

0274

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Payne, William

**DATE:**

12/11/88



3161

Edw. Adams  
Jas. H. H. H.

Filed 11 day of Dec 1888

Pleads, *Copy with* 14

# THE PEOPLE

THE PEOPLE

William Payne

A.D.

Dec. 18<sup>th</sup> JOHN R. FELLOWS,  
1873

*District Attorney.*

# A TRUE BILL.

Walter Brundage

## Foreman

Part III December 19/88

Plough 3. L. 1 & 2 deg.

Chirac Del

Grand Larceny  
[Sections 528, 530 - Penna Code].

0275

0276

CITY AND COUNTY  
OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

Henry Herrlich  
of the 7th Avenue 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, Ellef

Nelson (now here), is a material  
witness in the case of the people  
against William Payne on a  
Charge of Larceny from the  
person — That deponent has  
good reason to believe that  
said Ellef will not appear at  
the Court of General Sessions to make  
a Complaint. Wherefore deponent  
prays that Ellef be committed  
to the House of Detention.

Henry Herrlich

Sworn to before me, this

of

November 188

day

Police Justice

0277

Police Court—

District.

Affidavit—Larceny.

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

of No. 78 Avenue A, Street, aged 51 years,  
occupation Carpenter being duly sworn

deposes and says, that on the 8 day of Dec 188 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 following property viz:

Seven Dollars  
in good and lawful  
current money of the  
United States of America  
and value of (\$7.)

the property of Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
and carried away by William Payne (now

here) for the reason that  
deponent found said Payne  
hand in the pocket of deponent's  
trouser. Therefore deponent  
now charges said defendant  
with taking, stealing and carry-  
ing away from deponent's  
person and possession, said  
money and prays that he  
be dealt with as the law  
directs

Elley Nelson

Sworn to before me this

188

day

Police Justice.



0278

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

3 District Police Court.

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

Question. What is your name?

Answer. *William Payne*

Question. How old are you?

Answer. *29 Years of Age*

Question. Where were you born?

Answer. *England*

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

Answer. *214 Avenue Park, New York (2 Weeks)*

Question. What is your business or profession?

Answer. *Writer*

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. *Am not guilty*  
*William Payne*

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

Police Justice

0279

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

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

Dated Dec 9 8 188 J. J. Puffer Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0280

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

*Ellis Nelson*  
*James Dwyer*

1  
2  
3  
4

Dated *Dec 9* 188

*Duffy* Magistrate.

*Arthur* Officer.

*Henry Dwyer* Precinct.

*7th Precinct Police*

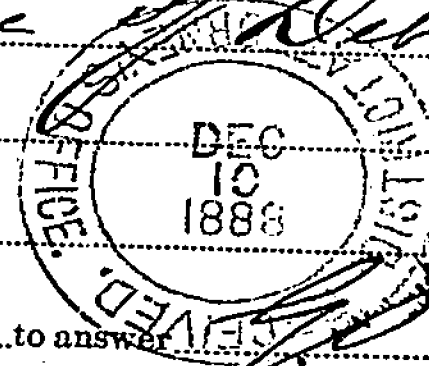
*Ellis Nelson*

*James Dwyer*

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

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

\$ *1000* to answer



*Com*

0281

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 Gayne*

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

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

The said *William Gayne*,

late of the City of New York, in the County of New York aforesaid, on the *eight*  
day of *December*, in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms, in the  
*month* time of the same 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 *seven*

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 *seven*

dollars ; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *seven*

dollars ; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *seven*

dollars ; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *seven dollars*,

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

JOHN R. FELLOWS, *District Attorney.*



0282

**BOX:**

334

**FOLDER:**

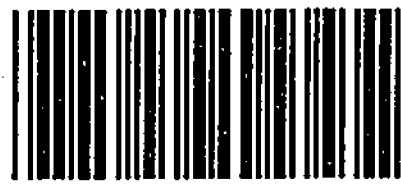
3161

**DESCRIPTION:**

Pendergast, John

**DATE:**

12/11/88



3161

0203

181

Counsel,  
Filed 11 day of Dec 1888  
Pleads Guilty in

THE PEOPLE,  
vs.  
John Dendery  
13  
40 11 An

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1889, Sec. 5.]

JOHN R. FELLOWS,  
Dec 14/88 District Attorney.  
Transferred to City S.S.  
for trial by consent.  
A True Bill.  
Wm. W. Wood  
Foreman.

S.S.

TORN PAGE

0284

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Pendergast*

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

The said

*John Pendergast*

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

*Samuel Roberts*

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

SECOND COUNT—

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

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

The said

*John Pendergast*

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

**JOHN R. FELLOWS,**

District Attorney.



0285

**BOX:**

334

**FOLDER:**

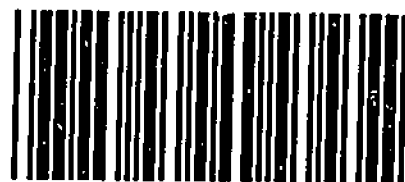
3161

**DESCRIPTION:**

Pendergast, John

**DATE:**

12/14/88



3161



0206

286

Counsel,  
Filed, *Dec 14* day of *Dec* 188*8*  
Pleads, *Amended* 17

THE PEOPLE,

vs.

VIOLETION OF EXCISE LAW  
(Keeping Open on Sunday)  
[III Rev. Stat. (7th Edition), Page 1989, Sec. 5.]

*John Bendergast*

*40 11/11/88*

JOHN R. FELLOWS.

District Attorney.

A True Bill.

*Wm. Woodruff*

Foreman.

*Copy plain filed to the Court  
of Special Sessions*

*Part III, Dec 1888*

*Order G. S. 1888*

Witnesses:

*Off. Trial*  
*[Signature]*

0287

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Pendergast*

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

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

JOHN R. FELLOWS,

*District Attorney.*

0200

262.

Witnesses:

*Off. of Party*

Counsel,

Filed, 14 day of Dec 1888

Pleaded, 17

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

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

*John Caudergant*

4611 CN

JOHN R. FELLOWS.

District Attorney.

A True Bill.

*Wm. Woodruff*

*Dec 14th 1888*  
*Foreman of the Court*  
*of Superior Court at New York*  
*Part III, Dec. 14th 1888*

0289

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*John Pendergast*

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

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

JOHN R. FELLOWS,

*District Attorney.*



0290

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Perkins, William

**DATE:**

12/13/88



3161

0291

WITNESSES:

*Offr Cooper*

246

Counsel,

Filed *13*

day of

188*f*

Pleads *Admission Aug 7/89.*

THE PEOPLE,

vs.

**VIOLATION OF EXCISE LAW**  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1889, Sec. 5.]

*B*  
*William J Perkins*

*Jan 11/89*

*Sent to the Court of Criminal  
Sessions for trial, by request  
of Counsel for Defendant.*

JOHN R. FELLOWS,

District Attorney.

*Def't all had driving for*

**A True Bill.**

*Dec 21 - 1889*

*Wm Wadsworth*

*Foreman.*

*Jan 11 - Part 2 took them*

*disproves off 1 percent*

*and*

0292

## POWER OF ATTORNEY.

W. Reid Gould, Law Blank Publisher and Stationer, 168 Nassau St., N. Y.

Know all Men by these Presents, That  
I, Wm J. Perkins of the City, County and State of  
New York,

have made, constituted and appointed, and by these presents do make, constitute  
and appoint H. E. Dine of the same place  
my true and lawful attorney for me and in my name, place and stead  
to act in the case: "The People against Wm J. Perkins  
now pending in the Court of General Sessions in said  
City of New York

giving and granting unto my said attorney full power and authority to do  
and perform all and every act and thing whatsoever requisite and necessary  
to be done in and about the premises, as fully to all intents and purposes, as  
I might or could do if personally present, with full power of substitution  
and revocation, hereby ratifying and confirming all that my said attorney  
or his substitute shall lawfully do or cause to be done by virtue hereof.

In Witness whereof, I have hereunto set my hand and seal  
the twelfth day of January in the year one thousand eight  
hundred and Eighty nine.

Sealed and delivered in the presence of

Chas. Maccholdt

State of New York,  
COUNTY OFCity and  
County of New York

ss.

Be it known, That on the twelfth day  
of January in the year one thousand eight hundred  
and Eighty nine before me Chas. Maccholdt, a  
Notary Public in and for said County personally known  
to me and to me known to be the  
person described in and who executed the within power  
of Attorney

and acknowledged the above Letter of Attorney to be his act and deed.

In Testimony whereof, I have hereunto subscribed my name the  
day and year last above written.

Chas. Maccholdt  
Notary Public (Hq.)  
N. Y. Co.

0293

Wm. J. Perkins

TO

Wm. J. Perkins

POWER OF ATTORNEY.

Dated Jan 19<sup>th</sup> 1889.

Wm. J. Perkins



0294

TORN PAGE

## 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 J. Perkins*

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

*William J. Perkins*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

*William J. Perkins*late of the City of New York, in the County of New York aforesaid, on the *thirtieth* day of *September* in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one*James H. [redacted]*  
and to certain other persons who are to be  
against the form of the Statute in such case made and  
the People of the State of New York and their dignity.*James H. [redacted]*  
and Jury aforesaid unknown,  
and against the peace of

## SECOND COUNT—

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

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

The said

*William J. Perkins*

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

JOHN R. FELLOWS,

District Attorney.

