Miss Garretson at any time that there were twenty shares of stock of the value of One hundred dollars each, which represented the $3,000.? A. No, I did not.

Q Did you ever say to her before the 5th of January that there were any shares of stock of any value or that there were any shares of stock of business? A. Yes, sir, I did.

Q When did you first say that to her? A. I said that to her when I first spoke to her, I estimated the business as worth two thousand dollars or twenty shares of $100. each.

Q ~~He~~ She was to receive five shares of that stock? A. Yes, sir.

Q Then when she asked you on January 5th as you have testified to-day that those shares of stock, that referred to the same shares of stock that was the subject of conversation between you and her at your first interview with her?

A. She did not ask me for five shares of stock in January.

Q Or something to represent her five shares of stock?

A. She wanted a document stating that she owned one-fourth of the business, five shares of the business.

Q You testified on your direct examination that at the interview in January she asked you for the five shares of stock or something to represent them, is that true or not?

A. Yes, sir, she asked me for a document stating that she had paid her money in for five shares of stock.

Q Those were the same shares of stock that were referred to in your first conversation with her? A. Yes, sir, just

0564

POOR QUALITY ORIGINAL

the same.

Q At the time she first paid you the money? A. Yes, sir.

Q Then, as she says, she paid you one hundred dollars, and when as you claim she only paid you fifty dollars? A. Yes, sir.

Q And it was to give her such certificate that you prepared this people's Exhibit 2, and handed it to her, is that right? A. Yes, sir.

Q And those are the same shares of stock that you referred to in this agreement? Defendant's Exhibit 3, when you say that Miss Elsie Garretson by paying to the present owner, Archibald Cuthbertson, the sum of three hundred dollars is to receive a quarter of the stock? A. Yes, sir.

Q Or in other words five shares of stock of the par avlue of One hundred dollars each? A. Yes, sir.

Q Said three hundred dollars to be paid in three monthly payments of One hundred dollars each? A. Yes, sir.

Q The stock there referred to as being stock of the par value of one hundred dollars, the same stock which is purported to be transferred by this certificate, is it? A. Yes, sir, and she estimates it.

By Counsel:-

Q When did you and Miss Garretson draw up and sign the partnership agreement, which has been put in evidence? A. Sometime between December 9th, and December 19th.

Q When did you and Miss Garretson sign the agreement? A. I cannot tell you the date exactly, I should say about the 19th of December, Miss Garretson had to get the agreement.

0565

POOR QUALITY ORIGINAL

By the Court:-

Q Was it before January? A. Yes, sir, before January.

SAMUEL JOHNSTONE, sworn and examined.

By Counsel:-

Q What is your occupation? A. Blank book manufacturer.

Q Whereabouts? A. No. 2 Liberty Street.

Q Do you know Cuthbertson, the defendant? A. I do.

Q How long have you known him? A. About five years.

Q Are you well acquainted with his general reputation for honor and uprightness? A. I am.

Q What is it? A. Good.

The Court: The indictment sets out certain representations alleged to have been made by the defendant. The first question for the Jury to determine will be whether he made those representations, and secondly, whether the representations, if the Jury, find that he made them, were true or false. If they come to the conclusion that the representations were false, did he make them with the intent to defraud this complainant? And lastly, did the complainant relying upon the truth of those representations part with the possession of this sum of $100., those are the questions which the Jury have to pass upon, and probably it would be just as well to confine yourself in your speech to those questions.

Counsel: I ask your Honor to direct an acquittal because of a variance between the proof and the indictment.

The Court: Motion denied. I will give you an exception

Counsel: I ask you to direct an acquittal because the proof put in by the people is insufficient in law to warrant a conviction.

The Court: That I also deny and give you an exception.

Counsel summed up to the Jury.

0566

POOR QUALITY ORIGINAL

People's Exhibit I.

Monday, September 12th, 1892.

" Bound Brook, N. J. January 4th, 1892. No.11

FIRST NATIONAL BANK.

of Bound Brook,

Pay to the Order of Elsie A. Garretson, $100.00

One Hundred Dollars,

Elizabeth S. Garretson."

ENDORSEMENTS ON BACK.

"Elsie A. Garretson, Archibald Cuthbertson,

For Collection For Account of First National Bank of Somerville, N. J. William H. Taylor, Cashier.

Pay G. S. Jones ,
Cashier, or Order, for collection for account of

The Fourth National Bank of the City of New York,
January 16th, 1892,

Charles H. Patterson, Cashier.

0567

POOR QUALITY ORIGINAL

People's Exhibit 2,

September 12, 1892.

~~Incorporated under the Laws of the State of~~

No 1 to 5 Five Shares.

Capital Stock,$ Shares, $100.00/100 each.

This Certifies that Miss Elsie Garretson is entitled to Five Shares in the Capital Stock of The "Physical Culture" Magazine.

transferable only on the books of the Company by the holder hereof, in person ~~or by Attorney~~, upon surrender of this Certificate.

In Witness Whereof, the said Owner has caused ~~its~~ his corporate name ~~seal~~ to be hereto affixed, and this Certificate to be signed by its Owner and -------- this 5th day of January 1892.

Archibald Cuthbertson,

Owner.

ON BACK OF EXHIBIT 2.

FOR VALUE RECEIVED, have bargained, sold, assigned, and transferred, and by these presents do bargain, sell, assign, and transfer unto

the Capital Stock named in the within Certificate, and do hereby constitute and appoint

true and lawful attorney , irrevocable, for and in name and stead, but to use, to sell, assign, transfer and set over all or any part of the said stock, and for that purpose to make and execute all necessary acts of assignment and transfer, and one or more persons to substitut with like full power.

Dated 18

Signed and acknowledged in the presence of

2

0568

POOR QUALITY ORIGINAL

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

The People of the State of New York
against
Archibald Cuthbertson.

City and County of New York } ss.

Elsie Garretson, being sworn, says:
I reside at No. 89 Amity Street, Brooklyn, New York. I am the complainant in the above-entitled action. I have received from the above named defendant two-hundred and fifty dollars in full restitution for the money heretofore by me paid to him. This amount includes the amount named in the indictment herein. I desire that the Court shall extend extremest clemency to the defendant.

Elsie A. Garretson.

Sworn to before me
this 28th Day of September, 1892.
Andrew J. Shipman
Notary Public
New York County.

0569

POOR QUALITY ORIGINAL

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

The People of the State of New York
against
Archibald Cuthbertson.

City and County of New York } ss.

George F. Cole, being duly sworn says:
I reside at 136 West 64th St, N.Y. City.
My business is that of a school teacher.
I know the reputation of the
defendant, and to the best of
my knowledge and belief, he is
a man of good character.
Should the defendant secure his
release, I have agreed, and
hold myself ready, to give
him employment at once
as a teacher of gymnastics
in my school at No. 20 West
59th Street in this city.
I beg that the Court may
extend such clemency to the
defendant as the Court can.
Sworn to before me this } Geo. F. Cole
28th day of September, 1892 }

W. Hasseltine
Notary Public
New York County

NOTARY PUBLIC
NEW YORK COUNTY

0570

POOR QUALITY ORIGINAL

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

The People of the State of New York,
against
Archibald Cuthbertson.

City and County of New York } ss.

Samuel Woolverton, being sworn, says:
I reside at No. 606 Lexington Avenue, N.Y. City.
My occupation is assistant Cashier in the Fifth Av. Bank.
I know the defendant above-named and I have known him five years. I believe him to be an honest and industrious man and cannot believe that in doing what he did he intended to defraud a poor woman. If he secures his liberty I shall be able to secure him employment as instructor of gymnastics in the "Good-Will Mission" at 221 East 51st St. N.Y. City, if the usual annual appropriation be made for that purpose, and which to the best of my knowledge and belief will be made. I beg that the Court will extend all the clemency to him that it can.

Sworn to before me this
29th day of September, 1892.

Saml Woolverton

Saml V. Campbell
NOTARY PUBLIC, N. Y. CO., No. 7

0571

POOR QUALITY ORIGINAL

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

The People of the State of New York.
-against-
Archibald Cuthbertson.

City and County of New York:ss.

Archibald Cuthbertson, being duly sworn, says; I am the defendant above named. I was born in Scotland in 1850 and lived there until I was six years of age when I came to Canada where I lived until I was 34 years old. I worked on a farm until I was 21 years of age, and after that I became a carpenter; attended various educational institutions working my way and supporting myself while I got an education. In 1884 I was brought to New York to teach physicial culture in Columbia College and Columbia Grammar School by Prof.Andrews now of the Polytechnic Institute in Brooklyn. I taught in the Gramercy Park School and Tool House Association and also in Rutgers College, New Brunswick, New Jersey. At the time of my conviction I was living in Flatbush, Long Island. I editedthe town paper in Flatbush from 1888 to 1890. In the summer of 1890 I worked for Funk and Wagnalls upon a dictionary. During the last two years I have been trying to establish a magazine called the Physical Culture Magazine and have taught in gymasiums.

I was married in 1886 and my wife is now living. I have two children living a girl four years of age and a boy two

0572

POOR QUALITY ORIGINAL

years of age. My wife is now pregnant. My family is wholly dependent upon me for support. I beg that the Court will extend extremest clemency to me. I never intended to defraud Miss Garretson of her money and I now recognize, upon my counsel explaining it to me, that I should not have done what I did. I was never convicted of or arrested for any crime before.

Sworn to before me this 29th day of September, 1892.

Archibald Leuthlerstion.

Robt C Mayer
Notary Public
N.Y.Co.
75

0573

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace,

City and County of New York.

- - - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson,

- - - - - - - - - - - - - - - - - - -

City and County of New York:ss.

a. S. Tirrell being duly sworn, says:

I know the defendant above named and have known him for several years. I am by occupation president of Fifth Ave Bank of N Y and reside at No 175 West 47 Street and have done business in the City of New York for 25 years I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and

0574

POOR QUALITY ORIGINAL

family. I beg that the Court will extend every clemency to him that the Court may.

Sworn to before me A.S. Frizell
this 27th day of Sept 1892
Saml. Campbell
Jus.

0575

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace,

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson,

- - - - - - - - - - - - - - - - - -

City and County of New York: ss.

James G. Cannon being duly sworn, says;

I know the defendant above named and have known him for eight (8) years. I am by occupation Vice President of the Fourth National Bank of New York City and reside at No 72 East 54 St New York - and have done business in the City of New York for 15 years I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convected he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and

0576

POOR QUALITY ORIGINAL

family. I beg that the Court will extend every clemency to him that the Court may.

James G. Cannon

Subscribed & sworn to
this 27th day of Aug 1852
D. G. Cannon
Notary Public
Hunterdon County N.J.

0577

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace,

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson,

- - - - - - - - - - - - - - - - - -

City and County of New York: ss.

Jasper T. Goodwin being duly sworn, says;

I know the defendant above named and have known him for over nine years. I am by occupation a Teacher and reside at No 65 East 56th St and have ~~done business~~ taught at Columbia College in the City of New York for 16 years. I have always known said defendant as an intelligent and honest man, and am told and believe that he is kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and

0578

POOR QUALITY ORIGINAL

family. I beg that the Court will extend every clemency to him that the Court may. Jasper T. Goodwin

sworn to before
me this 28th day of
September 1892
Arthur Fitch
Notary Public
New York Co

0579

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace,

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson,

- - - - - - - - - - - - - - - - - -

City and County of New York: ss.

William Blakie being duly sworn, says;

I know the defendant above named and have known him for over five years. I am by occupation a lawyer and reside at ~~No~~ Englewood New Jersey and have done business in the City of New York for 20 years I have always known said defendant as an intelligent and honest man, and am told and believe that he is kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convected he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and

0580

POOR QUALITY ORIGINAL

family. I beg that the Court will extend every clemency to him that the Court may.

He was formerly Physical Director at Lafayette College, Easton Pa, As President of the American association for the Advancement of Physical Culture, I was formerly thrown into considerable contact with him, and came to esteem him highly. I cannot believe he was knowingly or intentionally guilty of any moral turpitude

Sworn to before me
Sept 5 7th A 1892

Wm. Blackie.

Notary Public

Kings Co. Cty. filed in N.Y. Co.

0581

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace.

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson.

- - - - - - - - - - - - - - - - - -

City and County of New York: ss

Samuel Johnston being duly sworn says:

I know the defendant above named and have known him for five years. I am by occupation account B'k manufr. 192 Liberty St. N.Y. and reside at ~~No~~ Church Lane, Flatbush. and have done business in the City of New York for 11 years. I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and family. I beg

0582

POOR QUALITY ORIGINAL

that the court will extend every clemency to him that the court may.

Sworn to before me this 28th day of Sept. 1892 } Samuel Johnston

Justus W. Smith
Notary Public, Kings Co.
Cert. filed in N.Y. Co.

0583

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace.

City and County of New York.

The People &c.,

-against-

Archibald Cuthbertson.

City and County of New York: ss

Wm. H. Babcock being duly sworn says:

I know the defendant above named and have known him for seven years. I am by occupation a clergyman, and reside in Flatbush, Long Island. While at college and seminary in New Brunswick, N.J., I was for two years under his instruction in gymnastics. For the last four years, I have been his pastor. That he is kind to his family, steady and industrious in his habits, intelligent and honest, I can testify from personal knowledge. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearings of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act he would commit would be an intentional and deliberate fraud upon a young and poor girl. I belive that he has been a good citizen in the past and will be so in the future. I know that his family, consisting of a wife and two children, are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructor in gymnastics, which would enable him to support himself and family. I beg that the court will extend every clemen-

0584

POOR QUALITY ORIGINAL

to him that the court may.
Sworn to before me this
28th Day of September, 1892.

Wm H Boocock.

Robt C Taylor
Notary Public
Mercer Co.

0585

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace.

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson.

- - - - - - - - - - - - - - - - - - - -

City and County of New York: ss

Jas. Douglas Andrews being duly sworn says:

I know the defendant above named and have known him for 26 years. I am by occupation Director of Gymnasium and reside at No 33 Montgomery Pl. Brooklyn N.Y. and have done business in the City of ~~New York~~ Brooklyn for 12 years. I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and family. I beg

0586

POOR QUALITY ORIGINAL

that the court will extend every clemency to him that the court may.

Jas. Douglas Andrews.

On the 28 th Day of Sept in the year One thousand eight Hundred and Ninety ~~Two~~ the above named Jas Douglas Andrews appeared before me and personally signed this Document

Sworn to before me this 28 th day of Sept - 1892

Francis L. Horn
Notary Public
Kings Co.

0587

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace.

City and County of New York.

The People &c.,

-against-

Archibald Cuthbertson.

City and County of New York: ss

John J. Elvery being duly sworn says:

I know the defendant above named and have known him for 2 years. I am by occupation Builder and reside at ~~No~~ Flatbush Ave Flatbush L.I. and have done business in ~~the City of New York~~ Flatbush 13 years. I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and family. I beg

0588

POOR QUALITY ORIGINAL

that the court will extend every clemency to him that the court may.

John J. Elvey

Sworn to before me John Reis
Sept 28th 1892

Notary Public
Kings County

0589

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace.

City and County of New York.

- - - - - - - - - - - - - - - - - -

The People &c.,

-against-

Archibald Cuthbertson.

~~State of New York~~
~~Kings County~~

~~City and County of New York~~: ss

John Seffets being duly sworn says:

I know the defendant above named and have known him for ~~a long time years.~~ I am by occupation President &c. and reside at No Flatbush L I and ~~have done business in the City of New York for years.~~ I have always known said defendant as an intelligent and honest man, kind to his family, steady and industrious in his habits, and one spoken well of as a father and man. I cannot believe that in the transaction for which he was convicted he was actuated by motives involving moral guilt, and believe that he did not understand the legal bearing of his acts or he would not have done as I am informed he did do. From my knowledge of him I believe that the last act that he would commit would be an intentional and deliberate fraud upon a young and poor girl. I believe that he has been a good citizen in the past and will be so in the future. I am informed and believe that his family, consisting of a wife and two children are dependent upon him for support. I am informed and believe that immediately upon his release he can procure employment as an instructer in gymnastics which would enable him to support himself and family. I beg

0590

POOR QUALITY ORIGINAL

that the court will extend every clemency to him that the court may.

J. Thos Leffett

Sworn this 28th day
of September 1892
before me
John J Lott
Notary Public for Kings Co

0591

POOR QUALITY ORIGINAL

Court of General Sessions

The People &c.,

against

Archibald Cuttleston.

Affidavits.

JEROME & NASON,

Attorneys for defendant

Temple Court,

7 BEEKMAN STREET,

NEW YORK CITY.

0592

POOR QUALITY ORIGINAL

PRICE, $2.00 PER YEAR. SINGLE No. 20 CENTS.

OFFICE OF

PHYSICAL CULTURE.

A MONTHLY MAGAZINE DEVOTED TO SUBJECTS WHICH RELATE TO HEALTH OF BODY AND HAPPINESS OF MIND.

ROOM I (2d Floor), EVERETT BUILDING, ANN AND NASSAU STS.

ARCHIBALD CUTHBERTSON, EDITOR.

New York, MAY 27 th, 1892.

TO GARRETSON & EASTMAN

DEAR SIRS.

YOURS IS THE SECOND NOTICE THAT I HAVE RECEIVED THAT MISS GARRETSON HAD TRANSFERRED HER AFFAIRS IN CONNECTION WITH THE PHYSICAL CULTURE MAGAZINE, NEITHER NOTICE IS OF ANY VALUE TILL DEC. NEXT, AS THE AGREEMENT IS FOR ONE YEAR FROM DEC. '91, NEITHER PARTNER HAVING THE POWER TO WITHDRAW TILL THEN.

THE MONEY ADVANCED BY MISS GARRETSON WAS TO THE BUSIN- NOT TO ME PERSONALLY. $28 OF IT SHE RETAINED AS WAGES. MISS GARRETSON BEING A PARTNER MUST ASSIST IN THE PAY- MENT OF ALL THE DEBTS OF THIS BUSINESS.

RESPECTFULLY YOURS,

Archibald Cuthbertson.

0593

POOR QUALITY ORIGINAL

Police Court ..... District.

Affidavit—Larceny.

