

04 15

BOX:

118

FOLDER:

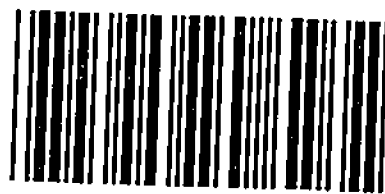
1250

DESCRIPTION:

Brockway, William E.

DATE:

11/20/83



1250

04 16

BOX:

118

FOLDER:

1250

DESCRIPTION:

Martin, Lewis R.

DATE:

11/20/83



1250

04 17

BOX:

118

FOLDER:

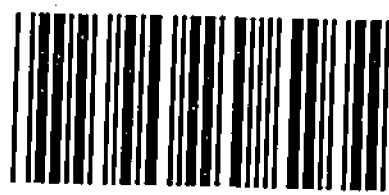
1250

DESCRIPTION:

Foster, Nathan B.

DATE:

11/20/83



1250

Witness

Inspector Rogers

No. 2 - Bailed on appeal
in the sum of \$4,000,
by William S. Hol-
lingworth, 49 West
Broadway and 101
West 125th Street.
Sept. 5th 1884.

The General Term of the
Superior Court having
reversed the judgment con-
cerning the defendant Lewis
Martin of forgery in the
first office, I am of the opinion
that there is very little
probability of connecting the
defendant Nathan B. Foster
with the indictment. Foster has
been in prison for over a year,
now, and should be discharged
in his own recognizance.

Sept. 2nd 1884
J. Lacey Hall
Act Dist Atty

Counsel

Filed 20 day of Nov 1883
(all) Intelligently with name
Pleas

THE PEOPLE

Chas. C. Chittenden
13. 12. 1883
J. A. Corp

William L. Brockway
269 New York

Lewis Martin
3

Nathan B. Foster
1

Sept. 2nd 1884
Chas. C. Chittenden

JOHN McKEON

12 May 2/84 District Attorney
No 2. tried & jury disagreed 4 a.
8 c.

A True Bill.

12 May 21. 1 PM
W. H. C. S. P. 10 yrs. Aug 6/84
Foreman.

Ordered by C. C. Chittenden
and Chamber for trial.

Ordered by Court of General Sessions
to be returned according to law
Dec 10. 1883

POOR QUALITY
ORIGINAL

0418

POOR QUALITY
ORIGINAL

0419

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William E. Brockway
Lewis R. Martin and
Nathan B. Foster

The Grand Jury of the City and County of New York, by this indictment, accuse William E. Brockway, Lewis R. Martin and Nathan B. Foster of the CRIME OF Forgery in the first degree committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster

late of the City and County of New York, on the tenth day of November in the year of our Lord one thousand eight hundred and eighty-three with force and arms, at the City and County aforesaid, with intent to de-

fraud, feloniously did have in their possession certain forged writing and evidence of debt of the kind commonly called coupons, purporting to be issued by a certain body corporate duly existing under the laws of the State of New Jersey, called the Morris and Essex Railroad Company of New Jersey, which said writing and evidence of debt, commonly called a coupon, purported to be a promise for the payment of money, and is as follows, that is to say:

32 nd Morris & Essex Rail Road Company	
Will pay the Bearer at the Office of the Delaware, Lackawanna & Western Rail Road Company, in the City of New York, Thirty Five Dollars, on the first day of April, 1884 for semi-annual interest on their Bond	
No. 1228	Chas. E. Carryl. - Treasurer

1884



with intent the said forged writing and evidence of debt, commonly called a coupon, feloniously to

0420

utter
dispose of and put off as true; they the said
William E. Brockway, Lewis R. Martin and
Nathan B. Foster, then and there well knowing
the same to be forged; 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.

John McKeon
District Attorney.

POOR QUALITY
ORIGINAL

0421

BAILED,

No. 1, by William E. Brockway
Residence Street

No. 2, by Lewis R. Martin
Residence Street

No. 3, by Nathan B. Foster
Residence Street

No. 4, by William E. Brockway
Residence Street

Witnesses
No. 1 Street 1
No. 2 Street 1
No. 3 Street 1
No. 4 Street 1

Dated Nov 14 188 3
Magistrate Richard H. Rogers Officer Richard H. Rogers Precinct 1

THE PEOPLE, &c.
ON THE COMPLAINT OF William E. Brockway
vs. Lewis R. Martin and Nathan B. Foster
Offence Forgery

Police Court District 1

NOV 18 1883
STREET
SESSIONS

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

Lewis R. Martin and Nathan B. Foster guilty thereof, I order that they be held to answer the same and each be admitted to bail in the sum of Twenty hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until they give such bail.

Dated Nov 14 188 3

Fred. M. Rogers
Police Justice

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

_____ guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188

Police Justice.

0422

Sec. 198—200

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Nathan B. Foster 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.

Nathan B. Foster

Question. How old are you?

Answer.

43 years of age

Question. Where were you born?

Answer.

Delfast Maine,

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

Answer.

231 Lexington Avenue - since 3rd of Oct 83

Question. What is your business or profession?

Answer.

In Mining & Mercantile business,

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?

ver.

I have nothing to say at present
Nathan B. Foster

Taken before me this

day of

14
Sept 1883
Deputy
Police Justice.

0423

Sec. 198-200

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Lewis R. Martin

Question. How old are you?

Answer.

58 years old

Question. Where were you born?

Answer.

Guildhall - Vermont

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

Answer.

St James Hotel - since 15 August last

Question. What is your business or profession?

Answer.

Cattle dealer

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?

Ans.

I have nothing to say at present

LM

L. R. Martin

Taken before me this

day of

10th

1888

Police Justice

0424

Sec. 198-200

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

William D. Brockway 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 D. Brockway

Question. How old are you?

Answer.

61 years of age

Question. Where were you born?

Answer.

Casey - Connecticut

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

Answer.

270 West 11th St. - since three months past

Question. What is your business or profession?

Answer.

I am a Photo Printer by trade,

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 have nothing to say at present

Wm D Brockway

Taken before me this

day of

Sept 13 1894
John J. [illegible]
Police Justice

0425

DETECTIVE OFFICE
Police Department of the City of New York,
No. 300 Mulberry Street,

NEW YORK..... 1888

The following property was found in the trunk of Marion S. Miller, alias Nathan B. Foster, on third floor, (middle room,) of No. 234 Lexington Avenue, New York City, on November 10, 1883, the same being found done up in packages by Sergeant Edward Slavin, Detective Sergeant James J. Langan who conveyed them to the Detective Office at 300 Mulberry Street where they were opened, scheduled, repacked, and numbered of which the following is a true transcript of their contents.

No. 1.

Form of type, set up.

"We hereby certify that this Bond is one of the within described, Seven Thousand, and Two Hundred Bonds, of the like date, secured by a mortgage, executed and delivered to us."

No. 2.

Form of type, set up.

"Central Pacific R.R. Co. California, Oregon Division. Six per cent 20 years, Gold Bond."
\$1,000.

No. 3.

Form of type, set up.

David S. Dodge, one of the Trustees within named having died, Philo. C. Calhoun, has been duly nominated, and appointed a Trustee, in his place, and stood in accordance with the provisions of said mortgage.

0426

No 4.

Two seals, both of which is a fac-simile, to that on the \$1000. First mortgage Bonds of the Central Pacific Rail Road, with the words "Central Pacific Rail Road Company. Seal."

No 5.

Two embossed seals, of the \$1000. First mortgage Bonds, of the Central Pacific R.R. Co, with "Six shillings, and three pence" within a wreath, also, a stamp (a wood cut) with the word "London" in circle form around top, under which is a "crown", and underneath this again are the figures 14. 5, 73. Directly under the figure "5," is the letter "U."

The form of this stamp, appears, upon the upper left hand corner of the above described Bonds.

Some brass serolls, five pieces of type metal, of which two represents the letter "B," two, the letters "No", and one, the letter "I." also, one piece of type with the word "Trustee."

0427

No 6.

Eighteen packages of type, set up. to print the backs of as many coupons, of the \$1,000, Central Pacific R.R. Bonds as follows, "This coupon is also payable at the option of the holder, at the Banking House of Speyer Bros. London, at the rate of forty nine pence, sterling per dollar, in accordance with the Endorsement upon the Bond"

No 7.

One complete battery.

No 8.

One package of plumbago.

No 9.

Type, and form for printing the back of a \$1,000. Central Pacific R.R. Bond.

No 10.

A quantity of loose type, that fell from a frame while in transit from Foster's room to the Detective Office, which when found in Foster's room, was set up. to represent the back of a \$1,000. First Mortgage Central Pacific Bond.

0428

No. 11.

A lead piece on steel, representing the border of the seal, placed on one of the \$1000 First mortgage Central Pacific Bonds. Also, one piece of tracing paper.

0429

City and County of New York, ss:

In the name of the People of the State of New York:

Peace Officer
To any Sheriff, Constable, Marshal, or Policeman in the
City and County of New York:

Proof, by affidavit, having been this day made before me, by *William J. Coogrover and Andrew H. Drummond*

that there is probable cause for believing that *James S. Foster* has in possession at the premises No 231 Lexington Avenue in the city of New York divers papers letters and documents and divers instruments for counterfeiting States or parts of plates fully or partly finished and divers counterfeit bonds in various stages of the process of completion with intent to use the same as the means of committing the public offence of Forgery

You are therefore commanded, in the day time, to make immediate search in the building situated *at Number two hundred and thirty one Lexington Avenue*

for the following property: *Letters papers and documents relating to or effecting the business of counterfeiting rail road bonds certain implements of counterfeiting dies counters proofs counterfeiting bonds wholly or partially completed and all other things whatsoever in said building contained appertaining to Forgery and counterfeiting*

And if you find the same or any part thereof, to bring it forthwith before me at *Sach*
one of the Justices of the Peace of the City and County of New York, in the City Hall in said City

Dated at the City of New York, the *Tenth* day of *November* 188*3*

Frederick W. Recusor

0430

James J. Langan - Policeman - being duly
sworn doth depose and say that the
within is a correct return of the property
found under the search warrant issued
Sworn to before me } James J. Langan
Nov 14 1883
P. M. R. R.
Reck

THE PEOPLE

ON COMPLAINT OF

Marion S. Miller,
alias

Nathan B. Foster.

SEARCH WARRANT.

0431

DETECTIVE OFFICE
Police Department of the City of New York,
No. 300 Mulberry Street,

NEW YORK.....188⁸

The following property was found in a middle room on third flat occupied by William E. Brockway at No. 240 West 11th Street, New York City, on November 10th 1893, by Sergeant Edward Stearns, who conveyed same to the Detective Office at 300 Mulberry St.

Vignettes, used in bond printing.

0432

City and County of New York, ss:

In the name of the People of the State of New York:

Peace Officer in
To any ~~Sheriff, Constable, Marshal, or Policeman~~ in the
City and County of New York:

Proof, by affidavit, having been this day made before me, by

Wm J Cosgrove and Andrew
L Drummond

that there is probable cause for believing that

William E Brockway
has in his possession at the premises
No 270 West Eleventh street in the City
of New York divers papers letters and
documents and divers instruments for
counterfeiting plates or parts of plates fully or
partly finished and divers counterfeit bonds
in various stages of the process of com-
pletion with intent to use the same as the
means of committing the public offense of
Forgery

You are therefore commanded, in the day time, to make immediate search in the
building situated At Number Two hundred and
Seventy West Eleventh Street

for the following property: Letters papers and documents
relating to or affecting the business of coun-
terfeiting railroad bonds, certain implements of
counterfeiting, dies counters proofs counterfeit bonds wholly
or partially completed and all other thing whatsoever
in said building contained appertaining
to the & forgery and counterfeiting

And if you find the same or any part thereof, to bring it forthwith before me at
of the Court of General Sessions of the City
County of New York in the City Hall as
directed

Dated at the City of New York, the Tenth day of November 18 83

Red. M. Smith
Recorder

0433

Frank Mangin Jr. - Policeman - being duly
sworn deposes and says that the within is
a correct return of the property found under
the search warrant issued -
Sworn to before me
Nov. 14. 1883
J. H. [Signature]
Recd

Frank Mangin Jr.

THE PEOPLE

ON COMPLAINT OF

against

William E. Brockway

SEARCH WARRANT.

0434

DETECTIVE OFFICE

Police Department of the City of New York,

No. 300 Mulberry Street,

NEW YORK. 1883

The following described property was found by Sergeant Edward Slavin, in a room. 4th 86, of the St. James Hotel, situated on the South West corner of 26th Street, 4th Broadway, New York City, on November 10th 1883, the same being occupied by Lewis R. Martin.

The property was conveyed to the Detective Office at 300 Mulberry Street.

Twenty one, 7 percent Construction Mortgage Bonds, of the Morris & Essex Rail Road Company, of \$1,000 each, and numbered as follows. N^o. 1822. 2221. 1248.

2182. 841. 1282. 1824. 1482. 2128. 2812.

1284. 2821. 842. 1842. 814. 2418. 2841.

2218. 2184. 4th. 2481. Bond N^o. 1228. has been sent to

the District Attorneys Office to be attached to affidavits.

Thirty three Bonds of the above denomination of \$1,000 each, which are not numbered, or signed were found in a large valise. Also four dies, and seals consisting of two electrolyzed embossed seals, used on the Bonds, of the Morris & Essex R.R. of \$1,000 each. Also, two electrolyzed embossed seals, used on the Bonds, of the Delaware, & Lehigh Western R.R., of \$1,000, each. Some tracing paper with the names of "Sam Sloan" "Charles E. Carryll" and "P. R. Payne," written on it.

0435

City and 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 the
City and County of New York:

Proof, by affidavit, having been this day made before me, by

William F. Casgrove ^{and}

Andrew L. Drummond

that there is probable cause for believing that Louis Martin has in his possession in the apartments occupied by him in the St. James Hotel on Broadway corner of West Twenty Sixth Street in the City of New York divers papers letters and documents and divers instruments for counterfeiting plates or parts of plates fully or partly finished and divers counterfeit bonds in various stages of the process of completion with intent to use the same as the means of committing the public offense of forgery

You are therefore commanded, in the day time, to make immediate search in the building situated rooms occupied by said Louis Martin in the St. James Hotel on the corner of Broadway and West Twenty Sixth St

for the following property: Letters papers and documents relating to or affecting the business of committing counterfeiting railroad bonds certain implements of counterfeiting dies counters proofs counterfeit bonds wholly or partially completed and all other thing whatsoever in said building contained appertaining to forgery and counterfeiting

And if you find the same or any part thereof, to bring it forthwith before me at

at the Court of General Sessions of the City & County of New York in the City Hall in the City of New York

Dated at the City of New York, the

day of

1888

Notary Public
Receivable

0436

Edward Levin - Policeman - being duly
sworn deposes and says that the return
is a correct return of the property found
under the search warrant issued -
Sworn to before me, } Edward Levin
Nov. 14, 1883. }
J. M. Up }
Recd }

THE PEOPLE

ON COMPLAINT OF

against

Lewis R. Martin

SEARCH WARRANT.

0437

Master of

Brooklyn
Foster, and
Martin

Foster

0438

City and County of New York s/s:

Edward Stein being duly sworn deposes and says: that he is a sergeant of police connected with the Central Office of the Police Department of this City: that on the tenth day of November 1883 deponent found the forged mortgage bond annexed to the affidavit of Frederick H. Gibbons herein, with 53 others similar in appearance, in the possession of and in the room occupied by Louis R. Martin in the St. James Hotel in this City.

That deponent also found in the said room, 4 seat dies of the Norrist Essex RR Co. and among the said forged bonds some pieces of tracing paper with the names "Chas E. Carr & Fear" "Sam Sheane" and "R. P. Pine Trustee" written thereon.

