

0079

BOX:

484

FOLDER:

4418

DESCRIPTION:

Dahlfues, William

DATE:

06/14/92



4418

POOR QUALITY
ORIGINAL

0080

Witnesses:

George J. Gutter

Perjury

Chas. H. H. H.

Wm. H. H. H.

Wm. H. H. H.

Wm. H. H. H.

Wm. H. H. H.

Counsel.

Filed,

Pleads,

THE PEOPLE

vs.

William Dalques

LARCENY, 3rd degree
(MISAPPROPRIATION)
(Sections 528 and 53 of the Penal Code.)

DE LANCEY NICOLL,

District Attorney

to King
James H. H. H.
Sentence not rendered
A TRUE BILL.
James H. H. H. 19
Foreman.

0081

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 37 West 3rd George J. Butler Jr
 occupation Expressman Street, aged 29 years,
 deposes and says, that on the 7 day of June 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 Night time, the following property, viz:

Two packages valued at
Twenty seven $\frac{63}{100}$ Dollars

the property of in the Care and Custody of
Metropolitan Express Company of which
 deponent is one of the proprietors

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

for the reasons following to wit
 on said date the defendant who was in
 the employ of said express company got
 said packages to deliver and to collect on
 delivery said sum of money -

defendant did not return - deponent
 did not again see defendant until June
9-1892 - when he caused his arrest on June
10-1892 the defendant admitted and confessed
 that he collected said sum of money
 and appropriated it to his own use and
 benefit

G. J. Butler Jr

Sworn to before me, this

10

day

of June 1892
Wm. J. Sullivan Police Justice.

0082

(1885)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2 District Police Court.

William Dahlfues

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.

William Dahlfues

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

*37 King St -**9 months*

Question. What is your business or profession?

Answer.

Driver

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

Answer.

*I am guilty**Wm Dahlfues.*Taken before me this *10*day of *June*189*9**Police Justice*

0083

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, *June 10* 189*2* *Thos. J. Brady* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0084

706

Police Court,

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George T. Butler Jr.
37 St. 3 St.
William Dahlfues

1
2
3
4

Offense, *Larceny*

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *June 10* 189*2*

Grady Magistrate.
Corey Dourigan Officer.
15 Precinct.

Witnesses

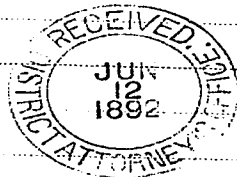
No. Street.

No. Street.

No. Street.

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

Co *572*



0085

538

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

THE PEOPLE OF THE STATE OF NEW YORK

against

William Dahlfues

The Grand Jury of the City and County of New York, by this indictment, accuse
William Dahlfues
of the CRIME OF *Grand* LARCENY, in the second degree, committed
as follows:

The said *William Dahlfues*,

late of the City of New York, in the County of New York aforesaid, on the *7th*
day of *June* in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, being then and there the clerk
and servant of *George T. Butler, the younger*
and *Robert G. McGrath, co-partners*

and as such clerk and servant then and there having in his
possession, custody and control certain goods, chattels and personal property of the said
George T. Butler the younger and Robert G. McGrath
the true owner thereof, to wit:

the sum of twenty seven
dollars and sixty three cents in money,
lawful money of the United States
of America, and of the value of
twenty seven dollars and sixty three cents

the said *William Dahlfues* afterwards, to wit:
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,
did feloniously appropriate the said *sum of money*

to his own use, with intent to deprive and defraud the said *George T. Butler, the younger and Robert G. McGrath*
of the same, and of the use and benefit thereof; and the same goods, chattels and personal
property of the said *George T. Butler, the younger and Robert G. McGrath*

did then and there and thereby feloniously steal, 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.

0086

BOX:

484

FOLDER:

4418

DESCRIPTION:

Dailey, Matthew F.

DATE:

06/09/92



4418

0087

Bail \$500

Witnesses:

Bail \$1000.

L.W.R.

Indited by

Pat. Cunningham
25 Chambers St
NY

Ong and Tanner 686

Counsel,

C. H. Brooks
111 Broadway

Filed

9

day of

June

1892

Pleads,

Not Guilty with leave till 17th
to with answer

THE PEOPLE

vs.

B

Matthew F. Bailey

December 8, 1892

Per. One person

L. W. R.

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

December 1892
Foreman.

December 7th 1892
Tried and convicted

A. J. B. with res to ex. fine and res.

0088

Open and Termination
COURT OF ~~GENERAL SESSIONS OF THE PEACE~~ OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Matthew S. Dailery

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Matthew S. Dailery*
of the CRIME OF RAPE, committed as follows:

The said *Matthew S. Dailery*,
late of the City of New York, in the County of New York aforesaid, on the *twentieth*
day of *March*, in the year of our Lord one thousand eight hundred and
ninety-*two*, at the City and County aforesaid, with force and arms, in and upon
a certain female not his wife, to wit: one *Marie Hannan*,
then and there being, wilfully and feloniously did make an assault, and her
the said *Marie Hannan*, then and there, by force and with violence to
her the said *Marie Hannan*, against her will and with-
out her consent, did wilfully and feloniously ravish and carnally know, against the form of the
Statute is 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 *Matthew S. Dailery*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *Matthew S. Dailery*,
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 a certain female not his
wife, to wit: her the said *Marie Hannan*, then and there being,
wilfully and feloniously did make another assault with intent her the said *Marie*
Hannan, against her will and without her consent, by force and violence, to then
and there wilfully and feloniously ravish and carnally know, 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 Matthew T. Dailley
of the CRIME OF RAPE, committed as follows:

The said Matthew T. Dailley
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 a certain female not his wife,
to wit: her the said Marie Staman, then and there being, wilfully and
feloniously did make another assault, and an act of sexual intercourse with her the said
Marie Staman, then and there wilfully and feloniously did
commit and perpetrate, against the will of the said Marie Staman,
and without her consent; 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 Matthew T. Dailley
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said Matthew T. Dailley,
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 a certain female not his
wife, to wit: her the said Marie Staman, then and there being,
wilfully and feloniously did make another assault, with intent an act of sexual intercourse with
her the said Marie Staman, against her will and without her
consent then and there wilfully and feloniously to commit and perpetrate, 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.*

POOR QUALITY
ORIGINAL

0090

Witnesses:

Counsel, J. & H.
Filed 9 day of June 1892
Pleads, Not Guilty, with leave to
withdraw & amend (10)

THE PEOPLE

vs.

R A P H.
(Sections 278 and 218, Penal Code.)

Matthew F. DeLacey
(2 names)

DE LANCEY NICOLL,

District Attorney.

Exhibit 2 - Nov. 1892
Trial and Acquitted

TRUE BILL.

Foreman.

0091

Jury and Verdict
Court of General Sessions of the Peace

491

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Matthew S. Dickey

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

Matthew S. Dickey

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

The said *Matthew S. Dickey*

late of the City of New York, in the County of New York aforesaid, on the *Twenty Third*
day of *April*, — in the year of our Lord one thousand eight hundred and
ninety- *Two*, at the City and County aforesaid, in and upon the body of one *Annie*
Hammann, in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *her* the said *Annie Hammann*,
did then and there unlawfully beat, wound and illtreat, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0092

BOX:

484

FOLDER:

4418

DESCRIPTION:

Daly, John

DATE:

06/02/92



4418

0093

Court ofayer and Terminer.

Counsel,

Filed, 2 day of June 1892

Pleas, Not Guilty (9)

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

Part 3. Chm. 24. 1893.

John Daly

Journal of the Court of Sessions for the County of New York, for the trial and final disposition of the cases.

DE LANCEY NICOLL
District Attorney.

A TRUE BILL.

Foreman.

VIOLATION OF EXCISE LAW
Selling on Sunday, Etc. page 1883, § 21, and page 1880, § 5.]

Witnesses:

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Daly

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

The said

John Daly

late of the City of New York, in the County of New York aforesaid, on the *sixteenth*
 day of *November* 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

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 Daly
 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 Daly

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.

0095

BOX:

484

FOLDER:

4418

DESCRIPTION:

Daniels, Edward

DATE:

06/17/92



4418

0096

Witnesses:

James Conner
Off. Malden 19P

Counsel,

Filed

17 day June

1892

Pleads,

Chas. J. Conner

THE PEOPLE

vs.

25 Bell
232 E. Howard St.

Edward Daniels

Grand Larceny, Second Degree.
[Sections 828, 829, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Chas. J. Conner
Says June 30, 1892
Foreman.
And the Coroner of
City of Lowell
19P Pen 19P

0097

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 27 East 70th St Street, aged 37 years,
 occupation Clerk being duly sworn,
 deposes and says, that on the 31 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 supper time, the following property, viz:

A quantity of books valued
 at thirty-five dollars
\$35.00

the property of Masses Fowler & Mello Company
 and in the care and custody
 of a person

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 Carroll Danahy for the

reasons following, to wit: deponent
 having missed the said books from
 a check-case, which case was in
 front of deponent's store on said
 street, deponent was informed by Officers
 from the City of Brooklyn that the
 defendant was arrested in Brooklyn
 with a quantity of books in his
 possession which books deponent has
 since seen and identified as being
 the stolen property. Wherefore deponent
 prays that a warrant may issue
 to apprehend the said defendant.

James Curtin

Sworn to before me, this

day

1892

Police Justice.

0098

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2 District Police Court.

Edward Davis 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. *Edward Davis*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *282 East Hunter Street*

Question. What is your business or profession?

Answer. *Printer*

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.*
*Edw. Davis*Taken before me this
day of *Nov*
189*2*

Police Justice.

0099

Sec. 151.

Police Court 2 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
 OF NEW YORK. } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
 Justices for the City of New York, by James Conklin
 of No. 27 0-21 Street, that on the 3 day of May
 1882 at the City of New York, in the County of New York, the following article to wit:

A quantity of furs
 of the value of Twenty-five Dollars,
 the property of Messrs Fowler & Mils Company
 w as taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and
 believe, by Edward J. Farrell

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
 answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
 Sheriff, Marshals and Policemen, and every of you, to apprehend the bod y of the said Defendant
 and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in
 case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
 said charge, and to be dealt with according to law.

Dated at the City of New York, this 3 day of June 1882
Thos. F. Brady POLICE JUSTICE.

0 100

State of New York,
COUNTY OF KINGS,
CITY OF BROOKLYN.

Form No. 6

Thomas J. Madden of No 19 & Queens N.Y.
being duly sworn says that he is acquainted with the handwriting of Thomas D. Brady
the Police Justice, who issued the annexed Warrant and that
the signature to this Warrant is in the handwriting of said Thomas D. Brady
Sworn to before me this 7th day of June 1892
Thomas J. Madden
Police Justice of the City of Brooklyn.
This warrant may be executed in the City of Brooklyn.
Dated this 7th day of June 1892
James
Police Justice.

0 10 1

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

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

Dated, June 7 189 2..... Police Justice.

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

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

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

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

0102

Police Court, 273 District. 724

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Carter
27 East 31st
vs.
Edward Smith

James Carter
Offense

2
3
4

Dated, *June 7th* 1892

Madden Magistrate.
Officer.
Precinct.

Witnesses *Officer Ruddy*
No. *19* Street.

No. *Ferdinand* Street.

No. *Jacob Secor* Street.

\$ *1000* to answer *come*

\$1000 ex. June 11th - 1000
13/92 V.P.M.

BAILED,

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

4.1.92

The People

Edward Daniels

Court of General Sessions. Part 2.

Before Judge Fitzgerald. June 30. 1892.

Indictment for grand larceny in second degree
James Curtiss, sworn and examined.Where do you live? I live in No. 346 Gates
avenue, Brooklyn. What is your business?
Clerk for the Fowler Wells Co. What are they?
Phrenological publishers. Where is there place
of business? No. 27 East Twenty First street in
this city. That is where I am employed.Is the stock of the Fowler Wells Co. at that
number in your care and custody? Yes.
Did you lose any property belonging to the
Fowler Wells Co. on the 31st of May last? Yes.What was the property you lost? A quan-
tity of books. What was the value of the
books? Thirty five dollars. Where were they
lost from? From the show case outside
of our door. Was the show case broken?
Broken into. What were those books? Books
on mental science and practical works.Do you know the books that were in
that case? Yes. Give them to us by name.
There was one called "Human Magnetism",
one copy of, "New Phrenology", one copy
of "Education Complete", one copy of "How
to Paint", one fifty years in Phrenology",
one "Practical Type writing", one "Popular

Physiology", one "How to Keep a Store", one "In Girls",
 one, "How to Feed the Baby", one "Hydropathic
 Encyclopedia", one "Fowlers Phrenology", one
 "Lectures on Phrenology", one "Phrenological
 Miscellany", one copy of "Chastity", one
 "Moral Philosophy", one ~~Delicate~~ "Physical
 Culture", one "Heads and Faces", and one
 copy of Combes' System of Phrenology."
 What time of day did you miss them
 on the 31st of May? They were there all day
 of the 31st of May; we missed them the
 next day, the first of June. Did this show
 case remain out over night? Yes, re-
 mained out over night. Have you since
 seen any of the books that you have
 enumerated here? I saw them over
 at the Police station in Brooklyn, in
 the Adams' street station. What day
 did you see them? I think on the 2nd
 of June. How many of them did you
 see? Twenty of these books. That I have
 enumerated - the whole twenty were found.
 How big a bundle would they make? About
 twenty five pounds; it would make a
 package of about 21 inches long and
 about 21 inches high. I think it was
 about four a half past four o'clock that
 I saw the books at the Police station.

Did you see the defendant there? No sir.
 Did you see Officer Ruddy? No. I saw him
 the next day I think. Who did you see
 when you went to the Police station? I saw
 Capt. Campbell, I think. You did not see
 this defendant? No sir. But you there
 identified the goods? Yes, I identified the
 goods. What was the last time you
 saw them on the 31st of May? About six
 o'clock. What time in the morning of the
 first of June did you get there and
 miss them? About a quarter to nine.
 What was the condition of the case? Every-
 thing was taken out with the exception
 of two or three busts and one or two
 books. It is a glass case with an iron
 bar grating around it. The grating was
 broken and the lock was broken off;
 the door of the case I think was open.

Cross Examined. Did you lock that case your-
 self? No sir. Do you know whether it was
 locked or not? I cannot swear to it.

Have you those books in your possession
 now? No sir. Have you had them in
 your possession since? No sir. When
 I gave the ~~list~~^{names} of the books stolen, I gave
 them partly from my memory and partly
 from the list I made over in the Adams
 Street Police Station. Those were the

books we had in the show case. Did you have a list of those books before you put them into the show case? Do you know what books you had put into the show case? Yes. How do you know it? By mental observation and knowledge of the books that we have in the house. Don't you put books into the show case constantly every day or so? No sir. Put the same books in and leave them right along? Yes; they might stay there for two months; we add to it. Have you ever sold in your store prior to that time books with the same names and the same character as these? Certainly; not the same character altogether, not the same binding. You never sold books of the same bindings? O yes, we sold some. Could you swear that those books that you found in the Adams' street station house were books that you had never sold to any persons from your store? Those identical books I will swear to, yes sir. Will you swear that none of these books were ever sold from this store? You mean previous to it or after? Previous of course? I cannot swear that of course. I know this, that

we have not sold that number of books
 to any one individual, nor are they
 kept in any publishing house in this
 city of New York or elsewhere. You have
 sold to different individuals books? Certainly
 we have, but I say there is some par-
 ticular binding among those books that
 we never put in the show case; those
 are the books we know we had not
 sold. I think Combes Systeme was bound
 in leather. Do you know whether that par-
 ticular book was bound in leather? I
 can if I can refer to my list. Can you
 tell me how the book for girls was bound?
 Bound in cloth. I am positive of that.
 I base my valuation of these books by the
 catalogue prices, the retail price that
 we sell them at. What would be the
 wholesale trade price? The discount varies.
 Take those twenty books would your cost
 price for them be over twenty five dollars?
 I do not know as I should answer that.
 You will have to answer - would it be
 over twenty dollars? I am not a manufac-
 turer, I could not tell, I guess not. I
 am a clerk in the place I cannot tell
 at present the absolute cost to make
 those books. Would it be worth twenty
 dollars? I should think so. I don't

think it would be worth more than that; it may be less than twenty dollars. Do you know this defendant? No sir. Did you ever see him before until you saw him in Jefferson Market? Never. You do not know whether or not this defendant took those books? I do not. Do you know whether they were ever found in his possession or not except what you heard? Only what I have heard.

Steele Ruddy sworn and examined, testified: Officer Ruddy, you are connected with the Adams Street Station are you of the Brooklyn Police? Yes. Did you arrest this defendant Edward Daniels? I did on the first day of June on Atlantic Avenue second door above Smith Street about half past nine o'clock in the morning. I arrested him simply because I thought he had stolen property in his possession. I was searching pawnshops and second-handed clothing stores in the morning for stolen goods. I happened to go to McKee's store on Atlantic Avenue, Ferdinand McKee. I spoke to the man there and asked him if he had received any clothing that morning. I saw two bundles in the store that attracted my attention.

