

0074

**BOX:**

481

**FOLDER:**

4400

**DESCRIPTION:**

Morgan, John

**DATE:**

05/24/92



4400

Witnesses:

Counsel, *769 769*

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

Pleads, *Guilty*

THE PEOPLE

vs.

*B*

*John Morgan*  
(*Defendant*)

*De Lancey Nicoll*

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

POOL SELLING.  
(Section 831, Penal Code, and Chap. 479, Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Julius Catlin*  
Foreman.

0075

# 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 *Fett* 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.*



Fitnesses:

*John Morgan*

783-783  
*John Morgan*

Counsel,

Filed, *24th day of May* 189*3*

Plends,

*Monday, 27*

THE PEOPLE

vs.

*B*

*John Morgan*  
*(2 Others)*

*June 1st*

For the People of the District of Columbia  
Petitioners for trial by Jury  
of the above Defendant

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

DE LANCEY NICOLI,  
District Attorney.

A TRUE BILL.

*Julius Cather*  
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 pur-  
pose 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.

0000

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. Bruffin — 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 Leavenworth* 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.

0001

**BOX:**

481

**FOLDER:**

4400

**DESCRIPTION:**

Moroney, John C.

**DATE:**

05/16/92



4400

00002

Witnesses:

Geo. Bartley  
Off. Schaefer

328  
Counsel,  
Filed  
Pleads, May 17 1892

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

THE PEOPLE

vs.

John C. Moroney

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Lulus Catlin

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

S. P. 8 up d.

May 21/92

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

2

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

4

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

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---

0000

6

"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-

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 monutes 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.

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,

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.

Affidavit—Larceny.

Police Court—District.

City and County of New York, ss.

I, John Carter, of No. 121 East 12th Street, aged 37 years,

being duly sworn, occupation.

deposes and says, that on the 18th day of May 1889 at the City of New

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

and known of deponent, in the following property, viz:

One pair of water pipes of value  
of five dollars

Sworn to before me, this

day

189

Notary Public

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 Carter, of the City of New York, and that I think

the person of John Carter is a person of bad character and

is a person of bad character and is a person of bad character

and that I think the person of John Carter is a person of bad character

and that I think the person of John Carter is a person of bad character

and that I think the person of John Carter is a person of bad character

and that I think the person of John Carter is a person of bad character

and that I think the person of John Carter is a person of bad character



00894

(1835)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*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 Madison 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 189

*J. J. Sullivan*  
Police Justice.

00895

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 Dejuna

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 Aug 29 188 J. H. 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 h to be discharged.

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

Police Court---

3 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John C. Morone*  
121 8th St.  
2.  
3.  
4.

Office

567

BAILED,

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

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

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

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

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

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

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

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

Dated \_\_\_\_\_ 189

*E. J. Harvey* Magistrate.

Officer.

Precinct.

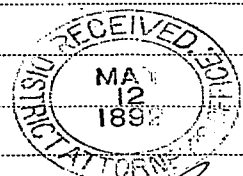
Witnesses \_\_\_\_\_

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

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

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

\$ 1000 to answer



*[Handwritten signature]*

# 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

of the CRIME OF GRAND LARCENY in the

The said

*John C. Moroney*  
late of the City of New York, in the County of New York aforesaid, on the *eight*  
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

Witnesses:

Counsel,

Filed, 5 day of May 1892

Pleads, *Mary-Jane*

THE PEOPLE

vs.

*B*

*Peter M. Morse*

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

DE LANCEY NICOLL,

*District Attorney.*

A TRUE BILL.

*Dec 21*

*J. Catlin*

*Foreman.*

*Dec 21 93*

# 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 *25<sup>th</sup>* 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



Witnesses:

Rosie Eisenberg  
Sam Verteg

Counsel,

Filed

1892

Pleads

THE PEOPLE

*vs. Foster*

*30* *Sailor*  
Samuel Mortimer

Degree.  
Penal Code.]

Grand Larceny.  
[Sections 528, 584,

DE LANCEY NICOLL,

District Attorney.

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

*J. C. Carter*  
Tortfeasor.