0295

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Perkinson, John

**DATE:**

12/05/88



3161

0296

**BOX:**

334

**FOLDER:**

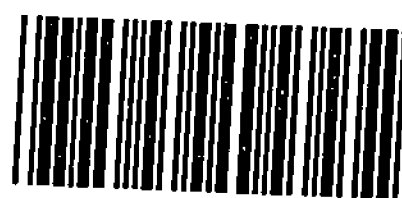
3161

**DESCRIPTION:**

Gallagher, Frank

**DATE:**

12/05/88



3161

Witnesses:

W. Warner  
Off Walsh  
W. Keenan  
J. Carson

I recommend that a  
plea of guilty of Larceny  
be in the third degree  
be accepted  
perjury  
ack. Dir. atty.

Counsel,

Filed 5 Dec 1888

Pleads, Not Guilty

THE PEOPLE

vs.

John J. Perkinson

Frank J. Gallagher

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. M. Mendenhall  
Foreman.

~~Post III~~ December 12, 1888

~~Put the~~  
Dec 14/88 Plead Poth Larceny.  
Each City Prison 30 days.

0297



0298

Police Court— District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Daniel Bonner

of No. 205 Elm Street, aged 24 years,  
 occupation Fireman N.Y. Fire Department being duly sworn  
 deposes and says, that on the 20 day of November 1888 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the nighttime, the following property viz:

One trunk containing wearing  
 apparel together of the value of  
 about Fifty dollars

the property of deponent and partly the property  
 of Ann Devine and in deponent's care  
 and charge

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,  
 and carried away by John Perkinson and Frank  
 Gallagher (both now here) who were  
 acting in concert with each other  
 for the reason that on said day the  
 said trunk was with other property  
 on a truck in the course of removal  
 and said truck was standing on Crosby  
 Street. Deponent having missed said  
 trunk deponent saw the defendants  
 in company with each other walking  
 through Mulberry Street, each carrying  
 a bundle. Deponent followed the  
 defendants who entered the pawn-  
 office of one Aaron's on Grand Street  
 and deponent caused the arrest of

0299

said defendants and deponent has  
since seen the property contained in  
said bundles and identifies the  
same as his property and a part  
of the proceeds of said larceny  
Sworn to before me } Daniel Bonner  
21<sup>st</sup> November, 1888 }

J M Patterson }  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been  
committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—LARCENY.

vs.

1  
2  
3  
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer

Sessions.

0300

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

21

day of November 1888

*John Perkins*

Police Justice



0301

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

Taken before me this

day of November 1888

*W. M. Sullivan*  
Police Justice



0302

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, *each*, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *He* give such bail.

Dated *Nov 21* 188 *J. J. McQuinn* Police Justice.

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

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

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

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

0303

BAILED,

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

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

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

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

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

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

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

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

Police Court---

1838 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Daniel Bonner*

*206* vs. *Elm St*

*John Perkins*

*Frank Gallagher*

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated *Nov 21* 188

*Patterson* Magistrate.

*Walsh* Officer.

*10* Precinct.

Witness *Isidore Aaron*

No. *191 Grand* Street.

*William Keenan*

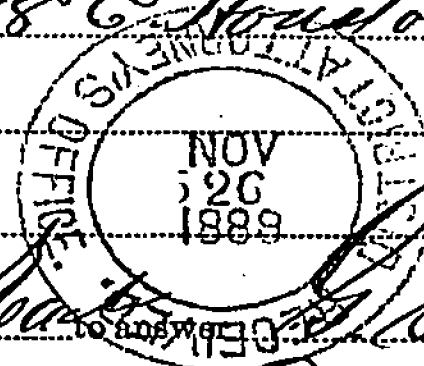
No. *46 & 48 E Houston* Street.

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

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

*1500* \_\_\_\_\_ Street.

*Conrad*



0304

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*John J. Perkinson and  
Frank J. Gallagher*

The Grand Jury of the City and County of New York, by this indictment,  
accuse *John J. Perkinson and Frank J. Gallagher*

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

The said *John J. Perkinson and Frank  
J. Gallagher, both —*

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

*one trunk of the value of ten dollars,  
and divers articles of clothing and wearing  
apparel, of a number and description  
to the Grand Jury aforesaid unknown,  
of the value of fifty dollars.*

of the goods, chattels and personal property of one *Daniel Bonner,*

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.

0305

SECOND COUNT—

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

*John J. Perkinson and Frank J. Gallagher*

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

The said *John J. Perkinson and Frank J. Gallagher, both —*

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

*one trunk of the value of ten dollars, and divers articles of clothing and wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars.*

of the goods, chattels and personal property of one *Daniel Bommer*

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

unlawfully and unjustly, did feloniously receive and have; the said *John J. Perkinson and Frank J. Gallagher*

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

JOHN R. FELLOWS,

District Attorney.



0306

**BOX:**

334

**FOLDER:**

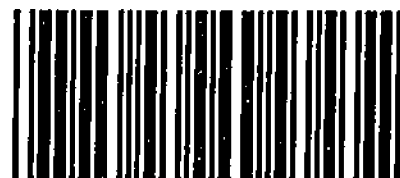
3161

**DESCRIPTION:**

Permoco, John

**DATE:**

12/21/88



3161

0307

318

Witnesses:

*Offr Reagan*

*Offr Dorian*

Counsel,  
Filed *2-1* day of *Dec* 188*8*

Pleads, *Unlawfully & say 7/19*

THE PEOPLE

*Wm. J. P.*  
*vs.*  
*John G. Ramoco*

VIOLATION OF EXCISE LAW.  
(Selling without license),  
III, R. S. (7th Ed), page 1081, § 13, and  
of 1888, Chap. 340, § 6j.

JOHN R. FELLOWS,

District Attorney.

*Mr. Say 9/189*  
*and Ramo 12/189*  
*please give*

A True Bill.

*June 23/89*  
*Wm. Woodruff*

Foreman.

0308

Excise Violation—Selling Without License.

POLICE COURT—1 DISTRICT.

City and County } ss.  
of New York, }

*William F. Regan*  
of No. *6th Precinct Police* Street,  
of the City of New York, being duly sworn, deposes and says, that on the *25th* day  
of *June* 188*8* in the City of New York, in the County of New York, at  
No. *29 Mulberry* Street,  
*John G. Pernice* (now here)

did then and THERE SELL, CAUSE, suffer and permit to be sold, under his direction and authority,  
strong and spirituous liquors, wines, ale and beer, being intoxication liquors, in quantities less than  
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A  
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made  
and provided.

*that said Pernice sold to*  
*deponent two glasses of Lager Beer*  
*and received fifty cents therefore he*  
*not having a license for the sale*  
*of same*

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

Sworn to before me, this *26th* day of *June* 188*8* *William F. Regan*

*J. O. mee* Police Justice.

0309

Sec. 193-200.

1<sup>st</sup> District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. *John G. Perucco*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Greece*

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

Answer. *29 Mulberry Street. 3 weeks*

Question. What is your business or profession?

Answer. *Restaurant.*

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

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

*John G. Perucco*  
*for*

Taken before me this

day of

188

Police Justice.



0310

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

Dated June 9 1888

*W. D. Over*  
Police Justice.

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

Dated June 27 1888 J. Schenck Police Justice.

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

*Dated* \_\_\_\_\_ 188 \_\_\_\_\_ *Police Justice.*

0311

920 124

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

~~Ex parte Meppan~~  
~~22 W. 6th Street~~

Police Court

978 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*William H. Rogers*

1 *John G. Perini*  
2  
3  
4

Offence *1st*  
*Ex parte*

Dated *June 26* 188

*Perini* Magistrate.

*Rogers* Officer.

*6* Precinct.

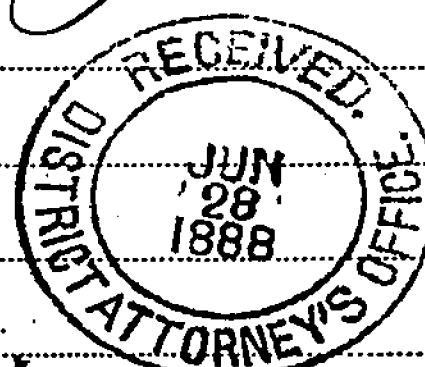
Witnesses *James E. Lister*

No. *16th* Street.

No. Street.

No. Street.

\$ *100* to answer *GS*



*Com*  
*Waller*

03 12

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

(N.Y. Revised  
Statutes, 17th  
edition, p. 1981  
Section 13).

*John G. Permoco*  
The Grand Jury of the City and County of New York, by this indictment, accuse  
*John G. Permoco*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

The said

*John G. Permoco*  
late of the City of New York, in the County of New York aforesaid, on the *twenty fifth*  
day of *June* in the year of our Lord one thousand eight hundred and  
*eighty-eight*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one  
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong  
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in  
quantity less than five gallons at a time, to

*one William F. Regan and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the Statute in such case  
made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,  
chapter 340 sec-  
tion 5)

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*John G. Permoco*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND  
BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*John G. Permoco*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
number *twenty-nine Mulberry Street*

certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell to

*one William F. Regan and to*  
certain *other* persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
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.

03 13

(Laws of 1883,  
chapter 840 sec-  
tion 5.)

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *John G. Permoco* of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*John G. Permoco*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as number *twenty nine Mulberry Street*

certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away to

certain — persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.



03 19

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Pelerson, Louis

**DATE:**

12/11/88



3161

03 15

Witnesses:

*Off. Cuyana*

Counsel,

Filed *11* day of *Dec* 188*8*

Pleads, *Complicity in*

THE PEOPLE

vs.

*Louis Peterson*

VIOLATION OF EXCISE LAW.  
(Selling without License.)  
[III, R. S. (7th Ed.) page 1981, § 13, and  
of 1883, Chap. 840, § 6].

