

0079

**BOX:**

484

**FOLDER:**

4418

**DESCRIPTION:**

Dahlfues, William

**DATE:**

06/14/92



4418

POOR QUALITY ORIGINAL

0080

7336

Counsel.

Filed,

14 June 1892

Pleads,

THE PEOPLE

vs.

William Dalques

LARCENY, 3rd degree (Sections 528 and 58 of the Penal Code.)

DR. LANCEY NICOLL,

District Attorney

Do hereby certify that the above named defendant is guilty of the crime charged and that the sentence is hereby pronounced in accordance with the provisions of the Penal Code.

A TRUE BILL.

James H. Bell 19

James H. Bell Foreman.

Witnesses:

George J. Gutter

James H. Bell

John H. Bell

0081

Police Court 2<sup>nd</sup> District.

Affidavit—Larceny.

City and County }  
of New York, } ss:

of No. 37 West 3<sup>rd</sup> Street, aged 29 years,  
occupation Expressman being duly sworn,

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 <sup>63</sup>/<sub>100</sub> Dollars

the property in the Case 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 Dahlfest (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<sup>th</sup> 1892 - ~~when~~ he caused his arrest on June

10<sup>th</sup> 1892 the defendant admitted and confessed  
that he collected said sum of money  
and appropriated it to his own use and  
benefit

G. J. Buttery Jr

Sworn to before me, this

day

of June 1892  
W. J. [Signature] Police Justice.

0082

(1885)

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

William Dahlfues 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 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 1897

[Signature]  
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 1892 *Thos. H. 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, 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George J. Butler Jr*  
*37 St 3 St*  
*William Dahlfues*

*Larney*  
Offense,

1 .....  
2 .....  
3 .....  
4 .....

Dated, *June 10* 1892

*Grady* Magistrate.  
*Carroll Downigan* Officer.  
*15* Precinct.

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



No. .... Street.

No. .... Street.  
\$ *500* to answer *G.L.*

*Co*

BAILED,

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

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

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

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

0085

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

538

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 *7<sup>th</sup>*  
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, copartners*

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

*[Handwritten signature]*

Witnesses:

Bail \$1000.

L.W.R.

*received  
7/11/92  
L.W.R.*

Filed by

Pat. Cunningham  
25 Chambers St  
NY

Dugan and Tammer 686

Counsel,

*C. H. Brooks  
111 Broadway*

Filed

9 day of June 1892

Pleads,

Not Guilty with leave till 17<sup>th</sup>  
to wit 17<sup>th</sup> Dec

THE PEOPLE

vs.

*B*

Matthew F. Drilling

December 8, 1892

Per. *[Handwritten]*

*L. W. R.*

DE LANCEY NICOLL

District Attorney.

Assault in the Third Degree.

(Section 219, Penal Code.)

A TRUE BILL.

*Received  
December 1892*

*Dever and Tammer*

December 1892  
Foreman.

December 7<sup>th</sup> 1892  
Tried and convicted

A. J. [Handwritten] with res to [Handwritten]

0088

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

496

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 RAPE, committed as follows:

The said *Matthew S. Dickey*,  
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. Dickey*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Matthew S. Dickey*  
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 S. Dairley*  
of the CRIME OF RAPE, committed as follows:

The said *Matthew S. Dairley*  
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 Haman*, then and there being, wilfully and  
feloniously did make another assault, and an act of sexual intercourse with her the said  
*Marie Haman*, then and there wilfully and feloniously did  
commit and perpetrate, against the will of the said *Marie Haman*,  
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 S. Dairley*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *Matthew S. Dairley*  
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 Haman*, then and there being,  
wilfully and feloniously did make another assault, with intent an act of sexual intercourse with  
her the said *Marie Haman*, 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

*Adger and Sammar*  
*F. 470*

Counsel, *F. 476*  
Filed *9* day of *June* 189*2*  
Pleads, *Not Guilty, with leave to*  
*with answer - 7/1/92* (60)

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

THE PEOPLE

vs.

*Matthew F. DeLaney*  
*(2 names)*

DE LANCEY NICOLL,  
District Attorney.

*Sept 2 - Nov. 1892*  
*tried and acquitted*

Foreman.

*Subscribed to the Court of*  
*County of ...*  
TRUE BILL.  
*[Signature]*

Witnesses:

.....  
.....  
.....  
.....

*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. Dancy*

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

*Matthew S. Dancy*

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

The said *Matthew S. Dancy*

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*  
*Hannan*, 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 Hannan*,  
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

242  
ndeed

Court ofayer and Terminer.

Counsel,

Filed, 2 day of June 1892

Pleas, Not Guilty (9)

Transferred to the  
THE PEOPLE of New York  
Sessions for trial and final disposal.

Part 3. Chm. 24... 1893.  
B

John Daly

Entered in the Court of  
General Sessions  
of the County of New York  
for trial (entered in the Minutes)  
June 28 1892

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

*[Signature]*

Foreman.

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

Witnesses:

0094

# 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

John Truchtemuth  
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 Madden 198

Counsel,

Filed

17 day of June

1892

Pleas,

City of New York

THE PEOPLE

vs.

vs.

Edward Daniels

Edward Daniels

Grand Larceny, Second Degree,  
[Sections 899, 901, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. H. Higgins

June 30, 1892

Foreman.

and Coroner of

City of New York

198 New York

198 New York

0097

Police Court 1<sup>st</sup> District Affidavit-Larceny.

City and County } ss:  
of New York, }

of No. 27 East 79<sup>th</sup> 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 night time, the following property, viz :

A quantity of bottles valued  
at thirty-four dollars  
\$34.00

the property of Messrs Fowler & Wells Company  
and in the care and custody  
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 Carroll Danaher for the

reasons following to wit: deponent  
having missed the said bottles from  
a check-case, which case was in  
front of deponent's store on said  
said deponent was informed by Officers  
from the City of Brooklyn that the  
defendant was arrested in Brooklyn  
with a quantity of bottles in his  
possession which bottles 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 1 day

of June 1892  
James H. [Signature]  
Police Justice.

0098

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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. Peedler

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  
1892

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. *127* Street, that on the *31* day of *May*  
188*2* 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 Jewler & 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* 188*2*  
*W. S. Brady* POLICE JUSTICE.

0100

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

Form No. 6

*Thomas J. Madden* of No. *19 St Vincents* *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* 18*92*

*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* 18*92*  
*James* Police Justice.

0101

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.....

*James J. [Signature]*  
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, *June 7* 189 *2* ..... *[Signature]* 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

W 73 724  
2

Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Curtis*  
*27 East 31st St*  
*Edward Smith*  
Offense: *Drunkenness*

Dated, *June 7th* 189*2*

*Madden* Magistrate.  
Officer.