*Part 3. May 13/92*

*Indict & Convicted*

*with recom. to mercy*  
*5/17/92 Mrs. D. P.*  
*May 20/92 FR*

0902

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 27<sup>th</sup> day of April 1892 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<sup>th</sup> day of April 1892

Charles W. Mortimer, 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

Token before me this *28*

day of *April* 188*8*  
*Michael J. Davis*

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 1887 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.

0901

*Handwritten scribbles and signatures at top left.*

*Small St. New York, from Poughkeepsie*

**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*  
*Montgomery*  
*Samuel Mortimer*

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

Dated April 28 1892  
*Saintor* Magistrate.  
*Raigler* Officer.  
Precinct. 11

Witnesses *Michael Levy*  
No. 158 *Livington* Street.  
*Samuel Hertzog*  
No. 125 *Clumber* Street.  
*Alfred Higel*  
No. \_\_\_\_\_ Street.  
\$ 10.00 to answer

*Handwritten signature*

RECEIVED  
MAY 2 1892  
DISTRICT ATTORNEY

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York,  
                against  
Samuel Mortimer.

:  
:  
: Before  
: Hon. Fred'k Smyth  
:         and a Jury.  
:

Indictment filed May 3, 1892.

Indicted for grand larceny in the first degree.

New York, May 15, 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 EISENBERG, 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 defendant 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:

*Brown*  
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. Clardy  
Offr Tracy 13 & 11 years old

Counsel,

Filed

day of May

1892

Pleads,

Not guilty

18

THE PEOPLE

Robbery,  
(Sections 224 and 225, Penal Code.)  
Degree.

vs.

P

George Moser

11 years old  
2382 Prisoner

P

Charles Schop

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lulio Catin

Sept 2 - May 23, 1892 Foreman.

tried and convicted

of Petit Larceny

No 1 Sen suspended.

No 2 Pen 6 mo.

May 23/92

09 16



**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 streets, had been sitting there about five

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 his

**G E O R G E D 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.



ANN A MOSER 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.

ELIAS GOODMAN 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.

GEORGE MOSER, 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 128th 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.



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.

0925

9

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.

G E O R G E M O S E R, 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.

=====

0926

Police Court--5 District.

CITY AND COUNTY } ss  
OF NEW YORK,

Harry M. Arde  
 of No. 264 West 130<sup>th</sup> Street, Aged 11 Years  
 Occupation School boy being duly sworn, deposes and says, that on the  
 14<sup>th</sup> day of May 1897, at the 12<sup>th</sup> Ward of the City of New York,  
 in the County of New York, was feloniously taken, stolen, and carried away, from the <sup>care</sup> ~~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 indentments 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 Maza, both  
 poor men, while acting in concert from the  
 fact that on said date about the hour of  
 9<sup>th</sup> O'Clock P.M. deponent was sitting on  
 the back of a car in West 137<sup>th</sup> Street between  
 8<sup>th</sup> and 7<sup>th</sup> 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, threw deponent down, and put  
 his hands over deponent's mouth. That  
 while deponent was being held down the

Sworn to before me this

day of May 1897

Notary Public

0927

Defendant, Rosen, went up to the horse  
paddock cut the said martingale, on which the  
said rings were, and immediately both  
defendants ran 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  
prosecution moved and against defendant's  
will and prays that they be dealt with  
according to law.  
Sworn to before me this 15<sup>th</sup> day of May 1892. Harry M. Arden

William A. ...  
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  
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 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence within mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court, District,

THE PEOPLE, etc.,  
on the complaint of

Offence—ROBBERY.

vs.

1  
2  
3  
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0928

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

5 District Police Court.

*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.

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*  
*Charles Schop*

Taken before me this

day of May 1893

*Wm. H. Miller*  
Notary Public

0929

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK, }

*George Moser* 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 sees fit, to answer the charge and explain the facts alleged against h;  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer.

*George 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*4**W. C. M. J. J.*  
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 Levi 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 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 he to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.



093

Police Court---5<sup>th</sup> District. 1334 587

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Harry McCardle  
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 Eighth Ave. Street.

No. .... Street.

No. .... Street.

\$ 1000 each to answer G. S.



