

0874

BOX:

481

FOLDER:

4400

DESCRIPTION:

Morgan, John

DATE:

05/24/92



4400

0075

Witnesses:

Counsel,

Filed, *24th day of May* 1892

Pleads, *Guilty*

THE PEOPLE

vs.

B

John Jurgan
(R. Garcia)

De Lancey

Not to be used for trial by request of the defendant.

POOL SELLING.
(Section 851, Penal Code, and Chap. 479, Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luis Castro
Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Morgan

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

John Morgan

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said

John Morgan

late of the City of New York in the County of New York aforesaid, on the twenty-first day of May in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

George A. Row

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called Tett and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at the town of Gravesend in the County of Kings in the State of New York and commonly called the Brooklyn Jockey Club Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

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

John Morgan

of the CRIME OF POOL SELLING, committed as follows:

The said

John Morgan

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one

George A. Moran and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called

Text and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

783-783
[Signature]

Witnesses:

[Signature]

Counsel,

Filed, *24th* day of *May* 189*2*

Plends, *Monday*

POOL SELLING,
(Section 251, Penal Code, and Chap. 470, Laws of 1887, §§ 4 and 7.)

THE PEOPLE

vs.

B.

John Morgan
(2 Copies)

June 12

For the People of the County of ...
Judges for trial by request
of ... for Defendant

DE LANCEY NICOLI,
District Attorney.

A TRUE BILL.

Lewis Carter
Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

John Morgan

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

John Morgan

of the CRIME RECORDING AND REGISTERING A BET AND WAGER, committed as follows:

The said

John Morgan

late of the City of New York in the County of New York aforesaid, on the *twentieth* day of *May* in the year of our Lord one thousand eight hundred and ninety-*one*, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

Jeremiah J. Griffin

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Maywood* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Gravesend* in the County of *Stings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

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SECOND COUNT:

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

John Turner

of the CRIME OF POOL SELLING, committed as follows:

The said *John Turner*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to one *Jeremiah J. Griffis* and to divers other persons to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Maywood* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Seavusand* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid at the place and race track aforesaid (a more particular description of which said trial and contest, and of the pool upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0881

BOX:

481

FOLDER:

4400

DESCRIPTION:

Moroney, John C.

DATE:

05/16/92



4400

0002

Witnesses:

Geo. Bentley
Wm. Schaefer

328
Lancey

Counsel,

Filed

1892

Pleads,

THE PEOPLE

vs.

John C. Moroney

Grand Larceny,
(From the Person),
[Sections 828, 830
Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luluie Catin

Part 2 - May 21, 1892 Foreman.
Trial and convicted

S. P. 8 up d.

May 21/92

27

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

The People,

vs.

JOHN C. MORONEY.

"
"
"
"
"

Before

HON. RUFUS B. COWING,

and a Jury.

Tried MAY 23RD, 1892.

Indicted for GRAND LARCENY in the first degree.

Indictment filed MAY 16TH, 1892.

ASSISTANT DISTRICT ATTORNEY GUNNING S. BEDFORD,

For THE PEOPLE.

MESSRS. PURDY AND McMANUS,

For THE DEFENCE.

0004

JOHN BARTLEY, THE COMPLAINANT, testified that he lived at 121 East 77th street, in the city of New York. He was in the city of New York on the 8th of May. At about mid-night, he was sitting on the stoop at 364 Madison street, a liquor store. He had in his left vest pocket a watch, attached to a chain. The value of the watch was sixty-five dollars. At the time he was sitting on the stoop he was talking with Moroney. He had known Moroney before, and had treated him on several occasions. He, the complainant, was sober. The defendant was standing up. A man named Walsh was also there. Moroney and Walsh were talking, and doing some slight-of-hand tricks, and Moroney said, "Other things can be done just the same as that," and then he snatched his, the complainant's, watch, and ran away. He did not return the watch.

In cross-examination the complainant testified that he had met Moroney several times before that, and had treated him to drinks. He, the complainant, had been in a club-room in Union Square, and had come back and had been in the saloon. He believed that besides Walsh and Moroney, a man named Barret was also present. He could

0005

3

not swear that it was Barret, but he knew that there was another man present. The conversation was a pleasant one, before the watch was stolen. Moroney grabbed the chain and broke the chain, and took the watch and ran away. He, the complainant, had made a charge against Moroney and caused his arrest. He did not follow him at the moment, because he believed that it was a joke that Moroney was playing. A police officer came along. It was Officer O'Neill. He, the complainant, then told Officer O'Neill that Moroney had taken his watch. Walsh was present when the complaint was made. The club-room that he had been in was a political club-room, at 52 Union Square. He stayed there until a little after eleven o'clock. He belonged to the club. He drank no beer there. He had drank some beer that afternoon. He also had a drink of beer after he left the club, and he also treated Moroney in the saloon in front of which they were standing. He treated him earlier in the evening. He drank one glass in the saloon, after he left the club.

0006

JOHN WALSH testified that he lived at 364 Madison street, in the city of New York. He was one of the group composed of the complainant and Moroney and himself, at the time of the stealing of the watch. He, the witness, was standing there, when John Bartley came along and asked for the bartender. The bartender was up stairs and the place had been closed. Bartley went up stairs to look for the bartender and came back again, and sat down on the stoop. He, the witness, were talking to gether. He, the witness, had his back turned to the complainant, when suddenly he heard the complainant cry out, "My watch is gone. Moroney has got my watch." Then the police officer passed, and the complainant did not make his complaint immediately. He, the witness, when he turned, saw Moroney taking a car. He, the witness, did not see Moroney take the watch, but he saw him getting on the street car about that time.

In cross-examination the witness testified and that he, the witness, Moroney, Barret were standing together, when the complainant came out of the house, after looking for the bar-tender. After the complainant said

0007

5

that Moroney had taken his watch, the complainant said, "He will have to bring it back again." He, the witness, did not hear the defendant say anything about tricks. About five minutes before the watch was taken, two men were walking along there. One of them had a satchel, and the complainant said that it would be an easy thing to take off that fellow. When Officer O'Neill came along he said, "Barrett, what are you doing there?" and Barrett said that the place was just after closing, and the officer walked down the street, and the complainant followed him.

OFFICER THOMAS O'NEILL testified that he was attached to the 12th

police precinct. He arrested the defendant. The larceny occurred about mid-night on May 8th. He did not arrest the defendant until Sunday evening, about seven o'clock, nearly a full day afterwards, the larceny having occurred on Saturday night, at mid-night or a little after. He, the witness, was going through Madison street from Scammel, and he saw Moroney with five or six other men---

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"a crowd of bums." They ran into a hallway and closed the door. He, the witness, ran into the hallway after them and arrested Moroney. He told him that he wanted him for stealing the watch. Moroney said that he was not guilty, and that he did not take it. He, the witness, said to Moroney, "You have run a long while." He searched the defendant, but did not find anything upon him. The complainant's watch had never been recovered.

In cross-examination the witness testified that he passed the group of men standing in front of the liquor store a few minutes before the complainant followed him, and made the complaint. As he passed the saloon, he said to the men, "This drug store is closed. You leave here and go home." The complainant followed him, the witness, and said, "Moroney has taken my watch, and has gone on a car." When he arrested the defendant, he told him he wanted him for stealing John Bartley's watch.

FOR THE DEFENCE, ANDREW BARRETT testified that he was a laborer.
He did not know the complainant in the case. He recoll-

0009

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ected seeing him early on Sunday morning, May 8th. He, the witness, Walsh and Moroney and aman who was a Bohemian, and lived in the rear of the house, was standing in front of the saloon. He, the witness, saw Moroney jump on a car, and about five minutes later, he heard Bartley say that he had lost his watch and that Moroney had taken it and that he would have to give it up again. Then Officer O'Neill came along and spoke to him, the witness. The officer said to him, the witness, "Hello, Barrett, what are you doing here?" He, the witness, said, "The place is closed up and we are talking of old times." The officer passed on and about four minutes later Bartley passed down to the officer. He, the witness, did not hear Moroney talk about playing any tricks, and did not see him snatch the complainant's watch and run away. Moroney said something that sounded like, "Good-night," and jumped on a car.

In cross-examination the witness testified that he was a married man, and that he had been sent to Blackwell's Island, on account of family matters. He had never been in the State Prison or the penitentiary.

0090

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He had only been in the work-house for not supporting his wife.

JOHN C. MORONEY, THE DEFENDANT, testified that he was a freight handler, and had been in that business about eleven years. He had worked on the New York Central, and the New York, New Haven and Hartford Railroads for six years. At the time of his arrest, he was working on the Ward's Line dock, foot of Wall street. Before that, he had been employed as billposter at the Union Square Theatre. He was convicted of crime when a boy, eleven years before his trial. He pleaded guilty of Petty larceny. That was the only occasion upon which he was ever convicted of crime. On the evening in question, the defendant and four or five others were in the saloon, and the saloon generally closed at eleven o'clock, on a week night. On Saturday nights, the proprietor kept open until midnight, but on that night the saloon closed at a quarter to twelve, and they all went outside. Bartley came along and asked for Frank Cook, the bartender. They told him that he had gone up stairs, and just then, Reynolds,

0091

9

the proprietor, put his head out of the window and said, "Did you see Harry come down?" They said no. Then Bartley said, I guess Frank Cook won't come down to-night," and he, the defendant, said, "Perhaps he will ---- perhaps he is just waiting for the old man to go to bed." They were sitting on the stoop, talking, and he, the defendant, looked at his watch and saw that it was after twelve o'clock, and he said, "I guess I must go now. I must catch my brother, because I must borrow some money off him, to carry me through the next week." The next day, he, the witness, came to Reynolds's saloon and Reynolds said, "Bartley charged you with taking his watch." He, the defendant, denied that he had taken the watch, and Reynolds asked him to endeavor to get it back for the complainant. Reynolds said that the complainant had lost a pin some time before and that he, the defendant, had tried to get it back for the complainant, and had found where the pin was, and when he, the defendant found the pin, the complainant claimed it was worth seventy-five dollars. Reynolds said that his idea was that the complainant accuse him, the defendant, because

0092

10

he wanted him to look up his watch, so as to save himself for being blamed. About an hour or two afterwards, Officer O'Neill came along and arrested him. He said, "Tom, Bartley accuses you of taking a watch. He refers to you." He, the defendant, said, "The man must be crazy I don't know anything about his watch." The officer said, "Well, come along down to the corner, he wants to see you." He, the defendant, went with the officer. The officer knew that he, the defendant, did not take the watch, and the officer said, "Christ, if you don't swear yourself into this, there won't be a man in the house that won't be against you." He, the defendant, lived at 57 Essex street. At least, his father lived there. He gave his address 364 Madison street, out of respect to his father.

0894

(1835)

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY)
OF NEW YORK,) ss.

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

Question. What is your name?

Answer. John E. Moroney

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Permat

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

Answer. 304 MacLiam St 2 Months

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 E. Moroney

Taken before me this

day of

May 7 1892

[Signature]
Police Justice.

0895

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

[Handwritten signature]

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 29 188 J. Williams Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

567

Police Court--- 3 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John C. Morone
121 9th St.
2.
3.
4.

