0950

BOX:
323
FOLDER:
3074
DESCRIPTION:
Donohue, Michael
DATE:
10/02/88

3074

Witnesses :

.....

.....

.....

.....

20.
ordered 20

Counsel, E. J. Walsh

Filed 20 day of Oct. 188

Pleads, Not guilty (3)

THE PEOPLE

vs.

Michael Donohue

Grand Larceny, second degree.
[Sections 528, 53 f, Penal Code].

JOHN R. FELLOWS,
District Attorney.

Oct 10. Ent. subpoenas G
the officers -

N. M. S.

A True Bill.

Oct 12 1888 of defts. arr. / [illegible]

Lowell Lincoln *Foreman.*

Pl. Oct 16 88.
Tried & convicted P.L.

3 Mos Cen

POOR QUALITY ORIGINAL

1559

Police Court— 1 District. Affidavit—Larceny.

City and County of New York, } ss.

Frank G. Belsito of No. 22 South William Street, aged 32 years, occupation Superintendant of cargo being duly sworn deposes and says, that on the 26 day of September 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

A quantity of wine in a barrel valued about Forty dollars

the property of Herman H. Batjer and Company and in care and charge 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 Michael Donohue (now here) for the reason that on said day the said property was lying on Pier 18 East River and deponent having missed the same he is informed by Napoli Leopold (now here) that he Leopold found the same in the possession of the defendant who took said property from said Pier and threw the same into the East River with the intent to foil the same from said River Deponent has since seen said property and identified the same as the property taken stolen and carried away from his possession

Frank G. Belsito

Sworn to before me, this 26 day of September 188 8

Police Justice.

0953

CITY AND COUNTY OF NEW YORK, } ss.

Napoli Leopold

aged 27 years, occupation Cook of No.

Back Chiarina Rei 18 ~~Street~~ CR., being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Frank G. Balsolo

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 26 *day of* Sept 188 8

Napoli Leopold
his
x
mark

A J White

Police Justice.

Sec. 198—200.

_____ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer Michael Donohue

Question. How old are you?

Answer 24 years

Question. Where were you born?

Answer. New Jersey

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

Answer. 6 Hague Street. Officer

Question What is your business or profession?

Answer Car driver

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

Answer. I am not guilty

Michael Donohue

Taken before me this 26 *day of* July *1887*

_____ *Police Justice.*

0955

BAILED,

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

Residence .....

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

Residence .....

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

Residence .....

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

Residence .....

Police Court — 6 — District.

No. 1522

THE PEOPLE &c.,

ON THE COMPLAINT OF

Stanley Nelson
24 South William
Michael Smith

Offence Grand Larceny

2 .....

3 .....

4 .....

Dated Sept 26 188 8

White Magistrate.

A Connell Officer.

1st Precinct.

Witnesses Leopold Koppel

No. Pier 18 E.R. Street.

No. ..... Street.

No. ..... Street.

$ ..... to answer

RECEIVED. SEP 27 1888

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

Dated Sept 26 188 8 ..... *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.*

Court of General Sessions of the Peace.

City and County of New York.

- -x

THE PEOPLE :

against :

MICHAEL DONOHUE, :

Indicted for Grand Larceny in the first degree; Indictment filed Sept. 1888. :

Before Hon. Frederick Smyth and a Jury.

- -x

Michael Donohue Offs

Tried October 16th, 1888.

Appearances: Assistant District Attorney Jerome, for the People; Fitzgerald and Walsh for the Defense.

-----ooooo-----

Francis G. Belsito, the complainant, testified that he was a shipping clerk for Hermann Boettger & Co. He was at Pier 18, East River, receiving a cargo of wine, on the 26th of September. He had in his charge an octave or eighth of port wine, valued at $40. There were seven or eight hundred casks and barrels of wine there, at the lower end

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

- -x

THE PEOPLE :
against :
MICHAEL DONOHUE, :
Indicted for Grand Larceny in the :
first degree; Indictment filed Sept. :
1888. :

- -x

Before
Hon. Frederick Smyth
and a Jury.

Michael Donohue Offd

Tried October 18th, 1888.

Appearances: Assistant District Attorney Jerome, for the People; Fitzgerald and Walsh for the Defense.

-----ooooo-----

Francis G. Belsito, the complainant, testified that he was a shipping clerk for Hermann Boettger & Co. He was at Pier 18, East River, receiving a cargo of wine, on the 26th of September. He had in his charge an octave or eighth of port wine, valued at $40. There were seven or eight hundred casks and barrels of wine there, at the lower end

of the Pier, on the outside of the dock. At about half past eleven o'clock, he went aboard of the Italian Steamship Carina Chamba, which was discharging the wine, for dinner. A few minutes afterwards, the cook of the ship came down into the cabin, and gave an alarm. He went on deck, and saw that a barrel of wine was missing from the Pier. He went in search of a policeman, and, when he returned with the policeman, Donohue was standing on the dock.His clothes were wet. Donohue was taken to the station-house. The missing barrel of wine was floating in the dock, and was fished out of the water.

Leopold Nobile, testified that he was the cook of the Carina Chamba. At about noon he saw the defendant roll the wine down the dock, and over the string piece into the water, and then Donohue jumped into the water also. He,the witness, gave an alarm to the Custom House officer in charge of the dock, and also to Mr. Belsito, who was at dinner in the cabin. Then the police officer came and arresteed Donohue, who had in the meanwhile got back upon the Pier.

Officer Morris J.O'Connell testified that he was an

officer of the Municipal Police. Between half past twelve and twenty minutes to one o'clock, he arrested the defendant on Pier 18, East River. He, the witness, was in the station-house, when the complainant, Belsito, notified the sergeant at the desk of the stealing of the barrel of wine. Donohue was standing on the dock, when he, the witness, arrived and arrested him. On the way to the station-house, he told Donohue what he was charged with, and he denied it. Donohue was not drunk, but evidently had been drinking. His clothes were wet.

CROSS EXAMINATION:

The defendant did not deny at any time that he threw the wine overboard, nor did he admit it. The defendant was very well spoken of in his neighborhood.