Cur

0932

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 Moser and  
Charles DeLox

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

George Moser and Charles DeLox

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

The said *George Moser and Charles DeLox, both*

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*, 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 mattress of the value of three dollars, and six money bags of the value of fifty cents each,*

*in the presence* 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 Moser and Charles DeLox and each of them being then and there 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.

*Delaney, Michael,  
District Attorney.*

0933

**BOX:**

481

**FOLDER:**

4400

**DESCRIPTION:**

Muldoon, Martin

**DATE:**

05/26/92



4400

0934

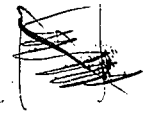
855  
B.O. 855-

Counsel,  
Filed 26 day of May 189  
Pleads, *M. Muldoon*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, etc.)  
[III. Rev. Stat. (7th Edition), page 189, Sec. 21, and page 189, Sec. 2.]

THE PEOPLE  
vs.  
B

*Martin Muldoon*



DE LANCEY NICOLL,  
District Attorney.

Subscribed and sworn to before me this 22 day of August 1899

*John C. Carter*  
Notary Public

at New York, N.Y., this 19th day of August, 1899.

Dec Term 1899 B.S.C.

Witnesses:

0935

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*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 in 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 I demand  
a trial by Jury*  
*Martin Muldoon*

Taken before me this

day of

1890

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 Jones 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

Office Violation  
excess law

BAILED,

No. 1, by Quednick Haver

Residence 2308. S. Corn Street.

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

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

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

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

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

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

Dated, Sept 24 189 0

Proctor Magistrate.

Finney Officer.

27 Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ 100 to answer B.S.

Bailed



0938

Excise Violation-Selling on Sunday.

POLICE COURT-

5<sup>th</sup> DISTRICT,City and County } ss.  
of New York,

of No. 27<sup>th</sup> Precinct Police Richard A. Finn  
 of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 23<sup>rd</sup> day  
 of August 1890 in the City of New York, in the County of New York,  
 at premises No. 1968 Third Avenue 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 } Richard A. Finn  
 of August 1890 }  
Charles E. Sower 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 A. 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

*Martin Muldoon*

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:

Ed Williams

Off Carroll

Counsel,

Filed

1892

Pleads, May 17

THE PEOPLE

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

Andrew J. Muller

DE LANCEY NICOLL,

District Attorney.

May 14 1892  
at May 15, 1892  
May 16, 1892. U.S.D.  
A TRUE BILL.

Julius Carter

Foreman.

Part 3. May 26/92

Pleads Guilty 2 days

4/17/92 J. Carter

General Sessions.

The People

vs

appt  
Andrew J. Mullen

City and County of New York N.Y.

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 attached  
also in Court this day, for the purpose  
of giving such testimony as might  
tend to benefit him in his present  
difficulty.

Subscribed and sworn to this  
26<sup>th</sup> day of May 1892  
at Peapack New Jersey  
William H. Horton

Wm H. Horton

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  
26 day of May 1892  
Heel Waldheim  
Notary Public N.Y.C.

George S. Van Arsdale

General Sessions.

The People  
 &c

- 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 ~~as~~ 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  
26<sup>th</sup> day of May 1892

Phil van der Meer  
Notary Public  
N.Y.C. (1911)

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 Peapack 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 be 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  
 to make long term 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

App'dants

John H. Hurliger  
Circuitry Dept  
23 Chambers St  
NY

0948

09449

645-3<sup>rd</sup> Ave  
New York  
Feb. 13<sup>th</sup>/94

Frank;

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 2<sup>nd</sup> 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 imposed upon.

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

turn and raised man Proctor  
 McJ. 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



his pocket - and had shot William  
 dead in the spot - there is not  
 a jury in the land but would  
 have charged him.  
 William was in hospital but  
 shot a week, came back to  
 the same House was Messrs  
 Bristons 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 easily  
 but look into its merits and  
 report to the Governor accordingly.  
 The Officer (Carroll) of course  
 knew but little except of his own  
 was necessitated to make  
 the arrest - but he was a long  
 while on this point - and knew  
 the Prison well and I may  
 say knows me well.

If you are desirous I will  
 gladly undertake to have the  
 Eye 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. Cro

0953

P.S. I have this minute-aid  
letter from Prison which I enclose  
Respectfully  
John H. H. H.

