0563

BOX:
160
FOLDER:
1640
DESCRIPTION:
Malone, Edward

DATE:
12/18/84

0564

BOX:
160
FOLDER:
1640
DESCRIPTION:
Keily, James

DATE:
12/18/84

Witnesses:

Jas Kolph
Jeff Piggott 27

Counsel,

Filed 18 day of Dec 1884

Pleads

1095

D

THE PEOPLE

vs.

Edward malone P

and P

James Keily

Penal Code. Section 2 1 2 2 2 3 4

PETER B. OLNEY,

District Attorney.

A TRUE BILL.

Foreman.

Dec 19/84
Both
Plead Guilty
S.P. Five years.

0566

Police Court— First District.

CITY AND COUNTY OF NEW YORK, } ss

James Ralph

of No 69 West 1 House of Detention Street, Aged 32 Years

Occupation Long shoreman being duly sworn, deposes and says, that on the

12 day of December 1884, at the First Ward of the City of New York,

in the County of New York, was feloniously attempted to be taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the

United States to the amount and

of the value of two DOLLARS,

the property of deponent

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

Edward Malone and John Keilly (both now here) from the fact that while deponent was passing along West Street in said city, about the hour of 1.30 and 2 o'clock and defendants came up to deponent and struck deponent several blows on the face with their fists knocking deponent down and while down said Edward Malone thrust his hand into the right hand side pocket of the pantaloons which contained said property and attempted to take said property therefrom

Wherefore deponent charges said defendants with acting in concert with each other in attempting to take said property as aforesaid

James Ralph

Sworn to before me, this 12 day of December 1884

Police Justice.

0567

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Edward Malone

Question. How old are you?

Answer 23 years

Question. Where were you born?

Answer. Canada

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

Answer. 26 Washington St. 3 years

Question What is your business or profession?

Answer Laborer

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

Answer. I am not guilty.

Edward Malone

Taken before me this 17

day of [illegible] 188[illegible]

[illegible]

Police Justice.

0568

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK } ss

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

Question What is your name?

Answer John Kelly

Question. How old are you?

Answer 22 years

Question. Where were you born?

Answer. New York

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

Answer. 129 Washington St. 16 years

Question What is your business or profession?

Answer Laborer

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

Answer. I am not guilty

John Kelly

Taken before me this 17 *day of* Dec 1887

Police Justice.

0569

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 Edward Malone + John Reilly 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, 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 12 Dec 188 4 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.

0570

Police Court 1st 1877 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

James Ralph
House of Detention

1 Edward Malone
2 John Keilly
3
4

Offence Assault

Dated 12 December 77

Joblite Magistrate.

Courtney & Piggott Officer.

27 Precinct.

Witnesses

No. Complainant Street.

$500 Bail to testify Committed

No. House of Detention Street,

No. Street.

$ 1000 to answer Sessions.

Ex Dec. 13/84. 2.30.

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

0571

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 Malone
and John Kelly

The Grand Jury of the City and County of New York, by this **Indictment,** accuse Edward Malone and John Kelly of the crime of attempt- ing to commit the crime of Robbery in the first degree, committed as follows:

The said Edward Malone and John Kelly, each late of the First Ward of the City of New York, in the County of New York aforesaid, on the 12th day of December, eighteen hundred and eighty four, at the Ward, City and County aforesaid, (each of them being then and there aided by an accomplice actually present) with force and arms, in and upon one James Ralph, then and there being, feloniously did make an assault, and one promissory note for the payment of money of the kind known as United States Treasury

notes, the same being then and there due and unsatisfied, for the payment of and of the value of two dollars, two other promissory notes for the payment of money, of the kind known as Bank notes, the same being then and there due and unsatisfied, for the payment of and of the value of one dollar each, and coin of the United States, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of two dollars, of the goods, chattels personal property and moneys of the said James Ralph, from the person of the said James Ralph, against the will and by violence to the person of the said James Ralph, then and there violently and feloniously attempt to rob, 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.

Peter A. Olney,
District Attorney

0573

BOX:
160
FOLDER:
1640
DESCRIPTION:
Manson, William

DATE:
12/31/84

1640

338

Witnesses:

Counsel,

Filed 31 day of Dec 1884.

Pleads Not Guilty Jany 3/85

THE PEOPLE

vs.

William Manson

Assault in the First Degree, etc.

[Sections 217 and 218 Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

Foreman.

0575

Police Court— 2nd District.

CITY AND COUNTY OF NEW YORK, } ss.

Irwin S. Anderson aged 24 years a Coat Maker of No. 308 West 38th Street,

being duly sworn, deposes and says, that on Friday the 26th day of December in the year 1884 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by William Manson (previously known as Curran) who cut and stabbed deponent in the left breast and in the left side with a knife he had in his hand

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

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

Sworn to before me, this 27 *day of* December 1884

Irwin S. Anderson

J. D. Patterson POLICE JUSTICE.

0576

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer William Mannan

Question. How old are you?

Answer 21 years

Question. Where were you born?

Answer. Washington D.C.

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

Answer. 536 9th Street 2 years

Question What is your business or profession?

Answer Peddle coal

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. the Complainant and two others assaulted me, they had me down striking me, I had to do something to defend myself, he cut me, and I cut him

William Mannan

Taken before me this 24 *day of* May 188 4

Police Justice.

0577

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 William Maxwell

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 29 188 E A DeLamater *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.*

0578

Police Court— 2nd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Irwin I. Anderson
308 W 38 St

1 William Maynard

2

3

4

Offence Assault & Battery

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Dated Dec 27 188

Patterson Magistrate.

McCoy Officer.

20 Precinct.

Witnesses Louis Hill
346 W 41 st

Wm Austin
No. 586 9th Ave Street.

Thos Hutchings
342 W 41 st

No. Richd Bland Street,

308 W 38

James Coles

No. 340 W 41st Street.

$ 1000 to answer Gen. Sessions.

Comm'd

0579

DIRECTIONS.

The Grand Jury Rooms are in the third story of the large, brown stone building in Chambers Street, near the new Court-house in the Park.

When you arrive at the witness-room, hand this Subpœna to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To George Fiumelli

of No, 66 Thompson Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the 3d day of Dec inst., at the hour of 10½ in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

Antonio Reta

And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall, in our said City, the first Monday of Dec in the year of our Lord 188 4.

PETER B. OLNEY, *District Attorney.*

0580

176 Spring St
N.Y. Dec. 1. 1884

To whom it may Concern

I have examined
J.D. Fennell who is now
suffering from a severe
scalp wound. Erysipelas has
set in and he cannot leave
his bed without endangering
his health

Robert Brusby M.D.

0581

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

POLICE COURT, 2 DISTRICT.

William McCoy

of 20th Precinct Police Station, being duly sworn, deposes and

says that on the 26th day of December 188 4

at the City of New York, in the County of New York, William Manson,

now here, did feloniously cut, stab

and wound one Irvin S. Anderson

in the chest and side with a

knife he, said dependant, had in

his hands. That said injured man

is now in the Roosevelt Hospital and

unable to appear in Court by reason

of his injuries; and deponent was present

when said injured man duly identified

said dependant as the person who

assaulted him in the manner aforesaid.

Wm McCoy

Sworn to before me, this 26th day

of December 188 4

Police Justice.

0582

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William McCoy

vs.

William Manson

AFFIDAVIT.
Larceny Assault.

Dated 10 Dec. 26 188 4

Patterson *Magistrate.*

Mc Coy *Officer.*

Witness,

Disposition, To await result

0583

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 Manson

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

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

The said William Manson,

late of the City of New York, in the County of New York aforesaid, on the twenty-fifth day of December, in the year of our Lord one thousand eight hundred and eighty-four, with force of arms, at the City and County aforesaid, in and upon the body of one Irving D. Anderson, in the peace of the said People then and there being, feloniously did make an assault and him the said Irving D. Anderson, with a certain knife

which the said William Manson

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

with intent him the said Irving D. Anderson, 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 William Manson

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

The said William Manson,

late of the City and County of New York, on the twenty-fifth day of December, in the year of our Lord, one thousand eight hundred and eighty-four, at the City and County aforesaid, with force and arms, in and upon the body of one Irving D. Anderson, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and him the said Irving D. Anderson, with a certain knife

which he the said William Manson

in his right hand then and there had and held, the same being a instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. Olney
District Attorney

0584

BOX:
160
FOLDER:
1640
DESCRIPTION:
Manwaring, Alfred

DATE:
12/03/84

1640

Witnesses:

Electra D Knapp

33

Counsel,

Filed 5 day of Dec 1884

Pleads

THE PEOPLE

vs.

Alfred Manwaring

INDICTMENT.

Grand Larceny in the degree.

(MONEY.)

PETER B. OLNEY,

~~JOHN McKEON~~

District Attorney.

A True Bill. Dec 4/84

Pleads guilty.

State Reformatory Elmira.

A T Draper *Foreman*

585

0586

Police Court 4 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Electa D Knapp

of Albion Stock Yard Hotel 11th and 12th Street, aged 38 years, occupation Housekeeper being duly sworn deposes and says, that on the 2 day of November 188 4 at the City of New York, in the County of New York, ~~was~~ feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Forty Dollars lawful Money in Bills of Various denominations One Silk Handkerchief & one Nickel Plated Watch Collectively of the Value of Fifty Dollars the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Alfred Mansworth Now Present from the fact that he was at the time a Porter in said Hotel and as such had access to the Room in which said property was Kept—And the defendant having left the Hotel Suddenly deponent soon after discovered the loss of her property And after this arrest was taken charged with the larceny he admitted And confessed to having taken and stolen the same And deponent verily believes the same to be true

Electa D. Knapp

Sworn to before me, this 2 day of November 188 4

Police Justice.

0587

Sec. 198—200

4 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Alfred Manwaring 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 h 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. Alfred Manwaring

Question. How old are you?

Answer. 18 Years

Question. Where were you born?

Answer. England

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

Answer. I have no permanent Residence

Question. What is your business or profession?

Answer. Baker

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

Answer. I am guilty but it is my first offence

Alfred Manwaring

Taken before me this 7th day of Nov 188 4

Police Justice.

0588

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

Alfred Mannaran

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 [illegible] 188 [illegible] *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.*

0589

1789

Police Court 4 District.

DEC
1884

THE PEOPLE, &c.,
ON THIC COMPLAINT OF

1 Alexander Cantor
Wrongful Steal Yard Motor
11 "Ap at 60 "St
Alfred Mulvaney

2

3

4

Offence Larceny

Dated Dec 7th 1884

Brennan Magistrate.

John J Duffy Officer.

19 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

BAILED,

No 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

$ 500 — to answer

Larceny

0590

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Alfred Hammond

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

— Alfred Hammond —

of the crime of GRAND LARCENY IN THE Second — DEGREE, committed as follows:

The said Alfred Hammond, late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Second — day of November, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms,

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars ——; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; four promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars ——; two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; four promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars ——; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar, one note of the value of ten dollars, and one hundred and eighty of the value of one dollar,

of the goods, chattels, and personal property of one ~~on the person of the said~~ Elekial D. Swayne ~~from the person of the said~~ —— 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.

PETER B. OLNEY,
~~JOHN McKEON,~~ District Attorney.

0591

BOX:
160
FOLDER:
1640
DESCRIPTION:
Mara, Hugh

DATE:
12/11/84

1640

Witnesses :

Saml Seitz

115

Counsel,

Filed 11 day of Dec 1884

Pleads Arraigned

THE PEOPLE

vs.

Hugh Mara

Grand Larceny, 2nd degree
(From the person.)
[Sections 528, 531, — Penal Code].

PETER B. OLNEY,

District Attorney.

A True Bill.

Foreman.

Dec 16/84

Tried & convicted

of G.L.