*John R. Fellows*

JOHN R. FELLOWS,

*Pr Dec 14/88. District Attorney.*  
*Transferred to Ct of S.S.*  
*for trial by consent.*  
**A True Bill.**

*Wm. M. Mendenhall*

Foreman.

S.S.-

0316

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

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*Louis Peterson*

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

(III. Revised  
Statutes, (7th  
edition) p. 1681  
Section 13).

*Louis Peterson*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES  
WITHOUT A LICENSE, committed as follows:

The said

*Louis Peterson*

late of the City of New York, in the County of New York aforesaid, on the *fourteenth*  
day of *August* in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, certain strong and spirituous  
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one  
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,  
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong  
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in  
quantity less than five gallons at a time, to

*one Michael F. Bregan and to*  
certain other persons whose names are to the Grand Jury aforesaid unknown, without  
having a license therefor, as required by law, contrary to the form of the Statute in such case  
made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883,  
chapter 340 sec-  
tion 5)

SECOND COUNT—

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

*Louis Peterson*  
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND  
BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*Louis Peterson*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, and at the premises there situate, known as  
*to wit: in and on board of a certain vessel and*  
*steamboat called the "Accomac" then lying and being*  
*in the waters there commonly called the Hudson River*  
certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of  
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of  
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of  
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury  
aforesaid unknown, unlawfully did sell to

*one Michael F. Bregan and to*  
certain other persons whose names are to the Grand Jury aforesaid unknown, to be  
drank upon the premises aforesaid, without having a license therefor, as required by law,  
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.

03 17

(Laws of 1889,  
chapter 840 sec-  
tion 5.)

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *Louis Peterson* of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

*Louis Peterson*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and at the premises there situate, known as *to wit: in and on board of a certain vessel and* ~~number~~ *Steamboat called the "Hecmar," then lying and being in* *the waters there, commonly called the Hudson River* certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did give away to

certain — persons whose names are to the Grand Jury aforesaid unknown, to be drank upon the premises aforesaid, without having a license therefor, as required by law, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.



0318

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Petrus, Sebastian

**DATE:**

12/13/88



3161

0319

WITNESSES:

*Wm. Woodruff*

200

*D. E. Egan.*  
Counsel, *13* day of *Dec* 188*8*

Filed

Pleads

*Wm. Woodruff*

THE PEOPLE,

vs.

B

*Sebastian Petrus*

*Dec 1888*

Sent to the Court for  
Sessions for First Term  
of Criminal Department

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1880, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. Woodruff*  
Foreman.

0320

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Sebastian Petrus*

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

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

The said

*Sebastian Petrus*

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

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

SECOND COUNT—

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

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

The said

*Sebastian Petrus*

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

**JOHN R. FELLOWS,**

District Attorney.

0321

**BOX:**

334

**FOLDER:**

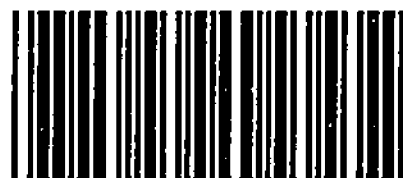
3161

**DESCRIPTION:**

Pfefferkorn, Theodore

**DATE:**

12/11/88



3161



0322

WITNESSES:

18-19  
Off B. B. Cannon

Counsel,

Filed

Pleads

182  
Selling on Sunday.

day of Dec

1888

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1883, Sec. 6.]

Theodore Pfefferkorn

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. F. Fendall

Complaint sent to the  
Special Sessions,

Part III, Nov. 28, 1893

0323

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Theodore Pfefferkorn*

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

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

The said

*Theodore Pfefferkorn*

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

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

SECOND COUNT—

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

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

The said

*Theodore Pfefferkorn*

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

**JOHN R. FELLOWS,**

District Attorney.

0324

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Pierson, Frank A.

**DATE:**

12/20/88



3161



136

384

W. J. Fanning

Counsel, *Do* day 188

Filed *Do*

Pleas, *Do*

THE PEOPLE

vs.

July 18, 1887

Frank A. Pierson

JOHN R. FELLOWS,

District Attorney

Part 3

March 13 by court

Sept 7 to 10. w. J. Fanning

A True Bill

Part II March 13, 1890

Ind and Confessed

W. J. Fanning

For emon.

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning

W. J. Fanning



0326

POLICE COURT

DISTRICT

STATE OF NEW YORK :  
: ss:  
CITY & COUNTY OF NEW YORK :

Abram S. Hewitt, of No. 9

Lexington Avenue, being duly sworn, deposes and  
says, that he is now and since January 1st, 1887 has been  
the Mayor of the City of New York, that on the *31<sup>st</sup>*

day of *May* 1888 at the City of New

York, in the County of New York, *Frank A. Pearson*  
*as he is informed and verily believes*  
violated and is now violating the provisions of Chapter 720  
of the Laws of the State of New York passed June 25th, 1887  
entitled "An Act to provide Fire Escapes in Hotels", as ap-  
pears by the affidavit of *Edward F. Croker* hereto  
annexed.

He therefore prays that said *Frank A. Pearson*  
may be arrested and dealt with according to law.

*Sworn to before me*  
*this 31 day of May 1888.* } *Abram S. Hewitt*  
*Deputy Sheriff*  
*Compld*  
*Execd*

0327

STATE OF NEW YORK

:  
: ss:

City & County of New York :

*Edward F. Croker* being duly sworn, says that he is *Foreman* of *Engine Company No. 1*, and a member of the uniformed force of the Fire Department of the City of New York. That on the *31<sup>st</sup>* day of *May* 1888 and on divers other days and times between that day and the date hereof *Frank A. Pearson* was the *Proprietor* of the *Sturtevant House* being a hotel building exceeding two stories in height, to wit: of the height of *six* stories, situated at *Broadway & 29<sup>th</sup> Street* at the City of New York in the County of New York, and used, maintained and occupied as a hotel, and containing *about 200* rooms used as lodging rooms, except the rooms on the ground floor. That the said *Frank A. Pearson* has failed to place or caused to be placed a rope or other better appliance to be used as a fire escape in every room of said hotel used as a lodging room except the rooms on the ground floor, and none of the said rooms first hereinbefore mentioned are provided with a rope or other better appliance to be used as a fire escape.

That at the time and place hereinbefore mentioned deponent personally inspected the several rooms of said hotel hereinbefore described having been deputized by Charles O. Shay Esq., Chief of the said Fire Department for that purpose.

*I sworn to before me  
this 31<sup>st</sup> day of May, 1888.*

*Edward F. Croker.*

*John A. Hallam  
Notary Public  
Ct. Y. Co.*

0328

Police Court  
District.

The People vs. Ex Rel.

Abram S. Hewitt

against

Frank A. Pearson

Affidavits.

WILLIAM L. FINDLEY,

Attorney to Fire Department,

No. 155 ~~Street~~ <sup>E. 6<sup>th</sup> St.</sup>

New York.

B300-18 to 19



0329

Police Court  
District.

The People vs. Ex Rel.

Abraham S. Hewitt

against

Frank A. Pearson

Affidavit.

WILLIAM L. FINDLEY,

Attorney to Fire Department,

No. 155 ~~Market~~ Street,

New York.

0329-18 to 19



0330

POLICE COURT *1st* DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

On Complaint of *Abraham S. Hewitt*

For *Misdemeanor*

*Frank A. Pearson*

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated *June 5* 188*8*

*Frank A. Pearson*

*Henry M. Morris* Police Justice.

0331

Sec. 192-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the charge*  
*Frank A. Pearson*

Taken before me this

188

Police Justice

0332

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.....

*Frank A. Pearson*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars, *\$300* and be committed to the Warden and Keeper of  
the City Prison of the City of New York, until he give such bail.

Dated *June 5* 188*8* *Wm. H. Brown* Police Justice.

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

Dated *June 2<sup>nd</sup>* 188*8* *Wm. H. Brown* Police Justice.

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

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

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



0333

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District

THE PEOPLE, &  
ON THE COMPLAINT OF

Do not subpoena  
Mr. A. S. N. [illegible]

Frank A. Pearson

2

3

4

Dated

188

Magistrate

Officer

Precinct

Witnesses

No.

Street

No.

Street

No.

Street

\$

to answer

Bailed



## Court of General Sessions

The People of the State of New York  
ex rel Abram S. Hewitt,

Against

Frank A. Pierson.

The defendant, Frank A. Pierson above named, demurs to the indictment presented by the last Grand Jury on the 20<sup>th</sup> day of December 1888 charging him with the crime in said indictment set forth, viz: a violation of Chapter 920 of the Laws of 1887. - upon the grounds that the facts stated in said indictment do not constitute a crime.

Wherefore this defendant asks judgment of the Court that he be dismissed and discharged from the said premises specified in said indictment.

Dated January 15, 1889.

Wm. J. Fanning

Attorney for Defendant

120 Broadway

New York N.Y.

Court of General Sessions

The People Ex rel

Abraham S. Hewitt

Against

Frank A. Pearson

Answer to Indictment

Wm. J. Manning

Attorney for Deft.

120 Broadway

John J. Lang 15/79

0336

Se 429  
S 499

Court of General Sessions of the Peace,

FOR THE CITY AND COUNTY OF NEW YORK.

Before Hon. FREDERICK SMYTH, Recorder.

THE PEOPLE,  
*ex. rel.*  
ABRAM S. HEWITT,  
*against*  
FRANK A. PIERSON.

Brief for  
The People.

STATEMENT.

The indictment charges the defendant with the violation of Section 1 of Chapter 720 of the Laws of 1887, entitled "An Act to provide Fire Escapes in Hotels."