City and County of New York, } ss:

Elsie Garretson

of No. 139 Amity Street, Brooklyn, New York Street, aged 25 years, occupation literary writer being duly sworn, deposes and says, that on the 8th day of December 1891 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 hundred dollars lawful money of the United States

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 Archibald Cuthbertson

That at said time and place the said Archibald Cuthbertson falsely and fraudulently stated and represented to deponent that he had in his possession and for sale five shares of capital stock of "The Physical Culture Magazine" and deponent thereupon relying upon said statements and representations delivered to said Archibald Cuthbertson the one hundred dollars aforesaid in part payment of said shares of capital stock.

That said statements and representations were false and untrue and were known to said Archibald Cuthbertson to be false and untrue in this that said Archibald Cuthbertson had no such shares in his possession for sale and there were

Sworn to before me this ..... day of 189

Police Justice

4759

0594

POOR QUALITY ORIGINAL

no shares and no capital stock of said Physical Culture Magazine then in existence. That since the making of the statements and representations aforesaid and obtaining said one hundred dollars as aforesaid said Archibald Cuthbertson has admitted and acknowledged to deponent that at the time of making said statements and representations and obtaining said money he said Archibald Cuthbertson had no shares and no capital stock of said Physical Culture Magazine in his possession or for sale and that there were at that time no shares and no capital stock of said Physical Culture Magazine in existence.

Elsie A. Harrison.

Sworn to before me, this 4th day of August 1899

[illegible] Police Justice.

0595

POOR QUALITY ORIGINAL

(1335)
Sec. 198—200.

.....District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Archibald Cuttlebertson 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. Archibald Cuttlebertson

Question. How old are you?

Answer. 42 years

Question. Where were you born?

Answer. Scattland

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

Answer. Flatbush L. I. six years

Question. What is your business or profession?

Answer. Baker

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

Answer. I am Not Guilty

Archibald Cuttlebertson.

Taken before me this 5 day of August 189 2

Police Justice.

0596

POOR QUALITY ORIGINAL

1847

Police Court 1 District.

Sec. 151.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Elsie Garretson of No. 139 Amity St Brooklyn Street, that on the 8 day of December 189 1, at the City of New York, in the County of New York, the following article, to wit:

Good and Lawful money of the United States

of the value of One hundred Dollars,

the property of Complainant

was taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Archibald Cuthberton

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen*, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 1 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 14 *day of* August 1892

D. T. McGrahon POLICE JUSTICE.

0597

POOR QUALITY ORIGINAL

Police Court ..... District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

.....

vs.

.....

.....

Warrant—Larceny.

Dated Aug 4th 1892

McMahon *Magistrate.*

Conroy *Officer.*

The Defendant Arch'd Smith taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

..... *Officer.*

Dated Aug 5th 1892

This Warrant may be executed on Sunday or at night.

..... *Police Justice.*

42
M
Scotch
Teacher
M
4yrs
Flatbush, L. I.

0598

POOR QUALITY ORIGINAL

Police Court--- District

THE PEOPLE &c.,
ON THE COMPLAINT OF

Archibald Cunningham

Offense Larceny

Dated, August 4 1892

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Your deponent
Cor. 8th Chichester
109 & 40 Ave
New York

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

Dated, August 4 1892 Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

599

POOR QUALITY ORIGINAL

VOL. II. $2.00 per Year. MAY, 1892. Single Copy, 20 Cents. No. 5.

Physical Culture

A MONTHLY MAGAZINE

CONTENTS

GEORGE P. GRAY. (Frontispiece.)
PHYSICAL CULTURE CONFERENCE.
LIGHT GYMNASTICS, *Dr. Anderson.*
MENTAL MEDICINE, *Dr. J. P. Dargitz.*
WHY I DON'T USE DRUGS, " " "

LADIES' DEPARTMENT.

POEM.
INDIVIDUALITY IN DRESS, *Editress.*
RAINY DAY DRESS.
TO TEACHERS OF PHYSICAL CULTURE AND THEIR PUPILS.
MADAM PATTI'S WRINKLES.
LETTERS OF ENQUIRY.
CULINARY DEPARTMENT.
JACK NEWBURY'S OPINIONS.
BUSINESS AND APPARATUS.
EXCHANGES, BOOKS, ETC.

ARCHIBALD CUTHBERTSON, Editor,
MISS ELSIE GARRETSON, Editor Ladies' Department.
Office of Publication,
Room I, Everett Building,
ANN AND NASSAU STREETS, N. Y., U. S. A.

Entered as second class matter at the New York, N. Y., Post Office 1892.

COPYRIGHTED, 1892.

JUDD'S 1364 Broadway. Emporium. Columbia Parlor Exercise and Rowing Machine. Parlor Lung Tester. Every Weight Dumb Bell in one. Headquarters for all Sporting and Athletic Goods. 1364 Broadway. ATHLETIC AND SPORTING GOODS

If you wish a Teacher, or Instruction, on any subject relating to Health, write to PHYSICAL CULTURE MAGAZINE.

1364 BROADWAY. JUDD'S *1364 BROADWAY.*
Patent Running Shoes, House Gymnasium, Guns,
Fish Rods and Tackle, Tennis and Golf, Etc.

600

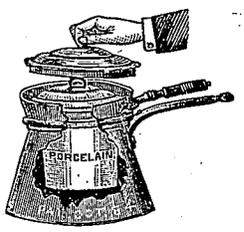
POOR QUALITY ORIGINAL

THE PRINCESS COFFEE POT.
SILVER'D STAR.

ANYBODY CAN USE IT. HAS NO DETACHED PARTS TO GET LOST OR BROKEN. HAS NO CLOTH OR TEXTILE FILTER TO REPLACE AND KEEP CLEAN, AND IS ALWAYS READY FOR USE.

(ENCLOSED TOP.)

The Porcelain Royal Boiler.



They are highly finished and of the best material with name, plate and date of the patent on each one.

ESTABLISHED 1877

C. HALSTEAD,

PATENTEE AND MANUFACTURER OF

China Porcelain Coffee, Tea and Milk Urns, and Porcelain Culinary Ware,

PRINCESS COFFEE POTS.

56 Vesey Street, New York.

These goods received the highest awards, in medals, at the American Institute Fair, 1891.

SEND FOR PRICE LISTS.

When writing to or calling on our advertisers will readers please mention this Magazine.

HOW GOOD COFFEE IS MADE.

Coffee is roasted to make it soluble in water and should not be darker than a light brown color, which is quite sufficient to bring out the excellent aroma, and other qualities of the coffee, and when carried farther more or less charred is the result, and a disagreeably burned smell is produced, which overcomes the pleasant natural aroma.

The intolerance of coffee experienced by people who really need it, and yet cannot take it without discomfort, is solely owing to the unscientific way in which it is prepared; good coffee represents only those conservative elements that place it at the head of our liquid foods. The loss of its valuable effects as a nourishment for the weak is due to the injurious forms in which they have been compelled to take it.

There is no article of like importance in our daily diet which is so much misunderstood as coffee. It is placed in a vessel to steep and boil under the impression that the longer it boils the stronger it gets. This is true, but this strong and bitter decoction is the caffeic acid of the coffee bean, and is not a desirable or healthful addition to the morning meal. Its nourishing properties are gone, the delicious aromatic flavor, its volatile essential oil has evaporated with the steam from the boiling pot and perfumes the whole house. and you wonder how that which had such a delicious odor should taste so bitter and disagreeable; it is concentrated pungent tannic acid and liberated gum, (not coffee). Hence, injurious effects-acidity of the stomach, drowsiness and headache, and it is a great mistake to suppose that the volatile aromatic properties of the coffee bean can be extracted and preserved in this way with the commonly constructed vessels made for that purpose.

If you want a clear, aromatic and delicious cup of coffee three things are necessary, **good coffee, water that is boiling hot and a properly constructed vessel with which to make it,** without these three essential conditions, good coffee cannot be made.

Boiled coffee is spoiled coffee. Chilled coffee is tasteless coffee. Hot coffee is aromatic and delicious when properly made. If there i anything which people think they can make and don't make, that thing is coffee.

This receipt relates to the "PRINCESS" coffee pot.

0601

POOR QUALITY ORIGINAL

HORSMANS FINE TENNIS ECLIPSE SPECIAL RACKET FOR 1892

DESIGNED AND MODELLED UPON SCIENTIFIC PRINCIPLES AND THE SUGGESTIONS OF EXPERT PLAYERS UNQUESTIONABLY THE

MOST PERFECT RACKET

IN BALANCE STRINGING AND FINISH

EVER OFFERED TO TENNIS PLAYERS

E.I.HORSMAN

MANF'RS. OF TENNIS. BICYCLES. AMATEUR PHOTOGRAPH OUTFITS. GAMES AND SPORTS

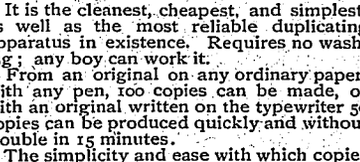
341 BROADWAY. NEW YORK

SEND STAMP FOR CATALOGUE

A NEW INVENTION,

THE SIMPLEX PRINTER.

100 copies of any writing or drawing in 20 minutes. This is a new apparatus for duplicating copies of writings or drawings.



It is the cleanest, cheapest, and simplest, as well as the most reliable duplicating apparatus in existence. Requires no washing; any boy can work it.

From an original on any ordinary paper, with any pen, 100 copies can be made, or with an original written on the typewriter 50 copies can be produced quickly and without trouble in 15 minutes.

The simplicity and ease with which copies of letters, circulars, price-lists, examination papers, drawings, specifications, music, etc., can be reproduced in various colors at one operation makes it invaluable.

Agents wanted everywhere. Send for circulars and samples of work.

LAWTON & CO.,

20 Vesey Street, New York.

CLASSIFIED

Gymnasium . . . . Exercises,

R. J. ROBERTS' SYSTEM.

COMPILED BY A. K. JONES.

Third Edition, 1892.

Mailed to any Address on receipt of Price, $1.00.

THE W. F. ADAMS CO., Publishers,

SPRINGFIELD, MASS, U. S. A.

Send for list of Books on Physical Culture.

TOKOLOGY, a complete Ladies Guide in health and disease. Women write "TOKOLOGY is worth its weight in gold." "Should my house take fire it would be the first book saved." "Next to the Bible the best book ever written." "No book sells like TOKOLOGY." Sample pages free. Best terms to agents. Prepaid, $2.75.

ALICE B. STOCKMAN & Co., 277 Madison St., Chicago.

0602

POOR QUALITY ORIGINAL

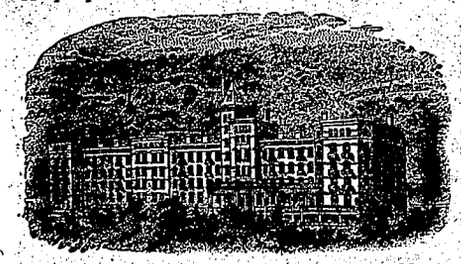
Located, designed, and equipped with especial reference to the needs, requirements, and comfort of a

HOME FOR INVALIDS,

It offers exceptional advantages and attractions to those who are sick or needing rest and quiet.

Under the personal care of a **Permanent Staff of Experienced Physicians.**

All forms of Baths, Electricity, Massage, Swedish Movements, Inunction, etc.; Delsarte System of Physical Culture. Frequent lectures and lessons on Health topics. Ample provision for recreation and amusement.



Hillside location overlooking the beautiful Genesee Valley. Pure spring water from rocky heights. Notably dry, mild, and equable winter climate. Perfect drainage and sewerage systems.

Modern Main Building (brick and iron) *absolutely fire-proof;* also twelve cottages steam-heated and complete in sanitary detail. Electric bells, safety elevator, telegraph, telephone—open all the year. On line Delaware, Lackawanna, and Western R. R., between New York and Buffalo.

For illustrated Pamphlet, and other information, address

THE JACKSON SANATORIUM,

Dansville, Livingston Co., New York.

For thirty years the leading Health Institution in America.

J. ARTHUR JACKSON, Secretary,
(Formerly Jackson & Ellingwell.)
Dansville, Livingston Co., N. Y.

Sensible Mothers WEAR **Good Sense.**

BUTTONS front instead of Clasps.

Beautiful Children WEAR **Good Sense.**

Tape-fastened Buttons. Ring Buckle at hip for hose support.

All Shapes Full or Slim **Bust.** Long or Short **Waist.**

LADIES, MISSES, CHILDREN.

Marshall Field & Co.
CHICAGO,
Wholesale Western Agents.

FOR SALE by all **Leading Retailers.**

Mailed Free on receipt of price by manufacturers.

Ferris Bros.
341 Broadway, NEW YORK.
Send for Illustrated Circular.

INDEX.

The two following issues of PHYSICAL CULTURE will give lengthened notices of the Physical Culture conference held in Philadelphia lately. It is unfortunate that the time of the meeting has been changed. The original time, after Thanksgiving Day, was a good season for all, much better than the Spring time.

A careful perusal of the articles by Dr. J. P. Dargitz, in this issue, will be found to be of great benefit to all. They are on the same theory as the article by Dr. James H. Jackson, of the Jackson Sanatorium, Dansville, N.Y., in a previous issue. The central truth is that action, in relation to stimulants, and other poisons, is the work of the *living* nerves—stimulants and poisons are dead and acted upon, hence vitality is always *wasted* by the use of such things.

Next issue of PHYSICAL CULTURE will give a biographical sketch of George P. Gray, the champion Canadian shot-putter, whose picture forms the frontispiece of this issue.

Our readers are kindly requested to mention this magazine when writing to or calling on the firms whose advertisements are in PHYSICAL CULTURE.

We should be pleased to answer any questions which our readers may ask about books, apparatus, bicycles, laws of health, etc. The following is a list of our advertisers:

Prof. J. R. Judd.—Gymnasium supplies.
Charles Halstead.—Double boilers, etc.
Horsman.—Gymnasium supplies.
Lawton & Co.—Simplex printer.
W. J. Adams & Co.—Physical culture books.
Tokology.—
Jacksons Sanatorium.—
Ferris.—Corsets.
Health Food Co.—
Schoverling, Daly & Gale.—Gymnasium supplies.
W. and C. Merrian.—Dictionary.
New Method.—
Posse Gymnasium.—
Anti-Stiff.—
Chantauqua School of Physical Culture.—
Peck & Snyder.—Bicycles.
J. E. Dowd.—Health exerciser.
Book Catalogue.—
Key to Health.—
Peck & Snyder.—Gymnasium supplies.
Narragansett Machine Co.—
Schumacher Gymnasium Co.—

0603

POOR QUALITY ORIGINAL

GEORGE P. GRAY.

PHYSICAL CULTURE.

In Theory—The obtaining and maintaining of a properly-formed healthy body.

In Practice—Right conduct about food, activity and rest.

ARCHIBALD CUTHBERTSON, Editor. Office of Publication, 107 Nassau St., Room I.

VOL. II. MAY, 1892. No. 5.

PHYSICAL EDUCATION.

SEVENTH ANNUAL MEETING OF THE AMERICAN SOCIETY.

Words of welcome by Dr. James MacAlister, President of the Drexel Institute, and the Annual Address by the President of the Association.

At the Drexel Institute last evening the seventh annual meeting of the American Association for the Advancement of Physical Education began. The session will last three days, and the programme mapped out, and already published in full in the columns of the PUBLIC LEDGER, is by far the most important yet undertaken in the history of the association, which, though comparatively a young institution, already numbers among its members some of the most prominent educators in our country.

The Board of Managers and officers of the Drexel Institute tendered to the association the use of the building for the purposes of their seventh convention. The handsome auditorium was comfortably filled last night. President Edward M. Hartwell, of the Association, Dr. James MacAlister, President of the Drexel Institute, the Rev. Dr. John S. MacIntosh, Pastor of the Second Presbyterian Church occupied the platform.

Among the members present were delegates from Boston, New York, Chicago and Baltimore. The exercises began with an organ voluntary on the magnificent instrument in the auditorium, played by Mr. James M. Dickinson, organist of the Institute, and Dr. James MacAlister made the following address of welcome:

THE ADDRESS OF WELCOME.

"It is my pleasurable duty to welcome the officers and members of the American Association for the Advancement of Physical Education to the Drexel Institute, and, while I have no commission of any kind in the matter, I am sure I may speak

0604

POOR QUALITY ORIGINAL

words of welcome on behalf of the citizens of Philadelphia and all those who have the best interests of their fellow-beings at heart.

"I know of no educational society in the country more deserving of a hearty welcome than this one. If we are deficient in any one point of our culture it is in the matter of physical education. While we have not been neglectful of the intelligence and the moral faculties, we have neglected the physical necessities of our lives.

"The Germans for one hundred years have been the leaders in the matters of physical education. All through their own country, and in many portions of this one where Germans are thickly settled, there are institutions erected by them and devoted to the important purposes of physical education. I believe that we shall have to fall back upon the systematic training received in gymnasiums for the foundation laying of our physical education, notwithstanding the fact that the growing popularity of field sports is doing a great good in this direction. The elementary and important bearing of gymnasium training is the most important branch of our physical culture.

DESERVING OF WELCOME.

"This association is especially deserving of a welcome in this section of the country, for here in the East we have not yet made the progress in that branch of our education that has been made in some of the Western States. The sound and wholesome physical body is the best legacy the young can transfer to the developing minds of our American boys and girls.

"This association was formed for the purpose of creating a broader and deeper interest in these important matters, and I am glad to say the meeting comes most opportunaly to the Drexel Institute, of which great institute we propose to devote one part to the cause of physical training.

"On behalf of the Board of Managers of the Drexel Institute, I take great pleasure in welcoming the officers and members of the American Association for the Advancement of Physical Culture to this building, trusting that this seventh annual meeting may be productive of great good to a great number, and I now take great pleasure in introducing to you the President of the association, Dr. Edward M. Hartwell, Director of Physical Training in the Boston public schools."

INTRODUCING THE PRESIDENT.

President Hartwell was cordially received by the association, and before delivering his address on "The Condition and Prospects of Physical Education in the United States," said: "Mr. President, of the Drexel Institute, ladies and gentlemen of the American Association for the Advancement of Physical Education. On behalf of this Association, which I have the honor to represent, it gives me great pleasure to acknowledge our thanks to the managers and officers of this Institute for the privilege accorded us in being invited to meet here, under the newest and one of the broadest and noblest of the institutions of learning in our country; an institution which has already shown its interest in the cause which we champion. Again, Mr. President, on behalf of the association, I thank you."

THE PRESIDENT'S ADDRESS.