Sent: Six mos

2650

The People
vs.
Hugh Mara.

Court of General Sessions, Part I.

Before Judge Gildersleeve.

Tuesday, December 16, 1884.

Indictment for grand larceny in the second degree.

Samuel Setz sworn and examined through an inperpreter, testified. What is your business? Peddler. What kind of goods do you peddle? Suspenders, stocking and such stuff. Ask him if he knows the defendant, if he ever saw him before the day in question? I never saw him before that night. Ask him to tell the jury what happened between him and the defendant? He came towards me and he took the stockings from my arm and ran across the Bowery. How many? Six pairs of stockings worth $1.25. Then he ran away with them? Right across the street, one policeman ran after him and another policeman got hold of him on the other side. When he was brought back did he have the stockings in his possession? Yes, he had them under his coat. Was this in the day or night time? It was about two in the day time. Happened where? In the Bowery a little above Stanton Street.

Cross Examined. Ask him where the prisoner was when he was arrested? He was further up from Stanton Street on the left hand side of the Bowery and I was on the right hand side going up the Bowery. How far from the place where this robbery took place was it? He was not away one block, not a full block. Ask him how he recognizes this prisoner? I saw that he was running away, that is the boy. Ask him if he got out of his sight at all? I saw himthe whole time until the policeman had him. Ask him if there were not other boys around him? Two boys beside. Didn't they take the goods from the witnesses arm? The

other two boys took something out of the pack I had in my left arm but they let it fall on the street. Ask him if he is sure there were five pairs of stockings? Yes sir. Ask him whether there were five or seven pairs of stockings that this boy took? I did not have seven pair, about six pair, I cannot say for sure. Ask him if he knows where these stockings are now? I have them. Produce them, let us see them? I sold them. Ask him if the other boys took some stockings from his arm? No sir.

James K. Kiernan sworn. You are a policeofficer connected with what precinct? Fourteenth. You were on patrol duty on the afternoon of the 5th of December last? Yes sir. Where? On the Bowery from Bleecker to Hester Streets. Tell us what you saw of this occurrence? I saw this boy, I was going up the Bowery towards Bleecker, between Bleecker and Houston Streets, the defendant came running across the Bowery, I turned round and another man just followed this boy up and had him by the neck. He says, officer I want you to arrest this boy, and this man that had the goods stolen come running across the street, I looked at the boy, examined the boy's clothes and seen the stockings under his coat. How many pairs were there? There was five pairs of stockings. What kind were they? They were mostly red. Is that all? Going down the Bowery there was several of those peddlers come after me and said they had stolen several other articles, there was another man said he was after stealing pocket-books. I searched him in the Station House and found that he had a pocket-book which this man identified as one of his - that was all.

Cross Examined. Where was this boy when he was arrested? Between Hou ton and Eleecker Streets in the Bowery. How far is that from the corner of Bowery and Stanton Street? That is almost a block anda half. There was many people on the Bowery at this time? Yes sir. Would it be possible for a person standing on the corner of Fowery and Stanton Street to followwith his eye a person from the corner of Fowery and Stanton to Fowery and Bleecker Street where this arrest took place? Yes, it would be possible. You say that these stockings were found in this boy's posse ssion, did you see them and examine them? I saw the stockings took from under his coat. Were not they covered with mud? No sir, I am positive that they were clean. Were there other boys around this peddler at the time? I do not know whether there was any other boys or not, I was a block and a half away from where it occurred. You know nothing more of it? No more than arresting him.

Hugh Mara sworn and examined in his own behalf. I am sixteen years old and live at 9 Duane Street. You are charged on the 5th day of December with having stolen from the person of the first witness aginst you, five pairs of socks, do you remember the 5th day of December? No sir. Do you remember about ten days ago being on the Bowery? Yes sir, I saw the comp lainant after I got on th other side of the Bowery, I saw those other boys grab the stockings and they fell in the gutter and then I picked them up and ranaway with them, I was behind the officer when the man tapped me on the shoulder and gave me to the officer. I was never arrested before.

The jury rendered a verdict of guilty of petty larceny.

0596

Testimony in the case of Hugh Mann

filed Dec. 1882.

0597

Police Court—First District.

Affidavit—Larceny.

City and County of New York, } ss.:

Samuel Seth

of No. 126 Chrystie Street, aged 46 years,

occupation Peddler being duly sworn

deposes and says, that on the 6 day of December 188X at the City of New York in the County of New York was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Five pair of Gents Woolen Socks of the Value of One Dollar and Twenty five Cents

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 Hugh Mara (now here) from the pack that deponent was carrying on the Bowery between Houston and Bedeckley Streets the said defendant came up to deponent and snatched the aforesaid Socks from the right arm of deponent and ran away therefore deponent charges the said defendant with taking stealing and carrying away the aforesaid property from the possession of deponent Samuel Seth,

Sworn to before me, this 6 day of December 188X

Police Justice.

0598

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Hugh Ellara, 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. Hugh Ellara

Question. How old are you?

Answer. 17 years

Question. Where were you born?

Answer. New York City

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

Answer. 9 Duane Street two years

Question What is your business or profession?

Answer. Bringing

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

Answer. I am not guilty I found them in the gutter

his
Hugh X Ellara
mark

Taken before me this 9 *day of* May 1888

Police Justice.

0599

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 Hugh Mara

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

Dated Dec 5 188 *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.*

0600

Police Court— 1 1803 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Samuel Seltz

136 Hester St.

1 Hugh Mara

2

3

4

Offence Assault

Dated Dec 31 1803

Magistrate.

James J Kerrigan Officer.

14 Precinct.

Witnesses Jacob Jonas

No. 12 Norfolk Street.

No. Street,

No. Street.

$ to answer Sessions.

BAILED,

No. 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence *Street.*

0601

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Hugh Mara

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

— Hugh Mara —

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

The said Hugh Mara, 7

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Eighth day of December, in the year of our Lord one thousand eight hundred and eighty-four, in the day time of the said day, at the Ward, City and County aforesaid, with force and arms,

five pairs of hose of the value of twenty five cents each pair,

of the goods, chattels and personal property of one Samuel Seltz, —
on the person of the said Samuel Seltz, —
then and there being found, from the person of the said Samuel Seltz, —
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.

Peter B. O'Rourke
District Attorney

0602

BOX:
160
FOLDER:
1640
DESCRIPTION:
Martin, William H.

DATE:
12/24/96

1640

0603

BOX:
160
FOLDER:
1640
DESCRIPTION:
Harding, George

DATE:
12/24/84

1640

Witnesses:

E J Church
d Dugan 8
Rudford
Mr Vogel
Tailer
96 Wall St

280

Counsel, F K

Filed 24 day of Dec 188 4

Pleads Not Guilty 26

19. THE PEOPLE

227 Mott

vs.

William H. Martin P

19. 62 Mott and P

Wells

George Harding

Grand Larceny 2nd degree

[Sections 528, 53 & 550, Penal Code].

PETER B. OLNEY,

Dr Dec 29/84 *District Attorney.*

Book plead PZ

A True Bill. Filed 29.

D W Draper

Foreman.

Filed 31/85

Book Convicts Pen

FK

609

0605

Police Court— 5 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Edward F. Church

of No. 49 Leonard St. Street, aged 40 years,

occupation Commission Merchant being duly sworn

deposes and says, that on the 20th day of December 188~~4~~ the City of New

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

of deponent, in the day time, the following property viz:

Three pieces of Canvasine

Containing 46 yards more or less all of the

value of Forty four 50/100 Dollars

the property of Edward F. Church, Emanuel & Spiegelberg

& Charles Spiegelberg, composing

the firm of E. F. Church & Company

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 Martin & George Harding

(as above) - for the reason Deponent

is informed by Samuel O'Brien of

525 East 85th Street and verily is in de-

ponents employ as a clerk that he

received a mailed package containing

the aforesaid property and left it standing

on the sidewalk and when he returned

was about one hour he found the

said case broken open and the afore-

said property missing Deponent is

further informed by John F Masterson

& Daniel Duggan Police officers

attached to the 5th Precinct that

they found said Martin & said Harding

Sworn to before me, this day of 188

Police Justice.

0606

in said State, with the said property
in their possession and acting in a strange
and suspicious manner and answers the
description fully identifies the aforesaid
property as found in the said defendants
possession as being his property by
a tag which was on said goods purporting
to be a tag containing the number of
goods like same and the said manufacturing
said goods, and that the defendants are
the duly authorized agents for the
sale of said goods.
Deponent further charges and
states and said Harding with having
taken stolen and carried away the
property aforesaid

Sworn to before me
this 30th day of December 1881

Edward Mehrmann

Daniel C. Reilly Police Justice

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

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

Dated 188 *Police Justice.*

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.*

Police Court, ____ District.

Offence—LARCENY.

THE PEOPLE, &c.,
on the complaint of

vs.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. *Street.*

No. *Street,*

No. *Street,*

$ *to answer* *Sessions.*

0607.

CITY AND COUNTY OF NEW YORK, } ss.

Samuel D Nixon

aged 25 years, occupation Clerk of No.

135 East 14th Street, being duly sworn deposes and

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

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

knowledge.

Sworn to before me, this 20th
day of December 188 } Samuel D Nixon

Daniel O'Reilly
Police Justice.

0608

CITY AND COUNTY OF NEW YORK, } ss.

John T Masterson

aged 32 years, occupation Police officer of No.

[illegible] precinct Street, being duly sworn deposes and

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

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

knowledge.

Sworn to before me, this 20 } John T Masterson

day of December 188 }

Geo C Ruddy

Police Justice.

0609

CITY AND COUNTY OF NEW YORK, } ss.

Daniel Dugan

aged 30 years, occupation Police officer of No.

Jefferson Street, being duly sworn deposes and

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

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

knowledge.

Sworn to before me, this 2nd day of December 188 5

(Daniel Dugan

Daniel O'Reilly

Police Justice.

0610

Sec. 198—200.

2d District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

William Martin 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 Martin

Question How old are you?

Answer 19 years

Question. Where were you born?

Answer New York

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

Answer. 327 West 27th 3 years

Question What is your business or profession?

Answer. Sailor

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

Answer. I am not guilty of the charge

Wm. Henry Martin

Taken before me this 4th day of December 1883

Daniel O'Reilly

Police Justice.

0611

Sec. 198—200.

20 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

George Harding 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 George Harding

Question How old are you?

Answer 19 years

Question. Where were you born?

Answer England

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

Answer. 63 Matt Street 4 months

Question What is your business or profession?

Answer. Jeweler

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

Answer. I am not guilty of the charge

G Harding

Taken before me this 20 *day of* December, 188 1

Daniel O'Reilly *Police Justice.*

0612

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 Defendants

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 September 20 188 4 James O'Reilly *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.*

0613

Police Court— 9 —— District.

1843

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edward H Church

49 Leonard St

vs.

1 Wm Martin

2 George Harding

3

4

Dated December 20 1843

O Reilly Magistrate.

Masterson Officer.

9 Precinct.

Witnesses John F Masterson

No. 54 Jersey Street.

Daniel Burgan

No. 54 Jersey Street,

Samuel Taylor

No. 225 E Broadway Street,

$ 1000 each to answer GS.

BAILED,

No. 1, by .....

Residence ..... *Street.*

No. 2, by .....

Residence ..... *Street.*

No. 3, by .....

Residence ..... *Street*

No. 4, by .....