Offence
W.C. [unclear]

BAILABLE,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *May 9 1892*

Ed. Shaver Magistrate.

[Signature] Officer.

[Signature] Precinct.

Witnesses _____

No. _____ Street.

\$ *1000* to answer



[Handwritten signatures and notes]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John C. Moroney

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

John C. Moroney of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said John C. Moroney

late of the City of New York, in the County of New York aforesaid, on the eighth day of May, in the year of our Lord one thousand eight hundred and ninety-two, in the night-time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of sixty-five dollars

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

De Lancey Nicoll District Attorney

0090

BOX:

481

FOLDER:

4400

DESCRIPTION:

Morse, Peter M.

DATE:

05/05/92



4400

0099

57
Counsel
Dec 13

Filed, 5 day of May 1892
Pleads, *Mary Jones*

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

THE PEOPLE
vs.
B
Peter M. Morse

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL, *Dec 11*
J. Cathin
Foreman.

Dec 21 93

Witnesses:

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Peter M. Moore

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

Peter M. Moore

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

The said *Peter M. Moore*,

late of the City of New York, in the County of New York aforesaid, on the *25th* day of *May* in the year of our Lord one thousand eight hundred and ninety-*two*, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0901

BOX:

481

FOLDER:

4400

DESCRIPTION:

Mortimer, Samuel

DATE:

05/03/92



4400

0902

Witnesses:

Rosie Eisenberg
Sam Verteg

28-

Counsel,

Filed *3* day of *May* 189*2*

Pleads

Argued by

THE PEOPLE

vs.
20 S. Houston
30 tailor
Samuel Mortimer

Grand Larceny, Degree. [Sections 528, 580, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

May 10. 1892
May 11. 1892
May 13. 1892
A TRUE BILL

J. C. Carter
Forfeiture.

Part 3. May 13/92

Indict & committed

into recommitment
5/17 1892
May 20/92

0903



Police Court— 3 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Rosie Eisenberg
of No. *81 Montgomery St. Newark N.J.*, aged *23* years,
occupation *Keep house*

deposes and says, that on the *27th* day of *April* 189*7* at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the night time, the following property, viz:

*A purse containing thirteen dollars
lawful money of United States and
two gold rings valued seven dollars
all valued \$20.00*

the property of *deponent*

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by *Samuel Mortimer* (now here)

for the reasons that deponent
was walking along Suffolk Street
and had said purse in a pocket
of the dress then worn on her
person. That the defendant and
another man not arrested fratted
against deponent and deponent
felt a hand inserted into said
pocket and the defendant and
the unknown man ran away
deponent missed said purse and
saw it in the hand of the defendant
when he ran away.

Rosie Eisenberg

Sworn to before me, this

28

day

of *April*

1897

at

Charles W. Hamilton
Police Justice.

0904

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel Mortimer 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. *Samuel Mortimer*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *No permanent home*

Question. What is your business or profession?

Answer. *Bookkeeper*

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

Answer. *I am not guilty*

Sam Mortimer

302 E
Howard St

Taken before me this 21
day of April 1888
Michael J. Justice

Police Justice.

0905

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

Defendant

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

Dated *April 28* 188*7* *Charles W. Smith* Police Justice.

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

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

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

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

0900

Subl. J.
Her tracks from [unclear] St.

7
2
8

BAILED,
 No. 1, by _____
 Residence _____ Street.

No. 2, by _____
 Residence _____ Street.

No. 3, by _____
 Residence _____ Street.

No. 4, by _____
 Residence _____ Street.

Police Court--- *3* District. *527*

THE PEOPLE, &c.
 ON THE COMPLAINT OF
Rosie Eisenberg
87 Montague St.
New York
Samuel Mortimer

2 _____
 3 _____
 4 _____

Dated *April 28* 18*91*
Saintor Magistrate.
Riegler Officer.
 _____ Precinct.

Witnesses *Michael Levy*
 No. *158* *Livington* Street.
Samuel Hertzog
 No. *125* *Clumber* Street.
Alvin Sigel
 No. _____ Street.
 \$ *10.00* to answer

[Signature]

RECEIVED
 MAY 20
 1892
 DISTRICT ATTORNEY'S OFFICE

COURT OF GENERAL SESSIONS, PART III.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Hon. Fred'k Smyth
 Samuel Mortimer. : and a Jury.
 :
 :
 ----- x

Indictment filed May 3, 1892.

Indicted for grand larceny in the first degree.

New York, May 13, 1892.

A P P E A R A N C E S:

For the People,

Assistant District-Atty. Vernon M. Davis;

For the Defendant,

Jacob Berlinger, Esq.

ROSIE EISENEBERG, a witness for the People, sworn, testified:

I live at No. 81 Montgomery Street, Newark,
 New Jersey. On the 27th. day of April 1892 I was in this
 city in the evening. I had \$13 in my pocket. On that
 evening I was in Suffolk Street about eight or ten minutes
 past eight. The money was in a pocketbook in my breast-
 pocket. A boy by the name of Mike Levy was with me. I
 was walking with Mike Levy and this man and another man
 were following us closely. The other man pushed the de-
 fendant between me and Mike Levy and as he did so I
 missed my pocketbook. I saw that the defendant held it
 in his hand and was running. Mike Levy ran after him a
 few blocks and had him arrested. Mike Levy held him for

2.

a time but no officer appeared. The other man then got the pocketbook and ran off with it. The defendant was afterwards arrested. I am positive he is the man that took my pocketbook in company with the other defendant. I afterwards saw the defendant in the custody of a policeman. I did not have anything to say to him. He said to me when I saw him "Am I the man that took your pocketbook?" I did not answer him.

Cross-examination:

The conversation I had with the defendant was in the Station House at the time of his arrest. He spoke in German. There were five or six more people running at the time my pocketbook was taken.

MIKE LEVY, a witness for the People, sworn, testified:

I live at 150 Rivington Street in this city. I was with Miss Eisenberg on the 27th. of April 1892. We were walking together in Suffolk Street at about eight o'clock. At the corner of Delancey Street I noticed the defendant in company with another man walking behind us. When we got to the corner of Suffolk and Delancey Streets I looked and I saw that this defendant held a pocketbook in his hand. I asked the woman who was with me: "Did you have a pocketbook in your pocket?" and she said yes. The defendant then started to run. I immediately ran after him. He turned from Suffolk Street into Delancey and then to Clinton Street. I caught him in Clinton St.

3.

and held him by his coat. Another man came along and began pulling me by the arm so as to have me let go of the defendant. I held on to the defendant until Miss Eisenberg came up. Others came along and they wanted to beat me, so I let go of the man and he got away from me. He ran into the arms of a policeman and was arrested. I saw him in the Station House. He said: "Am I the man that stole the pocketbook?" Neither of us answered him.

Cross-examination:

I did not know that Miss Eisenberg lost her pocketbook until I asked her. She did not make any outcry at the time that the pocketbook was taken from her.

DEFENSE.

SAMUEL HERTZOG, a witness for the defendant, sworn, testified:

I live at 125 Clinton Street in this city. I saw the complainant on the 27th. day of April 1892 and I saw a lot of people running at that time. I started to run also. Some of the people stopped in William St. near Essex Street and an officer came and caught hold of this man and arrested him.

ALFRED SEIGEL, a witness for the defendant, sworn, testified:

I live at 27 Division Street in this city. I was in Suffolk Street on the 27th. of April 1892. I saw the complainant and the defendant on that night. I also

4.

saw Mr. Mike Levy. I do not know anything about this case.

FREDERICK RINGLER, a witness for the People, sworn, testified:

I am a police officer attached to the 11th Precinct. I was on post on the 27th. of April at about 8 o'clock. I saw a rather excited crowd of people shouting "Police" and "Stop thief". I was about half a block away from the crowd. I ran down the street in the direction from whence the crowd came. I found the defendant running and caught him. I took him back and he was identified by the parties, and I then took him to the Station House.

SAMUEL MORTIMER, the defendant, sworn, testified:

I live at 302 East Houston Street. I remember the night of my arrest. The first time I saw the lady and Mike Levy was when I was walking through William Street. A crowd was running and I subsequently did the same. Everybody was running. I ran down as far as William and Essex Street and the first thing I knew there was a policeman came and caught hold of me. A little boy came up and said: "That is the man". Then all I know about it. I did not touch this woman's pocketbook, nor did I see her until after my arrest.

Cross-examination:

It is not true that Mike Levy caught hold of me as he has testified. I don't know anything whatever

5.

about this case. I told the officer I did not know anything at all about the case, and I also made the same statement in the Essex Market Police Court. I have been at work at No. 267 Canal Street in the dry goods business. I was not at work on the day on which I was arrested. I am known pretty well in that place in Canal Street where I have worked. There is nobody here from that place to give me a good character. I have been in New York City about eighteen years off and on. I have left the City at different times. I worked for my father from time to time at No. 67 Sheriff Street in this city.

MABEL SCHILLING testified to the good character of the defendant.

The Jury returned a verdict of guilty of grand larceny in the first degree.

Indictment filed May 3-1892.

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

SAMUEL MORTIMER.

Abstract of testimony on
trial, New York May 13th
1892.

0912

0913

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

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

Samuel Mortimer

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

Samuel Mortimer

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

The said *Samuel Mortimer*

late of the City of New York in the County of New York aforesaid, on the *27th* day of *April* in the year of our Lord one thousand eight hundred and ninety-*two* at the City and County aforesaid, with force and arms, in the *night* - time of said day, divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of *thirteen*

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of *thirteen*

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

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

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

thirteen dollars one purse of the value of one dollar and two finger rings of the value of three dollars and fifty cents each.

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

DE LANCEY NICOLL,

District Attorney.

09 14

BOX:

481

FOLDER:

4400

DESCRIPTION:

Moser, George

DATE:

05/17/92



4400

09 15

BOX:

481

FOLDER:

4400

DESCRIPTION:

Schop, Charles

DATE:

05/17/92



4400

Witnesses:

Henry M. Clark
Offr Tracy 13th 11 years old

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.....

Hill Hill.
Counsel,
Filed day of May 1892
Pleads, 17th July 18

15
300
THE PEOPLE
vs.
George Moser
11 years old
2582
Charles Schop

Robbery, (Sections 224 and 228, Penal Code), Degree.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Lulio Catin
Capt 2 - May 23, 1892 Foreman.
Jury and Coroner
of 1st Precinct
No 1 Sen suspended.
No 2 Pen 6 mo.
May 23/92

COURT OF GENERAL SESSIONS.

City and County of New York.

Part II.

The People

vs

George Moser

Before the

Hon. Rufus B. Cowing,

Charles Schop,

and a jury.

Indicted for ROBBERY in the FIRST DEGREE.

Indictment filed May 17th, 1892.

Tried May 23rd, 1892.

Appearances:

Assistant District-Attorney Bedford, for the People.

Charles E. Le Barbier, for the Defense.