Dr. Hartwell then began the delivery of an interesting address to the association, during the course of which he said:

"According to a prevalent belief of long standing, the number seven is considered to be ominous and fateful; for instance, the human body is said to be renewed in all its parts once in seven years, and its life is supposed to be divided into seven periods or ages. The doctrine of crises in regard to certain forms of disease is inextricably bound up with considerations of the ominous character of the seventh, fourteenth and twenty-first day of their course. In ancient Greece the boy was left in the charge of his mother and nurse till he became seven years old. He was then handed over to a discreet man, a pedagogue, and his course of training as an aspirant to citizenship was begun.

"Similarly in the days of chivalry the boy was kept in feminine leading strings till he was seven years old; henceforth his training was directed with an eye single to preparing him to play the part of courtier and knight. He was removed as much as possible from the sphere of woman's teaching, and was surrounded by influences calculated to make him an adept in manly sports and duties. To become a craftsman, the apprentice served his seven years, and seven years was likewise the period of training and probation for him who was destined to become a man of letters.

A VIGOROUS ASSOCIATION.

"Following ancient usage, therefore, I venture to emphasize the fact that this is the seventh annual meeting of our association for the advancement of physical education. We may be allowed to congratulate ourselves, however, that, though as a corporate body, we are unquestionably larger and more vigorous than was the case seven years ago, few if any of those who were active in the establishment of this association have been cast out or have removed themselves to make way for new material. A glance at our list of members and the programmes of our meetings makes it evident that there is little prospect of our being removed from the sphere of woman's influence and suffered or required to run alone. Indeed, a very little packing of the primaries would enable our athletic sisters, were they so minded, to run away with the organization.

"Having then, in a sense, arrived at a critical point in our history, it behooves us to review the course of events within the field of physical education during the first period of our existence, and to forecast, so far as we may, the character and direction of the forces which are likely to be operative and influential in the period upon which we are entering. I shall not, however, at this point, enter upon a detailed account of the events which have signalized the history of our cause within the past seven years, but I may say, in passing to a survey of the principal causes which have shaped the rise and development of physical education in the United States, that the

0605

POOR QUALITY ORIGINAL

interest in problems pertaining to the physical side of education has never been so general, so active, or so intelligent as it is to-day, and that the advancement of physical education, within the last ten years, in the United States has been more rapid, more steady, more diversified and vastly more considerable than within any period of thrice its length since the opening of the nineteenth century.

"Physical education is at the most a province in the realm of human training and the struggle for its advancement is but an episode in a general campaign. The main issues of that campaign were joined in the revolt of the realists and philanthropists agains the humanists.

"Broadly speaking, educational reform in the United States, in the revolutionary decades of the last century, has been a conflict between those who have espoused the doctrines of what in the eighteenth century were known as humanism on the one hand, and of philanthropinism or realism on the other.

"Prof. Painter, in his history of education, gives the following statement with regard to the contrast between humanism and philanthropinism.

1. Humanism aims at general culture; philanthropinism at utility.

2. Humanism seeks to exercise and strengthen the mind; philanthropinism to fill it with useful knowledge.

3. Humanism demands but few subjects for study; philanthropinism many.

4. Humanism exercises the mind with ideas; philanthropinism with things.

5. Humanism deals with the true, the beautiful and the good, the elements of human culture; philanthropinism with matter.

6. Humanism finds its subjects of study in classical antiquity; philanthropinism in the present.

7. Humanism regards learning as a serious employment; philanthropinism makes it, as far as possible, an amusement.

8. Humanism leads to thoroughness in a few things; philanthropinism to superficiality in many.

9. Humanism cultivates the memory, the repository of knowledge; philanthropinism neglects it.

THE REVOLUTION OF YEARS.

"The political, social and industrial revolutions that have been wrought within the last 100 years have done much to spread and popularize the ideals and methods of the philanthropists, and have contributed not a little towards forcing the humanists to abate their somewhat arrogant and exclusive claims with regard to the superiority of 'discipline studies' over 'information studies;' in other words, scientific training has won, or is fast winning, a secure place for itself beside its present rival and former over-lord and master, 'classical culture.' It is not likely that permanent or absolute victory will be achieved in America either by the devotees of humanism or realism; a much more desirable result is likely to be brought about, viz., that the two parties shall become so far united and reconciled as to work side by side for complete education.

"It is noteworthy that the classicists have done comparatively little

to win recognition for physical education or to further its end; they have, to be sure, had much to say about the gymnastic education of the Greeks, and have lauded and magnified it, but in a purely literary and rhetorical way. It is to the realists that we owe the introduction of physical training into our modern schemes of popular and scientific education.

PHYSICAL TRAINING NOT TAKEN SERIOUSLY.

"The truth is physical training is not and has not been taken seriously by the writers and talkers on education, or by those who train, appoint and govern the teaching class. The cause of physical training has sufferred much at the hands of its friends, since it belongs to a class of questions that have a strong attraction for doctrinaires and dabblers. The contingent of doctrinaires and dabblers is an increasing one, and is largely recruited from the impatient, restless optimiatic folk who are agreed only in being discontented with what is, and in striving to find a short cut to the millennium. It is therefore not a difficult matter to stir up a local and transient interest in physical education, and to inaugurate short-lived and ineffectual experiments in the field of school and college instruction.

"But to make physical training an integral factor in the education of American youth, we must base our discussions and efforts on a clear unstanding of the modern doctrine of the human body. American physical training will remain a thing of shreds and patches unless the promotors and governors of our educational institutions shall set themselves, first of all, to learn and to apply the plain teachings of science and experience with regard to the nature, scope and legitimate results of physical training.

"Speaking broadly, physical training is related to education, as a part to a whole, and should be conceived as a means to an end, not as a separate end in itself. In other words, the relation of physical training to education is a variable quantity, whose magnitude and worth is determined by the value assigned to education on the one hand and to physical training on the other.

"A complete treatment of the subject would involve a thorough-going study into the evolution of the modern doctrine of the nature of the human body and mind, and the evolution of the modern doctrine of education."

At the close of the President's address there was an informal reception held in the court of the Institute, following an organ solo, and the announcement of the programme for the whole session.

0606

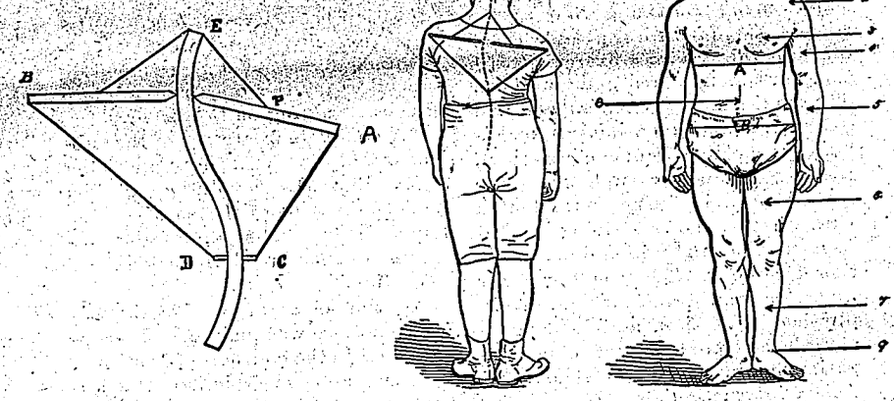
POOR QUALITY ORIGINAL

LIGHT GYMNASTICS.

By Dr. W. G. Anderson.

Adelphi Academy, Brooklyn.

In writing a book about such a practical subject as Physical Culture it is necessary that the literary work should be done by one who understands the subject from experience. This, fortunately, is the case with Dr. Anderson's publication.



The military evolutions are taken from Upton with but slight changes, permission having been obtained from the Appleton's to do so. The changes which have been made are of such a kind as to render them more suitable to the school pupil.

A valuable feature of the book is the instruction which relates to placing the pupils properly on the floor for calisthenic class-work. This is of great service to inexperienced teachers.

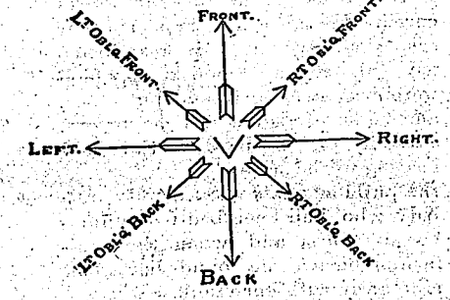
The instruction given about the change of tissue by exercise is expected to suit the comprehension of the pupil as well as the teacher. Dr. Anderson believes firmly that if a pupil understands the reason for an exercise it will be better done. In this every right teacher also concurs. Much of the Dr's. success, as a teacher, has been the result of this principle.

The pupils are instructed in ordinary physical defects by drawings on the blackboard, and are thus able, clearly, to see what is necessary by the exercise.

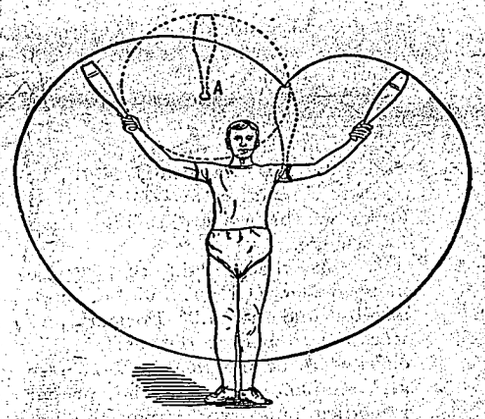
Dr. Anderson believes that these defects can be corrected by different movements, and has classified the various motions alphabetically, which will be found on page 55.

Motions, in Dr. Anderson's book, always mean what they say, *e. g.*, a swinging motion is always a swing; not a pushing motion, etc. Under such regulations, when a pupil gets a command, there is not any ambiquity as to what it means.

Illustration No. 25, shows how the various parts of the body may be treated by calisthenic and gymnastic exercises. This is displayed by both a front and back view of the body. Scholars are thus able to associate the various exercises with letters of the alphabet. Cut 27 shows the direction in which all motions are made, and the positions at the bottom of page 52 will explain clearly how they should be applied.



In the fundamental positions with wands, clubs and dumbells, all can be classified according to letters of the alphabet, except military motions, such as the manual of arms, and baynot-drill. These can be combined as variously as the teacher's ingenuity may suggest. This part of the book included pages 83 to 87 inclusive. Club motions, which are generally difficult to acquire, are simplified into two long and two short circles, two being in front and two behind the body; on these all the subsequent combinations are built. In the music, which is an indispensable factor, three different kinds of time are used, viz., double, reel and follow.



This book, although not all that the author desires, is certainly a valuable addition to the theory and practice of physical culture, and the second edition will contain some decided improvements. Published by Effingham, Maynard & Co. 771 Broadway, N. Y. Price $1.50.

0607

POOR QUALITY ORIGINAL

MENTAL MEDICINE.

A Lecture by J. P. Dargitz, M. D., January 23.

In approaching this subject I know that I am getting upon ground which a few years ago was considered extremely dangerous to the peace and happiness of the adventurer. Time changes many things however, and why should this be an exception? Many things we see to-day appear directly opposite to what they did a few years ago, and we even go so far as to wonder how we ever could have held such views as we once did.

Some may consider it a sign of weakness to change about. I will admit that an undecided and vascilating state of mind is to be condemned. We all ought to have convictions upon one side or the other, but if we have not, should be open to conviction, and let the fact be known that we are seeking after knowledge.

It has been said that "wise men do change their minds occasionally but fools never." Formerly we were led to believe that certain diseases were of the imagination, pure and simple, and that the proper remedies must work upon the imagination. Many illustrations are common currency among medical people as to how certain people were cured by a fire or some sudden excitement, after having been bedridden invalids for years.

Prof. Emmet relates one instance of a lady being brought to him on a bed, who had not been able to get on her feet or dress herself for eight or ten years. Her people came with her and came to stay while he treated her. He told them aside, to all go home and he would cure her. After they had gone he went to her and told her she was in the hands of the phillistines and that if she would obey him all would be well, but warned her that it made him angry to be disobeyed, and that in fact he was equal to the devil himself for ugliness.

He then said she should not have another mouthful of food unless she helped herself to it, and that he would be in her room next morning at nine o'clock, and if she was not dressed he would dress her, and proceeded to slowly enumerate each article of feminine apparel he could call to mind. The next morning he found her trying to dress and with a word of encouragement she did dress, and returned home in four weeks cured. He also mentions another case of a lady, where he prescribed a new silk dress and hoopskirts, which were just coming into popular use, and he succeeded as well as before, curiosity on the part of the lady leading to the cure.

Dr. James C. Jackson, tells of a lady who had been bed-fast a number of years, and when the Sanitarium burned he found her a half mile away with her trunk.

It is reasonably certain that many people have been sick and got well without knowing it, leaving it to some sudden excitement or mental influence to cure them. There are many cases of purely imaginative ills however, which cannot be cured by any means whatever save the imagination. We have got to humor them and make them believe they are sick, and by giving pure water as a powerful medicine, or black sugar pills as a virulent poison to satisfy their abnormal mental condition. But then there is still another and far more numerous class of people, and to whom I wish to refer more particularly. They are indeed sick, and have been for a longer or shorter time. "Well but," says one, "you wouldn't give 'Mental Medicine' where disease really existed, would you?" *Most certainly.*—I will assert that no successful physician ever used any remedy more than "Mental Medicine." The time has come when it will not do to deny the influence of the mind over the body. This influence may be for good or evil.

Nature abhors a vacum. Nothing animal exists long without action. The human mind is no exception to this rule. It will work, if it is not working for good it is for evil. It may work to hasten bodily vigor. If it does not it will work to hasten destruction and combat nature's working of physiological laws. Then what must we do? How must we secure the minds help in getting well? *Give the mind employment.* Here is found the secret. The Earth if left to herself will bring forth weeds. So will the mind, and perhaps one of the worst of these mental weeds is introspection—We must not be looking at our aches and pains continually, for by so doing we only direct nutrition to them and keep them alive.

Yes, I know, Samantha says, if she falls and hits her head on a stone, its hard to think there is no stone there, but after she has hit the head, it will do no good to think of the pain or the stone either. Poverty is said "to be no disgrace but mighty inconvenient." Pain is inconvenient and a disgrace also. This may seem radical teaching, but the day is coming when to be in pain or to be sick will be equal to being locked up for a crime. A sin is no less a sin because it happens to be a physiological one. I venture the prediction that more than one-half of all chronic sufferers to-day could shorten the road to health at least two-thirds if they would only train their minds in that way. "As a man thinketh so is he." Think health and she will come to you on every breath you breathe, or every ray of sunshine, and on every throbbing of your pulse. Let us remember that it is not all of life to live nor all of death to die.

This life is but a school-room where we prepare ourselves for the real life just beyond. Let us realize that Mind and Soul are the principal parts of man; that we must cultivate the Mind and develop the Soul. Plants and animals grow and die but the human Soul lives on forever. Let us remember that we have a work to perform. We must work if we would get well and keep well. We must work to do good. If we but try to make others happy around us, we will be far happier ourselves. Let us resolve not to dwell upon our ailments, and not to talk to others about our physical troubles, and not to talk about theirs. None so disabled but that he can give a cheery

0608

POOR QUALITY ORIGINAL

good morning or a pleasant word, and it will go, oh! so far toward making that day brighter and better. See your physician and talk to him of your ills, but don't, don't make anyone else sick by telling it to them.

There is something bright ahead for each one of us and let us strive to find it.

WHY I DON'T USE DRUGS.

From a lecture by J. P. Dargitz, M.D., February 13, 1891.

Some one will consider this a peculiar subject for a man educated in a medical college.

If I was educated to prescribe drugs why don't I do so? Perhaps the Homeopathic fraternity will object and say remedies, not drugs. Take it as you please, I think I have proved very conclusively in previous lectures that I am more of a Homeopath than many who claim to be, even though I discard all form of drug medication.

The whole question settles down to one pivotal point after all. Can drugs cure disease? Have I not shown positively that all action must come from an active source. And an active source must be a source of life. In the case of "drug action" is the life in the drug or in the patient? Being in the patient the action is necessarily there and *upon* the drug. The medical fraternity express it clearly when they say: "Our most powerful remedies are our most virulent poisons." Why the most powerful? Because calling forth the greatest amount of vital action from the patient to throw off the poison. Now comes in the question as to the advisability of doing this. When you are sick because you have been prodigal of your vital force, is it wise to treat yourself by using still more of this vital power, increasing the prodigality? For illustration, suppose a four-horse power steam boiler is running an eight-horse power engine. It can't do it well because it can't make steam or "vital power" fast enough. Will it remedy the matter to put on another engine or to throw water in the fire-box and use up a part of the heat thus which should have gone to make steam in the boiler? No mechanic would do so. But if he did and kept it up long his boiler would not steam at all, and then what? Simply this—if it had been a patient instead of a boiler, it would have been a "dispensation of Providence."

The central idea must be plain to all; that we must conserve our strength, vitality or nerve-power, and not waste it. If we are living two or five years in one, we must cease it. Hygienic treatment with increase and conserve nerve-power; drugs will not.

In college we were taught that a drug with certain symptoms would always cure a patient with the same

symptoms. To illustrate and prove this, clinics were held and the poor treated free before the classes. A patient comes in, his case is diagnosed and the learned professor says, "here is a case calling for a certain remedy or drug, and gentlemen, it will prove curative in this case." So they proceed. What is the result? In a week one out of five returns, no better. What does this mean? Simply that, according to statistics seventy-five or eighty per cent. of acute cases get well if left alone. Draw your own conclusions. Some one will say that is because of Homeopathy being no good.

Statistics from various hospitals show that of pneumonia, for instance, one hundred cases treated by old school methods, twenty or more die. One hundred cases treated by Homeopathy, six die. One hundred cases not treated at all, seven die. In the first case what caused the death of these thirteen cases? If they had not been treated they had not died. It wasn't Providence it was drugs. Long live the name of Hahnemann for inaugurating a reform against drugging. If we are honest now, however, we must carry on the reform. We can't afford to fold our hands and let Hahnemann's work carry us to glory but we must work for ourselves. He started the ball rolling and we must keep it moving.