Residence ..... *Street.*

0614

MILAN FALLS

CASSIMERES

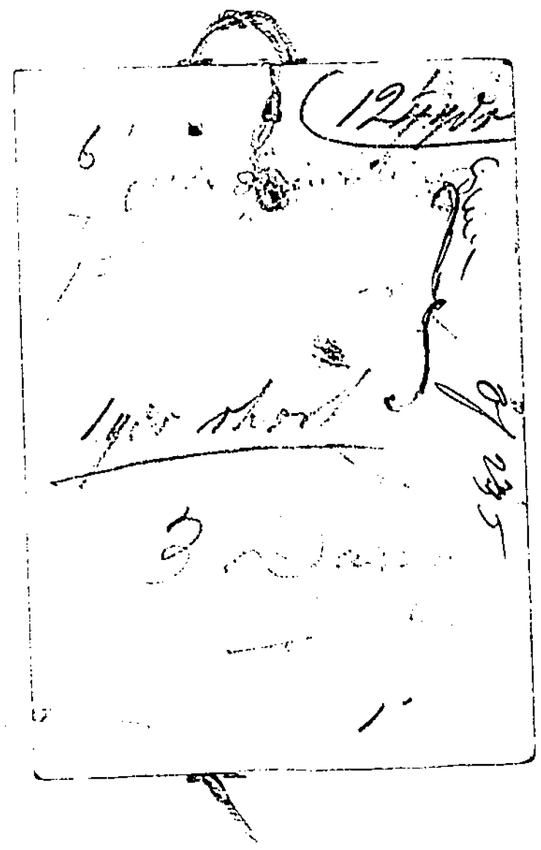
Style 711

Case 1

No 1863

Yds 115, 1/4

0615



06 16

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 H. Martin
and George Harding

The Grand Jury of the City and County of New York, by this indictment, accuse William H. Martin and George Harding of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said William H. Martin and George Harding, each late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty-sixth day of December, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms, twenty six yards of black of the value of seventy five cents each yard,

of the goods, chattels and personal property of one Edward F. Church

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.

0617

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said William H. Martin and George Harding

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

The said William H. Martin and George Harding, each

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

forty-nine yards of cloth

of the value of seventy

five cents each yard

of the goods, chattels and personal property of Edward F. Church

by a certain person persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Edward F. Church

unlawfully and unjustly, did feloniously receive and have; the said William H. Martin and George Harding

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.

PETER B. OLNEY,

District Attorney.

06 18

BOX:
160
FOLDER:
1640
DESCRIPTION:
Marx, Morris

DATE:
12/04/84

Witnesses: John Mahoney
Ed Howe -
Wm W Meeker

Counsel, 5 G Corbett Bros

Filed 4 day of Dec 1884

Pleads Not guilty (8)

THE PEOPLE

vs.

B

Morris Marx

No 22165

Bauer - B 1884, Clayton 202, Sackett 67

Penal Code. Section

PETER B. OLNEY,

District Attorney.

A TRUE BILL.

J W Draper

Foreman.

December 26. 1884

Tried and convicted

Fine 100

Stay on appeal & bailed.

Rec'd Feb 19th/87

0620

Court of Appeals

The People of the State
of New York Respondent
agst.
Morris Marx

It is hereby stipulated that this appeal be and hereby is set down for Argument on the 21st day of April 1885; & the Clerk is hereby requested to place it on the day Calendar for that day

Dated April 10th 1885

Coudert Brothers
Attys. for Applt.
Randolph B. Martine
District Attorney

1290

0622

Court of General Sessions

The People etc
vs.
Morris Marx

Move to quash, because the indictment does not allege that the article sold was manufactured in this state before the law took effect.

Wyckham Case 13 N Y

Requests

1 That section six, of chapter four hundred and two of Laws of 1895, is unconstitutional and defendant must be acquitted.

2 If the jury believe from the evidence that the article sold by the defendant, was an article known as oleomargarine that it was sold as such and without any design that it should be understood to be butter or cheese, and with the design that it should be understood to be oleomargarine and nothing else, and if the purchaser so understood

stood it and if such article is and was pure healthful and nutritious, then the defendant must be acquitted.

3 If the jury believe from the evidence that the article sold by the defendant was sold without any design that it should take the place of butter or cheese produced from pure unadulterated milk or cream of the same, then the defendant must be acquitted.

4 That the sale of the article is in itself no evidence that it was sold with the design that it should take the place of butter or cheese produced from pure unadulterated milk or cream of the same, or that it was sold as an article of food.

5 That the burden of proof of the design and of the character of the sale is on the plaintiff.

6 That if the jury believe from the the evidence that the article sold by the defendant was not designed

to take the place of butter or cheese produced from pure unadulterated milk or cream of the same but that the article sold was designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, then the defendant must be acquitted.

7 That the words "designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same," as used in the statute under which this indictment is found, mean deceitfully designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same and unless the jury find from the evidence that the article sold by the defendant was so deceitfully designed, the defendant must be acquitted.

8 That if the jury believe from the evidence that the article sold by the defendant was so sold without anything being said or done or omitted to be said or done by the

defendant to indicate that the said the time as an article of food, then the defendant must be acquitted.

0626

Of Genl Secrn
Boyllet v. Marx

0627

COURT OF GENERAL SESSIONS OF THE PEACE

in and for the City and County of New-York.

The People of the State of New-York

- against -

John H. Howald.

ON DEMURRER.

The indictment charges the defendant with the crime of selling, as an article of food, an article designed to take the place of butter produced from pure unadulterated milk or cream of the same, the article so sold being manufactured out of oleaginous substances and compounds other than those produced from unadulterated milk or the cream of the same.

The Defendant has demurred to the indictment on the ground that the facts stated do not constitute a crime. The section which the defendant is charged with having violated is section 6 of chapter 202 of the laws of 1884, which is as follows:

"No person shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from unadulterated ~~xxxx~~ milk, or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk or cream of the same, or shall sell or offer for sale, the same as an article of food. This provision shall not apply to pure skim-milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred nor more than five hundred dollars, or not less than six months' or more than one year's imprisonment,

or by both such fine and imprisonment, for the first offense, and by imprisonment for one year for each subsequent offense." It is understood to be claimed on behalf of the defendant that the facts stated do not constitute a crime although expressly so stated by the statute, the reason being that the Legislature exceeded its power in the enactment of the statute; that is to say, that the law is unconstitutional.

POINTS.

FIRST.- The Act is constitutional. The power of the Legislature of New-York is absolute, except so far as it is limited by the Constitution of the United States and by the Constitution of the State of New-York. Unless this statute conflicts with one of these instruments it is valid and in full force.

Bank of Chenango vs. Brown, 26 N. Y., 407.

Bertholf vs. Reilly, 74 N. Y., 509.

Wynehamn vs. People, 13 N. Y., 378.

Metropolitan Board of Excise vs. Barrie, 34 N. Y., 657.

The statute falls within the inherent police power, which may be exercised to regulate any trade or manufacture which, in the opinion of the Legislature, may be detrimental to the public health or welfare.

U. S. vs. DeWitt, 9 Wall., 41.

Hill vs. Thompson, 40 Superior Court, 481.

Thorpe vs. Rutland R. R. Co., 7 Vt., 140.

Commonwealth vs. Alger, 7 Cush., 53.

Blazier vs. Miller, 10 Hun, 435.

The police power of the State is an extensive and undefined power. It has been said to be a power to preserve the peace,

promote good morals, restrain vice and protect the property and health of the people. Quarantine laws, inspection laws, laws which regulate the storage of gun powder, the use of steam boilers, carrying of fire arms, suppression of gambling and bawdy houses and the sale of intoxicating liquors, are illustrations of this power. So are also laws which prohibit and punish the adulteration of articles of food and drink. This statute comes plainly under the last division. The Legislature having regard to the public health and welfare have declared it to be unlawful to sell as an article of food a substance made up from oleaginous compounds other than milk or cream, designed to take the place of butter or cheese produced from such milk or cream. It is already an offense by statute to sell such an article as butter; the present statute makes it an offense to sell it as an article of food. The wisdom of the law is not a subject for discussion before the Court. The power of the Legislature to make the enactment is plain and clear. A similar statute has been upheld by the Court of last resort in the State of Missouri, and it has been held not to be in conflict with the Constitution of the United States by the Circuit Court of the United States, Miller and Mc'Creery, Judges.

The State vs. Addington, 12 Mo. Appeal Reports, 214.

77 Mo., 110.

In Re Brosnehan, 4 Mc'Crary, J.

This statute has been upheld by the Supreme Court, General Term, Second Department, State of New-York, in the case of The People vs. Mc'Gann, decided on the 8th day of December, 1884, where the questions raised here were ably presented and

fully considered by the Court.

SECOND.- The demurrer should be overruled.

Peter B. Olney,

District Attorney.

New York Court of
General Sessions.

The People
vs.
Howell.

Copy
Points on Demurrer.

Peter B. Olney,
Dist. Atty.

1693

0632

Analytical and Consulting Chemist,
324 Centre Street.

1348

New York, Nov. 7th 1884

Certificate of Analysis.

I hereby certify that on the 1st day of November, 1884, I received from John Mahonken a sample purporting to be butter marked as follows:- "No 540. W. Lafferty, Elderney Manufacturing Company, 1858190 West Houston St. October 31st, 1884. John Mahonken. W. W. Meeker."

I have examined the same and I find that it consists essentially of foreign fat, and is not butter.

The following is the analysis:-

Insoluble fatty acids - - - -	95.08 %
Soluble " " - - - -	0.14 "
Specific Gravity of fat at 100°F.--	0.9045

Respectfully Yours,

E. G. Love. Ph. D.

To
Mr. B. F. Van Valkenburgh,
Asst. State Dairy Commissioner.

0633

Mr. Mr. Mueller 9 Jahnstraße

0634

E. G. LOVE, PH. D.,
Analytical and

STATE OF NEW YORK,
..... } ss.
COUNTY OF New York

William W. Meeteer of No. 133 and 119 East Street, in the City of New York, being duly sworn, deposes and says: He is fourty five years of age

That he is an expert

~~a State Agent~~ for the State of New York, appointed by Josiah K. Brown, New York State Dairy Commissioner, under chapter 202 of the laws of 1884, entitled "An Act to prevent deception in sales of dairy products," passed April 24, 1884, that his place of business is No. 137 Reade Street New York City as he is informed by John Mahaken; that on the 31st day of October 1884, at the City and County of New York, to wit: at Nos. 188 and 190 West Houston Street in said City, one Morris Marks did then and there unlawfully offer for Sale and dis Sell a certain oleaginous substance, and certain compounds of oleaginous substances, other than that produced from unadulterated milk, or cream from the same, which said substance and compounds thereof was designed to take the place of butter, and that the said Marks did then and there unlawfully offer the same for Sale and dis Sell the Same an article of food, ~~Contrary to~~ in violation of Section 6, Chapter 202 Laws of 1884.

That on said day deponent entered the store of the said ....., at the said number, and then and there found in the ..... of the said ..... and exposed for sale in said store, a quantity of such oleaginous substance and compounds of such oleaginous substances.

of the oleaginous substance and compounds thereof, as aforesaid, which deponent ..... has since caused to be analized by experts, ... and the same has been found ..... and deponent charges the same to be, not butter, but mostly composed of oleaginous substances, which are not produced from unadulterated milk, or from cream of the same, as appears from the certificate of analysis hereto annexed.

Wherefore, deponent prays that a warrant may issue for the arrest of the said Morris Marks, and that he may be dealt with as the law directs.

Sworn to before me, this 24th day of November 1884

William W. Meeteer

L. M. Patterson

Justice.

Third District Police Court

Court of The City

County of New York

THE PEOPLE, &c.

William W. Meeker

vs.

Morris Marks

Section 6. ch. 202 - Laws 1884

Affidavit:

W. W. Meeker

133 E. 119th St.

Witnesses:

John Madden Kerr

Residence 492 2nd Ave.

E. G. Love - Chemist

Residence, over Oriental Bank

Corner Bowery & Grand St.

Residence

Summoned for Nov. 24/84 at 3 P. M.