That deponent is informed and believes that by Detective Sergeant Langdon of the Central Office that he, said Langdon, on the said 10th of November 1883, in the house occupied by Nathan B. Foster at No. 231

0439

ff

Savington Avenue, found in the possession of said Foster, ~~and~~
~~many other articles of the same~~
~~as the genuine mortgage bonds of the~~
~~said Rail Road Company~~ drivers
 seals, forms of type and other
 apparatus and paraphernalia
 of a kind commonly used
 in engraving and printing: and
 deponent is further informed
 by Frank Mangin Jr. a Detective
 Sergeant attached to the Central
 Office, that on the said 10 day
 of November 1883 he found in
 the possession of ~~said~~ one
 Wm E. Brockway, in the house
 no 270 W. 11th Street in said
 City, drivers printed vignettes
 and is also informed by ~~Inspector~~
 Inspector Byrnes that he said
 Inspector found on the person
 of said Brockway one genuine
 \$1000 mortgage bond of the Morris
 & Essex Rail Road Co. and one
 genuine \$1000 bond of the Central
 Pacific R.R. Co.

Wherefore deponent deponent
 charges, upon such information

0440

and belief that, they the said
Wm E. Brockway, Lewis R.
Martin, and Nathan B. Foster
in concert and collusion with
each other, and each with the
felonious intent to defraud,
did falsely make and forge
the said first mentioned mortgage
bond of the Morris & Essex Rail
Road Company

Sworn to before me
this 12 day of November 1883

Edward Levin

J. M. Murphy
Recd

0441

City and County }
of New York } S.S.

William F. Boogroove being duly sworn says that he is a Detective Sergeant of Police attached to the Police Department of the City and County of New York. that he has heard read the Affidavit of Andrew L. Drummond and knows the contents thereof. That on or about the 22 day of October last deponent Detective Sergeants James J. Langan Frank Mangin Jr, & Detectives John Heard were detailed by Inspector Thomas Dymmes and instructed by him to take up the investigation of the forgery of one thousand dollar Railroad Bonds by William E. Brockway Nathaniel B. Foster and Lewis Martin where the same had been dropped by the said Drummond. That in pursuance to said instructions deponent and his associates after being informed by the said

0442

Drummond of all the facts within his knowledge began on the 22 day of October last to watch the movements of the said Brockway Foster and Martin and the house No 270 W 11th St, No 231 Lexington Avenue and the ~~said~~ St James Hotel where the said Martin was residing and the said watch has been kept up from the said date up to the present time; that during said time deponent and his said associates as deponent is informed by them and verily believes, have observed the said Martin and Brockway frequently visiting the premises No 231 Lexington Avenue where the said Foster was residing and the said Brockway visiting Martin at the St James Hotel and acting in concert in a suspicious manner in the way generally described in the Affidavit

0443

of the said Drummond and on one occasion the said Brockway was followed to the office of an engraver at 3 1/2 Division Street in this City.

Deponent further says that on one of the days that he was watching, the house no 231 Lexington Ave that at about the ^{hour} of three thirty ~~o~~clock p.m. (of October 27 last) the said Brockway entered the said house and after an hour came out again with the said Foster they walked together down the Avenue to 32^d Street, Foster continued on walking towards 4th Avenue leaving Brockway standing on the corner of 32^d Street and Lexington Avenue. ~~Brockway~~ and Foster returned to where he had left Brockway and both were met at 4th Avenue and 32^d Street by Detective Sergeant Mangin and

POOR QUALITY
ORIGINAL

0444

who followed ^{him} and Detective John Heard to Rathbun Feed Store at No 4 Avenue. In getting to which place he passed by Guernsey Express ^{Office} at No 465 St Avenue; they stood conversing on the sidewalk in front of the feed store when Foster returned to his house No 231 Lexington Avenue and Brockway went to his residence at No 270 West Eleventh Street. Five minutes after Foster returned to his house during which time he stood in front of his house behind a ~~tree~~ tree looking up and down the street, there came to the house a truck belonging to Rathbun aforesaid. On the arrival of the truck at the said house Foster and driver of said truck entered said house and returned ^{with} a medium sized zinc trunk with black bands, which they carried

0445

down the steps very carefully
and with ^{the} same care placed it
on the truck; Foster and the
driver got on the truck to-
gether; Foster sat on the trunk
facing the rear of the truck
so as to enable him
to watch to see if he was
followed. When the truck
reached within 50 feet of
4th Avenue in 32^d Street
Foster got off the truck
and walked ahead of the
truck to the fourth Avenue
thence to Guernsey Ex-
press office 465 4th Ave-
nue which he had previous-
ly passed to obtain the truck
at Rathbuns. No ~~4th Avenue~~
the trunk was taken from the
truck and placed in the door-
way of the Express office where
it remained until 6²⁵ p.m., while
the said trunk was on walk a tag
was placed on trunk with the
address Mrs H. Gilbert No 270
West Eleventh Street and taken
the said address by one of

0446

Querneys Express wagons which was followed to aid address by Detectives Pageants Langan ^{and} Heard which is the residence of the said Brockway.

The deponent further says that from the information derived from the said Andrew L. Drummond and from the facts and circumstances discovered by himself and ~~the~~ his said associates he has good cause to believe and does believe that the said William E. Brockway Nathaniel Foster ^{and} Lewis Martin are now engaged at the City ^{and} County of New York in feloniously forging ^{and} counterfeiting a one thousand dollar railroad bond and a large number of such bonds with intent feloniously to dispose of a put off the same as true ^{and} that he has good cause to believe ^{and} does believe that the said Brockway Foster and Martin have in their possession at the premises No 270 West Eleventh Street, and at No 231 Lexington Avenue ^{and} in the apartments occupied by the said Lewis Martin at the St James Hotel all in the City ^{and} County

0447

of New York aforesaid a large number of papers, letters ^{and} documents and divers instruments for counterfeiting to wit; Electric battery counterfeit plates & parts of plates fully or partly finished a divers of counterfeit bonds in various stages of the process of completion with intent to use the same as the means of committing the public offense of forgery; that the grounds of deponents belief are deponents knowledge of the said Brockway Foster & Martin as Counterfeiters, the facts in the knowledge of deponent & his said associates and the circumstances detailed in the annexed affidavit of Andrew L. Drummond. Wherefore the deponent prays that search warrants may issue authorizing a search to be made in the premises no 270 West 11th Street occupied by the said William B. Brockway; in the premises no 231 Lexington Avenue occupied by the said Nathaniel B. Foster and the apartments occupied

POOR QUALITY
ORIGINAL

0448

by said Lewis Martin all
in the City and County of New
York.

Sworn to before me

this 10 day of November 1883

William J. Ferguson

Frederick
Rec^d

affidavit sworn to
by Frederick
Nov 10 1883

0449

City and County } ss.
of New York

Andrew L. Drummond
being duly sworn says that he
is Chief Operator of the Secret
Service for the New York District
of the United States Treasury
Department; that the deponent
knows William E. Brockway (per-
sonally) and by reputation
Nathaniel B. Foster, Lewis Mar-
tin and James B. Damon; all
to be counterfeiters of United
States Bonds and other public
securities; that about the mid-
dle of August 1883 deponent
received information from the
Department at Washington
that Mrs James B Doyle the wife
of a convicted counterfeiter
a Mrs Blakely, James B
Damon, Nathaniel B Foster,
one — Ladd whose full name
the deponent has for a moment
forgotten, Andrew J Sheets
and William E Brockway,
were engaged in counterfeiting
a ^{one thousand dollar} 1000 Bond of the Union Pacific

0450

Railroad, a one thousand (\$1000) dollar Bond of the Northern Pacific Railroad, and a ~~plate~~ Five (\$5) dollar National Bank note and that about Seventy thousand (\$70,000) dollars in Counterfeit one thousand (\$1000) dollar Bonds were nearly ready for the market, that this information reached the Department at Washington DC through a statement of the facts made by one ~~Nathan~~ or Blunsell who sent it from the West where most of the parties named resided & who was implicated in the conspiracy. Dependant was further informed from the same source that William E. Brockway was engaged in doing the above named work in New York City ~~or~~ Brooklyn; the Dependant was further informed that the said Nathaniel B. Foster had left the

0451

West for New York City to
join the said Brockway and
that the said ^{James B} Damon, intend-
ed to leave his home in the
West to visit New York and
ship the counterfeit bond to
Andrew J. Sheets, possibly
to Bradford Illinois. Some time
before deponent received
this information from Washing-
ton D.C. He had been sent
for by a printer named
Kimmel doing business at No.
26 University Place New
in said city to call and see him.
Deponent did so, ^{the following morning} when
the said Kimmel showed de-
ponent a steel ^{and piece} ~~die~~, with
figures 1000 and dollar
marks engraved thereon,
and said that it had been left
with him a day or two days
previous to deponent's visit
by a "tall man, ~~an~~ old &
grey whiskers," that upon
looking at the plate the
deponent ascertained that
so far as the engraving on

0452

on the Steel die ^{or lead piece} was completed, it was an imitation of the die used in the genuine \$1000 Union Pacific Railroad Bonds. Acting upon the information received from Mr Kimmel deponent placed a watch upon the printing office of Mr Kimmel and arranged with Mr Kimmel that he should give a signal agreed upon, when the man who had left the steel die ~~at the~~ who should come to the office again. The said Kimmel had informed the deponent that the party who had left the die, desired the said Kimmel to take a proof of the die. As a result of this watch deponent ascertained that the person who had left the same & came ^{for} the proof was the said William E. Broadway. Deponent received from said Kimmel a copy of the proof of said die and ascertained that the same was not a ^{counterfeit} copy of any portion of

0453

any of the Government Securities and the matter being therefor not within the lines of the deponent's duties as an officer of the Government, deponent took the said proof and delivered it to the Superintendent of Police of the City of New York and subsequently gave to Inspector Thomas Byrne, ^(and his detectives) of the said police force all the information in deponent's possessions concerning it. Deponent's attention was not again called to the matter until he received about the middle of August last the information from the Department at Washington which is hereinbefore set forth upon receiving which information deponent set a number of his assistants to work watching William E. Brockway, and ^{upon} ~~which~~ ^{derived from them which} information deponent can substantiate ^{by} their affidavits; Deponent avers and states that the said William E. Brockway, was residing 1761 Greenwich St in the said City, and that ~~almost~~ ^{he was} a daily visitor at Room No 86 of the St James Hotel in said City occupied

0454

by the said Lewis Martin, also house No 231 Lexington Ave in said City, where he would remain frequently at hours at a time and one occasion remained for two days & one half day and that after deponents assistants had been watching Brockway in the last mentioned house for about one week, the said Nathaniel B Foster appeared, who since that time has resided in the said house rarely coming out of the same for any length of time and being almost daily visited by the said Brockway and sometimes by said Martin; On one occasion the said Brockway and Foster left the said house and went direct to the end of the pier at the foot of East 32^d St in said City, where they were observed acting in a suspicious manner, examining some small article which Brockway took from his pocket which he would quickly return when any body approached & take out again and continue the examination of when the coast was clear. Deponents

0455

believes from his knowledge of the character of the two men and of character ~~the~~ of the business in which they are engaged and from his knowledge of the ways and methods adopted by counterfeiters and by the said Brockway in particular derived from long experiences and from explanations previously made to deponent by Brockway himself, ^{as to how he Brock-} ~~when deponent~~ may manufactured plates of one thousand (\$1000) dollar counterfeit Government bonds that on the occasion referred to the said Brockway and Foster went to the end of the said pier to examine some portion of a die or counter or other like work connected with a counterfeit plate that after about ten days after ~~the~~ the watch had been placed on Brockway, he moved his family from 761 Greenwich St to No 270 West 11th St in said city; that while the watch was kept on said Brockway, the said Brockway visited the offices of different engravers in this city

0456

and the intercourse & visits between the said Brockway Foster & Martin continued under the surveillance of deponents assistants until October 20th last when deponent having previously spoken to Inspector Byrnes on the subject with drew his men and the matter was taken up on or about the 21 day of October by the said Inspector Byrnes and his detectives.

Deponent further says that he believes that all the information hereinbefore set forth as received by him is true with the exception of that part referring to the Five dollar National Bank note, and that the same can be fully substantiated by proper action on the part of the Authorities. That from the information in deponents possession, the full details of which are not given in this deposition and from his knowledge of the ways and method of counterfeiters and from conversations had with the said Brockway and from the facts set forth in affidavits

0457

9.
of Detective Sergeants William F. Coogrove and Detective John Hard, the deponent verily believes and therefore charges that the said William E. Brockway Nathaniel B. Foster and Lewis Martin are now engaged in the City and County of New York in manufacturing a one thousand dollar Railroad bond with intent to put on the Market for sale as true and that the said William E. Brockway, Nathaniel B. Foster and Lewis Martin ~~now~~ now have in their possession in and upon the premises known as No 270 West Eleventh St in the City of New York, and in a certain room occupied by the said Lewis Martin in the St James Hotel situated at the corner of Broadway and West 26th Street in the City of New York and in and upon the premises known as No 231 Lexington Avenue in the City of New York, the implements

0458

for the manufacture of counterfeit one thousand dollar bonds in various stages of completion with intent to use the same as the means of committing a public offense to wit; the forging and uttering counterfeit Railroad bonds and that if search be made on premises aforesaid such implements and counterfeit bonds and other evidences of the guilt of the said Brockway Foster and Martin will be found.

Sworn to before me
this 10 day of November 1883

Andrew W. Wimmer

J. W. Smith

Recorder

0459

In re:
Matter of
Brothman et al.

0460

City and County of New York, ss:

Frederick D. Gibbons being
duly sworn deposes and says: that
he is the Treasurer of the Delaware
Lackawanna and Western Rail Road
Company, the Lessee of the Morris
and Essex Railroad Company: that
he has carefully examined the
annexed instrument and writing
purporting to be a mortgage
bond of the said last mentioned
Rail Road, and that the same
so far as it is completed is
in all respects forged: and
that the making of the same
was wholly unauthorized by
the said Rail Road Company.

Sworn to before me

this 12th day of November 1883

Fred D. Gibbons

J. May Jr
Recorder

POOR QUALITY
ORIGINAL

0461

Counsel,

Filed: **# 16** Nov 1883
Pleads (see) *Not guilty with leave to
defendant &c.*

THE PEOPLE

vs **William E. Brockway**
3rd Div. 1st Dist. N.Y.

Lewis R. Martin
1st Div. 1st Dist. N.Y.

Nathan B. Foster
1st Div. 1st Dist. N.Y.

JOHN MCKEON,

2^d Mar 5/84 District Attorney
Not pleads guilty *Nov 2.*
A True Bill.

A. H. Crane Foreman
Ordered to A. H. Crane of
Oyer and Terminer for trial

Ordered to Court of General Sessions
to be detained according to law
Nov. 24/83

Witness
Inspector Byrnes

0462

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William E. Brockway
Lewis R. Martin
Nathan B. Foster

The Grand Jury of the City and County of New York, by this indictment, accuse William E. Brockway, Lewis R. Martin, and Nathan B. Foster
of the CRIME OF Forgery in the first degree

committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster

late of the City and County of New York, on the _____ _____ day of November — in the year of our Lord one thousand eight hundred and eighty-three
with force and arms, at the City and County aforesaid, with intent to defraud

feloniously did forge, and were concerned in the forging and did aid and abet the forging
a certain writing and evidence of debt, of the kind commonly called coupons, purporting to be
issued by a certain body corporate
and existing under the laws of the State of New Jersey, called the Morris and Essex Rail Road Company of New Jersey, which said writing and evidence of debt, commonly called a coupon
purported to be a promise for the payment of money, and which said coupon, is as follows, to wit:

The Morris & Essex Rail Road Company
Will pay the Bearer at the Office of
The Delaware, Savannah & Western
Rail Road Company, in the City of New York,
Thirty Five Dollars, on the First day of Oct., 1901
for semi-annual interest on their Bond.
No. 1228

Chas. E. Caryl
Treasurer

100-67-67

0463

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

John McLean

District Attorney.