The people who come to Sanitariums for treatment have used drugs in vain and failed to be cured. We cure them without drugs, and when we get through they are cured. For six months we have discarded drugs entirely and have had better success than before. Any Sanitarium adopting the same principles can do as well. Seventy-five people have come here for treatment, sick and saturated with drugs. We have eliminated the drugs much as you would eliminate dirt from a soiled towel. Not one of them has been under treatment as long as ten days and failed to be benefited, and with a reasonable time we have had no failures. This in the face of the fact of our only beginning to creep as yet in the matter of Hygiene. What will it be when we are full grown?

I now think you will all understand why I don't use drugs. May Providence hasten the day when Sanitariums true to name shall flourish in every community, when a doctor shall be what the name indicates, a teacher.

Not long since I was called to see a young man in great pain. On inquiry, found he had been having such attacks periodically for two years. One "Dr." had treated him awhile by injecting morphine. Then another "Dr." was called and he gave morphine powders. Neither taught the young man what to do to avoid a recurrence of the attack, hence were not doctors though they might be physic—ians. A hot foot-bath and a little electricity soon put him to sleep. Attention to food and habits will prevent a recurrence.

A law should be passed at once compelling doctors to write all prescriptions in plain English. They object of course, because their occupation would be gone if people knew what was being given them. They must keep things covered up and the people in ignorance, for knowledge on the part of the people would spoil the proiession.

0609

POOR QUALITY ORIGINAL

EXERCICES.

FOR A MARRIED MAN.

If he has time, let him lie on the floor on his back and raise his feet above his chest six or eight times, then use a dumb-bell about twenty pounds weight, in picking it up from between the feet let him push it up above his head always looking at dumb-bell as he puts it up—say, about six time with each hand, then perform motions eight or ten times, see fig. I. If he is single he may

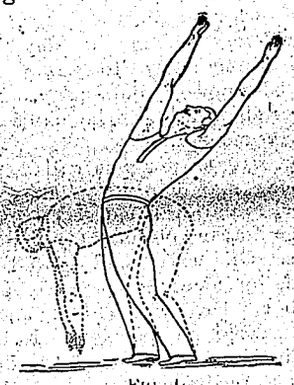


FIG. I.

perform the motions as above described, including striking up and down, out and in, and perform a few other arm and body motions as in fig. II.

FOR A CORPULENT MAN.

He should dress himself with plenty of clothing, that is loose on the body. First, let him run around the room if his weight does not shake the room too much, if it does let him strike up and down with a pair of three pound dumb-bells, say fifty times; then he should step out and strike outward, next, lie on the floor as in motion formerly described and raise legs till feet come over chest eight or ten times being careful not to make himself sore. A young man can perform all the above mentioned motions, including kicking with each leg first to right then to left.

A married woman may perform the motion as described in fig. II. and lying on the floor. The last motion described is very beneficial to all the internal parts.

A young girl can run, jump, skip, and do anything in the way of romping.

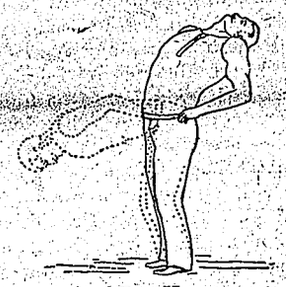


FIG. II.

A single woman can perform motions of agility including figs. I. and II., if she has a machine.

An elderly lady may lie on the floor, roll over and over, strike up and down, and lean from right to left, looking up at the same time. These motions are done that vital blood may be driven to the extremities, and may not stop in the trunk of the body to seek enemies, and to drive the waste therefrom while, if it stayed would cause trouble.

J. R. JUDD,
Prof. of Physical Culture.

LADIES' DEPARTMENT.

CONDUCTED BY
MISS ELSIE GARRETSON.

The Editor of this department would be pleased to receive (for publication, if writer desires) any articles relating to women's physical and mental development, or to answer any letters of inquiry, from women interested in these very important subjects.

THE OLD PINK GOWN.

BY MINNA IRVING.

She looked at the delicate creamy sheet,
And she smoothed it out with her slim white hand;
"It bids me come to the ball," she said—
"'Tis the key to a night in Fairyland,
But alack and alas!" with an angry frown,
"I've notning to wear but my old pink gown."

But the collar edged with a row of pearls
Was a dainty frame for her lovely face,
And the faint perfume of a dying rose
Stole out of the frayed and yellow lace,
And the handsome heir to a ducal crown
Led out the girl in the old pink gown.

He went to his castle home that reared
Its massive front from the moonlit snows,
And his couch was haunted till morning dawned
By the faint perfume of a dying rose—
By lips of scarlet, and curls of brown,
And a rounded form in an old pink gown.

She was wearily mending the raveled lace
When she saw him stop in his coach and four;
He lifted the latch of the broken gate,
And he bowed his head to the cottage door,
And low at her feet he knelt him down,
And kissed the hem of the old pink gown.

There came a day in the waning year
[So well had the young lord's wooing sped],
When the snow blew in at the shattered panes,
And the fire on the cottage hearth was dead;
For the bells rang out in the ancient town,
And he wedded the girl in the old pink gown.

If the face is fair and the heart is true,
Love asketh not if the robe is frayed;
So up at the castle on the hill,
In an ebony chest with gold inlaid,
With rose and musk and lavender strewn,
Lie the faded folds of the old pink gown.

INDIVIDUALITY IN DRESS.

We may be the very perfection of physical beauty without possessing that charm of all charms—individuality. Ethnology, psychology and biology show that specialization is a higher grade of evolution. All individual traits are developed equally as we proceed higher in the general physical and intellectual scale.

We are compelled to admit that the ancient nations, not excepting Greece, with her strongly marked physical superiority, were indifferent to personal individualization, and the fine sculpture of the ancients is merely a collection of perfect models of the physical type, void of sentiment and expression. The superiority of their art lies in the regard shown for refined physical proportions and symmetry, and not in the portrayal of any typical and idealized emotions, such as should have given soul and expression even to faces of marble. We have ample proof that the Greeks did not appreciate the beauty of individuality, nor consciously enter into the charms of emotional expression.

06 10

POOR QUALITY ORIGINAL

The form of Venus is exquisite, the face perfect; but it lacks expression; there is nothing in the face to love—it possesses no human softness.

We can take our analogy through all the highest forms of past civilization down to the present day, and we find that it has been left to our own age to recognize and develop variations and expressions, and create new and individual types, both of men and women.

Individuality both in dress and sentiment, is of the greatest importance to personal success, and he or she who lacks it, shows truly an evidence of inferiority. This craving to be and dress like some one else is nonsensical—not to say the least absurd.

"You walk this peopled earth alone."
* * * * * * *
"None like thee ever yet was known."

The woman who follows the very lastest fashion, regardless of fitness, is as offensive to refined taste, as she who defying the laws of dress, persists in appearing in untidy and unsightly attire. Not every woman, it is true, is born to wear clothes in queenly style. There are women who seem all jointed and clumsey, though they walk attired in silks, while there are others, who look distinguished in a cheap print—they lend an air to the simplest garment.

It is a mark of weakness to be ecentric in dress and to devote all one's time to it. But it is a greater weakness to care nothing whatever for our personal appearance.

We have all, no doubt, said, and also, heard others say, "that a person's hat looks just like them," and thus it should be. That indefinable something, that is all our own, should ever linger about us as a halo. We are all more or less original, but alas, few ever seem to know their own selves.

Having once complimented a friend on her appearance and telling her also that she dressed in much better taste than she had been in the habit of doing, she laughingly said, while at the same time stepping before a mirror and viewing herself critically, "you see, I have only just met myself—and we are getting acquainted little by little. It pays, do you not think so?"

It most truly did, and I asked her who had brought about the meeting, she replied, "you know I always was a poor conversationalist, besides being awkward in manner, and I determined to remedy both, and this is the way in which I have brought about my evolution; I would seat myself before a mirror and talk to myself, then I would rise and walk off to a distant part of the room and, turning, I would walk back and greet my mirrored self. Then again, I would be entertaining a whole roomful as it were, by talking to all the chairs. Well, one day, while thus engaged, I happened to glance in the mirror before which as usual I was seated, and all at once I saw myself as others saw me—hair arranged most unbecomingly—an ill-fitting dress whose color made me look sallow and over-grown. Why had I never noticed this before? At once I commenced to study color and effect, and, although I have not reached perfection, as you see, I have, at least, wrought a change."

Is it waste of time to study one's style?—by no means! It is a duty we owe ourselves and society to dress well—and by dressing well, means to dress in keeping with one's station.

An ill-dressed woman is a discordant note and jars on refined taste. A well-dressed woman is a recognized power. We cannot help but associate fine detail with refined personal feelings. The human form is the most wonderful of Divine creations, and is a type of order demanding orderly attention.

A style of dress which is suitable for a person of slender, graceful proportion, is certain to be fatal to the attractiveness of a stout woman—therefore, it pays to spend the time to know one's self artistically.

What exquisite satisfaction there is in feeling one is well and suitably clothed.

Such a person is never awkward in manner—being at peace with herself she is at peace with all the world.

RAINY DAY DRESS.

We take delight in looking over the different designs of dress reform—there is a certain fascination for us in the subject whether we believe in dress reform or not.

Just now there is quite a discussion about the "rainy-day dress."

In our April number we gave an account of Mrs. Ingersoll's storm dress, as many call them, and we will now tell about one of our English cousin's rainy-day dresses.

Vicountess Harberton expresses herself very emphatically, on the subject of our dress of to-day. She says, "There can be nothing more loathesome than the fashion of trailing the skirt of the dress along the street, into what medical papers call *sputa*, and other objects equally disgusting. The women who are in the habit of doing this, then go into their houses and sit by the fire, where the dried particles of all those horrors float freely about the room to be inhaled by everybody."

There is no dress more graceful than the trailing one, and it may reign supreme in the drawing-room; but when it crosses the sill of the outer door, all its beauty is gone, and it deserves all the censure it receives.

Vicountess Haberton's indignation is a righteous one, and all sensible women doubtlessly echo her opinion on this subject as well as do the men.

In speaking of the short dress Vicountess Haberton says, "Undoubtedly the popular idea of a short dress is the one which just clears the ground. It is also about the ugliest form of skirt possible. It is too short for the flowing drapery ideal. It is too long for the beauty of suitability and harmony. It trails in going down the slightest elevation, covering stockings and underclothes with dust, should the weather be dry; skirt and heels mutually plastering each other with mud, should the day be wet."

0611

POOR QUALITY ORIGINAL

Her Ladyship speaks of two dresses which are her favorites for a short dress—the Japanese and the Syrian rainy-day dresses.

The Japanese dress is thus named because it was taken from the dress of the Japanese nobleman. The skirt is twelve inches from the ground and is made "dual," an ordinary coat completes this costume.

The Syrian dress, is an adaptation of the trousers worn by Eastern women, and is the same distance from the ground as the Japanese dress. The Syrian dress is easy to make. The full waistcoat of silk, and short jacket, full sleeves and flowing sash complete this artistic costume.

Still, with all that is said about the rainy-day dress, it is not of its beauty that we wish to make special mention, but of its usefulness. The dress is never strikingly pretty, no matter how artistic it may be arranged — and only the girlish woman would look really well in it.

By a "girlish woman," I mean those women who never seem to lose their girlhood appearance. The girlish light ever seems to linger in their eyes, no matter what their age may be—such woman can wear this dress very gracefully.

To women who are forced to go out in all kinds of weather, this dress is indispensible, their wardrobe is not complete without it. They need not mind whether this dress is becoming or not.

One can feel satisfied by the knowledge that they are decently and suitably clothed, for their rainy trip. Well may they pity their sisters who have not the courage to go and dress likewise.

TO TEACHERS OF PHYSICAL CULTURE AND THEIR PUPILS.

Another month and the gymnasiums will be closed for the season.

Have you thought out your plans for the summer? Are you going to do anything toward agitating the question of having a gymnasium in every school and college in the United States? or, are you going to take your safety and join some of the cycle expeditions which are now forming in different parts of the country, and forget all about humanity in general in your ardent desire to see how many miles you can travel during the months of July, August and September?

You can if so inclined make this trip useful as well as a pleasurable one. It undoubtedly will be worth much to you as a healthful recreation, but why not stop over a day or so at some of the picturesque little villages and inquire if the village contains a gymnasium? and if not, agitate the question for a consideration of such in the near future. Surely this mission can but add to your enjoyment.

To those who have no intention of taking an extended cycle trip, will find flower culture not only a pleasant and healthful occupation, but it

can be made a profitable one as well, if one cares to so engage in it.

Rose culture has become not only fashionable for ladies to cultivate, but many are reaping quite a pocketful of pin-money from the profits thereof.

Tennis playing, one of the most graceful sports a lady can practice, has, by some been condemned, as too violent exercise for women. Much depends on how the game is played. There certainly is nothing very graceful or beneficial in the manner in which some ladies play the game. It need not be a violent exercise if properly played. We, as a sex, allow ourselves to grow unnecessarily excited over games of all kinds, still, we are improving quite rapidly and we will soon be as cool and collected as our brothers are—when they play their match games of ball. One of the best games of tennis which I ever saw played, was last February at the Berkley Armory, in New York City. The game was played by young ladies. I said exciting, but none were more collected than the players. The spectators were the excited ones.

Every stroke of the ball was one of calm precision; every run a graceful sweeping movement. No long leaps and horrifying stretches; no feminine outbursts—those indescribable little yells of ours you know—not one was heard. Their eyes of course were brilliant with excitement and merriment, but that was the only expression of their enjoyment. As quietly as the game had been played thus it was won. And we all turned away with a feeling of pride for our sex.

The time of wishing that we were men is going by rapidly. We are growing more contented with our lot, we find it is just as well to be women after all. But there are a hundred and one ways in which, as women, we can be more useful than we heretofore have been. Shall we not put our heads togetner and see what we can accomplish within the next few months?

MADAM PATTI'S WRINKLES.

There is a face doctor whose principal duty is to keep Patti's face smooth and free from wrinkles.

This face doctor has a little curtained boudoir to which Patti repairs, and with the full glare of the noonday upon her, the doctor looks for every incipient line and possible blemish. This is immediately removed by massage, steaming or unguents as the occasion requires. This woman studies the peculiarities of Patti's skin as physicians study their patient's constitution.

All those who have seen Madam Patti know what a habit she has of frowning—and yet, withal it is a pretty frown as Madam Patti no doubt is aware of.

It is well enough to frown provided one can do so artistically, and there is some one at one's call to erase the tell-tale lines; otherwise do not attempt it. It takes a professional

0612

POOR QUALITY ORIGINAL

to treat these wrinkles, while those caused by discontent, ill health, etc., are within the power of every one to erase themselves.

Many, especially our sex, imagine they are invalids when they simply are starving for exercise and an interest in some one besides themselves.

The best receipt that has yet been given for wrinkles, and one that has proven most effectual is, congenial surroundings, perfect forgetfulness of self, and an aim to be more than one is, both intellectually, morally and physically. This last is quite possible without having self constantly rising above one's horizon, shutting out the view of all other objects.

President Raymond, of Wesleyan, is making a vigorous effort to secure a gymnasium for the college. The Fayerweather bequests of $50,000 is to be for the erection of the building alone. What is now needed is the funds for its equipment and support. A number of Wesleyan Alumni have been approached on the subject, and it is said that a large sum has already been raised.

Since Mr. Theodore Child wrote *Delicate Feasting*, the question has frequently been asked, "of what nationality is Mr. Theodore Child?" His writing proclaimed him to be a cosmopolitan, and it was generally known that he resided in Paris; but the *St. Jame's Gazette*, of London, not long ago brought matters to a focus by alluding to Mr. Child as an American, whereupon the author explained to the editor of that journal, that he was by birth an Englishman, and that he had studied at Oxford. It is stated that some enthusiastic American readers of Mr. Child's book have formed "A Society for the Promotion of Delicate Dining."

Miss Angelina Brooks, whose knowledge of kindergarten methods, has rendered her an authority in that line, has been making a study of the curb-stone children of New York. She finds that there are 141,000 boys and girls between the ages of four and six who spend their lives in the streets of New York and never see the inside of a school-room. Miss Brooks is making every effort to kindle an interest in these waifs, that will result in the establishment for them of free kindergarten schools.

The municipal authorities of Vienna have taken the trailing skirt in hand, and are endeavoring to ensure the health of the city by the imposition of a tax upon all women wearing skirts of that length. The sanitary committee are of the opinion that the sweeping of the long skirts on the streets scatters the germs of disease, and makes of the prevailing style of dress a nuisance to the public welfare.

The St. Louis Hygienic College of Physicians and Surgeons is one of the best medical colleges of the West. It educates men and women for practice in Hygeio-Therapy, or curing the sick by hygienic agents. By the able management of its president, Susanna W. Dodds, M. D., this institution is in a very flourishing condition. Pupils attend from nearly every State in the Union.

LETTERS OF INQUIRY.

To Editor of Ladies' Department:

CHARLESTON, N. C.

Kindly tell me what is to be done for those women who need gymnastic exercise, but have not the time to attend a gymnasium? This is my *case*—I am a wife and mother and do my own work.

April 29, '92. MRS. E. H. S.

To Editor of Ladies' Department:

PROVIDENCE, R. I.

It is with interest that I read your magazine. Will you tell me please, if household duties cannot be performed in a manner to be as beneficial as gymnasiums?

April 5, '92. MISS L. M. J.

To Editor of Ladies' Department:

CHATTANOOGA, TENN.,

Do you not think there is such a thing as giving too much of one's time to gymnastic exercises? I should like to adopt a plan of keeping my boys and girls at home more. All their spare time is spent at the gymnasium.

April 5, '92. MRS. J. C. M.

To Editor of Ladies' Department:

CLEVELAND, TENN.

Gymnasiums no doubt are our salvation, but for all that, they are not within the reach of all. What is to be done for those who cannot avail themselves of this privilage?

April 6, '92. MISS SULLIVAN.

Let us draw our chairs around the grate fire and have a cosy little talk, all to ourselves. Even if it is May, and the trees are out in leaf and the flowers are in bloom, a fire in May is not uncomfortable, in this ever-changing climate of ours.

First, let us discuss your letter Mrs. P., which was in the April issue of our magazine. Gymnasium exercises are very beneficial to women who have nothing else to think about, in that it takes their mind away from themselves, making them forget that they had decided to die with consumption, heart disease and various other ailments that women who have nothing else to do, dwell upon with such quiet satisfaction.

If gymnasium exercise does this for such women, what must it not do for women whose every moment seems taken with life's cares and trials?