Witnesses: *Officer Kennedy*

No. *19* Street.

No. *Ferdinand* Street.  
*House*

No. *Jacob Secor* Street.

\$ *1000* to answer

*Com. 9/2*  
*\$1000 Ex. June 1892 - 100.2*  
*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.

4.1.192

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 31<sup>st</sup> of July last? Yes.What was the property you lost? A quan-  
tity of books. What was the value of thebooks? Twenty five dollars. Where were they  
lost from? From the show case outsideof our door. Was the show case broken?  
Broken into. What were those books? Bookson mental science and practical works.  
Do you know the books that were in  
that case? Yes. Give them to us by names.There was one called "Human Magnetism",  
one copy of "New Phrenology", one copyof "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 31<sup>st</sup> of May? They were there all day  
 of the 31<sup>st</sup> 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 2<sup>nd</sup>  
 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 31<sup>st</sup> 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 look 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~~<sup>names</sup> 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. Did 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 particular 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 particular 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 manufacturer, 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. That 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. Curtin; 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? Oh 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 doors 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 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~~<sup>first</sup> 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 information 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. Defendant McKee, sworn and examined. 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 7<sup>th</sup> Precinct.  
 I went to Brooklyn on the 7<sup>th</sup> 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:

0117

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 31<sup>st</sup> 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 M<sup>r</sup> 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 31<sup>st</sup> 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 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 particularly it is too short a time after I bought them, I have not looked at them myself 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

0121

man you had dealt with some time before  
Yes sir. Then 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 <sup>Adolph</sup> Danziger. I had no idea  
that the property which I gave to M. Kee  
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 cafe 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. 257 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 on 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 McCreary 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

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.*

0126

**BOX:**

484

**FOLDER:**

4418

**DESCRIPTION:**

Darby, Paul

**DATE:**

06/02/92



4418

0127

Witnesses:

Counsel,

Filed

2 day of June 1892

Pleas,

*M. Kelly*

THE PEOPLE

vs.

VIOLETION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
[III. Rev. Stat. (7th Edition), page 188, Sec. 21, and  
page 189, Sec. 2.]

73

*Paul Darby*

*Att'ys*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*John's Carter*

Foreman.

0128

**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

*Paul Darby*

late of the City of New York, in the County of New York aforesaid, on the  
day of *May* <sup>17<sup>th</sup></sup> 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.*

0129

**BOX:**

484

**FOLDER:**

4418

**DESCRIPTION:**

Davis, Robert

**DATE:**

06/21/92



4418

Witnesses:

*Guertner Miller*

*Subscribed  
to*

# 534 ~~1111~~

Counsel,

Filed

21 day of June 1892

Pleads,

*Abraham*

THE PEOPLE

*24  
Robert Davis  
4244 41st St  
R.*

vs.

*Robert Davis*

Grand Larceny, [Sections 529, 537, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Lawrence Higgins*

Forverman.

*Sub 2 - June 24 1892*

*Pleas 1st Larceny*

*Pro Nos  
June 29 1892*

0131

Police Court 1- 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  
Plantation Bank for the sum of  
\$ 518<sup>41</sup> drawn to the order of  
G. M. Miller 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 feloni-  
ously taken, stolen and carried away by Robert Davis

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

Sworn to before me this  
1892  
Police Justice.

0132

CITY AND COUNTY }  
OF NEW YORK, } ss.

*20* years, occupation *Andrew M Cooper*  
*6* Clerk 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 *18*  
day of *Jan* 188*8* *A M Cooper*

*[Signature]*  
Police Justice

0133

(1385)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*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.....

*Joseph 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. P. 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

Police Court--- District.

746  
1884

THE PEOPLE, &  
ON THE COMPLAINT OF

*Just. T. M. Miller*  
*57. Leonard St.*  
1 *Robert Davis*

2  
3  
4

Offense *Dr. a. d. e. e. e.*

BAILED,

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

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

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

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

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

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

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

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

Dated *June 18* 189 *3*

*Leuffy* Magistrate.

*Robert Davis* Officer.

\_\_\_\_\_ Precinct.

Witnesses *Andrew M. Cooper*

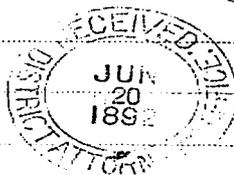
No. *57 Leonard* Street.

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

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

\$ *2000* to answer

*Committed*



0136

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

1208

received

Witnesses:

Counsel,

Filed *L* day of *June* 189*2*

Pleas *Mandy J*

THE PEOPLE

vs.

*B*

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

*Wm. S. Schulz*  
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 Patton*  
Foreman.

0139

**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 *eighth*  
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

01411

1264  
reduced

96

Court ofayer and Terminer.

Counsel,

Filed, 22 day of June 1892

Pleads,

THE PEOPLE

vs.

B

William W. Doolberg

VIOLATION OF EXCISE LAW.  
Selling on Sunday, Etc. § 21, and  
page 1899, § 5.]  
[III. Rev. Stat. (7th Edition),

DE LANCEY NICOLL.

District Attorney.

Entered in the Court of  
General Sessions  
of the County of New York  
for trial (entered in the minutes  
June 28, 1892)

A TRUE BILL.

Admitted to the Court  
of General Sessions,  
Part II, 1892  
Foreman.

Witnesses:

Empty lines for witness signatures.

0142

2037

# Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*William A. DeLoa Bergue*

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

The said *William A. DeLoa 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. DeLoa 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. DeLoa 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

1261  
ordud

77

Court of Oyer and Terminer.

Witnesses:

Counsel, *W. Herzog*  
Filed, *22* day of *June* 189*2*  
Pleads, *Not Guilty (SA)*

VIOLATION OF EXCISE LAW.  
(Keeping Open on Sunday)  
[Ill. Rev. Stat. (7th Edition), Page 199, Sec. 5.]

THE PEOPLE

Complaid us! sent to the Court  
of Special Sessions.

*Wm. B. ...*

*William Dennis*  
*(in Case)*

*General Dennis*  
*June 21 1892*

BY LANCEY NICOLL

District Attorney.

A TRUE BILL.

*W. B. ...*

Foreman.

0145

(2040)

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

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.

0146

2085

# 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.*



# 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  
of Trial

Filed away

Counsel, *James H. Hoff*  
Filed *June 1897*  
Pleads, *not guilty (July 5)*

Robbery, Degree, (Sections 224 and 23, Penal Code.)

THE PEOPLE

*25*  
*Shony of*  
*361 Broadway*  
*London*

*Timothy Dempsey*  
*(3 cases)*

DE LANCEY NICOLL,

District Attorney.

*James H. Hoff*  
*361 Broadway*  
*London*  
A TRUE BILL, *Robby 1 day.*

*James H. Hoff*  
*361 Broadway*  
Foreman.