TORN PAGE

0954

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

PUT FULL ADDRESS OF YOUR LETTER HERE: GIVE TOWN, COUNTY AND STATE.  
Mr. John Newton, 645 3rd Avenue  
New York City

Danemora, N. Y. February 10<sup>th</sup> 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 may not have thought of the man that wrote my letter to the Governor 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  
other statement but  
that was very much  
excited at the time and  
that is our account  
for it that Jerry Friend  
was W C 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

645.3<sup>2</sup> Ave  
New York  
May 20<sup>th</sup> 1892

Dear Sir;  
For the Andrew J.  
Mullin Case I kindly  
beg you - humbly to give  
the 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

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 22<sup>nd</sup>.  
 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 if any punishment.

Respectfully

John Brewster  
his late employer



0959

**District Attorney's Office,**

CITY AND COUNTY OF NEW YORK.

FEB 4 1894 189

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

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

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 - b - 3 - u  
" - Mullin A. - 2 - 2 -  
6 - 7 - 7 - 7 - 7 - 7 -  
1 - 8 - 8 - 8 - 8 - 8 -  
= = = = =  
= = = = =  
= = = = =  
= = = = =  
= = = = =  
= = = = =

0961

May 10. 92

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

0962

Police Court—4 District.City and County } ss.:  
of New York,

William Carroll  
of No. 217 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, Fredrick J. Williams

was violently and feloniously ASSAULTED ~~and injured~~ by Andrew J. Muller  
(own line) 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 10<sup>th</sup> day

of June

1892

William Carroll

Police Justice.

0963

(1885)

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK.

X District Police Court.

*Andrew J. Muller*

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.

*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* 189*7*

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*

*Assault*  
*Belmont*  
Offence

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 10* 1892

*Hofan* Magistrate.

*Carroll* Officer.

*21* Precinct.

Witnesses *Frederick J. Williams*

No. *656* *3rd Ave* *Belmont* Street.

*Isaac Gins*

No. *656* *3rd Ave* Street.

*William Owen* - *643* - *3rd Ave*

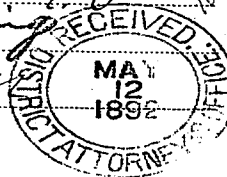
*Mallo Poulos* - *341 E. 46*

No. *Charles Mullen* - *205 E. 43* Street.

*\$1000* to answer *Q. S. R.*

*Dr. George B. Leachman*

*Bellevue, M.*





# 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 ninth  
 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

Witnesses:

Court ofayer and Termini.

Counsel,

Filed, 25 day of May 1892

Pleads,

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.  
Selling on Sunday, Etc.  
[III. Rev. Stat. (7th Edition), page 1988, § 21, and  
page 1989, § 5.]

3

Adam Miller

DE LANCEY NICOLL

District Attorney.

Ordered to the COURT of  
the COUNTY of NEW YORK  
for trial (limited in the Alternative)  
June 28 1892  
A TRUE BILL.

Part 3, Nov 2, 1892 Foreman.  
Indictments dismissed

The Amused  
Celebration  
Shows that the  
Byproduct is from  
the Industrial  
Process which is  
damaged.  
Wm. J. Jones

0969

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss.

District Police Court.

*Adam Muller* 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.

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 and demand a trial by jury*  
*Adam Muller.*

Taken before me this

day of *July* 189*0*

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 he to be discharged.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_ Police Justice.

0971

1147

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George G. S. J. J.  
vs.  
Edmund Muller

Offense... *Heard*

BAILED

No. 1, by *Charles Schilumacher*  
Residence *3064 Morris street.*

No. 2, by *W. L. L. L.*  
Residence \_\_\_\_\_ Street.

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

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

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

Dated, *July 21* 189 *0*  
*Power* Magistrate.

*Gass* Officer.  
*29* Precinct.

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

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

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

\$ *100* to answer *G. S.*

*Barclay*

0972

To Whom Concerned:-

This is  
to certify that I am now  
attending Mr Adam Weill-  
er of No 13 Co. 134<sup>th</sup> St, &  
his condition is such  
that he is unable to  
attend any court of  
Proceeding. Mr Weiller's  
condition is such that  
he will only live a  
short time, & the Judge  
before whom he shall  
appear will be the  
Greatest Judge of the  
world.