You made enquiry of that from McKee?
Yes, he told me that there was a man left there there, he did not tell me the name. I asked him who the man was, if he knew him? He said he had seen him. Did he give you any description? No. What time was this conversation held in the morning? It was probably half past eight. Did you get a description from McKee of the man who left those things there? No sir, not any description. Did you get any information from him as to who he was? No. I did not. Did you leave the place?
O no, I stayed there and waited for this man to come back to claim the books, to question him about the books. I got the information that the man was to return for the books, and afterward the defendant came in. McKee was there when he came back, and he identified the man (the defendant) as the man who left the books there. The packages had been opened. I was looking over one of the books when the defendant came in; he made a grab at it and asked me what right I had to look at the book? I said, if you are selling the books I would

like probably to buy one after I would read it." He seemed to get very mad that the books had been shown. I finally questioned him and asked him if he owned the books? He said, yes. I asked him where he got them? He said that was none of my business. I told him I would take him to the station house and make it my business to find out where he got the books. So then he said he bought the books at five o'clock in the morning while sitting on the bench at Prospect Park. I thought that was a very improbable story and took him to the station house with the books. I left the books with the sergeant and they were subsequently identified by Mr. Fulton; they were the same books. I took out of Mr. McKee's place. Those were the books about which you had all the conversation with the defendant Daniels?

They were the same books.

Cross Examined. Do you know where those books are? I don't know anything about them. Were they in the Adams' street police station? Yes. Did you ever see them over there? O yes. I don't know where they were taken to. Do you know who opened

the packages? No. Do you know what had been done with the books prior to the time that you saw them? I found out that a man had been a few hours from a quarter to six in the morning waiting for McKee's place to open at 8 o'clock; it was not a saloon, it was an express office. McKee's is a second hand clothing store. Did you ever see this defendant before. When you found these books alleged to have been stolen they were not in the possession of this man? They were in McKee's store when I first saw them and they were opened. They were not lying on the table; they were in under the shelf. When the defendant came in McKee said, that is the man left the books. I cannot say whether the defendant heard him say that or not; he was probably fifteen feet away from us. I had a conversation with the prisoner after I locked him up. I asked him where he got the books, and he told me he got them in Prospect Park. I said, I did not believe it. He said there was a man came in Prospect Park at five o'clock in the morning while he was sitting on the bench with two packages of books. He

asked him if he wanted to buy these books. He said, no; he did not want to buy them - the fellow wanted five dollars for them, and he simply gave him three dollars for the two packages of books. He gave his address as 282 East Houston St. I searched all through East Houston St. and could not find anybody that knew him or any place that he had ever lived there. Did you talk with him about that afterwards? Yes. I went back to the station house and asked him what he gave me such a wild goose chase over in New York for? He said, you did not think I was going to give you my friends names or my right name under the circumstances. That was the conversation. Did you ever get any information that led you off to Fowler and Wells place? Only out of the books. Did you go to Fowler and Wells? Yes, I did, I went there on the morning of the ~~second~~^{first} of June. I arrested him and had him remanded until the following morning, and went there as soon as I had him remanded. I saw an elderly gentleman there and I saw Mr. Curtin before I left. I got information

that the books were taken. After you
 got that information did you then
 have a talk with this defendant? No,
 I never had a talk with him, not
 after he was in jail at that time.
 Have you told us all you know
 about the case? Yes sir, that is all.
 Is it not a fact that the first in-
 formation you received that led you
 to go into that place was from this
 McKee? No sir. I am into McKee's
 probably three times a week. I went
 into McKee's place on the 1st of June.
 There was no other officer with me
 at the time. I was all alone. As a
 police officer I go to all the pawn shops
 when property is lost, and I was in
 McKee's that morning in the usual
 tour of duty looking for stolen things.
 Ferdinand McKee, sworn and exam-
 ined. I live at 295 Atlantic Avenue,
 Brooklyn and am a dealer in new and
 second hand clothing. I saw the defendant
 Daniels on the 1st of June between 8 and
 9 o'clock in the morning; he came into
 my place; he had a suit of clothes
 and two bundles of books. Officer
 Ruddy came in immediately when
 this prisoner was out selling the

Suit of clothes. Officer Rudely dropped it and we were looking at the books. I showed him the books that the prisoner left, and while we had the conversation the prisoner came in. He seemed to be a little excited about the matter, and the answers that he gave were not satisfactory to the officer; he arrested him and took him to the station house. I assisted the officer in bringing the books to the station house. When the prisoner brought the books into my place I became suspicious; he offered them for sale. He said, Will you buy these books? He said he expected to get ten or fifteen dollars for them, that they were worth that, that he could get that easy. I said they did not lie in my way much. I would not buy them. As they seemed to be medical books they would not be a likely thing for sale and I would not buy them. He left the books with me. He said to keep the books until he came back. Then he went out. I guess he was gone an hour or more before he came back. The officer came into the store and I told him about the books; afterward the defendant came in.

Cross Examined. Prior to the time when this man returned to your store according to your statement ~~on~~ the first day of June had you notified the police that you had in your possession these books? No. The policeman came in during the time that the prisoner was away. I have had previous dealings with the defendant about twelve months ago. I bought goods off him at different times. Did you not buy a suit of clothes from him on that day? No. I did not. The books were in two packages wrapped up in paper. I unwrapped them after he left the store. I wanted to look what kind of books they were; they seemed to be very valuable books. I put them back in the packages again. My salesman and I were looking at the books when officer Ruddy came in. They were on the counter when the officer came in. One of the parcels was wrapped up at the time he came in and the other parcel was open; we were looking at them. At the time the defendant offered the books for sale he opened them to let us see what they were. I was never arrested charged with receiving stolen goods. I am positive of that.

Thomas J. Madden, sworn and examined.
 I am an officer connected with the 7th Precinct.
 I went to Brooklyn on the 7th of June with a
 warrant for the arrest of Daniels, the defendant.
 I found him in Justice Walsh's Court, the
 first district Court, Adams Street near
 Myrtle Avenue. Judge Walsh delivered him
 in my custody. When I was bringing him
 over to New York I had some conversation with
 him. I asked him where he got the books
 of Fowler Wells Co. He says, I bought them
 from a fellow. I says, Who? He looked at
 me and he says, "I aint in that bus-
 iness. I asked him where and he did
 not tell me. I told him the goods were
 stolen. I says, If you know the party
 that you bought these books of, it is to
 your interest to tell me and I will
 try and arrest him, and if you are
 honest in the matter that will clear
 you." He still refused to give me any
 further information. I am pretty sure he
 knew that I was a detective officer.

Cross Examined. Did you tell him that you were
 an officer? Yes sir, before leaving the Court.
 District Attorney. That now is the case for the
 people:

Edward Daniels, sworn and examined in his own behalf testified: Where do you reside? No 282 East Houston street, New York. Do you remember on the night of the 31st of May last where you were? Yes. State to the jury where you went that night and what you did up to the preceding morning? I went to Brooklyn Tuesday, the last day of the last month in the morning. I stayed there all day in Brooklyn. I had some goods with me; the same day I went around to Mr. Kees; he was not there. I have a certain party in Brooklyn, I suppose I will have to say it is a woman whom I am well acquainted with. I went there and saw her and in her company I spent, I must say, that night in Brooklyn - the entire night of the 31st of May. It was about five o'clock when I got up. Was it the first of June you were arrested? I believe so. That was the following day? Yes sir. State to the jury fully all the occurrences as to these books which they claim were found in your possession? I got up in the morning and sent my company home; it was quite early yet and I went and took a walk in Prospect Park. On going there I met a man whom I have known

not exactly known, but I had dealings with the man. I bought some things before of him. I sat down with him and there we took a walk. I asked him whether he had anything for sale? He said, no, he had nothing, but that he had a partner or a room mate in Brooklyn, who has got a lot of books. I told him that I did not buy books on account of books are no value to me. I can get no money out of books whenever I have any. He said he was hard up, he did not have any money. I thought I would look at them any way. He brought the books in one bundle. On opening the package I noticed they were new books. I thought new books must be worth more usually than books I happened to get hold of once in a while. I asked him what he wanted for them, and he told me he wanted five dollars. I thought I would not risk five dollars on a lot of books. I wanted to give him two dollars and I finally gave him three dollars for the books. I went and got newspapers and made two bundles out of them in the Park. It was quite bulky, having this suit also with me and the two bundles. I took a

car and went down to McKee's store;
 and coming down there McKee's store was
 closed. I took the books and left them
 at the place next door; it is a coal
 office or express office. I don't know
 which I took the suit with me and
 went away. Later I went back to McKee
 with the suit. I showed it to him and
 offered it to him for sale. He not agreeing
 with me on the price of the suit. I went
 in next door, I brought in also the books.
 He asked me what those were. I told
 him they were a lot of books I just
 bought this morning. He wanted me
 to sell him the books. I told him par-
 ticularly it is too short a time after I
 bought them, I have not looked at them my-
 self to see what value they were. I
 have a friend in Fourth Avenue New
 York in the book business, I thought
 I shall give the books to him and let
 him see what the value is, and he
 will give me the full value. He is a
 special friend. He insisted on my
 selling the books, and the clothes. He
 finally offered me three dollars for
 the books. I told him in as much as
 I know nothing of the value of the
 books. I would not give the books

for the price I paid for them; we could not agree on the price of those goods. I left the books and put them back in packages. I remember having opened one package, it was the largest package, and looking at two or three books. Then he offered me three dollars for the books he did not look at them himself. I did them up again in the same packages and left the books there. I took the suit of clothes and went away. On coming back I found officer Ruddy. Mr. Kee had told the officer that I left the books there, and the officer took me along to the station house and made a charge of vagrancy against me. I told him that I knew nothing of the books. I bought them in good faith, thinking that the books are certainly all right. I told the officer in case the books are not right I should certainly be willing even to lose my three dollars, rather than have any trouble with those books. The officer did not listen to it; he made a charge of vagrancy and locked me up. At the time that you got those books did you know or did you believe that they were stolen? No. I did not. You were dealing with a

man you had dealt with some time before
 Yes sir. When I went out of the place the
 books were wrapped up in a bundle and
 when I returned they were open; they
 were not opened by me.

Cross examined by District Attorney.
 My right name is ^{Adolph} Danziger. I had no idea
 that the property which I gave to McKee
 was stolen. What did you give the name
 of Daniels for when you were arrested? For
 the reason I have respectable relatives in
 this city and I did not wish my name to
 appear in the paper that every one should
 know that I was arrested on any charge.
 My business is buying things and peddling
 them. Do you usually do that at five o'clock
 in the morning in the open Park? No, it
 is something unusual. What floor do you
 live on at 282 East Houston street? I do
 not live there, I board there for the last
 three or four months, ever since I came
 in New York. Who do you board with?
 In the café down stairs. I take my meals
 in there. Where do you live? I gave my
 address No. 282 East Houston street. Where
 do you live? I used to live No. 252 Ninth
 street. When did you live in Ninth St?
 Before I left New York. I was away from
 New York quite a while. I lived on Ninth

sheet when I was arrested. Where did you live
 when you were arrested? I refuse to answer
 because it would degrade me. Did you
 ask this gentleman whom you met at
 five o'clock in the morning where he got
 these brand new books? Yes; he told me
 that his room mate was a book agent
 at one time and went away and left
 him those books in hand otherwise I
 should not have bought them at all. He
 did not come to the Park with the books;
 he told me he had the books; he went
 around there and got them and brought
 them to the Park. I had the suit of clothes
 two or three weeks prior to that. I bought
 a ticket for this suit of clothes. I had it
 with me while I was enjoying the company
 of the lady in Brooklyn. The man from
 whom I bought these things I always knew
 him by the name of James McEneaney. I
 don't know where he lives. Henry Free-
 man is a friend of mine. I last saw
 him in Rosenthal's cafe 282 East Houston
 St. I was engaged in the clothing business
 in Boston.

The jury without leaving their seats
 rendered a verdict of guilty of petty
 larceny.

0123

Testimony in the
case of
Edward Daniels

filed June

1994

576

0124

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Daniels

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

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

The said

Edward Daniels

late of the City of New York, in the County of New York aforesaid, on the *31st*
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,

*twenty printed books of the value
of two dollars each*

of the goods, chattels and personal property of ~~one~~ a corporation commonly

known as the Fowler and Wells Company

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.

0125

SECOND COUNT—

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

Edward Daniels

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

The said

Edward Daniels

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,

*twenty printed books of the
value of two dollars each*

of the goods, chattels and personal property of ~~one~~ a corporation commonly
known as the Fowler and Wells Company
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said *corporation*

unlawfully and unjustly did feloniously receive and have; the said

Edward Daniels

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

DE LANCEY NICOLL,

District Attorney.

0 126

BOX:

484

FOLDER:

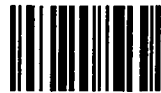
4418

DESCRIPTION:

Darby, Paul

DATE:

06/02/92



4418

0127

Witnesses:

Counsel,

Filed

Pleads,

2 day of June 1892

Myself

THE PEOPLE

vs.

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[Ill. Rev. Stat. (7th Edition), page 1883, Sec. 21, and
page 1889, Sec. 3.]

73
Paul Darby

April 1/92

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

John W. Carter

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Paul Darby

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

The said

late of the City of New York, in the County of New York aforesaid, on the *17th*
day of *May* 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 Smith*

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

SECOND COUNT—

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

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

The said

Paul Darby
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.

0 129

BOX:

484

FOLDER:

4418

DESCRIPTION:

Davis, Robert

DATE:

06/21/92



4418

0130

Witnesses:

Guillaume Miller

534 ~~W. Miller~~

Counsel,

Filed

21 day of June 1892

Pleads,

Argued in

24 THE PEOPLE

Robert Davis

vs.

R.

Robert Davis

[Section 528, 529, 530, Penal Code.]

Grand Larceny, 1st Degree.

Grand Larceny, 1st Degree.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Francis Higgins

Foreman.

Subscribed June 24, 1892

Read, 1st Degree

Pro Nos 97
June 29, 1892.

Subscribed
to appear

0131

Police Court

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Gustav M. Miller
 of No. *57 Leonard* Street, aged *35* years,
 occupation *Merchant* being duly sworn,
 deposes and says, that on the *4* day of *June* 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 check dated Milwaukee
Wisconsin June 2. 1892 on the
Plankinton Bank for the sum of
\$ 518⁴¹ drawn to the order of
G. M. Miller *has* and signed
 by *May Bros* 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 *Robert Davis*

(*surprised*) Deponent is informed
 by *Andrew M. Cooper* that he
 found said property concealed
 in deponent's coat pocket
 that was hanging up in
 premises No *57 Leonard*
Street in said City where
 he said deponent was employed
Gustav M. Miller

Sworn to before me this

May

Police Justice.

0 132

CITY AND COUNTY }
OF NEW YORK, } ss.

20 years, occupation *Andrew M Cooper*
Clark of No.

57 Leonard Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Gustav M Miller*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

18
June 188*8*

A M Cooper

[Signature]
Police Justice

0133

(1385)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Robert Davis 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.

Robert Davis

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

United States

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

Answer.

424 W 41 St 5 years

Question. What is your business or profession?

Answer.

Elevator

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 forget
to turn them in*

R Davis

Taken before me this

day of

[Signature]

Police Justice.

0134

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.....

Stephen Smith
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, *June 18* 189.....*Wm. B. Coffey* 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.

0135

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

746
1324
District.

THE PEOPLE, &
ON THE COMPLAINT OF

Just Tare 24 3/4
57 St. Leonard
Robert Davis

1 _____

2 _____

3 _____

4 _____

Dated *June 18* 189 *3*

Leupke Magistrate.

Rehne Officer.

57 St. Leonard Precinct.

Witnesses *Andrew M. Cooper*

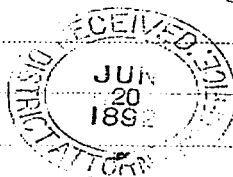
No. *57 Leonard* Street.

No. _____ Street.

No. _____ Street.

\$ *2000* to answer *GS*

Committed



0136

505

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert Davis

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

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

The said

Robert Davis

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

*one written instrument and evidence
of debt, to wit: one order for the
payment of money of the kind
called bank cheques, for the payment
of, and of the value of five hundred
and eighteen dollars and forty-one cents*

of the goods, chattels and personal property of one

Gustav M. Miller

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 Nicoll
District Attorney

0137

BOX:

484

FOLDER:

4418

DESCRIPTION:

Dehmann, Frederick

DATE:

06/02/92



4418

0138

Witnesses:

1208

Received

Counsel,

Filed

day of June 1892

Pleads

THE PEOPLE

vs.

B

Frederick Dehner

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

1892

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[Ill. Rev. Stat. (7th Edition), page 1058, Sec. 21, and
page 1059, Sec. 22]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Richard Carter

Foreman.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frederick Dehmann

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 *Frederick Dehmann*

late of the City of New York, in the County of New York aforesaid, on the *eight*
day of *February* 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 Smith
and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the
form of the statute in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS
LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Frederick Dehmann*

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.

0140

BOX:

484

FOLDER:

4418

DESCRIPTION:

DeLavergne, William A.

DATE:

06/22/92



4418

0141

1264
reduced 96

Court ofayer and Terminer.

Counsel,

Filed, 22 day of June 1892

Pleads,

THE PEOPLE

vs.

B

William W. Roderick

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

Entered to the Court of the County of New York for trial (entered in the minutes) June 21, 1892

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

Delivered out to the Court of Sessions, Part II, 1892, Foreman.

Witnesses:

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

William A. De La Bergue

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

The said *William A. De La Bergue*

late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth*
day of *January* in the year of our Lord one thousand eight hundred and
ninety-*two*, 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

Frederick Boll
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

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

The said *William A. De La Bergue*

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.

0143

BOX:

484

FOLDER:

4418

DESCRIPTION:

Demes, William

DATE:

06/22/92



4418

0144

With-43803:

1261

ordud

77

Court of Oyer and Terminer.

Counsel, *W. Merybach*

Filed, *22* day of *June* 189*2*

Pleads, *Not Guilty (2d)*

THE PEOPLE

Complaid us/ sent to the Court of Special Sessions.