For the defense, Michael Donohue, the defendant, testified that he lived at No. 6 Hague Street. He was engaged as a car driver until last Spring, and then he became a long shoreman. He had worked for Ross & Coffee, who had charge of the unloading of the bananas and cocoanut steamers. On the morning of the 26th of September, he went along shore, expecting to be employed in unloading a vessel, the Virginland, laden with bananas. At about ten o'clock, he

learned that she had not been sighted. Between that hour ad about noon, he drank twelve or thirteen glasses of beer and liquor in various saloons along shore with'longshoremen that he knew. He went down to the end of Pier 18, to see if anything had been heard of the Virginland, and sat down upon the string-piece, and being under the influence of liquor, he fell into the River, and was nearly drowned.The men on the Pier gave him a hand, and he got up to the Pier, and had been on the Pier about twenty minutes when he was arrested. He knew nothing of the cause of his arrest until the folowing morning, when he woke up in the Tombs, and the keeper told him that he was charged with Grand Larcency. He thought that he was charged with being drunk. He could not swim.

)-----ooooo-----

CROSS EXAMINATION:

He worked on the Church Street Railroad, last Winter, as a driver, until the Road went out of existence. He had never been arrested before, excepting once for drunkenness.

James Carroll testified that he was a stationary engineer, and had been on duty on Pier 18 for thirteen years, and for twenty-nine years on the Pier of the old

Black Ball Line. On the morning of the 26th of September, three men came to him and asked him to raise the coal slide and put a barrel of wine in for them, but he refused to do it. The defendant was not one of the men. He saw the defendant on the Pier. He was very drunk. He walked past the engine-house and sat down on the string-piece. He did not see the defendant fall overboard, but he gave the alarm to the Captain of a lighter laden with almonds. The defendant was overboard for fifteen or twenty minutes before he was rescued. He, the witness, had known the defendant around the Pier for two years, but had never spoken to him. After the defendant was takennout of the water, he saw him going off the Pier with his hat off, and, about ten or fifteen minutes afterwards, he came back again, and sat in the gang-way, and stayed there until the policeman came.

William Ross testified that he was a stevedore, and lived in Williamsburg. He had known the defendant since March, and the defendant had worked under his supervision. He believed the defendant to be honest, and knew him to be industrious.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Michael Donohue

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

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

The said Michael Donohue,

late of the City of New York, in the County of New York aforesaid, on the 26th day of September, in the year of our Lord one thousand eighty hundred and eighty-eight, at the City and County aforesaid, with force and arms,

one barrell of wine of the value of Twenty dollars, twenty gallons of wine of the value of two dollars each gallon, and one barrel of the value of ten dollars,

of the goods, chattels and personal property of one

Herman H. Bahger,

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John Rex Williams,
District Attorney

0963

BOX:
323
FOLDER:
3074
DESCRIPTION:
Donovan, Patrick
DATE:
10/05/88

3074

WITNESSES:

.....

.....

75

Counsel,

Filed 5th day of Oct 188 8

Pleads Guilty 78

THE PEOPLE,

vs.

B

Patrick Donovan

(2 cases)

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1933, Sec. 21 and page 1968, Sec. 5.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Lowell Lincoln *Foreman.*

Part III October 22/88
Pleads Guilty
Judgt Suspended
Kelly.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Patrick Donovan 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. Patrick Donovan

Question. How old are you?

Answer. 29

Question. Where were you born?

Answer. Ireland

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

Answer. 7 3rd. 2 yr. 2 mo

Question. What is your business or profession?

Answer. Bar tender

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

Answer. I am not guilty and of this demand a trial by Jury

Patrick Donovan

Taken before me this 30 *day of* August *1889*

Police Justice.

0966

BAILED,

No. 1, by Thomas Brown

Residence 476 Orchard Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

76 1331

Police Court— 2 — District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John Doe

vs.

1 Patrick Drummond

2

3

4

Offence Violation of Ex. Law

Dated Aug. 29 188 8

Keeler Magistrate.

Davis Officer.

29 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 100 to answer

Peabody

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

Dated Aug. 29 188 8 — Wm. Peck *Police Justice.*

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

Dated Aug. 29 188 8 — Wm. Peck *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.*

0967

Excise Violation—Keeping Open on Sunday. POLICE COURT— 5 DISTRICT.

City and County of New York, } ss.

John Ross

of No. The 7.9 Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 19 day

of Aug 188 8, in the City of New York, in the County of New York,

Patrick Donovan (now here)

being then and there in lawful charge of the premises No. 730 7. 7. Av

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of the statute in snch case made and provided.

WHEREFORE, deponent prays that said Patrick Donovan may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 20 day of Aug 188 8. } John Ross

W. Fitzpatrick Police Justice.

76

Witnesses:

Counsel,

Filed, 5th day of Oct 188 8

Pleads, Guilty

THE PEOPLE,

vs.

29 W 61
235 W 61
Bartender

B

Patrick Donovan
(2 cases)

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

JOHN R. FELLOWS.
District Attorney.

A True Bill.

Part III Detailed 22/88
Plead Guilty
Lowell Smith *Foreman.*
Oct 22 Fine $25.

POOR QUALITY ORIGINAL

8960

0969

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Donovan

The Grand Jury of the City and County of New York, by this indictment, accuse Patrick Donovan of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

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

JOHN R. FELLOWS,

District Attorney.

0970

Sec. 198—200.

5th District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Patrick Donovan 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. Patrick Donovan

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. Ireland

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

Answer. 105 E 84th St 1 Month

Question. What is your business or profession?

Answer. Bar-tender

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

Answer. I am not guilty of the charge and demand a Jury trial

Patrick Donovan

Taken before me this 30th *day of* July 1884

Police Justice.

0971

BAILED,

No. 1, by William O'Connor

Residence 476 East 161st Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

75

Police Court 5 - District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William S. Hecker

vs.

Patrick Brennan

2 .....

3 .....

4 .....

Offence Violating Excise Law

Dated July 30th 188 8

Hanscom Magistrate.

Hecker Officer.

29 Precinct.

Witnesses

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 500 to answer GS

Parker

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

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

Dated July 30 188 8 ..... *Police Justice.*

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

Dated July 30 188 8 Hanscom *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.*

Excise Violation—Selling on Sunday.

POLICE COURT— 5th DISTRICT.

City and County of New York, } ss.

William E. Hickey

of ~~No.~~ the 29th Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 29 day

of July 1888, in the City of New York, in the County of New York, at

premises No. 220 3rd avenue Street,

Patrick Sullivan (now here)

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

WHEREFORE, deponent prays that said Patrick Sullivan may be ~~arrested~~ and dealt with according to law.