This Section provides "That every owner, lessee, proprietor, or manager of a hotel; situated *in the State of New York* exceeding two stories in height, shall, on or before the 1st day of July, 1887, place, or cause to be placed, a rope, or other better appliance to be used as a fire escape in every room of the said hotel used as a lodging room, except the rooms on the ground floor, etc."

Defendant is one of the proprietors of the Sturtevant House, a hotel situated in this city, the building being six stories high. The defendant demurs to the indictment on the ground that said indictment charges no crime for the reason that the Act does not

Inducted May 16<sup>th</sup> 1889



apply to the City of New York. This contention is based upon the fact, that prior to its passage there was in force in said city, a *special or local Act* regulating Fire Escapes in buildings which was not repealed or in anywise effected by this act.

#### POINT I.

It is respectfully contended that the first proposition submitted in defendant's brief herein is in no sense applicable to this argument. The prosecution admits that the provisions of the Consolidation Act, Chapter 410 of the Laws of 1882, are not repealed by this Act. The people do not claim that the Legislature intended to in any way interfere with the general scheme of local government for the City of New York, but on the contrary insists that the powers so conferred are in no sense revoked or limited, in so far as this Act is concerned.

There is no pretence that the passage of a general law commanding the performance by hotel keepers of a *specific* act in any way operates to interfere with the supervisory powers exercised by various Boards under the charters and special laws relating to the various cities of the State. The provisions of the New York Consolidation Act, before referred to, confer upon the Fire Commissioners and the Inspector of Buildings in this city, certain powers over owners, lessees, builders, plumbers and others, and provide certain penalties for their proper enforcement.

Section 499 of Chapter 410 of the Laws of 1882, as amended by Chapter 566 of the Laws of 1887, confers upon the Chief Engineer of the Fire Department a very wide and general authority to provide means of escape from buildings in case of fire, and Section 505 of the same Act prescribes the penalty for non-compliance.

The rule of law is that "When both the latter and the former statutes can stand together, both will stand, unless the former is expressly repealed, or the legislative intent to repeal it is very manifest."

People *ex. rel.* Kingsland against Palmer, 52, N. Y., 83.

And the rule of construction is "That a statute only operates as a repeal of a former one to the extent that the two are repugnant. If both can stand, and to the extent that they can stand and have effect, they will both have effect."

Mongeon v. The People, 55 New York, 613.

#### POINT II.

If the Act subsequently passed, under which this indictment is brought, is inconsistent with, or repugnant *in all its provisions* to the prior statute, the rule upon which the defendant lays so much stress might be properly invoked. But is it!

The prosecution insists that the very opposite is the case. A statute which does not take away any right or impose a substantially new duty, but regulates with additional requirements a duty imposed by a previous Act, is not to be deemed inconsistent with the previous Act.

#### POINT III.

It further appears that the penalty provided for in the Consolidation Act is a *civil* penalty recoverable in actions brought in the Courts of *civil jurisdiction* in the name of the FIRE COMMISSIONERS; and these circumstances introduce into the case another well established principle of law which absolutely negatives the assumption of the defendant. The imposition of a penalty does not render a transaction criminal. Indeed the case of the People against Jaehne, cited on defendant's brief bears with the greatest force upon this proposition, for in the opinion of the learned Court the Penal Code is referred to as "an institution of criminal justice of general application, enacted in harmony with recent legislation for the purpose of embodying in a single statute a system of criminal law applicable to the state."



The Penal Code, after defining crimes and their divisions (Sections 3 and 4) provides, Section 8, that the manner of prosecuting and convicting criminals is regulated by the Code of Criminal Procedure; and Sections 4, 5 and 6, of this instrument defines how crimes are to be prosecuted, to wit, by *criminal action brought in the name of the People of the State of New York*, as plaintiffs.

So "where a charter provision provides a *penalty* for a wrong, without constituting it a crime, and it is a crime by the general law, the familiar principles permit a double prosecution on both."

Bishop on Statutory Crimes, 2d Ed. Section 24, and cases cited.

Berry, v. The People, 36 Ills. 423.

This learned writer in the same section goes further and says: "But where precisely the same Act 'is a *crime* under both the general law and the by-law, there are authorities which hold that a conviction or acquittal under one will bar proceedings under the other, the result of which is that the by-law repeals the general law for the cases wherein the prosecution is first had under it. The better doctrine, therefore, is believed to be the contrary, namely, that just as the same Act may be an offence against both the United States and a state, and punished by both, so also it may be against a municipal corporation and a state."

Fox v. Ohio, 5 How., U. S., 410, 432; United States v. Margold, 9 How., U. S., 560; Moore v. Illinois, 14 How., U. S., 13, 20.

*Point* PART IV.

It would appear that Chapter 566 of the Laws of 1887, an Act amending provisions of Chapter 410 of the Laws of 1882, was not intended to in any way confer powers additional or otherwise upon any local board or officer to *regulate* the management of hotels or other buildings; and the best evidence of this is to be found in the title of the Act which is respectfully submitted without further comment.

"An Act to amend Chapter 410 of the Laws of 1882, entitled an Act to consolidate into one Act and to declare the Special and Local Laws affecting public interests in the City of New York, in so far as the same regulates the *construction* of buildings in the said city."

Chapter 720 of the Laws of the same year, 1887, commonly known as "The Rope Act" relates alike by its title and provisions to what might more properly be referred to as *the running or management of hotels*. It is a general law applicable to the entire state and provides in the Second Section for the recovery of a penalty of \$50 for each and every violation thereof, and furthermore in the same section declares that continued neglect to comply with its requirements shall render the accused *criminally* liable to punishment for a misdemeanor.

That the Legislature intended that it should apply to all the cities and villages of the state is manifest, the only hotels exempt from its provisions being those especially referred to in Section 4 as *fire-proof hotels*. Furthermore, up to the time of the passage of the *amendment* (Chapter 566, Laws 1887) to the Local Act above referred to there was a provision, Section 508 of Chapter 410 of the Laws of 1882, which provided for *criminal proceedings* in cases wherein the civil penalty did not appear to be effectual, and that provision is *repealed* by Section 40 of Chapter 566, Laws of 1887, so that the only criminal prosecutions that can now be brought are those provided for in the "Rope Act" before cited.

*Point* PART V.

The Court should give judgment disallowing the demurrer.

JOHN R. FELLOWS,

*District Attorney.*

James FitzGerald, *Assistant,*  
*of Counsel.*



## SUPPLEMENTARY.

The contention of the learned District Attorney appears to be (1) that the local act relates to the construction of hotels, whilst the general act relates to "what might more properly be referred to as the running and management of hotels," and (2) that the two acts are not inconsistent.

It is respectfully submitted that these are untenable grounds.

The prior and local act provides that hotels shall be provided with such good and sufficient fire-escapes or other means of egress in case of fire as shall be directed by the Fire Department, etc.

The general act is entitled "An act to provide fire escapes in hotels," and directs that every hotel in the State shall be provided with a rope, or other better appliance, in every room, etc.

It cannot, therefore, be denied that the two acts are upon the same subject.

The local act regulates the "running or management" of hotels, so far as fire-escapes are concerned, far more than the general act. The duty of the hotel proprietor is fully performed under the general act when he provides ropes; whereas, under the local statute he is obliged at all times to comply with the requirements of the Fire Department, which may "at any time" " \* \* \* direct any act or thing to be done or provided in or about said hotel and the several appliances therewith connected, such as halls, doors, stairs, "windows, fire-escapes," etc.

The two acts are clearly inconsistent.

The spirit and policy of the local statute is that the Fire Department shall have full discretion in the matter of fire-escapes. It provides that hotels shall be provided with ropes whenever the Department so directs.

The general statute makes it imperative that ropes be provided, and this imperative requirement would be

*Filed July 16, 1889*

*Chief of Police*  
*in demand*

*Frank J. Peterson*

*The People*

*Wm. H. H. H. H.*

a *pro tanto* interference with the discretion vested in the Fire Department, and would impose upon the hotel proprietor a new duty—MAKING IMPERATIVE THAT WHICH UNDER THE SPECIAL LAWS IS CONDITIONAL.

It would, indeed, be difficult to find a case more completely within the rules laid down in the cases cited in defendant's brief.

"No intent of the legislature to interfere with special statutes, applicable only to the City of New York, can be implied from general legislative action upon the subject" (People vs. Quigg, *ante*).

"A special and local statute, providing for a particular case, or class of cases, is not partially repealed or amended, by a statute general in its terms," etc. (Matter of Comm. Cent. Park, *ante*.)

"General legislation on a particular subject must give way to special legislation on the same subject" (Rapallo, J., People vs. Jaehne, *ante*.)

These authorities in no wise conflict with the doctrine urged by the learned District Attorney that "When both the latter and the former statutes can stand together both will stand," for, to quote the language of Andrews, J. (People vs. Jaehne) "Special and general acts may both be executed without involving repugnancy of rights or remedies, by holding that the general act was intended to declare a general rule governing cases not already provided for, and that a prior special statute on the same subject, operating upon a single person or class of persons, or within a limited territory, should be treated as if *specially excepted* from the operation of the general law," and the learned Judge adds that this rule should be applied "where the special law was part of a system of local administration," or "where it was possible to assign a reasonable motive for retaining the special and peculiar provisions of the special act, notwithstanding the enactment of a subsequent general rule covering the same subject."

WILLIAM J. FANNING,  
Of Counsel.

MARTIN B. BROWN, Printer and Stationer, 40 and 51 Park Place, New York.