Wm. Merybach

William Denes

(2d Case)

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.

W. Merybach

Foreman.

0 145

COURT OF OYER AND TERMINER,
CITY AND COUNTY OF NEW YORK.

(2040)

THE PEOPLE
vs.

INDICTMENT

For

Not Found

William Demes.

To

M.

James Robins

No.

66 Thompson

Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *pleading* at the Court of Oyer and Terminer in the New Court House, in the Park of the said City, on the *28* day of JUNE instant, at ten-thirty o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,
District Attorney.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Demes

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

William Demes

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

The said William Demes late of the City of New York, in the County of New York aforesaid, on the tenth day of January 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.

0147

Witnesses:

Court ofayer and Terminer.

Counsel, W. Wargback

Filed, 22 day of June 1894

Pleads, Mr. Gully (28)

THE PEOPLE

vs.

B

William Demos
(28 Cases)

VIOLATION OF EXCISE LAW.
(Keeping Open on Sunday)
[Ill. Rev. Stat. (7th Edition), Page 1959, Sec. 5.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

[Signature]

Foreman.

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

William Demes

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

William Demes

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

The said *William Demes* late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *January* — 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.

0149

BOX:

484

FOLDER:

4418

DESCRIPTION:

Dempsey, Timothy

DATE:

06/28/92



4418

POOR QUALITY
ORIGINAL

0150

PEOPLE

vs.

Dempsey

Stenographers
L. W. Neal

Filed away

Counsel, *J. H. H. H.*
Filed day of June 1892
Pleads, not guilty (July 5)

THE PEOPLE
25
361 Cherry St.
Ind. 1001
Timothy Dempsey
(3 cases)
Robbery, (Sections 224 and 22, Penal Code.)
Degree

DE LANCEY NICOLL,
District Attorney.

James H. H. H.
A TRUE BILL.
Robbery 1 day.

James H. H. H.
Foreman.

James H. H. H.
James H. H. H.

James H. H. H.
James H. H. H.

Witnesses:
James H. H. H.

Matthew McEnaney
71 Mantgomery Street

W. H. H.
319 1/2 Bond

0 15 1

1427

COUNTY OF NEW YORK, ss.:

In the Name of the People of the State of New York, To any Sheriff, Constable,
Marshal or Policeman in this State, GREETING:

An indictment having been found on the 28th day of June

189 2, in the Court of General Sessions of the Peace of the County of
New York, charging Timothy Dempsey

with the crime of Robbery, first degree

You are therefore Commanded forthwith to arrest the above named Timothy Dempsey
and bring him before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the
City Prison of the City of New York.

City of New York, the 28th day of June 189 2

By order of the Court,

John H. Carney
Clerk of Court.

0152

New York General Sessions of the Peace.

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Timothy Dempsey

BENCH WARRANT FOR FELONY.

Issued

June 28th 189 *2*

James A. Smith 139
The within named defendant was
arrested this day and brought to the
Court of General Sessions by

James A. Smith
The officer executing this process will
make his return to the Court forthwith.

Sec. *Francis A. Smith*

317.

District Attorney's Office,
City and County of New York.

City and County } ss.
of New York, }

of No. 317 Front Street, aged Francis Smith years,
occupation Truckman being duly sworn, deposes and says,
that on the 21st day of February 1892, at the City of New
York, in the County of New York, deponent was assaulted

by Timothy Dempsey & several other persons
to deponent & unknown who stole from
deponent's person by force & violence a
watch & chain worth one hundred & fifty
dollars.

I sworn to before me this }
28th day of June, 1892 } Francis H. Smith
Justices of the Peace
County of New York
State of New York

0154

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Francis H. Smith
317 Front St
Timothy Dempsey

Offence Robbery

Dated June 28 1892

Witnesses,

No. 16 Street,

No. Street,

No. Street,

0155

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

STENOGRAPHER'S MINUTES.

Court of General Sessions. Part I

The People
 v.
 Timothy Dempsey

His Honor BEFORE
 Judge Cowing

October 1892

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Francis Smith	1			
Phillip Smith	13			
Thomas White	15			
John Barrett	16	17		
Mathew McInerney	19	21		
Lizzie Reide	22	23		
Timothy Dempsey	25	29		
"Tim" Dempsey	33			
Owen Sullivan	34	35		

4 4/92
THE PEOPLE

COURT OF GENERAL SESSIONS, PART I.

vs

BEFORE JUDGE COWING.

TIMOTHY DEMPSEY.

Wednesday, October 26, 1892.

Indictment for robbery in the first degree.

A Jury was empannelled and sworn.

ASSISTANT DISTRICT ATTORNEY OSBORNE, FOR THE PEOPLE; MR.
J. MOSS, FOR THE DEFENDANT.

Thursday, October 27, 1892.

Assistant District Attorney Osborne opened the case for
the People.

FRANCIS SMITH, sworn and examined by Mr. Osborne:

Q Mr. Smith, where do you live? A 317 Front Street.

Q In the city of New York? A Yes, sir.

Q How long have you lived there? A In the neighborhood of
eleven years.

Q Are you engaged in business in this city? A Yes, sir.

Q What is the nature of your business? A Truckman.

Q Boss truckman? A Yes, sir.

Q Whereabouts? A 39 and 41 Park Place.

Q How long have you been engaged in that business? A Well, in
the neighborhood of twenty years.

Q Do you remember Sunday night, February 21, of this year, 1892?

A Yes, sir.

Q Now will you state to the Court and Jury what took place upon
that night, to the best of your recollection? A On Sunday
night, February 21, I was going home, I was going down Mont-
gomery Street and I met Mr. Dempsey.

BY THE COURT:

Q In the City of New York? A Yes, sir.

BY MR. OSBORNE:

Q You were going down what street? A Montgomery Street.

Q You were going home? A Yes, sir, I met Dempsey, the prisoner, and two others; he asked me to have a drink; I refused; I knew what kind of a character he was.

COUNSEL: I move to strike that out.

THE COURT: Yes, strike it out.

THE WITNESS: Finally I agreed to go in and have a drink with him; And when we got inside and the drinks were ordered, he wanted me to pay.

THE COURT:

Q Dempsey wanted you to pay for the drinks? Yes, sir.

BY MR. OSBORNE:

Q How many men were in there and took a drink? A Two men beside Dempsey.

Q Who kept that saloon? A McInerney.

Q Albert McInerney? A I do not know his first name.

Q Go on? A He asked me to have a drink.

BY THE COURT:

Q Dempsey asked you to have a drink? A Yes, sir,; so we had a drink on the bar.

BY MR. OSBORNE:

Q What did you drink? A I took a drink of mixed ale.

Q What did he drink? A I could not tell you. Mr. McInerney said, in a couple of minutes, "I am going to close up." He closed up and I got out, I was the third man going out. As soon as I came out there was one man standing with his back against the wall.

Q Who was the fourth man? A Dempsey; as soon as I came out I was struck right here, on the side of my face, and the watch and chain was taken.

Q Were you standing? Yes, sir, standing; the three of them ran in, right in on me and grabbed me.

0158

BY THE COURT:

Q Was Dempsey one of the three? A Yes, sir, he ripped open my vest and took my watch and chain and turned my pocket inside out.

Q How much value was the watch? A I valued it at \$150.00.

BY MR. OSBORNE:

Q You were taken home after that? A Mr. McInerney came out then afterwards, so I am told.

Objected to.

Q Were you taken home after that? A Yes, sir.

Q Who took you home? A My brother and Mrs. Wahle.

Q What time did you get home? A I got home about 10 or 12 minutes after twelve.

Q Were there any marks on your head? A I could not speak for four or five days; it was swelled up that way (showing). The doctor said---

Objected to.

Q Now, how about the side of your head, just describe it to the jury? A This bone here was knocked out of place and it is sore ever since, I cannot touch it, it is like a dead piece of flesh, this bone is knocked completely out of place, I was all burst on the inside of the jaw, I was not hardly cut outside, it was not cut at all, it was all burst on the inside.

Q How long were you in bed confined in consequence of that blow?

A I was confined for two weeks.

BY THE COURT:

Q Do you know who struck it? A No, sir, I do not.

Q One of the men that were with you? A One of the three men struck it.

Q After you were struck you say all three came upon you? A Ran in and took my watch and chain and ripped my vest open and

3

pulled my inside vest pocket out.

CROSS EXAMINATION, by Counsel:

- Q Now, Mr. Smith, this was Sunday night? A Yes, sir.
- Q You were on your way home? A Yes, sir.
- Q Anxious to get home? A Yes, sir.
- Q Where do you live? A 317 Front Street.
- Q Near what street is that? A Gouverneur Slip.
- Q What direction were you coming home? A Down towards the river.
- Q You were sober of course? A Well, I was not exactly sober then, I was not drunk either.
- Q Betwixt and between, is that it? A No, sir.
or six
- Q Half sober and half drunk? A I had five ^{or six} glasses of beer from two o'clock until about twelve.
- Q That is all? A That is all.
- Q You were not anxious to drink any more that night while you were on your way home? A No, sir.
- Q You did not care, of course, to go in and drink with this defendant? No.
- Q But at his solicitation, he somewhat induced you to accompany him into the saloon, didn't he? Yes, sir.
- Q Now, isn't it a fact that you asked him to go into this saloon and have a drink? A No, sir.
- Q That is not true? A No, sir, I never did ask that man in my life.
- Q Who was with this defendant at the time that you went into that saloon? A I do not know.
- Q Can't you give us a description of the people that were with him? A Well, there was one low sized fellow and there was one stout fellow.
- Q What is their names? A I do not know.
- Q You have lived in that neighborhood a long while, Smith? Yes, sir.

Q You know pretty well all the men in that neighborhood, don't you? A Yes, sir.

Q How long have you known Dempsey? A I have known him six or seven years, I guess.

Q Can't you tell the Jury the names of the two men you say were with Dempsey? A No, sir.

Q Were you alone? A Yes, sir.

Q Who went into the saloon? A Who went into the saloon?

Q Yes, you heard my question? A Dempsey and those other two and I.

Q What did you call for when you got up to the bar? A I calls for a glass of mixed ale.

Q Do you remember what Dempsey drank? A No, sir.

Q Do you remember what the other men drank? No, sir.

Q Who waited upon you? A McInerney waited upon us.

Q How many drinks did you have in there? A One.

Q What was said be either Dempsey or yourself after you had the drink in that saloon? A Dempsey wanted me to pay for it.

Q What did he say to you, give us the language that he used? A He says, "Here, you pay for these drinks, you called us in here," and he says, "you should pay for them." I said, "No, I won't pay for them, I did not call you in here and never would call you in here."

Q You never would call him in there? A No, sir.

Q Now, isn't it a fact that you asked him to have a drink? A No, sir.

Q And that when the drinks were served you refused to pay for them? A No, sir.

Q That is not true? A No, sir.

Q Did you pay for the drinks there? A No, sir.

Q Who paid for them? A I do not know.

5 Q You do not know who paid for the drinks? A No, sir.

Q Well, did you go out of that saloon without knowing whether the drinks were paid for or not? A Yes, sir.

Q You did? A Yes, sir.

Q What became of Dempsey? A He came out with us.

Q He came out with you? A Yes, sir.

Q You used the word "us"? A Yes, sir.

Q Who do you mean by "us?" A These other two men.

Q They were with you? A Not with me, they were with this man Dempsey when I met them.

Q What door did you go out? A We went out through the hall door.

Q Do you remember getting on the street? A Yes, sir.

Q Well, what did you do then? A I got struck.

Q Who struck you? A I do not know.

Q You do not know? A No, sir.

Q Were you struck from behind? A No, sir, I was not struck from behind.

Q Were you struck by a man who was standing in front of you?

A Struck by a man who was standing on the side. Here was the hallway and here was a man standing up with his back towards the brick (illustrating), and this man came right out ahead of us.

Q This you saw? A Yes, sir.

Q Was it Dempsey? A No, sir.

Q Dempsey was behind you at the time you were struck? A Yes.

Q The man who struck you had passed by you and to the side of you? A Yes, sir.

Q And Dempsey was not that man? A No, sir.

Q Do you remember anything else after you were struck? No, sir.

Q Do you remember anything else after you were struck? A Yes, sir, I remember being taken down by my brother, I do not remember anything else about being struck.

0162

Q Did you answer a moment ago "No, sir?" A I did.

Q Was that true? A I remember getting my vest ripped right open and the watch and chain taken.

Q Who did that? A These three men.

Q Did you see Dempsey have hold of you? A Yes, sir, Dempsey ran right in and grabbed me and assisted in taking---Dempsey grabbed me by the two arms and the other went right through me, one fellow ripped open my vest and took my watch and chain; I was standing up.

Q After you were struck? A Yes, sir.

Q Did not fall to the ground at all? A No.

Q You were taken home that night? A Yes, sir.

Q Do you remember whether Dempsey went down to notify your brother that you were injured?

Objected to.

Q When did you next regain consciousness after you got up from the side-walk, didn't you lie on the side-walk? A No, sir, I did not say I laid on the side-walk.

Q Did you lie on the side-walk? A No, sir.

Q Did you fall down at all? A No, sir.

Q What were you doing after you were struck? A I told you I stood right up, they did not knock me down.

Q Did not? A No, sir.

Q Did you lean against the wall? A No, I leaned against an iron railing.

Q How long were you in that condition? A I was in that condition about six or seven minutes, I guess.

Q And then your brother came? A My brother and Mrs. Wahle.

Q And took you home? A Yes, sir.

Q Did you meet any policemen on your way home? A No, sir.

Q Did you report to the police that night that Dempsey had rob-

7 bed you? A I could not.

0163

Q I ask you did you? A No, sir.

Q When, for the first time after that night, and how long was it, that you first notified the police that Dempsey was one of the three that robbed you? A I told my brother to go and notify the police, I could not notify them, I did not notify them at all.

Q How long was it after that you made a complaint against Dempsey? A About two days.

Q Where did you make that complaint? A The detective came up to the house.

Q Was Dempsey arrested? A No, sir, he was arrested that morning on another case.

Q Was he arrested on your complaint? A No, sir, not on my complaint.

Q Did you appear against Dempsey until about two weeks after that, that was the time? A No, sir, it was about two or three days after I was struck, I appeared against Dempsey in another case, for robbing an old man of the name of Stump.

COUNSEL: I ask that that be stricken out.

THE COURT: Yes, strike it out.

BY COUNSEL:

Q He (Dempsey) was there in Essex Market on another complaint?

A Yes, sir.

Q You were called before the judge? A Yes, sir.

Q You were examined? A Yes, sir.

Q There was no complaint made by you against Dempsey there, was there? A Not at that time.

Q That is, no written complaint? A Not at that time, no, sir.

Q The Judge asked you certain questions did he not? A Yes, sir.

Q Didn't you tell the Judge that you could not tell that Dempsey was one of the men that robbed you? A No, sir; it was I identified Dempsey.

Q Do you tell the Court and Jury that in Essex Market you told the Judge that you identified Dempsey positively as the man who robbed you? A Yes, sir.

Q You did not swear to any complaint, did you, there against him? A Yes, sir.

Q In Essex Market Court? A Yes, sir.

Q Was there a complaint drawn up against him and signed by you?

A There was a complaint drawn up by this man Stump and Justice Taintor asked me if I could identify any of these men? I says, "Yes, there is a man," I identified Dempsey, he held Dempsey.

Q He held him on your complaint? A I do not know what complaint he held him on, he held him on my statement, all the same.

Q You tell the Court and Jury you did not know upon which complaint he was held? A He held him on my statement, I suppose, I do not know whether it was my complaint or not, he was arrested on Stump's charge and Justice Taintor asked me if I could identify this man? I says, "Yes."

Q Don't you know a long while afterwards an affidavit was drawn up in the District Attorney's office for you to sign, Smith, isn't that true? A What is that?

Q Was there not an affidavit drawn up in the District Attorney's office, a long while after, for you to sign, to go against this man to the Grand Jury? A Yes, sir.

Q You never signed anything in the Police Court? A I was never asked to sign anything.

Q Do you remember after you appeared in Essex Market Court against this defendant, that you were arrested one night at his request and locked up all night for attacking him with a pistol?

BY THE COURT:

Q Did he have you arrested and locked up for drawing a pistol on him? A No, sir.

BY COUNSEL:

Q Weren't you locked up, at his request, all night? A No, sir.

Q On whose request? A On nobodys request.

Q You were locked up? A Yes, sir.

Q What for? A For being a little tight, that is all.

Q Weren't you locked up by this man? A No, sir---this man or no other man had me arrested in that neighborhood.

Q Now, Smith, do you know that young gentleman there (pointing to a man in Court)? A Yes, sir.

Q What is his name? A I do not know his name.

Q His name is Thomas White, did you ever see him before? A Yes, sir.

Q He lives in your neighborhood? A I do not know where he lives.

Q About two months ago, after Dempsey was arrested, did you tell a man on the street, while you were in an intoxicated condition, that you would give fifty dollars to know who it was that robbed you, you did not know who it was assaulted you? Objected to.

Q Mr. Smith, at the corner of Montgomery and Cherry Streets, on Sunday night, about half past eight o'clock in the evening, about two months ago, in the City of New York, while you were talking to a man, while in an intoxicated condition, did you say to that man, "I would give fifty dollars to know who it was that robbed me and assaulted me?" A No, sir.

Q Do you know that man there? (pointing to another man in Court)? A Yes, sir.

Q What is his name? A Barrett.

10 Q Did you have a talk with him recently about Dempsey? No, sir;

that man has got a charge against Dempsey.