535

0636

Sec. 198—200. 2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Morris Marx

Question How old are you?

Answer 20 years 9 mos

Question. Where were you born?

Answer. Germany

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

Answer. 221 East 57th St. 2 years.

Question What is your business or profession?

Answer. Clerk

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

Answer. I am not guilty. By advice of my Counsel I demand a Trial by Jury at Court of General Sessions

Morris Marx

Taken before me this 24th day of August 1886

Police Justice.

0637

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 Morris Marx

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

Dated November 24 1884 J. D. Patterson *Police Justice.*

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

Dated November 24 188 J. D. Patterson *Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

0638

Police Court—1 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Wm W. Meeker

183 Es vs. 119 Do

Morris Marx

2

3

4

Offence Misdemeanor. Viol. chap. Laws of 1864 Sec.

Dated November 24 188 4

Patterson Magistrate.

Officer.

Precinct.

Witnesses John Martens

No. 492 - 2d Avenue Street.

E. S. Love, Ph. D.

No. Over Oriental Bank, Street,

Cor. Bowery & Grand St.

No. 9 Street.

$ 300 to answer Sessions.

Bailed

BAILED,

No. 1, by Emanuel Lanferty

Residence 228 East 7th St. Street.

Bart Emanuel

No. 2, by March 7. 1880.

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0639

Law Office of
Samuel Hand
Albany N.Y.
NORTON CHASE,
ATTORNEY AND COUNSELLOR

Albany March
26 th 1885

Randolph B Martine Esq
District Attorney
New York

My dear Martine

Governor Hill the
other day retained me to
assist you in argument of
Oconkaganne Case in
Court of Appeals (People
vs Mark) I am not at
all familiar with the prac-
tice in such cases, but
being employed by the Dist-
rict Attorney of Rensselaer
County to argue a criminal

0640

case for him, he showed
me an order by the
County Judge of Rensselaer
Co. authorising my employ-
ment, & he says this is now
the practice
I am a stranger & not
familiar with the practice
of your office — Mr Foreman
desired to suppose that the
employment by him under
the Cadwas to Attorney General
was all right & said he
had conducted your case
to my employment ~~and~~
not to the Court. If any
other order than the
Foreman employment
is necessary, will you
please advise by
The case I understand
is set down for first day of the
recess — Yours truly Respy
Samuel Hand

Read March 2, 1885

0641

Law Office of
Samuel Hand.
Albany N.Y.
NORTON CHASE,
ATTORNEY AND COUNSELLOR.

People v Mary

Albany April 13th/85

Randolph B Martine Esq
District Attorney
New York

My dear Sir

Refering to my letter of last wek. the Clerk of Ct of Appeals says it will not be necessary for you to get admission of Service of notice of argument. You stipulation with Counsel for Prs letting case down for 21st will be enough

Yours truly
Samuel Hand

0642

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Morris Marx

The Grand Jury of the City and County of New York, by this **Indictment,** accuse Morris Marx, of the Crime of Selling as an article of food, an article designed to take the place of Pure Milk produced from pure, unadulterated milk or cream of the same, the article so sold being manufactured out of ingredients substances and compounds other than those produced from unadulterated milk or cream from the same, committed as follows:

The said Morris Marx, late of the City and County of New York, on the thirty first day of October, — in the year of our Lord, one thousand eight hundred and eighty four, at the City and County aforesaid, one pound of a certain article manufactured out of diverse ingredients substances and compounds other than those produced from unadulterated milk or cream from unadulterated milk, unlawfully did sell to one John Mahnken

as an article of food, the article
so sold as aforesaid by the said
Morris Mary, being then and there
designed to take the place of butter
produced from pure unadulterated
milk or cream of the same [a more
particular description of which said
article so sold as aforesaid, and of
the substances and compounds out
of which the same was so manu-
factured as aforesaid, is to the Grand
Jury aforesaid unknown, and cannot
now be given] against the form of
the Statute in such case made and pro-
vided, and against the peace of the People
of the State of New York, and their dignity.

Peter B. Olney,
District Attorney.

0644

BOX:
160
FOLDER:
1640
DESCRIPTION:
Matthews, Thomas

DATE:
12/16/84

1640

Witnesses=

Jf Gallagher 20

Debt Note

167

Counsel,

Filed 16 day of Dec 1884

Pleads Not Guilty

THE PEOPLE

vs.

Thomas Matthews

Burglary, Degree.
Grand Larceny, Degree.
Receiving Stolen Goods,
(Sections 496, 528, 53 ~~C~~, 1 ~~Penal Code~~.)

PETER B. OLNEY,
~~JOHN McKEON,~~

District Attorney.

Friday Dec 6 1884.
Tried & acquitted.

A True Bill.

Foreman

595

0646

People
vs.
Mathews

City & County of Newyork ss. James Rodier being duly sworn says that he is a brother in law of George Alexander the attorney herein. That he resides with said Alexander at No. 12 — 7th Street, Brooklyn E.D. that said Alexander has been ill & confined to his bed for the past three days and is still ill & confined to bed. Deponent therefore applies for an adjourned of this case for at least one week.

Sworn to before me this 6th day of January 1885

J. Rodier

Frank Murphy
Notary Public
NY Co

0647

Police Court— 2d District.

City and County of New York, } ss.:

Delia Miller, 28 years, Married

of No. 435 Eighth Avenue Street, aged ____ years,

occupation ____ being duly sworn

deposes and says, that the premises No 435 8th Avenue Street,

in the City and County aforesaid, the said being a brick building situated

in the 20th Ward

and which was occupied by deponent as a residence

and in which there was at the time a human being, by name Daisy Karsen

were BURGLARIOUSLY entered by means of forcibly opening the

door leading from the hallway into said

apartment

on the 11th day of December 1884 in the night time, and the

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

dresses of the value, together, of One

hundred Dollars. One silver watch of

the value of Five Dollars. Two cloth coats

of the value together, of Ten Dollars, and

One Album of the value of Two Dollars—

in all of the value of One hundred

and Seventeen Dollars

the property of deponent and of her husband Joseph Miller

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Thomas Matthews, now here,

for the reasons following, to wit: At about 9 O'clock on

said night deponent closed said

premises and closed and locked said

door and went out. Deponent returned

at 11.30 P. M and found said door

open and that said property was missing

a wardrobe in said apartment where

she had left the same. Deponent is

informed by Officer Edward Gallagher

0648

of the 20th Precinct Police that at about ten O'clock on said night he saw said Matthews, in company with another man coming out of the front door of said house carrying bundles, said Matthews being apparently under the influence of liquor. Said officer informs deponent that he did not arrest said Matthews at the time, knowing that he had lived here, but on being informed that property had been stolen, arrested said Matthews on December 12th and found in the premises the liquor above on the South West corner 33d street and 7th Avenue a coat and two silk dresses part of the property stolen as aforesaid, which property had been left there by said Matthews

Sworn to before me this
13 day of December 1884
D D Patterson
Police Justice

Delia her Mullen
Mark

CITY AND COUNTY OF NEW YORK, } ss.

Edward Gallagher

aged 38 years, occupation policeman of ~~No.~~ the 20 Precinct ~~Street,~~ being duly sworn deposes and says, that he has heard read the foregoing affidavit of Delia Mullen and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 13
day of December 1884

Edward Gallagher

D D Patterson
Police Justice.

0649

Sec. 198—200

2d District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Thomas Matthews 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. Thomas Matthews

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. Ireland

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

Answer. No 435 8th Avenue; two months

Question. What is your business or profession?

Answer. Bartender

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

Answer. I was drunk, did not know what I was about, was taken there by others, and, as soon as I came to myself, was about to return the property, when arrested.

Thomas Matthews

Taken before me this 13 *day of* December 188 4

[illegible]

Police Justice.

0650

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 Thomas Matthews

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

Dated December 12th 188 4 J M Patterson *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.*

0651

Police Court— 2d District. 1884

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Delia Miller
4925 vs. 8th Av.
Thomas Matthews

1
2
3
4

Offence Burglary

RECEIVED
DEC 15 1884
DISTRICT ATTORNEY'S OFFICE

Dated December 13 1884

Patterson Magistrate.

Edward Gallagher Officer.

20 Precinct.

BAILED,

No. 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Witnesses Said Officer
Officer Matthews McConnell
No. 20 Precinct Street.

Edward Haggerty

No. Lexington Ave & 23d St Street,

No. Street.

$ 1500 to answer Gen. Sessions.

Court

0652

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Thomas Matthews

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

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

The said Thomas Matthews,

late of the 20th Ward 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- four with force and arms, about the hour of eleven o'clock in the night time of the same day, at the Ward, City and County aforesaid, the dwelling house of one Joseph Miller,

there situate, feloniously and burglariously did break into and enter, (the said Thomas Matthews being then and there assisted by a confederate actually present whose name is to the said Jury aforesaid unknown)

whilst there was then and there some human being, to wit, one Daisy Kaiser, within the said dwelling house, the said Thomas Matthews

then and there intending to commit some crime therein, to wit: the goods chattels and personal property of the said Joseph Miller,

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Thomas Matthews

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

The said Thomas Matthews

late of the Ward, City and County aforesaid, afterwards, to wit: on the said Seventh day of December, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, in the night time of said day, with force and arms,

two dresses of the value of fifty dollars each,
one watch of the value of five dollars,
two coats of the value of five dollars each,
and one blank book of the value of two dollars,

of the goods, chattels and personal property of one Joseph Nitter, ——— in the dwelling house of ~~one~~ the said Joseph Nitter, there situate, then and there being found in the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Peter B. Olney
District Attorney

0654

BOX:
160
FOLDER:
1640
DESCRIPTION:
Mayer, Benjamin

DATE:
12/22/84

1640

Witnesses:

Bail $10,000.
Bailed by
Draper Leuchtvanger
64 East 65th St.

1882
B'k Dec 22/84

Counsel,

Filed 22 day of Dec 1884

Pleads Not guilty

THE PEOPLE

vs.

~~A~~ Benjamin Mayer.

Bail

Penal Code].

Found Dec 22/84

[Section — 7 —

PETER B. OLNEY,

District Attorney.

B. W. pleaded Jany 29/85.

A TRUE BILL.

J. H. Draper

Foreman.