Respt.

D. Pelmar Omega M.D.

New York  
May 26/42.

2162-5<sup>th</sup> Ave.



0973

Excise Violation-Selling on Sunday.

POLICE COURT- ✓ DISTRICT,

City and County } ss.  
of New York,of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 20<sup>th</sup> day  
of July 1890 in the City of New York, in the County of New York,  
at premises No. 13 East 134<sup>th</sup> Street,  
William 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 V. Kasey  
of July 1890 }  
August 6<sup>th</sup> 1890 Police Justice.

0974

19 FORM H.

NEW YORK, Nov. 29, 1893A 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

No. of Certificate,

Adam Müller19097

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,

Asthenia

Contributing Cause,

Phthisis Pulmonalis

Duration of Disease.

1 year

Sanitary Observations.

Witness my hand this

27

day of

May,1892

Place of Burial,

Woodlawn

(SIGNATURE),

D. Palmer Inaggs, 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 Death | Full Name   | Age in years, mos. and days | Color | Single, Married or Widowed | Occupation  | Birthplace | How long in U. S. if foreign born | How long resident in New York City | Father's Name | Father's Birthplace | Mother's Name    | Mother's Birthplace | Place of Death | Last place of Residence | Class of Dwelling (A tenement house is one occupied by more than two families) | Direct cause of Death | Indirect cause of Death | Date of Record |
|---------------|-------------|-----------------------------|-------|----------------------------|-------------|------------|-----------------------------------|------------------------------------|---------------|---------------------|------------------|---------------------|----------------|-------------------------|--------------------------------------------------------------------------------|-----------------------|-------------------------|----------------|
| May 27, 1892  | Adam Müller | 44 yrs, 3 mos, 13 days      | White | Married                    | Telegrapher | Germany    | 11 years                          | " "                                | Adam Müller   | Germany             | Charlotte Müller | Germany             | 13 E. 134th St | " "                     | " "                                                                            | Apoplexy              | Phthisis                | May 28, 1892   |

A True Copy.

C. E. Deane

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.

# Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Adam Müller*

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

*Adam Müller*

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

The said *Adam Müller*,

late of the City of New York, in the County of New York aforesaid, on the *fourteenth* 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. 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 Müller*

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 Müller*,

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

Witnesses:

C. # 125 *Hamley*  
175

Counsel,

Filed 6 day of May 1892

Pleads, *Antiquity*

THE PEOPLE

*34* *not* *due*  
*did not* *us.*  
*6* *com*

*John Muller*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Lucius Carter*

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

*Pen one up*

0978

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.

0984

Police Court— District.

City and County } ss.:  
of New York,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 or The top floor of the

5th story brick building and which was occupied by deponent as a Cabinet Shop

and in which there was at the time <sup>no</sup> human being, by namewere BURGLARIOUSLY <sup>attempted to be</sup> entered by means of forcibly Opening thedoor in the hallway leading up to the  
said shop by means of keyson the 3d day of May 1882 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

10 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 <sup>attempted to be</sup> 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  
and 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 robberySubscribed and sworn to before me  
on 3d day of May 1892  
W.D. McMahon Police Justice Thos G. Wallace

0985

(1335)

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK,

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 15th day of May 1894

day of May 1894

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 Fifty 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 W. M. Mahon 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 he to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.



098

547

Police Court--- District.

1384

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas G. Wallace  
337 N. 17 St.  
John Miller

Offense: *Temp. Plea*  
*Burglary*

2  
3  
4

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

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

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

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

\$ *1500* to answer *G-S*

*attest*  
*Burg*

BAILED,

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

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

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

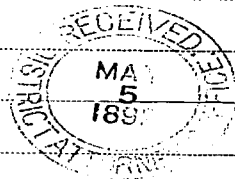
Residence \_\_\_\_\_ Street.

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

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

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

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



**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  
nd. ad 887

Witnesses:

Counsel,

Filed, 26 day of May 1892  
Pleads, *Argued 27*

THE PEOPLE

vs.