*James H. Hoff*  
*361 Broadway*  
*London*  
*4 for 1 day*  
*15*  
*SP 5 70 15 map*  
*Dec. 9, 1892.*

Witnesses:

*James H. Hoff*

*Matthew McEnaney*  
*71 Montgomerie Street*

*W. H. Hall*  
*319 Lomb*

0151

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 28<sup>th</sup> 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 28<sup>th</sup> 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 28<sup>th</sup>* 189 *2*

The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

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, }

Francis Smith

of No. 317 Front Street, aged \_\_\_\_\_ years,  
occupation Truckman being duly sworn, deposes and says,  
that on the 21<sup>st</sup> 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  
deponents person by force & violence a  
watch & chain worth one hundred & fifty  
dollars.

I sworn to before me this }  
25<sup>th</sup> day of June 1892 }

Francis H. Smith

Justices  
Court of Sessions  
City 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. *No. Dempsey* Street,

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

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

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 1/92

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 Montgomery 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 S...

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 pulled my inside vest pocket out.

0159

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.

Q Half sober and half drunk? A I had five <sup>or six</sup> 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.

0160

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.

0161

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 robbed you? A I could not.

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? X 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

0164

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  
11 complaint (paper shown)? A Yes, sir.

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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 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 know 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

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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

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 you 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

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

v.

Timothy Dempsey

filed June  
1892

Stenographer's Transcript.

October 1892

108 U.S.

~~108 U.S.~~

0193

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

3<sup>rd</sup>

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 St. Patrick. 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

*29<sup>th</sup>*

day of

*Charles W. Smith*

Police Justice

0194

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*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 1st Ave. N.Y. 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

*29-5*

day of

*March 1942*

Police Justice

0195

3<sup>rd</sup>

District Police Court.

Sec. 198-200.

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

day of *April*

*1934*

*Charles W. Strickland*  
Police Justice.

0196

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 Hainton* 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.

0197

660 / 3 / 248  
Police Court, District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

George Stump  
John Sullivan  
William ...  
Timothy ...  
Offense, ...

Dated February 25 1892

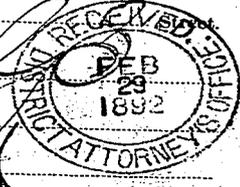
DISMISSED.  
Magistrate.  
as vs ...  
Precinct.

Witnesses  
Precinct Street.

No. Precinct Street.  
Francis Smith

No. 317 ...  
\$ 1000 to answer

W. ...  
Bancil



BAILED,  
No. 2 by Margaret Russell  
Residence 189 Henry Street.  
No. 1 by Greenwich Corwin  
Residence 347 Cherry Street.  
No. 3 by Edw M Torley  
Residence New Brighton Street.  
No. 4, by  
Residence Street.

0198

Police Court--

3<sup>rd</sup> District.

CITY AND COUNTY }  
OF NEW YORK, } SS

of No. 4 Government Street, Aged 20 Years  
Occupation the Clerk being duly sworn, deposes and says, that on the  
14 day of February 1887, at the 9 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 Loy and  
James Dempsey (all now dead)  
from the fact that at about the hour  
of 8 o'clock P.M. the deponent came into  
the store where deponent resides. Deponent  
deponent 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 deponent  
Sullivan inserted his hand in deponent's vest  
and pantaloons pockets and forcibly abstracted  
said money from deponent's person and the  
deponent and Loy held the door leading into the

Sworn to before me this

Police Justice

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 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 25<sup>th</sup> day of July 1892

George W. Foster

Charles N. Fairbrother  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars and be committed to the Warden and Keeper of the City Prison  
of the City of New York, until he give such bail.  
Dated 1892  
Police Justice

I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1892  
Police Justice

There being no sufficient cause to believe the within named  
guilty of the offence therein mentioned, I order he to be discharged.  
Dated 1892  
Police Justice

Police Court, District

THE PEOPLE, &c.,  
on the complaint of

Offence—ROBBERY.

1  
2  
3  
4

Dated 1892

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 1897 John Barrett

Charles Keinton Police Justice.

0201

Sec. 198, 200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*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*

*John H. ... 1889*

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

766

Police Court, 3 District.

THE PEOPLE, &c.  
ON THE COMPLAINT OF

*John Barrett*  
*359 Cherry*  
*vs*  
*Timothy Kimpsey*

*J. J. O'Sullivan*  
Officer

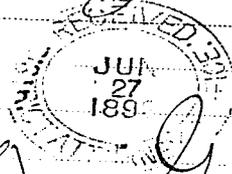
Dated *June 25* 189*7*  
*Tantor* Magistrate.

Witnesses *Dennis Sullivan*  
No. *359 Cherry* Street.

No. *500* Street.  
to answer *Yl*

*Bailed*

*am*



BAILED.

No. 1, by *Samuel O'Hall*  
Residence *1608 Walnut* 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 *twentieth*  
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  
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 <sup>attempt to</sup> 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  
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  
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  
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 <sup>attempt to</sup> 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 Saucy McCall*  
District Attorney

THIRD COUNT—

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

*Timothy Campbell*

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

The said

*Timothy Campbell*

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

*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 Campbell*

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 Campbell*

670 CFA

Counsel,

Filed

27 day of June 189

Pleas,

*Magulby*

THE PEOPLE

vs.

*[Signature]*

*Shirley (Mrs.)*  
*(Beard)*

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

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Francis Higgins*

Foreman.

*[Handwritten notes]*

0207

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 *third* 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 *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 *George Stump*, 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 Stump*, from the person of the said *George Stump*, against the will and by violence to the person of the said *George Stump*, then and there violently and feloniously did rob, steal, take and carry away, *the said*

*Timothy Dempsey* *James* *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.

*Deane M. McCall*  
*District Attorney*

Bad m's indicts. filed  
at \$7500. R. J. M. J.

Witnesses:

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

66/

Counsel, *H. M. J.*

Filed *29* day of *June* 189 *2*

Pleads, *Not Guilty (guilty)*

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

THE PEOPLE

vs.

~~\_\_\_\_\_~~

*Timothy Dempsey*  
(3 cases)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*Lancey Nicoll*  
Foreman.

~~\_\_\_\_\_~~

*June 29 1892*

*Timothy Dempsey*

0208

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.

By Lancy McCall, District Attorney

02 10

**BOX:**

484

**FOLDER:**

4418

**DESCRIPTION:**

DeMurio, Mary A.

**DATE:**

06/02/92



4418

0211

Witnesses:

Counsel,

Filed

day of

June 1892

Pleads,

THE PEOPLE

vs.

Mary A. DeMuro

VIOLATION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
[Ill. Rev. Stat. (7th Edition), page 1888, Sec. 21, and  
page 1889, Sec. 5.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lewis Cattie  
Foreman.