Sworn to before me, this 30 day of July 1888.

Police Justice.

William E. Hickey

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Donovan

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

The said Patrick Donovan late of the City of New York, in the County of New York aforesaid, on the twenty-ninth day of July in the year of our Lord one thousand eight hundred and eighty eight, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one William D. Hickey and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

JOHN R. FELLOWS,
District Attorney.

0974

BOX:
323

FOLDER:
3074

DESCRIPTION:
Dotzert, Henry

DATE:
10/05/88

3074

72

Witnesses:

Counsel,

Filed, 5th day of Oct 188 8

Pleads Not guilty 8

THE PEOPLE,

vs.

B

Henry Dotzert

3

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday.)
[III Rev. Stat. (7th Edition), Page 1080, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Put on Part III for October 18

Lorell Lemen *Foreman.*

~~Part III October 18/88~~

Defendant acquitted

Full for Counsel

5168

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Henry Dolgert

Question. How old are you?

Answer. ~~[illegible]~~ 24 years old

Question. Where were you born?

Answer. New York

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

Answer. 377 Bleecker St.

Question. What is your business or profession?

Answer. Barber.

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

Answer.

I am not guilty and if held after examination I demand a trial by Jury

Henry Dolgert.

Taken before me this 5th *day of* March 188 8

Thos. Patterson *Police Justice.*

0977

BAILED,

No. 1, by Leo Dotzert

Residence 379 Bleecker Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court 2 Division.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Officer W. Hart

vs.

1. Henry Dotzert

2.

3.

4.

Offence Disorderly Conduct

Dated June 25 188 8

Witnesses

Officer W. Hart

Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

$ 100 to answer

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

Dated June 25 188 8 *Police Justice.*

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

Dated June 25 188 8 *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.*

0978

Excise Violation—Keeping Open on Sunday. POLICE COURT— 2 DISTRICT.

City and County of New York, } ss.

Joseph P. W. Harty

of ~~No.~~ 9th Precinct Police Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 24 day

of June 188 , in the City of New York, in the County of New York,

Henry Dotzert (now here)

being then and there in lawful charge of the premises No. 377 Bleecker

Street, a place duly licensed for the sale of strong and spirituous liquors, wines, ale and beer, to be drunk upon the premises DID NOT KEEP SAID PLACE CLOSED contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Henry Dotzert

may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 25 day

of June 188 .

H. D. Patterson Police Justice.

Joseph P. W. Harty

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Dotzert

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

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

The said Henry Dotzert

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

JOHN R. FELLOWS,

District Attorney.

0980

BOX:
323

FOLDER:
3074

DESCRIPTION:
Douglas, John H.

DATE:
10/10/88

3074

Witnesses;

Wm. Kenny,
Off Robinson

84.
Indorsed

84

Counsel, R. A. Livingston

Filed 10 day of Oct. 188 8

Pleads, Not guilty

THE PEOPLE

30
161 Barbs.
dry goods clerk

John H. Douglas

Grand Larceny, ~~Second~~ Degree.
(From the Person.)
[Sections 528, 531 —— Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Lewis Lynch *Foreman.*

Part III October 12/88

Tried & Convicted

~~Dec~~ January 8/89

Sent Two years

POOR QUALITY ORIGINAL

1868

0982

Mr McCabe

New York. Nov. 2d/88

Dear Sir.

At your request, I have inquired, carefully, into the mental condition of John McDouglas, now confined in the Tombs-Prison. At the time of my examination his mind was in no way affected by disease. He has at intervals of two months epileptic fits, at which time his mind is somewhat clouded. At the time he was arrested his mind was clear, and he is able to account for all his time that day. He fully understands the nature of the crime with which he is charged and is able to make a proper defense. From

0983

what I can learn, the prisoner is responsible for all he did on the day of his arrest.

Sincerely Yours
J. L. Max M.D.
17 E 127th St.

To the
Hon. John R. Fellows

Mr. Max

0984

DR. W. M. LESZYNSKY,

OFFICE HOURS: {8—11 A. M. / 6—7½ P. M.

636 Lexington Avenue,

JULY AND AUGUST,
CLARENDON HOTEL,
SARATOGA, N. Y.

New York City, Oct. 18th 1888

Hon. Judge Gildersleeve

Dear Sir:—

John Douglas was recently convicted in your Court, upon the charge of "stealing or snatching a pocket-book."

He has been under my professional observation during the past year in the Department for Nervous Diseases at the Demilch Dispensary. His disease is Epilepsy which is accompanied by mental

aberration either before or after the convulsive paroxysm. His attacks of "fits" occurs about every 4 or 5 weeks and during the interval he has occasional short periods of unconsciousness and at other times temporary mental alienation. He has ~~been~~ repeatedly been found unconscious on the public street, necessitating his removal by ambulance to the New York ~~or~~ Bellevue Hospital. I consider him as an individual who is mentally irresponsible for any outrageous act that he may commit, and that he is a suitable case.

0986

DR. W. M. LESZYNSKY,

OFFICE HOURS: {8—11 A. M. / 6—7½ P. M.

636 Lexington Avenue,

JULY AND AUGUST,
CLARENDON HOTEL,
SARATOGA, N. Y.

New York City, ... 188

for examination as to his mental condition with a view to his commitment to the insane asylum where he can be kept under observation and restraint.

Very Respectfully Yours

W. M. Leszynsky M.D.
Attending Physician in the Dep't for Nervous Diseases at the Demilt Dispensary.

0987

59 West 35th St.
Nov. 9th 1882.

Hon. John R. Fellows
District Attorney
Dear Sir
In compliance
with your instructions I
have examined John F. Doughty
a prisoner now confined at
the City Prison and am
of the opinion that he is
insane.

Yours Very Respectfully
Allen Fitch.

0988

59 West. 35th St.
Oct 24th 1882.

Hon. John R. Fellows
Dear Sir
The enclosed letter was brought to me by the wife of the prisoner John Douglas. I take the liberty of sending it to you. I know not as you know the man but will do so if in your opinion the case is of sufficient importance to merit such a procedure.
Yours very Respectfully
Allen Fish

0989

DR. W. M. LESZYNSKY,

OFFICE HOURS: {8—11 A. M. / 6—7½ P. M.

636 Lexington Avenue,

JULY AND AUGUST,
CLARENDON HOTEL,
SARATOGA, N. Y.