Do not be a slave to your children. Teach them to be helpful, one to another. Teach them how to assist you. Map out little duties for them to perform regularly for you—but that will still give them time for pleasures.

In reference to household duties Mrs J., we see you also feel as Mrs. P., does. Such duties might be more beneficial, if we did not put so much unnecessary strength, in what does not require it; for instance, in sweeping a room—grasping the broom tightly, and sweeping with all one's might, using twice the amount of strength that is required. But we will not take up the time to discuss that which, in itself, would fill a book. More will be said on this subject at some future time—and yet I will add that while household duties can never take the place of gymna-

0613

POOR QUALITY ORIGINAL

sium exercise, still, a little of the latter with the former would make duties lighter and keep one looking youthful. No matter what one's duties are, one has to take the time to die, and why not take the time to live better?

The art of repose is what we all should practice more. In the midst of our driving cares, if we would take the time for five minutes now and then to relax all the muscles. Throw one's self on the sofa, reclining with ease, forget every worryment for the time being—and note how much lighter duties seem, when one commences again—how the *untimely wrinkles* have disappeared.

I know it is easier to preach than to practice—but what will we not do, if there is a question of age at the bottom of it all.

No, Miss Sullivan, we cannot all attend gymnasiums, and yet that fact need not deter us from gymnasium exercises. Why not have a gymnasium at one's home? All those who can so arrange it are having them.

Yes, it does cost something. If you can buy your outfit do so, if not, make it with the aid of the menfolks around the house.

Mrs. M., and Mrs. S., here is a way of keeping the children at home, and, at the same time busy.

Have your boys with the assistance of the girls, make their own gymnasium outfit. Be sure the girls assist—boys do not like to have girls stand around and give orders. It will be a noisy tool-shop if such is the case, besides little being accomplished.

By putting their ingenuity to the test, they can make the chest-weight machine, cross-bars, ladders, and the rings are easily arranged. These will be quite sufficient for a home gymnasium, then give them your cast-off mattresses and their gymnasium is about completed, with the exception of perhaps a few things which they cannot make and which are better to buy, such as the dumb-bells, clubs, etc.

Have a teacher of physical culture come to the house a few times to instruct them in the proper manner of using the apparatus and to test the strength of their handiwork, and to make any suggestions of improvement which he might find necessary.

Engage in these exercises with your children every day, if only for fifteen minutes.

And so you see gymnasium exercises are within the reach of everyone.

One feature of the World's Fair exhibit from Rhode Island, will be a collection of books written by the women of that State, gathered by Mrs. F. P. Palmer, President of the Rhode Island Woman's Club.

Miss Millington Lathbury declared at one of her recent lectures, at the British Museum, that the woman of ancient Greece were far inferior to the women of to-day, both physically and intellectually.

Lady Florence Dixy, of England, who is famous in sporting circles, owing to her skill with the rod and rifle, pronounces rabbit-coursing and fox-hunting with hounds, wanton cruelty.

CULINARY DEPARTMENT.

HOUSEWIVE'S TACT.

"Oh dear, we cannot get help for love or money. If we had only kept some of the colored people of Indian Territory here, instead of sending them to Liberia, we might have found many good servants among them."

This remark undoubtedly has passed from the lips of many housewives within the last few months, besides the one who thus expressed herself not long since.

For the last few years there has been much written on the subject of domestic help, and perhaps nothing is more to blame for the position housewives have so often found themselves situated in, than their own mismanagement. Few servants are capable of managing their work systimatically, and while they do not all appreciate "the interference with their affairs," still, without seeming to do so, one can show them that, one is "mistress of the manse."

Women too often forget to treat their servants as though they were human beings.

The cook may say—and they all will say it—"Plase missus, I'll manage this myself, as soon as ye comes into the kitchen I'll be for lavin'—it 'tant any place for yeh." At the same time cooks and servants in general, are not averse to a kindly smile, and they look for an appreciation of the many dainties and delicacies which they send on your table, and the manner in which they perform their various duties.

Servants oftentimes make their duties much harder than they really are, and consequently they grow discouraged. A housewife who will allow her servants to drudge all day long, deserves to be without help half of the time. No matter what the work may be, it can be so arranged that a servant can have a little time to herself every day—and it is the duty of every woman to so conduct her household affairs that such can be the case, for few servants, as has already been stated, have the ability to thus manage their work. Then again, there are many housewives who seem to have no idea what system and order mean.

A lady once said to me, "I do not dare call my soul my own—why, I never think of going into my kitchen, and I rarely ever know what is coming on the table. I give my orders to be sure, but they are scarcely ever carried out."

What contempt one has for such a woman, and what must be the feelings of her servants for her.

To bring about the change in household affairs that so many women are crying out for, they will have to evolutionize their methods. They should teach their servants to dignify and like their position. When once this has been accomplished girls will not look for work in factories where they are only half paid, but to one where they will be well paid, and will have a pleasant home and surroundings.

CANNED PEA SOUP.—Drain the liquid from the can of peas, and put these over the fire in enough cold

06 14

POOR QUALITY ORIGINAL

water, slightly salted, to cover them. Simmer until soft, and rub through a colander. Have ready two coffee-cupfuls of hot milk, thickened with a tablespoonful of butter, rubbed smooth in as much cornstarch. Add the strained peas to this, and let them cook together about five minutes. Pour upon dice of fried bread laid in the tureen. It is well to put a pinch of soda in the milk before adding the peas. If preferred, you could use any kind of soup stock in place of the milk.

BARLEY BROTH.—One pound mutton or beef bones, one-half pound barley, one-half pound peas, cabbage, carrot, parsnip, parsley and celery. Nothing can be more nourishing or wholesome than broth. It is advisable in making this, to make sufficient for another day, as many consider this broth much better the second day.

BAKED HERRING.—Clean the herring well, pack them in a baking dish, sprinkle salt and pepper over them, a little dripping, and two teaspoonfuls of vinegar. Bake half an hour, serve hot, garnish with parsley.

CALF'S LIVER AND BACON.—Among the good things that come with the spring is calf's liver. Properly prepared there are few more delightful breakfast dishes. A great many people do not understand how to cut bacon. It should be ice-cold, and a thin keen-bladded knife should be used to cut it properly into slices half an inch thick, two inches wide, and two and one-half inches long. The liver should be cut the same thickness and use one's judgment about the size of the pieces. Lay the liver in cold water for fifteen minutes before it is cooked to draw out the blood, when this is done dry thoroughly before placing in frying pan. Never sprinkle flour over liver.

House-cleaning time is here—that delightful renovating period which men enjoy so much. Here are a few hints on the subject: First, clean all the closets, then proceed to the garret. In coming down to the rooms, take one at a time. Do not tear up the whole house, making a general commotion, driving the men-folks to their clubs, should one's home be in the city, and to the far corner of the farm should one live in the country. Men are so convenient to have around at this time—but, you know, it takes considerable scheming to keep them within calling distance.

SWEETBREADS AS AN ENTRÉE.—The heart sweetbreads are considered the most delicate, and they look nicely when larded some with shreds of black truffles, some with red tongue, and others with green stalks of parsley.

EGGS STEWED WITH CHEESE.—One egg for each person. Let them set in a frying-pan; remove them to a plate when cooked. Cut some cheese very thin, put it on top of the eggs, with salt and pepper to taste. Set before the fire or in the oven to swell. Serve hot.

HOW TO BOIL RICE.—Half-pound of rice, a pinch of salt, one quart of water, and a tablespoonful of dripping. Boil for half an hour. The rice must be soft but each grain separate—do not stir while cooking. Drain it in a colander when done, and serve hot.

INDIAN PUDDING.—One quart of milk, one-half pound of Indian meal; one small cup of tracle, one tablespoonful of dripping, one teaspoonful ginger, one egg, one teaspoonful baking powder, a pinch of salt. When the milk is nearly boiling, wet the meal with some of the cold milk and let it boil; then add the tracle, dripping, ginger, salt, egg and lastly the baking powder. Turn it into a deep pie dish and bake two hours.

FRENCH TEA ROLLS.—Into two pounds of well-sifted flour work a quarter of a pound of butter until it is like grated cheese, add to it two beaten eggs, two tablespoonfuls of baking powder or the same of baker's yeast, the yeast is preferable and likely to be more successful; a little salt, as much warm milk as will make a soft dough; strew flour over the mixture and cover with a warm cloth; set in a warm place to rise for two hours, then dip your hands lightly in flour and make in small rolls an inch thick and the length of a finger. Place in buttered pans and allow to rise until they begin to crack, when they must be placed in a hot oven, and left to bake for twenty minutes. Five minutes before they are done, wet over with sugar and milk quickly, and close over again until done.

Mrs. Marie Louisa Pike, the wife of Col. Nicholas Pike, formerly United States Consul at the Island of Mauritius, recently died in Brooklyn, N. Y. She was a woman whose

scientific attainments were wide but rarely known outside of those interested in such matters. Mrs. Pike was formerly a Miss Hadley, an Englishwoman, the daughter of the British Commissioner to South Africa. Col. Pike met Miss Hadley on the Island of Mauritius, while making a study of the scientific features of the island, and Miss Hadley assisted him by reproducing the colors and forms of the collections of fish of the Indian Ocean, which were sent to the Agassiz Museum at Cambridge. Since her marriage to her husband, Mrs. Pike has assisted her husband by illustrating exhaustively a collection of spiders and making a series of pen and ink drawings of the snakes of the United States. Mrs. Pike was also a writer. She wrote extensively on kindred subjects for English, French and American journals. The Brooklyn Institute of Arts and Sciences had the honor of her membership, and her varied experience, especially as regards the flora of different countries made her services of value.

Physicians, who are generally married and realize the futility of discussion, rarely protest against women's clothing. But recently so conservative a medical journal as the *Lancet* has something to say against the immaculate fit given to women's riding habits, and to the airy, crownless structures which women call bonnets. Women's riding habits now so closely follow the configuration of the form that they increase danger by lessening the freedom of movement in case of accident. The tightly fitting skirt is held to be more dangerous than the loosely

0615

POOR QUALITY ORIGINAL

flowing skirt, and the snug fitting body allows for too little clothing to be in any sense healthful. As to bonnets the *Lancet* announces in advance of the fashion journals, that next fall and winter large beaver bonnets, the models of which have been submitted to the editor, are to be worn, and is congratulatory that the question of hygiene is now so prominent in the public mind that it has at last touched women's head gear.—*N. Y. Sun.*

The finest cycle track in all England is that of the cycle path of the Putney Athletic Club. It is said to be the steepest bank bicycle track in the world.

Never were there more graceful cyclers than at the present time. The parks and country driveways are alive with them, and the women bid fair to excel the men both in grace and speed.

BERKLEY LADIES' GYMNASIUM.

One of the most interesting gymnasium entertainments which has been our pleasure to attend, was the Third Annual Opening Day of the Berkley Ladies' Athletic Club, of New York City, which took place on the afternoon of April 1st.

The gallery of the gymnasium was crowded, and as much of the space which could be spared on the main floor was also given up to spectators, all of whom were most enthusiastic in their appreciation of the various exercises.

The entertainment commenced with the free movements, then followed the musical dumb-bells by the children which were skillfully and gracefully performed. Two of the little girls won a prize of silver dumb-bells, tied with ribbons, which were as bright as their shining little faces.

Dr. White, of the Berkley School, introduced the Knights of Pythias Drill, which was enthusiastically applauded.

The Racket Drill, under the management of the Misses Potter and Elliott was especially fine. This was followed by the Apparatus Work, Clubs and Fancy Steps, all of which were managed by Misses Potter and Elliott.

The young ladies did great credit to their instructors of these unusually well performed exercises.

Lastly was the fencing, which besides being a success was highly amusing and very artistically performed.

Madam Besserer conducted this exercise. After the young ladies had laid aside their swords, Madam Besserer's daughter, Mlle Amorita Besserer, a tot of four years, looking like a little fairy in her white china silk and sea-green velvet jacket, tripped gracefully forward and, taking a sword went through the exercise with her mother. Mlle. Amorita enjoyed the sport very much, but not more than the many whose eyes were fastened on the swaying baby figure, and whose ears caught the hearty little laugh that ever and anon pealed forth.

JACK NEWBURY'S OPINION OF PHYSICAL CULTURE.

By E. A. G.

"So you have really decided to visit us Jack—to break away from your hermit life for a while?" said Mrs. Cleremont Jefferies addressing her brother as she entered her tastefully arranged reception room.

"Yes, Jessica, I have not taken it out in talking this time. Well, what's the news, anything special?"

"News? of course there is lots of it. Are you aware you have not been to New York in nearly fifteen years?"

"Is it as long as that? The old town looks about the same though," he said, walking to the window, and glancing out upon the street for a few moments, then, turning he walked to the grate, where a gas log was cheerfully blazing, throwing its shadows about the room, at the close of this March day. Outside the wind whistled dismally.

"After all Jessica, my country life suits me better."

He laughed as some men do, when a past suddenly comes back to them, then thrusting one hand into his pocket, while he rested his other arm on the mantel-piece, continued, "How strange it all seems, when I look back on my life—how I used to be dabbling in Stocks. I stopped in at the Exchange this afternoon to watch the howling crowd for a few moments, and I thought—'what fools we mortals be' sure enough."

"Why you forget—there is where you made most of your money," said Mrs. Jefferies laughingly.

"Well, perhaps I did—but I am older and wiser now."

"And so is the world Jack."

He shrugged his shoulders, "I fail to see it."

"Use your eyes Jack, while you are here, and perhaps you will change your mind."

"Perhaps I may, but not likely. Where is Neva?" referring to his niece.

"At the gymnasium. She spends half of her time there. You know it is quite the fad now."

"No, I do not know anything about it. What do they do there—what is it for?"

"You had one at the club, surely you have not forgotton."

"Good heavens! you do not mean young ladies are going through the antics we did? well, well, will wonders never cease?"

"I cannot tell you just all they do, you will have to go with Neva and see for yourself."

Jack Newbury had been one of those few men, who, having made a fortune at the Exchange had quietly walked out of it—having the good sense not to be lured back by its inexplicable fascination. A few days afterward, he left the metropolis, and bought a farm thirty miles from Albany. There, with his servants, he lived a most secluded life. The monotony broken only by his sister and her family spending their summers with him.

Gossips said that, a love affair had something to do with the life he had chosen—that he had been jilted, and many more things that gossips delight to talk about.

06 16

POOR QUALITY ORIGINAL

"Uncle Jack, you have really come!"

A young girl bounded across the room, two arms stole about his neck, and a merry tussle followed.

"Why, Neva dear," said Mrs. Jeffries, "is that the latest in Physical Culture—is that Delsarte improved? You are positively rude."

"Oh mamma, you know Uncle has not been here in—oh I cannot remember when—surely my actions are excusable," and she laughed gayly as she looked at her Uncle, who was making a great pretense to catch his breath.

"Uncle Jack, I will show you all the city. Where shall we go first?"

"I think Uncle had better show you the sights dear," laughingly replied Mrs. Jefferies.

"We will go in partnership. I will take Uncle to the Art display, Dog show, to our gymnasium, and oh lots of places."

"Where shall I take you after all that?"

Neva came close up to her Uncle and whispered, "take me through the slums of the city, I want to see what they are like." Her blue eyes twinkled as she glanced up at her mother and said, "Did you hear mamma?"

"Yes, I heard, but Uncle will do nothing of the kind." Jack Newbury only laughed.

The gymnasium was left until last, for, as Neva said, "it was the best." The evening before Neva told her mother at dinner, "that Uncle Jack was just hateful, for he would not take her through the slums—he says 'wait until I am twenty years older.' I am going as a missionary there, before that time."

Mrs. Jefferies laughing at her daughter's earnestness replied, "You will have to get Lady Somerset and Mrs. Besant to chaperon you, they know them better than Uncle."

The next day, Neva spirited her Uncle away early to the gymnasium.

Jack Newbury, although a man of forty, was not blind nor indifferent to feminine beauty. While he admitted he had never seen so many beautiful young ladies, still, he would not admit he thought the exercise becoming, even if they were charmingly graceful in the different movements.

Now and then Neva would come up to her Uncle and say, "isn't it lovely? say so, please do, just once!"

"Yes, you are all just lovely."

"Oh, no, I mean the gymnasium, physical culture—do you not think it fine?"

Physical culture?" he said sarcastically—"I call it a cultured fizzle."

"Uncle! how can you say so? Wait, here is a young lady I want to introduce to you."

Coming toward them, bounding gracefully through the rings, all unconscious she was being watched, was a young lady.

Neva went to her friend who, dropping the rings said, "Neva, you are not trying the rings to-day?"

"Oh, yes, I have been. Come Bertie, let me introduce you to Uncle Jack."

Jack Newbury turned and met the gaze of a pair of laughing gray eyes. Eyes, strangely like a pair he had known long years before.

"Uncle, this is Miss Venner."

"I am pleased to make your acquaintance Miss Venner." Then

studying her intelligent eyes for a moment added, "I hope Miss Venner, you are not wrapped up in 'the fad of the day,' too?" It would be delightful to meet a young lady who would denounce it."

"Denounce physical culture? Mr. Newbury, you really cannot be in earnest?"

Her laughing eyes suddenly grew sober and appealing in their earnestness, as, bending forward and extending her arm with a graceful sweep that even Madam Delsarte might have been proud to have imitated, she said, "Mr. Newbury, it is this exercise which gives us a muscle as firm as a man's, and why should we not be quite as strong? Are our lives so very different—may we not have to battle with life's ruggedness as well as you—are we unwomanly in preparing for the fight at least?"

Jack Newbury stroked his mustache thoughtfully, but did not reply at once

Bertha Venner's shapely arm with its graceful hand and pink upturned finger-tips, fell despairingly at her side, as no answer came to her questions.

Still pondering on her questions he took Neva's hand, and extending his other to Miss Venner said, "Miss Venner, I will have to think your questions over before I can answer them. Wont you come home with us—we will continue the subject this evening?"

"Yes, Bertie, please do," said Neva.

"I should like to, so much, but I cannot this time." Then turning to Neva, added, "Neva, bring your Uncle over—I am sure papa will convert Mr. Newbury to our way of thinking, even if we cannot."

That evening as Jack Newbury and his brother-in-law were in the smoking room, Mr. Jefferies said, "So you find the old town about the same, Jack?"