F. J. ...

0212

Excise Violation-Selling on Sunday.

POLICE COURT- 5 DISTRICT.

City and County } ss.  
of New York, }

*Adam Lang*

of No. 27<sup>th</sup> Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 8 day  
of March 1891, in the City of New York, in the County of New York,

at premises No. 314-6-107 Street,

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

Sworn to before me, this 8 day  
of March 1891

H. H. Wells Police Justice.

*Adam Lang*

0213

Sec. 198-200.

5 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*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 *her*; that the statement is designed to enable *her* if she see fit to answer the charge and explain the facts alleged against *her* that *she* is at liberty to waive making a statement, and that *her* waiver cannot be used against *her* on the trial.

Question. What is your name?

Answer. *Mary Anderson*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *314 - 6<sup>th</sup> - 107<sup>th</sup> 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. De Maria*

Taken before me this  
day of *April* 189*7*  
*M. J. Hill*

Police Justice.

0214

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.....

*Regendorn*

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 9 1891 *[Signature]* Police Justice.

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

Dated March 9 1891 *[Signature]* 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.

0215

1904 Sunday 321  
Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Adam Lang*

*William De Minnie*

2  
3  
4

*Offence*  
*Case*

Dated *March 8 1891*

*De Minnie* Magistrate.

*Lang* Officer.

*Lang* Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

\$ *100* to answer *Lang*

*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.

**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 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.

0217

**BOX:**

484

**FOLDER:**

4418

**DESCRIPTION:**

Deoria, Joseph

**DATE:**

06/02/92



4418

0218

Witnesses:

Counsel,

Filed

day of

June 1897

Pleads,

THE PEOPLE

vs.

B

Joseph Deoria

B

VIOLETION OF EXCISE LAW.  
(Selling on Sunday, Etc.)  
(III. Rev. Stat. (7th Edition), page 1983, Sec. 21, and  
page 1984, Sec. 22.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Luis Cattin

Foreman.

F. J. [Signature]

0219

Excise Violation—Selling on Sunday.

POLICE COURT- 1 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,

Joseph Deoria (now here)  
did then and there ~~SELL~~, CAUSE, SUFFER and permit to be ~~SELL~~, ~~SELL~~ 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 } Adam Lang  
W. M. ... Police Justice.

0220

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*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 *July*

*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<sup>d</sup> Jan 1892 W. M. Mahoney 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 45<sup>th</sup> Street.

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

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

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

~~1305~~ 1621  
Police Court --- 1<sup>st</sup> District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

Adam Lang  
vs.

Joseph Deoria

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

*Officer*  
*Geo E. Lang*

Dated 3 Jan 1892  
McMahon Magistrate.

30 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 Seoria*

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

The said *Joseph Seoria*,

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 Seoria*

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 Seoria*,

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  
impossible.

I recommend that the  
defendants be discharged on their  
own recognizance

April 25-1898 914 Day  
D.A.S.A.

I concur in above.

April 25-98 James M. Callow  
Just Dist. Ct.

Counsel,

Filed 19 day of 1898

Pleas, Nos 1, 2, 3 - read

no not guilty July 6

THE PEOPLE

vs.

1. William H. Danello
2. George W. Harmon
3. Edward Corriol
4. Richard Williams
5. Edward O. Tashner

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

DE LANCEY NICOLL,  
District Attorney

A TRUE BILL.

Rancis Higgins

Foreman.

Part 3, April 25/1898 -  
On motion of the D.A.  
all dets. Disch. in 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  
I concur in above.

April 25-98  
James M. Callan  
Dist. Atty.

Counsel,

Filed 29 day of June 1898

Pleads ~~not guilty~~ not guilty (July 5)  
no 5 not guilty (July 6)

THE PEOPLE

vs.

B.

William Deville

George O. Harmon

Edward Borriell

Richard Williams

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.

[Signature]



0232

CITY OF NEW YORK POLICE COURT, DISTRICT.

of No. 7 Pump 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.

Sworn to before me, this  
of 1891  
[Signature]

Notary Public

Edward Fisher, Richard Williams,  
Edward Corrie, George W. Harmon,  
Preston McKinney and William Neville  
(all numbers 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.  
[Signature]

0233

Police Court, \_\_\_\_\_ District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

60  
vs.  
Common Pleas  
5 others

AFRIDA VIT.  
Henry B. B...

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

Bliss Magistrate.

Officer.

Witness

John Russell

B

Bliss

Disposition

Exp

0234

(1835)

Sec. 198-200.

2

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*William Neville* 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.

*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.

*1120 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 wish for this name  
in return*  
*Wm Neville*

Taken before me this *29*  
day of *February* 189*9*  
at *1120 Washington Ave*  
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 - E - 45<sup>th</sup> 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 sorry for the examination  
Geo. S. Harmon*

Taken before me this

*29*

day of *April* 189*3*

*Ed. J. Kelly*

Police Justice.

0236

(1885)

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

2  
District Police Court

*Edward Corrie* 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. *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. *S. W. Cor 130<sup>th</sup> & 3<sup>rd</sup> 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  
cannot for this exculpation*

X  
*Edward Corrie*

Taken before me this *17<sup>th</sup>*  
day of *February* 189*7*  
*J. M. [Signature]*  
Police Justice.

0237

(1235)

Sec. 198-200

2

District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*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. 21<sup>st</sup> 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 waive further testimony in connection  
Richard Williams*

Taken before me this

*19*

day of *January* 189*2*

*John J. [Signature]*  
Police Justice.

0238

(1885)

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK, } ss.

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. 21<sup>st</sup> St. 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 waive further communication*

*E. Fisher*

Taken before me this *29*  
day of *February* 189*2*  
at *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 Harmon & 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 John F. Brady Police Justice.

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

Dated July 29 1892 John 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*

*Edward Fisher*  
*Richard Williams*  
*Edward Corrie*  
*George D. Harmon*  
*Robert W. Thomas*  
*William W. Merrill*

Dated *July 29* 1892

*Wm. W. Merrill* Magistrate.

*O'Connell* Officer.

*1st* Precinct.

Witnesses *George Fisher*

No. *O'Connell* Street.