0464

Tombs Prison June 12th 1885

Hon R. B. Martine,
Sir-

Permit
me to call your attention to my
Case in the hope after 19 months
Confinement you may be pleased
to accord me a release. I have
suffered Mentally and physically
beyond conception and am
here away from my home and
friends in the West. I am
unconscious of wrong doing
and am wholly guiltless of
the accusation against me.
I was jointly indicted with
one Brockway who heretofore
plead guilty and with one
Martin who upon a second
trial was convicted which
upon appeal has been reversed
upon the ground as I am
advised by the evidence

0465

wholly fail to establish any
forgery. The only connection
it is claimed I had in the
matter was that some type was
found in an unlocked trunk
belonging to me, which during
my absence and without my
knowledge was placed there-
in. In view of all these cir-
cumstances my unquestioned
innocence, my long confinement
and the decision of the
Appellate Court I invoke your
considerate attention to my
case and consistent with
your official duty as a just
official to award me at
least my release upon
my own recognizance

Respy. Yours

William D. Foster

0466



T. D. Form 3.

The Baltimore & Ohio Telegraph Company

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not be liable for errors or delays in transmission or delivery of unrepeated messages, beyond the amount of tolls paid thereon: nor in any case where the claim is not presented in writing within thirty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

D. H. BATES, President and Gen'l Manager,
New York City.

E. A. LESLIE, Sup't, New York City.
C. SELDEN, Sup't, Baltimore, Md.

J. E. ZEUBLIN, Gen'l Sup't,
Chicago, Ills.

NUMBER	SENT BY	REC'D BY	CHECK
3	Va	2	11 Pdy No 842

Received at Highland NY Sept 27 1884.

Dated Highland NY

To Assistant Dist Atty Gen Dist Atty

Brown

Please put fosters case over this
week as I am ill

Ira Shafer

POOR QUALITY
ORIGINAL

0467

CHARGES
PA
3

No.

THE BALTIMORE & OHIO TELEGRAPH CO.

Pay no Charge to Messenger unless
written in full in Delivery Book.

Assf dist atty
Gov Dist attys 172
Brown Stone Bldg
City Hall

McKeon

Inspector C. Byrne

Counsel,

Filed 21st day of Nov 1883

(all) *Chapman* *with leave to*
Pleads *for judgment*

THE PEOPLE

Ch. R. Chapman *June 30th 1883*
vs. 3. J. J. Chapman

P

William Brockway

Gen. R. Martin

and

Nathan B. Foster

P

Forgery in the Second Degree
(Sections 511 and 521)

JOHN McKEON,

District Attorney

A True Bill.

W. H. Crane *Foreman.*
Ordered for F. C. Court of
Dyer and Damages for
Mar. 21st 1883
Ordered to Court of General
Prisons to be detained according
to law - Dec. 10. 1883

0468

0469

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William E. Brockway,
Lewis R. Martin,
Nathan B. Foster.

The Grand Jury of the City and County of New York, by this indictment, accuse William E. Brockway, Lewis R. Martin and Nathan B. Foster of the CRIME OF Forgery in the Second Degree committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster

late of the City and County of New York, on the tenth day of November in the year of our Lord one thousand eight hundred and eighty-three with force and arms, at the City and County aforesaid, with intent to defraud feloniously did forge, and were concerned in the forging, and did aid and abet the forging a certain seal in the likeness and similitude of the seal of a certain body corporate created by and existing under the laws of the State of California, called The Central Pacific Rail Road Company, 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.

And the Grand Jury aforesaid, by this indictment further accuse the said William E. Brockway, Lewis R. Martin and Nathan B. Foster of the Crime of Forgery in the Second Degree, committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster, late of the City and County of New York, on the tenth day of November, in the year of our Lord, one thousand

0470

eight hundred and eighty three, with force and arms, at the City and County aforesaid, with intent to defraud, feloniously did have in their possession a certain forged seal in the likeness and similitude of the seal of the Central Pacific Railroad Company, the same being a body corporate created and existing under the laws of the State of California; with intent the said forged seal feloniously to utter, dispose of and put off as true, they the said William E. Brockway, Lewis R. Martin and Nathan B. Foster then and there well knowing the same to be forged: 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.

John McLean

District Attorney.

Attest
Inspector *Byrnes*

Counsel,
Filed *#76* day of *Nov* 188*3*

Pleas *(all)* *Magically - with leave to*
proceed

THE PEOPLE

vs.

P

William C. Brockway

P

Genis R. Martin

P

Nathan B. Foster

JOHN McKEON,

District Attorney

A True Bill.

Mr. H. Crane Foreman
Present to A. G. Court of
Superior and Common for
trial Nov 27/83.
Order to Court of General
Division to be affirmed
according to law, Dec 10, 1883.

0471

0472

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William E. Brockway,
Lewis R. Martin, and
Nathan B. Foster

The Grand Jury of the City and County of New York, by this indictment, accuse William E. Brockway, Lewis R. Martin and Nathan B. Foster of the CRIME OF Forgery in the Second Degree committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster

late of the City and County of New York, on the tenth day of November in the year of our Lord one thousand eight hundred and eighty-three with force and arms, at the City and County aforesaid, with intent to defraud feloniously did forge, and were concerned in the forging, and did aid and abet the forging, a certain seal, in the likeness and similitude of the seal of a certain body corporate, created by and existing under the laws of the State of New Jersey, called the Morris and Essex Rail Road Company of New Jersey: 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.

And the Grand Jury aforesaid, by this indictment further accuse the said William E. Brockway, Lewis R. Martin and Nathan B. Foster, of the Crime of Forgery in the Second Degree, committed as follows:

The said William E. Brockway, Lewis R. Martin and Nathan B. Foster, late of the City and County of New York, afterwards, to wit:

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on the said tenth day of November, in the year of our Lord one thousand eight hundred and eighty three, with force and arms, at the City and County aforesaid, with intent to defraud, feloniously did have in their possession a certain forged seal in the likeness and similitude of the seal of the Morris and Essex Rail Road Company of New Jersey the same being a body corporate created by and existing under the laws of the State of New Jersey; with intent the said forged seal feloniously to utter, dispose of, and put off as true, they the said William E. Brockway, Lewis R. Martin and Nathan B. Foster then and there well knowing the same to be forged: 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.

John McKeon

District Attorney.

POOR QUALITY
ORIGINAL

0474

District Attorney's Office.

PEOPLE

vs.

William L. ...

Off. ...

POOR QUALITY
ORIGINAL

0475

Court of General Sessions,

The People vs.

vs.

William E. Brockway

+ Lewis R. Martin.

and Nathan B. Foster.

Demurres!

Peter Mitchell

att'y. for defen.

Martin v. Foster,

237 Broadway n.y.

(Filed Aug 10. 1874)

0476

Court of General Sessions of the Peace
in and for the City and County of New York

The People of the State of New York vs William E. Brockway Lewis R. Martin and Nathan B. Foster	} Indictment Forgery in the First Degree
--	--

Demurrer.

The said Lewis R. Martin in his
own proper person, cometh into
Court here, and having heard the
said indictment read, saith, that the
said indictment and the matters
therein contained, in manner and form
as the same are ^{above stated and,} set forth, are not
sufficient in law; that said indictment
does not set forth, the name of the
person or persons whom this defendant
the said Lewis R. Martin, intended to
defraud, nor does said indictment
aver an intent to defraud any
person, corporation, or the People
of the State of New York, and that he
the said Lewis R. Martin is not
bound by the law of the land to

0477

answer the same, and this he is ready to verify.

Wherefore, for want of a sufficient indictment in this behalf, the said Lewis R. Martin prays judgment, and that by the Court he may be dismissed and discharged from the said premises in the said indictment specified.

Peter Whitehell
Of Counsel for
Lewis R. Martin

0478

Mr. Donnelly
Please make ~~entry~~
about ~~the~~ case City Prison
Nov 28/84

Hon. Peter B. Olney
District Attorney

Sir.

I would respectfully call your
attention to the case of Nathan B. Foster
committed November 14/83 by Recorder
Smith on a charge of Forgery. Also
Bertha Nathan committed January 29/84
by Justice Power on a charge of
Homicide. These are the longest entries
cases in the prison

Very Respectfully

James F. Finner
Warden

0479

General Sessions
The People

Wm E. Brockway
vs

Union

Refused Acknowledgment
City of New York

filed Jan 28, 1884

0480

Court of General Sessions
of the City and County of New York.

The People of the State of New York.

vs.
Lewis A. Martin & ors.

On the 20th day of Nov 1883, an indictment was filed in this Court, charging the Defendant Martin and others with Forgery in the first degree.

The defendant Martin demurs to the indictment for the reason, as alleged, that the indictment does not contain sufficient facts to constitute a crime, in that it does not set forth the name of the person whom the Defendants intended to have defrauded, or assign any reason for the omission.

The People have joined in the demurrer and this Court is called upon to settle the question of law thus raised.

On the argument the Counsel for the defendant conceded that the indictment sufficiently charges Forgery in the first degree against the Defendants, if subdivision 5 of section 718 of the Penal Code is constitutional. This subdivision reads as follows:

"Where an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person."

In my judgment the above section of the Penal Code is constitutional; and therefore the indictment need not allege an intent on the part of the defendant to defraud any particular person, but only to defraud in general.

The Statute definition recites the general intent to defraud; and the evident intent of one who commits forgery is general, for his intent undoubtedly is to defraud any one upon whom he can put off his forged writing or instrument.

The Defendant who commits forgery intends to defraud any one he can, without knowing at the time who it will be, ~~and~~ I can see no injustice to the Defendant in making his intent be ~~as~~ or ~~alleged~~ as general as is his intent in point of fact.

To be sure the Defendant is entitled to know the nature of the charge made against him.

1st That he may know exactly what he is called upon to defend himself.

against and to be prepared to meet, open his trial and 2^d that he may be able to plead the indictment where he is called upon a second time to defend himself against the same charges. ~~and~~ In my opinion, this indictment is sufficiently definite to meet both of these requirements.

I know of nothing either in the Constitution of this State or in that of the United States restricting the Legislature in determining what acts shall constitute a crime, nor in determining by any of its procedures what the indictment should contain to properly set forth, so long as it contains sufficient of allegation to warn the Defendant of the nature of the accusation made against him and to enable him to prepare his defense and to answer the indictment as a law to a second proceeding for the same offense. I consider this indictment sufficiently definite to meet all these requirements.

Judgment is ordered for the People upon the demurrer, and the Defendant is allowed to answer over.

Dated N.Y. Term 2^d 1884

Thos. B. Cowing
City Clerk

0483

N. Y. Supreme Court.

GENERAL TERM.

The People vs

v.

Lewis Martin

COPY OF

OPINION.

By the Court
Brady J.

0484

1

Supreme Court, First Dept., May Term, 1885.

Noah Davis P. J. Brady, and Daniels J. J.

----- x
THE PEOPLE :
vs. :
LEWIS MARTIN. :
----- x

Appeal from General ~~Term~~ *Session*

P. Mitchell for appellant.

A. B. Martino for respondent.

By the Court:

Brady J.

The appellant asserted that the bonds which were alleged to have been forged were placed in his care by Spencer to be returned to him upon his request, and the Court was asked to charge that if he was keeping the bonds for Spencer with a knowledge of their character and intending to return them to Spencer when the latter desired the defendant would not be guilty of the offence charged in the indictment.

It must be borne in mind that the bonds were incomplete, not having been signed and their invalidity was not affected by the circumstances that the coupons attached to them were signed. It must also be kept in view that the coupons if not detached from the bonds would be invalid because of the imperfect character of the bonds themselves to which they were attached and to which they related. If the bonds were issued in the condition in which they were found in the appellants apartment they would be valueless

0485

2

for the reasons suggested, namely that the bonds were not signed and notice would be given by that circumstance that they were not legally issued. If the appellant was the custodian of them as he alleged even if he knew their character and intended to give them back to Spencer from whom he received them when the latter desired that he should do so he would not be guilty of any offence for merely holding them in his custody, non constat but that they would not be signed.

For those reasons the judgment pronounced should be reversed and a new trial ordered.

A. C. P.

John T. D. Lewis

ASST TO SUPREME COURT REPORTER.

0486

THE PEOPLE & C.

- vs. -

LEWIS R. MARTIN.

BRIEF.

Peter Mitchell,
of Counsel,
237 B'way,
N. Y. City.

0487

----- x
THE PEOPLE &C. :
vs. :
LEWIS R. MARTIN :
----- x

Indictment for forgery in the first degree, for
forging a seal of the Morris and Essex R. R. Co. with in-
tent to defraud.

The indictment in this case is defective, in omit-
ting to aver the name or names of the person or persons
intended to be defrauded.

The offense charged being forgery, the essence of
the crime is the intent to defraud some person, for without an
intent to defraud in a case of this character, there could
be no crime.

1 Barb. Cr. L. 115.

2 Chitty Cr. L. 1039.

3 Greenl. Evid. (Reef. Ed.) 103.

2 East P. C. 854.

Roscoe's Crim. Evid. (6th Ed.) 509.

Starkies Treatise 121.

"The essence of this offense is the fraudulent in-
tent, and therefore the mere imitation of another's writing,
the assumption of a name, or the alteration of a written
instrument, where no person can be injured, does not come
within the definition of the offense."

1 Barb. Cr. L. Sec. 115.

3 Chitty Cr. L. 1039 (a).

0488

To make the imitation of any writing a criminal offence, the indictment must show by averment that a person could be defrauded. And the averment of the intent to defraud in the indictment must point out the particular person or persons against whom it is meditated.

1 Barb. Cr. Law.

2 East. P. C. 989.

If it is necessary to prove (on a trial) that the prisoner intended to defraud some person, surely it is necessary that the indictment should contain the name of the person intended to be defrauded. This is a material and indispensable averment. The accused has a right to demand a precise statement in the indictment of the facts constituting his alleged offense.

1 Bish. on Crim. Pro. Sections 506, 625, 633, 635
639 and note.

People v. Allen 5 Denio, 76.

3 Greenleaf on Evid. Section 10.

Wood v. The People 53 N. Y.

This rule of Practice and Pleading was adhered to and sanctioned in the Case of Phelps v. The People, 72 N.Y. 371.

Phelps was a clerk in the office of the State Treasurer, having the title of Cashier. His duties were to receive moneys and securities belonging to the State, which came to the hands of the Treasurer, and to deposit them in bank, to keep the accounts between the State and

0489

the deposit banks, and other accounts.

He made a false entry in the books which enabled him to misappropriate \$220,000. He was arrested, indicted, tried and convicted and sent to State Prison and the judgment of conviction was affirmed in the Court of Appeals. Counsel for Phelps claimed that the indictment was defective but the Court held that there were some good counts in the indictment, particularly those which charged the defendant with intending to defraud the Mechanics and Farmers Bank of Albany, and in others, with intent to defraud the people of the State of New York.

The case cited clearly shows that it is necessary to aver in an indictment, for forgery, the name of the person intended to be defrauded.

The foregoing being the rules of law and pleading, under the Common Law, and under the laws of our State, until the passage of the Penal Code, the question now to be determined is whether those rules have been altered by the passage of the Penal Code, and if so, whether sub. 6 of Section 718 of the Penal Code, intending to change the foregoing rules of the Common Law pleading are constitutional or not.

Sub Division 6 of section 718, ^{of} The Penal Code reads as follows:

"Where an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person."

0490

This law passed by the Legislature is in direct conflict with Amended Article 6 of the Constitution of the United States, which reads as follows:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

In United States vs. Mills, 7 Pet. 142.

This was construed to mean, that the indictment must set forth the offense "with clearness and all necessary certainty, to apprise the accused of the crime with which he stands charged."

Judge Story says, "The indictment must charge the time and place and nature and circumstances of the offense with clearness and certainty, so that the party may have full notice of the charge, and be able to make his defense with all reasonable knowledge and ability."