Ordered to A. G. Comb[illegible]
Dyer and Penniman for
trial. April 20/85

555

0656

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Benjamin Mayer

The Grand Jury of the City and County of New York, by this **Indictment,** accuse Benjamin Mayer of the crime of Perjury, committed as follows:

That heretofore to wit on the 13th day of November, 1894, at the City and County of New York, there was depending in the Supreme Court of the City of New York, a certain action to set aside a certain general assignment, theretofore made by one Ferdinand Mayer and the said Benjamin Mayer, (at the time of making the said assignment and at all times thereinafter mentioned, copartners in trade and carrying on business in the said City and County under the firm name and style of F. Mayer and Company) for the benefit of their creditors, as fraudulent and void, wherein James E. Quirk, Frederick Jacobson, Douglas Hollister and A. Dudley Bramhall were plaintiffs, and the said Ferdinand Mayer and Benjamin Mayer, Simon Daniel as general assignee of the said Ferdinand Mayer and Benjamin Mayer, and Thomas

S. Hymes as general assignee of the said Ferdinand Mayer and Benjamin Mayer were defendants; and on the day and in the year aforesaid, the issues, therein joined between the said plaintiffs and defendants, in the said action, in due form of law came on to be tried, and were then, and on divers other days before the taking of this inquisition by due adjournments in that behalf duly had, in due form of law tried before the Honorable George G. Ingraham, Justice of the said Supreme Court of the City of New York; And upon the said trial of the said issues in the said action, to wit: on the 21st day of November in the year aforesaid, the said Benjamin Mayer, late of the City and County of New York, then and there appeared and was produced as a witness for and on behalf of the said defendants, and was then and there duly sworn, and did take his corporal oath, before the said the Honorable George G. Ingraham, Justice as aforesaid, that the evidence which he should give, touching the matter in question between the said parties, should be the truth, the whole truth, and nothing

S. Sporer as agent assigns of the said Ferdinand Mayer and Benjamin Mayer, were defendants; and on the day and in the year aforesaid, the issues, before then joined between the said plaintiffs and defendants, in the said action, in due form of law came on to be tried, and were then, and on divers other days before the taking of this inquisition by due adjournments in that behalf duly had, in the form of law tried, before the Honorable George S. Ingraham, Justice of the said Supreme Court of the City of New York; And upon the said trial of the said issues in the said action, to wit: on the 21st day of November in the year aforesaid, the said Benjamin Mayer, late of the City and County of New York, then and there appeared and was produced as a witness for and on behalf of the said defendants, and was then and there duly sworn, and did take his corporal oath, before the said the Honorable George S. Ingraham, Justice as aforesaid, that the evidence which he should give, touching the matter in question between the said parties, should be the truth, the whole truth, and nothing

but the truth (she said the Honorable George E. Bragaham, Justice as aforesaid, then and there having full and competent power and authority to administer the said oath to the said Benjamin Mayer in that behalf). Once at and upon the said trial of the said issues in the said action, and in relation thereto, the following questions respectively became and were material, that is to say: Whether the said Bernard Mayer gave to the said Benjamin Mayer a certain promissory note for the payment of money, signed B. Mayer & Co., and whether the said B. Mayer and company put it to Louis Levenson to ask the said Benjamin Mayer the amount of said promissory note; and whether Levenson demanded and received interest at the rate of six per annum upon the said note, and, if so, from what date prior to the making of the general assignment hereinbefore mentioned, to wit, July 19, 1881; and whether the said Bernard Mayer gave to Benjamin Mayer a certain promissory note for the payment of money, signed B. Mayer & Co., and whether the said B. Mayer and company put it to Louis Levenson to ask the said Benjamin Mayer the amount of said promissory note at the same time that Martin Langmaid had application to the said Benjamin Mayer the sum of eleven thousand dollars; and whether

0660

the said Benjamin Mangu ... said, pronouncing, etc. to the said Benjamin Mangu in the words following, that:

And the said Benjamin Mangu, ... intending, and continuing, to pervert the due course of law and justice, and willfully, and corruptly to give false evidence, upon the trial of the said ... the said Benjamin Mangu ... justice, feloniously, willfully, and corruptly did falsely swear, depose, and give in evidence, amongst other things, in substance, and to the effect following; that is to say:

That (meaning the said Benjamin Mangu) ... (the said Benjamin Mangu) that not (the said pronouncing not meaning) either at the same time or a day or at any time (meaning at the same time that the said Justin Obong ... the said Benjamin Mangu ...

on a day or so after that time) to (himself the said Benjamin Mayer thereby meaning) handed that note (the said promissory note thereby meaning) to Chaughnagh (the said Martin Chaughnagh thereby meaning) in July of 1991 (in the said month of July, 1991, thereby meaning) sometime in the middle of July, 1991.

Whereas, in truth and in fact the said Ferdinand Mayer did not give the said Benjamin Mayer, the promissory aforesaid either at the same time that the said Martin Chaughnagh gave the said Benjamin Mayer the said sum of eleven thousand dollars, on a day or so after that time; and the said Benjamin Mayer did not hand the said promissory note to the said Martin Chaughnagh in the said month of July, 1991, and did not hand the same to the said Martin Chaughnagh at any time in the month of July, 1991. And whereas in truth and in fact all the matters so aforesaid by the said Benjamin Mayer, sworn to, deposed, said and given in evidence, then and there, were in all things utterly false and untrue, to wit: on the said 21st day of November, 1994, at the City and County aforesaid, as he the said Benjamin Mayer then and there well knew. And so the Grand Jury aforesaid do say: that the said Benjamin Mayer, in manner and form afore-said, feloniously, knowingly, willfully, corruptly, wickedly and falsely did commit wilful and corrupt Perjury; against the form of the Statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.

Peter B. O'Hara,
District Attorney.

Chaughnagh and Benjamin Mayer, and Thomas

0662

BOX:
160
FOLDER:
1640
DESCRIPTION:
Mayer, Ferdinand

DATE:
12/22/84

Witnesses:

Bail—
$10,000.
D.C.P.G.

Bailed by
Draper Leuchtvanger
64 East 65th St.

Counsel, B.W. Deeves

Filed 21 day of Dec 1884

Pleads Not guilty

THE PEOPLE

vs.

Ferdinand Mayer

Bonds

[Section — Penal Code].

Comm Deeves

PETER B. OLNEY,

District Attorney.

B.W. prosecuting Aug 29/85

A TRUE BILL.

J.H. Draper

Foreman.

Ordered to C.P. Court for
Oyer and Terminer
for trial. April 20/85
April 30. 1885
Tried and acquitted

2906

Copy of Claybrugh note:

"$11.000. New York. July 18. 1881.
"One demand we promise to pay to the
"order of Martin Claybrugh eleven thousand
"dollars with interest at the of six per cent-
"per annum at our office 32 and 34 White
"street, New York City. Value received.
"I. Mayer & Co."

The note bore on the left hand margin an elaborately engraved vignette or design and also bore in small type the words:
"Arthur & Bonnell, 64 Nassau street."

Testimony of Ferdinand Mayer:

"2. When was that note [meaning the Clay-
.burgh note] signed by you?
"A. It was signed. I suppose, as it says on the note.
"2. July, 1881?
"A. I think it was.
"2. Why do you say you suppose it was signed
"on that day?
"A. Let me see it (Paper shown witness)." It
"was not signed before, neither later; that was
"signed on that day."

(Stenographers Minutes of trial, pp. 522, 523.)

"2. Let me ask you once again about the Claybrugh
"note; you signed that note July 18. 1881, on the

"day it bears date?

"A. I don't know that it was on that day; I sign

"ed it either in my house or somewhere; I know

"I did not sign it in my store.

"2. Let me show it to you once more; it bears

"date July 18, 1881.

"A. It might be dated that day, and might be given

"a day or two after.

"2. It was in the year 1881, that you signed it?

"A. That was it: yes sir.

"2. In the month of July that you signed it?

"A. I signed it in July positively.

"2. And at any rate on the 18th, or within a

"day or two of the 18th?

"A. I don't remember about the 18th; I am positive

"I signed it in July, 1881, and received the money

"from my son that month."

Stenographer's Minutes of the trial, p. 928.)

Testimony of Benjamin Mayer:

"2. Do you know when he [meaning Ferdinand

"Mayer], gave you this note - [meaning the Clay-

-burgh note] - whether it was at the same time

"or not [meaning the same time that Claybugh

gave him the money]?

"A. It was either at the same time or a day or

"so afterwards, because I know Mr Claybugh

"did not make a long stay here, and he wanted

"the note: he wouldn't have gone without having
"the paper.
"Q. When was the note given to Claybrugh? When
"did you hand the note to Claybrugh? About
"what date?
"A. In July, the middle of July, sometime.
"Q. Of 1881?
"A. Of 1881; yes sir."

(Stenographer's Minutes of the trial, p. 796.)

The minutes of the trial, including the above extracts were taken partly by Henry M. Parkhurst, 25 Chambers Street, New York City, and partly by Edward H. Carpenter, 206 Broadway, New York City.

110178

Oldsmobile

E. I. Lacey

1903

Surety

Ferdinand

Krueger

Henry M. Packhurst

25 Chambers St

Edw. H. Carpenter

206 Broadway

Arthur A. Bonnell

64 Nassau St

Julius Catlin Jr.

132 Chinch St

Albert Stickney

120 Broadway

James H. Catlin

55 Cedar St

5607

0668

Superior Court of the City of New York.

James T. Swift, Frederick Jacobson,
Douglass Hollister and A. Dudley Bramhall

against

Ferdinand Mayer, Benjamin Mayer,
Simon Danzig, as Genral Assignee
of Ferdinand Mayer and Benjamin
Mayer, and Thomas F. James as
Genral Assignee of Ferdinand Mayer
and Benjamin Mayer.

Action to set aside the general assignment of F. Mayer & Co., pretended to be for the benefit of creditors, as fraudulent and void.

Creditors' action.

Tried before Hon. George L. Ingraham, Judge.

Stickney & Shepard,
Attys. for J. T. Swift & Co.

19.-24
21

A number of Jews after Mayer & Mayer & Co bought of Low Harriman a large lot of Woolen Goods and changed the tickets on the pieces putting a long ticket on a short piece - by put a ticket calling for 27 yards on a piece where the ticket called for only 26 yds - When this had been done they made a claim on Low Harriman & Co for short measure and when L H & Co sent to examine the goods they showed only the pieces which had been marked up -

I, In admitting the fact when on the witness stand in the trial of his brother Benjamin Mayer who was convicted in this court (as one of the firm of Hirsh & Mayer) and sent to State prison

0670

Statement of Facts:

On the 6th day of February, 1884, James T. Swift and others, composing the firm of James T. Swift & Co., commenced an action in the Superior Court of the City of New York, as plaintiffs, against Ferdinand Mayer and Benjamin Mayer and others, as defendants. The said action was brought to have a general assignment, pretended to be for the benefit of their creditors, made by the said Ferdinand Mayer and Benjamin Mayer, then composing the firm of F. Mayer & Co., declared to have been made with the intent to hinder, delay and defraud their creditors, and set aside as fraudulent and void. The said action came on for trial before Judge Ingraham at a Special Term of the said Superior Court on the 13th day of November last, and was concluded on the 24th day of the said month of November. There has been no decision up to the present time.

On the said trial it was absolutely essential to the plaintiffs' case to prove the fraudulent intent of the said Ferdinand Mayer and Benjamin Mayer to hinder, delay and defraud their creditors. In order to accomplish this, the plaintiffs, among other things, offered evidence to shew that a preferred claim of a certain Martin Clayburgh of Chicago, was fic-

-titious, the said Claybrugh being preferred in the assignment for the sum of $11.000. The plaintiffs put in evidence the books of the firm of F. Mayer & Co., and proved by them and by the testimony of one Louis Hirsch, the former book-keeper of the firm of F. Mayer & Co., who resides at 832 Lexington avenue, in the city of New York, that there was no entry or memorandum of any kind regarding this pretended debt, and also that the said Claybrugh never had any business transactions with the firm of F. Mayer & Co. The plaintiffs also proved and it was admitted by the Mayers that this Martin Claybrugh is the father-in-law of Benjamin Mayer. To contradict this evidence of the fraudu-lent nature of this preference, Ferdinand Mayer and Benjamin Mayer both testified at great length, substantially as follows: that the claim was a just one and justly due to Martin Claybrugh; that it arose in the follow-ing manner: that Martin Claybrugh came to the city of Newyork in July, 1881, and stayed for several days at the house of his son-in-law Benjamin Mayer: that he had with him a large sum of money: that Fer-dinand Mayer was in want of money for his building operations, and that Benjamin Mayer, knowing this, asked Claybrugh to loan

him some money for his father to use: that Claybrugh consented to let him have the sum of $11.000, on condition that he should receive the note of the firm of F. Mayer & Co. for that sum, bearing interest: that he did loan that sum of money to Benjamin Mayer, who at once handed it to his father Ferdinand Mayer: that Benjamin Mayer then filled up a blank note as agreed; that his father signed it, and that it was delivered to Martin Claybrugh; that all this was done between July 10th and July 22d 1881, that is before Claybrugh's departure from the city, which took place a few days after his arrival, and that the money was used in Ferdinand Mayer's building operations. When asked on cross-examination if they could produce an entry or memorandum, or scrap of paper, or other evidence of any kind whatever to support this story, they replied that they could not, with the exception of the note itself, which they produced: it was a printed blank, filled up in the handwriting of Benjamin Mayer, and signed in the handwriting of Ferdinand Mayer, and read as follows:

"$11.000. New York, July 18. 1881.