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

\$ *500* to answer *A. A.*

*No 5 - O'Connell*

*Bailed*



*Wm. W. Merrill*

*No. 1, 2, 3, 4 & 6*

BAILED,

No. 1, by *Madame R. Brown*

Residence *222 - East 15<sup>th</sup> Street.*

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

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

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

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

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

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

0241

**Court of General Sessions of the Peace**

494

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

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

of a MISDEMEANOR, committed as follows:

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

late of the *72<sup>nd</sup>* 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. Barnow, Edward Corrie,  
Richard Williams and Edward E. Fisher*

of a MISDEMEANOR, committed as follows:

The said *William Deville, George D. Barnow, 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 Comgari*

*Off. Curran*

*Shan Eileen*

*The case against*

*Smith is that no*

*complaint can be had*

*the complainants or that*

*in the neighborhood*

*for peace and quiet is not*

*good, then was Mr. Smith*

*a grand juror she*

*did not read complaints*

*and I am not all of the*

*jurors I have the*

*complaints did not*

*announce the accused*

*and I am not all of the*

*jurors of the grand*

*jury upon her name*

*she is not a grand*

*juror*

# *Ruey*

Counsel,

Filed

Plends,

THE PEOPLE

1892

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

vs. *B*

*Responsible Director*

DE LANCEY NICOLL,  
District Attorney.

*Robert J. May 15<sup>th</sup> 1892*

A TRUE BILL.

*Spencer Higgins*  
Foreman.

*73 June 28/92*

*Bail dis charged*

0245

Police Court \_\_\_\_\_ District.

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

*Philomena Candre*

of No. *75* *Mulberry* Street, aged *18* years,  
occupation *Housekeeper* being duly sworn

deposes and says, that on the *1* day of *June* 18*92* at the City of New  
York, in the County of New York, in *Mulberry*

he was violently and feloniously ASSAULTED and BEATEN by *Pasqualina*  
*Diaria Diaria* (now here) who feloniously  
cut and stabbed, deponent in the face and  
hand with a knife then and there held in  
her hand

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

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

Sworn to before me, this *1* day  
of *June* 18*92*

*Philomena Candre*  
*mark*

*W. M. ...* Police Justice.

0246

(1895)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

Pasqualina Dionio being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is h right to  
make a statement in relation to the charge against h; that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that h 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. 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 <sup>hi</sup> Dionio  
mark

Taken before me this

day of June 18914

H. P. ...

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* *A. M. Mahan* 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, Andre*  
*75 Hillberry St*  
*Paquishina Jones*

*Offense Assault*  
*Philomena*

2  
3  
4

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 1* 189 *2*

*M. M. Curran*  
Magistrate.  
Officer.  
Precinct.

Witnesses  
No. Street.

No. Street.

No. Street.

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



*Committed*  
*Asst. 1*

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 Diones*

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

*Pasqualina Diones*

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

The said *Pasqualina Diones*

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 Diones*  
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 Diones*

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

The said *Pasqualina Diones*

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 Diones*  
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.

0250

THIRD COUNT—

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

*Gasqualina Dionis*

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

The said

*Gasqualina Dionis*

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

*Gasqualina Dionis*

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

0252

After reading counsel on both sides I have come to the conclusion to recommend the dismissal of the indictment. There may be doubt whether the case, although the language used was intemperate and provoking, 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 articles upon public officers which are directed towards private persons and not he libeled. While such articles are often merged 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 read and understood in a comparative stranger to New York, where they are read by my neighbors and immediate family, 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. Truham, 52 Pa. St. 243, granting that our Code has not abolished this particular form of nuisance, I am of the opinion that to constitute the offense there must be evidence of the constant and habitual nature of oppression 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 Nicoll  
District Attorney

THE PEOPLE  
vs.  
Thomas Dixon  
the younger

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

James H. Rogers  
Foreman.  
on view, Robert D. ...  
and in the presence of  
him given - indist. ...  
June 30<sup>th</sup> 1892

Witnesses:  
Jas. Koch  
Thomas Dixon, Jr.

Counsel,  
Filed  
Pleads,  
day of June 1892  
by  
THE PEOPLE

Indicting a Bill  
(See 247. Penal Code)

0253

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

The People vs  
Joseph Koch

vs  
Thomas Dixon

Examination Before Judge Grady  
June 15, 1892

For the People - Mr Hummel  
vs  
Sgt Abner Colby & others

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 25<sup>th</sup> 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 ~~Michigan~~ State  
Senate in Nov 1871 and I held  
the position of State Senator  
from the first of January 1872 until  
the 31st of December 1873. I was  
appointed Dock Commissioner in  
May 1875 and I held that

position until May or June 1887  
 & that I was appointed Commissioner  
 of Excise by Mayor Grant two  
 year 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.

Q Where have you resided in  
 New York?

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

Q 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  
Lamman 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 that  
year ago - in May.

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

A Yes Sir

2 Look 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.

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

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

Q You received the duties of that appointment

A Yes Sir.

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

A Alexander Meakin, Edward J. Fitzpatrick

Q Who was chairman?

A Mr Meakin

Q Were you appointed to succeed

0260

Charles H Woodman.

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

2 After <sup>your</sup> appointment to office  
in 1881 by Mayor Grant and  
you ~~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 Welling or Dwyer.

Q They were of the City Reform Club?

A An organization which is called the City Reform Club.

Q This case of Schepstone 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

Q A Mandamus was issued?

A Yes - in the case of Scheupline -

Q out of the Supreme Court.

A out of the Supreme Court

Q Look at this complaint and

order to show cause in the

case of W. E. Welling against

your Board, in the Mandamus

proceeding to which you have

referred.

Obeyed 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 pro-  
ceeding. I will like his answer  
whether that is the original  
record.

A I cannot tell. There is but

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

Q What paper is that?

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

Q One signed by you in 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 <sup>my</sup> ~~his~~ 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  
 Opinion on that motion?

A 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 - He 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 Club,  
Office I was sent down by the  
County Club who was subpoenaed  
to bring the record in the case  
of the Mandamus proceedings  
on the part of R. W. E. Welling  
against Alexander Meakem,  
Joseph Koch, and Edward  
T. F. Schubert.

Q One than the records to which  
you refer

A Yes Sir. They are.

Q This is the original record;

A Yes Sir

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

\$75 E. D. June 15 1892

\$75 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.

Q 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.

Q 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.

In 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 Meekin,  
Edward T. Delpatich, and Joseph  
Koch " & c. " (The opinion  
by Judge Barrett)

Q You appealed from the decision of Judge Bennett?

A The Board appealed.

Q You were one of the Board?

A Yes Sir.

Q One of the appellants?

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

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

A I presume it is.

Mr. Abney - 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, any determination by the Court, but not the opinion

of one judge.

Mr Abney - We desire to introduce this as part of the justification of a court in justification - but not the opinion of one judge.

Mr Abney - We wish to put this in evidence from page 924  
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 Honors attention to the fact that Mr Meakin voted to revoke the license, and the others voted against it.

Mr. Wetmore - 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

Q 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.

Q 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.

Q You say that in the Ahern 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

Q You voted on that and rendered a decision?