HARRY McARDLE, called by the People, being duly

sworn, testified that he lived at No. 167 West 130th street. He was sitting on a cart at about half-past 9 o'clock, in 137th street, between Seventh and Sixth

avenues, on the 14th of May, 1892. The defendant Schop came along and said, "Hello," to the witness, and the witness said "Hello," to Schop. Then Schop pulled him down off of the wagon to the sidewalk, and held his, Schop's hand over his, the witness's mouth, and also held him by the throat with his hand. As soon as the boy with him, the witness, George Durant, came out of the house, into which he had gone, the defendants ran away with the martingale. The defendant, George Moser, cut the martingale. He, the witness, did not run after them. He got into the wagon and raced after them, but they got away. They were arrested. He, the witness, was sure that the two defendants were the same persons who assaulted him and took the martingale. The owner of the martingale and the horse and wagon was Mr. Blakelee.

In cross-examination, the witness testified that he was 11 years old. He knew what it was to take an oath. He, the witness, and the boy Durant were out to get orders and were driving up 137th street. Durant went into the Bedford flats to take an order, in there, and he, the witness, had been sitting there about five

minutes when attacked by the defendants. He, the witness, was frightened. He did not think the defendants were going to make him any trouble. He was scared and cried out. He did not know how long he was held down. He struggled and kicked but could not get away. The street was dark there. He was not near any lamp and could not see very well. He could see in front of the horses. There were not many people on the street. He thought he struggled about ten minutes and did his best to get away. He gave no thought to the horse and wagon but simply wanted to get away. He kicked and used his arms and feet which were not held at all. His clothes were not torn, his collar was not torn, and his hat was not knocked off or injured.

On re-direct examination, the witness testified that it was light enough to see the prisoners. He had seen them before that night, had played with them and knew all about them. He used to see them in 128th street, with a lot of other boys. He saw the Moser defendant run up to the horse's head while he, the witness, was down on the sidewalk, with his mouth covered with Schop's hand and his throat also held by Schop. He, the defendant

0920

Schop hollered "Hurry up, to the Moser defendant. He, the witness, did not see the defendant Moser cut the martingale. He, the witness, was arrested once but was not convicted on it. He, the witness, said the

G E O R G E B U R A N T, being duly sworn testified that he lived at No. 2,435 Eighth avenue. He was driving the cart and horse on the night in question. He left the little boy Mc Ardle, the complainant, on the wagon while he, the witness, went into the flat with an order. Just as he, the witness, was coming out, he saw the boy Mc Ardle on the sidewalk and the two defendants running off with the martingale. He, the witness, and the Mc Ardle boy got into the wagon and chased the two defendants to 126th street, but did not catch them. He, the witness, told his father and an officer arrested the defendants. He, the witness, got back only a piece of the martingale, with no rings at all. The martingale belonged to Benjamin E. Blakelee.

In cross-examination the witness testified that he had only one order for the Bedford flats and was in there only from three to five minutes. When he came out the boy Mc Ardle was on the sidewalk in a sitting position,

and was just getting to his feet. As he, the witness, came out he saw the defendant, Moser, with a knife in his hand, cutting the martingale. The martingale had ten or twenty rings on it. He, the witness, knew the defendants had taken the martingale, but, until McArdle told him, he did not know who they were. He did not recognize their faces as their backs were turned towards him.

W I L L I A M D. T R A C Y, being duly sworn testified that he was an officer of the Thirtieth Precinct. On the night of May 14th, he arrested the two defendants about nine-forty-five o'clock, at a butcher store, at No. 2,435 Eighth avenue. At the station house he searched them. He found four or five plugs of tobacco, a cigar box and a few trifling things on Schop. On Moser he found a knife and some trifles. He, the witness, told the defendants that he arrested them for stealing the martingale, and they said they did not do it. The complainant said nothing.

G E O R G E R. S M I T H, called by the defense, testified that he was the defendant Moser's uncle. He never knew or heard anything bad about the boy.

A N N A M O S E R testified that she was the mother of the defendant Moser. He was 14 years old and lived with her and her husband, who was in the liquor business, at No. 300 West 128th street. The boy was as well behaved as any other boy of his age. He used to go to school and work and was never in any trouble before.

E L I A S G O O D M A N testified that the boy Moser attended a school of which he, the witness, was a trustee. The defendant Moser's parents were respectable people, and he never heard of the boy infringing any of the rules of the school.

G E O R G E M O S E R, the co-defendant, testified that on the night in question he did not cut any martingale from any horse. He met the defendant Schop, who was a friend of his, and Schop was going to take a walk and he, the witness, went with him. He, the witness, went into a store, on the southeast corner of 132nd street, to ask for work. He did not apply anywhere else. It was about 9:30 o'clock. He, the witness, and Schop were not anywhere near the wagon. They were going home. Just as they got in front of the butcher shop, he, the witness, was looking in the store window, when he heard

a little boy say Bobby, that's the boy. A man came out of the butcher store and took him, the witness, by the shoulder and told the little boy to go and call an officer. He, the witness, called to the big boy, Schop, and Schop went with the little boy and was also arrested. He, the witness, did not have a martingale in his pocket, or any little white bone rings that are on a martingale.

In cross-examination the witness testified that he and the defendant Schop went to the theatre in 125th street that night. Nelly Mc Henry was playing there. They stayed there until half-past 11 o'clock. They went in the theatre about 9:30 o'clock. They had two billboard tickets. They were not doing anything from 8 o'clock until 9:30 o'clock, only just walking about. They only went up as far as 132nd street. They were pursued by the complainant up a hill, but it was down 123rd street. They were arrested at half-past nine o'clock. They did not stay in the theatre until 11:30 o'clock. There was something the matter in the theatre, and they, and all the people had to go out after the first act. They did not go to the theatre at all.

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CHARLES SCHOP, the co-defendant, testified that on the night in question he did not drag the complainant from a cart and put him on the sidewalk and hold his throat while the defendant Moser cut the martingale. He was not there at all, and the stories of the Mc Ardle and Durant boys were not true. He was 17 years old and lived with his aunt, at No. 2,382 128th street. For four months he had worked for a grocer named Weiss. Weiss was not in court. He, the witness, did not have money enough to write to him to come to court. He, the witness, had been locked up since his arrest. Nobody had been to see him. He had never seen the complainant before he, the witness, was arrested. He did not go with the small boy, Moser. He only met him on the night in question. They were going to the theatre, but Moser said to take a walk up to 132nd street. They were not at the theatre that night or the night before or the night after. At 9:30 o'clock on the night in question, they were at 130th or 131st street. A man gave them tickets for the theatre but they did not succeed in getting in. They were going down to the theatre when the butcher caught Moser.

It was somewhere about 10 o'clock. It was not true as Moser said, that they could not get in the theatre at 8 o'clock, or that there was something wrong in the theatre and they had to leave with the rest of the audience. They did not go to the theatre at all.

GEORGE MOSER, being re-called testified that the defendant Schop lived at No. 2,382 Eighth avenue. When he said that he was at the theatre he did not mean that it was on the night the martingale was taken or that Schop was with him. He, the witness, went to the theatre the night before, alone.

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0926

Police Court-- 5 District.

CITY AND COUNTY }
OF NEW YORK, } ss

Harry McArdle

of No. 264 West 130th Street, Aged 11 Years

Occupation School boy being duly sworn, deposes and says, that on the

14th day of May 1899, at the 12th Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away, from the ^{care} ~~person~~ of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

One mantingale and a number of ivory
rings of the value of about six dollars

of the value of Six DOLLARS,

the property of Benjamin E. Plateney and in deponent's care
and custody,

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

Charles Schopf, and George Mason, both
from him, while acting in concert from the
fact that on said date about the hour of
9 1/2 o'clock P.M. deponent was sitting on
the back of a car in West 137th Street between
9th and 7th Avenues. That the defendants came
through the street and the defendant Schopf
spoke to deponent, and deponent got off
the car and stood down on the street, that
the defendant Schopf then caught hold of
deponent, thrust deponent down, and put
his hands over deponent's mouth. That
while deponent was being held down the

Sworn to before me this 18th day of May 1899

District Justice

0927

Defendants, upon being taken up to the horse
 paddock cut the said marriage, in which the
 said rings were, and immediately took
 the defendants away. Defendant caused
 the arrest of the defendant and charges
 them while being together and acting in
 concert with feloniously taking, stealing
 and carrying away the said property. The
 proceeds received and against defendant's
 will and prays that they be dealt with
 according to law.
 Done & before me this 15th day of May 1892. Harry M. Arden

W. Wood
 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 1892
 I have admitted the above named
 to bail to answer by the undertaking hereunto annexed.
 Dated 1892
 There being no sufficient cause to believe the within named
 guilty of the offence within mentioned, I order he to be discharged.
 Dated 1892
 Police Justice

Police Court, District,

THE PEOPLE, etc.,
 on the complaint of

vs.

1
 2
 3
 4

Offence—ROBBERY.

Dated 1892

Magistrate

Officer

Clerk

Witness, No. Street,

No. Street,

No. Street,

§ to answer General Sessions.

0928

5

Sec. 198-206.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

Charles Schop 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 sees 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. *Charles Schop*

Question. How old are you?

Answer. *Seventeen*

Question. Where were you born?

Answer. *New York City*

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

Answer. *2382 Eighth Ave 6 months*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am Not Guilty
Charles Schop*

Taken before me this *13* day of *July* 188*7*
[Signature]
Police Court

0929

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

George Moser

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 sees 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.

George Moser

Question. How old are you?

Answer.

Fifteen

Question. Where were you born?

Answer

New York City

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

Answer.

300 West 128th 7 months

Question. What is your business or profession?

Answer.

Butcher

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

George Moser

Taken before me this

day of *July* 189*7*

[Signature]
Police Justice

0930

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 *Seven* 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, *May 13* 189 *[Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

093

Police Court--- 5th District. ¹³³⁴ 587

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Harry McArdle
George Moser
Chas Schop

Offense Robbery

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, May 15 1892

Meade Magistrate.

Tracy Officer.

30 Precinct.

Witnesses George Durran

No. 2435 Eight Ave. Street.

No. _____ Street.

No. _____ Street.

\$ 1000 each to answer G.P. Street.



Cur

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 Mason and
Charles DeLox

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

George Mason and Charles DeLox

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

The said George Mason and Charles DeLox, both

late of the City of New York, in the County of New York aforesaid, on the 19th day of May, in the year of our Lord one thousand eight hundred and ninety-two, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Harry McArde, in the peace of the said People then and there being, feloniously did make an assault; and

one package of the value of three dollars, and six money bags of the value of fifty cents each,

of the goods, chattels and personal property of the said Harry McArde, from the person of the said Harry McArde, against the will and by violence to the person of the said Harry McArde, then and there violently and feloniously did rob, steal, take and carry away, the said George Mason and Charles DeLox and each of them jointly and severally and aided by an accomplice actually present, to wit: each by the other.

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.

Richard M. [Signature]
District Attorney

0933

BOX:

481

FOLDER:

4400

DESCRIPTION:

Muldoon, Martin

DATE:

05/26/92



4400

0934

855
B.O.

Counsel,

Filed *26* day of *May* 1899

Pleads, *M. Muldown*

THE PEOPLE

vs.