B

*Louis Muller*

*T. Muller of the City of New York  
Admitted to the Bar and for the defense*

*Paris 21 Nov 1892*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Lehrer 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 19<sup>th</sup> 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

Witnesses:

Court ofayer and Terminer.

Counsel,

Filed, 25 day of May 1892

Pleads, Not Guilty 27.

THE PEOPLE

Transferred to the Court of the  
Violations for trial and final disposition  
Part 1. May 28 1892 B  
VIOLATION OF EXCISE LAW  
Selling on Sunday, Etc.  
Ill. Rev. Stat. (7th Edition), page 1988, § 5, and

John Mundschan

RE LANCEY NICOLL

District Attorney.

A TRUE BILL.

*[Signature]*

Foreman.

09993



# 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-*—*, 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.

*De 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

Witnesses:

Wm Barry  
J. P. [unclear]  
[unclear]

The Defendant  
Murphy has been  
placed on trial.  
The Court having  
noticed a motion  
of not guilty. Shall  
give no further delay  
to the defense. The  
defendant James Bobagh  
and Edmund [unclear]  
the prosecutor is  
the prosecutor in  
this case.  
May 16th 1892

609-609.

Counsel,  
Filed 20 May 1892  
Pleads, Murphy vs.

THE PEOPLE

vs. P

John Murphy  
and  
James Bobagh

Grand Larceny, Second Degree.  
[Sections 828, 837 Penal Code.]

DE LANCEY NICOLL,  
District Attorney.

May 26/92  
Specs & Requested.

A TRUE BILL.

Louis Cattin  
Foreman.  
May 26/92  
Specimens annexed  
as to 2.

10000

Police Court

District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

William Barry

of No. 219 West 66<sup>th</sup> 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 Dollars140<sup>00</sup>

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

Question. What is your name?

Answer.

John 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 yrs

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]

1002

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

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

Dated May 17 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.

100

595

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William Barry

vs.  
John Murphy

1  
2  
3  
4

Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated May 17 1892

John W. O'Fallon Magistrate.

John W. O'Fallon Officer.

24 Precinct.

Witnesses

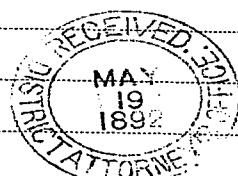
No. Street.

No. Street.

No. Street.

\$ 5.00 to answer

(Coke)



1004

Police Court

District.

Affidavit—Larceny.

City and County  
of New York, ss:

William Barry

of No. 219 W 66<sup>th</sup> Street, aged 30 years,  
occupation Fireman being duly sworn,deposes and says, that on the 14<sup>th</sup> 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 Malheur

and another person not yet arrested  
from the fact that on said date  
deponent was moving from the premises  
number 140 W 66<sup>th</sup> 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 5<sup>th</sup> 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 act

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 (defendant's  
 wife.) Defendant thereupon charged the  
 defendant with having stolen said  
 property and may thus be held  
 to answer

Seen & before me this  
 16<sup>th</sup> 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 under-  
signed according to law, on the annexed charge, and being informed that it is his right to  
make a statement in relation to the charge against him; that the statement is designed to  
enable him if he see fit to answer the charge and explain the facts alleged against him  
that he is at liberty to waive making a statement, and that his waiver cannot be used  
against him on the trial.

Question. What is your name?

Answer. *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.....

*Dr. J. J. J. J. J.*  
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 16* 18 *92* *J. J. J. J. J.* 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 66<sup>th</sup> St  
James Borbagh

Offence

BAILED,

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

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

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

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

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

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

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

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

Dated May 16<sup>th</sup> 1892

Ho fan Magistrate.

John W Walters Officer.

24<sup>th</sup> Precinct.

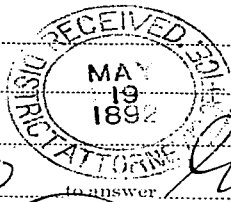
Witnesses Helen Barry

No. 219 W 66<sup>th</sup> Street.

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

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

\$ 500 to answer



Row

942

**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

Counsel,

Filed

Pleads

day of

1892

THE PEOPLE

vs.

Michael Murray

and

Thomas Johnson

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lucretia Cather

Foreman.