*Court of General Sessions of the Peace  
for the City and County of New York.  
Before Hon. Frederick Smyth, Recorder.*

THE PEOPLE, etc., ex rel. ABRAM S.

HEWITT

vs.

FRANK A. PIERSON.

Brief for Defendant.

#### STATEMENT.

The defendant is accused of a violation of section 1 of the chapter 720 of the Laws of 1887, entitled "An Act to provide fire-escapes in hotels." Said section provides that "every owner, lessee, proprietor or manager of a hotel, situated in the State of New York, exceeding two stories in height, shall, on or before the first day of July, 1887, place, or cause to be placed, a rope, or other better appliance, to be used as a fire-escape, in every room of the said hotel used as a lodging room, except the rooms on the ground floor," etc., etc.

The defendant is one of the proprietors of the "Sturtevant House," a hotel in the City of New York, and a building six stories in height. He is charged with neglecting to place a rope or other better appliance to be used as a fire-escape in every room of said hotel used as a lodging room, except the rooms on the ground floor.

Defendant contends that the said act does not apply to hotels in the City of New York, because at the time



of the passage of said act there was in force, in said city, a special or local act regulating fire-escapes in hotels which was not repealed or in any wise affected by the act in question.

This action was brought by his Honor Mayor Hewitt, pursuant to a mutual arrangement with the attorney for the Hotel Association of the City of New York, for the purpose of securing a judicial construction of the act in question, and thereby settling the question whether said act was intended to apply to the City of New York.

#### POINTS.

##### I.

SECTION 499 OF THE CONSOLIDATION ACT IS A SPECIAL STATUTE AND IS NOT AFFECTED BY THE ACT IN QUESTION, WHICH IS A GENERAL ACT.

A special statute is not repealed or altered by a general statute except by express and unambiguous language, or, where the legislative intent to the contrary clearly appears.

*Foster's Case*, 11 Coke, 63, 64; *In re Evergreens*, 47 N. Y., 216; *Matter of Comm. of Central Park*, 50 *id.*, 493; *People vs. Quigg*, 59 *id.*, 83; *Vandenberg vs. Village of Greenbush*, 66 *id.*, 18, 22; *In re Company*, 69 *id.*, 209; *Village vs. Howell*, 70 *id.*, 287; *Whipple vs. Christian*, 80 *id.*, 523; *McKenna vs. Edmundstone*, 91 *id.*, 231, 233; *People vs. Jaehne*, 103 *id.*, 182, 193.

In the matter of Commissioners of Central Park the Court say: "The law does not favor a repeal of stat-

tutes by implication. To work a repeal by implication the intent of the Legislature must be very apparent or the two laws must be so incongruous and repugnant that effect cannot be given to both.

"Here the legislation by the two statutes is not upon the same subject. In the one case, provision is being made for a municipal government and the creation of a special jurisdiction, and every part of the enactment is *designed to make a part of a complete whole, and altogether constituting an entire system, perfect in itself*; and in the other case, the Legislature was prescribing the jurisdiction of an appellate court by general rules, having no reference to special and particular enactments governing special cases. A special and local statute, providing for a particular case, or class of cases, is not partially repealed or amended, as to some of its provisions, by a statute general in its terms, provisions and applications, unless the intention of the Legislature to repeal or alter the particular law is manifest, although the terms of the general act would, taken strictly, and but for the special law, include the case or cases provided for by it."

In *People vs. Quigg* the Court say:

"No intent of the Legislature to repeal or interfere with special statutes, applicable only to the City of New York, can be implied from general legislative action upon the subject. Repeal of statutes by implication is not favored, and only takes place when two acts are so inconsistent that both cannot stand, and then the later act prevails. Laws, special and local in their application, are not deemed repealed by general legislation, except upon the clearest manifestation of an intent by the Legislature to effect such repeal, and ordinarily an express repeal by some intelligible reference to the special act is necessary to accomplish that end."



In *Van Denburgh vs. Greenbush* the same doctrine is reaffirmed in the following language :

"It is a rule of construction that a special statute providing for a particular case, or applicable to a particular locality, is not repealed by a statute general in its terms and application unless the intention of the Legislature to repeal or alter the special law is manifest. Although the terms of the general law would, taken strictly, and but for the special law, include the case or cases provided for by it."

*McKenna vs. Edmundstone* :

The Court : "It is well settled that a special and local statute, providing for a particular case or class of cases, is not repealed by a subsequent statute, general in its terms, provisions and applications, unless the intent to repeal or alter is manifest, although the terms of the general act are broad enough to include the cases embraced in the special law. This is but the application of the larger rule that a statute is not deemed to be repealed by implication by a subsequent act upon the same subject, unless the two are manifestly inconsistent with and repugnant to each other, or unless a clear intention is disclosed on the face of the latter statute, to repeal the former one."

The same doctrine was upheld in the more recent case of *People vs. Jaehne (ante)*, in which the Court states the rule precisely as laid down in the preceding cases.

In that case, however, the Court construed the general statute (Penal Code) as clearly manifesting an intention on the part of the Legislature to establish a uniform punishment of bribery throughout the State, and repealing by necessary implication the special act applicable to members of the Board of Aldermen of

the City of New York. In other words, the Court held that the Penal Code established a complete system, of which the local statute would constitute, at best, but a mere fragment, and therefore the legislative intent to repeal the latter statute was clearly manifest.

The Court say : "The Penal Code, as its title implies is an institution of criminal justice of general application, and was enacted in harmony with recent legislation, for the purpose of embodying in a single statute the system of criminal law applicable to the State, and substituting the statute so enacted in place of the great number of statutes and amendments of statutes, which together, before the enactment of the Code, constituted the body of the criminal law." \* \* \*

"It defines and prescribes the punishment for murder, larceny, burglary and all the generally recognized offenses, and it cannot be doubted that its provisions on these subjects were intended as a substitute for similar provisions in the prior laws," etc. And then the Court adds : "It will be found, I think, on examining the cases in which the Courts have held that a special law was not repealed by a subsequent general law on the same subject, that they are as a general rule, cases where the Legislature was not dealing directly with the subject of the prior law, and it was not in the mind of the Legislature when the general law was enacted, or where the special law was part of a system of local administration, or where it was possible to assign a reasonable motive for retaining the special and peculiar provisions of the special act, notwithstanding the enactment of a subsequent general rule covering the same subject."

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*McKenna vs. Edmundstone*:

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## II.

A THING WITHIN THE LETTER OF A STATUTE IS NOT WITHIN THE STATUTE, UNLESS WITHIN THE INTENTION OF THE MAKERS.

Jackson vs. Collins, 3 Cow., 89-96.

The Court: "Whenever the intention of the makers of a statute can be discovered it ought to be followed with reason and discretion in the construction of the statute, although such construction seem contrary to the letter of the statute. A thing which is within the letter of the statute is not within the statute, unless it be within the intention of the makers."

Jerome Park Co. vs. Board of Police of N. Y., 11 Abb. N. C., 342-346.

The Court: "It is well settled that words absolute of themselves, and language the most broad and comprehensive, may be qualified and restricted by reference to other parts of the same statute in which they are used, and to the circumstances and facts existing at the time, and to which they relate or are applied."

"A literal interpretation of words in most common use, and having a well-defined meaning as ordinarily used, would not unfrequently defeat rather than accomplish the intent of the party using them. If, in reading a statute in connection with other statutes passed at or about the same time, a doubt exists as to the force and effect the Legislature intended to give to particulars terms—that is, as to the meaning it was intended they should bear and have in the connection in which they are used—it is also competent to refer to the circumstances under which and the purposes for which a statute is passed to ascertain the intention of the Legislature. The ground and cause of the making of a statute explain the intent."

188.  
ACCORDING TO THE RULES OF CONSTRUCTION LAID DOWN IN THE FOREGOING AUTHORITIES, THE ACT IN QUESTION DOES NOT APPLY TO THE CITY OF NEW YORK.

It clearly appears that the Legislature never intended that the local statute providing a complete system for the regulation of fire-escapes in the City of New York should be affected by this general act, the evident intention of which was to provide fire-escapes in hotels in localities where previously no fire-escape law was in operation.

The Consolidation Act provides a complete system for the regulation of fire-escapes in hotels in the City of New York.

The organization of the Fire Department of the City of New York is provided for by clause XL, of chapter 410 of the Laws of 1882, which chapter is otherwise known as the New York Consolidation Act.

The duties and powers of the officers and members are governed by title 1 of said Act.

Section 427 of the Act declares:

"There shall be in the department four bureaus. \* \* \* Another bureau shall be known as the Bureau of Inspection of Buildings. The head of the Bureau of Inspection of Buildings shall be known as the Inspector of Buildings, and the said bureau shall—under and subject to such rules, regulations and orders as may be established by the Board of Fire Commissioners, have charge of all matters relating to buildings and structures in the City of New York devolved on said department.

Section 499 of the Act of 1882 provided that *hotels should be provided with such fire-escapes, alarms and doors as should be directed by the Chief Engineer of the Fire Department, and conferred upon him unlimited authority to direct that any means of escape which he deemed proper should be provided, including ropes.*

This section was amended by chapter 566 of the Laws of 1887, (p. 757), and now reads as follows:

"Section 499. \* \* \* \* \* *Every building already erected or that may hereafter be erected more than three stories in height, occupied or used as a hotel, lodging-house or boarding-house having more than fifteen rooms, \* \* \* shall be provided with such good and sufficient fire-escapes or other means of egress in case of fire as shall be directed by the Superintendent of Buildings, and said Superintendent shall direct such means of egress to be provided in all cases where he shall deem the same necessary.*"

(This amendment was passed June 15, 1887, and the "Rope Act" June 25, 1887. The amendment went into effect twenty days after its passage, whilst the "Rope Act" took effect immediately.)