B

Martin Muldown

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
(III. Rev. Stat. (7th Edition), page 1853, Sec. 21, and
page 1854, Sec. 22)

DE LANCEY NICOLL,

District Attorney.

Superior Court, Paris,

December 22 1899

A TRUE BILL.

John C. Kelly
Foreman.

at 19. Nov. 1899. P.M.D.

Dec Term 1899 P.S.C.

Witnesses:

0935

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Martin Muldoon 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.

Martin Muldoon

Question. How old are you?

Answer.

39 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

1005 Third Ave 39 years

Question. What is your business or profession?

Answer.

Bar tender

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

Answer.

I am not guilty I demand a trial by Jury

Martin Muldoon

Taken before me this

day of

Sept
1890
St. John

Police Justice.

0936

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

Defendant

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

Dated, *Aug 24* 1890

cc [Signature]
Police Justice.

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

Dated, *Aug 24* 1890

Police Justice.

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

Dated, _____ 1890

Police Justice.

093

Selling on Sunday. 1300
Police Court--- 9 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard A. Finney
Martin Muldoon
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4

Office of
T. J. [unclear]
[unclear]

BAILED,

No. 1, by Diedrich Heuer
Residence 2308. S. [unclear] Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, Sept 24 1890

[Signature] Magistrate.

[Signature] Officer.

Witnesses _____ Precinct. 27

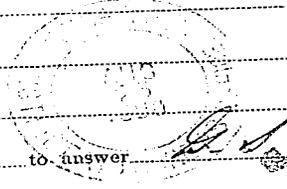
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer [Signature]

Bailed



0938

Excise Violation-Selling on Sunday.

POLICE COURT-

5th DISTRICT.

City and County } ss.
of New York, }

of No. 27th Precinct Police Richard A. Finm ~~Street~~

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 23rd day
of August 1890 in the City of New York, in the County of New York,

at premises No. 1968 Third Avenue ~~Street~~,
Martin Muldon (now here)

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

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

Sworn to before me, this 24 day of August 1890 by Richard A. Finm

Charles E. Snow Police Justice.

0939

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Martin Muldoon

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

The said *Martin Muldoon*

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

Richard W. Funn

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

SECOND COUNT—

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

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

The said *Martin Muldoon*

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

DE LANCEY NICOLL,
District Attorney.

0940

BOX:

481

FOLDER:

4400

DESCRIPTION:

Mullen, Audrey

DATE:

05/16/92



4400

0941

Witnesses:

Red Williams

Off Carroll

3227
Counsel,
Filed
Pleads

Counsel,

Filed

Pleads

1892

THE PEOPLE

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

Andrew J. Mulvaney

DE LANCEY NICOLL,

District Attorney.

May 4 1892
at New York
May 26 1892
A TRUE BILL.

Julius Catten
Foreman.

Part-3. May 26/92

Pleas brought by
H. J. ...

General Sessions.

The People

vs
 apt
 Andrew J. Mullen

City and County of New York SS:

William H. Horton, being
 duly sworn says. I am engaged in
 the farming business at the City of
 Peapack New Jersey - I have resided
 there for the past 38 years and am a
 man of family. I have known
 the defendant for fully 20 years
 last past - and to my certain
 knowledge, said defendant has never
 before been arrested charged with the
 commission of any wrong - others
 whom I also know have always
 regarded the defendant as an honest
 and worthy young man - I attend
 also in Court this day, for the purpose
 of giving such testimony as might
 tend to benefit him in his present
 difficulty

Wm H. Horton

Not before me this
 26th day of May 1892
 J. H. M. Mullen
 Notary Public N.Y.C. 1892

General Sessions.

The People
- vs -
Andrew J. Mullen.

City & County of New York ss.

George S. Van Arsdale
being duly sworn says - I have been
engaged for the past 20 years in the town
of Teapack New Jersey, in the general
merchandise business - and still
reside there with my family -
I have known the defendant Andrew
J. Mullen - for fully 20 years - and
have at all times regarded him
favorably - Others in my town who
also know the defendant have given
a good character in the past - and
so far as I know or have heard, he
was never before charged or convicted
of any crime - I attended in Court
this day - to speak a good word in
his interest -

Subscribed before me this
26th day of May 1892
H. C. Waldbein
Notary Public N.Y.

George S. Van Arsdale

General Sessions.

The People

Ac

- apt -

Andrew J. Mullen

City and County of New York SS:

George Davis

being duly sworn, do depose and say -
 I am a minister of the Gospel and residing
 at Peapack in the State of New Jersey,
 and in charge of the Reform Church -
 I know the defendant Andrew J. Mullen
 for the past five years - for two years
 of this period he was a resident of
 said Peapack - and attended my church.
 I have come in contact with a number
 of people who have also known the
 defendant for some years and he
 was at all times well spoken and regarded
 by the community - I have also heard
 some regarding his previous character
 and in each and every instance he
 was considered a worthy person and so
 far as I have been able to learn, the
 crime he is now charged with, is his
 first offence - I have attended in

Court on two separate occasions
with the view of testifying to his
former good character - and
now earnestly bespeaks clemency
in his behalf.

Spoken to before me this
26th day of May 1892

Phil van der Meer
Notary Public
New York (191)

Rev George Davis

State of New Jersey }
County of Somerset }

Philip Todd being duly sworn on his oath doth hereby depose and say that he is a resident of the village of Propack in the County of Somerset and State of New Jersey and that on the Twenty Sixth day of May 1892 he was present in the court room of Part III General Sessions in the City of New York for the purpose of appearing in the trial of Andrew J. Mullen under indictment for assault in the first degree that he was there to testify to the previous good character of the said defendant. and he the said Philip Todd doth now further depose and say that he has been in the business of the manufacture of lime for a number of years and that he has known the said Andrew J. Mullen ever since he was a small boy and that he has had him in his employ and that he has borne a good character and reputation heretofore and has never before committed any offense

against the laws of the land
 that the said Andrew J. Mullen
 notwithstanding his great physical
 deformity and disability has
 always endeavored to support
 himself and keep from becoming
 a burden to the public when he
 might with good reason have
 made himself such a charge
 and he the said Philip Todd
 would now, in view of the above
 facts and especially in view of
 the fact that he is so greatly
 deformed and disabled ~~that~~ as
 a long term of imprisonment ~~with~~
 a great hardship, bespeak for
 him all possible judicial
 clemency in the premises

Philip Todd

I read
 and subscribed
 before me
 This 28 day of May 1882

Theodore Allen
 Commissioner of Deeds

County General Session

The People
vs

— apt —

Andrew J. Mullen

Affidavit

John H. Hurliger
Circuit Court Clerk
23 Chambers St

0948

09449

645-3rd ave
New York
Feb. 13th/94

Dear Sir;

I understood several days ago that you were investigating the case of Andrew Mullin No. 1650 Clinton Prison who as you know was sentenced to four years on his first assault in 2nd degree. I am no relation of his but was his employer for about three years. Take an interest in his case because I know him to be an honest, faithful and industrious man who never would do harm to any man if left unpunished.

As you undoubtedly know he is a little thimbleback and not capable of performing hard manual labor having them or from infancy. H. Mas.

turn and raised me at the
 No. 1. Several Gentlemen from
 that vicinity who had known
 him from Childhood attended
 Court several days for the
 purpose of testifying to his good
 Character and made with
 affidavits in his behalf when
 he took a Plea in the advice
 of the thing who was assigned
 to defend him. I advised
 him of all means to stand
 trial believing then as now
 that he stood a good chance
 of acquittal and at the
 most a short-term in the
 Island. I was not an eye
 witness to the affray but am
 well acquainted with all
 who were and have talked
 with them all and I believe
 I know all about it. The

are all friends of the prisoner
 and Mr. Linn who was before
 the Grand Jury was as much
 put out as I when he took
 a Plea. Even the man Williams
 who was shot said that if it
 was left to him "That Jackson
 (meaning Mullin) would never do
 a dog for it" Conscious as he
 was that he alone was to
 blame for the affray. The
 Circumstances of the Mass I
 suppose I need hardly detail
 but I feel to say this much
 that the man Williams who
 was shot was the aggressor
 having picked Mullin up and
 sloped him on the nose hard
 enough to make it bleed profusely
 when Mullin ran to his room for
 his Pistol. Right here let me
 say that if he had a Pistol in

0951

his pocket - and had shot Williams
dead on the spot - there is not
a jury in the land but would
have cleared him.
Williams was in hospital but
shot a week, came back to
the same House was Messy &
Bristens and I had to order
him out - which order he would
not obey until I went for an
officer, He has been the inmate
of Prisons both in this state and
New Jersey as I had witnesses to
prove and is a Pro Good. I have
not seen him in head of him for
about a year but the witnesses
both Parks, William Owen &
J. J. Zime are in this neighborhood
and I can have them appear
before you at any time if you so
desire. Knowing as I do that
a great injustice has been done
this prisoner I pray you that

0952

2
You do not pass this case lightly
but look into its merits and
report to the Governor accordingly.

The Officer (Carroll) of course
knew but little except by hearsay
was necessitated to make
the arrest - but he was a long
while on this post - and knew
the Prison well and I may
say knows me well.

If you so desire I will
gladly undertake to have the
Edge witnesses named by you
for investigation at your expense
also if necessary will procure
new Affidavits as to his character.
Hoping that you will give this case due
consideration before making your re-
commendation to the Governor I am

Very Respectful

John A. Smith

Henry W. Brewster

0953

P.S. I have this month-aid
letter from Prison which I enclose
Respectfully
John Smith

0954

TORN PAGE

To insure prompt delivery to the right party, address all LETTERS, PAPERS and PARCELS as follows:
Mr Andrew J. Muller No. 1650
CLINTON PRISON, DANMEMORA, N. Y.

DO NOT INTERLINE—WRITE ONLY ON EACH RULED LINE
Inmates are Allowed to Write on the Second Sunday of each Month.

Correspondents must confine their letters to FAMILY and BUSINESS matters. Letters containing CRIMINAL NEWS will not be delivered. The Postage must be FULLY PREPAID to insure delivery. Magazines and Story-papers are admitted, but no Daily or Weekly papers containing CRIMINAL NEWS are allowed in the Prison.

GIVE FULL ADDRESS OF YOUR LETTER HERE: GIVE TOWN, COUNTY AND STATE.