"One demand we promise to pay to the order "of Martin Claybrugh eleven thousand dollars

"with interest at the of six per cent. per
"annum at our office 32 and 34 White
"Street, New York city. Value received.
"F. Mayer & Co."

The note bore on the left hand mar-
gin an elaborately engraved vignette as
design, and also bore in small type the words:
"Arthur & Bonnell, 64 Nassau street"
that being the imprint of the manufacturing
stationers who made the blank.

In the direct examination of Ferdinand Mayer he testified as follows [See pages 922 & 923 of the Stenographer's Minutes of the trial]:
"Q. When was that note [meaning the Claybugh note]
"signed by you?
"A. It was signed, I suppose, as it says on the note.
"Q. July, 1881?
"A. I think it was.
"Q. Why do you say you suppose it was signed on
"that day?
"A. Let me see it (Paper shown witness). It
"was not signed before, neither later; that
"was signed on that day."

On the cross-examination of Ferdinand Mayer, he testified as follows [See page 928 of the Stenographer's minutes of the trial.]:
"Q. Let me ask you once again about the Clay-
"burgh note: you signed that note July 18,
"1881, on the day it bears date?

"A. I don't know that it was on that day;
"I signed it either in my house or somewhere;
"I know I did not sign it in my store.
"Q. Let me show it to you once more: it
"bears date July 18, 1881.
"A. It might be dated that day, and might be
"given a day or two after.
"Q. It was in the year 1881. that you signed it?
"A. That was it, yes sir
"Q. In the month of July that you signed it?
"A. I signed it in July positively.
"Q. And at any rate on the 18th, or within
"a day or two of the 18th.
"A. I don't remember about the 18th; I am
"positive I signed it in July, 1881, and received
"the money from my son that month"

In the direct examination of Benjamin Mayer he testified as follows [See page 796 of the Stenographer's Minutes of the trial.]:

"Q. Do you know when he [meaning Ferdinand Mayer] gave you this note [meaning
"the Claybrugh note] - whether it was at the
"same time or not [meaning the same time
"that Claybrugh gave him the money]?
"A. It was either at the same time or a day
"or so afterwards, because I know Mr. Claybrugh
"did not make a long stay here, and he wanted
"the note; he would'nt have gone without
"having the paper.

"Q. When was the note given to Claybrugh?
"When did you hand the note to Claybrugh?
"About what date?
"A. In July, the middle of July, sometime.
"Q. of 1881.?
"A. of 1881. yes sir."

After this testimony was given, in addition to the evidence that there was no entry of any nature in the books of the firm of F. Mayer & Co. in regard to this loan, and that there were never any regular business transactions between Martin Claybrugh and F. Mayer & Co., and that Martin Claybrugh was a relation by marriage of the Mayers, the plaintiffs called Mr. James W. Arthur who resides at 703 Madison Avenue in the city of New York, and who is a member of the firm of Arthur and Bonnell, who do business as manufacturing stationers at 55 Cedar street, in the city of New York, to testify in regard to the blank form of note which had been used by F. Mayer & Co. in their pretended transaction with Martin Claybrugh.

He was then shown the Claybrugh note, and testified [See pages 986 - 996 of the Stenographer's Minutes] that the blank form was exactly similar to those manufactured and sold by his firm; that he knew of no other

firm in this city that used that vignette
or fancy end-piece, or that made that kind
of a blank except his firm; that the im-
-print on that note was the imprint of his
firm; that he had never heard of any
note ever being printed bearing the im-
-print of his firm except under their orders,
and that such a thing would be very un-
-likely: that the imprint on the Claybrugh
note was "Arthur & Bonnell, 64 Nassau street";
that his firm first moved to 64 Nassau street
on or about May 1st 1882; that his firm
first knew that they were going to move
to 64 Nassau street about the middle of
February, 1882., and that previous to that
date, they neither occupied those premises
or had any idea of doing so; that the
lease of the said premises by their firm
was signed February 21. 1882. [Mr. Arthur pro-
-duced the original lease bearing that date];
that his firm first made notes bearing
that imprint about September, 1882; that
the first order given by his firm for notes
bearing that imprint was on August 31,
1882. [Mr. Arthur produced the original order
book of his firm, containing that order on
that date]; that the order was not completed
until September 22, 1882. [Mr. Arthur produced
the original copy sent to the printer, and the proof

sheet returned by him. on that order]; and that the proof returned by the printer on that order appeared to be exactly the same as the Clayburgh note in form.

The stenographic minutes of the trial were taken down by Henry M. Parkhurst, the official Stenographer of the Special Term of the Superior Court of the City of New York, whose business office is at 25 Chambers street in the city of New York, and who can testify to the correctness of the Minutes of the testimony as taken by him.

Thus appears that both Ferdinand Mayer and Benjamin Mayer committed perjury on the trial of the said case by testifying falsely as to the genuineness of the Clayburgh claim, and more particularly by testifying that they drew, signed and delivered the Clayburgh note in July, 1881, it being impossible, in fact, that it could have been in existence prior to September 22, 1882.

0678

Names and addresses of necessary witnesses:

Henry M. Parkhurst. 25 Chambers street New York.
(to prove testimony given on trial).
James W. Arthur. 55 Cedar street. New York.
(to prove date of printing blank note.)
Edward F. Carpenter. Stenographer Post Building
Alex McBoswell. Of Arthur & Boswell
Frank Birch. Office Boy " " "

0906

f. 4/3. Major
Pennant

0680

COURT OF GENERAL SESSIONS OF THE PEACE

in and for the City and County of New-York.

The People of the State of New-York

- against -

Ferdinand Mayer.

The Grand Jury of the City and County of New York, by this Indictment, accuse Ferdinand Mayer, of the crime of PERJURY, committed as follows:

Heretofore, to wit, on the 13th day of November, 1884, at the City and County of New York, there was depending in the Superior Court of the City of New York, a certain action to set aside a certain general assignment, theretofore made by the said Ferdinand Mayer, and Benjamin Mayer, (at the time of the making of the said assignment and at all times hereinafter mentioned, prior thereto, being copartners in trade and carrying on business in the said City and County under the firm name and style of F. Mayer and Company) for the benefit of their creditors, as fraudulent and void, wherein James T. Swift, Frederick Jacobson, Douglas Hollister and A. Dudley Bramhall were plaintiffs, and the said Ferdinand Mayer and Benjamin Mayer, Simon Danzig, as general assignee of the said Ferdinand Mayer and Benjamin Mayer, and Thomas L. James as general assignee of the said Ferdinand Mayer and Benjamin Mayer, were defendants; and on the day and in the year aforesaid the issues, before then joined between the said plaintiffs and defendants in the said action, in due form of law came on to be tried, and were then, and on divers other days before the taking of this inquisition, by due adjournments in

that behalf duly had, in due form of law tried before the Honorable George L. Ingraham, Justice of the said Superior Court of the City of New York. And upon the said trial of the said issues in the said action, to wit, on the 19th day of November in the year aforesaid, the said Ferdinand Mayer, late of the City and County of New York, then and there appeared and was produced as a witness for and on behalf of the said defendants, and was then and there duly sworn and did take his corporal oath before the said the Honorable George L. Ingraham, justice as aforesaid, that the evidence which he should give touching the matter in question between the said parties, should be the truth, the whole truth and nothing but the truth (the said the Honorable George L. Ingraham, justice as afore said, then and there having full and competent power and authority to administer the said oath to the said Ferdinand Mayer in that behalf). And at and upon the said trial of the said issues in the said action, and in relation thereto, the following questions, respectively, became and were material, that is to say; When a certain note in writing, to wit, a promissory note for the payment of money, signed F. Mayer & Co., and whereby the said F. Mayer & Company promised to pay on demand to the order of Martin Clayburgh, the sum of eleven thousand dollars with interest at the rate of six per cent. per annum for value received, and bearing date prior to the making of the general assignment hereinbefore mentioned, to wit, July 18, 1881, was signed; and whether the same had been signed on the 18th day of July, 1881, or at anytime in the said month of July, 1881, and whether the said Ferdinand Mayer received in the said month of July, 1881, the sum of eleven thousand dollars from the said Martin Clayburgh through his son, the said Benjamin Mayer. And the said Ferdinand Mayer, being so sworn as

aforesaid, and contriving and intending to pervert the due course of law and justice, and unjustly to aggrieve the said plaintiffs in the said action, then and there, to wit, on the said 19th day of November, in the year first aforesaid, upon his oath aforesaid, upon the said trial of the said issues, before the said the Honorable George L. Ingraham, justice as aforesaid, feloniously, wickedly, knowingly, willfully and corruptly did falsely swear, depose, say and give in evidence, amongst other things, in substance and to the effect following, that is to say; That note (meaning thereby the promissory note aforesaid) was signed by me (himself the said Ferdinand Mayer thereby meaning) I (himself the said Ferdinand Mayer thereby meaning) suppose, as it says on the note (thereby meaning on the day indicated by the date upon the promissory note aforesaid, to wit, on the 18th day of July, 1881). It (the said promissory note thereby meaning) was signed in July, 1881 (thereby meaning in the said month of July, 1881) I (himself, the said Ferdinand Mayer, thereby meaning) think. It (the said promissory note thereby meaning) was not signed before (before the said 18th day of July, 1881, thereby meaning) neither later (later than the said 18th day of July, 1881, thereby meaning). That (the said promissory note thereby meaning) was signed on that day (thereby meaning on the said 18th day of July, 1881). I (himself, the said Ferdinand Mayer, thereby meaning) signed it (thereby meaning the said promissory note) in July (thereby meaning the said month of July, 1881) positively. I (himself, the said Ferdinand Mayer, thereby meaning) am positive I (himself, the said Ferdinand Mayer, thereby meaning) signed it (the said promissory note thereby meaning) in July, 1881 (thereby meaning the said month of July, 1881,)

and received the money from my son that month (thereby meaning that he, the said Ferdinand Mayer, received the sum of eleven thousand dollars from the said Martin Clayburgh, through his said son, Benjamin Mayer, in the said month of July, I88I).

Whereas in truth and in fact the said Ferdinand Mayer did not suppose that the said promissory note was signed by him on the I8th. day of July, I88I, and did not think that the said promissory note was signed in July, I88I. And whereas in truth and in fact the said promissory note was signed later than the I8th. day of July, I88I, and was not signed on the said I8th. day of July, I88I. And whereas in truth and in fact the said Ferdinand Mayer did not sign the said promissory note in the said month of July, I88I, positively. And whereas in truth and in fact the said Ferdinand Mayer was not positive that he signed the said promissory note in the month of July, I88I, and did not receive the sum of eleven thousand dollars from the said Martin Clayburgh through his said son, Benjamin Mayer, in the said month of July, I88I. Andwhereas in truth and in fact all the matters so as aforesaid by the said Ferdinand Mayer sworn to deposed, said and given in evidence, then and there, were in all things utterly false and untrue, to wit, on the said I9th. day of November, I884, at the City and County aforesaid, as he, the said Ferdinand Mayer, then and there well knew.

And so the Grand Jury aforesaid do say, that the said Ferdinand Mayer, of his own most wicked and corrupt mind, by his own act and consent, in manner and form aforesaid, feloniously knowingly, wilfully and corruptly, falsely and wickedly did commit wilful and corrupt perjury, to the great displeasure of

Almighty God, to the evil example of all others in like cases offending, 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.

Peter B. Olney,

District Attorney.

Witnesses:

Bail—
$10000.
D.C.A.S.