"Yes, all but its women—I cannot quite make them out."

[TO BE CONTINUED.]

SMILE WITH YOUR EYES.

There are so few pretty mouths, and only a pretty mouth can smile sweetly. To smile with the eyes is more bewitching.

Those who have homely mouths try it. Those who have *not* homely mouths try it. There is far more character in this smile. Do not draw the eyes up until crowsfeet form a fringe around them, no one likes to see these untimely wrinkles. Only throw the whole of your kindly, loving, generous womanly soul into them, keeping the mouth and facial lines in repose, and you will have the whole world at your feet.

Nothing is more tiresome than the woman who ceaselessly expands and contracts her lips over her teeth—no matter how pearly her teeth may be. It is rarely anything but a smile, without mirth or meaning.

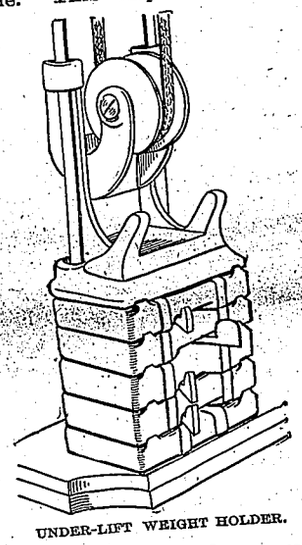
Bryn Mawr College, Bryn Mawr, Pa., is said to have the largest and best equipped gymnasium of any woman's college in the United States.

0617

POOR QUALITY ORIGINAL

A GREAT IMPROVEMENT.

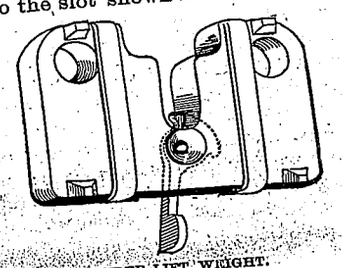
The accompanying engravings illustrate the greatest improvement that has been made on pulley-weights since the introduction of the compound rope. It provides a means of attaching or detaching weights by a touch of the foot and prevents the weights being taken from the machine. This improvement has



UNDER-LIFT WEIGHT HOLDER.

long been needed, for loose weights have been a nuisance. They stray away from the machine, get scattered around the floor, and accumulate dirt so they are not fit to be handled. The under-lift weight cannot be taken from the machine. It is attached and detached by a touch of the toe. It cannot be jumped or thrown from the holder, and changes are made instantly without stopping or letting go the handles. The rods pass through the holes in the corners of the weight thus preventing their being taken from the machine, or an excessive amount of weight used on any machine. These are all features that a practical gymnasium director can appreciate.

The construction of the under-lift weight holder is exceedingly simple as will be seen by the illustration. The weights are piled up beneath the holder or carrier. From the carrier a notched spur projects downward into the slot shown in the top view



UNDER-LIFT WEIGHT.

of the weight. Each weight has a cam with a lever projecting on the front. Pressing the lever to the right by a touch of the toe, engages the cam with a notch in the spur of the carrier and lifts the weight and all above it. Pressing it to the left disengages the weight.

It is evident that adjustment of the weight may be made after adjusting head-gears, foot-straps, etc., and the person exercising is not tempted to use a wrong amount of weight on account of the inconvenience of making the change.

This improvement has been tested by actual gymnasium use and all directors that have seen it are loud in its praise. It is being patented by the Narragansett Machine Co., of Providence, R. I., and is to be used on all their high grade machines.

IMPORTANT CHANGES.

The manufacturing business connected with physical culture and athletics is increasing rapidly. Messrs. Peck and Snyder, of 128 Nassau St., N.Y., have had to change and enlarge their building. They now occupy the entire basement of the Vanderbilt Building extending out to Beekman St., where their shipping will in future be done. The bicycle department will be down stairs. The place is elegantly fitted up and arranged, and will be a perfect emporium of all kinds of athletic and outing goods.

As you pass down the front stair you will see a person coming down an opposite stair, and the fellow will look very much like you—dressed exactly as you are and as like you as if he were your twin. Watch this apparition as they sell magic goods in the store. If you wish to get a bicycle look at Peck and Snyder's advertisement. This firm is now offering special advantages to working people who can buy a wheel on sure regular payments.

A. G. Spalding Bros.

This firm has made a great change. So extensive has their business become that they have had to take a large building on Broome St., as a wholesale and shipping department and remove these branches from 241 Broadway.

At their old place, however, they are still doing business.

They have lately issued a neat little book on "Physical Culture," price ten cents. Besides giving some illustrations of how to use the chest-weight machine it has a large number of valuable rules on how to eat, work, rest, sleep, breathe, bathe, etc., send and get a copy.

EDITORS AS WELL AS DR'S. DIFFER.

"We regret that the editor of a magazine devoted to physical education should have seen fit to hold up to public ridicule two of the leading men in this field.

"Dr. J. Gardner Smith does not need that we enumerate his many qualifications for the work of a physical educator. The fact that he is intrusted by the Young Men's Christian Association to lead one of its most important branches shows that he has the confidence of the business men of New York. The fact that the Board of Education of New York City followed his advice and chose him as the Superintendent of Physical Education in the public schools of that city, shows that he has the confidence of the educators of that city.

"Mr. George Ehler, of Brooklyn, N. Y., is also handled somewhat roughly. Though no direct statement is made, yet the reader is left to infer that Mr. Ehler is unfit for his position. His record in the past and his work at present are ample evidence of his ability to take a leading part in physical education.

"We feel assured that the best way to further the interest in physical education is to show that the principles which we advocate are in accordance with the latest scientific research. If the editor in question

06 18

POOR QUALITY ORIGINAL

thinks that these or any other men are giving a wrong bias to physical education, it is his duty to send out a word of warning, not by insinuating anything against the persons who are engaged in doing this work, but by showing in what particular the principles which they advocate are wrong.

"There are few normal schools of physical education in this country, and *who* is to judge when a teacher's education in this line is up to the mark, and what shall be the standard?"

The preceeding four-paragraph quotation we take from *Physical Edution*, a monthly publication issued by the "Triangle Publishing Co.," of Springfield, Mass. This periodical was formerly called "The Triangle."

While regretting is in order, it is to be regretted that the editor of *Physical Education* has not named the publication and also the gentlemen who were "held up to public ridicule."

As the opinions of Dr. Smith and Prof. Ehler were criticised in previous issues of PHYSICAL CULTURE, we shall aid the reader in solving the implied insinuation; and we can safely say that the gentlemen who were spoken of in PHYSICAL CULTURE were much more courteously treated than has been the editor of this magazine by the editor of *Physical Education*. If Dr. Smith and Prof. Ehler were "held up to public ridicule," by the editor of PHYSICAL CULTURE, much more so has that gentleman been ridiculed by the editor of *Physical Education*. The safer conclusion is that the editor in question has not read the articles of which he speaks.

EXCHANGES, BOOKS, ETC.

Young Men's Journal. This useful publication is now in its ninth volume, No. 4. It is edited by Mrs. George Archibald, of Elmira, N. Y.

As a guide to young men in the formation of character it fills a good place. A woman is much better able than a man is to lead young male minds during such an important period. The matter consists of literary, social, and moral subjects, well selected. Fifty cents per year.

The Home and School. This popular educational monthly comes from Norfolk, Neb., and is published by J. A. Hornberger. It contains short, attractive, instructive articles, which are interesting to scholars, parents and teachers; subscription fifty cents per year.

Library and Studio. We have been favored with a copy of this popular, bright publication. Although new to us it is not really so, as it has reached its sixth number in the fifth volume, and is published in San Francisco, under the management of B. B. Hall, subscription $2.00 per year, or five cents per number.

The Parthenon. This modern classic has also stepped in to see us this month. It is published by Ella S. Ross, 161 La Salle St., Chicago, and edited by Anna N. Kendall; subscription $1.00 per year, or five cents per copy. It has a decidedly Greek, classical appearance, and choice of subjects. Some of the titles are, "Pallas Athena," "Beauty as a Necessity of Life," "Studies in the Philosophy of Plato," etc. An editorial article treats of the "Woman Question in England."

THOSE WHO SEEK THE BEST FOOD and are determined to LIVE WISELY and WELL; to eat for STRENGTH and the power to live long and be healthy; to seek PHYSICAL UPBUILDING and MENTAL POWER through simple, strong, effective, wholesome nutrients, and are prepared to believe that THE BLOOD is THE LIFE; that Food and Food alone makes blood, that bad food makes bad blood, that Good Food makes Good Blood, Good Health and a SOUND BODY, actuated by a SOUND MIND, will avail themselves of the SUPERIOR FOODS of

THE HEALTH FOOD CO.,

HEAD OFFICE: 61 FIFTH AVENUE, NEW YORK.

(With Sub-Offices all over the Civilized World.)

VALUABLE DIETETIC HINTS FREE TO ALL.

NEW YORK AGENCY,
Narragansett Machine Co.'s
GYMNASIUM & ATHLETIC GOODS.

ATHLETIC CLOTHING.
DISCOUNT TO ALL LARGE CLUBS.

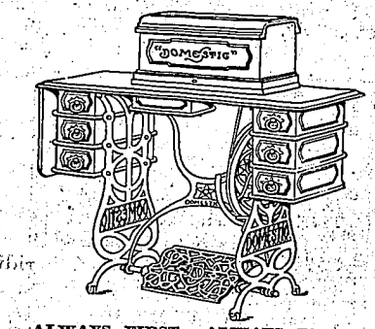
HUMBER & GALES CYCLES.

FISHING TACKLE, GUNS,
AND
SPORTING GOODS
OF EVERY DESCRIPTION.

SCHOVERLING, DALY & GALES,
302 BROADWAY, N. Y.

THE LIGHT-RUNNING

FOUR MACHINES IN ONE.



ALWAYS FIRST. ALWAYS BEST.
30 Years Record of Ever Growing Success.
SIMPLE. DURABLE. PRACTICAL. PROGRESSIVE.
"DOMESTIC" SEWING MACHINE CO.,
Broadway & 14th St., New York.
"Domestic" Patterns Combine Fit, Style, Novelty.

06 19

POOR QUALITY ORIGINAL

TESTIMONIALS.

* * * * "The Gymnasium Apparatus ordered of you has been received and we wish to say that we are very much pleased with it."

W. T. Owen,
Physical Director, Y.M.C.A.,
Fair Haven, Ct.

* * * * "The Apparatus recently placed by you in the new Gymnasium of *Syracuse University* is perfectly satisfactory to us. Its beauty and excellence commands universal admiration. Many persons familiar with Gymnasium equipments have pronounced it the finest they have ever seen."

C. N. Sims, Chancellor,
Syracuse University, Syracuse, N. Y.

* * * * "Your Apparatus is up in our Gymnasium and I assure you it is a great success. Centrally located as we are, and in so prominent a building, we have visitors from all over the country. The universal verdict thus far has been "One of the finest Gymnasiums I ever saw, and the best Apparatus." Several Eastern Athletes say we have the best made Apparatus they have ever seen. The Horse has no equal; the Adjustable Ladder is perfect; the Mats will wear for years. You have our heartiest endorsement.

E. W. Peck,
Gen'l Sec'y, Y.M.C.A., Des Moines, Ia.

EVERY FAMILY,
School, Library, and Office
S-H-O-U-L-D
Have a Dictionary.
Care should be taken to GET THE BEST.
THE INTERNATIONAL,
New from Cover to Cover.
Successor of the "UNABRIDGED,"
IS THE ONE TO BUY.
10 years spent revising.
100 editors employed.
$300,000 expended.
Sold by All Booksellers.
Send to G. & C. MERRIAM & Co. Publishers, Springfield, Mass., U.S.A. for free specimen pages.
WEBSTER'S INTERNATIONAL DICTIONARY

THE WORLD'S COLUMBIAN EXPOSITION.

Send 50 cents to Bond & Co., 576 Rookery, Chicago, and you will receive, post paid, a four hundred page advance Guide to the Exposition, with elegant Engravings of the Grounds and Buildings, Portraits of its leading spirits, and a Map of the City of Chicago; all of the Rules governing the Exposition and Exhibitors, and all information which can be given out in advance of its opening. Also, other Engravings and printed information will be sent you as published. It will be a very valuable Book and every person should secure a copy.

THE NEW METHOD.

A wonderful book on the hygienic treatment of sickness.

$2, or $2.50 according to binding.

Lewiston, N. Y., April 4, 1891.

Health Supplies Co.

Gentlemen:—I was induced by our minister's wife (Mrs. L. G. Marsh) to get a copy of your "New Method," and try the treatment in the case of mother, 82 years old who was suffering from acute dropsy and heart difficulty—who seemed to lie at death's door several weeks during the past winter. She was tired of the sight of medicines, that she knew was debilitating her. Since that time she has dropped the drugs entirely and now mother is able to walk all about the house, and is delighted to recommend your "New Method" to all she has an opportunity to see. She has lived in this place about sixty years and is well known and beloved by all.

Yours very truly,
Mrs. William H. Sage.

POSSE GYMNASIUM.

—A—

NORMAL SCHOOL

OF

GYMNASTICS.

Nine Teachers; Twelve Special Lecturers.

Summer Course begins Aug. 1st.

For Prospectus address,
Baron Nils Posse, M. G.,
23 Irvington Street,
Boston, Mass.

To Athletes, Cyclists, Baseball & Footballists, Horse-back riders, Boxers and Oarsmen; when you want to ride, run, walk, row, skate or swim a long distance, USE

ANTI-STIFF

To Strengthen the Muscles.

To Strengthen the Muscles.

It is a marvelous preparation for Strengthening the Muscular System. With Anti-Stiff there is no faith required; it goes straight for the muscles, and you can feel it at work. It has a peculiarly warming, comforting, and stimulating effect on all weak or stiff muscles and sinews. Quick in its action, cleanly and pleasant in use. Rub it into the muscles every night for a fortnight, and you will be pleased at its supporting and strengthening properties. There is not, nor has been, anything like it till now. It differs from all Oils, Embrocations and Liniments, both in substance and effect. Some Athletes are so fond of it that they rub it all over them.

Price 20c. and 35c. per box.
Trainers size, $1,00.

E. FOUGERA & CO., AGENTS FOR U. S. 30 N. WILLIAM ST., N. Y.

The St. Louis Hygienic College of Physicians and Surgeons.

Will begin its Sixth Annual Course of Instruction Tuesday, September 29th, 1892. It educates men and women for practice in Hygieo-Therapathy, or curing the sick by strictly hygienic agents. This school is legally chartered and officered. It has annually a full course of lectures of six months each, there being three courses in all. Thorough instruction is given in Anatomy, Surgery, Chemistry, Physiology, Pathology, Hygieo-Therapathy, Sanitary Engineering, Physical Culture, and all other branches pertaining to a good medical education.

For further information, address, for announcement,

S. W. WOOD, M. D.,
2826 Washington Ave.,
ST. LOUIS, MO.

Do You Teach Gymnastics?

JOIN THE

CHAUTAUQUA SCHOOL

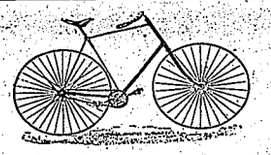
OF

PHYSICAL EDUCATION, Limited.

The Seventh Season begins in July, 1892, and continues six weeks.

Swedish, Delsarte, German and Artistic Gymnastics Taught.

For 16 page circular send to
J. W. Seaver, M. D., Secretary, Yale University, New Haven, Ct.; or,
W. G. Anderson, M. D., President, Brooklyn, New York.



BICYCLES

ON EASY PAYMENT PLAN.

All leading standard makers; old wheels taken in exchange; catalogue, list of second-hand wheels, and easy terms payment, mailed free. Cushion and pneumatic tires applied to old wheels at moderate cost. 200 1891, red cushion tires, boys' or girls' "Credendas," $90, reduced to $60. Correspondence solicited.

PECK & SNYDER,
126 Nassau St., New York.

0620

POOR QUALITY ORIGINAL

DOWD'S (OF CHICAGO) IMPERIAL

5-PULLEY HEALTH AND STRENGTH EXERCISER.

NEW, and will be Ready for the Market about Dec. 1, 1891.

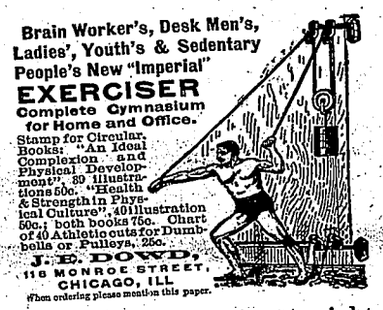
COMPLETE FOR $5.00.

With Book of Instructions, containing 40 Athletic Cuts and One Chart of Exercises.

No. 3. Plain, Complete, $5.00.

No. 2. Polished and Bright Nickel, $7.50.

No. I. Polished and Brass Plate, $10.00.



If weights turn to one side, take one handle and twist to right or left, as it may require; work it over the pulley until straight. Call for Dowd's [of Chicago] Imperial 5-Pulley Exercisor, 166 Monroe Street, Chicago, Ill.

Adjust by placing upper plate 7 to 8 feet high. Lower plate on base-board 2 or 3 inches from floor. Put wire through loop in back of lowest weight, then through lower bracket.

The Nickel and Brass will not Tarnish. Weight may be graded from 5 to 20 pounds.

Weight, 23 pounds when packed. This Exerciser is superior to all my old styles. Only four screws used to adjust it. Prices are net cash.

Adaptable to the Child, Adult, Athlete and Invalid.
Ladies as well as Men.

Established 1887. J. E. DOWD, 116 Monroe St., CHICAGO, ILL.

ANY BOOK named in our lists or notices will be sent, postpaid, to any address in the United States by remitting the price to Physical Culture, Book Department.

Anthropometry
And Physical Examination. For practical use in connection with Gymnastic Work and Physical Education. Size 5 by 8; 127 pp. Illustrations and Charts. 1890. Cloth. Price, $1.50.
By J. W. Seaver, M. D. Instructor in Gymnastics and Lecturer on Practical Hygiene in Yale University, Lecturer on Anatomy, Physiology and Anthropometry in the Chautauqua School of Physical Education, Ex-Secretary of the American Association for the Advancement of Physical Education. Member of the Connecticut State Medical Society, etc., New Haven, Conn.