New York City, Oct. 3rd 1888.

To
Police Justice Ford or
Dr. Allan Fitch.
Tombs Prison.

At the request of the bearer Mrs. Douglas, I write to inform you that her husband, John Douglas, has been under my professional observation in the Department for Nervous Diseases at the Demilt Dispensary during the past six months. He has been suffering from frequent attacks of epileptic fits, incapacitating him and preventing his gaining

a livelihood. I have repeatedly noticed periods of mild mental aberration and have learned that at an early period of his disease and repeatedly since that in place of the fits, periods of mental aberration would supervene.

He has at various times been found in the street in an unconscious condition necessitating his removal to Bellevue at one time, and to the New York Hospital at another. With the knowledge of these facts I do not believe the man is responsible for any outrageous act that he may commit. It seems to me that he is a suitable subject for examination as to his mental condition, with a view to his commitment to the Insane Asylum.

Very truly yours,

[illegible] M.D.

0991

NEW YORK HOSPITAL,
West Fifteenth Street.

Book No. 990 Sept. 19 1888

ADMIT
John Douglass
TO OUT-PATIENT DEPARTMENT,
From Sept 19 to
Oct 18/88

No. GEORGE P. LUDLAM,
Superintendent.

0992

NEW YORK HOSPITAL,
West Fifteenth Street.

Book No. 990 Sept 19 1888

ADMIT

John Douglass

TO OUT-PATIENT DEPARTMENT,

From Sept 19 to

Oct 18/88 Dec 1.

No.

GEORGE P. LUDLAM,
Superintendent.

N. Y. Genl. Sessions Court

The People
-vs-
John H. Douglass

City & County of New York } ss Helen Douglass being duly sworn says that she is the wife of John Douglass above named, that Deft. aforesaid has suffered from Epileptic fits since 1881 – That Dr. W. M. Leuzinsky has assured her that defendant is insane, and only fit for an Asylum – That deponent was so upset by fright in Court on the occasion of the trial of her husband that she omitted to speak of the above, to Counsel who was assigned by the Court, and she verily believes that defendant was insane at the time of committing the larceny if he in fact did commit it – She further says that on Sep. 19th last past he was taken to the N. Y. Hospital insensible and a card was given him which is hereunto annexed to allow him to be treated for Epilepsy – She also further says that he has been discharged from Ehrich Brothers, 8th Ave N. Y. City, from Le Boutillier's, W. 23d St. N. Y. City, from J. & C. Johnston, B'dway and 22d St. N. Y. C. and from Ludwig Bros 38 W. 14th St, for falling in fits in each place named –

Sworn to before me
This 19th day of Oct. 1888 }
Joseph Rosen
Notary Public

Helen Douglass

Kemp Ca 27 Pleas

N.Y. Court of
General Sessions

The People
=vs=

John Douglass

Affidavit on motion
~~[illegible]~~

R. A. Cunningham
Dft's atty (a)
4 Warren St

0995

Police Court— 2 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Lillie Fogarty

of No. 352 West 14th Street, aged 19 years, occupation None being duly sworn deposes and says, that on the 21 day of September 188[illegible] at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of deponent, in the day time, the following property viz:

One pocket book containing five dollars and some change amounting in all to five dollars and seventy cents ($5.70)

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was felonionsly taken, stolen, and carried away by John Douglass now here for the reason that on said date deponent was walking in West Nineteenth street, carrying the said pocketbook in her hand. Suddenly the said pocket book was snatched from deponents hand by a man who ran away. Deponent pointed out the said thief to some one who pursued, and a few moments afterwards a man was brought before deponent whom deponent believes was the thief. Deponent saw a roll of bills taken from the defendant which deponent

Sworn to before me, this day of 188

Police Justice.

Police Court, _____ District.

THE PEOPLE, &c.,
on the complaint of

_____

vs.

1 _____
2 _____
3 _____
4 _____

Offence—LARCENY.

Dated _____ 188

_____ *Magistrate.*

_____ *Officer.*

_____ *Clerk.*

Witnesses, _____

No. _____ *Street,*

No. _____ *Street,*

No. _____ *Street,*

$ _____ *to answer* _____ *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 _____

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

Dated _____ 188 . _____ *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.*

POOR QUALITY ORIGINAL

0996

0997

Police Court— 2 District.

Affidavit—Larceny.

City and County of New York, } ss.:

Thomas Kenny

of No. 321 6th Avenue Street, aged 29 years, occupation Special Officer being duly sworn deposes and says, that on the 28 day of September 188 8 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession and person of one Lolla Fogarty ~~of deponent~~, in the day time, the following property viz:

one Pocket book containing five dollars and seventy cents. ($5.70)

the property of the said Lolla Fogarty

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 Douglas, now here, under the following circumstances. Deponent was on duty as a special officer near O'Neill's dry goods store at 321 6th Avenue about 5 O'Clock P.M. on said date. Deponent saw the said Lolla Fogarty in said store and she was excited and with a crowd about her. Deponent asked her what was the matter and she replied "That man has stolen my pocket book out of my hand." Deponent saw the defendant running and deponent immediately pursued the defendant ~~and~~ who was pointed out by the said Lolla

Sworn to before me, this 29 day of September 188 8

Police Justice

POOR QUALITY ORIGINAL

0998

Deponent pursued and arrested the defendant and deponent did not lose sight of the defendant. Deponent immediately took the defendant back to where the said Lolla Fogarty was standing near O'Neill's store, and the said Lolla Fogarty then and there recognized the said defendant as the man who snatched her pocket book out of her hand. and recognized a roll of one dollar bills found in the possession of defendant, as similar to a roll of bills and of the same amount as she had in her pocket book. and Policeman William Robinson was present when the said Lolla Fogarty identified both the money and the prisoner. ~~The said Lolla was notified to appear in court but has not done so. Deponent has reason to believe that she will not appear as she lives with [illegible] of New Jersey~~

SWORN TO BEFORE ME
THIS 29 DAY OF September 1888
J Henry Ford
POLICE JUSTICE.

Thomas Kavanagh

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.

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

Dated ________ 188 ________ Police Justice.

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

Offence—LARCENY.

Police Court, ________ District.

THE PEOPLE, &c.,
on the complaint of

1 ________
2 ________
vs.
3 ________
4 ________

Dated ________ 188
________ Magistrate.
________ Officer.
________ Clerk.