Bailed by
Draper Leuchtmanger
64 East 65th St.

Counsel, B.W. Dec 22/84

Filed 22 day of Dec 1884

Pleads Not guilty

THE PEOPLE

vs.

Ferdinand Mayer

Penal Code.
Section

Convicted Dec 22/84

PETER B. OLNEY,

District Attorney.

B.W. prosecuting Jany 29/85

A TRUE BILL.

Foreman.

Ordered to A.B. Coumbs
Oyer and Terminer
for trial. April 20/85
April 30. 1885
Tried and acquitted

5885

0686

BOX:
160
FOLDER:
1640
DESCRIPTION:
Mayers, George

DATE:
12/23/84

1640

256

Witnesses:

H C Lewis

M Shelly

Counsel,

Filed 23 day of Dec 1884

Pleads

THE PEOPLE

vs.

P

George Mayers

Grand Larceny 2nd degree

[Sections 528, 58, Penal Code].

53

PETER B. OLNEY,

District Attorney.

A True Bill.

J H Hayes

Foreman.

Dec 24th

Pleads G. G.

Trial Dec 29th

1061

0688

Police Court— 4th District. **Affidavit—Larceny.**

City and County of New York, } ss.:

Henry C Lewis

of the Windsor Hotel 5th avenue 46th & 47th Streets, aged 35 years, occupation Superintendant of said Hotel being duly sworn deposes and says, that on the 7th day of June 1884 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, ~~at the same time~~ the following property viz:

A quantity of Plated Silver Ware consisting of 8 Knives 8 25 Tea Spoons 8 Forks 1 Oyster Fork 1 Coffee Pot 1 Tea Pot 1 Sugar Pot 1 Cream all of the value of about fifty dollars in $50 00/100

the property of Hawk and Matherbee proprietors of the Windsor Hotel said property being in the care and charge of deponent as Manager

and that this deponent has a probable cause to suspect, and does suspect, that the said property was felonionsly taken, stolen, and carried away by George F Mayo alias George Mayers, (Waiter) from the fact that said defendant was in the employ of said deponent in the capacity of Waiter and left said employ on the 24th day of May 1884 that deponent was informed by Officer Michael Shelly of the 19th Precinct Police that he arrested said defendant on suspicion of having Stolen a Coat from his room mate and upon making a search of the room of said defendant he deponent found said Silver Ware concealed in his defendants room at No 224 East 46th Street on the 3d floor in said city, that deponent has seen said property so found and identifies it as the property of said Hotel stolen from them on or about said time. He deponent from the

Sworn to before me, this ___ day of ___ 188

Police Justice

said circumstances and facts as that the said defendant be held to answer and deal with according to law.

Sworn to before me
this 15th day of December 1881
A. J. Dawson
Police Justice

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

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

Dated 188 *Police Justice.*

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 him to be discharged.

Dated 188 *Police Justice.*

Police Court, ____ District.

Offence—LARCENY.

THE PEOPLE, &c.,
on the complaint of

vs.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No. *Street,*

No. *Street,*

No. *Street,*

$ *to answer* *Sessions.*

0690

CITY AND COUNTY OF NEW YORK, } ss.

Michael F Shelly

aged 42 years, occupation Police Officer of ~~No.~~

the 19th Precinct Police ~~Street~~, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Henry C Lewis

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

Sworn to before me, this 15th
day of December 1884

Michael F Shelly

M J Dowling

Police Justice.

0691

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK } ss

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

Question What is your name?

Answer George F Mayers

Question How old are you?

Answer 23 years

Question. Where were you born?

Answer. New Orleans

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

Answer. 224 East 46th Street, 2 years

Question What is your business or profession?

Answer Waiter

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 Know nothing of the charge I purchased the property from a man named James Smith of New York in September 1881 ~~in Queens B~~ on 3d avenue & 42d Street in said city the property was in a Valise and I paid fifr dollars for it.

Geo Mayers

Taken before me this 15th *day of* December 1881

Police Justice.

0692

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

(10) 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 December 15 1884 *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.*

0693

Police Court—4th 1846 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry C Lewis
Kingsbr Hotel
1 George F. Mayo alias
2 George F. Mayer
3
4

Offence Grand Larceny

Dated December 15 188

Wm J Power Magistrate.

Detective W F Skelly Officer.

19th Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$1000 to answer G.S.

BAILED,

No 1, *by*

Residence *Street.*

No. 2, *by*

Residence *Street.*

No. 3, *by*

Residence *Street.*

No. 4, *by*

Residence St. Street.

$1000. Ft. C.
Demands Exam. 18 Dec
10 am
Defendant adjourn to Dec 20
10 am

0694

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
George Mangan

The Grand Jury of the City and County of New York, by this indictment, accuse George Mangan of the Crime of GRAND LARCENY in the Second degree, committed as follows:

The said George Mangan,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the first day of September, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms,

eight spoons of the value of two dollars each,—
twenty-five spoons of the value of one dollar each,—
nine forks of the value of two dollars each,—
one butter pot of the value of five dollars,—
one tea pot of the value of five dollars,—
one sugar pot of the value of five dollars, and one cream pot of the value of five dollars,—

of the goods, chattels and personal property of one Theodore G. Starks,—

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.

0695

SECOND COUNT—

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

— George Mangus —

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

The said George Mangus,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the — first — day of September, in the year of our Lord one thousand eight hundred and eighty-four, at the Ward, City and County aforesaid, with force and arms, eight knives of the value of two dollars, each, — twenty five spoons of the value of one dollar each, nine forks of the value of two dollars each, one coffee pot of the value of five dollars, one tea pot of the value of five dollars, one sugar pot of the value of five dollars, and one cream pot of the value of five dollars, —

of the goods, chattels and personal property of one William Banta, —

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

unlawfully and unjustly, did feloniously receive and have; the said George Mangus, —

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.

PETER B. OLNEY,

District Attorney.

0696

BOX:
160
FOLDER:
1640
DESCRIPTION:
McArdle, Bernard

DATE:
12/23/84

Witnesses:

Rose McArdle

23 Dec 84

Rev Wm F Brady

Counsel,

Filed 22 day of Dec 1884

Pleads Arraigned (ex)

THE PEOPLE

vs.

P

Bernard McArdle

~~Keeper~~

[Section — Penal Code].

PETER B. OLNEY,

District Attorney.

A TRUE BILL.

Foreman.

No 8

This case has been on the Calendar several times and from the returns affidavits of Subpoena Servers it appears to be impossible to find the Complainant I therefore cannot longer oppose motion of defendants Counsel that he be discharged upon his own recognizance

James Fitzgerald

Dep Asst Dist Atty

Dr Feb 24/85

Disch'd by Ct on his own recog.

Jany 22d

G.F.C.

0698

Court of General Sessions

People
against
Bernard McArdle

To Randolph A Martine
District Attorney N.Y. County

Please take notice that on the 18th day of February 1885 at Eleven o'clock A.M. or as soon thereafter as counsel can be heard we will make a motion before His Honor Rufus B Lawing Part II of said Court for the discharge of said defendant, for failure to prosecute.

Blake & Krauss
Defendants Attys
15 Centre St
N. Y. City

Court of General Sessions

People

against

Bernhard McArdle

Notice of Motion

Blake & Kneass

Deputy Attys

15 Centre St

N.Y. City

To Randolph B Martine

District Attorney

N.Y. County

6609

0700

Charity Organization Society

OF THE CITY OF NEW YORK.

ROB'T W. deFOREST, Pres
CHAS. S FAIRCHILD, Vice-Pres.
CONSTANT A ANDREWS, Treas.
OTTO T. BANNARD, Secretary.
CHAS. D. KELLOGG,
General Secretary.

Telephone No. 380, 18th St.
Cable Address:
"CHARITY, NEWYORK."

CENTRAL OFFICE,
21 University Place.

Jan. 9th, 1891.

date Nov. 19
rec Dec. 6

Mr. G. Sparks,
Clerk of General Sessions,
Chambers Street, N. Y. C.

Dear Sir:-

We desire to make inquiry concerning one Bernard Kennedy, alias McArdle, who on November 23rd, 1884, was in the Yorkville Police Court, charged with bigamy, and held in One thousand dollars bail; at the same time there was pending, for further examination, a charge of robbery against him, in Two thousand dollars bail. Was the man convicted on either charge, what was his term or terms of imprisonment, and where was he imprisoned? We are interested in the family of this man, and desire information on the above charges that we may intelligently treat the case.

Thanking you in advance for the favor granted, I am

Respectfully yours,

M. L. Weissmeyer

Central Agent.

Bigamy Dec 4/91

0701

Police Court— 4 District. Affidavit—Larceny.

City and County of New York, } ss.:

John Callaghan of No. 226 Greene St Greenpoint L.I. Island Street, aged 32 years, occupation Blacksmith being duly sworn deposes and says, that on the 18th day of November 1884 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 And person night time, the following property viz:

Fifty three dollars Lawful Money in bills of Various Denominations

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 Bernard McArdle now present in the Manner following—to wit—That the defendant drove deponent in a hack from the Grand Central Depot to 34th Street Ferry And then demanded two dollars fare That deponent believing such charge to be in excess of the Rate prescribed by Law Refused to pay two dollars when the defendant thrust his hand into a pocket of the trousers then worn by deponent and took therefrom the aforesaid property And after returning deponent five dollars of the Money so taken And stolen as above described went away That deponent then after caused the defendants Arrest

Sworn to before me, this 18th day of November 1884

Police Justice.

John Callaghan

0702

Sec. 198—200.

1st District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Edward McArdle

Question. How old are you?

Answer. 28 Years

Question. Where were you born?

Answer. New York City

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

Answer. 326 West 41 Street Labout 3 months

Question. What is your business or profession?

Answer. Hack driver

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

Answer. I am not guilty of the charge

B. McArdle

Taken before me this 4th *day of* May *188*4

Police Justice.

0703

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

Bernard McArdle

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 Nov 19th 1884 *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.*

0704

~~$ 500~~

$ 2 and/or 4ty.

3. PM.

adjourned to Saturday

at 10. o'clock

Sunday - 23 Nov. 9 dfts.

~~Paroled to Det. Hogan~~

adjourned to Dec 1. 10 a.m.

Police Court 4 1794 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Callahan

226. Greene St Greenpoint

L. I.

Bernard McArdle

2

3

4

Offence Grand Larceny

DEC 4 1884

BAILED,

No 1, *by* .....

Residence ..... *Street.*

No. 2, *by* .....

Residence ..... *Street.*

No. 3, *by* .....

Residence ..... *Street.*

No. 4, *by* .....

Residence ..... *Street.*

Dated Nov 19th 1884

P Dower Magistrate.

John Graham Officer.

21 Precinct.

Witnesses .....

No. ..... Street.

.....

No. ..... Street.

.....

No. ..... Street.

$ 1000 to answer Gl Sessions

Committed

0705

DIRECTIONS.

☞ The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park.

☞ When you arrive at the witness-room, hand this Subpœna to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To John Callahan

of No. 726 Greene Street, Greene Point

GREETING C

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the 22 day of Dec inst., at the hour of 10½ in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

Bernard McArdle et al

And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars,

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall, in our said City, the first Monday of Dec in the year of our Lord 188 4.

PETER B. OLNEY, *District Attorney.*

0706

Court of General Sessions.

THE PEOPLE

vs.