Q Did you drink in McInerney's saloon only recently? A I did, sir.

Q Did you have a conversation with him in reference to Dempsey, in reference to this charge that you have made? A No, sir.

Q You did not? A No, sir.

Q Did you have a conversation with him there in reference to Dempsey at all? A Yes, sir.

Q What was it? A I asked him how he came to let Dempsey slip through his case? He says, "Well, I have not got anything against Dempsey." I says, "I thought Dempsey followed you up with a knife and chased you into the hallway on three different occasions?" Says I, "Because this man has got a little influence, you are going to be bull-dozed by this party." That is about all.

Q Finish it, that is not all? A I says, "They won't do that with me."

Q You told him he was bought for a dollar and you would give him two dollars if he would stick to you? A No, sir.

Q Did you or did you not say that? A No, sir.

Q Did you throw a glass at him (Barrett) because he refused to do it? A No, sir.

BY MR. OSBORNE:

Q What did you throw a glass at him for? A He called me out of my name.

Q What did he call you? A He called me a son of a bitch.

Q You did not throw it at him on account of anything about Dempsey? A No, sir, I did not, I did not throw it to hit him either, only just to scare him, that is all.

BY COUNSEL:

Q That is your signature to that affidavit, is it not, on this complaint (paper shown)? A Yes, sir.

BY MR. OSBORNE:

Q You say you were locked up one night for being drunk? A Yes, sir.

Q When was that? A That was about two months ago, I guess.

Q Two months ago? A Yes, sir.

Q You were discharged the next day? A Yes, sir.

Q Were you fined? A No, sir.

Q You have never been convicted of any crime in your life? A No, sir, never.

Q Now, when you were examined in the Essex Market what cause was that you were called in and examined about, the case of old man Stump, a robbery case? A Yes, sir.

Q And this defendant was held on that case, was he, by Mr. Taintor? A Yes, sir.

Q You were just simply called as a witness in that case? A No, sir, I was called to appear against Dempsey, to identify him, to see if I could identify him as one of the men that robbed me.

Q Did you identify him? A Yes, sir.

Q Did you tell the Judge that he was one of the men? A Yes, sir.

Q Did you subsequent to that make a complaint against him in the District Attorney's office---you signed this paper, did you (paper shown)? A Yes, I signed that---that was later on.

Q Dempsey was indicted and he is now at the bar? A Yes, sir.

BY COUNSEL:

Q Don't you know, at Essex Market, on the Stump complaint, was he not bailed? A No, he was sent down on Barrett's charge, down here.

Q Was he bailed after the Stump complaint? A I do not know whether he was or not, I do not know whether he was bailed or not.

Q Didn't you see him on the street? A Yes, sir.

Q After he appeared at Essex Market? A I did not know whether he was bailed out for good or not.

PHILLIP SMITH, sworn and examined by Mr. Osborne:

Q Where do you live? A 317 Front Street.

Q How long have you lived there? A Somewheres along about eleven or twelve years.

Q You are a brother of the man who last appeared on the stand here? A Yes, sir.

Q What business are you engaged in? A In the cooper business, in the cooperage business.

Q Whereabouts? A I work for Matthews, that big soda water factory up in 26th Street and First Avenue.

Q Do you remember the Sunday night, February 21st, of this year, Timothy Dempsey here going to your house? A Yes, sir.

Q What time of night was it? A It was about five or ten minutes after twelve o'clock, Sunday night, last February, the same night of the assault.

BY THE COURT:

Q The prisoner at the bar came to your house? A Yes, came down to the house and he rung the bell; the lady down stairs, Mrs. Wahle, she put her head out of the window, and what he said to Mrs. Wahle I don't know, I could not exactly hear what was said, I heard the sound of voices, I had not retired to bed; I put my head out of the window and says to Dempsey, "What is the matter?" Dempsey said to me, "Hullo," I answered him back "Hullo." He said, "You had better come down and look after your brother." I says, "What is the matter with him?" He says, "Well, he is lying up there on a stoop in Cherry St. he has got done up, I think you will have to carry him down on a stretcher." I have got a younger brother---

BY MR. OSBORNE:

Q Was that all the conversation? A I says, "Which of them, Tom or Frank?" He says, "Frank." Says I, "Hold on, I will be down in a minute," to Dempsey. So I went into another room and woke my other brother, Johnny, up, that was lying asleep, and I said to him, I told him the same as Mr. Dempsey told me. Says I, "Hurry up till we get him either to the hospital or take him down." I got my coat on and came down stairs and by that time Mrs. Wahle was down stairs, or after me, I could not say which, and we started up Cherry Street and when we got between Water and Front Streets, I says to Dempsey "Who was it that hit Frank?" He says, "I do not know, I had nothing to do with it, I was passing with a girl." I said, "When the harm is done none of you knows anything about it." So Mrs. Wahle and myself we came up looking around Cherry St; he was there, leaning against the railing, his head down, he was bleeding from the mouth and the nose, and thick clotted blood was in his mouth, I wiped it out with a towel. I spoke to him, he did not know me, he was like a man with his senses knocked out of him. His vest was unbuttoned and his watch and chain was gone, his hat was gone. By that time my brother, Johnny, came up and Mrs. Wahle and my brother Johnny got him down home. I thought every tooth in his head was broke. I said it was the worst affair I ever seen in a civilized world.

CROSS EXAMINATION, by Counsel:

Q Dempsey came to your house and woke you up that night? A Yes sir.

Q About what time? A It was about twelve, I don't know exactly the minute.

Q He told you in substance you had better come up to the corner, that your brother was done up? A Yes, sir, lying on a

stoop.

Q And he told you it was Frank? A Yes, sir.

Q He waited for you to come down stairs, you came down and he walked away with you? A Yes, sir.

Q Where did he walk with you? A He walked just about as far from the corner of Front right up about halfway to Water, in Gouverneur.

Q You asked him if he knew who it was done your brother up, and he said he did not know? A Yes, sir.

Q Didn't he say he was with a young lady? A Yes, sir.

Q And he had to go to see her home? Yes, sir---no, he did not say he had to see her home, he said he was going past with a girl.

Q Didn't he tell you that McInerney came down and told him to go down and tell you to come up? A He told me nothing of the kind.

Q Did you see McInerney up there? A No, sir, I did not see him at all.

MR. COSBORNE: The People rest.

THE CASE FOR THE DEFENCE:

COUNSEL: I ask your Honor, as a matter of law, to instruct the Jury to acquit the defendant of robbery in the first degree.

THE COURT: I think I will let the Jury settle it.

COUNSEL: I make the motion pro forma, that is all.

Counsel for the defence opened the case to the Jury.

THOMAS WHITE, sworn and examined by Counsel:

Q What do you do for a living? A I drive a truck in the fish market, in the night time.

Q Fulton Market? A Yes, sir.

Q For whom? A Micheal J. Cronin.

Q How long have you been working for him? A Eight months.

Q Where do you live? A I live in 422 East 11th Street.

Q Do you know Smith, the complainant in this case? A By sight, I never spoke to him.

Q Do you know Dempsey? A Yes, sir.

Q About two months ago, at the corner of Cherry and Montgomery Streets, on Sunday evening, in the neighborhood of eight o'clock, did you hear Smith, the complainant who was on the stand, say anything in reference to this case? A Yes, sir.

Q What was it? (Objected to).

BY THE COURT:

Q Two months ago you heard the complainant say something in what street, you heard Smith say what? A As I was passing he was standing like this, staggering. He said, "I would give \$50. if I knew the man who took my watch." That is all I know about the case.

JOHN BARRETT, sworn and examined by Counsel:

Q Mr. Barrett, what is your business? A Truck driver.

Q I believe you made a complaint against this man, did you not, against this defendant? A Yes, sir.

Q Did you have a talk with the complainant in this case, Smith, recently in Mr. McInerney's saloon in reference to Dempsey?

A Yes, sir.

Q Will you be kind enough to tell us what it was. A I was in there and I went in a few minutes before him, he asked me in, he happened to see me, he called me aside and took me over to the lunch counter, I went over with him, he said to me, "These parties have bought you for a dollar, haven't they?" I says, "No," and I went to walk away from him, he pulled me back, he says, "I will give you two dollars." I says, "You won't give

16 me nothing at all." I went away from him and he went on one

end of the bar and I went on the other and the first thing I knew a beer glass came flying at me, it was withing a couple of inches of hitting me on the head. He says, "If you don't mind your own business and keep your mouth shut I will spend a hundred dollars to hurt you." I have got proof of this case.

Q Smith says on the stand that the reason he threw a beer glass at you was because you called him a son of a bitch? A No, sir, I did not.

Q You did not call him any name at all? A No, sir, I walked away from him.

BY THE COURT:

Q Was he drunk? A Yes, he was drunk.

CROSS EXAMINATION, by Mr. Osborne:

Q Mr. Moss asked you if you made a charge against Dempsey?

A Yes, sir.

Q You made a charge against him of assault in the first degree for attempting to assault you with a knife? A I donot know what degree it was.

Q You did that? A Yes, sir.

Q For chasing you with a knife? A Yes, sir.

Q Three or four times? A I do not know he chased me three or four times with it.

Q How many times was it? (Objected to; objextion sustained)

Q He chased you in the stable, on the street and up the stairs didn't he? (Objected to.)

Q You made that charge? A I did not see the knife three times.

Q You came down before me? A Yes, I was before you.

Q Now, I want to know who did you go to see after you had that conversati on with Smith in that bar-room about that glass.

A There was a couple of parties, I went to McInerney and told

17 him he seen the glass thrown at me.

Q When did you report to McInerney the conversation you had with Smith, did you report it to him? A Yes, and to other parties in the place.

Q And the charge that he bought you is false? A Yes, sir.

Q You want to press this charge for assault against Dempsey, do you? A I can---

Q Do you now want to? A I was pushed into this for to do this.

Q Do you want now to press this charge against Dempsey? A I was to lose my job or starve--- I did not know whether I was going to get another job.

Q Do you want me to try that case and press it? (Objected to).

BY THE COURT:

Q Do you want to let the man go? A I want to let him off, I was pushed into this.

BY MR. OSBORNE:

Q You were pushed into making that charge against Dempsey?

A Yes, sir.

Q You came down here and swore to a complaint that was not true?

A Didn't I have to lose my job or starve?

BY THE COURT:

Q Did you swear to a complaint that was not true against Dempsey? A About the knife, I seen it once.

BY MR. OSBORNE:

Q That charge you made against Dempsey then was not true, is that right? A It was not true.

Q You were pushed into making that charge against him? A I was pushed to it, I had to starve or lose my job or do something.

Q Friends of yours came and forced you to make a false charge?

A Yes, the party I was working for, Sullivan.

Q When you swore before me that you saw the knife you swore to

18 a lie, did you? A Yes, sir.

BY COUNSEL:

Q Didn't Sullivan and this man have a fight only a short while--
Sullivan's son and Dempsey? A I believe so, the same day.

Q Didn't they come to you and tell you you would lose your position if you did not stand by them? A Yes, sir.

Q Who told you that? A His father.

Q Whose father, name the man? A Mr. Sullivan.

BY MR. OSBORNE:

Q Is that your signature. (paper shown)? A Yes, sir, that is my signature.

BY COUNSEL:

Q Have you received any money to come here and testify? A No, sir, not a cent.

Q Did you ever talk to me only in this court-room? A No, sir.

MATTHEW McINERNEY, sworn and examined by Counsel:

Q I believe you keep a liquor store? A No, sir, I do not.

Q You did, in the month of February last, keep a liquor store?
A Yes, sir.

Q Where? A 71 Montgomery Street.

Q Do you remember the night that Smith says he was robbed? A
Yes, sir.

Q Do you remember that Smith was drinking in your saloon?
A Yes, sir.

Q I want you to tell the Court and Jury, in your own way, what took place from the time that Dempsey, Smith and some other people came into your saloon until after Smith was injured?

A About ten minutes to twelve at night, Mr. Smith, Dempsey and two others in company came into my saloon; they all had beer; I asked who was going to pay for it? Dempsey was the only one at that time that I knowed. He says, "This man

BY THE COURT:

Q Pointing to Smith? A To Smith; he says, "Why don't you pay for these drinks?" Smith says, "I have got no money." He (Dempsey) says, "Why did you bring us into a strange saloon and call for drinks and have no money to pay for them?" Then Dempsey turned around and he says, "I will pay you for these three drinks and, bartender, you will do what you like for the other man, I will not pay for those drinks." I says, "I will do nothing." He paid for the drinks, Dempsey went out and Smith stood there for a few minutes talking with the others. I told him I was going to close my saloon up as I had to go around to see a friend of mine who was dying. I went around Montgomery Street and I went around by the Cherry Street door and I recognized Smith leaning in a kind of drunken stupor in the butcher's door. I walked further on to the corner of Gouverneur and Cherry Streets and I saw Dempsey in company with a lady. I says, "Was that man a friend of yours that was in my saloon?" He said, "He was no friend but I know him." I did not know Smith at the time. I said, "Where does he live?" He says, "He lives in Front Street corner of Gouverneur." I says, "If I was you I would go and take him home, he will die with cold;" I did not know at that time the man was assaulted. He said, "I don't want to take him home but I will go down and notify his people to come up after him." I stayed in company with the lady; he says, "Wait till I come back." He went down and notified the people. He came back and said, "His brother and some ladies will come up after him." I went and bid him good-night. I went to see the friend, who died a few days after, Mrs. Kearney, she resided at 220 Monroe St. That is all I heard about the case until the following day, I heard that Smith was assaulted.

20 Q Now, Mr. McInerney, you say Dempsey left your saloon that

night and Smith and the other men remained talking after he left, is that true? A Yes, it may be a minute or two minutes

Q Afterwards you saw him, how far away, in company with a lady?

A Almost a block.

Q He was alone with the young lady? A Alone with the young lady.

Q Is that the young lady he was with (pointing to a lady in court)? A I identify her as the same lady.

Q You told him about taking Smith away, that he would die before morning, is that it? A Yes, sir.

Q That he was lying in a stupor? A Yes, sir.

Q He did leave you and went down to Smith's brother and you waited with the young lady? A Yes, sir.

Q He went away with the young lady? A I bid him good-night, I did not notice whether he went away.

Q From the time he left your saloon until he left with the young lady to escort her home, did you see him in the company of either of the two men? A No, sir.

CROSS EXAMINATION, by MR. Osborne:

Q You used to be on the Park Police? A Yes, sir.

Q While you were on the Park Police you were convicted of the crime of grand larceny? A Yes, sir.

Q You served a term in State prison? A No, sir.

Q How did you get out? A I was pardoned.

Q But you were convicted? A Yes, sir.

Q You robbed somebody in the park and you were convicted of that?

A I was convicted of it, yes, sir.

BY COUNSEL:

Q Who subpoenaed you, McInerney, to come to this court? A The District Attorney's office.

Q Were you not subpoenaed to come to this court a number of times in this case on behalf of the People? (Objected to).

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LIZZIE REIDE, sworn and examined by Counsel:

Q Where do you live? A 604 Water Street.

Q Are you a widow? A Yes, sir.

Q How many children have you? A Four.

Q Do you work for a living? A Yes, sir.

Q Where? A Reynold's card factory, Cherry Street.

Q Do you know the defendant, Dempsey? A Yes, sir.

Q How long have you known him? A Pretty near two years.

Q Now do you remember the night that Smith, the complainant, says he was assaulted? A Yes, sir.

Q Coming out of McInerney's saloon? A Yes, sir.

Q Will you be kind enough to tell the Jury if you saw Dempsey that night, what you saw him do, where he went, and what you know about his going for the brother and returning? A I was to my friend's house, February 21, Sunday night, and came home at half past eleven; I met Timothy Dempsey coming out of McInerney's store corner of Cherry and Montgomery Streets, I called him over, I said, "Tim., come and see me a little ways home;" It was pretty late going through Cherry Street; he went as far as Cherry and Gouverneur; we stood there talking about 10 or 15 minutes and a young man of the name of William O'Neill came up and stood talking to us.

Q Did you afterwards see McInerney come along? A Yes, sir.

Q Now tell what you saw? A I seen McInerney coming along; he said to Tim "Frank Smith has been done up on the corner." And at the same time I was talking to Timothy Dempsey Smith came out of the liquor store and he came down the steps, a little ways off is a railing and he leaned up against the railing. I says to Tim, "Who is that young fellow?" He said, "It is Frank Smith and he took me in to have a drink and after ordering drinks he would not pay for it."

22 Q Did McInerney send Dempsey up to Frank Smith's house? A Yes,

sir.

Q And did he go up? A Yes, sir.

Q Who remained with you on the corner? A Mr. McInerney and William O'Neill.

Q Did Dempsey come back to you? A No, sir.

Q Did he come back with the brother of Frank Smith? A Yes, sir, he came back with the brother.

Q Did he take you home? A Yes, sir, to the door.

CROSS EXAMINATION, by Mr. Osborne:

Q Madam, will you kindly tell me where you were when you first saw Dempsey? A In what house?

Q No, where you were when you saw Dempsey that night? A Corner of Cherry and Montgomery Streets.

Q Which corner? A It was the left side going up, the way I was going, right facing McInerney's corner.

Q Assuming that that is Montgomery, Cherry Street, as I understand it, runs North and South (drawing a diagram on a piece of paper)? A Yes, sir.

Q Which corner is McInerney's saloon on? A I think it is on the north side.

Q The north-west or north-east corner? A I think it is the north-east, I think so.

Q You do not know? A No, sir.

Q Which corner was Dempsey standing on? A On McInerney's corner.

Q You do not know whether that corner is the north-east or north-west? A I think it is the north-east.