A Members of the board - yes sir

0272

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

Q Why were you voting for the  
 decision in Tait's case  
 objected to

The Court - You may ask him in  
 what way he voted - I rule  
 out on what grounds induced  
 him.

Q 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.

Q 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.

Q You were indicted in three  
 cases - the Scheepflines case,  
 the Tait case and the Ahrens  
 case

Mr. Abney - I offer in evidence the original records of the Court of General Sessions, being three indictments on the 16th day of May 1890 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 Schenck, Abner and Paul,

The same are marked  
 "Dft. Ex. J. G. & H.  
 Jan 15 1892 - O.J."

Mr. Abney - I offer in evidence three indictments that superseded the other

The same are marked  
 "Dft. E. J. K. Jan  
 15 1892 1892"

Q You demurred to these three indictments filed June 19 1890?

A Yes

Q This demurrer was argued before Judge Martine?

A Yes.

Q Judge Martine overruled the Demurren.

Mr Abney - I offer in evidence the opinion of Judge Martine.

Objection to

Objection sustained

Exception

Q After the Demurren was overruled you pleaded to the indictments in the case of Abrens?

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.

Mr Abney offers in evidence the indictment which returned the indictment of Abrens - filed the 8th day of April 1891.

J. G. & 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 Decided a Recession.

Q The people appealed to the General Term?

A Yes.

Q They reversed Judge Van Brunt?

A They reversed Justice Van Brunt's

order in arrest of judgment.

Q Then your bound appealed to the Court of Appeals.

A Yes.

Q 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 you to receive in evidence the Rescript and Final Judgment. The papers are numbered 14, 15, 16, and 17, of this date.

Mr. Abney - I now offer in evidence the Opinion of Earl, Justice objected to objection sustained Exception

Q The next phase of the case was that it was called before Justice Ingraham.

A It came before Ogden & Tamm.

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

Mr 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 to ~~make~~ make  
2 p.m.

no exhibits left with the stenographer

Examination resumed at 2 p.m.

In Abner - I move to dismiss  
the complaint and that defendant

Q Did not the board take possession of them?

A They maybe there, at the board now - I have not made any inquiry

Q 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

Q Mr Hoch - did you see the Evening Telegram of the City of April 26 1892.

Objected to as immaterial

Q Did you see the article "Vindication Extraordinary" in the Court - I will allow the question if he saw it.

Q Look at the article and see if you saw it.

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 <sup>on the indictment</sup>

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 accepts

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. Linn?

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  
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 motives  
 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 motives

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 their  
 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 Scherpline,  
 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

In the same, it nowhere appears in the testimony before me that the Defendant had any knowledge of the proceedings 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 Ingelheim and Meertme were affirmed and concluded 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

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(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. CRISBY, JR.,  
STENOGRAPHER.

0289

(1885)

Sec. 103-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

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

Question. What is your name?

Answer. 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 94<sup>th</sup> St. - Eleven Months.

Question. What is your business or profession?

Answer. Booklet Minister - Pastor 23<sup>rd</sup> 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 1889  
W. J. [Signature]  
Police Justice.

0290

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Thomas J. Brady a Police Justice  
of the City of New York, charging Thomas Dixon 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 Dixon Jr Defendant of No. 61  
West 94 Street; by occupation a Printer  
and George Howell of No. 67 1/2 Columbus Ave  
Street, by occupation a Builder Surety, hereby jointly and severally undertake  
that the above named Thomas Dixon 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

Thomas Dixon Jr

day of June 1892

W. H. Brady POLICE JUSTICE.

George Howell

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CITY AND COUNTY }  
OF NEW YORK, } ss.

*John J. Pinnell*  
Deputy Police Justice  
23 St

Sworn to before me this

*James Pinnell*  
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 on premises 43 West 66<sup>th</sup> St*  
*West 66th Street, between*  
*5th Avenue and 6th Avenue*

*J. Pinnell*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Underlying to appear during the Examination.

Taken the ..... day of ..... 18

Justice.

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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 ac-  
tion 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.

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**Police Court, District**

(1858)

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 *29<sup>th</sup>* 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

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**Police Court, District.**

1358

City and County }  
of New York, } ss.

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 Ethics  
"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  
11<sup>th</sup> day of June 1892

*W. F. Brady*  
Police Justice

*Joseph [Signature]*

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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 29<sup>th</sup> day of May 1899

at the City of New York, in the County of New York, one Thomas Dixon Jr. did ~~he~~ willfully and maliciously, and ~~did~~ 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 of 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 1<sup>st</sup> day of June 1899

Thos. J. Brady POLICE JUSTICE. 

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Police Court Second District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Koch

vs

Thomas Dixon  
128. E. 21. Street

Warrant-General.

Dated June 1<sup>st</sup> 1892.

Gardner Magistrate.

Connelly Officer.

The Defendant Thomas Dixon is taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

Bernard Connelly Officer.

Dated June 3 1892

This Warrant may be executed on Sunday or at night.

Police Justice.

REMARKS.

Time of Arrest, 10<sup>20</sup> AM

Native of U.S.

Age, 28

Sex, Male

Complexion, \_\_\_\_\_

Color, White

Profession, Minister

Married, Yes

Single, \_\_\_\_\_

Read, Yes

Write, Yes

61. M. 24. Street

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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 *defendant* to bail to answer by the undertaking hereto annexed.

Dated, *June 22* 1892 *Thos. H. Brady* Police Justice.

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

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

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June 15-92-11 am  
" 20-11 am  
" 22-11 a.m.

(55) 762

Police Court, Second District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Joseph Koch

vs.  
Thomas Dixon Jr.

Offense, libel

Dated, June 3<sup>rd</sup> 1892.

Grady Magistrate.

Cornally Officer.

Court Precinct.

Witnesses

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

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

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

\$ 1000 to answer G.S.



\$1000 by June 8<sup>th</sup> 1892  
1892-1022

BAILED,

No. 1, by J. M. Quenell  
Residence 672 Columbia St.

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

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

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

# A WAVE OF REFORM.

REV. THOMAS DIXON, JR., ON DR. PARKHURST'S CRUSADE.

He says New York has been a Sinner City for Young Men since the Inauguration of This Movement—The Reign of the Common People.

New York, May 29.—Before the regular session of the day Rev. Thomas Dixon, Jr., reviewed again the subject of the crusade against the professors of vice and crime in New York. He said: Dr. Parkhurst some time ago bravely sprang into the arena, and with herald and breast challenged the professors and defenders of vice and corruption in this city to mortal combat. He began single handed and alone. He began not long alone. He was slandered, cursed and vilified by the world, the flesh and the devil, and criticised by a few secret leaders. He justly has today the unanimous moral sentiment of this community at his back.

A wave of moral reform now sweeps our city. It is the hour to strike. Let every man who loves truth and righteousness give now the full weight of his manhood to the cause.