2 Story, Const. Section 1735.

In United States v. Cruikshank et al.

2 Otto 542, 555, 556.

Defendant was indicted for conspiracy under the Enforcement Act of Congress.

Objections were made to the thirty two counts of the indictment; that they were too vague and uncertain

0491

Mr. Chief Justice Waite delivering the opinion of the Court arresting the judgment said,

"Inasmuch, therefore, as it does not appear in these counts that the intent of the defendants was to prevent these parties from exercising their right to vote on account of their race, &c., it does not appear that it was their intent to interfere with any right granted or secured by the Constitution or laws of the United States. We may suspect that race was the cause of the hostility; but it is not so averred. This is material to a description of the substance of the offence, and cannot be supplied by implication. Every thing essential must be charged positively, and not inferentially."

For a full exposition of the rules of pleading under the Constitution see the full opinion of Chief Justice Waite in above case.

I therefore submit that sub. C of section 718 of The Penal Code is manifestly unconstitutional.

The crime imperfectly and unconstitutionally pleaded in the indictment against this defendant is one, which upon conviction, he might be sentenced by the Court to imprisonment for the term of his natural life, owing to the manner in which ignorant Legislators have passed the Penal Code in its crude state, as for instance, Section 128 provides that forgery in the 1st degree is punishable by imprisonment for not less than ten years; the minimum punishment only being established by this section. But by another provision of the Code, Section 696, it is pro-

0492

vided that when a crime is declared by statute to be punishable by imprisonment for not less than a specified number of years, and no limit of the duration of the imprisonment is declared, the Court authorized to pronounce judgment upon conviction, may in its discretion sentence the offender to imprisonment during his natural life.

I therefore submit to this Court that where the offence charged against the defendant, ^{subject} submits him in the discretion of the Court to be imprisoned upon conviction for life, that this Court, in the interest of humanity and justice ought to compel the District Attorney to fully set forth in the indictment, with precision and exactness, the nature and cause of the offense charged against the defendant, and if there is a person or persons existing, whose name or names is or are known to the District Attorney that he believes this defendant intended to defraud, that he should aver it in the indictment in order that this defendant may be in a position with the aid of his counsel, to defend the nature and cause of the accusation against him. For a District Attorney to conceal the name or names of the persons intended to be defrauded, if he knows them, is not only a cowardly and despicable act on his part, but such a reprehensible one as the Court ought to condemn by its decision in sustaining the demurrer interposed herein. A District Attorney is supposed to be a minister of justice, to assist the Court in the ascertainment of truth, according to law, and not a fox who cunningly conceals information which the accused ought to be apprised of, in

0493

People
or
Martin

Ad. Authorities on
Constitutional Limitations

0494

When a State Legislature enacts a law
which comes in conflict and is inconsistent
with the provisions of the Constitution, the
Constitution is the paramount law.

See Cooley on Constitutional Limitations

See the cases cited

The People v. Carroll, 3 Park. C.C. 22

Saco v. Wentworth, 37 Maine 165

Saco v. Woodman, 39 Maine 258

The State v. Brumman's Liquors, 25 Conn. 278

Littlefield v. Peckham, 1 Rhode Island 500

Johnson's case, 1 Greenleaf Rep. 230

Warren v. The People 3 Park. 544

The People v. Kennedy 2 Park 312.

0495

OFFICE OF THE TREASURER
DELAWARE, LACKAWANNA & WESTERN R. R. Co.
No. 26 EXCHANGE PLACE,
NEW YORK.

*Hon. Mr. Vincent
Asst. Dist. Attorney
Sessions Building*

0496

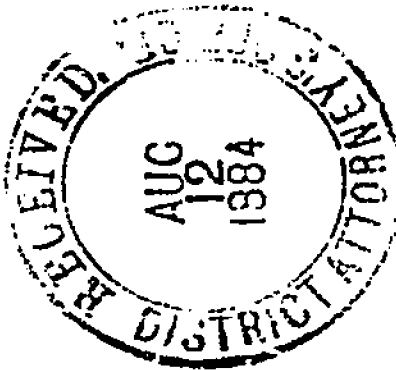
Court of General Sessions

Mc Phee

vs.
Lewis R. Martin

Chief of Motion

PETER MITCHELL,
ATTORNEY FOR
Steward
STEWART BUILDING,
NEW YORK.



Jan 7 1885
115

0497

Court of General Sessions of the Peace
in and for the City and County of New York

The People of the State of New York
against
Lewis R. Martin

You will please take notice that on the Bill
of exceptions made and settled herein, the notice of
appeal heretofore served on you, and upon all
the papers and proceedings herein, a motion will
be made before Hon. Charles Donohue, one of the
Justices of the Supreme Court of the State of New York,
at the Chambers thereof in the Court House in the
City of New York on the 1st day of September 1884 at
11 o'clock A.M. or as soon thereafter as counsel
can be heard, for a certificate staying the judg-
ment of conviction, pending the appeal taken
by the defendant in this action, pursuant to
Section 527 of the Code of Criminal Procedure;
and for such other and further relief as may
be just and proper.

Dated N.Y. August 12th, 1884

Yours &c.
Peter Mitchell
Attorney for Defendant
Stewart Building N.Y.

To
Peter B. Olney
District Attorney N.Y.C.

POOR QUALITY
ORIGINAL

0498

District Attorneys Office.
City & County of
New York.

Appl. for writ of
in case of
writ of habeas corpus

0499

Property.

Found in house, No 231 Lexington Ave.
residence of

Nathan B. Foster.

0500

No. 300 Mulberry Street,

NEW YORK. 1883

The following property was found in a trunk in the room of Nathan B. Foster, at 231 Lexington Avenue, on November 10th 1883. The same being done up in several packages and designated by numbers of which the following is a true transcript of their contents.

No. 1. Form of type set up.

"We hereby certify that this Bond is one of the within described Seven Thousand, ^{no} Two Hundred Bonds, of the like date, secured by a mortgage executed, and delivered to us"

No. 2. Form of type, set up.

"Central Pacific R.R. Co, California, and Oregon Division. Six per cent, 20 years Gold Bonds"
\$1,000.

No. 3. Form of type set up.

"David S. Dodge, one of the Trustees within named having died, Philo C. Calhoun, has been duly nominated and appointed a trustee in his place, and stands in accordance with the provisions of said mortgage."

0501

Police Department of the City of New York,
No. 300 Mulberry Street,

No. 4 Given to Mitallu New York. 188

Two seals, both of which is a fac simile to that on the \$1000. First mortgage Bonds, of the Central Pacific Rail Road, with the words, "Central Pacific Rail Road Company, Seal"

No. 5. Two embossed seals, of the \$1000. First mortgage Bonds of the Central Pacific R.R. Co. with "six shillings and three pence within a wreath" Also a stamp, (a wood cut) with the word "London", and a crown, within a circle, and underneath this crown are the numbers, 14. 5. 73. Directly under the figure "5" is the letter "U." The form of this stamp, appears upon the upper left hand corner of the above Bonds.

Some brass scrolls, five pieces of type metal, of which two represents the letter "B." two the letters, "A²," and one the letter "I." Also, one piece of type with the word "Trustee".

0502

Police Department of the City of New York,
No. 300 Mulberry Street,

NEW YORK. 1888

No. 6.

Eighteen packages of type, set up, to print the backs of as many coupons, of the \$1000 Central Pacific R.R. Bonds, as follows. "This coupon is also payable at the option of the holder, at the Banking House, of Speyer Bros. London, at the rate of forty nine pence sterling per Dollar in accordance with the Endorsement upon the Bond."

No. 7.

Consists of one complete battery

No. 8.

One package of plumbago.

No. 9.

Some type, and forms for printing the back, of a \$1000 Central Pacific R.R. Bond.

0503

No. 300 Mulberry Street,

NEW YORK.....

188^d

No. 10.

A quantity of loose type that fell from a frame in transit from Foster's room to the Detective Office, which when found in Foster's room was set up, to represent the back of a \$1000 First mortgage Central Pacific Bond.

No. 11.

A bed piece on steel, representing the border of the seal placed on one of the \$1000 First mortgage Central Pacific Bonds, also, one piece of tracing paper.

0504

Court of General Sessions

The People vs

vs.

Lewis A. Martin

Att

Office of Motion

ATTORNEY FOR

PETER MITCHELL,

Defendant

STEWART BUILDING

NEW YORK.



John B. Olney
District Attorney

0505

Court of General Sessions of the Peace
in and for the City and County of New York

The People of the State
of New York

vs. against
Lewis R. Martin

You will please take notice that on the Bill
of Exceptions made and settled herein, a motion
will be made before Hon. Charles A. Van Brunt
a Justice of the Supreme Court of the State of New York, at his Chambers in the New
Court House in the City of New York, on the 7th
day of August 1894 at 11 o'clock a.m. or as soon
thereafter as counsel can be heard, for a
certificate staying the judgment of conviction,
pending the appeal taken by the defendant in
this action, pursuant to Section 527 of the
Code of Criminal Procedure; and for such other
and further relief as may be just and proper.
N.Y. August 6th 1894

Yours etc
Peter Mitchell
Attorney for Defendant
Stewart Building N.Y.

To
Peter R. Alney,
District Attorney N.Y.C.

0506

Court of General Sessions

The People
vs

Lewis R. Martin

Notice of motion

Peter Mitchell
attly. for def.
Stewart Building
N.Y.C.



Subscribed
Monday May 1954

0507

Court of General Sessions

The People
vs
Lewis R. Martin }

Please take notice that a motion
will be made before Hon. Rufus
B. Bowring, City Judge, in Part Two
of this Court on Monday the 12th day
of May 1884 at 11 o'clock a.m.
to fix an early day for the trial
of this defendant or that said defend-
ant be discharged on bail upon his
own recognizance.

N.Y. May 10th 1884

Yours &c
Peter Mitchell
att'y. for Def.
Stewart Building

To
Hon. Peter B. Olney
District Attorney

0508

2 H P. B. Only
for
District Attorney
NY

0509

January 29 1934.

To the Honorable P. B. Olney,
District Attorney

Sir

This is to
certify that Mr. Frederick
K. Himmel is very sick
and confined to his house
with a severe form of
rheumatism; that in his
critical condition it would
be dangerous for him to
suffer the exposure necessary
to appear in Court.

Respectfully

Frank Ferguson
21 West 24 St.

05 10

*People
vs
Foster*

LAW OFFICES OF
IRA SHAFER,

18 BROADWAY,

WELLES BUILDING, Rooms 901, 902, 903, &c., Ninth Floor.

Ascend by the Elevators.

New York, *April 6, 1885.*

My Dear Colonel:

Do decide

to commit this D bail on his

own recognizance. He is as

innocent as I am!

Shaffer

0511

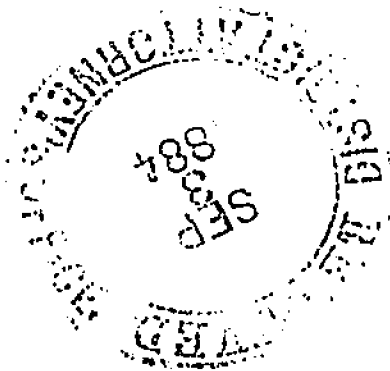
N.Y. Supreme Court

People

Martin

*Notice of issuance of
Writ of Habeas Corpus.*

*Peter W. Bickel
Atty.*



05 12

N.Y. Supreme Court -
County of New York.

The People

- vs -
Lewis R. Martin

Sir

You will please take notice that a writ of Habeas Corpus has been issued on behalf of the defendant, returnable at 10 o'clock P. M. on Thursday the 4th inst. 184. at the Chambers of said Court. Said writ has been obtained for the purpose of having defendant bailed pending the appeal taken in his behalf.

Dated N.Y. Sep. 3rd 184

Yours etc

Peter Mitchell

Defendants Atty.

To Hon. Peter B. Olney District Atty.

05 13

Movements
of
Arm & Brochway.

05 14

Oct 22, 1883.

Did not see Brockway to day.

Martin left St James Hotel at 10³⁰ A.M. and went to 231 Lexington Avenue and remained until 230 P.M. and returned to Hotel

Langan and Cosgrove

Oct 23, 1883.

Brockway left his house at 7³⁰ A.M., got some groceries and returned and at 9⁴⁵ and went to Hudson and N. 10. and returned home. at 10³⁵ A.M. left again and at 11 A.M. met Martin at the Brower House and both left there and went to Martins rooms in the St James Hotel where they remained until 12⁵⁰ P.M. Brockway then left Martin and went to 231 Lexington Avenue and came out and at 3²⁰ P.M. and went to the St James Hotel and went to Martins rooms where he remained until 4⁴⁰ P.M. and then went home arriving there at 4⁵⁵ P.M.

Langan and Cosgrove

05 15

2

Oct 24, 1883

Brockway left his house at 10¹⁵ a.m. and took 9th Ave R.R. Elevated train at Christopher and Greenwich Streets and went down town. He then went to St James Hotel and saw Brockway come there at 2³⁰ p.m. and go to Martin's rooms where he remained until 4²⁵ p.m., when he and Martin came down stairs and went into barroom and had a drink together. Brockway then left and went home. Martin remained at hotel.

Langan and Coogrove

Oct 25, 1883.

Brockway entered 231 Lexington Avenue at 9³⁰ a.m. and remained until 1²⁰ p.m. and went to St James Hotel. At 4²⁵ p.m. Brockway and Martin came down hotel stairs together and went to hotel barroom and drank. They then left barroom and conversed together in the lobby for 10 minutes and Brockway went home.

Ed Mangin
Coogrove

05 16

Oct 26, 1883

Brockway left home at 10³⁵ A.M. and followed him to 12 St and 6 Avenue and let him go without being followed that day.

Heard and Maugim

Oct 27, 1883

Brockway left his house about 8 A.M. Went to liquor store Cor of Bank and Bleeker and returned to W 11 St. Took a car to Broadway. Then took Broadway car to St James Hotel at 11 A.M. where he remained until 2 P.M. ^{Brockway met at 231 Lex Ave at 2:30 P.M.} When he and Foster came out and walked to 32 St and Lex Ave Brockway stood on Cor of 32 St and Lex Ave Foster going through 32 St towards 4th Ave Foster returned in about 10 minutes to where he left Brockway standing when both went to Rathbuns ^{4 Ave 304 3/5 St} feed store and hired a truck Foster left Brockway and went as did also Brockway. A few moments after Foster reached home the truck came and Foster and Driver took from 231 Lex Ave a trunk which they placed on the wagon Foster sitting on the truck & was driven.

05 17

to Guerneys Express office 465 1/2 Ave
where the trunk was labeled "Mr
H. Gilbert No 270 W 11. St." Brockway
was followed home by Heard who re-
mained until 8:30 p.m. when Brockway
came out walked around the block
and came back to his house. Lan-
gan followed Express wagon which
took the trunk that had been de-
livered by the truck to 270 W 11. St.
The trunk was of zinc, with black
straps of wood. of a Paratogo pattern
Foster returned home.

Cosgrove Heard Mangin and Langan

Oct 29, 1883.

Brockway left his house at 11:15 p.m.
dumped some ashes and did not leave
his house during the day

Heard and Cosgrove

Oct 30, 1883.

Brockway entered the St James Hotel at 10:00
A.M. and went to Martins and remained

05 18

to Guernsey Express office 465 4th Ave
where the trunk was labeled "Mr
H. Gilbert No 270 W 11. St." Brockway
was followed home by Heard who re-
mained until 8³⁰ p.m. when Brockway
came out walked around the block
and came back to his house. Lan-
gan followed Express wagon which
took the trunk that had been de-
livered by the truck to 270 W 11. St.
The trunk was of zinc, with black
straps of wood, of a Paratogo pattern
Foster returned home.

Cosgrove Heard Mangin and Langan

Oct 29, 1893.