Witnesses, ________
No. ________ Street,
No. ________ Street,
No. ________ Street,
$ ________ to answer ________ Sessions.

0999

CITY AND COUNTY
OF NEW YORK, } ss.

William Robinson

aged 52 years, occupation Policeman of No.

19th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Thomas Kenny

and that the facts stated therein on information of deponent are true of deponents' own

knowledge.

Sworn to before me, this 29

day of September 183

William Robinson

Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. John Douglas

Question. How old are you?

Answer. 30 years

Question. Where were you born?

Answer. England

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

Answer. 161 East 29th St. 2 months

Question. What is your business or profession?

Answer. Dry goods clerk

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

Answer. I did not take her pocket book. The money found on me is mine. My wife can know that I took out seven dollars when I went out in the morning.

C H Douglas

Taken before me this 2 *day of* July 188 4

Police Justice.

1001

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court 2 District.

1526

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Julia O'Grant
382 West 14th
Arthur Douglas

Offence Larceny
Felony

2 .....

3 .....

4 .....

Dated Aug 29 1900

Court ..... Magistrate.

Officer ..... Precinct.

Witnesses Thomas Kenny
No. 321 6th Avenue Street.
Call the Officer
No. 19th Precinct Street.

No. ..... Street.

$ 1000 to answer 5 yrs

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

Dated Aug 29 188 ..... *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.*

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 H. Douglass

The Grand Jury of the City and County of New York, by this indictment, accuse John H. Douglass — of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said John H. Douglass,

late of the City of New York, in the County of New York aforesaid, on the 26th day of September, in the year of our Lord one thousand eight hundred and eighty-eight, in the night time of the said day, at the City and County aforesaid, with force and arms,

two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of two dollars each; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of two dollars each; two United States Silver Certificates of the denomination and value of two dollars each; two United States Gold Certificates of the denomination and value of two dollars each;

five promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of one dollar each; five promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of one dollar each; five United States Silver Certificates of the denomination and value of one dollar each; five United States Gold Certificates of the denomination and value of one dollar each;

twenty cents, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of twenty cents, and one pocket book of the value of twenty-five cents,

of the goods, chattels and personal property of one Sella Fogarty, on the person of the said Sella Fogarty, then and there being found, from the person of the said Sella Fogarty 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 R. Fellows,
District Attorney

COURT OF GENERAL SESSIONS, PART III.

The People of the State of New York against JOHN H. DOUGLAS.	Before Hon.H.A.Gildersleeve and a Jury.

Indictment filed October 10th., 1888.

Indicted for grand larceny in the second degree.

New York, October 12, 1888?

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

For the People,

Asst.Dist.Atty. Henry Macdona;

For the defendant,

Mr. R. A. Livingston.

LOLLA FOGARTY, a witness for the People, sworn, testified:

I reside at No. 352 West 14th. in this City. On the 28th. of September I was walking down 19th. Street near 6h. Avenue and had hold of my pocketbook. Somebody came up behind me and snatched it; I was dumbfounded for a moment and I stood still; there was a man passing and I told this man that somebody had taken my pocketbook and he chased this defendant until he caught him and brought him back to me. After he snatched the pocketbook this man ran in front of me. Before he got to the corner of 19th. St. and 6th. Avenue I told the gentleman who came up to me that this person who was then

running had taken my pocketbook . I don't know whether that man was officer Kenny or not. This defendant ran up 66h. Avenue to 20th. St. and then he turned down 20th. St. to 5th. Avenue. I walked up to 20th. Street, and when I got half way up the block this defendant was brought back to me a nd a little boy who was there handed me my pocketbook which was then empty. I saw the defendant Douglas at the corner of 20th. St. and 6th. Ave. in the custody of the detective; he was searched in my presence and $5 was found upon him. There were $5 in my pocketbook which were folded in a peculiar way at the time it was taken from me, and these five one-dollar bills which were found in the pocket of this defendant were folded in the same way.

CROSS EXAMINATION:

I could not identify this man positicely as the man who took my pocketbook; I was never sure of it; I am not sure of it now. I cannot identify the money which was found in the possession of this defendant positively; for all I know, the money may have been his own money.

THOMAS KENNY, a witness for the People, sworn, testified:

I am a private detective in O'Neil's store on the corner of 20th. St. and 6th. Avenue. On the 28th. of September I was on duty in that neighborhood. I noticed

the complainant, Miss Fogarty, appearing to be excited with some people around her; she was then within a few feet of 20th. Street on 66h. Avenue. She said to me "That man snatched my pocketbook". I saw a man running through 20th. St. towards 5th. Avenue, and I started after him. When he reached 20th. St. and 5th. Avenue, he turned up towards 21st. St.; he ran through 21st. St. back towards 6th. Avenue, and within 25 feet of the corne I overtook him. He asked me who I was and I told him I was an officer; he at first refused to come with me and finally I insisted on his coming. I asked if he had any money with him and I also asked him what he had done with the pocketbook and he said he did not know. He said he had no money in his possession. I brought him back and confronted him with the complainant in the presence of officer Robinson. I asked her if he was the man who snatched her pocketbook and she said he was. I brought him to the Station House and he was there searched by Officer Robinson, and five one-dollar bills were found in his possession. Miss Fogarty said she had lost five one dollar bills and she identified the money by the manner in which it was folded. I saw officer Robinson take five one-dollar bills out of the defendant's pocket.

CROSS EXAMINATION:

I did not see this man take the pocketbook. I do not know of my own knowledge that the money which was found on him was the money of the complainant.

Q You say that she identified this man at the corner of 20th. St. and 6th. Avenue as being the man who took her pocketbook ?

A As the man who snatched it.

Q Did you hear her testimony ?

A Yes, sir.

Q Did you hear her say that she was not sure and cannot testify now, that this is the man who took her pocket-book ?

A I heard her testimonyL

Q Did Miss Fogarty tell you before the prisoner was searched that she had lost five dollars ?

A She said her pocketbook had been snatched; she didn't say how much she had lost; she did not speak about the $5 until the money was taken from the prisoner and then she identified it.