There is no time to discuss points of casuistry involved in any particular method used in the beginning. Dr. Parkhurst and his supporters have adopted no patent methods. They have simply by the grace of God to accomplish certain definite results. And they are accomplishing those results.

It was disclosed that the police department and city government had the power to abate certain nuisances, but would not do it because they were the friends of criminals. This has been proven by the arrest, conviction and sentencing by the judiciary of two notorious women, without the aid of the police department—just in spite of it. It has been clearly demonstrated that a corrupt city government is the friend and protector of the criminal classes. It has been shown that we pay \$5,000,000 annually for police protection. We get it—protection of a certain sort—protection for those who have a pull and pay their hush money promptly.

New York has been a safer city for young men since the inauguration of this movement. There are fewer gambling halls, dives and brothels open in this city today than at any time within this generation. I met a New York gambler in a southern town the other day nearly a thousand miles from New York—business in this city was too dull, he had gone out into the provinces. Let every Christian man and woman in New York and the nation give his unqualified support, moral and financial, to this movement now, and the result will be a regenerated metropolis of the nation.

**A REGENERATE CITY.**  
It must come. New York has wallowed in this long night. The day of the Lord is at hand. Let us wash the stain of disgrace from her name that it may no longer be a stench in the nostrils of the people of the state and the nation. Dr. Parkhurst has given us a rallying center. He is a man of spotless life. He is a man of magnificent character. He is a giant in intellect, and in his big heart he carries the burden of a world.

He is a worthy leader.

Upon this I congratulate you. Such a leader is half the battle, and yet so great is the cause that the personality of any man engaged in the work is an unimportant incident as compared with the tremendous issues involved. His city is "A regenerate metropolis." Surely every lover of his city, his home, his God will say, Amen!

The city government bids defiance to the moral sentiment of the community. Mayor Grant has just reappointed Kohlsaat as executive commissioner. This fellow is the biggest scoundrel of all the board, the one man of all men who deserves to be kicked into oblivion. He stands indicted for the violation of his oath as commissioner and should be in the penitentiary today. He alone came up to the standard of the mayor and was reappointed.

Let us have an organization of 10,000 young men banded together around this pledge.

I thereby pledge myself to study the municipal interests of this city and do everything in my power to promote the purity and honesty of its government.

With such an organization the city can be redeemed. A success here will sweep the nation.

**THE REIGN OF THE COMMON PEOPLE**  
And the common people heard him gladly.—Mark 12, 37.

We saw lately that Protestantism during the past twenty years in the city of New York had made a dismal failure, so far as real progress is concerned. We saw that so far from increasing its hold on this great center of modern life, it had not even held the children born into the leading Protestant churches during these twenty years. We simply stated some facts painful and startling that belonged to the history of this period. We cannot but ask ourselves the question, What is the cause of this failure? It seems to me that one of the secrets of our failure lies in the fact that the age in which we have lived for the past twenty years and will live for the next century is the age of the common people—the great masses, the great multitudes. We are now in the first years of the reign of the common people. Power has been gradually descending or ascending, as you may like, from the head of king and prince and aristocrat, until the crown of empire rests upon the head of the everyday unit of society. Science bends its energy toward discovering the secrets of nature that will make the life of the masses richer and better. History now records not the life of kings and princes and armies, but tells us the story of the everyday life of the common people. The eyes of the world are on the great undermasses. All the great novelists of the past fifty years who have swept the heart of the

world with power have told the story of the common people.

**CONSERVATIVE ENGLAND.**  
There is just now sweeping over conservative England a wave of enthusiasm in the work of reaching and elevating and saving the great masses of mankind—that is, the world. Christian socialism has received within the last few months a tremendous impetus in England. The objective point of Christian socialism is the salvation of the masses. One thing that has contributed to this more recent movement has been the death in England of a distinguished number of the government who was a millionaire, who made his millions by a monopoly for which the masses of the people paid, and which he did not give one cent back for the benefit of those from whom it all came. The time is coming and now is upon us when the man who is now enough to die worth millions and give nothing for the alleviation and salvation of the great mass of the people, from whom his wealth derived its value, will be justly cursed, not only by this generation but by all the generations that are to follow. The name of such a man should become the byword of all people's contempt. This conception of the overwhelming importance of the great masses is a result of the teachings of Jesus Christ. As it is the work of Christianity, so it gives the opportunity of the fearless to Christianity.

I fearlessly maintain that the church today that does not reach the common people is not a Christian church.

First—Because Jesus Christ is the sun and substance of Christianity. Christianity is not a creed, or a philosophy or a scheme of ethics, or a theory about the universe. Christianity is Jesus Christ. It is founded upon his unique personality as the incarnation of truth, the message of God to man through man. This being true, the church of Jesus Christ that has the right to his name must be founded on his personality. Jesus himself was of the common people. He was of lowly birth. He was the son of the carpenter. His childhood was passed in this humble home with his lowly surroundings. He was born poor, lived and died poor. The foxes had holes, the birds of the air nests, but he had no where to lay his head. The one by which he loved to designate himself was not the Son of God, but the Son of Man. He nurtured with the masses, lived for them, died for them. The Pharisee and traditional teacher did not desert the home of the poor and outcast; but the news passed from lip to lip that the great Galilean teacher had been seen in the humblest homes, and the acclamation was brought against him that he ate with publicans and sinners.

What a startling contrast is this figure of Jesus with the proud Pharisee of his day, or with the prouder Pharisee of modern times! A little child in the south went to church one day with her mother. The preacher was one of those teachers who held his head at an angle of forty-five degrees in the pulpit and out of it. The little girl began to whisper to her mother and her mother said, "You must not talk, my child; this is God's house." She remained through the service in the street she looked up into her mother's face and said, "Mamma, don't God hold who believe that this is the attitude of the Most High God toward the world, and that his representatives on this earth do his work must use this method. But if we take Jesus Christ as the model, the result must certainly be a violent contrast with this life.

The miracles of Jesus were all intracies of mercy wrought for the benefit of this great, helpless, suffering mass. We are told that he looked out upon the moving thousands as they thronged about him and his heart was moved with compassion. His heart was moved to tears as he saw them scattered as sheep without a shepherd. The first sermon that he preached was from this text: "The Lord hath anointed me to preach the Gospel to the poor." When John sent him to know if he were the Christ, or if he should look for another, his reply was, "Tell John that the lame walk, the blind see, and that the poor have the Gospel preached to them." He was popular with the masses of the people. They followed him, they thought him noble, and his enemies did not dare molest him during the three years of his ministry, because of their fear of the people. Again and again we are told that they did not lay hands on him, because they feared the people.