May 3<sup>rd</sup> 1892

Charles W. King

2775 75 m o o l s d o  
O. P. O. P.

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 in) who were acting as guests.  
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

1014

bit fits a trace, which trace he Fleming found in the said basement. The said Fleming further informs deponent 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. Deponent says that the place where the holes were bored leads to where deponent keeps his clothing store.

Sworn to & before me, David Scherick  
this 28<sup>th</sup> day of April 1892

P. J. J. Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Degree

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$

Bailed by

No.

Street



10 15

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 37 years, occupation Officer of No. 12

12 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 June 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. *Waiter*

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

Answer. *I am not guilty*

*Thomas Johnson*

Taken before me this  
day of *April* 189*5*  
*28*  
Office—Justice.

10 17

(1895)

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.

*324 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 *25* day of *April* 189*7*  
*[Signature]*  
Police 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

Defendants  
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 2 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. <sup>595</sup>  
1892

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*Edward Scherries*  
vs.  
*Michael Wymay*  
*Thomas Johnson*

*Barry*

BAILED,

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

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

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

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

Dated, *Apr 25* 1892

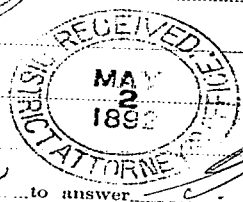
*John* Magistrate.  
*Henry* Officer.  
Precinct.

Witness *Officers Kelly & Murphy*

No. *officer* Street.

No. Street.

No. Street.  
\$ *1000* to answer *J. A.*



*Barry 3*

1020

483

**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 *Iedora 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 *Iedora*  
*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:

Counsel,

Filed

day of

1891

Pleads

THE PEOPLE

vs.

B

Robert J. Murray  
(Defendant)

POOL SELLING.

(Section 251, Penal Code and Chap. 479, Laws of 1891, §§ 4 and 7.)

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Julius C. Cahn  
Jan. 5/99. Foreman.  
Paul Discharged

1023

Police Court, 3 District.City and County } ss.  
of New York,

of No. 144th 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 G. Munoz (nowhere), did  
 unlawfully occupy a room on its  
 2<sup>d</sup> floor of premises No 109 East 12<sup>th</sup>  
 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 defendant on said date went  
 to said room and asked defendant  
 to make a bet with him on the  
 horse namedasher. Defendant  
 replied that he wouldnt make  
 a bet, but would send his  
 money down to the track and  
 charge him ten cents Commission

Whereupon defendant handed  
 defendant a two dollar bill  
 and ten cents and after signing  
 a Contract received from  
 defendant the ticket booklets  
 attached. Whereupon defendant  
 prays that defendant be held  
 to answer and be dealt with  
 as the law directs

Saved to before me  
 this 20<sup>th</sup> day of May 1891 } Francis Hagan  
 John Ryan  
 Police Justice

1024

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss  
OF NEW YORK,

*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.

*428 East 2nd Avenue*

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 explanation  
Richard J. Murray*

Taken before me this

day of

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 Hagan*  
*Rice F. Hagan*

*Offence Violation Pool Law*

2  
3  
4

BAILED.

No. 1, by *Henry C. Hagan*  
Residence *528 W 143* Street.

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

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

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

Dated *May 22* 189*9*  
*Ryan* Magistrate.

*Hagan* Officer.  
*27 144* Precinct.

Witnesses \_\_\_\_\_

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

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

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

\$ *5.00* to answer *Yes*

*Bailed*



1027

|                                                                                                |           |                                                            |  |
|------------------------------------------------------------------------------------------------|-----------|------------------------------------------------------------|--|
| SIX EIGHT ONE                                                                                  |           | <b>COMMISSION OFFICE</b>                                   |  |
| <b>A681</b>                                                                                    |           | 109 E. 13th Street.                                        |  |
|                                                                                                |           | NO GETTING DONE OR PERMITTED HERE.                         |  |
| RECEIVED                                                                                       |           | New York, <i>May 14</i> 1891                               |  |
|                                                                                                |           | 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.             |           |                                                            |  |
| <b>CHARGE FOR COMMISSION, TEN CENTS</b>                                                        |           |                                                            |  |
| Notice--Amount of Order returned, less commission, where a                                     |           |                                                            |  |
| failure to execute is due to a accidental or other unavoidable                                 |           |                                                            |  |
| delays in transmission.                                                                        |           |                                                            |  |

HAMILTON 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       |
| 1st or 2d |

Manhattan

at track quotations, if such can there be obtained.