Bernard Mc Ardle

City and County of New York, ss.: Rudolph L. Scharf being duly sworn, deposes and says: I reside at No. 154 Allen ——— Street, in the City of New York. I am ~~a subpœna server~~ Law Clerk, in the office of the District Attorney of the City and County of New York. On the 20th day of December 1884, I called at No. 226 Greene Street in Greenpoint Long Island the alleged residence of John Callahan the complainant herein, to serve him with the annexed subpœna, and was informed by the landlord who keeps the liquor saloon in his building that said Callahan had lived there for about one year and had moved away very suddenly, stating he was going to New York to live near his shop, but did not give his address. I inquired of several tenants in the house and was informed by one of them that she thought it was to No. 106 Sixth Ave. in New York that said Callahan had moved and that he was employed in an Iron Foundry in 33d St. New York City - I thereupon called at No. 106 Sixth Ave. and was informed that but one family occupied said house that no one by the name of Callahan had lately moved there nor ever resided there.

Sworn to before me, this 22d day of December, 1884

John P. Donovan
Notary Public
N. Y. Co

Rudolph L. Scharf
~~Supreme Server~~

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Bernard McArdle

OFFENCE

PETER B. OLNEY,
District Attorney.

0708

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Bernard McArdle

The Grand Jury of the City and County of New York, by this indictment accuse
—Bernard McArdle—
of the crime of GRAND LARCENY IN THE First —— DEGREE, committed as follows:
The said Bernard McArdle,
late of the First Ward of the City of New York, in the County of New York, aforesaid, on the eighteenth day of November, in the year of our Lord one thousand eight hundred and eighty-four at the Ward, City and County aforesaid, with force and arms, in the night time of the same day, —— two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each; five promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; ten promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each; five promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars, and one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar

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

PETER B. OLNEY,
~~JOHN McKEON~~, District Attorney.

Witnesses:

Counsel,

Filed day of 188

Pleads

THE PEOPLE

vs.

P

Bernard McArdle

[2 cases]

INDICTMENT.

Grand Larceny in the first degree.
(MONEY.)

Sec. 528 and 530, Penal Code.

RANDOLPH B. MARTINE,
~~PETER B. OLNEY,~~
~~JOHN McKEON,~~

District Attorney.

A True Bill.

Jan 22nd
F. M. C.

Foreman

6010

0710

Police Court, 4 District.

City and County of New York, } ss.

Rose McArdle

of No. 324 East 70 Street, aged 32 years,

occupation Servant being duly sworn, deposes and says,

that on the 4th day of February 1877 at the City of New

York, in the County of New York, defendant

She was Married to one Bernard McArdle now present by the Reverend M. J. Hughes then & there Saint Gabriels Catholic Church in ~~West~~ 37th St in the City of New York That deponent has two children living the issue of such Marriage And of whom said Bernard is the father That the said Bernard the deponent more than two years last past And has since Married And taken to wife one Mary Daly he Bernard well knowing that deponent And his children were still living That deponent is informed by said Mary Daly that She was Married to the said Bernard on the 4th day of September in the Church of Holy Cross 42d St by Revd Father July 1882 When he gave the Name of Kennedy And that She has two children living of whom said defendant is the father And deponent believes the same to be true —

Sworn to before me this
24 day of Nov 1884
Wm Morris Police Justice

Rose McArdle

0711

CITY AND COUNTY OF NEW YORK, } ss.

Mary Craig

aged 27 years, occupation Housekeeper of No.

226 West 41st Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Rose McArdle

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

Sworn to before me, this 24

day of Nov 1884

Mary Craig

Police Justice.

0712

Sec. 198—200

4th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Edward McArdle 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 h 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. Edward McArdle

Question. How old are you?

Answer. 27 Years

Question. Where were you born?

Answer. New York City

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

Answer. 326 West 41st Street

Question. What is your business or profession?

Answer. Hackman

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

Answer. I am not guilty of the charge
B. McArdle

Taken before me this 27 *day of* March *1885*

Police Justice.

0713

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

Dated Nov 24 188 4 Henry Hennessy *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.*

0714

Police Court ---- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 _____

2 _____

3 _____

4 _____

Offence _____

BAILED,

No 1, *by* _____

Residence _____ *Street.*

No. 2, *by* _____

Residence _____ *Street.*

No. 3, *by* _____

Residence _____ *Street.*

No. 4, *by* _____

Residence _____ *Street.*

Dated _____ 188

_____ Magistrate.

_____ Officer.

_____ Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

$ _____ to answer _____

0715

s.] L. SUBPŒNA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE PARK.

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To Mary Craig

of No. 326 West 41st Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the 15 day of FEBRUARY instant, at the hour of eleven in the forenoon of the same day, to testify the truth, and give evidence in our behalf, against

Bernard McArdle

in a case of Felony whereof *he stands* indicted, And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

Witness, Hon. FREDERICK SMYTH, Recorder, of our said City, at the City Hall, in our said City, the first Monday of FEBRUARY in the year of our Lord 188 .

PETER B. OLNEY, *District Attorney.*

Make this subpœna read
Miss Craig
41st

PART 2.

THE COURT ROOM IS IN THE THIRD STORY AT THE PARK.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the Officer at the Court-Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

0716

Court of General Sessions.

THE PEOPLE

vs.

Bernard McArdle

City and County of New York, ss.:

Frederick M. Moore being duly sworn, deposes and says: I reside at No. 249 West 126th Street, in the City of New York. I am a subpœna server in the office of the District Attorney of the City and County of New York. On the 17th day of February 1885, I called at No. 326 West 47th Street the alleged residence of Mary Craig the ~~complainant~~ Witness herein, to serve him with the annexed subpœna, and was informed by one of the tenants, that shortly after the arrest of her husband the defendant herein she was dispossessed and her household goods and furniture taken from there. She was taken in by one of the neighbors and was there taken care of during her confinement. After regaining her health she left and has not been seen there since. She left about two months ago. I made diligent search and inquiry of the tenants and neighbors but could gain no information as to the present whereabouts of the said Mary Craig.

Sworn to before me, this 18th day of February, 1885

Rudolph L. Schaf
Comm. of Deeds. N.Y. City & Co.

Frederick M Moore
Supœna Server.

LAUDOLPH D. [illegible]
District Atto[illegible]

OFFENCE

vs

Edward Wm. Gould

Title Prosecution

(COURT OF [illegible])

07 18

DIRECTIONS.

The Grand Jury Rooms are in the third story of the large brown stone building in Chambers Street, near the new Court-house in the Park.

When you arrive at the witness-room, hand this Subpœna to the officer or clerk at the desk.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GRAND JURY OF THE COURT OF GENERAL SESSIONS.

The People of the State of New York,

To Mary Craig

of No. 326 West 41 st Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person at the Grand Jury Room, in the third story of the Sessions Building, adjoining the New Court House in the Park, in the City of New York, on the 22 day of Dec inst., at the hour of 10½ in the forenoon of the same day, to testify the truth, and to give evidence before the GRAND JURY, touching a certain complaint then and there pending against

Bernard McArdle

And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars,

Witness, Hon. FREDERICK SMYTH, Recorder, at the City Hall, in our said City, the first Monday of Dec in the year of our Lord 188 4.

PETER B. OLNEY, *District Attorney.*

0719

Court of General Sessions.

THE PEOPLE

vs.

Bernard McArdle

City and County of New York, ss.: John Dunnigan being duly sworn, deposes and says: I reside at No. 259 West 35th Street, in the City of New York. I am a subpœna server in the office of the District Attorney of the City and County of New York. On the 29th day of December 1884, I called at No. 326 West 41st Street the alleged residence of Mary Craig the ~~complainant~~ Witness herein, to serve ~~her~~ with the annexed subpœna, and was informed by the housekeeper that she had been dispossed and I went to No 332 West 41st Street and saw the housekeeper who said that said Mary Craig had lived there two or three days after being dispossed from 326. and had said she would not press the charge against her husband Bernard McArdle and had left there. and the housekeeper understood or believed that said Mary Craig had gone to Canada.

Sworn to before me, this 29th day of December, 1884

John Dunnigan
Subpœna Server.

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Bernard McArdle

OFFENCE Bigamy

PETER B. OLNEY,
District Attorney.

021

0721

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Bernard McArdle

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

Bernard McArdle of the Crime of

Bigamy, committed as follows: The

said Bernard McArdle, late of the

City and County aforesaid, on

the Fourth day of January in

the year of our Lord one thousand

eight hundred and ninety-seven, at

the City and County aforesaid, did

marry one Rose Reilly, and then

the said Rose Reilly did then and

there have a husband living. And the

said Bernard McArdle, aforesaid,

is with on the Eleventh day of July

in the year of our Lord one thousand

eight hundred and eighty-two, at the

City and County aforesaid, unlawfully

and knowingly married

and took as his wife, one Hannah

Cronin, and to the said Hannah Cronin

was then and there married. The

said Rose Reilly during the lifetime

and in full life against the form

of the Statute in such case made

2210

0723

BOX:
160
FOLDER:
1640
DESCRIPTION:
McCarter, Joseph

DATE:
12/16/84

1640

Witnesses:
Lettie Ford

173

Filed 16 day of Dec 1884

Pleads Not Guilty 17

THE PEOPLE

vs.

P

Joseph
Mc Carter

Assault in the First Degree.
(Firearms.)
Sec. 217 and 218

PETER B. OLNEY,
JOHN McKEON,
District Attorney.

Jany 13/85

Fred Acquitted

A TRUE BILL.

Foreman.

Jan 17th

LOS
624

0725

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Joseph McCarthy 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 Joseph McCarthy

Question How old are you?

Answer 19 years of age

Question. Where were you born?

Answer Brooklyn

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

Answer. 163 West 44th St. about 18 months

Question What is your business or profession?

Answer. Jockey

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

J Mc carter

Taken before me this 8th day of December 188 6

Police Justice.

0726

Police Court— 2d District.

City and County of New York, } ss.:

Lettie Bond

of No. 139 West 25th Street, aged 21 years,

occupation Dress Maker being duly sworn

deposes and says, that on the 13th day of December 188 6 at the City of New

York, in the County of New York,

She was violently and feloniously ASSAULTED and ~~BEATEN~~, attempted to be beaten by Joseph McCarthy, now here, who came into deponents apartments in said premises having on a Seal Skin Ladies Hats and a Ladies Seal Skin Coat in his possession which the offerer for sale to deponent. That deponent believing said property to have been stolen sent for an officer whereupon the said defendant pulled out a pistol from his pocket and aimed and pointed said pistol at deponent saying to deponent if I can't have it I'll blow your brains out" That deponent was so assaulted

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

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

Sworn to before me, this 14th day of December 188 6 } Mrs Lettie Bond

J. M. Patterson Police Justice.

0727

1883

Police Court, 2 District.

THE PEOPLE, &c.,

on the complaint of

Lellie Bond

139 West 25th St.

Joseph McCarthy

2

3

4

Offence—Felonious Assault & Battery

RECEIVED
DEC 15 1884
DISTRICT ATTORNEY'S OFFICE

Dated December 14 188 4

Patterson Magistrate.

James J. Perkins Officer.

29 Precinct Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

$ 1000. to answer General Sessions.

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 Joseph McCarthy 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 December 14 188 4 John Patterson 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 him to be discharged.

Dated 188 . Police Justice.

0728

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Joseph McCarter

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

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

The said Joseph McCarter,

late of the City of New York, in the County of New York aforesaid, on the thirteenth day of December in the year of our Lord one thousand eight hundred and eighty four with force and arms, at the City and County aforesaid, in and upon the body of Bertie Bond in the peace of the said People then and there being, feloniously did make an assault, and to, at and against her the said Bertie Bond a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Joseph Carter in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent her the said Bertie Bond 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 Joseph McCarter of the Crime of assault in the second degree, committed as follows:

The said Joseph McCarter,

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 Bertie Bond then and there being, feloniously did, willfully and wrongfully, make an assault, and to, at and against her the said Bertie Bond, a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Joseph McCarter in his right hand, then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, willfully and wrongfully then and there shoot off and discharge

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.

PETER B. OLNEY,
JOHN McKEON, **District Attorney.**