Light Gymnastics;
A Guide to Systematic Instruction in Physical Training. For use in Schools, Gymnasia, etc. Fully illustrated. Size 5 by 7; 234 pages; 1889. Cloth. Price, $1.50.
By William G. Anderson, M. D., F. SS., President of the Brooklyn Normal School for Physical Education; Physician in charge of the Department of Physical Education, Adelphi Academy, Brooklyn; Director of the Department of Physical at Chautauqua, etc., etc., etc.

Training for Health, Strength, Speed and Agility.

By John P. Thornton, of the New York Athletic Club. This volume, intended for the guidance of amateurs and seekers of health, who wish either to excel in some athletic pursuit for the pleasure thereof, or who desire to preserve or re-establish their soundness of body. Handsomely illustrated, the book is perhaps the only "all-around" athletic book on the market, and though all the books on the subject now issued have amply deserved the kindly reception which they have met from the public, Mr. Thornton's book will meet the wants of a wider circle than any yet published. 250 pages, cloth. Price, $1.00.

Beale's Calisthenics and Light Gymnastics for Young Folks.—

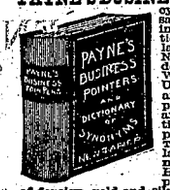
Including exhibition Marches, Drills, etc., adapted to Home, School and Self-Instruction. Illustrated by 220 Engravings from Life, obtained by instantaneous photography, which shows the proper position in each case. The work contains Exercises, without Apparatus, Broom and Fan Drills, Dumb-Bell and Wand Exercises, Marches and Military Evolutions for use by Girls and Boys, Indian Club Exercises and Fencing. The music given includes all the calls used in the Army, together with valuable explanations. The book will be an efficient aid in teaching how the bodily powers may be developed and grace in movement acquired in harmony with the laws of health. Containing 160 pages, Board Cover, price....75 cts. Extra Cloth.....$1.00

Billy Edward's Art of Boxing, and Manual of Athletic Training.—

Illustrated. The illustrations are from *Instantaneous Photographs* of the two champion light-weight boxers of the world in their day (in a set-to especially arranged for this work), and are acknowledged to be the best set ever produced. The book cannot fail to find favor with every Athlete and Athletic Club throughout the country. Board cover, cloth back, Price....50 cts. Cloth, gilt, Price.....75 cts.

"A Mine of Knowledge."

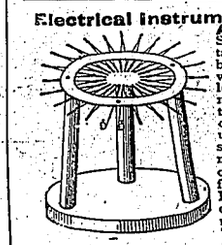
PAYNE'S BUSINESS POINTERS. A handy Encyclopedia of information necessary to business success. Comprising New Tariff complete, Population of U. S. 1890. Passport regulations. Rates of foreign postage. Naturalization laws. How to indorse checks. Debt of U. S. Wages table. Interest laws of U. S. Interest tables—5, 6, 7, 8 and 10 per ct. Table of compound interest. Table of weights and measures. List of abbreviations. Marks and rules of punctuation and accent. Dictionary of Synonyms. Patent law. Legal forms used in business, private marks of prices. How to measure land. Rates of postage in U. S. American value of foreign gold and silver coins. Copyright law U. S. Latin, French, Spanish and Italian words and phrases. Use of capital letters, etc., etc. 225 pages, bound in leatherette cover. **Price 50 Cents.**



Manual of Swedish Drill, based on Ling's System, as used in the London Board Schools. Compiled and arranged by George S. Mellio, Director of Exercises to the Young Men's Society and Young Men's Christian Association. This valuable little Hand-book is reprinted here complete in all its essential parts. Its illustrations are easily understood and embrace Marches, Drills and Gymnastic Exercises in sufficient variety for most occasions. Containing 120 illustrations, diagrams, etc. Board cover. Price.....50 cts.

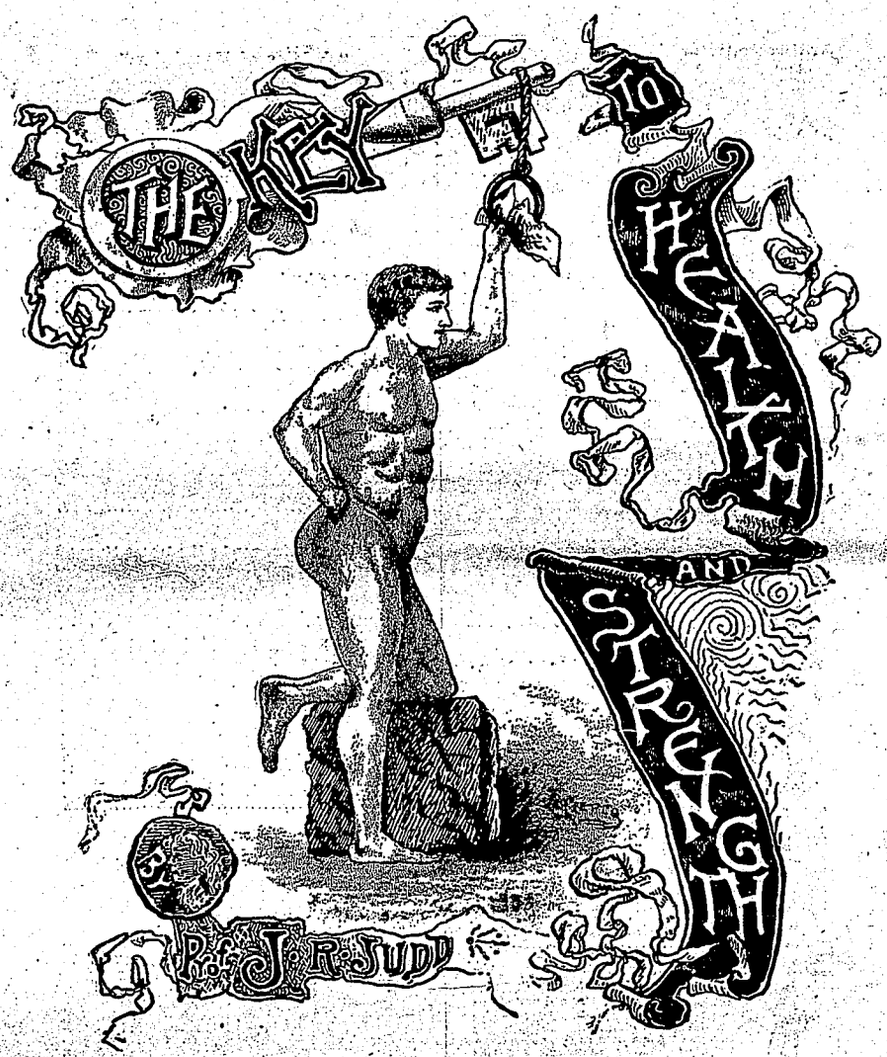
Electric Bells, and all about them.
—S. R. Bottone. 196 pages, 102 illustrations.
In this volume the whole subject of Electric Bells is explained in simple language. Any one with an English education can master it in a few hours. The illustrations are great helps to understanding the descriptions. The work begins by showing how the force applied to Electric Bells is produced, and goes on to tell how to arrange every kind of signal which can be given by electricity, as well as all needed information that belongs to the subject. It is just the book needed by mechanics who have occasional calls upon them to mount bells, and Bell-Hangers, Locksmiths, etc., who are not yet acquainted with all the uses of the Electric Bell. Cloth.....75 cts.

Electrical Instrument Making for Amateurs. By S. R. Bottone. Contains plain instructions by help of which any one with an ordinary knowledge of English, and moderately handy with tools, can make for his own entertainment, or for use in the study of a great science, all the instruments now employed in theoretical or practical Electricity, from Torsion Balances, Holtz Machines and Induction Coils to Dynamos, Electric Motors, Telephones, Phonographs and Micrographs; and all the experiments of the great leaders in these studies, Wheatstone, Bell, Price, Hughes, and Edison, can, after an attentive perusal of this book, be understood and repeated. 200 pages, cloth, postpaid.....75 cts.



621

POOR QUALITY ORIGINAL



PRICE, $1.50 PER COPY.

622

POOR QUALITY ORIGINAL

EVERYTHING REQUIRED FOR

Completely Equipping

GYMNASIUMS

is manufactured on our own premises. We are the

ONLY ESTABLISHMENT

that gives its

ENTIRE ATTENTION

to that business.

We are fitting the best Gymnasiums in the country and are

GOING TO FIT THE REST

because we

HAVE THE MOST MODERN DESIGNS

and

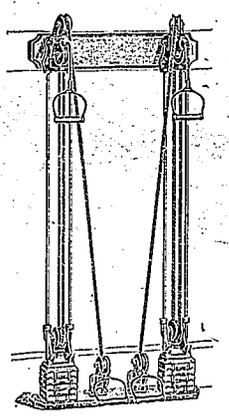
MAKE THE BEST GOODS.

These are established facts and moreover our prices are right.

THE

SCHUMACHER GYMNASIUM COMPANY,

AKRON, OHIO.



1892

Catalogue C

NOW READY.

194 PAGES.

OVER 250 ILLUSTRATIONS.

A Cyclopædia of Gymnastics.

FULL of NEW IDEAS *and improvements.*

Complete description of the Murphy Pulley Weight and the Under-Lift Weight Holder. The greatest improvements ever made in Pulley Weights.

Send 25 cents to pay postage and printing, or your address if interested in the purchase of apparatus.

Narragansett Machine Co.

GYMNASIUM OUTFITTERS. Providence, R. I.

623

POOR QUALITY ORIGINAL

PECK & SNYDER,

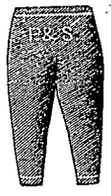
ATHLETIC ✣ OUTFITTERS,

Sporting, Theatrical, Gymnasium Goods and Novelties.

✣ BUY FROM HEADQUARTERS ✣

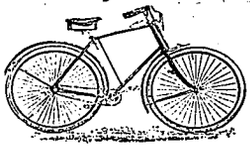
ROWING AND BOATING SUITS

OF EVERY DESCRIPTION.



ESTIMATES FURNISHED UPON APPLICATION FOR

Equipping Gymnasium, Lawn Tennis, Base Ball, Boating, Equestrian, Polo and Bicycle Clubs with Complete Uniforms.



Bicycles sold on easy payment plan. All leading standard makes. Old wheels taken in exchange. List of second hand wheels mailed free. Correspondence solicited.

Estimates and Plans furnished upon application for Equipping Gymnasiums with Apparatus of the latest and most approved Patterns.

WE CARRY A COMPLETE LINE OF CLUB EMBLEMS.

Athletic Uniforms and Shoes our Specialty.

Our complete Catalogue will give you prices of everything in out and indoor sports. Send for a copy. Sent by mail upon Receipt of three 2-cent stamps.

PECK & SNYDER,

Nos. 124, 126, 128 and 130 Nassau Street, NEW YORK.

When writing to or calling on our advertisers readers will please mention this Magazine.

0624

POOR QUALITY ORIGINAL

Dec 9 - 1891 - Called on Culkbertson in answer to order, and paid him $100 first installment on 5 shares of stock.

Afterwards came into office and worked.

Jan 5, 1892 - paid him $100 by check and received certificate for 5 shares of stock.

Jan 18-20 - got agreement of partnership.

March - was asked to put in more money. and was told shares were worth $800 could sell them for her

May 1 - Said shares were worth $400 anyhow.

June 30 - Said there were no shares and no stock.

Aug 5 - Said there was no corporation, no shares and no stock - in his exam: before Police justice.

0625

POOR QUALITY ORIGINAL

PRICE, $2.00 PER YEAR. SINGLE No. 20 CENTS.

OFFICE OF

PHYSICAL CULTURE.

A MONTHLY MAGAZINE DEVOTED TO SUBJECTS WHICH RELATE TO HEALTH OF BODY AND HAPPINESS OF MIND.

ROOM 1 (2d Floor), EVERETT BUILDING, ANN AND NASSAU STS.

ARCHIBALD CUTHBERTSON, EDITOR.

New York, May 12th 1892.

To Miss. Elsie Barretson.

You said last Monday that if I would only not hold you responsible you would place your shares in my hands for sale. This I agreed to do. On Tuesday you promised to send me a written guarantee that I might sell your shares and I gave you written consent to sell.

You have told the Jenkens' firm that you are responsible for the debts being a partner not having heard in writing from you respecting your two promises I have promised that the bill due to them will be paid and you by your requesting of accounts &c. are responsible.

You have seriously injured the credit

0626

POOR QUALITY ORIGINAL

of the publication and endangered your-
self by your confession to them. The busi-
ness must not be allowed to stand, and
if you fail to keep your promises
about relieving yourself of responsi-
bility you must assist in bearing
the expense.

Respectfully Yours.
Archibald Leuthbertson.

0627

POOR QUALITY ORIGINAL

PRICE, $2.00 PER YEAR. SINGLE No. 20 CENTS.

OFFICE OF

PHYSICAL CULTURE.

A MONTHLY MAGAZINE DEVOTED TO SUBJECTS WHICH RELATE TO HEALTH OF BODY AND HAPPINESS OF MIND.

ROOM 5 (2d Floor), EVERETT BUILDING, ANN AND NASSAU STS.

ARCHIBALD CUTHBERTSON, EDITOR.

New York, May 10th 1892.

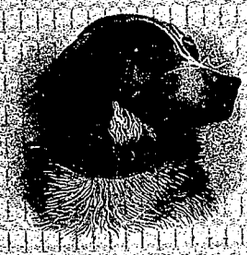
In the matter of partnership between me and Miss. Elsie Garretson, respecting the the interest financial and services of "Physical Culture Magazine". I am willing that she transfer her interest, provided I find, by a personal interview, that such person is a suitable partner for the business.

Archibald Cuthbertson.

P.S. The transfer to be on the basis stated in the agreement. A.C.

0628

POOR QUALITY ORIGINAL



$26.00 New York April 23d 1892.

Thirty Days after date I promise to

Pay to the order of Miss. Elsie Garretson

The Sum of Twenty Six ——— 00/100 Dollars

at ———

Value received

No ——— Due May 23d 26 Archibald Leuchtenton.

for "Physical Culture Magazine"

$25.00 New York April 2d 1892.

Fifty day after date I promise to

Pay to the order of Miss. Elsie Garretson.

The Sum of Twenty Five ——— 00/100 Dollars

at ———

Value received

No ——— Due May 20th 25 Archibald Leuchtenton

for the Physical Culture Magazine"

$25.00 New York April 2d 1892.

80 Days after date I promise to

Pay to the order of Miss. Elsie Garretson

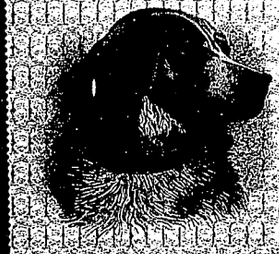
The Sum of Twenty-five ——— 00/100 Dollars

at Six per cent interest.

Value received

No ——— Due June 28th 27 Archibald Leuchtenton

for Physical Culture Magazine."



$41 00/100 New York May 4th 1892

Thirty Days after date I promise to

Pay to ~~the order of~~ Miss Elsie Garretson.

The Sum 41 ——— 00/100 Dollars

at ———

Value received

No ——— Due June 4th 3 Archibald Leuchtenton.

0629

POOR QUALITY ORIGINAL

$26.00 New York, April 23d 1892.

Thirty Days after date I promise to

Pay to the order of Miss. Elsie Garretson

The Sum of Twenty Six ——— 00/100 Dollars

at

Value received

No ——— Due May 23d 26 Archibald Leuchtenstern

"For Physical Culture Magazine"

$25.00 New York, April 2d 1892.

Fifty day after date I promise to

Pay to the order of Miss. Elsie Garretson.

The Sum of Twenty Five ——— 00/100 Dollars

at

Value received

No ——— Due May 20th 22/25 "For The Physical Culture Magazine" Archibald Leuchtenstern

$25.00 New York, April 2d 1892.

80 Days after date I promise to

Pay to the order of Miss. Elsie Garretson

The Sum of Twenty-five ——— 00/100 Dollars

at Six per cent interest.

Value received

No ——— Due June 20th 19/27 "For Physical Culture Magazine" Archibald Leuchtenstern

$24 00/100 New York, May 4th 1892

Thirty Days after date I promise to

Pay to ~~the order of~~ Miss Elsie Garretson

The Sum 24 ——— 00/100 Dollars

at

Value received

No ——— Due June 4th 3/0 Archibald Leuchtenstern

0630

POOR QUALITY ORIGINAL

Bound Brook N. J., Jan. 4, 1892 No. 11

First National Bank

OF BOUND BROOK

Pay to the order of Elsie A. Garretson $.100 Cts

One Hundred Dollars.

Elizabeth L. Garretson

THE CHRONICLE PRINTERY.

0631

POOR QUALITY ORIGINAL

Bound Brook N. J., Jan. 4, 1892 No. 11

First National Bank

OF BOUND BROOK

Pay to the order of Elsie A. Garrett $100 00

One Hundred Dollars.

THE CHRONICLE PRINTERY.

Elizabeth L. Garretson

0632

POOR QUALITY ORIGINAL

Elsie D. Garrison
Archibald Leuchbatron
Dec 20 Replevin

FOR COLLECTION FOR ACCOUNT OF
FIRST NATIONAL BANK
OF SOMERVILLE, N. J.
WILLIAM H. TAYLOR, Cashier.

Pay.....
Cashier, or Order, for Collection for account of
THE FOURTH NATIONAL BANK
OF THE CITY OF NEW YORK.
JAN 16 1899
CHAS. H. PATTERSON, Cashier.

0633

POOR QUALITY ORIGINAL

Elsie O. Garretson
Archibald Leuthbatton
Plaza
Replevin

FOR COLLECTION FOR ACCOUNT OF
FIRST NATIONAL BANK
OF SOMERVILLE, N. J.
WILLIAM H. TAYLOR, Cashier.

Pay.....
Cashier, or Order, for Collection for account of
THE FOURTH NATIONAL BANK
OF THE CITY OF NEW YORK.
JAN 16 19
CHAS. H. PATTERSON, Cashier.

0634

POOR QUALITY ORIGINAL

Peoples 2 c 1752

~~Incorporated under the Laws of the State of~~

Five Shares.

No. 1 to 5

Capital Stock, $ Shares, $100 00/100 each.

This Certifies that Miss. Elsie Garretson is

entitled to Five Shares in the Capital Stock of
The "Physical Culture" Magazine.

transferable only on the books of the Company by the holder hereof, in person ~~or by Attorney~~, upon surrender of this certificate.