WILLIAM ROBINSON, a witness for the People, sworn, testified:

I am a police officer attached to the 19th. Pre - cinct. On the 28th. of Sept. of this year, special of-ficer Kenny arrested the defendant in 21st. St. and held him until I got there. When I got there we brought him down to 20th. St. to find the lady who had lost her pocketbook and when we got to Miss Fogarty we asked her if this was the man who had stolen her pocketbook and she identified him as the man. We took him to the Station House and searched him and found the money on him that

corresponded to the money which Miss Fogarty claims she had lost. There were five one-dollar bills. I asked Miss Fogarty what money she had in her pocke tbook before I took this money from the possession of Douglas, and she told me that she had seventy cents and five one-dollar bills. She said she could identify the bills by the way that they were folded. We then took this money out of his pocket and the bills were identified by her.

CROSS EXAMINATION:

Q You don't know anything about the case ?

A Nothing except what I have told you.

D E F E N C E.

HELEN DOUGLAS, a witness for the defendant, sworn, testified:

I am the wife of the prisoner. On the 27th. of Sept. this year I sent my husband out to get the change of a ten dollar bill and I remember that, among other bills he got, there were five one-dollar bills and I left them on the bureau. On the 28th. of September after my husband went out I missed some of this money from the bureau. I found that $7.10 was gone and he took it with him. I know he had at least $7 in his pocket when he went out on the morning of the 28th. of September.

LOLLA FOGARTY, re-called:

Q You have heard the Police Officer testify that you positively identified this man at the corner of 20th. St. and 6th. Avenue ?

A Yes, sir, that is true. I remember doing that; the reason I recognized him was by his derby hat. I did not know for a certainty at that time that he was the man.

JOHN H. DOUGLAS, the defendant, sworn, testified:

All I know about this case is that I was arrested in 21st. St. by a man who came up to me and said: "You took that lady's pocketbook". At the time the man came up to me I was sitting on a stoop in 21st. Street. I was arrested and taken to the Station House in 30th. St. and when I got there I was searched; they found $5.70 on me. When I left home that morning I had $7.10 in my pocket; I spent the difference between $7.10 qnd $5.70 during the day. I did not take this lady's pocketbook.

CROSS EXAMINATION:

I do not recollect saying to the officer when he first arrested me that I did not have any money on me at all; he asked me where the pocketbook was and I told him I didn't have any pocketbook. I am a dry goods clerk by occupation; I am not working at present; the last place I worked was at L. M. Bates & Co. corner of 23rd. St. and 66h. Avenue. I left Mr. Bates' employment about two

months ago; when I left his employment I had about $7 or $8 in money. I have done no work since I left there. The money which I had on me on the day on which I was arrested was money belong ing to my wife.

Q Where were you going when you were arrested ?

A I was going home ?

Q Where do you live ?

A I live at 61 East 27th. St. I was arrested in 21st. St. between 5th. and 6th. Avenues.

Q Where had you been ?

A I had been down town as far as 8th. St.

Q Did you run ?

A I was in 21st. Street and there was a large crowd of boys and men came running up to me and said that I had taken this lady's pocketbook. We were all running.

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

Indictment filed Oct. 15, 1888

- - - - - - - - - - - - - - -

COURT OF GENERAL SESSIONS,
PART III.

- - - - - - - - - - - - - - -

The People of the State of
New York

agst.

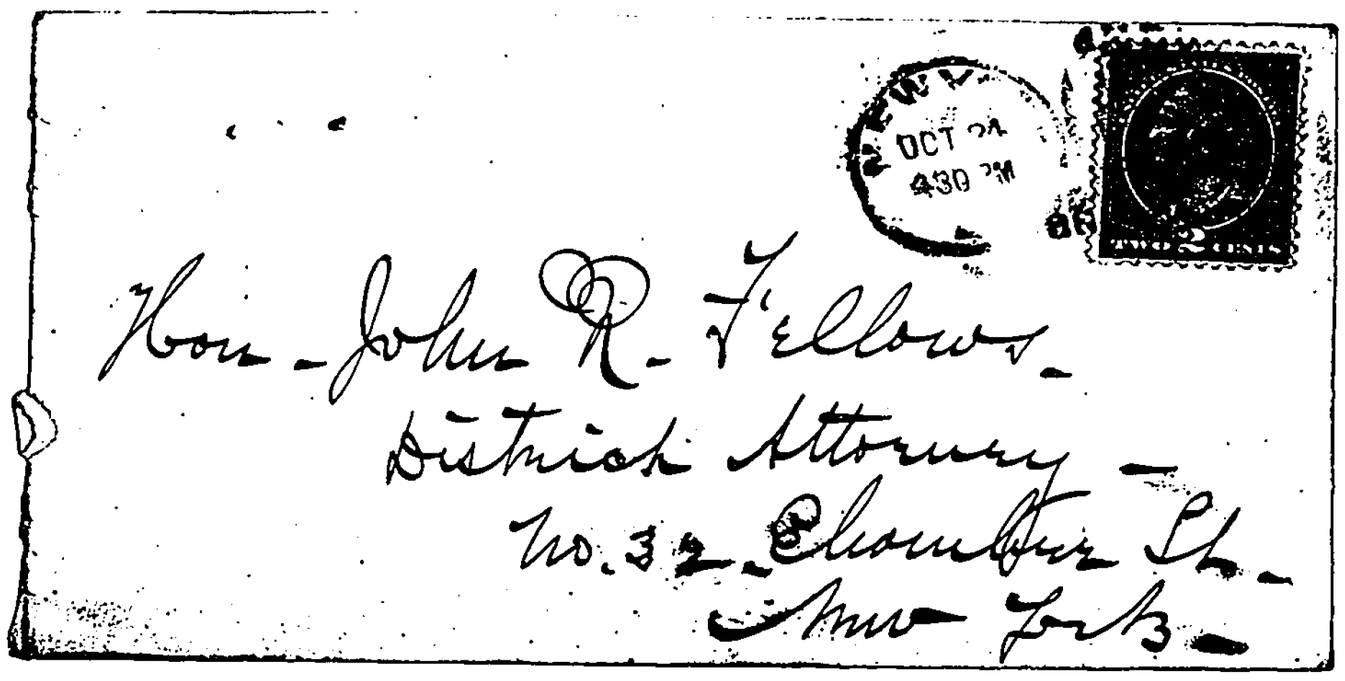
JOHN H. DOUGLAS

- - - - - - - - - - - - - - -

ABSTRACT OF TESTIMONY ON
TRIAL Oct. 12, 1888.

- - - - - - - - - - - - - - -

1011



10 12

BOX:
323
FOLDER:
3074
DESCRIPTION:
Dudley, Richard
DATE:
10/23/88

3074

Witnesses:

Jno Smith

318.