Q Are you sure? A I am not positive.

Q You got positive since you have been on the stand? A No, sir.

Q You said just now you did not know? A I kind of think, that is all, I just kind of think it is the north-east corner.

23 Q You do not know now do you? A Not exactly.

Q Which side of the street were you on when you saw Dempsey?

A I was on the other side, the left hand side.

Q Do you know what side you were on, were you on the west or the east side? No answer.

BY THE COURT:

Q You know you were on the opposite side of whatever side he was on? A Yes, sir.

BY MR. OSBORNE:

Q You know which side the East river is on, that is on the East side of New York? A Yes, sir.

Q The North river is on the West side? A Yes, sir.

Q Is McInerney's saloon on the East or North river? (Objected to).

Q You were on the opposite side from McInerney's saloon? A Yes, sir.

Q You do not know which side of the street that is on? No answer.

BY THE COURT:

Q Do you know whether it is on the East or West? A On the West side.

BY MR. OSBORNE:

Q Are you certain of that? A I do not know.

Q Which street were you going up that night? A Cherry Street.

Q Up Cherry Street? A Yes, sir.

Q Do you know the side of the street you were going on? A On the left side going to Montgomery Street.

Q On Cherry Street? A Yes, sir. I was in Cherry, I was going through Cherry and I stopped on the corner of Cherry and Montgomery Streets.

Q Tell me where you were going from? A I was going from a friend's house, who was sick.

24 Q Tell me the number? A 361 Cherry Street.

Q You were going northward from Montgomery Street, is that it?
(Objected to).

Q You were going through Cherry Street toward Montgomery? A yes sir.

Q You were going eastward, toward the East river? A Yes, sir.

✓ Q You were going on the left side of the street, is that right?
A Yes, sir, the left hand.

Q When you got to the corner there where McInerney was you saw Dempsey on the other side? A Yes, sir.

Q What did you do? A I called him over and I says, "Tim, come a little ways with me, it is quite late."

Q Was he standing in front of McInerney's? A He was standing outside, he was out there at the door alone. I says, "Tim, come a little ways with me, because it is getting late," and he told me at the time that Frank Smith was in the liquor store and he asked him in to have a drink and after ordering the drinks he said he had no money to pay for it and Tim put his hand in his pocket and he paid for the drinks and came out; then we went through Cherry to Gouverneur and we stood there talking.

Q How long have you had the pleasure of Timothy Dempsey's acquaintance? A About a year and a half.

Q Did you ever know of his having "done time?" A Yes, sir.

Q You knew of that? A Yes, sir.

TIMOTHY DEMPSEY, sworn and examined by Counsel:

Q How old are you Dempsey? A 25 years old.

Q How long have you lived in this city? A All my life.

Q You were working at the time you were arrested? A On and off generally.

Q As you could get it? A Yes, sir.

25 Q For whom? A Mr. O'Neill along shore, anything that would

0 18 1

come in my way.

Q You were in prison once before? A Yes, sir.

Q What for? A Burglary.

Q How long did you serve? A Four years.

Q How long have you been out? A Since May, 1891, the 9th of May.

Q Since that time have you been working right along up to the time you were arrested? Yes, sir, off and on, working right along.

Q Up to the time you were arrested? A Yes, sir.

Q Now, Dempsey, you remember the night that Smith says that you robbed him? Yes, sir, very well.

Q I want you to tell the Court and Jury, in your own way, what took place in that saloon and what you did afterwards? A On that night of the occurrence I was standing on the corner.

Q Anybody with you? A No, sir. Two men came up with Smith and Smith was going with his head down coming up Montgomery Street, he raised his head and came over and got me by the overcoat, so; he says, "Come and have a drink." I says, "I do not wish to drink with you." He says, "What did I ever do to you?" I says, "Nothing, and to prove it I will go in and have a drink." I went in the saloon and asked for lager, we had four glasses of lager. He came to me in person and he says, "I did not call you in to have a drink." I says, "You did." He says, "I ain't going to pay for them." I says, "If you don't I will pay for mine and these other two men should pay for themselves, I will not pay." I drank my beer and going out McInerney says to me, "Who is that man?" I says "That is Frank Smith, he can afford to pay for his own drink." I walked then out.

BY THE COURT:

26 Q Alone? A Yes, sir. I got out as far as the door when I

heard them come out through the hallway---it is a long hallway---, I walked up as far as the corner when this young lady, Miss. Reide, called me over and I was walking down the street when this Smith staggered up against the railing; this lady asked me if I knew who he was? I told her, "Yes, it was Frank Smith." And we walked down a block and a half and then stood there talking when McInerney came down to me and said that Smith was after getting done up and asked me if I knew where he lived? I told him I did. He asked me if I would go down and notify his folks to come up after him, that he would die there with the cold. I left the moment he spoke and went there.

Q McInerney told you this? A He asked me to go down to Smith's house, I went directly right down and called for his brother and his brother looked out of the window; first there was some woman, she asked me "What did I want? I asked her if any of the Smith boys was up? She said, "Yes," I said I was told that Frank Smith was after getting licked up Cherry Street and you had better go up after him." I turned back again, I explained all I knew about the case to him; he asked me who done it? I said I did not know that, I was not there at the time. So I walked up and I met this William O'Neill and was talking to him, he told me to be around there early in the morning, the chances are that I would have a day's work.

Q Then you took the young lady home? A Yes, sir.

Q Now, you were taken to Essex Market on another complaint?

A Yes, sir.

Q And Smith was there? A Yes, sir.

Q How long after that? A It may be a week.

Q Did you live at home all the while? A Yes, sir.

Q In and out of your house day and night? A Yes, sir.

Q Never arrested on it? A Never arrested.

Q Now, what did Smith say in the Essex Market Court? A He was asked by Justice Taintor if I was the man that assaulted him or if I was the man that robbed him? He spoke out in Court, he said he could not tell. Justice Taintor then said that he could not hold me on that evidence and I was discharged.

Q And held on the other complaint? A And held on one thousand dollars bail on the other complaint.

Q You were out on bail were you not? A Out on bail.

Q Tell us what took place while you were out on bail the night Smith was arrested? A I was going home from the theatre, me and three others came up through Montgomery Street and he pulled me by the collar (Objected to; objection over-ruled). He gets me by the collar of the coat and he says, "You blind son of a bitch, for two pins I would blow your belly out." I says, "Frank, I never done nothing to you, why should you accuse me of things I have not done, what did I ever do to you that you are so sore on me?" He says, "You know and I will make you pay for it." With that the policemen on the other side of the street, I believe his name is Gregory, came over and took him in and gave him one night in the station house, Saturday evening.

Q Now, when, for the first time after the 21st day of February, were you called upon to answer the charge of Smith? A What's that?

BY THE COURT:

Q When did Smith make the complaint against you, when were you called upon to answer Smith's complaint? A When I was brought up on this Stump affair, Stump's case.

Q Do you remember the date? A No, sir.

Q On the latter part of June? A The 21st or 22nd of June.

28 Q Sometime about four months after? A Yes, sir.

BY THE COURT:

Q No complaint was made against you in reference to the 21st of February? A I was held on another complaint, being out on bail.

Q Not on the Smith complaint? A No, sir, not on the Smith complaint, I was discharged in Essex Market.

BY COUNSEL:

Q You were arrested on a bench warrant? A Yes, sir, in this court.

CROSS EXAMINED by Mr. Osborne:

Q You say you were convicted of burglary and served how many years in State prison? A Four years.

Q Is that the only time you have ever been convicted of crime? A No, sir.

Q Tell us when your term was? A I was convicted in 1884 of crime.

Q What were you convicted of? A Burglary.

Q How many years did you serve? A Three years and six months was my sentence.

Q After refreshing your recollection a little more, tell us when you were convicted before? A I believe years before that, five or ten years before that it may be.

Q What were you convicted of then? A Petty larceny it was.

Q How old were you then when you were convicted of petty larceny? A May be 16 or 17 years old.

Q You have been a thief ever since you were sixteen? A No.

Q You were convicted? A I have been convicted.

Q And did you pass your sentence when you were sixteen, where was it you passed your sentence? A The penitentiary.

Q And then I understood you to say that in 1884 you were convicted of burglary again? A Yes, sir.

29 Q And then when was the next time you were convicted? A In

1888.

Q Will you tell the Jury under what name you were convicted in 1888? A Joseph Dempsey, I believe.

Q Under what name were you convicted in 1884? A The same name, Dempsey.

Q What name were you convicted under the first time? A The same name, Timothy Dempsey, I believe.

Q When did you assume the name of Timothy Dempsey? A That is my original name.

Q That is your real name? A Yes, sir.

Q But your stage name is Joseph Dempsey? A My middle name, my confirmation name.

Q Then I understand you to say that your two names are Timothy and Joseph Dempsey? A Yes, sir.

Q Some times you were convicted under one and some times under the other, is that right? A Yes, sir, always under Dempsey.

Q Now the night that you say Smith assaulted you, he had a pistol did he? A Yes, sir.

Q Did he draw his pistol? A No, sir, he held it in his pocket.

Q But you saw it? A No, sir, I did not see it, from his words that he mentioned I thought he had a pistol.

Q Didn't you tell the Jury that he did have a pistol? A He claimed he had a pistol.

Q Did you see the pistol? A No, sir, I did not see it.

Q Now, Mr. Dempsey, you did not go and make any charge against Smith for having a concealed weapon, did you, the next day?

A No, sir.

Q You did not tell the officer that he assaulted you? A No, sir.

Q The officer was there? A The officer was across the way, I walked away from him.

30 Q You did not make a charge? A No.

Q When you were in the Police Court Smith came up and he swore before Judge Taintor that he could not recognize you at all?

A The Judge asked him if I was the man that robbed and assaulted him? He said he could not tell.

Q Is that so? A Yes, sir.

Q That is as true as any other statement you have made here to-day? A That is what he said.

Q How many days before was it that the assault occurred? A It may be a week or three or four days, I am not sure.

Q You told the Jury it was a week just now, did you? A Yes, it may be inside of a week, I am not positively sure.

Q This officer was there at that time? A Yes, sir.

Q It was because McInerney told you that Smith had been done up---that was the reason you went down to Smith's house? A Yes, he asked me to go, as long as I knew where Smith lived, to go down to his house and notify his people.

Q That he had been done up? A Yes, sir, he asked me would I do it and I told him I would.

Q Were you here when McInerney swore before this Jury that he did not know that Smith had been done up and that he was afraid he would die of cold? A Yes, die of cold.

Q Didn't you hear McInerney swear on the stand that he did not know that he was assaulted? A He looked down, probably he did not see him.

Q Didn't you hear McInerney swear just now, when he was on the stand, at the time that he saw Smith lying out there that he did not know that he was assaulted? A He was assaulted.

Q Didn't you hear McInerney swear he did not know it? A Yes, sir; I believe he was so drunk that the fellow assaulted himself, that is what I was thinking.

Q But you did hear McInerney on the stand just now swear at the time he told you to go down and bring Smith's relatives up

there, he did not know that Smith was assaulted? A I do not know whether he did or not.

Q Which one of you is lying, you or McInerney? (Objected to; objection sustained. Question withdrawn).

Q Will you tell the Jury on which side of the street McInerney's saloon is? A It may be on the north-west.

Q Let me see if I get your story straight, you were on the corner by yourself a few minutes after twelve? A Yes, sir.

Q When this lady called you over? A Yes, sir.

Q You were going with this lady to her home, is that right?

A Yes, sir.

Q McInerney spoke to you and said, "This man Smith has been done up and I want you to go down and tell his friends about it," is that right? A No, sir.

Q What was it? A It was half an hour after that, it may be fifteen minutes after.

Q Did he tell you that Smith had been done up and to go down and tell Smith's relatives about it? A Yes, sir.

Q And you did go down and tell them? A Yes, sir.

Q And then you went home with the lady? A I came up with Smith half a block, I did not know who the brother was at that time and he asked me if I knew who done it.

Q Between what streets was that half block? A Between Front and Water in Gouverneur.

Q Where was it you left the lady? A Corner of Gouverneur and Cherry Streets.

Q You left them between that block and went away to the lady, is that right? A Yes, sir, I went up Gouverneur Street.

BY COUNSEL:

Q Did McInerney tell you that he thought this man would die with the cold? A Yes, sir, he did.

32 Q Did he tell the brother that? A Yes, he did.

0188

Q How old are you? A 25 years old.

Q I understand that they get some commutation in State prison for good behavior? A Yes, sir.

THE COURT: Are those other two men arrested?

MR. OSBORNE: No, sir, we have not been able to get them.

WILLIAM O'NEILL, sworn and examined by Counsel:

Q Were you in the Essex Market Court when Smith was called to make the complaint against this man? A Yes, sir.

Q Did you hear what he said? A I heard him tell the Judge he was up on another charge I believe.

Q That is Dempsey was up on another charge? A Yes, sir.

Q Did you hear Smith swear before the Judge? A I did not hear him swear, because I was not near enough.

Q What did you hear him say? (Objected to) A I sat about two seats behind and when Dempsey came out I asked Dempsey how did he make out? He says, "I am held---

Q Tell me what you heard Smith say to the Judge? A I could not hear, I was about two benches behind him, I could not hear.

TIM DEMPSEY, sworn and examined by Counsel:

Q Are you the father of this defendant? A Yes, sir.

Q Where do you live? A I live in 361 Cherry Street.

Q Was your son living with you at the time he was arrested?

A Yes, sir.

Q Do you know that for nearly the past two years, since he has been out of prison, he has been trying to work hard? A Yes, worked all the time when he gets it.

Q Was he living home right along until he was arrested on this Smith complaint? A Yes, sir.

Q He was not anywhere at all? A No, sir.

Q Not in hiding? A No, sir.

COUNSEL: That is our case.

REBUTTING EVIDENCE:

OWEN SULLIVAN, sworn and examined by Mr. Osborne:

Q Now, officer, you were the man that arrested Dempsey first on the charge of the robbery of old man Stump? A Yes, sir.

Q It was on that charge that this man Smith was examined in court?

A Yes, sir.

Q Now, you heard Timothy Dempsey's version of that examination, didn't you? A Yes, sir.

Q State to the Jury what really did take place? A On the 26th of February a report came in the Station House that George Stump was robbed, I went out on the case. I had Dempsey over on the charge of robbing Stump. Detective Haggerty went down and brought Smith up to Essex Market Court and he there identified Dempsey as one of the three men who assisted in robbing him coming out of McInerney's, under oath, before Judge Taintor. Detective Haggerty had that case and he wanted to make a separate case but the Clerk in the Court said that there was no need of drawing up papers for the two cases, one paper will do, and it had Smith's name at the bottom. Then the case went before Justice Taintor and he held him on one thousand dollars bail to stand trial.

Q How many days after the assault did that take place? A On the 26th I arrested him and the assault had taken place, I believe, on the 21st.

Q When was it that Smith came into the Court? A On the 26th; he was all blackened up, his face was all black and bruised.

Q Dempsey was surrendered by his bail was he not? A No, he was not surrendered by his bail. How he came to be arrested was

that Smith heard that the case would not come up----

COUNSEL: I ask that be stricken out.

THE COURT: Yes.

THE WITNESS: Smith came down here and seen one of the Assistant District Attorneys and in the meantime Dempsey had been arrested previously for assault and when he came down to plead to the case for assault two Central officers arrested him, by instruction of the District Attorney, on the charge of Smith. He made out separate charges on Smith's case; he was locked up and held on seventy-five hundred dollars bail; he has been in jail about three or four months, I could not say exactly how long.

CROSS EXAMINED by Counsel:

Q Mr. Officer, you arrested John Sullivan, William Cox and Timothy Dempsey on the Stump complaint, did you not? A Yes, sir, I did.

Q Stump swore that Cox, Dempsey and Sullivan robbed him, did he not? A Yes, I believe he did.

Q There were three held for trial on the Stump complaint? A I believe so.

Q Stump keeps a tailor shop? A I do not know what he keeps.

Q You do not? A No, sir.

Q Do you tell the Jury you do not know what Stump's business is? No, sir, the place where he transacts his business is #4. I do not know what his business is.

Q Where is his place of business? A He claims his place of business is #4 Gouverneur Street. I have been in the rear of the place with a subpoena, I could not get at him.

Q There were two men beside Dempsey held on the complaint? A Yes, sir.

Q And the other two men happened to be discharged by the Grand Jury? A I do not know whether they were or not.

COUNSEL: I will offer the record in evidence---"Dismissed as
against the other two."

MR. OSBORNE: I am willing to allow the whole record to go in
evidence.

BY COUNSEL:

Q Don't you know that the other two men were discharged? A I
do not know anything about it, I do not know whether they
were discharged or not, I was not informed anything since the
arrest has been made up to the present time.

Q You are the officer in the Stump complaint? A Yes, sir.

Q Don't you know Dempsey is indicted? A This is the only man
I know.

Q The other two men were arrested? A They are on a thousand
dollars bail.

Q When was it that the indictment was found against Dempsey on
the Stump complaint? (Objected to). A That I cannot tell,
the date.

Q Do you know where Cox and Sullivan is? A No, sir.

Q Do you know where Stump is? A He is supposed to be in #4
Gouverneur Street, I went to look for him two or three times
and I could not find him.

MR. OSBORNE: That is all I want to call in rebuttal.

The Jury DISAGREED.

Court of General Sessions
Part I

The People

vs.

Timothy Dempsey

filed June
1892

Stenographer's Transcript.

October 1892

108 1/2

108 1/2

0 192

0193

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK, ss3rd District Police Court.