Brockway left his house at 11¹⁵ p.m.
dumped some ashes and did not leave
his house during the day

Heard and Cosgrove

Oct 30, 1893.

Brockway entered the St James Hotel at 10⁰⁰
A.M. and went to Martins and remained

05 19

until 2⁵⁵ p.m. and went to 231 Lex ave
arriving there at 3¹⁵ p.m. and remained
there until 4³⁰ p.m. when he came out
with Foster and both went Broadway
and 34 st where they parted each going
to their homes

Heard and Legume.

Oct 31. 1883

Brockway reached St James Hotel at
10⁵⁵ a.m. went to Martins room and
remained until 11¹⁵ a.m. He then went
to 231 Lexington Ave and remained about
10 minutes. He then got on a 4 ave car
and rode to Grand St and went to Bell
Carpenter Shop 159 Grand St at 12 ock
and remained there for one hour when
he came out with a man 5 feet 6, dark
whiskers, moustache and complexion
of Jewish appearance. Both went into
Legume store and then returned to the shop.
Brockway came out very shortly after
and went to Grocery Store corner of Canal
and Chrystie St and came out with a large
bundle which he carried to 3 1/2 Division
St arriving there at 1³⁰ and remained there

0520

until 2:55 p.m. leaving the bundle there
He then went to Asch and Jackel Furriers
11 and 13 E Houston St and then went home

Langan and McClusky

Nov 1, 1883

Brockway left his house at 12:25 p.m.
and boarded an Elevated train at
Greenwich and Christopher St and
rode to Courtland St and walked
towards Jersey City Ferry. He arrived
home about 5:15 p.m.

Langan and McClusky

Nov 2, 1883

11 A.M. Brockway entered the St James
Hotel and remained until 11:20 p.m. when
he went to Lexington Ave house and
remained until 11:35 A.M. when he and
Footer came out together and walked
to 31 St and 3 Ave

Langan and Coogrove

0521

Nov 3. 1883

at 9²⁵ a.m. Brockway came out of house and entered St James Hotel where he remained until 10⁴⁰ a.m. and went to 231 Lexington Ave and remained until 11⁵⁵ p.m. when he took a 4 Avenue car and went down town.

Heard and Cosgrove.

Nov 5. 1883

Brockway entered the Lexington Ave house at 2³⁵ p.m. carrying a large bundle. and remained there until 4¹⁰ p.m. when he came out with the same bundle

McClusky and Heard

Nov 6. 1883

Brockway entered the Lexington Ave house at p.m. and remained there until 4³⁰ p.m. and then went home

McClusky

0522

Nov 7, 1883.

Brockway did not visit St James Hotel or 231 Lexington ave to day

McClusky

Nov 9, 1883.

at 12⁵⁰ p.m Brockway entered St James Hotel and went to Martin's rooms. They came down from room together at 3⁵⁰ p.m. and walked to 21 St and 6 ave and separated. Brockway going home.

McClusky

Nov 10, 1883.

Brockway and Martin each with large bundles called at the 6th Ave house together at 12³⁰ p.m Brockway came out at 3¹⁰ p.m and took train at 34 st and 3 ave when he was placed under arrest. Martin remained in the house with Foster until 3²⁵ p.m when both were arrested

Langan and Heard

0523

Movements of
Lew. Martin.

POOR QUALITY
ORIGINAL

0524

Oct 22, 1883

At 10³⁰ a.m. Martin left St James Hotel and went directly to 231 Lexington Ave and remained there until 2³⁰ p.m.

Congrove Langan & Heard.

Oct 24.

Martin at 4⁴⁰ p.m. went to 231 Lexington Ave and remained until 7⁵⁸ p.m. and then went to St James Hotel.

Maugin and Heard

Nov 10, 1883.

12³⁰ p.m. Martin went to 231 Lexington Avenue in company with Brockway and remained there until 3²⁵ p.m. when all three were arrested

Langan and Heard.
#

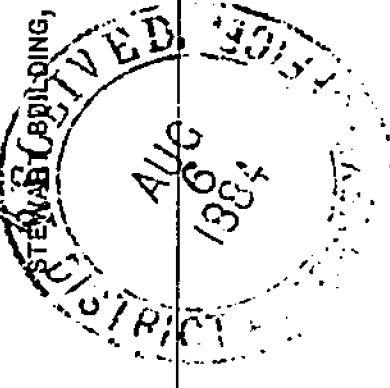
0525

Court of General Sessions
The People vs

vs.
Lewis R. Martin

Copy Notice of appeal

PETER MITCHELL,
ATTORNEY FOR
Defendant
STENNET BUILDING,
NEW YORK.



To
Peter B. Olney
District Attorney

0526

Court of General Sessions of the Peace
in and for the City and County of New York

The People of the State
of New York
against
Lewis R. Martin

You will please take notice that the defend-
ant hereby appeals to the General Term of the
Supreme Court of the State of New York, from
the judgment of conviction of the crime of
Larceny in the first degree, rendered herein
against this defendant on the 6th day of
August 1884; and from each and every part
thereof

Dated New York August 6th 1884

Yours &c.

Peter Mitchell
Attorney for Defendant
Stewart Building, New York

To
Peter B. Olney -
District Attorney, New York County

0527

DETECTIVE OFFICE

Police Department of the City of New York,

No. 300 Mulberry Street,

NEW YORK Nov 10th 1883

Property found at
No 270 West 11th St

Lot of Vignettes, used in Bond printing, were
found in a pine trunk, which was in a room on
the second story - front,

0528

Property found on November 12th - 1883 - in
a back room on second floor of 3 1/2 Division by
Det. Sgt. Cosgrove. Tom Adams, an Detective heard -

Sixteen packages of new type, one vise, four clamps,
one ten inch flat file - one oil stone - twelve tools
used for engraving and drafting - Three pieces of
sheet brass, one soldering iron, solder and lead -
one rule, one straight edge - one wire brush -
one pumney stone - one quarter pound can of
black printers ink - small package of plaster of
paris - one oil can - one bottle of black writing
ink - one sealing wax - one piece of wax -
one type frame - one long iron frame - one
type rack - and - a lot of tracing paper with
name of J. C. Calhoun, on it, one of the Trustees
of Central Pacific R.R. also - name of C. P.
Hunting - Vice President of Central Pacific R.R.
E. H. Miller Jr. Secretary of Central Pacific R.R.
Leland Stanford, President " " " "
Speyer Brothers - Banking House in London -

0529

N.Y. Nov. 10-1883.

Property found on person of

M. E. Brockway.

One 7. percent coupon mortgage Bond of \$1,000-
of the Morris and Essex R.R. Co. No 4081.

One 6. percent First mortgage Bond No 362
of \$1,000- Series "B." of the Central Pacific R.R.
also, 15- in bank notes and a drawing of
a revenue stamp. also a piece of tracing paper
on which was the drawing of a partly finished seal,
about the size of a 50 cent piece, consisting of scroll
work on top, underneath which was a sort of
emblem, and underneath this emblem, and
running across the centre of seal were the letters
"J. E. H. N." with the figures "10" at each end of
these letters, with the entire set in scroll work.

POOR QUALITY
ORIGINAL

0530

List of Witnesses

Subpoenaed to appear
at the COURT OF GENERAL SESSIONS, on the
day of 187

WITNESS.	RESIDENCE.	HOW SERVED.	Subpoena Clerk.	DEFENDANT.
Supt Walling	Central Office		William E. Brockway et al	
Sergt Cosgrove	" "		" "	
" Slewin	" "		" "	
" Moaugin	" "		" "	
" Langan	" "		" "	
" McGuin	" "		" "	
" Finck	" "		" "	
Det Howard	112 Precinct		" "	
William C. Emery	Mills Building	Personal	" "	
Hoover Lee	160 Cedar St.	"	" "	
Samuel Shaw	Mount Saint Church	Left	" "	
Charles E. Samyl	Morris Tresselt Rts	" 58 Wall St.	" "	
Fredrick Gibbons	Mount Saint Church	Personal	" "	
Lena Levy	13 1/2 Divisadero	"	" "	
St Bruce	113 Chambers	Let	" "	
^{Friedrich Kimmel} Mrs. Kimmel	2 1/2 University	Personal	" "	
^{Kimmel} Frederick Kimmel	"	" Sick in Bed	" "	
Mrs M. A. Byrnes	231 Lexington ave		" "	
Chief Clerk	St James Hotel		" "	

POOR QUALITY
ORIGINAL

0531

Henry Glanbel
Statement

1st of 1000
2nd of 1000
3rd of 1000
4th of 1000
5th of 1000
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100th of 1000

0532

Henry Gaudel.

While having W^m E. Brockway under observation I have known him to remain in the house 231 Lexington Ave from One to 6 hours also remaining there over night, the same may be said as regards his visits to the St James Hotel, that is I have know Brockway to go up stairs in the St James Hotel and remain from One to 4 hours. I have frequently seen Brockway and Foster in company on the streets and on Sept 29th I saw Brockway and Foster go to the end of the Dock foot of East 32nd St. Brockway held something in his hand which he showed to Foster.

Nov 10th I assisted Inspector Byrnes Officers in the search of house 231 Lexington Ave. In Nat B. Foster's trunk I found a Battery, Type, several Seals. Type set up for the back of a Union Pacific R.R. bond, a proof of the Type set up, the Key of the trunk Foster had in his pocket. He opened the trunk, told me the property in that trunk was his. At the St James Hotel in Lewis R. Martins room N^o 86 I found 21-Counterfeit bonds of the Morris & Essex R.R. Company of \$1000. each. Saw Officer French find 33. Similar bonds, also Seals of which there were 4. Tracing paper, Quillors.

0533

Delaware, Lackawanna & Western R. R. Co.

TREASURER'S OFFICE.

26 Exchange Place,

P. O. Box 2090.

New York,

May 19th 1884.

My dear Sir:

I have a subpoena in the Martin case for this morning. I am very much occupied at my office but send a messenger who will wait in the Court room & whom you can send for me when I am needed. If there is an adjournment do me the favor to send the messenger to my office:

Very truly Yours.

Frederick H. Brown

May

Col J. B. Fellows

Respectfully

0534

Subject

Delaware, Lackawanna & Western R. R. Co.

TREASURER'S OFFICE,
26 Exchange Place.

P. O. Box 2090.

New York,

March 5th 1884

Dear Sir,
The bearer will
wait to bring word when
you are ready for me in the
Case of the People vs Brockway
to be tried today.

Respectfully

J. H. Gibbons
Col. J. R. Fellows?
Adm't W. H. L.

POOR QUALITY
ORIGINAL

0535

OFFICE OF THE TREASURER
DELAWARE, LACKAWANNA & WESTERN R. R. CO.
NO. 26 EXCHANGE PLACE,
NEW YORK.

Col J. R. Fellows
Genl Sessions, Part II
Recorder Smytholom
or M. Gove

0536

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Jm E. Brockway

PETER B. OLNEY,
District Attorney

OFFENCE

Forgery

Testimony.

0537

Court of General Sessions
The People
vs.
William E. Brockway

Testimony

Frederick H. Gibbons Treasurer of Del. Lacka. & Western R.R. Co. the lessees of Morris & Essex R.R. Co. has carefully examined mortgage bond of last mentioned R Road and says the same is forged and unauthorized by the said company.

Andrew L. Drummond Chief Operative of the Secret Service for the N.Y. Dist. of the U. S. Treasury Department. says:- He knows William E. Brockway to be a counterfeiter of U. S. Bonds & other public securities. About the middle of Aug. 1883 he received information ^{from the Department} that said Brockway & others were counterfeiting a \$1000 bond of the Union Pacific Railroad, a \$1000 bond of the Northern Pacific Railroad, and a \$5 dollar National Bank note, & that about \$70,000 in counterfeit \$1000 Bonds were nearly ready for the market. Previously a

0538

Mr. Kimmel a printer at No. 26 University Place sent for deponent and deponent called on said Kimmel who showed him a steel bed piece with figures 1000 & dollar mark engraved thereon which had been left by an "old man, tall, and with grey whiskers", for the purpose of taking a proof, deponent examined the same & it was an imitation of the die used in the genuine \$1000 Union Pacific R R Bonds. Deponent watched said place for the return of the person for his proof and as a result found that the person who had left the plate and come for the proof was said Wm E. Brockway, deponent obtained a proof from the said Printer (Kimmel) and delivered it to Inspector Thomas Byrnes of the New York City Police Force and gave him all the information in his possession concerning it. Upon receiving the information above referred to, from the Department at Washington he caused a watch to be set upon said Wm E. Brockway who resides at No. 761 Greenwich Street and that he almost daily visited at Room No 86 of the St. James Hotel occupied by the said Lewis Martin, also the house No. 231 Lexington Avenue where he would stay for hours sometimes all day and all night. That thereafter said Brockway moved to No 270 W. 11 St. While the watch was kept on said Brockway he visited the offices

0539

of different Engravers in this city, and said Brockway, Foster & Martin were continued under the surveillance of deponent & his assistance until Oct. 20th last. when deponent withdrew his men and the matter was taken up on the next day by Inspector Byrnes & his detectives. That upon such other information in my possession I believe that said Brockway & others are making a \$1000 bond for the purpose of placing same in the market.

William F. Cosgrove. a Detective Sergeant of Police of N. Y. City. On Oct. 22. 1883 deponent with Detective Sergeants Jas. J. Langan, Frank Mangin Jr. & John Deard were detailed by Inspector Byrnes to take up the investigation of the forgery of \$1000 R.R. bonds Wm E. Brockway & others where the same had been dropped by said Drummond & his assistants we took up the watch on the premises No. 270 W. 11th St. No. 231 Lexington Av. & the St. James Hotel, and found said Brockway with Foster & Martin acting in a suspicious manner. On Oct. 27. a trunk was

0540

taken from No. 231 Lexington Avenue to No 270 West 11th St. the residence of said Brockway.

Edward Slevin Sergeant of New York Police at Central Office, On Nov. 10. 1883 he found the forged Mortgage bond annexed to the affidavit of Frederick H. Gibbons with 53 others similar in appearance in the possession and in the room of L. R. Martin in the St. James Hotel, also found in said room 4 seal dies of the Morris & Essex A. R. Co. & four pieces of tracing paper with the names "Chas. E. Barryl" "Sam Sloane" and "R. P. Pine" written thereon. deponent is informed and believes that.

Detective Sergeant James J. Langan on said Nov. 10. 1883 found in the house occupied by Nathan B. Foster at No. 231 Lexington Ave. & in his possession; divers seals, forms of type & other paraphernalia of a kind commonly used in engraving and printing; and deponent is further informed by

Detective Sergeant Frank Mangin Jr. that on said Nov. 10. 1883 he found in the possession of one Wm. E. Brockway, in the house No. 270 W. 11th Street divers printed vignettes, and deponent is also informed

0541

by Inspector Byrnes that he found on the person of
said Brockway one genuine \$1000 Mortgage bond of
the Morris & Essex R.R. Co. & one genuine \$1000 bond
of the Central Pacific R.R. Co.

POOR QUALITY
ORIGINAL

0542

Department of
Public Charities and Correction,

HENRY H. PORTER, Pres't., THOMAS S. BRENNAN, JACOB HESS, Com's.
Office of City Prison, Co'r Franklin and Center Streets,

JAMES FINN,
Warden.

New York, Sept 1st 1884.

This is to Certify that I have attended
Morton a prisoner in the Tombs, for
about ten months, as Physician - When
he came first to the prison he was a
splendid specimen of manhood. He
at that time complained of trouble in
one of his eyes. It gradually became
worse and finally he lost vision in
it entirely. The other eye now began
to become affected. I recommended
him to have the eye removed to save
the other. I wrote to his Lawyer
and to the District Attorney concerning
his condition, urging that something
should be done, and at once, that
humanity alone demanded it.