This section prescribes the penalty for failure to maintain and keep in good repair such fire escapes, and for obstructing and interfering therewith, and then continues as follows.

"Every building hereafter erected or altered to be occupied as a hotel \* \* \* shall have the halls and stairs inclosed with twelve-inch brick walls. \* \* \* The floors, stairs and ceilings in said halls and stairways shall be made wholly of iron, brick, stone, or other hard incombustible materials, and at least one flight of such stairs in each of said buildings shall extend to the roof and be inclosed in a bulkhead built of fireproof materials. In all buildings of a public character already erected, or hereafter to be built in said city, such as hotels, churches, theatres, restaurants, railroad depots, public halls and other buildings used or intended to be used for the purposes of public amusement or instruction, the hall, doors, stairways, seats, passageways, and aisles shall be arranged as the Superintendent of Buildings, with the concurrence of the board of fire commissioners shall direct, to facilitate egress in case of fire or accident, and to afford the requisite and proper accommodation for the public protection in such cases. \* \* \*

"The Superintendent of buildings, with the concurrence of the board of fire commissioners, may at any time serve a written or printed notice upon the owner, lessee or manager of any of said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles and fire-escapes, so as to afford such security to the public in the uses to which they may be severally applied, as they may deem necessary.

§ 505 prescribes the penalty for violation of this title and for failure to comply therewith.

§ 513 authorizes the Fire Department to apply to the Supreme Court for an order directing the removal of any violation of this title. And also provides that "Whenever any notice requiring fire-escapes or means of egress in case of fire to be placed in or upon any building shall have been served as directed in this title, and



the same shall not have been complied with within ten days after service thereof, the fire department of the City of New York may, in its discretion, in addition to or in lieu of the remedy last provided, apply to the Supreme Court of the City and County of New York, at a special term (etc.), for an order directing the fire department to vacate such building (etc.).

*The expenses and disbursements incurred in the carrying out of an order or orders shall become a lien upon such building (etc.).*

"Section 504. The fire department of the City of New York shall be and is hereby charged with the enforcement of the provisions of this title through the bureau of inspection of buildings (etc.).

§ 432 Creates the office of Attorney for the Fire Department.

§ 515 provides that all suits and proceedings instituted for the enforcement of any of the several provisions of this title shall be brought *in the name of the Fire Department*, by the *Attorney for said Department*.

# V.

FROM THE ABOVE QUOTATIONS IT CLEARLY APPEARS THAT TITLE 5 OF THE CONSOLIDATION ACT CREATES AND WAS INTENDED TO CREATE A COMPLETE SYSTEM FOR THE REGULATION OF BUILDINGS AND FIRE-ESCAPES AND THE ADMINISTRATION OF THE BUILDING AND FIRE-ESCAPE LAWS IN THE CITY OF NEW YORK.

1. It vests the entire and exclusive supervision of buildings and fire-escapes in the City of New York in the Fire Department, and vests in that department

complete and exclusive power to enforce the building and fire-escape laws. The Fire Department is authorized to exercise the most unlimited and arbitrary discretion respecting fire-escapes in hotels—and has the same power to direct that ropes be provided that it has to direct the use of iron balconies, iron stairways, or any other means of egress in case of fire which it may deem necessary.

It expressly declares that all actions, suits and proceedings under the said title shall be instituted and conducted in the name—not of the People, not of the Mayor, Aldermen and Commonalty—but in the name of the said department; and in all such matters it directs that their attorney, specially appointed for that purpose, shall represent them.

2. After the Legislature had, with a great deal of painstaking care, devised this complete system for the City of New York and embodied all the law upon the subject in a Code it is hardly credible that it would suddenly change its policy, break in upon this system and make a separate and independent law outside of this Code.

3. Especially is this true when it is remembered that at the time the "Rope" Act was pending before the Legislature the act chapter 566 of the Laws of 1887, embracing an amendment to section 499, was also being considered by it.

The latter statute was passed June 15, 1887, and was not to go into effect until twenty days after its passage. The "Rope Statute" was passed June 25, 1887, and became operative immediately.

This was just ten days after the former act was passed, and ten days before it went into effect.

4. Section 499 of the Consolidation Act is so broad in its language that the whole subject of fire-escapes in the City of New York is completely covered.

It includes all hotels in the City of New York, and does not prescribe any species of fire-escape, but declares that hotels "shall be provided with such good and sufficient fire-escapes or other means of egress in case of fire as shall be directed by the Superintendent of Buildings."

"The Superintendent of Buildings, with the concurrence of the board of Fire Commissioners, may at any time serve a written or printed notice upon the owner, lessee or manager of any of said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles, and fire-escapes, so as to afford such security to the public in the uses to which they may be severally applied, as they may deem necessary."

Surely this language is broad enough to confer upon the Superintendent the power to require "a rope or other better appliance to be used as a fire-escape, etc."

5. And again, had it been the intention of the Legislature that the act in question should apply to the City of New York, upon the theory that a rope was of such vital importance as a means of escape as to warrant its use even in cases where the best means known to the fire department had been already provided, and notwithstanding the unlimited authority vested in the department, to direct any means of escape including a rope—is it conceivable that it would have limited the use of such a means of escape to hotels? If it were deemed necessary to thus arbitrarily interfere with the discretion vested in the Fire Department why not include other buildings as well as hotels?

If a rope had become so indispensable as a means of escape in case of fire why not direct that it be used in factories, apartment-houses, asylums, school-houses and other public buildings enumerated in the Consoli-

dation Act as being under the supervision of the Fire Department.

6. In this "Rope Act" there is no express reference to the City of New York or to the Bureau of Buildings in said city. If the intention had been to make it applicable to this city the authority to enforce it, and make complaint for violations under it, would have been vested in the Fire Department and not in the Mayor. It would, in other words, have been made to conform to, and become part of the general system.

7. If it were true that both of these laws were concurrently operative, then it would follow that the New York hotel proprietor would be subject to a double punishment for the same offense.

He would be liable to be fined under section 499 of the Consolidation Act, and to be imprisoned in a penitentiary and fined, under section 3 of the "Rope Act."

The country hotel keeper would be subject only to the latter punishment and not to the first.

8. Section 499 of the Consolidation Act, as amended in 1887, is so carefully drawn that no reasonable doubt can be entertained that the Legislature believed that it was drawing a rule with regard to the City of New York that would cover the whole ground, and that there was no other law that would be applicable.

#### VI.

JUDGMENT SHOULD BE RENDERED DISCHARGING THE DEFENDANT OR HIS BAIL.

WM. J. FANNING,  
Of Counsel.

(over)



### SUPPLEMENTARY.

The contention of the learned District Attorney appears to be (1) that the local act relates to the construction of hotels, whilst the general act relates to "what might more properly be referred to as the running and management of hotels," and (2) that the two acts are not inconsistent.

It is respectfully submitted that these are untenable grounds.

The prior and local act provides that hotels shall be provided with such good and sufficient fire-escapes or other means of egress in case of fire as shall be directed by the Fire Department, etc.

The general act is entitled "An act to provide fire escapes in hotels," and directs that every hotel in the State shall be provided with a rope, or other better appliance, in every room, etc.

It cannot, therefore, be denied that the two acts are upon the same subject.

The local act regulates the "running or management" of hotels, so far as fire-escapes are concerned, far more than the general act. The duty of the hotel proprietor is fully performed under the general act when he provides ropes; whereas, under the local statute he is obliged at all times to comply with the requirements of the Fire Department, which may "at any time" \* \* \* direct any act or thing to be done or provided in or about said hotel and the several appliances therewith connected, such as halls, doors, stairs, "windows, fire-escapes," etc.

The two acts are clearly inconsistent.

The spirit and policy of the local statute is that the Fire Department shall have full discretion in the matter of fire-escapes. It provides that hotels shall be provided with ropes whenever the Department so directs.

The general statute makes it imperative that ropes be provided, and this imperative requirement would be



a *pro tanto* interference with the discretion vested in the Fire Department, and would impose upon the hotel proprietor a new duty—MAKING IMPERATIVE THAT WHICH UNDER THE SPECIAL LAWS IS CONDITIONAL.

It would, indeed, be difficult to find a case more completely within the rules laid down in the cases cited in defendant's brief.

"No intent of the legislature to *interfere* with special statutes, applicable only to the City of New York, can be implied from general legislative action upon the subject" (People vs. Quigg, *ante*).

"A special and local statute, providing for a particular case, or class of cases, is not *partially* repealed or amended, by a statute general in its terms," etc. (Matter of Comm. Cent. Park, *ante*.)

"General legislation on a particular subject must *give way* to special legislation on the same subject" (Rapallo, J., People vs. Jaehne, *ante*.)

These authorities in no wise conflict with the doctrine urged by the learned District Attorney that "When both the latter and the former statutes can stand together both will stand," for, to quote the language of Andrews, J. (People vs. Jaehne) "Special and general acts may both be executed without involving repugnancy of rights or remedies, by holding that the general act was intended to declare a general rule governing cases not already provided for, and that a prior special statute on the same subject, operating upon a single person or class of persons, or within a limited territory, should be treated as if *specially excepted* from the operation of the general law," and the learned Judge adds that this rule should be applied "where the special law was part of a system of local administration," or "where it was possible to assign a reasonable motive for retaining the special and peculiar provisions of the special act, notwithstanding the enactment of a subsequent general rule covering the same subject."

WILLIAM J. FANNING,  
Of Counsel.