Mr John Newton, 64 1/2 3rd Avenue
New York City

Danmemora, N. Y. February 10th 1894
Friend Newton I got your last letter I am well and hope you and family enjoy good health as regards my case I am well satisfied with what you have done and are doing whatever I may write or suggest is only what I think you I may not have thought of the man that wrote my letter to the Governor I suggested some things which I wrote you I am sorry we didn't have a full statement of the case as you have we would have wrote it

0955

TORN PAGE

different it is as you say
i dont know precisely what
did take place at the
assault i went over the
ground as carefully as i
could and we wrote it
the best we could you
have a copy you will
see that we wrote it
might not agree ~~with~~
with other statement but
that was very much
excited at the time and
~~that would account~~
for it that Jerry Friend
was WC Horton i think
what have they done any
thing at all i think you
are the only one that has
done anything i am truly
satisfied with it yours truly
A. J. Sullivan

0956

645.3² Ave
New York
May 20th 1892

Dear Sir;
For the Andrew J.
Mullin Case I kindly
beg you - humbly to give
all weight to the
Cowardly assault committed
by William (Complaint) upon
this prisoner and which
was the cause of the
trouble, also to the
previous good Character
of Prisoner who has been
in my employ in a position
of trust - for three years
and whom I have found honest
and truthfull - while

0957

the complainant - is a lover
of Annuity - and continual
disturbance of the Peace whom
I have found it necessary
to eject - from the Columbus
House at 2 o'clock
Sunday Morning May 22nd.
Since which time I have
not seen him except - in
Court -

I have felt - that
a trial should be had
in this case so that
all the facts should come
before you as you now
have practically but one
side of the case and
I am sure that the
complainant - and all the
~~other~~ witnesses would
show such provocation

0958

as to make the shooting
excusable if not entirely
justifiable.

I am acquainted
with all the witnesses
and know just what the
circumstances were better
probably than any other person
and honestly feel that this
Prison is worthy of not
little of any punishment.

Respectfully

John Brewster
his late employer

0959

District Attorney's Office,

CITY AND COUNTY OF NEW YORK.

FEB 4 1894

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer *P. A. Wall*
attached to your command in
W. J. J. in relation to the case of
Andrew J. Miller
sentenced *May 1892* to *1*
years and *months* imprisonment by
Richard Smith

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.

0960

District Attorneys Office.
City & County of
New York.

18

Mullin - v - R - 6 - 3 - 4
" - Mullin A. - 2 - 2 - 0 -
6 - 7 - 7 - 7 - 7 - 7 -
D. P. S. - 1 - 1 - 1 - 1 - 1 -
" -
" - 1 - 1 - 1 - 1 - 1 -
" - 1 - 1 - 1 - 1 - 1 -
" - 1 - 1 - 1 - 1 - 1 -
" - 1 - 1 - 1 - 1 - 1 -
" - 1 - 1 - 1 - 1 - 1 -

0961

May 10. 92

Pvt. J. Williams. Now
under my care. Has
a bullet wound of right
shoulder, but I do not
think he is seriously
injured
Geo B. Cushing
Surgeon in Charge

0962

Police Court 4 District.

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

of No. The 21st Precinct Police Street, aged _____ years,
occupation Police officer being duly sworn

deposes and says, that on 9 day of May 1892 at the City of New
York, in the County of New York, Fredesicn J. Williams

was violently and feloniously ASSAULTED ~~and injured~~ by Andrew J. Muller
(was here) who fired two shots from

a pistol loaded with cartridges and held
in his hand into the body of said

Williams; and that said Williams is now
confined in Bellevue Hospital as the
result of the injuries thus received

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

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

Sworn to before me, this 10th day
of June 1892

William Carroll
Police Justice.

0963

(1885)

Sec. 198-200.

X District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK.

Andrew J. Muller 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. *Andrew J. Muller*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *N 656 - 3 - Avenue - 3 years*

Question. What is your business or profession?

Answer. *Night Clerk in a lodging house*

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
Andrew J. Muller*

Taken before me this 10 day of May 1897

Police Justice. *[Signature]*

0964

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

~~guilty thereof~~, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 10 1892 [Signature] Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0965

563

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Carroll

Andrew J. Mullen

2
3
4

Assault
Albany
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *May 10* 1892

Hogan Magistrate.

Carroll Officer.

21 Precinct.

Witnesses *Frederick J. Williams*
28 Avenue A
No. *656-3* *Bellevue* Street.

Isaac Gins
No. *656-3* *Ave.* Street.

William Owen - 643-3-Ave

Walter Poulos - 341 E. 46

No. *Charl. Walden - 205 E. 43* Street.

\$1000 to answer *Q.S. 1892*
Dr. George B. Louching
Bellevue, N.Y.



0966

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Andrew J. Muller

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

Andrew J. Muller

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

The said

Andrew J. Muller

late of the City of New York, in the County of New York aforesaid, on the month day of May in the year of our Lord one thousand eight hundred and ninety-two, with force and arms, at the City and County aforesaid, in and upon the body of one Frederick J. Williams in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Frederick J. Williams a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Andrew J. Muller 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 him the said Frederick J. Williams 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

Andrew J. Muller

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

The said

Andrew J. Muller

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said Frederick J. Williams in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Frederick J. Williams a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Andrew J. Muller in his right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully 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.

DE LANCEY NICOLL,
District Attorney.

0967

BOX:

481

FOLDER:

4400

DESCRIPTION:

Muller, Adam

DATE:

05/25/92



4400

0968

Court ofayer and Termini.

Counsel,

Filed, 25 day of May 1892

Pleads,

THE PEOPLE

vs.

Adam Miller

VIOLETION OF EXCISE LAW.
Selling on Sunday, Etc. [III. Rev. Stat. (7th Edition), page 1958, § 21, and page 1989, § 5.]

THE LANCEY NICOLL

District Attorney.

Ordered to the COURT of
General Sessions
of the COUNTY of NEW YORK
for trial (entered in the minutes)
June 28 1892

A TRUE BILL.

Wm. J. ...
Foreman.
Judgments dismissed

Witnesses:

The Amused
Celebrated
Shows that the
By and is from
The Just
Proud Member
Overjoyed
Wm. J. ...

0969

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Adam Muller

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. *Adam Muller*

Question. How old are you?

Answer. *41 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *13 East 13th St. 6 months*

Question. What is your business or profession?

Answer. *Saloon Keeper.*

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

Answer. *I am not guilty and demand a trial by jury*
- Adam Muller.

Taken before me this *23* day of *July* 189*7*
W. P. 1
Police Justice.

0970

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 DeGennung

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

Dated, July 21 1890 W. J. Gann Police Justice.

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

Dated, July 21 1890 W. J. Gann Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0977

Police Court--- District. 1147

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George G. T. [unclear]
vs.
Edmund Muller

Offense... Heard

BAILED

No. 1, by Julius Schilumacher
Residence 306 1/2 Muller's crk. Street.

No. 2, by W. W. [unclear]
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated, July 21 189 0
Power Magistrate.
Ross Officer.
29 Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100 to answer G.S.

Bailed

0972

To Whom Concerned:-

This is
to certify that I am now
attending Mr Alan Meil-
ler of No 13 to 134th St, &
his condition is such
that he is unable to
attend any court of
Proceeding. Mr Meiller's
condition is such that
he will only give a
short time, & the Judge
before whom he shall
appear will be the
Chief Judge of the
world.

Respt.

R. Pelmer Ormazy M.D.

New York
May 26/42.

2162-5th Ave.

0973

Excise Violation-Selling on Sunday.

POLICE COURT- DISTRICT,

City and County } ss.
of New York,

of the 29th Precinct Police George G. Kass Street

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 20 day

of July 1897 in the City of New York, in the County of New York,

at premises No. 13 East 134th Street,
Adrian Muller (now here)

did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his

direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,

to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Muller

may be arrested and dealt with according to law.

Sworn to before me, this 21 day } George G. Kass
of July 1897 }
Aug 6 1897 Police Justice.

0974

19 FORM H.

NEW YORK, Nov. 29, 1893

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

COUNTY OF NEW YORK. STATE OF NEW YORK. CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH
OF Adam Müller No. of Certificate, 19097

I hereby certify that I attended deceased from Apr. 28, 1892, to May 27, 1892, that I last saw him alive on the 27th day of May, 1892, that he died on the 27th day of May, 1892, about 9:30 o'clock A. M. or P. M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, Aschemia Duration of Disease, 1 year
Contributing Cause, Phthisis Pulmonalis

Sanitary Observations Witness my hand this 27 day of May, 1892

Place of Burial, Woodlawn (SIGNATURE), D. Palmer Snygg, M. D.

Date of Burial, May 29, 1892
Undertaker, Wm. Michael RESIDENCE, 2162 5th ave.

Residence, 409 W. 125

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Record	Indirect cause of Death	Direct cause of Death	Class of Death (A transient being by more than two families)	Last place of Residence	Place of Birth	Mother's Birthplace	Mother's Name	Father's Birthplace	Father's Name	How long resident in New York City	How long in U. S. if foreign born	Birthplace	Occupation	Single, Married or Widowed	Color	Age in years, mos. and days	Full Name	Date of Death
<u>May 28, 1892</u>	<u>Phthisis</u>	<u>Aschemia</u>	<u>Permanent</u>	<u>"</u>	<u>13 E. 134th St</u>	<u>Germany</u>	<u>Magdalena Müller</u>	<u>Germany</u>	<u>John Müller</u>	<u>"</u>	<u>11 years</u>	<u>Germany</u>	<u>Telegrapher</u>	<u>Married</u>	<u>White</u>	<u>44 yrs, 3 mos, 13 days</u>	<u>Adam Müller</u>	<u>May 27, 1892</u>

A True Copy.

C. C. ...

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

B

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Adam Miller

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

Adam Miller

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

The said *Adam Miller*,

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

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

SECOND COUNT—

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

Adam Miller

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

The said *Adam Miller*,

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

DE LANCEY NICOLL,

District Attorney.

0976

BOX:

481

FOLDER:

4400

DESCRIPTION:

Muller, John

DATE:

05/06/92



4400

C.A. 125 *Stanley*

Counsel,

Filed 6 day of May 1892

Pleas, *Antiquity*

THE PEOPLE

John Muller

Section 100
Burglary in the Third Degree.
[Section 498, *Penal Code*].

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Lu Lino Carlin

Part 2 - May 14, 1892. Foreman.
Tril and convicted with
recommendation to mercy

Pen one up

Witnesses:

Witness signature lines

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

T h e P e o p l e,
Vs.
JOHN MULLER.

Before
HON. RUFUS B. COWING,
and a Jury.

Tried MAY 17TH, 1892.

Indicted for ATTEMPT AT BURGLARY in the third degree.
Indictment filed MAY 6TH, 1892.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY GUNNING S. BEDFORD,
For THE PEOPLE.

CHARLES F. KINSLEY, ESQUIRE,
For THE DEFENCE.

0979

2

THOMAS G. WALLACE, THE COMPLAINANT, testified that he lived at 351 West 17th street, in the city of New York. His place of business was at 244 Canal street. He was a carpenter and builder, and cabinet-maker. He occupied the top floor at 244 Canal street. He had one room ---- a large room. He had tools in the shop on the day in question worth about two hundred dollars. At about a quarter to two o'clock of the afternoon of the day in question, he went to his shop and remained there about five minutes, locking the door after him. As he was going down stairs, he met the defendant on the stairs, and then he went down stairs and waited for about five minutes. Then the complainant went up stairs again, and he saw the defendant trying the lock of the door with some keys. It was the second time that he had seen the defendant try to enter the door with keys, and that was the reason that he turned on the stairs and looked at the complainant, and, later, followed him up stairs. Before he, the complainant, went down stairs, he looked back, and saw the defendant, after he had tried the door, go to the slate that was hanging on the door, and, apparently, look for

0980

3

a key that was hanging there. He, the complainant, went for an officer. The defendant had never been employed by him, the complainant.