I would like to know if anybody in New York would hesitate to lay hands on the average modern preacher for fear of the people? Upon the other hand, the people as a rule would gladly aid in his arrest and persecution. This is a startling fact, but it is a fact. The editor of such papers as the New York Sun understands this only too well. His choicest rascality is to slander and vilify Protestant ministers. The reason of it is that the average Protestant minister finds no sympathy with the great heart of the masses of the people. Hence he lies and slanders and vilifies with the utmost impunity.

The life of Jesus was spent in the supreme work of ministering to the wants, the needs and aspirations, the weaknesses and the sins of this great, dark crowd. As he passed through the country, men small of stature climbed into trees that they might see him and speak a message to him as he passed. The crowds thronged him by the sea until it was necessary to push out into a boat that he might have room to speak to them. He stood by the gates of the city and healed the sick who were unable to find a physician. He died for them and because of them. His final arrangement of the Pharisees was the cause of his execution. Messages of love, there poured that terrific arraignment of the scribe and Pharisee as hypocrites and sons of hell. Never from the lips of man did such invective pour. His words cut to the very marrow of the bone. They could not forgive him. They determined to use

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**Marriages at Sea Unlawful.**  
"The silly nannies who run off to sea in lightboats to be married will some day be brought to grief in a way they least expect." The remark made by a prominent lawyer recently, who was discussing with a friend the question of the legality of sea marriages. "Under the laws of this state," he added, "such marriages are not recognized as valid. Unless the parties have a marriage license in due form and the ceremony is performed by a regular preacher of the Gospel or by some civil magistrate authorized by the law to solemnize marriages the contract is no good. The people who live together after being married by the captain of a vessel are sinners by consequence, and the issue of such marriages are illegitimate. If either of the parties were to marry in a regular way some other affinity neither could be a victim of bigamy."

An old sea captain was asked what he thought about the matter. He replied that while it has been a practice from time immemorial for captains to assume the right to marry couples at sea he was fully convinced that no such authority had ever been conferred upon sea captains, still less upon navigators of steamships and other coastwise sailing craft.

The question is being agitated of passing a federal or state law imposing severe penalties upon masters of tug-boats, yachts and other vessels attempting to solemnize the marriage ceremony there henceforth from shore or any other distance.—San Francisco Call.

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**POOR QUALITY ORIGINAL**

0299

## EDUCATION AND BUSINESS.

**The Acquisition of Money is Not the Only Measure of Success in Life.**

The question whether educated men are equally successful in money making business with some other men is still being discussed, and it is still to be observed that a few college graduates seem to take offense because Mr. Carnegie and others like him insist that they are not. For the life of us we can't see why they should feel the least little bit stirred up over the assertion. For it is a fact, and a fact highly creditable to education.

There are two distinct schools of thought in this age of ours. One starts out with the assumption that the chief duty of man is to get money. The other starts out with the equally fundamental assumption that man has numerous duties and privileges, that money making is only one of them, and that there are several which are not only more important, but more worthy of manly ambition and manly effort.

For a recent instance take the case of Professor White, of Cambridge. He is a college graduate, an educated man, a scholar. He has rank and fame and influence in his chosen studies. The other day he was offered a situation in a new western college of more education than attainment, at an increase of \$9,000 a year salary. He refused the offer. His work was of more importance to him than a high salary; his sense of usefulness, his means for continued study and enlarging knowledge, his opportunities for self development, were more attractive than a change which would mean simply more money. And therein, according to the money getting school, he displayed his absolute lack of "business sense." Nor is there the slightest doubt that his previous education led him to this display of unbusinesslike qualities—was indeed the chief cause of it.

Ever since the days of the kings of India and their "barbaric pearl and gold" it has required no college or other education to produce a love for gold and the glitter which gold can give to the future of life. But it has often required a more higher training to eradicate this semi-barbaric fondness for the lower and squalid life with a real interest in a real longing for the higher.

Did Milton write "Paradise Lost" for money? He got five pounds for it, and would have written it if it had not brought him a farthing. He was not called to win "business success," but the world could have better spared several shovels of money getters of Charles I's London than its one Milton. Herschel's love all his life to the study of the stars, and all his work brought him in little if any more money than he could have earned as a confidential clerk, with half the labor and a hundredth part of the honor and a hundredth part of the real strain. Faraday opened new realms of science to a wondering world which would never have been dreamed of had Faraday and those like him been thinking solely of "business success." But the world could better have spared every millionaire in London of Faraday's time than that one businesslike thinker and experimenter.

The list might be extended on and on, till it would fill the great volumes of a biographical cyclopaedia of men who had deliberately devoted their lives to something else than "business success," because they considered something else more important and more worthy of their efforts. They did not ride in glittering carriages during their lives, nor come to live in "marble halls," but today, because of them, the whole world advances in a witer atmosphere and looks out into a grander universe and lives on a higher plane.

It is the crowning glory of education that it leads the mind to appreciate and desire other things besides the seasons luxury which money can procure or the ostentatious display it can provide. That would be a false education which should declare business success an unworthy ambition. Such talk would be nonsense, and one for no man to be ashamed of. But it is a false school of thought which classes it by itself as the only worthy ambition of life, and which makes it a conclusion to try men within. The training which leads men to comprehend and strive for other kinds of success is a good thing and a priceless thing. The sunlight which broadens over a whole universe of diverse life is a better thing than the narrow lightning flash which momentarily lightens up a single county.—Norwich (Conn.) Bulletin.

**Readily Intentioned.**  
Only a few English people can have known Tom, a building, who was, however, very well known in Bordeaux; but total abstainers, for whom his lady would point a moral, will not be alone in lamenting his fate. He was the constant companion of the Bordeaux financiers, and some months ago one of them other hand and wife to the same-dinner party, rightly concluding that a married couple are quite enough of each other in their own home without wanting to be chained together in public. The woman is undoubtedly more attractive to the male guests, displays more charm and verve when free from the restraining presence of her husband, and is consequently a more useful guest so far as success of the function in question is concerned. The man, on the other hand, never talks better, is never more original or more entertaining than when his better half is absent, and consequently unable to take mental notes of his remarks, on which to base an ominous cross examination later on.—Exchange.

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Let the say, too, that heaven is the home of the redeemed millions of the redeemed masses. But a dear old brother says to us, "The Book declares, 'Straight is the gate and narrow is the way that leads to heaven; and wide is the gate and broad the way that leads to destruction.' " We are told that this is an indication that few will be saved and many lost. Nothing could be further from the truth. Jesus was here describing the condition of the world at the moment he spoke. He had no earthly reference to the end of time and the final results. Hear the magnificent words of the Apocalyptic seer as he looked at the end of time, "And I saw a number, stretching away from the throne, entering into the book of life, with their countess host, lest out the clouds; from every nation, and every tribe, and every country, and every tri-

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Attorney General