Order of

Counsel,

Filed 23 day of Oct. 188

Pleads, Not guilty

THE PEOPLE

vs.

Richard Dudley

H. D.

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

Oct 26. 88

Oct 29/88

A True Bill.

Lowell Lincoln *Foreman.*

Speed & Cornwell

1014

Police Court— 3 District.

City and County of New York, } ss.:

James Smith

of No. 182 Pearl Street, aged 37 years,

occupation Peddler being duly sworn

deposes and says, that on 16 day of October 188 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Richard Dudley (further

the Willfully and maliciously

aimed and pointed and

discharged a Pistol that

was loaded With powder and

ball at the body of this deponent

striking him on the left Eye

Injuring him severely

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

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

Sworn to before me, this 17 day of Oct 188

his James + Smith mark

G. Ulmer Ford Police Justice.

1015

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 3 DISTRICT.

Charles Hill

of No. 11 Precinct Police Street, aged ..... years,

occupation Police Officer being duly sworn deposes and says,

that on the 14 day of Oct 188

at the City of New York, in the County of New York, deponent

says that James Smith (Nurse) is important and material Witness for the people in case against Richard Dudley on the charge of felonious assault. deponent says that that the said Smith has no home and it will be impossible to find him at the time he is required as a Witness and deponent asks that he be committed as a Witness

Charles Hill

Sworn to before me this 14 day of Oct 188

J. Murphy Police Justice.

Sec. 198—200.

(3) District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Richard Dudley

Question. How old are you?

Answer. 26 Years

Question. Where were you born?

Answer. N. S.

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

Answer. 21 Broughton St

Question. What is your business or profession?

Answer. Steamboat

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

Richard Dudley

Taken before me this 1 *day of* July 186

Henry Ottinger

Police Justice.

1017

B.O. 378

Police Court--- 8 1628 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Thomas Smith
vs.
Richard Roe

Offence Assault
Trespass

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

2
3
4

Dated October 14 188 8

Paul Schuster Magistrate.
Officer.
14 Precinct.

Witnesses Lucas the Officer

No Paul Schuster Street.
No 59 Forsyth Street.
Charlotte Schmidt
14th Ward Station House Street.
$250.00 to answer G.J.

Committed

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

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

Dated Oct 14 188 8 Paul Schuster *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.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Richard Dudley

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

— Richard Dudley —

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

The said Richard Dudley,

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

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said Richard Dudley a certain pistol then and there charged and loaded with gunpowder and ~~with a certain~~ one leaden bullet, which he the said

— Richard Dudley —

in his right hand then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, to, at, against and upon, the said James Smith, ——— then and there feloniously did wilfully and wrongfully ~~strike, beat~~ shoot at & wounded; ~~bruise and wound~~, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows,
District Attorney.

10 19

BOX:
323

FOLDER:
3074

DESCRIPTION:
Dulaney, William

DATE:
10/29/88

3074

Witnesses:

Geo May
Jeff Rice
Leopold May

390

Counsel,

Filed 29 day of Oct 188 8

Pleads Nguilty 30

THE PEOPLE

vs.

32.
166
161 E 11th
electrician
William Delaney

GAMING HOUSE, &c.
[Sections 343, 344 and 385, Penal Code]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Nov 14. Bail $2

Lowell Smith Foreman.

Verdict Partow

Fined $25. pd

Police Court-- 5th District.

George May

of No 350 East 124th Street

upon his oath complains that William Delany

at premises No. 250 East 124th Street, in the City and County of New York, unlawfully keeps and maintains a Gambling House, and knowingly permits divers, idle, disorderly and evil disposed persons to resort there, to gamble and play at cards and games of chance for money, in violation of the law, and to the common nuisance of the People of the State of New York.

Deponent further says that in said premises on the 13th day of October 1888 said William Delany did unlawfully and feloniously deal the game called ~~Faro~~ Poker and did then and there within the space of twenty-four hours win from deponent the sum of Twenty six dollars at said game, and that within said premises are exhibited, kept and used by said William Delany ~~the~~ ~~and other~~ gambling tables, checks, cards, devices and apparatus, for the purpose of gambling, the discovery of which would tend to establish the truth of the charge herein made.

Sworn to before me, this 18th *day of* October 1888 } George May

Wm. Walde

POLICE JUSTICE.

1022

Sec. 193—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

William Delaney 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 Delaney

Question. How old are you?

Answer. 31 Years

Question. Where were you born?

Answer. U.S.

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

Answer. 161 East 112 St, 12 Years

Question. What is your business or profession?

Answer. Electric Works

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 of the charge

Wm Delaney

Taken before me this [illegible] *day of* [illegible] 188[illegible]

[illegible] *Police Justice.*

1023

Sec. 151.

Police Court 5th District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by George May of No. 350 East 124th Street, that on the 13 day of October 1888 at the City of New York, in the County of New York, William Delaney did unlawfully on premises No 250 East 124th keep and maintain a Gambling House, and Complainant did on said day lose the sum of Twenty-six dollars on the game of Poker which said William Delaney did unlawfully and feloniously deal —

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 5th DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 18 *day of* October 1888

Wm. Walde POLICE JUSTICE.

1024

Police Court 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
George May
vs.
William Delany

Warrant—General.

Dated Oct 18 1888

Wolfe Magistrate

Mitt Price Officer.

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

Fred J. Mott Samuel Price Officer.

Dated Oct 19th 1888

This Warrant may be executed on Sunday or at night.

W. Frank Police Justice.

The within named

having been brought before me under this Warrant, is committed for examination to the WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

1025

390
1655

Police Court 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Mary
360 East 124 st
William Delany
2
3
4

Offence Keeping Gambling House

Dated October 19th 1888

Bruce Magistrate.

Matt Brie Officer.
29 Precinct.

Witnesses Patrick Murphy
No. 116 Lenox Ave Street.
No. Street.

GENERAL OFFICE
OCT 22 1888
RECEIVED

No. Street.