In cross-examination the complainant testified that he was in partnership with his father, and that he was a part owner of the contents of the shop and of the business carried on there. When he saw the defendant up there before, he did not speak to him. He wanted to watch him. He, the complainant, had been robbed and set on fire two or three times, and he wanted to watch him and see what he would do. He saw the defendant up there first three weeks before the second of May. At that time he went to look for an officer, but couldn't find one, and when he returned the defendant was gone.

The shop had been robbed before of some saws and planes. When he slipped up stairs on the day in question and saw the defendant trying the lock, he went down stairs to get a police officer, and returned with the police officer.

OFFICER ROBERT H. NEELY testified that he was attached to the 6th

police precinct. He arrested the defendant on the second day of May. He went to the top floor of the premises in question, at the request of the complainant, who told him that there was a man trying to enter the shop. When he got up there, he saw the defendant. The defendant was standing with his face to the door, with a key in one hand and the pad-lock in the other hand, trying to open the door. When he arrested the defendant, he had one of the keys in his hand, and had other keys in his pocket. There was a pad-lock on the door. He, the witness, asked the defendant what he was doing there, and the defendant replied that he was looking for a job, and the witness responded that it was a good way to look for a job, and the defendant said that he knew the boss. The complainant then said, "I am the boss." Then he, the witness, arrested the defendant.

JOHN MULLER, THE DEFENDANT, testified that he was a cabinet-maker, and he had been in the city of New York about four months. He had been West, in Chicago and Detroit. He had been arrested once before, about four years before the trial.

0982

5

and had got ten days, for drunkenness. He did not try to open the door of the complainant's shop with a key or by other means, on the 2nd of May, as charged. He was standing at the door, waiting for the boss, when he saw the complainant and the officer. He had been there once before, and saw another man there. That man was standing outside of the door, and said he was waiting for the boss, too. That was two weeks before his arrest.

In cross-examination the defendant testified that he carried the keys that were found in his pocket because he had found them in the street. He had no use for them, but just carried them -- absentmindedly. He found them in Elizabeth street. They were on the same string. He had had them in his pockets about two weeks. He was waiting to see the boss, to get a job at cabinet-making. He did not look behind the slate that was hanging on the wall, for a key. He, the defendant, lived in Sixth street. He did not know the number, but guessed it was 52. He had been there for about two months. The house was near Second avenue. It was a lodging house, and he paid every night. He had not worked since he had

0983

6

returned to New York, because he had about a hundred dollars saved. He had about one dollar left in his pocket. He had never worked for anybody in the city of New York, and he had no friends in the city of New York. His friends were in the city of Chicago.

Police Court— District.

City and County of New York, ss.:

Thomas G. Wallace

of No. 357 West 17th Street, aged 33 years, occupation Carpenter being duly sworn

deposes and says, that the premises No. 324 Canal Street, 5th Ward in the City and County aforesaid the said being a The top floor of the 5 story brick building and which was occupied by deponent as a Cabinet Shop and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcible; Opening the door in the hallway leading into the said shop by means of keys

on the 3d day of May 1882 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

70 Moulding planes
8 Saws
3 dozen hand screws
Being together of the value of
Two hundred Dollars.

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

John Miller

for the reasons following, to wit:

That on said day said property was in said premises. Said premises securely locked and fastened by means of a lock and key. Said deponent found said defendant with keys in his possession trying to open said door and caused him to be arrested and charged him with attempted robbery

W.D. McMahon Police Justice Thos G. Wallace

sworn to before me on the 24 day of May 1892

0985

(1895)

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

John Muller 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty

John Muller.

Taken before me this 24 day of April 1897
[Signature]
Police Justice.

0986

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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 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, May 2 1892 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

098

547

Police Court--- District. 1884

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas G. Wallace
337 N. 17 St
John Miller

Offense *Temp. Plea*
Burglary

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

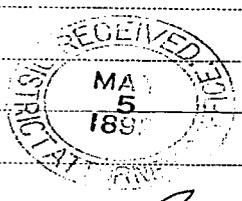
Dated, *May 2* 189*2*
McMahon Magistrate.
Dreeley Officer.
6th Precinct.

Witnesses _____
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1500* to answer *G-S*
atpt
Burg 3



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

THE PEOPLE OF THE STATE OF NEW YORK

against

John Muller

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

John Muller
attempting to commit the crime of
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

John Muller

late of the *5th* Ward of the City of New York, in the County of New York aforesaid, on the
second day of *May* in the year of our Lord one
thousand eight hundred and ninety-*two* in the *day* -time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *shop* of
one *Thomas G. Wallace*

attempt to
there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Thomas*
G. Wallace in the said *shop*
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.

De Lancey Nicoll
District Attorney

0989

BOX:

481

FOLDER:

4400

DESCRIPTION:

Muller, Louis

DATE:

05/26/92



4400

0990

887
No. 887

Counsel,

Filed, 26 day of May 1892
Pleads, *Maguire*

Witnesses:

THE PEOPLE

vs.

B

Louis Muller

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday.)
(III. Rev. Stat. (7th Edition), Page 189, Sec. 5.)

*Transcript of the Court of Sessions
in the case of Louis Muller
vs. The People
May 21, 1892*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Carter

Foreman.

0991

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Muller

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

Louis Muller

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

The said

Louis Muller

late of the City of New York, in the County of New York aforesaid, on the 19th day of *October* in the year of our Lord one thousand eight hundred and ninety- , the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did open and cause and procure and suffer and permit to be open, and to remain open, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0992

BOX:

481

FOLDER:

4400

DESCRIPTION:

Mundschan, John

DATE:

05/25/92



4400

0993

Court of Oyer and Terminer.

Counsel,

Filed, 25 day of May 1892
Pleads, Not Guilty 27.

THE PEOPLE
Transferred to the Court of Sessions for trial and final disposition
Part of No. 188... B
VIOLATION OF EXCISE LAWS
Selling on Sunday, Etc.
Ill. Rev. Stat. (7th Edition), page 1938, § 1, and page 1939, § 5.]

John Mundschan

RE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

[Signature]
Foreman.

Witnesses:

Witness lines (vertical lines)

0994

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Munday

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

John Munday

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

The said *John Munday*,

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

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

SECOND COUNT—

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

John Munday

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

The said *John Munday*,

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

DE LANCEY NICOLL,

District Attorney.

0995

BOX:

481

FOLDER:

4400

DESCRIPTION:

Murphy, Edward

DATE:

05/11/92



4400

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 Murphy

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

Edward Murphy

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

The said

Edward Murphy,

late of the City of New York, in the County of New York aforesaid, on the sixth day of May in the year of our Lord one thousand eight hundred and ninety-two, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one Louis Johnson in the peace of the said People then and there being, feloniously did make an assault, and divers promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of twenty

dollars; divers other promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the payment of and of the value of twenty

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

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

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of twenty dollars, and one watch of the value of twelve dollars,

of the goods, chattels and personal property of the said Louis Johnson from the person of the said Louis Johnson against the will

and by violence to the person of the said Louis Johnson, then and there violently, and feloniously did rob, steal, take and carry away, the said Edward Murphy being then and there aided by an accomplice actually present, to wit: by one Richard Dudley,

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.

Do Lancey Nicoll
District Attorney

0997

BOX:

481

FOLDER:

4400

DESCRIPTION:

Murphy, John

DATE:

05/20/92



4400

0998

BOX:

481

FOLDER:

4400

DESCRIPTION:

Borbagh, James

DATE:

05/20/92



4400

10000

Police Court District. Affidavit—Larceny.

City and County of New York, ss:

William Barry

of No. 219 West 66th Street, aged 30 years, occupation Fireman being duly sworn,

deposes and says, that on the 14 day of May, 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One silver watch, of the value of Forty Dollars

140⁰⁰ / 100

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 John Murphy (now here) and another person already arrested, from the fact that said defendants were employed by deponent on said date. That said watch was in the pocket of deponent's vest in said premises and deponent missed said property. No person except deponent and his wife and said defendants had access to said rooms on said date. That deponent ~~while~~ he went for an officer to arrest defendant when he broke out of said house and escaped down the fire-escape. Therefore deponent accuses defendants of the larceny of said property and prays that he may be dealt with according to law. William Barry

Sworn to before me, this 17 day of May 1892

Police Justice

1001

(1885)

Sec. 198-200.

X District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

John Murphy

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

153 E. 23 St.

12 mos

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 Murphy

Taken before me this 17
day of May 1892

Police Justice: [Signature]

595

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Barry

vs.
John Murphy

1
2
3
4

Offence
Larceny

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *May 17* 1892

John W. Walters Magistrate.

John W. Walters Officer.

24 Precinct.

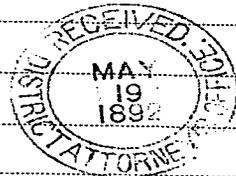
Witnesses

No. Street.

No. Street.

No. Street.

\$ *500* to answer *G. S.*



Howe

G. S.

Police Court

7th District.

Affidavit—Larceny.

City and County } ss:
of New York,

William Barry

of No. 219 W 66th Street, aged 30 years,
occupation Fireman being duly sworn,

deposes and says, that on the 14th day of May 1892 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:

One Silver watch and one
Chain of the value of Forty
Dollars # 40 or 100

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by James Borbosh Malher
and another person not yet arrested
from the fact that on said date
deponent was moving from the premises
number 140 W 66th Street that defendant
was engaged by deponent's wife to assist
in moving that said property was in
a vest on a wash tub on the 5th floor of
said premises that defendant and the
other person not yet arrested were
in said premises and that deponent
missed said property that he accused
defendants of having taken said property
that deponent went for an officer
and that while he was in the car

Supreme to before me this
day of
Police Justice.

Of calling an Officer said unknown
person escaped from said place through
the fire escape and then defendant
was running down the stairs as defendant
is informed by Helena Barry (defendants
wife.) Defendant therefore charges the
defendant with having stolen said
property and may thus be held
to answer

Done before me this
16th day of May 1892

[Signature]

William Barry

Police Justice

1006

(1835)

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

James Borbagh 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. *James Borbagh*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Dublin*

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

Answer. *153 E 23rd Street 6 months*

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
James Borbagh*

Taken before me this
day of *May* 189*7*

Police Justice
[Signature]

1007

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

Dated May 16 1892..... Police Justice.

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

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

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

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

1008

595

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wm Barry
219 W 66th St
James Borbagh

Offence *Barren*

1
2
3
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *May 16th 1892*

No. 10 Magistrate.

John W. Walters Officer.

24th Precinct.

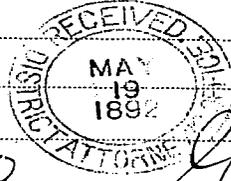
Witnesses *Helen Barry*

No. *219 W 66th* Street.

No. Street.

No. Street.

\$ *5.00* to answer *P.S.*



Barry

9 1/2

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Murphy and James Borbagh

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

John Murphy and James Borbagh

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

The said John Murphy and James Borbagh

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

one watch of the value of forty dollars

of the goods, chattels and personal property of one

William Barry

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.