In Witness Whereof, the said ~~Company~~ Owner has caused ~~its corporate~~ this name ~~seal~~ to be hereto affixed, and this certificate to be signed by its Owner and ——— this 5th day of Jan 1892.

Archibald Leuthuisson.
Owner.

Henry K. Brewer & Co., Stationers, 26 Nassau Street, N. Y. (Form 317.)

0635

POOR QUALITY ORIGINAL

Dept E
139 Amity St, Brooklyn.
Dec 2, '92.

To Prof. Archibald Cuthbertson,
Everett Building.
107 Nassau St, N.Y. City.

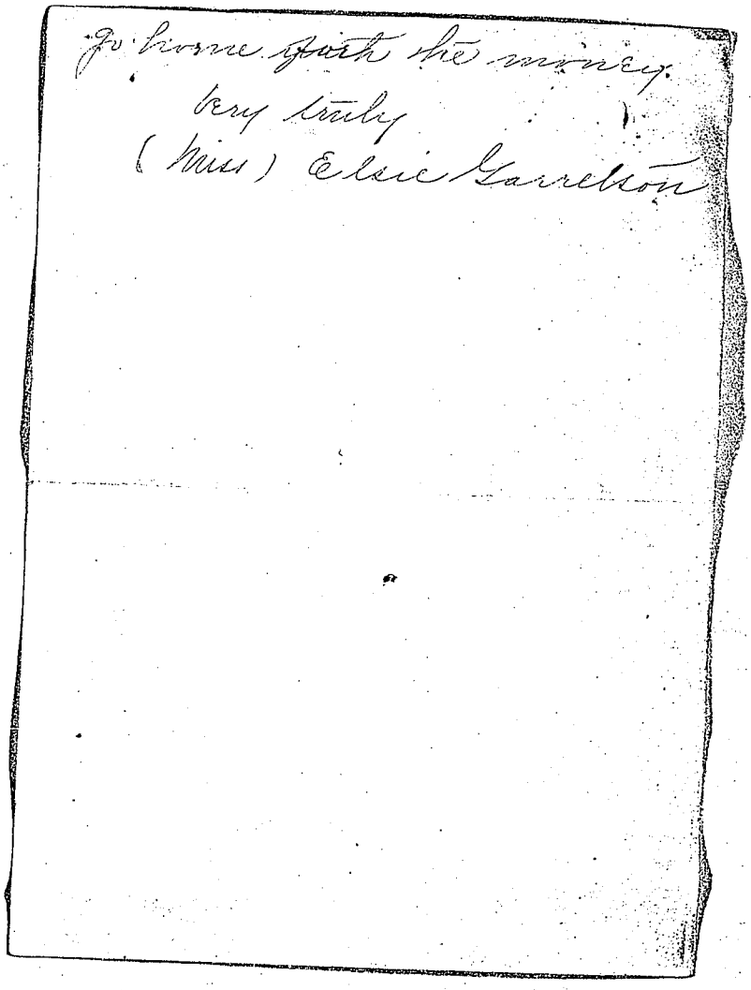
Dear Sir:-

I did not give you my full name, and will do so now.

The more I consider this matter we were discussing this morning, the more I feel that I should like to undertake the work. As I am down town quite often I may call in, and talk it over again before?

0636

POOR QUALITY ORIGINAL



Jo Livonne with the money.

Very truly

(Miss) Edric Garretson

0637

POOR QUALITY ORIGINAL

Sept 4 2 c. 12/92

My sister thinks the magazine one that will be of great benefit to all those interested in the subject, and will work in behalf of it by getting subscriptions for it.

She also thinks it cannot be advertised too extensively.

I will be down Wednesday A.M. unless I hear from you unfavorably, I mean unless you change your mind in regard to editing the magazine which I hope you will not.

Very respectfully — E. Garretson.

0638

POOR QUALITY ORIGINAL

Bound Brook
Dec. 6, 91.

Mr. Cuthbertson
107 Nassau St,
N. Y. City.

Dear Sir:-

After thoroughly talking over the matter with my father and sister, they have decided to look favorably upon it, but still Papa thinks it all quite a risk to take.

0639

POOR QUALITY ORIGINAL

Sept 4 2 c. 12/92

My sister thinks the magazine one that will be a great benefit to all those interested in the subject, and will work in behalf of it by getting subscriptions for it.

She also thinks it cannot be advertised too extensively.

I will be down Wednesday A.M. unless I hear from you unfavorably, I mean unless you change your mind in regard to editing the magazine which I hope you will not.

Very resply — E. Garretson.

0640

POOR QUALITY ORIGINAL

Defs R

3

TERMS OF AGREEMENT OF PARTNERSHIP IN BUSINESS RELATING TO THE MAGAZINE "PHYSICAL CULTURE", BETWEEN MR. ARCHIBALD CUTHBERTSON & MISS ELSIE GARRETSON.

I. THe magazine having been issued twice the cash out-lay being about $1000. the name copyright, and literary work so far put on the publication increase the present value to $2000.

II. MISS ELSIE GARRETSON, by paying to the present owner, MR. ARCHIBALD CUTHBERTSON, the sum $300., IS TO receive one-fourth of the stock, or, in other words five shares of the present stock of the par value of $100., each. The said ~~$300.~~ to be paid in three monthly payments of $100. each.

III. In further return for said $300. to be paid by MISS ELSIE GARRETSON, she to become an active partner, entitled, "EDITOR OF THE LADIES' DEPARTMENT", for which active partnership and money paid she shall receive $50. (fifty dollars) per month, during twelve months.

IV. As collateral security while paying the said $300., MISS ELSIE GARRETSON is to receive each month, an order on the AMERICAN NEWS CO. for $100. At the end of the three months these said orders on the NEWS CO. are to be relinquished by said holder, MISS ELSIE GARRETSON, provided she has received $150. cash.

V. This agreement is to continue for one year from this date DEC. 9th, 1891.

VI. In event of the death of the present owner, MR. ARCHIBALD CUTHBERTSON, before the end of the twelve months of this agreement, the claims of the surviving partner, MISS GARRETSON, are to be first satisfied.

VII. The value of the magazine shall be estimated as follows: VIZ: The profits to be considered a 10% investment. Till such time as the publication shall be earning a surplus over printing expenses and editors' salaries, each issue to be estimated as worth twice the cash out-lay i.e. if the cash expenditure is $150., such issue to be worth $300.

0641

POOR QUALITY ORIGINAL

VIII. NEITHER PARTNER SHALL have power to sell or in any manner transfer the shares of the business without the consent of the other partner.

IX. Should the returns from all the sources of the business exceed $150. per month, the excess to be divided between the partners in the proportion of two-thirds to the senior and one-third to the junior partner.

X. At the end of the year, if either partner wishes to sell out his or her shares the other partner shall have first choice of buying and shall have the advantage of buying at the rate of a 60% investment, any others shall pay full price. should the business be earning a monthly surplus, the partner who wishes to retain the business shall have the first privilege of buying and on the basis of a 10% investment, any other purchaser shall pay at the rate of a 16% investment.

XI. In event of the death of either partner the surviving partner shall have the first right to buy, and on the basis mentioned in section X.

XII. In event of the death of either partner the first claims to be settled shall be the liabilities of the business. After the debts have been paid, the sale and disposal of the business to be carried out as directed in the previous sections. In event of the death of either partner one executor named by the deceased shall be a representative for the deceased in settling the business.

XIII. It is most expressly and emphatically stipulated and agreed to by both partners that neither one shall in any manner or circumstance be accountable or responsible for the debts of the other, whether such debts shall have benn contracted before or during this partnership.

XIV. ANY FUTURE CONDITION WHICH MAY NEED TO BE INCLUDED IN THIS AGREEMENT shall be settled by mutual consent of the partners. archibald catherson
Edsie Garrison

0642

POOR QUALITY ORIGINAL

Dept Ex. 12/92

TERMS OF AGREEMENT OF PARTNERSHIP IN BUSINESS RELATING TO THE MAGAZINE, "PHYSICAL CULTURE", BETWEEN ARCHIBALD CUTHBERTSON & MISS. ELSIE GARRETSON.

1 THE MAGAZINE HAVING BEEN ISSUED TWICE THE CASH OUTLAY BEING ABOUT $1000, THE NAME, COPYRIGHT, AND LITERARY WORK SO FAR PUT ON THE PUBLICATION INCREASE THE PRESENT VALUE TO &2000.

2 MISS. ELSIE GARRETSON, BY PAYING TO THE PRESENT OWNER $300 IS TO RECEIVE ONE FOURTH OF SAID STOCK OR, IN OTHER WORDS, FIVE SHARES OF THE STOCK OF THE PAR VALUE OF $100 EACH. THE SAID $300 TO be PAID IN THREE MONTHLY PAYMENTS OF $100 EACH.

3 IN RETURN FOR SAID $300, PAID BY MISS. ELSIE GARRETSON, SHE TO BECOME AN ACTIVE PARTNER, ENTITLED "EDITOR OF LADIES DEPARTMENT," FOR WHICH ACTIVE PARTNERSHIP AND SERVICES SHE, TO RECEIVE $50 PEER MONTH DURING ~~6~~ 12 MONTHS.

4 AS COLLATERAL SECURITY WHILE PAYING THE SAID $300 MISS. GARRETSON IS TO RECEIVE each month AN ORDER ON THE AMERICAN NEWS COMPANY FOR $100. AT THE END OF THREE MONTHS THESE SAID ORDERS ON THE AMERICAN NEWS COMPANY ARE TO BE RELINQUISHED BY SAID HOLDER, MISS. ELSIE GARRETSON, PROVIDED SHE HAS RECCEIVED $150 IN CASH.

5 6 IN EVENT OF THE DEATH OF THE PRESENT OWNER, ARCHIBALD CUTHBERTson BEFORE THE END OF THE TWELVE MONTHS OF THIS AGREEMENT THE CLAIMS OF THE SURVIVING PARTNER ARE TO BE FIRST SATISFIED.

5 THIS AGREEMENT TO CONTINUE FOR ONE YEAR FROM THIS DATE, DEC. 9TH, 1891.

7 THE VALUE OF THE MAGAZINE SHALL BE ESTIMATED AS FOLLOWS, VIZ: THE PROFITS TO BE CONSIDERED THE EARNINGS OF A 10% INVESTMENT. TILL SUCH TIME AS THE PUBLICATION SHALL BE EARNING A SURPLUS OVER PRINTING expenses AND EDITORS SALARIES, EACH ISSUE TO BE ESTIMATED AS WORTH TWICE THE CASH OUTLAY, i.e. IF THE CASH EXPENDITURE IS $150, SUCH ISSUE TO BE RATED AS WORTH $300.

0643

POOR QUALITY ORIGINAL

FIRST PRIVILEGE OF BUYING AND ON THE BASIS OF A IO PER CENT INVESTMENT, ANY OTHER PURCHASER SHALL PAY AT THE RATE OF A 6 PER CENT INVESTMENT.

II IN EVENT OF THE DEATH OF EITHER PARTNER THE SURVIVING PARTNER SHALL HAVE THE FIRST RIGHT TO BUY AND ON THE BASIS MENTIONED IN SECTION IO.

I2 IN EVENT OF THE DEATH OF EITHER PARTNER THE FIRST CLAIMS TO BE SETTLED SHALL BE THE LIABILITIES OF THE BUSINESS. AFTER THIS THE SALE AND DISPOSAL OF THE BUSINESS TO BE CARRIED OUT AS DIRECTED IN THE PREVIOUS SECTIONS. IN EVENT OF THE DEATH OF EITHER PARTNER ONE EXECUTOR APPOINTED BY THE DECEASED SALL BE A REPRESENTATIVE FOR THE DECEASED IN DISPOSING OF THE BUSINESS.

I3 IT IS MOST EXPRESSLY AND EMPHATICALLY STIPULATED AND AGREED TO BY BOTH PARTNERS THAT NEITHER ONE SHALL, IN ANY MANNER OR CIRCUMSTANCE, BE ACCOUNTABLE OR RESPONSIBLE FOR THE BEBTS OF THE OTHER, WHETHER SUCH DEBTS SHALL HAVE BEEN CONTRACTED BEFORE OR DURING THIS PARTNERSHIP. NEITHER SHALL EITHER PARTNER GIVE, AS COLLATERAL SECURITY, HIS OR HER INTEREST IN THIS BUSINESS FOR ANY PURPOSE WITHOUT THE CONSENT OF THE OTHER PARTNER.

0644

POOR QUALITY ORIGINAL

Price, $2 per year. Single No. 20 Cents.

OFFICE OF

PHYSICAL ✝ CULTURE

A Monthly Magazine devoted to Subjects which relate to Health of Body and Happiness of Mind.

ROOM 2, EVERETT BUILDING, ANN AND NASSAU STREETS.

ARCHIBALD CUTHBERTSON, Editor.

New York, DEC. 9 th, 189 1,

REMITS. EXSAGERAMERONANDEWSMCO. PLEASE PAY TO THE BE-

0645

POOR QUALITY ORIGINAL

8 NEITHER PARTNER SHALL HAVE power TO SELL OR IN ANY MANNER TRANSFER THE SHARES OF THE BUSINESS WITHOUT THE CONSENT OF THE OTHER PARTNER.

9 SHOULD THE RETURNS FROM ALL SOURCES OF THE BUSINESS EXCEED per month $150, THE EXCESS TO BE DIVIDED BETWEEN THE PARTNERS IN THE PROPORTION OF TWO THIRDS TO THE SENIOR PARTNER AND ONE THIRD TO THE JUNIOR PARTNER.

10 AT THE END OF ONE YEAR IF EITHER PARTNER WISHES TO SELL OUT HIS OR HER SHARES THE OTHER PARTNER SHALL HAVE FIRST CHOICE AND SHALL HAVE THE PRIVILEGE OF BUYING AT THE RATE OF 60 PER CENT OF THE PAR VALUE. ANY OTHERS WHO BUY SHALL PAY FULL PRICE. SHOULD THE BUSINESS BE EARNING A MONTHLY SURPLUS THE PARTNER WHO WISHES TO RETAIN THE BUSINESS SHALL HAVE THE

0646

POOR QUALITY ORIGINAL

SHOULD ANY OTHER CONSIDERATIONS REQUIRE TO BE INCLUDED IN THESE CONDITIONS SUCH SHALL BE MUTUALLY AG REED UPON EITHER BETWEEN OURSELVES OR FAILING THAT BY ARBITRATION EACH PARTNER SHALL CHOOSE ONE REPRESENTATIVE AND THESE MAY SELECT A THIRD IF THEY WISH ONE TO HELP THEM.

0647

POOR QUALITY ORIGINAL

PRICE, $2.00 PER YEAR. SINGLE NO. 20 CENTS.

OFFICE OF Sept 7 1892

PHYSICAL CULTURE.

A MONTHLY MAGAZINE DEVOTED TO SUBJECTS WHICH RELATE TO HEALTH OF BODY AND HAPPINESS OF MIND.

ROOM 1 (2d Floor), EVERETT BUILDING, ANN AND NASSAU STS.

ARCHIBALD CUTHBERTSON, EDITOR.

New York, May 7. 1892.

Office

Mr Cuthbertson:

I have been trying for three days to see you, I have tried every way to reason with you and do just in spite of your manner and words which have so shocked me.

Meet me Monday at 2. o'clock at the vacant office 3rd floor. I say 2 o'clock as I cannot seem to meet you in the morning, still I may be at the office before.

I am going on with my work doing the best I can, in spite of what you think,

Yours truly

Elsie Garrison.

0648

POOR QUALITY ORIGINAL

Sept'by 4
Bound Brook
June 7. '92.

Mr. Cuttenden,

If you will get
some one to go security
I think I can borrow
$500. for you at 6% for
two years.

Could you not get
your father-in-law to go
security for that amount?

You could in the
meantime sell out
the magazine, and by
running it yourself be
under no expense.

0649

POOR QUALITY ORIGINAL

LIBRARIAN OF CONGRESS
COPYRIGHT OFFICE
UNITED STATES OF AMERICA

Apl. 4.

Library of Congress,

Copyright Office, Washington.

No. 21330 V

To wit: Be it Remembered,

That on the 3d day of July anno domini 1890,
Archibald Cumberson
of Brooklyn, N.Y. has deposited in this Office the title of a
Book or Periodical
the title or description of which is in the following words, to wit:

Physical Culture
a Monthly Magazine
No 1
Oct 1890

the right whereof he claims as Proprietor
in conformity with the laws of the United States respecting Copyrights.

A R Spofford
Librarian of Congress.

I hereby certify that the foregoing is a true copy of the original record of copyright in my office.

In witness whereof I have hereunto set my hand and affixed the seal of my office this 7th day of August, 1892

A R Spofford, Librarian of Congress

9—67

0650

POOR QUALITY ORIGINAL

Exhibits in the
Case of
Mitchell Stafford
Appellant
vs
Appellee.

0651

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Archibald Cuthbertson

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

Archibald Cuthbertson

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

The said Archibald Cuthbertson,

late of the City of New York, in the County of New York aforesaid, on the eighth day of December, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, with force and arms, with intent to deprive and defraud one Elsie A. Garretson

of the proper moneys, goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to his own use, did then and there feloniously, fraudulently and falsely pretend and represent to the said Elsie A. Garretson,

That he the said Archibald Cuthbertson was then the owner of a certain publication called the "Physical Culture" magazine, and of the capital stock of the said magazine; that there was a capital stock, of two thousand dollars, of the said magazine, divided into twenty shares, of the par value of one hundred dollars each share; and that he the said Archibald Cuthbertson then had in his possession and for sale five shares of the capital stock of the said magazine.

0652

POOR QUALITY ORIGINAL

By color and by aid of which said false and fraudulent pretenses and representations, the said Archibald Cuthbertson did then and there feloniously and fraudulently obtain from the possession of the said Elsie A. Garretson the sum of one hundred dollars in money, lawful money of the United States of America, and of the value of one hundred dollars,

of the proper moneys, goods, chattels and personal property of the said Elsie A. Garretson,

with intent to deprive and defraud the said Elsie A. Garretson,

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said Archibald Cuthbertson was not then the owner of the said magazine, or of the capital stock thereof, and there was not any capital stock thereof, and the said Archibald Cuthbertson did not then have in his possession or for sale, sale, or any

shares of such capital stock.