$ 500 to answer G. S.
Bailed
Wm Peddy
Jr

BAILED,
No. 1, by Patrick A. Duncan
Residence 116 & 126 th Street.
No. 2, by
Residence Street.
No. 3, by
Residence Street.
No. 4, by
Residence Street

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

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

Dated October 19th 188 8 Wm Peddy *Police Justice.*

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

Dated October 19th 188 8 Wm Peddy *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.*

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 Delaney

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

(Sec. 343, Penal Code.) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed as follows:

The said William Delaney

late of the Twelfth Ward of the City of New York, in the County of New York aforesaid, on the Thirteenth day of October, in the year of our Lord one thousand eight hundred and eighty-eight, and on divers other days and times as well before as after, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building there situate, to be used for gambling, 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. (Sec. 344, Penal Code.)

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

William Delaney

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPARATUS TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said William Delaney

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, having the care, custody and supervision of, and authority over the use of a certain room in a certain building there situate, and a certain gambling-table, and establishment, and divers cards, chips, dice, implements and paraphenalia and sundry devices and apparatus,

a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow the same to be used for gambling purposes, 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. (Sec. 344, Penal Code.)

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

William Delaney

of the CRIME OF ENGAGING AS DEALER IN A gambling GAME, where money and property were dependent upon the result, committed as follows:

The said William Delaney

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, was, and yet is a common gambler; and on the day and in the year aforesaid, the said William Delaney

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as dealer in a certain gambling game commonly known as "draw poker" where money and property were dependent upon the result, a more particular description of which said gambling game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FOURTH COUNT. (Sec. 344, Penal Code.)

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

William Delaney

of the CRIME OF ENGAGING AS GAME-KEEPER IN A gambling GAME, where money and property were dependent upon the result, committed as follows:

The said William Delaney

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, was, and yet is a common gambler; and on the day and in the year aforesaid, the said William Delaney

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as game-keeper, in a certain gambling game commonly known as "draw poker" where money and property were dependent upon the result, a more particular description of which said ~~banking~~ gambling game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

FIFTH COUNT. (Sec. 344, Penal Code.)

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

of the CRIME OF ENGAGING AS PLAYER IN A gambling GAME, where money and property were dependent upon the result, committed as follows:

The said William Delaney

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on divers other days, was, and yet is a common gambler; and on the day and in the year aforesaid, the said William Delaney

at the Ward, City and County aforesaid, in a certain room in a certain building there situate, feloniously did engage as player in a certain gambling game commonly known as "Draw Poker" where money and property were dependent upon the result, a more particular description of which said ~~banking~~ gambling game is to the Grand Jury aforesaid unknown, and cannot now be given, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SIXTH COUNT. (Sec. 385, Penal Code.)

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

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

The said William Delaney

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming-house there situate, for his lucre and gain, unlawfully and injuriously did keep and maintain; and in his said common gaming-house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called "Draw Poker" in the said common gaming-house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming-house aforesaid, by such procurement, permission and sufferance of the said William Delaney

there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the Statute in such case made and provided, and against the peace and dignity of the People of the State of New York.

James R. Fellows
District Attorney

~~JOHN R. FELLOWS,~~

~~District Attorney.~~

1029

BOX:
323
FOLDER:
3074
DESCRIPTION:
Dunn, Charles G.
DATE:
10/23/88

3074

Witnesses:

Martino Passmente

Counsel,

Filed 23 day of Oct 188

Pleads, Not guilty (x)

THE PEOPLE

vs.

Charles G. Dunn

Assault in the Second Degree.
(Section 218, Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Part III October 26/88
Pleads Asslt. 3d deg
Pen: Three mos.

Police Court— 2 District.

City and County of New York, } ss.:

Martino Passanato

of No. 262 West 35th Street, aged 27 years, occupation peddler being duly sworn deposes and says, that on the 4 day of October 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Charles Dunn (nowhere) who cut deponent on the head and hand with a pickle

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

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

Sworn to before me, this 4 day of October 188 } Martino Passanato

P G Duffy Police Justice.

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Charles Dunn

Question. How old are you?

Answer. 41 years

Question. Where were you born?

Answer. U. S.

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

Answer. 34 Oliver St 1 year

Question. What is your business or profession?

Answer. Gardner

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. The complainant got his hand cut accidentally, then he threw a paving stone at me and I defended myself

Chas G Dunn

Taken before me this 9 *day of* October, 188 [illegible]

[illegible] *Police Justice.*

1033

BAILED,

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

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

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

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

B0 353 9 15/16

Police Court 2 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Martino Passanato
862 West 35
Charles Dunn

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

Offence Assault felony

Dated Oct 4 188 9

Magistrate.

Officer.

1911

Precinct.

Witnesses

No. ..... Street.

No. ..... Street.

No. ..... Street.

$ 1000 to answer 5 5

Geo

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

Dated Oct 4 188 9 ..... *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.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles B. Dunn

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

Charles B. Dunn

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

The said Charles,

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

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault; and the said Charles,

with a certain razor which he the said Charles in his right hand — then and there had and held, the same being then and there a weapon and an instrument ~~and weapon~~ likely to produce grievous bodily harm, him, the said Martin, then and there feloniously did wilfully and wrongfully strike, beat, cut, bruise and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Charles B. Dunn

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

The said Charles B. Dunn,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said Martin Cassanetto,

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said Charles, Junior, the said Martin, with a certain pistol which he, the said Charles in his right hand then and there had held, in and upon the head and hand of him the said Martin,

then and there feloniously did wilfully and wrongfully strike, beat, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said Martin, to the great damage of the said Martin, 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 R. FELLOWS,
District Attorney.

1036

BOX:
323
FOLDER:
3074
DESCRIPTION:
Dwyer, Patrick
DATE:
10/03/88

3074

Witnesses:

.....

.....

331

Court of Oyer and Terminer

Counsel,

Filed, 3 day of Oct 188 8

Pleads,

THE PEOPLE,

vs.

B

Patrick Dwyer

Dwyer

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1983, Sec. 21 and page 1989, Sec. 5.]

JOHN R. FELLOWS.

District Attorney.

True Bill.

Henry E. Bowley

Foreman.

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

Dated Oct 3 188 8

Sept 26. 1888

POOR QUALITY ORIGINAL

LEGI

Court of Oyer and Terminer

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Patrick Dwyer

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

The said Patrick Dwyer late of the City of New York, in the County of New York aforesaid, on the tenth day of October in the year of our Lord one thousand eight hundred and eighty-six, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one Michael P. Sweeney and to certain other persons whose names are to the Grand Jury aforesaid unknown, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

JOHN R. FELLOWS,
District Attorney.

1040

END OF BOX