De Lancey Merrill, District Attorney

10 10

BOX:

481

FOLDER:

4400

DESCRIPTION:

Murray, Michael

DATE:

05/04/92



4400

10 1 1

BOX:

481

FOLDER:

4400

DESCRIPTION:

Johnson, Thomas

DATE:

05/04/92



4400

10 12

Witnesses:

William Stewart

Off Fleming

4269th

Counsel,
Filed
Pleads
at
day of *May* 1892

Myself
THE PEOPLE

Burglary in the Third Degree,
[Section 498, Code Title 1]

Michael Murray

and

Thomas Johnson

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Louis Catter
Foreman.

May 3rd

Robert W. King

277 10 10 1892

1013

Police Court - 2 District.

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

of No. 491 & 493 Canal Street, aged 45 years,
occupation Clothier being duly sworn

deposes and says, that the premises No 491 Canal Street,
in the City and County aforesaid, the said being a four story building
the first floor of
and which was occupied by deponent as a clothing store
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly opening a
door leading into the basement
of said premises

on the 27 day of April 1882 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of clothing valued
at four thousand dollars
\$4000.00
100

the property of Deponent

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

Michael Murray and Thomas Johnson
(both now dead) who were accomplices in
for the reasons following, to wit: at the hour of 12.30 am
on said date deponent saw that the
said door was securely locked and
fastened and he suddenly is informed
by Officer Cornelius J. Fleming
that he Fleming found the defendants
hiding in the basement of said premises
and in the possession of the defendants
Johnson he Fleming found a bit which

10 14

bit fits a trace, which trace he Fleming found in the said basement. The said Fleming further informs deponant that he found twenty-one holes bored in the ceiling of the basement in which the defendants were found, and the said holes were made by the bit found in the possession of the defendant Johnson. Deponant says that the place where the holes were bored leads to where deponant keeps his clothing store.

Sworn to before me, said deponant this 28th day of April 1892

P. J. Justice
Police Justice

Police Court _____ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Dated _____ 188 _____

Magistrate. _____

Officer. _____

Clerk. _____

Witnesses: _____

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street _____

10 15

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

aged 37 years, occupation Officer of No. 12
St. James Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of George Schuman
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 28 day of April 1892, } Cornelius J. Fleming

[Signature]
Police Justice.

10 16

(1895)

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Johnson 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. *Thomas Johnson*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Scotland*

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

Answer. *19 Remond St — 1 week*

Question. What is your business or profession?

Answer. *Water*

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*

Thomas Johnson

Taken before me this *21*
day of *April* 189*5*
[Signature]
Police Justice.

10 17

(1885)

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Michael Murray 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. *Michael Murray*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *U.S.*

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

Answer. *394 Madison St. 2 years*

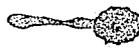
Question. What is your business or profession?

Answer. *Type writer*

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

Answer. *I am not guilty*
Michael Murray.

Taken before me this *26* day of *April* 189*2*
District Justice.



10 18

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

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

Dated, *April 2* 189 *[Signature]* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

10 19

Police Court--- 27 District. ⁵⁹⁵
1894

THE PEOPLE, &c.
ON THE COMPLAINT OF

Simon Scherries

vs. *Michael Dymay*

Simon Johnson

Simon Johnson

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

3.....

4.....

Dated, *Apr 20* 189

Simon Magistrate.

Simon Officer.

Simon Precinct.

Witness *Officers Kelly & Murphy*

No. *1000* Street.

Simon Street.

No. Street.

No. Street.

No. Street.

\$ *1000* to answer *S. J.*



Simon
Simon

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Michael Murray
and
Thomas Johnson

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

Michael Murray and Thomas Johnson

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

The said *Michael Murray and Thomas Johnson, both*

late of the *8th* Ward of the City of New York, in the County of New York aforesaid, on the
27th day of *April* in the year of our Lord one
thousand eight hundred and ninety-*two* in the *right* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *store* of
one *Isidora Scherick*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Isidora*
Scherick in the said *store*
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.

De Lancey Nicoll,
District Attorney.

1021

BOX:

481

FOLDER:

4400

DESCRIPTION:

Murray, Robert F.

DATE:

05/25/92



4400

1022

Witnesses:

Witness lines with faint markings

810
Counsel,
Filed

20
day of May

1897

Pleaded guilty by
THE PEOPLE

(Section 251, Pennl Code and Chap. 479, Laws of 1887, §§ 4 and 7.)

POOL SELLING.

vs.
B

Robert J. Murray
(Defendant)

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Johnnie Cathin
Jan. 5 1899. Foreman.
Paul discharged

1023

Police Court, 3 District.

City and County of New York, ss.

of No. 141st Precinct Street, aged Frank Hagan years, occupation Police Officer being duly sworn, deposes and says, that on the 19 day of May 1891, at the City of New York, in the County of New York,

Richard F. Murray (witness) did unlawfully occupy a room on the 2^d floor of premises No. 109 East 12th Street, with books for the purpose of recording or registering bets or wagers and selling pools upon the result of trials or contests of skill and speed of beasts to wit horses. That deponent on said date went to said room and asked defendant to make a bet with him on the horse namedasher. Defendant replied that he would not make a bet, but would send his money down to the track and charge him ten cents Commission.

When upon deponent handed defendant a two dollar bill and ten cents and after signing a contract received from defendant the ticket books attached. When upon deponent prays that defendant be held to answer and be dealt with as the law directs.

Sworn to before me this 20th day of May 1891 } Francis Hagan Police Justice

1024

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

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

Question. What is your name.

Answer.

Richard J. Murray

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

New York City

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

Answer.

4428 East 72nd St. 4 months

Question. What is your business or profession?

Answer.

Agent

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

Answer.

*I am not guilty
and waive any explanation
Richard J. Murray*

Taken before me this

day of

John H. [Signature]

Police Justice.

1025

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 Ad. Jindank

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 May 20 1891 John J. Ryan Police Justice.

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

Dated May 20 1891 John J. Ryan Police Justice.

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

Dated 18 Police Justice.

1028

669

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank Hogan
Rice F. Higgins

*Offence Violation
Pool Law*

2
3
4

BAILED.

No. 1, by *Henry C. Hogan*
Residence *528 W 103* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *May 22* 189*9*

Ryan Magistrate.

Hogan Officer.

27 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *5.00* to answer *Y.S.*

Bailed



1027

SIX EIGHT ONE
A681 **COMMISSION OFFICE**
 109 E. 13th Street.
 NO GETTING DONE OR PERMITTED HERE.
 New York, *McCarthy* 1891
 RECEIVED, _____ dollars, to be sent on Commission
 to Race Track at BROOKLYN JOCKEY CLUB, and there placed on
 Horse _____ 1st _____
 _____ 1st or 2d _____
 at track quotations if such can there be obtained.
 It is understood and agreed, that the undersigned act in the premises as Common Carriers only,
 for the purpose of transferring the money above mentioned to the place designated.
CHARGE FOR COMMISSION, TEN CENTS
 Notice--Amount of Order returned, less commission, where a
 failure to execute is due to a accidental or other unavoidable
 delays in transmission.

HARRIS BANK NOTE CO.

1028

COMMISSION OFFICE.

As Commission Agents, I ask you to send for me to Race Track
at Brooklyn Jockey Club, 2 Dollars, to be there placed on the

Horse	1st	<u>Masher</u>
	1st or 2d	

at track quotations, if such can there be obtained.

I now pay ten cents, your charge for executing this commission.

W. J. Haffner

1029

In the case of the People vs. James S. Clery- Reported in 13 Mis-
callaneous Reports, p. 515, the Learned Court concludes as follows:
"that the 'Ives Pool Law' repealed the provisions of the Penal
Code relative to pool selling and book making and the adoption
of the new Constitution abrogated the 'Ives Pool Law', and at
the time of the commission of the offenses named in the indict-
ment (while the same were made unlawful by the terms of the
Constitution), no punishment was proscribed for such offenses,
and the subsequent amendment of the Penal Code cannot affect
the defendant for the reason that its provisions, in so far as
they relate to the crime charged in the indictment, are ex post
facto."

In view, therefore, of the foregoing, I recommend the discharge of
the defendant's bail.

John J. Jewell

Wm. J. [unclear]

Asst. Dist. Atty.

1030

In the People of the State of New York, County of New York, to-wit: Robert T. Murray, Defendant, vs. The People of the State of New York, Plaintiff, do hereby certify that the following is a true and correct copy of the indictment returned by the Grand Jury of the City and County of New York, on the 15th day of May, 1900, against the said Robert T. Murray, Defendant, in the above entitled case.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against
Robert T. Murray

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

Robert T. Murray

of the crime of keeping a room for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Robert T. Murray

late of the *Seventeenth* Ward of the City of New York, in the County of New York aforesaid, on the *sixteenth* day of *May* in the year of our Lord one thousand eight hundred and ninety *one*, at the Ward, City and County aforesaid, and not upon any grounds or race track, owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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

Robert T. Murray

of the crime of knowingly permitting a room to be used and occupied for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the occupant of certain room in a certain building there situate, with force and arms, unlawfully and feloniously did knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; 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.

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

Robert T. Murray

of the crime of keeping, exhibiting and employing devices and apparatus for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being the occupant of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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.

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

Robert T. Murray

of the crime of becoming the custodian and depository, for hire and reward, of money staked,

wagered and pledged upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said

Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the ~~owner~~ *tenant* of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein then and there become the custodian and depository, for hire and reward, of certain money, to wit: the sum of *7000* dollars in lawful money of the United States of America, which said money was then and there by one *Francis Heuguen* staked, wagered and pledged upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Laughing Leader* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situate at *the town of Sloatsburg* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the circumstances and manner of, upon, and in which the said money was so staked, wagered and pledged 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 provided, and against the peace of the People of the State of New York and their dignity.

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

Robert T. Murray

of the crime of recording and registering a bet and wager, committed as follows :

The said

Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose

of improving the breed of horses; where racing was then lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

Francis Stuyvesant

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Xinghing* *Twiler* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the Town of New Rochelle* in the County of *Westchester* in the State of *New York* and commonly called the *Brooklynspeakey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Robert J. Murray

of the CRIME OF POOL SELLING, committed as follows:

The said

Robert J. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one *Francis Stuyvesant* and to divers other persons, to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Xinghing Twiler* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year afore-

said, at a certain place and race track situated at *the town of Syracuse*
in the County of *King* in the State of *New York*
and commonly called the *(Brooklyn Jockey Club)* Race Track,
and which said trial and contest was had, holden and run on the day and in the year aforesaid at
the place and race track aforesaid (a more particular description of which said trial and contest,
and of the pool upon the same so as aforesaid then and there sold, 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.