John Sullivan 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 Sullivan*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *592 Hudson. 12 years*

Question. What is your business or profession?

Answer. *clerk*

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

Answer. *I am not guilty -*

John Sullivan

Taken before me this

26

day of

Charles W. White

Police Justice.

0194

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

3 District Police Court.

William Coe

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

Question. What is your name?

Answer.

William Coe

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

New York

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

Answer.

603 State St. 20 years

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

William Coe

Taken before me this

25-11

day of

Charles J. Justice

Police Justice

0195

Sec. 198-200.

3rd

District Police Court.

CITY AND COUNTY
OF NEW YORK,

Timothy Dempsey 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. *Timothy Dempsey*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *361 Cherry St. 25 years*

Question. What is your business or profession?

Answer. *Driver*

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

Answer. *I am not guilty -**Timothy Dempsey*

Taken before me this

*25*day of *April**1909**Charles W. Strickland*

Police Justice.

0 196

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, *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, *February 25* 189 *2* *Charles McIntosh* Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0197

BAILED,

No. 2, by Margaret Russell
Residence 189 Henry Street.

No. 1, by Frederick Corwin
Residence 347 Cherry Street.

No. 3, by Edw M Dorley
Residence New Brighton Street.

No. 4, by _____
Residence _____ Street.

660 / 3 / 248
Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Stump
John Sullivan
William B. B.
Timothy Dempsey
Offense, Indecent

Dated, February 25 1892

Dismissed Magistrate.
as 1st Ex Sullivan Office.
Superior Precinct.

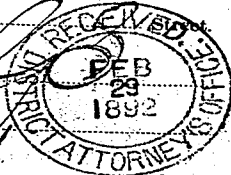
Witnesses John H. H. H. Street.

No. 1 Precinct Street.

No. 1 Precinct Street.

No. 317 East
1000 Back
to answer

W. H. H.
Bancroft



0198

Police Court--

3rd District.CITY AND COUNTY } ss
OF NEW YORK,

of No. 4 Gouverneur Street, Aged 80 Years
 Occupation the Clerk being duly sworn, deposes and says, that on the
14 day of February 1888, at the 9th Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of the United
States of about

the value of

Fourteen

DOLLARS,

the property of

Deponent

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

John Sullivan William Lox and
James Dempsey (all now held
from the fact that at about the hour
of 8 o'clock P.M. the defendants came into
the store where deponent resides and the
defendants Sullivan and Dempsey seized
hold of deponent and threw deponent
back and threw deponent down on the floor
and while deponent was so held the defendant
Sullivan inserted his hand in deponent's vest
and pantaloons pockets and forcibly abstracted
said money from deponent's person and the
defendant Lox held the door leading into the

0199

Street closed so that no person could
come into said store while the defendants
Sullivan and Dempsey were in the act of
robbing defendant and thereafter the defendants
closed the door and left the store
defendant was lying on the floor and was
unable to perceive said defendants

Sworn to before me
this 25th day of July 1892 } George W. Turner
Charles N. Lainto }
Police Justice

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

Police Court, District.

THE PEOPLE, &c.,
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.

0200

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

of No. 359 Cherry Street, aged 25 years,
 occupation Truck Driver being duly sworn
 deposes and says, that on the 29 day of May 1897 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by Timothy
Dempsey (now here) who made several
 lunges at deponent's body with
 the blade of a knife then held
 in his hand. That said assault
 was committed

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

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

Sworn to before me, this 24 day

of

June 1898 John Barrett
Charles McIntor Police Justice.

0201

Sec. 198, 200.

CITY AND COUNTY
OF NEW YORK, ss.

3 District Police Court.

Timothy Dempsey 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.

Timothy Dempsey

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

New York

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

Answer.

361 Cherry St.; all my life

Question. What is your business or profession?

Answer.

Truck drivers

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
Timothy Dempsey

Taken before me this

24

day of

June

189*2*

Charles J. Martin

Police Justice

0202

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, *June 24* 189*2* *Charles K. Linton* Police Justice.

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

Dated, *June 24* 189*2* *Charles K. Linton* 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.

0203

Police Court, 3 District. 766

THE PEOPLE, &c.
ON THE COMPLAINT OF

John Barrett
359 Cherry
vs
Timothy Kimpsey

Office

J. J. O'Sullivan

Dated June 25 1897
Tamlin Magistrate.

Officer.
Precinct.

Witnesses Dennis Sullivan
No. 359 Cherry Street.

No. 500 Street.

No. 500 Street.
to answer

Bailed

am

BAILED.

No. 1, by Samuel O'Hall
Residence 608 Walter 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

Timothy Dempsey

The Grand Jury of the City and County of New York, by this indictment, accuse
Timothy Dempsey
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Timothy Dempsey*
late of the City of New York, in the County of New York aforesaid, on the *fourth* 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 *John Barrett* in the peace of the said People then and there being, feloniously did make an assault and *him* the said *John Barrett* with a certain *knife*

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

with intent *him* the said *John Barrett* 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
Timothy Dempsey
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Timothy Dempsey*
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *John Barrett* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said *John Barrett* with a certain *knife*

which the said *Timothy Dempsey*
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 *attempt to* strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey McCall
District Attorney

THIRD COUNT—

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

Timothy Kearney

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

The said

Timothy Kearney

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

which *he* the said

Timothy Kearney

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

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

John Barnett

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.*

0206

Witnesses:

John Carroll

Counsel,

Filed

189

Pleads,

THE PEOPLE

vs.

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Francis Higgins

John Carroll

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Timothy Dempsey

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

Timothy Dempsey

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

The said *Timothy Dempsey*,

late of the City of New York, in the County of New York aforesaid, on the *24th* day of *September*, 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 *George Thompson*, in the peace of the said People then and there being, feloniously did make an assault; and

the sum of fourteen dollars in money, lawful money of the United States of America, and of the value of fourteen dollars.

of the goods, chattels and personal property of the said *George Thompson*, from the person of the said *George Thompson*, against the will and by violence to the person of the said *George Thompson*, then and there violently and feloniously did rob, steal, take and carry away, *the said*

Timothy Dempsey *himself* and there aided by an accomplice actually present, whose name is 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.

Deane M. M. M.
District Attorney

Bad m3 indicts. filed
at \$7500. R.D.M.

Witnesses:

Counsel,

Filed 29 day of June 1892
Pleas, Not Guilty (Indict)

THE PEOPLE

vs.

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

Timothy Dempsey
(3 cases)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Francis Heggens
Foreman.

Nov 29 1892
J. H. Heggens

0208

0209

462

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Timothy Dempsey

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

Timothy Dempsey

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

The said *Timothy Dempsey*.

late of the City of New York, in the County of New York aforesaid, on the *twenty first* day of *February* 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 *Francis H. Smith*, in the peace of the said People then and there being, feloniously did make an assault; and

one watch of the value of one hundred dollars, and one chain of the value of fifty dollars,

of the goods, chattels and personal property of the said *Francis H. Smith* from the person of the said *Francis H. Smith* against the will and by violence to the person of the said *Francis H. Smith*, then and there violently and feloniously did rob, steal, take and carry away, the said

Timothy Dempsey being then and there aided by an accomplice actually present whose name is 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.

De Lancey McCall,
District Attorney

02 10

BOX:

484

FOLDER:

4418

DESCRIPTION:

DeMurio, Mary A.

DATE:

06/02/92



4418

Witnesses:

Counsel,

Filed

day of

June 1892

Pleads,

THE PEOPLE

vs.

Mary A. DeMunnis

F

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

L. L. Cattie
Foreman.

F. J. Sprague

02 12

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT,

City and County } ss.
of New York,

of No. 27th Street,
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 8 day

of March 1889, in the City of New York, in the County of New York,
at premises No. 314-60-107 Street,

Mary A. De Murrie (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 Mary A. De Murrie
may be arrested and dealt with according to law.

Sworn to before me, this 8 day }
of March 1889 }

Harshbarger Police Justice.

Adam Lang

0213

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Mary Anderson 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. *Mary Anderson*

Question. How old are you?

Answer. *Twenty*

Question. Where were you born?

Answer. *Italy*

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

Answer. *314 - 6th - 10th St. 1 year*

Question. What is your business or profession?

Answer. *Housekeeper*

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 if held I demand a trial by jury.*
Mary A. De Maria

Taken before me this

day of

189

Police Justice.

02 14

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.....

Regleur
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 March 8 1891 H. A. Kelly Police Justice.

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

Dated March 8 1891 H. A. Kelly Police Justice.

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

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

02 15

~~1891~~ ¹⁸⁹² Sunday. 321
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adam Lang
vs.

Wm. De Munie

2
3
4

Offence
Ex parte

Dated *March 8 1891*

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ *100* to answer *Ex*

Bailed

BAILED.

No. 1, by *Antonio Pope*

Residence *306 E 107* Street.

No. 2, by

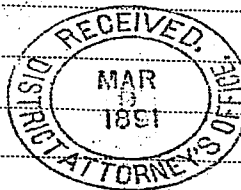
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



02 16

487

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Mary A. De Muris

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

The said

Mary A. De Muris
late of the City of New York, in the County of New York aforesaid, on the *8th*
day of *March* 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 *Adam Lang*

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
Mary A. De Muris
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

Mary A. De Muris
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.

02 17

BOX:

484

FOLDER:

4418

DESCRIPTION:

Deoria, Joseph

DATE:

06/02/92



4418

02 18

Witnesses:

Counsel,

Filed

day of

June 1892

Pleads,

THE PEOPLE

vs.

B

Joseph Deoria

B

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lulus Cattan

Foreman.

F. J. J. / 92

VIOLATION OF EXCISE LAW.
(Selling on Sunday, Etc.)
[III. Rev. Stat. (7th Edition), page 1083, Sec. 21, and
page 1083, Sec. 6.]

02 19

Excise Violation-Selling on Sunday.

POLICE COURT-

DISTRICT.

City and County } ss.
of New York,

of the 4th Precinct Police Adam Lang
of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 3d day
of January 1892 in the City of New York, in the County of New York, at
premises No. 47 Ann Street,

did then and there ~~xxx~~, CAUSE, SUFFER and permit to be ~~xxx~~, ~~xxx~~ GIVEN A WAY 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 Deoria
may be arrested and dealt with according to law.

Sworn to before me, this 3 day }
of Jan 1892 }
W. M. Mahon Police Justice.

Adam Lang

0220

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Joseph Scaria*

Question. How old are you?

Answer. *65 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *37 Mulberry St. month*

Question. What is your business or profession?

Answer. *I keep a rag shop*

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 jury trial*

Joseph Scaria
mark

Taken before me this

3

day of June

1891

Police Justice.

0221

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 3^d Jan 1892 W. M. Mahan 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.

0222

DAILED,

No. 1, by Frank Keamsmittar
Residence 246 East 45th Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

~~Selling on Sunday.~~
~~1305~~

Police Court---

1621
District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Adam Lang

vs.
Joseph Deoria

2
3
4

Chas. E. Lang
Officer

Dated

3 Jan 1892
McMahon Magistrate.

Lang Officer.
4 Precinct.

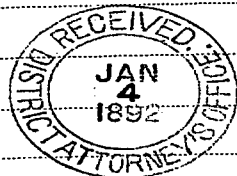
Witnesses.

No. Street.

No. Street.

No. Street.

\$ 100 to answer G S



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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Deoria

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

The said *Joseph Deoria*,

late of the City of New York, in the County of New York aforesaid, on the *3rd*
day of *January*, in the year of our Lord one thousand eight hundred and
ninety-*two*, 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 *Adam Lang*.

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

Joseph Deoria

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 *Joseph Deoria*,

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.

0224

BOX:

484

FOLDER:

4418

DESCRIPTION:

Deville, William

DATE:

06/29/92



4418

0225

BOX:

484

FOLDER:

4418

DESCRIPTION:

Harmon, George

DATE:

06/29/92



4418

0226

BOX:

484

FOLDER:

4418

DESCRIPTION:

Corrie, Edward

DATE:

06/29/92



4418

0227

BOX:

484

FOLDER:

4418

DESCRIPTION:

Williams, Richard

DATE:

06/29/92



4418

0228

BOX:

484

FOLDER:

4418

DESCRIPTION:

Fisher, Edward

DATE:

06/29/92



4418

0229

**POOR QUALITY
ORIGINAL**

Witnesses:

Officers O'Connell
1st Precinct

There being a complete
failure of proof in the
matter of identity after a
 lapse of 6 years,
and a conviction being
unfavorable.

I recommend that the
defendants be discharged on their
own recognizance.

April 25-1898 J. H. Gray
D. A. S. A.

I concur in above.

April 25-98 James McCallan
Just Dist. Ct.

Counsel,

Filed 19 day of 1898

Pleads, No 1, 2, 3, 4 - read

No 5 - Not guilty July 6

THE PEOPLE

vs.

1. William H. Dwyer
2. George W. Dwyer
3. Edward J. Corrie
4. Richard Williams
5. Edward O. T. Fisher

POOL SELLING, Etc.
(Section 351, Penal Code.)

DE LANCEY NICOLL,
District Attorney

A TRUE BILL.

Francis Higgins

Foreman.

Part 3, April 25/1898-
On motion of the D. A.
all dets. Disch. on their own
recogn. See endorsement.

[Signature]

0230

POOR QUALITY
ORIGINAL

Witnesses:

Officer O'Connell
1st Precinct

There being a complete
failure of proof in the
matter of identity after
a lapse of 6 years
and a conviction being
impossible

I recommend that the
defendants be discharged on their
own recognizance

April 25-1898 J. H. Gray
J. A. D. A.

I concur in above.

April 25. 98 J. M. O'Connell
Dist. Atty.

Counsel,

Filed 29 day of June 1898

Pleas, Nos 1, 2, 3, 4, 5, 6
not guilty (July 5)
not guilty (July 6)

THE PEOPLE

vs.

B.

William Deville
George O. Harmon
Edward Corrie
Richard Williams
and B.
Edward C. Fisher

POOL SELLING, Etc.
(Section 351, Penal Code.)

DE LANCEY NICOLL,
District Attorney

Part 2/ March

A TRUE BILL.

Francis Higgins
Foreman.

Part 3, April 25/1898.
On motion of the D.A.
all defts. Disch. on their own
recogn. See endorsement.

J. H. Gray

0231

**POOR QUALITY
ORIGINAL**

TORN PAGE

JAS. H. NES,
UNDERTAKER & EMBALMER,
378 WILLIS AVENUE.

Telephone Call 521 Harlem.

New York, Jan - 27 1892
 Mr. Browning to Jas. H. Nes Dr.
 Interment P. G. Nes Coffin & Casing
 Black Walnut Casket \$1,000
 Embalming 10,00
 Hearse 1,000
 Robe 6,50
 1 Carriage & Driver 22,00
 Grave Opening 1,00
 Permit 1,50
 Top Board 5,00
 Draping Room 2,50
 Candles \$108,50

Received Payment in full

J. H. Nes
 Jan 30th 1892

0232

CITY OF NEW YORK, POLICE COURT, DISTRICT.

of No. 122 p. Manning J. O'Connell
Street, aged 32 years,
occupation Police Officer being duly sworn, deposes and says
that on the 6th day of October 1891
at the City of New York, in the County of New York.

Edmund Fisher, Richard Williams,
Edmund Corrie, George R. Harmon,
Preston McKinney and William Neville
(all now living in premises 141-8-13)
that for occupying said premises
with apparatus and paraphernalia
used for the measuring of
arts and weights in viola-
tion of Section 357 of the Penal
Code.

M. J. O'Connell

Sworn to before me, this
6th day of October 1891

Notary Public

0233

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

60
Common Pleas
5 & others

Dated, Aug 7 189

Bliss Magistrate.

Officer.

Witness.

John Russell.

D

Bliss

Disposition.

Ex

DEEDAVIT
Henry B. B.

0234

(1235)

Sec. 198-200.

2

District Police Court

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

William Neville

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

New York

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

Answer.

120 Washington Ave. 4 years

Question. What is your business or profession?

Answer.

Janitor

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 for this examination*
W. Neville

Taken before me this

29

day of

February 1893

W. J. G. G. G.
Police Justice.

0235

(1835)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK.

District Police Court

George Harmon 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. *George Harmon*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *312 - 6 - 15th St. 4 years*

Question. What is your business or profession?

Answer. *Telegraphy*

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 free from exculpation
Geo. S. Harmon

Taken before me this *29*

day of *April* 189*3*

Ed. J. [illegible]
Police Justice.

0236

(1895)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK.

District Police Court

Edward Corrie 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. *Edward Corrie*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *110 E. 130th St. 8th Ave. 7 months*

Question. What is your business or profession?

Answer. *None*

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 fairly - and*
none for this exculpation

X
Edward Corrie

Taken before me this *19*

day of *February* 189*5*

J. M. [Signature]
Police Justice.

0237

(1235)

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court

Richard Williams 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 Williams

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

New York

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

Answer.

310 - E. 21st 1 1/2 years

Question. What is your business or profession?

Answer.

None

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 make this declaration
Richard Williams

Taken before me this

29

day of *January* 189*2*

John J. [Signature] Police Justice.

0238

(1895)

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court

Edward Fisher 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.

Edward Fisher

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

New York

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

Answer.

214 - E. 21st St 3 years

Question. What is your business or profession?

Answer.

None

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 further examination**Edward Fisher*

Taken before me this

*29*day of *February*189*5**John J. [Signature] Police Justice.*

0239

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

Richard Williams, Edward Corrie, Gary Harrison & William R. Brille

guilty thereof, I order that they be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of

the City Prison, of the City of New York, until he give such bail.

Dated July 29 1892 Thos. F. Brady Police Justice.