0350

NY General Sessions

The People

vs  
Frank A. Gordon

Brief for Defendant  
demurred

filed July 16. 1889

0351

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank A. Benson

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

Indictment accuse

Frank A. Benson of a

Misdemeanor,

of the crime of

committed as follows:

Heretofore, to wit:

on the thirty-first day  
of May, 1888, and at all the times  
herein mentioned, the said Frank A.  
Benson, late of the City of New  
York, in the County of New York  
aforesaid, was the proprietor of a  
certain hotel there situate, exceeding  
two stories in height, to wit: of the  
height of six stories, known as the  
Sturtevant House, the same not  
being a fire-proof hotel, and as  
such required for the said Frank  
Benson was required by law to  
on or before the first day of July, 1887,  
place or cause to be placed a rope  
or other better appliance to be used  
as a fire escape in every room of



0352

said hotel used as a sleeping room except the rooms on the ground floor, which rope or other appliance should be securely drawn or secured into one of the joists or timbers near adjoining the frame of the window, or one of the windows of said room, which rope should be at all times kept coiled up and exposed to the plain view of any occupant of said room, the coil to be fastened in such slight manner as to be easily and quickly loosened and uncoiled, and such rope should be not less than three fourths inch in diameter and of sufficient length to reach from such window to the ground.

Nevertheless the said Francis a Prisoner, not being the proprietor of the said hotel, at the City and County of said, did at all the times aforesaid, wholly neglect, omit and fail to comply with the said requirements of law, and did wholly neglect, omit and fail to on or before the said first day of July 1887, or at any time thereafter, place or cause to be placed a rope or other better appliance to be used as a fire escape in every room of said hotel.

used as a lodging room, except the rooms on the ground floor) and did at all the times aforesaid wholly neglect, omit and fail to place or cause to be placed under rope, or any other appliance, whatsoever to be used as a fire escape, in any of such rooms of the said hotel; and such neglect, omission and failure to comply with the said requirement of law, he the said Thomas A. Pearson on the said duty first day of May 1888, and at the times upon the date herein mentioned, and at all times thereafter to the day of the filing of this indictment, at the City and County aforesaid, unlawfully did continue and yet doth continue and maintain, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Adams,

Attorney

0354

**BOX:**

334

**FOLDER:**

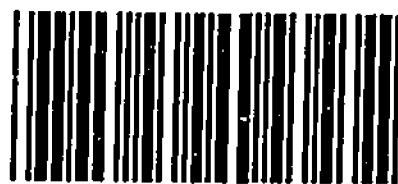
3161

**DESCRIPTION:**

Plass, Edward

**DATE:**

12/11/88



3161



0355

WITNESSES:

*Off. Duck*

184,

*Sen. Carter*

Counsel,

Filed

11 day of

*Dec*

188

Pleads

*guilty 13*

THE PEOPLE,

vs.

*Edward Plaso*

VIOLATION OF EXCISE LAW

(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1083, Sec. 21 and  
page 1080, Sec. 5.]

JOHN R. FELLOWS,

*District Attorney.*

A TRUE BILL.

*Wm. Woodruff*  
Foreman.

Complaint sent to the Court  
of Special Sessions,

Part III, ... Sec. 17-18, 88.

0356

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Edward Glass*

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

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

The said

*Edward Glass*

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

*Cyrus Luck*

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

SECOND COUNT—

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

*Edward Glass*

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

The said

*Edward Glass*

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

**JOHN R. FELLOWS,**

District Attorney.

0357

**BOX:**

334

**FOLDER:**

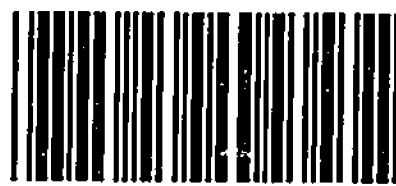
3161

**DESCRIPTION:**

Plummer, William

**DATE:**

12/11/88



3161



0358

WITNESSES:

Henry / Bunker

173

Counsel, *Pharmacia Daily*  
Filed *11/3* day of *Dec* 188*8*  
Pleads *Not guilty, Aug 7/07*

THE PEOPLE,

vs.

*B*  
*William Plummer*  
*Edinburgh 11/07*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1883, Sec. 21 and  
page 1883, Sec. 5.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. Proctor*  
*Proctor*

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

Part 2...*Chas. J. ...* 114-188*7*.

0359

**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 Plummer*

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

The said

*William Plummer*

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

*Henry Bankers*

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

SECOND COUNT—

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

*William Plummer*

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

The said

*William Plummer*

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

**JOHN R. FELLOWS,**

District Attorney.

0360

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Ponchet, Paul

**DATE:**

12/14/88



3161



0361

WITNESSES:

*Off. B. B. B.*

280

Counsel,

Filed

*14 day of Dec*

1888

Pleads

*Guilty*

THE PEOPLE,

vs.

**VIOLATION OF EXCISE LAW**

(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition), page 1888, Sec. 21 and  
page 1889, Sec. 5.]

*B*  
*Paul Pouchet*

*235 11/11/88*

JOHN R. FELLOWS,

*District Attorney.*

**A TRUE BILL.**

*Wm. A. Andrews*  
*Foreman.*

*Complaint sent to the Court  
of Special Sessions,*

*Part III, Dec. 19, 1888.*

0362

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Paul Pouchet*

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

*Paul Pouchet*

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

The said

*Paul Pouchet*

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

*Thomas Dolan*

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

SECOND COUNT—

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

*Paul Pouchet*

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

The said

*Paul Pouchet*

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

**JOHN R. FELLOWS,**

District Attorney.

0363

**BOX:**

334

**FOLDER:**

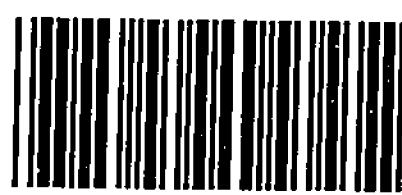
3161

**DESCRIPTION:**

Power, John

**DATE:**

12/17/88



3161



0364

Witnesses:

*Off Adams*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Counsel,

Filed

Pleads,

17 day of Dec 1888  
*Chrymly-18*

THE PEOPLE

vs. £10 vs.

*R*

*John Power*

A.D

Assault in the First Degree, Etc.  
(Sections 217 and 218, Penal Code).

JOHN R. FELLOWS,

Pr. Dec 20/88 District Attorney.

Pleads Asslt 3dy

A True BILL

*Wm. Andrews*  
Forfeign.

*Pen 1000 year.*

0365

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

of No. 11 Precinct Police Street, aged 31 years,  
occupation Police officer being duly sworn deposes and says,  
that on the 30 day of November 1888

at the City of New York, in the County of New York, Dependant says

that John Dougherty (husband)  
is a Material Witness on a  
Certain Complaint against John  
Powers for Felonious Assault. Dependant  
believes that the said Dougherty will  
not appear when required and  
he asks that he give bail for  
his appearance.

John J. Adams

Sworn to before me, this 30 day of November 1888

John J. Adams Police Justice.

0366

Dr. Doughty has received  
that wound of left side  
just below the free border  
of the ribs -

His condition at present is  
not of a serious nature  
& probably will be out in  
a few days. -

W. Jackson  
Thru Surge  
Bellows Falls  
Nov 27/04



0367

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT 3rd DISTRICT.

of The Hon. John S. Adrian  
Police Officer, aged 31 years,  
occupation being duly sworn deposes and says,

that on the 29th day of November 1888  
at the City of New York, in the County of New York.

Dependent arrested  
John Powers (now here for feloniously  
assaulting John Dougherty of No 273  
Dowry by cutting and stabbing said  
Dougherty in the left side of the body  
with the blade of a pen knife the  
defendant held in his hand as set  
forth in the Amused Certificate and  
said Dougherty identified said Powers  
in the presence of deponent as the person  
that did inflict said injuries said Dougherty  
is now confined to the Bellevue Hospital

Sworn to before me, this  
of 1888

Police Justice.

0368

and is unable to appear in Court  
wherefore deponent prays that said  
defendants may be held to answer the  
verdict of said injuries  
Sworn to before me this  
2<sup>nd</sup> day of November 1888.

John S. Adman  
Police Justice

132  
Police Court, District,

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John S. Adman

vs.

John Powers

Dated, Nov 2nd 1888

Magistrate.

Adman

Officer.

Witness,

& 11

Disposition, leave to

await receipt of

injury

0369

Police Court— District.

City and County { ss.:  
of New York,

of No. 41 Bowery Street, aged 20 years,  
occupation Bartender being duly sworn

deposes and says, that on 27th day of November 1888 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Powers (now here)  
Who did wilfully and maliciously  
cut and stab deponent in the  
left side of the body with the blade  
of a pen knife the defendant held  
in his hand and said assault  
was committed

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

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

Sworn to before me, this 30th day  
of Nov 1888 John Dougherty

Police Justice.



0370

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. *John Powers*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *England*

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

Answer. *404 East 18th St 5 years*

Question. What is your business or profession?

Answer. *Bar tender*

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

Answer. *I am not guilty*

*John. Powers.*

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

*John J. [Signature]*  
Police Justice

0371

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 *Nov 30* 188 *J. H. Murphy* Police Justice.