Nothing was done however, and
the result is he is now totally blind.
He has also developed Pitting

POOR QUALITY
ORIGINAL

0543

Department of
Public Charities and Correction,

HENRY H. PORTER, Pres't., THOMAS S. BRENNAN, JACOB HESS, Com's.
Office of City Prison, Co'r Franklin and Center Streets,

JAMES FINN,
Warden.

New York,

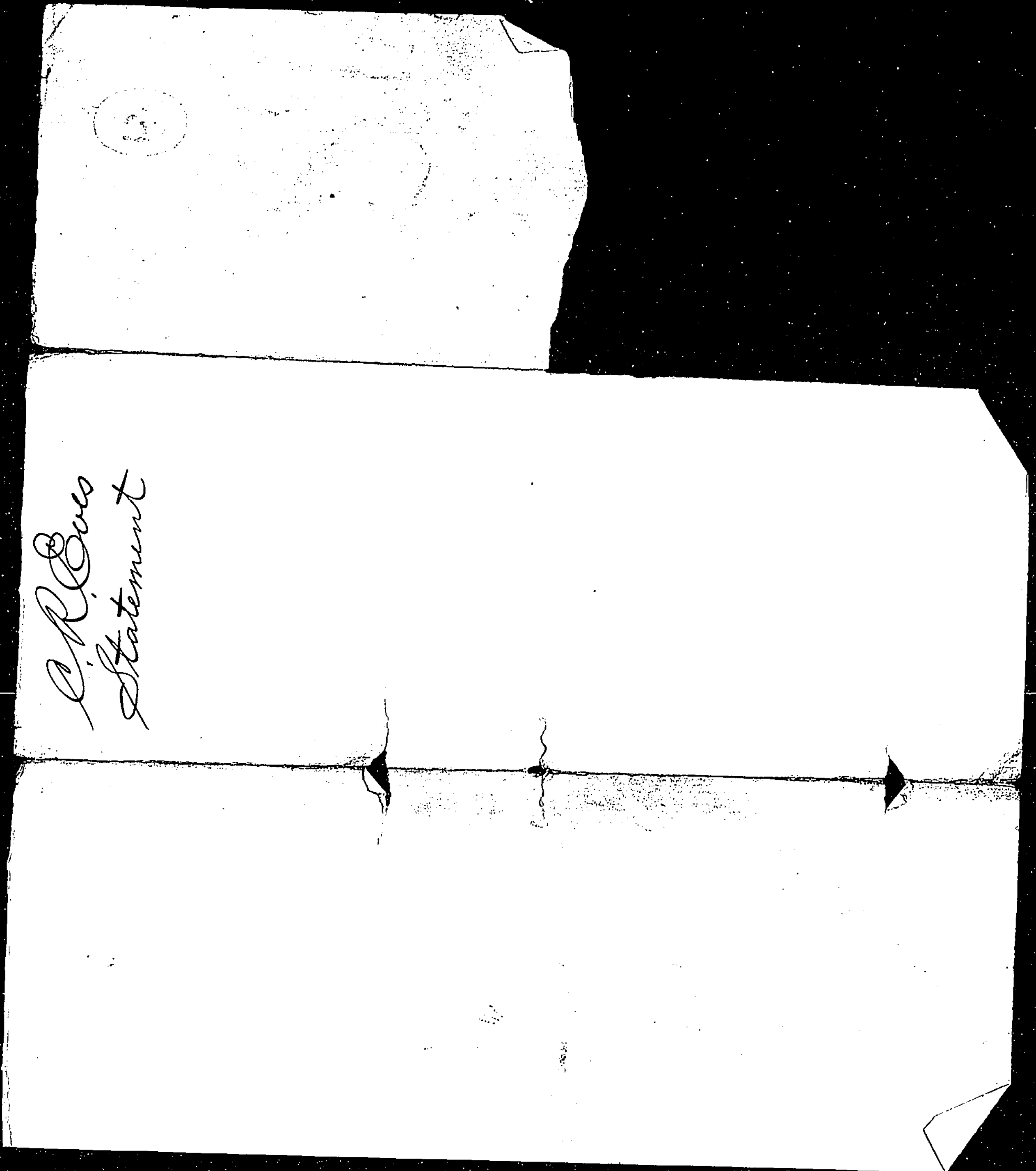
188

*Travels. He is a wreck of his former
self, and commands the sympathy
of all who come in contact with
him.*

*W. L. Jackson, M. D.
Physician to City Prison*

POOR QUALITY
ORIGINAL

0544



POOR QUALITY
ORIGINAL

0545

ance R. Eves

ompanied A. L. Drummond
University Place N.Y. City
\$1000. Die. I was left in that
person who called for it.

At 4.15 P.M. I saw Mr. E. Brockway enter this number
Kimmels Engraving and printing establishment and
in a few minutes come out. I followed him for awhile
then reported to Mr Drummond whom I had seen.

Nov 10th in searching Brockway's apartments no 270
N 11th St found nothing of consequence.

Signature of Jack of Drummond

0546

Melnesson 18w

William E. Brockway et al

0547

Witness in Brockway Case

Inspector Byrnes Central Office
 Sgt. Detective William F. Cosgrove " "
 " " John Stead " "
 " " Edward Slavin " "
 " " Frank Mangin " "
 James Sanguant " "
 Andrew L. Drummond
 Chief of Secret Service New York Dist.
 Henry Gaudet " "
 C. R. Evans " "
 F. H. Blackwood
~~Adolph~~ H. Kimmel 26 University Place

F. B. Kelly

W. R. Lindner Philadelphia Pa.

Frederick H. Gibbs

Treasurer of the Delaware and Lackawanna
 and Western Rail Road Co.

POOR QUALITY
ORIGINAL

0548

<i>Abstract of evidence</i>	<i>Profile</i> <i>Physical</i> <i>& other</i>

0549

List of Witnesses in the case of
M^{rs} E. Brockway, Luther R. Martin and
Nathan B. Foster.

Mrs F. K. Kimmel
Printer

26 1/2 University Place, can testify that her husband showed her a Steel Die with the figures \$1000 and a piece of scroll work, saw her husband make a proof of the Die, saw him show it (the Die) to Drummond also saw her husband give Drummond a proof of the Die, saw Brockway come to her store take away the Die and a proof for which he paid her Seventy five cents, she then gave signal to Mr Eves of Mr Drummond's force and he saw Brockway leave the store of Mrs Kimmel.

Fred K. Kimmel
Printer

26 1/2 University Place will corroborate his wife and further testify that Brockway brought the Die to him to take proof of.

A. L. Drummond
Secret Service

Will testify that he received the proof from Mr & Mrs Kimmel on Jan'y 4th 1883 and a second one from same Die about October 1883 and handed both to the Police Department, one to Supt Walling the other to Inspector Byrnes.

Inspector Byrnes

Will produce the proof for the Expert Lee to examine and compare with the Bond and will also give a full account of the delivery to him of all the captured property from the gang by his officers &c &c &c.

0550

27

Horner Lee
Expert

N^o 60 Cedar St will testify that the proof which Kimmel gave to Mr Drummond of this die is the same that appears on each of the 54 Counterfeit \$1000 Bonds found in Martin's possession.

Sam Sloan
President
M & E. R. R. Co

Is wanted to testify to there being a genuine bond like the 54 bonds found on Martin also to testify that certain and numerous tracings found with Brockway and Martin are imitations of his signature.

Chas E. Carryl
Treasurer
of M & E. R. R. Co

Will testify to the name of Chas E. Carryl that appears on each of the Counterfeit Coupons on the Bonds found in Martin's possession being a forgery and in imitation of his signature as it appears on the genuine bonds of the M. & E. R. R. Co and also that the seals found with Brockway, Foster and Martin are Counterfeits of the Seals on the M & E. R. R. \$1000 bonds.

Fred H. Gibbons
Del L & N. R. R. Co

Will testify to the same in substance as Sloan & Carryl.

Mrs Lena Levy
Janitress
N^o 3 1/2 Division St

Will testify that Brockway occupied the room at 3 1/2 Division St where the Officers found the outfit of Brockway and that he paid her the rent under the name of Spencer.

0551

(3)

Wm C. Emery
Central Pacific
R.R. Co Mills
Building
Broad St

Will testify that certain packages of Type found set up in Foster's trunk is set so as to print an exact copy of the back of a \$1000 six percent Central Pacific R.R. bond, (Coupons included) also that Seals found with Brockway, Foster and Martin are counterfeits of the genuine Seals of the \$1000 Central Pacific R.R. bonds.

D. H. Bruce
Type Foundry
No 13, Chambers
St or an Employee

Will identify all the Type found in the possession of Brockway and Foster as being sold by that firm to Foster.

Henry Glauzel
W. R. Lindner
J. M. Blackwood
C. R. Eves
J. R. Kelly

Of the Secret Service will all testify to shadowing Brockway, Martin & Foster and explain their mysterious actions, a statement of what these men will testify to is already among the papers in this case in the District Attorneys Office Each of these men will give in detail what he knows about the case. Glauzel & Eves are the two most important.

H. J. Cosgrove
John Helard
Edward Slevin
Frank Mangin
James Langan
Frank McGuire

All of Inspector Byrnes Staff and will each give a statement of what they know. There may be other of the Inspector's men who are important witnesses but he (the Inspector) will attend to that, I presume if you call his attention to the matter.

0552

Property

Found in room 86. of the St. James Hotel.
occupied by

Lewis R. Martin

0553

Police Department of the City of New York,
No. 300 Mulberry Street,

NEW YORK.....1883

The following described property was found in room
No. 86 of the St. James Hotel, N.Y. City, occupied by
Lewis Martin on November 10th 1883.

Twenty one 7 percent Construction mortgage
Bonds of the Morris & Essex R.R. Co. of \$1,000 each,
and numbered as follows 1822. 2221. 1248. 2182.
841. 1282. 1824. 1482. 2128. 2812. 1284.
2821. 842. 1842. 844. 2218. 2841. 2218.
2184th 2481.

Bond No. 1228 has been sent to the
District Attorneys Office to be attached to affidavits
of Thirty three Bonds of the above denomination
of \$1,000 each which are not numbered or signed
were found in a large valise. Also four dies, and
seals, consisting of two electrotyped embossed seals,
used on the Bonds of the Morris & Essex R.R. Co. of
\$1,000 each. Also, two electrotyped embossed seals,
used on the Bonds of the Delaware & Lehigh R.R. of \$1,000 each,
Some tracing paper with the names of "Sam Sloan," "Charles E. Caryl,"
and "P. R. Tyne" written on it.

0554

Delaware, Lackawanna & Western R. R. Co.

TREASURER'S OFFICE,

26 Exchange Place,

FRED'K H. GIBBENS,
2d Vice-Prest. and Treasurer

A. D. CHAMBERS,
Assistant Treasurer.

New York, *Apr 25th* 188*1*

*Hon. John Vincent
A. Dist. Att.,
Dear Sir:*

*The bearer will wait
your orders and if you require
the presence of Mr. Sloan or my-
self will summon us.*

*Mr. Sloan is engaged with
a meeting of the Boards of this
Company and the Bank today,
and I can testify to anything relating
to this case as fully as he can,
so I trust you will not call him.*

*Very truly yours
Fred H. Gibbens*

0555

BOX:

118

FOLDER:

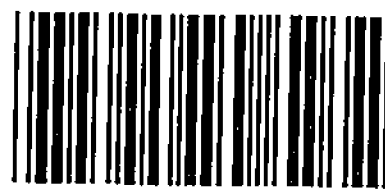
1250

DESCRIPTION:

Brown, Maria

DATE:

11/12/83



1250

Paul pay at
\$1000
Nov 13th / 83

\$1000 deposited with
City Chamberlain
Nov 13/83

The witness in the
within case having been
arrested and satisfactory
proof having been
furnished through the
report of the Police
Captains of the precinct,
and the official stand-
ing of this office,
that the premises have
been entirely vacated, I
ask the court that the bail
in this case be discharged.
Nov. 28, 1883 Jno. Vincent
Dist. atty.

#15.
B. M. paid April 22nd 1883
(11) *854*
Day of Trial,
Counsel,
Filed day of Nov 1883
Pleads

THE PEOPLE
vs.
B. Maria
Brown
30 Lexington Ave.
JOHN McKEON,
District Attorney.

I 2 Nov 28/83
Bail discharged.
A True Bill.
W. H. Crane Foreman.
Nov 28th / 83

See 322 and 323
Keeping a Bawdy House.

POOR QUALITY
ORIGINAL

0556

0557

Police Department of the City of New York,

Precinct No. 18

New York, Nov 21st 1883

Hon John M. Keon

Dist Attorney

Dear Sir

Miss Maria Brown
has vacated the House No
30 Lexington Ave

Respectfully

William F. Smith

Captain of Feet

0558

OF THE CITY AND COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,
against

Maria Brown

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

Maria Brown

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL FAME,
committed as follows:

The said *Maria Brown*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid, on
the *first* day of *November* in the year of our Lord one thousand eight
hundred and eighty-*three* and on divers other days and times as well before as afterwards,
to the day of the taking this inquisition, at the Ward, City and County aforesaid, a certain common
house of ill fame, unlawfully and wickedly did keep and maintain; and in the said house divers
evil-disposed persons, as well men as women, and common prostitutes, on the days and times afore-
said, as well in the night as in the day, there unlawfully and wickedly did receive and entertain;
and in which said house the said evil-disposed persons and common prostitutes, by the consent and
procurement of the said *Maria Brown*

on the days and times
aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, dis-
turbances and lewd offences as well in the night as in the day, were there committed and perpe-
trated; to the great damage and common nuisance of all the good people of the said State there
inhabiting and residing, in manifest destruction and subversion of, and against good morals and good
manners, 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 *Maria Brown*

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Maria Brown*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid,
afterwards, to wit: on the *first* day of *November* in the year of our Lord one
thousand eight hundred and eighty-*three* and on divers other days and times between the said

0559

day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did maintain a certain common, ill-governed house, and in her said house, for her own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and willfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and willfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common annoyance of the said citizens, 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 Mania Brown

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said Mania Brown

late of the 18th Ward of the City of New York, in the County of New York aforesaid, afterwards, to wit: on the Fair day of November in the year of our Lord one thousand eight hundred and eightythree and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in her said house and place of public resort, for her own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women, in her said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully, did permit, and yet continues to permit, by which the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, 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.

JOHN McKEON,

District Attorney.

0560

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against

Maria Brown

30

Bench Warrant for Misdemeanor.

Issued

Nov. 12th 1883

Return Nov. 13th 1883

P. J. [illegible]

☒ The defendant is to be admitted to be bail
in the sum of dollars.

POOR QUALITY
ORIGINAL

0561

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 12 day of Novr
1883, in the Court of General Sessions of the Peace, of the County of
New York, charging Maria Brown
with the crime of keeping a bawdy house

You are therefore Commanded forthwith to arrest the above named Maria
Brown and her bring her before that Court to answer the indictment; or
if the Court have adjourned for the term, that you deliver her into the custody of the Keeper of the
City Prison of the City of New York, or if he require it, that you take her before any Magistrate
in that County, or in the County in which you arrest her, that she may give bail to answer the
indictment.

City of New York, the 12th day of Novr 1883.

By order of the Court,

J. M. [Signature] Clerk.

0562

In the Matter of
The Petition
of
Maria Brown

Petition

Charles W. Moore
att'y for Petitioner
44 Broadway
N.Y.