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

Dated February 29 1892 Thos. F. Brady Police Justice.

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

Dated _____ 18 _____ Police Justice.

0240

Police Court--- District. 262

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Minnie J. O'Connell

vs.
Edmund Fisher
Richard Williams
3. Edmund Corrie
George D. Harmon
Robert W. Harmon
6. William W. Warrill

Dated July 29 1892

Wm. J. O'Connell Magistrate.

Officer.

1st Precinct.

Witnesses

No. Officer Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

BAILED,

No. 1, by Edmund R. Brown

Residence 222 - East 15th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

No. 1, 2, 3, 4, & 6 Each Street.

\$ 500 to answer

No. 5 - Decided

Bailed

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

494

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

*William Deville, George D. Harmon,
Edward Corrie, Richard Williams and Edward E. Fisher*

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

*William Deville, George D. Harmon, Edward Corrie,
Richard Williams and Edward E. Fisher*

of a MISDEMEANOR, committed as follows:

The said *William Deville, George D. Harmon, Edward Corrie,
Richard Williams and Edward E. Fisher, all*

late of the *22nd* Ward of the City of New York in the County of New York aforesaid, on the
sixth day of *October* in the year of our Lord one
thousand eight hundred and ninety *one*, at the Ward, City and County aforesaid, did
unlawfully 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

*William Deville, George D. Harmon, Edward Corrie,
Richard Williams and Edward E. Fisher*

of a MISDEMEANOR, committed as follows:

The said *William Deville, George D. Harmon, Edward
Corrie, Richard Williams and Edward E. Fisher, all*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the occupants of certain rooms in a certain building there situate, with force and arms did unlawfully and knowingly permit the said rooms 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

William Deville, George D. Harrow, Edward Corrie,
Richard Williams and Edward E. Fisher
 of a MISDEMEANOR, committed as follows:

The said William Deville, George D. Harrow, Edward Corrie,
Richard Williams and Edward E. Fisher, all

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, being then and there the occupants of a certain rooms in a certain building there situate, with force and arms, did unlawfully 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 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.

DE LANCEY NICOLL,

District Attorney.

0243

BOX:

484

FOLDER:

4418

DESCRIPTION:

Diorico, Pasqualina

DATE:

06/06/92



4418

0244

Witnesses:

Phil Pangari

Off. Curran.

I have examined

this case and seen

that it is that no

complaint can be had

in the neighborhood

for peace and quiet is not

good, then was made

a guard between the

defendant and complainant

and I am not at all

satisfied that the

complaint did not

commence the action

and I am not at all

satisfied of the

charges of the

upon her side

due to the

defendant

Counsel,

Filed

Plends,

THE PEOPLE

us
B

Prosecution Division

DE LANCEY NICOLL,

District Attorney.

Perklee May 15th 1892

A TRUE BILL.

Spencer Higgins

Foreman.

23 June 28/92

Bail dis charged

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

0246

(1335)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

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

Question. What is your name?

Answer. *Pasqualina Dionio*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *75 Mulberry Street. Six months*

Question. What is your business or profession?

Answer. *Greener*

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*
Pasqualina X Dionio
mark

Taken before me this

day of *June* 189*14**W. J. Anderson*

Police Justice.

0247

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, *June 1* 189*2* *AT Mahabo* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0248

663

Police Court,

District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Philomena, Candice
75 Hill Street
Prague Street

2
3
4

Offense
Assault
Philomena

BAILED,

No. 1, by *Antonio Aliano*
Residence *23 Marion Street.*

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated

June

189 *2*

M. M.

Magistrate.

Curran

Officer.

6

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$ *1000* to answer

G.S.

Committed

Asst.



0249

474

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Pasqualina Dioneo

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

Pasqualina Dioneo

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

The said *Pasqualina Dioneo*

late of the City of New York, in the County of New York aforesaid, on the *first* day of *June* 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 *Philomena Candre* in the peace of the said People then and there being, feloniously did make an assault and ~~beat~~ the said *Philomena Candre* with a certain *knife*,

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

with intent *her* the said *Philomena Candre* 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

Pasqualina Dioneo

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

The said *Pasqualina Dioneo*

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 *Philomena Candre* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said *Philomena Candre* with a certain *knife*,

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

THIRD COUNT—

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

Pasqualina Dioneo

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

The said

Pasqualina Dioneo

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

which *she* the said *Pasqualina Dioneo* in *her* right hand then and there had and held, in and upon the *face and hand* of *her* the said *Philomena Candie* then and there feloniously did wilfully and wrongfully strike, beat, stab, cut bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Philomena Candie

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.*

0251

BOX:

484

FOLDER:

4418

DESCRIPTION:

Dixon, Thomas

DATE:

06/24/92



4418

After hearing counsel on both sides I have come to the conclusion to recommend the dismissal of this indictment. There may be doubt whether the case, although the language used was intemperate and threatening, falls within a statute which allows great latitude where the comments published relate to public affairs. The policy of our law permits the publication of statements upon public officers which are directed towards private persons would not be tolerated. While such abuses are often met it is probably wiser to suffer them to be published rather than to attempt to restrict by some agreement of the law against libel our constitutional freedom of speech. They produce but little effect upon the public mind where, as in this case, they are considered immaterial statements, uttered by a comparative stranger to New York, where they are considered in respect and moderate terms, and are accompanied by indiscriminate abuse of all persons in authority.

It has been suggested that the defendant may be prosecuted as a "common railer", and that that common law offense is included within section 385 of the Penal Code relating to nuisances. In this connection I am referred to the case of Commonwealth v. Hoffman, 52 Ga. St. 243, granting nuisance, I am of the opinion that this particular form of abuse must be evidence of the constant and habitual use of opprobrium and scandalous epithets tending to disturb the public peace. See Commonwealth v. Foley, 99 Mass. 497. I do not think that the defendant has yet made himself amenable to prosecution upon this theory.

De Lancey Brock
District Attorney

Indicting a Ruler
(Sec. 242, Penal Code)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Francis H. Agnew
Foreman.
on recm. of District Atty.
and for the reasons by
him given - indict etc.,
June 30/92 R.S.M.

Witnesses:

For each
Thomas Dixon, Jr.

Counsel,

Filed

Pleas,

THE PEOPLE

vs.

B

Thomas Dixon
the younger

day of June 1892

Indicting a Ruler

Indicting a Ruler

Indicting a Ruler

Indicting a Ruler

Indicting a Ruler

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0253

POLICE COURT,
SECOND DISTRICT,
W. L. ORMSBY, JR.
STENOGRAPHER.

The People vs
Joseph Koch

Thomas Dixon Jr

Examination Before Judge Grady
June 15, 1892

For the People - Mr Hummel
Dfr Abner Colby & Assoc.

The Court - Mr Hummel do you
submit the complaint without
further testimony - Do you desire
to stand on the complaint?
Mr Hummel - We stand on the
complaint.

The Court - The complaint will be
taken as the examination is
chief. as counsel says he does
not desire to supplement the
complaint with any other
testimony. You can cross examine
the Complainant.

Joseph Koch the confessing
witness being cross examined by
Mr Abney depone and says:

Q You are the confessing witness in
this case;

A Yes Sir

Q Have you any acquaintance
with Mr Dixon the Defendant;

A Not the slightest

Q You are not acquainted;

A No Sir.

Q Where were you born?

A In the City of New York

Q When?

A On the 25th of September 1842.

Q Have you lived here ever since?

A Yes Sir

Q What has been your occupation
since you have risen to manhood?

A I have been a lawyer since
my majority

Q A practicing lawyer?

A Yes Sir

Q Have you occupied any
Official position?

A Yes, Sir.

2 What?

A - I have - I will give them to you chronologically. I was a clerk of the Supreme Court a law clerk of the Supreme Court from the first of July 1868 until the first of December 1869. I was elected Judge of the Fifth Judicial District Court of this City and occupied that position from the 1st of January 1870 until the 31st day of December 1875. During that time I was a school trustee of the 11th Ward. I was appointed an Inspector of the District and was elected before the people to the ~~Massachusetts~~ State Senate in Nov 1881 and I held the position of State Senator from the first of January 1882 until the 31st of December 1883. I was appointed Dock Commissioner in May 1885 and I held that

position until May or June 1887
 & that I was appointed Commissioner
 of Excise by Mayor Grant two
 years ago and held that position
 until the close of the term and
 I have just been re-appointed by
 Mayor Grant. I was appointed by
 Mayor Grace a Dock Commissioner
 I was selected a school trustee
 I think it was from 1882 to 1887
 for the 19th Ward. I first
 held the position of School trustee
 in the 11th Ward. I held
 the position for five years.

2 Where have you resided in
 New York?

A I was born in the 7th
 ward and next resided in
 the 11th Ward.

2 In what street, and number
 please?

A I resided in Madison Street in
 the 7th Ward. I lived in Fourth
 Street from May 1856 until 1865
 From Fourth Street I moved to

Avenue D — 47 Avenue D,
and resided there until 1870 —
1868 or 1870. — before ~~it~~
possibly 1871. From there I
moved to Madison Avenue.
In 1874 I resided in Madison
Avenue for several years. —
From Madison Avenue I re-
moved to 45 and 47 59th
Street. I then lived a while
in the Willington Hotel with my
family. From there I removed
back to 59th Street and
resided there several years —
from there I moved to Madison
Avenue — No 706 and resided
there between three and four
years. The last year I removed
to the Sherwood Hotel where I
now reside.

2. To what political party have
you belonged during the time
you have continued in office.

Objected to

5 Mr Abney — This is part of our

evidence to show justification

The Court - This is a charge of libel of an individual and not of a party. The party has nothing to do with the case

Objection Sustained.

2 Are you a member of Iammany Hall

Objected to

Objection Sustained.

2 When were you appointed as Excise Commissioner - in May 1889 by Mayor Grant?

A I think it was over three years ago - in May.

2 - You took an oath of office before the Mayor.

A Yes Sir

2 I took at this paper and say whether that is a copy of the original oath of office and signed by you.

A That is my signature.

0259

Off. E. A. June
14 1892

I, Joseph Koch do
solemnly swear that I will support the Constitution of the United
States, and the Constitution of the State of New York, and
that I will faithfully discharge the duties of the Office of
Commissioner of Excise
of the CITY OF NEW YORK, according to the best of my
ability.

Subscribed and sworn before me,
this 3rd day of May 1892

Nugent J. Grant Mayor,
and filed in the Mayor's Office, this 9th day of May
A. D. 1892, according to Ordinance.

June 15 1892.

I certify that this Joseph Koch
is a true copy of the oath of Secretary
office of Excise Commissioner Joseph Koch
Koch on file in this office. William H. Kelly Chief Clerk Mayor's Office N.Y.

2 You received the duties of
that appointment

A Yes Sir.

2 Who were the others named
with you by Mayor Grant.

A Alexander Meacham, Edward
J. Fitzpatrick

2 Who was Chairman?

A Mr Meacham

2 Were you appointed to succeed

7

Charles H. Woodman.

Mr Hummel - It is admitted that he
was appointed in place of
Mr Woodman.

2 After ^{your} the appointment to office
in 1881 by Mayor Grant and
your ~~body~~ ^{board} began to exercise
the duties of the office. There
was a complaint, was there not,
on the part of R. W. G. Welling
who represented the City Reform
Club brought before your
board against J. G. Schupline
who was charged with keeping
his saloon open in this city
within a quarter of a mile
of an election precinct on Nov.
5 1889 - on election day.

A I recollect that there was
a complaint of that kind
filed with the Excise Board -
quite a number of them at
that time

8 2 Another against Wills?

18
A I do not recollect whether it was Welles or Pryor.

Q They were of the City Reform Club?

A An organization which is called the City Reform Club.

Q This case of Scherffine was before your Board?

A I believe it was.

Q Your Board did not decide it at that particular time?

A What do you mean by "that particular time"?

Q After the complaint was made - after the testimony was taken.

A They did decide it.

Q They did decide it after a mandamus was issued was it not?

A I would not be positive - It probably was that it was after a mandamus was issued.

Q You could not be positive?

- A I could not
- 2 A Mandamus was issued:
- A Yes - in the case of Scheuple -
- 2 out of the Supreme Court.
- A out of the Supreme Court
- 2 Look at this complaint and Order to show cause in the case of W. E. Welling against your Board, in the Mandamus proceedings to which you have referred.

Obedy to, on the ground that the fact of the mandamus having been shown it is not necessary to go into further details.

The Court - He can state his knowledge whether he knows that those are the original papers in the mandamus proceedings. I will like his answer whether that is the original record.

10 A I cannot tell. There is but

one paper that was submitted to me, and signed by me - The rest is prepared by the counsel to the Board, Judge Brown.

Q What paper is that?

A That is the supplemented return there. There is one paper signed by Mr. Meakin and one by myself.

Q One signed by you is the original record?

A That is the original record in the case so far as I am concerned. That is the paper I referred to - and it bears my signature.

The paper is appended in evidence and marked "Defendants Ex B. June 15-1892. 07".

Q Did you read that the case came before Justice Barrett at Special Term of the Supreme Court?

A That is my impression.

2 2 Apr 1890

A About

2 Did you read Judge Barrett's
Decision on that motion?

+ I think I read it when
it appeared - I think I
read it in the Law Journal -
The Daily Register

2 Don't you know that these were
the facts that were stated
before your board?

Objected to
The Court - The best evidence is the
record itself.

2 Don't you as a lawyer
recognize that this is the record
original or a copy of the complaint
was served on you and the
board in that proceeding.

The Court - you can show that by the
record.

Objection sustained

Patrick J. O'Connor, being

12
 Only sworn deponent and says:
 I am from the County Clerk's
 Office I was sent here by the
 County Clerk who was subpoenaed
 to bring the record in the case
 of the Mandamus proceedings
 on the part of R. W. E. Wetling
 against Alexander Meakem,
 Joseph Koch, and Edward
 T. F. Schubert.

Q One then the records to which
 you refer

A Yes Sir. They are.

Q This is the original record:

A Yes Sir

The papers are marked
 Sependants & Co. June
 15 1892.

\$fts E. D. June 15 1892

\$fts E. E. June 15 1892

13
 The Abney read from the
 record the decision of Judge
 Barrett beginning "The
 uncontradicted testimony of the

Commissioner neglected
then duty.

2 Do you remember that in
the opinion of the court?

Objected to
The court - It is immaterial whether
he remembers it; it is a matter of
record.

2 Do you remember the fact that
a mandamus was issued in that
case?

Objected to
The Court - I will allow it.

A - Yes sir: I have stated that
already.

Mr. Abney then read from the
writ beginning:-

"Upon reading and
filing the order to show cause
of the 4th day of April 1891
requiring Alexander Nesbitt,
Edward T. Dwyer, and Joseph
Koch "doe" (The Motion
by Judge Barrett)

2. You appealed from the decision of Judge Bennett?

A. The Board appealed.

2. You were one of the Board?

A. Yes Sir.

2. One of the appellants?

A. Yes Sir: upon the advice of counsel. He said that it had better be appealed.

2. I show you a book - the 31st N.Y. State reports - the paper on the relation of Willing against Alex Meakin Commissioner of Excise Page 928, - that is the decision of the General Term is it?

A. I presume it is.

Mr. Abner - I offer it in evidence

Objected to

The Court - That is our opinion. This is not a decision by the Court but the opinion of one judge. I will admit in evidence the decision of the Court, my determination by the Court, but not the opinion

of one judge.

Mr Abney - We desire to introduce this as part of the justification of the Court - I will admit any decision of a court in justification - but not the opinion of one judge.

Mr Abney - We ask to put this in evidence from page 921
The Court I will admit the determination by the General Term but not the opinion of one judge.

Mr Abney - I take exception

2. Testimony of Mr Koch continued

2. From the decision of the General Term your Board appealed to the Court of Appeals

A. Yes Sir.

Mr Abney offers in evidence the paper in the Permittance proceedings and final Judgement.

2 Have you read the opinion of Judge Van Brunt - the decision of Judge Van Brunt at General Term?

A I think I did.

Q After receipt of the mandamus did you board render a decision in the case of Scheupline?

A Yes Sir: That is my impression I am pretty sure we did.

Mr Abney - I have seen the return of the Commissioner to the writ of mandamus.

Mr Hummel - That is in evidence.

Mr Abney - I call your Honor's attention to the fact that Mr Meakin voted to revoke the license, and the others voted against it.

The witness - It is my impression that - I will not be positive - that Mr Meakin voted to revoke the license.

Q There were other complaints filed by Mr Welling as representative of the City Reform Club.

A I do not know whether it was Mr Pryor or Mr Welling.

2 - on behalf of the City Reform Club.

A on their behalf.

2 There was one against Henry Ahrens.

A I believe there was.

2 You have heard the testimony in that case before your board, and you did not decide that case - did you?

A I do not think it was decided.

2 The license expired in that case did it not?

A I do not recollect whether it did or not.

2 Were not the facts in that case, when it was brought before your board for decision that Mr. Ahrens admitted that his place was open on election day and that his place was within a quarter of a mile of a voting place?

A I do not recollect - I do not think I sat in the Ahrens

case

2 Don't you know as a matter of fact that it was admitted by him that his place was open.

Objected to

A. No - sir, I do not.

2 Whether you were present or not at the hearing you would read the testimony taken at the hearing would you not.

Objected to.

The Court I will allow it.

A Ordinarily I did before I acted.

2 You say that in the Whelan case you do not remember that the testimony was on record to the fact that the saloon was open on election day.

A I stated that

2 You voted on that and rendered a decision!

A Members of the board - yes sir

Q Do you remember the case
of William Gait

A Yes Sir

Q What was testified as to that?