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

Robert J. Maurer

of the crime of recording and registering bets and wagers, committed as follows :

The said *Robert J. Maurer*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned,
leased, or conducted by any association incorporated under the laws of this State, for the purpose
of improving the breed of horses, where racing was then lawfully had, with force and arms, did
unlawfully and feloniously record and register, and cause to be recorded and registered, divers
bets and wagers, then and there made by and between divers persons to the Grand Jury aforesaid
unknown, upon the result of divers certain trials and contests of speed and power of endurance of
and between divers horses (a more particular description whereof, and of each of them, is to the
Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year
aforesaid, at a certain place and race track situated at *the town of Syracuse*
in the County of *King* in the State of *New York*
and commonly called the *(Brooklyn Jockey Club)* Race Track, and which
said trials and contests were had, holden and run on the day and in the year aforesaid, at
the place and race track aforesaid (a more particular description of which said trials and contests
and of the said bets and wagers so as aforesaid then and there made upon the same, is to the
Grand Jury aforesaid unknown, and cannot now be given), 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.

Eighth Count, And the Grand Jury aforesaid, by this indictment, further accuse the said *Robert T. Murray*

of the crime of pool selling, committed as follows :

The said *Robert T. Murray*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to divers persons, to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Greenvale* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests and of the pools upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

1037

Sec. 192.

3 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Ryan a Police Justice
of the City of New York, charging Richard G. Murray Defendant with
the offence of via Pool Room

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned,

We Richard G. Murray Defendant of No. 428
East 72^d Street; by occupation a Agent
and George Weiss of No. 136 E 62^d St
Street, by occupation a Agent Surety, hereby jointly and severally undertake that
the above named Richard G. Murray Defendant
shall personally appear before the said Justice, at the 3 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of five
Hundred Dollars.

Taken and acknowledged before me, this 17
day of May 1897.
John Ryan POLICE JUSTICE.

Richard G. Murray
George Weiss

1038

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me, this
16th day of
March 1881
Justice

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and *free*
holder within the said County and State, and is worth *Twenty* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of *a house and lot of*

land located and known as No
109 East 9th Street worth not less
than nine thousand dollars
free and clear of
George Thomas

District Police Court.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 188

Justice.

1039

CIPHER EIGHT CIPHER
A080
COMMISSION OFFICE
 109 E. 13th Street.
 NO BETTING DONE OR PERMITTED HERE.
 New York, *May 16* 1891

RECEIVED, _____ dollars, to be sent on Commission
 to Race Track at **BROOKLYN JOGKEY CLUB**, and there placed on

Horse	1st	_____
	1st or 2d	_____

at track quotations if such can there be obtained.
 It is understood and agreed, that the undersigned act in the premises as Common Carriers only,
 for the purpose of transferring the money above mentioned to the place designated.
CHARGE FOR COMMISSION, TEN CENTS
 Notice--Amount of Order returned, less commission, where a
 failure to execute is due to accidental or other unavoidable
 delays in transmission.

HAMILTON BANK NOTE CO.

1040

Police Court, 3 District.

City and County } ss.
of New York, }

of No. 14th Precinct Street, aged _____ years,
occupation Police Officer being duly sworn, deposes and says,
that on the 16 day of May 1891, at the City of New
York, in the County of New York,

Frank Hagan

Richard J. Murray (nowhere)
did unlawfully occupy a room
on the 2^d floor of premises No
109 East 13th Street, with books
for the purpose of recording or
registering bets or wagers and
selling pools upon the result of
trials or contest of skill and speed
of beasts to wit horses. That
deponent on said date went to
said room and asked defendant
to make a bet with him on the
horse named "Laughing water"
defendant replied that he would not
make a bet, but would send his
money down to the track and
charge him ten cents Commission
whereupon deponent handed defend-
ant one dollar and ten cents and
after signing a contract received
from defendant the ticket here-
to attached. Wherefore deponent
swears that defendant betted
to answer and be dealt with
as the law directs.

Sworn to before me
this 17th day of May 1891 } Francis Hagan
John Hagan }
Police Justice

1041

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *Richard J. Murray*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *No 428 East 2nd St 4 months*

Question. What is your business or profession?

Answer. *Agent*

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

Answer. *I am not guilty and demand further examination and demand a trial by jury*
Richard J. Murray

Taken before me this

day of

John J. Ryan

Police Justice.

1042

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

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

Dated May 20 1891 John Ryan Police Justice.

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

Dated May 20 1891 John Ryan Police Justice.

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

Dated _____ 18 _____ Police Justice.

1043

BAILED.

No. 1, by Henry C. Howard
 Residence 228 W 113 Street.

No. 2, by _____
 Residence _____ Street.

No. 3, by _____
 Residence _____ Street.

No. 4, by _____
 Residence _____ Street.

Police Court ³⁹ District. ³ 1673

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Frank Kagan
 vs.
Reh' G. Murray

Office Evolution
Paul Law

2 _____
 3 _____
 4 _____

Dated May 17 1911
Ryan Magistrate.
Kagan Officer.
27 Precinct.

Witnesses _____
 No. _____ Street.
 No. _____ Street.
 No. _____ Street.



\$ 500 to answer G. S.
Baird
500 - Ex May 20 - 3 PM

1044

In the case of the People vs. James P. Clery - Reported in 13 Miscellaneous Reports, P. 540, the learned court concludes as follows:
"That the 'Ives Pool Law' repealed the provisions of the Penal Code relative to pool selling and book making and the adoption of the new Constitution abrogated the 'Ives Pool Law', and at the time of the commission of the offenses named in the indictment (while the same were made unlawful by the terms of the Constitution), no punishment was prescribed for such offenses, and the subsequent amendment of the Penal Code cannot effect the defendant for the reason that its provisions, in so far as they relate to the crime charged in the indictment, are ex post facto."

In view, therefore, of the foregoing, I recommend the discharge of the defendant's bail.

John S. 5099 *W. H. Townsend*

Ast. Dist. Atty.

In the case of the People of the State of New York, vs. Robert J. Murray, in 13 Miscellaneous Reports of the Court of Sessions of the City and County of New York, as follows: That the laws of this State prohibit the provision of the Penal Code relative to pool tables and book making and the said...

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Robert J. Murray

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

Robert J. Murray

of the crime of keeping a room for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Robert J. Murray

late of the *Seventeenth* Ward of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *July* in the year of our Lord one thousand eight hundred and ninety *one* at the Ward, City and County aforesaid, and not upon any grounds or race track, owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously keep a certain room in a certain building there situate, for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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

Robert J. Murray

of the crime of knowingly permitting a room to be used and occupied for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said:

Robert J. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the *occupant* of certain room in a certain building there situate, with force and arms, unlawfully and feloniously did knowingly permit the said room to be used and occupied for the purpose of therein recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed, and power of endurance of beasts, to wit, horses; 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.

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

Robert T. Munnery

of the crime of keeping, exhibiting and employing devices and apparatus for the purpose of recording and registering bets and wagers, and of selling pools, committed as follows:

The said

Robert T. Munnery

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being the *occupant* of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein keep, exhibit and employ, divers devices and apparatus (a more particular description whereof is to the Grand Jury aforesaid unknown) for the purpose of recording and registering bets and wagers, and of selling pools, upon the result of trials and contests of speed and power of endurance of beasts, to wit, horses; 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.

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

Robert T. Munnery

of the crime of becoming the custodian and depository, for hire and reward, of money staked,

wagered and pledged upon the result of trials and contests of speed and power of endurance of horses, committed as follows :

The said Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, being then and there the occupant of a certain room in a certain building there situate, with force and arms, did unlawfully and feloniously therein then and there become the custodian and depository, for hire and reward, of certain money, to wit : the sum of 2,000 dollars in lawful money of the United States of America, which said money was then and there by one Thomas Hagan staked, wagered and pledged upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called Quashee and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situate at The Town of Amherst in the County of Warren in the State of New York and commonly called the Blooming Grove Club Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the circumstances and manner of, upon, and in which the said money was so staked, wagered and pledged 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 provided, and against the peace of the People of the State of New York and their dignity.

Fifth Count, And the Grand Jury aforesaid, by this indictment, further accuse the said Robert T. Murray

of the crime of recording and registering a bet and wager, committed as follows :

The said Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit : on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased, or conducted by any association incorporated under the laws of this State, for the purpose

of improving the breed of horses, where racing was then lawfully had, with force and arms, did unlawfully and feloniously record and register, and cause to be recorded and registered, a certain bet and wager, then and there made by and between one

Francis Hagan

and divers other persons to the Grand Jury aforesaid unknown, upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Marshen* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Lawrence* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trial and contest was had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trial and contest, and of the said bet and wager so as aforesaid then and there made upon the same, is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Robert J. Murray

of the CRIME OF POOL SELLING, committed as follows:

The said

Robert J. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold, to one *Francis Hagan* and to divers other persons, to the Grand Jury aforesaid unknown, a certain pool upon the result of a certain trial and contest of speed and power of endurance of and between a certain horse called *Marshen* and divers other horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year afore-

said, at a certain place and race track situated at *the town of Greenburgh*
in the County of *Westchester* in the State of *New York*
and commonly called the *Brooklyn Jockey Club* Race Track,
and which said trial and contest was had, holden and run on the day and in the year aforesaid at
the place and race track aforesaid (a more particular description of which said trial and contest,
and of the pool upon the same so as aforesaid then and there sold, 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.

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

Robert J. Murray

of the crime of recording and registering bets and wagers, committed as follows :

The said

Robert J. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned,
leased, or conducted by any association incorporated under the laws of this State, for the purpose
of improving the breed of horses, where racing was then lawfully had, with force and arms, did
unlawfully and feloniously record and register, and cause to be recorded and registered, divers
bets and wagers, then and there made by and between divers persons to the Grand Jury aforesaid
unknown, upon the result of divers certain trials and contests of speed and power of endurance of
and between divers horses (a more particular description whereof, and of each of them, is to the
Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year
aforesaid, at a certain place and race track situated at *the town of Greenburgh*
in the County of *Westchester* in the State of *New York*
and commonly called the *Brooklyn Jockey Club* Race Track, and which
said trials and contests were had, holden and run on the day and in the year aforesaid, at
the place and race track aforesaid (a more particular description of which said trials and contests
and of the said bets and wagers so as aforesaid then and there made upon the same, is to the
Grand Jury aforesaid unknown, and cannot now be given), 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.

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

Robert T. Murray

of the crime of pool selling, committed as follows :

The said

Robert T. Murray

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, and not upon any grounds or race track owned, leased or conducted by any association incorporated under the laws of this State, for the purpose of improving the breed of horses, where racing was then lawfully had, with force and arms, did feloniously engage in pool selling, and did then and there feloniously sell, and cause to be sold to divers persons, to the Grand Jury aforesaid unknown, divers pools upon the result of divers trials and contests of speed and power of endurance of and between divers horses (a more particular description whereof, and of each of them, is to the Grand Jury aforesaid unknown) thereafter to be had, holden and run on the day and in the year aforesaid, at a certain place and race track situated at *the town of Braintree* in the County of *Kings* in the State of *New York* and commonly called the *Brooklyn Jockey Club* Race Track, and which said trials and contests were had, holden and run on the day and in the year aforesaid, at the place and race track aforesaid (a more particular description of which said trials and contests and of the pools upon the same so as aforesaid then and there sold, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

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**END OF
BOX**