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

Wm. J. Hayden



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. Twigg*

*Robert J. Morrison*

Asst. Dist. Atty.

1030

In the case of the People vs. James J. Clary, Defendant, at 13 Min-  
nott Street, New York, N. Y., the Grand Jury returned the following:

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 *Seventh* 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 incor-  
porated 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 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 *Five* dollars in lawful money of the United States of America, which said money was then and there by one *Francis H. Horgan* 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 Jack* 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 Larchmont* in the County of *Westchester* in the State of *New York* and commonly called the *Brooklyneering 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 Horgan*

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 *Laughing* *Twister* 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 *Richmond* 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 Horgan* 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 *Laughing Twister* 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 *Syracuse* 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 T. Haurin*

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

The said

*Robert T. Haurin*

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 *Syracuse* 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 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 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.



1036

Witnesses:

Subscribed and sworn to before me on May 1892

Counsel,

Filed

20 day of May 1892

Pleds,

Property

THE PEOPLE

vs.

B

Robert J. Murray

POOL SELLING.  
(Section 351, Penal Code and Chap. 479  
Laws of 1887, §§ 4 and 7.)

DE LANCEY NICOLL,

District Attorney.

A True Bill.

Lulus Cattri  
Foreman.

Jan. 5/99.

Robert J. Murray

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<sup>d</sup> Street; by occupation a Agent  
and George Weiss of No. 136 E 11<sup>th</sup> 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

1891

John Ryan POLICE JUSTICE.

Richard G. Murray  
George Weiss

1038

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this

1881

Justice

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five 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  
George Thomas

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear  
during the Examination.

188

Taken the day of

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 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 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. 14<sup>th</sup> 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,

Richard J. Murray (nowhere),  
 did unlawfully occupy a room  
 on the 2<sup>d</sup> floor of premises No  
 109 East 13<sup>th</sup> 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 wouldn't  
 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  
 prays that defendant be held  
 to answer and be dealt with  
 as the law directs.

Sworn to before me

this 17<sup>th</sup> day of May 1891  
 John Hagan  
 Police Justice

Francis Hagan

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~~ <sup>her</sup>; that the statement is designed to enable ~~him~~ <sup>her</sup> if he see fit to answer the charge and explain the facts alleged against ~~him~~ <sup>her</sup>; that he is at liberty to waive making a statement, and that ~~his~~ <sup>her</sup> waiver cannot be used against ~~him~~ <sup>her</sup> 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.

*Ap 428 East 2 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 I am further incriminated  
and demand a trial by jury  
Richard J. Murray*

Taken before me this

day of

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

Dated May 20 1891 John Ryan Police Justice.



1043

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Frank Kagan  
vs.  
Rene G. Murray

2

3

4

Office  
Paul Law

Dated

Magistrate.

Officer.

Precinct.

Witnesses

No.

No.

No.

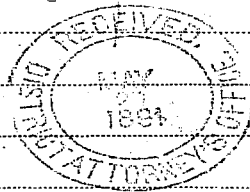
\$

to answer

Bailed

500-Ex

May 20-2 PM



1044

In the case of the People vs. James P. Clary, Reported in 13 Miscellaneous Reports, P. 555, 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.

*Wm. J. Townsend*  
 Asst. Dist. Atty.

1045

In the case of the People vs. Robert J. Murray, charged in 12 Miscellaneous Reports, 2d Ed., the indictment contained as follows:  
 "That the above said late repealed the provisions of the Penal Code relative to pool selling 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 *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 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 *2000* 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 *Quessant* 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 Gouverneur* in the County of *Rensselaer* in the State of *New York* and commonly called the *Bloody Point 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 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.

**Sixth 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 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 Greenvale*  
 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 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 T. Murray -*

of the crime of recording and registering bets and wagers, 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, 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 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 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.**

1051

**END OF  
BOX**