0563

To the Honourable
of the

a Justice

The Petition of Maria Brown respectfully shows to this Court that she was arrested on the 13th day of November 1883 on an indictment and charge of maintaining and keeping a disorderly house, That petitioners deposited with the City Chamberlain of the City of New York the sum of (\$1000) one thousand dollars in lieu of bail upon the express stipulation and agreement that if she your petitioner should remove from the house alleged to be such disorderly ^{house} within ten days from said date then and in such event the money was to be returned to your petitioner That your petitioner duly ~~app~~ in accordance with said agreement removed from said house within said time to wit on the 21st day of November 1883 and that the proper and sufficient proof thereof is now in the hands of the District Attorney. Wherefore your petitioner prays that an order may be made herein

0564

directing the said City Chamberlain to
return the said money to your petition-
er. And your petitioners will ever pray &c
given to be for the this }
28th day of November 1873 }
Charles Lewis Brooke } Maria Brown
Notary Public (1899) }
W.P. City & Co. }

0565

Wacker

8

Maria Simon



0566

City and County of New-York, SS.:

Thomas J. Mc 'Carthy, of the Eighteenth Precinct, being duly sworn, deposes and says: That the house No. 30 Lexington Avenue, in said City, is a well known house of assignation, kept as such by one Mariah Brown; that on the night of Nov. 11', 1883, deponent entered said house with a girl he had picked up on the street; that when deponent entered said house he was shown into the parlor by the Madam and asked to wait until she had a room fixed for him; that after waiting about five minutes deponent was shown to a room upstairs, for which he paid the Madam five ^{two} dollars; that deponent did not have intercourse with the said girl, but only went there for the purpose of securing information ~~against~~ against the said house.

Sworn to before me, this :

11' day of Nov., 1883. :

Hugh Dunmell
Notary Public, N. Y. Co.

Thomas J. McCarthy

0567

BOX:

118

FOLDER:

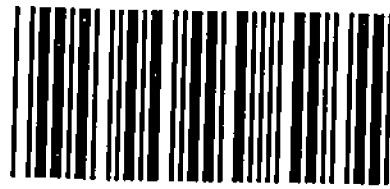
1250

DESCRIPTION:

Buckholz, Edward

DATE:

11/15/83



1250

0568

BOX:

118

FOLDER:

1250

DESCRIPTION:

Bergen, William

DATE:

11/15/83



1250

POOR QUALITY
ORIGINAL

0569

Counsel, *Spencer, & Livingston*

Filed *15* day of *Nov* 1883

Pleads *Not guilty*

THE PEOPLE

vs. *1* *F*

Edward Buckner

and *1* *F*

William Bergen

JOHN McKEON,

Nov 21st. District Attorney

Chad. Fred & acquitted
A TRUE BILL.

Chas. G. (Hickman) by Court

W. H. Crane

Foreman.

In

Off. Coroner

0570

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 Buckley
and
William Bergen

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

Edward Buckley and William Bergen
of the CRIME OF manslaughter in the first
degree
committed as follows:

The said Edward Buckley and
William Bergen

late of the City and County of New York, on the ninth day of
October — in the year of our Lord one thousand eight hundred and eighty-three
with force and arms, at the City and County aforesaid, in and upon one

James Ryan, in the peace of the People of the
said State then and there being, unlawfully
and feloniously did make an assault:
and the said Edward Buckley and William
Bergen, to, at and against him the said
James Ryan, a certain beer pancer which
they the said Edward Buckley and William
Bergen, in their right hands then and
there had and held then and there unlaw-
fully and feloniously did cast and throw:
and the said Edward Buckley and William
Bergen, with the beer pancer aforesaid, so
cast and thrown as aforesaid, him the said
James Ryan, in and upon the head of him
the said James Ryan, then and there unlawfully
and feloniously did strike, beat, cut, bruise,
wound and fracture, giving unto him the
said James Ryan, then and there with the
beer pancer aforesaid, so cast and thrown as

aforesaid, in and upon the head of him
 the said James Ryan, one mortal wound
 and fracture, of the breadth of four inches
 and of the length of six inches, of which
 said mortal wound and fracture, the
 the said James Ryan, at the City and County
 aforesaid, from the day first aforesaid, in
 the year aforesaid, until the twenty fourth day
 of October in the same year aforesaid, did
 languish, and languishing did die and
 on which said twenty fourth day of October, in
 the year aforesaid, the said James Ryan
 at the City and County aforesaid, of the
 said mortal wound and fracture did die.

And so the Grand Jury aforesaid do
 say: that they the said Edward Buckley
 and William Bergen, in the said James
 Ryan, on the day and in the year first
 aforesaid, at the City and County aforesaid,
 in the manner and form, and by the
 means aforesaid, wilfully and feloniously
 did kill and slay: 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.

John McKeon

District Attorney.

0572

MEMORANDA.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.
26 Years.	Months.	Days.	Ireland.	N.D.C. 8th St. to 145th St.

Removal to
556 W. 46th St.

4th Nov 93
AN ANTI-MORMON INQUISTION
1883

On the VIEW of the BODY of

James Ryan

whereby it is found that he was
engaged by

Edward Bruckholz

Given on the 10th day
of October 1883

before

William W. W. W.
CORONER.

Committed

Deceased

Discharged

0573

Coroner's Office,

TESTIMONY.

Wm Ryan being sworn says, I reside at the N.E. corner of 145th St & 8th Ave., I am a Laborer, On the 9th of October 1883 at about 10 o'cl. P. M. I was in the Lagerbeersaloon of 143^d St & 8th Ave. in company of Daniel Devlin, Chris. Wise, we had one treat, twenty minutes after we had taken our drinks James Ryan & Wm Bergen came in & after a short time Mr. James Ryan & Bergen ^{did} commenced a fight, struck one another, Mr. ^{Eckert} took Bergen's part, took a matchbox & hit with it James Ryan, then fired some plates at him, & finally took a beer tap & struck James Ryan with it ^{on the left side of his head}; he immediately fell down, became unconscious, & in that state was transported to my house at 145th St & 8th Ave. (the northeast corner).

William Ryan

Taken before me
this 11th day of October 1883.

Philip M. Walker

CORONER.

0574

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN ANTE-MORTEM INQUISITION,

Taken at *The House*
North East Corner 8th Ave. & 145th Street. in the *12th* Ward of the City of
 New York, in the County of New York, this *10* day of *October*
 in the year of our Lord one thousand eight hundred and *83*
Philip Merskle before
 of the City and County aforesaid, on view of the Body of *James Ryan* at

Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
 upon their Oaths and Affirmations, say: That the said *James Ryan* was injured, do

came to his injuries at the hands of Edward
Buechholz Oct 9th 1883 - at the *8th Ave & 143rd St.* - by being struck
 with a beer faucet

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

Philip Merskle
 CORONER, T. S.

0575

City and County of New York, ss.

Statement of James Ryan now lying
dangerously wounded at 145th St. n. 8th Avenue in the 12th Ward
of said City and County, on the 10th day of October 1883.

Question—What is your name?

James Ryan

Answer—

Question—Where do you live?

145th St. n. 8th Ave.

Answer—

Question—Do you now believe that you are about to die?

Answer—

no, I have hopes of recovery

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer—

Yes.

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

The oath was administered.

Answer—

Yes. On the 9th day of October, 1883, at about
10.30 P. M. I was at the Saloon of 143^d St
n. 8th Ave. with a few of my friends, Wm Ryan, Wm
Bergen & Daniel Devlin taking some drinks, Wm
Bergen & myself were quarrelling ~~one with another~~
pushing one another ^{or shoving}, Ryan & Devlin came between
us, tried to separate ~~us~~ & make peace between us,
when all at once I received a blow on the
left side of my head with some heavy instrument,
I think it was a hammer or faucet, by whom
that blow was struck I cannot say. By that
blow I was stunned & fell down in the saloon.
& became unconscious, & I cannot say, what
happened after I fell down ^{because} I became un-
conscious.

Sworn to before me
this 10th day of October 1883.

James

his
mark Ryan.

Philip Morkle Coroner.

0576

- A. Bar 13 feet Long
- B. Shelves behind Bar
- C. Ice Box
- D. Screen near Corner Doors
- E. Piano
- F.F.F.F. Tables with Chairs Seting around
- G.G.G. Windows
- H.H.H.H. Doors Leading to Street
- K.K. Doors Leading to Rear Rooms
- M. Dishes on Bar
- N. Where Buckholts Stood Leaning on Bar with Right arm
- P. Where Jas & John Ryan. Dan Dealin, & Wm Bergen were fighting
- R. } Match Box made of Earthenware 3 inches across Bottom
 & 2 inches across top Holding about one Box matches
- S. } Where Jas. Ryan fell with Left Side of Head Resting on
 foot of Screen
- T. Where Jas. Ryan. Started Wm Bergen first
- V. Where Fancet was kept Standing on Box
 6 1/2 feet from Fancet to End of Bar Where Buckholts Stood
 13 feet from Where Buckholts Stood to Where Ryan fell
 5 feet from where they were fighting to where Buckholts Stood
- B.F. Brass part of Fancet -
- W.F. } Wood part of Fancet about 1 1/2 feet apart } x about 6 feet
 } from Jas. Ryan as he lay on floor

POOR QUALITY
ORIGINAL

0577

District Attorneys Office.
City & County of
New York.

People
H. H. S.
H. S.
H. S.

Attorneys for People
Jacob Speer

Christian Meis

Daniel Gordon

John Ryan

Place of Birth
SW Cor of 8th Ave & 143rd St

Date Oct 9th 1883

Filed Oct 24th 1883

Person Killed
James Ryan

0578

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the *Coroner's Office*
 No. 13 & 15 *Chatham Street*, in the *4th* Ward of the City of
 New York, in the County of New York, this *27th* day of *October*
 in the year of our Lord one thousand eight hundred and *83* before

PHILIP MERKLE, Coroner,

of the City and County aforesaid, on view of the Body of

James Ryan

now lying dead at

nine Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

James Ryan came to his death, do
 upon their Oaths and Affirmations, say: That the said *James Ryan*

came to his death by
a beer faccet thrown at him by Edward Buchholz
at the Saloon of the S.W. corner of 8th Ave. & 143d St. Oct. 27th 1883
after 10, 0'clk P.M.

We also censure *William Bergen* for being present
 at the time, acting as an accessory.

We censure *Daniel Devlin & Wm Ryan* for not
 using proper means to care for the deceased after the accident happened
 allowing the deceased to go home instead of sending him to a hospital & notifying the
 police.

In witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition

set our hands and seals, on the day and place aforesaid.

James O'Hara

JURORS.

W. G. Gorman

Chas. Mohr

Peter Keller

Patrick Smith

John Bortels

John Fierice

Lugab Sulkey

W. Kaschun

308 Third Ave.

338 Third Ave.

327-3rd Ave

349 3rd Ave

336-3rd Ave

340 3rd Ave

350 3rd Ave

332 3rd Ave.

314 Third Ave

Philip Burke

CORONER, E. S.

0579

Coroner's Office.

TESTIMONY.

I Jacob Wegele, being sworn says:
 I reside ^{at the S.W. corner of 14th & 1st Ave} at 143rd St. I keep a saloon there. On October 9th 1883
 James Ryan came to my saloon at 9
 o'clock in the evening, had a drink
 and went away. He returned a
 second time about ten o'clock, at
 that time James Ryan, ~~Billy~~ William Ryan,
 William Bergen, Daniel Deolin,
 Edward Duchholz myself and
 another man whose name I do not
 know ^{were there}. The same party of four that
 came in about ten o'clock came in
 at 9 o'clock. At 9 o'clock one took
 a cigar and the other three ^{James Ryan among them} drank
 beer. James Ryan did not wish to
 drink any more, as he was already
 intoxicated and he took a cigar. As
 they invited one another to take a drink
 at 10 o'clock they commenced to quarrel.
 James Ryan sat alone by himself
 at a side table as soon as he came
 in. He did not speak but looked
 angrily at all the rest. He scowled
 as though he intended to commence
 a quarrel. Nobody spoke to him.
 Billy Bergen & Billy Ryan commenced
 to quarrel, what they quarrelled

Taken before me,

this 27th day of October 1883.

Philip Morke

CORONER.

0580

Coroner's Office.

TESTIMONY.

about I cannot say, I pacified them sufficiently so that they were on the point of leaving, as they were going away and Bergen was putting on his coat ~~when~~ he turned around and said excitedly 'who called me a crank? I said no one called you a crank, I heard no expression of the kind. Bergen repeated, somebody has called me a crank. James Ryan then jumped up from his chair and putting up his fists in front of Bergen said to him 'Can you say I called you a crank? Bergen not answering him immediately James Ryan repeated the question and immediately thereafter without awaiting a reply James Ryan struck Bergen in the face. Bergen's face was marked and he was covered with ~~blood~~ ^{blood}. All four then gathered around each other pummeling each other. I saw their four heads together and saw them raining blows on each other. They took lunch dishes from my counter and struck each other with them. No match box was used, because after the fight was over, the matches were all still in the match box.

Taken before me,

this 27th day of October 1883,

Philip Merkel CORONER.

0581

Coroner's Office.

TESTIMONY.

3

The match boxes were in their proper places after the quarrel. I opened the door during the quarrel to put out the combatants as I wanted ~~not~~ quarrelling in my place, when I heard a fall and looking around I saw deceased James Ryan lying prostrate under the table and about three or four feet from him a ~~wooden~~ beer faucet ^{which was made of half brass and half wood}. It is the ordinary beer tap. There was a little blood on it which I immediately thereafter washed off. I picked up James Ryan and took him outside to the fresh air and sat him up against a beer keg with the assistance of Mr. Devlin. I noticed the blood streaming off his face. Mr. Devlin washed off his face. I did not see deceased struck with the beer faucet, it must have happened whilst I tried to open the door. Something caught the door and I could only open it with difficulty. After James Ryan was washed off, I told Devlin to go after an ambulance to take Ryan to a hospital. James Ryan said to me when I told

Taken before me,

this 27th day of October 1883.

Philip Morke

CORONER.

0582

Coroner's Office.

TESTIMONY.

(4)

Devlin to procure an ambulance, 'I think I can walk'. I said to Ryan if you can walk it will be so much better for you. Devlin and I took hold of him under each arm and lifted him on his feet, we then asked him, can you walk, when he answered yes, when Devlin ~~took~~ ^{put} his ^{arm} under Ryan's and walked off with him. I told Devlin he better get a doctor for Ryan right away. Next day Devlin came into my place and told me no doctor had yet been called for James Ryan, consequently Ryan was without medical or surgical attendance from 10 in the evening until two o'clock next afternoon. It was three o'clock when the doctor came in to my saloon and asked to see the beer fancet. The doctor said he had just then ~~come~~ from Ryan who lived close by. I do not remember the name of the doctor and never heard his name before. William Ryan was one of the four who fought with each other. The four who fought stood

Taken before me,

this 27th day of October 1883.

Philip Werker

CORONER.

0583

Coroner's Office.

TESTIMONY.

right before the bar. Their four heads were down and close together and I could see nothing but fists flying up and down. The position of the four was such that no one could see what happened behind him or in the saloon. William Ryan and William Bergen were amongst those that quarrelled. When I came from behind the bar all their heads were down and there were all striking each other whilst I attempted to open the door. I do not know what happened. I only knew Bergen, Devlin & William Ryan. They were in my saloon several times before. James Ryan was in my place the first time that evening. They never commenced to fight in my place. I would not permit it and whenever I saw they had been drinking sufficiently, I would give them no more. When they left my saloon at nine o'clock they were sober and when they returned at ten o'clock they were intoxicated. They must have been in some other saloon during the interval. I heard they had been playing cards and that James Ryan had lost and had no money to pay his losses with J. Jacob Waegle.

Taken before me,
this 27th

day of October

1883.

Philip Merker

CORONER.

I have to certify me this 27th day of October, 1883
 Charles J. Smith
 Notary Public

0584

Coroner's Office.

TESTIMONY.