A Do you wish me to copy —

Q As to its being open?

A I think there was a gentleman
who swore that he saw
a place open some time in
election day on the corner
of some street or near there —
He did not know what the
name of the street was

Q Was that all the testimony?

A That was all the testimony
with reference to the opening
of that place

Q Gait's place?

A Yes; that is all

Q You did not decide
Gait's case did you?

A Certainly we did.

Q When?

A We decided it some time during
the month of March or April

2 Why were you voting for the
 decision in Tait's case
 Objection to

The Court - You may ask him in
 what way he voted - I rule
 out on what grounds induced
 him.

2 After you rendered a decision
 in Scheepflines case the
 Grand Jury took the case
 up and indicted you did they
 not?

A I am under that impression.
 Yes sir.

2 Don't you know they indicted
 you in that case?

A I think they did. I won't
 be positive. I think we were
 indicted in the Scheepflines case
 - whether it was before or
 shortly after.

2 You were indicted in three
 cases - the Scheepflines case,
 the Tait case and the Ahrens
 Case

13
 Mr. Abney - I offer in evidence the original records of the Court of General Sessions, being three indictments on the 16th day of May 1830 by the Grand Jury of the County of New York against Alexander Meakin, James T. J. Petrus and Joseph Koch the three indictments - one in the case of Scheepman, Ahern and Tait,

The same are marked
 "Dft. Ex. J. G. & H.
 Jan 15 1832 - OJ."

Mr. Abney - I offer in evidence three indictments that superseded the other.

The same are marked
 "Dft. & I. J. K. Jan
 15 1832 1832"

Q You demurred to these three indictments filed June 19 1830?

A Yes

Q This demurrer was argued before Judge Martine?

A Yes.

Q Judge McBride overruled the demurrer.

A Abney - I offer in evidence the opinion of Judge McBride.

Objection to

Objection sustained
Exception

Q After the demurrer was overruled you proceeded to the indictments in the case of Ahrens?

A Upon the trial - yes.

Q That was before Recorder Smythe?

A Yes.

Q And on that trial you read all the papers?

A Yes I think I read them.

A Abney offers in evidence the indictment which subpoenaed the indictment of Ahrens - filed the 8th day of April 1891.

Ex. L.

23 Q That indictment is still pending?

A Yes.

Q This last indictment on the Ahum case was brought on for trial before Justice Van Brunt was it not?

A It was brought on for pleading before Justice Van Brunt.

Q At Oyer & Terminer?

A That is correct.

Q Your plea was decided April 29 (1891) with a verdict for the people?

A Yes.

Q Then afterwards you moved for arrest of judgement?

A Correct.

Q Justice Van Brunt arrested judgement?

A Rendered a decision.

Q The people appealed to the General Term?

A Yes.

Q They reversed Judge Van Brunt?

A They reversed Justice Van Brunt.

order in arrest of judgment.

2 Then your bound appealed to the Court of Appeals.

A Yes.

2 And the Court of Appeals sustained the General Term overruling Judge Van Brunt's arrest of judgment.

A Yes Sir.

Mr Abney - I now ask your Honor to receive in evidence the Remittitur and Final Judgment. The papers are numbered 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th.

Mr Abney - I now offer in evidence the Opinion of Chief Justice Roberts to objection sustained Exception

2 The next phase of the case was that it was called before Justice Ingraham.

A It came before Oyer & Terminer

2 - You entered a demurrer on the ground that the facts stated did not constitute a crime?

A That is right.

2 Justice Ingraham decided that question upon the ground that the new law abrogated the old law did he not?

Objected to

Objection sustained

The court - We will leave what Judge Ingraham said.

2 He sustained the demurrer

A Yes sir; my impression is that the court sustained the demurrer

in Abney - I ask upon what ground the court sustained the demurrer?

Objected to

Objection sustained

In Abney - I ask that the opinion or decision whatever you may call it, of Judge Ingraham, be now taken in evidence

Objected to on the ground

in evidence

Objected to
Objection Sustained
Exception

The witness - I move to state that
I sent an answer

The Court - I can't allow that
either.

Re direct

Q. You say you saw the article
in the telegram?

A. Yes Sir

Q Did you after you saw that
send a letter?

Objected to
Objection Sustained

Advised the ~~Ward~~ ~~Prize~~
2 p.m.

No exhibits left with the stenographer

Examination resumed at 2 p.m.

The Abner - I move to dismiss
the complaint and that Defendant

2 Did not the board take possession of them?

A They maybe there at the board now - I have not made any inquiry

2 During the time of these mandamus proceedings and up to the time of defendant Dixon's sermon there was a great deal of complaint against the board in the newspapers was there not?

Objected to

Objection Sustained

2 Mr Hoch - did you see the Evening Telegram of the City of April 26 1892.

Objected to as immaterial

2 Did you see the article "Vindication Extraordinary" The Court - I will allow the question if he saw it.

2 Look at the article and see

A Yes I saw it.

Mr Abney - I offer the article headed "Vindication Extraordinary"

that it is simply the language
of one judge

The Court - It is entirely immaterial
and irrelevant to the issue - You
have the benefit of the determination
by the judge.

Mr Abney - I ask that this opinion
of Judge Ingraham now offered
in evidence be admitted

After argument on this
motion the Court excluded
the proposed evidence and
Mr Abney took an
exception

Mr Abney - Now I offer in evidence
the ~~independent~~ expression of opinion ^{on the indictment}

The Court - There is no justification
in the fact of an indictment having
been found and anyone expressing
an opinion on the indictment that
the man is guilty

Mr Abney excepts

2 Have you the testimony taken
by your board on the Abney
case and the Jait case?

A I have not.

Q Is it in your board or file

A I do not believe it is

Q I understand your stenographer is dead?

A He is dead

Q Mr. Lavin?

A He died three months ago

Q Have you any book in your possession of the proceedings taken before your board?

A Not unless it is the stenographer's notes

Q You have not the proceedings in permanent form?

A No sir

Q The stenographer had possession of them

A Had possession and read the minutes.

Q He was in your employ until he died

A Yes

Q Did you not have those notes

A I did not.

be discharged on the ground
 First - That the testimony shows
 that the matter charged as
 libellous is true and was
 published with good motive
 and with justifiable ends
 Second - That the testimony shows
 that the statement was honestly
 made with the belief that it
 was true and upon reasonable
 grounds for this belief, and
 consists of fair comments upon
 the conduct of a person in respect
 of public affairs

Mr Abney addressed the Court in
 support of the motion

Mr Hummel addressed the
 Court opposed to the motion

The Court - The motion upon the
 ground that the testimony
 shows that the matter charged
 as libellous is true, and was
 published with good motive

and justifiable ends is denied without hesitation. There has not been the slightest attempt to show either one thing or the other - either that the matter charged as libellous was true, or that it was published with good motive or that any justifiable end was to be served by the publication.

As to the second ground of the motion to dismiss I desire to examine the record evidence that has been given and I will give my decision at 10 O'clock on Monday morning.

Adjourned to Monday
May 20 1852
22.

June 22 1892

The parties appeared as before.

The Court - The motion to dismiss upon the ground that the publication was honestly made with the belief that it was true and upon reasonable grounds for the belief, and consists of fair comments upon the conduct of a person in respect of public affairs is denied.

It is not questioned by counsel for Defendant that the publication was libellous. The only attempt to excuse it is based upon certain records of proceedings had in the civil and criminal courts against the Board of Excise of which this complainant was a member. These proceedings arose from the failure of the Board to take prompt action with reference to certain complaints made by the City Reform Club against a number of liquor

dealers charged with violation of
 the Excise Law by leaving their
 places open on election day
 1890; their schools being situated
 within a quarter of a mile of the
 various election polls. It
 nowhere appears in anything
 presented before me that the
~~defendant~~ ~~complainant~~ herein was in any way chargeable
 with the delay which occurred
 in those proceedings. The
 only individual action of Mr
 Koch that has been submitted
 to my consideration ~~for~~ ~~the~~
 was his vote against the
 conviction of Mr Schenckline,
 one of the parties complained
 of. That act has not been
 and cannot be either the subject
 of judicial review ~~or~~ ~~criminal~~
~~proceedings~~ nor were
 they such as would justify
 criminal proceedings

(3)

Furthermore, it nowhere appears in the testimony before me that the Defendant had any knowledge of the circumstances upon which he bases his defense, before the publication of the libel charged, or that his acts must stand without justification or excuse for the libel. The publication and responsibility for which the Defendant does not deny, objection, was not the subject of any ruling or criticism by me.

The opinions of Judge Eul, Von Brunt Ingraham and Meertme were offered and excluded by me upon the ground that the language used by a judge in any opinion, with which he might choose to supplement his decision of a legal question submitted to him could

(5)
 not guilty or excuse a
 libel. The decisions of
 these several judges were
 admitted; but the opinions
 accompanying were excluded
 for the ground already stated

The Abney - The Defendant waives
 further examination.

The Court Defendant is held
 to bail in the sum of one
 thousand dollars to answer
 at the Court of General Sessions

POLICE COURT,
 SECOND DISTRICT,
 W. L. ORRISBY, JR.,
 STENOGRAPHER.

0289

(1885)

Sec. 183-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Dixon, Jr. 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 Dixon, Jr.,

Question. How old are you?

Answer.

Twenty Eight

Question. Where were you born?

Answer.

Cleveland County North Carolina - Jan 11, 1864

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

Answer.

61 West 94th St. - Eleven months.

Question. What is your business or profession?

Answer.

Baptist Minister - Port 23rd St. Baptist Church New York

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.

Not Guilty.

Thomas Dixon, Jr.

Taken before me this 22 day of June 1894
Jas. H. Brady Police Justice

0290

Sec. 192.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Undertaking to appear during the Examination.

An information having been laid before Thomas J. Brady a Police Justice
of the City of New York, charging Thomas Nixon Jr. Defendant with
the offence of Libel

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 hearing thereof having been adjourned,

We Thomas Nixon Jr. Defendant of No. 61
West 94 Street; by occupation a Manager
and Lucas Howell of No. 672 Columbus An
Street, by occupation a Builder Surety, hereby jointly and severally undertake
that the above named Thomas Nixon Jr. Defendant
shall personally appear before the said Justice, at the 2 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 ten
Hundred Dollars.

Taken and acknowledged before me, this 3

day of June

1892

Thomas Nixon Jr.
Lucas Howell
POLICE JUSTICE.

0291

CITY AND COUNTY }
OF NEW YORK, } ss.

Sworn to before me this
day of June 1882
by the District Police 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 Twenty Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of home and lot of

land at premises 43 West 66th St
West Avenue, Town of Manhattan
to return for and clear

J. H. Greenell

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Underlying to appear
during the Examination.

vs.

Taken the day of 18

Justice.

0292

LAW OFFICE
JOHN R. ABNEY,
UNION TRUST BUILDING,
80 BROADWAY.

New York, June 23, 1892.

Hon. Delancy Nicoll,
District Attorney,
#32 Chambers Street, City.

My dear Sir:

In the matter of the Complaint of
Mr. Koch, Excise Commissioner, against Rev.
Thomas Dixon, Jr., for libel, Mr. Dixon has
been held by Police Justice Grady for the act-
ion of the Grand Jury; and I request that Mr.
Dixon have the privilege of being heard before
the Grand Jury when they take the matter under
consideration.

Yours very truly,

John R. Abney
of Counsel for
Thomas Dixon, Jr.

Police Court, District:

(1353)

City and County } ss.
of New York,

Joseph Koch

of No. 54 Bond Street, aged 48 years,
 occupation Excise Commissioner being duly sworn, deposes and says,
 that on the 29th day of May 1892, at the City of New
 York, in the County of New York Thomas Dixon, Jr., did wilfully and

maliciously, and with intent to injure and defame deponent,
 and to hold deponent up to public contempt, hatred and
 obloquy, and to cause deponent to be slurred and avoided
 compose, indite, write, print, publish and circulate in a
 certain pamphlet or circular hereto annexed, marked A and
 forming part hereof, which circular contained the following
 false, scandalous, libelous and defamatory
 matter, of and concerning this deponent:

"The City government bids defiance to the moral
 sentiment of the community. Mayor Grant has
 just reappointed Koch, (this deponent meaning)
 an Excise Commissioner. This fellow (this
 deponent meaning) was the biggest scoundrel of
 all the Board, the one man of all men who deserve
 to be kicked into oblivion. He (this deponent
 meaning) stands indicted for the violation of his
 (this deponent's meaning) oath as Commissioner, and
 should be in the penitentiary to-day. He (this
 deponent meaning) came up to the standard of the
 Mayor and was reappointed".

That the said Thomas Dixon is a minister and preacher, and
 at or about the time of the delivery of a certain sermon on
 the 29th day of May, 1892, printed the whole or a portion
 of his said sermon in circular form, similar to the exhibit
 hereto annexed, and sent the same to the different newspaper
 agents and correspondents for publication in the public news-
 papers of the City of New York and of the United States of
 America, with the intent that the same should be published
 in the said newspapers.

That subsequently and on the 30th day of May, 1892,
 pursuant to the direction of the said defendant, the follow-
 ing false, scandalous and defamatory matter of and concerning
 deponent was circulated in the said circular by the said
 Thomas Dixon, was printed, published and circulated in the

0294

Police Court, District.

1358

City and County } ss.
of New York, }

of No. Street, aged years,
 occupation being duly sworn, deposes and says,
 that on the day of 189 , at the City of New
 York, in the County of New York

New York World, a newspaper of large circulation in the
 City of New York and in the United States:

"The City government bids defiance to the moral
 sentiment of the community. Mayor Grant has just
 reappointed Koch (this deponent meaning) an Elbridge
 Commissioner. This fellow (this deponent meaning)
 was the biggest scoundrel of all the Board, the
 one man of all men who deserve to be kicked into
 oblivion. He (this deponent meaning) stands
 indicted for the violation of his (this deponent's
 meaning) oath as Commissioner, and should be in
 the penitentiary to-day. He (this deponent meaning)
 came up to the standard of the mayor and was re-
 appointed."

Wherefore deponent prays that the said defendant
 may be apprehended and dealt with as the law directs.

Sworn to before me this
 1st day of June 1892

W. F. Hardy
 Police Justice

Joseph A. Hardy

0295

Sec. 151.

Police Court Second District.CITY AND COUNTY
OF NEW YORK, } ss.*In the name of the People of the State of New York; To the Sheriff of the County
of New York; or to any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Joseph Koch
of No. 54 Bond Street, that on the 29th day of May —

1897 at the City of New York, in the County of New York, one Thomas Dixon Jr did
hefully and maliciously, and commit the misdemeanor of
a libel upon said Joseph Koch by composing inditing
writing printing publishing and circulating a libelous
false defamatory and scandalous matter and
concerning said Joseph Koch.

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring
forthwith before me, at the Second District Police Court, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 1st day of June 1897


Police Justice.

0296

Police Court *Second* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Koch

vs

Thomas Dixon
128. E. 21. Street

Warrant-General.

Dated *June 1st* 18*92*.

Grady Magistrate.

Connelly Officer.

The Defendant *Thomas Dixon* is
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Bernard Connelly Officer.

Dated *June 3* 18*92*

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, *10²⁰ AM*

Native of

Age,

Sex,

Complexion,

Color,

Profession,

Married,

Single,

Read,

Write,

61. M 94. Street

0297

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, *June 22* 1892

Thos. H. Brady Police Justice.

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

Defendant

Dated, *June 22* 1892

Thos. H. Brady 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.

0298

June 15/92 - 11 am
" 20. 11 am
" 22. 11 A.M.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

J. M. Quenell
672 Columbus St.

Police Court, Second District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Koch

vs.
1 Thomas Dixon Jr.

2

3

4

Offense, Libel

Dated,

June 3rd

1892.

Grady

Magistrate.

Connolly

Officer.

Court

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

1000

to answer

G.S.

\$1000 by June 8th 1892
1892-1092

0300

(155)

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Dixon
the manager.

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

of the crime of *publishing a libel*, —

committed as follows:

The said *Thomas Dixon the manager*,

late of the City of New York, in the County of New York aforesaid, on the *twenty ninth* day of *May*, in the year of our Lord one thousand eight hundred and ninety-*two*, — at the City and County aforesaid, unlawfully, maliciously and maliciously publishing, printing and intending, or under or in view thereof to publish, express, aggrandise and vilify the good name, fame, credit and reputation of *Joseph Haden*, a citizen of this State, and who then was and for a long time prior thereto had been, one of the Commissioners of the said City of New York, and to bring down the said *Joseph Haden* into public scandal,

Method, in Japan and Singapore, of the
agent Method, notice and all - in Canada
The said Joseph Lohr, mutually
interested and maliciously did print
and publish, and cause and procure
to be printed and published, a certain
false scandalous, malicious and defama-
tory libel of and concerning the said
Joseph Lohr, containing, among other
things, the false, scandalous, malicious
and defamatory words and matter
following, to and concerning the said
Joseph Lohr, that is to say:

The city government has adjourned to the moral sentiment of the community. Mayor Tyack has just reappointed (what meaning the said prefix Tyack) as excise commissioner. This Tyack (meaning the said prefix Tyack) was the biggest scoundrel of all the board, the one man of all men who deserved to be kicked into division. He (meaning the said prefix Tyack) has indicated for the abolition of his oath as commissioner and should be in the penitentiary today. He (meaning the said prefix Tyack) alone came up to the standard of the mayor and was reappointed.

to the great damage, scandal, disgrace
and infamy of the said Joseph Roddy,
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.

Seamus Mall,

~~withdrew~~