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

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

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

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

0372

com for Dec 3<sup>rd</sup>  
2. PM

The Justice presiding  
at the 3<sup>rd</sup> Dist Police  
Court in my absence  
will please hear and  
determine the within case

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Dougherty  
44 Broadway  
John Lawrence

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

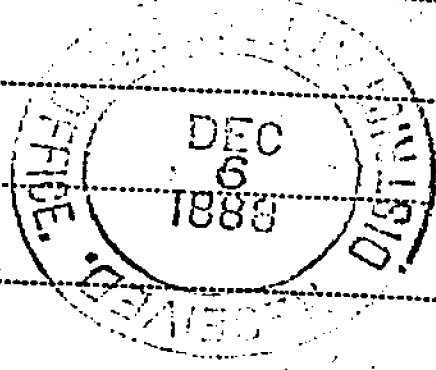
Street.

No.

Street.

No.

Street.



to answer

1000  
[Signature]



0373

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John Power*

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

*John Power*

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

The said

*John Power*

late of the City of New York, in the County of New York aforesaid, on the  
*Twenty-seventh* day of *November*, in the year of our Lord

one thousand eight hundred and eighty *eight*, with force and arms, at the City and  
County aforesaid, in and upon the body of one *John Danaherty*  
in the peace of the said People then and there being, feloniously did make an assault,  
and *him* the said *John Danaherty*  
with a certain *knife*

which the said

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

with intent

*him* the said *John Danaherty*  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

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

*John Power*

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

The said

*John Power*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said *John Danaherty*

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault, and *him* the said

*John Danaherty*  
with a certain *knife*

which the said

*John Power*

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

0374

THIRD COUNT—

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

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

The said

John Pomeroy.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
John Pomeroy, in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and  
the said John Pomeroy  
with a certain knife

which the the said John Pomeroy

in his right hand then and there had and held, in and upon the  
side of him the said John Pomeroy

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said John Pomeroy

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

JOHN R. FELLOWS,

District Attorney.

0375

**BOX:**

334

**FOLDER:**

3161

**DESCRIPTION:**

Price, Allen

**DATE:**

12/13/88



3161



TORN PAGE

0376

281

WITNESSES:

*off Cagney*

Counsel,

Filed

13

day of

1888

Pleads

*Chazmuth*

THE PEOPLE,

vs.

*B #*  
*Shaw Green*

*77*

*1866 B.A.*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat., 7th Edition, page 1088, Sec. 21 and  
see 1889, Sec. 5.]

JOHN B. FELLOWS,

*Attorney*  
District Attorney.

A True Bill.

*Wm. W. Wadsworth*  
Foreman.

*Dec 19 1888*  
*referred to*  
*J. C. Wadsworth*  
*Dec 19 1888*

TORN PAGE

0377

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Allen Price*

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

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

The said

*Allen Price*

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

*David E. Bagley*

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

SECOND COUNT—

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

*Allen Price*

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

The said

*Allen Price*

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

**JOHN R. FELLOWS,**

District Attorney.

0378

**BOX:**

334

**FOLDER:**

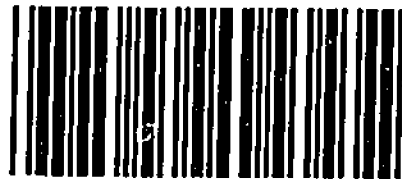
3161

**DESCRIPTION:**

Prigge, Henry

**DATE:**

12/11/88



3161



0379

WITNESSES:

*Off. Price*

Counsel,

Filed

day of

*Dec 1888*

Pleads *chambers 13.*

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[III Rev. Stat. (7th Edition) page 1883, Sec. 21 and  
page 1888, Sec. 5.]

*Henry Duggan*

*B.*

*Read*

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Wm. Woodruff*

Foreman.

0380

Form No. 50.

New York, Sept. 23, 1890.

A Transcript from the Records of the Deaths Reported to the Health Department of the City of New York.

County of New York.

STATE OF NEW YORK.

# CERTIFICATE OF DEATH, IN THE CITY OF NEW YORK.

No. of Certificate,

6194

1. Full Name of Deceased, { Write legibly and spell correctly. If an infant not named, give parents' names. } Henry Prigge
2. Age, 30 years, 7 months, 27 days. Color (Race, if other than the white.) w
3. Single, Married, Widow or Widower. (Cross out the words not required in this line.) 4. Occupation, \_\_\_\_\_
5. Birthplace (State or Country.) Germany (How long in the United States, if of foreign birth.) 14 years
6. How long Resident in this City, \_\_\_\_\_
7. Father's Birthplace, (State or Country) Germany Father's Name, Henry Prigge
8. Mother's Birthplace, (State or Country) " Mother's Name, Annie
9. Place of Death, (If an Institution, please state the name.) 74 E. 112<sup>th</sup>
- No. \_\_\_\_\_ Street 12 Ward.
10. Residence before admission into the Institution (Name of Street & No. of House, & ), \_\_\_\_\_

Should be certified by the head of the family or other responsible friend.

11. I Hereby Certify that I attended deceased from Feb'y 5, 1890 to Feb'y 10, 1890, that I last saw him alive on the 10 day of Feb'y, 1890, that he died on the 10<sup>th</sup> day of Feb'y, 1890, about 12 1/2 o'clock, A.M. or P.M., and that, to the best of my knowledge and belief, the Cause of his death was as hereunder written:

|                              |   | (Write opposite each cause if unknown, it should be so stated.)<br>Duration of Disease in |         |          |         | * The duration of each disease, when given, is reckoned from its commencement until death. |
|------------------------------|---|---|---------|----------|---------|--|
|                              |   | Years.  | Months. | Days.    | Hours.* |  |
| Chief and Determining        | <u>Acute Pneumonitis</u><br><u>(right side)</u> |   |         | <u>6</u> |         |  |
| Consecutive and Contributing | <u>As the cause</u>                             |   |         |          |         |  |

Sanitary observations, \_\_\_\_\_

Witness my hand this 11 day of Feb'y 1890 C. R. Ellison, M. D.,  
 Place of Burial,  Lutheran (Signature)  
 Date of Burial, Feb'y 13, 1890  
 Undertaker, August Gresser  
 Residence, 129<sup>th</sup> 3<sup>rd</sup> av Residence, 213 E. 112<sup>th</sup>

\* By first floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement floor is below the level of the adjoining street.

A True Copy.

C. R. Ellison  
Chief-Clerk.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

0381

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

the People vs  
again

} Excise -

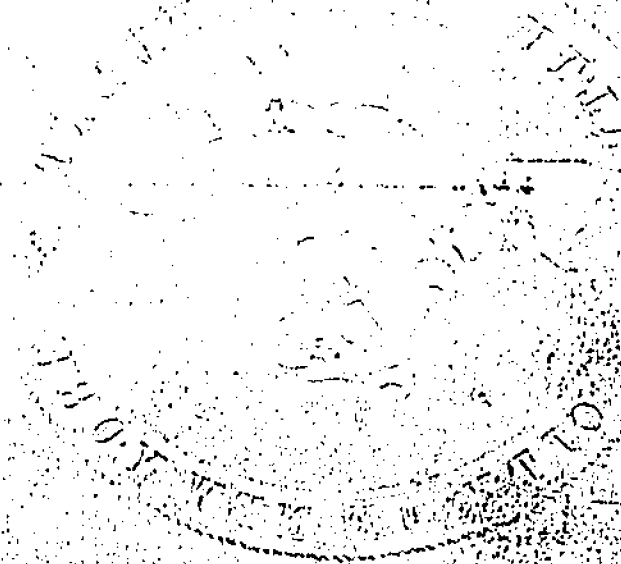
Henry Prigge

City & County of New York ss.

being sworn say -

I knew the Henry Prigge mentioned in the  
within certificate, he was the person mentioned  
described as defendant in the above-entitled  
action -

Sworn to before  
me this 23<sup>rd</sup> day  
September, 1890.





0382

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York,

of No. 29, Precinct Police Samuel Price Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 10 day  
of June 1888 in the City of New York, in the County of New York,  
at premises No. 74, E. 112 St Street,

Sam Puggi (now here)  
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his  
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,  
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

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

Sworn to before me, this 11 day  
of June 1888

Samuel Price

W. J. Duffy  
Police Justice.

0383

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Henry Piggie* 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 Piggie*

Question. How old are you?

Answer. *29*

Question. Where were you born?

Answer. *Germany*

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

Answer. *44 0112 st. New York*

Question. What is your business or profession?

Answer. *Saloon Keeper*

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

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

Taken before me this *11* day of *June* 188*8*

Police Justice

0384

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

me 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 June 11 1888 [Signature] Police Justice.

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

Dated June 11 1888 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 1888 \_\_\_\_\_ Police Justice.



0385

BAILED,

No. 1, by Herman Lirjes  
Residence 100 East 102<sup>nd</sup> Street.

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

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

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

Police Court

888  
District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Samuel P. ...  
Henry P. ...

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

Office Deputy  
the Criminal

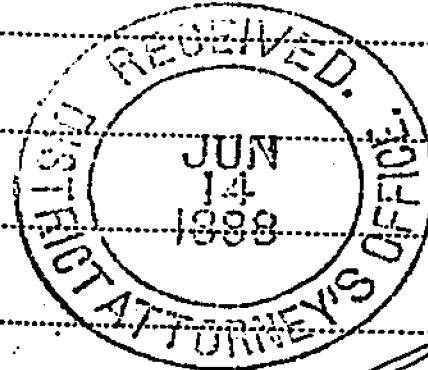
Dated June 11 1888  
Duffy Magistrate.  
Price Officer.  
24 Precinct.

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

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

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

\$ 100 to answer G.S.



Bailes

0386

**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 Prigge*

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

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

The said

*Henry Prigge*

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

*Samuel Price*

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

SECOND COUNT—

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

*Henry Prigge*

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

The said

*Henry Prigge*

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

**JOHN R. FELLOWS,**

District Attorney.