(6)

Christian Weiss being sworn says
 I reside at 142nd St. & 4th Ave.
 I am a barber. On October 9th 1883
 about 10 o'clock I went into Megele's
 saloon at 143rd St. & 4th Ave. with
 William Ryan & Daniel Devlin.
 William Bergen, James Ryan and
 Edward Buchholz were in the saloon
 at the time we entered. Some
 dispute arose between Bergen and
 James Ryan, what it was about
 I cannot say. I tried to
 quiet them, but could not
 succeed. The next moment
 James Ryan and William Bergen
 clinched, immediately after I saw
 William Ryan behind James Ryan
 and Edward Buchholz behind William
 Bergen. Whether William Ryan and Edward
 Buchholz tried to separate the combatants
 or take a hand in the quarrel I do not
 know. I was standing on the other
 side of the room at the time as far
 off as I could get. The next thing
 I saw was James Ryan on the floor
 and then I dusted. I mean by this
 I ran away. William Ryan, Daniel
 Devlin and I took a social drink

Taken before me,

this 27th

day of October

1883.

Philip Herbert

CORONER.

0585

Coroner's Office.

TESTIMONY.

at the bar about 5, 6, or 7 minutes
 before the quarrel commenced.
 I do not know how it originated.
 I did not know James Ryan
 and paid no attention to it.
 I had malarial fever at the time
 and consequently may not have
 had all my senses ^{about}. I saw James
 Ryan strike Bergen. I could not tell
 who commenced it. I saw them
 clinch each other. James Ryan struck
 Bergen first and then they clinched.
 I saw Edward Buchholz strike ~~Ja~~
^{head} ~~Ryan~~ with a lunch plate, where head
 he struck I do not know, the four
 heads were close together. James Ryan
 and Bergen had their faces close together.
 The next thing I saw was James Ryan
 lying on the floor. I then went home.
 These people are customers of mine.
 They are not quarrelsome. Never
 saw them quarrel before. I could do
 Ryan no good. I thought a doctor
 was the proper person to attend to him
 so I went home. James Ryan did not
 fall immediately after Buchholz struck some
 head among the four ^{with a plate}. The proprietor of the
 saloon Mr. Wegele took the lunch plate out

Taken before me,

this 27th day of October 1883.

Philip Wegele

CORONER.

0586

Coroner's Office.

TESTIMONY.

of Buchholz's hand, and tried to open the door. Mr. Ryan's head in hat on when he commenced to fight, but it fell off during the combat. I did not ~~see~~ ^{hear} anybody have hold of the faucet and did see any blow struck with it.

Christian Weiss.

Daniel Devlin being sworn says, I reside at 145th St. betw 7th Ave & St. Nicholas. I am a laborer. On October 9th / 83 I was in Mr. Negle's Saloon at 145th St. & 7th Ave when James Ryan & William Bergen ^{came in} about 10 o'clock. I will not be certain as to the time. I knew James Ryan slightly before this occurrence. He has some credit in living up there at 145th St. & 7th Ave. where he died. I did not take a drink with them when they came. I was sitting at a table looking at a picture book. After a few minutes I saw James Ryan & William Bergen drink. I got up and ran between the two and tried to make peace. I tried to separate them. Mr. Buch-

Taken before me,

this 27th

day of October

1883,

Philip Herke

CORONER.

I am before me this 27th day of October 1883

Christian Weiss

John Justice

0587

Coroner's Office.

TESTIMONY.

9

holz was standing at the end of the
 counter furthest from the door and
 the parties were quarrelling near
 the door. I did not see Buckholz
 behind Bergen nor William Ryan
 behind James Ryan. We got them
 separated and the next moment
 I saw Mr. Buckholz throw a beer
 tap or faucet at James Ryan which
 hit him on the left temple. Buckholz
 did not strike Ryan with it. He threw
 the tap. I then saw James Ryan fall.
 I went to help him up. Mr. Ryan
 was senseless at that moment. With
 the assistance of Mr. Wegele I took
 him outside into the fresh air. I do
 not remember that Mr. Wegele told
 me that the police should be notified.
 I did not hear Mr. Wegele say that
 a doctor should be sent for. We took
 James Ryan out and laid him on
 the stoop and laid his head on an
 empty keg. I do not think Mr. Buckholz
 was struck on that evening. I cannot
 recollect it. I could not say whether
 Bergen was covered with blood or not.
 I had been drinking a little that night
 but I had my senses. I drank three

Taken before me,
 this 27th day of October 1883.

Philip Wegele CORONER.

0588

(10)

Coroner's Office.

TESTIMONY.

or four glasses of beer before the fight commenced. I drank a little liquor after the fight was over. In a few seconds after we had carried James Ryan out on the stoop, he came to and I led him home. We did not think the case was so serious until the next morning. I am an acquaintance of Mr. Ryan of 145th St. 4th Ave. who is related to deceased James Ryan. After Ryan's came to his senses I do not remember hearing Negele speak to him. Ryan had nothing to say after he came to, whilst I was walking him home but I think he was conscious. I did not hear him make the remark that he could walk. He was able to walk. I am often in company with William Ryan a relative of deceased, ~~he was my~~ ^{we are} companion together. About ten minutes after I took James Ryan after I out on the stoop I took him home. He was exposed about ten minutes. The ^{beer} ~~faucet~~ in question is a brass tap with a wooden extension. I do not know the weight.

Daniel Terlin

Taken before me,

this 27th day of October 1883.

Philip Meek

CORONER.

I am before me the Secretary of October 1883
 William Ryan
 Over Justice

0589

Coroner's Office.

TESTIMONY.

11.
 William Ryan. being sworn says I reside
 at 145 1/2 St. James, and am a
 laborer, deceased was my 3^d cousin
 I am, 22 years of age. On Oct 9/83
 about 9 P.M. I entered the
 saloon at 143 1/2 St. James
~~there was~~ Mr Devlin, & Buchholz &
 the bartender, and I was there.
 About 10 o'clock ~~Mr.~~ Bergen and
 James Ryan came in. Bergen
 took off his coat and hat and
 was getting ready for a fight and
 stood in a fighting attitude in the
 middle of the floor. James Ryan
 and Bergen had some words
 about something I do not know.
 Then Ryan and Bergen clinched.
 James Ryan was struck with a
 match box and fell. Only one match
 box was used after which it was
 placed back on the bar, ^{the matches were dropped from it} I saw
 Buchholz taking the match box
 from the counter. He was near
 enough to strike my cousin James
 and myself also. He was standing
 right behind Bergen. After James Ryan
 fell, they were parted when Ryan got
 up and was struck by a beer tap

Taken before me,

this 27th

day of October

1883.

Philip Morke

CORONER.

0590

Coroner's Office.

TESTIMONY.

or faucet which was fired by
 Buchholz. Buchholz did not
 strike him with it but threw it
 at him. The faucet struck the left
 side of James Ryan's head.
 I say distinctly that the tap was thrown
 and was not in Buchholz's hands
 when it struck James Ryan's head.
 I was standing right behind and a little
 to the side of James Ryan ~~when~~ one of
 my arms resting on the bar when the
 faucet struck James Ryan and he
 fell right down. I did not hear
 what the quarrell was about. After
 James Ryan had been removed to the
 stoop by Wegele & Devlin I went
 out to look at him and saw how
 he was. He was unconscious at
 first. After he regained consciousness
 in a few minutes I took hold of his
 arm, Devlin taking hold of the other,
 when we led James Ryan to his
 house. On the way home Ryan never
 said a word. We all made efforts
 to quiet James Ryan and Bergen down
 and separate them. The whole fight
 was over in about five minutes. Buchholz
 did not change the position in which
 Taken before me,

this 27th day of October 1883.

Philip Weege

CORONER.

0591

Coroner's Office.

TESTIMONY.

he was standing when he struck James Ryan with the match box. He merely moved his arm. He got up deliberately from the table where ~~the~~ he was sitting and walked over to where the fight was when he struck James Ryan with a match box. He then turned and got hold of the beer tap and threw it. I looked at the fight and at him at the same time. I saw Buchholz backing up. He was walking backward with his face towards the fight. I did not think that James Ryan was seriously wounded and did not think it was worth while reporting it. I was very much excited during the whole time. I had taken one glass of lager that whole evening. James Ryan was not intoxicated that I know of. I did not see him drink anything after he came in. I do not know what he had been drinking before he came in. James Ryan lay exposed for ten minutes on the stoop before I assisted in taking home.

Wm. Ryan

Given before me this 27th day of October 1883
 John J. [unclear]
 John J. [unclear]

Taken before me,

this 27th

day of October 1883.

Philip [unclear] CORONER.

POOR QUALITY
ORIGINAL

0592

MEMORANDA.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
26 Years.	Months.	Days.			

[Faint, mostly illegible handwritten notes in the upper section of the page.]

P. M.

Wm. H. H. J.
1889.

AN INQUISITION

On the VIEW of the BODY of

James H. H.

whereby it is found that he came to
his death by *suicide*

Deliberation

Philip Merkle, Coroner.
of the County of...

Inquest taken on the *29th* day
of *October* 188*9*

PHILIP MERKLE, Coroner.

0593

TESTIMONY.

Dr. W. J. O'Messey being sworn says: On October 24th 1883 at No. 5516 W. 46th St. I made an autopsy on the body of deceased. He was a robust powerful looking young man 5 feet 10 inches in height. His head was covered with bandages ^{somewhere} saturated with blood. On removing ~~the~~ a piece of lint saturated with blood and pus was found, which being removed brought to view a wound in the forehead about two inches and a half over the outer edge of the left eye. Brain matter and pus was exuding from the wound. On cutting through the scalp, and removing it, the pericranium came off with it, a spot of ecchymosis ^(bruise) about the size of a silver half dollar was found over the occipital bone near the Occipito-parietal suture, another over the region of the Right Parietal bone, near the Inter-Parietal suture and one over the region of the Left Parietal Bone near the Temporal. The Skull was found fractured over the left frontal protuberance, a piece of the skull three quarters of an inch one way and half an inch another was broken out, the brain was protruding through this opening. On passing through and removing the skull cap, the brain was found in a shagging condition underneath the seat of fracture a cavity about one inch in diameter having been formed in the anterior lobe of the left cerebral hemisphere of the brain which was lined with pus. A piece of depressed bone about one and a half inches one way and a half inch another was found next to fracture. There was inflammation of the meninges of the brain. ^{Suppression of} Oedema & Congestion of the Lungs, Congestion of both Kidneys & ^{Suppression of} Mucous Membrane of Stomach. Death in my opinion was caused by ^{Exhaustion from} Abscess of the ~~Brain~~ ^{Brain} following Compound Comminuted Fracture of the Frontal Bone of the skull the result of violence ^{done to before me,} W. J. O'Messey M.D.

this 25th day of October 1883,
people ^{Ex. 1} we
20/83 Philip Morkle CORONER.

0594

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
26 Years.	7 Months	Days.	Ireland	556 N 46th St	Oct 24/83

4th 217 1883
HOMICIDE.
AN INQUISITION

On the view of the body of
James J. Case
whereby it is found that he came to
his death by the hands of

Edmond Blacklock
and

William Berger.

as accessory

Deposited before me the 27th day
of October 1883

before

Justice Frank E. Coroner.
Commenced October 27.
Dated
Discharged

Date of death

0595

Coroner's Office, 1

CITY AND COUNTY
OF NEW YORK, } ss

Edward Buckholz being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—*Eduard Buckholz*

Question—How old are you?

Answer—

Question—Where were you born?

Answer—*38 years.*

Question—Where do you live?

Answer—*142^d St. betw. 7th & 8th Ave.*

Question—What is your occupation?

Answer—*Gardener.*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I am not guilty.

Eduard Buckholz

Taken before me, this *27th* day of *October* 1883,

Philip Morke CORONER.

0596

Sec. 198-200

CITY AND COUNTY } ss.
OF NEW YORK }

1st District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty

Edward Buckholz

Taken before this
day of *March* 188*8*
Charles J. Smith
Police Justice.

0597

Sec. 198-200

CITY AND COUNTY OF NEW YORK

District Police Court.

William Bergen 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 Bergen

Question. How old are you?

Answer.

24 Years

Question. Where were you born?

Answer.

England

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

Answer.

115 St 8th Avenue - 4 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

Wm Bergen

Taken before me this *1st* day of *March* 1933
Charles J. Smith
 Police Justice.

POOR QUALITY
ORIGINAL

0598

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

THE PEOPLE, &c.,
ON THE COMPLAINT OF
West Meade
147 St. 8th St.
Edward Buckley
147 St. 8th St.
William Cunningham
Offence *Homicide*

Police Court District *83 &*

Dated *November 11* 188*3*
Orville Magistrate.
Wm. Lehou 21 Officer.
John J. S. Insurance Precinct.

Witnesses *Christian Mercer*
No. *147* St. 8th St. Street.
Daniel Doonan
No. *147* St. 8th St. Street.
William Buckley 147 St. 8th St.
No. *147* St. 8th St. Street.
John J. S. Insurance Precinct.

St. 8th St.
106 St. 8th St.

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 *each* be held to answer the same and he be admitted to bail in the sum of *thirty*
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he
give such bail.

Dated *November 11* 188*3* *Andrew J. White* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0599

BOX:

118

FOLDER:

1250

DESCRIPTION:

Burns, John

DATE:

11/30/83



1250

0600

#210.

Counsel,
Filed 30 day of Nov 1883
Pleads *Mcquilly*

23. THE PEOPLE
vs.
John P. Burns
INDICTMENT.
Grand Larceny in the first degree.
795282ms 6307

John Vincent
District Attorney.

22 ~~at~~ Dec 3/83
Pleads by L. L. L. L. L.
A True Bill.
S. P. L. L. L. L. L.

M. H. Crane

Foreman.

0601

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

John Burns

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

John Burns

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

The said *John Burns*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *25th* day of *November* in the year of our Lord one thousand eight hundred and eighty-*three*, at the Ward, City and County aforesaid, with force and arms, in the night time of

said day, one chain of the value of three dollars

of the goods, chattels and personal property of one *Charles Amott* on the person of the said *Charles Amott* then and there being found, from the person of the said

Charles Amott

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.

John Vincent

~~JOHN VINCENT~~ District Attorney.

0602

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court District 2 819
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Charles Street
#834, at 071st.
1 John Burns
2 _____
3 _____
4 _____
Dated November 26 1883
Paterson Magistrate.
James Kane, Officer.
_____ Precinct.
Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
\$1000 to answer B. J. Street
_____ Court

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 John Burns

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 November 26 1883 J. M. Paterson Police Justice.

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

Dated _____ 1883 _____ 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 _____ 1883 _____ Police Justice.

0603

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, } ss.

District Police Court.

John Burns 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 Burns

Question. How old are you?

Answer.

23 Years

Question. Where were you born?

Answer.

Colorado

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

Answer.

West Street two weeks

Question. What is your business or profession?

Answer.

Labourer

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 have nothing more to say

John Burns

Taken before me this

26

day of

March 1887

John Burns
Police Justice.

POOR QUALITY
ORIGINAL

0604

2

District Police Court

Affidavit—Larceny.

CITY AND COUNTY
OF NEW YORK } ss.

of No. 418 West 31st Street,

being duly sworn, deposes and says, that on the 25th day of November 1888

at the Canal Street between Washington & West Sts in the City of New York

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

person of deponent with the intent to deprive the true owner of the
benefit thereof
the following property, viz :

One gold plated chain of the
value of three 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

John Burns (now here)
from the fact that deponent was
standing in Canal Street near West
Street talking to a friend when the said
Burns came up and snatched the said
chain which was attached to a watch which
was in the left hand pocket of the vest
worn by deponent as a part of deponent's
bodily clothing and ran away and deponent
rolled rubber watch and attracted

POOR QUALITY
ORIGINAL

0605

the attention of Officer James Kane
of the 8th Precinct Police and the said
Officer arrested the said Burns as he was
running along Washington Street and the
said Officer brought the said Burns
back to where deponent was standing
on the corner of Washington and Canal Street
and deponent fully identified the said
Burns as the person that did ~~take~~ steal
and carry away the said chain from the
possession and person of deponent.

Sworn to before me }
this 26 day of November 1893 } *A. Bennett*
J. M. Patterson }
Police Justice

District Police Court.

THE PEOPLE, & C.,
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

vs.

Dated

188

Magistrate.

Officer.

WITNESSES:

DISPOSITION